

**BEFORE THE NATIONAL GREEN TRIBUNAL, CENTRAL ZONAL BENCH,
BHOPAL**

Original Application No. 13/2013 (P.B.No. 59/2013)

Rajiv Chadda Vs. State of M.P. & Ors.

CORAM : HON'BLE MR. JUSTICE DALIP SINGH, JUDICIAL MEMBER
HON'BLE MR. P.S.RAO, EXPERT MEMBER

PRESENT : Applicant : Shri Rohit Sohgaora, Advocate
Shri Deepesh Shukla, Advocate
Respondent No. 1 to 4 : Shri Sachin K.Verma, Advocate
Respondent No. 5 to 7 & 9 : Shri Shivendu Joshi, Advocate
Respondent No. 8 : Shri Om S. Shrivastav, Advocate

Date and Remarks	Orders of the Tribunal
Item No. 1 18th September, 2013	<p>This application has been filed under Section 18 read with Section 14 of the National Green Tribunal Act, 2010 by the applicant who is the holder of Mining Lease granted in Order No. 3-167/91/12/2 dated 26.09.1991 for extraction of iron ore, laterite, and ochre in an area of 7.310 hectares in Khasra No. 1547 of Village Gandhigram, Tehsil Sihora, District Jabalpur, MP for a period of 20 years from 25.10.1991 to 24.10.2011 under the agreement filed as Annexure A-1 and Supplementary Agreement filed as Annexure A-3.</p> <p>The grievance of the applicant is that the respondent no. 5, MP Pollution Control Board is not granting the No Objection / Consent to Operate the mine in favour of the applicant on the ground that the mining lease of the applicant has not been renewed after its expiry.</p> <p>Notice was issued to the respondents. In pursuance of this, the respondents have appeared and returns have been filed.</p> <p>We have heard the Learned Counsel for the parties. In short, the controversy which was submitted by the respondents Nos. 1 to 4 which has prevented them from granting the renewal of mining lease as well as the Consent to Operate the mine by the two main respondents i.e. the State of MP as well as the MP Pollution Control Board revolve around the</p>

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fact that against the applicant, a Show Cause Notice has been issued by the Collector, Jabalpur alleging therein that the applicant had in fact excavated mineral over and above the sanctioned quantity under the mining lease and as such, the applicant was issued Show Cause Notice by the Collector as a result of which his application for renewal had not been considered by the respondents. During the pendency of this proceeding on 16.05.2013, when the matter was heard, it was brought to the notice of the Tribunal that the Environmental Clearance granted to the applicant on 27.07.2009 was still in operation though, the mining lease itself has come to an end on 24.10.2011 on the conclusion of 20 years lease period. On subsequent dates, while seeking time for filing the return it was submitted by the Learned Counsel, Shri Sachin K.Verma appearing for the State of MP that the application submitted by the applicant for renewal of the mining lease is pending and no decision has been taken on the same as the report of the Indian Bureau of Mines to which the matter pertaining to the Show Cause Notice issued by the Collector had been referred was awaited. On 11.09.2013, it was submitted by the Learned Counsel for the State that the report dated 28.08.2013 has been received from the Indian Bureau of Mines which was filed before us by way of a Miscellaneous Application and according to which the case arising out of the Show Cause Notice issued to the applicant had been cleared in favour of the applicant by the Indian Bureau of Mines by its communication dated 28.08.2013. As such, the only impediment remaining for the State to take a decision regarding the renewal of the mining lease of the applicant stood cleared.

While granting time to the respondent to take a decision on the renewal of the mining lease on the previous date of hearing, we had expected that the State would take a decision on the application of the applicant for renewal of the lease. Instead Miscellaneous Application No. 67/2013 has been filed by the State seeking further time of two weeks to

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take a decision pertaining to the renewal application. It is given out by Shri Sachin K.Verma, Learned Counsel of the State that within the aforesaid period of two weeks the application submitted by the applicant for renewal of the mining lease will be considered and decided in accordance with law and they had also placed on record copies of the notesheet of the file to show that the renewal application had already been processed and only formal orders are to be passed.

Based upon the aforesaid, we allow the Miscellaneous Application No. 67/2013 submitted on behalf of the State with the direction while disposing of the Original Application No. 13/2013 that the respondent State as well as its functionary will take a decision on the application submitted by the applicant for renewal of the mining lease within the aforesaid period of two weeks and communicate the decision taken thereof to the applicant.

Shri Shivendu Joshi appearing on behalf of the MP Pollution Control Board submitted that as soon as the State takes a decision regarding the renewal of the mining lease and in case such renewal is granted by the State, only in those circumstances the case for granting of Consent to Operate can be considered and decided by the MP Pollution Control Board in accordance with law.

Having considered the aforesaid submission, we direct that after the decision by the State on the renewal application of the applicant is taken within the aforesaid period of two weeks and in case the renewal is granted of the mining lease, the applicant may approach the MP Pollution Control Board for seeking Consent to Operate afresh, if not already applied for, the MP Pollution Control Board would take a decision regarding the Consent to Operate on the application submitted by the applicant within two weeks thereafter in accordance with law.

Accordingly, the Original Application No. 13/2013 is disposed of with the directions stated above to the respondent State of MP and the MP

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Pollution Control Board.

M.A. No. 67/2013 and 66/2013 also stand disposed of.

.....JM
(DALIP SINGH)

.....EM
(P.S.RAO)

