

**BEFORE THE NATIONAL GREEN TRIBUNAL,  
PRINCIPAL BENCH, NEW DELHI**

**M.A. No. 624 of 2015 In Appeal No. 62 of 2015**

**U.M. Shamsudheen Vs. Union of India & Ors.**

**CORAM : HON'BLE MR. JUSTICE PRATAP KUMAR RAY, JUDICIAL MEMBER  
HON'BLE MR. P.S. RAO, EXPERT MEMBER**

**Present: Appellant: Mr. Alias M. Cherhan, Adv.  
Respondent No. 1 Mr. Vishwendra Verma, Adv. for MoEF**

	<b>Date and Remarks</b>	<b>Orders of the Tribunal</b>
	<b>Item No. 02  June 22, 2015 A</b>	<p><b><u>M.A. No. 624 of 2015</u></b> This Appeal has been preferred with a delay of 58 days as it appears from the report of the Registry. The M.A. No. 624 of 2015 has been filed seeking condonation of delay in filing the Appeal in terms of proviso of Section 16 of the National Green Tribunal Act, 2010 wherein it is stipulated that the Appeal would require to be filed within 30 days from the date on which the order or decision or direction or determination is communicated to the Appellant but further 60 days time could be allowed by the Tribunal on sufficient cause.</p> <p>Having regard to said proviso and the reason stated in the Misc. Application, we are satisfied with the sufficiency of cause shown. Hence the Appeal is in order. Registry to make necessary endorsement.</p> <p>Accordingly, M.A. No. 624 of 2015 stands allowed and the same is disposed of.</p> <p><b><u>Appeal No. 62 of 2015</u></b></p> <p>Heard the Learned counsel appearing for Appellant and the Learned counsel appearing for MoEF.</p> <p>This is an Appeal assailing the Environmental Clearance granted by the Respondent Nos. 1 and 2 in favour of the Respondent No. 13. It is alleged that Respondent Nos. 10 to 12 are conducting the mining</p>

operations of minor mineral in the concerned area which is a part of Oarakam village in Thirurangadi Taluk in Mallappuram District, State of Kerala taking advantage of the Environmental Clearance dated 12<sup>th</sup> March, 2015 granted in favour of Respondent No. 13. It is alleged in this Appeal by the Appellant by annexing several documents that Respondent No. 13 itself is not operating the mine but allowing Respondent Nos. 10 to 12 to operate the mine who have already been restrained by the order dated 03<sup>rd</sup> February, 2015 passed in Original Application No. 40 of 2015 (SZ) by the Southern Zone Bench of NGT at Chennai where the Respondent Nos. 10 to 12 listed as Respondent Nos. 6 to 8. Relevant documents have been annexed as Annexures relating to order sheets of the proceedings of aforesaid Original Application no. 40 of 2015 (SZ).

Learned counsel appearing for MoEF submits that this Appeal is nothing but a parallel proceeding as Respondent Nos. 10 to 12 have been restrained from operating any mining operation in the area in question on their own by the Southern Bench of NGT in the aforesaid Original Application and respondent No. 13 is legally entitled to operate the mine in view of the Environmental Clearance granted in his favour. It is his further contention that Environmental Clearance is granted in respect of any project which is not in the name of person and may be applicable for operating the business having the Environmental Clearance of the project.

We are not satisfied with the submission as made by the learned counsel for the MoEF. Considering the allegations and having regard to the order of restrain

against the Respondent nos. 10 to 12 from operating any mining operations which are allegedly being done in the guise of granting Environmental Clearance to Respondent No. 13 we are of the view that the Appeal be admitted for hearing. Let Notices be issued by registered post/acknowledgement due and Dasti as well.

Since the injunction order is already existing restraining Respondent Nos. 10 to 12 from operating any mining operation in the area in question, the Respondent Nos. 10 to 12 are restrained from conducting any mining operations even on taking plea of having Environmental Clearance granted in favour Respondent No. 13.

Let this order be communicated to Respondent Nos. 10 to 12 by the Registry.

Let the copy of Memo of Appeal be served to the respective Respondents.

Having regard to the contentions and considering the pleadings, we are of the view that Original Application No. 40 of 2015 (SZ) is required to be heard along with this Application. Let the matter be posted on 14<sup>th</sup> July, 2015 along with Original Application No. 40 of 2015 (SZ) at Southern Bench of NGT at Chennai.

Therefore, we direct this file be sent to the Chennai Bench for hearing.

Since Learned counsel appearing for Respondent Nos. 1 and 2 has already been served, no further service would be effected upon them.

.....,JM  
(Justice Pratap Kumar Ray)

.....,EM  
(P.S. Rao)