

**BEFORE THE NATIONAL GREEN TRIBUNAL  
(WESTERN ZONE) BENCH, PUNE**

**Miscellaneous Application No.87/2017**

**In**

**APPLICATION No.10/2016  
(Disposed of on 02.12.2016)**

**CORAM:**

**Hon'ble Shri Justice U.D. Salvi  
(Judicial Member)**

**Hon'ble Dr. Ajay A. Deshpande  
(Expert Member)**

**In the matter of:**

**Prafull Shivrao Kadam**

Social Worker

Age : 38 years, Occ: Agriculturres and  
Small Scale Business

Address : Wasud Road, Near Drinking  
Water Tank,  
Sangola, Dist. Solapur 413 307.

**.....Applicant**

**VERSUS**

**1. Department of Environment,  
Government of Maharashtra**

Through the Principal Secretary,  
Department of Environment,  
Room No.217, Second Floor,  
Mantralay Annexe, Mumbai 400  
032.

**2. Department of Revenue,  
Government of Maharashtra,**

Through Principal Secretary  
(Revenue),  
Mantralay, Mumbai 400 032.

**3. Divisional Commissioner  
(Revenue), Pune Division, Pune**

Council Hall, Opp. Pune Club,  
Camp, Pune 411 011.

Under the Companies Act, 1956

**4. District Collector, Solapur**

Collector Officer Solapur,  
Solapur 413 512.

**5. Tahsildar, Sangola,**

Tahsil office, Sangola 413 307.

**6. Mr. Vinod S. Ronge,**

At. Post Shegaon Dumala,  
Tal. Pandharpur,  
Dist. Solapur – 413 307.

**7. Maharashtra Pollution Control Board**

Office Kalpataru Point, 2<sup>nd</sup> – 4<sup>th</sup>  
Floor, Opp. Cine Planet Cinema,  
Near Sion Circle, Sion (E),  
Mumbai – 400 022.

**.....Respondents**

**Counsel for Applicants:**

Applicant in person

**Counsel for Respondents:**

Mr. D.M. Gupte, Advocate for SEIAA

Mrs. Ujwala Pawar, DGP a/w Mrs. S.B. Vaidya – Pandit,  
Law Officer for Respondent Nos. 3 to 5.

Mrs. Reshma Mali, Deputy Collector.

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**Date: 31<sup>st</sup> March, 2017**

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**ORDER**

1. The Original Application No.10/2016 was filed by one Mr. Praful Shivrao Kadam raising serious concerns related to the illegal mechanized river sand mining in Man River basin at Village Watambare, Tahsil Sangola, Dist. Solapur. He had submitted that the area in question is a drought prone area; and any illegal or unauthorized mining/excavation of sand would be

resulting in depletion of ground water, lesser recharge of ground water besides effect on riverine ecology. It was his case that though the Environment Clearance (EC) was granted to the sand mining activity at Watambare, the said EC specifically prohibited the use of heavy earth machinery but the contractor i.e. Respondent No.6 in blatant violation of EC conditions engaged heavy earth machineries like JCB, Poklain, etc. and continued to excavate the river bed more than 1mtrs deep which was also prohibited by the conditions of the EC.

**2.** The principal prayer of the Applicant in O.A. No.10/2016 was for cancellation of the contract awarded for the sand mining in Man River basin at Village Watambare on the basis of the violation of the EC and also, taking action against the contractor for such violations of EC conditions. There were other consequential reliefs related to penalties for restitution and restoration of environment and also action against erring Government officials.

**3.** When the matter was heard on 19<sup>th</sup> January, 2016, the Tribunal had issued interim directions which are reproduced below:

*“In the meanwhile, we direct the Respondent No.4 – District Collector Solapur to carry out surprised raids at the places indicated Annexure ‘A’; particularly at Village Watamba, seize*

*and confiscate the machinery used for sand mining and initiate criminal proceedings against the persons involved in such sand mining activities in accordance with Law.”*

**4.** The matter was subsequently heard and on observing that the Government has taken cognizance of the violation of the EC conditions by the contractor i.e. Respondent No.6 cancelled the said contract for sand mining and initiated penal action under the Environmental (Protection) Act, 1986 against Respondent No.6 for violation of the environmental clearance conditions, the O.A. No.10/2016 was disposed of by Order dated 2<sup>nd</sup> December, 2016. However, in the meantime, the original Applicant had filed miscellaneous applications seeking action against erring government officials for not initiating action against the illegal and unauthorized sand mining in violation of the Interim Order of the Tribunal dated 19<sup>th</sup> January, 2016. A Notice was issued to the then District Collector Shri Tukaram Haribhau Mundhe to show cause as to why action should not be taken against him for allowing illegal mining by Respondent No.6 during the period from January to March, 2016 vide Order dated 2<sup>nd</sup> December, 2016.

**5.** Shri Tukaram Mundhe, the then District Collector has filed Affidavit in Reply dated 28<sup>th</sup> December, 2016 to the said Show Cause Notice. He has submitted that he worked as Collector Solapur from 17<sup>th</sup> December, 2016 to 31<sup>st</sup> March, 2016.

2014 to 1<sup>st</sup> May, 2016 and during that period, all required regulatory and penal actions against illegal sand mining were taken. He submits that vide Circular dated 29<sup>th</sup> March, 2012 of the State Government, the administrative work has been distributed at the district level between Collector and the Additional Collector by which the Mining branch/department of the district has been allotted to the Additional Collector. He further submits that after due auction process and receipt of environment clearance, the sand spot situated at Village Watambare was allotted to Respondent No.6, who was the highest bidder, on 22<sup>nd</sup> December, 2015. The possession of the sand spot was handed over to the respondent No.6 by Tahsildar Sangola on 23<sup>rd</sup> December, 2015. He submits that Tahsildar Sangola received complaint dated 4<sup>th</sup> January, 2016 in respect of the said mining activities and after visiting the sand spot on 6<sup>th</sup> January, 2016 and conducting the necessary investigation, Tahsildar Sangola submitted a report dated 11<sup>th</sup> January, 2016 recommending legal action in view of the violations of the environmental clearance conditions. However, the said Report of Tahsildar clearly mentioned that during the site visit and investigation on 6<sup>th</sup> January, 2016, heavy and/or mechanical machinery like JCB was not found being used. However, the Tahsildar

Sangola had proposed legal action entirely based on the contents of the CD received from the complainant.

**6.** He further submits that he has further issued directions to the Tahsildar and other Revenue Officers vide letter dated 13<sup>th</sup> June, 2015 (Exhibit-F) to verify use of any mechanical equipment or machinery for the sand mining purposes. He further submits that he has delegated the necessary powers to seize and confiscate all such mechanical equipment/machinery to the respective Tahsildars as well as District Mining Officers by order dated 13<sup>th</sup> June, 2015 for effective and speedy enforcement of the sustainable mining practices.

**7.** Shri Tukaram Mundhe further submits that he had asked Additional Collector and Mining Officers to give surprise visit to the spot and verify the facts, which they duly carried out as per direction. He further submits that the visiting team also could not find or observe use of heavy mechanical machineries for excavation of the sand.

**8.** Mr. Mundhe further submits that the proposal received from Tahsildar Sangola on 27<sup>th</sup> January, 2016 for initiating action against respondent No.6 for violation of the EC conditions was duly forwarded to State Level Environment Impact Assessment Authority (SEIAA) Maharashtra vide letter dated 8<sup>th</sup> February, 2016 as per

the Government Resolution dated 16<sup>th</sup> October, 2015. He further relies on the Notification dated 16<sup>th</sup> October, 2015 that prescribes the procedure for initiating the legal action for violation of the EC conditions. He further submits that necessary approval from the SEIAA Maharashtra, communicated vide letter dated 23<sup>rd</sup> May, 2016 of the Environment Department addressed to the District Collector was received in the Collector Office on 14<sup>th</sup> June, 2016. Necessary action in terms of filing of FIR for violation of the conditions of the EC was then accordingly initiated by the Collector Office. He further submits that he was transferred as Municipal Commissioner, Navi Mumbai and got relieved from the post of Collector Solapur on 1<sup>st</sup> May, 2016 and therefore, there was no delay or any inaction either from the Office of the Collector or from him as an individual in office, in compliance of the orders of the Tribunal and also in ensuring the compliance of the EC conditions.

**9.** The Applicant in person strongly refuted these submissions and relies on the Interim Order passed as early as 19<sup>th</sup> January, 2016. He submits that in spite of repeated complaints submitted by local residents along with CD showing the mechanical operations, the authorities and particularly the Collector has not taken any action. He submits that though Tahsildar has

recommended action as early as January, 2016, no action was taken by the Collector either to seize or confiscate the mechanical machinery. Further no action was taken to cancel the contract of respondent No.6 and impose necessary penalty under the Mining Rules. The Applicant has also submitted a detailed chronology claiming that all the delay and inaction on the part of the government authorities is due to inaction and passive support by the then Collector for such illegal activities.

**10.** We have carefully gone through the submissions and also arguments advanced by the learned DGP and the applicant. This Tribunal is mandated to deal with substantial environmental issues arising out of the effective implementation of the enactments listed in Schedule-I of the National Green Tribunal Act, 2010 and, therefore, at the first instance, we would like to make it clear that this Tribunal is not going to enter into the controversy related to the implementation of the Mining Rules or the Land Revenue Code. This Tribunal will only deal with the issues related to implementation of the Environment (Protection) Act, 1986 and Regulations notified therein.

**11.** The Tribunal has dealt with the need of effective enforcement of the environmental clearance conditions in the sand mining activities in **Application No.44/2014**



**[Mr. Paramjit Singh Kalsi Vs. MoEF & Ors]** and the relevant paragraphs which also address the issues raised in the present controversy are reproduced below:

*“18. In the present case, the District Administration and Mining Authorities have found numerous violations of mining lease agreement and accordingly, they have proceeded with certain legal action against the violators under the provisions of Bombay Mining and Minerals Rules. All these violations would finally be leading to unauthorised and excessive sand mining, may be even outside the approved area/location in the Environmental Clearance. Obviously, such non-compliances need to be examined in view of the conditions stipulated in the environmental clearance granted by SEIAA for the sand mining activities. During the final hearing, the Environment Department would submit that the department do not have sufficient man- power to enforce the conditions of the EC. It was the stand of the Environment Department that as per the conditions of the EC, Collector and Mining Officer are responsible for the enforcement and compliance of the EC conditions. Such submission has put forth contradictory stand, as the environmental clearance for the sand mines is granted to the Collector of the District and at the same time the responsibility of enforcement is also entrusted to him. It is a settled principle of Law that the project proponent itself cannot be the enforcement or regulatory agency. The role of the enforcement agency is different and separate than that of project proponent. In case of any violation, the enforcement agency is expected to take suitable legal action against the project proponent. In the instant case, the violation of EC will amount to violation of Environment (Protection) Act, 1986 and therefore, the offender will be liable for legal action which may include penal action under Section 15 of the Environment (Protection) Act, which prescribe imprisonment as well as fine. Under these circumstances, the stand of the Environment Department that the Collector and the Mining Officer are required to enforce the conditions of the EC cannot be accepted, if the Collector is deemed as a project proponent. The District Mining Officer would submit that the Collector in the present case is coordinating sand mining activity for sustainable mining as sand is required for various developmental purposes and role of Collector as well as District Mining Officer cannot be deemed as of project proponent. Any violation of EC condition should be construed as violation or offence by*

*the respective mine lease holder. We are inclined to accept such an argument advanced by the learned DGP that violation of the EC conditions in case of a particular sand mining lease need to be attributed to the respective mine lease holder who is actually carrying out the sand mining for commercial purposes and is responsible to adhere to the conditions of the mining lease as well as Environment Clearance.*

**19.** *Considering these difficulties, the next point which is to be considered is the enforcement mechanism. The MoEF has published a report of the Committee constituted for development of criteria and formulation of guidelines for categorisation for non compliance into the category of serious and not so serious in September 2011. The report includes such classification for the mining project also. Needless to say that there is a significant policy gap for setting up a mechanism for enforcement and for ensuring compliance of the EC conditions as far as sand mining is concerned.*

**20.** *In view of above discussions, we are of the opinion that both these issues are answered in NEGATIVE.*

**21.** *The sand mining for that matter, other minor mineral exploration activities, are spread over the entire District and the number of such mine leases is also significant. It may not be therefore, feasible for the state level authority, for that matter the Regional Office of the MoEF which is located in Bhopal to enforce the EC condition in the field. However, there is a need of setting up an enforcement mechanism for such sand mining project as large scale violations are reported in the present matter, which may be the case in the other Districts of the state also. Therefore, considering this urgent need for formulating an enforcement mechanism in order to protect the environment based on precautionary principle, we are inclined to partly allow this Application with following directions, which are issued under the powers conferred by Section 20 of the National Green Tribunal Act.*

- 1.** *Secretary, Environment Department, Government of Maharashtra and SEIAA shall formulate enforcement mechanism for compliance of Environment Clearance conditions in respect of sand and other minor mineral mining activities within a time frame of two (2) months.*
- 2.** *Such enforcement mechanism shall clearly outline the enforcement protocol including the criteria for assessment of compliance and/or violations, the department, officers and their roles and responsibility including taking legal action under the Environment (Protection) Act, along with*

*required delegation of powers; and also guidelines for assessment of damages and restoration costs.*

- 3. Secretary, Environment Department shall submit a copy of such enforcement mechanism to the Registry of Tribunal by 31-7-2015.*
- 4. In the meantime, the District Collector and Mining Officers shall send monthly information on compliance and also, actions taken against sand mining lease holders to SEIAA and Environment Department on monthly basis for further action.”*

**12.** Considering the conspectus of the present controversy, it will be necessary to outline the legal matrix related to the enforcement of EC conditions and the authorities responsible for it. The Environment (Protection) Act, 1986 has sufficient and effective legal remedies to initiate legal action in case of violation of the environmental norms which are summarized below:

**5. Power to give directions** - Notwithstanding anything contained in any other law but subject to the provisions of this Act, the Central Government may, in the exercise of its powers and performance of its functions under this Act, issue directions in writing to any person, officer or any authority and such person, officer or authority shall be bound to comply with such directions.

*Explanation--*For the avoidance of doubts, it is hereby declared that the power to issue directions under this section includes the power to direct-

- (a) the closure, prohibition or regulation of any industry, operation or process; or
- (b) stoppage or regulation of the supply of electricity or water or any other service.

**15. Penalty for contravention of the provisions of the Act and the rules, orders and directions.** - (1) Whoever fails to comply with or contravenes any of the provisions of this Act, or the rules made or orders or directions issued thereunder, shall, in respect of each such failure or contravention, be punishable with imprisonment for a term which may extend to

five years with fine which may extend to one lakh rupees, or with both, and in case the failure or contravention continues, with additional fine which may extend to five thousand rupees for every day during which such failure or contravention continues after the conviction for the first such failure or contravention.

(2) If the failure or contravention referred to in subsection (1) continues beyond a period of one year after the date of conviction, the offender shall be punishable with imprisonment for a term which may extend to seven years.

**19. Cognizance of offences.** - No court shall take cognizance of any offence under this Act except on a complaint made by--

- (a) the Central Government or any authority or officer authorised in this behalf by that Government,<sup>20</sup> or
- (b) any person who has given notice of not less than sixty days, in the manner prescribed, of the alleged offence and of his intention to make a complaint, to the Central Government or the authority or officer authorised as aforesaid.

**13.** It would be necessary to note that the Tribunal while dealing with the sand mining activities in **Application No.44/2014 [Mr. Paramjit Singh Kalsi Vs. MoEF & Ors]** has highlighted the need of defining the enforcement protocol as regards environmental compliances, for such sand mining activities in view of its peculiar nature and also the fact that they are generally spread over the entire district. In pursuance of the directions in the said Judgment, the Government of Maharashtra has issued a Circular dated 16<sup>th</sup> October, 2015 wherein the entire enforcement protocol and the process has been outlined. The said GR stipulates that the Tahsildar will be responsible to ensure the

compliance of the terms of the conditions in the EC granted to the sand mining activity at the field level. The District Mining Officer is also required to inspect and ensure the compliance of the terms and conditions of the EC and submit a six monthly report to Environment Department as well as SEIAA. The said GR further stipulates that in case of violation of the terms and conditions of EC, the concerned Tahsildar shall submit a proposal to the District Collector and the District Collector shall forward said proposal with his recommendation to SEIAA within 07 days. Further, the SEIAA is required to consider such proposal and issue necessary instructions to the nominated official for filing FIR/ prosecution against the violation of the terms and conditions of the EC.

**14.** A bare perusal of the provisions of the GR dated 16<sup>th</sup> October, 2015 clearly indicate that the enforcement protocol only envisages/contemplates action under Section 15 read with Section 19 of the Environment (Protection) Act, 1986 for filing a prosecution or lodging an FIR. The GR do not contemplate any action under Section 5 of the Environment (Protection) Act, 1986 which has been proved to be an effective tool for urgent intervention in case of violation of environmental norms/and or instances of environmental degradation.

**15.** We have also noted that considering the violations of the environmental clearance conditions, the Government of India has delegated its powers under Section 5 of the Environment (Protection) Act, 1986 to SEIAA for the entire state by Notification No. S.O. 637(E) dated 28<sup>th</sup> February, 2014. Furthermore, the Government of India vide Notification No. S.O. 638(E) dated 28<sup>th</sup> February, 2014 has also authorized the SEIAA in terms of Section 19 of the Environment (Protection) Act, 1986.

**16.** In the instant case, the main allegation of the applicant is related to the use of heavy mechanical machinery for the sand mining activities in violation of the terms of the environmental clearance conditions. He has also alleged that the use of such heavy mechanical machinery is also resulting in mining activities at the depth more than 2mtrs which is further violation of the environmental clearance conditions. It is on record that during the inspection of the said site by the Tahsildar as well as Additional Collector, they could not physically observe the use of mechanical machinery. The Tahsildar had relied on the contents of the CD produced by the complainants to record that there is a use of heavy machinery by respondent No.6 in the sand mining activity and accordingly, he has forwarded the proposal for legal action. We inquired with the learned DGP during

the hearing whether the said complainant who has recorded CD or any other person who has filed complaint has been referred in the FIR or listed as witness. Learned DGP was not able to inform the correct status but after taking instructions from the District Mining Officer, she submits that the complainants have not been mentioned as witnesses.

**17.** The another issue which was raised by the Applicant is that due to such unauthorized and illegal mining firstly by use of mechanical machinery and secondly extensive mining deeper than 2mts, there is environmental degradation and adverse environmental impacts. The actions taken by the Collectorate and SEIAA would manifestly show that according to these authorities, there was violation of the environmental clearance conditions which must have caused some adverse environmental impacts. However, from the record, we do not find any finding or observation or any action either from the Tahsildar or Collector or SEIAA to address this important issue of restoration and restitution of environment when they have clearly accepted the fact that there is violation of the environmental clearance conditions.

**18.** Violation of EC conditions by the sand mining agencies is known to be rampant. Principal Bench of

National Green Tribunal in several matters related to illegal sand mining has imposed environmental compensation in view of the environmental damages due to the violation of EC conditions by the sand mining agencies. As per the report published in daily Times of India on 17<sup>th</sup> March, 2017, there were about 1500 cases of violation of sand mining rules in Pune district itself during March 2016 to March 2017. It is manifest that majority of these violations either in terms of excessive mining or deep mining, must have resulted in environmental damages. However, the State of Maharashtra, particularly Environment Department SEIAA seems not to have taken serious cognizance of such rampant violation in order to protect, conserve and restore environment.

**19.** In the limited scope of this proceeding, we are required to address the issue of the action taken by the Collector. It is a matter of record that as per the Government Notification dated 29<sup>th</sup> March, 2012 Additional Collector is the in-charge of the Mining Branch/Department. It is also seen from the record that the Collector Solapur had issued a letter dated 13<sup>th</sup> June, 2015 delegating the powers available with him under the Land Revenue Code for seizure, confiscation or attachment of the mechanical machinery used in illegal



sand mining activities to the local level officials. It is also observed that the proposal which was submitted by the Tahsildar was duly recommended by the Collector Solapur to the SEIAA for further necessary action, though not strictly in 7 days as per GR but within a reasonable time. However, action under the Environment (Protection) Act, 1986 could only be initiated after the approval of SEIAA which was received by Collector Solapur on 14<sup>th</sup> June, 2016 and, therefore, considering the tenure of Mr. Mundhe, the then Collector, which was upto 1<sup>st</sup> May, 2016, we do not find any particular specific non-compliance of the Tribunal's Order from his end.

**20.** No doubt, there is a delayed action as the report of the Tahsildar is dated 11<sup>th</sup> January, 2016 and the approval of the SEIAA was received by Collector, Solapur only on 14<sup>th</sup> June, 2016. Furthermore, there is no consideration of the environmental damages caused due to such unauthorized mining by any of the authority.

**21.** It is also matter of record that the government GR stipulates that the responsibility of ensuring the enforcement of EC conditions is of Tahsildar at the field level, and he could not notice the use of any mechanized sand mining himself. Furthermore, there are no records of any field assessment done by Tahsildar regarding any apprehension or any secondary information like depth of

mining etc by Tahsildar, besides any suggestion or recommendation regarding the restoration and restitution. Tahsildar, being the field level authorized officer, was required to be more vigilant and the enquiry could have been more detail and technical. He has merely looked at the contents of CD produced by complainants, rather than investigating it further regarding identification of the machinery used, actual extraction of sand using the equipment's like Total station etc. Though the Tahsildar has been delegated the powers by the Collector to seize and confiscate the heavy mechanical machinery if so used in sand mining activities, he has failed to identify and take action as per law. Ironically, he has relied on the very same CD produced by the complainants while forwarding the proposal for legal action as per GR claiming there are violations of EC conditions. There is no record to show that the said site in question was subsequently visited any time after 6<sup>th</sup> January, 2016 to verify compliance and use of machinery for sand mining.

**22.** We also inquired from Mr. D.M. Gupte, the learned Counsel appearing on behalf of SEIAA regarding such delay in communicating approval for prosecution in terms of the Government GR referred above. Learned Counsel Mr. D.M. Gupte submits that the SEIAA in its

96<sup>th</sup> Meeting held on 1<sup>st</sup> & 2<sup>nd</sup> March, 2016 has approved such prosecution and the Minutes of said Meeting were uploaded on the website on 21<sup>st</sup> April, 2016. Mr. Gupte, therefore, submits that it was the duty of the Collector Solapur to take a suitable necessary action in terms of the decision of the SEIAA once the Minutes were uploaded. However, learned DGP pointed out that as per the GR dated 16<sup>th</sup> October, 2015, the SEIAA has to nominate the official who is required to take a legal action and unless and until, there is a specific communication from the SEIAA nominating the official, further proceedings particularly the prosecution cannot be launched. As regards the use of powers under Section 5 of the Environment (Protection) Act, 1986 by SEIAA as delegated to it by the MoEF vide Notifications S.O. No. 637(E) and S.O. No. 638(E) dated 28<sup>th</sup> February, 2014, Mr. Gupte had no instructions on this particular aspect.

**23.** Based on above discussions, it is clearly evident that this is a case where the apprehensions raised by this Tribunal in **Application No. 44 of 2014 [Mr. Paramjit Singh Kalsi Vs. MoEF & Ors]** are proven to be a reality. The river sand mining activity if conducted in haphazard and uncontrolled manner can lead to various environmental disasters. Hon'ble Apex court in **Deepak Kumar Vrs. State of Haryana and Others** has made it

mandatory for all such mining activities to obtain EC. It is, therefore, necessary that such EC shall be complied with in true spirit and should not remain as conditions on paper. This Tribunal had therefore directed SEIAA to formulate an effective enforcement protocol to deal with cases of non-compliance or violation of EC conditions expeditiously and effectively. SEIAA has been armed with powers under Section 5 of the Environment (Protection) Act, 1986 by the MoEF to ensure such compliance. We are concerned with the fact that the enforcement protocol as per GR dated 16<sup>th</sup> October 2015 does not contemplate use of powers conferred by Section 5 of the Environment (Protection) Act, 1986 for issuance of directions. Furthermore, the issues related to restoration and restitution of environment or recovery of environmental compensation is also not covered in the said GR. We are of the considered opinion that such gaps in the enforcement protocol are resulting in the delayed inadequate action in inasmuch as only the registration of FIR without restoration of environment.

**24.** In our considered opinion, therefore, the Applicant's allegations against Mr. Mundhe, the then Collector are desultory. Accordingly, we direct the following:

1. The Show Cause Notice issued against Shri Tukarama Mundhe vide Order dated 2<sup>nd</sup> December, 2016 is dropped.
2. The Collector, Solapur shall conduct an enquiry to reveal as to why the concerned Tahsildar could not seize/confiscate mechanical machinery despite CD showing mechanical sand mining activities at Watambare being provided by Applicant and a report in that regard within 03 months. The Collector shall from the material in hand ascertain the particulars of the owners/operators of the machinery viz poclain, JCB, Trucks, Tempos and vehicles used for mechanical sand mining at the said place, initiate prosecutions against the persons involved as contemplated under the provisions of the Environment (Protection) Act, 1986 and National Green Tribunal Act, 2010 and move the Tribunal for adjudication of compensation recoverable from them for environmental damage caused. He shall also verify the compliance of EC in terms of depth of mining, quantity of mining and any adverse impact on environment. A compliance report in this regard shall also be filed along with recommendations for restitution and restoration of environment within 04 months.
3. SEIAA shall revisit the enforcement protocol as prescribed in GR dated 16<sup>th</sup> October 2015 in order to expedite timely interventions by issuance of directions under Section 5 of the Environment (Protection) Act, 1986 in case of non-compliance and also to cover the restoration and restitution aspects in view of the delegation of powers by the Government of India vide Notification Nos. S.O. 637(E) and S.O. 638(E) dated 28<sup>th</sup> February, 2014 within one month.
4. The Applicant is at liberty to take recourse to suitable legal remedies as are available in law for restitution and restoration of environment due to illegal and unauthorized sand mining activities.
5. Proceedings are closed.

....., **JM**

**(Justice U.D. Salvi)**

.....,EM  
**(Dr. Ajay.A. Deshpande)**

**Date :31<sup>st</sup> March, 2017.**

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