BEFORE THE NATIONAL GREEN TRIBUNAL, PRINCIPAL BENCH, NEW DELHI

Original Application No.165 of 2014 (M.A. No. 564 of 2014 & M.A. No. 646 of 2014)

IN THE MATTER OF:

Rahul Nagar Vs. Govt. of NCT of Delhi & Ors.

CORAM: HON'BLE MR. JUSTICE SWATANTER KUMAR, CHAIRPERSON

HON'BLE MR. JUSTICE U.D.SALVI, JUDICIAL MEMBER HON'BLE MR. JUSTICE M.S. NAMBIAR, JUDICIAL MEMBER

HON'BLE DR. D.K. AGRAWAL, EXPERT MEMBER

HON'BLE Mr. RANJAN CHATTERJEE, EXPERT MEMBER

Present: Applicant: None Appeared

Respondent No. 1: Mr. V.K. Tondon, Advs. Respondent No. 2: Mr. Abhishek Paruthi, Adv.

Respondent No. 3 & 4: Mr. Balendu Shekhar, Adv., Mr. Akshay Abrol

and Ms. Saumya, Advs.

Respondent No. 6: Mr. Neeraj Jain, Adv.

Ms. Sakshi Popli, Adv. for DJB

Date and	Orders of the Tribunal
Remarks	
Item No.	
August 24,	We have heard the Learned counsel appearing for
2015	the parties. The main grievance of the Applicant was that
E	illegal sand mining was going on in the NCT of Delhi
11/2	without obtaining Environmental Clearance and other
1 / 3	required permission. The Applicant also prayed for
100	restoration of the damage done because of this activity.
	One of the sites specified during the course of the
	pendency of this Application was Jagat Pur Bandh at
	Wazirabad. All the Respondents commonly stated that they
	would not permit any illegal and unauthorized mining in
	the area in question. They further submits that it was
	dredging that was being carried on in this area and
	therefore neither Environmental Clearance was required
	nor other permissions were needed. However, this activity
	was being done for the Public Authorities and in
	consonance of the interest of the environment to ensure

that undue sand/silt do not collect on the river bank so as to obstruct the flow of the river. Accordingly the de-silting was essential and was being carried out to that limited extent. During the course of this Application, we have asked for the samples to be collected of the material dredged by the contractor in the name of de-silting and cause its analysis to be made. The analysis report now shows that 80% is sand.

In view of the fact that it is 80% sand, it cannot be termed as 'de-silting activity simpliciter'.

Thus, we dispose of this Application with the following directions:-

- 1. No illegal and unauthorized mining would be permitted anywhere on the river bank of Yamuna and its surrounding areas without proper compliance, proper permissions and particular Environmental Clearance in terms of the judgment of the Hon'ble Supreme Court in the case of Deepak Kumar Vs. State of Haryana, reported in 2012(4)SCC629 and judgement of the Tribunal in the case of Himmat Singh Shekhawat Vs. State of Rajasthan & Ors. Original Application No. 123 of 2014.
- 2. We constitute a Committee consisting of a senior Officer from the Mining Department, Officer of the Corporation, a representative of the DPCC, a representative of MoEF and an Officer from the DJB who shall consider the analysis report and the entire contract and submit their recommendations to the NCT of Delhi which will then pass appropriate orders.

3. The Committee shall take into consideration all the environmental and ecological aspects and also ensure that in the name of de-silting sand mining is not permitted and the contractor pays appropriate royalty in accordance with law.

With the above directions, Original Application No. 165 of 2014 stands disposed of.

M.A. No. 564 of 2014 and M.A. NO. 646 of 2014

These Misc. Applications do not survive for consideration in view of the fact that the main Application itself stands disposed.

In view of the above, M.A. No. 564 of 2014 and M.A. No. 646 of 2014 stand disposed of without any order as to costs.

,Cl (Swatanter Kumar)	Р
,JN (U.D. Salvi)	⁄I
,JN (M.S. Nambiar)	⁄I
,EM (Dr. D.K. Agrawal)	/I
,EM (Ranjan Chatterjee)	/I