

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

Original Application No. 340/2015; Original Application No. 341/2015; Original Application No. 343/2015; Original Application No. 344/2015; Original Application No. 345/2015; Original Application No. 346/2015; Original Application No. 347/2015; Original Application No. 351/2015 and Original Application No. 354/2015

IN THE MATTER OF:

**National Green Tribunal Bar Association
Vs.
Umesh Yadav & various other Noticees**

CORAM : HON'BLE MR. JUSTICE SWATANTER KUMAR, CHAIRPERSON
HON'BLE MR. JUSTICE U.D.SALVI, JUDICIAL MEMBER
HON'BLE MR. JUSTICE RAGHUVENDRA S. RATHORE, JUDICIAL MEMBER
HON'BLE DR. AJAY A DESHPANDE, EXPERT MEMBER

Present: **Applicant:** Mr. Raj Panjwani, Sr. Adv., Mr. Rahul Choudhary, and Ms. Meera Gopal, Advs.
Respondents Mr. Abhishek Yadav, Adv. for State of Uttar Pradesh
Mr. Pradeep Misra and Mr. Daleep Dhyani, Advs. for UPPCB
Mr. Vijay Sharma, Adv. for Noticee No. 41

Date and Remarks	Orders of the Tribunal
Item No. 10 to 18 November 21, 2016 A	<p><u>Original Application NO. 340/2015</u></p> <p>We have heard the Learned counsel appearing for the parties. The stand taken by the Noticee – Mr. Umesh Yadav submits that he was carrying on fly ash in the dumper and he has been falsely implicated. This stand is <i>ex-facie</i> incorrect inasmuch as in the FIR lodged against him and during direct investigation, he had mentioned that he had taken out sand from the river. Noticee even paid fine/ penalty imposed by the Authority. In light of these circumstances, we are unable to believe the stand taken by the Applicant before us and reject the same. We direct the said Noticee to pay Environmental compensation of Rs. 50,000/- within two weeks from today to the Uttar Pradesh Pollution Control Board. In the event of default, the State will take criminal prosecution as well as inform the Tribunal on non-compliance of this order upon which the Tribunal would pass appropriate</p>

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coercive Orders including attachment of property and civil imprisonment for the Noticee for non-compliance of the order passed by the Tribunal. The Uttar Pradesh Pollution Control Board shall inform the Tribunal about the non-compliance of this order by the Noticee.

The owner of the Vehicle – Mr. Akendra Kumar has been served with the notice. Consequently, we issue bailable warrant against owner in the sum of Rs. 20,000/- to the satisfaction of the arresting Officer, in exercise of our powers and in terms of the provision of Section 19 (4) (a) of the National Green Tribunal Act, 2010 read with Order XVI Rule 10(3) and Section 151 of Code of Civil Procedure, 1908. The bailable warrant shall be executed by the SHO of the concerned area. The State would ensure his presence on the next date of hearing.

We direct the Registry to maintain separate file. List the matter on 02dn January, 2017.

Accordingly, Original Application No. 340 of 2015 stands disposed of without any order as to costs.

Original Application No. 341/2015

According to the Department – the said Noticee is stated to be owner of the vehicle involved in illegal mining and was caught with the vehicle while carrying the minerals. In these circumstances, we direct the said Noticee to pay Environmental compensation of Rs. 3 Lakh/- within four weeks from today to the Uttar Pradesh Pollution Control Board. In the event of default, the State will take criminal prosecution as well as inform the Tribunal on non-compliance of this order upon which the Tribunal would pass appropriate coercive Orders including

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attachment of property and civil imprisonment for the Noticee for non-compliance of the order passed by the Tribunal. The Uttar Pradesh Pollution Control Board shall inform the Tribunal about the non-compliance of this order by the Noticee.

Accordingly, Original Application No. 341 of 2015 stands disposed of without any order as to costs.

Original Application No. 343/2015

Learned counsel appearing for the Applicant submits that he would pay a sum of Rs. 50,000/- as a environment compensation within four weeks from today to the Uttar Pradesh Pollution Control Board.

In view of the statement made, Original Application No. 343 of 2015 stands disposed of without any order as to costs.

Original Application Nos. 344/2015, 345/2015, 346/2015, 347 & 351/2015

In the Reply to the show cause Notice filed by Noticees namely, Zile Singh, Pramod, Sonu Sharma, Jitender and Lokender- have admitted the incident of being caught while doing illegal mining and transporting the same.

Accordingly, Original Application Nos. 344/2015, 345/2015, 346/2015, 347 & 351/2015 are disposed of with a direction to all these 5 Noticees to pay collectively a sum of Rs. 50,000/- to the Uttar Pradesh Pollution Control Board within four weeks from today.

The JCB and truck reportedly belong to Mr. Narender Kumar.

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The owner of the Vehicle has been served with the notice. Consequently, we issue bailable warrant against owner in the sum of Rs. 20,000/- to the satisfaction of the arresting Officer, in exercise of our powers and in terms of the provision of Section 19 (4) (a) of the National Green Tribunal Act, 2010 read with Order XVI Rule 10(3) and Section 151 of Code of Civil Procedure, 1908. The bailable warrant shall be executed by the SHO of the concerned area. The State would ensure his presence for the next date of hearing of hearing and the said JCB and Truck be attached by the Officer concerned.

We direct the Registry to maintain separate file of Mr. Narender Kumar. List the matter on 02nd January, 2017.

Original Application No. 354/2015

In the Reply Madal Lal – Noticee is claimed to be Driver of the Dumper No. HR55P6349 caught red handed for carrying on illegal and unauthorized mining. The Driver – Madan Lal and Dumper owner – Susheel are present. They submit that without prejudice to their rights and contentions they will pay a sum of Rs. 1 Lakh to the Uttar Pradesh Pollution Control Board within four weeks from today.

Accordingly, Original Application No. 354 of 2015 stands disposed of without any order as to costs.

.....,CP
(Swatanter Kumar)

		<p>.....,JM (U.D. Salvi)</p> <p>.....,JM (Raghuvendra S. Rathore)</p> <p>.....,EM (Dr. Ajay A Deshpande)</p>
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