

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

**Original Application No. 40 of 2015
(M.A. No. 101 of 2015, M.A. No. 162 of 2015 & M.A. No. 239 of 2015)**

IN THE MATTER OF:

Sandeep Kumar Vs. MoEF & Ors.

**CORAM : HON'BLE MR. JUSTICE SWATANTER KUMAR, CHAIRPERSON
HON'BLE MR. JUSTICE RAGHUVENDRA S. RATHORE, JUDICIAL MEMBER
HON'BLE MR. BIKRAM SINGH SAJWAN, EXPERT MEMBER**

Present: **Applicant :** **Mr. Kapil Joshi and Mr. Arun S. Bhati, Advs.**
 Respondent Nos. 2 to 4 : **Mr. Rahul Verma, AAG for State of Uttarakhand**
 Respondent No. 5 : **Mr. Mukesh Verma, Adv.**
 Respondent No. 6 & 7 : **Mr. Pradeep Mishra, Adv.**

	Date and Remarks	Orders of the Tribunal
	Item No. 17 July 06, 2016 ss	<p>We have heard the Learned Counsel appearing for parties. Vide our order dated 22nd April, 2015 it has been specifically recorded that the area in question have been withdrawn from mining operation and thus no mining activity would be permitted. The continuing cause of action in favour of the Applicant does not survive, after passing of such notification. The Learned Counsel appearing for Applicant submits that it is an admitted case of typical illegal mining. According to him while relying upon Form MM-11 issued in favour of the Respondent No. 6 and 7, compensation for illegal mining be imposed against the respondents for more than 2 and 1 Crore respectively. Apparently the illegal mining had been carried on. In fact it is not even disputed on behalf of the States Government. Concerned Respondent No. 6 & 7 would be liable to pay environmental compensation.</p> <p>Consequently we direct the Committee consisting of Director Mines, State of Uttarakhand, Member Secretary, Uttarakhand Pollution Control Board and District Magistrate, Haridwar to hear the Applicant and will consider the documents on subject placed on record.</p>

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2016**

They would hear the Respondent No. 6 & 7 and opportunity be given to them to reply to the allegation made while referring to the records of the Government. The said committee will determine the environmental compensation payable for illegal mining as well as on account of environmental degradation. The compensation so determined shall be recovered from the Respondent No. 6 & 7.

The report of compliance should be submitted by the Committee within 8 weeks from today.

With the above direction Original Application No. 40 of 2015 stands disposed of. No order as to cost.

M.A. No. 101 of 2015, M.A. No. 162 of 2015 & M.A. No. 239 of 2015

These Miscellaneous Applications do not survive for consideration as the main Application No. 40 of 2015 itself stand disposed of.

Thus the M.A. No. 101 of 2015, M.A. No. 162 of 2015 & M.A. No. 239 of 2015 stand disposed of without any order as to cost.

.....,CP
(Swatanter Kumar)

.....,JM
(Raghuvendra S. Rathore)

.....,EM
(Bikram Singh Sajwan)