

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

**Review Application No. 18 of 2015
(M.A. No. 666/2015, M.A. No. 739/2015 & M.A. No. 740/2015)
In
Original Application No. 123 of 2014**

IN THE MATTER OF:

**M.P. State Mining Corporation Vs. Ministry of Environment & Forest & Ors.
In
Himmat Singh Shekhawat Vs. State of Rajasthan & Ors.**

**CORAM : HON'BLE MR. JUSTICE SWATANTER KUMAR, CHAIRPERSON
HON'BLE MR. JUSTICE M.S. NAMBIAR, JUDICIAL MEMBER
HON'BLE DR. D.K. AGRAWAL, EXPERT MEMBER
HON'BLE PROF. A.R. YOUSUF, EXPERT MEMBER**

**Present: Applicant : Mr. Naman Nagnath, Sr. Adv. Mr. Manu Chaturvedi, Advs.
Respondent No. 1: Mr. Vikas Malhotra and Mr. M.P. Sahay, Advs.**

	Date and Remarks	Orders of the Tribunal
	Item No. 02 July 24, 2015	<p><u>M.A. No. 740/2015</u></p> <p>The exemption prayed is allowed subject to just exception. The translated copies of the documents be filed in due course.</p> <p>With the above directions, M.A. No. 740 of 2015 stands disposed of.</p> <p><u>M.A. No. 739/2015</u></p> <p>This Application is allowed subject to just exception and without prejudice to the rights and contentions of the parties. The additional documents annexed to the Application are permitted to be taken on record.</p> <p>With the above orders, M.A. NO. 739 of 2015 stands disposed of without any order as to costs.</p> <p><u>Review Application No. 18 of 2015</u></p> <p>We have heard the learned counsel appearing for the parties.</p>

By this Review Application the Applicant seeks review of the Judgment dated 13th January, 2015 passed by the Tribunal primarily on the following grounds:-

1. The Judgment cannot have application to the existing leases, as law ought to apply only prospectively.
2. The application for obtaining Environment Clearance has been moved by large number of persons. From the information available at the website of SEIAA, MP, it is reported that not even a single application has been dealt with and decided till date. This is causing serious prejudice to the Applicants and therefore in any case there should be extension of time given to the Applicants.

As far as the first contention is concerned, it has been settled by this Tribunal in various judgements which have attained finality that even the existing Units are required to comply with the environmental laws and the current notifications. They cannot frustrate the environmental laws on the plea that they were existing Units, as they have no right to pollute the environment. However, in terms of the judgment of the Tribunal as well as the Hon'ble Supreme Court in the case of Deepak Kumar Vs. State of Haryana, (2012(4)SCC629), we have already granted time to the Applicants to move SEIAA for obtaining EC and have not directed their closure instantaneously.

In view of these, the first contention is liable to be rejected.

Coming to the second issue relating to the extension of time, we find some substance in the contention raised

on behalf of Applicant and from the documents placed on record which include the list and status of the Units which have applied for obtaining EC. It appears right from April, 2015, nearly 300 applications has been filed before SEIAA and none of them has been finalised and disposed of by the Authority. We may also notice that as per the status placed on record, document annexed P-7 the M.P. State Mining Corporation has 450 mining leases in the entire State, out of which only 224 Units have applied for EC. We cannot direct closure of these Units at this stage, as they have atleast attempted to comply with the law. But the Authorities concerned are unable to cope up with the quantum that has been generated as a result of the directions. However, we fail to understand why not a single application filed in the month of April, 2015 has been dealt with and finally disposed of even as of now.

Learned counsel appearing for the MoEF submits that SEIAA is in place and efforts are being made to deal with the Applications.

In the light of the above, we direct that MoEF shall constitute additional teams under SEIAA and SEAC immediately to clear the back log of large number of applications for obtaining EC that are pending before SEIAA in the State of M.P. The Committee shall be temporary under SEIAA and would deal with the Applications expeditiously and clear the back log within three months from today.

We further direct that the Units and mine operators who have applied for obtaining EC, can operate for a period of three months from today. But the Units who have not applied for EC till date would be directed to be

closed. This obviously will have no application to fresh leases and they shall start operation only after getting EC.

The SEIAA, State of M.P. and M.P. Pollution Control Board shall comply with the directions without default and delay.

With the above directions, Review Application No. 18 of 2015 stands disposed of.

M.A. No. 666 of 2015

This Application does not survive for consideration in view of the fact that the main matter itself stands disposed of.

Accordingly, M.A. No. 666 of 2015 stands disposed of without any order as to costs.

.....,CP
(Swatanter Kumar)

.....,JM
(M.S. Nambiar)

.....,EM
(Dr. D.K. Agrawal)

.....,EM
(Prof. A.R. Yousuf)

