

**BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI
M.A. NO. 528 OF 2016**

**In
Original Application No. 171 of 2016
And
Original Application No. 176 of 2016
(Earlier O.A. No. 184/2013)
And
Original Application No. 272 of 2016
And
M.A. No. 425/2016
In
Original Application No. 184 of 2013**

IN THE MATTER OF:

**Pramod Vs. State of Uttar Pradesh & Ors.
And**

**Gurpreet Singh Bagga Vs. MoEF & Ors.
And**

**M/s. Ganga Yamuna Mining Co. Vs. State of Haryana & Ors.
And**

Gurpreet Singh Bagga Vs. MoEF & Ors.

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

Present: **Applicant:** Mr. Jaideep Singh, Ms. Asmita Singh, Adv.(Original Application 272/2016)
Mr. Ajit Sharma, Adv. O. A. 171 /2016 in M. A. No. 528of 2016
Mr. Rahul Choudhary and Ms. Meera Gopal, Adv.
Respondent No. 1 Ms. Divya Prakash Pande, Adv.
Respondent No.4 : Mr. Abhishek Yadav, Adv. for State of UP
Mr. S. G. Hasnim S. Adv. Mr. Anupam Mishra and Mohd. Zahid Husain, Adv.
Ms. Geeta Luthra, Sr. Adv. and Mr. Ankit Verma and Ms. Shivani Luthra Lohiya, Adv. for State of Uttar Pradesh.
Mr. Ankit Verma, Adv.
Mr. Raj Kumar, Adv. with Ms. Niti Choudhary, LA CPCB

	Date and Remarks	Orders of the Tribunal
	Item Nos. 03 and 05 to 07 June 06, 2016	M. A. No. 528 of 2016 and M. A. No. 425 of 2016 We have heard the Learned Counsel appearing for the parties. As an interim order, we pass the following directions: 1. The auction purchasers who were declared successful and have paid the amounts to the Government of State of U. P. for lifting of stored material which itself was collected from the illegal mining are permitted to lift the material within a period of one(1) month and three(3) days w.e. f.

Friday i.e. 10th June, 2016.

2. Lifting of the material shall be strictly subject to the compliance of the following conditions:

- There shall be a Committee consisting of the Mining Officer, Representative of the UPPCB, SDM of the area and Officer from the Department of Irrigation of State of U. P. This Committee shall be personally responsible for ensuring that no mining is permitted in any manner whatsoever and it is only the auction material which is permitted to be lifted subject to the compliance of the other conditions.
- This Committee shall ensure that the vehicle whether empty or loaded is weighed and due computerization records are maintained. There should be automatic operation of the computer connected to the weighing machine which should not be manually interfered with. These records would be maintained and submit the same to the Tribunal.
- The Committee would ensure that the places from where the material has been lifted and the destination for which such material is transported are also maintained in the records. This Committee will issue permit for lifting of the material and would be subjected to double check at the point of lifting and at the point of delivery in addition to the same being weighed as directed above. Due records

of the permit issued shall also be maintained. After the laps of one month and three days, no auction purchaser or anybody else would be permitted to lift any material i.e. transportation of minor and minerals would be totally stayed in terms of the Judgment of the Tribunal.

- We hereby clarify that despite of the fact that 45 days have expired and the High Powered Committee has still not submitted its final report, it should be understood clearly that the interim prohibition shall continue in the entire State of U. P. in terms of the Judgment of the Tribunal.
- The Chairman of the High Powered Committee should ensure that immediately google images/satellite data are taken of the area in question and it should maintain the complete records of its visit showing the present status of the area where illegal mining has taken place.
- FRI (Forest Research Institute) Dehradun and ISRO(Indian Space Research Organization) are hereby directed to complete the imaging forthwith as well physical visit of the site. The directions are necessitated as once it rains and river is flooded, the entire status of site would change and it would become difficult to determine illegal mining. We would certainly

observe that the High Powered Committee ought to have taken appropriate steps rather than spending all this time in trying to find out a way not fulfilling its responsibility and bring present situation.

- We hope that the High Powered Committee would ensure the compliance to the order of the Tribunal and would not compel it to pass coercive orders.
- The Committee would submit a complete and final report to the Tribunal in regards to the lifting and transportation of the material on the two sites in question in State of U.P. After the expiry of the period, if there is any remnant material left, the same would not be permitted to be lifted without specific orders of the Tribunal. After expiry of the said period all activities must come to an end. The High Powered Committee should submit its report within three weeks from today, by way of final opportunity.

The Applicant prays for liberty to file certain additional documents. He is permitted to do so within two weeks from today.

We may also notice that the Committee will keep in mind that the successful bidders have lifted 20% of the auction material in 80% of the time for which the lifting was allowed i.e. nearly four (4) months from September to 18 February. Lifting agreement was to expire on 21st

March, 2016. It needs to be observed as to how the remaining materials are lifting without any environmental degradation now in short span of about one month.

The State of Haryana is directed to file Status Report in relation to carrying on mining activity in terms of the order of the Tribunal dated 1st June, 2016. They will state the mining permitted; methodology for mining; the total quantity extracted; safeguard adopted; other requisites details and the manner in which the mining particularly the illegal mining is controlled and the cases of illegal mining that are traced by the State Government.

List these matters on 4th August, 2016.

.....,CP
(Swatanter Kumar)

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

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



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