

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

**Original Application No. 363 of 2015
And
Original Application No. 366 of 2015
And
Original Application No. 367 of 2015
And
Original Application No. 368 of 2015**

In the matter of :-

**National Green Tribunal Bar Association
Vs.
Dr. Sarvabhoom Bagali (State of Karnataka)**

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

Present: **Applicant:**
 Respondent No. 1 : **Mr. Aagney Sail, Adv. for Dr. Sarvabhaum Bagali**
 Respondent No. 5 : **Mr. Shakunt Saumitra, Adv.**
 Mr. Devraj Ashok, Adv. for State of Karnataka
 Mr. Mukesh Verma, Adv.

Date and Remarks	Orders of the Tribunal
Item No. 12 to 15 March 23, 2016 ss	<p>The Secretary environment and Irrigation of the State of Maharashtra shall file personal affidavits in relation to the matter in issue in the present case inter-alia but the most specifically on the followings:</p> <ol style="list-style-type: none">1. How the mine owner or the person to whom mining leases were and/or granted were permitted to carry out mining activity completely prejudicial to the river and its bio-diversity.2. How the contractor was permitted to carry on mining activity and create deep pits in the middle and bank of the river which would adversely impact of the water flow of the river.3. Why these contractors/miners were permitted to excavate pits beyond the permissible depth which not only adversely would impact the ground water,

but even caused death of the people particularly children who were unable to gauge depth of the pits at its banks.

Besides filing the above affidavit, State shall issue Notice to all the Miners of the State of Maharashtra and Karnataka who are carrying on mining activity on the river, as to how they are carrying on mining activity mechanically and are in the process of mining creating deep pits that is impermissible under the law in force. In the affidavit lease money that is being paid by each of the contractor with their annual turnover would be indicated. They should also show cause as to why they be not called upon to pay environmental compensation in terms of Section 15 and 17 of the NGT Act, 2010. The notice be issued, with reference to the breach committed and they be directed to appear before the Tribunal on the next date of hearing.

The affidavit of the Secretary of both the States would also deal with the photographs annexed at as annexure C-11 colly by the Applicant. They show hidden cameras operation of JCBs and the persons of the miner even carrying Guns.

Liberty to the Applicant to file additional documents.

List this matter on 19th April, 2016.

.....,CP
(Swatanter Kumar)

.....,EM
(B.S. Sajwan)