

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

M.A. No. 472/2014

In

Original Application No. 112/2013

Goa Paryavaran Savrakshan Sangharsh Samitee

V/s

M/s. H.L. Nathurmal & Ors.

**CORAM: HON'BLE MR. JUSTICE U.D. SALVI, JUDICIAL MEMBER
HON'BLE DR. G.K. PANDEY, EXPERT MEMBER
HON'BLE MR. B.S. SAJWAN, EXPERT MEMBER**

**Present: Applicant / Appellant : Mr. S.M. Walawaikar, Adv.
Respondent No. 1 : Mr. Sudeep Dey, Adv.**

| Date and Remarks | Orders of the Tribunal |
|---------------------------------------|---|
| Item No. 1 August 19, 2014 | <p>Heard. Perused.</p> <p>Learned Counsel appearing for the Applicant submits that in pursuance to the order of this Tribunal dated 31.07.2014, the Applicant accompanied by Expert visited the mining premises of M/s. H.L. Nathurmal (Respondent No. 1) for the purpose of verifying the statement made by M/s. H.L. Nathurmal in respect of working of the mine and segregation of commercial valuable mineral components of the overburden generated as a result of the mining of iron ore.</p> <p>He makes a statement on instructions that there is merit in the statement made by M/s. H.L. Nathurmal that no water from the entire mining area is allowed to spillover but is harvested at the same place by means of trenches/garland drains constructed at foot of stacks and nothing that is excavated from the mine is wasted. However, he brings to our notice that there exists exhausted pit admeasuring approximately 1.5 hectares which remains to be closed as per the closure procedure prescribed in a mining plan.</p> <p>Learned Counsel appearing for the Applicant further points out that the benches created for the purpose of iron ore mining</p> |

in Survey Nos. 75/2 of village Arvalem and 27 of village Poriem situates on the border of two villages, have loose soil and, therefore, are likely to get collapsed causing danger to agricultural fields in the vicinity. He submits that such catastrophe can be prevented by taking immediate steps of re-benching the existing benches.

Learned Counsel appearing for the Respondent No. 1 (M/s. H.L. Nathurmal) submits that the exhausted pit can be closed within three months as per the closure procedure and afforestation of the area done particularly with the native species such as the one called in local language "Pongaro" which is source of Biodiesel. He further submits that by utilizing of segregation process developed by IBM, Nagpur the overburden is separated into Calcium Bentonite, Magniferous Clay, Dolomite and Red-oxide, each of which have commercial potential. However, this segregated material has to be stacked within mining premises as there is no permission granted by the Department of Mining for sale of these by-products. If permission is granted by the Department of Mine to commercially exploit these segregated components of the overburden virtually what is excavated from the mine can be beneficially exploited without any harm to the environment.

He further submits that even the steps for preventing the catastrophe due to collapse of the benches and consequent spillover of the loose soil in the agricultural fields in the vicinity can be prevented by re-benching, if there is a requisite permission granted by this Tribunal to do so in time. He further submits that this re-benching will not only help to curb the catastrophe but would also help him get loose soil for filling the exhausted pit.

Learned Counsel appearing for the Respondent No.1 (M/s. H.L. Nathurmal) further submits that an application was moved to the Department of Mines some three years back for granting permission to commercially exploit the fractionated overburden. However, there has been no response from the Department of Mines since then. We feel that the purpose of sustainable development could be served if the application for granting permission to commercially exploit the overburden is considered positively by the Department of Mines.

Before we pass any such direction, we also feel it just and necessary to ask the Respondent No. 1 (M/s. H.L. Nathurmal) to file a comprehensive affidavit regarding his plans to commercially exploit the overburden generated in the mine and the steps he would take to restore the exhausted mined area. Such affidavit shall be filed within a week from today with advance copy to the Counsel appearing for the Applicant as well as to the Department of Mines (State of Goa).

We propose to pass necessary orders on the next date of hearing in light of the disclosures made by the Respondent No. 1 in Court. We, therefore, hope that the State of Goa, which is not present today before us, would take a due note of our intentions and accordingly respond to the said affidavit on the next date of hearing.

List the matter on 3rd September, 2014.

....., JM
(U.D. Salvi)

....., EM
(Dr. G.K. Pandey)

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