

BEFORE THE NATIONAL GREEN TRIBUNAL

PRINCIPAL BENCH, NEW DELHI

**Original Application No. 112/2013
(M.A. No. 611/2014)**

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. BIKRAM SINGH SAJWAN, EXPERT MEMBER**

**Present: Applicant / Appellant : Mr. S.M. Walawaikar, Adv.
Respondent (MoEF) : Mr. Vikas Malhotra and Mr. M.P. Sahay, Adv.**

	Date and Remarks	Orders of the Tribunal
	Item No. 5 September 15, 2014	<p>Heard. Perused.</p> <p>In the present application the Applicant is seeking restoration of the mining area described as an area originally covered under the mining concession/lease of T.C. No. 59/53 in the State of Goa and, alternatively, claiming damages for the damage caused to the environment due to mining.</p> <p>In course of the hearing of the application moved by the Respondent No. 1 (M/s. H.L. Nathurmal) – M. A. No. 472/2014 for closure of the proceedings, we had initially issued notice to the non-applicants on 31.07.2014. On that day, M/s. H.L. Nathurmal (the Applicant therein) made a statement they have been adhering strictly to the conditions of the mining plan reproduced at page no. 30 of the application and also the conditions stipulated for granting consent to operate. He further made a statement that no water from the entire mining area is allowed to leave the area but is harvested at the same place by means of tranches/garland drains constructed at foot of stacks.</p>

Incidentally, he made a statement that mined overburden has commercially utilizable components, such as Calcium Bentonite, Magniferous Clay, Dolomite and Red-oxide, and he has will and means to employ technology to segregate such components from this overburden and dispose of the same beneficially both to the economy as well as to environment.

On the date fixed for response on the said application, the Applicant in the original application made a statement on instructions that there is a merit in the statement made by M/s. H.L. Nathurmal regarding the conditions obtaining at the mine. The Applicant in the main application pointed out that the impending danger posed by the loose soil in the benches created for excavating the iron ore can be prevented by taking immediate steps for re-benching the existing benches.

Respondent No. 1 (M/s. H.L. Nathurmal) responded to this suggestion with a statement that the exhausted pits can be closed with loose soil obtained by taking steps for preventing the impending catastrophe likely to be caused due to collapse of the benches and consequent spillover of the loose soil in the agricultural fields in the vicinity can be thus prevented by re-benching. He further submitted that such re-benching will not only help to curb the catastrophe but would also help him get loose soil for filling the exhausted pit and the exhausted pit can be closed 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.

Today, Respondent No. 1 is also prepared to

undertake the process of closing the exhausted pits and carrying out afforestation in the area along with re-benching of the benches posing eminent danger of collapse. However, he submits that the State of Goa is not permitting him to enter the mining area for taking such restorative measures and there has been cold response to his pleas for beneficial use of the overburden.

Last time, we expressed hope that the State of Goa would be taking due note of the directions passed by us, particularly the direction dated 19.08.2014, and accordingly respond to the affidavit filed by the Respondent No. 1 regarding his plans to restore the existing mined area and commercially exploit the overburden generated in the mine.

Undoubtedly, the application filed by Respondent No. 1 for closure of the proceedings got dismissed on 03.09.2014 along with M.A. No. 1020/2013 moved for stay of the proceedings. However, the issue of restoration of the mined area continues to exist.

Actually, the restoration of the mined area ought to have weighed heavily in the mind of State of Goa, and as a corollary it would have responded to the present application appropriately. However, there seems no will on the part of the State of Goa to do even the least favour of responding to the cause of restoration. None is present before us to say anything in the matter.

As nobody is present on behalf of State of Goa, despite service, in exercise of our powers and in terms of the provision of Section 19 (4) (a) of the National Green Tribunal Act, 2010 read with Order XVI Rule 10(3) and

Section 151 of Code of Civil Procedure, 1908, we issue bailable warrant against the Chief Secretary, State of Goa in the sum of Rs. 20,000/- to the satisfaction of the arresting Officer, for securing his presence before us.

Bailable warrant made returnable on 26th September, 2014.

List the matter on 26th September, 2014.

Copy of this order be served by Dasti also.

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

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

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

