

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

**M.A. No.419 of 2014 (PH)**

**In**

**Original Application No.123 of 2014**

**And**

**M.A. No.469 of 2014, M.A. No.470 of 2014, M.A. No.471 of 2014,**

**M.A. No.473 of 2014, M.A. No.479 of 2014, M.A. No.480 of 2014,**

**M.A. No.488 of 2014, M.A. No.489 of 2014,**

**M.A. No.512 of 2014 & M.A. No.563 of 2014**

**In**

**Appeal No.23 of 2014(PH)**

**IN THE MATTER OF:**

**Himmat Singh Shekhawat Vs. State of Rajasthan & Ors.**

**And**

**Sunil Acharya Vs. Sanjay Bakliyal & Ors.**

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

**Present:**

<b>Applicant:</b> (OA No.123 of 2014)	<b>Mr. Anand Varma, Advocate</b>
<b>Respondent No. 1:</b>	<b>Mr. S.S. Shamsbery, AAG and Mr. Varun Punia, Advocates</b>
<b>Respondent No.5 to 14:</b>	<b>Mr. Vikas Malhotra and Mr. M.P. Sahay, MoEF Mr. Pinaki Misra, Sr. Advocate and Mrs. Megha Mehta Agrawal and Mr. Rohit Gupta, Advocates</b>
<b>Applicant:</b> (Appeal No.23 of 2014(PH))	
<b>Respondent No. 1:</b>	<b>Mr. Sandip Jha, Advocate</b>
<b>Respondent No. 2:</b>	<b>Mr. Sohail Dutt , Sr. Advocate with Mr. Sanjeev Kumar, Advocate</b>
<b>Respondent No. 3:</b>	<b>Mr. Sunil Prakash Sharma, Advocate</b>
<b>Respondent No. 4:</b>	<b>Ms. Bhavana Sharma, Advocate</b>
<b>Respondent No. 9:</b>	<b>Mr. S.S. Shamsbery, AAG and Mr. Varun Punia</b>
<b>Respondent No. 11:</b>	<b>Mr. Vivek Chib and Mr. Ashif Ahmed, Advocates, MoEF</b>

<b>Date and Remarks</b>	<b>Orders of the Tribunal</b>
<b>Item No. 1&amp;2 September 2, 2014</b>	Learned Counsel appearing for MoEF in the respective cases submits that the statement made by Dr. V.P. Upadhayay, Scientist 'F' and other Officer present on 28 <sup>th</sup> August, 2014 in Original Application Original Application No.279(THC) of 2013 : Promila Devi Vs. State of H.P. & Ors. and Original Application No.343 of 2013: Ranbir Singh Vs. State of H.P. & Ors. is correct and is the clear stand of MoEF. They further submit that MoEF cannot support the States which take a view that

the minor minerals activity other than river bed sand mining in an area of less than 5 hectares can be permitted without obtaining Environmental Clearance in accordance with law.

Further, they submit that it is supported by the clear language of the Judgement of the Supreme Court of India in Deepak Kumar & Ors. Vs. State of Haryana & Ors., (2012(4)SCC 629) particularly in paragraph No.19 of the Judgement.

List these matters on 9<sup>th</sup> September, 2014 at the end of the Board.

.....,CP  
(Swatanter Kumar)

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

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

.....,EM  
(Dr. R.C. Trivedi)

