

Item No. 12

(Court No. 2)

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

(Through Physical Hearing with Hybrid VC Option)

I.A. No. 66/2023

In

Original Application No. 432/2021

Shiv Singh

...Applicant

Versus

State of Rajasthan & Ors.

...Respondents

Date of hearing: 15.03.2023

**CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI, JUDICIAL MEMBER.
HON'BLE DR. AFROZ AHMAD, EXPERT MEMBER.**

Applicant: Mr. Shiv Singh in person.

Respondents: Mr. Nishant Awana, Advocate for Respondent No. 3.
Mr. Azmat H. Amanullah, Advocate for Respondent No. 5.
None has appeared for Respondents No. 1, 2 and 4.

Application is registered based on a letter petition received by Post.

ORDER

1. Grievance in this application is regarding damage caused by M/s J.M. Mines managed by one Mr. Bunti Jain, which is carrying on mining near village Kuker Kheda, Tehsil Bhim, District Rajsamand, to the house of applicant, which is located at a distance of 400 meters from the above-said mining site. It is submitted that granite is being mined by blasting which has resulted in cracks in the house of the applicant. Muck/ stones taken out from the mine are dumped in a nearby storm water drain/canal resulting in blocking of the free flow of the water.

2. Vide order dated 27.01.2022, this Tribunal constituted a Joint Committee with direction to submit Factual and Action Taken Report.

3. In compliance thereof, the report of the Joint Committee was filed

vide email dated 13.09.2022.

4. Vide order dated 23.02.2023 notices were ordered to be issued to the respondents including the Project Proponent. None appeared for Respondents No. 1, 2 and 4 despite due service.

5. Action Taken Report was filed by Respondent No.3-RSPCB vide email dated 06.02.2023.

6. Vide order dated 08.02.2023 Respondent No. 5-the Project Proponent was restrained from carrying out any further mining from the mining site in question till further orders to the contrary.

7. Respondent No. 5-the Project Proponent filed interim application No. 66/2023 for vacation of stay.

8. Replies/response were filed by Respondents No. 3-RSPCB and respondent No. 5- the Project Proponent vide emails dated 27.02.2023.

9. Compliance report has been filed by RSPCB vide email dated 14.03.2023, according to which, Show Cause Notice for imposing environmental compensation of Rs. 32,95,000/- has been issued to the Respondent No. 5-the Project Proponent.

10. Learned Counsel for Respondent No. 5-the Project Proponent has submitted that the Respondent No. 5-the Project Proponent has complied with the EC/CTE/CTO conditions/environmental norms and is also ready to implement CSR and Environmental Management Programme in the area and, therefore, Respondent No. 5-the Project Proponent may be allowed to resume mining operations.

11. In view of the fact that the claim of Respondent No. 5-Project Proponent regarding compliance with the EC/CTE/CTO conditions/environmental norms is supported by reports filed by RSPCB and the material on record to the extent as mentioned therein, the Respondent No. 5-Project Proponent is allowed to resume mining operations.

12. Project Proponent is also directed to ensure due compliance of all relevant EC/CTE/CTO conditions/environmental norms and also furnish action plan for undertaking CSR/Environmental Management Programme with timelines and budgetary provisions for each of the activities respectively. I.A. No. 66/2023 is disposed accordingly.

13. List the matter for further consideration on the date already fixed i.e. 27.03.2023.

14. A copy of this order be supplied to the applicant and be sent to the respondents by email for information/requisite compliance.

Arun Kumar Tyagi, JM

Dr. Afroz Ahmad, EM

March 15, 2023
AVT