

**BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH**

(By Video Conferencing)
Original Application No.539/2022

Omaram Banjara

...Applicant

Versus

State of Rajasthan

...Respondent

Date of hearing: 05.09.2022

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

Applicant: None.

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

ORDER

1. Mr. Omaram Banjara son of Shri Mangla Ram Banjara resident of Chotila, Tehsil Rohat, District Pali (Rajasthan) has sent the present letter petition, which is treated and registered as original application and has been assigned to this Bench under the orders of Hon'ble Chairperson of this Tribunal, complaining that Nayra Energy company indulged in illegal mining of soil from Goucher (Pasture) land, public ponds and water bodies of nearly villages and uprooted thousands of trees in Chotila, Tehsil Rohat, District Pali (Rajasthan) and thereby damaged the environment.

2. This Tribunal is empowered to ***suo moto*** take cognizance of the cases involving questions relating to environment arising out of the implementation of enactments specified in First Schedule of the National Green Tribunal Act, 2010 as held by Hon'ble Supreme Court in **Municipal Corporation of Greater Mumbai V/s. Ankita Sinha and others 2021 SSC Online SC 897.**

This Tribunal can also take cognizance of such cases on the basis of letter

petitions in accordance with settled principles of law governing Public Interest Litigation.

3. *Prima facie*, the averments made in the application raise questions relating to environment arising out of the implementation of the enactments specified in Schedule I to the National Green Tribunal Act, 2010. In view of the averments made in the application, we consider it appropriate that a Joint Committee be constituted to verify the factual position. Accordingly, we constitute a Joint Committee comprising of representative of State PCB, DFO and Collector, Pali and direct the same to meet, undertake visits to the site, look into the grievances of the applicant, associate the applicant and representative of the concerned project proponent, verify the factual position and submit its report within one month by e-mail at judicial-ngt@gov.in preferably in the form of searchable PDF/OCR Supported PDF and not in the form of Image PDF. The State PCB will be the nodal agency for coordination and compliance.

4. In case the Joint Committee observes any violation of consent conditions/environmental norms then it shall forward a copy of its report to:-

- (i) the Project Proponent to enable it to comply with the recommendations in its report or file objections against its observations/recommendations in its report and file its response before this Tribunal as desired within one month from the date of receipt of a copy of the report of the Joint Committee; and
- (ii) the State PCB, DFO and Collector, Pali to enable them to take appropriate remedial action by giving notice to/hearing the project proponent and following due process of law in accordance with Statutory provisions mandating them to take remedial action for prevention, control and abatement of environmental pollution/degradation and for protection and improvement of

environment and submit their action taken report within one month from the date of receipt of a copy of the report of the Joint Committee.

The reports be submitted by e-mail at judicial-ngt@gov.in preferably in the form of searchable PDF/OCR Supported PDF and not in the form of Image PDF.

5. List for further consideration on 06.12.2022.
6. A copy of this order, along with a copy of the application and documents attached with the same, be forwarded to the State PCB, DFO and Collector, Pali by e-mail for compliance.

Arun Kumar Tyagi, JM

Dr. Afroz Ahmad, EM

September 05, 2022
AG