

Item No. 04

Court No. 1

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

Original Application No. 747/2023
(I.A. No. 876/2023 & I.A. No. 877/2023)

Raj Kumar

Applicant

Versus

Ministry of Environment, Forests
and Climate Change & Ors.

Respondent(s)

Date of hearing: 02.01.2024

**CORAM: HON'BLE MR. JUSTICE PRAKASH SHRIVASTAVA, CHAIRPERSON
HON'BLE DR. A. SENTHIL VEL, EXPERT MEMBER**

Applicant: Mr. Tanay Timari, Ms. Pushpila Bisht, Ms. Pallavi Pratap & Ms. Kinjal Aggarwal, Advs. for Applicant

ORDER

1. In this Original Application, Applicant has raised a grievance in respect of advertisements issued by the District Magistrate, Banda for e-tender-cum-e-auction of mines in Banda.
2. Submission of learned Counsel for the Applicant is that no District Survey Report (DSR) has been prepared and that earlier on 23.11.2017 the DSR was prepared for the area for the period of five years, which has expired in the year 2022. Without preparing fresh DSR, the advertisement and e-auction is being done. He has further submitted that e-auction is being done without adhering to the provisions as prescribed in Sustainable Sand Mining Management Guidelines 2016 and Enforcement & Monitoring Guidelines for Sand Mining, 2020. He has also submitted that the District Magistrate has added replenishment quantity of minerals with the quantity at pre-monsoon level and advertised the area for mining which is in

violation of judgment of the Tribunal in the matter of *Sudarsan Das vs State of West Bengal* in OA No. 173/2018.

3. The plea taken in the OA raises substantial issue relating to compliance of the provisions of the Scheduled enactments.

4. Let notice be issued to the Respondents. Applicant is directed to serve the respondents and file affidavit of service on or before the next date of hearing.

5. The Respondent No. 7, District Magistrate, Banda is directed to file the report at least one week before the next date of hearing by e-mail at judicial-ngt@gov.in preferably in the form of searchable PDF/OCR Support PDF and not in the form of Image PDF.

6. List on 26.02.2024.

Prakash Shrivastava, CP

Dr. A. Senthil Vel, EM

January 02, 2024
Original Application No. 747/2023
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DV.