

Item No. 01

Court No. 1

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

Original Application No. 799/2023
(IA No.889/2023)

Ritisha Gond D/o Gopal Gond

Applicant

Versus

Union of India

Respondent

Date of hearing: 05.03.2024

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

Applicant: Mr. Abhishek Kumar Chaubey, Adv. for Applicant (Through VC)

ORDER

1. In this original application the applicant has raised the grievance that respondent no. 15 to 20 are carrying out illegal mining outside the approved lease area including the reserve forest. Further, plea is that they are using heavy drilling/blasting machines as well as uncontrolled blasting at Billi Markundi, Pargana Agori, Tehsil Obra, District Sonbhadra on Arazi No. 7536Ga, 7536 Gha, 4949Ka, 4949Kha/1, 4478Chha, 4478, 5593Ka, 5593Jha, 7407, 7407Ka, 7407Kha, 4860Ka and 4810 respectively. The allegation of the applicant is that on account of the blasting using gun powder for mining of boulder/dolo-stone, extensive damage is caused to the forest area and that vibration noise, dust /toxic fumes and chemical contamination is affecting the flora and fauna.

2. Learned Counsel for the applicant during the course of the argument has referred to the order dated 08.08.2023 passed by the District Magistrate, Sonbhadra recording the finding that illegal mining has been done and imposing the penalty for the same against the private

respondent. He has also referred to the EC condition 9 and 10 of the order dated 10.11.2014 issued by SEIAA UP and has submitted that these specific EC conditions have been violated.

3. The OA raised substantial issue relating to compliance of the environmental norms.

4. Issue notice to the respondents. Applicant is directed to serve the respondents and file an affidavit of service at least one week before the next date of hearing.

5. Considering the nature of grievance raised in the application we also form a Joint Committee comprising of the (i) representative of Member Secretary, CPCB (ii) RO, MoEF&CC, (iii) DFO, Sonbhadra, (iv) District Magistrate, Sonbhadra and (v) DGMS, Mines Safety, Varanasi Region. District Magistrate, Sonbhadra will act as the coordinating agency. Joint Committee will collect the information about extent of illegal mining, mining in the forest area, non-compliance of the EC condition and the extent of damage caused by the project proponent to the environment and also suggest the remedial measures.

6. The Joint Committee will submit the report before the Tribunal at least one week before the next date of hearing.

7. List on 15.05.2024.

Prakash Shrivastava, CP

Dr. A. Senthil Vel, EM

Dr. Afroz Ahmad, EM

March 05, 2024
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