

Item No. 01

Court No. 2

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

Original Application No. 351/2023
(I.A. No. 519/2023)

Raja Muzaffar Bhat

Applicant

Versus

Union Territory of Jammu & Kashmir & Ors.

Respondent(s)

Date of hearing: 29.05.2023

**CORAM: HON'BLE MR. JUSTICE SUDHIR AGARWAL, JUDICIAL MEMBER
HON'BLE DR. A. SENTHIL VEL, EXPERT MEMBER**

Applicant: Mr. Rahul Choudhary and Ms. Sruthi K., Advocates

ORDER

1. Heard Learned Counsel for the Applicant.
2. Learned Counsel for the applicant at the outset stated that the issue related to illegal mining activities in different Districts has been clubbed together. He requested that he may be permitted to withdraw this Original Application in respect of Respondent Nos. 6, 7 and 9 and Respondent No. 8 may be allowed to be re-numbered as Respondent No. 6 and application may be considered accordingly.
3. The prayer is accepted. Let the necessary correction in the array of parties be made during course of the day.
4. This Original Application under Section 14 and 15 of National Green Tribunal Act, 2010 (hereinafter referred to as 'NGT Act, 2010') has

been preferred alleging that Respondent Nos. 5 & 6 are undergoing with mining activities in violation of conditions of EC in as much as heavy machineries are being deployed, in-stream mining which is not permissible, is being undertaken and the said respondent nos. 5 & 6 have also undergone mining beyond the area for which the mining leases and ECs have been granted. Though in the Original Application some other grounds also taken but they are not pressed at the time of arguments.

5. In our view, on the issue raised before us, it will be appropriate to obtain a factual report, for the purpose whereof, we constitute a joint Committee comprising State PCB; SEIAA J&K; Director, Geology and Mining Department and District Magistrate, Budgam. The factual and action taken report shall be submitted within two months 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. State PCB shall be the nodal agency for coordination and compliance.

7. List for further consideration on 11.08.2023.

8. A copy of this order be forwarded to State PCB; SEIAA J&K; Director, Geology and Mining Department and District Magistrate, Budgam by e-mail for compliance.

Sudhir Agarwal, JM

Dr. A. Senthil Vel, EM

May 29, 2023
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