

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

Original Application No. 624/2023

News Item published in The Tribune dated 28.09.2023 titled as "Hills 'vanish' as illegal mining rampant in Beet area"

Date of hearing: 29.08.2024

**CORAM: HON'BLE MR. JUSTICE PRAKASH SHRIVASTAVA, CHAIRPERSON
HON'BLE MR. JUSTICE SUDHIR AGARWAL JUDICIAL MEMBER
HON'BLE DR. AFROZ AHMAD, EXPERT MEMBER**

Respondent: Ms. Soni Singh, Adv. for CPCB (Through VC)
Mr. I.K. Kapila, Advs. for R - 7 & 9 to 19
Ms. Sunieta Ojha, Adv. for Punjab PCB (Through VC)

ORDER

1. In this original application, Tribunal is considering the issue of illegal mining and consequential vanishing of Shivalik Hills, as high as 200 feet in the Beet area of Garhshankar Sub-Division.

2. Learned Counsel for the Punjab Pollution Control Board (PPCB) on 14.05.2024 had referred to the action plan for assessment and recovery of compensation for illegal sand mining and had submitted that the EC is now required to be calculated and recovered by the Mining Department. Hence, Tribunal had observed that the responsibility of levy and recovery of EC for violation of environmental norms primarily lies with the Pollution Control Board and in this background, Tribunal had directed the Member Secretary, Central Pollution Control Board (CPCB) to make the position clear by filing the response confining to the said issue.

3. CPCB has filed the response dated 23.08.2024 taking the same plea which was taken by Counsel for PPCB and stating as under:

*“(d) In view of submission (b) and (c) Hon'ble NGT may consider authorizing assessment and recovery of (environmental) compensation by the **Mining Department** in cases of **illegal mining** without Environmental Clearance / Consent or beyond Environmental Clearance / Consent limits, whereas, **SPCBs** may be authorized to levy and recover (environmental) compensation for **violation of Environmental Clearance / Consent conditions** in cases where the Environmental Clearance/Consent have been granted.”*

4. In spite of the lengthy hearing, Learned Counsel for CPCB could not point out any statutory provision under which the Mining Department can recover the EC. She has placed reliance upon the order of the Tribunal dated 26.02.2021 in OA No. 360 of 2015 but from that order also she could not point out that Tribunal had authorised the Mining Department to recover the EC. It cannot be disputed that the EC for causing damage to the environment can be recovered only in accordance with law.

5. In the aforesaid background, Learned Counsel for CPCB seeks time to re-examine the plea of levy and recovery of EC by the Mining Department. Four Weeks time as prayed for filing a fresh report keeping in view the observations made above is granted to the Counsel for the CPCB.

6. List on 10.12.2024.

Prakash Shrivastava, CP

Sudhir Agarwal, JM

Dr. Afroz Ahamd, EM

August 29, 2024
Original Application No. 624/2023
JG.