

**BEFORE THE NATIONAL GREEN TRIBUNAL
CENTRAL ZONE BENCH, BHOPAL
(Through Video Conferencing)**

Original Application No. 112/2023(CZ)
(I.A. No. 89/2023) (I.A. No. 90/2023)
(I.A. No. 98/2023)

Nature Club of Rajasthan

Applicant(s)

Versus

State of Rajasthan & Ors.

Respondent(s)

Date of Hearing: **15.01.2024**

**CORAM: HON'BLE MR. JUSTICE SHEO KUMAR SINGH, JUDICIAL MEMBER
HON'BLE DR. A SENTHIL VEL, EXPERT MEMBER**

For Applicant (s): Mr. Sandeep Singh Shekhawat Adv.

For Respondent(s): Mr. Arvind Nayyar, Sr. Adv.
(with Mr. Aman Jha, Adv.,
Mr. Rishi Tutu, Adv &
Mr. Pratap Thakur, Adv.)
Mr. Ajit Sharma, Adv.
Mr. Nishant Kesharwani, Adv.
(for Mr. Shoeb Hasan Khan, Adv.)
Dr. Sapna Agarwal, Adv.
Mr. A. Rangnathan, Adv.
Mr. Sandeep Singh, Adv.

ORDER

1. Heard the learned counsel for the applicant and the learned counsel for respondents.
2. The present original application has been filed with the following prayer :-
 - a. Direct that no sand mining /desilting works would be permitted in and beyond the submerged area of Bislapur Dam, District Tonk, Rajasthan pursuant to tender dated 21.11.2022 and
 - b. Direct that a Detail Project Report be prepared by a public-sector enterprise w.r.t. the proposed desilting works at

- Bisalpur Dam and such DPR be placed before the Technical Advisory Committee as provided for in the Clause 7 of the National Framework for Sediment Management, 2022 published by the Ministry of Jal Shakti, Union of India, and
- c. Direct that Desilting work pursuant to tender dated 21.11.2022 requires prior Environmental Clearance, a feasibility report, an environment management plan and a NOC from the Pollution Control Board as provided for in the CWC report titled “Operational Procedures for Assessing & Managing Environment Impacts in Existing Dam Projects, 2020”, which has MoEF approval; and
 - d. Direct that no desilting works would commence at the Bisalpur Dam during the pendency of the present proceedings and
 - e. Stay further proceedings pursuant to tender dated 21.11.2022 during the pendency of the present Original Application;
 - f. Direct Respondents to pay the costs of the present application to the applicant; and
 - g. Pass any other order that this Hon’ble Tribunal may deem fit.
3. The issue raised in the present original application was directly and substantially in issue in original application no. 06/2023 which was heard and decided by this Tribunal vide order dated 24.11.2023, the operative portion is quoted below :-
- “(Para 160)**
- i. Respondent 5 i.e., ERCPCL is restrained from permitting/allowing respondent 6 i.e., project proponent, to proceed with desilting and dredging activities, extraction of mineral and its disposal pursuant to impugned NIT/NIB dated 21.11.2022 unless prior EC under EIA 2006 is obtained by respondent 6.

- ii. Respondent 6 is also restrained from carrying out any dredging/desilting activities, extraction silt/sand/gravel mixed silt from the sub-merged area of Bisalpur Dam and other mining activities until and unless prior EC under EIA 2006 after following the procedure laid down therein, is obtained.
 - iii. Respondent 6 shall follow other environmental laws and obtain requisite Consents/NOCs/Clearances in accordance with law before proceeding for desiltation activities and strictly comply with the environmental laws.
 - iv. In case environmental laws and directions above are not complied with, the Statutory Regulator i.e., Rajasthan State Pollution Control Board shall take appropriate preventive, prohibitive, punitive and remedial action against the defaulter(s).”
4. Thus, the present **Original Application No. 112/2023 alongwith I.As. No. 89/2023, 90/2023 and 98/2023** stand **disposed of** on the same terms and conditions.

Sheo Kumar Singh, JM

Dr. A Senthil Vel, EM

15th January, 2024
O.A No. 112/2023 (CZ)
PN