

Item No. 03

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

**Original Application No.140/2023(CZ)
(I.A.No.09/2024)**

Govind Ram Soni & Ors.

Applicant(s)

Vs

District Collector & Ors.

Respondent(s)

Date of Hearing: **15.03.2024**

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

For Applicant (s):	Mr.Dharamvir Sharma, Adv. Mr.Govind Ram Soni,
For Respondent(s):	Mr. Nishant Kesharwani, Adv. for' Mr. Shoeb Hasan Khan, Adv. Mr. Yadvendra Yadav, Adv. Mr. Nandini Rathi, Adv. for Mr. Rohit Sharma, Adv.

ORDER

1. The Original Application No. 226 of 2020 was finally heard and decided by the Principal Bench of this Tribunal at New Delhi with operative portion as follows :

“Having regard to the violations/damage by the PP and overall estimated cost of ecological rehabilitation and restoration and financial capacity of the PP, we require the PP to deposit a sum of Rs. 25 crore with the District Magistrate, Bhilwada within three months to meet the cost of remediation measures. A joint Committee of CPCB, State PCB and District Magistrate, Bhilwada with the assistance of any other experts may prepare a restoration plan for remediating the soil and quality of ground water in the area, apart from undertaking health improvement programme for the inhabitants and the cattle. The action taken may be placed on the website of the District Magistrate, Bhilwada and its execution duly monitored. The remediation works may be got executed by an appropriate agency utilizing the amount deposited by the PP and the PP itself will have liberty to get the such work executed of restoration/rehabilitation on its own or through any other agency, if found proper by the joint Committee in the circumstances. A

public awareness group may be setup jointly by the DM and the PP to list out the issues requiring further action. The amount deposited will be utilized for executing the plan within one year, associating all stake holders, including the PP and civil society in a suitable manner, subject to overall supervision of the Committee. State PCB will be the nodal agency. In case the amount deposited is found to be deficient, the Tribunal may consider further directions, depending upon the material available. The joint Committee may have a report of status of compliance as on 31.03.2023 filed before the Registrar General of this Tribunal by e-mail at judicialngt@gov.in preferably in the form of searchable PDF/ OCR Support PDF and not in the form of Image PDF by 30.04.2023. In case any further direction becomes necessary, the Registrar General will place the matter before the Bench.”

2. Now by way of filing independent Original Application i.e. present O.A., applicant has prayed to direct the respondent no. 1 to evaluate just and fair environmental compensation from that amount deposited by the respondent. Respondent/State of Rajasthan has filed the reply with the fact that administrative sanction for agricultural remediation, drinking water, rain water harvesting, repairing water harvesting, R.O. Plant, medical and health, door to door survey, CHC strengthening work, cattle health, school, irrigation are under process and at the stage of technical sanction. It is further stated that distribution of any compensation was not part of order, thus, the Collector/respondent are feeling difficulty in the distribution of any amount. As per settled norms the matter arising out of any decision, judgment, order may be placed before the same bench in the same petition, because any interpretation of that order includes review or change of the order which is not justifiable by other Bench.
3. Accordingly the applicant has appropriate remedy to file appropriate application before the Bench which decided the O.A. with regard to rehabilitation and restoration or taking remedial measures. In O.A No.

78/2022 the application of the Petitioner has already been forwarded to the Joint Committee constituted vide order dated 02.02.2022 passed in O.A No. 226/2020. It is further submitted that there is already existing directions in O.A. No. 226/2020 that the compliance status may be filed before the Registrar General of the Bench, who may in case of necessity or in case of any further direction, will place the matter before the same Bench.

4. In view of the above facts, the applicant is at liberty to place the representation and the facts before the Joint Committee constituted as referred above or before the appropriate Bench.

Accordingly, the Original Application No. 140/2023 (CZ) stands **disposed** of.

Sheo Kumar Singh, JM

Dr. A Senthil Vel, EM

15th March, 2024
O.A. No. 140/2023(CZ)
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