

Item No. 5

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

**Original Application No.98/2023(CZ)
(I.A.No.82/2023)**

Caveat No.16/2023 (CZ)

Caveat No.20/2023 (CZ)

Rashikeshwar Das Dwivedi

Applicant(s)

Vs.

State of Madhya Pradesh & Ors.

Respondent(s)

Date of Hearing: **06.11.2023**

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

For Applicant(s):

Mr. Vansdeep Dalmia, Adv.

For Respondent(s):

Mr. Om Shankar Shrivastava, Adv.

Mr. Mehul Bhardwaj, Adv.

Mr. Aadarsh, Adv.

ORDER

1. The grievance of the applicant is to issue directions to the respondent to conduct replenishment study in four districts Shahdol, Singrauli, Anupur & Dewas as per the SSMG, 2016 and EMGSM, 2020 before permitting / allowing mining activities pursuant to the e-tender auction notice dated 12.08.2023 whereby and where under sand mining activities is proposed to be carried out in 122 Sand Ghats admeasuring 585 ha. situated on the river bed of the Narmada, Sone, Kali Sindh, Mudna, Banas, Odari, Balodh, Mayar, Gopad, Rihand, Sarav, Tipan etc.
2. The matter was taken up by this Tribunal and report was called for from the Madhya Pradesh State Mining Corporation and in its affidavit and reply submitted by the Mining Corporation it has been stated that the applicant has attached extracts of DSR of four districts but have concealed the Mining Plans, replenishment studies, replenishments plans of these districts which are

prepared pre monsoon and duly approved by the authorities prior to the issuance of the E-tenders by the answering respondent and thereafter processed through PARIVESH Portal for further scrutiny. Copy of the relevant part and extracts of the DSR of the Districts are also attached. The answering respondent has not produced the full set of document as voluminous and ready to file the complete set as and when this Hon'ble Tribunal desires, in the interest of justice. That, further it's humbly submitted that, the Mining Plan as per rule 12(1) of the sand (Mining, Transportation, storages and trading) Rules 2019 with survey report, annual replenishment studies along with reclamation plan for the year 2023-2024 are uploaded at PARIVESH Portal of Govt. of India MoEF &CC under EIA Notification 2006 for grant of EC at different phase numbers of sand mines by the answering respondent for detail deliberation on the every aspects including anxiety raised by the applicant in the instant petition. Therefore, the instant application being premature deserve to be dismissed at threshold.

3. During the course of the hearing Learned Counsel for the applicant has submitted that in view of the reply submitted by the Mining Corporation the survey report Annual Replenishment Study along with Reclamation plan has been uploaded on Parivesh Portal, Govt. of India, MoEF&C and thus, this Original Application may be finally disposed of.
4. In view of the above facts, the Original Application No. 98 of 2023 stands **disposed** of.

Sheo Kumar Singh, JM

Dr. A Senthil Vel, EM

6th November, 2023
O.A. No. 98/2023 (CZ)
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