

Item No. 1

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

Original Application No. 99/2023(CZ)

Caveat No.11/2023 (CZ) Caveat No.12/2023 (CZ) Caveat No.13/2023 (CZ)

Caveat No.14/2023 (CZ) Caveat No.15/2023 (CZ) Caveat No.17/2023 (CZ)

Caveat No.18/2023 (CZ) Caveat No.19/2023 (CZ)

Ajay Gunwani

Applicant(s)

Versus

Union of India& Ors.

Respondent(s)

Date of Hearing: **04.09.2023**

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

For Applicant(s):

Mr. Shivanshu Singh, Adv. with
Mr. Rohit Sharma, Adv.

For Respondent(s):

Mr. Om Shankar Shrivastav, Adv.

ORDER

1. The crux of the issue revolves around the issuance of Tender Notices dated 11.08.2023 by MP State Mining Corporation in encompassing Sand Mining activities in 17 districts name Guna, Rajgarh, Dhar, Dewas, Singrauli, Shahdol, Annupoor, Shajapur, Dindori, Panna, Tikamgarh, Alirajpur, Ujjain, Mandsaur, Ratlam, Agar-Malwa and Bhind whereby a bidders have been directed to ensure physical verification of the sand mines before executing of tender.
2. Contention of the Learned Counsel for the Applicant is that vide appendix table 9 of guidelines the normal dates of onset and withdrawal of monsoon in the State of MP is 15th June to 1st October and the State of MP observes a monsoon ban during this period. The contention of the Applicant is that it is in violation of guidelines issued by MoEF&CC because NIT was issued during the ongoing

rainy season. Learned Counsel for the Respondent/Shri Om Shankar Shrivastav put up in appearance and submitted that the e-tender process has been initiated which take time and the last date for filing the application for tender is 06.09.2023 which shall be opened (Tender proposal) on 08.09.2023 and be completed upto 14.09.2023. Thereafter, it shall be sent to SEIAA which will consider on documentation / formalities / guidelines and replenishment study with DSR. It is at the stage of consideration of SEIAA and this application is premature. In view of the above, simply floating the tender is a preliminary process and it is left for SEIAA to consider the matter at the time when the matters are placed before the SEIAA. With these observations (since the application is premature) it is found that the application is not maintainable at present. However, the Applicant will be at liberty to file afresh after decision taken by the SEIAA.

3. With these observations, the Original Application No. 99/2023 (CZ) with all Caveat Nos.11/2023 (CZ), 12/2023 (CZ), 13/2023 (CZ), 14/2023 (CZ), 15/2023 (CZ), 17/2023 (CZ), 18/2023 (CZ), 19/2023 (CZ) stands **disposed** of.

Sheo Kumar Singh, JM

Dr. A Senthil Vel, EM

4th September, 2023
O.A No.99/2023(CZ)
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