

Item No.1

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

**Original Application No. No.101/2023(CZ)
(O.A.No.408/2022 - PB)**

Abhay Jain

Applicant(s)

Versus

State of Madhya Pradesh & Ors.

Respondent(s)

Date of Hearing : 13.09.2023

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

For Applicant(s):

None

For Respondent(s):

Mr. Prashant M. Harne, Adv.
Mr. Anoop Shrivastav, SDM, Shivpuri
Ms. Parul Bhadoria, Adv.

ORDER

1. The issue involved in this application is illegal mining in the Eco Sensitive Zone and this Tribunal, taking cognizance of the matter directed the authorities to take remedial measures. Vide report and reply filed by the Respondent no. 1, 2 & 3 it has been narrated that the funds are not available and the same has been sent to High Level Committee headed by the Government. The Tribunal has already directed vide order dated 21.09.2022 in para 5 as follows :

“It is evident that subsequent to closing of the mining activities, appropriate actions for reclamation of the mined area and implementation of the mining closure plan, which ought to have been ensured by the mining department, have not been taken. The Director, Mining and Geology, State of Madhya Pradesh is directed to take requisite remedial action for reclamation of the land in question and implementation of the mine closure plan within two months. The expenses for such remedial action may be initially borne by the State of Madhya Pradesh but the same

may be recovered from the defaulting Project Proponents in accordance with the 'polluter pays principle' by following due process of law. The Director, Mining and Geology, State of Madhya Pradesh shall submit compliance Report in this regard, supported with photographs taken before and after reclamation, by email within three months at judicialngt@gov.in preferably in the form of searchable PDF/OCR Supported PDF and not in the form of Image PDF."

2. Accordingly, in light of order and in light of the Polluters Pay Principle the Collector is directed to implement the Mine Closure Plan by recovering the amount from the Project Proponents according to the rules and submit the report within 30 days.

3. List it on **13th October, 2023.**

Sheo Kumar Singh, JM

Dr. A Senthil Vel, EM

13th September, 2023
O.A No.101/2023(CZ)
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