

Item No.2

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

Original Application No.199/2023(CZ)

Ajit Singh

Applicant(s)

Vs.

State of Madhya Pradesh & Ors

Respondent(s)

Date of Hearing: **09.01.2024**

**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):

ORDER

1. This letter petition have been filed challenging the mining lease in village Panchayat Manuhai Dhanuhinar, Mauganj District Rewa (M.P.) in favour of Collector Singh and Vikas on the ground that No Objection Certificate from the Gram Panchayat has not been obtained for mineral lease and the NOC furnished for applied mining lease is fake for which appropriate action should be taken. Section 16 of the National Green Tribunal Act provides as follows :

“16 Tribunal to have appellate jurisdiction. -Any person aggrieved by,-

(a) an order or decision, made, on or after the commencement of the National Green Tribunal Act, 2010, by the appellate authority under section 28 of the Water (Prevention and Control of Pollution) Act, 1974 (6 of 1974);

(b) an order passed, on or after the commencement of the National Green Tribunal Act, 2010, by the State Government under section 29 of the Water (Prevention and Control of Pollution) Act, 1974 (6 of 1974);

(c) directions issued, on or after the commencement of the National Green Tribunal Act, 2010, by a Board, under section 33A of the Water (Prevention and Control of Pollution) Act, 1974 (6 of 1974);

(d) an order or decision made, on or after the commencement of the National Green Tribunal Act, 2010, by the appellate authority under section 13 of the Water (Prevention and Control of Pollution) Cess Act, 1977 (36 of 1977);

(e) an order or decision made, on or after the commencement of the National Green Tribunal Act, 2010, by the State Government or other authority under section 2 of the Forest (Conservation) Act, 1980 (69 of 1980);

(f) an order or decision, made, on or after the commencement of the National Green Tribunal Act, 2010, by the Appellate Authority under section 31 of the Air (Prevention and Control of Pollution) Act, 1981 (14 of 1981);

(g) any direction issued, on or after the commencement of the National Green Tribunal Act, 2010, under section 5 of the Environment (Protection) Act, 1986 (29 of 1986);

(h) an order made, on or after the commencement of the National Green Tribunal Act, 2010, granting environmental clearance in the area in which any industries, operations or processes or class of industries, operations and processes shall not be carried out or shall be carried out subject to certain safeguards under the Environment (Protection) Act, 1986 (29 of 1986);

(i) an order made, on or after the commencement of the National Green Tribunal Act, 2010, refusing to grant environmental clearance for carrying out any activity or operation or process under the Environment (Protection) Act, 1986 (29 of 1986);

(j) any determination of benefit sharing or order made, on or after the commencement of the National Green Tribunal Act, 2010, by the National Biodiversity Authority or a State Biodiversity Board under the provisions of the Biological Diversity Act, 2002 (18 of 2003), may, within a period of thirty days from the date on which the order or decision or direction or determination is communicated to him, prefer an appeal to the Tribunal:

Provided that the Tribunal may, if it is satisfied that the appellant was prevented by sufficient cause from filing the appeal within the said period, allow it to be filed under this section within a further period not exceeding sixty days.”

2. The challenge of the mining lease may be made by moving an appropriate application by way of filing appeal according to the procedure mentioned above, with the details of the order and copy of the order before the appropriate forum within a time period. Accordingly, this appeal cannot be treated as appeal. The applicant is at liberty to approach appropriate forum by way of filing appeal/revision according to the rules.
3. The Original Application No. 199/2023 stands **disposed** of accordingly.

Sheo Kumar Singh, JM

Dr. A Senthil Vel, EM

9th January, 2024

O.A No. 199/2023 (CZ)

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