

Item No. 07:-

**BEFORE THE NATIONAL GREEN TRIBUNAL
SOUTHERN ZONE, CHENNAI**

(Through Video Conference)

Original Application No. 142 of 2022 (SZ)

IN THE MATTER OF:

Dr. Sarvabhoun Bagali,
Karnataka.

...Applicant(s)

Versus

State of Karnataka,
Through its Director,
Dept of Mines & Geology,
Bengaluru and Ors.

...Respondent(s)

Date of hearing: 08.02.2023.

CORAM:

HON'BLE Smt. JUSTICE PUSHPA SATHYANARAYANA, JUDICIAL MEMBER

HON'BLE Dr. SATYAGOPAL KORLAPATI, EXPERT MEMBER

For Applicant(s): Mr. Aagney Sail.

For Respondent(s): Mr. Rajat Jonathan Shaw represented
Mr. Darpan K.M. for R1.
Mr. R. Bharadwajaramasubramaniam for R5.

ORDER

1. This application is challenging the work order issued in favour of the 5th respondent which is the Karnataka State Minerals Corporation Limited for the excavation of sand from silt in the backwater of Adhyapadi Dam in Managluru Taluk and Shamburu Dam in Bantwal Taluk. The above said work order was issued on 27.11.2020 and is valid for a period of five years. As per the work order, the sand available in the silt should be sold at the rate fixed by the Government which is a commercial activity.
2. In this regard, we have to point out that S.O. No. 141(E) of MoEF&CC dated 15.01.2016 grants exemption of certain cases from the requirement of Environmental Clearance (EC) under Appendix - IX. Clause - 7 of the same, clearly and categorically states that dredging and de-silting of dams, reservoirs, weirs, barrages, river and canals for the purpose of maintenance, upkeep and disaster management are only exempted.
3. Admittedly, in this case, no Environmental Clearance (EC) has been obtained. The excavation is being done only based on the work order which prima facie appears to be in contradiction with the conditions of the MoEF&CC.
4. As the project proponent itself is the Government of Karnataka, we direct the 5th respondent to maintain the status quo till such time they file their counter and supporting documents.

5. Let the matter be listed on 15.02.2023. In the meanwhile, the other respondents who have not filed their reports are also directed to file the same.

Sd/-
Smt. Justice Pushpa Sathyanarayana, JM

Sd/-
Dr. Satyagopal Korlapati, EM

O.A. No.142/2022(SZ)
08th February 2023. AD.

