

Item No.8:-

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

(Through Video Conference)

**Execution Application No.04 of 2023 (SZ) in
Original Application No.187 of 2021 (SZ)**

IN THE MATTER OF:

Nagendrakumar,
Guntur District, Andhra Pradesh

...Applicant(s)

Versus

Govt. of India,
Rep. by its Secretary
MoEF&CC, New Delhi & Ors.

...Respondent(s)

Date of hearing: 02.08.2023.

CORAM:

HON'BLE Smt. JUSTICE PUSHPA SATHYANARAYANA, JUDICIAL MEMBER

HON'BLE Dr. SATYAGOPAL KORLAPATI, EXPERT MEMBER

For Applicant(s): Mr. Ritwick Dutta along with
 Mr. G. Stanly Hebzon Singh.

For Respondent(s): Mrs. Madhuri Donti Reddy for R2 to R18.
 Mr. N. Sreedhar Reddy for R19 & R20.

ORDER

1. Today, the learned counsel Mr. N. Sreedhar Reddy entered appearance on behalf of Respondents No.19 and 20.
2. After the Judgment was passed by us on 23.03.2023, the SEIAA – Andhra Pradesh issued a stop notice to all the sand reaches, wherein 110 Nos. of EC orders were issued in the State of Andhra Pradesh. The relevant portion of the order of the SEIAA – Andhra Pradesh reads as follows:-

“Further this direction is also applicable to all sand mining activities for which ECs issued under semi-mechanized mining even if it is not listed in the above Annexure.”

3. As the Project Proponent (M/s. Jai Prakash Power Ventures Limited) was a party before us, a specific stop order was issued on 27.04.2023 by the SEIAA – Andhra Pradesh.
4. The learned counsel appearing for Respondents No.19 and 20 (M/s. Jai Prakash Power Ventures Limited) would state that after the receipt of the said notice from the SEIAA – Andhra Pradesh, they have stopped the mining in these reaches. Besides, it was stated that as the monsoon commenced, nobody could do the mining.
5. The learned counsel further states that the mining activities were stopped pursuant to our order only in the Listed 1 – 18 ECs and amended ECs granted and not for the other 110 reaches, as listed by the SEIAA – Andhra Pradesh. The said statement is denied

and disputed by the applicant's counsel stating that even during the rainy season, machines were deployed for mining.

6. To evidence the same, he has furnished photographs with longitude and latitude details. If it is found that the Project Proponent has disobeyed the order of this Tribunal by misreading the order, it is at their own risk and peril.
7. In the meanwhile, the Project Proponent has also moved the Hon'ble Supreme Court in **Civil Appeal Nos.4091 - 4093 of 2023 (Jaiprakash Power Ventures Limited & Anr. Vs. Nagendra Kumar & Ors.)**.
8. The Hon'ble Supreme Court by order dated 14.07.2023 had granted the stay of operation of Clause (7) of the impugned order and made it clear that the immediate interim relief granted is subject to the condition of compliance of Clause (2) of the operative part of the impugned order. Clause (2) has specifically stated that all operation should be stopped forthwith and the project proponents may be directed by the SEIAA to obtain a fresh EC before proceeding further.
9. In this regard, we direct the SEIAA - Andhra Pradesh to file a report whether after their stop notice which was issued on 27.04.2023, either the Respondents No.19 & 20 herein or any other project proponent was carrying on the mining activity in disobedience of the order.
10. Let the Project Proponent (Respondents No.19 & 20) also file their detailed report in this regard.

11. We once again make it very clear that unless otherwise fresh EC is obtained by the Project Proponents from the SEIAA – Andhra Pradesh, mining operations cannot be proceeded with.
12. Post the matter on 01.09.2023.

Sd/-

Smt. Justice Pushpa Sathyanarayana, JM

Sd/-

Dr. Satyagopal Korlapati, EM

E.A. No.04/2023 (SZ) in
O.A. No.187/2021(SZ)
02nd August 2023. Mn.

