

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

Original Application No. 72/2020 (CZ)

Tarun Kanujiya
(Sahas Mahila Sikshan Evam Samajik Vikas Sanstha) Applicant(s)

Versus

State of Madhya Pradesh & Ors. Respondent(s)

Date of hearing: 22.06.2021

**CORAM: HON'BLE MR. JUSTICE SHEO KUMAR SINGH, JUDICIAL MEMBER
HON'BLE DR. ARUN KUMAR VERMA, EXPERT MEMBER**

For Applicant(s): Mr. Dharamveer Sharma, Adv.

For Respondent(s) : Ms. Parul Bhadoria
Mr. Enosh George
Mr. Shreyas Dharmadhikari, Adv.
Mr. Om Shankar Shrivastava, Adv.

ORDER

1. The issue raised in this application is illegal mining and prayer for direction to the Respondent No. 3, M.P. State Mining Corporation to ensure Scientific Replenishment Study as prescribed in Sand Guidelines (EMGSM-2020) issued by MoEF&CC before allowing sand mining and to take necessary action on the Principle of Polluter Pays.
2. The matter was taken up on 26.08.2020, and the committee consisting the Collector, Mining Department and State Pollution Control Board were directed to submit a factual and action taken report. In compliance, thereof, the Joint Committee visited the place and submitted the factual and

action taken report. The details and findings of the inspection are as under :-

1. The inspection of **Sombalwada sand quarry**, Tehsil Budhni was carried out on 26.09.2020 and at the time of inspection, no mining activity was found to be in operation and no machineries or equipments were existing over the sand quarry in question. The quarry lease has been granted for 03 years as per the Letter of Intent by Mining Department dated 10.02.2020. The consent to operate obtained for the said quarry is valid upto 31.03.2021.
2. Thereafter, the team inspected **Mahukala sand quarry**, Tehsil Budhni, inspected on 26.09.2020 wherein no sand mining activity was found on the spot. The quarry lease has been granted for 03 years as per the Letter of Intent by Mining Department dated 10.02.2020. The consent to operate obtained for the said quarry is valid upto 31.03.2021.
3. Thereafter, the team left for carrying out inspection of Sardarnagar sand quarry, Tehsil Budhni, but due to heavy monsoon and blockage of the roads, the team could not inspect the site in question. The photographs shows the vulnerable situation and the water being filled at the approach road due to which the vehicles of the inspection team could not reach the site. It is significant to mention here that the team visited Sardarnagar sand quarry again and inspected on 16.10.2020, after the monsoon ban was over. During the inspection it was found that, the mining activities were being carried out in the mining lease area in compliance of the mining rules. The quarry lease has been granted for 03 years as per the Letter of Intent by Mining Department dated

10.02.2020. The consent to operate obtained for the said quarry is valid upto 31.03.2021.

4. Thereafter, the team inspected the Bhagwada Joshipur sand quarry wherein no mining activities were found at the spot on 26.09.2020. That maximum part of Bhagwada Joshipur sand quarry was submerged in water. The quarry lease has been granted for 03 years as per the Letter of Intent by Mining Department dated 10.02.2020. The consent to operate obtained for the said quarry is valid upto 31.03.2021.
5. Thereafter, the inspection team visited the Jahazpur sand quarry, Tehsil Rehti, District Sehore, inspected on 26.09.2020 wherein also no mining activities were found to be in operation. The quarry lease has been granted for 03 years as per the Letter of Intent by Mining Department dated 10.02.2020. The consent to operate obtained for the said quarry is valid upto 31.03.2021. Moreover majority of the sand quarry was submerged in water and no traces of usage of heavy machinery were observed.

Inspection on 6th October 2020 [Post Monsoon]

A team comprising of RO, MPPCB — Shri Alok Singhai, SDM Nasrullahganj — Shri D S Tomar, District Mining Officer, Sehore — Shri Rajendra Singh Parmar and Mining Inspector, Sehore — Shri Santosh Suryawanshi visited the **Badgaon sand quarry**, Tehsil — Nasarullaganj, District — Sehore. During the inspection it was found that the mining activities were being carried out in the mining lease area in compliance of the mining rules.

Additional Comments:-

As mentioned in the consent conditions, the project proponent was required to carry out plantation in the mining areas in question but practically it is not feasible to carry out plantation on and around the areas of sand quarries. Accordingly the representative of M/s Powermech Projects made the team visit several places wherein plantation was carried out by M/s Powermech Projects Ltd.

3. Learned counsel appearing for the respondent had submitted that the consent to operate obtained for the sand quarry was valid up to 31.03.2021 and now, not in operation. So far as, the previous mining is concerned, the committee suggested that mining activities were carried out in accordance with and in compliance of the mining rules, it has further been stated that the project proponent was required to carry out the plantation work in the mining areas in question but practically it is not feasible on an around areas of sand quarry and plantation has been done on other places, where the plantation was feasible.
4. Accordingly, we dispose of this application finally with direction to State Pollution Control Board to ensure the compliance of Sustainable Sand Mining Management Guidelines, 2016 & The Enforcement and Monitoring Guidelines for Sand Mining, 2020 and also to ensure that if any, violation of environmental rule is found, to proceed in accordance with law. The plantation, as required, must be done by the project proponent and State Pollution Control Board has to enquire and do further in accordance with law.

5. Original Application No. 72/2020 stands disposed of accordingly.

Sheo Kumar Singh, JM

Arun Kumar Verma, EM

June 22th 2021
O.A. 72/2020(CZ)
PN