

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

**Original Application No. 104/2017(CZ)**

Rajendra Kori & Anr.

Applicant(s)

Versus

Yashwant Agarwal & Ors.

Respondent(s)

Date of hearing: 30.07.2021

**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):

Mr. Uday Raj Parmar, Adv.

Mr. Sachin K. Verma, Adv.

Ms. Parul Bhadoria, Adv.

**ORDER**

1. Learned Counsel appearing for the applicant had submitted that in compliance of the previous order, the details of amount paid by the State and the justification for payment and formula of calculation has been filed. The learned counsel appearing for the State Pollution Control Board has submitted that the details of payment and the facts with regard to the case were filed through the means of additional reply.
2. Learned Counsel appearing for Respondent No. 1 had submitted that the applicant was paid an amount of Rupees Two Lakh from the State after the incident. The Learned Counsel appearing for the State had submitted that since that amount was paid by the State, the respondent has nothing to say with regard to the amount which is paid by the State. Respondent no. 1 has also raised a question with the facts that he has sold the lease to another person and liability has shifted to the person in whose favor the mining lease has been transferred.

3. Learned counsel for the State raised an objection with regard to the power of transferability and on the points whether that person is a necessary party or not. The applicant and the respondent no. 1 are at liberty to move an application, if they decide as such to implead the person in whose favor the mining lease has been transferred by the Respondent No 1, but it is left to the discretion of the parties concerned and the Doctrine of Strict Liability can be argued at the time of hearing.
4. The Learned Counsel for the State sought a short time to file reply. The applicant is directed to provide the copy of the application with regard to the justification and formula of calculations to the Respondents, so that they may file the reply on that points. The reply/objection may be filed within 15 days.

List it on **25<sup>th</sup> August, 2021.**

Sheo Kumar Singh, JM

Arun Kumar Verma, EM

June 30<sup>th</sup> July, 2021  
O.A. 104/2017(CZ)  
PN