

Item No. 01(Bhopal Zonal Bench)

**BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI
(Through Video Conferencing)**

Original Application No. 19/2021 (CZ)

Prabhat Mohan Pandey

Applicant(s)

Versus

State of Madhya Pradesh & Ors.

Respondent(s)

Date of hearing: 25.05.2021

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

For Applicant(s):

Mr. Rohit Sharma, Adv.

For Respondent(s):

ORDER

1. The present original application has been filed raising a substantial question relating to environment under Section 14 and 15 of the National Green Tribunal, Act 2010. It is stated that in the year 2019, in the state of Madhya Pradesh, Madhya Pradesh Sand (Mining, Transportation, Storage and Trading) Rules, 2019 were introduced wherein every district was awarded a single contractor or a group of contractors and accordingly, the notice inviting tender (hereinafter referred to as "NIT") was floated by the State of Madhya Pradesh in the month of October 2019. After acceptance of the technical and financial bid, the contract for District of Chhindwara was awarded in favour of Mr. Shishir Khandar. The Present application highlights various anomalies occurred in the tender granted for the district of Chhindwara of Madhya Pradesh whereby the contract for excavation of sand from 58 number of sand quarries in the district of Chhindwara was accorded in favour of Mr. Shishir Khandar and out of the total 58 sand quarries, 24 sand quarries are operational.

2. The issue involving substantial question relating to environment are as under:
 - I. There is a huge quantity mismatch in the sand for which tender was floated and the sand for which Environment Clearance was accorded thereby stimulating illegal and additional excavation of Sand.
 - II. Some of the sand quarries are not mentioned in the tender documents but despite of that EC has been given over the same and the contractor is carrying out mining activities over the same.
 - III. No District Survey Report has been prepared before starting the operations of the sand quarries in the district of Chhindwara.
 - IV. The scientific annual replenishment study which is mandatory as per the MOEF Guidelines as well as various judgements of the Hon'ble NGT and Apex Court, has not been conducted by the Non-Applicant officials before starting the excavation of sand.
 - V. No response to the complaints filed by Applicant from the Non-Applicant officials, which establishes the fact that various anomalies have been done as a result of which the environmental loss is occurring tremendously on daily basis and the environmental norms are being violated at the threshold.
3. A substantial issue of environment has been raised.
4. Issue notice to the respondents. Returnable within four weeks.
5. Service of notices, summons and pleadings etc. have not been possible during the period of COVID because this involves visits to post offices, courier companies or physical delivery of notices, summons and pleadings. We, therefore, consider it appropriate to direct that such services of all the above may be effected by e-mail, FAX, commonly used instant messaging services, such as WhatsApp, Telegram, Signal etc. However, if a party intends to effect service by means of said instant messaging services, we direct that in addition thereto, the party must also affect service of the same document/documents by e-mail, simultaneously on the same date".

6. The applicant is directed to provide the mobile Whats App no. and email address of all the respondents, if possible and applicants and respondents are directed that at the time of filing the application or reply, the party concerned has to provide Whats App no. and email I.D. so that the summons and notices may be served immediately for compliance and for further disposal and proceeding of the case.
7. Applicant is directed to take necessary steps for service to the respondents by both ways and also on available email.
8. Respondents are directed to submit their reply within six weeks by email at ngtczbbho-mp@gov.in preferably in the form of searchable PDF/ OCR Support PDF and not in the form of Image PDF.
9. We deem it just and proper to call a report on the matter in issue in present application, from a Joint Committee consisting of:-
 - I. District Collector, Chhindwara (M.P.)
 - II. Madhya Pradesh State Environment Impact Assessment Authority, Paryavaran Parishar, E-5, Arera Colony, Bhopal, M.P.
 - III. Madhya Pradesh Pollution Control Board.
10. The Committee is directed to visit the place and submit the factual and action taken report within six weeks. The State PCB will be the nodal agency for coordination and logistic support.
11. The report in the matter be filed by the Committee by email at ngtczbbho-mp@gov.in preferably in the form of searchable PDF/OCR Support PDF and not in the form of Image PDF.
12. Applicant is directed to supply the required documents and copy of the application to the Committee within a week.
13. List it on 7th July, 2021.

Sheo Kumar Singh, JM

Arun Kumar Verma, EM

May 25th, 2021
O.A. 19/2021(CZ)
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