

State Level Environment Impact Assessment Authority, Rajasthan
Main Building, Room No. 5221, Secretariat, Jaipur
E-mail : seiaaseiaa2018@gmail.com Phone no. 0141-2227838

F-1 /SEIAA/ Gen./Env./2019

Date: 4.6.2019

All Collectors,
Member Secretary DEIAA,
Rajasthan.

Subject:- Directions of the Hon'ble National Green Tribunal in O.A No 186/2016, 200/2016, 580/2016 ,O.A no 102/2017, 520/2016 dated 13.9.2018 and 11.12.2018 in the matter of Satendra Pandey Vs MoEF& others and other similar matters.

Ref:- Letter dated 13.12.2018 of the Member Secretary, SEIAA, Raj.

Kindly refer to the above letter dated 13.12.2018, vide which you were provided with a copy of the Hon'ble National Green Tribunal order dated 11.12.2018 and requested to comply with the same. (copy enclosed)

It is again reiterated that DEIAA should not deal with any Environmental Clearance cases of 0-5 ha till the MoEF&CC comes up with a clear Notification clearly specifying the procedure to be followed in this case. Till such period the SEIAA is dealing with cases of Environmental Clearance of 0-5 ha mining category provided that the project proponent applies for the same in form 2online and follows the procedure thereafter.

(Shikha Mehra)
Member Secretary, SEIAA

Copy to:

- (1) Chairman SEIAA in compliance of his directions
- (2) Joint Secretary Mines
- ✓ (3) ACP, Environment Department with a request to upload it on website.

Shikha
(Shikha Mehra)
Member Secretary, SEIAA

24/05/19

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No.F8(5)EIA-06/Env/18

जयपुर, दिनांक 13.12.2018

समस्त जिला कलक्टर,
सदस्य सचिव, DEIAA.

विषय:- NGT के प्रकरण सं. 520/2016 में दिनांक 11.12.2018 के आदेश की पालना बाबत।

महोदय,

उपरोक्त विषयान्तर्गत लेख है कि NGT के प्रकरण सं. 520/2016 दिनांक 11.12.2018, विक्रान्त तोगड बनाम यूनियन ऑफ इण्डिया में दिये गये आदेश (छायाप्रति संलग्न) की पालना सुनिश्चित कराने का श्रम करावें।

संलग्न: उपरोक्तानुसार

Shikha
(शिखा मेहरा)

सदस्य सचिव, SEIAA

प्रतिलिपि सूचनार्थ व आवश्यक कार्यवाही हेतु:

1. एसीपी, पर्यावरण विभाग, राजस्थान सरकार, जयपुर को निर्देशित किया जाता है कि पत्र की प्रति विभागीय वेबसाइट पर अपलोड करें।

Shikha
सदस्य सचिव, SEIAA

जारी
13/12/2018

Item No. 04

Court No. 1

BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

Executive Application No. 55/2018

IN

Original Application No. 520/2016

Vikrant Tongad

Versus

Applicant(s)

Union of India

Respondent(s)

Date of hearing: 11.12.2018

CORAM: HON'BLE MR. JUSTICE ADARSH KUMAR GOEL, CHAIRPERSON
HON'BLE MR. JUSTICE K. RAMAKRISHNAN, JUDICIAL MEMBER
HON'BLE DR. NAGIN NANDA, EXPERT MEMBER

For Applicant(s): Mr. Rahul Choudhary, Advocate and Mr. Sany Antony, Advocate

ORDER

1. Grievance in this application is that there is non-compliance of the judgment of this Tribunal dated 13.09.2018 in *Original Application No. 186/2016, Satendra Pandey Vs. Ministry of Environment, Forest & Climate Change & Anr.* The Hon'ble Supreme Court, vide judgment in *Deepak Kumar Vs. State of Haryana & Ors.: (2012) 4 SCC 629*, required proper Environmental Clearance before grant of lease of minor minerals, including sand mining. Vide Notification dated 15.01.2016 issued by MoEF&CC, environmental clearance was to be given by the District Environment Impact Assessment Authority (DEIAA) which defeat the direction of the Hon'ble Supreme Court.
2. This Tribunal noted that the Notification dated 15.01.2016 issued by the Ministry of Environment, Forest and Climate Change (MoEF&CC) was not consistent with the mandate in *Deepak Kumar (supra)*.
3. The District Expert Appraisal Committee (DEAC) comprised officers having no expertise or scientific knowledge to assess environment implications. Permitting DEAC to make assessment

was also not consistent with the Sustainable Sand Mining Management Guidelines, 2016. Accordingly, MoEF&CC was directed to take steps to revise the procedure laid down in the Notification dated 15.01.2016.

4. According to the applicant, the MoEF&CC failed to issue appropriate Notification. Moreover, the State of Uttar Pradesh vide the letter dated 25.10.2018 and State of Kerala vide the letter dated 29.10.2018 directed Environmental Clearance to be given in accordance with the Notification dated 15.01.2016 in violation of the judgment of this tribunal dated 13.09.2018 which in turn is to implement the direction of the Hon'ble Supreme Court in Deepak Kumar (*supra*).

5. Accordingly, we direct the MoEF&CC to comply with the order dated 13.09.2018 forthwith and furnish a report of compliance on or before 31.12.2018 failing which coercive measures may have to be taken. We also make it clear that till a fresh Notification is issued by the MoEF&CC, Notification dated 15.01.2016 will not be acted upon.

6. Since our attention has been drawn to letter dated 29.10.2018 issued by the State Environment Impact Assessment Authority, Kerala addressed to the District Environment Impact Assessment Authorities of various districts in Kerala that Notification dated 15.01.2016 having not being stayed, the same be followed. This interpretation is clearly contrary to the order of this Tribunal disapproving the Notification dated 15.01.2016 and requiring the same to be revised. The direction that 15.01.2016 should still be acted upon is clearly illegal and in violation of judgment of this Tribunal. The same will stand suspended till a fresh Notification is issued by the MoEF&CC as directed hereinabove.

7. This direction will apply to all the State Environment Impact Assessment Authorities/State Governments.

- 8. List for further consideration along with the report of the MoEF&CC on 14.01.2019.
- 9. Copy of this order be sent to the MoEF&CC by e-mail.
- 10. The report may also be furnished to this Tribunal by e-mail at ngt.filing@gmail.com.

Adarsh Kumar Goel, CP

K. Ramakrishnan, JM

Dr. Nagin Nanda, EM

December 11, 2018
Executive Application No. 55/2018
in Original Application No. 520/2016
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