

Item No. 01 & 02 (Bhopal Bench)

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

Original Application No.41/2020(CZ)

And

Original Application No.42/2020(CZ)

Subhash Meena & Anr.

Applicant(s)

Versus

Secretary, Department of Environment & Forest
& Ors.

Respondent(s)

With

Nanalal Meena & Anr.

Applicant(s)

Versus

Secretary, Department of Environment & Forest
& Ors.

Respondent(s)

Date of hearing: 28.10.2020

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

For Applicant(s): Mr. Sarthak Bhatia, Advocate for Applicant

ORDER

1. These applications have been filed for a release of a commercial vehicle which is said to be used in illegal mining and transportation of mining.
2. The concerned authorities registered FIR No. 19/2020, Jaisamand, Udaipur and second FIR No. 82/2020 check post Salumber, Udaipur and seized the vehicle.

3. The matter was taken up on 21.07.2020 and it was observed as follows:-

“4. Before proceeding further in the application, we deem it just and proper to call a report on the following points:

i. Progress of investigation in criminal case.

ii. Process/progress/initiation of environmental compensation by the State Pollution Control Board within the provision of law as applicable.

iii. Proceedings of confiscation of the property within the purview of law applicable.”

4. The Learned Counsel appearing for the applicant has submitted that the vehicle is detained in the police station and in light of the order of this Tribunal, the Learned ACJM/Magistrate having jurisdiction to decide the application not entertained the application. He has further argued that in other matters relating to the mining, the vehicle has been released after payment of Rs. 1 lakh as environmental compensation to the State Pollution Control Board and he is ready to pay the environmental compensation.

5. Accordingly, we direct that after payment of environmental compensation i.e. Rs. 1 lakh by the applicant to the State Pollution Control Board, the Magistrate having jurisdiction to dispose of the application in the concerned crime number, may proceed to decide the application in accordance to law, in case fresh application is moved by the applicant, the environmental compensation so desposited may be expended on the environmental matters.

6. The applications are finally disposed of.

Sheo Kumar Singh, JM

Dr. S.S.Garbyal, EM

JG
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