

Item No. 03 (Bhopal Bench)

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

Original Application No.46/2020(CZ)

Ranveer Singh Maan & Ors.

Applicant(s)

Versus

State of Rajasthan & Ors.

Respondent(s)

Date of hearing: 14.10.2020

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

For Applicant(s): Mr. Prashant Singh, Advocate

For Respondent(s) Mr. Shoeb Hasan Khan, Advocate
Mr. Rohit Sharma, Advocate

ORDER

1. The matter was taken up on 31.07.2020 and this Tribunal observed as follows:-

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1. *The issue raised in this application is illegal mining and it is alleged that the lease holders of mining are adopting a system of 'deep-hole blasting' and with the use of 'heavy earth moving machinery' at Gorir Masonary Stone Mine for mining activities which was situated at the Hill i.e. the natural wall of the Modi-IIakhar Dam and are not only violating the guidelines but are also causing irreparable damage to the Modi-IIakhar Dam. That if the illegal mining is not stopped then this will cause a distortion in the structure of the natural boundary of the Modi-IIakhar Dam and during the heavy rainfall Modi-IIakhar Dam will not protect the downstream area from any potential hazard and the sole purpose of constructing the Modi-IIakhar will be vitiated.*

2. *It is alleged that the Sub-Divisional Officer Khetri, District Jhunjhunu has also informed the matter to the District Collector, Jhunjhunu and inquiry was conducted.*
3. *The issue involved in this application is serious in nature and involves environmental matter.*
4. *Issue notice to the respondents. Returnable within three weeks.*
5. *Service of notices, summons and pleadings etc. have not been possible during the period of lockdown 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 effect service of the same document/documents by e-mail, simultaneously on the same date".*
6. *The applicant is directed to provide the mobile WhatsApp 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 WhatsApp 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 provide copy of the application and relevant documents to the respondents within three days.*
8. *Applicant is also directed to take necessary steps for service to the respondents by both ways and also on available email.*
9. *Respondents are directed to submit their reply within four weeks by email at judicial-ngt@gov.in preferably in the form of searchable PDF/ OCR Support PDF and not in the form of Image PDF.*
10. *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) *Collector Jhunjhunu*
 - (ii) *Executive Engineer Mining, Sikar*
 - (iii) *Madhya Pradesh Pollution Control Board*
11. *The Committee is directed to visit the place and submit the action taken report within three weeks. The State PCB will be the nodal agency for coordination and logistic support.*

12. *The report in the matter be filed by the Committee by e-mail at judicial-ngt@gov.in preferably in the form of searchable PDF/ OCR Support PDF and not in the form of Image PDF.*
13. *Applicant is directed to supply the required documents and copy of the application to the members of the Committee within three days.*
14. *List it on 31.08.2020.”*

2. In compliance thereof, the Joint Committee submitted the report which is as follows:-

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3. *That Assistant Mining Engineer, Jhunjhunu has submitted his factual report dated 14.09.2020 along with entire detail of Mining leases. The details given by them 40 mining leases were allotted, out of them 11 mining leases (ML No. 484/06, 50/05, 21/04, 554/05, 19/04, 252/05, 20/04, 532/06, 249/05, 91/03, 92/04) has been cancelled and remaining 29 mining leases are existing out of them 9 mining leases (ML No. 193/97, 24/04, 28/04, 18/04, 311/06, 453/04, 587/05, 37/03, 92/03) are in operation.*
4. *That Executive Engineer of Water Resources Division Sikar has also submitted his factual report dated 06.10.2020 and mentioned that Modi-Ilakhar Dam has not been damaged by mining and blasting operation.*
5. *That, thereafter, it has been decided that a joint inspection should be held by the joint committee and concern departments as under:*
 1. *Additional District Collector, Jhunjhunu (nominated by the District Collector Jhunjhunu).*
 2. *Executive Engineer Mining, Sikar*
 3. *Regional Officer, Rajasthan State Pollution Control Board, Sikar.*
 4. *Executive Engineer Water Resources Department Sikar*
 5. *Ground Water Scientist, Ground Water Department, Jhunjhunu.*

In pursuance to aforesaid decision a joint inspection was held on 21.09.2020. Prior to aforesaid joint inspection proper acknowledgement/information has been given to the Applicant Shri Ranveer Singh Maan through SMS and Mobile Conversation. It is further submitted that, thereafter, a joint inspection was held in presence of applicant and it was observed that there are 40 Mining Leases sanctioned in aforesaid mining lease area in which 11 mining leases have been cancelled by Mining Department. There was no mining activity or blasting observed during inspection. It was

observed that there was not any damage in wall of Modi Ilakhar Dam. There was not any deposit of water in Modi Ilakhar Dam. It is also observed that there was not any mining work at the level of water Table of the area. The Committee also look photograph of the site inspection which are annexed along with joint inspection dated 21.09.2020.”

3. The respondent no. 1 and 3 has submitted the reply in which it is submitted that the mining leases were granted in accordance with the procedure and guidelines issued from the MoEF & CC from time to time and there is no illegality in issue of environmental clearance or anyway respondents are not involved in illegal mining and it has been supported by the report submitted by the joint committee. In light of the report of joint committee there is no need to mention the details of reply.
4. In light of above report, nothing has been reported with regard to the illegal mining or with regard to the damage of dam.
5. In light of above report, no further action is required on part of this Tribunal and there is no environmental damage.
6. Accordingly, the original application is finally disposed as no order to cost.

Sheo Kumar Singh, JM

Dr. S.S.Garbyal, EM

JG
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