

Item No. 05

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

Original Application No. 58/2018(WZ)  
(M.A. No. 103/2018 & M.A. No. 184/2018)

Protection of Environment and Public  
Service Committee

Applicant(s)

Versus

Union of India & Ors.

Respondent(s)

Date of hearing: 01.05.2019

**CORAM: HON'BLE MR. JUSTICE S.P. WANGDI, JUDICIAL MEMBER  
HON'BLE MR. JUSTICE K. RAMAKRISHNAN, JUDICIAL MEMBER  
HON'BLE DR. NAGIN NANDA, EXPERT MEMBER**

For Applicant(s): Ms. Sreeja Chakraborty

For Respondent (s): Mr. Dhruv Pal, Advocate for GPCB & State of Gujarat  
Mr. Himanshu Pal, Advocate for R-4  
Mr. Shashank Saxena, Advocate for R-8  
Mr. Anand Varma, Mr. Shwetank Singh, Mr. Dhairya Madan, Advocates for R-9 to 11, 15, 17, 18, 19,22  
Mr. Chandan Kumar, Advocate for R-13&16  
Mr. M.A. Venkata Subramanian, Advocate for R-20 & 21

**ORDER**

1. Joint inspection report has been received from the Ministry of Environment, Forest and Climate Change (MoEF&CC), Gujarat SEIAA and Gujarat Pollution Control Board (GPCB) in terms of our order dated 15.02.2019.
2. Mr. Dhruv Pal, learned Counsel for the State of Gujarat submits that all illegal mining of limestone in the area in question have since remained un-operational, some of which date back to about two years. He submits that no further activities of the nature contained in

the application shall be permitted. It is further stated that appropriate action has already been taken against all erring mines.

3. Considering this position, we are of the view that the further action is required to be taken by the concerned on the same principle as passed in a batch of cases, one of them being *O.A. No. 110(THC)/2012, Threat to life arising out of coal mining in south garo hills district Vs. State of Meghalaya & Ors.*, that involved similar factual positions as in the present case. We accordingly direct that damages on account of (i) Net Present Value (NPV) of the ecological services forgone forever; (ii) cost of damage to environment and pristine ecology; (iii) cost of mitigation and restitution of the environment and (iv) deterrent environmental compensation distinct from the earlier three heads, be assessed and a report submitted with regard to assessment made before the next date by e-mail at [ngt.filing@gmail.com](mailto:ngt.filing@gmail.com).

4. List for further consideration on 24.07.2019.

S.P. Wangdi, JM

K. Ramakrishnan, JM

Dr. Nagin Nanda, EM

May 01, 2019  
Original Application No. 58/2018(WZ)  
DV