

Item No.14

Court No. 2

BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

Appeal No. 48 of 2016
(M.A. Nos. 830 of 2016, 831 of 2016, 1106 of 2017 &
1669 of 2018)

Nityendra Manav

Appellant(s)

Versus

Union of India &Ors.

Respondent(s)

Date of hearing: 20.12.2018

CORAM:

**HON'BLE MR. JUSTICE RAGHUVENDRA S. RATHORE, JUDICIAL MEMBER
HON'BLE DR. SATYAWAN SINGH GARBYAL, EXPERT MEMBER**

For Appellant(s)

Mr. Saurabh Sharma, Advocate
Mr. Aishwani C. Advocate

For Respondent(s)

Mr Mukul Singh, Advocate for
R-1
Mr. Saurabh Rajpal, Advocate
for Mr. Shiv Mangal, Sharma,
AAG
Mr. Sanjay Upadyay,
Advocate for Zila Khanij Udyog
Sangh
Mr. Sanjay Upadhyay with Ms.
Eisha Krishn, Advocates

ORDER

M.A. No. 1669 of 2018

This Application has been filed by Zila Khanij Udyog Sangh from Alwar for being impeaded as party respondent in this Appeal.

After having considered the Application and the submission made by the Counsel, we are of the

considered view that the facts and circumstances of the present case, we permit the Sangh to be an intervener in this case.

Accordingly, M.A. No. 1669 of 2018 stands disposed of. There shall be no order as to cost.

Main matter

This Appeal has been filed against the EC granted on 19-05-2016 by the State Environmental Impact Assessment Authority (SEIAA) and District Environment Impact Assessment Authority (DEIAA) on 30-05-2016 to Mines within 10 kms of the boundary of Sariska Tiger Reserve. It has been submitted that ECs have been granted in violation of directions of the Hon'ble Supreme Court of India.

It has further been stated that vide order dated 04-08-2006 in I.A. NO. 1000 in WP(C) 202/1995, Hon'ble Supreme Court had prohibited mining activity within 1 km of the National Parks and Sanctuaries. Moreover, in the light of the orders of the Hon'ble Supreme Court order dated 04-12-2006, the MoEF had stipulated in their memorandum dated 02-12-2009 that all cases where EC had been given to be placed before the standing committee of the National Board of Wildlife and accordingly the environmental clearances to the projects coming within 10 kms of the boundary of the National

Parks and Sanctuaries are being granted with the condition to obtain recommendation of the standing committee of National Board of Wildlife in those cases where Eco-sensitive zones have not been notified.

Learned Counsel for respondent brought to our notice an order issued by Hon'ble Supreme Court on 11-12-2018 in WP (C) No. 202/1995 wherein Hon'ble Supreme Court had ordered that in respect of 21 National Parks/Sanctuary, the Eco-sensitive zone will be 10 kms as the proposal for the same had not been sent to MoEF by the States. The Learned Counsel for the respondent tried to make a distinction that in this case the Government of Rajasthan had sent the proposal to MoEF and it is pending consideration by MoEF.

It is the admitted position that the final notification of Eco-sensitive zone for Sariska Tiger Reserve/Sanctuary is yet to be issued by the MoEF. We, therefore, direct that all mining activities of any mineral will be stopped within 10 kms of the boundary of Sariska Tiger Reserve/Wildlife Sanctuary till mining leases are cleared by the standing committee of the National Board of Wildlife. All the ECs of the mining leases may be referred to the standing Committee of the NBWL. In case MoEF issues final notification on Eco-sensitive Zone, the mining lease which fall within the Eco-sensitive Zone will

have to have clearance of the standing committee of the NBWL.

With this direction the present Appeal no. 48 of 2016 stands disposed of, with no order as to cost.

M.A. No. 830 of 2016, 831 of 2016 and 1106 of 2017

These Applications do not survive for consideration as the main appeal stands disposed of.

M.A. Nos. 830 of 2016, 831 of 2016 and 1106 of 2017 stand disposed of accordingly.

Raghuvendra S. Rathore, JM

Dr.Satyawan Singh Garbyal, EM

December 20, 2018

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