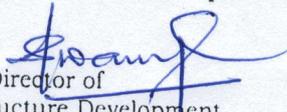


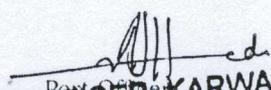
COMPLIANCE REPORT WITH RESPECT TO THE ORDER OF THE HON'BLE NATIONAL GREEN TRIBUNAL CHENNAI IN ORIGINAL APPLICATION NO 251/2014 (SZ) DATED:03.02.2022 SUBMITTED BY RESPONDENT NO 11 DIRECTOR OF PORTS & IWT KARWAR AND RESPONDENT NO 12 PORT OFFICER KARWAR.

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1. It is respectfully submitted to the Hon'ble National Green Tribunal Chennai that the iron ore directed to be removed from the Port area as per the judgment of the hon'ble tribunal dated: 05.02.2016 is a same iron ore heaps is seized by the Forest Department which is the subject matter in the criminal proceedings laying at Karwar Port and Belekeri Port.
2. It is respectfully submitted that, alleged seizure of iron ore is done by Forest Department at Karwar & Belekari Port and it is confirmed that, the forest department already initiated the actions for disposal of iron ore at Karwar & Belekeri and it is under the perusal of jurisdictional JMFC courts of Karwar & Ankola Taluku Uttara Kannada District.
3. It is submitted to the hon'ble tribunal that actions are being taken by the Forest Department and Department of Mines and Geology for disposal of iron ore laying at Karwar and Belekeri Port.
4. It is further submitted that, as regards to the disposal of iron ore from Karwar Port the JMFC court, Karwar order on 09.09.2021 that the seized iron ore shall be disposed of through district task force committee in accordance with terms and conditions of order of the Hon'ble court's order dated 02.3.2021. The Mines and Geology Department signed agreement with MSTDC on 20.12.2021 and action already initiated by MSTDC for e-auction Within 2 months it is expected to complete the disposal of iron ore of Karwar Port.
5. It is respectfully submitted that with regards to disposal of iron ore at Belekeri Port the Hon'ble 2<sup>nd</sup> Addl. District and Sessions Judge, Uttara Kannada, Karwar dismissed the revision petition filed U/Sec.397, of Cr.P.C. on 20.11.2021. Principal Chief Conservator of Forest, Government of Karnataka has requested the Additional Chief Secretary, Forest, Ecology and Environment Department, Government of Karnataka, vide letter Dated: 01.12.2021 for permission to file an appeal with the Hon'ble High Court of Karnataka and the approval is awaited.

It is submitted to the Hon'ble Tribunal that, actions are being taken by Forest Department and Department of Mines and Geology with respect to disposal of Iron ore lying at Karwar and Belekeri port. No action is required by Port Department.

  
Director of  
Infrastructure Development,  
Ports & Inland Water Transport  
Karwar

  
PORT OFFICER, KARWAR,  
Karwar

**Item No.04:**

BEFORE THE NATIONAL GREEN TRIBUNAL  
SOUTHERN ZONE, CHENNAI

**Original Application No.251 of 2014 (SZ)**

*(Through Video Conference)*

IN THE MATTER OF

U.K. District Consumers & Citizen Welfare Association,  
Karward, Uttara Kannada District and Ors.

...Applicant(s)

*Versus*

State of Karnataka,  
Rep. by its Chief Secretary,  
Department of Environment & Forests,  
Bangalore and Ors.

....Respondent(s)

**Date of hearing: 03.02.2022.**

**CORAM:**

**HON'BLE MR. JUSTICE K. RAMAKRISHNAN, JUDICIAL MEMBER**

**HON'BLE Dr. SATYAGOPAL KORLAPATI, EXPERT MEMBER**

For Applicant(s): None.

For Respondent(s): Mr. Darpan K.M. through  
Mr. Rajat Jonathan Shaw for R1, R4, R7, R8, R10, R14,  
R28, R29.  
Mr. M.R. Gokul Krishnan for R2.

## ORDER

1. As per order dated 21.12.2021, this Tribunal had extracted the directions issued by this Tribunal in the Judgment dated 05.12.2016 by which the matter has been disposed of and then granted time to the Respondents No.9, 11 and 12 to submit the report as directed in the Judgment and posted the case to 18.01.2022 for that purpose. On 18.01.2022, it was adjourned to today by notification.

2. We have received the compliance report submitted by the State of Karnataka representing the Respondents No.11 and 12 dated 25.01.2022, e-filed on 25.01.2022 which reads as follows:-

"COMPLIANCE REPORT WITH RESPECT TO THE ORDER OF THE HON'BLE NATIONAL GREEN TRIBUNAL CHENNAI IN ORIGINAL APPLICATION NO 251 OF 2014 DATED 21-12-2021 SUBMITTED BY RESPONDENT NO. 11 DIRECTOR OF PORTS & IWT KARWAR AND RESPONDENT NO. 12 PORT OFFICER KARWAR.

1. This is to bring to the notice of the Hon'ble National Green Tribunal that, the order of the tribunal in Original Application No 251 OF 2014 Dated: 05-12-2016 is neither served / communicated in any form by the respondents nor by the Karnataka State Pollution Control Board (KSPCB) to the Port Department or Respondent No 11 Director of Ports & IWT Karwar and Respondent No 12 Port Officer Karwar.

2. It is respectfully submitted that, Karnataka State Pollution Control Board has not taken the opinion of the port department prior to submitting of the scheme /recommendations to the Hon'ble National Green Tribunal Chennai regarding disposal of iron ore stacked at Karwar and

Belekeri port to avoid Air and Water pollution. Earlier, no communication in any form is received to the port department by the KSPCB in the matter.

3. It is submitted that, KSPCB wrongly submitted to the Hon'ble National Green Tribunal Chennai that, these iron ores were admittedly confiscated by the Respondent No.12 Port Officer Karwar. The true fact is that the iron ore heaps have been alleged to be seized/ confiscated by the Forest Department not by the Port Department.

4. It is respectfully submitted that, alleged seizure of iron ore is done by Forest Department at Karwar & Belekari Port and it is confirmed that the Forest Department already initiated the actions for disposal of iron ore at Karwar & Belekeri and it is under the perusal of jurisdictional JMFC courts of Karwar & Ankola Taluku Uttara Kannada District.

5. Belekeri and Karwar ports are minor ports owned and administered by the Government of Karnataka.

6. It is submitted that the case regarding alleged seizure, handing over of iron ore was first investigated by CID Bengaluru and subsequently seizure, handing over and its export was investigated by CBI, Bengaluru as per the direction of Hon'ble Supreme Court of India in September 2012. CBI Bengaluru investigated the case and filed charge sheets before Hon'ble CBI court Bengaluru. Cases are at different stages of hearing. The entire matter is Sub-Judice and Port Department is not in a Position to offer any comment in the matter.

7. It is respectfully submitted that, after great pursuance by the Port Department, the Government of Karnataka has appointed Sri Ashok Naik, retired public prosecutor, Mangalore as a special prosecutor for filing applications seeking permission of the Hon'ble Court for the disposal of iron ore heaps in jurisdictional courts JMFC Ankola for the Disposal of Iron Ore heaps lying in Belekeri Port and in JMFC Karwar for Disposal of Iron Ore heaps lying at Karwar Port. (True Copy Government Order On Dated 23.12.2019 is marked and produced as Annexure R-1) Accordingly, Special Public Prosecutor on behalf of the forest department filed the applications before the respective jurisdictional courts for seeking permission to disposal of iron ore.

8. It is further submitted that as regards to the disposal of iron ore from Karwar Port, JMFC Court Karwar Permitted for Disposal of Iron

Ore laying at Karwar Port in Forest Crime No 6/2009-10 on 02.03.2020 was subject to various conditions. (True Copy Of Order Dated 02/03/2020 In Forest Crime No. 06/2009-10 Passed By The Hon'ble Court JMFC, 2nd Karwar is marked and produced as Annexure R-2) Measurement of quality and quantity of Iron Ore heaps was done by the Mines & Geology Department on 26th & 27th June 2020 in presence all stake holders. Director of Mines & Geology has written letter to the Chairman, E-Auction Monitoring Committee, Bangalore for Conducting E-Auction as per the Court Order Dated:16.01.2021. Govt special advocate filed the application before JMFC court, stating that, monitoring committee on 29.05.2021 informed that said committee is not authorized to conduct E-auction. Hence, request to take action was made by Mines and Geology Department, Karwar on 02.08.2021 seeking direction from the Court for disposal of iron ore heaps.

9. It is respectfully further submitted that the JMFC Court, Karwar ordered on 09.09.2021 that the seized iron ore shall be disposed of through District Task Force Committee in accordance with terms and conditions of order of the Hon'ble Court's order dated 02.03.2021. True Copy Of Order Dated 09.09.2021 In Forest Crime No. 06/2009-10 passed by the Hon'ble Court of the Prl. Civil Judge & JMFC Uk- Karwar is marked and produced as Annexure R -3) District Task Force Committee meeting was held twice and the Mines and Geology Department was directed to proceed with the E-Auction under the Supervision of District Task Force Committee headed by the Deputy Commissioner, Uttara Kannada, Karwar.

The Mines and Geology Department signed agreement with MSTDC on 20.12.2021 and action already initiated by MSTDC for e-auction within 2 months it is expected to complete the disposal of iron ore at Karwar Port.

10. It is further submitted that, as regards to the disposal of iron ore from Belekeri Port, the JMFC Court Ankola in FOREST CRIME No. 17/2009 10 dated:05.10.2020, has rejected the plea of the Forest Department for the disposal of iron ore laying at Belekeri Port. True Copy of Order dated 05.10.2020 in Ankola Forest Crime No. 17/2009-10 passed by the Hon'ble Court of the Senior Civil Judge & JMFC, Ankola is marked and produced as Annexure R-4)

*The forest department filed the appeal in Hon'ble Additional District & Sessions Court, Karwar against the order issued by JMFC Court Ankola in CRL.R P No. 02/2021( No. 738/ 2021) on 16.01.2021.*

*The Hon'ble Additional District & Sessions court, Karwar rejected the application filed by the forest department seeking the permission for auction of iron ore on 20.11.2021. True Copy of Order dated 20.11.2021 in Crl. R.P. No. 02/2021 passed by the Hon'ble Court of the II Addl. District & Sessions Judge, Kannada Karwar is marked and produced as Annexure R-5)*

*It is submitted to the Hon'ble Tribunal that, actions are being taken by Forest Department and Department of Mines and Geology with respect to disposal of Iron ore lying at Karwar and Belekeri ports. No action is required by Port Department."*

3. It is seen from the report that there certain criminal proceedings have been initiated in respect of iron ore and the investigation officer has filed an application before the Judicial Magistrate Court under Section 457 of the Code of Criminal Procedure for custody of the article to carry out the e-auction. It appears from the documents produced along with the report that the same was permitted with certain modification of the claim made and when that was challenged before the Additional District & Sessions Court, the same was dismissed.

4. Further, it is seen from the report that the Department of Mines and Geology has taken some steps to e-auction the same on the basis of the request made by the Forest Department vide their Proceedings dated 20.12.2021 and they wanted two months time to complete the e-auction.

5. When we asked the learned counsel appearing for the State of Karnataka as to whether the iron ore directed to be removed from the Port area as per the Judgment of this Tribunal is the same in respect of the subject matter in the criminal proceedings and whether the ore that has been directed to be removed in the Port area were removed from that area when the case was registered by the Forest Department. The learned counsel appearing for the State of Karnataka wanted some time to get clarification from the respective departments regarding the same.
6. The Karnataka Pollution Control Board is also directed to file a report regarding the action taken by them on the basis of the directions issued by this Tribunal and also the present status.
7. They are directed to file the respective reports to this Tribunal on or before 29.03.2022 by e-filing in the form of Searchable PDF/OCR Supportable PDF and not in the form of Image PDF along with necessary hardcopies to be produced as per Rules.
8. The Registry is directed to communicate this order to the Port Authorities, Director of Mines and Geology, Forest Department and Karnataka State Pollution Control Board by e-mail for their information and compliance of directions.

9. For consideration of report, post on 29.03.2022.

Sd/-  
Justice K. Ramakrishnan, JM

Sd/-  
Dr. Satyagopal Korlapati, EM

O.A. No.251/2014 (SZ)  
03<sup>rd</sup> February, 2022. Mn.

