

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL,
PRINCIPAL BENCH, SITTING AT NEW DELHI**

Compliance Report of the Order dated

18th February, 2022

In Re.

ORIGINAL APPLICATION No. 403 OF 2019

IN THE MATTER OF:

Haider Khan **Applicant**

Versus

State of U.P.& others **Respondents**

To,

**The Registrar,
National Green Tribunal,
Principal Bench, New Delhi.
Email - judicial-ngt@gov.in**

The humble compliance report of the order dated 18.02.2022, passed by this Hon'ble Tribunal, in the above mentioned Original Application, is submitted as under:-

1. That this Hon'ble Tribunal, vide order dated 18.02.2022, was pleased to direct as under:-

"5. In pursuance of above, there is no response from the PP and the State PCB. Reply filed by the District Officer is that compensation for damage to the environment cannot be recovered by the District Officer.

6. Learned Counsel for the State PCB states that reply of the State PCB could not be filed and State PCB is bound to recover compensation for damage to the environment as laid down by the Hon'ble Supreme Court and order of this Tribunal referred to above. We have drawn attention of learned Counsel to the statutory mandate under Section 21 (5) of the Mines and Minerals (Development and Regulation) Act, 1957 and judgment of the Hon'ble Supreme Court in

Common Cause vs. Union of India & Ors., (2017) 9 SCC 499 requiring value of 100% of the mineral illegally extracted to be recovered which has not been done. Compensation for damage to the environment has to be over and above the price of illegally mined material.

7. In view of above, the State PCB as well as the District Magistrate, Banda may take further action in accordance with law and file compliance report within two months 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. The PP is proceeded against ex parte.

8. Having regard to the serious inaction so far in remedying the situation, we direct the District Magistrate, Banda to remain present by way of Video Conferencing along with the Regional Officer of the State PCB so that the Tribunal can interact on the subject. Senior Superintendent of Police, Banda may furnish an action taken report on the FIR in the matter within one month by e-mail."

2. That the aforesaid directions dated 18th February, 2022, the under-signatory under the provisions of sub-section (5) of section 21 of the Mines and Minerals (Development & Regulation) Act, 1957 also imposed the amount of royalty, and price of such mineral, along with penalty total amount Rs.1,45,04,350/= (Rupees one crore, forty-five lakhs, four thousand, three hundred fifty) for illegally mined 10,171.50 cubic metre sand and morrum by M/s R.S.I. Stone World Private Limited and also issued the Recovery Certificate to the Collector, Bhopal, Madhya Pradesh, vide its letter No.47/Khanij-30 Banda dated 6th October, 2020. Thereafter reminder was also sent to the Collector, Bhopal, Madhya Pradesh by Registered letter dated 23.03.2022.

3. That the Regional Officer U.P. Pollution Control Board, Banda also informed vide letter dated 22.03.2022 that by Chief Environment Officer circle-2 U.P. Pollution control board Lucknow on date 16.03.2022 show cause notice has been issued to M/s R.S.I. Stone World Private Limited for depositing Rs.98,40,000/- (Rupees ninety-eight lakhs, forty thousand) only, for the period 01.07.2019 to 30.09.2019, during which no consent has been obtained from the Uttar Pradesh Pollution Control Board, under the provisions of ***the Water (Prevention & Control of Pollution) Act, 1974 and the Air (Prevention & Control of Pollution) Act, 1981.***
4. That in the case of ***COMMON CAUSE Vs. Union of India and Others (2017) 9 SCC. The Hon'ble Supreme Court*** has held that 'illegal mining' is not limited to the mining operations only outside the mining lease area, but also govern the mining activities, which has been done against the permitted limit of the Statute, hence such violator is responsible to pay the environmental compensation also.
5. That in view of the show cause notice issued by the member secretary, U.P. Pollution Control, Lucknow for depositing Rs.98,40,000/- (Rupees ninety-eight lakhs, forty thousand) only as environmental compensation, it is evident that the order passed by this Hon'ble Tribunal on 30.09.2021 has been fully complied with by the Uttar Pradesh Pollution Control Lucknow, and the District Administration, Banda; and this Original Application is liable to be disposed of accordingly, in the interest of justice.

PLACE - BANDA

DATE -


 (ANURAG PATEL)
DISTRICT OFFICER,
BANDA.