

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

ORIGINAL APPLICATION No. 1262/2024

IN THE MATTER OF:

SHANKAR LAL LAKHADE & ORS.....APPLICANT

VERSUS

STATE OF MADHYA PRADESH..... RESPONDENT

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Date: 18.03.2025
BHOPAL

Through

Filed by MP PCB



Raghav Sharma

Counsel for MP PCB

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REPLY OF THE MADHYA PRADESH POLLUTION CONTROL BOARD

The respondent most humbly submits that: -

1. That, the applicant had filed a petition on 25.10.2024 before Hon'ble NGT (PB) New Delhi. In pursuance of the same the Hon'ble NGT (PB) vide order dated 20.11.2024 in OA 1262/2024 passed orders for filing of a joint committee report.
2. That, the MPPCB most humbly submits that in this case the report of Joint Committee of members comprising of representatives from Central Pollution Control Board, District Magistrate, Balaghat, Integrated Regional Office (IRO) of MOEF&CC and M.P. Pollution Control Board which has already been submitted by the Joint Committee vide email dated 23.12.2024.
3. That, the MPPCB most humbly submits that it would be better to arrive at any conclusion only after clear demarcation of mining lease boundaries by the State Mining Corporation and the Collectorate (Mining), Balaghat, using non-satellite-based methods, such as theodolite surveying, as exclusive reliance on

third-party applications may lead to inaccuracies. This step is essential to verify whether any excavation has occurred beyond the actual approved lease area and to identify any discrepancies between the GPS coordinates provided in the Environmental Clearance (EC) and those recorded during the inspection of the mining lease area. That, the joint committee in its report which is already filed before this hon'ble tribunal had recommended that a proper demarcation of the mine lease area(s) be done at the earliest. Moreover, a letter dated 13.03.2025 has already been issued to the District Collector Balaghat & Mining Department by the Madhya Pradesh Pollution Control Board in this regard.

True Copy of the Letter dated 13.03.2025 has been marked and annexed herewith as **ANNEXURE R/1**.

4. That, the MPPCB most humbly submits that Based on the findings of the demarcation report, if it is established that excavation has taken place outside the mining lease area, Environmental Compensation (EC) will be imposed, calculated on the basis of the Net Present Value (NPV) of the mineral extracted.

Date: 18.03.2025
BHOPAL

Through

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PRINCIPAL BENCH, NEW DELHI
OA No. 1262/2024**

**IN THE MATTER OF:
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...APPLICANT

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STATE OF MADHYA PRADESH

...RESPONDENT

AFFIDAVIT

, Sudhanshu Tiwari, S/o Shri K.D.Tiwari Regional Officer, MPPCB Regional Office Jabalpur and Officer-in-Charge, aged about 55 years, having office at 05, Vijay Nagar, Jabalpur Madhya Pradesh - 4820002 do hereby solemnly affirm on oath as under:

That, I am the Officer in Charge for Madhya Pradesh Pollution Control Board in the present matter, and am fully conversant with the facts of the case and hence competent to swear this affidavit.

That, the accompanying Reply has been drafted under my instructions by my counsel and I have read and understood the contents of the same.

That, the contents of the Reply are true and correct to the best of my knowledge, belief and nothing material has been concealed therefrom.

the above-named deponent do hereby verify that the contents of the affidavit above are true and correct. Signed and verified on this 17 Day of March, 2025 at Jabalpur, Madhya Pradesh.



17 MAR 2025

VERIFICATION

DEPONENT

Regional Officer
M.P. Pollution Control Board
Jabalpur (M.P.)

DEPONENT

Regional Officer
M.P. Pollution Control Board
Jabalpur (M.P.)

HEMLATA CHOUDHARY

51, IV DE INDIA
JABALPUR DISTRICT



क्षेत्रीय कार्यालय,
म.प्र. प्रदूषण नियंत्रण बोर्ड,

Annexure R/1

स्कीम नं० 5, प्लॉट नं. 455/456, विजयनगर, जबलपुर-482002

Phone & Fex-0761-4042780 E-Mail romppcbjbp@rediffmail.com

क्रमांक / 2243 / क्षेत्रा / प्रनिबो / 2025
प्रति,

जबलपुर, दिनांक 13/3/25

1. कलेक्टर, बालाघाट, जिला बालाघाट (म०प्र०)
2. खनिज अधिकारी, कलेक्टर कार्यालय बालाघाट, जिला बालाघाट (म०प्र०)
3. संयुक्त संचालक, स्टेट माईनिंग कॉर्पोरेशन, क्षेत्रीय कार्यालय जबलपुर जिला जबलपुर (म०प्र०)

विषय- माननीय राष्ट्रीय हरित अधिकरण (प्रिंसिपल बेंच) नई दिल्ली में प्रचलित प्रकरण क्रमांक 1262/2024 में पारित आदेश दिनांक 14/02/2025 के अनुपालनार्थ जवाब दायर करने के संबंध में।

संदर्भ- माननीय राष्ट्रीय हरित अधिकरण (प्रिंसिपल बेंच) नई दिल्ली में प्रचलित प्रकरण क्रमांक 1262/2024 में पारित आदेश दिनांक 14/02/2025

—00—

उपरोक्त विषयान्तर्गत लेख है, कि माननीय राष्ट्रीय हरित अधिकरण में प्रचलित प्रकरण क्रमांक 1262/2024 में गठित संयुक्त समिति द्वारा निरीक्षण प्रतिवेदन दायर किया गया है, जिसके मुख्य अंश इस प्रकार है :-

- 1- It was observed that the area where the project proponent has erected mine pillars is not the actual mine lease area as per the Mining plan/Environmental clearance. It seems that since 2021 the mining have been carried out in the area which is about 250 meters away from actual mine lease boundary. The Google Earth satellite imagery of year 2021 shows that mining was carried out outside the actual mine lease area. Even the mining department & project proponent, MP Mining Corporation are unable to locate the actual site during site visit.
- 2- The geo-graphical location of the actual mine boundary as per approved mine plan and the boundary found defined during the field visit is as tabulated below:

Corner	As per mine plan		As per field observation	
	Latitude	Longitude	Latitude	Longitude
A	21°31'51.33"N	79°52'07.01"E	21°31'52.56"N	79°52'31.26"E
B	21°31'53.54"N	79°51'55.78"E	21°31'47.53"N	79°52'29.79"E
C	21°31'48.75"N	79°52'54.73"E	21°31'46.80"N	79°52'15.28"E
D	21°31'46.96"N	79°52'06.13"E	21°31'51.11"N	79°52'15.77"E

उपरोक्त विशिष्ट अवलोकनों में खनिज पट्टा क्षेत्र के बाहर उत्खनन तथा खदान की पर्यावरणीय स्वीकृति में उल्लेखित जी०पी०एस० कार्डिनेट्स का वास्तविक खनन क्षेत्र के जी०पी०एस० कार्डिनेट्स के सुसंगत नही पाये जाने का उल्लेख किया गया है। चूंकि खनिजपट्टा क्षेत्र के सीमांकन का कार्य बोर्ड के क्षेत्राधिकार में नही आता है। अतः माननीय राष्ट्रीय हरित अधिकरण के आदेश के पालनार्थ निम्न बिन्दुओं पर की गई कार्यवाही के संबंध में प्रकरण की आगामी सुनवाई से पूर्व जवाब प्रस्तुत करने तथा इस संबंध में बोर्ड को सूचित करने का अनुरोध है, जिससे बोर्ड द्वारा नियमानुसार कार्यवाही सुनिश्चित की जा सके।

1. प्रकरण में उल्लेखित खनन क्षेत्र का सीमांकन कब-कब किस जाँच दल/अधिकारियों द्वारा किया गया ?
2. क्या खनन क्षेत्र के पर्यावरणीय स्वीकृति में उल्लेखित जी0पी0एस0 कार्डिनेट्स वास्तविक खनन क्षेत्र के अनुरूप है ?
3. क्या सीमांकन के दौरान निर्धारित खनिज क्षेत्र के बाहर उत्खनन होना पाया गया यदि हाँ तो इस संबंध में क्या कार्यवाही की गई ?

प्रकरण की आगामी सुनवाई दिनांक 21/03/2025 को नियत की गई है।

संलग्न :- उपरोक्तानुसार।


(सुधांशु तिवारी)
क्षेत्रीय अधिकारी

पृ0क्रमांक / / क्षेत्रा / प्रनिबो / 2025
प्रतिलिपि :-

जबलपुर, दिनांक.....

1. विधि अधिकारी, म0प्र0 प्रदूषण नियंत्रण बोर्ड, भोपाल की ओर सूचनार्थ प्रेषित।
2. श्री राघव शर्मा, अधिवक्ता, म0प्र0 प्रदूषण नियंत्रण बोर्ड, एन.जी.टी. (प्रिंसिपल बेंच) नई दिल्ली की ओर सूचनार्थ एवं आवश्यक कार्यवाही हेतु प्रेषित।


(सुधांशु तिवारी)
क्षेत्रीय अधिकारी

VAKALATNAMA
[Rule 4(1) of the Rules framed under Advocates Act, 1961]
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ORIGINAL APPLICATION No. 1262 OF 2024

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...APPLICANT

Versus

STATE OF MP

....RESPONDENTS

I Alok Jain named below do hereby appoint, engage, and authorize advocate(s) named below to appear, act and plead as aforesaid case proceedings which shall include application for restoration, setting aside of ex-parte orders, corrections, modifications, review and recall of orders passed in these proceedings, in this court or any other court in which the same may be tried/ heard/proceeded and also in appellate, revisional and executing court in respect of proceedings arising from this case/ proceedings as per agreed terms and conditions and authorize him/them to sign and file pleadings, appeals, cross objections, applications, affidavit or other documents as may be deemed necessary for the proper prosecution/defence of the case in all its stages and also agree to ratify and confirm act done by him/them as if done by me.

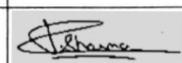
In witness whereof i/we do hereunto set my/our hand to the presents, the contents of which have been duly understood by me at Jabalpur on 02 December 2024.

PARTICULARS OF EACH PARTY EXECUTING VAKALATNAMA

Name & Fathers Name	Registered Address	E-Mail Add & Telephone	Status in case	Signature
Alok Jain S/o Shri G. C. Jain, Regional Officer Madhya Pradesh Pollution Control Board Regional Office, Jabalpur	05, Vijay Nagar, Jabalpur, Madhya Pradesh	romppcbjbp@rediffmail.com	Officer-in-Charge	

Accepted

Regional Officer
M.P. Pollution Central Board
Jabalpur (M.P.)

Name & Enrollment. No.	Address/E-Mail Add.	Telephone	Full Signature
RAGHAV SHARMA D/2841/2018	Basement, B5-202, Safdarjung Enclave, New Delhi - 110029 raghav@srcolegal.in	8527066461	
JASKIRAT PAL SINGH D/3053/2021	Basement, B5-202, Safdarjung Enclave, New Delhi - 110029 jaskirat@srcolegal.in	9811667800	
PRANJAL PANDEY MP 2881-2021	advocatepranjalpandey@gmail.com	9340657120	