

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL

WESTERN ZONE BENCH, PUNE, ATPUNE

(Appeal under Section 16 read with Section 18 of the National Green Tribunal Act, 2010)

APPEAL NO. 36 OF 2018

IN THE MATTER OF:

Mr.Narhari Krishnaji Lingraj

..... APPELLANT

VERSUS

Union Of India and ors.

..... RESPONDENTS

**WRITTEN SUBMISSIONS ON
BEHALF OF APPELLANT**

MOST RESPECTFULLY SHEWETH:

1. The Appellant herein is impugning the order dated 27th February 2018, wherein the Respondent No.1 has rejected the application for grant of Environmental Clearance (EC) preferred by the Appellant.
2. The Appellant is the owner of the land bearing Gat No.931,947 Village: Mine ,Taluka Kankavli, District Sindhudurg.

3. The Appellant submits that the Appellant has impugned the order dated 27.02.208 on two main grounds that the order is passed considering the DRAFT eco sensitive area notification and secondly the application made by the Appellant is within cut-off date notified by the Respondent No.1.

4. The Appellant submits that admittedly the eco sensitive area in the Western Ghats is yet to be notified and that only a **draft notifications dated 15.01.2016 and 20.01.2016 are in existence.** Thus as the in the impugned order the Authority is relying upon the said draft notification thus is required to be quashed and set aside. This aspect has already been clarified by this Hon'ble Tribunal vide its judgment dated 27th December 2016 in O.A. 116 of 2016 (WZ). Copy of said Judgment is at Pg. 38.

5. Thus the Appellant submits that the only issue remains in the present matter Appeal is that "*whether the Application made by the Appellant are before cut-off date or not?*"

6. The Appellant submits that the Respondent No.1 after conclusion of the meeting addressed a letter to the Respondent No.2 seeking the exact date of submission of proposal of the Appellant. The Respondent No.2 vide its letter dated 2nd April 2018 addressed to the Respondent No.1 clarified that the proposal of the Appellant was received by them on 12th April 2013 i.e., well within the cut-off date. **The letter dated 02.04.2018 is at Page 53**

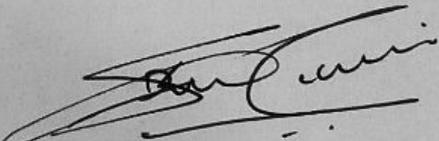
7. The issue pertaining to the cut-off date has also been clarified with the letter dated 2nd April 2018 issued by the Respondent No.2. Thus impugned order is in violation of principles of natural justice, equity and fair play.

8. The Respondent No.1 is the Ministry of Environment & Forests is the nodal agency in the administrative structure of the Central Government for the planning, promotion, co-ordination and overseeing the implementation of India's environmental and

9. Thus it is therefore prayed that the –

- a. The Present Appeal be allowed;
- b. The impugned order dated 27th February 2018 be quashed and set aside and the matter be remanded back to **State Environment Impact Assessment Authority, Maharashtra (SEIAA)** as per notification dated 12.12.2018 for de-novo consideration and decide it expeditiously.

PLACE – PUNE
DATED – 29.09.2020


ADVOCATE FOR APPELLANT

(v) revise the procedure to also incorporate procedure with respect to annual rate of replenishment and timeframe for replenishment after mining closure in an area;

(vi) the MoEF&CC to prepare guidelines for calculation of the cost of restitution of damage caused to mined-out areas along with the Net Present Value of Ecological Services forgone because of illegal or unscientific mining."

3. In view of the above, the undersigned is directed to forward the copy of the aforementioned order for necessary compliance and inform the Ministry about the action taken.

4. This issues with the approval of the Competent Authority.

Yours faithfully,

Encl: As above

(Dr. R.B. Lal)
Scientist 'E'

To,

1. The Chief Secretary, 1st Block, 1st Floor: A.P. Secretariat Office, Andhra Pradesh, Velagapudi - 522503
2. The Chief Secretary, Government of Arunachal Pradesh, Civil Secretariat, Itanagar - 791111
3. The Chief Secretary, Government of Assam, Block-C, 3rd Floor, Assam Sachivalaya, Guwahati-781006
4. The Chief Secretary, Government of Bihar, Main Secretariat Building, Patna-800015
5. The Chief Secretary, Government of Chhattisgarh, Mahanadi Bhawan, Mantralaya, Naya Raipur-492002
6. The Chief Secretary, Government of Gujarat, Block No.1, 5th Floor, Sardar Bhawan, Sachivalaya, Gandhinagar-382010
7. The Chief Secretary, Government of Goa, Secretariat, Poryoim, Bardez, Goa - 403521
8. The Chief Secretary, 4th Floor, Haryana Civil Secretariat Sector-I, Chandigarh - 160019
9. The Chief Secretary, Government of Himachal Pradesh Secretariat, Shimla - 171002
10. The Chief Secretary, R. No. 2/7, 2nd, Floor Main Building Civil Secretariat, Jammu - 180001 R. No. 307, 3rd Floor Civil Secretariat, Srinagar - 190001
11. The Chief Secretary, Government of Jharkhand 1st Floor, Project Building, Dhurwa, Ranchi-834004
12. The Chief Secretary, Govt of Karnataka, Room No.321, Vidhana Soudha, Bengaluru- 560 001
13. The Chief Secretary, Government of Kerala Secretariat, Thiruvananthapuram - 695001
14. The Chief Secretary, Government of Madhya Pradesh MP Mantralaya, Vallabh Bhavan Bhopal - 462004

4. Addl. Principal Chief Conservator of Forests (C), Ministry of Environment, Forest & Climate Change, Regional Office (SEZ), 1st and 2nd Floor, Handloom Export Promotion Council, 34, Cathedral Garden Road, Nungambakkam, Chennai-34
5. Addl. Principal Chief Conservator of Forests (C), Ministry of Environment, Forest & Climate Change, Regional Office (NZ), Bays No. 24-25, Sector 31 A, Dakshin Marg, Chandigarh-160030
6. Addl. Principal Chief Conservator of Forests (C), Ministry of Environment, Forest & Climate Change, Regional Office (NCZ), Pearson Road, P.P. New Forest, Forest Research Institute (FRI) Campus Dehradun-248005
7. Addl. Principal Chief Conservator of Forests (C), Ministry of Environment, Forest & Climate Change, Regional Office (CZ), Kendriya Bhawan, 5th Floor Sector "H", Aliganj, Lucknow-226020
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(Dr. R.B. Lal)
Scientist 'E'

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