

Prabhat Mohan Pandey So Shri Mohan ... vs Madhya Pradesh State Environment ... on 30 November, 2021

Item No. 01 to 46

BEFORE THE NATIONAL GREEN TRIBUNAL
CENTRAL ZONE BENCH, BHOPAL
(Through Video Conferencing)

Appeal No. 26/2021 (CZ)

Prabhat Mohan Pandey

Appellant (s)

Versus

MP SEIAA

Respondent(s)

AND

Appeal No. 29/2021 (CZ)

Prabhat Mohan Pandey

Appellant (s)

Versus

MP SEIAA

Respondent(s)

AND

Appeal No.30/2021 (CZ)

Prabhat Mohan Pandey

Appellant (s)

Versus

MP SEIAA

Respondent(s)

AND

Appeal No. 32/2021 (CZ)

Prabhat Mohan Pandey

Appellant (s)

Versus

MP SEIAA

Respondent(s)

AND

Appeal No. 33/2021 (CZ)

Prabhat Mohan Pandey

Appellant (s)

Versus

MP SEIAA

Respondent(s)

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AND

Appeal No. 34/2021 (CZ)

Prabhat Mohan Pandey

Appellant (s)

Versus

MP SEIAA

Respondent(s)

AND

Appeal No. 35/2021 (CZ)

Prabhat Mohan Pandey

Appellant (s)

Versus

MP SEIAA

Respondent(s)

AND

Appeal No. 36/2021 (CZ)

Prabhat Mohan Pandey

Appellant (s)

Versus

MP SEIAA

Respondent(s)

AND

Appeal No. 38/2021 (CZ)

Prabhat Mohan Pandey

Appellant (s)

Versus

MP SEIAA

Respondent(s)

AND

Appeal No. 39/2021 (CZ)

Prabhat Mohan Pandey

Appellant (s)

Versus

MP SEIAA Respondent(s)

AND

Appeal No. 40/2021 (CZ)

Prabhat Mohan Pandey Appellant (s)

Versus

MP SEIAA Respondent(s)

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AND

Appeal No. 41/2021 (CZ)

Prabhat Mohan Pandey Appellant (s)

Versus

MP SEIAA Respondent(s)

AND

Appeal No. 42/2021 (CZ)

Prabhat Mohan Pandey Appellant (s)

Versus

MP SEIAA Respondent(s)

AND

Appeal No. 43/2021 (CZ)

Prabhat Mohan Pandey Appellant (s)

Versus

MP SEIAA Respondent(s)

AND

Appeal No. 44/2021 (CZ)

Prabhat Mohan Pandey Appellant (s)

Versus

MP SEIAA Respondent(s)

AND

Appeal No. 45/2021 (CZ)

Prabhat Mohan Pandey

Appellant (s)

Versus

MP SEIAA

Respondent(s)

AND

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Appeal No. 46/2021 (CZ)

Prabhat Mohan Pandey

Appellant (s)

Versus

MP SEIAA

Respondent(s)

AND

Appeal No. 47/2021 (CZ)

Prabhat Mohan Pandey

Appellant (s)

Versus

MP SEIAA

Respondent(s)

AND

Appeal No. 48/2021 (CZ)

Prabhat Mohan Pandey

Appellant (s)

Versus

MP SEIAA

Respondent(s)

AND

Appeal No. 49/2021 (CZ)

Prabhat Mohan Pandey

Appellant (s)

Versus

MP SEIAA

Respondent(s)

AND

Appeal No. 50/2021 (CZ)

Prabhat Mohan Pandey

Appellant (s)

Versus

MP SEIAA

Respondent(s)

AND

Appeal No. 51/2021 (CZ)

Prabhat Mohan Pandey

Appellant (s)

Versus

MP SEIAA

Respondent(s)

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AND

Appeal No.52/2021 (CZ)

Prabhat Mohan Pandey

Appellant (s)

Versus

MP SEIAA

Respondent(s)

AND

Appeal No. 53/2021 (CZ)

Prabhat Mohan Pandey

Appellant (s)

Versus

MP SEIAA

Respondent(s)

AND

Appeal No. 54/2021 (CZ)

Prabhat Mohan Pandey

Appellant (s)

Versus

MP SEIAA

Respondent(s)

AND

Appeal No. 55/2021 (CZ)

Prabhat Mohan Pandey

Appellant (s)

Versus

MP SEIAA

Respondent(s)

AND

Appeal No.56/2021 (CZ)

Prabhat Mohan Pandey

Appellant (s)

Versus

MP SEIAA

Respondent(s)

AND

Appeal No.57/2021 (CZ)

Prabhat Mohan Pandey

Appellant (s)

Versus

MP SEIAA

Respondent(s)

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AND

Appeal No. 58/2021 (CZ)

Prabhat Mohan Pandey

Appellant (s)

Versus

MP SEIAA

Respondent(s)

AND

Appeal No. 59/2021 (CZ)

Prabhat Mohan Pandey

Appellant (s)

Versus

MP SEIAA

Respondent(s)

AND

Appeal No. 60/2021 (CZ)

Prabhat Mohan Pandey

Appellant (s)

Versus

MP SEIAA

Respondent(s)

AND

Appeal No. 61/2021 (CZ)

Prabhat Mohan Pandey

Appellant (s)

Versus

MP SEIAA

Respondent(s)

AND

Appeal No. 62/2021 (CZ)

Prabhat Mohan Pandey

Appellant (s)

Versus

MP SEIAA

Respondent(s)

AND

Appeal No. 63/2021 (CZ)

Prabhat Mohan Pandey

Appellant (s)

Versus

MP SEIAA

Respondent(s)

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AND

Appeal No. 64/2021 (CZ)

Prabhat Mohan Pandey

Appellant (s)

Versus

MP SEIAA

Respondent(s)

AND

Appeal No. 65/2021 (CZ)

Prabhat Mohan Pandey

Appellant (s)

Versus

MP SEIAA

Respondent(s)

AND

Appeal No. 67/2021 (CZ)

Prabhat Mohan Pandey

Appellant (s)

Versus

MP SEIAA

Respondent(s)

AND

Appeal No. 68/2021 (CZ)

Prabhat Mohan Pandey

Appellant (s)

Versus

MP SEIAA

Respondent(s)

AND

Appeal No. 69/2021 (CZ)

Prabhat Mohan Pandey

Appellant (s)

Versus

MP SEIAA

Respondent(s)

AND

Appeal No. 70/2021 (CZ)

Prabhat Mohan Pandey

Appellant (s)

Versus

MP SEIAA

Respondent(s)

7

AND

Appeal No. 71/2021 (CZ)

Prabhat Mohan Pandey

Appellant (s)

Versus

MP SEIAA

Respondent(s)

AND

Appeal No. 72/2021 (CZ)

Prabhat Mohan Pandey

Appellant (s)

Versus

MP SEIAA

Respondent(s)

Appeal No. 25/2021 (CZ)

Prabhat Mohan Pandey

Appellant (s)

Versus

MP SEIAA

Respondent(s)

AND

Appeal No. 27/2021 (CZ)

Prabhat Mohan Pandey

Appellant (s)

Versus

MP SEIAA

Respondent(s)

AND

Appeal No. 31/2021 (CZ)

Prabhat Mohan Pandey

Appellant (s)

Versus

MP SEIAA

Respondent(s)

AND

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Appeal No. 37/2021 (CZ)

Prabhat Mohan Pandey

Appellant (s)

Versus

MP SEIAA

Respondent(s)

Date of Hearing: 30.11.2021

CORAM: HON'BLE MR. JUSTICE SHEO KUMAR SINGH, JUDICIAL MEMBER
HON'BLE DR. ARUN KUMAR VERMA, EXPERT MEMBER

For Appellant(s): Mr. Rohit Sharma, Adv.

For Respondent(s) : None.

ORDER

1. All the Appeals are inter-connected with the following issues:-

- 1) That MPSEAC has failed to scrutinize the documents of the sand quarry in question and has referred the matters to MP, SEIAA without verifying the contents and veracity of the application made by the Respondent No. 2 ; and
- 2) That it is mandatory on the part of the Respondent No. 1 to carrying out an Environment Impact Assessment before granting environmental clearance, which has not been done.
- 3) The Mining Plan on the basis of which, the approval has been granted by the Respondent No. 1 is prepared by the Respondent No.2 and without confirming the legitimacy of the Mining Plan, the impugned order has been passed lacking proper application of mind.
- 4) The Respondent No.1 failed to acknowledge the fact that the impugned order grants permission to the Respondent No. 2 to excavate a huge quantity of sand over and above the auctioned quantity of sand.
- 5) The Respondent No.1 failed to appreciate the fact that the Sand Quarry, over which the impugned Environment Clearance has been granted, was already being operated by the previous lease-holder and thus, a considerable quantity of sand has already been excavated and the same is not deducted in the impugned order in question.
- 6) The Respondent No.1 has apparently acted upon the Mining plan prepared by the Respondent No. 2 and accorded the Environment Clearance qua the impugned order. This conduct of the Respondent No. 1 has defeated the real intent and object behind creation of Madhya Pradesh State Environment Impact Assessment Authority.

7) The Respondent no. 2 in guidelines issued vide an office memorandum annexed above as Annexure A/4 has failed to inculcate Annual Replenishment Study as necessary compliance which is against the legislative intent of environmental norms. The purpose of Annual Replenishment study was specifically incorporated to check the ground reality and verify the quantum of sand which is replenished at the area in question and on basis of the study the further excavation and mining of sand should be permitted. On the contrary the Respondent no. 1 suo-motu without adhering to the environmental norms rephrased the terminology of the Annual Replenishment study with Annual Replenishment plan, which would be nothing but a piece of document acting as an eye wash and bearing no significance or relevance with the actual compliance of the environmental norms prescribed under the statute; and

8) That the mandatory provisions of EIA Notification Appendix-10 with regard to the District Survey Report has not been complied with.

2. Issue notice to the respondents, returnable within four weeks. Respondents are directed to submit their reply/counter affidavit within Six weeks through E-filing portal, preferably in the form of searchable PDF/ OCR Support PDF and not in the form of Image PDF.

3. Appellant is directed to take necessary steps for service to the respondents by both ways email/ available mode. Respondents are directed to submit their reply through E-filing portal within six weeks.

4. Appellant is directed to supply the required documents and copy of the appeal and relevant documents to the Respondent(s) within a week and after compliance of service, the appellant has to submit an affidavit that the notice and copy of the appeal have been served upon the respondent(s).

List it on 18th January, 2022.

Sheo Kumar Singh, JM Arun Kumar Verma, EM 30th November, 2021 Appeal Nos. 25/2021 to 65/2021 & 67/2021 to 72/2021(CZ) PN