

**BEFORE THE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH, KOLKATA
(THROUGH PHYSICAL HEARING WITH HYBRID MODE)**

Original Application No.86/2024/EZ
(I.A. No.32/2024/EZ)

Pradeep Singh Shekhawat	Versus	Applicant(s)
Union Of India & Ors.		Respondent(s)

Date of hearing: 23.07.2024

**CORAM: HON'BLE MR. JUSTICE B. AMIT STHALEKAR, JUDICIAL MEMBER
HON'BLE DR. ARUN KUMAR VERMA, EXPERT MEMBER**

For Applicant(s) : Mr. A.D.N. Rao, Sr. Adv. a/w
Mr. Madhav Bhatia, Adv.

For Respondent(s) : Ms. Amrita Pandey, Adv. for R-1 & 5 (in Virtual Mode),
Mr. Santanu Bora, Adv. for R-2,3,6 to 14 (in Virtual Mode),
Mr. Surendra Kumar, Adv. for R-4

ORDER

1. Mr. A.D.N. Rao, learned Senior Counsel assisted by Mr. Madhav Bhatia is present on behalf of the Applicant.
2. Notices in this case were issued on 26.04.2024 and the Counsel for the State Respondents had accepted notices also. Thereafter, the case was again listed on 28.05.2024 and four weeks time was again sought and granted. Thereafter, case was listed on 16.07.2024 but no counter affidavit was filed. Today also no counter affidavit has been filed.
3. Mr. A. D. N. Rao, learned Senior Counsel assisted by Mr. Madhav Bhatia, learned Counsel has placed before us a letter of the Divisional Forest Officer (DFO), Goalpara Division (T) bearing No. B/GLP(T)/NGT/Misc/2024-25/1620 dated 11.07.2024 addressed to the District Commissioner, Goalpara. Para 3 of the letter reads as under: -

“3. The process for engagement of NABET accredited agency is being carried out by the division for preparation of District Survey Report. The proposal with funding requirement is submitted to the competent authority for sanctioning”.

4. This communication dated 11.07.2024 clearly shows that the District Survey Report (D.S.R.) has not been prepared for District Goalpara and is not in existence as of today.
5. This letter has been placed before us by Mr. A.D.N. Rao, learned Senior Counsel as it was communicated to Mr. Madhav Bhatia, his Assisting Counsel by the District Commissioner, Goalpara, vide his letter No.GDG-37/2024/13 dated the 16th July, 2024.
6. The Ministry of Environment, Forests and Climate Change (MoEF&CC) has filed affidavit dated 17.05.2024 and in para 8 thereof reference has been made to the **“Enforcement & Monitoring Guidelines for Sand Mining (EMGSM-2020)” para 4.1.1 and para (a)** thereof clearly stipulates that *“District Survey Report for sand mining shall be prepared before the auction/e-auction/grant of the mining lease/Letter of Intent (LoI) by Mining department or department dealing the mining activity in respective States”*. This shows that without District Survey Report, the State Respondents cannot proceed with auction/e-auction/grant of mining lease or Letter of Intent (LoI).
7. Mr. Santanu Bora, learned Counsel for the State Respondents, Government of Assam prays for and is granted four weeks time for filing counter affidavit.
8. With the consent of the learned Counsel for the parties, **list on 30.09.2024.**

I.A. No.32/2024/EZ

9. Interlocutory Application No.32/2024/EZ has been filed by the Applicant praying for stay of e-auction/auctions of the Minor Minerals as mentioned in **Annexure-A-17 (COLLY)** of the present Original Application No.86/2024/EZ in the district of Cachar, Tinsukia, Udalguri, Goalpara, Golaghat, Kamrup (Metro), Lakhimpur and Nagaon without the preparation of the District Survey Report.
10. The Respondents have not filed any counter affidavit till date. however, the letter of the Divisional Forest Officer, letter No.B/GLP(T)/NGT/Misc/2024-25/1620 dated 11.07.2024 clearly discloses that District Survey Report has not yet been prepared for District Goalpara.
11. Mr. A.D.N. Rao, learned Senior Counsel has also placed before us the parawise narrative which has been communicated to him and which is prepared by the District Commissioner, Lakhimpur in which it is in fact admitted that *“District Survey Report pertaining to Lakhimpur District is under the process of preparation”*. This shows even for the District of Lakhimpur, there is no District Survey Report as of today.
12. We, therefore direct that there shall be a stay on mining activities in respect of the e-auction/auction of the minor minerals in the District of Goalpara and Lakhimpur and such other districts which do not have duly approved District Survey Report.
13. **I.A. No.32/2024/EZ** is disposed of.

14. There shall be no order as to costs.

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B. Amit Sthalekar, JM

July 23, 2024,
Original Application No.86/2024/EZ
(I.A. No.32/2024/EZ)
SKB

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Dr. Arun Kumar Verma, EM