

Item No. 04,05 & 06

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

Appeal No. 22/2021 (CZ)
(I.A. No. 58/2021)

Ramesh Kumar Bansal Appellant(s)

Versus

Union of India Respondent(s)

WITH

Appeal No. 23/2021 (CZ)
(I.A. No. 59/2021)

Ramesh Kumar Bansal Appellant(s)

Versus

Union of India Respondent(s)

WITH

Appeal No. 24/2021 (CZ)
(I.A. No. 57/2021)

Ramesh Kumar Bansal Appellant(s)

Versus

Union of India Respondent(s)

Date of hearing: **16.11.2021**

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

For Appellant(s): None.

For Respondent(s) : Mr. Sandeep Singh Shekhawat, Adv.
Mr. Tavinder Sidhu, Adv.
Mr. Sandeep Singh Baghel, Adv.
Mr. Shoeb Hasan Khan
Mr. Shreyansh Rathi, Adv.

ORDER

1. These appeals are inter-connected, thus taken up together.

2. Challenged in these appeals are the order dated 28.07.2021, whereby and whereunder the State Level Environment Impact Assessment Authority, Rajasthan rejected the Appellant's Environmental Clearance (EC).
3. In all these appeals, vide order dated 28.07.2021, the State Level Environment Impact Assessment Authority, Rajasthan rejected the proposal in its meeting held on 07.07.2021 vide discussion in the 4.62th meeting on the ground that proposed distance from the forest area is less than 50 meters. While the appellant has argued as follows:

Appeal No. 22/2021

“Because a survey was conducted again at a later stage and as per the directions dated 23.07.2021 passed by the Deputy Forest Conservator Bundi, a survey was conducted (STP Reference Number 20211000033122) wherein it was measured that the distance from minimum distance from the forest boundaries was 237 meters. The exact distance was measured to be 237 meters and in such circumstances stating that the distance from forest range is not more than 50 is unreasonable. Despite of the survey and records specifying the distance to be more than 50 meters and subsequent report providing exact distance to be 237 meters despite of the same the impugned order of reflection was passed and the EC Proposal was rejected in an arbitrary manner.”

Appeal No. 23/2021

“That it is important to submit that as per the directions dated 23.07.2021 passed by the Deputy Forest Conservator Bundi, a survey was conducted (STP Reference Number 20211000033124) wherein it

was measured that the distance from minimum distance from the forest boundaries was 103 meters. The exact distance was measured to be 103 meters and in such circumstances stating that the distance from forest range is not more than 50 meters is wrongful, unreasoned and against the provisions of law. The authorities have acted at their whims and fancy an instead of passing an order based on reasons and record the respondents have acted in an arbitrary manner.”

Appeal No. 24/2021

“That it is important to submit that as per the directions dated 23.07.2021 passed by the Deputy Forest Conservator Bundi, a survey was conducted (STP Reference Number 20211000033120) wherein it was measured that the distance from minimum distance from the forest boundaries was 167 meters. The exact distance was measured to be 167 meters and in such circumstances stating that the distance from forest range is not more than 50 meters is wrongful, unreasoned and against the provisions of law. The authorities have acted at their whims and fancy an instead of passing an order based on reasons and record the respondents have acted in an arbitrary manner.”

4. The report(s) of the Forest Department have been annexed with these appeals.
5. Learned Counsel for the respondent argued that the matter may be remitted back for re-consideration by SEIAA Rajasthan. Accordingly, the order impugned dated 28.07.2021 is set aside, the matters are remitted back to the

SEIAA for reconsideration according to law within 15 days from the date of receipt of the copy of order.

6. The copy of order be forwarded to SEIAA, Rajasthan for compliance. Accordingly, Appeal No. 22/2021 (CZ), Appeal No. 23/2021 (CZ) and Appeal No. 24/2021 (CZ) along with I.As are **disposed of**.

Sheo Kumar Singh, JM

Arun Kumar Verma, EM

16th November, 2021
Appeal No. 22/2021 (CZ)
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Appeal No. 24/2021 (CZ)
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