

ITEM NO.4

COURT NO.5

SECTION XV

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (C) No(s). 10587/2019

(Arising out of impugned final judgment and order dated 09-04-2019 in DBCW No. 2996/2018 passed by the High Court Of Judicature For Rajasthan At Jodhpur)

**BAJRI LEASE LOL HOLDERS WELFARE SOCIETY
THROUGH ITS PRESIDENT**

Petitioner(s)

VERSUS

THE STATE OF RAJASTHAN & ORS.

Respondent(s)

(IA No. 6846/2021 - APPROPRIATE ORDERS/DIRECTIONS
IA No. 42703/2022 - APPROPRIATE ORDERS/DIRECTIONS
IA No. 46964/2020 - EXEMPTION FROM FILING O.T.
IA No. 42704/2022 - EXEMPTION FROM FILING O.T.
IA No. 42696/2022 - INTERVENTION/IMPLEADMENT)

WITH

SLP(C) No. 34811/2013 (XV)

C.A. No. 9703-9706/2013 (XVII)

SLP(C) No. 10670/2019 (XV)
(FOR APPROPRIATE ORDERS/DIRECTIONS ON IA 47996/2021)

CONMT.PET.(C) No. 607/2019 in SLP(C) No. 34134/2013 (XV)

SLP(C) No. 18754/2019 (XV)

SLP(C) No. 17993-18005/2019 (XV)

SLP(C) No. 30739/2019 (XV)

SLP(C) No. 30740/2019 (XV)

SLP(C) No. 30741/2019 (XV)

SLP(C) No. 30742/2019 (XV)

SLP(C) No. 28294/2019 (XV)

SLP(C) No. 4184/2020 (XV)

SLP(C) No. 5099/2020 (XV)
(IA No. 36186/2020 - MODIFICATION OF COURT ORDER)

SLP(C) No. 11075/2020 (XV)
(IA No. 95840/2020 - MODIFICATION OF COURT ORDER)

SLP(C) No. 11076/2020 (XV)
(IA No. 95837/2020 - MODIFICATION OF COURT ORDER)

SLP(C) No. 11077/2020 (XV)
(IA No. 95835/2020 - MODIFICATION OF COURT ORDER)

SLP(C) No. 11078/2020 (XV)
(IA No. 95839/2020 - MODIFICATION OF COURT ORDER)

SLP(C) No. 11074/2020 (XV)
(IA No. 95838/2020 - MODIFICATION OF COURT ORDER)

SLP(C) No. 11707/2020 (XV)

SLP(C) No. 11876/2020 (XV)

SLP(C) No. 11703/2020 (XV)

SLP(C) No. 11713/2020 (XV)

SLP(C) No. 12019/2020 (XV)

SLP(C) No. 11697/2020 (XV)

SLP(C) No. 19034/2019 (XV)

SLP(C) No. 11723/2020 (XV)

SLP(C) No. 34134/2013 (XV)
(IA No. 10/2017 - Application for Direction
IA No. 87959/2020 - APPROPRIATE ORDERS/DIRECTIONS
IA No. 59776/2018 - APPROPRIATE ORDERS/DIRECTIONS
IA No. 145200/2018 - CLARIFICATION/DIRECTION
IA No. 139515/2018 - CLARIFICATION/DIRECTION
IA No. 61429/2018 - CLARIFICATION/DIRECTION
IA No. 46551/2018 - CLARIFICATION/DIRECTION
IA No. 113303/2020 - CLARIFICATION/DIRECTION
IA No. 9/2017 - EXEMPTION FROM FILING O.T.
IA No. 145205/2018 - INTERVENTION APPLICATION
IA No. 113302/2020 - INTERVENTION/IMPLEADMENT)

C.A. No. 3283/2018 (XVII)

CONMT.PET.(C) No. 674/2019 in SLP(C) No. 34811/2013 (XV)
(IA No. 136807/2021 - APPROPRIATE ORDERS/DIRECTIONS
IA No. 140955/2018 - EXEMPTION FROM FILING O.T.
IA No. 76706/2019 - PERMISSION TO FILE ADDITIONAL
DOCUMENTS/FACTS/ANNEXURES)

SLP(C) No. 11510/2019 (XV)

SLP(C) No. 18202/2019 (XV)

SLP(C) No. 18088/2019 (XV)

SLP(C) No. 19135/2019 (XV)

SLP(C) No. 30743/2019 (XV)

SLP(C) No. 11719/2020 (XV)

Date : 12-05-2022 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE L. NAGESWARA RAO
HON'BLE MR. JUSTICE B.R. GAVAI
HON'BLE MR. JUSTICE A.S. BOPANNA

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Mr. Naresh Kumar, AOR

Mrs. K. Enatoli Sema, Adv.
Mr. Amit Kumar Singh, Adv.
Ms. Chubalemla Chang, Adv.

UPON hearing the counsel the Court made the following

O R D E R

SLP(C) No. 17993-18005/2019.

Learned counsel for the petitioner seeks and is granted permission to withdraw these Special Leave Petitions.

The Special Leave Petitions are, accordingly, dismissed as withdrawn.

Rest of the matters:

The CEC has submitted its report pursuant to the direction issued by this Court on 11.11.2021. By the said order, this Court directed the CEC to follow the directions issued by the National Green Tribunal ('NGT') in respect of imposition of penalty/determining scale of compensation for illegal mining, as also the provisions of the Enforcement and Monitoring Guidelines for Sand Mining issued by the Ministry of Environment, Forest and Climate Change ('MoEFCC') in January, 2020 for the purpose of determination of penalty/compensation.

An affidavit has been filed by the State of Rajasthan expressing its reservation about the recommendation made by the CEC for imposition of penalties being excessive. On the other hand, the petitioner in SLP (Civil) No.10587/2019 has filed its response to the report of the CEC, in which it has been contended that the penalties suggested are not

sufficient.

Mr. Ranjit Kumar, learned senior counsel appearing for the petitioner, submitted that illegal mining continues unabated in the State of Rajasthan, despite the orders of this Court. He has annexed certain FIRs registered against those responsible for illegal *bajri* mining. Dr. Manish Singhvi, learned senior counsel appearing for the State, submitted that measures have been taken by the State to stop the "social menace" of illegal mining. He submitted that large number of FIRs have been registered and steps have been taken to stop illegal mining and transportation of illegally mined mineral.

Mr. A.D.N. Rao, learned senior counsel appearing for the CEC, submitted that there is no reason as to why the State Government should take up the cause of the people who might be affected by the recommendations of the CEC for imposition of stricter penalties and compensation. He submitted that the recommendations made by the CEC are strictly in accordance with the guidelines recorded in certain orders passed by the NGT, which had to be taken into account in terms of the order of this Court dated 11.11.2021. He also stated that the illegal mining has not stopped in the State of Rajasthan and certain directions have to be issued to the State to curtail the illegal mining.

Mr. Naveen Sharma, petitioner appearing in-person in Contempt Petition (Civil) No.674/2019 in SLP (Civil) No.34811/2013, stated that there are about 20,000 unregistered tractors in the State which were intended to be used only as agricultural equipment. However, these tractors with trailers are being used for transportation of illegally mined mineral. No action is being taken to stop such transportation by these tractors which are unregistered and neither have any criminal cases been registered against the owners of the tractors. Dr. Singhvi requested time to obtain instructions on the registration of tractors and trailers not being insisted upon in the State of Rajasthan. He also submitted that a detailed affidavit shall be filed bringing to the notice of this Court the measures taken by the State Government to stop illegal mining.

The State of Rajasthan is directed to take stringent measures to stop illegal mining of *bajri* as well as the transportation of illegally mined minerals by lorries and tractors. Unregistered tractors and trailers should not be permitted for transportation purposes. It is further directed that such of those lessees, who have obtained clearances from the MoEFCC, should be granted leases without any further delay. The State shall file an affidavit giving particulars of the steps that are taken to arrest illegal mining and to

stop the transportation of illegally mined minerals,
within a period of two weeks from today.

List these matters in the 2nd week of June, 2022.

(Geeta Ahuja)
Court Master

(Anand Prakash)
Assistant Registrar