

ITEM NO.41

COURT NO.8

SECTION IVA

S U P R E M E C O U R T O F I N D I A  
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (C) No(s).13587/2011

(Arising out of impugned final judgment and order dated 29/09/2010  
in WP No. 13118/2009 passed by the High Court of M.P. at Jabalpur)

M.P.POLLUTION CONTROL BOARD

Petitioner(s)

VERSUS

M.P.STATE MINING CORP.&amp; ORS.

Respondent(s)

(with appln. (s) for exemption from filing O.T. and interim relief  
and office report)

Date : 11/01/2016 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE MADAN B. LOKUR

HON'BLE MR. JUSTICE R.K. AGRAWAL

For Petitioner(s)    Mr. Ravindra Shrivastava, Sr. Adv.  
                              Ms. Yugandhara Jha, Adv.  
                              Mr. Kunal Verma, AOR

For Respondent(s)    Mr. Santosh Kumar Tripathi, AOR

Mr. S.N. Terdal, Adv.  
Mr. N.K. Karhail, Adv.  
Mr. Harish K., Adv.  
Mr. B. Krishna Prasad, AOR

UPON hearing the counsel the Court made the following  
O R D E R

It is stated by learned counsel for petitioner that  
Rule 49 of the Madhya Pradesh Minor Mineral Rules has  
since been substituted by a notification dated 23<sup>rd</sup> March,  
2013 with the result that environmental clearance is now  
required for mining of *sand* and *bajri*.

It is further submitted that in view of the decision of this Court in Deepak Kumar and others Vs. State of Haryana and others [(2012) 4 SCC 629], environmental clearance is required for mining of *sand* and *bajri* and the State Governments were directed to frame rules accordingly.

In view of the above, it is submitted that nothing further survives in this matter.

It is, however, submitted that in the impugned judgment and order it has also been held that the Air (Prevention and Control of Pollution) Act, 1981 and the Environment Protection Act, 1986 and the Rules are not applicable. We leave that question open.

The petition is disposed of in view of the above.

(SANJAY KUMAR-I)  
AR-CUM-PS

(JASWINDER KAUR)  
COURT MASTER