NATIONAL ENVIRONMENT APPELLATE AUTHORITY,
NEW DELHI

APPEAL NO. 38 / 2009

(PIRNA NARODA NAGRIK KRUTI SAMITI AND ANTOHER VS. MINISTRY OF ENVIRONMENT & FORESTS AND OTHERS)

CORAM: HON'BLE MEMBER SHRI J.C. KALA

Appellant	:	Shri Ritwick Dutta, Advocate
Respondent -1 (MoEF)	:	Shri Om Prakash, Dy. Director, MoEF
Respondent -2 (Goa State Pollution Control Board)	:	Shri Bhavanishankar V. Gadnis Adv.
Respondent – 3 (Pirna Iron Ore Mine)	:	Shri Atmaram N.S Nadkatmo. Sr.Adv with Shri P.C. Sen, Advocate.

Date :10.05.2010

The above case is listed for hearing on merit today. Upon hearing the both parties, the Authority passed the following order:

2. Affidavit filed by the Respondent-1 (MoEF) was taken on record. While this did not indicate the examination by the EAC, of 100% opposition by the people present during the hearing (as seen from the proceedings of the hearing), the learned Counsel for Respondent-3 submitted that it is not correct to state that there was no voice in favor. To this effect he drew attention of the Authority to his reply where the letters from 53 persons supporting the project were enclosed. It is, however, seen from these letters that none of these supporters were actually present during the hearing. Learned Counsel for Appellant re-iterated Delhi High Court observation in Utkarsh Mandal Vs. Union of India case [W.P(Civil)No.9340/2009] and insisted that the EC should be quashed on the ground of non application of mind by the EAC.

3. After hearing the arguments of both the parties, the Authority directed the Ministry to constitute a sub- committee of the EAC to visit the area and examine the reasons for whole sale public opposition to the mining and re-examine its impact on agriculture/horticulture, school children, health, habitation, river and ground water etc. and also in the light of the fact that the Ministry has imposed a moratorium on mining in Goa.

4. The committee should have three environment experts and one mining expert. Advance intimation be given to the persons of the area who opposed the project (Appellant and the Respondents). Goa Pollution Control Board to assists the committee for the visit.

5. Ministry should submit its report on the above aspects by 15th of July, 2010. Necessary notices will be issued thereafter for hearing the matter.

6. **Authority also ordered to hold the Environment Clearance in abeyance until further orders**

Court Master
NEAA

Hon'ble Member (JCK)