

**BEFORE THE PRINCIPAL BENCH  
NATIONAL GREEN TRIBUNAL  
NEW DELHI  
CIRCUIT BENCH AT SHIMLA**

**Application No. 343 of 2013  
M.A. No. 1093/2013  
And  
Application No. 279 of 2013  
M.A. No. 1120/2013**

**IN THE MATTER OF :**

**Ranbir Singh Vs. State of H.P. & Ors.  
And  
Promila Devi Vs. State & Ors.**

**CORAM: HON'BLE MR. JUSTICE SWATANTER KUMAR, CHAIRPERSON  
HON'BLE MR. JUSTICE DR. P. JYOTHIMANI, JUDICIAL MEMBER  
HON'BLE DR. D.K. AGRAWAL, EXPERT MEMBER  
HON'BLE DR. G.K. PANDEY, EXPERT MEMBER**

**Present: Petitioner/Applicant: Mr. Deepak Kaushal  
State of HP: Mr. Sandeep Sharma, ASGI**

| <b>Date and Remarks</b>  | <b>Orders of the Tribunal</b>  |
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| <b>Supplementary<br/>Item No. 5 &amp; 6<br/>March 28, 2014</b> | <p>We have heard learned Counsel appearing for the parties.</p> <p>The Ministry of Environment &amp; Forest (MoEF) has not been able to explain as to how the Office Memorandum dated 24<sup>th</sup> December, 2013 is in conformity with the order of the Hon'ble Supreme Court in Deepak Kumar's case, order of the NGT and the Notification dated 9<sup>th</sup> September, 2013 issued by the MoEF itself. We do not think that the MoEF could have issued such memorandum.</p> <p>The Notification issued by the MoEF is an act of subordinate legislation and was issued in exercise of statutory powers. The Office Memorandum is an administrative order and cannot frustrate the legislative act. In fact, it falls beyond the scope of administrative powers. Consequently, we stay the operation and effect of the order of Office Memorandum dated 24<sup>th</sup> December, 2013. In</p> |

so far as it relates to the miner minerals like sand etc., list these matters on 30<sup>th</sup> May, 2014 for hearing.

....., **CP**  
**(Swatanter Kumar)**

....., **JM**  
**(Dr. P. Jyothimani)**

....., **EM**  
**(Dr. D.K. Agrawal)**

....., **EM**  
**(Dr. G.K. Pandey)**

