

**BEFORE THE NATIONAL GREEN TRIBUNAL,
PRINCIPAL BENCH, NEW DELHI**

Original Application No. 151 of 2013

**Legal Aid Committee, National Green Tribunal Bar Association
Vs.
Union of India & Ors.**

CORAM : HON'BLE MR. JUSTICE SWATANTER KUMAR, CHAIRPERSON
HON'BLE MR. U.D. SALVI, JUDICIAL MEMBER
HON'BLE DR. D. K. AGRAWAL, EXPERT MEMBER
HON'BLE MR. P. S. RAO, EXPERT MEMBER
HON'BLE MR. RANJAN CHATTERJEE, EXPERT MEMBER

Present: **Appellant:** Mr. Raj Panjwani, Sr. Advocate along with Mr. Sanjay Upadhyay and Ms. Manisha Badoni, Advocate
Respondent No.1: Ms. Neelam Rathore, Advocate
Respondent No.6: Ms. Alpana Poddar, Advocate

Date and Remarks	Orders of the Tribunal
Item No. 1 July 2, 2013	<p>Having heard the Learned counsel appearing for Applicant at some length, we are of the considered opinion that the scope of this Application needs to be extended in the larger public interest in order to comprehensively and completely deal with the issues raised in the present Application as well.</p> <p>The disaster in State of Uttarakhand needs no evidence. Having being mindful of the damage caused to the ecology and environment of State of Uttarakhand, it is a matter which certainly calls for interference by the specialized Tribunal like National Green Tribunal.</p> <p>Keeping in view the facts stated in this Application and other detailed facts in relation to the ecological and environmental disaster that occurred in the State of Uttarakhand in the last few weeks and which facts fall in the public domain of which Tribunal can take a judicial Notice in support of this Application and besides, issuing Notice of this Application to the Respondents by registered post/ acknowledgement due and Dasti as well, we also direct to Respondent No. 3 to 8 to show cause:-</p> <ol style="list-style-type: none">a) What ecological studies have so far been carried out by State of Uttarakhand and/or by any of the Respondents;b) What is the basis on which the massive constructions are being raised on the various hills of the State of

Uttarakhand.

- c) Whether such permissions to construct are backed by any data study or master/zonal development plans, if any declared by the State of Uttarakhand. Further, whether any study had been carried out by any of the Respondents more particularly State of Uttarakhand in relation to environment and likelihood of damage to environment, loss of forest cover as a result of rampant road and building construction in the State of Uttarakhand.
- d) State of Uttarakhand shall also place on record as to what precautionary and preventive steps are being taken or planned to be taken by the Respondents more particularly by the State of Uttarakhand to ensure that such ecological and environmental disaster does not reoccur particularly with the extent of extensive damage to person and property as has occurred during the recent times.

The Ministry of Environment and Forests (MoEF) and State of Uttarakhand will particularly place on record the list of the projects which are pending clearance by the respective agencies and the extent of ecological and environmental impact arising from such projects.

At the oral request of the Learned counsel appearing for the Applicant, we implead Border Roads Organization and National Highway Authority of India as Respondent No. 9 and 10 respectively.

Issue Notice to the newly added Respondents.

Notice returnable on 26th July, 2013.

Learned counsel appearing for Respondent No. 1 and 6 accept Notice and pray for time to file Reply. Reply be filed within two weeks from today. Rejoinder, thereto be filed within one week thereafter.

Stand over to 26th July, 2013.

.....,CP
(Swatanter Kumar)

.....,JM
(U.D. Salvi)

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

.....,EM
(P.S. Rao)

.....,EM
(Ranjan Chatterjee)

