

**BEFORE THE NATIONAL GREEN TRIBUNAL,**

**PRINCIPAL BENCH, NEW DELHI**

**M.A. No. 867 of 2013 & M.A. No. 868 of 2013**

**In**

**Original Application No. 26 of 2012**

**Goa Foundation & Anr. Vs. Union of India & Ors.**

**CORAM :** HON'BLE MR. JUSTICE SWATANTER KUMAR, CHAIRPERSON  
HON'BLE MR. JUSTICE U.D. SALVI, JUDICIAL MEMBER  
HON'BLE MR. JUSTICE B. S. REDDY, JUDICIAL MEMBER  
HON'BLE DR. D.K. AGRAWAL, EXPERT MEMBER  
HON'BLE PROF. (DR.) P.C. MISHRA, EXPERT MEMBER

**Present:** **Applicant:** Mr. Raj Panjwani, Sr. Advocate along  
with Mr. Rahul Choudhary, Advocate  
**Respondent No. 1:** Ms. Neelam Rathore, Advocate along  
with Mr. Vikramjeet Advocate  
**Respondent No.4:** Mr. Pawan Kr. Bansal, Adv. For Mr.  
Siddhartha Bhatnagar, Advocate  
**Respondent No.5&17:** Mr. Jogy Scaria, Advocate  
**Respondent No. 8 &14:** Mr. Mukesh Verma, Advocate  
**Respondent No. 19:** Mr. Roshan Lal Geol, Advocate

<b>Date and Remarks</b>	<b>Orders of the Tribunal</b>
<b>Item No. 7 October 1, 2013</b>	<p>Vide our Order dated 30<sup>th</sup> August, 2013, we had granted by way of last and final opportunity four weeks' time to Ministry of Environment and Forests (for short 'MoEF') to finalize the complete report in relation to acceptance or otherwise of two reports one called Dr. Gadgil Report and other is Dr. Kasturirangan Report. We had further made it clear in the Order that if compliance is not reported to the Tribunal on the next date of hearing the Tribunal would be compelled to pass stringent Orders in accordance with law.</p> <p>Today no Report has been filed. An Affidavit has been filed on behalf of the MoEF praying that Ministry is working in the right earnest to comply with the directions of the Tribunal and further time atleast of one month be granted.</p> <p>In this Affidavit except stating the status of Dr. Gadgil and Dr. Kasturirangan Reports as having been submitted, their comments and no other details of the steps taken in the entire period granted by the Tribunal have been stated. We must notice that admittedly both the Reports have been received by MoEF in the month of April, 2013 and right from April, 2013 till date the Tribunal has been granting time to MoEF to finalise its stance as to take a view on these Reports. We must also notice that no Application was filed</p>

during the entire period by MoEF stating or praying for issuance of any appropriate directions either to the states or on any other aspects of the matter.

We also wish to point out that number of cases, which relate to environmental issues on Western Ghat, pending before the Tribunal are being adjourned because of non-availability of the final stance or view of the MoEF on the said Reports to the Tribunal. Thus, it is hampering the administration of justice by the Tribunal.

We certainly would expect better standards of performance by MoEF and compliance of the directions issued by the Tribunal. For the reasons stated in the Affidavit which lack particulars and in the interest of justice, we pass the following directions:-

1. We hereby direct the Chief Secretaries of State of Tamil Nadu, Kerala, Karnataka and Gujarat to submit their comments to the MoEF within two weeks from today.
2. If, Chief Secretaries of these States fail to submit comments to MoEF as directed, the MoEF shall be at liberty to proceed in accordance with law and conclude its opinion.
3. We make it clear that the State Governments and the Chief Secretaries would not be permitted to contend that they were not consulted by MoEF before expressing its view on acceptance or rejection of either of the Reports.

We grant this opportunity to MoEF subject to payment of cost of Rs. 25,000 being imposed conditional to the extension of time.

We make it clear that if by the next date of hearing the final reports are not placed before the Tribunal, the Secretary, MoEF shall be present in person before the Tribunal.

List on 12<sup>th</sup> November, 2013.

**M.A. No. 867 of 2013**

This is an Application filed for impleadment by J. Shaji. No opposition to this Application. Application is allowed subject to just exception. The Applicant is directed to

be impleaded as Respondent in the main Application.

Accordingly, M.A. No. 867 of 2013 stands disposed of.

**M.A. No. 868 of 2013**

Notice on this Application.

Learned counsel appearing for the non-Applicants accept Notice.

Copy of the Application be furnished during the course of the day.

Reply to this Application be filed within four weeks from today.

.....,CP  
(Swatanter Kumar)

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

.....,JM  
(B.S. Reddy)

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

.....,EM  
(Prof (Dr.) P.C. Mishra)

