

BEFORE THE NATIONAL GREEN TRIBUNAL, PRINCIPAL BENCH, NEW DELHI

Original Application No. 158/2013

Amit Kumar V/s Union of India & Ors.

**CORAM:** HON'BLE SHRI JUSTICE DR. P. JYOTHIMANI, JUDICIAL MEMBER  
HON'BLE SHRI JUSTICE S.N. HUSSAIN, JUDICIAL MEMBER  
HON'BLE DR. G.K. PANDEY, EXPERT MEMBER  
HON'BLE PROF. A.R. YOUSUF, EXPERT MEMBER  
HON'BLES HRI BIKRAM SINGH SAJWAN, EXPERT  
.MEMBER

Applicant / Appellant : Mr. Gaurav Kumar Bansal, Adv.  
Respondent No. 1 & 5 : Ms. Syed Amber, Adv. for Ms. Neelam Rathore, Adv.  
Respondent No. 2 & 3 : Ms. Savitri Pandey, Adv.  
Respondent No. 4 : Mr. Ardhendhmauli Kumar Prasad, Adv.  
Respondent No. 6 : Mr. Ravindra Kumar, Adv.  
Respondent No. 7 : Mr. Adarsh Upadhayay & Mr. Raman Yadav, Adv.  
Respondent No. 8 : Raman Yadav, Adv.

Date and Remarks	Orders of the Tribunal
<b>Order No. 5</b> <b>September 17,</b> <b>2013</b>	<p>We have heard the Learned Counsel appearing for the Applicant and the Respondents. The Respondent No. 8 (Senior Superintendent of Police) had filed reply affidavit which has been taken on file. The Learned Counsel for Respondent No. 6 (New Okhla Industrial Development Authority) has filed preliminary report about 55 projects which are stated in the application. According to the Learned Counsel, out of 55 the serial No. 10, 12, 13, 14, 39 and 42 are out of the area and therefore those project need not be taken into consideration. In so far, as it relates to the remaining 49 projects, according to the Learned Counsel, admittedly that they are within 10km from the bird sanctuary. But the Learned Counsel submitted that they have obtained the necessary clearance and therefore there is no restriction on their part from proceeding with the construction. Learned Counsel further submits that out of these 49 projects, 7 projects have not been started and 15 Projects have been completed. Let the Respondent No. 6 file a detailed report about the fact.</p> <p>When it is brought by us to the notice of the Learned Counsel</p>

that there is an order dated 14<sup>th</sup> August, 2013 preventing any further construction which is against them, the Learned Counsel would fairly submit that the Respondent No. 6 would take all steps to see that no further constructions are made in respect of the said 49 Project. The Learned Counsel also undertakes to file all particulars and details relating to the 49 Projects including the source from where they draw water for their project, by the next date of hearing.

We make it very clear that the earlier order restraining the construction without proper authority shall be implemented scrupulously and the Respondent No. 7(District Magistrate) and Respondent No. 8 (Senior Superintendent of Police) are directed to see that restriction is implemented and no further construction are done in respect of 49 units and report the same by the next date of hearing.

Learned Counsel for Respondent No. 1 (MoEF) as well as the Respondent No. 5 (National Board of Wild Life) seeks time to file reply. The said Respondent shall file the reply by the next date of hearing failing to which coercive steps will be taken against the said respondents. It is made clear that MoEF in its reply shall clearly state the areas which are within 10 km from the Okhla Bird Sanctuary including NCR areas.

Respondent No. 4(Uttar Pradesh Irrigation Department) also undertakes to file its reply by the next date of hearing.

Stand over to 1<sup>st</sup> October, 2013.

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

....., JM  
(S.N. Hussain)

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

....., EM  
(Prof. A.R. Yousuf)

....., EM  
(B.S. Sajwan)

