

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

**Appeal No. 66 of 2015
(M.A. No. 654 of 2015)
And
Appeal NO. 44 of 2015
(M.A. No. 525 of 2015)
And
Appeal No.25 of 2015
(M.A. No. 428 of 2015 & M.A. No. 429 of 2015)**

IN THE MATTER OF :

**Nature Conservation Society, Amravati Vs. State of Maharashtra & Ors.
And
Conservation Action Trust Vs. MoEF & CC & Ors.
And
Srushti Paryavaran Mandal Vs. Union of India & Ors.**

**CORAM : HON'BLE MR. JUSTICE U.D. SALVI, JUDICIAL MEMBER
HON'BLE MR. JUSTICE M.S. NAMBIAR, JUDICIAL MEMBER
HON'BLE DR. D.K. AGRAWAL, EXPERT MEMBER
HON'BLE PROF. A.R. YOUSUF, EXPERT MEMBER
HON'BLE MR. RANJAN CHATTERJEE, EXPERT MEMBER**

Appeal No. 66 of 2015

**Present: Applicant: Mr. Sanjay Kumar Pandey, Adv.
Respondent No. 1: Mr. Kartik Shukul, Adv.
Respondent No. 3: Mr. V.K. Shukla, Adv.
Respondent No. 4: Mr. Pinaki Mishra, Mr. Mukesh Kumar and Ms. Ayushi Kiran, Adv.
Mr. Vishwendra Verma, Adv. for MoEF**

Appeal NO. 44 of 2015

**Present: Applicant: Mr. Saurabh Sharma, Adv.
Respondent No.1: Mr. Vishwendra Verma, Adv.
Respondent No. 2: Mr. Kartik N. Shukul, Adv.
Mr. Pinaki Mishra, Sr. Adv., Mr. Mukesh Verma and Ms. Ayushi Kiran, Adv.**

Appeal No.25 of 2015

**Present: Applicant : Mr. Ritwick Dutta, Adv., Ms. Pallavi Talware, Adv.
Respondent No. 1 : Mr. Vishwendra Verma, Adv.
Respondent No.2: Mr. Kartik Shukul, Adv.
Respondent No. 3: Mr. V.K. Shukla, Adv.
Respondent No. 4: Mr. Vikas Malhotra and Mr. M.P. Sahay, Adv.
Respondent No.5: Mr. Pinaki Mishra, Sr. Adv., Ms. Ayushi Kiran, Adv., Mr. S.P. Sharma, GM, NHAI**

	Date and Remarks	Orders of the Tribunal
	Item No. 05, 06 & 12 July 27, 2015	All these Appeals arise out of permission granted for felling of the trees and commencement of the work of diversion of 14.246 hectare forest land for the purpose of widening National Highway No. 7 between the State of Maharashtra and the State of Madhya Pradesh, which involve almost identical issue except that in Appeal No. 66

of 2015 – National Board for Wildlife has been impleaded alongwith Central Empowered Committee and in Appeal No. 25 of 2015 the State Forest Department and the State of Maharashtra had also been made party. However, it is submitted that there is some difference in the grounds taken in all these appeals.

All said & done there is identical issue concerning the diversification of Forest land for the purpose of widening of NH-7 in all these appeals. We find from the order dated 03rd July, 2015 passed in Appeal No. 25 of 2015 that the opportunity to the respondents was granted to file their replies by way of last chance. Except the Respondent No. 4 others have filed their replies. We further find from the order dated 03rd July, 2015 that responses from the authorities were found necessary and therefore direction was given that in the event of reply being not filed by the authorities, the senior most officers from the respective Departments/Ministries shall be present before the Tribunal with the record today. Sadly, none from the Respondent No. 4 authority is present before us.

We find from the record that in Appeal No. 66 of 2015 except Respondent No. 4 – National Highway Authority of India no other party Respondent No. 1 – State of Maharashtra, Respondent No. 2 – UOI, Respondent No. 3 – State of M.P., Respondent No. 5 – Central Empowered Committee, Respondent No. 6 – National Tiger Conservation Authority, Respondent No. 7 – National Board of Wildlife have filed their replies. In Appeal No. 44 of 2015 Respondent No. 3 – National Highway Authority of

India had filed reply. No reply has been filed by others. The Respondent No. 1 – MoEF and Climate Change, Respondent No. 2 – Maharashtra State Forest Department and Respondent No. 3 – NHAI have already made statement that they adopt their replies filed in Appeal No. 25 of 2015.

There is urgency for hearing this matter as road construction is stopped. Parties may exchange their pleadings.

We, therefore, issue bailable warrant against Member Secretary, National Tiger Conservation Authority in the sum of Rs. 10,000/- to the satisfaction of the arresting Officer, in exercise of our powers and in terms of the provision of Section 19 (4) (a) of the National Green Tribunal Act, 2010 read with Order XVI Rule 10(3) and Section 151 of Code of Civil Procedure, 1908, with instruction to remain before us with all the records on the date of hearing.

List all these Appeals for hearing on 31st July, 2015.

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

.....,JM
(M.S. Nambiar)

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

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

.....,EM
(Ranjan Chatterjee)