

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

**Application No. 246(T_{HC})/2013
CWPII No. 53 of 2012**

Court on its own Motion Vs. State of HP & Ors.

CORAM : HON'BLE MR. JUSTICE SWATANTER KUMAR, CHAIRPERSON
HON'BLE MR. JUSTICE U.D. SALVI, JUDICIAL MEMBER
HON'BLE DR. D.K. AGRAWAL, EXPERT MEMBER
HON'BLE MR. RANJAN CHATTERJEE, EXPERT MEMBER
HON'BLE DR. R.C. TRIVEDI, EXPERT MEMBER

Present: **Petitioner:** **None appeared**
 Respondent No. 5: **Mr. T.S. Chetan, Advocate**
 Respondent No. 8: **Mr. Vijay Arora, Advocate**

Date and Remarks	Orders of the Tribunal
Item No. 11 September 16, 2013	<p>Learned Counsel appearing for the Respondent No. 9 submits that despite their best efforts they have not been given any instructions by the client. They have also sent the notice of transfer of this petition from the Hon'ble High Court of Himachal Pradesh to this Tribunal. However, they have still no instructions to appear or to discharge their function representing the Respondent No. 9.</p> <p>The Learned Counsel for Respondent No. 9 prays for leave to file application for discharge from the case. Liberty granted.</p> <p>It is pointed out by the Learned Counsel for the State, upon instructions that the Respondent No. 9 during course of carrying on construction and the activity on the site in question has changed the location of the powerhouse in the forest area, and caused damage to the forest area with consequent environmental degradation. The Learned Counsel submits that the cost payable for restoration of the environmental damage is assessed at Rs. 16,38,950/- approximately. However, despite repeated directions in this matter, the amount has also not been paid till date. He further submits that the unit instead of constructing an open channel has constructed a tunnel which is not as per the approved plan.</p>

In light of these submissions and the fact that Respondent No. 9 is not even bothering to provide instructions to his client, we hereby direct that no construction work will be carried on by the Respondent No. 9 at Tehsil Aarni, District Kullu without specific leave of this Tribunal.

List this matter on 21st November, 2013.

.....,CP
(Swatanter Kumar)

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

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

.....,EM
(RanjanChatterjee)

.....,EM
(Dr. R.C. Trivedi)

