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ITEM NO.317

COURT NO.5

SECTION PIL

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

I.A.NOs. 162-163 IN WRIT PETITION (CIVIL) NO(s). 337 OF 1995

CENTRE FOR ENVIR. LAW, WWF-I

Petitioner(s)

VERSUS

U O I & ORS

Respondent(s)

(FOR PERMISSION TO FILE APPLICATION FOR DIRECTIONS AND DIRECTIONS)

Date: 27/01/2014 These I.As. were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE A.K. PATNAIK

HON'BLE MR. JUSTICE SURINDER SINGH NIJJAR

HON'BLE MR. JUSTICE FAKKIR MOHAMED IBRAHIM KALIFULLA

For the parties:

Ms. Neelam Rathore, Adv.

Mr. Pankaj Yadav, Adv.

Mr. Nikilesh Ramachandran, Adv.

Mr. A.D.N. Rao, Adv.

Mr. Raj Panjwani, Sr. Adv.

Mr. Vijay Panjwani, Adv.

Ms. C.K. Sucharita, Adv.

Mr. Satya Siddiqui, Adv.

Mr. Sarfraz A. Siddiqui, Adv.

Mr. Shailendra Kr. Mishra, Adv.

Mr. D.S. Mahra, Adv.

Mr. S.P. Singh, Sr. Adv.

Ms. Sukhbir Kaur Bajwa, Adv.

Ms. Prachi Bajpai, Adv.

Mr. S.N. Terdal, Adv.

Mr. Balasubramanian, Adv.

Mr. K.V. Jagdishvaran, Adv.

Ms. G. Indira, Adv.

UPON hearing counsel the Court made the following

O R D E R

I.A. Nos. 162-163 stand allowed in terms of the signed order.

(G. SUDHAKARA RAO)

(SHARDA KAPOOR)

COURT MASTER

COURT MASTER

(SIGNED ORDER IS PLACED ON THE FILE)

IN THE SUPREME COURT OF INDIA

CIVIL ORIGINAL JURISDICTION

I.A.NOs. 162-163

IN

WRIT PETITION (CIVIL) NO(s). 337 OF 1995

CENTRE FOR ENVIR. LAW, WWF-I Petitioner(s)

VERSUS

U O I & ORS Respondent(s)

ORDER

These applications are for permission for use of 12.28 hectares of forest land falling in Coringa Wildlife Sanctuary in District East Godavari, Andhra Pradesh for laying of Sub-Sea pipeline system by the Gujarat State Petroleum Corporation Ltd. The National Board for Wildlife in its meeting held on 4th September, 2013 has recommended the permission subject to the following conditions as stipulated by the State Board for Wildlife.

- i) 5% of the investment cost of the pipeline in the vicinity of Protected Areas / Eco-Sensitive Zone / Forest area, for the improvement of the habitat of the three sanctuaries besides which the pipelines passes; and
- ii) the modalities of management of this amount for the Coringa Wildlife Sanctuary will be done in supervision of the Sanctuary management.

The C.E.C. has also recommended that the permission be granted but subject to the following conditions:

- i) for use of the forest land approval under the Forest (Conservation) Act, 1980 will be obtained and the NPV, as per the rates decided by this Hon'ble Court for the non-forestry use of the forest land falling in Wildlife Sanctuaries, will be deposited in the Compensatory Afforestation Fund;
- ii) 5% of the estimated cost of the project for the portion falling in the Sanctuary will be deposited in the Compensatory Afforestation Fund for undertaking conservation and protection measures in the National Park and Wildlife Sanctuaries in the State of Andhra Pradesh; and
- iii) conditions stipulated by the Chief Wildlife Warden, Andhra Pradesh Forest Department will be strictly complied with.

The permission as prayed for is granted subject to the aforesaid conditions.

Interlocutory application Nos. 162-163 stand allowed accordingly.

.....J.
(A.K. PATNAIK)

.....J.
(SURINDER SINGH NIJJAR)

.....J.
(FAKKIR MOHAMED IBRAHIM KALIFULLA)

NEW DELHI,
JANUARY 27, 2014