

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

IA No. 160 in WP(C) NO. 337/1995

CENTRE FOR ENVIR. LAW, WWF-I

Petitioner(s)

VERSUS

U O I & ORS

Respondent(s)

(For directions)

WITH
IA Nos. 162-163 in WP(C) NO.337/1995
(For permission to file application for directions and directions)

Date: 09/12/2013 These Applications 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

Mr. Harish N. Salve, Sr. Adv.(A.C.)
Mr. P.S. Narasimha, Sr. Adv. (A.C.)(NP)

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

Mr. Siddhartha Chowdhury, Adv. (A.C.)

For Petitioner(s) Mr. Raj Panjwani, Sr. Adv.
Mr. Vijay Panjwani, Adv.

For Applicant(s) Mr. A. Mariarputham, Sr. Adv.
In IA 160 Ms. Aruna Mathur, Adv.
For M/s. Arputham Aruna & Co., Advs.

In IA 162 & 163 Ms. Neelam Rathore, Adv.
Mr. Pankaj Yadav, Adv.
Mr. Nikhilesh Ramachandran, Adv.

For Respondent(s) Mr. Milind Kumar, Adv.
Mr. Ravindra Kumar, Adv.
Mr. Syed Tabinda Suman, Adv.

For UT of Anaman & Nicobar Islands Col. R Balasubramanian, Adv.
Mr. K.V. Jagdishvaran, Adv.
Ms. G. Indira, Adv.

UPON hearing counsel the Court made the following
O R D E R

IA NO.160

We have heard learned counsel for the parties.

This application is regarding use of 2.1 hectares of land of Maenam Wildlife Sanctuary for the construction of the Skywalk and Aerial Ropeway for promotion of Wildlife Tourism at Bhaleydungu in South Sikkim. The Chief Wildlife Warden, Sikkim has recommended the use of the aforesaid forest land subject to the following conditions:

- (i) Labour camps will not be permitted to be set up inside the sanctuary.
- (ii) All workers need to obtain permits for working in the project site inside the sanctuary.
- (iii) Construction materials should be stored in the identified area.
- (iv) No additional felling of tree or destruction of wildlife habitat, exploitation or removal of any wildlife including forest produce from the sanctuary should take place.
- (v) Authorized sanctuary personnel will check the construction sites as and when required.
- (vi) The project implementing authorities and workers will obey dos and dont's of the Sanctuary.

The Central Empowered Committee has recommended the use of the forest land subject to the following conditions:

- (i) for use of the forest land the approval under the Forest (Conservation) Act, 1980 will be obtained and the NPV payable as per the rates prescribed by this Hon'ble Court for the forest land falling within the Sanctuary (five times the normal rate of the NPV) will be deposited in the Compensatory Afforestation Fund;
- (ii) the conditions as stipulated by the Chief Wildlife Warden, State of Sikkim and recommended by the Standing Committee of the National Board for Wildlife will be strictly complied with;
- (iii) no plastics will be brought into the Sanctuary area; and
- (iv) 5% of the estimated project cost for the portion of the project falling within the Sanctuary will be deposited in the Compensatory Afforestation Fund for conservation and protection of the Sanctuary."

We allow this application and permit the use of 2.1 hectares of forest land for the aforesaid construction of the Skywalk and Ropeway subject to the aforesaid conditions recommended by the Chief Wildlife Warden and the Central Empowered Committee in their respective recommendations.

IA Nos. 162-163

These applications be listed on 16th December, 2013.

[KALYANI GUPTA]
COURT MASTER

[SHARDA KAPOOR]
COURT MASTER