

ITEM NO.1

COURT NO.1

SECTION PIL

SUPREME COURT OF INDIA  
RECORD OF PROCEEDINGS

I.A.NOs.2 & 92, 52 & 95, 54, 67 & 76, 83-84, 37, 100, 109 in 78-79, 104-105, 106, 114-115, 116-118, 119-121, 122-123, 126-127 & 128-129, 130-131, 133 and 134 in W.P.  
(C)No.337/1995

CENTRE FOR ENVIR. LAW, WWF-I

Petitioner(s)

VERSUS

U O I &amp; ORS

Respondent(s)

(With appln(s) for directions,exemption from filing O.T.,directions,intervention,impleading party,modification of Court's Order dated 13.11.2000 and recommendations of CEC in I.A.NO.67 and directions, c/delay, correction of court's order dt.06.02.2008 and for permission to implement Pakal Dal project impleadment, and office report )

Date: 11/08/2009 These applns. were called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE  
HON'BLE MR. JUSTICE P. SATHASIVAM  
HON'BLE DR. JUSTICE B.S.CHAUHAN

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

Mr.Sakesh Kumar, Adv.  
Ms. K.V.Bharathi Upadhyaya ,Adv  
2

Mr.Sanjay Upadhyay, Adv.  
Ms.Shilpa Chohan, Adv.  
Mr.Rajesh Singh, Adv.

For Respondent(s) Mr.Milind Kumar, Adv.

Mrs.Asha G.Nair, Adv.

Mr.M.P.Meharia, Adv.(NP)

Mr.naresh Kaushik, Adv.  
Mrs.Amita Kalkal, Adv.  
Ms.Manisha, Adv.  
for Ms.Lalita Kaushik,Adv.

Mr.Jana Kalyan Das, Adv.(NP)

Mr.Ranjan Mukherjee, Adv.(NP)

Mr.P.V.DInesh, Adv.

Mr.Pradeep Misra, Adv.(NP)

Mr.Anil Shrivastava, Adv.

Mr.Amit Kr.Chawla, Adv.  
Mr.A.Rohen Singh, Adv.  
For Mr.Sanjay R.Hegde, Adv.

Mr.B.B.SIngh, Adv.(NP)

Ms.Shomila Bakshi, Adv.  
For Ms.Kamini Jaiswal, Adv.

3

Mr.Amit Kumar, Adv.

Ms.Momota Oinam, Adv.  
For M/s.Corporate Law Group, Advs.

Mr.Debasis Mishra, Adv.(NP)

Mr.Ejaz Maqbool, Adv.

Ms.Anitha Shenoy, Adv.

Mr.Niraj Sharma, Adv.(NP)

Mr.Ravindra Keshavrao Adsure, Adv.

Mr. Ashok K. Srivastava ,Adv(NP)

Mr. Aruneshwar Gupta ,Adv(NP)

Mr. Ashok Mathur ,Adv(NP)

Mr.Syed Mehdi Imam, Adv.  
for Mr. Anis Suhrawardy ,Adv

Mr. Ajit Pudussery ,Adv

Mr.S.J.Aristotle, Adv.  
For Mr.V.G.Pragasam, Adv.

Mr.Anil Kr.Jha, Adv.  
Mr.Vijay Pratap Singh, Adv.

Mr.Edward Belho, Adv.  
4

Mr.P.Athuimei R.Naga, Adv.

Mr.Ajay Pal, Adv.  
Ms.Nitu Kumari Sinha, Adv.

Mr.Ram Swarup Sharma, Adv.  
Mr.Manish Ranjan, Adv.

Mr.Manjit Singh, AAG  
Mr.Kamal Mohan Gupa, Adv.  
for Mr.T.V.George, Adv.

Ms.Rachna Srivastava, Adv.  
Mr.Noorullah, Adv.

Mr.Manoj Saxena, Adv.  
For Mr.T.V.George, Adv.

Mr.K.N.Madhusoodhanan, Adv.  
For Mr.R.Sathish, Adv.

Mr.T.Harish Kumar, Adv.  
Mr.Prasanth P, Adv.  
Mr.V.Vasudevan, Adv.

Mr.Biswanath Agrawalla, Adv.  
For Mr.Rajiv Mehta, Adv.

Mr.Mukul Rohtagi, Sr.Adv.  
Mr.Shail Kr.Dwivedi, AAG  
Mr.Saurav Kirpal, Adv.  
Mr.Kapil Mishra, Adv.  
Ms.Vandana Mishra, Adv.  
Mr.Manoj Kr.Dwivedi, Adv.

5

For UOI

Mr.T.S.Doabia, Sr.Adv.  
Mr.S.W.A.Qadri, Adv.  
Mrs.Kiran Bhardwaj, Adv.  
For Mr.S.N.Terdal, Adv.  
For Mrs.Anil Katiyar, Adv.  
For Mr.D.S.Mahra, Adv.

Mrs.Aruna Mathur, Adv.  
Mr.Vimal Dubey, Adv.  
For M/s.Arputham, Aruna & Co., Advs.

Mr.A.Mariarputham, Sr.Adv.  
Mrs.Aruna Mathur, Adv.  
Mr.Vimal Dubey, Adv.  
For M/s.Arputham,Aruna & Co., Advs.

Mrs.Hemantika Wahi, Adv.  
Ms.Pinky, Adv.

Mr.Manish Kumar, Adv.  
For Mr.Gopal Singh, Adv.

For State of M.P. Mr.B.S.Banthia, Adv.(NP)

Ms.Vibha Datta Makhija, Adv.(NP)

Mr.Kh.Nobin Singh, Adv.

Mr.M.Veerappa, Adv.(NP)

Mr.Naresh K.Sharma, Adv.

Mr.Rajesh Prasad Singh, Adv.

6

Ms.A.Subhashini, Adv.

UPON hearing counsel the Court made the following

ORDER

I.A.Nos.2 & 92, :

N.B.W.L. to file its report/reply within eight weeks.

I.A.No.37:

It is alleged that the Uttaranchal Jal Vidyut Nigam Ltd. has constructed a power house within the boundary of Askot Wildlife sanctuary. We are told that the National Board for Wildlife has not taken any steps so far in this regard. Learned counsel appearing for the State of Uttaranchal contends that the boundary of the sanctuary has not yet been finally decided. The State shall file a fresh report regarding the determination of the boundary of the sanctuary. List after eight weeks.

I.A.No.52:

It is stated that about 1390 families are staying within the boundary of Rajaji National Park. There was a scheme to rehabilitate them in another area for which the government has diverted 1123 hectares of forest land earmarked by the State Government. But so far these families have not yet been shifted to these areas. The State Government is directed to file an affidavit as to what steps have been taken in this regard also explaining the nature of the land which is kept separate for the intended purpose.

List after eight weeks.

I.A.No.95:

It is alleged that the Jal Vidhyut Nigam Ltd. and the Irrigation Department of the State have set up certain illegal constructions including shops in the Rajaji National Park but the State has not taken any steps in this regard. Learned counsel for the State submits that it had already issued notices to Jal Vidhyut Nigam Ltd. to remove the unauthorised constructions, including the shops. State shall file an affidavit to this effect within eight weeks.

I.A.Nos.54,67&76:

Adjourned by eight weeks.

I.A.Nos.83&84:

Report of F.A.C. is awaited.

Adjourned by eight weeks.

I.A.No.100:

N.B.W.L. to file its report regarding the same within eight weeks.

I.A.Nos.104-105:

Adjourned by eight weeks.

I.A.No.106:

When the matter was called nobody was present on behalf of State of Madhya Pradesh. Even on the last occasion also no counsel appeared on behalf of the State.

9

I.A. is rejected for non-prosecution.

I.A.Nos.114-115:

The National Hydro-Electric Power Corpn.Ltd. seeks to construct Pakal Dul Hotro Electric Project for which 1163.898 hectares of land out of which 386.186 land is within the Kishtwar National Park area. National Board for Wild Life has examined the same and has filed a report clearing this project subject to certain conditions. These conditions are acceptable to N.B.W.L. Subject to fulfillment of the conditions imposed by N.B.W.L. and on payment of Rs.236 crores for conservation purpose, the project is cleared as regards 386.186 hectares. So far as 311.042 hectares of forest land is concerned, the matter is referred to C.E.C. Post these applications before the Forest Bench.

10

I.A.Nos.116 to 118 & 119 to 121

State Government seeks time to file its response. Issue notice to National Board for Wildlife. The State Government as also the Board to file their response for the proposed project.

List after eight weeks.

I.A.Nos.122-123

None appeared. I.As. are rejected for non-prosecution.

I.A.Nos.126-127:

The Lancho Hydro Energies Pvt. Ltd. seeks permission to divert 17.78 ha. of forest land, which is a part of Kedarnath Musk Deer Wildlife Sanctuary, Uttrakhand. The National Board for Wildlife (NBWL) has considered the Project and subject to fulfillment of certain conditions it has recommended that the Project could be cleared. We accept the same, subject to conditions laid down by National Board for Wildlife. The Project is cleared accordingly.

11

The Chief Wildlife Warden to monitor the Project and to see whether all the conditions are complied with and the provisions of the Scheduled Tribes and other Forest Dwellers (Recognition of Rights) Acts, 2006, be also complied with.

I.A.s are disposed of accordingly.

12

I.A.Nos.128-129:

About 180.79 ha. forest land earmarked for construction of Adwa-Meja link canal is part of Ban Sugar Canal Project. The project was cleared subject to fulfillment of certain conditions. One of the conditions is relocation of 10 villages. Now, the State Government submits that villagers are not willing to move out of the villages and it is difficult to comply the directions issued by this Court. The matter is referred to NBWL as to what steps could be taken in this regard. The National Board for Wildlife to file response/report.

List after eight weeks.

I.A.Nos.130-131:

Issue notice to National Board for Wildlife and to the State of Himachal Pradesh.

I.A.No.134:

The Fambonglho Wildlife Sanctuary was originally notified as 51.76 sq. km.

Another 100 hectares of land was added to this Sanctuary. But later after carrying rationalisation of boundaries it was found that 58.37 hectares are to be excluded.

This I.A. has been filed for appropriate directions regarding rationalization of the boundaries. This is cleared subject to conditions laid down by the National Board for

13

Wildlife.

I.A is allowed accordingly.

(G.V.Ramana)  
Court Master

(R.K.Dhawan)  
Court Master

(Veera Verma)  
Court Master