

ITEM NO.2

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 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, permission to implement Ramba  
Hydroelectric Power Project, modification of court's order dt.28.4.2003,  
bringing on record addl. facts and office report )

Date: 22/04/2009 These applns. were called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE  
HON'BLE MR. JUSTICE LOKESHWAR SINGH PANTA  
HON'BLE MR. JUSTICE P. SATHASIVAM

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

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

Mr.P.N.Misra, Sr.Adv.  
Mr.K.N.Tripathy, Adv.  
Mr.H.P.Sahu, Adv.

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

For Respondent(s) Mr.Milind Kumar, Adv.  
Mr.M.P.Meharia, Adv.(NP)  
Ms.Lalita Kaushik,Adv.

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Mr.Jana Kalyan Das, Adv.

Mr.Ranjan Mukherjee, Adv.(NP)

Mr.P.V.DInesh, Adv.(NP)

Mr.Pradeep Misra, Adv.

Mr.Anil Shrivastava, Adv.

Mr.Sanjay R.Hegde, Adv.(NP)

Mr.D.S.Mahra, Adv.

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

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

Mr.Amit Kumar, Adv.

M/s.Corporate Law Group, Advs.(NP)

Mr.Debasis Mishra, Adv.(NP)

Mr.Ejaz Maqbool, Adv.

Mr. Aruneshwar Gupta,Adv.

Ms.Anitha Shenoy, Adv.

Mr.Niraj Sharma, Adv.(NP)

Mr.Ravindra Keshavrao Adsure, Adv.(NP)

Mr. Ashok K. Srivastava ,Adv(NP)

Mr. Aruneshwar Gupta ,Adv

Mr. Ashok Mathur ,Adv(NP)

Mr. Anis Suhrawardy ,Adv(NP)

Mr. Ajit Pudusserly ,Adv

Mr.Prabu Ramasubramanian, Adv.  
For Mr.V.G.Pragasam, Adv.

Mrs.Savitri Pandey, Adv.

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Mr.Fuzail Khan, Adv.  
For Mr.Anil Kr.Jha, Adv.

Mr.Edward Belho, Adv.  
Mr.Rituraj Biswas, Adv.  
Mr.P.Athuimei R.Naga, Adv.

Ms.Kngkini Thakur, Adv.  
Mr.Ram Swarup Sharma, Adv.

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Mr.Manjit Singh, AAG  
for Mr.T.V.George, Adv.

Mr.S.S.Shamshery, Adv.  
For Ms.Rachna Srivastava, Adv.

Mr.Manoj Saxena, Adv.  
Mr.Rajnish Kr.Singh, Adv.  
Mr.Rahul Shukla, Adv.  
For Mr.T.V.George, Adv.

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

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

Mr.Mukul rohtagi, Sr.Adv.  
Mr.Shail Kr.Dwivedi, AAG  
Ms.Vandana Mishra, Adv.

For UOI Mr.S.W.A.Qadri, Adv.  
Mrs.Kiran Bhardwaj, Adv.  
For Mr.S.N.Terdal, Adv.  
Mrs.anil Katiyar, Adv.

For NBWL NONE

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

Mr.Mukul Rohtagi, Sr.Adv.  
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.

Mr.Naresh K.Sharma, Adv.

Mr.Rajesh Prasad Singh, Adv.

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UPON hearing counsel the Court made the following

ORDER

I.A.Nos.2&92, 37:

We are told that several applications are pending since the National Board for Wildlife (for short 'N.B.W.L.') has not submitted its latest report/developments in these matters. Learned counsel representing the N.B.W.L. is not present. We are not in a position to give any further directions as regards these matters. The Member Secretary of N.B.W.L. is directed to be present on the next date of hearing with response for I.A.Nos.2 and 92.

List on 11.08.2009.

I.A.Nos.52&95:

The respondent State of Uttarakhand and other respondents in these applications are directed to file their response to the affidavit of MoEF dated 21.07.2008 before the next date of hearing.

List on 11.08.2009.

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

Adjourned to 11.08.2009.

I.A.Nos.78,79 & 109:

These applications are rejected in view of the rejection of the projects by N.B.W.L.

I.A.Nos.83&84:

Report of F.A.C. is awaited.

List on 11.08.2009.

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I.A.No.100:

There was a proposal to send two lion cubs from the State of Gujarat to the State of Madhya Pradesh. The proposal was objected to by the State of Gujarat for various reasons. All these objections were considered by N.B.W.L. and it supported the proposal for rejected of objections raised by the State of Gujarat. Now the State of Gujarat has filed a further affidavit in response to the affidavit of MoEF dated 21.07.2008 wherein detailed reasons for objecting the proposal were given. A copy of the further affidavit be furnished to the N.B.W.L. and N.B.W.L. will have a fresh look on the subject and file a report regarding the same. If N.B.W.L. feels necessary for filing the report, both the States may be heard.

I.A.Nos.104-105:

Adjourned to 11.08.2009.

The State may file its response in the meanwhile.

I.A.No.106:

Learned counsel for the State is not present nor it has filed its response to the affidavit of MoEF dated 21.07.2008. The State is directed to submit its response as regards the recommendation of N.B.W.L. before the next date of hearing.

List on 11.08.2009.

I.A.Nos.114-115:

The Pakal Dul Hydro Electric project of the National Hydro-Electric Power Corpn.Ltd. was examined by N.B.W.L. and it has given a conditional consent to the said project. N.H.P.L., to execute the work, has to pay Rs.236 crores including Rs.100 crores

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for the corpus fund for the protected area for the conservation of the wildlife by N.B.W.L. N.H.P.L. has not deposited the amount.

Let the money be deposited.

List on 11.08.2009.

I.A.Nos.116, 117 & 120:

Issue notice to the State of Uttarakhand and the Chief Wildlife Warden. Learned counsel appears and accepts notice on behalf of Chief Wildlife Warden.

List on 11.08.2009.

I.A.Nos.118, 119 & 121:

Adjourned to 11.08.2009.

I.A.Nos.122-123:

A copy of these applications may be furnished to N.B.W.L.

I.A.Nos.126-127:

Adjourned to 11.08.2009.

I.A.NO.128-129:

Issue notice.

List on 11.08.2009.

(G.V.Ramana)  
Court Master

(Veera Verma)  
Court Master