

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

RECORD OF PROCEEDINGS

I.A. NOS.13, 33, 37 AND 91 IN WRIT PETITION (CIVIL) NO.337 OF 1995

CENTRE FOR ENVIR. LAW, WWF-I

Petitioner(s)

VERSUS

U.O.I. & ORS.

Respondent(s)

(For directions/modification of order dated 13/11/2000 and office report)

Date: 18/07/2006 This matter was called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE C.K. THAKKER

HON'BLE MR. JUSTICE P.K. BALASUBRAMANYAN

For Applicant(s)

Mr. V.A. Mohta, Sr. Adv.

In I.A. No.33:

Mr. Ravindra K. Adsure, Adv.

In I.A. Nos.37 & 91:

Ms. Rachana Srivastava, AAG., Uttaranchal.

In I.A. No.13:

Mr. David Rao, Adv.

for Mr. M. Veerappa, Adv.

For Respondent(s)

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

Mr. Raj Panjwani, Adv.

Mr. Vijay Panjwani, Adv.

For Rajasthan: Mr. Aruneshwar Gupta, AAG., Rajasthan.
Mr. Naveen Kumar Singh, Adv.

For Orissa: Mr. Jana Kalyan Das, Adv.

For Meghalaya: Mr. Ranjan Mukherjee, Adv.

For Tripura: Mr. Biswanath Agarwalla, Adv.
Mr. Rajiv Mehta, Adv.
Mr. G. Prakash, Adv.

For Sikkim: Mr. A. Mariarputham, Adv.
Ms. Aruna Mathur, Adv.
Ms. Mini N. Nair, Adv.
for M/s. Arputham, Aruna & Co., Adv.

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For Uttar Pradesh: Mr. Manoj K. Mishra, Adv.
Mr. Rajeev K. Dubey, Adv.
Mr. Kamendra Mishra, Adv.
Mr. Pradeep Misra, Adv.
Mr. Sandeep Singh, Adv.

For Arunachal Pradesh: Mr. Anil Shrivastav, Adv.

For Gujarat: Ms. Hemantika Wahi, Adv.
Ms. Sadhna Sandhu, Adv.

For Karnataka: Mr. Sanjay R. Hegde, Adv.
Mr. Anil K. Mishra, Adv.
Mr. A. Rohen Singh, Adv.

For Punjab: Mr. R.K. Rathore, AAG., Pb.
Mr. M.K. Verma, Adv.
Mr. Rajeev Kumar Sharma, Adv.

for Mr. R.S. Suri,Adv.

Mr. Ashok Mathur,Adv.

Mr. D.S. Mahra,Adv.

For Bihar: Mr. Gopal Singh,Adv.

Mr. Rituraj Biswas,Adv.

For N.C.T. of Delhi: Mr. S.W.A. Qadri,Adv.

Ms. Anil Katiyar,Adv.

Mr. Mohanprasad Meharia,Adv.

Ms. A. Subhashini,Adv.

Ms. Kamini Jaiswal,Adv.

Mr. V.G. Pragasam,Adv.

Mr. P. Parmeswaran,Adv.

Mr. Amit Kumar,Adv.

For Assam: Mr. Satish Vig,Adv.

Mr. Riku Sharma,Adv.

for M/s. Corporate Law Group,Advs.

For Himachal Pradesh: Mr. J.S. Attri,AAG.

Ms. Shivani Thakur,Adv.

Ms. Sumita Hazarika,Adv.

Ms. Kavita Wadia,Adv.

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Ms. Sushma Suri,Adv.

Mr. Ajit Pudussery,Adv.

Mr. K.R. Sasiprabhu,Adv.

Mr. Kartik A.,Adv.

For Mizoram:

Mr. K.N. Madhusoodhanan, Adv.

Mr. R. Sathish, Adv.

Mr. Vishwajit Singh, Adv.

Mr. V.N. Raghupathy, Adv.

Mr. D.N. Goburdhan, Adv.

Ms. Rachana Joshi Issar, Adv.

Mr. Ashok K. Srivastava, Adv.

Mr. Niraj Sharma, Adv.

Mr. S. Prasad, Adv.

Mr. Anis Suhrawardy, Adv.

Ms. Anitha Shenoy, Adv.

Mr. Shankar Divate, Adv.

Mr. Rajesh Prasad Singh, Adv.

Ms. Lalita Kaushik, Adv.

Mr. Manjeet Singh, Adv.

Mr. T.V. George, Adv.

For Chhatisgarh:

Ms. Suparna Srivastava, Adv.

Mr. Rajesh Srivastava, Adv.

Ms. Rani Chhabra, Adv.

Ms. Vibha Datta Makhija, Adv.

Mr. P.V. Dinesh, Adv.

Ms. Sindhu T.P., Adv.

UPON hearing counsel the Court made the following

O R D E R

I.A. No.13:

This application is being adjourned from time to time

considering the special conditions prevailing

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in the State of Manipur in relation to it being a disturbed area. Because of the special conditions, the State Government was granted exemption from complying with the orders of this Court for supply of fire arms to foresters.

The exemption granted will continue until further orders till the situation improves in the State of Manipur whereupon the State will supply fire arms to the foresters and inform this Court accordingly by filing an affidavit.

The interlocutory application is disposed of accordingly.

I.A. No.33:

The Standing Committee of the National Board for Wildlife in its meeting dated 6th April, 2005, accepted the recommendation of the sub-committee for permitting the project in respect whereof this application relates to, subject to the five conditions. In respect of Condition Nos.1, 4

and 5, the matter can be sorted out by this Court as there does not appear to

be much of dispute. In respect of Condition Nos.2 and 3, affidavits have

been filed on behalf of the State of Maharashtra, both by the Water Resources Department as also by the Forest Department. In our view, the

Government of India has rightly suggested that the matter may be referred to the Standing Committee to re-consider the conditions in the light of the stand taken by the State Government on the aforesaid two conditions and on receipt of the fresh recommendations either modifying or affirming these conditions, the order may be passed by this Court. It is ordered accordingly. The Standing Committee of the National Board for Wildlife would consider Condition Nos.2 and 3 afresh after taking into account all relevant facts, including the stand of the State of Maharashtra and file its recommendations. The matter may be placed before the Standing Committee in its next meeting.

List the application after the receipt of the recommendations of the Standing Committee.

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I.A. No.37:

The applicant seeks diversion of 48.385 hectares (25 kilometers) of forest land from Askot Musk Deer Sanctuary for laying 132 KV transmission line. The Standing Committee of National Board for Wildlife has recommended that permission sought for may be granted subject to the seven conditions. Those conditions are acceptable to the State Government. In this view, we grant the permission on applicant's complying with the conditions. Condition No.1 relating to deposit of five per cent of the project

cost or Rupees one crore for conservation works within the Sanctuary is subject to the further orders that may be passed by this Court. It is acceptable to the applicant.

The seventh condition is that since, on observation, it has been found that Nigam had constructed a power house in Village Jumma Tehsil Pithoragarh after the order of this Court was passed in the year 2000, explanation may be called for as it may be in violation of the Wildlife (Protection) Act, and Forest (Conservation) Act. The Minutes are dated 6th April, 2005. There is nothing on record to show as to what transpired in the last over one year. The learned counsel for the State Government submits that the explanation was sent to the Standing Committee but nothing further has been heard. The Standing Committee would examine the matter and send its recommendation on this issue separately which could be examined despite the grant of permission of diversion, as prayed for. For this limited purpose, the interlocutory application is adjourned.

I.A. No.91:

The matter is directed to be examined by the Standing Committee of the National Board for Wildlife.

List the application after receipt of the recommendations from the Standing Committee.

[T.I. Rajput]

[V.P. Tyagi]

A.R.-cum-P.S.

Assistant Registrar

