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W.P(C)No. 337 OF 1995

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ITEM No.61

Court No. 7

SECTION PIL

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

IA Nos.8,13,15,16,17,19-24 & 26-29 in
Writ Petition(Civil) No.337/1995

CENTRE FOR ENVIR. LAW, WWF-I

Petitioner (s)

VERSUS

U O I & ORS

Respondent (s)

(For recalling the order dated 17.7.1998 & modification of order
dated 22.8.97 & directions & modification of Court's order dated
13.11.2000 & impleadment/directions & exemption from filing OT &
directions)

Date : 28/04/2003 These Petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE Y.K. SABHARWAL

HON'BLE MR. JUSTICE H.K. SEMA

For Petitioner (s)

M/s Raj Panjwani, Iqbal Shamsi,
Vijay Panjwani, Advs.

For Respondent (s)

Mr. Aruneshwar Gupta, Adv.

For M.P.

M/s Sakesh Kumar, Satish K. Agnihotri, Advs.

Mr. Jana Kalyan Das, Adv.

Mr. Ranjan Mukherjee, Adv.

For Tripura

M/s. Mona, Rajiv Mehta, Advs.

Mr. G. Prakash, Adv.

For Sikkim

M/s A. Mariarputham, Aruna Mathur, Advs. for
M/s Arputham, Aruna & Co.

For U.P.

M/s R.C. Verma, Mukesh Verma,
Manish Shanker, Advs.

in IA 17

Mr. Anil Shrivastav, Adv.

Ms. Hemantika Wahi, Adv.

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Mr. Sanjay R. Hegde, Adv.

For Jharkhand

M/s Ashok Mathur, Rajesh Pathak, Advs.

For NCT of Delhi, Andaman & Nicobar, Lakshadweep, Dadra & Nagar Haveli, Daman & Diu	Mr.SWA Qadri, Adv. Mr. D.S. Mahra, Adv. Ms.Sunita Sharma, Adv.
	Mr. B.B. Singh, Adv.
	Mr. M. Veerappa, Adv.
For Goa	Ms. A.Subhashini, Adv.
	Ms. Kamini Jaiswal, Adv.
For Pondicherry	Mr. V.G. Pragasam, Adv.
	Mr. P. Parmeswaran, Adv.
	Mr. Anil Kumar Tandale, Adv.
	M/s Asha G.Nair, VK Siddharthan, Advs.for M/s Corporate Law Group
For Himachal Pradesh	Mr.JS Attri, AAG Mr. Naresh K. Sharma, Adv.
	Mr. S.V. Deshpande, Adv.
For Nagaland	M/s SK Shandilya, VD Khanna, Advs.
	Mr. Rajeev Kumar Sharma, Adv.
For Haryana	M/s PK Rai, Ms. Kavita Wadia, Advs.
	Ms. Sushma Suri, Adv.
	Ms. Rachana Srivastava, Adv.
	Ms. Sandhya Goswami, Adv.
	Mr. Ajit Pudussery, Adv.
For ONGC	Mr.Mukul Rohtagi, ASG M/s K.R. Sasiprabhu, John Mathew, K.Sangeeta, Sushil Tekriwal, Advs.
For Kerala	M/s KR Sasiprabhu, John Mathew, K.Sangeeta, Sushil Tekriwal, Advs.
IAS 28 & 29	M/s Tripurari Ray, Vishwajit Singh, Advs.
For Chhattisgarh	Mr.Prakash Shrivastava, Adv.
For Punjab	Mr.Atul Nanda, AAG Mr.RS Suri, Adv.
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	M/s SM Jadhav, SS Shinde, Mukesh K.Giri, Advs.
For A.P.	M/s TV Ratnam, K.Subba Rao, Advs.

UPON hearing counsel the Court made the following
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IAS 22 & 23.@@
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These applications have been filed by ONGC for carrying out oil/gas exploration in Desert National Park in Rajasthan. The applications were referred to IBWL. An affidavit of Deputy Inspector General (Wild Life), Government of India, has been tendered in Court today. According to the said affidavit the recommendations for diversions have been accepted subject to the following conditions:-

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- "1. ONGC would deposit Rs.5 crore in a specially created fund for the conservation and management of Desert National Park. This amount is an initial compensation for exploratory phase.
2. In case oil/gas is struck in the region, the State Government would declare adequate additional area to the National Park for providing suitable habitat, especially to the great Indian Bustard that is critically endangered."

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Mr. Mukul Rohatgi, learned Additional Solicitor General submits that condition of deposit of Rs.5 crore is onerous and the ONGC has already offered Re.1 crore which is just and reasonable. We have on one hand Ministry of Environment and Forests and on the other a Government Corporation. We hope that what amount should be deposited would be sorted out as a result of joint

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deliberations. List the matter in third week of July, 2003. In case ONGC desires to commence with the work, it may do so on deposit of Rs.5 crores subject to variation, if any, by joint consultation or by this Court later.

IA 15.@@
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This application has been filed on behalf of State of U.P. to construct Bansagar Irrigation Project (Adwa-Meja & Meja-Jirgo Link Channels) covering an area of 180.79 hectares. The Ministry of Environment and Forest subject to fulfilment of certain conditions incorporated in its letter dated 23rd December, 2002 and in the affidavit tendered in Court today incorporating the conditions imposed by the Standing Committee-IBWL have permitted the commencement of the project. All conditions imposed are acceptable to the State of U.P. The application is, therefore, ordered subject to fulfilment of the conditions as aforesaid. Further we direct that the identification of the sites in terms of the letter dated 23rd December, 2002 shall be done also in consultation with IBWL.

List all other applications in third week of July, 2003. Parties may file their response before the next date of hearing.

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[Naresh Kumar]
Court Master

[VP Tyagi]
Court Master