Editor’s Note

1. Supreme Court Order related to construction of the Metrosed in Aarey Forest
2. Supreme Court Orders in the Matter of T.N. Godavarman Thirumulpad v Union of India & Ors.
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EDITOR’S NOTE

Dear friends,

In this edition of FC Update, we cover some significant judgments or directions of the Supreme Court and then focus on the orders of the National Green Tribunal (NGT).

The Supreme Court in a significant decision lifted the prohibition on coal mining in the Jaintia Hills in Meghalaya, which was stopped by the NGT. The Court did stipulate that the mine owners would have to seek approval under the environmental laws. In effect, the Court’s order will lead to resumption of mining activity. The State Government and the Autonomous District Councils (ADCs) were in favour of lifting the ban despite the serious environmental and social consequences. The judgment highlights that fact that the tribal are the owner of the mineral wealth. However, the judgment does not deal much with the manner in which the destructive practice of rat hole mining will be eliminated.

The present issue also discusses two other cases where hearings are still underway. One relates banning of “night traffic” in roads that cross Bandipur Tiger reserve and National Park. The Karnataka High Court has upheld the Government’s decision to ban night traffic in Bandipur which was challenged by the State of Kerala and other residents before the Supreme Court. The Supreme Court in a positive order emphasized on the need to continue with the ban. The other case relates to the one filed by eminent wildlife conservationist M.K. Ranjit Singh highlighting the alarming threat to the Great Indian Bustard and the Lesser Florican. In July 2019, the apex court constituted a high-powered committee to frame and implement an emergency response plan to address this issue.

Several cases were heard as part of the Godavarman bench’s continuing mandamus. These include matters related to the demolition of an ashram in the Tungareshwar Wildlife Sanctuary in Maharashtra, report of the Central Empowered Committee pointing to the sale of good quality coal in the garb of coal rejects and the concerns related to the construction of a road within Rajaji National Park in Uttarakhand. In this issue we also discuss important forest matters heard in the National Green Tribunal related to controlling forest fires and action against encroachment of forest lands in Kullu and Manali districts of Himachal Pradesh where there is also construction within the flood plains of Rivers Beas and Ravi.

It is important to highlight the increase in the number of cases taken up Suo Motu by the NGT and the Supreme Court. The tree felling in Aarey Colony was taken up by the Supreme Court on its own despite the fact that no Special Leave Petition was filed after the High Court allowed the trees to be cut. Similarly, the NGT has been taking up significant number of cases on its own motion. Whether, this is a positive aspect or not, is not very clear.

It’s always a learning to put together forest case update and with the help of Sharon Mathew, we are able to dig deeper and search wider for litigation that is current and judicial directions that matter.

Kanchi Kohli and Ritwick Dutta
Sanjiv Valsan
AAREY
ORDER OF THE SUPREME COURT RELATING TO CONSTRUCTION OF THE METRO SHED IN AAREY FOREST

REGARDING THE FELLING OF TREES IN AAREY FOREST (MAHARASHTRA) SUO MOTO WRIT PETITION NO. 2 OF 2019

Order dated 07.10.2019

The present case is concerned with the felling of 2,702 trees in the Aarey Colony in Goregaon for the construction of the Metro-3 car shed project. The Aarey Colony Forests are contiguous to the Sanjay Gandhi National Park and supports an entire ecosystem of its own with a rich biodiversity. It is home to 76 species of birds, 80 species of butterflies, 16 species of mammals, 38 species of reptiles and 9 leopards.

A group of law students addressed a letter to Chief Justice Ranjan Gogoi requesting him to exercise his jurisdiction in the said issue and take action to stay the felling of trees. The Supreme Court took suo moto cognizance of the issue based on the letter addressed and on Sunday, 6th October, 2019, a Special Bench comprising of Justice Arun Mishra and Justice Ashok Bhushan was constituted to adjudicate on the issue of stay on the felling of trees.

The Special Bench of the Supreme Court passed an order on 7th October, 2019 directing that status quo was required to be maintained in respect of the felling of trees. The Supreme Court took note of the fact that as per the Management Plan for Sanjay Gandhi National Park, Borivali some of the areas of the Aarey Milk Colony were in fact categorized as ‘unclassed forests’. In light of this, it was to be adjudicated whether the Aarey Colony was required to be protected as a forest under the Forest Conservation Act, 1980. Relevant extracts of the said order of the Supreme Court have been cited below-

“It is pointed out from the record of S.L.P.(C) No.31178 of 2018, as seen from the Management Plan for Sanjay Gandhi National Park, Borivali, Mumbai, some of the areas of the Aarey Milk Colony were transferred to revenue lands from the un-classed forests. However, identity of the area is to be established by the petitioners, though, it was orally stated that the area in question fell in the un-classed forest. Be that as it may.

As undertaken, status quo be maintained till the next date of hearing with respect to cutting of trees.”

Two cases in the Bombay High Court provide an important background to this letter petition pending before the Chief Justice of India. Vanashakti, a Mumbai based non-profit NGO moved the High Court of Bombay in Writ Petition No. 1487 of 2019 with a prayer to declare the Aarey Colony as a ‘forest’ and stay the felling of trees by the Mumbai Metro Rail Corporation. The Applicants placed reliance on the landmark judgment of the Supreme Court in the matter of T.N. Godavarman Thirumulpad v. Union of India and Ors. in which it was held that the word ‘forest’ must be understood according to its dictionary meaning.

On October 4th, 2019, the High Court of Bombay dismissed the above mentioned Writ Petition and held that the said area does not form a contiguous part as what was originally a forest has now degenerated and therefore, cannot be protected. The observations of the Court have been cited below-

“30. Since we agree that the coordinate Division Bench decision of this Court ties our hands, we need not elaborate on the submissions made by the learned counsel for the respondents.”
that 525 hectare land has already been diverted to 24 departments and the map of Aarey Col-
ony shows that the said 24 diversions are spread over the 1280 hectare of land in Aarey Milk
Colony i.e. do not form a contiguous part, requiring therefrom to be inferred that what was
originally a forest has degenerated and the clock cannot be put back.”

Within a few hours of the Judgment being delivered by the High Court of Bombay, the Brihanmumbai Municipal Corporation (BMC) initiated felling of the trees in Aarey Colony. The Applicants being aggrieved by this action filed Writ Petition No. 2565 of 2019 on 4th October, 2019 before the High Court of Bombay to stay the Division Bench Judgment till the Applicants could approach the Supreme Court of India in appeal against the said Judgment of the High Court. It was argued that the Supreme Court would be closed from October 7th to 11th on account of the Dussera Holidays. During the said period, the Respondents should be restrained from felling the trees; else the Appeal before the Supreme Court would be rendered infructuous.

However, on 5th October, 2019, a Special Bench of the High Court of Bombay, comprising of Justice A.K. Menon and Justice S.C. Dharmadhikari, dismissed the Writ Petition of the Applicant. The Bench held that if relief in the nature of stay was granted then it would directly contravene the observations, findings and conclusions in the detailed Division Bench Judgment delivered on 4th October, 2019. Relevant extracts of the said order have been cited below-

“7. We cannot proceed on any oral understanding. Merely because another Bench is con-
stituted, it would not be proper to grant any relief. The nature of the relief is such that if it
is granted, that would directly contravene the observations, findings and conclusions in the
detailed judgment.

8. Hence, the request is refused.”

The matter is now being heard by the Green Bench of the Supreme Court as part of the T.N. Godavarman Thirumulkipad v/s Union of India case.

The matter was thereafter listed on 21st October, 2019 before the Green Bench of the Supreme Court comprising of Justice Arun Mishra and Justice Deepak Gupta.

The Solicitor General appearing on behalf of the Municipal Corporation, Mumbai was directed to place on record details with regard to the activities that were proposed in the Aarey Forest Area as well as clarity as to whether any construction was ongoing in the area.

Further, the Mumbai Metro (BMRC) was directed to produce photographs of the trees present in the Aarey Forest Area. They were also directed to furnish an estimate of the number of surviving trees that were planted two years ago, along with details about their girth and height.

“We have also requested Mr. Maninder Singh and Mr. Mukul 4 Rohtagi, learned senior coun-
sel appearing on behalf of Mumbai Metro (BMRC) to produce the photographs of the trees
and number of surviving trees which were planted two years ago, the girth of the trees as well
as their height. The same shall be produced before the Court by way of an affidavit. It shall
also be clearly stated in the affidavit as to what is the survival rate of the transplanted trees
and how many have survived till date. Let the figures be stated.”
An undertaking was tendered by the Solicitor General to the effect that the Municipal Corporation, Mumbai is not cutting any more trees in the Aarey Colony. On the basis of this undertaking, the order of status quo vide order dated 7th October, 2019 was extended till the next date of hearing.

“It is also stated by Mr. Tushar Mehta, learned Solicitor General, that they are not cutting any more trees in the Aarey Colony, i.e. in the area which is not covered by the BMRC project. The statement is placed on record.

Interim order granted by this Court on 07.10.2019 shall continue till the next date of hearing.”

The matter is listed on 15th November, 2019 for further consideration.

For further reading:
ORDERs of the supreme court in the matter of
T.N. Godavarman Thirumulpad v. Union of India
and ors.

WRIT Petition No.202 of 1995

I.A. No.126443 and 127628

Regarding Silviculture Felling of Trees in the State of Himachal Pradesh for
the Rohtang Highway Tunnel

Order dated 26.08.2019

The present case pertains to the construction of the Rohtang Highway Tunnel under the Rohtang Pass in the eastern Pir Panjal range of the Himalayas on the Leh-Manali Highway. The tunnel is expected to be the longest tunnel in India and it is estimated that the said tunnel will reduce the distance between Manali and Keylong by about 46kms.

The work on the construction of the tunnel is proposed to be completed by December, 2019. However, it was highlighted before the Supreme Court that the completion of the construction work is contingent on immediate supply of stones/boulders from M/s Paras Stone Crusher, for which the State of Himachal Pradesh needs to issue formal orders for diversion of 2.1754 hectares of forest land in favour of M/s Paras Stone Crusher.

The Supreme Court Bench comprising of Justice Arun Mishra and Justice Deepak Gupta, considered the strategic and national importance of the project and held that the diversion of forest land would be permitted for the purpose of construction of the Highway Tunnel and not for any other purpose. The findings of the Court have been reproduced below-

“The condition is imposed that diversion shall be permitted for the purpose of construction of Rohtang Highway Tunnel and not for any other purpose.

The permission granted shall be co terminus with the completion of the project by December, 2019. In case any violation is found, the officers of the State as well as the contractor shall be held responsible. Let undertaking be furnished by contractor to this Court within ten days that no violation to this Court’s order will be made.”

The applications were thus disposed of accordingly.
REGARDING CONSTRUCTION IN THE SOUTH-CENTRAL RIDGE, DELHI

The present case is concerned with the construction of the Toilet Block in Mehrauli Archaeological Park in South-Central Ride, Delhi to be developed by the Delhi Development Authority. The matter was referred to the Central Empowered Committee (CEC) for their report on the issue.

The CEC vide Report No. 11 of 2019 recommended the said Project in light of the fact that it was of basic public utility. The recommendations of the CEC with regard to the said construction have been reproduced below-

“(a) The work of construction of Toilet Block in Mehrauli will be completed within a span of two months of the Award of the work.
(b) No trees falling during the execution of the work as no trees come under the proposed site of the Toilet Block.
(c) If permissions are required during the execution of the work, same will be obtained from the concerned departments.
(d) The work will have to be carried out through contractor on behalf of DDA in accordance with Codal Requirements of the work.
(e) Time schedule for completing the project i.e. Toilet Block will be adhered to as above and on completion of the work the concerned Authorities will be informed.
(f) That the Executive Engineer South Division-III/DDA is authorised to construct and oversee the said work under its supervision.”

A Bench of the Supreme Court comprising of Justice Arun Mishra and Justice Deepak Gupta considered the recommendations of the Report of the CEC and approved the construction of the Toilet Block on the condition that the DDA would not only comply with the recommendations of the CEC but would also take action to identify alternate land for compensatory plantation of trees. It was held that caution has to be exercised while undertaking compensatory plantation and a six monthly Report has to be submitted to the CEC with respect to their rate of survival and the growth of newly planted trees.

In its order dated 6th September, 2019, the Supreme Court categorically held that the status of the forest land was to be maintained even after construction of the Toilet Block Project. The findings of the Supreme Court have been reproduced below-

“As the conditions are acceptable to the DDA, the conditions are directed to be complied with. The DDA shall abide by the conditions. The land will be identified by the DDA for compensatory plantation of the trees. The land in question will be handed over by the DDA to the Forest Department for a period of five years and thereafter, the land will be reverted back to the DDA. The land will continue to be the forest land even after it is reverted back to the DDA. Let six monthly report be submitted to the CEC with respect to plantation and its rate of survival and growth of newly planted trees. The first report be submitted within six months. Thereafter, in every six months, it has to be submitted to the CEC for a period of five years.”

The applications were disposed of by the Supreme Court.
The present case pertains to the illegal constructions undertaken on the Aravalli belt in the State of Haryana. In September, 2018, the Supreme Court had directed the Government of Haryana to demolish the illegal constructions made in Kant Enclave, Faridabad as they had been constructed in violation of environmental norms and in direct violation of the orders of the Supreme Court. The Bench comprising of Justice Madan B. Lokur and Justice Deepak Gupta had held that the Kant Enclave was a forest and therefore no construction could have been permitted with effect from August 18, 1992 in accordance with the Punjab Land Preservation Act, 1900.

However, on 23th August, 2019, the Amicus Curiae, Ranjit Kumar, apprised the Supreme Court of the fact that the demolition activities sought to be undertaken had been put on hold by the State Government. The said Amicus based this allegation on the news report published by the Tribune. It was argued that the said demolition activities were put on hold without tendering any official reason.

In an order dated 23rd August, 2019 a Bench comprising of Justice Arun Mishra and Justice Deepak Gupta directed the State of Haryana to file their response to the claims raised. The directions of the Supreme Court have been cited below:

“It is pointed out by learned Amicus Curiae on the basis of a news report in Tribune, which has been handed over to the learned Additional Advocate General for the State of Haryana, in which it has been mentioned that demolition activities of illegal structures in Haryana has been put on hold in Aravalli region. Let the State of Haryana file their response in the form of an affidavit in this regard within three weeks.”

The matter is listed in the last week of September, 2019.

The present case is concerned with the illegal and unauthorized use of forest area in Bharatpur to transport mined minerals. The Project Proponent in the present case is Enkasa Mines and Minerals Pvt. Ltd. They had illegally laid down a road through the forest area for enabling transportation of the mined minerals. However, it was noted that the said road had been laid without obtaining permission from the Competent Authorities i.e the Forest Department.

In addition to laying a fresh road, the Project Proponent had also blocked off a road legally laid down by the Village Panchayat to be used by the villagers and the Forest Department exclusively.

It was brought to the knowledge of the National Green Tribunal that the Chief Conservator of Forests had initiated action to remove these illegal encroachments in the forest area. It was submitted that the Deputy Conservator of Forest, Bharatpur had removed the encroachment and the diversion of the road but they were facing problems in initiating action against the Project Proponents because of the lack of sufficient manpower. The submissions of the Chief Conservator of Forests has been cited below-
In a significant order, the Bench of the NGT comprising of Dr. Justice Jawad Rahim and Dr. Satyawan Singh Garbyal held that notice was to be issued to the Project Proponent to show cause as to why strict action should not be taken against them. Further, the NGT has assisted the Forest Department by directing that the District Magistrate of the jurisdiction, the Conservator of Forest of the Jurisdiction and the Police Officer in the Jurisdiction were required to assist the Forest Department Officials in removing the illegal encroachments done by the Project Proponent or anyone else on the forest land. The directions of the NGT have been cited below-

“5. Having perused the correspondent produced and other material on record, we are satisfied Prima facie cases made out. The Forest Department is also aware of the alleged illegal laying of the road and misuse of the existing Village Panchayat road by the miners. In the circumstances while issuing Notice of this application to the Respondent no. 5 to file the detail statement of show cause as to why the relief sought in the application should not be granted and notice to Respondent nos. 1 to 4 for offering explanation regarding inaction on their part, within three weeks from now. In the meantime, we direct the District Magistrate of the jurisdiction, the Conservator of Forest of the Jurisdictional and Police Officer to assist the Forest Department Officials in removing the illegal encroachment wherever it is done by Respondent no. 5 or anyone else. A report regarding compliance shall be filed within four weeks from now.”

The matter is listed on 26th September, 2019 for consideration of the Report.
The issues raised in the present case pertain to the construction activities in Jhargram, West Midnapur District, West Bengal in a forest land admeasuring over 20 hectares. The land is a “Protected Forest” as per Notification No. 1855 dated 17.02.1956.

The Applicant contended that this area is a nursery established and run by the Silvi-South Division Forest Department where several species of Sal, Acacias, Neem, etc. are grown. The Applicant brought to the notice of the NGT that certain areas within this forest land have been illegally occupied by felling dense Sal Jungle for the construction of a Police Line. It is pertinent to mention that neither has a Forest Clearance under the Forest Conservation Act, 1980 nor has an Environmental Clearance as required under the Environment Impact Assessment Notification, 2006 been obtained for the said construction.

It was submitted that this deforestation for the construction of the Police Line was detrimental to the existence of the underground aquifer as it impedes the natural process of groundwater recharge. The consequences of persistent deforestation from 2015 was evident from the photographs submitted by the Applicant. The submissions of the Applicant with regard to the degradation of the forest area has been reproduced below.
“1. The consequence of such large scale deforestation is stated to be deleterious to the existence of underground aquifer that gets recharged through natural process and the entire area is likely to be rendered inhabitable.

2. The Applicant has also placed before us several photographs in support of his contention to demonstrate the degradation of the area since the year 2015. Google images of the area have also been filed to illustrate this.”

A Bench comprising of Justice S.P. Wangdi and Dr. Satyawan Singh Garbayal held that there was a substantial question of environment in the present case. In light of this, an Expert Committee was formed comprising of (i) the District Magistrate, Jhargram District, (ii) the Divisional Forest Officer, Jhargram District, (iii) the State Pollution Control Board and (iv) the Senior Officer from the Regional Office of the MoEF & CC (Eastern Zone) to jointly inspect the area in question.

It was further directed that if the events stated in the application were found to be true, then appropriate action was required to be taken in accordance with law to remedy the situation.

Matter is to be listed on 30th September, 2019.

LETTER RECEIVED WITH THE SUBJECT—SAVE FOREST LAND OF GREEN BELT ON MOLARBAD—FARIDABAD BYE—PASS ROAD

ORIGINAL APPLICATION NO. 847 OF 2018

Order dated 13.09.2019

The issue raised in the present case is with regard to the illegal construction of a petrol pump in the green belt at Molarband, Badarpur behind Sector 37 Police Station, Faridabad.

On 18th December, 2018, the NGT had directed the Municipal Commissioner, Faridabad to submit a Report with the regard to the veracity of the claims made by the Applicant. However, the Report was not submitted by the Municipal Commissioner and instead the matter was repeatedly adjourned till July, 2019.

After repeated directions to the Municipal Commissioner, a Report was submitted to the NGT. When the Report was listed for consideration on July 24th, 2019, the NGT found that the report was unsatisfactory as it merely stated that ‘no NOC or permission has been issued for petrol pump near subject cited land by the Municipal Corporation, Faridabad.’ The Report had failed to mention the details of the construction or the action taken in respect of the illegal construction.

The Bench comprising of Justice Adarsh Kumar Goel, Justice K. Ramakrishnan and Dr. Nagin Nanda made strong observations on the inaction of the Municipal Commissioner in protecting the green belt. It was held that such inaction on her part was unbecoming of the high position held by her. The observations of the NGT have been cited below—

“3. ... We find that the approach of the Commissioner in not taking any action against illegal operation of petrol pump in the green land on the specious plea that the land belongs to HUDA is unbecoming of the high position held by her. Once order of the Tribunal was brought
In light of the above, the NGT directed the Chief Secretary to look into the matter and take a decision as to whether the office of the Municipal Commissioner ought to be occupied by a more suitable and responsible officer. The relevant extracts of the order of the NGT have been reproduced below-

“7. In view of above, option before this Tribunal is either to take coercive measures for failure and negligence of the Municipal Commissioner or to require the Chief Secretary to look into the matter and take a decision whether such important office as Municipal Corporation should be headed by any other suitable and responsible officer. Such decision may be taken at the earliest so that public service functions assigned to such high officer are discharged in a responsible manner.”

Further, with regard to the illegal setting up of the petrol pump, the Chief Secretary was directed to ensure that legal action would be taken expeditiously.

Matter was listed for further consideration of Report on 14th October, 2019.

More on:

BHAGWAN BHOITE AND ANR. v. THE COLLECTOR, AHMEDNAGAR AND ORS.

ORIGINAL APPLICATION NO.50 OF 2019 (WZ)

REGARDING THE ILLEGAL OPERATION OF STONE CRUSHING UNITS WITHIN THE ECO-SENSITIVE ZONE OF THE GREAT INDIAN BUSTRAD SANCTUARY

Order dated 01.10.2019

The present case pertains to the illegal operation of a stone crushing unit by M/s. Dineshchandra R. Agarwal Infracon Pvt. Ltd. in Village Ghutewadi, Taluka Shrigonda, District Ahmednagar. The Applicant brought to the knowledge of the NGT that the above mentioned stone crushing unit fell within the limits of the Eco-Sensitive Zone (ESZ) of the Great Indian Bustard Sanctuary that spreads over 7 Talukas and 2 Districts and is home to various wildlife like Chinkara, Black Buck, Rabbit, Indian jackal, Fox, Wolf and the Striped Hyena.

On being acquainted with the facts presented before them, the NGT directed a Committee comprising of the Regional Officer of the Maharashtra Pollution Control Board (MPCB), the District Collector and the Divisional Forest Officer, Ahmednagar to verify the factual aspects and submit a Report.

On 1st October, 2019, the said Report was placed before the NGT for their due consideration. The Report categorically affirmed that the stone crushing unit was in fact located within the Eco-Sensitive Zone (ESZ) demarcated for the sanctuary of the Great Indian Bustard.
In light of these findings, the Tehsildar Shrigonda issued a show cause notice in favour of M/s. Dineshchandra R. Agarwal Infracon Pvt. Ltd. directing them to show cause as to why the stone crushing unit should not be closed down and the land in question be not restored to its original use.

The Bench comprising of Justice S.P. Wangdi, Justice K. Ramakrishnan and Dr. Nagin Nanda took note of the action initiated by the Tehsildar of Shrigonda and thereafter directed the Committee to submit a Report with regard to the proceedings of the show cause notice. Further, the Committee was also directed to furnish details with regard to which authority had granted the stone crushing unit permission to establish the unit within the ESZ. Relevant extracts of the order of the NGT have been reproduced below-

“3. Report has been filed by the Committee in terms of the aforesaid directions which unambiguously points out that the crushing unit situated in Gat No. 108 falls within the Eco-Sensitive Zone (ESZ) demarcated for the sanctuary of the Great Indian Bastard. It is further stated that a notice dated 27.09.2019 has been issued by the Tahasildar Shrigonda to M/s. Dineshchandra R. Agarwal Infracon Pvt. Ltd., the Respondent No. 5, directing to show cause as to why the stone crushing unit in question should not be closed down and the land in question be not restored to its original agricultural use as it falls within the limits of the ESZ. It is stated that after hearing the Respondent No. 5, further action will be taken.

4. In view of the above, we direct the Committee to submit a further action taken report indicating the result of the hearing granted by the Tahasildar. The Committee shall also state in its report the authority who had granted permission to establish the stone crushing unit in the ESZ taking into consideration the scope of the provision of ESZ Notification."

Matter is listed for further consideration of Report on 19th November, 2019

More on:

KALINGA NAGAR PARIBESH SURAKHYA SAMITI v. STATE OF ODISHA AND ORS.

ORIGINAL APPLICATION NO. 42 of 2019 (EZ)

REGARDING THE ILLEGAL CONSTRUCTION OF A LOGISTICS HUB ON FOREST LAND WITHOUT PRIOR APPROVAL

Order dated 09.10.2019

The issue raised in the present case pertains to the illegal construction of a logistics hub for handling materials by SAIZER Ltd. on a ‘forest land’ bearing Plot No.865, 867 Khata No. 419, Mouza-Jakhpura, Kisam-Sal Jungle without the prior approval as required under the Forest Conservation Act, 1980.

In addition to the fact that Forest Clearance has not been obtained, SAIZER Ltd. has also failed to obtain the ‘Consent to Operate’ as required under the Air (Prevention and Control of Pollution) Act, 1981 and the Water (Prevention and Control of Pollution) Act, 1974, the ‘Environmental Clearance’ as required under the
Environment Impact Assessment notification, 2006 and the ‘No-Objection Certificate (NOC)’ from the Central Ground Water Authority for the extraction of groundwater.

On being apprised of the above mentioned illegal activities, the NGT was satisfied that there existed a substantial question of environment in the present case that required the intervention of the Tribunal.

On 9th October, 2019 the Bench comprising of Justice S.P. Wangdi and Dr. Satyawan Singh Garbyal directed the District Collector, Jajgpur, the Divisional Forest Officer, Jajpur and the Odisha Pollution Control Board to jointly inspect the site in question and submit a factual report on the contentions raised by the Applicant. Further, the NGT directed the said authorities to take action against SAIZER Ltd. if the contentions raised by the Applicant were found to be true. The relevant extracts of the order of the NGT have been reproduced below-

“4. In the meanwhile, we direct the District Collector, Jajpur, the Divisional Forest Officer, Jajpur and the Odisha Pollution Control Board to jointly inspect the area in question, verify on the factual position obtaining at the site and to submit a report. The Odisha Pollution Control Board shall be the nodal agency for co-ordinating and for providing logistic support.

5. In the event the allegations are found to be correct appropriate action may be instituted against the Respondent No. 7- SAIZER Ltd in accordance with law. Action taken report in this regard shall also be filed.”

Matter is listed for further consideration of Report on 25th November, 2019

More on:

https://www.orissapost.com/ngt-notice-on-kalinganagar-logistics-hub/

https://m.dailyhunt.in/news/india/english/orissa+post-epaperorisapos/ngt+notice+on+kalinganagar+logistics+hub-newsid-141848430
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Visit the Forest Case Update Website for past issues and accessing the orders of the Supreme Court, Central Empowered Committee and National Green Tribunal: www.forestcaseindia.org

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