

**BEFORE THE NATIONAL GREEN TRIBUNAL, CENTRAL ZONAL BENCH, BHOPAL**

**Original Application No.62/2013 (CZ)**

Som Distilleries Pvt. Ltd. Vs. M.P. State Bio Diversity Board & Ors.

**Original Application No.63/2013 (CZ)**

Associated Alcohols & Breweries Ltd. Vs. M.P. State Bio Diversity Board and Others

**Original Application No.64/2013 (CZ)**

Regent Breweries & Wines Ltd. Vs. M.P. State Bio Diversity Board & Ors.

**Original Application No.65/2013 (CZ)**

Mount Everest Breweries Ltd. Vs. M.P. State Bio Diversity Board & Ors.

**Original Application No. 67/2013 (CZ)**

M.P. Beer Products Ltd. Vs. M.P.State Bio Diversity Board & Ors.

**Appeal No. 06/2013 (CZ)**

Agro Solvent Products Pvt. Ltd. Vs. MP State Bio Diversity Board & Ors.

**Appeal No. 03/2013 (CZ)**

Lilasons Breweries Ltd. Bhopal Vs. MP State Bio Diversity Board & Ors.

**Appeal No. 07/2013 (CZ)**

Ruchi Soya Industries Vs. MP State Bio Diversity & Ors.

**Appeal No. 02/2014 (CZ)**

Great Galleon Limited Vs. M.P. State Biodiversity Board & Three Ors.(CZ)

**Appeal No. 01/2014 (CZ)**

Dabur India Ltd. Vs. M.P. State Bio Diversity Board and Others

**Original Application No. 46/2014 (CZ)**

Gwalior Alcobrew Pvt. Ltd. Vs. M.P. State Biodiversity Board & 2 Ors.

**Original Application No. 47/2014 (CZ)**

Sanwaria Agro Oils Ltd. Vs. M.P. State Biodiversity Board & 3 Ors.

**Original Application No. 136/2014 (CZ)**

M/s Som Distilleries & Breweries Pvt. Ltd. Vs. M.P.S.B.B. & Ors.

**CORAM : HON'BLE MR. JUSTICE DALIP SINGH, JUDICIAL MEMBER  
HON'BLE MR. P.S.RAO, EXPERT MEMBER**

**PRESENT :** Applicant : Mr. Ajay Gupta, Advocate  
Respondent No. 1 : Mr. Deepesh Joshi, Advocate  
Respondent No. 2 : Mr. N.C. Das, Advocate  
Respondent No. 3: Mr. Sachin K. Verma, Advocate  
Respondent No. 2 & 3: Mr. Om Shankar Shrivastav, Advocate  
(O.A. No.47/2014)

<b>Date and Remarks</b>	<b>Orders of the Tribunal</b>
<b>Item No. 9to19, 21 &amp; 23 1<sup>st</sup> August, 2014</b>	<b><u>M.A.No. 343/2014</u></b> Though, sufficient time was allowed to the Respondent Union of India for placing on record the guidelines, M.A.No. 343/2014 in Appeal No. 07/2013 and M.A.No. 344/2014 in O.A.No. 47/2014 have been filed

seeking further extension of time of four months for finalising the Access and Benefit Sharing Guidelines by Respondent National Biodiversity Authority through the MoEF which would in fact amount to eight months for preparation, finalisation and to be notified as provided under Section 64 as it requires the same to be placed before the Parliament and then notified for being implemented.

The Learned Counsel for the Applicant Shri Ajay Gupta opposed the aforesaid prayer and also submitted that under the mandate of law, in absence of guidelines, there is every likelihood of discrimination in the application of the law and in issuing notices. It was also submitted that the guidelines are not only in respect of access and benefit sharing but also with regard to utilisation of the amount and till such time the guidelines are brought into force, it would amount to virtual taxation.

We therefore, direct that the National Biodiversity Authority and the Government of India shall examine the issue whether in the absence of the guidelines, various State Boards can be permitted to go ahead with the issuance of the notices to various parties under Section 7 of the Act directing them to submit the information for the purpose of assessment and for passing assessment orders as well as, directing them to deposit the amounts and on failure to do so, entailing prosecution. In some cases, prosecution has also been launched when no guidelines have been framed and orders passed. The Government of India, therefore, must examine the entire issue with a view to issue necessary directions to the State Boards to await finalisation, promulgation and notification of guidelines by it. Shri N.C.Das submits that he would respond to the above after taking instructions.

List on **29.08.2014**.

	<p>.....,JM <b>(DALIP SINGH)</b></p> <p>.....,EM <b>(P.S.RAO)</b></p>
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