

BEFORE THE NATIONAL GREEN TRIBUNAL, CENTRAL ZONAL BENCH, BHOPAL

Original Application No. 144/2013
Narmada Khand Swabhiman Sena V/s State of MP & Ors

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

PRESENT : Applicant : Shri Parag S. Chaturvedi, Advocate
Respondent no. 1 to 4 & 8 : Shri Sachin K.Verma, Advocate with
Shri Ayush Dev Bajpai, Advocate
Respondent No. 5 : Shri Naman Nagrath, Sr. Advocate with
Shri Qasim Ali, Advocate

Date and Remarks	Orders of the Tribunal
Order no. 2 13th January, 2014	<p>The Learned Counsel for the applicant, Learned Counsel for the respondent no. 5 and Shri Sachin K. Verma, Learned Counsel, for Union of India for respondent no. 1 to 4 and 8 appeared. Other respondents have not appeared though the Hon'ble High Court of Madhya Pradesh had directed on the pleading of the Respondent no. 6 & 7 (the private respondents) to whom prospecting license has been granted and who were impleaded and were contesting the matter before the Hon'ble High Court to appear before this Tribunal on 13.01.2014 as the case was transferred to this Tribunal vide the Hon'ble High Court order dated 05.12.2013. However, in the interest of justice we direct that notice to the respondent no. 6 & 7 be issued afresh.</p> <p>The Learned Counsel for the applicant as well as the Learned Counsel for the respondent no. 5 taken us through the earlier proceedings dealt before the Hon'ble High Court more particularly with the order dated 13.08.2012 wherein the Hon'ble High Court formulated three questions and directed the Secretary, MoEF to file a personal affidavit on the aforesaid questions regarding the creation of the core, buffer and transition zones in the Achanakmar</p>

Amarkantak Biosphere Reserve.

Pursuant to the aforesaid directions the Secretary, MoEF has filed affidavit on 12.10.2012 as indicated in the order sheet dated 16.10.2012. Subsequently, the respondent no. 5 submitted objections to the aforesaid affidavit on 23.11.2012,

Prima facie a question has arisen for consideration based upon the aforesaid objection as to whether as indicated in the Map filed by the applicant as Annexure P-2 for the Achanakmar Amarkantak Biosphere Reserve where only the core and buffer area have been indicated in the Map as pointed out by the respondent no. 5 in his objection to the affidavit of the Secretary, MoEF (R-5/B) and produced the Map taken from the official website www.icfre.org/userfile/file/institute-TFRI-2011/2012/Achanakmar-170712.pdf showing transition zone also along with core and buffer zone Shri Sachin K. Verma, Learned Counsel appearing for the Union of India submits that he has not received any instructions in this case and none from the Ministry has come to brief him so far. We would, therefore, direct Shri Sachin K. Verma, Learned Counsel to get specific affidavit as to which of the two Maps Annexure (P-2) filed by the applicant indicating only the core and buffer zone or the one submitted by the respondent no.5 indicating core, buffer & transition zones alongwith objection dated 23.11.2012 (Annexure R5/B) is to be taken into account duly indicating the correct position since it is contended by the Respondent no. 5 that the area for which respondent no. 5 has been granted the prospecting license, falls within the transition zone and not within the core or buffer zone area. In case, it is the stand of the Government of India that subsequent to 2007 when the map (Annexure. P2) was prepared and in the intervening period when the new map submitted by the respondent

no. 5 was prepared any new development has taken place in the intervening period with regard to the area in question and carving out the transition zone, this fact may also be brought on record and reason for the same may be stated.

Matter stands over to 13.02.2014. On the said date a responsible officer of MoEF shall also remain personally present to explain the position and on any other doubt that may arise during the course of hearing.

Let the matter be listed on **13.02.2014**.

.....JM
(DALIP SINGH)

.....EM
(P.S.RAO)

