

**BEFORE THE NATIONAL GREEN TRIBUNAL,
PRINCIPAL BENCH, NEW DELHI**

M. A. No. 687 OF 2013, M. A. No. 1070 OF 2013

AND

M.A. NO. 142 OF 2014

In

Original Application No. 174 of 2013

Rohit Choudhary Vs. Union of India & Ors.

CORAM : HON'BLE MR. JUSTICE U.D. SALVI, JUDICIAL MEMBER
HON'BLE DR. D.K. AGRAWAL, EXPERT MEMBER
HON'BLE MR. B.S. SAJWAN, EXPERT MEMBER
HON'BLE DR. R.C. TRIVEDI, EXPERT MEMBER

Present:

Applicant: Mr. Ritwick Dutta and Mr. Rahul Choudhary, Advocates.

Respondent No. 1: Mr. Vivek Chib, Mr. Kushal Gupta, Mr. Asif Ahmed and Mr. Joby Varghese, Advocates

Respondent No. 3: Mr. Anuj Sharma with Mr. M.K. Bhardwaj, Advocates.

Respondent No. 4: Mr. Ganesh Kamath, Advocate

Respondent No. 5: Mr. Vikas Malhotra, Advocate and Mr. M.P. Sahay, Advocate.

Respondent No. 6: Mr. P. Sinha, Ms. Rashmi Rea Singha and Mr. T.K. Majumdar, Advocates.

Respondent No. 7,8&9: Mr. Joydeep Gupta, Sr. Advocate, Mr. Avijit Roy, Adv. and Mr. M.K. Yadav, Director

Respondent No. 11: Mr. Sushil Kabra, Advocate

Date and Remarks	Orders of the Tribunal
Item No. 13 April 15, 2014	<p style="text-align: center;"><u>M.A. No. 1070 of 2013</u></p> <p>This Application seeks modification in the Order dated 9th October, 2013 restraining the construction of paved shoulders on the 66 km stretch of National Highway – 37. Benefits of paved shoulders have been placed before us through the averments made in the Application. The Applicant in the Original Application seeks time to respond and offer his comments on the “Benefits of paved shoulders” within two weeks from today. Liberty is granted to the Applicant to suitably respond to the said Application within two weeks from today. Advance copies of the responses shall be furnished to the contending parties. Rejoinder thereto, if any, be filed within one week thereafter.</p> <p style="text-align: center;"><u>Original Application No. 174 of 2013</u></p> <p>Rejoinder Affidavit has been tendered on behalf of the State of Assam recording the exceptions to the suggestions for taking short term measures. Affidavit is taken on record.</p>

The Director, Kaziranga National Park is present before us. He expresses that suspension of movement of trucks during night time during monsoon season is not a viable proposition considering the fact that NH-37 is a life line for North Eastern States. In his opinion the animal activity is 24X7 and is not high or low in particular hours. Contradicting this assertion made by the Director, the Learned Counsel appearing for the Applicant submits that the animal activity is high during night hours, the reason being the nocturnal nature of the animals.

The Learned Counsel appearing for the State seeks time to file the appropriate material in support of assertions made by the Director, Kaziranga National Park on record.

The Director, Kaziranga National Park to remain present on the next date of hearing.

List the matter on 12th May, 2014.

.....,JM
(U.D. Salvi)

.....,EM
(Dr. D.K. Agrawal)

.....,EM
(B.S. Sajwan)

.....,EM
(Dr. R.C. Trivedi)