

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

**M.A. No. 1166 of 2015 & M.A. No. 1169 of 2015
In
I.A. No. 2469 of 2009 in W.P. (C) No. 202 of 1995
And
M.A. No. 1152 of 2015
In
I.A. No. 3063 of 2013 in W.P. (C) No. 202 of 1995
And
M.A. No. 1171 of 2015
In
I.A. No. 2272 of 2008 in I.A. No. 2212 of 2008 in W.P. (C) No. 202 of 1995
And
M.A. No. 1163 of 2015
In
I.A. No. 2782 of 2010 in W.P. (C) No. 202 of 1995
And
M.A. No. 1153 of 2015, M.A. No. 1154 of 2015, M.A. No. 1156 of 2015,
M.A. No. 1157 of 2004, M.A. No. 1159 of 2015
In
I.A. No. 993, I.A. No. 2722/2009, I.A. No. 2723/2009, I.A. No. 2724/2009,
I.A. No. 2725/2009 in W.P. (C) No. 202 of 1995
And
M.A. No. 1180 of 2015 & M.A. No. 1181 of 2015
In
I.A. No. 1991 of 2007, I.A. No. 3119/2011 in W.P. (C) No. 202 of 1995
And
M.A. No. 1168 of 2015 in I.A. No. 3897/2015
In
W.P. (C) No. 202 of 1995
And
M.A. No. 1167 of 2015
In
I.A. No. 3620 in W.P. (C) No. 202 of 1995
And
M.A. No. 1182 of 2015 & M.A. No. 1183 of 2015
In
I.A. No. 2530 of 2009 and I.A. No. 2531 of 2009 in W.P. (C) No. 202 of 1995
And
M.A. No. 1161 of 2015, M.A. No. 1178 of 2015 & M.A. No. 1179 of 2015
In
I.A. No. 1157, I.A. No. 3305 of 2011 & I.A. No. 2085/2007
in
W.P. (C) No. 202 of 1995
And
M.A. No. 1160 of 2015, M.A. No. 1170 of 2015, M.A. No. 1175/2015,
M.A. No. 1177/2015
In
I.A. No. 976/2003, I.A. No. 727 of 2001, I.A. No. 2743/2009, I.A. No. 2744/2009
& I.A. No. 2745/2009
In
W.P. (C) No. 202 of 1995
And
Original Application No. 494 of 2015
In
Civil Writ Petition No. 130 of 2011
And
Original Application No. 495 of 2015
In
Civil Writ Petition No. 688 of 2013**

IN THE MATTER OF:

**T.N. Godavarman Thirumalpad Vs. Union of India & Ors.
And**

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 And
 Bali Ram Singh Vs. State of Uttar Pradesh & Ors.
 And
 Jatinder Singh & Anr. Vs. Union of India & Ors.

CORAM : HON'BLE MR. JUSTICE SWATANTER KUMAR, CHAIRPERSON
 HON'BLE MR. JUSTICE M.S. NAMBIAR, JUDICIAL MEMBER
 HON'BLE DR. D.K. AGRAWAL, EXPERT MEMBER
 HON'BLE MR. BIKRAM SINGH SAJWAN, EXPERT MEMBER

Present: Applicant : Mr. Shivesh P. Singh, Adv.
 Respondents: Mr. Pawan Upadhyay and Mr. Nishant Kumar,
 Advs. for Jaypee Cement
 Mr. Abhishek Yadav, Adv. for Department of
 Forest, State of U.P.
 Mr. V.K. Shukla, Adv.
 Ms. Akansa Munjal, Adv.
 Mr. Salik Shafique, Ms. Divya Sharma, Adv. for
 Mr. Sanjay Upadhyay, Adv in I.A. No. 2722 of
 2009
 Mr. Upendra Mishra and Ms. Aprajita Mukherjee,
 Advs.
 Mr. D.K. Sinha and Mr. Karamveer Judal, Adv.
 in I.A. No. 3117 of 2011

	Date and Remarks	Orders of the Tribunal
	Item Nos. 01 to 13 November 05, 2015	<p>The Hon'ble Supreme Court of India vide its order dated 05th October, 2015 has transferred to the National Green Tribunal two kinds of cases one under Category IV – where the matters relating to compliance of orders passed by the Hon'ble Supreme Court of India and action taken by the Authorities relatable to Forest (Conservation) Act, 1980 (wrongly typed as 1989). These orders are appealable before the National Green Tribunal under Section 16(e) of National Green Tribunal Act, 2010. These matters have been directed to be transferred to the</p>

National Green Tribunal within 45 days from the orders of the Hon'ble Supreme Court of India. The Hon'ble Supreme Court of India in this category of cases has directed as under:-

“There are also several matters pending before this Court relating to compliance of the orders passed by this Court. The action that is taken by all the authorities relatable to the Forest (Conservation) Act, 1980 are appealable under Section 16(e) before the National Green Tribunal Act, 2010.

Registry is directed to transfer all those matters to the NGT for appropriate orders being passed by it, within 45 days' time from today. Once these matters are received by it, the Chairman of the NGT will take an appropriate decision to assign these matters to an appropriate Bench/Benches constituted all over the country.

With the aforesaid observations and directions, we dispose of the Interlocutory Applications/matters specified in Annexure- IV to the note supplied by Shri Harish Salve, learned amicus curiae”.

The Second category of cases that have been transferred to the NGT are category falling under VI. These matters relate to grant or otherwise of the mining lease and the establishment of different Hotels or buildings in the Forest or wildlife sanctuary in different States. The Hon'ble Supreme Court of India in its order has passed the following direction in this regard:-

“Insofar as these matters are concerned, the Interlocutory Application(s) related to these four matters will be decided by the Principal Bench of the NGT alone.

Registry is directed to transfer the I.A.s in the following four matters, namely: (1) Forest Land involved in the mining leases transfer to J.P. Cement Ltd. (2) Report of CEC regarding Western Ghats; (3)

Construction of Hotel at Mcleodganj on forest land in violation of the Forest (Conservation) Act, 1980; and (4) Illegal felling of trees and road construction in wildlife sanctuaries in Karnataka.

We request the learned Chairman of the Principal Bench of the NGT to hear the aforesaid matters in a Bench presided by him.

All the contentions of all the parties are kept open to be agitated before the said forum.

The I.A.s relating to these four matters are detailed in the Annexure VI viz. VI (I), VI(2), VI(3) and VI(4) to the note supplied by Shri Harish Salve, learned amicus curiae and are disposed of accordingly.”

In furtherance to the above orders, the matters have been transferred to this Tribunal. The two Original Applications and 32 Misc. Applications have been re-numbered before the Tribunal. Their details are as follows:

Serial No.	W.P.(C) No. before the Hon'ble Supreme Court	I.A. No. before the Hon'ble Supreme Court	Re-numbered as Original Application/Misc. Application before the Tribunal
1	Civil Writ Petition No. 130 of 2011	-	Original Application No. 494 of 2015
2	Civil Writ Petition No. 688 of 2013	-	Original Application No. 495 of 2015
3	W.P. (C) No. 202 of 1995	I.A.No. 2469/2009	M.A.1166/2015
4	W.P. (C) No. 202 of 1995	I.A. No. 3877/2015	M.A.1169/2015
5	W.P. (C) No. 202 of 1995	I.A. No. 3063/2011	M.A.1152/2015
6	W.P. (C) No. 202 of 1995	I.A. No. 2272/2008	M.A.1171/2015
7	W.P. (C) No. 202 of 1995	I.A. No. 2782/2010	M.A.1163/2015
8	W.P. (C) No. 202 of 1995	I.A. No. 993/2003	M.A.1153/2015
9	W.P. (C) No. 202 of 1995	I.A. No. 836/2002	M.A.1154/2015
10	W.P. (C) No. 202 of 1995	I.A. No.	M.A.1156/2015

			2722/2009	
11	W.P. (C) No. 202 of 1995	I.A. No.	2723/2009	M.A.1157/2015
12	W.P. (C) No. 202 of 1995	I.A. No.	2724/2009	M.A.1158/2015
13	W.P. (C) No. 202 of 1995	I.A. No.	2725/2009	M.A.1159/2015
14	W.P. (C) No. 202 of 1995	I.A. No.	1991/2007	M.A.1180/2015
15	W.P. (C) No. 202 of 1995	I.A. No.	3117/2011	M.A.1181/2015
16	W.P. (C) No. 202 of 1995	I.A. No.	3897/2015	M.A.1168/2015
17	W.P. (C) No. 202 of 1995	I.A. No.	3620/2013	M.A.1167/2015
18	W.P. (C) No. 202 of 1995	I.A. No.	2530/2009	M.A.1182/2015
19	W.P. (C) No. 202 of 1995	I.A. No.	2531/2009	M.A.1183/2015
20	W.P. (C) No. 202 of 1995	I.A. No.	1157/2004	M.A.1161/2015
21	W.P. (C) No. 202 of 1995	I.A. No.	3305/2011	M.A.1178/2015
22	W.P. (C) No. 202 of 1995	I.A. No.	2085/2007	M.A.1179/2015
23	W.P. (C) No. 202 of 1995	I.A. No.	976/2003	M.A.1160/2015
24	W.P. (C) No. 202 of 1995	I.A. No.	727/2001	M.A.1170/2015
25	W.P. (C) No. 202 of 1995	I.A. No.	2743/2009	M.A.1175/2015
26	W.P. (C) No. 202 of 1995	I.A. No.	2744/2009	M.A.1176/2015
27	W.P. (C) No. 202 of 1995	I.A. No.	2745/2009	M.A.1177/2015
28	W.P. (C) No. 202 of 1995	I.A. No.	895/2003	M.A.1155/2015
29	W.P. (C) No. 202 of 1995	I.A. No.	2212/2008	M.A.1162/2015
30	W.P. (C) No. 202 of 1995	I.A. No.	2939/2010	M.A.1164/2015
31	W.P. (C) No. 202 of 1995	I.A. No.		M.A.1165/2015

		2940/2010	
32	W.P. (C) No. 202 of 1995	I.A. No. 2362/2008	M.A.117/2015
33	W.P. (C) No. 202 of 1995	I.A. No. 2363/2008	M.A.1173/2015
34	W.P. (C) No. 202 of 1995	I.A. No. 3062/2011	M.A.1174/2015

Further in terms of the order of the Hon'ble Supreme Court of India these specific matters were transferred with a direction that they would be heard by the Principal Bench of the NGT. We direct issuance of Notice to all the learned counsel appearing for the parties in these cases.

Notice will also be issued to all the persons/ Authorities who have been mentioned in the report of the CEC regarding Western Ghats.

Notice be issued to State of Himachal Pradesh and the concerned Hotel being constructed at Mcleodganj, Dharmshala.

Notice be also issued to all these Authorities/persons without process by the Registry immediately.

Notice be issued by email as well as through Resident Commissioners of the respective States.

Notice be also issued to the counsel and the parties in the above Original Applications and Misc. Applications.

We make it clear that on the next date of hearing we would finally hear the four specific matters afore- indicated.

List them for final hearing on 03rd and 04th December, 2015.

Notice returnable on the same date.

In the meanwhile, we direct the Registrar General of NGT to get in touch with the concerned Registrar of the Hon'ble Supreme Court of India informing him that records have been transmitted in a single copy. Records are bulky and voluminous. The four Members Bench sits in the NGT. Therefore, the Registry of the Hon'ble Supreme Court of India may be requested to send atleast three more sets of the records.

All the 9 I.As related to J.P. Cement will be listed on the same date.

Learned counsel appearing for State of Uttar Pradesh – Mr. Abhishek Yadav, J.P. Cement Ltd. – Mr. Pawan Upadhyay and intervener in I.A. No. 2722 of 2009 accept Notice.

We direct that all the I.A. shall be freshly numbered and detailed chart thereof be placed by the Registry before the Tribunal.

.....,CP
(Swatanter Kumar)

.....,JM
(M.S. Nambiar)

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

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