

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

**Original Application No. 100 of 2017
(M. A. No. 510/2017)**

IN THE MATTER OF:

**Birendra Singh Matura & Ors.
Vs.
Ministry of Environment, Forest and Climate Change & Ors.**

CORAM : HON'BLE MR. JUSTICE U. D. SALVI, JUDICIAL MEMBER
HON'BLE PROF. (DR.) P. C. MISHRA, EXPERT MEMBER

Present: **Applicant:** Mr. Aagney Sail, Adv.
Respondent No. 3: Mr. Mohit Singh and Mr. Akshat Hansaria, Adv.
Respondent no. 4: Mr. Ardhendu Kr. Prasad and Mr. Shashank Saxena, Adv.
Respondent No. 5: Mr. Rahul Verma, AAG and Mr. Jaswant Singh, Adv. for State of Uttarakhand.
Mr. Divya Prakash Pandey, Adv.

Date and Remarks	Orders of the Tribunal
<p>Item No. 05 June 19, 2017 R</p>	<p>Heard. Perused.</p> <p>Parties are at consensus that 94 kms of stretch of NH-34 from Dharasu to Gangotri Forest falls within Eco-Sensitive Zone and the project of widening of NH-34 is a part of the infrastructure development for defence purposes and as such it is the regulated activity under ESZ Notification dated 18.12.2014; and any developmental activity in ESZ needs to conform with Zonal Master Plan.</p> <p>It is pointed out that Respondent No. 2, Ministry of Road Transport and Highways and Respondent No. 4, Boarder Roads Organisation have undertaken the execution of the said project of widening of NH-34.</p> <p>The Learned Counsel appearing on behalf of the Respondent No. 2 Ministry of Road, Transport and</p>

	<p>Item No. 05</p> <p>June 19, 2017 R</p>	<p>Highways and Respondent No. 4 Boarder Roads Organisation seek time to consider making a statement to the effect that no developmental activity shall be carried out in contravention of the provisions of the approved Zonal Master Plan and the provision shall be made for muck disposal as well as for treatment and restoration of the portions of the said road affected by landslides.</p> <p>The Learned Counsel appearing on behalf of the Applicant invites our attention to the affidavit of Mr. Rajendra Kumar Tomar, Joint Secretary, Department of Forest and Environment, Govt. of Uttarakhand dated 28.05.2017 and submits that the affidavit quotes instances of damage to the environment at annexure 5/3 and 5/4 collectively. He submits that the Applicant have crystallised the instances and quoted them in their rejoinder dated 17.06.2017 at P/375 and P/376. He submits that the authorities may graciously consider the issue of the restoration of the damage to the environment as revealed from the record.</p> <p>List this case on 04th July, 2017.</p> <p>.....,JM (U. D. Salvi)</p> <p>.....,EM (Prof. (Dr.) P. C. Mishra)</p>
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