

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

M.A. No. 787 of 2015 & M.A. No. 1006 of 2015

In

Application No. 38 of 2011

IN THE MATTER OF:

Rohit Choudhury Vs. Union of India & Ors.

CORAM : HON'BLE MR. JUSTICE SWATANTER KUMAR, CHAIRPERSON
HON'BLE MR. JUSTICE M.S. NAMBIAR, JUDICIAL MEMBER
HON'BLE PROF. A.R. YOUSUF, EXPERT MEMBER
HON'BLE MR. BIKRAM SINGH SAJWAN, EXPERT MEMBER
HON'BLE Mr. RANJAN CHATTERJEE, EXPERT MEMBER

Present: Applicant : Mr. Ritwick Dutta, Rahul Choudhary and Mr. Rohit Choudary, Advs.
Respondent No. 1 : Ms. Panchajanya Batra Singh, Advocate for MoEF & CC
Respondent No. 2: Mr. Avijit Roy, Ms. and Ms. Kankana Arandhara, Advs.
Respondent No. 4: Mr. Upanmanyu Hazarika, Sr. Adv., Ms. Reshmi Rea Sinha and Mr. T.K. Majumdar and Mr. P. Sinha, Advs.

Date and Remarks	Orders of the Tribunal
Item No. 09 December 08, 2015	<p>Learned counsel appearing for the Applicant has filed his written submissions which are annexed with certain documents.</p> <p>Learned counsel appearing for the Project Proponent raised objections that some of the documents annexed to the written submissions are not part of the record of the Tribunal. He also stated that some of the grounds stated in the submissions were beyond the scope of the pleadings. This, however, was not admitted by the Learned counsel appearing for the Applicant who submits that he has argued within the framework of the Application and the documents annexed to the written submissions are on record.</p> <p>Learned counsel appearing for the Project Proponent had a serious objection in relation to the production of a letter and specifically the following paragraph:</p> <p style="text-align: center;"><i>“The elephant tracks were found all along the Golf Course site (Seen on 11th July, 2015), suggesting that the</i></p>

area is regularly used by elephant.”

He infact submitted that this allegation was actually incorrect and submitted that a Local Commissioner could be appointed to verify the contents.

Learned counsel appearing for MoEF submitted that the boundary wall and the Project Proponent falls within the Upper Dihing East Elephant Corridor which is the right of way of animals.

This was also stated to be incorrect by the Learned counsel appearing for the project proponent.

When the matter was taken after lunch, Learned counsel appearing for the Project Proponent submitted that he had instruction not press the request for appointment of a Local Commissioner as the hearing of the matter will be delayed.

Be that as it may, we do not propose to deal with the said rival contentions at this stage.

Learned counsel appearing for the Applicant and MoEF have concluded their submissions.

Learned counsel appearing for the project is on his legs.

Learned counsel appearing for the Project Proponent prays for time to file response to the written submission and the documents. In the interest of justice and keeping in view the fact that admittedly some documents, which are annexed to the written submissions, are not part of the original record before the Tribunal, we grant liberty to the Project Proponent to file response to the written submission as well as dealing with the documents that have been placed on record. He is granted three days time to file response as prayed.

List this matter for further arguments on 15th December, 2015 at the end of the Board.

.....,CP
(Swatanter Kumar)

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

.....,EM
(Prof. A.R. Yousuf)

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

.....,EM
(Ranjan Chatterjee)

