

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

**Appeal No. 54 of 2016**

**In the matter of:**

1. K. N. Somashekar,  
S/o K.J. Ninge Gowda,  
No. 93, Flat No. 5, 2<sup>nd</sup> Floor,  
West Gate manor,  
R.V. Road, Basavanagudi,  
Bangalore- 560 004



..... Appellant

Versus

1. Union of India  
Through its Secretary  
Ministry of Environment, Forest and Climate Change  
Indira Paryavaran Bhavan  
Jor Bagh Road  
New Delhi- 110 030
2. Ministry of Environment, Forest  
and Climate Change Regional Office,  
Southern Zone  
Through the Chief Conservator of Forest (Central),  
Kendriya Sadana, 4<sup>th</sup> Floor,  
Koramangala,  
Bangalore- 560034
3. The State of Karnataka  
Through the Principal Chief Secretary  
Vidhana Soudha  
Dr. Ambedkar Veddhi,  
Bangalore- 560001
4. Karnataka Neeravari Nigam Limited  
Through its executive Engineer,  
Yettinahole Project Division-I  
Sakaleshpura,  
Hassan District,  
Karnataka

5. The Tree Conservation Officer  
Deputy Conservator of Forest  
Hassan Division, Hassan,  
Karnataka

.....Respondents

**Counsel for appellant:**

Mr. Ritwick Dutta, Mr Utkarsh Jain, Advocates for appellant

**Counsel for Respondents:**

Mr. Krishan Kumar Singh, Adv for MoEF.

Mr. Devraj Ashok, Adv for State of Karnataka.

Mrs. Enatoli Sema, Mr. Anith. J and Mr. Amit Kumar Singh Advs.  
for PCB

Mr. Darpan K.M. and Mr. Abhimanyu Verma Advs. for  
Respondent no. 4

**Present:**

**Hon'ble Dr. Justice Jawad Rahim (Judicial Member)**

**Hon'ble Mr. Ranjan Chatterjee (Expert Member)**

**JUDGMENT**

**Per Dr. Jawad Rahim.(Judicial Member)**

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**Reserved on: 21<sup>st</sup> September, 2017**

**Pronounced on: 5<sup>th</sup> October, 2017**

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1. We have heard the Learned Counsel for the appellant and the contesting respondents and reserved it for Judgment on 21<sup>st</sup> September, 2017. However, as the Hon'ble Expert member, who was part of the composition of this Bench, is demitting office on 8<sup>th</sup> October, 2017, considering all attending circumstances and urgency in the matter, for the

detailed reason that will follow, we are pronouncing the operative portion of the decision today.

**Operative Portion of Judgement Pronounced**

2. For the reasons that will follow:

The appeal preferred seeking an order to quash the Order No. FEE 136 FLL 2014 dated 21<sup>st</sup> September, 2016 of the Government of Karnataka/Forest /Environment Department- respondent no. 3 and to restrain the project activity of the State Government is rejected, in so far as the first relief is concerned.

However, while permitting the project activity as envisaged by the State Government of Karnataka, we direct the user agency to proceed with the construction of Yettinahole Phase-I project, only subject to compliance of various conditions and directions in terms of the detailed Judgment that will follow and as per law.

3. Accordingly, the Appeal No.54 of 2016 is disposed off with no order as to cost. Consequently, M.A. Nos. 1116 and 1175 of 2016 also stand disposed off.

(Dr. Justice Jawad Rahim), JM

(Mr. Ranjan Chatterjee), EM