

Item No. 06

**BEFORE THE NATIONAL GREEN TRIBUNAL  
PRINCIPAL BENCH, NEW DELHI  
(Through Video Conferencing)**

Original Application No. 145/2017 (EZ)

Centre for Environment Protection

Applicant

Versus

Union of India & Ors.

Respondent(s)

Date of hearing: 30.10.2019

**CORAM: HON'BLE MR. JUSTICE S. P. WANGDI, JUDICIAL MEMBER  
HON'BLE DR. SATYAWAN SINGH GARBYAL, EXPERT MEMBER**

For Applicant(s) : Ms. Paushali Banerjee, Advocate

For Respondent (s) : Mr. Gora Chand Roy Choudhury, Advocate  
for Respondent No. 5.

**ORDER**

1. This matter has been pending since 2017 cognizance of which was taken on 05.09.2017.
2. The Applicant has raised serious question of violation of the Forest (Conservation) Act, 1980 and also Environment Impact Assessment (EIA) Notification, 2006 in the State taking up the project in the name of Chalfilh Tourist Destination Phase I & II. The return filed by the State Respondents indicates that violations alleged appear to have been committed in as much as no clearance under the Forest (Conservation) Act, 1980 had been obtained by the State before commencement of the project and requisite Environment Clearance (EC) under the EIA Notification,

2006 had not been obtained. It has been stated in the reply that the project was initiated on the verbal instructions given by the Chief Minister of the State. Of the two phases constituting projects estimated at ₹499.00 and ₹500.00, the Phase II was discontinued due to shortage of funds in the year 2015-16.

3. The affidavit has been sworn by the Additional Resident Commissioner, Kolkata and is not supported by any documents. The learned counsel for the Applicant submits that the affidavit does not depict the correct state of affairs as per her information the entire project has been completed.

4. If the information is found to be correct, there can be no doubt that serious breach of the law has been committed by the State of Mizoram inviting the punitive consequences prescribed under the relevant statutes. However, before we proceed further in issuing coercive orders, we direct the Ministry of Environment Forest and Climate Change and the State of Mizoram to file fresh affidavits placing on record as to whether the State Respondents have taken the necessary clearances under the relevant statutes indicated above.

5. Let the affidavits be filed without fail within one month from hence.

6. A copy of this order be transmitted to the Secretary, MoEF&CC and the Chief Secretary, Mizoram for expeditious and effective compliance of this order.
7. List on 09.12.2019.

S.P. Wangdi, JM

Dr. Satyawan Singh Garbyal, EM

30<sup>th</sup> October, 2019  
O.A. No. 145/2017 (EZ)  
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