

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

**Appeal No. 188/2018
(M. A. No. 1357/2018, 1358/2018 & M. A. No. 1359/2018)**

IN THE MATTER OF:

Sudiep Shrivastava Vs. Union of India & Ors.

**CORAM : HON'BLE MR. JUSTICE ADARSH KUMAR GOEL, CHAIRPERSON
HON'BLE MR. JUSTICE S.P. WANGDI, JUDICIAL MEMBER
HON'BLE DR. NAGIN NANDA, EXPERT MEMBER**

Present: Appellant: Mr. Raj Panjwani, Sr. Adv. and Mr. Rahul Choudhary, Adv.

	Date and Remarks	Orders of the Tribunal
	Item No. 01 September 20, 2018 A	<p>1. This appeal has been preferred by way of a PIL against order dated 04.07.2018 passed by the State Government allowing diversion of forest land in favour of Chhattisgarh East West Rail Corridor Ltd., for construction of East West Rail Corridor from Marwahi Forest Division (77.178 ha.) and Katghora Forest Division (382.344 ha.) under Forest (Conservation) Act, 1980 in Bilaspur and Korba District in the State of Chhattisgarh, subject to the conditions mentioned therein.</p> <p>2. The appellant has mentioned that the Ministry of Railways through IRCON and the Govt. of Chhattisgarh have formed a company in the name of Chhattisgarh East West Rail Ltd. The proposal includes a rail line from Gerva Road (near Korba) to Pendra Road of 135 km. Double Line (earlier 122 km. single line) in Korba and Bilaspur District of Chhattisgarh with a mammoth cost of Rs. 5000 crore for double line of the project. This rail line forms part of a total project entailing 453 km of railway line corridor project. The aforesaid area falls within three forest divisions viz. Korba, Kotghora and Marwahi. The the aforesaid Rail Corridor is planned primarily to</p>

	<p>Item No. 01</p> <p>September 20, 2018 A</p>	<p>transport coal from existing mines of Korba area to westward power plants of Rajasthan and Gujarat.</p> <p>3. For the above project, Stage - I clearance was granted by Ministry of Environment, Forest and Climate Change on 26.02.2018 though the proposal was incomplete the fact that the area was covered by forest was not fully disclosed. In the proposal the forest land is mentioned as 77.178 hectares, against the actual forest land being 157.885 hectares. Thus, about 80 hectares of land which is recorded as forest land (forest of big bushes) has been wrongly taken as non-forest land. Construction of the project has commenced even prior to Stage - I clearance granted on 26.02.2018. The work for the project was awarded in July, 2018, to be completed in 23 months.</p> <p>4. The appellant earlier filed Original Application no. 678 of 2016 which was disposed on 24.08.2018, recording that Stage - II clearance has been granted against which Appeal No. 67 of 2018 had also been disposed of. The observations are as follows:-</p> <p style="text-align: center;"><i>“In view of the fact, after filing of the present original application the matter has been proceeded two stages further and appropriate steps can be taken in respect of the Stage - II clearance, in case the applicant is aggrieved of it.</i></p> <p style="text-align: center;"><i>Therefore, Original Application No. 678 of 2016 with the aforesaid prayers does not survive and is accordingly dismissed. There shall be no order as to cost.”</i></p> <p>5. Order dated 02.08.2018 in Appeal No. 67/2018 is as follows:-</p> <p style="text-align: center;"><i>“Learned counsel for the appellant submits that clearances have been given by respondent-State. Further, he submits that the said clearances have been challenged by way of a separate appeal.</i></p> <p style="text-align: center;"><i>In the aforesaid circumstances, nothing remains to be adjudicated in this appeal as the appellant would be free to take all legal objections in the separate appeal which he has</i></p>
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	<p>Item No. 01</p> <p>September 20, 2018 A</p>	<p><i>already filed.</i> <i>Accordingly, Appeal No. 67 of 2018 stands disposed of without any order as to cost.”</i></p> <p>6. Learned counsel for the appellant states that above orders proceed on an erroneous footing and a review application has been filed.</p> <p>7. Since the matter has been dealt with by a different Bench, which is available even now, place before the same Bench on 10.10.2018.</p> <p>....., CP (Adarsh Kumar Goel)</p> <p>.....,JM (S.P. Wangdi)</p> <p>.....,EM (Dr. Nagin Nanda)</p> <p>20.09.2018</p>
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