

Item No. 01

(Court No.1)

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

(By Video Conferencing)

Execution Application No. 47/2019
In
Original Application No. 325/2018
(I.A. No. 745/2019)

(With report dated 02.06.2020)

Gaurav Kumar Bansal

Applicant

Versus

Union of India & Ors.

Respondent(s)

Date of hearing: 10.06.2021

**CORAM: HON'BLE MR. JUSTICE ADARSH KUMAR GOEL, CHAIRPERSON
HON'BLE MR. JUSTICE SUDHIR AGARWAL, JUDICIAL MEMBER
HON'BLE MR. JUSTICE M. SATHYANARAYANAN, JUDICIAL MEMBER
HON'BLE MR. JUSTICE BRIJESH SETHI, JUDICIAL MEMBER
HON'BLE DR. NAGIN NANDA, EXPERT MEMBER**

Applicant: Mr. Gaurav Kumar Bansal, in person
Respondent: Mr. Rahul Pratap, Advocate for MoEF&CC
Mr. Bhanwar Pal Singh Jadon, Advocate for State of UP

ORDER

1. This application is for execution of order of this Tribunal dated 31.05.2019 directing issuance of requisite notification under section 26A of the Wildlife (Protection) Act, 1972 for protection of the Hastinapur Wildlife Sanctuary:-

*“19. We are, therefore, of the considered opinion that despite number of projects or schemes undertaken by the State for protection and conservation of the wildlife species and habitat of Hastinapur Wildlife Sanctuary there have not been desired results. And none of these interventions will yield stated objectives until and unless habitats within the sanctuary are kept free of any anthropogenic interference. In fact, the measure of success of any management intervention in a protected area is the extent to which we have been able to create habitat which is pristine and free of human interference. **Even though, we are satisfied that State Forest Department has taken necessary steps for the conservation***

and protection of the wildlife species & habitat and the biological diversity of the area, in accordance with Wildlife Protection Act, 1972 and Biological Diversity Act, 2002, these measures will not be effective until or unless notification under Section 26 (A) is issued. We dispose of this application with the direction that the Section 26 (A) notification under the Wildlife Protection Act, 1972 in respect of Hastinapur Wildlife Sanctuary be issued within six (6) months from the date of issuance of this order i.e., by 30.11.2019. Compliance of the same be filed in the registry of this Tribunal.”

2. According to the application, the directions are not being complied.

In response to the notice issued by the Tribunal, a status report has been filed on behalf of State of UP on 02.06.2020 to the effect that steps have been taken and proposal was pending consideration before the National Board for Wildlife.

3. Learned Counsel appearing for the State of UP has submitted that after filing report on 02.06.2020, further steps have been taken. After approval of the proposal by the MoEF&CC, a Committee for rationalization with the Commissioner, Meerut as Nodal Officer has been appointed on 17.11.2020. Learned Counsel for the MoEF&CC confirms that the proposal received from the State was duly approved in 59th meeting of the National Board for Wildlife, MoEF&CC on 19.10.2020.

4. Since it is stated by learned Counsel for the State that delay has taken place due to pandemic and the Rationalization Committee is now likely to complete its work within three months and thereafter the State Government will issue final notification within three months, we direct the Commissioner, Meerut to ensure that the rationalization process is completed within three months and report submitted to the State Government and thereafter, the Additional Chief Secretary, Forest and Environment, UP, may ensure that further action is completed within next three months. It is made clear that in case of failure, it will be open

to either party to move the Tribunal after six months, seeking coercive measures against the erring officers.

The application is disposed of.

A copy of this order be forwarded to the Chief Secretary, UP, Additional Chief Secretary, Forest and Environment, UP, Commissioner Meerut, District Magistrates, Bijnor, Hapur, Meerut, Amroha and Muzaffarnagar by email for compliance.

Adarsh Kumar Goel, CP

Sudhir Agarwal, JM

M. Sathyanarayanan, JM

Brijesh Sethi, JM

Dr. Nagin Nanda, EM

June 10, 2021

Execution Application No. 47/2019 in

Original Application No. 325/2018 (I.A. No. 745/2019)

AVT