

**BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH**

(By Video Conferencing)

Original Application No.330/2022

Ganesh Chand Sharma

...Applicant

Versus

State of Uttarakhand & Ors.

...Respondents

Date of hearing: 19.10.2022

**CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI, JUDICIAL MEMBER
HON'BLE DR. AFROZ AHMAD, EXPERT MEMBER**

Applicant: None.

Respondents: Mr. Rahul Verma, Additional Advocate General, for Respondents no. 1 to 4 alongwith Ms. Vandana Singh, District Magistrate and Mr. Mahatim Yadav, DFO, Almora.
Mr. Pushp Gupta and Sandeep Mishra Advocate for Respondent no. 5.
Mr. Mukesh Verma, Advocate for UKPCB.

**Application under Section 18 (1) read with Section 14 and 15 of the
National Green Tribunal Act 2010.**

ORDER

1. The applicant has filed present application under Section 18(1) read with Sections 14 & 15 of the National Green Tribunal Act, 2010 seeking inter alia the relief of issuance of directions to the respondents not to construct Taradi-Dhabra Shashikhal Motar Marg above the Naula of Village Malla Dhadhariya and to adopt alternate route to protect it from damage.

2. Vide order dated 11.05.2022, notices were ordered to be issued to the respondents and Joint Committee was constituted to submit a Factual and Action Taken Report.
3. In compliance there of Factual and Action Taken report was submitted by the Joint Committee vide email dated 02.06.2022.
4. Respondents no. 1 and 2 also filed Action Taken Report by way of Affidavit dated 08.08.2022.
5. Vide order dated 10.08.2022, respondents no 1 to 4 were allowed to file additional affidavit and personal appearance of DFO and District Magistrate, Almora was ordered.
6. In compliance thereof, Additional Affidavit on behalf of State of Uttarakhand has been filed through email dated 27.08.2022. Ms. Vandana Singh, District Magistrate and Mr. Mahatim Yadav, DFO, Almora are present before this Tribunal through VC and we have interacted with them.
7. In the additional Affidavit filed on behalf of State of Uttarakhand, it has been mentioned that decision would be taken after public hearing.
8. In the facts and circumstances of the case, the question as to whether the project in question requires Environmental Clearance (EC) in view of EIA Notification, 2006 also needs to be considered by the concerned authorities.
9. Learned Additional Advocate General for respondents no. 1 to 4 seeks time to file additional affidavit.
10. Additional Affidavit on behalf of the respondents no. 1 to 4 may be filed within two months at judicial-ngt@gov.in preferably in the form of searchable PDF/OCR Supported PDF and not in the form of Image PDF.

11. List for further consideration on 15.02.2023.

Arun Kumar Tyagi, JM

Dr. Afroz Ahmad, EM

October 19, 2022
AG