

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

M.A. No. 15/2019
IN
Original Application No. 121/2014

Yogendra Mohan Sengupta Applicant(s)

Versus

Union of India & Ors. Respondent(s)

Date of hearing: 31.01.2019

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

For Applicant(s): Mr. Rahul Choudhary, Advocate
For Respondent (s): Mr. Ashok Sharma, AG and Mr. Divya Prakash Pande, Advocate

ORDER

This application seeks direction to permit expansion of Cancer Care Centre at Shimla by relaxing the directions of the judgment dated 16.11.2017 of this Tribunal in Original Application No. 121/2014, *Yogendra Mohan Sengupta V. Union of India & Ors.*, prohibiting any new construction in 'Core and Green/Forest area' of Shimla in view of the impact of huge constructions already made affecting seismicity and environment.

The Tribunal also constituted High Powered Committee having components of 'Supervisory Committee' and 'Implementation Committee' which comprise of officers of the State of Himachal Pradesh. The Supervisory Committee can consider and evaluate the need for construction of building of exceptional nature and make recommendation, if necessary.

In the present case, such evaluation has not been done by the Supervisory Committee.

Let the same be done in first instance and consistent with the parameters laid down by this Tribunal in the Shimla judgment.

The matter may be listed as soon as the recommendations are filed.

Adarsh Kumar Goel, CP

S.P. Wangdi, JM

K. Ramakrishnan, JM

Dr. Nagin Nanda, EM

January 31, 2019
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