

Item No. 05

Court No. 1

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

Original Application No. 127/2024

Naathu Ram

Applicant

Versus

Ministry of Road Transport and
Highways & Ors.

Respondent(s)

Date of hearing: 06.02.2024

**CORAM: HON'BLE MR. JUSTICE PRAKASH SHRIVASTAVA, CHAIRPERSON
HON'BLE DR. A. SENTHIL VEL, EXPERT MEMBER**

Applicant: Mr. Rahul Khurana & Mr. Hasil Jain, Advs.

ORDER

1. In this original application, Applicant has raised a grievance against construction in the Shivalik range of Himalayas extending up to a length of 97/103.55 kms in the State of Himachal Pradesh undertaken by the Ministry of Road Transport and Highways in the process of two lane upgradation with paved shoulders of existing single lane Paonta Sahib – Guma section at National Highway No. 707. The allegation of the Applicant is that during road widening and upgradation process, contractors are destroying the Himalayan ecology and natural vegetation and that they are breaking and cutting the hills on one side of the road and throwing the debris (including boulders, stones, dust, etc.) on the steep hill on the other side of the road in the valley. As per the allegation, the entire hilly area on the length of 97 km on the downside slope is getting destroyed, which includes natural vegetation, river streams, habitations, wildlife, etc. It is also alleged that crores of trees including Pine and Deodhar have been destroyed and thousands of minor and

major river streams have either been covered up with debris or have changed their course.

2. During the course of hearing, learned Counsel appearing for the Applicant has also referred to para 7 of the OA wherein it is stated that the project has taken the advantage of Item 7(f) of the EIA Notification 2006, by segmenting NH 707 into smaller segments and bring it to less than 100 km whereas the project is actually of the length of 103.55 kms. In support of the submission, learned Counsel for Applicant has referred to Annexure-A/2, a communication dated 18.07.2022 issued by Government of India, Ministry of Road Transport and Highways.

3. The OA raises substantial issue relating to compliance of the provisions of the Scheduled enactments.

4. Issue notice to the respondents. Learned Counsel for Applicant is directed to serve the respondents and file affidavit of service at least one week before the next date of hearing.

5. Considering the grievance raised in the OA, we also deem it proper to form a Joint Committee comprising of the representative of Member Secretary, Central Pollution Control Board (CPCB), Regional Officer, Ministry of Environment, Forests and Climate Change (MoEF&CC), Chandigarh, Member Secretary, Himachal Pradesh State Pollution Control Board (HPSPCB), Deputy Commissioner, Sirmaur and Deputy Commissioner, Shimla. The Deputy Commissioners will act as nodal agency for coordination and compliance in the Committee.

6. The Joint Committee will carry out the spot inspection, ascertain the truthfulness of the allegations made in the OA and submit factual and action taken report at least one week before the next date of hearing

by e-mail at judicial-ngt@gov.in preferably in the form of searchable PDF/OCR Support PDF and not in the form of Image PDF.

7. List on 15.04.2024.

8. A copy of this order be forwarded to CPCB, MoEF&CC, HPSPCB and Deputy Commissioners, Sirmaur and Shimla by e-mail for compliance.

Prakash Shrivastava, CP

Dr. A. Senthil Vel, EM

February 06, 2024
Original Application No. 127/2024
DV.