

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

Original Application No. 41/2015
(I.A. No. 556/2019 & I.A. No. 557/2019)
(M.A. No. 237/2019)
With
Original Application No. 189/2014

Umashankar Patwa & Ors.

Applicant(s)

Versus

Union of India & Ors.
(Earlier titled as D.K. Joshi
Vs. Union of India & Ors.)

Respondent(s)

Date of hearing: 13.12.2019

**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**

For Applicant(s): Mr. Sharan Balakrishna, Advocate

For Respondent(s): Mr. Bhanwar Pal Singh Jadon, Advocate for R-6&7
Mr. Shashank Bajpai, Advocate for ADA & TTZ
Mr. Pinaki Mishra, Sr. Advocate and Mr. Ajit Sharma, Advocate
Mr. Preet Oberoi, Advocate

ORDER

Vide order dated 09.04.2019, a report was sought from Ministry of Environment, Forest & Climate Change (MoEF&CC) with reference to the issue whether the Wildlife Sanctuary in question covered the institutions- Hindustan Institute of Technology & Management, Agra (HIT) and Anand Engineering College, Agra (AEC).

The extract from the said order is as follows:-

“8. We are of the view that opinion of the MoEF&CC may be required on the following issues:

- i. Whether the restriction under the Wild Life (Protection) Act, 1972 will apply to the entire area, including the area beyond 403.09 ha indicated by blue line.*
- ii. Whether any restriction applies to the area outside the protected area of ‘403.09 ha’. This question may also require consideration of safety zone or buffer zone adjacent to the Bird Sanctuary. We also find from the document ‘Eco-Sensitive Zone of Soor Sarovar Bird Sanctuary’ that area of ESZ is 1020.25 ha while the protected area proposed is 403.09 ha.*
- iii. Further question will be regulation of other structures or activities falling in the proposed ESZ and the mitigation steps required and proposed.*

9. The MoEF&CC may furnish its report in the matter within two months by e-mail at ngt.filing@gmail.com. State of UP/Chief Wild Life Warden, UP may provide copies of relevant official record within two weeks to MoEF&CC.”

No report was received from the MoEF&CC as directed. The matter was deferred to 03.09.2019, 21.10.2019 and finally to today but still there is no response from MoEF&CC nor any representation.

In view of the above, we direct the Joint Secretary concerned to remain present in person along with the report on the next date of hearing and explanation why action be not taken for violation of directions of this Tribunal. Any further default may entail coercive measures by way of warrants for arrest and stoppage of salary of concerned defaulters.

A copy of this order be sent to the MoEF&CC by e-mail for compliance. The applicant may also serve the order on the MoEF&CC and file affidavit of service.

List again on 31.01.2020.

Adarsh Kumar Goel, CP

S.P Wangdi, JM

Dr. Nagin Nanda, EM

December 13, 2019
Original Application No. 41/2015
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