

ITEM NO.4

COURT NO.5

SECTION XVII

S U P R E M E C O U R T O F I N D I A  
RECORD OF PROCEEDINGS

Civil Appeal No. 8560/2018

BIRENDRA SINGH

Appellant(s)

VERSUS

MINISTRY OF ENVIRONMENT FOREST  
AND CLIMATE CHANGE (MOEF) & ORS.

Respondent(s)

(With IA 120808/2018 - EX-PARTE AD-INTERIM RELIEF, 120809/2018 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT, IA Nos. 123555/2018, 149716/2018, 157752/2018 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES, 39061/2019 - VACATING STAY)

Date : 24-04-2019 This matter was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE ROHINTON FALI NARIMAN  
HON'BLE MR. JUSTICE VINEET SARAN

For Appellant(s) Mr. V. K. Shukla, Sr. Adv.  
Mr. P. B. Suresh, Adv.  
Mr. Vipin Nair, AOR  
Mr. Karthik Jayashankar, Adv.

For Respondent(s) Mr. Shyam Divan, Sr. Adv.  
Mr. Vikas Srivastava, Adv.  
Mr. J. P. Singh, Adv.  
Ms. Kanika Jain, Adv.  
Mr. Mayank Pandey, AOR  
  
Ms. Aruna Mathur, Adv.  
Ms. Anuradha Arputham, Adv.  
Mr. Avneesh Arputham, Adv.  
Ms. Geetanjali, Adv.  
M/S. Arputham Aruna And Co, AOR  
  
Mr. Mukesh Verma, Adv.  
Mr. Pawan Kumar Shukla, Adv.  
Mr. Yash Pal Dhingra, AOR  
  
Mr. A. N. S. Nadkarni, ASG.  
Mr. Sanjay Kumar Tyagi, Adv.  
Mr. K. L. Janjani, Adv.  
Mr. D. L. Chidanand, Adv.  
Mr. G. S. Makker, Adv.  
Mr. A. K. Sharma, Adv.  
  
Mr. Abhishek Atrey, AOR

Ms. Vidyottma, Adv.  
Mr. Krishnam Mishra, Adv.

UPON hearing the counsel the Court made the following  
O R D E R

Given the fact that the National Green Tribunal appointed a Committee which has submitted a report under which two very important things have yet to be done, we are of the view, *prima facie*, that the NGT should not have stated that the matter stands disposed of.

So far as Item No. (vi) of the Committee's report is concerned, it states that the State of Uttarakhand be directed to finalise the criteria and standard to determine what constitutes "Deemed forest" for the purpose of the Forest (Conservation) Act, 1980, within a stipulated time frame considering that draft criteria was prepared way back in 2014. We have been informed by the learned counsel appearing for the State of Uttarakhand that the matter is lying with the MoEF since the year 2014 in cold storage. We direct the MoEF to take immediate steps in pursuance of sub-para (vi) of the Committee's report and tell us by way of an affidavit, to be filed within two weeks from today, as to what steps have been taken to finalise the said criteria and standards.

The appeal to come up on 07<sup>th</sup> May, 2019.

(NIDHI AHUJA)  
COURT MASTER (SH)

(RENU DIWAN)  
ASSISTANT REGISTRAR