

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

**M. A. No. 234/2012 & M. A. No. 495/2013
in
Original Application No. 19/2012**

Subir Mario Chowfin V/s Union of India & Ors.

**CORAM: HON'BLE MR. JUSTICE SWATANTER KUMAR, CHAIRPERSON
HON'BLE MR. JUSTICE U.D. SALVI, JUDICIAL MEMBER
HON'BLE DR. D.K. AGRAWAL, EXPERT MEMBER
HON'BLE MR. B.S. SAJWAN, EXPERT MEMBER
HON'BLE DR. R.C. TRIVEDI, EXPERT MEMBER**

**Present: Applicant / Appellant : Mr. Ritwick Dutta, Advocate.
Respondent No.1 : Mr. Vikas Malhotra, Adv. with Mr. M.P. Sahay, Adv.
Respondent No.2 to 7 : Mr. Abhishek Atrey and Ms. Babita Tyagi, Advs
Respondent No.8 : Mr. Mukesh Verma, Adv.**

Date and Remarks	Orders of the Tribunal
Item No. 6 April 29, 2014	<p>Learned Counsel appearing for the State of Uttrakhand places on record the letter dated 28th April, 2014 which speaks of the Office Order constituting the Committee to examine whether the area in question in Village-Manda Khal and Gadoli Khal, District Pauri is a deemed forest, and submits that the said Committee would complete its job within the two months.</p> <p>We are afraid that the State of Uttrakhand has not acted fairly and is not complying with the orders issued by the Tribunal from time to time. This aspect of the case with regard to identification of the deemed forest is pending before the Tribunal and this question is pending for the last more than seven months though the Committee has been appointed of late by the order dated 28th April, 2014.</p> <p>Learned Counsel appearing for the State submits that another Committee was constituted earlier which observed that it is not a forest area. Learned Counsel appearing for the</p>

Ministry of Environment and Forests submits that their officer had inspected the area in question and had come to clear findings that it is a forest area.

The Learned Counsel appearing for the Applicant has filed some photographs before us and upon instructions submits that these photographs are of a Village of Manda Khal which clearly show that it is a forest area. Despite the injunction orders of the Tribunal the non-forest activity is still being carried on in the forest area or a deemed forest area.

In the circumstances aforementioned we pass following directions:

- a) All the interim orders passed by the Tribunal earlier would continue to operate till specifically vacated.
- b) The Committee appointed by the order dated 28th April, 2014 shall submit its report to the Tribunal within three weeks from today. The Member Secretary of the Committee will be present before the Tribunal on the next date of hearing.
- c) The hotmix plant at Village Manda Khal-Free simple Estate shown in the photographs shall not operate henceforth in any manner whatsoever.
- d) No non-forest activity would be carried on in the forest/deemed forest area without specifically order of the Tribunal.
- e) The Committee appointed by the order dated 28th April, 2014 shall prepare the videography of the area in question, and they shall send due intimation of their visit to the said area to the Regional Office of the MoEF whose Senior most Officer shall participate in the inspection and record his findings. The Inspecting Team shall also record the density of the trees on

sample basis atleast.

List this matter for hearing on 26th May, 2014.

.....,CP
(Swatanter Kumar)

.....,JM
(U.D. Salvi)

.....,EM
(Dr. D.K. Agrawal)

.....,EM
(B.S. Sajwan)

.....,EM
(Dr. R.C. Trivedi)

