

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

M.A. No.791/2016

In

Appeal No. 36/2013

IN THE MATTER OF:

Alka Sareen & Anr. Vs. Union of India & Ors.

CORAM : HON'BLE MR. JUSTICE SWATANTER KUMAR, CHAIRPERSON
HON'BLE MR. JUSTICE RAGHUVENDRA S. RATHORE, JUDICIAL MEMBER
HON'BLE MR. BIKRAM SINGH SAJWAN, EXPERT MEMBER
HON'BLE MR. RANJAN CHATTERJEE, EXPERT MEMBER

Present: Applicant : Mr. Hemant Sarin, Adv.
Mr. Mukul Singh, Adv. for MoEF
Respondent : Mr. Anil Grover, AAG with Mr. Rahul Khurana,
Adv. for State of Haryana, HSPCB, HUDA,

	Date and Remarks	Orders of the Tribunal
	Item No. 06 September 09, 2016 A	M.A. No.791/2016 We have heard the Learned counsel appearing for the parties. This is an Application praying for recalling of the order dated 27 th February, 2015 passed in Appeal No. 36 of 2016. Having heard the Learned counsel appearing for the parties and the fact that the Appeal preferred by the Appellant was disposed of at that stage as the wildlife clearance had not been granted, being one of the conditions of the Environmental Clearance order dated 01 st March, 2013. Now the wildlife clearance had been granted vide order dated 26 th February, 2016. The same was challenged before the Tribunal. However, vide order dated 09 th May, 2016 in the Original Application filed against the order dated 26 th February, 2016 has been withdrawn as wildlife clearance does not form part of the Schedule - I of the National Green Tribunal Act, 2010. The contention of the Learned counsel appearing for the Applicant is that whether he challenges or not the wildlife

permission granted to the Project Proponent, his contentions on merits for grant of Environmental Clearance would still be available to him in accordance with law. We find substance in this contention. Consequently, for this we need not find it essential to recall our order dated 27th February, 2015 but still direct that the appeal may be heard on merits. We make it clear that the before the next date of hearing the Appellant if he so desires, should challenge the wildlife permission granted to Project Proponent in accordance with law failing which it will be presumed that the Appellant has no challenge to the said order.

Accordingly, M.A. No. 791 of 2016 stands disposed of without any order as to costs.

List Appeal No. 36 of 2013 for hearing on 21st October, 2016.

.....,CP
(Swatanter Kumar)

.....,JM
(Raghuvendra S. Rathore)

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

.....,EM
(Ranjan Chatterjee)