

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

**Original Application No. 501 of 2015  
(M.A. No. 1212 of 2015)**

**And**

**Original Application No. 560 of 2015**

**IN THE MATTER OF:**

**Anand Arya Vs. Union of India  
And  
Pushp Jain Vs. Union of India & Ors.**

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

**Present:**

<b>Applicant:</b>	<b>Ms. Reena George, Adv. Mr. Ritwick Dutta and Meera Gopal, Adv.</b>
<b>Respondent No. 1 :</b>	<b>Mr. Krishna Kumar Singh, Adv. for MoEF.</b>
<b>Respondent No. 2 (in OA 501) &amp; 3 (in OA 560) :</b>	<b>Mr. Guntur Prabhakar, Mr. Guntur Pramod Kumar and Mr. Prashant Mathur, Adv. for State of Andhra Pradesh</b>
<b>Respondent No. 3 :</b>	<b>Mr. Anil Srivastava and Mr. Pranav Rishi, Adv. for State of Arunachal Pradesh, PCB</b>
<b>Respondent No. 6 (in OA 501) &amp; 8 (in OA 560) :</b>	<b>Ms. Shashi Juneja, Adv. standing counsel for State of Chattisgarh</b>
<b>Respondent No. 9 (in OA 501) &amp; 15 (in OA 560) :</b>	<b>Mr. Anil Grover, AAG and Mr. Rahul Khurana and Mr. Sandeep Yadav, Adv.</b>
<b>Respondent No. 16 (in OA 501) &amp; 36 (in OA 560) :</b>	<b>Mr. Preshit Surshe, Adv. for State of Mahatashtra</b>
<b>Respondent No. 23 :</b>	<b>Mr. Shiv Mangal Sharma, AAG, Mr. Saurabh Rajpal and Mr. Adhiraj Singh, Adv. for Rajasthan RSPCB, SEIAA</b>
<b>Respondent No. 28 :</b>	<b>Mr. Abhishek Yadav, Adv. for State of Uttar Pradesh</b>
<b>Respondent No. 30 :</b>	<b>Mr. Joydeep Mazumdar, Ms. Parijat Sinha and Ms. Madhumita Chatterjee, Adv. for State of West Bengal</b>
<b>Respondent No. 36 (in OA 501) &amp; 13 (in OA 560) :</b>	<b>Mr. Tarunvir Singh Khehar, Ms. Guneet Khehar and Ms. Japnaam Bindra, Adv. for GNCT</b>
	<b>Mr. Suryanarayan Singh, Sr. Addl. Advocate General for State of Himachal Pradesh</b>
	<b>Ms. Priyanka Sinha, Adv. for State of Jharkhand</b>
	<b>Ms. Aprajita Mukherjee, Adv. For State of Meghalaya</b>
	<b>Mr. Edward Belho, MR. Luikang Michael and Mr. Elix Gangmei, Adv. for State of Nagaland</b>
	<b>Mrs. Aruna Mathur, Mr. Avneesh Arputham and Ms. Anuradha Arputham, Adv. for State of Sikkim</b>
	<b>Mr. Abhimanyu Garg and Ms. Preety Makkar, Adv. for Pondicherry</b>
	<b>Mr. Balendu Shekhar, Adv. for Ministry of Environment &amp; Forest, &amp; CC</b>
	<b>Ms. D. Bharathi Reddy, Adv. for Uttarakhand</b>
	<b>Mr. Abhishek Yadav, Adv. for State of UP</b>

**Mr. V.K. Shukla, Adv. for State of M.P.**  
**Mr. Naginder Benipal, Adv. for AAG, Mr. Anil Soni for State of Punjab**  
**Dr. Abhishek Atrey and Mr. Sumit Razora, Advs. for State of UT of Lakshadweep**  
**Mr. Sarthak Chaturvedi and Mr. Rohit Pandey, Advs. for Andaman & Nicobar Administration**  
**Mr. Rudreshwar Singh and Mr. Gautam Singh, Advs. for State of Bihar**  
**Mr. Shantala Sankrit, Mr. Deepak Jain and Mr. Alok Misra, Advs. for Daman & Diu & Dadar & Nagar Haveli, Advs.**  
**Mr. Soumyajit Pani, Adv. for State of Odisha**  
**Mr. Devraj Ashok, Adv. for State of Karnataka**  
**Mr. G. Prakash, Adv. for State of Kerala**  
**Mr. R. Rakesh Sharma, Adv. standing counsel for State of Tamil Nadu and PCB**  
**Mr. Anshuman Srivastava, Adv. for State of Goa**  
**Mr. Atanu Saikia, Adv. for Mr. Madhumita Bhattacharjee, Adv. for State of West Bengal**  
**Mr. Sapam Biswajit Meitei, Adv. for State of Manipur**

	<b>Date and Remarks</b>	<b>Orders of the Tribunal</b>
	<p> <b>Item No. 15 &amp; 16</b>  <b>September 02, 2016</b>            ss         </p>	<p>           Nobody is present on behalf of Respondent No. 4 – State of Assam and Respondent No. 8 – State of Gujarat despite service. Issue bailable warrant against Resident Commissioners of these respective Respondents in the sum of Rs. 10,000/- each to the satisfaction of the arresting Officer, in exercise of the powers and in terms of the provision of Section 19 (4) (a) of the National Green Tribunal Act, 2010 read with Order XVI Rule 10(3) and Section 151 of Code of Civil Procedure, 1908. The bailable warrant shall be executed by the SHO of the concerned area for their production before the Tribunal on the next date of hearing.         </p> <p>           The respondents who have not filed their replies should file their replies positively within one week from today with advance copy to the applicant who may file Rejoinder(s) thereto, if any, within two weeks thereafter.         </p> <p>           The Learned Counsel appearing for Respondent No.         </p>

	<p><b>Item No. 15 &amp; 16</b></p> <p><b>September 02, 2016</b></p> <p>ss</p>	<p>34 submits that they adopt the reply filed on behalf of Respondent No. 33.</p> <p>The Learned Counsel appearing for Respondent No. 16 submits that they adopt the reply already filed in Original Application No. 560 of 2015 – Pushp Jain Vs. Union of India &amp; Ors.</p> <p>The Learned Counsel appearing for Respondent No. 30 submits that the reply filed on behalf of the West Bengal in Original Application No. 501 of 2015 – Anand Arya Vs. Union of India may be adopted in Original Application No. 560 of 2016.</p> <p>The Learned Counsel appearing for Respondent No. 12 submits that their reply filed in Original Application No. 501 of 2015 may be adopted in Original Application No. 560 of 2016. Similar statements have been made by the Learned Counsel appearing on behalf of Respondent Nos. 2, 3, 6 (in Original Application 501 of 2016) and 8 (in Original Application No. 560 of 2016), 13, 14, 18, 24, 25, 29 and 31).</p> <p>The Learned Counsel appearing for MoEF states that they have filed an affidavit annexing minutes of the Central Wet Land Authority for the meetings that have been held since 2011.</p> <p>In the meanwhile all the State Governments which has not already submitted their proposal to the MoEF should submit their proposals, complete in all respect, within three weeks from today. It shall be the burden of the concerned Secretary of the State Governments to ensure compliance of this direction. All those proposals which are received by the MoEF shall be considered by the Ministry in accordance with the existing rules within three</p>
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	<p><b>Item No. 15 &amp; 16</b></p> <p><b>September 02, 2016</b></p> <p>ss</p>	<p>weeks of receipt and no proposal would be deferred from considering on the ground that new rules are under preparation.</p> <p>According to the Applicant there are nearly 7,53,647 hectares of wet land as per National Wetland Atlas and out of it 5,54,960 hectares of land are under less than 2.5 hectares, while the remaining 1,98,687 hectares of land are more than 2.5 hectares. According to him these wetlands are located in the protected areas as well as outside the protected area.</p> <p>We direct MoEF to verify this aspect upon proper inquiry from the State Government and file proper affidavit.</p> <p>The MoEF will produce the Wetland Atlas before the Tribunal.</p> <p>List these matters on 24<sup>th</sup> October, 2016.</p> <p>.....,CP (Swatanter Kumar)</p> <p>.....,JM (M.S. Nambiar)</p> <p>.....,JM (Raghuvendra S. Rathore)</p> <p>.....,EM (Bikram Singh Sajwan)</p>
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