

Item No.11

Court No. 1

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

Original Application No. 529/2023

Dr. Sharad Gupta

Applicant

Versus

Union of India

Respondent

Date of hearing: 16.02.2024

**CORAM: HON'BLE MR. JUSTICE PRAKASH SHRIVASTAVA, CHAIRPERSON
HON'BLE MR. JUSTICE SUDHIR AGARWAL, JUDICIAL MEMBER
HON'BLE DR. A. SENTHIL VEL, EXPERT MEMBER
HON'BLE DR. A. AFROZ AHMAD, EXPERT MEMBER**

Applicant: Mr. Anshul Gupta & Mr. Shubham Kaushik, Advs. for Applicant

Respondent: Mr. Bhanwar Pal Singh Jadon, Mr. Chetan Jadon, Mr. Hardik Saxena &
Mr. Harsh Vardhan Singh Rajawat, Advs. for the State of UP
Ms. Nidhi Jaswal, Adv. for MoEF & CC (Through VC)

ORDER

1. This original application has been filed seeking compliance of the order dated 23.09.2022 passed by Hon'ble Supreme Court in I.A. Nos. 196/157, 196/158 and 196/159/2019 in WP (C) No.13381/1984 in the matter of *M.C. Mehta V. Union of India & Ors.* relating to expansion of the area of Soor Sarovar Bird Sanctuary (SSBS) located in district Agra, UP.

2. Affidavit on behalf of Additional Chief Secretary (ACS), Environment, Forest and Climate Change, UP, in compliance of the order dated 01.06.2021, was filed disclosing timeline for issuance of the final notification under Section 26A of Wildlife (Protection) Act, 1972 in respect of three pieces of land i.e (a) 403.09 ha; (b)15.415 ha; (c) 380.55ha.

3. Taking note of the said timeline disclosed in the affidavit, Tribunal in the proceedings dated 01.12.2023 had directed the ACS, Environment,

Forest and Climate Change, UP to file further compliance affidavit reflecting action taken in pursuance to the affidavit dated 28.11.2023.

4. Additional affidavit dated 13.02.2024 has been filed by ACS, Environment, Forest and Climate Change, UP. Referring to the said affidavit, Learned Counsel for State of UP has pointed out that there is an overlapping of the area of 0.980 ha included in the area of 380.558 ha and 15.415 ha, hence, the authorities are in the process of resolving this anomaly which will be resolved within 15 days.

5. Counsel for the State of UP has not disputed that step which was disclosed at serial no.3 in respect of 403.09 ha i.e. “ by 31.01.2024 after detailed examination of the report of the District Level Committee, dispatch of the proposal by the District Magistrate” has not been complied with till now.

6. There was no anomaly in respect of 403.09 ha, therefore, there was no impediment in adhering to the timeline disclosed in the affidavit by the ACS. Hence, there is a breach of the timeline disclosed in the affidavit but, Tribunal at this stage does not intend to take any action for the breach since it has been stated by the Counsel for State of UP that next timeline at serial no.4 i.e. “ by 29.02.2024-preparation and dispatch of the proposal from the level of Deputy Conservator of Forest” will be duly adhered to .

7. Similarly, in respect of the area of 15.415 ha, timeline disclosed at serial no.4 has been breached and explanation furnished is that timeline could not be adhered to, on account of anomaly of the area which has been noted above.

8. Counsel for the State has submitted that in respect of this area also effort will be made to adhere to the next timeline.

9. Let further action taken report be filed by ACS, Environment, Forest and Climate Change, UP disclosing further steps which have been taken in pursuance to the timeline disclosed in the affidavit dated 28.11.2023, at least one week before the next date of hearing by e-mail at judicial-ngt@gov.in preferably in the form of searchable PDF/ OCR Support PDF and not in the form of Image PDF.

10. List on 30.04.2024.

Prakash Shrivastava, CP

Sudhir Agarwal, JM

Dr. A. Senthil Vel, EM

Dr. Afroz Ahmad, EM

February 16, 2024
Original Application No. 529/2023
JG.