

**BEFORE THE NATIONAL GREEN TRIBUNAL
SOUTHERN ZONE, CHENNAI**

**M.A.No 101 of 2017 (SZ)
in
Application No.273 of 2016 (SZ)**

Applicant(s)
Sri. B. Harsha Vardhan,
Hyderabad,
Telangana.

Respondent(s)
Vs. The Union of India, Rep. by its
Secretary to the Government,
MoEF & CC New Delhi and 4 others.

Legal Practitioners for Applicant(s)
M/s. Sanjay Upadhyay,
Kamalesh Kannan. S,
S. Sai Sathya Jith,
Mridula Vijai Raghavan,
Thejesh Jagadish

Legal Practitioners for Respondents
Mr. M.R. Gokul Krishnan for R1 and R5
Mrs. H. Yasmeen Ali for R2 and R3
Mr. R. Parthasarathy for R4

**M.A.No 127 of 2017 (SZ)
in
Application No.273 of 2016 (SZ)**

Applicant(s)
The State of Telangana
Rep. by its Chief Secretary,
Secretariat, Hyderabad and
2 others.

Respondent(s)
Vs. The Union of India, Rep. by its
Secretary to the Government,
MoEF & CC, New Delhi and 2 others.

Legal Practitioners for Applicant(s)
M/s. H. Yasmeen Ali

Legal Practitioners for Respondents
Mr. M.R. Gokul Krishnan for R1
M/s. Sanjay Upadhyay,
Kamalesh Kannan. S,
S. Sai Sathya Jith,
Mridula Vijai Raghavan,
Thejesh Jagadish for R3

M.A.No 167 of 2017 (SZ)
in
Application No.273 of 2016 (SZ)

Applicant(s)
Sri. B. Harsha Vardhan,
Hyderabad,
Telangana.

Respondent(s)
Vs. The Union of India, Rep. by its
Secretary to the Government,
MoEF & CC New Delhi and 4 others.

Legal Practitioners for Applicant(s)
M/s. Sanjay Upadhyay,
Kamalesh Kannan. S,
S. Sai Sathya Jith,
Mridula Vijai Raghavan,
Thejesh Jagadish

Legal Practitioners for Respondents
Mr. M.R. Gokul Krishnan for R1 and R5
Mrs. H. Yasmeen Ali for R2 and R3
Mr. R. Parthasarathy for R4

Application No.273 of 2016 (SZ)

Applicant(s)
Sri. B. Harsha Vardhan,
Hyderabad,
Telangana.

Respondent(s)
Vs. The Union of India, Rep. by its
Secretary to the Government,
MoEF & CC New Delhi and 4 others.

Legal Practitioners for Applicant(s)
M/s. Sanjay Upadhyay,
Kamalesh Kannan. S,
S. Sai Sathya Jith,
Mridula Vijai Raghavan,
Thejesh Jagadish

Legal Practitioners for Respondents
Mr. M.R. Gokul Krishnan for R1
Mrs. H. Yasmeen Ali for R2 and R3
M/s. R. Parthasarathy,
Rahul Balaji, Madhan Babu,
Vishnu Mohan for R4

Note of the Registry	Orders of the Tribunal
Order No.1	Date: 6 th October, 2017 <u>M.A.No.167 of 2017 in Application No.273 of 2016:</u> On mentioning, this Miscellaneous Application is taken up for hearing.

Heard the learned counsel appearing for the applicant. Issue notice to respondents.

Mr.M.R. Gokul Krishnan, the learned counsel takes notice for respondent Nos.1 and 5, Mrs.H.Yasmeen Ali, the learned counsel takes notice for respondent Nos.2 and 3 and Mr. R. Parthasarathy, the learned counsel takes notice for respondent No.4 and waive service of notice.

Applicant to furnish copy of the application to the respective learned counsel appearing for respondent Nos.1 to 5 during the course of the day. Let the reply be filed by respondent Nos.1 to 5 within a period of 3 weeks.

Application No.273 of 2016 and M.A.Nos. 101 of 2017 and 127 of 2017:

It is pointed out by the learned Senior Counsel appearing for respondent No.5 that the pagination is not seen made. We find in almost all the cases no pagination is being done which causes much hardship, as the pages referred to at the time of arguments figures in more than 3 or 4 pages. It is mandatory that there should be proper pagination of all the pages.

Learned counsel appearing for the respective parties are directed to co-operate with the Registry and the Registry is directed to paginate all the files not only in this case but in all the cases pending before the Tribunal.

Respondent No.3 filed an additional affidavit along with documents showing the progress of the work carried out till 31.08.2017.

Learned counsel appearing for the applicant prays time to controvert the affidavit.

Learned Senior Counsel Mr.Pinaki Misra, appearing for respondent No.3 also seeks permission to controvert the allegations raised in the Miscellaneous Application filed by the applicant today (M.A.No.167 of 2017).

Mr.Sanjay Upadhyay, the learned counsel appearing for the applicant vehemently argued that orders have to be passed in M.A.No.101 of 2017. The submission is that same infrastructure intended to be used for the irrigation project is being executed in the name of the drinking component of the project and in such circumstances it is necessary to get the report from the Experts.

Learned Senior Counsel appearing for respondent No.3 submitted that there is no dispute with regard to the work being carried out and those works have been mentioned in detail in the documents produced today.

The main objection of the applicant in the application is with regard to the irrigation project being proceeded without Environment Clearance (EC). We have already found that respondents are not entitled to proceed with the

irrigation project without the mandatory EC. At the same time, as no EC is necessary for a drinking water project, the respondents were permitted to proceed with the said work. The question now is whether the infrastructure intended for the original project, which include the irrigation component and the drinking component could be treated as the work being executed for the drinking water part alone or has to be treated for the irrigation project also and thereby requiring E.C. That exactly the matter to be settled in the application.

Mr.Sanjay Upadhyay, the learned counsel appearing for the applicant also submitted that work is being carried out in the forest area without Forest Clearance. We have already found that no work could be carried out in the forest area without the requisite clearance under the Forest Conservancy Act.

The affidavit filed today shows that respondent No.3 is not entering into any forest area, or diverting the same for non-forest purposes, though it is disputed by the applicant. It is also to be settled in the Application.

Let the applicant file the counter affidavit to the additional affidavit filed by the respondent No.3 today with advance copy to the respondent No.3. Respondent No.3 is at liberty to controvert the allegations of the applicant in

M.A.No.167of 2017. Let the copy be served in advance to the applicant. Both the applicant and the respondents are at liberty to file rejoinder also.

Learned Senior Counsel appearing for the respondent No.3 submitted that the cost awarded to the applicant has already been paid to the applicant. It is also submitted that the question of limitation be heard before hearing the matter on merits.

List the matters on 01.11.2017.

.....J.M.
(Justice M.S. Nambiar)

.....E.M
(Shri P.S. Rao)

