

**BEFORE THE NATIONAL GREEN TRIBUNAL**  
**PRINCIPAL BENCH AT NEW DELHI**  
**APPEAL NO. 188 OF 2018**

**IN THE MATTER OF:**

SUDIEP SHRIVASTAVA

...APPELLANT

VERSUS

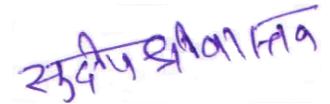
UNION OF INDIA & ORS,

...RESPONDENT

**INDEX**

<b>S. No.</b>	<b>Particulars</b>	<b>Page No.</b>
1	BRIEF WRITTEN NOTE ON BEHALF OF THE APPELLANT ON THE ISSUES INVOLVED IN THE MATTER	1477-1485

**Through**



Sudiep Shrivastava

Party in-person

R/o Dharam Prakash Chawl Mungeli Naka,

Bilaspur, Chhattisgarh

Mobile No:- 9200031775

Place:- New Delhi

Dated:- 18.03.2026

**BEFORE THE NATIONAL GREEN TRIBUNAL  
PRINCIPAL BENCH AT NEW DELHI  
APPEAL NO. 188 OF 2018**

**IN THE MATTER OF:**

SUDIEP SHRIVASTAVA

...APPELLANT

VERSUS

UNION OF INDIA & ORS,

...RESPONDENT

**BRIEF WRITTEN NOTE ON BEHALF OF THE APPELLANT ON THE  
ISSUES INVOLVED IN THE MATTER**

That the Hon'ble Supreme Court by passing the order dated 26.11.2024 has remanded the instant Appeal back to the Hon'ble Tribunal. The relevant portion of the said order states ;

4. *As the submission relating to alternative route is not reflected in the order impugned before us, without disturbing the finding arrived at by the Tribunal, we think it appropriate to remand the matter to the National Green Tribunal to consider and dispose of the said objection. Needless to say, we have not expressed any opinion on the merits of the matter and it is for the Tribunal to take up, consider and dispose of the appeal on its own merit. The respondents will also be entitled to raise all such pleas that are available to them in law including the issue of maintainability. The Tribunal shall endeavour to dispose of the appeal within a period of four months from the date of receipt of this order.*
5. *With these observations, the Civil Appeal is disposed of with a direction that the National Green Tribunal will restore Appeal No. 188 of 2018 to its original number and hear and dispose of the submission of the appellant on the issue of alternative route to the one commencing from Pendra Road to Gevra Road.*

That the aforesaid direction of the Supreme Court is very clear as it has allowed the Ld. Tribunal to "Dispose of the Appeal on its own Merit" while the findings have not been disturbed.

Thus the issues raised in the Appeal on which No Findings have been given by the Ld. Tribunal in its earlier judgment, are open to be decided.

**ALTERNATIVE ALIGNMENT : It has been raised in the Appeal as a Distinct Head of Arguments and the same was also reflected in the REC Meeting Minutes of 27.11.2017**

The object of the instant Rail Line Project is to carry coal from Korba Coal Field and to take it to Bilaspur - Anuppur Section of Bilaspur Katni Line.

The Alignment was chosen to connect Gevra Road of Korba Coal Field to Pendra Road Station of the Bilaspur Katni Rail Line. This required 135 KM New Rail Line passing through the Forest Corridor between Achanakmar Tiger Reserve and Hasdeo Forest (Notified as Lemru Elephant Reserve in 2021)

Whereas the Appellant has suggested that instead of choosing the Pendra Road as the termination point on the Bilaspur Anuppur Rail Line, already constructed and highly under utilized Gevra Road- Sipat NTPC Rail line should be utilized and extended by around 50 KM to the Station Salka Road on Bilaspur Anuppur Section. The Section Bilaspur Pendra Road Anuppur is already a double rail line and being converted in to a triple line.

This alignment would have saved most of the Forest Land and also cost effective by saving atleast 70% of the Cost of the instant project.

The Appellant submitted a detail representation before the REC on 27.11.2017 (**Pg 122**)

**REC MEETING 27.11.2017 – (Pg 134, 148, 149)**

Alternative Alignment was inquired by the REC in its Meeting Dated 27.11.2017 on the written complaint submitted by the Appellant herein, and a Detail Report on the existing Rail Line and their capacity was sought. However in the subsequent meetings no discussion on the same and no report was submitted in this regard. The Para 1 (iv) of the REC Meeting Minutes is being quoted below;

- iv With regards to the justification for proposing new railway in the backdrop of fact there exist railway infrastructure which can be further strengthened to accommodate the increased demand for freight carriage and passenger traffic. The representative of the User Agency have informed the Committee existing that Gevra Road to NTPC Sipat line connects Deepka Mine to the NTPC Sipat Thermal PP, and is running in perpendicular direction to the proposed railway line and in any case it may not cater to the load of freight and passenger traffic proposed to be diverted on proposed new railway line. The Committee was further apprised by the User Agency that given the saturation of traffic congestion at Bilaspur junction, the railway has freezed the capacity of junction in terms of traffic and no additional construction or strengthening of railway line can be undertaken through Bilaspur Junction. However, for want of any supporting quantitative details, the Committee found the submission made by the User Agency as not maintainable and the Committee opined that a detailed report on the situational review of the existing capacity of the railway and likely requirement of strengthening of infrastructure.

However in the subsequent meeting there is no discussion on this aspect has been recorded no detailed report with regard to the utilization position of the existing infrastructure of Railways of the concern area has ever been filed. Yet the Project was cleared.

**OTHER ISSUES RAISED IN THE APPEAL BUT THE EARLIER JUDGMENT HAS GIVEN NO FINDINGS ON THE SAME :**

**A. CONCEALMENT OF FOREST LAND PORTION IN ORDER TO REDUCE THE FOREST COMPONENT OF THE PROJECT :**

**Following chart shows how the quantum of the forest land was reduced at the later stage :**

<b>2014 Single Rail Line FORM A (Page 75-78)</b>	Total Land 765 Hectare	Forest Land 500 Hectare  65% Land is Forest Land	Marwahi Division – 157 Hectare Katghora Division-342 Hec.	Non Forest Land 265 Hectare  35% Land is Non Forest
<b>2015 Double Rail Line FORM B (Page 81-85)</b>	941 Hectare	459 Hectare Forest  48% Land Is Forest Land	Marwahi Division – 77 Hectare  Katghora Division-382 Hec.	Non Forest Land 482 Hectare  52% Land is Non Forest

**Several other Documents further demonstrate that the Lands Earlier Shown As Forest later shown as Non Forest :**

See R & R Plan (Page 297 - 305) – As per this Document **57.277 Hectare Revenue Forest of 12 villages** (Damdam, Godha, Kesla, DevriKala, Jhaabar, Girari, Sarkhor, Lalati, Dhangawan, Sadhwani, Saarbahra, Madna ) is affected in Bilaspur District (Marwahi Forest Division) because of Rail Line.

Whereas the FC was taken **for ONLY 31.97 Hectare** of Bilaspur District Revenue Forest Land. (Page 306-307) Only 8 Villages were shown to be affected and villages namely Sarkhor, Lalati and Saarbahra completely missing.

Forest Rights were settled in villages Damdam, Godha, Kesla, Jhaabar, Sarkhor, Lalati, Sadhwani, Saarbahra, Madna yet the Revenue Forest Land of Sarkhor, Lalati, Saarbahra not shown in Clearance. (Page 309-311)

The land recorded in private name though classified as "Chhote Bade Jhaad Ka Jungle" etc. ought to have been treated as Forest Land but the same was withdrawn from the FC Clearance Proposal.

This Hon'ble Court in Godavarman's 12.12.1996 order clearly covers this category of land in following words;

The Forest Conservation Act, 1980 was enacted with a view to check further deforestation which ultimately results in ecological imbalance; and therefore, the provisions made therein for the conservation of forests and fore matters connected therewith, must apply to all forests irrespective of the nature of ownership or classification thereof. The word "forest: must be understood according to its dictionary meaning. This description cover all statutorily recognised forests, whether designated as reserved, protected or otherwise for the purpose of Section 2(i) of the Forest Conservation Act. **The term "forest land", occurring in Section 2, will not only include "forest" as understood in the dictionary sense, but also any area recorded as forest in the Government record irrespective of the ownership. This is how it has to be understood for the purpose of Section 2 of the Act.** The provisions enacted in the Forest Conservation Act, 1980 for the conservation of forests and the matters connected therewith must apply clearly to all forests so understood **irrespective of the ownership or classification thereof.** This aspect has been made abundantly clear in the decisions of this Court in Ambica Quarry Works and ors. versus State of Gujarat and ors. (1987 (1) SCC 213.

**(Emphasis supplied)**

**Following Chart which is based on the Land Entries of the Misal Bandobast Documents attached with the Appeal, demonstrate that how Forest Land was treated as Non Forest.**

RELEVANT PAGE NOS. OF MISAL BANDOBAST LAND RECORDS OF DIFFERENT VILLAGES :

Saarbahra Misal – 312-314, Dewargaon Misal – 315-316, Jhaabar Misal – 317 -320, Godha Misal – 321-322, Damdam Misal – 323-324, Dewarikalan Misal – 325-328, Lalati Misal – 331-333, Sadhwani Misal – 334-338, Dhangawan Misal – 339-346, Madna Misal – 347, Patarkoni Misal – 347-351,

<b>Name of Village whose Revenue Forest Land was affected</b>	<b>Khasra Number of Land for which FC was taken (See Page 306, 307 and Page 357, 362)</b>	<b>Area of the Revenue Forest Land for which FC is taken (Hect.) (See Page 306, 307)</b>	<b>Khasra Number recorded as Forest yet No FC was taken (See Page 312 to 351 in Misal Bandobast Document)</b>	<b>Area of the Revenue Forest Land For Which FC is not taken (Hect.)</b>
<b>Damdam</b>	681 698 699 620/1 642/1	0.180 2.466 1.504 1.565 1.254	....	....
<b>Godha</b>	1/1	0.847	4/2/K 4/28 58/1/N 58/1/P 58/1/T	0.486 0.162 0.607 0.174 0.162
<b>Kesla</b>	7/1 29/1	0.242 0.036	---	5.816
<b>Devrikalan</b>	647/11	1.129	647/36 647/43 647/1G 647/40 647/41 647/1K 647/1Kh 647/1T	0.202 0.020 0.020 0.073 0.271 0.028 0.045 0.146
<b>Jhaabar</b>	3/1 43/1 228 223 267 239/1	0.789 0.316 2.825 1.404 0.377 3.107	329/3 43/11 43/7	0.012 0.061 0.071
<b>Girari</b>	448/1 435/1	0.554 0.181	---	---
<b>Dhanganvaa</b>	804 803/1 802/1	1.242 1.375 0.917	802/36 802/34 802/35 802/33 803/2 804/4 Kh 804/4 K 804/9 715/1Pr 804/12 715/1N/2 715/1N/1	0.202 0.202 0.202 0.202 0.040 0.178 0.040 0.405 0.506 0.729 0.081

			715/1Gh/2 715/1K/2 715/3K 715/1V 715/1B 715/13/2 715/1Ng/1 827/2 802/15 803/8 715/1G/1 715/1G/2	0.101 0.162 0.534 0.809 0.809 0.287 0.291 0.081 0.145 0.405 0.809 0.004
<b>Sadhwani</b>	51/1 K 93/1 K 237/1 356	1.848 2.361 0.877 1.475	93/1/G 93/1D/2 147/3 147/1 147/2 93/1 P 51/1 D 237/1 Kh 237/1 G 237/1 Gh	0.785 0.219 0.202 0.129 0.024 0.016 0.299 0.049 0.101 0.040
<b>Madna</b>	53/1-56/1 60/1 K 66/1 K	0.423 0.377 1.089	60/1/G	0.190
<b>Saarbahra</b>	---	---	865/3 865/7 865/8 865/16 865/24 877/4 891/25 1005/13 9/1 15/1 1005/7 998/11	0.405 0.89 0.91 0.809 0.607 0.121 0.405 0.607 0.324 0.607 0.243 0.121
<b>Lalati</b>	---	---	416/7 380/5 380/4 380/15 381/12 381/4 381/3	0.020 0.093 0.008 0.161 0.210 0.421 0.081
<b>Devargaon</b>	----	----	729/3 729/2 729/5 729/6	
<b>Patarkoni</b>	---	---	60/1/Gh 55/14Kh 56/15/Kh 55/14 K	0.243 0.490

			56/15/K 55/9/K 56/10/K 55/9 Kh 56/10 Kh 56/9 Ch 56/10 Ch 55/9/Gh 56/10/Gh 55/9/G 56/10/Gh 66/1/Kh/1 66/1/D/1 66/1/Kh/3 66/1/D/3 66/1/Dh 58/1/G	0.198  0.320  0.069  0.081  0.139  0.158  0.595  0.057 0.210 0.057
<b>Sarkhor</b>	---	---		8.300
<b>GRAND TOTAL</b>		31.97		35.522

**B. Another issue on which the Judgment has given no findings is the case being a Violation Case as Construction of the Rail Line commences almost two years prior to the Forest Clearance Granted.**

Tender/Work Order for 98-135 KM Chainage was issued	Agreement for Work 98-135 KM Chainage Executed	Stage I Forest Clearance	Tree Felling Permission granted	Stage II Forest Clearance	Final Forest Clearance
July 2016 <b>Page 86</b>	19 <sup>th</sup> July 2016 <b>Page 267-289</b>	26 <sup>th</sup> February 2018 <b>Page 69</b>	13 <sup>th</sup> April 2018 <b>Page 357</b>	7 <sup>th</sup> June 2018 <b>Page 65</b>	4 <sup>th</sup> July 2018 <b>Page 61</b>

Court Commissioner Appointed in OA 678 of 2016 visited the site (98-135 KM) and confirm the violation that construction has begun prior to Forest Clearance of Forest Lands. (**Page 243, 263-266**).

That the conditions imposed are not being complied thus making the Project UnViable

The Condition No. 8 (x) of the State Govt order dated 04.07.2018 is also not being complied with some other conditions.

*8 (x) The CWLW Chhattusgarh should constitute a monitoring committee comprising of for officials of NTCA, WII, Indian Railway and IRCON to*

*superwise the compliance of the conditions laid in this report during Various Phases of project implementation.*

Condition Number 8(ii) further mandates;

**8 (ii)** *The underpasses should be structured in a manner so that they have heights at least equal to their width and opening that allow unobstructed view of habitat so as to maximize their use by wildlife. The dimensions of the underpasses for;th,is landscape should be 300 m span and at least 7 m high span would animals movements and conflict. .The .300, m span refers to clear open passageways | excluding the support pillars (WH guidelines, 2016). The Geo locations of the mitigation • measures should be finalized after physical inspection involving the representative of. NTCA. WLL & the CWLW. Chhattisgarh.*

(The Condition has been diluted as many underpasses are less than 300 Meter suggested and that. Even the diluted one is not being implemented in letter and spirit)

The WII /NTCA mandated the construction of the Under and Over Passes of the Rail Line as the same is passing the crucial Wild Life Area, however the WII Survey was not carried out between 100-135 KM alignment as the construction of the Rail Bed and Bridges was carried out even before the Forest Clearance was granted.

It is irony that the said portion is actually most close to the Achanak Mar Tiger Reserve as noted by the REC in its meeting itself.

The WII has suggested 16 Under Passes and Over Passes in the alignment between 30 to 103 KM however they are not being built in the manner they were directed to be built. It is submitted that the portion of the Forest of Khodri Range (around 36 Hectare of Protected Forest) and Pendra Rane(Around 9 Hect of PF) is the one which is falling in the 10 KM Radius of the Achanakmar Tiger reserve yet the NTCA/WII team has not visited the said area specifically between KM 103 to KM 135. This is the area where the Rail Bed was built even before the Forest Clearance was granted.

Massive mining in the adjacent areas of the Forest has been carried out by the Railway Contractor with no check or monitoring by the Forest Department.

The Non Compliance of the Conditions imposed makes the Project Un-Sustainable and Clearance granted for the same deserves to be cancelled on this count alone.

**THE MITIGATION MEASURES SUGGESTED BY WII/NTCA/CWLW ARE NOT BEING COMPLIED IN LETTER AND SPIRIT :**

That as per the IRCON letter Dated 22.11.2021 the Under Passes/Over Passes by WII/NTCA were originally suggested total 35

in numbers. (**Pg. 47 of the IA**) The relevant portion is reproduced here...

*initially, provision of 08 nos underpasses of 50mx7m was recommended. But while granting stage-II clearance, the size of underpasses was communicated as 300 m span with 7m height. There after a team of Wii, NTCA and CWW visited the site and increased the number to 35 under/overpasses in place of initial 08 numbers.*

*Finally, vide above referred letter, recommendations of the committee as part of mitigation measures were communicated to construct 22 Nos underpasses/overpasses of sizes up to 300m at various locations.*

That on the Railways objection and inability, the WII/NTCA/CWLW finally have directed to implement 12 Under Passes and 6 Over passes as per the specifications suggested made in its report. Beside that 4 Bridges were re designed as Under Passes and other specifications stated in the report.

That the IRCON Ltd which is Ministry of Railway PSU and 26% equity holder in the project proponent CEWRL and assigned the job for the construction of the instant Railway Line Project by letter dated 22.11.2021 has further shown inability and refused to implement the condition and mitigation measures

That in reply of the IRCON letter dated 22.11.2021, the PCCF cum CWLW by letter dated 12.01.2022 directed the IRCON to comply with the condition imposed for Under and Over Passes as "absolutely necessary" however there is no further commitment made by the IRCON to implement the same. **PG 49 of the IA**

*23/03/2026*

Sudiep Shrivastava

Party in-person

R/o Dharam Prakash Chawl Mungeli Naka,

Bilaspur, Chhattisgarh

Mobile No:- 9200031775

Place:- New Delhi

Dated:- 18.03.2026