

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
PRINICIPAL BENCH, NEW DELHI
APPEAL NO. 188 OF 2018**

IN THE MATTER OF:

SUDIEP SHRIVASTAVA

...APPELLANT

Vs.

UNION OF INDIA & ORS.

...RESPONDENTS

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FILED BY



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M-9818911510

NEW DELHI

DATED:-19.03.2026

APPEAL No. 188 of 2018- SUDIEP SRIVASTAVA VS UNION OF INDIA AND ORS**SHORT NOTE REGARDING THE ALTERNATE ROUTE**

1. The Appellant herein never prayed for the alternate route; prayer @ *pg. 57*
2. The Hon'ble Supreme Court vide order dated 26.11.2024, passed in Civil Appeal No. 8253 of 2019 remanded the matter back to the NGT for limited issue with respect to an alternate route, without disturbing the findings arrived by this Court earlier.
3. As part of the decision-making process, relevant authorities thoroughly examined potential alternative routes before issuing the forest clearance for the present one. The following documentation serves as evidence that all requisite procedures were meticulously followed and appropriate care was taken.;
 - i. Site Inspection Report of the Regional Office done on 10.11.2017 to 11.11.2017 in respect of proposal for diversion of 459.522 HA of forest land in favor of CEWRL. *Annexure II @ pg. 436, 437-438 [Reply filed by the R-1/Union.]*
 - ii. In the inspection report it is specifically observed that 'no violation of the Forest Conservation Act, 1980 have been reported by various authorities in the State Forest Department and State Government' @ *pg. 440*
 - iii. In 30th MoM of the Regional Empowered Committee dated 27.11.2017-, in *para 2[v]*, the committee recommended that User Agency/ State Government may consider to explore shifting the alignment to avoid the forest land. *Annexure III @ pg. 444 and Agenda No. 3 @ pg. 447 and 450 [Reply filed by the R-1/Union.]*
 - iv. In 31th MoM of the Regional Empowered Committee dated 14.12.2017, while explaining the concerns regarding the shifting the alignment to another route, it was observed that ' the Committee, after examination of the alignment, submissions made by the Nodal Officer FCA and the User Agency and relevant documents submitted by the State Government found that proposed alignment involves the minimum forest land and shifting of alignment shall involve larger protected forest area and project will be non-feasible'. *Annexure IV @ pg. 454, para [1 vi and viii] @ pg. 455*
 - v. Thereafter, after examination of the proposal and in view of the larger public interest, the committee decided to approve the project for diversion of forest under the Forest Conservation Act. *Para [3] @ pg. 458*
 - vi. That after careful assessment, the current alignment was selected as the most viable option due to its minimal impact on forest land and significantly lower environmental risks. Any deviation from this approved

alignment would necessitate fresh environmental clearances, leading to prolonged delays in project execution and increased regulatory hurdles. Alternative routes considered *at page 1083 of the short affidavit filed dated 15.04.2025 filed by the CEWRL.*

4. The Appellant contends that the approval of clearance by the Committee, despite the purported non-submission of various documents, constitutes a complete contravention of Rule 7 of the Forest Conservation Rules.
 - a. The aforementioned contention is devoid of merit. The grant of clearance was the outcome of a detailed discussion and comprehensive examination of the proposal, duly recorded in the Minutes of the 31st Meeting. This specific issue has also been addressed in the reply filed by [CEWRL] *at Page 541* and in the reply filed by the Union of India *at Page 421*
5. While the Appellant references an agenda for the 31st meeting (*Annexure-II, Page 142*) noting the absence of certain documents however it is pertinent to mention that the complete context and final deliberations of the Committee are paramount. The same set of records unequivocally demonstrates that:
 - a. The State Government accepted the User Agency's justification that exploring an alternative alignment to avoid forest land was not feasible. (*Annexure-II, Page 158*).
 - b. A communication dated 12.12.2017 from the Hon'ble Chief Minister of Chhattisgarh strongly advocated for retaining the present alignment, citing the socio-economic development of tribal areas in Kobra and Bilaspur Districts and the overall development of the State (*Annexure-II, Page 158*).
6. Crucially, in its final deliberations 31st MoM of the Regional Empowered Committee dated 14.12.2017, the Committee, after a thorough examination of the alignment, submissions from the Nodal Officer (FCA), the User Agency, and all relevant documents from the State Government, concluded that:
 - a. The proposed alignment involved the minimum forest land; and
 - b. Any shift in alignment would necessitate the use of a larger protected forest area, rendering the project non-feasible *Annexure IV @ pg. 454, para [1 vi and viii] @ pg. 455*

Thus, the Committee's decision was not a procedural oversight but a reasoned and holistic determination based on substantive considerations of feasibility, minimal forest impact, and overarching developmental imperatives, fully compliant with the governing rules.

7. INR 4,304.72 Crore has already been incurred as of January 2025. Shifting to an alternative route would have severe implications. The East-West Rail Corridor is a bank-funded project promoted by the Government of Chhattisgarh, IRCON, and

SECL. Any change in alignment at this stage would result in significant cost overruns, further delaying the project completion. The project cost has already escalated from INR 4,970.11 Crore to INR 7,448.52 Crore due to external factors, and altering the alignment would only exacerbate the financial burden on the exchequer.

8. The Full Bench of the Hon'ble NGT by a detailed speaking order dated 08.08.2019 clubbed all the pending OAs, MAs, Appeal etc preferred by the Appellant herein in the same matter/project at different stages while upholding the clearances granted for the project held that all the necessary precautions, approvals of the Forest Department and the Chief Wildlife Warden etc has been taken. This order has not been challenged and has attained finality. *at page 1013-1062 of the short affidavit filed dated 15.04.2025 filed by the CEWRL.* Corridor III is mentioned at page 1050.

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SHORT NOTE-APPEAL NO. 188 OF 2018-SUDIEP SHRIVASTAVA VS UOI & ORS.

1 message

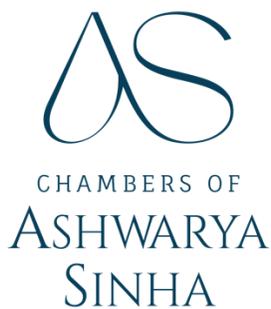
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Thu, Mar 19, 2026 at 2:03 PM

Dear Sir,

Please find attached herewith a copy of the short note on behalf of the R3 and R7 in subject captioned matter.

Kindly treat this email as an effective service.

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Regards**ADVOCATE - ON - RECORD**

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Awarded in Year 2020

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