

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

Application No. 08 of 2013

Shobha Dhalla Vs. State of Uttrakhand & Ors.

CORAM : HON'BLE MR. JUSTICE SWATANTER KUMAR, CHAIRPERSON
HON'BLE MR. JUSTICE U.D. SALVI, JUDICIAL MEMBER
HON'BLE DR. D. K. AGRAWAL, EXPERT MEMBER
HON'BLE DR. G. K. PANDEY, EXPERT MEMBER
HON'BLE PROF. A.R. YOUSUF, EXPERT MEMBER

Present: Appellant: Mr. Amber Qamuruddin, Advocate
Respondent No. 1,3 & 4: Dr. Asbhishek Atrey, Advocate
Respondent No. 2: Mr. Vinay Garg, Advocate

Date and Remarks	Orders of the Tribunal
Item No. 9 May 20, 2013	<p>We have heard learned counsel appearing for the parties at some length.</p> <p>It is stated on behalf of the Respondent NO. 1, 3 and 4 that Notice have been issued to M/s Trak Chemicals Pvt. Ltd. and Mr. Pradeep Agrawal under the provision of Protection of Tree Act.</p> <p>According to Respondent No. 2 Notices have been issued under Urban Planning and Development Act for renovating and re-constructing a wall without permission of the Authorities. Besides these allegations, the Applicant contends that in garb of these activities M/s Trak Chemicals Pvt. Ltd. is carrying on the huge construction activity and the Authorities are ignoring the same despite the complaints. Some photographs have been filed on record showing huge construction activity going on in that area.</p> <p>Learned counsel appearing for the Applicants in terms of the Notification issued by the Government contends that Kaputhala Estate in its entirety has been declared as forest area. Whereas according to Respondent No. 2, 5 acres have been declared as forest areas.</p> <p>However, under the same Notification which deals with Savoy Hotel which is stated to be adjacent to the Kapurthala Estate nearly 21 acres land has been declared as forest area.</p> <p>In light of the above facts, we hereby restrain any persons including M/s Trak Chemicals Pvt. Ltd. from carrying on any construction activity in the area around Kapurthala Estate or the Savoy Hotel which have been declared as forest area under the provision of the Indian Forest Act.</p>

Let Notice be also issued to M/s Trak Chemicals Pvt. Ltd. who are directed to be impleaded as Respondent No. 5 in the main Application.

Amended Memo of Parties be filed by the Applicant before the next date of hearing.

Liberty to move Application for vacation of the order is granted.

List on 15th July, 2013.

.....,CP
(Swatanter Kumar)

.....,JM
(U.D. Salvi)

.....,EM
(Dr. D. K. Agrawal)

.....,EM
(Dr. G. K. Pandey)

.....,EM
(Dr. R. C. Trivedi)

