

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

**M.A. No. 383 of 2014
In
Appeal No. 25(THC) of 2013**

Smt. Octavia Albuquerque & Ors. Vs. Union of India & Ors.

**CORAM: HON'BLE MR. JUSTICE M. CHOKALINGAM, JUDICIAL MEMBER
HON'BLE DR. A. A. DESHPANDE, EXPERT MEMBER**

**Present: Applicant in M.A.: Mr. Trideep Pais and Mr. Shivam Sharma, Advs.
Respondent No. 1: Mr. Vivek Chib and Mr. Joby P. Varghese, Advs.**

Date and Remarks	Orders of the Tribunal (Vacation Bench)
Item No. 1 June 18, 2014	<p>Pending Appeal No. 25 (THC) of 2013 this Misc. Application No. 383 of 2014 is brought forth for modification or clarification of the Order dated 02.04.2014 and also seeking permission to the Applicant shown as 18th Respondent in the main Appeal to remove debris/mud laying on the bank of the creek alleging that it is necessary to prevent from any other damage being caused. On hearing the counsel the Tribunal feels it necessary that the Application has to be admitted. Accordingly the Application is admitted.</p> <p>Learned counsel appearing for Petitioner would submit that Application was made only after service of notice on the learned counsel appearing for Respondents.</p> <p>The Petitioner seeks an immediate interim relief as above which is being opposed by the counsel appearing for Respondent No. 1.</p> <p>After hearing the counsel for the Applicant in M.A. No. 383 of 2014 and also the Respondent No. 1 the Tribunal is of the opinion that the interim relief which has also being granted by an Order dated 02.04.2014 cannot be disturbed for more reasons than one.</p> <p>Firstly, the Tribunal after hearing both sides and on taking into consideration the totality of facts and circumstances and in exercise of its judicial mind has appointed a Committee on 13.05.2014 setting out questions to be answered by the Committee after making necessary inspection. It is brought to the notice of the Tribunal by the</p>

learned counsel appearing for first Respondent that the Committee appointed by the Tribunal has to make its first visit on 21.06.2014 and if so, making any modification at this stage would cause unnecessary interference in the inspection process and the report thereon. Apart from that the Respondents should be given an opportunity to put forth the Reply in respect of request now sought by the 18th Respondent. Hence the Application has to be necessarily posted along with main Appeal.

Hence the matter is posted on 09th July, 2014 for reply of all the Respondents.

....., JM
(M. Chokalingam)

....., EM
(A. A. Deshpande)

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