

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

**Application No. 49 of 2015
and
M.A.No.142 of 2015**

Applicant(s) Respondent(s)
M/s. A. Purushottam Chitrapur, Vs. Union of India, MoEF, rep. By its Secretary
Kulai, Mangalore New Delhi and 10 others.

Legal Practitioners for Applicant(s) Legal Practitioners for Respondents
M/s. Shankar S. Bhatt, Smt. C. Sangamithrai for R-1, R-3,
Shankar Krishnamurthy and R-5 and R-10
D. Gopal Sri Ramachandramoorthi for R-2 and R-4
Mr. Devaraj Ashok for R-6, R-7, R-8 and R-9
Sri. Naveen R. Nath for R-11

Note of the Registry	Orders of the Tribunal
Order No.	<p>Date : 7th September, 2015</p> <p><u>M.A.No.142 of 2015:</u></p> <p>This Miscellaneous Application is filed for impleadment of the proposed respondents 12 to 16. The averments made in the application and also the reply filed by the contesting respondent/ applicant in the main application are looked into.</p> <p>Heard the counsel for both sides. Application No. 49 of 2015 is brought forth by the applicant with a prayer for restraining the respondents 1, 2, 6, 7 and 11 Government of Karnataka and all concerned from going ahead with the implementation of scheduled project and also for a direction and quash the projects in the Netravathi basin across river Netravathi and its tributaries / streams in Dakshina Kannada and Hassan Districts in Karnataka as shown in</p>

the schedule to the present application proposed by the respondents. All the averments made by the applicant as seen in the main application, pertain to challenging of the entire project in the Netravathi basin across river Netravathi and its tributaries. The respondents who are made as parties, have filed their reply.

While the matter stood so, this Miscellaneous Application was brought forth by the applicants herein to implead them as party respondents to the proceedings alleging that they are the actual beneficiaries of the implementation of schedule project and if the projects are stopped they would be affected and hence they have got to be necessarily heard.

The only objection raised by the applicant in the main application is that all the respondents parties are various departments / authorities of Government of Karnataka including the project proponent and therefore they are shown as party respondents and they have filed their reply and this project is not exclusively a drinking water project but involves other components such as irrigation and hydroelectricity. Under such circumstances, the applicants in the M.A who seek impleadment, cannot be permitted as necessary party to be heard. He further adds that it is not necessary to hear them in deciding the issue and hence the

Miscellaneous Application has got to be dismissed.

After hearing the rival contentions put forth by both the sides, the Tribunal is of the considered view that the application for impleadment has got to be allowed. As pointed out above, the main application is for granting an injunction to restrain the Government of Karnataka shown as respondents from going ahead with the project therein and also for a direction to stop the entire project. It is not in controversy that the schedule project has got so many facets involving the utilization of water of Netravathi river and its tributaries and streams. It is pertinent to point out that the entire case of the contesting project proponent is to the effect that it is exclusively a drinking water project without any irrigation or hydro electric components.

At this juncture, the Tribunal is of the view that it need not go into the merits or otherwise of the contentions that whether it is exclusively a drinking water project or otherwise. But it is an admitted position by the respondents that the project would also include component for drinking water purpose. The case of the applicants who seek themselves to add as parties is that they would be the beneficiaries of the execution of the project. In other words, if the project is restrained or stopped they would be affected. Under such circumstances, they have got to be added as parties to the proceedings and they have got to be heard

and they are necessary parties. For the reasons stated above, the Miscellaneous Application is allowed and disposed of. The Registry is directed to carry out the amendments in the main Application No.49 of 2015.

Application No.49 of 2015:

The counsel for the parties are present. The counsel for the respondents 6 to 9 would submit that the respondents 6 to 9 are adopting the reply of the 11th respondent. The counsel for the respondents 1 and 3 filed a memo to the effect that the 1st and 3rd respondents are only formal parties and the statement is recorded. For filing reply of the proposed respondents 12 to 16, the matter is posted to 28.9.2015 finally.

P.S. Rao
(Expert Member)

Justice M. Chockalingam
(Judicial Member)