

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

**M.A. Nos. 684/2015 & 735/2015
In
Original Application No. 158/2013**

Amit Kumar Vs. Union of India & Ors.

**CORAM: HON'BLE MR. JUSTICE U.D. SALVI, JUDICIAL MEMBER
HON'BLE MR. RANJAN CHATTERJEE, EXPERT MEMBER**

**Present: Applicant :Appearance not marked
Respondent No. 1 :Mr. Vivek Chib, Mr. Ankit Prakash, Mr. Rishabh Kapur,
Advs.
Respondent No. 2to4:Ms. Savitri Pandey, Ms. Azma Parveen, Advs.**

Date and Remarks	Orders of the Tribunal
Item No. 1 July 24, 2015	<p>Heard. Perused.</p> <p>This application has been moved by the Supreme Court Bar Association Multi-State Cooperative Group Housing Society Limited for the reliefs quoted herein below:</p> <p>A. <i>DIRECT</i> the Ministry of Environment and forests, Government of India to issue the final notification in pursuance and furtherance to the draft notification dated 24.09.2014;</p> <p>B. <i>DECLARE</i> that the order of this Hon'ble Tribunal in Application No. 158/2013, in the case of Amit Kumar vs. Union of India & Ors. Dated 28.10.2013 is not applicable qua the applicant;</p> <p>C. <i>DECLARE</i> that the residential complex constructed in Sector 99, Noida of the Applicant-society, being within an approved master plan duly approved by the State of U.P. and the NCR Planning Board, does not need any further clearance from the National Board for Wildlife and which may please be deemed to have granted Environmental Clearance; and,</p> <p>D. <i>DIRECT</i> the NOIDA authority to issue Completion Certificate for the Applicant-Supreme Court Bar Association Multi-State Cooperative Group Housing Society project applied for on 06.04.2015.</p> <p>However, at this stage, Learned Counsel appearing for the applicant, submits that the applicant wish to pursue only the relief at Clause 'D' and give up all other reliefs. He submits that the relief that is sought is in respect of the interim relief granted in the main petition as per clause 5 in the order dated</p>

28.04.2013, which is quoted herein below:

“We make it clear that all the building constructions made within 10 km radius of the Okhla Bird Sanctuary or within distance of eco-sensitive zone as may be prescribed by the Notification issued by the MoEF shall be subject to the decision of the NBWL and till the time the clearance of NBWL is obtained, the authority concerned shall not issue completion certificates to the projects.”

He submits that this interim order merged in the final relief granted in the said application on 03.04.2014. According to him, order dated 28.10.2013 was founded upon the order of the Hon'ble Supreme Court dated 14.12.2003 in Goa Foundation vs. Union of India reported in (2011) 15 SCC 791 which simply directed as follows:

*“The Ministry is directed to give a final opportunity to all States/Union Territories to respond to its letter dated 27.05.2005. The State of Goa is also permitted to give appropriate proposal in addition to what is said to have already been sent to the Central Government. The communications sent to the States/Union Territories shall make it clear **that if the proposals are not sent even now within a period of 4 weeks of receipt of the communication from the Ministry, this Court may have to consider orders for implementation of the decision that was taken on 21.01.2002, namely, notification of the areas within 10 kms of the boundaries of the sanctuaries and national parks as eco-sensitive areas** with a view to conserve the forest, wildlife and environment and having regard to the precautionary principles and if the State/Union Territories now fail to respond, they would do so at their own risk and peril.”*

However, subsequently by judgment and order dated 21.04.2014 in Goa Foundation vs. Union of India reported in (2014) 6 SCC 590, the Hon'ble Supreme Court clarified the matter in following terms:

“By the order dated 04.12.2006 in Goa Foundation vs. Union of India (2011 15 SCC 791), this Court has not prohibited mining activities within 10 kms distance from the boundaries of the national parks for wildlife sanctuaries.”

In substance, therefore, the applicant now questions and seeks modification in the relief granted after the main petition has been disposed of, which involves the reconsideration/review of the judgment and order which was delivered by Bench comprising of the Hon'ble Mr. Justice Dr. P. Jyothimani, Judicial Member, Hon'ble Mr. Justice M. S. Nambiar, Judicial Member, Hon'ble Dr. G.K. Pandey, Expert Member, Hon'ble Prof. (Dr.) P.C.Mishra, Expert Member. Incidentally, it needs to be pointed out that Hon'ble Expert Member Mr. Ranjan Chatterjee, who is presently the Member of this Bench was also part of the Bench which passed order dated 28.10.2013. Any further proceedings in the present application, therefore, in the circumstances above said need to be disposed of by an appropriate Bench comprising of the available members of the Tribunal, who were involved in passing the aforesaid orders.

We, therefore, refer this application to the Chairperson for Constitution of the appropriate Bench for disposal of this application.

List the case on 30th July, 2015.

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

.....,EM
(Ranjan Chatterjee)