

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

**Original Application No. 16/2014
(M.A. No. 102/2014, M.A. Nos. 363/2014 & 365/2014)**

Shri Hazi Arif & Ors. V/s. State of UP & Ors.

**CORAM: HON'BLE MR. JUSTICE U.D. SALVI, JUDICIAL MEMBER
HON'BLE DR. G. K. PANDEY, EXPERT MEMBER
HON'BLE MR. B. S. SAJWAN, EXPERT MEMBER**

Present:

Applicant / Appellant	: Mr. R. Venkataraman & Mr. Adesh Kumar, Advs.
Respondent No. 1,6&7	: Mr. Raman Yadav and Mr. Atif Suhrawardy, Advs.
Respondent No. 2	: Mr. Avijit Bhushan, Adv.
Respondent No. 3	: Ms. Sushma Singh, Adv. for Mr. Sudhir Kulshreshtha
Respondent No. 4	: Mr. Daleep Kr. Dhayani, Adv. for Mr. Pradeep Misra, Adv.
Respondent No. 5	: Ms. Bhakti Pasrija Sethi, Adv. : Ms. Ranjana Roy Gawai and Ms. Bhavya Bharti, Advs.

Date and Remarks	Orders of the Tribunal
Item No. 2 August 7, 2014	<p>Heard. Perused.</p> <p>It has been brought to our notice that the Respondent Nos. 1, 3, 5, 6 and 7 have filed their replies to the main application. Learned Counsel appearing on behalf of the Respondent Nos. 2, 4, 8 and 9 seek time to file replies to the main application.</p> <p>This application is aimed at preventing encroachments on green belt and drainage system, namely, Sahibabad Drain No. 1. It gives rise to important environmental issues such as loss of green cover and damage to the existing drainage system. The Respondent No. 4, UPPCB, we believe, is the authority, which can ably answer all the issues arising in the present petition and, therefore, it is the duty of the Respondent No. 4 to come forth not only with the reply on the facts but also on the impacts of the actions grieved about on the environment. The Respondent Nos. 2, 4, 8 and 9 shall file replies within two weeks. It is hoped that such replies would be dispassionate and would reveal in detail the disadvantages and advantages, if any, of the actions grieved</p>

about, and shall also suggest in their replies, the remedial methods for restoration of the environment.

It has been the grievance of the Applicant that the parties have been prolonging the matter and seeking time for filing replies since February 2014. The Respondents who have not filed their replies must note the anxiety of the Applicant. We feel that this anxiety is not misplaced but the legitimate one as the drawing of the final conclusion in the matter becomes a distant dream with every attempt to seek time.

We, therefore, sound a note of caution to these parties that the time is being granted purely by way of indulgence. If there is failure on the part of these parties to file their replies and take a definite stance in respect of this application, they would be saddled with the cost of Rs. 50,000/- each.

Learned Counsel appearing on behalf of the respondent Nos. 8 and 9 submit that the copies of the main application have not been furnished to them. Learned Counsel appearing for the Applicant makes a statement that the copies of the main application would be duly furnished to the respondent Nos. 8 and 9 within a day.

List the matter on 28th August, 2014.

M.A. No. 102/2014

This miscellaneous application seeks penal action against the Respondent Nos. 2, 3, 4 and 5 for their alleged failure to comply with the directions of this Tribunal. Learned Counsel appearing for the Respondent Nos. 3 and 5 submits that they have already replied the application. Learned Counsel appearing for the Respondent Nos. 2 and 4 seek time to file their replies. Two weeks time is granted to file replies. Advance copy of replies

be furnished to the Applicant. Rejoinder thereto, if any, shall be filed by the Applicant within a week thereafter.

None-Applicants in M.A. No. 102/2014 confirm that they have received the copies of this application.

List the matter on 28th August, 2014.

M.A. Nos. 363/2014 & 365/2014

A grievance is made regarding supply of copies of the applications by the Applicant. The Respondent Nos. 8 and 9 make a statement that copies would be furnished to the Applicant within a day. Replies thereto shall be filed by the original Applicant within two weeks with advance copy to the Respondent No. 8 and 9. Rejoinder thereto, if any, shall be filed within a week thereafter.

List the matter on 28th August, 2014.

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

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

....., EM
(B. S. Sajwan)

