

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

**Original Application No. 31 of 2012**

**Sanjay Khare Vs. Union of India &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. R.C. TRIVEDI, EXPERT MEMBER**

**Present: Applicant: Mr. Sanjiv Kr. Jha and Mr. Lalit Mathur, Advocates  
and Mr. Sanjay Khare.  
Respondent No. 1 : Ms. Neelam Rathore, Advocate with Ms. Syed Amber,  
Advocate.  
Respondent Nos. 2&3: Ms. Sakshi Kakkar for Mr. C.D. Singh.  
Respondent No. 4: Mr. Rajul Shrivastav, Advocate.  
Respondent No. 5: Mr. Vikas Singh, Sr. Advocate, Mr. Hemant Sahai and  
Ms. Mazag.**

<b>Date and Remarks</b>	<b>Orders of the Tribunal</b>
<b>Item No. 1 January 29, 2014</b>	<p>We have heard the Learned Counsel for the parties at some length. During the course of the arguments, it is stated by the Learned Counsel appearing for the parties upon instructions from their respective clients who are present in Court that the matter in relation to construction and completion of barrage can be finally closed on the following terms and conditions:-</p> <ol style="list-style-type: none"><li>a) Construction and completion of barrage does not require environmental clearance as stated by MoEF.</li><li>b) The project does not cover any forest area and if it encroaches upon any forest area the Project Proponent shall take forest clearance from the Competent Authority and then would carry out deforestation activity.</li><li>c) To ensure that there is a proper passage of fishes from the barrage to the downstream, the Project Proponent shall construct a fish pass at its own cost.</li><li>d) The pisciculture would be introduced by the Project Proponent in the pond created on completion of project already constructed.</li></ol> <p>Subject to these specific conditions, the Applicant would not have objection for construction, completion and operation of barrage. Thus we close the matter with regard to the barrage.</p> <p>Coming to the main Project, we hereby direct the Applicant to put his suggestions or remedial measures on record by way of an Affidavit within a week from today.</p> <p>In the meanwhile the Applicant would inform the Project proponent of the suggestions/measures that it</p>

requires it to enforce for the purposes of completion of the main thermal power project.

For further directions, list this matter on 4<sup>th</sup> February, 2014 as prayed.

.....,JM  
(Swatanter Kumar)

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

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

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

