



**भारतीय राष्ट्रीय राजमार्ग प्राधिकरण**  
(सडक परिवहन और राजमार्ग मंत्रालय, भारत सरकार)  
**National Highways Authority of India**  
(Ministry of Road, Transport & Highway)  
परियोजना कार्यान्वयन, इकाई. सोलापूर (महाराष्ट्र)  
Project Implementation Unit. Solapur (Maharashtra)

कार्यालय/Office :  
प्लॉट नं. ई-२, जय जलाराम नगर, शिवदारे कॉलेजच्या मागे,  
जुळे सोलापूर, सोलापूर - ४१३००४ (महाराष्ट्र)  
Plot No. E- 2, Jai Jalaram Nagar, Behind Shivdare College,  
Jule Solapur, Solapur - 413 004. Tel/Fax - 0217 2303379  
ई-मेल/Email : solapur@nhai.org; plusolapur@gmail.com

No.: NHAI/PIU/SLP/NH-65/2022-23/ 4478

Date: 31.12.2022

प्रति,

उप वनसंरक्षक,  
सोलापूर वनविभाग  
सोलापूर

**Sub.:** Four laning of Pune Solapur Section of NH-09 from Km. 144.400 to Km.249.000 in the State of Maharashtra on DBFOT basis - Compliance to the Observations on diversion of 3.36 Ha. forest land into non-forest proposal - Reg.

**Ref.:**

- T/o. letter no. 841 dated 27.05.2022.
- T/o. letter no. 2962 dated 03.10.2022.
- DFO Solapur office letter no. 2103 dated 02.11.2022.
- DFO Solapur office letter no. 2170 dated 10.11.2022.
- APCCF Nagpur office letter no. 2438 dated 20.12.2022.
- DFO Solapur office letter no. 2476 dated 23.12.2022.

Sir,

- With reference to the subject cited above, this office is in receipt of your letter duly enclosing APCCF Nagpur letter at reference (vi) above regarding observations raised on proposal submitted for diversion of 3.36 Ha. of forest land into non-forest as below:

Sl. No.	Observations	Reply / Compliance
1	The proposed project passes through Great Indian Bustard Sanctuary. Hence, Wildlife (Protection) Act. 1972 and the guidelines of MoEF&CC wildlife clearance would be necessary for the proposed project.	In this regard, kindly refer to letter from CCF (Pune) bearing no. A/survey/TA/342/10-11 dated 17.07.2010 and subsequent Hon'ble Supreme Court order dated 22.07.2011 item no. 315 on page no. 3 & 15, which allows de-notification of 50m wide land on either side of National Highway from the GIB Sanctuary for subject project. (Copy Enclosed)
2	As per the guidelines of MoEF&CC on linear projects (Wildlife clearance) animal passage plan is to be prepared along with the wildlife clearance proposal.	It is to mention that, the four laning work for the said project is completed in August -2013 and in the said project Vehicular Underpass and Pedestrian Underpasses have been provided at various locations of project highway (list enclosed). Furtherance to this it is to inform that, at this stage, the animal passage plan is not possible as the said project is already completed.

- This is for your information and further necessary action please.

धन्यवाद

सलंगन: उपरोक्त  
प्रतिलिपी



- CGM (Tech.) & RO Mumbai for information please.
- Artefact Projects Ltd. "Artefact Projects Ltd." 54/3, Chhatrapati Square, Wardha Road, Nagpur-440015 for information and further follow up, please.
- Master File

भवदिस  
31.12.2022  
(एस. डी. चिटणीस)  
महाप्रबंधक (त) तथा परियोजना निदेशक,  
भा.रा.रा.प्रा., इकाई. सोलापूर.

**C (ii) Reconstruction/Widening Scheme for Box Culverts:**

Sr. No	Type	NO's	Remarks
1	Widening	30	
2	Reconstruction	32	

**C(iii) Change of Scope.**

Change of Scope Details			
Sr.No	Chainage (Km)	Type of Structure	Span Arrangement
1	0.310	Portal Frame	116.95 X 4.5 X 3.8
2	6.640	Portal Frame	108.47 X 3 X 3.8
3	159.000	Portal Frame	25.24 X 4.5 X 3.8
4	164.500	Portal Frame	33.24 X 3 X 3.8
5	178.681	Box (Irrigation Canal)	2 X 2.0
6	180.135	Box (Irrigation Canal)	2 X 2.0
7	223.675	Box(NTPC)	4 X 3.0
8	247.140	Box(SMC)	2 X 2.0

**Note:** - Widening/Reconstruction of the culvert to be construct for 6 laning configuration.

**D (i) Details of Vehicular Underpasses:**

Sr. No	Proposed Chainage	Location	Proposed vent size in Agreement	Actual vent size adopted by Concessionaire	Total Length of structure
1	161+383 (2+725 of Tembhurni Bypass)	Tembhurni - Ahmadnagar SH - 141 Crossing (LHS Pedestrian opening of size 4X2.5 mtr. On both sides' approaches to be provided.)	1X25X5.5	1X25X5.5	26.80
2	163+595 (4+890 of Tembhurni Bypass)	Kurduwadi Road (Tembhurni bypass)	1X15X5.50	1X15X5.50	17.10
3	167+154	Venegaon Phata	1X12X5.5	1X12X5.5	14.10
4	190+180	Shetfal Chowk LHS - Kurduwadi RHS -Pandharpur	1X25X5.5	1X25X5.5	26.80
5	214+867	Vairag Road	1X12X5.50	1X12X5.50	14.10
6	234+936	MIDC Solapur	1X15.0X5.50	1X15.0X5.50	26.80
7	237+970	Y-Junction Kondi Village	1X15.00X5.50	1X15.00X5.50	17.10
8	244+575	LHS Barshi town Solapur Municipal Corporation. At Solapur side	1X25X5.50	1X25X5.50	26.80

		approaches & Pedestrian opening of size of 4X2.5 meter to be provided.			
9	246+600	Start of Solapur Bypass. At Solapur side approaches Pedestrian opening of size 4X2.5 meter to be provided.	1X25X5.50	1X25X5.50	26.80
10	248+978	Tuljapur road at Pune side approaches Pedestrian opening of size 4X2.5 meter to be provided.	1X25X5.50	1X25X5.50	26.80
11	250+020	Shelgi Gaon	1X15X5.50	1X15X5.50	17.10

**D (ii) Details of Pedestrian Underpasses:**

Sr. No	Proposed Chainage	As Built Chainage	Location	Proposed vent size in Agreement	Actual vent size adopted by Concessionaire	Remarks
1	152+750	184+220	From Bhimanagar	6X3.50	7.00 X 4.50	Span arrangement & Vent height of PUP's modified under COS
	183+420		Shifted to Aran	6 X 3.50		
2	176+454	177.259	Varwade,-LHS Hole -RHS	6X3.50	7.00 x 4.50	Span arrangement & Vent height of PUP's modified under COS
			Size Changed to			
3	220+382	221.187	Mohol Railway Station	6X3.50	6.00 X 3.50	
4	224+373	225.178	Shirapur-LHS Lamboti - RHS	6X3.50	6.00 X 3.50	
5	225+525	226.362	From 250+742 To Shifted 225+525	6X3.50	6.00 X 3.50	
6	240+765	241+570	Kegaon / School	6X3.50	6.00 X 3.50	
7	247+114	247+909	Karamba	6X3.50	6.00 X 3.50	

**D (iii) 5 PUPs are proposed at the approaches of VUP's**

Sr. No.	Chainage (Km)	As Built Locations	Size	Remarks
1	161+300	-	4 X 2.50	Negative COS
2	161+460	-	4 X 2.50	Negative COS
3	244+560	245+455	4 X 2.50	
4	246+600	247+495	4 X 2.50	
5	248+975	249+631	4 X 2.50	
6	188+070	188+875	4 X 2.50	COS
7	215+700	216+535	4 X 2.50	COS

Office of the Conservator of Forests( Wildlife), Pune, Forest Colony, Wanavdi,  
Opp to Naren Hills Society, Pune - 411 022, Maharashtra.  
Phone : 020-26854182, Fax : 020 - 26851143, E Mail:wildlifepune@gmail.com

**Subject:-** Permission for 4/6 laning of NH-9 from  
Km 144.400 to Km 249.000 passing through the  
Great Indian Bustard Sanctuary include other  
related activities.

No. A/ Survey/ TA /342/10-11 Dt. 17 July 2010.

✓ To  
General Manager (Technical), & Project Director,  
National Highways Authority of India,  
Hotgi Road, Solapur- 413 003., Maharashtra.

**Reference:-** Your letter No. NHAI/PIU/SLP/Forest/13012/10/2/1/115 , Dated 6<sup>th</sup>  
June 2010.

Dear Sir,

This is in reference to your letter as above requesting NOC giving permission for 4/6 laning of NH-9 from Km.144.400 to km.249.000 passing through the GIB Sanctuary, we would like to inform that Government of Maharashtra filed an Interlocutory Application No. 2342/2008 in I.A. No.2342 of 2008 in I.A. No. 2119 of 1483 of 005 IN I.A. No. 548 in Writ Petition (civil) No. 202 of 1995 in the Hon'ble Supreme Court of India, in August 2008. I.A No.2342 of 2008 came up for orders before the Hon'ble Supreme Court on 20<sup>th</sup> October 2008. Upon hearing the parties, Hon'ble Supreme Court passed an order that the "rationalization of the Great Indian Bustard Wildlife sanctuary is to be finally decided based on the recommendation of the Committee constituted for the said purpose working under the MoEF. The Committee may take an early decision and based on the decision, the rest of the area which is excluded in such non-forest activities could be permitted".

Accordingly a proposal was submitted to the committee on rationalization of boundaries of sanctuaries and National Parks (CRBSNP) under the MoEF. Based on the field visits and meetings the CRBSNP recommended to include 1222.61 sq.kms in the GIB sanctuary and exclude rest of the areas from the 8496.44 sq.kms of GIB sanctuary area. This was approved by the Standing Committee of the National Board



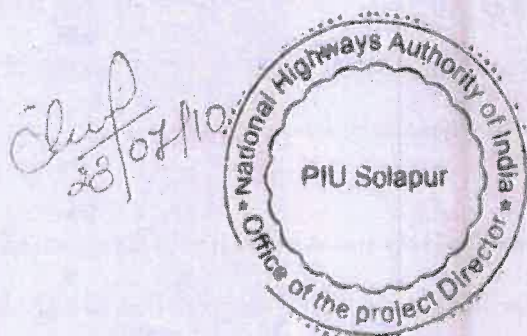
sanctuary area. This was approved by the Standing Committee of the National Board for Wildlife (SCNBWL) in its 18<sup>th</sup> meeting held at New Delhi on 12<sup>th</sup> April 2010. A final Interlocutory Application No 2882 of 2010 in IA no 2342/2008, in this matter was filed by the Government of Maharashtra on 1<sup>st</sup> July 2010, to get a formal order from the Hon'ble Supreme Court regarding reducing the sanctuary area from 8496.44 sq.kms to 1222.6 sq.kms as recommended by the SCNBWL in its 18<sup>th</sup> meeting. The area proposed for widening of the National Highway (NH) No.9 between Kms.144.400 to Kms.249.000 passing through the Great Indian Bustard Sanctuary and a buffer of 50 meters from the NH centerline was excluded from the sanctuary and do not fall in the 1222.63 sq.kms of area to be retained in the GIB sanctuary. This office has no objection for NHAI carrying out on non forest land, the road widening of NH between Kms.144.400 to Kms.249.000 passing through GIB sanctuary and to carry out other non forest activities related to the execution of the above project stretch passing through the Great Indian Bustard (Maldhok) Sanctuary including Land Acquisition and Tree Cutting, subject to the final order from the Hon'ble Supreme Court in the above IA no. 2882 of 2010.

Thanking you

Yours sincerely

(Dr. Y. L. P. Rao)

Conservator of Forests  
Wild Life, Pune.



ITEM NOS. 301 to 318  
MM-1

COURT NO.6

SECTION PIL/X

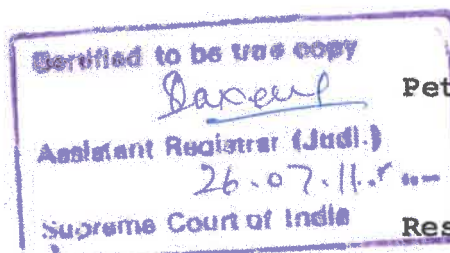
S U P R E M E C O U R T O F I N D I A  
R E C O R D O F P R O C E E D I N G S

MM-1 I.A. NO. 3050 OF 2010 IN W.P. (C) NO. 202 OF 1995  
301. I.A. Nos. 128-129 & 144 in W.P. (C) No. 337/1995  
(FOR MODIFICATION OF COURT'S ORDER DATED 28.4.2003 AND  
EXEMPTION FROM FILING O.T. AND PERMISSION TO FILE REJOINDER  
AFFIDAVIT)

CENTRE FOR ENVIR. LAW, WWF-I

VERSUS

U O I & ORS



Petitioner(s)

Respondent(s)

302. I.A. NOS. 2881 & 3026-3027 IN W.P. (C) NO. 202/1995  
(FOR RECOMMENDATION OF THE CEC IN APPLN. NO. 1228 & 1229 AND  
INTERVENTION AND EXEMPTION FROM FILING O.T.)

T.N. GODAVARMAN THIRUMULPAD

Petitioner(s)

VS.

UNION OF INDIA & ORS.

Respondent(s)

303. I.A. NO. 141 IN I.A. NOS. 124-125 in W.P. (C) No. 337/1995  
(FOR DIRECTIONS/CLARIFICATION IN I.A. NOS. 124-125 OF 2008)

304. I.A. NOS. 147, 148 AND 149 IN W.P. (C) No. 337/1995  
(FOR IMPLEADMENT, PERMISSION TO IMPLEMENT THE HARIDWAR  
RISHIKESH-DEHRADUN NATURAL GAS PIPELINE IN THE ROW OF NH-58 AND  
NH-72 PASSING THROUGH THE RAJAJI NATIONAL PARK AND PERMISSION  
TO IMPLEMENT THE KOTA-BHILWARA NATURAL GAS PIPELINE BY  
DERESERVING 1.56 HECTARES OF THE CHAMBAL WILD LIFE SANCTUARY)

305. I.A. NOS. 1433 & 1477 IN W.P. (C) 202/1995  
(FOR DIRECTIONS AND EXEMPTION FROM FILING O.T.)

306. I.A. NOS. 1598-1600 IN W.P. (C) 202/1995  
(FOR IMPLEADMENT, DIRECTION AND EXEMPTION FROM FILING O.T.)

307. I.A. NO. 2296 IN I.A. 662 IN W.P. (C) 202/1995  
(RECOMMENDATION OF CEC IN IA 662))

308. I.A. NO. 2297 IN W.P. (C) 202/1995  
(FOR REPORT OF CEC IN APPLN. NO. WBI - 89)

309. I.A. NO. 2622-2624 & 2813 IN W.P. (C) 202/1995

(FOR PERMISSION, IMPLDEADMENT, DIRECTIONS AND PERMISSION TO  
FILE ADDL. DOCUMENTS)

310. I.A. NOS. 2710 & 2730 IN W.P.(C) 202/1995  
(FOR INTERVENTION DIRECTIONS AND IMPLEADMENT)

311. I.A. NO. 2816 IN W.P.(C) 202/1995  
( REPORT OF CEC)

312. I.A. NOS. 2942-2944 IN W.P.(C) 202/1995  
(FOR IMPLEADMENT PERMISSION AND EXEMPTION FROM FILING O.T.)

313. W.P.(C) 4/2010

YASAMIN SALEEM

.....PETITIONERS

VERSUS

STATE OF U.P. & ORS.

.....RESPONDENTS

(WITH APPLN(S) FOR EXEMPTION FROM FILING O.T.)

WITH W.P.(C) NO. 567 OF 2009  
(WITH APPLN(S) FOR EXEMPTION FROM FILING O.T.)

WITH W.P.(C) NO. 568 OF 2009  
(WITH APPLN(S) FOR EXEMPTION FROM FILING O.T. AND OFFICE  
REPORT)

WITH W.P.(C) NO. 574 OF 2009  
(WITH APPLN(S) FOR EXEMPTION FROM FILING O.T.AND OFFICE REPORT)

WITH W.P.(C) NO. 575 OF 2009  
(WITH APPLN(S) FOR EXEMPTION FROM FILING O.T.AND OFFICE  
REPORT )

WITH W.P.(C) NO. 576 OF 2009  
(WITH APPLN(S) FOR EXEMPTION FROM FILING O.T.AND OFFICE  
REPORT )

WITH W.P.(C) NO. 578 OF 2009  
(WITH APPLN(S) FOR EXEMPTION FROM FILING O.T.AND OFFICE  
REPORT )

314. SANDALWOOD MATTERS

I.A. NOS. 1287, 1570-1571, 1624-1625, 1978, 2395,  
2795-2796 IN W.P.(C) 202/1995  
(REPORT OF CEC, IMPLEADMENT, DIRECTION AND EXEMPTION)

WITH

I.A.NOS.2470-2471, 2472-2473, 2474-2475, 2476-2477, 2966-2967  
IN 1287 IN W.P.(C) 202/1995

(FOR IMPEADMENT AND DIRECTIONS AND DIRECTION FOR BRINGING ON  
RECORD CERTAIN SUGGESTIONS)

315. MAHARASHTRA-GREAT INDIAN BUSTARD WILDLIFE SANCTUARY

I.A. NO. 2882 IN I.A. 2342 IN I.A. NO. 2119, 1483, 1997,  
2023, 2923-2925 IN W.P.(C) 202/1995

(FOR DIRECTIONS, IMPEADMENT, PERMISSION, MODIFICATION AND  
EXEMPTION FROM FILING O.T.)

316. ASKOT MUSK DEER SANCTUARY

I.A. NO. 1791-1792 IN W.P.(C) 202/1995

(FOR PERMISSION TO DEMARCAT E BOUNDARIES OF ASKOT MUSK DEER  
WILDLIFE SANCTUARY AND EXEMPTION FROM FILING O.T.)

WITH

I.A. NO.139 IN IN W.P.(C) 337/1995

(FOR PERMISSION REGARDING PROPOSED RATIONALISATION OF  
BOUNDARIES OF PROTECTED AREAS IN HIMACHAL PRADESH)

317. MOUNT ABU

I.A. NO. 972 IN I.A.NO. 757 WITH 789-790, 962, 986,  
1042-1045,1217-1219, 1536-1538, 2660-2661, 2064, 2255-2256 AND  
2949 IN 757 AND I.A. NO..... IN I.A. NO. 757 IN W.P.(C)  
202/1995

(FOR DIRECTIONS, IMPEADMENT, STAY, EXEMPTION FROM FILING  
O.T.,RECOMMENDATION OF CEC AND PERMISSION TO FILE OBJECTIONS TO  
THE FINAL NOTIFICATION DATED 25.6.2009))

318. I.A.NOS. 2155-2156 & 2680 IN I.A. NO. 2156 IN W.P.(C)  
202/1995

(FOR IMPEAEMENT,PERMISSION AND DIRECTION TO REJECTION OF CEC  
REPORT)

Date: 22/07/2011 These applications/Petitions were called on  
for hearing today.

CORAM :

HON'BLE MR. JUSTICE K.S.RADHAKRISHNAN

HON'BLE MR. JUSTICE CHANDRAMAULI KR. PRASAD



For the appearing parties :

Mr. P.S. Narasimha, Sr. Adv. (A.C)

Mr. K.Parameshwar, Adv.

Mr. Gaurav Agrawal, Adv.

Mr. Vijay Panjwani, Adv.

Mr. Haris Beeran, Adv.

Mr. P.K. Manohar, Adv.

Mr. B.S. Banthia, Adv.

301.

Ms.A.Subhashni, Adv.

Mrs.Jayshree Anand, Adv.

Ms.Ekta Singh, Adv.

Mr.Kuldip Singh, Adv.

Ms. Asha G.Nair, Adv.

Mr.S.S.Rawat, Adv.

Mr.D.S.Mahra, Adv.

Mr.Y.P.Mahajan, Adv.

Mr.Sakesh Kumar, Adv.

Mr.Rohit K.Singh, Adv.

Ms.K.V.Bharathi Upadhyay, Adv.

Mr.Pabitra Kr.Biswal, Adv.

Mr.T.S.Doabia, Sr. Adv.

Ms. Kiran Bhardwaj, Adv.

Mr. S.N.Terdal, Adv.

Mr.Sakesh Kumar, Adv.

Ms.Suvira Lal, Adv.

Mr.Raj Panjwani, Sr. Adv.

Mr.Vijay Panjwani, Adv.

Mr.Aditya Shamlal, Adv.

302.

Mr.Gurukrishna Kumar, AAG

Mr. S.Prasad, Adv.

Ms.Hemantika Wahi, Adv.  
 Mr.Ashwini Kumar, Adv.  
 Ms.Sureni Banerjee, Adv.

Ms.A.Subhashini, Adv.

Mr.T.R.Andhiyarujan, Sr.Adv.  
 Mr.Rajiv Tyagi, Adv.  
 Ms.Chanchal Biswal, Adv.

303

Mr.T.S.Doabia, Sr.Adv.  
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 Mr.S.N.Terdal, Adv.

Ms.A.Subhashni, Adv.

Mr.Raj Panjwani, Sr.Adv.  
 Mr.Vijay Panjwani, Adv.  
 Mr.Aditya Shamlal, Adv.

304.

Mr.Mohan Jain, ASG  
 Mrs.Sukhbeer Kaur Bajwa, Adv.  
 Mr.D.K.Thakur, Adv.  
 Mr.S.N.Terdal, Adv.

Mr.Parag Tripathi, ASG  
 Mr.Ajit Pudussery, Adv.  
 Mr.K.Vijanan, Adv.  
 Mr.Dinesh Khurana, Adv.

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 Mr.Vijay Panjwani, Adv.  
 Mr.Aditya Shamlal, Adv.

Mr.Rajiv Dutta, Sr.Adv.  
 Mr.Bishwajit Dubey, Adv.  
 Ms.Anushree Tripathi, Adv.  
 M/s.Suresh A.Shroff & Co.

Ms.Bina Madhavan, Adv.

Mr.T.S.Doabia, Adv.  
 Mrs.Kiran Bhardwaj, Adv.  
 Mr.S.N.Terdal, Adv.

Mr.Manjit Singh,AAG  
 Mr.Vivekta Singh,Adv.  
 Mr.Tarjit Singh,Adv.  
 Mr.Kamal Mohan Gupta,Adv.

305 Mr.Atul Jha,Adv.  
 Mr.Dharmendra Kumar Sinha,Adv.

306. Mr.Ajai Bhalla,Adv.  
 Mr.A.K.Pandey,Adv.  
 Mr.Sudhanshu Saran,Adv.  
 Mrs.Swati Chandra,Adv.

Mr.M.Khairati,Adv.  
 Ms.Varuna Bhandari,Adv.  
 Mr.D.S.Mahra,Adv.

Mr.Waseem Quadri,Adv.  
 Mr.Ch.Shamruddin Khan,Adv.  
 Mrs.Kiran Bhardwaj,Adv.  
 Mr.Rohtas Nagar,Adv.  
 Mrs.Anil Katihar,Adv.

Md.Khalid,Adv.  
 Smt.varuna Bhandari,Adv.  
 Mr.D.S.Mahra,Adv.

307. Mr. P.V.Yogeshwaran,Adv.

308. Ms.Asha G.Nair,Adv.

309. Ms. S.Janani,Adv.  
 Mr.Kamal Mohan Gupta,Adv.

310. Mr. D.A.Dave,Sr.Adv.  
 Mr.R.N.Karanjawala,Adv.  
 Ms.Manik Karanjawala,Adv.  
 Ms.Nandini Gore,Adv.  
 Mr.Kaushik Murali,Adv.  
 Mr.Ashok Parija,Adv.  
 M/s Karanjawala & co.,Adv.

- Ms.Anitha Shenoy, Adv.
- Mr.Shibhashish Mishra, Adv.
311. Mr.D.K.Sinha, Adv.
312. Mr.Aftab Ali Khan, Adv.
- Mr.Kamlendra Mishra, Adv.
- Mr.Subodh Markandeya, Adv.
- Mr.Rajeev K.Dubey, Adv.
- Mr.Kamlendra Mishra, Adv.
313. Mr.Anoop Kr.Srivastava, Adv.
- Mr.Rameshwar Prasad Goyal, Adv.
- Mr.Rakesh Khare, Adv.
- Mr.Subodh Markandeya, Sr.Adv.
- Mr.Rajeev K.Dubey, Adv.
- Mr.Kamlendra Mishra, Adv.
314. Mr.Mohan Jain, ASG
- Mr.D.K.Thakur, Adv.
- Mr. Karthik Ashok, Adv.
- Mr.S.N.Terdal, Adv.
- Mr.A. Sharan, Sr.Adv.
- Mr.Zafar Sadique, Adv.
- Mr.Balraj Dewan, Adv.
- Mr.GuruKrishna Kumar, AAG
- Mr.Subramonum Prasad, Adv.
- Mr.Basava Prabhu S.Patil, Sr.Adv.
- Mr.Bipin Kalappa, Adv.
- Mr.N.Ganapathy, Adv.
- Mr.K.R.Sasiprabhu, Adv.
- Mr.M.P.Maharia, Adv.
- Ms.Sangeeta Kumar, Adv.
- Mr.Sanjay R.Hegde, Adv.
- Mr.T.N.Rao, Adv.



Mr.Balraj Dewan,Adv.  
 M/s Aruputham Aruna & co.,  
 M/s Parekh & co.,Adv.  
 Mr.N.Ganapathy,Adv.  
 Mr.G.Prakash,Adv.  
 Mr.Sanjay R.Hegde,Adv.  
 Mr.Subramonum Prasad,Adv.  
 Mr.T.V.George,Adv.

315. Mr.G.E.Vahanvati,A.G.  
 Ms.Asha G.Nair,Adv.

Dr.Manish Singhvi,Adv.  
 Mr.Vijay Verma,Adv.

316 Mr.T.S.Doabia,Sr.Adv.  
 Ms.Kiran Bhandari,Adv.  
 Mr.S.N.Terdal,Adv.  
  
 Ms.Rachana Srivastava,Adv.  
  
 Mr.Wasim Qadri,Adv.  
 Ch.Shamsuddin Khan,Adv.  
 Ms.Kiran Bhardwaj,Adv.  
 Mr.Rohtash Nagar,Adv.  
 Mrs.Anil Katiyar,Adv.  
  
 Mr.Raj Panjwani,Sr.Adv.  
 Mr.Vijay Panjwani,Adv.  
 Mr.Aditya Shamlal,Adv.

317 Mr.Sushil Kr.Jain,Adv.  
 Mr.Puneet Jain,Adv.

Dr.Manish Singhvi,Adv.  
 Mr.Vijay Verma,Adv.  
 Mr.Milind Kumar,Adv.

Ms.Rekha Pandey,Adv.  
 Ms.Anil Katiyar,Adv

318 Mr.Gurukrishna AAG  
 Mr.Subramaniam Prasad,Adv.

UPON hearing counsel the Court made the following  
O R D E R

MM-1

List the matter next Friday.

Item No.301

I.A.No.15 was earlier filed on behalf of State of U.P seeking permission for the construction of an Irrigation Project covering an area of 180.79. Prayer was allowed by this Court subject to the fulfilment of certain conditions. Learned counsel appearing for the State of U.P. submitted that condition no.2 requiring shifting of villages causing difficulties to the State, therefore, sought permission to seek variation of that conditions before NBWL. Learned counsel appearing on behalf of NBWL has submitted that of such an application is preferred within two weeks, the same would be considered in the next meeting and the decision will be placed before this Court in next hearing date. Prayer granted.

Post after six weeks.

Item No. 302

The State of Gujarat has filed an application before the Central Empowered Committee ("CEC") seeking permission to delete 2105.42.41 hectares forest area in 57 villages in four districts of Gujarat State under Section 4 of the Indian Forest Act, 1927 (hereinafter referred to as "the Act"). Details of which are furnished along with the application.

CEC placed that application with a report before this Court seeking appropriate orders on the request made by the State of Gujarat.

CEC in its report dated 23.6.2010 endorsed the deletion of the areas approved by the Forest Settlement Officer after acknowledging the rights of the villagers in response to the areas notified under Section 4 of the Act. Further it was also reported that the areas have by and large being decided to be excluded on genuine grounds as mentioned in the above mentioned Act. C.E.C, however, imposed following conditions.

1. no area will be deleted on the ground of its allotment done after the issue of notifications under Section 4 of the Indian Forest Act;
2. None of the deleted area will be allowed to be used for mining without obtaining approval under the Forest (Conservation) Act, 1980;
3. for deletion of the area approval under the Forest (Conservation) Act, 1980 will be obtained. However, no NPV or compensatory afforestation charges will be payable as the areas are to be deleted for settlement of rights as per the provisions of the Indian Forest Act, 1927 and
4. the balance areas will be notified as Reserved Forest under Section 20 of the Indian Forest Act, 1980.

Being aggrieved by condition no. 2, stated herein before, ABG Cement Limited has approached this Court seeking intervention and stated that its rights are effected by condition no.2 suggested in CEC report.

Mr. Andhyarujina, learned senior counsel appearing for the intervenor submitted that ABG Cement Limited had made an application before the Government of Gujarat for the grant of the mining lease in certain tracts of barren land aggregating 730.60 hectares of land in Village Nani

Ber for limestone mining. Further it is stated that after the order passed by the Forest Settlement Officer, the State of Gujarat has granted approval to the ABG Cement Limited for lime stone mining of 730.60 hectares of land in Village Nani Ber and by letter dated 30.6.2007 called upon the ABG Cement Limited to make the payment of Rs.32,94,500 towards the prospecting charges.

Learned senior counsel has further submitted that once the land is deleted on the proposed forest under Section 4 following the procedure under Section 11 of the Act, such land seized to be forest land and therefore provisions of Section 2 of the Forest (Conservation) Act, 1980 do not apply and there is no requirement of obtaining prior approval of the Central Government under that Act. Learned senior counsel has submitted that C.E.C has wrongly relied upon the Ministry of Environment and Forests (MoEF) guidelines, which was annexed as Annexure R-4 and stated that these guidelines do not refer to lease which are deleted under the Notification under Section 4 of the Act. Reference was also made in the judgment of this Court in Union of India vs. Abdul Jalil, 1954 4 SCR 158.

Mr. P.S. Narasimha, learned amicus curiae and the learned counsel appearing for the State of Gujarat submitted it is unnecessary to examine those contentions at this stage and the application preferred for intervention itself is premature. Further in the reply affidavit filed by the State of Gujarat it is stated that no lease has formerly been granted to the ABG Cement Limited in any of the areas notified under Section 4 of the Act and certain proposal regarding deletion of the lease submitted by the Government of India is pending consideration before the Ministry of Environment and Forests (MoEF). Further, it was also pointed out that ABG Cement Limited had also made an application for seeking approval under the Forest



(Conservation) Act, 1980 before the concerned Ministry.

We are of the view that, at this stage, it is unnecessary to examine various contentions raised by the learned senior counsel for ABG Cement Limited, since we are only concerned with the question whether the application preferred by the State of Gujarat for deletion of forest land be granted or not. CEC report is in favour of the deletion subject to certain conditions. The Ministry of Environment and Forests (MoEF) in its letter dated 7.1.2010 produced as Annexure R-3 before this Court has stated that the application be considered favourably under such circumstances we are of the view that the request made by the State of Gujarat for deletion of the area as shown in its application is justified. We therefore allow the application as prayed for.

However, with regard to the condition no.2 imposed by CEC, we express no final opinion specially in view of the stand taken by the State of Gujarat that no lease has formerly been granted to ABG Cement Limited in any of the areas as notified under Section 4 of the Act. ABG Cement Limited therefore would be aggrieved by the condition imposed by CEC, only if the State Government executes a lease deed in its favour or grants permission for mining, which is yet to happen. We therefore leave that question open.

Learned senior counsel has further submitted that he would be permitted to move an application before the Ministry of Environment and Forests (MoEF) seeking approval for the grant of lease and also to make a plea before the before the Ministry of Environment and Forests (MoEF) for permission under the Forest (Conservation) Act, 1980 and also to challenge the condition No.2. ABG Cement Limited, if so advised may raise all those contentions before the Ministry of Environment and Forests (MoEF) and it is for the MoEF to consider with which we express no final

opinion. I.A.No.2881 of 2009 preferred by State of Gujarat for deletion stands allowed, as above.

I.A.Nos.3026-3027 filed by ABG Cement Limited are accordingly disposed of.

Item No. 303

This application preferred seeking approval for diversion of additional forest land to the extent of 35 hectares in place of 10 hectares for the project fencing and construction of road along the Indo-Myanmar boarder between Boarder Pillar No. 79 to Border Pillar no. 81 on the terms and conditions as envisaged by the CWLW, Manipur and also for the consequence directions.

Earlier the National Board for Wild Life had sanctioned 10 hectares. Now the prayer is for diversion of further additional extent of 35 hectares of land which is a matter to be examined by the National Board for Wild Life if an application is made in the prescribed proforma. On receipt of an application NBWL will consider the same and make their recommendations within a period of two months thereafter.

Post the matter after two months.

Item NO. 304

In view of the decision taken by the Standing Committee of NBWL referred at p.74 of the compilation. I.A.Nos. 148 and 149 are allowed.

Application for impleadment is also allowed.

Item No. 305

Copy of the application and other relevant documents connected with I.A.No. 1433 of 2005 be furnished to Mr.P.S.Narasimha,Sr.Adv., amicus curiae.

List the matter after one month.

Item No. 306

Applications are allowed in terms of para 6 of the report of CEC dated 14/10/2009.

Item No.307

I.A. is dismissed as infructuous.

Item No. 308

Application is allowed in terms of the conditions mentioned in para 6 of the CEC report.

Item No. 309

No representation.

Perused the report of CEC.

In terms of the report of CEC, applications stand dismissed.

Item No. 310

Applications are allowed.

Liberty is also given to the other side to file additional affidavit.

Post on 5.8.2011 to file objection.

Item No. 311

Copy of the CEC report be served on the Standing counsel for the State of Chhatisgarh and the report be transmitted to the Government for implementation of the recommendations. The application is disposed of.

Item No. 312

No appearance for the applicant.

Perused the report of the CEC.

In view of the report of the CEC, the application stand rejected.

Item No. 313W.P. (C) 4 of 2010

Learned counsel for the petitioner seeks permission to withdraw the writ petition. Permission is granted. The writ petition is dismissed as withdrawn.

W.P. (C) Nos. 567, 568, 574, 575, 576, 578 of 2009

Learned counsel for the petitioner seeks permission to withdraw the writ petitions with liberty to the petitioners to seek appropriate remedy in accordance with law. Permission granted. The writ petitions are dismissed as withdrawn with liberty as prayed for.

Item No. 314

List next week as first case.

However, it is made clear that no further adjournment will be granted.

Item No. 315

We have heard Mr. G. E. Vehanvati, learned A.G. and Mr. P. S. Narasimha, Sr. Adv. Amicus Curiae.

Perused the decision of the NBWL dated 12.4.2010. The committee has already approved prayer no.1.



In terms of the decision of NBWL held on 12.4.2010,  
prayer no.1 on this application is allowed.

Item No. 316

I.A.Nos. 1791-1792 of 2007 - List after Two weeks' for  
the response of the CEC,

I.A.No. 139 of 2010 - List next week as miscellaneous  
item.

Item No. 317

List after the sandalwood cases.

Item No. 318

List after two weeks.

(KUSUM SYAL)  
SR.P.A.

(RENUKA SADANA)  
COURT MASTER

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AI—No. Ar-28906  
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Supreme Court of India

26/7/11