

ARUNA MATHUR
Standing Counsel
State of Sikkim
Supreme Court of India

ARPUTHAM ARUNA & CO.
Off: 25, Bazar Lane, Bengali Market, New Delhi -1
Ch: 242, New Lawyers Chamber, Supreme Court

Ph:(o) : 011- 23353718
011- 23321337
Ch : 011- 23070017
Fax : 011- 23321477
Email: arputham25@gmail.com

File No. 57-C

Date : 29.10.2015

To

Principal Chief Engineer cum Secretary
Road & Bridges Department,
State of Sikkim,
Gangtok, Sikkim

Sub: I.A. No. 178 of 2015 in
W.P. (C) No. 337 of 1995
Centre for Environmental Law, WWF-I
Vs.
Union of India & Ors.

Sir,

I am forwarding the judgment and order dated 05.10.2015 passed by the Hon'ble the Chief Justice, Hon'ble Mr. Justice Arun Misra and Hon'ble Mr. Justice Adarsh Kumar Goel whereby the Hon'ble Supreme Court has disposed off different matters pending before the Forest Bench. The Judgment and order comprises of 70 pages and as far as wild life sanctuaries are concerned the directions are at pages 34-36 of the judgment.

The Hon'ble Court has directed that all matters for grant of permission for implementation of projects in areas falling in National parks/sanctuaries etc. would be considered by the Standing Committee of the National Board for Wildlife (NBWL) on its own merits and in conformity with earlier directions of this Hon'ble Court.

As far as the Application No. 178 of 2015 is concerned the same is disposed off and in terms of permission granted by NBWL construction can be started, straightaway.

With regards,

Yours sincerely,

Aruna Mathur
ARUNA MATHUR
Advocate

Copy to
Shri H.P. Pradhan,
General Manager,
Forest, Environment & General Liaison
Project Development,
Gangtok, Sikkim

The amounts lying with the respective State Forest Departments (recovered from wood based industries) will be utilized for the purpose of afforestation only.

The respective State Forest Departments will intimate the amount(s) spent by them for afforestation purpose to MoEFCC at the earliest.

With the aforesaid observations and directions, we dispose of the Interlocutory Applications/matters specified in Annexure-I to the note supplied by Shri Harish Salve, learned *amicus curiae*.

II. MATTERS RELATING TO NATIONAL PARKS AND WILDLIFE SANCTUARIES:

Now we come to matters relating to National Parks and Wildlife Sanctuaries.

At the time of hearing on the aforesaid subject, certain suggestions are made by the learned *amicus curiae* and other senior counsels. By incorporating them, we pass the following order(s):

All matters for grant of permissions for implementation of projects in areas falling in National parks/sanctuaries, including rationalization of boundaries etc. will be considered by the Standing Committee of the National Board for Wildlife ("NBWL") on its own merits and in conformity with the orders and directions passed by this Court from time to time, i.e. on 24.02.2000, 16.12.2002, 13.11.2000, 9.5.2002, 25.11.2005 and 14.09.2007 and other subsequent clarificatory orders/judgment(s) passed by this Court including the Goa Foundation Judgment, i.e. Goa Foundation Vs. Union of India & Ors., reported in (2014) 6 SCC 590.

We request the NBWL to furnish a copy of the orders passed by it within 30 days' time to the C.E.C. The C.E.C. is at liberty, if, for any reason, they are aggrieved by the decision of the Standing Committee of NBWL to approach this Court by filing an appropriate petition/application.

In all those matters where there is already decision of the Standing Committee of the NBWL shall abide the parties with all the conditions imposed therein.

If any party is aggrieved by the decision of the Standing Committee of the NBWL, they are at liberty to approach an appropriate forum for appropriate relief(s).

De-link I.A.Nos. 2202-2203/2008,
2915-2917/2010, 2929-2931 in 2202-2203/2008,
3308-3310/2011 in 2202-2203, 3422/2012 in 2929-2931
in W.P. (C) No. 202/1995 and list separately.

With the aforesaid observations and directions, we dispose of the Interlocutory Applications/matters specified in Annexure-II to the note supplied by Shri Harish Salve, learned *amicus curiae*.

De-link I.A.NO. 3819-3822/2014 In W.P. (C)
NO. 202/1995 and list separately.

CATEGORY-III : MATTERS RELATING TO EXEMPTIONS FROM THE PAYMENT OF THE NPV:

Various applications have been filed by different applicants to exempt them from payment of Net Present Value ('NPV'). Now all those applications will be transferred to MoEFCC by the