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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

Date : 05/10/2015 These applns. were called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE ARUN MISHRA
HON'BLE MR. JUSTICE ADARSH KUMAR GOEL

UPON hearing the counsel the Court made the following

O R D E R

On our request, Shri Harish Salve, the learned amicus curiae has given us a brief note on the matters pending before the Green Bench in different categories. He has also made certain suggestions for early disposal of those matters. He has exchanged the aforesaid note with Shri Ranjit Kumar, the learned Solicitor General of India, who represents the Union of India, Shri K.K. Venugopal, learned senior counsel, who appears for some of the parties.

The learned amicus has classified the matters pending before the Green Bench under different heads such as : i). matters relating to wood based industries, ii) matters relating to National Parks/Wildlife sanctuaries, iii) matters relating to exemptions from the payment of the NFV etc.etc.

We intend to take up the First Category, viz. Matters relating to Wood based industries.

CATEGORY I - MATTERS RELATING TO WOOD BASED INDUSTRIES:

We have heard Shri Harish Salve, learned amicus curiae, Shri Ranjit Kumar, learned Solicitor General of India, Shri K.K. Venugopal, learned senior counsel and other learned senior counsel/counsels. Accordingly, we pass the following orders :

(i) The State Level Committees for Wood-Based Industries ("SLCs") are, subject to the compliance of the prescribed guidelines and procedure, authorized to take decisions regarding the grant of license/permission to the wood-based industries;

(ii) In each State/UT for which the SLC has so far not been constituted, the SLC under the Chairmanship of the Principal Chief Conservator of Forests with a representative of the Ministry of Environment and Forest and Climate Change ("MoEFCC") and an officer of the State Forest Department/Industries Department not below the rank

of the Chief Conservator of Forests/ equivalent rank will immediately be constituted;

(iii) The MoEF is authorized to issue appropriate guidelines in conformation with the orders and directions issued by this Court and also the existing guidelines to the SLCs relating to assessment of timber availability for wood-based industries and grant of license/permission to the wood-based industries including addition of new machineries and also utilization of amounts recovered from the wood-based industries and connected matters;

(iv) Any person aggrieved by the decision taken by the SLC may file an appeal before the MoEFCC seeking appropriate relief within 60 days' time. If, for any reason, any person is aggrieved by the orders so passed in the appeal, he may prefer an appropriate petition/application/appeal before the appropriate forum/Court for grant of appropriate relief(s).

We also permit the MoEFCC to condone the delay, if any, in filing an appeal, if sufficient cause is made out by the applicant(s)/appellant(s).

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 14.02.2000, 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.