



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 NPV 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.

**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



Registry within 45 days' time from today. The MoEFCC will consider those applications in accordance with law as expeditiously as possible.

If, for any reason, any person is aggrieved by the said decision, he shall be free to file an appropriate application/ petition before the National Green Tribunal 'NGT') within 60 days' time from the date of the order passed by the MoEFCC.

Liberty is reserved to NGT to condone the delay, if any, in approaching it within the time granted by us if a satisfactory explanation is offered by the applicant/petitioner.

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

I.A.Nos.3910, 3911 of 2015 in I.A.No.3806/2014 in I.A.No.3610/2013 in W.P.(C)No.202/1995:

Taken on board.

We permit the applicant-Sagar Powertex Pvt.Ltd. to deposit the NPV with the Chief Conservator of Forests and Field Director, Sahyadri Tiger Reserve, Kolhapur within a week's time from today. If such deposit is made within the time granted by this Court, the authorities will not take any objection for such deposit and will accept the same.

With the aforesaid observations and directions, the I.A.s are disposed of.

CATEGORY IV : MATTERS RELATING TO COMPLIANCE OF ORDERS OF THIS HON'BLE COURT:

There are also several matters pending before this Court relating to compliance of the orders passed by this Court. The action that is taken by all the authorities relatable to the Forest (Conservation) Act, 1989 are appealable under Section 16(e) before the National Green Tribunal Act, 2010.

Registry is directed to transfer all those matters to the NGT for appropriate orders being passed by it, within 45 days' time from today. Once these matters are received by it, the Chairman of



the NGT will take an appropriate decision to assign these matters to an appropriate Bench/Benches constituted all over the country.

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

V. MATTERS FOR FORMAL DISPOSAL:

Adjourned.

VI. FOUR MATTERS TO BE TRANSFERRED TO N.G.T.:

Insofar as these matters are concerned, the Interlocutory Application(s) related to these four matters will be decided by the Principal Bench of the N.G.T. alone.

Registry is directed to transfer the I.A.s in the following four matters, namely : (1) Forest land involved in the mining leases transfer to J.P.Cement Ltd.; (2) Report of the CEC regarding

Western Ghats; (3) Construction of Hotel at Mcleodganj on forest land in violation of the Forest (Conservation) Act, 1980; and (4) Illegal felling of trees and road construction in Wildlife sanctuaries in Karnataka.

We request the learned Chairman of the Principal Bench of the N.G.T. to hear the aforesaid matters in a Bench presided over by him.

All the contentions of all the parties are kept open to be agitated before the said forum.

The I.A.s relating to these four matters are detailed in the Annexure VI viz. VI(1), VI(2), VI(3) and VI(4) to the note supplied by Shri Harish Salve, learned *amicus curiae* and are disposed of accordingly.

Mr. A.D.N. Rao, learned counsel, is requested to furnish the appropriate revised annexures as early as possible.

The remaining matters, i.e. Categories VII, VII(1) TO VII(11), which are mentioned in para 15 of the