

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

Original Application No. 463/2022
(IA No 311/2022, IA No 360/2024, IA No 319/2024, IA No
226/2024, IA No 157/2022, IA No 47/2023, IA No 46/2023)

Vipin Nayyar	Versus	Applicant
Union of India		Respondent

Date of hearing: 07.08.2024

**CORAM: HON’BLE MR. JUSTICE SUDHIR AGARWAL JUDICIAL MEMBER
HON’BLE DR. AFROZ AHMAD, EXPERT MEMBER**

Applicant:	Applicant in Person (through VC)
Respondents:	Mr. Deepak Bora and Mr. Sai Dareshan Patrea, Advocates for State of Uttarakhand (through VC) Mr. Mukesh Verma and Ms. Vatsala Tripathi, Advocates for UKPCB Mr. Gi.Gi.C. George, Advocate for CGWA Mr. Vinay Garg and Ms. Neetu Rawat Advocates for Respondent No. 5 Mr. Ajai Kumar Srivastava, Mr. Rabindra Narayan Mishra, Mr. Om Prakash Sapra, Advocates for Respondent No. 6. Mr. Kshitij Gopal Kalra, Advocate for Respondent No. 7 (through VC)

ORDER

- I.A No. 46/2023:** This is an application seeking impleadment of Secretary, State of Uttarakhand, Urban Development as respondent 8. It is stated that Secretary, Urban Development has issued Government Orders dated 29.11.2017, collectively filed as Annexure-I to the above I.A.
- We find from perusal of document that they are issued by State of Uttarakhand and the said Secretary has only authenticated the documents in terms of Article 166 of Constitution of India. In the circumstances, we find that Secretary, Urban Development by himself is not a necessary or

proper party to be impleaded and necessary proper party at the best could be State of Uttarakhand but the prayer is not made for impleadment of State of Uttarakhand. Infact State of Uttarakhand has not at all been impleaded as respondent.

3. I.A is accordingly rejected.

4. **I.A No. 47/2023:** This is an application seeking amendment in the proceedings in O.A (hereinafter referred to as '**O.A**') No. 463/2022 on the ground that Government Orders No. 1743/V-(अपे)/2014 (अपे)/2014/14/2016 and 1995/V-2-2017-58 (अपे)/2014 dated 14.12.2016 and 29.11.2017 respectively have been issued in contravention of Tribunal's order dated 15.12.2017 in *O.A No.200/2014, M.C Mehta v. Union of India*.

5. Applicant intends to insert certain paragraphs in the O.A.

6. So far as the addition of paragraphs in the O.A is concerned, we do not find any legal obstruction therein but so far as the prayer for quashing the government orders is concerned, we find that both the government orders is barred by limitation under Section 14 of National Green Tribunal Act, 2010 (hereinafter referred to as '**NGT Act, 2010**').

7. I.A therefore is partly allowed and the amendment sought in the prayer 'A' by addition of paragraph 11 to 14 is allowed.

8. Let the necessary amendment be carried out within one week.

9. **I.A No 157/2022:** Record shows that IA No 157/2022 was disposed of vide order dated 01.12.2022 but Registry is showing the said I.A pending and it shows total non-application of mind on the part of Registry.

10. Let necessary correction be made and IA No 157/2022 may not be shown as pending Application.

11. **I.A No 311/2022:** This is an application with a prayer that District Magistrate, Dehradun and Chairman, Uttarkhand Environment Protection and Pollution Control Board i.e. respondent respectively be directed to seal commercial business of Hotel Ganga Forest View and Restaurant Hideout Café till O.A No. 463/2022 is disposed of.

12. Record shows that in respect of sealing of said premises, some orders have already been passed by Mussorie Dehradun Development Authority (hereinafter referred to as '**MDA**'). So far as District Magistrate, Dehradun and respondent 4 are concerned, no provision has been shown whereunder these officers are competent to pass any sealing order in respect of respondent 6 & 7.

13. Thus, this I.A has no merit and therefore, rejected.

14. **I.A No 226/2024:** This application seeks exemption of cost of Rs. 25,000/-imposed vide order dated 22.03.2024 upon District Magistrate, Dehradun vide order dated 20.01.2023.

15. More than 5 months have been passed but the cost has not deposited.

16. Moreover, we have gone through averments made in I.A and do not find any justification for waiver of the said cost.

17. I.A is accordingly rejected.

18. Let the amount of cost be deposited within one week.

19. **I.A No 319/2024:** After some arguments, learned counsel for respondent 6 requested that it should be dismissed as withdrawn.

20. I.A is dismissed as withdrawn.

21. **Original Application No. 463/2022:** It is pointed out that against the sealing orders/demolition orders passed by MDA, proponents have filed Writ Petition No. 1953/2024 and 1961/2024.

22. Writ Petition No. 1953/2024 is decided by remanding the matter to Vice Chairman of MDA directing him to pass fresh order after considering reply of the petitioner. While remanding the matter, High Court has quashed demolition order vide order dated 24.07.2024, thus pending Writ Petition No 1961/2024 order of *status quo* has been passed.

23. Applicant in person also stated that third *Writ Petition No. 2094/2024* has also been filed by respondent 6 which is pending.

24. In view thereof, we do not find any occasion to proceed in the matter further and adjourn this Original Application for two months.

25. List on 19.11.2024.

Sudhir Agarwal, JM

Dr. Afroz Ahmad, EM

August 07, 2024

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