

Item No.6

(Court No. 2)

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

(Through Physical Hearing with Hybrid V.C. Option)

Original Application No.463/2022
(I.A. No. 311/2022, I.A. No. 157/2022, I.A No. 47/2023 & I.A. No.
46/2023)

Vipin Nayyar

Applicant

Versus

Union of India & Ors

Respondents

Date of hearing: 22.03.2024

**CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI, JUDICIAL MEMBER.
HON'BLE DR. AFROZ AHMAD, EXPERT MEMBER.**

Applicant: Applicant in Person (through VC).

Respondent: Mr. Mukesh Verma Advocate for Respondent No. 4
UKPCB (Through VC)
Mr. Vinay Garg Advocate for Respondent No. 5 MDDA.
Mr. Amit Seth Advocate for Respondent No. 7 (Through
VC)
None for Respondent No. 1 to 3 & 6.

ORDER

1. Response affidavit has been filed by UKPCB vide email dated 15.03.2024.
2. None has appeared for respondents no. 1(Union of India), 2 (Central Ground Water Board), 3 (District Magistrate, Dehradun) and 6 (Hotel Ganga Forest View).

3. The proceedings before this Tribunal cannot be treated as part of adversarial litigation where the State or its instrumentalities may opt out to remain absent and suffer ex-parte proceedings. On the other hand, the State and its instrumentalities are under constitutional and statutory obligations to protect and improve environment and ensure compliance with environmental norms and, therefore, the State and its instrumentalities have to ensure their representation through duly authorised representatives/Counsel before this Tribunal.

4. Non-appearance of respondent no. 3-District Magistrate, Dehradun today has the effect of causing unnecessary adjournment and delaying appropriate resolution of the environmental issues involved in the case. Such deliberate non-appearance warrants imposition of appropriate costs for unnecessary adjournment thereby caused.

5. In these facts and circumstances respondent no. 3-District Magistrate, Dehradun is directed to pay **costs of Rs. 25,000/-**. The costs shall be deposited with the National Green Tribunal Bar Association, Principal Bench, New Delhi. The amount of costs so deposited shall be utilized for providing legal aid to the applicants not represented by any lawyer for effectively presenting their case before this Tribunal and creating facilities for the litigants visiting this Tribunal for hearing of cases filed by them.

6. List for further consideration on 21.05.2024.

7. A copy of this order be sent by email to the Chief Secretary, Government of Uttarakhand and Ld. Advocate General, Uttarakhand for issuance of appropriate instructions for directing appearance of duly authorised Law Officers/Counsel for representing State of Uttarakhand and its instrumentalities before this Tribunal and the District Magistrate, Dehradun for requisite compliance regarding his representation before this Tribunal and

deposit of costs with National Green Tribunal Bar Association, Principal Bench, New Delhi.

Arun Kumar Tyagi, JM

Dr. Afroz Ahmad, EM

March 22nd, 2024
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