

Item No. 03

Court No. 1

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

Original Application No. 531/2023

Dr. Bharat Jhunjunwala

Applicant

Versus

Union of India & Ors.

Respondent(s)

Date of hearing: 24.08.2023

**CORAM: HON'BLE MR. JUSTICE PRAKASH SHRIVASTAVA, CHAIRPERSON
HON'BLE MR. JUSTICE SHEO KUMAR SINGH, JUDICIAL MEMBER
HON'BLE MR. JUSTICE ARUN KUMAR TYAGI, JUDICIAL MEMBER
HON'BLE DR. A. SENTHIL VEL, EXPERT MEMBER**

Applicant: Mr. Ankur Sood & Ms. Anukriti Trivedi, Advs.

Respondent: Mr. Uttam Datt & Ms. Sonakshi Singh, Advs. for THDC India Ltd. (R - 4)

ORDER

1. In this original application filed under Section 18 read with Sections 14 and 15 of the National Green Tribunal Act, 2010, the applicant has raised a grievance against the blasting activities in project area of Vishnugarh Pipalkoti Hydro Electric Project, District Chamoli.

2. The plea of the petitioner is that Respondent No. 4 is carrying out the blasting activities for the above project on the basis of Circular dated 29.08.1997 issued by Respondent No. 5 but the said circular relates to the mine blasting in the plane area and has no relevance in blasting in hilly region. Further plea is that the blasting in hilly region stands on different footing because there is a huge possibility of landslide and that hill regions in Uttarakhand are very sensitive zones on account of being located in a high seismic susceptibility area and being more prone to earthquakes.

3. Though, the allegations have been made in this OA against the blasting activities for construction of the project, but no concrete material and factual data in respect of any adverse effect of such blasting has been pointed-out.

4. The Petitioner had earlier approached NGT by filing Appeal No. 21/2021, in the matter of *Dr. Bharat Jhunjhunwala & Ors. vs. Union of India & Ors.*, against the Environmental Clearance (EC) dated 26.08.2021 granted to the project by MoEF&CC. Considering the grievance of the petitioner, NGT had disposed of the appeal by order dated 16.08.2022 by constituting Monitoring cell and issuing direction to the following effect:

“xxxxxx.....xxx

17. *Further, we find it necessary to lay down additional conditions for grant of EC. Capital cost of EMP will stand increased to 10% of the total project cost. There will be six-member Monitoring Cell to oversee execution of mitigation measures to prevent damage to the dam, the infrastructure and the habitation upstream and downstream the dam. It will be headed by the Chief Secretary, Uttarakhand, other Members being nominees of State Disaster Management Authority, MoEF&CC having expertise in dealing with of River Valley Projects, preferably belonging to Uttarakhand, NMCG, G.B. Pant National Institute of Himalayan Environment, Almora, State PCB and Director of Coldwater Fisheries Research, ICAR, Bhimtal, District Nainital, Uttarakhand. The Committee can coopt any other expert/organisation as may be found necessary. It can conduct proceedings on line or otherwise. It may initially meet within one month to take stock of the situation and plan further action and thereafter, it may meet at such intervals as may be decided but not beyond three months. The Monitoring Committee may consider any suggestions from any stake holder, including the appellants and consider fresh measures to ensure compliance of EC conditions and additional conditions laid down by this order and also such other conditions found necessary for mitigation of adverse measures in the course of the project. Its minutes may be placed on the website of the PP.”*

5. Thus, a six member Monitoring cell has been set up by this Tribunal to monitor the project. The Monitoring cell is not only required to ensure compliance of EC conditions and the conditions laid down by

order of this Tribunal but also such other conditions as may be found necessary for mitigation of adverse measures in the course of the project.

6. Against the order of this Tribunal, the Petitioner has approached the Hon'ble Supreme Court and the matter is stated to be pending before the Hon'ble Apex Court. The Petitioner has approached this Tribunal again after withdrawing the Writ Petition (PIL) No. 13/2023 filed before the High Court of Uttarakhand at Nainital with liberty to pursue such other remedies as are available under the law.

7. Since the Monitoring cell constituted by the NGT is already monitoring the project, therefore, we permit the petitioner to approach the Monitoring cell with all the material in respect of his grievance relating to the blasting activities. The Monitoring cell will duly look into and examine the grievance of the petitioner and take suitable corrective measures, if required.

8. OA is accordingly disposed of.

Prakash Shrivastava, CP

Sheo Kumar Singh, JM

Arun Kumar Tyagi, JM

Dr. A. Senthil Vel, EM

August 24, 2023
Original Application No. 531/2023
DV