

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

Original Application No. 562/2023
(I.A. No. 716/2023)

Varun Gulati

Applicant

Versus

Environment, Forest and Climate Change
Department, Govt. of U.P. & Ors.

Respondent(s)

Date of hearing: 14.12.2023

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

Applicant: Mr. S.A. Zaidi and Ms. Mansi Chahal, Advocates
Respondent: Mr. Pradeep Misra & Mr. Daleep Dhyani, Advs. for UPPCB (Through VC)
None for Respondent no. 2

ORDER

1. As per office report, notices have been duly served on respondent nos. 2 and 3.
2. None has appeared for respondent no. 2.
3. Mr. Pradeep Mishra has appeared for respondent no. 3 and he seeks time for filing of reply/response on his behalf. Reply/response on behalf of respondent no. 3 be filed within four weeks.
4. The proceedings before this Tribunal cannot be treated as part of adversarial litigation where the concerned defendants 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 ensure compliance with environmental norms and, therefore, the State and its instrumentalities have to ensure submission of their replies/response with relevant details and also their representation through duly authorised representatives/Counsel before

this Tribunal. In the present case, State of Uttar Pradesh has not filed any response and has not taken any steps for its representation before this Tribunal through its Counsel. We consider it appropriate that the matter be brought to the notice of the Chief Secretary, Government of Uttar Pradesh and also learned Advocate General, Uttar Pradesh for issuance of appropriate instructions for compliance with notice issued by this Tribunal and submission of reply/response and ensuring representation through duly authorized representative/counsel before this Tribunal, as may be required.

5. List this matter on 22.02.2024.

Arun Kumar Tyagi, JM

Dr. A. Senthil Vel, EM

Dr. Afroz Ahmad, EM

December 14, 2023
Original Application No. 562/2023
(I.A. No. 716/2023)
SN