

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

(Through Physical Hearing with Hybrid VC Option)

Original Application No. 614/2022

Rasesh B. Vissanji & Ors. Applicant

Versus

State of Uttarakhand & Ors. Respondents

Date of hearing: 21.11.2023

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

Applicant: None.

Respondent: Mr. Rahul Verma, Addl. AG for respondent no. 1-State of Uttarakhand.
Mr. Mukesh Verma, Advocate for respondent no. 4-UKPCB (Through VC)
Mr. Somesh Chandra Jha Advocate for respondent no. 6-MoEF & CC.
Mr. Anup Malik, PCCF (HoFF), Government of Uttarakhand. (Through VC)
Mr. Vineet Tomar, DM Almora.(Through VC)
Mr. Vibhor Gupta, Executive Engineer, PWD. (Through VC)
Mr. Deepak Singh, DFO Almora. (Through VC)
Dr. Yogesh Gairola, Technical Officer, MoEF & CC (Through VC).

Application is registered based on a Letter Petition received by post.

ORDER

1. Vide order date 12.10.2023 presence of the Principal Chief Conservator of Forest, Uttarakhand alongwith other concerned forest officers, Regional Officer, Integrated Regional Office MoEF&CC, Dehradun, Chief Engineer, PWD alongwith other concerned officers and the District Magistrate, Almora before this Tribunal through VC was ordered.

2. In compliance thereof, Mr. Anup Malik, PCCF (HoFF), Government of Uttarakhand, Dr. Yogesh Gairola, Technical Officer, MoEF & CC, Dehradun, Mr. Vineet Tomar, District Magistrate Almora, Mr. Vibhor Gupta, Executive Engineer PWD, Uttarakhand and Mr. Deepak Singh, DFO Almora have appeared through VC and we have interacted with them. The Chief Engineer, PWD is stated to be on leave. Mr. Govind Singh Bhardwaj, Regional Officer, Integrated Regional Office MoEF&CC, Chandigarh is having dual charge of Integrated Regional Office MoEF&CC, Dehradun and he is unable to appear today and on request he is also exempted from appearance before this Tribunal today.

3. In the course of hearing Mr. Vineet Tomar, District Magistrate Almora has mentioned that the information sought was supplied to the Integrated Regional Office, MoEF & CC, Dehradun. Dr. Yogesh Gairola Technical Officer, MoEF & CC has mentioned that the relevant information as sought has yet not been supplied and a meeting was scheduled to be held on 30.10.2023 regarding which information was given to all concerned but none from the office of DFO, Almora and concerned Executive Engineer, PWD attended the said meeting. Mr. Vineet Tomar, District Magistrate Almora has stated that they could not attend said meeting due to VIP movement.

4. We find that not only the Project has been delayed but the environmental issues have also been completely ignored and the fate of the Project is also uncertain due to pendency of application for requisite approval. We consider it to be appropriate that a Joint Meeting be convened again which may be attended by all the concerned officers for appropriate resolution of the matter. Accordingly, we direct that a meeting be held on 05.12.2023 in the office of Regional Officer, Integrated

Regional Office MoEF&CC, Dehradun under the Chairmanship of Regional Officer which shall be attended personally by concerned Additional PPCF-Nodal Officer, Government of Uttarakhand for diversion of forest land for non-forest purposes under the Forest Conservation Act, 1980, DFO, Almora, Executive Engineer, PWD, Almora, officers duly authorized by PCCF (HoFF), Government of Uttarakhand and District Magistrate, Almora for appropriate resolution of the matter of grant of requisite approvals.

5. Status Report in this regard be filed before this Tribunal within one month at judicial-ngt@gov.in preferably in the form of searchable PDF/OCR Supported PDF and not in the form of Image PDF.

6. The DFO, Almora is also directed to take appropriate remedial measures including compensatory afforestation for protection /restoration of environment and remediation of environmental damage caused.

7. List for further consideration on 01.02.2024.

8. A copy of this order be sent to PPCF (HoFF), Government of Uttarakhand, Chief Engineer, PWD, Uttarakhand, DFO, Almora, Executive Engineer, PWD, Almora and District Magistrate, Almora for requisite compliance.

Arun Kumar Tyagi, JM

Dr. Afroz Ahmad, EM

November 21, 2023
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