

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

Execution Application No. 27/2023
In
Original Application No. 561/2022
(M.A. No. 54/2023)

Urvashi Shobhna Kachari Applicant

Versus

Union of India & Ors. Respondent(s)

Shashikanth Purohit Applicant in EA

Date of hearing: 12.10.2023

**CORAM: HON'BLE MR. JUSTICE PRAKASH SHRIVASTAVA, CHAIRPERSON
HON'BLE MR. JUSTICE SUDHIR AGARWAL, JUDICIAL MEMBER
HON'BLE DR. A. SENTHIL VEL, EXPERT MEMBER**

Applicant: Mr. Raj Panjwani, Senior Advocate with Ms. Esha Dutta, Adv. for
Applicant in E.A 27/2023

Respondent: Mr. Rahul Verma, AAG for the State of Uttarakhand
Mr. Mukesh Verma, Adv. for UKPCB (Through VC)

ORDER

1. In the Original Application 561/2022, the issue relating to violation of environmental norms with respect to indiscriminate disposal of plastic and animal waste, unregulated human waste, unregulated equine dung/waste/carcasses along with pilgrim tracks of Kedarnath, Hemkund Sahib, Yamunotri and Gomukh pilgrimage centres in Uttarakhand was raised. The Tribunal had passed the detailed order dated 08.02.2023.

2. Execution Application has been filed alleging non-compliance of the directions issued by the Tribunal in the earlier order. In the Execution Application also, the Tribunal on 08.08.2023 had issued certain directions including the direction to the Additional Chief Secretary, Environment and Forest, Uttarakhand to furnish status on meetings/review conducted by the Committee under the Chairmanship of Chief Secretary, Uttarakhand in three weeks. After the order dated 08.08.2023, more than two months

have passed but the status as directed has not been furnished by the Additional Chief Secretary till now.

3. Learned Counsel for the applicant, in pursuance to the order of the Tribunal dated 04.09.2023, has prepared a chart pointing out pointwise non-compliance of the direction of the Tribunal. The chart clearly reflects the directions which have not been complied with till now.

4. Learned Counsel for the State of Uttarakhand as also the UKPCB seek time to examine the chart. Learned Counsel for the State of Uttarakhand submits that in terms of the direction of the Tribunal, the requisite status by the Additional Chief Secretary will be placed on record within two weeks.

5. The submission of the learned Counsel for the Applicant is that the directions issued by the Tribunal are being repeatedly ignored by the concerned authorities and unless the Tribunal fixes personal liability on the officer concerned and passes an order for recovery from the salary of the defaulting officer or entry in the confidential report of the concerned officer responsible for implementing the directions of the Tribunal, the order of the Tribunal will not be complied with. He has submitted that the extreme step of sending the defaulting officer to jail may not be taken but atleast effective steps be taken to ensure the compliance.

6. Let the appropriate steps be taken by the concerned authorities to comply the earlier directions of the Tribunal keeping in view the deficiencies which have been pointed out in the chart filed today, as also the submission of Counsel for applicant noted above.

7. List this matter on 05.01.2024.

Prakash Shrivastava, CP

Sudhir Agarwal, JM

Dr. A. Senthil Vel, EM

October 12, 2023
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