

Item No.8

Court No. 2

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

Original Application No. 622/2023

Hemant Sharma through
authorized representative
Harinder Sharma

Applicant

Versus

Narendra nath Gaur & Ors.

Respondent(s)

Date of hearing: 13.05.2024

**CORAM: HON'BLE MR. JUSTICE SUDHIR AGARWAL, JUDICIAL MEMBER
HON'BLE DR. AFROZ AHMAD, EXPERT MEMBER.**

Applicant: None

Respondents: Mr. Hmanshu Bhushan, Advocate for Moef (through VC).
Mr. Saurabh Balwani, Advocate for CPCB (through VC).
Mr. Rahul Khurana, Advocate for Respondent No. 9, 13 &
14.

ORDER

1. The complaint of felling of trees illegally by respondents 1 to 8 on a land measuring 21 acres comprising Khasra Nos. 32/26/4, 32/26/3, 32/9, 32/10, 32/11, 32/12, 32/19, 32/21, 32/22 and 32/24 in Village GhariKotah, Tehsil Raipur Rani, District Panchkula, Haryana gave rise to registration of this OA.

2. Notices were issued by Tribunal to all respondents vide order dated 09.10.2023. The applicant was also directed to take requisite steps for service of notices on respondents and to file affidavit of service.

3. Applicant filed compliance affidavit dated 28.10.2023 annexing copy of postal receipts. He stated that respondent have been served on their respective emails as well as through post.

4. However, in respect of postal receipts, tracking is not in record to show as to whether respondents 1 to 8 are served or not.

5. Rule 15 of National Green Tribunal (Practice and Procedure) Rules, 2011 provides following mode of service of notices upon the parties:

*“15. Service of notice and processes. — (1) Notices to be issued by the Tribunal may be served by any of the following modes-
(i) by hand delivery (dasti) to the party itself or to the authorised agent, as the case may be, through process server;
(ii) by registered post with acknowledgement due;
(iii) through the concerned head of Office of the same Department involved in the proceedings.”*

6. Since it is not clear, respondents 1 to 8, who are the actually affected parties, if any order is passed, are actually served, registry to take steps for service of notices upon respondents 1, and 3 to 8 in the manner prescribed by Rule 15 (1) (ii) of National Green Tribunal (Practices And Procedure) Rules, 2011, within 15 days.

7. Respondents 1, 3 to 8 may file their response, if any, within three weeks after service of notice.

8. As far as respondent 2 is concerned, we find from record that he himself has filed a reply dated 16.02.2024 stating that he received an email and after getting information of this proceedings, is filing a separate reply.

9. Today, neither respondent 2 is present nor represented through counsel.

10. Since respondent 2 is served and has already filed a reply, there is no need to issue notice to serve respondent 2 again and service is sufficient.

11. List this matter on 12th July, 2024.

Sudhir Agarwal, JM

Dr. Afroz Ahmad, EM

May 13th, 2024
O.A. No. 622/2023
PU