

**BEFORE THE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH, KOLKATA
(THROUGH PHYSICAL HEARING WITH HYBRID MODE)**

Original Application No.164/2023/EZ

All India Anti Corruption Organization

Applicant(s)

Versus

Union of India & Ors.

Respondent(s)

Date of hearing: 20.11.2023

**CORAM: HON'BLE MR. JUSTICE B. AMIT STHALEKAR, JUDICIAL MEMBER
HON'BLE DR. ARUN KUMAR VERMA, EXPERT MEMBER**

For Applicant(s) : Mr. Saheb Banerjee, Advocate (in Virtual Mode)

ORDER

1. Heard Mr. Saheb Banerjee, learned Counsel appearing (in Virtual Mode) on behalf of the Applicant.
2. This Original Application has been filed by the Applicant seeking directions to the Respondent Authorities for planting saplings on the side of the road along the National Highway by the National Highway Authority of India (NHAI). It is stated that the cause of action arose with the publication of the International Competitive Bidding (ICB) invited by the National Highway Authority of India (NHAI) on 23.12.2020 for six laning of National Corridor NH-19 from Panagarh to Kumardubi from Channel No.440, 441 to 521 in the State of West Bengal under Asansol, Jharkhand Border to be executed on BOT (Toll) basis. It is stated that Environmental Clearance (EC) was granted on 25.07.2012 and as per condition No.14, minimum five times of the number of trees cut shall be planted as part of afforestation by the National Highway Authority of India (NHAI). It is not stated anywhere in the Application that the work of six laning in this area has been completed. In fact, Mr. Saheb Banerjee, learned

Counsel for the Applicant submitted that the work of six laning is still going on.

3. It is stated that the Applicant was informed under the Right to Information Act that the total number of trees uprooted in the Barwa-Adda from Dhanbad to Panagarh for converting the existing 4 Lanes to 6 Lanes of National Highway-2, 27424 trees had been uprooted and therefore, compensatory afforestation should have been carried out to the extent of 82,272 trees but the Applicant has been informed that only 1466 number of trees have been planted in the stretch from Barwa-Adda to Panagarh which is in violation of the National Highways Authority of India Guidelines for implementing Green Highway Project dated 13.07.2017 (Annexure 'F' to the Original Application).
4. In our opinion, matter requires consideration.
5. We find that the Respondent Nos. 2, 3, 4, 5, 8, 11, 12, 14 and 15 are not necessary parties to the Original Application and are therefore directed to be deleted from the array of Respondents.
6. Issue notice to the Remaining Respondents, returnable within four weeks.
7. Mr. Ashok Prasad, learned Counsel is directed to accept notice on behalf of the Respondent No.1, Ministry of Road Transport and Highways, Government of India.
8. Mr. Surendra Kumar, learned Counsel is directed to accept notice on behalf of the Respondent No.6, Central Pollution Control Board.
9. Mr. Dipanjan Ghosh, learned Counsel is directed to accept notice on behalf of the Respondent No.10, West Bengal Pollution Control Board.

10. Mr. Rajib Ray, learned Counsel is directed to accept notice on behalf of the Respondent Nos.13 and 17, State Respondents, Government of West Bengal.
11. Ms. Rashmi Singhee, learned Counsel is directed to accept notice on behalf of the Respondent No.16, Ministry of Environment, Forests and Climate Change (MoEF&CC).
12. Issue notice to the Respondent Nos.7 and 9, National Highways Authority of India (NHAI), returnable within four weeks.
13. The said Respondents shall file their counter-affidavits within four weeks.
14. Mr. Saheb Banerjee, learned Counsel for the Applicant shall serve e-copy/soft copy of the Original Application along with all its annexures upon Mr. Ashok Prasad, Mr. Surendra Kumar, Mr. Dipanjan Ghosh, Mr. Rajib Ray and Ms. Rashmi Singhee, learned Counsel for the Respondents within 24 hours.
15. **List on 04.01.2024.**

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B. Amit Sthalekar, JM

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Dr. Arun Kumar Verma, EM

November 20, 2023,
Original Application No.164/2023/EZ
SKB