BEFORE THE NATIONAL GREEN TRIBUNAL, PRINCIPAL BENCH, NEW DELHI

M. A. No. 787 OF 2015 Original Application No. 38 of 2011

Rohit Choudhary Vs. Union of India & Ors.

CORAM : HON'BLE MR. JUSTICE SWATANTER KUMAR, CHAIRPERSON HON'BLE MR. JUSTICE M.S. NAMBIAR, JUDICIAL MEMBER HON'BLE DR. D.K. AGRAWAL, EXPERT MEMBER HON'BLE PROF. A.R. YOUSUF, EXPERT MEMBER

Date

and

Present:	Applicant:	Ms. Maneka Kaur, Adv.
	Respondent No. 1:	Ms. Panchajanya Batra Singh, Adv.
	Respondent No. 2:	Mr. Navnit Kumar and Ms. Deepika Ghatowar, Advs.
	Respondent No. 4:	Mr. Parijat Singh, Mr. R.R. Sinha and Mr. T.K. Majumdar, Advs.

Orders of the Tribunal

Remarks Item No. M. A. No. 787 OF 2015 01 August 10, Learned counsel appearing for State of Assam 2015 Α submits that Assam Pollution Control Board would be a necessary and proper party. According to him for deciding the issues involved in the case finally, it would be necessary to hear the Pollution Control Board as well. The request is not opposed by any Learned counsel appearing for the parties. Consequently, we direct the impleadment of Assam Pollution Control Board as Respondent No. 5 in the main matter. Learned counsel appearing for MoEF has brought to

our notice a letter issued by the Divisional Forest Officer, Golaghat Division at Golaghat to the Deputy Commissioner, Golaghat stating that the land acquired by the Numaligarh Refinery Limited is in clear violation of the established laws, rules and conditions. According to these Officers the whole areas are acting together to preserve the bio-diversity available there. The allotment of the land, subsequent constructions of huge boundary wall raised by the said Refinery have been proving disastrous to such natural system. There are number of alternatives for the Refinery. The loss of critical forest, animal corridors, biodiversity, and eco system cannot be re-created. The Refinery should have developed waste land and build its township and definitely not by destroying eco-sensitive area. This letter depicts the sensitive and substantialties of the environmental issue involved and even support the case of the Application to a large extent.

Learned counsel appearing for the Numaligarh Refinery Limited submits that some facts of this letter are not correct and he wishes to file the Reply. Learned counsel appearing for other Respondents also pray for time to file Reply. Let the Replies be filed within two weeks from today with advance copies to the Learned counsel appearing for the Applicant who may file Rejoinder(s) thereto, if any, within one week thereafter.

Interim order dated 05th August, 2015 would continue.

We further direct that no activity of any kind would be carried by Numaligarh Refinery Limited in the nodevelopment zone in the Kaziranga National Park untill further orders.

The State of Assam shall produce original records including any environmental clearance and clearance from the National wildlife Board, if given.

