

**BEFORE THE NATIONAL GREEN TRIBUNAL, CENTRAL ZONAL BENCH,  
BHOPAL**

**Appeal No. 10/2013 (CZ)  
Bhagat Ram Sahu & Ors. Vs. Union of India & Ors.**

**CORAM :** HON'BLE MR. JUSTICE DALIP SINGH, JUDICIAL MEMBER  
HON'BLE MR. BIKRAM SINGH SAJWAN, EXPERT MEMBER

**PRESENT :** Appellant : In person  
Respondent No. 1 : Mr. Om Shankar Shrivatava, Advocate  
Respondent No. 2 : Ms. Parul Bhadoria, Advocate for  
Mr. Purushaindra Kaurav, Advocate  
Respondent No. 3&4: Mr. Rohit Sharma, Advocate for  
Mr. S.S.Chouhan, Advocate  
Respondent No. 5 : Mr. Dharamvir Sharma, Advocate  
Mr. Jatin Joshi, Advocate

Date and Remarks	Orders of the Tribunal
<p><b>Order No. 12</b> <b>14<sup>th</sup> July, 2015</b></p>	<p>We have heard the Appellant Bhagat Ram Sahu alongwith Lalji Gaikwad, Ms. Vinchin as well as the Learned Counsel for the Respondents.</p> <p>In our order dated 03.09.2014, after detailed discussion, it was decided that the tube-well in the Village shall be made operational and an electric motor along with electric connection will be made available by Respondent No. 5 for the benefit of the villagers of Paraswani Village. It has been submitted by the Learned Counsel appearing for Respondent No. 5 and also agreed by the Appellant that the tube-well has infact been installed and made operational with the electric connection. The electric line has been installed from the source of the Electricity Department and bills for the same are being paid by Respondent No. 5 /Company.</p> <p>The second issue which was identified for the benefit of the villagers by way of CSR activity was in respect of providing water storage tank and filling the same twice a day (morning &amp; evening). The Respondent in their reply filed in November, 2014 have pointed out that there are already two syntax tanks provided by the Government under the Spot Source Scheme of the State Government. However, it is given out that two syntax tanks installed under the scheme are inadequate. In view of the above, we direct once again</p>

that the Respondent Company shall provide two water storage syntax or similar tanks of 1000 ltrs capacity each. The same shall be filled twice as already directed in our order of 03.09.2014 for the benefit of the villagers. This work will be completed within a period 15 days.

The third direction that was given was with regard to providing scholarship to atleast 10 students. It is submitted that the Company has framed a scheme for providing scholarship for atleast 20 students in addition to the 118 students. The Company is directed to submit a list of such students with their names, father's name as well as the name of their school. The said information be provided on or before the next date.

In addition, it had been directed in our order dated 03.09.2014 that the Company would provide transportation facility (school bus) for the students going to the nearby Sr. Secondary School. It is given out that the said school is located at Village Hirmi and so far, the transportation facility has not been provided. Learned Counsel for the Company submits that they would be willing to provide cycle to such students.

We are of the view that the aforesaid proposal is not feasible as the question of providing cycle to new set of students would occur every year. In view of the above, we direct that the Company shall either itself provide or engage a suitable transportation facility by way of school bus / school van depending upon the number of students going to Sr. Secondary School at Village Hirmi as well as returning to their village. This facility shall be provided within 15 days.

The next issue pertains to carrying out extensive plantation. In the affidavit filed by the Company, it has been pleaded on behalf of the Respondent No. 5 that already existing plantation is there and more plantation would be carried out. The Company is directed to file affidavit giving the details of the areas on which plantation is to be carried out, the number of trees which it intends to plant and steps

being taken by the Company for protection and maintenance including watering of the trees for the next three years and number of labours engaged for the aforesaid purpose. The Company shall also give details of the species of plant / trees which it intends to plant. The said information be furnished by the next date. Looking to the aforesaid fact that we are already in the monsoon season 2015, the Company shall take these steps immediately.

Another issue was with regard to plantation of the construction of the road as directed in the order dated 03.09.2014. The work is reported to be incomplete so far and out of the 3 kms road, 2.5 kms is reported to have been completed. However, this position is disputed by the Appellant. We direct that the Respondent / Company shall ensure the completion of the road which has been informed in Annexure R5/13 and mentioned in our order of 03.09.2014. This work to be completed as soon as possible and preferably within two months from today.

Along the roads, the Company will be carrying out extensive plantation of shady trees.

The issue with regard to repair of the houses was considered in our order of 22.04.2015 and in the Appeal, names of 12 persons whose houses were damaged, had been given. Out of the 12, nine persons have given their consent and the Company had been directed to carry out repairs in respect of those 9 persons, as mentioned in our order of 06.05.2015. As regards the remaining three, they were directed to give their consents which has so far not been given. The Appellant No. 1, who is present has initially submitted that the amount of Res. 30,000/- which had been identified for carrying out the repairs may be given and a corpus of 3,60,000/- be created in favour of the villagers for the aforesaid purpose as there are other persons as well apart from the 12 persons named in the Appeal. We are afraid that we cannot agree to the aforesaid request. Out of the 12

persons, each individual shall within the next two weeks approach the Company through the Sarpanch for giving his consent for carrying out the repairs and the Company has already engaged the service of M/s R.P.Pataskar, Raipur for the aforesaid task. The Company / Respondent No. 5 shall intimate to the contractor the willingness of the said affected persons and get the said work executed as early as possible, preferably within two months from today. The consents be given within a period of 10 days. It is made clear that out of the 9 persons, whose consents are given, the construction shall be carried out by way of repair. As a last opportunity, in the case of remaining, three persons, also decide to have their houses repaired, they may also give their willingness to the Company through the Sarpanch for the same. If no such consent is given to the Company within a period of 10 days, no further opportunity will be given to get houses repaired of these three persons as named in the Appeal. As regards the damage to the property of any other person of the village, opportunity will be given to the villagers of the village whose property has been damaged as a result of the activities of the Company when they may approach this Tribunal by way of application under Section 15 of National Green Tribunal Act, 2010.

**In view of the above, the Appeal No. 10 of 2013 stands disposed of. The matter shall be placed for noting compliance and for further direction, if necessary on 5<sup>th</sup> October, 2015.**

.....JM  
(DALIP SINGH)

.....EM  
(BIKRAM SINGH SAJWAN)