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Court Matter/Urgnt
By FAX/By e-Mail

Mr. Parida, Gls.
Request sent to
upload in forest dept.
website
29.11.18

Government of Odisha
Forest and Environment Department

No. 25455 /F &E., Dt. 26.11.18
10F(Legal)-31/2018

PRINCIPAL CHIEF CONSERVATOR OF FORESTS
ODISHA, BHUBANESWAR
28 NOV 2018
36498 G

From

Sri Muralidhar Dhal,
Under Secretary to Government

To

The Principal Chief Conservator of Forests, Odisha
Bhubaneswar

Sub:

OA No. 489/2014 (Review Application No.43/2018) Indian
Institute of Sustainable Development-vrs-Union of India & Others.

Sir,

I am directed to enclose herewith, a copy of the orders of Tribunal dtd.09-10-2017, dtd.10-10-2018 and a copy of the letter No.F. No.8-1/2015-FPD(pt) dtd. 05-02-2018 received from Government of India,MoEF&CC (Forest Protection Division) on the subject cited above and to say that the Hon'ble Tribunal has dismissed the Review application No.43/2018 on the above mentioned case vide the order dtd. 10-10-2018.The Hon'ble Tribunal has also directed that it shall also be placed on the website of all the Forest Department of the respective states/Union Territories for its implementation.

You are therefore, requested to kindly upload the advisory dtd. 05-02-2018 of Govt. of India, MoEF &CC, New Delhi, in our website for information of all concerned.

Yours faithfully

M. Dhal
26.11.18

Under Secretary to Government

Memo No. 25456 /F&E,Dated 26.11.18

Copy forwarded to Government of India,MoEF&CC (Forest Protection Division),5th Floor, Agni Wing,Indira Paryavaran Bhawan,Jor Bagh, Lodhi Colony,New Delhi-110003 for information with reference to their Letter No. F.No.8-1/2015-FPD(pt) dtd 05-02-2018.

PSM
CF (F&E)
Def (G.P.)
CF (F&E)

M. Dhal
26.11.18

Under Secretary to Government

BEFORE THE NATIONAL GREEN TRIBUNAL,
PRINCIPAL BENCH, NEW DELHI

29.11.18 39

Original Application No. 489/2014
(M.A. No. 803/2014 & M.A. No. 934/2015)

Indian Institute of Sustainable Development
Vs.
U.O.I. & Ors.

CORAM:

HON'BLE MR. JUSTICE SWATANTER KUMAR, CHAIRPERSON
HON'BLE DR. JUSTICE JAWAD RAHIM, JUDICIAL MEMBER
HON'BLE MR. JUSTICE RAGHUVENDRA S. RATHORE, JUDICIAL MEMBER
HON'BLE MR. BIKRAM SINGH SAJWAN, EXPERT MEMBER

Present: Applicant/Appellant(s) : Ms. Sharadha Karol, Adv with Dr. Srikantha K. Panigrahi DG, IISD
State of Meghalaya : Ms. Aprajita Mukerjee, Adv
State of UP : Mr. Utkarsh Sharma, Adv
State of Arunachal Pradesh : Mr. Anil Srivastava, Ms. Sujaya Bardhan, Adv
State of Tamil Nadu : Mr. R. Rakesh Sharma, adv and Mr. V. Mowli, Adv.
State of Kerala : Mr. G. Prakash with Mr. Jishnu M.L, Adv
State of Tripura : Mr. Gopal Singh and Mr. Rituraj Biswas, Adv.
State of Goa : Mr. Ruchira Gupta Adv. Mr. Anurag Sharma Adv.
MoEF : Mr. Rahul Pratap Adv.
 : Mr. Rahul Verma AAG and Mr. Jaswant Singh Adv.

Date and Remarks	Orders of the Tribunal
Item No. 92 October 09, 2017	<p>We have heard the Learned Counsel appearing for the parties.</p> <p>In the present O.A. the applicant prays that there should be ban on charcoal as a fuel raw material in the industry.</p> <p>It is further prayed that the respondents be directed to forthwith prepare a Forest Management Plan to implement the same.</p> <p>It is also prayed that appropriate action should be taken against the defaulter and illegal felling of trees in India.</p> <p>During the pendency of the present application under the directions issued by the Tribunal Indian Institute of Forest Management has prepared a detailed</p>

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report and guidelines they were submitted to the MoEF &CC. The ministry has approved the same. However the applicant submits that they have certain suggestions which would serve the cause of the environment and protection of the forest and appropriate regulation on use of charcoal as a fuel.

The same has been taken on record and copy thereof has been provided to the Learned Counsel for MoEF.

We direct that within four weeks from today the MOEF shall consider the suggestion made by the applicant and examine if it requires, if any amendments as suggested by the applicant, the required amendment be made as per the guidelines.

Keeping in mind that the protection of the forest and stoppage of illegal felling of trees for the purpose of its use as fuel. After appropriate amendments are incorporated MoEF shall notify the same and put on its website and it shall also be placed on the website of all the Forest Department of the respective States /Union Territories for its implementation.

With the above directions the O. A. No. 489/2014 stands disposed of with no order cost.

M. A. No. 803/2014 and M. A. No. 934/2015 do not survive for consideration as the main application itself stand disposed of.

.....CP
(Swatanter Kumar)

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.....
(Dr. Jawad Rahim)



PRINCIPAL BENCH, NEW DELHI

Review Application No. 43/2018
(M.A. No. 1411/2018)

29.11.18 507

In
Execution Application No. 41/2018
IN
Original Application No. 489/2014

IN THE MATTER OF:

Indian Institute of Sustainable Development
Vs.
Union of India & Ors.

CORAM : HON'BLE MR. JUSTICE ADARSH KUMAR GOEL, CHAIRPERSON
HON'BLE DR. JUSTICE JAWAD RAHIM, JUDICIAL MEMBER
HON'BLE MR. JUSTICE S.P. WANGDI, JUDICIAL MEMBER
HON'BLE DR. NAGIN NANDA, EXPERT MEMBER

	Date and Remarks	Orders of the Tribunal In Chambers by Circulation
<p>A K. M. Kelkar 22/10/18</p> <p>22/11/18</p> <p>22/11/18</p>	<p>Item No. 01</p> <p>October 10, 2018 DV</p>	<p>1. In this application, review has been sought for by the applicant, Indian institute of Sustainable Development, of the order dated 13.08.2018 in Execution Application No. 41/2018 arising out of Original Application No. 489/2014 by which the Ministry of Environment, Forests and Climate Change (MoEF&CC) had been directed to issue further order/notification in the light of the suggestions submitted by the applicant during the course of the proceedings.</p> <p>2. It is stated that considering the fact that the Ministry had issued an advisory dated 05.02.2018 and duly notified on the website in compliance of the Tribunal's Order dated 09.10.2017, additional Notification in terms of the applicant's suggestions was redundant as the suggestions only reiterated a report of the Indian Institute of Forest Management, Bhopal, which was also the basis in issuing the advisories by the MoEF&CC.</p>

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Item No.
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October
10, 2018
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stated in the review application and we are of the view that no review is called for as the order was passed keeping in view the averments made on behalf of the MoEF&CC as would reveal from para 4 of the impugned order.

4. In view of the above, review application stands dismissed. No order as to costs.

....., CP
(Adarsh Kumar Goel)

....., JM
(Dr. Jawad Rahim)

....., JM
(S.P. Wangdi)

....., EM
(Dr. Nagin Nanda)

10.10.2018

COURT MATTER
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F. No. 8-1/2015-FPD (PL)
Government of India
Ministry of Environment, Forests and Climate Change
(Forest Protection Division)

5th Floor, Agni Wing,
Indira Paryavaran Bhawan,
Jor Bagh, Lodhi Colony,
New Delhi - 110003
Dated: 5th February, 2018

The Chief Secretary,
Government of all States / UTs.



Sub: O. No. 489/2014, in the matter of Indian Institute of Sustainable Development vs Union of India & others - advisory for strengthening forest protection and monitoring system to check illegal felling of trees for charcoal making and exploring the possibilities of use of alternatives for wood based charcoal - regarding.

Sir / Madam,

The Indian Institute of Forest Management (IIFM), Bhopal in its study in the above mentioned subject inter-alia recommended to address any instances of alleged deforestation due to charcoal production, the forest protection and monitoring system may further be strengthened and the possibilities of use of alternatives for wood based charcoal may be explored (some of the industry wise alternatives as suggested by IIFM Bhopal is given in the annexure).

2. In the light of above, the State Forest Departments are requested to be more vigilant and enhance the forest protection and monitoring system especially in the areas of charcoal industries in an effort to prevent any illegal felling of trees for the purpose of charcoal making. It is also requested to monitor the source of wood for charcoal industries.

3. Further, it is also requested that the States/UTs may take up the matter with all industries using wood- charcoal to explore possibilities of adopting the alternatives suggested by IIFM in their report. (The industry wise alternatives suggested by the IIFM, Bhopal is given in the Annexure).

4. States/ UTs also should ensure that the process of wood- charcoal making and the industries using wood- charcoal do not violate any prescribed environmental regulations/ norms.

ACS, F&E

Yours sincerely,

[Signature]
05.02.18

(S. Flaminugannan)

Asst. Inspector General of Forests (FPD)

fpdmoef@gmail.com

Tel. No. 011-24695459.

Encl: (as above).

Copy for information and with request to upload in your official websites to:

1. Chairman, Central Pollution Control Board.
2. Principal Chief Conservator of Forests (HoFF), Government of All States / UTs.
3. Chairman, State Pollution Control Boards, all States / UTs.

FOREST
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