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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ W.P.(C) 11027/2018 & CM No. 42938/2018

**SOCIAL ACTION FOR FOREST AND
ENVIRONMENT**

..... Petitioner

Through: Mr Sacchin Puri, Sr. Advocate with
Mr Vanshdeep Dalmia, Mr I. K.
Kapila, Mr Navroop Singh Bakshi,
Mr Dhananjay Grover and Mr Wamil
Khan, Advocates.

versus

**UNION OF INDIA THROUGH SECRETARY,
GOVT. OF INDIA, MINISTRY OF ENVIRONMENT,
FOREST & CLIMATE CHANGE**

..... Respondent

Through: Ms Monika Arora, CGSC with Mr
Harsh Ahuja and Mr Kushal Kumar,
Advocates for R-1/UOI.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

% **01.11.2018**

1. The petitioner has filed the present petition, *inter alia*, praying as under:-

“(a) Issue an appropriate Writ in the nature of Certiorari quashing the Impugned draft notification dated 13.03.2018, issued by the Respondent, MoEF; and

(b) Issue an appropriate Writ in the nature of Mandamus directing the Respondent to consider all objections or suggestions received by them under Rule 5 of the Environment (Protection) Rules, 1986 and as mentioned in Annexure A-7, before notifying the contents of the draft Notification dated 13.03.2018; and”

2. The petitioner's grievance is in relation to a Notification dated 13.03.2018, whereby a draft Notification is placed in the public domain for inviting objections to the proposed Notification. In terms of the said draft Notification, the respondents seek to amend an earlier Notification, to exclude buildings beyond 20,000 sq. mtrs. and less than 50,000 sq. mtrs. from the obligation of conducting an Environment Impact Assessment (EIA).

3. It is the petitioner's case that more than 2000 objections have been furnished to the respondent against the said draft Notification and the petitioner has documentary proof to establish the same. However, the information received by the petitioner, pursuant to an application filed under the Right to Information Act, 2005, indicates that the respondent has only received 1196 objections. In view of the above, the petitioner apprehends that the respondents will overlook other objections and issue the final Notification. According to the petitioner, the same would be pernicious to the environment if the requirement of EIA is relaxed as proposed.

4. It is also pointed out that an earlier Notification relaxing the rigors of similar Notification had also been quashed by the National Green Tribunal.

5. This Court is not inclined to interfere with the draft Notification at this stage. As is apparent, the draft Notification is put in public domain for inviting representations/objections and the respondents are required to examine all objections before considering to finalise the same. Insofar as the petitioner's apprehension that the objections furnished to the respondents will not be considered, the same can be allayed by permitting the petitioner to furnish details of the same. The respondent will examine the all such objections/representation before taking a final view. The petitioner is also

granted liberty to make a detailed representation within a period of four weeks from today. The respondent shall also consider the same while taking an informed decision with regard to the draft Notification.

6. The petition is disposed of in the above terms. The pending applications is also disposed of.

7. Needless to state that all rights and contentions of the parties are open and in the event, the petitioner is aggrieved by the Notification as finally issued, the petitioner is not precluded from availing such remedies as available in law.

VIBHU BAKHRU, J

NOVEMBER 01, 2018

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