

A T.N. GODAVARAMAN THIRUMULPAD

v.

UNION OF INDIA AND ORS.

I.As. No. 826 etc.

IN

B (Writ Petition © No. 202 of 1955)

MAY 9, 2008

[K.G. BALAKRISHNAN, CJI, DR. ARIJIT PASAYAT AND  
S.H. KAPADIA, JJ]

C s.3(3) - ENVIRONMENT PROTECTION ACT, 1986:

*Central Empowered Committee – Exemption sought to use forest areas in developmental activities for non-forest purposes – Payment of Net Present Value - Order of Supreme Court dated 28.3.2008 - Corrections of typographical errors at pages 10 and 11 - HELD: Pages 10 and 11 of the order shall stand substituted as shown in the instant order - Recommendations for exemption are accordingly accepted - If, in any case, exemption is required by nature of the peculiar circumstances of the case, the same would be decided as and when necessary on a case to case basis.*

*T.N. Godavarman Thirumulpad vs Union of India and Ors. [2008] 6 SCR 321 – refused to*

F I.A. Nos. 826 IN 566 WITH 955 IN 566, 958, 985, 1001-1001A, 1013-14, 1016-1018, 1019, 1046, 1047, 1135-1136, 1164, 1180-1181, 1182-1183, 1196, 1208-1209, 1222-1223, 1224-1225, 1229, 1233 IN 1135-1136, 1248-1249, 1253, 1301-1302, 1303-1304, 1312, 1313, 1314, 1318, 1319 IN 1137, 1325, 1364, 1365-1366, 1370-1370A, 1371, 1384, 1385-1386, 1387, G 1434, 1435-1437, 1438, 1441 WITH 1634, 1475-1476, 1513, 1573, 1639 IN 1135-1136 IN IA 566, 1664, 1665, 1671, 1676, 1707, 1721, 1779 IN 1164 IN 566, 1785-1786 IN I.A. NO. 1441, 1980-1981, 1993, 2013, 2074-2076, 2077-2078 IN 1441 & 2098 IN 1233 IN 1135-1136, 2145-2146, 2147-2148, 2149-

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2150 & 2153-2154 IN I.A. 566 IN W.P.(C) NO. 202/1995

G.E. Vahanvati, S.G., A. Sharan, ASG, Harsh, N. Salve, Uday U. Lalit, T.S. Doabia, Ranjit Kumar, K.K. Venugopal, Mukul Rohtagi, P.S. Patwalia, Altaf Ahmed, V.A. Mohta, S.B. Upadhyay, Ranjit Kumar, Dr, Rajiv Dhavan, Rajesh (for K. Rajeev), A.V. Savant, Anil Diwan, Siddhartha Chowdhary, A.D.N. Rao, P.K. Manohar, Shakun Sharma, Rukhmini Bobde, Harris Beeran, Rekha Pandey, Alka Sharma, D.D. Kamat, A.Mariarputham, P. Parmeswaran, Ambika Das, Sunil Roy (for D.S. Mahra), Asha G. Nair (for D.S. Mahra), Anip Sachthey, Mohit Paul, Sanjay R. Hegde, A. Rohen Singh. Amit Kr. Chawla, Manohar Lal Sharma, Rajgopal N. (for Debasis Misra), Arvind Kr. Sharma, Saurabh Mishra, S.W.A. Qadri, B.K. Prasad, Anuradha Dutta, Vijayalakshmi Menon, Naveen Kr. Singh, Shashwat Gupta, (for Aruneshwar Gupta, AAG), Sunil Dogra, S.U.K. Sagar, Bina Madhavan (for M/s. Lawyers Knit & Co.), Ajay Sharma, Ms Tasleem Ahmadi, R.S. Jena, Ms. Nidhi Minocha, Adesh Sharma, Rajesh Srivastava, Anurag Sharma, Ms. Ratna Kaul, Prashant Kumar (for M/s. APJ Chambers), Manjit Singh, T.V. George, Dhruv Mehta, Harshvardhan Jha, Yashraj S. Deora, Gulshan Sharma (for M/s. K.L. Mehta & Co.) Satinder S. Gulati, Kamaldeep Gulati, Amanpreet Singh Rahi, M.L.Lahoty, Vikas Mahajan, D.B. Vohra, Aruna Gupta, Sumita Hazarika, S.C. Patel, P. Parmeswaran, J.T. Gilda, Manish Pitale (for C.S. Ashri). Neeraj Malhotra. Nikhil Nayyar, Ankit Singhal, T.V.S. Raghavendra Sreyas, Anisha Upadhyay, Shiv Mangal Sharma (for sharmila Upadhyay), Rajesh R. Dubey, Santosh Mishra, Anisha Upadhyay, C.P. Sharma, Geeta Sharma, Santosh Singh, B.S. Banthia, Vikas Upadhyay, Vivek Gupta, Shaket Agarwal, Ashish Dholakia, Adarsh Priyadarshini, S. Sukumaran, Rajesh (for K. Rajeev), Aruna Gupta, Sumita Hazarika, Amit Pudusser, G. Prakash, Umopathy. N. M. Popli, A. Subhashini, Anil Kr. Jha, Rani Chhabra (for M/s. Khaitan & Co.) A. Rohen Singh, Amit Kr. Chawla, KH. Nobin Singh, Momta Oinam (for M/s. Corporate I aw Group), K.N. Madhusoodhanan, R. Sathish, Anil Shrivastav, Ritu Raj, Gopal Singh, Harish Kumar Puri, Anil Katiyar, Abhijit P.

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- A Medh, Anil Nag. Naresh Kumar. A.K. Sinha, Chirag, M. Shroff  
Ajay Pal, Raj Kumar Mehta. Mragank. M. Nalini Pal, Vishnu B.  
Saharya (for M/s. Saharya & Co.) B.P. Singh, Sanjeev Kumar,  
Sarla Chandra, Mukesh K. Giri Ajit Kr. Sinha Ambhoj Kr. Sinha,  
Himinder Lal, Anis Suhrawady, V.B. Joshi, Kailash Pandey,  
B Shuchi Singh, K.V. Viswanathan, B. Raghunath, Vijay Kumar,  
Jayant Mohan, Rahul Pratap (for Dr. Kailash Chand), Vijay  
Panjwani, Pallav Sisodia, R.A. Malandar, S.C. Patel, Subhashish  
Bhowmick, Tajas Patel, Akhil Sibal, Krishna, R.N. Karanjawala,  
Manik Karanjawala, Nandini Gore, Debmalya Banerjee, Sonia  
C Nigam, Hemantika Wahi, Pinky, Jesal for the Appearing parties.

The Order of the Court was delivered by

- D On 28<sup>th</sup> March, 2008, we had passed an order regarding  
payment of Net Present Value (NPV) accepting the recommen-  
dations made by CEC which were more or less acceptable to  
MoEF. In that order we had also indicated that exemptions  
from payment of NPV have to be granted in respect of certain  
E categories. However, it is brought to our notice that certain ty-  
pographical mistakes had crept in that order as to categories  
to which such exemptions are to be granted. Therefore, we di-  
rect that as regards exemptions from payment of NPV, the last  
part of that order reading "*We are of the view..... (x)*  
*construction of the transmission lines*" on pages 10 to 11 shall  
stand substituted with the following :-

F	Category	CEC
G	i) Schools	Full exemption upto 1 ha. of forest land provided : (a) no felling of trees is involved; (b) alternate forest land is not available; (c) the project is of non- commercial nature
	ii) Hospitals	
	iii) Children's play ground of non commercial nature	
	iv) Community centres in rural areas	
	v) Over-head tanks	
	vi) Village tanks,	

<p>vii) Laying of underground drinking water pipeline upto 4 diameter and viii) Electricity distribution line upto 22 KV in rural areas.</p>	<p>and is part of the Plan/ Non-Plan Scheme of Government; and (d) the area is outside National Park/Sanctuary</p>
<p>Relocation of villages from the National Parks/Sanctuary to alternate forest land</p>	<p>Full Exemption</p>
<p>Collection of boulders/silts from the river belts in the forest area</p>	<p>Full exemption provided : (a) area is outside National Park/Sanctuary; (b) no mining lease is approved/signed in respect of this area; (c) the works including the sale of boulders/silt are carried out departmentally or through Government undertaking or through the Economic Development Committee or Joint Forest Management Committee; (d) the activity is necessary for conservation and protection of forests; and (e) the sale proceeds are used for protection/conservation of forests</p>

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A	Laying of underground optical fibre cable	Full exemption provided :  (a) no felling of trees is involved; and  (b) areas falls outside National Park/Sanctuary
B	Pre-1980 regularisation of encroachments and conversion of forest villages into revenue villages  Underground mining	Full exemption provided these are strictly in accordance with MoEF's Guidelines dated 18.9.1990.  50% of the NPV of the entire area
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The above recommendations for exemptions are accepted. If, in any case, exemption is required by nature of the peculiar circumstances of the case, the same would be decided as and when necessary on a case to case basis.

R.P.

I.A. disposed of.