

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

M.A.No. 469/2015 & 414/2015

in

Original Application No. 135/2014 (CZ)

Dr. Subhash C. Pandey & 2 Ors. Vs. State of MP & 6 Ors.

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

PRESENT : Applicant: Dr. Subhash C. Pandey
Respondents 1, 3 & 4: Shri Sachin K. Verma, Advocate
Intervener : Shri Shantanoo Saxena, Advocate
Appl. In M.A. 469/2015: Shri Yogesh Shukla, Advocate
MPPCB: Ms. Parul Bhadoria Bhadoria, Advocate
Municipal Council : Shri Ayush Dev Bajpai, Advocate

Date and Remarks	Orders of the Tribunal
Item No. 13 16th September, 2015	<p style="text-align: center;"><u>M.A.No. 469/2015</u></p> <p>Shri Yogesh Shukla, Learned Counsel who has filed Misc. Application No. 469/2015 submits that he does not wish to press his application dtd. 19.08.2015 as he would like to challenge the judgment itself by filing an appeal.</p> <p>In view of the above, Misc. Application No. 469/2015 accordingly stands disposed of.</p> <p>Shri Sachin K. Verma Learned Counsel for the State and the Applicant BDA in M.A. No. 414/2015 when asked as to whether the Respondents have made compliance in terms of the judgement submitted that for seeing the compliance the matter is fixed on 07.10.2015 as such so far as the compliance is concerned he submits that he will make the submissions on behalf of the State and the District Administration respond on 07.10.2015.</p> <p>In that view of the matter, we are of the view that the applications filed by the different parties including BDA seeking relaxation/vacation of injunction against construction cannot be looked into without having noticed the compliance of the directions contained in the judgement. Since the Counsel for the State submits</p>

he will make his submission on 07.10.2015 the application submitted by various parties shall also be considered on 07.10.2015.

Shri Ajay Singh Chauhan appears in person and submits that his wife is one of the Applicants for the residential units constructed by the BDA and for which his wife has applied for loan from the Central Bank of India. On account of the delay in handing over possession as a result of the orders of this Tribunal, the Applicant and his family are suffering dual hardship, as on the one hand they are not getting possession and on the other they are made to pay the instalments (EMI).

So far as the grievance of the Applicant is concerned, the delay as we have already said is attributable to the non-compliance of the directions of this Tribunal contained in the judgement of August 2014. The liability therefore, for such financial loss or hardship needs to be borne by the State and its functionary. We would accordingly therefore, direct the State to either fix the responsibility on the officers who have been responsible for not having complied with the direction within time and submit the details of such officers before this Tribunal on 07.10.2015 so that their individual personal responsibility can be fixed and the amount recovered by way of penalty from such officers to be paid into the accounts of such persons who have made the application and have been deprived of the possession of the property.

Let the matter be listed on **7th October, 2015**.

.....,JM
(DALIP SINGH)

.....,EM
(BIKRAM SINGH SAJWAN)