

**BEFORE THE NATIONAL GREEN TRIBUNAL**

**SOUTHERN ZONE, CHENNAI**

**Application No. 414 of 2013 (SZ)**

**In the matter of:**

Coorg Wildlife Society through its  
Secretary  
P.B.No. 111, Near D.F.O Quarters  
Chain Gate  
Madikeri-571 201  
Karnataka State

सत्यमेव जयते

Applicant

AND

1. State of Karnataka  
through its Chief Secretary  
M.S. Building  
Dr. Ambedkar Veedi  
Bangalore-560 001
2. Union of India  
through the Secretary  
Ministry of Environment and Forests  
Paryavaran Bhawan, C.G.O. Complex  
Lodhi Road, New Delhi- 110 003
3. Power Grid Corporation  
through its General Manager  
Registered Office at B-9  
Qutub Institutional Area  
Katwaria Sarai, New Delhi-110 016

.. Respondents

Counsel appearing:

Applicant: M/s. Ritwick Dutta, Rahul Chodhary and Parul Gupta, Advocates

Respondents: M/s. M. K. Subramanian and M.R. Gokul Krishnan, Advocates for respondent No. 1; Srimathi C. Sangamithirai, Advocate for Respondent No. 2; M/s. Aiyar and Dolia, V. Kalyanaraman and J. Parimalam, Advocates for respondent No. 3.

**ORDER**

**Present:**

- 1. Hon'ble Shri Justice M. Chockalingam, Judicial Member**
- 2. Hon'ble Prof. Dr. R. Nagendran, Expert Member**

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**Dated, 7th July, 2014**

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**Hon'ble Shri Justice M. Chockalingam, Judicial Member**

This application has been filed by the applicant herein, who is a non-government, non-profit organization registered in Madikeri set up to disseminate information about wildlife and environment. The applicant is representing all the persons who are affected by the present alignment of the Mysore-Kozhikode 400 kV double transmission high tension power line (HTPL) in Kodagu District and who state to be 'person aggrieved' under the National Green Tribunal Act, 2010 (NGT Act). This application has been filed alleging the environmental damage being caused to the pristine ecology of Kodagu district in the State of Karnataka due to the setting up of 400 kV HTPL in Mysore-Kozhikode laid by the 3<sup>rd</sup> respondent herein under section 2(m) (i) (A) and (B) of the NGT Act, since the same involves a substantial question related to environment. The applicant further avers that a writ petition was filed before the Hon'ble High Court of Karnataka

which was subsequently withdrawn seeking liberty to file before this Tribunal in view of the decision of the Hon'ble Supreme Court of India in *Bhopal Gas Peedith Case* and also because of the principal legislation involved in this case is the Forest (Conservation) Act, 1980 which is included in Schedule I of the NGT Act. The brief facts of the case as found in the application are as follows:

2. The 3<sup>rd</sup> respondent herein , the Power Grid Corporation of India Limited, is constructing 400 kV HTPL for transmitting power from Kaiga Nuclear Power Plant in Uttar Karnataka to Kozhikode in Kerala State. For this the shortest route would be through Nagarhole National Park. However, in order to avoid the National Park, the transmission line passes close to Hunsur and Piriapatna and then goes to Doddaharve Forest in Hunsur Division, Dubare Reserve Forest in Madikeri Division and Devmachi Reserve Forest in Virajpet Division, After passing through Devmachi Reserve Forest, the transmission line would have to pass through private lands in South Kodagu upto Begur near Kutta (near Nagarhole National Park and Brahmagiri Wildlife Sanctuary), through more than 43 km of private lands in Kodagu. The area from Kodagu forms part of the Western Ghats and also forms the catchment area of River Cauvery.

3. The applicant is concerned about the environment implication in felling of around 15, 000 full grown trees for the purpose of laying the transmission line in a highly eco sensitive region and apprehends that actual number can be 50, 000. The felling of trees began on 20<sup>th</sup> October, 2013 and the works were, however, suspended in view of the representations sent by groups such as Cauvery Sene, the Coorg Wildlife Society etc., The works were resumed on 26<sup>th</sup> October, 2013 and a

number of trees have been felled. Though an order was passed on 01.03.2012 by the State Government under section 2 of the Forest (Conservation) Act, 1980, which is appealable before this Tribunal under NGT Act, the said order was not communicated to the public at large in the instant case. The applicant is also not aware whether the order was published in any local newspaper or uploaded in the website of the forest department or the district administration or the Ministry of Environment and Forests (for short 'MoEF') and thus, the applicant could not prefer an appeal against the said order before this Tribunal. There are substantial issues related to environment which necessitated in filing this application as enumerated below:

- (i) The approval granted for the transmission line is reviewable in the light of the Judgment of the Hon'ble High Court of Karnataka in W.P.No. 14029/2008 dated 08.10.2013.
- (ii) The Government was required to examine all possible alternatives both in terms of alternative route as well as option of underground cables to minimize the impact due to the laying of the transmission line.
- (iii) The MoEF could not have granted the approval without following the direction of this Tribunal in *Janjagrithi Society vs. Union of India* in which it was observed that the existing guidelines with regard to the laying of transmission lines in forest area had become obsolete and directed the MoEF to take steps and notify detailed fresh guidelines for laying transmission lines in forest areas.
- (iv) The MoEF and the State of Karnataka overlooked the ecological importance of the tree growth in Coffee plantation which harbor significant biodiversity in the region and such large scale felling is bound to be detrimental to the biodiversity, river and overall ecology of the region.
- (v) The MoEF could not legalise a *fait accompli* situation since the Power Grid Corporation of India Ltd., initiated work on the Kerala stretch even when all the required approval for the Karnataka stretch was awaited.

4. Alleging serious environmental impact on Kodagu, the applicant herein has averred in his application that Kodagu district is situated in the pristine and eco-sensitive Western Ghats and is home to a number of indigenous flora and fauna and any anthropogenic activity must be seen in the backdrop of the ecological sensitivity of the area. The River Cauvery originates in the Brahmagiri hills and flows along the districts supported by other rivers and tributaries to flow further into Tamil Nadu and finally drain into Arabian Sea. The importance of River Cauvery to the states of Karnataka and Tamil Nadu is unparalleled, as the major portion of the agricultural and drinking needs in both the States being fulfilled by the river. The entire stretch of Kodagu is the catchment to this river with numerous streams and tributaries flowing throughout the length and breadth of the Kodagu. The tree cover of the district acts as an indispensable medium in regulating the rain pattern and climate of the region and even a single disturbance in the tree cover will have adverse cascading effects not only on the ecology but also the water stability in the region. It is in this backdrop that the report of the Western Ghats Expert Panel has categorized the entire Kodagu district as 'Eco Sensitive Zone-1 (ESZ)' recommending stringent regulations to protect and conserve the ecology of the district. Hence, the laying of the transmission line has the following main ecological impacts which require that any proposal must be subject to the most stringent assessment from the ecological and social aspect:

- (a) Canopy breakage when passing through closed canopy forest area;
- (b) Highlight penetration and desiccation;
- (c) Higher day time temperatures, greater diurnal fluctuation in temperatures;
- (d) Spread of invasive alien species;
- (e) Higher wind speed and resultant wind throw;



- (f) Cutting trees and vegetation on either side results in secondary growth and weeds;
- (g) Construction and maintenance related disturbances and movement of people;
- (h) Risk of electrocution; and
- (i) There are reported instances of large animals such as elephants being electrocuted;
- (j) Arboreal species (species that use tree canopy for movement) often use power lines to cross and in the process get electrocuted; and
- (k) Clearing vegetation results in habitat loss, degradation and fragmentation.

5. According to the circular issued by the MoEF dated 03.08.2009, before allowing diversion of forest land for non-forest purposes, obtaining consent from the *Gram Sabhas* is mandatory. However, no such consent has been obtained till date. The Gram Panchayats have been opposing the proposed transmission line in view of the ecological and social implication. The proposed route is passing through Maldare area in Kodagu which has one of the highest level of human elephant conflict in entire Karnataka. This issue ought to have been considered in detail before the project was approved and the Devmachi Reserve Forest and the adjoining forest of Dubare and Doddaharve are part of the designated elephant reserve and this issue was highlighted by the applicant to the Principal Chief Conservator of Forests on 21.08.2012. The applicant herein had made submissions with regard to the need to consider alternative route to the present, *vide* letter dated 01.09.2006. One of the alternative routes is the D-Line suggested by the applicant to the Forest Department of the State of Karnataka and the salient features of the benefit of the D-Line are as follows:

1. The D-Line is the district boundary between Kodagu and Hunsur which has been maintained as a fire line of about 60 m width within the Naghore National Park. The power line could be easily routed through the D-Line and this could

cause minimal disturbance to wildlife including elephants and there would be no loss of tree cover.

2. Prior to entering the D-Line, the power line could be routed from the present point near Lingapura along the agricultural lands on the east of Doddaharve and Muddanhalli Reserve Forests and once the line reached the Virajpet-Hunsur road near Alur Junction, the line could run along the road in the reserve forest side and then come upto Anechowku gate from where the line could be routed through D-Line and onwards into Kerala.
3. In order to minimize the damage and disturbance to the forest areas and the Nagarhole National Park, the line along Virajpet-Hunsur road could be underground.
4. The above suggestions are in consonance with the draft guidelines dated 10.10.2011 of the National Board for Wildlife for linear infrastructure intrusion in natural areas.
5. The underground cables of 400 kV can be laid in the present project also. Further the D-Line combines the view line and the fire line and this could be viewed as a linear intrusion similar to a road.

In addition to the D-Line, the following other alternative plan also requires active consideration by the concerned authorities:

- (i) Upgrading the existing 220 kV line to Kozhikode to 400 kV.
- (ii) To go underground on the existing route in order to prevent felling of trees on such a massive scale.

6. The Hon'ble Karnataka High Court taking note of the serious disturbances in the habitat of corridors of elephants due to enhancement of elephant-human conflict had *suo motu* taken up the matter in W.P.No. 14029/2008 (GM-RES) and directed the State of Karnataka by the order dated 08.10.2013 to review all clearances given to various projects in the elephant habitat and corridor in a time bound manner, that wherever there is a diversion of forest lands falling within the elephant habitat and corridor, the same

must be referred to the Chief Wildlife Warden for assessment of the potential impact before issuance of any approval or clearance by the State, that to take appropriate action in case there is any violation of law in non-forest activities in the elephant habitat and corridor after making a review in that regard, that the State Government shall review the user of the land on the periphery of forests falling within the elephant habitat and corridor and take requisite steps for its conservation and preservation.

7. Hence, on the basis of the above averments, the applicant is seeking indulgence of the Tribunal in the application filed herein to quash the approval granted for diversion of forest land for non-forest purposes vide order dated 01.03.2012 by the Government of Karnataka made in FEE 112 FGI 2007, to direct the concerned authorities to consider alternative routes as suggested by the applicant or such other routes suggested by any independent experts to be appointed by the Tribunal, to direct not to give fresh approval for transmission line by the State Government and MoEF till the guidelines as directed by the Tribunal, and to direct for restoration of the area already felled.

8. *Per contra*, the 1<sup>st</sup> respondent herein, namely the Deputy Conservator of Forest, Virajpet has stated in his reply which in short is briefed below:

9. The present Application is not maintainable and the same is barred by limitation in terms of Section 14 of the National Green Tribunal Act, 2010 and the same is liable to be dismissed *in limini*. On the date of issuance of the proceedings dated 01.03.2012 which is the subject matter of the present applicant, National Green Tribunal had already been constituted and it was constituted during June 2010 which fact was well within the



knowledge of the applicant herein. Further on the date of filing W.P.No.23456 of 2013 on 07.06.2013 before the Hon'ble High Court, Karnataka, this Hon'ble Tribunal had already been constituted and the applicant ought to have approached this Hon'ble Tribunal. Therefore, the present applicant is barred by limitation and does not satisfy the ingredients of Section 14 of the National Green Tribunal Act, 2010.

10. The assertion of the applicant about the number of fully grown mature trees required to be felled for the laying of transmission line being 50000, as stated in the third paragraph (under facts) of the Application is without basis (as no enumeration of trees has been done) and deliberately biased towards being an over estimate. As per the contents of letter No. A5(3)/GFL/CR-11/05-06 dated 23.10.2008 of the Principal Chief Conservator of Forests Karnataka addressed to the Principal Secretary, Forest Ecology and Environment, Government of Karnataka, 2462 trees and 1538 bamboo clumps (now the bamboo clumps have withered and died due to gregarious flowering) are required to be removed in the 5.730 km of line area that passes through the reserved forest areas of Kodagu District. It is admitted by the applicant in the 2<sup>nd</sup> paragraph of the Application that the length of line that will pass through private lands of Kodagu is about 43 km, or a little more than it. Even with the assumption that the density of trees in private lands of Kodagu is equal to that of the reserved forests that the line is passing through, something that will actually give more than actual and maximum number of trees required to be felled, the highest possible number of trees required to be felled in private lands is  $2462 \div 5.730 \times 45$  about 18500 trees. Thus, the maximum number of trees required to be felled for laying the entire line does not seem to be higher than (2462+18500) rounded off to

21000 trees. The assertion of the applicant that 50000 trees will be needed to be felled for laying the line is thus grossly inflated.

11. The Government did not stop the felling of trees on 20<sup>th</sup> October 2013 because of the representation of the Cauvery Sene, as claimed in the paragraph 3 of the Application. The real reason for suspending felling was the receipt of the order of the Hon'ble High Court of Karnataka in Writ Petition No. 40032/2012, which read along with the orders of the same Hon'ble Court in Writ Petition No. 14029/2008 required the State to review the clearance given to this project The work of felling trees commenced on 26<sup>th</sup> Oct 2013 after the review had been done, and work of clearance of trees in reserved forest areas is almost nearing completion.

12. On 01.03.2012 of the Government Karnataka which provided clearance to the project under Section 3 of the Forest Conservation Act 1980 has been communicated to the public at large by publishing it in the Karnataka Gazette, which is evident from the order being marked to the Complier of Karnataka Gazette on Page 6 of the 01.03.2012 order enclosed by the application as first document to Additional Paper Book-1 of the Application.

13. The Government of Karnataka has reviewed the clearance given to the project of laying of transmission line along with route being objected to by the applicant, as required by the orders of the Honorable High Court of Karnataka in Writ Petition No.14029 of 2008, vide letter No.FEE 112 FGL 2007 dated 23.10.2013 of the Principal Secretary, Forest Ecology and Environment, Government of Karnataka. The orders of

the Honourable High Court of Karnataka in Writ Petition 14029/2008 are thus complied. The objection of the applicant expressed in this regard under the heading “Substantial question related to environment” in the Application is thus non tenable and devoid of facts. It is also submitted that the alternate routes suggested by the applicant had been considered by the High level committee in its meeting dated 18.12.2007 and 12.12.2008 and rejected. The said committee was chaired by the Principal Secretary, FEE and included both the Principal Chief Conservators of Forests, Karnataka, of the Karnataka Forest Department as its members. The Government of Karnataka has considered the environmental and ecological damage likely to be caused by the laying of the transmission line along the route which is not sanctioned under the Forest Conservation Act 1980. The Government of Karnataka is well aware of the unique Western Ghat forests and the biodiversity present in coffee lands in Kodagu. It is very much aware of the fact that much of the district forms the catchment of River Cauvery and some of its tributaries. However, it is not correct on the part of the applicant to state under heading “Serious Environmental Impact of Kodagu” in its application that the Western Ghats Expert Panel has categorized entire Kodagu District as Eco Sensitive Zone (ESZ)-1, as the statement is not based on facts. The 11 bullet points suggested by the applicant to be considered under the eponymous heading of the application have been considered by the Government of Karnataka in processing and deciding upon the route along which the transmission line needs to be recommended for approval. Many of these points are over emphasized not based on actual facts and scientific evidence in case of this project. There is no legal requirement to obtain the consent of *Gram Sabhas* before

recommending or while sanctioning diversion of forest land as claimed by the applicant.

14. The project of laying the transmission line commenced somewhere in the year 2003-04 and recommendation for sanction to the Government of Karnataka was in the year 2008 itself. The circular of MOFF dated 03.08.2009 cited by the applicant is probably the one dated 30.07.2009 refers to *Gram Sabhas* formed under the provisions of the Scheduled Tribes and other Traditional Forest Dwellers Recognition of Forests Rights Act 2006, and not the *Gram Sabhas* of *Gram Panchayaths* which are formed under the Panchayathi Raj Act in Karnataka. The objection of the *Gram Sabhas* enclosed with the application are dated almost more than a year later than the date 01.03.2012 on which the Government of Karnataka had accorded sanction to the project of laying of transmission line along the present route. The objections of these *Gram Sabhas* under Panchayath Raj Act are thus belated and seem to be motivated and afterthought.

15. The Kodagu District has high intensity of Man-Elephant Conflict. It is also admitted that the conflict is showing an increasing intensity over the years. The present route of the transmission line may have, but if it has, only a minimal impact on the conflict. The increase in conflict has been primarily due to conversion of nearly 2 Lac acres of Bane land (having forest character), which was the abode of elephants, to coffee estates; uncontrolled increase in the number of resorts and home stays in the district, conservation of elephants against poaching and unnatural death by the Government and many other factors which have not at all been stated anywhere by the applicant. The

mention of Man-Elephant conflict made by the applicant in this Application appears to be to derive exclamatory effect.

16. The 2<sup>nd</sup> respondent, namely the MoEF would state in the reply as follows:

17. The proposal was received from the Government of Karnataka in letter dated 19.10.2010 for diversion of 23.166 ha of forest land in Madikeri, Virajpet and Hunsur Divisions of Mysore and Kodagu Districts for construction of 400 kV DC transmission line between Mysore and Kozhikode in favour of M/s. Power Grid Corporation of India Ltd., for approval under Forest (Conservation) Act, 1980 which was examined as per the provisions of the said Act and the guidelines issued there under. The approval was accorded with usual and additional conditions after examining the proposal by the SAG meeting held on 20.07.2011. Since the transmission line is reported to help in the supply of power from the surplus areas to deficit areas and looking into the need for avoiding disturbance to the tiger reserve, the committee recommended the proposal for diversion of forest land with stipulation of additional safeguards/conditions suggested by the Principal Chief Conservator of Forests and the State Government. Subsequently, the 3<sup>rd</sup> respondent was advised to dispel the doubts in the minds of the villagers through interaction with them to understand their concerns. The 3<sup>rd</sup> respondent also submitted that series of discussions and meetings are held with the villagers about the importance of the project and despite the same, the 3<sup>rd</sup> respondent was not successful in getting the consent of the Maldare *Gram Sabha* till date. The proposal was approved under Forest (Conservation) Act, 1980



18. The 2<sup>nd</sup> respondent, considering the point that the transmission will help in supply of power from surplus states to deficit areas, approved the proposal in two stages, one in principle on 28.10.2011 and on receipt of compliance report on the stipulated conditions in the second stage on 07.12.2012 and the approval was also uploaded in the website of the Ministry. With regard to the orders of the NGT, the proposal was received in February 2012 and the judgment of the NGT was passed in *Janjagirithi Socceity Vs. Union of India* on 07.03.2012 and hence, the question of implementing fresh guidelines for laying transmission lines through forest area to the proposal in question did not arise. As regards the comments from the Central Electricity Authority (CEA) for implementing the guidelines for laying transmission lines through forest areas, as soon as the inputs are received from the CEA, the 2<sup>nd</sup> respondent will take appropriate action for notifying the revised guidelines in the process of laying transmission lines in forest areas.

19. The Maldare and Muthur *Panchayats* are reported to be connected with the area proposed for diversion. The Muthur *Gram Panchayat Sabha* has given no objection to the project for 0.515 km line and considering the national importance of the project, approval was accorded by the Central Government under Forest (Conservation) Act, 1980. Hence, the 2<sup>nd</sup> respondent seeks to dismiss the application.

20. The 3<sup>rd</sup> respondent, namely the Power Grid Corporation Limited would state in reply, falling in line with the reply of the 1<sup>st</sup> respondent that the Application herein is barred by limitation and does not satisfy the ingredients of section 14 of the NGT Act, that the 3<sup>rd</sup> respondent Power Grid Corporation of India Ltd is a Government of India Enterprise and the “Central Transmission Utility” under the aegis of Ministry of Power. It

is a Corporation of National Importance incorporated as a Government Company under the provisions of Companies Act, 1956. It has been established with a view to develop an efficient and integrated Power Transmission System network throughout the country and to establish the National Power Grid in the Country which was achieved on 01.01.2014. The Government of India in exercise of powers conferred by Sub-section (1) of Section 38 of the Electricity Act, 2003 (36 of 2003) had notified the 3<sup>rd</sup> respondent Corporation as 'the Central Transmission Utility' vide Notification dated 27<sup>th</sup> November 2003 published vide Gazette of India No.1084 dated 4<sup>th</sup> December 2003. The respondent Corporation has been entrusted with the task of establishing a 400 KV D/C line from Mysore in Karnataka to Kozhikode in Kerala for evacuation of power generated by Kaiga 3 and 4 Nuclear Plant after the prior approval from the Government of India as envisaged under Sec 68 of the Electricity Act, 2003. The said project is time bound which was scheduled to be completed in December 2007. The respondent Corporation, in terms of the approvals and following the procedure for laying of the transmission line has conducted a detailed survey to ascertain the most economically feasible route and accordingly has routed and finalised the transmission line. The aforesaid Transmission line contemplated the following :

**A. Transmission Lines:**

- i) 400 kV D/c Transmission line from Mysore – Kozhikode (210 KMs) to be constructed in two parts:
  - (a) From Mysore – Kutta (118 kms) and (b).Kutta – Kozhikode (92 km)
  - (b) 400 kV Narendra – Davangere Transmission line (155 km)

- ii) LILO of 400 kV Kolar – Sriperumbudur Transmission Line (30 km) at Melakottaiyur (Kalivanthapattu)

**B. Sub-stations:**

- I) 400 / 220 kV Kozhikode Sub-station (POWERGRID)
- ii). Extension of Mysore Sub-station (POWERGRID)
- iii) Extension of Hiriyur Sub-station (POWERGRID)
- iv). 400/220 kV Melakottaiyur (Kalivanthapattu) sub-station ( (POWERGRID)
- v) Extension 400/220 kV Narendra Sub-station (POWERGRID)
- vi) Extension 400/220 kV Devengere (KPTCL) Sub-station

21. The respondent Corporation had commenced the project of the Mysore-Kozhikode line in December 2005 and same was to be completed by December 2007. Pursuant to the approval of the project it has completed the entire stretch of 92 km line falling within the state of Kerala within the time stipulated for completion of the Project and had also constructed the Kozhikode Sub-station. The part of the transmission line which is 118 km from Mysore to Kutta in Kodagu District has not been completed till date. From and out of the stretch of 118 km, only 63 km in Mysore District has been completed and the balance stretch of 55 km in Kodagu has not been completed due to resistance and obstructions from the land owners, Cauvery Sene and the applicant herein etc. Except this stretch 55 km in Kodagu District, the transmission line in respect of the other areas in the Mysore Kozhikode Sector has been completed.

22. The awarded Project cost was Rs. 265 crore during the year 2005. However, due to the non completion of the project within the stipulated time, the cost of the project

has escalated to Rs. 510 crore (approx.) due to the interest, price escalation payable to the agency, idling charges payable to the agency and other overhead charges. Out of Rs. 510 crore as on date, expenditure to the tune of Rs.430 crore has been incurred. The escalation of the project cost would burden the common man with raise in the tariff and huge loss to the state exchequer.

23. The aforesaid transmission line has been selected in such a manner, so as to ensure minimum loss to standing crops, trees and forest *en route*. Further, this respondent has surveyed the area to ascertain the most techno-economically feasible route for drawing up of the transmission line, taking into account various parameters such as :

- a. Minimal impact on the Forest & environment. (Avoiding Wildlife Sanctuaries, National Parks etc., to the extent possible)
- b. Avoiding inhabitant area to the extent possible
- c. Least impact on the crop and plantation.
- d. Crossing the EHT line at an angle as close to 90 degree
- e. Crossing the State Highways at an angle of 90 degree etc.
- f. Avoiding places of worship etc.
- g. Avoiding Natural water bodies and Parks, etc.
- h. Most economical route.

24. After taking into account all these parameters, the respondent Corporation has finalized a most techno-economically feasible line route and accordingly the project is under execution. This Transmission line would not have any impact on human beings,

animals, plants, coffee Plantation etc., or on the geological or ecological system beyond the statutory clearance/norms provided by/under the Central Electricity Authority (Measures relating to Safety and Electric Supply) Regulations, 2010. In order to complete the project, the respondent Corporation has offered to ensure that the ground clearance of the bottom most part of the conductor (sag point) is 15 m above the ground (approx 50 feet) as against the statutory stipulated clearance of 09 m only for the line length of 55 km in Kodagu district and forest stretch.

25. During the progress of the project, the respondent Corporation faced with certain right of way issues from the land owners, the applicant herein, Cauvery Sene etc., in Kodagu District. The MoEF *vide* letter No: F-No.4-KRC747/2010-BAN/602, dated 07.02.2012 has given the forest clearance to the respondent in an extent of 23.166 hectares (4.455 km) of the transmission line passing through the reserve forest land in Madikeri, Virajpet and Hunsur divisions. Pursuant to the said letter, the Forest Department, Karnataka had sanctioned for diversion of the forest area in favour of this respondent *vide* Letter bearing No. FEE/112/FGL/2007 dated 01.03.2012. The respondent Corporation on receipt of the said approval once again on 10.03.2012 endeavored to take up the construction works from Mysore end (i.e., from the Doddaharve Forest Stretch). However, the works were resisted on 14.03.2012 by the local villagers of Maldare village Panchayat along with the Cauvery Sene, the applicant herein and others. This was brought to the notice of the Deputy Commissioner, Kodagu and the Chief Secretary, Government of Karnataka and the Chief Minister of Government of Karnataka directed the Deputy Commissioner, Kodagu to provide all required support and protection to the Corporation to complete the project. Certain persons holding out



as Cauvery Sene and the applicant herein started issuing misleading press statements and started *gheroing* the Officers of the Respondent Corporation and continued obstructing the transmission line construction works which were being carried out by this respondent. The respondent Corporation has paid Rs 2.41 Crores towards Net Present Value (NPV) for the forest area diverted and has paid an additional amount of Rs.1.36 crores to the forest department as per the demand note issued towards extraction of trees in the forest area diverted

26. The present Application is liable to be dismissed on the ground of *laches* as the cause of action had arisen as early as on 01.03.2012 when the approval was granted by the Forest Department of Government of Karnataka for diversion of the forest area in favour of this respondent for the purpose of establishment of 400 KV Double Circuit Line from Mysore in Karnataka to Kozhikode in Kerala for evacuation of power generated by Kaiga 3 and 4 Nuclear Plant. Aggrieved by the proceedings dated 01.03.2012, the applicant herein filed W.P.No.23456 of 2013 before the Hon'ble High Court, Karnataka. The said Writ Petition was withdrawn on 30.10.2013 by the applicant with a liberty to make a fresh representation to the competent authority and to approach this Tribunal for appropriate relief. The applicant herein has claimed itself to be a Non-Governmental/Non-Profit organization which has no *locus standi* for challenging the laying of transmission line by this respondent between Mysore and Kozhikode. The properties over which the transmission line is being laid belong to third parties and this respondent is in the process of disbursing the compensation amount. As regards the allegations in the Application that the order dated 01.03.2012 was not communicated by the Government of Karnataka to the public at large. a public meeting was convened by

the Deputy Commissioner, Kodagu on 22.08.2009, for discussing the installation of 400 KV High Tension Electricity Line by the respondent Corporation. In the said meeting, the applicant herein and President of Cauvery Sena were also present. Necessary news item was also published in the local daily inviting the public residing in and around the areas through which the line passes through. The applicant herein and the President of Cauvery Sena objected to the laying of transmission line and suggested to take up alternative route. By the communication dated 08.06.2010, the Principal Chief Conservator of Forests, Government of Karnataka submitted a proposal to obtain approval from the Government of India for diversion of 23.166 Hectares of forest land in Madikeri and Virajpet Divisions of Kodagu District and Hunsur Division of Mysore for construction of 400 kV Double Circuit transmission line between Mysore and Kozhikhode in favour of the 3<sup>rd</sup> respondent/Corporation. By the proceedings dated 01.03.2012, sanction was accorded by the Government of Karnataka subject to fulfillment of terms and conditions appended therein. The W.P.No.14029 of 2008 was taken up *suo motu* by the Hon'ble High Court, Karnataka on the basis of the report published in "The Hindu" dated 06.11.2008 wherein it was reported that 9 elephants had died in the past 9 days under mysterious circumstances and 25 elephants had died around Bandipur Nagarhole National Park. The State Government and the Union of India were directed to investigate into the death of the elephants and to take action against lapses on the part of the authorities and take remedial measures to prevent such disasters in future. By the order dated 08.10.2013, the Hon'ble High Court, Karnataka while disposing of the said Writ Petition issued directions in Para 28 of the judgment. Amongst various directions, the Hon'ble High Court directed the various electricity supply agencies to raise

and maintain the height of low tension and high tension power lines above the ground level to make it safer for the elephants in the elephant habitat and elephant corridor. The directions were issued for the protection of wildlife and for the safety of the elephants.

27. In the present Application, the applicant had raised a question as to whether the approval granted for laying of transmission line be not reviewed in view of the judgment of the Hon'ble High Court, Karnataka in W.P.No.14029 of 2008 dated 08.10.2013. In this regard, the Government of Karnataka reviewed its decision dated 01.03.2012 by the communication dated 23.10.2013 in compliance of Para 28(ii) of the order dated 08.10.2013 made in W.P.No.14029 of 2008. Even prior to the order of the Hon'ble High Court of Karnataka dated 08.10.2013, the 1<sup>st</sup> respondent while according approval for diversion of forest land, issued *inter alia* the following conditions:

*“15. Even though the proposed alignment area of transmission line is outside the Nagarhole National Park, the proposed Reserved Forest areas are part of Mysore Elephant Reserve and also form the corridor, joining the parts of elephant home range of the eastern and western part of Kodagu District to the forests to Nagarhole National Park and Wynad Wildlife Sanctuary. Considering the elephant ecology and behavior in view, sometimes the elephants do move out of the notified protected areas/reserved forests to enter in the surrounding private/other Government lands. The areas of Kodagu District falling in the proposed transmission line alignment have a hilly terrain. Therefore the extra height of 6 meters of null point (height of sag*

*of lowest conductor from the ground) besides the mandatory 9 meters i.e. total  $9+6=15$  meters needs to be provided for the entire stretch of Kodagu District and forest suitably. The 'sag' point between the two towers should be at least 15 meters above the ground level. This will ensure that the elephants do not reach to the high voltage cables even with their trunks stretched.*

*"16. If possible, keeping the stipulated minimum clearance beneath the lowest conductor, the remaining ground cover may be retained to provide some vegetation as a cover to the moving elephants. Further, it should be ensured that in future also this minimum clearance is maintained scrupulously."*

28. The order dated 08.10.2013 was complied with by the authorities in letter and spirit and thereafter the proceedings dated 23.10.2013 was issued by the Principal Secretary to the Government of Karnataka, Forest, Ecology and Environment Department in terms of Para 28(ii) of the order dated 08.10.2013 passed in W.P.No.14029 of 2008. Necessary sanction was accorded by the 1<sup>st</sup> Respondent prior to the guidelines issued by this Hon'ble Tribunal dated 07.03.2012. However, the 1<sup>st</sup> Respondent had also reviewed its approval on the basis of the directives issued by the Hon'ble High Court, Karnataka dated 08.10.2013 in W.P.No.14029 of 2008 as would be evident from the proceedings dated 23.10.2013. From the above, it could be seen that the approval has been accorded in line with the directions issued by the Hon'ble High Court, Karnataka. The 3<sup>rd</sup> respondent/Corporation being a Government of India enterprise would strictly and scrupulously adhere to the conditions imposed by the 1<sup>st</sup>

Respondent in this behalf. The apprehension of the applicant is baseless and the intention of the applicant is to stall a project which is envisaged for the benefit of the public at large.

29. In so far as the substantial question of law raised by the applicant, who does not possess the expertise to suggest alternative route or to opt for laying of underground cables, has stated that State Government should examine all possible alternatives in terms of alternative route as well as option of underground cables to minimize the impact due to the laying down of the transmission line. The respondent Corporation is possessed with the technical expertise and the transmission line route has been selected in such a manner so as to ensure minimum loss to standing crops, trees, forest en-route. The respondent Corporation has surveyed the area to ascertain the most techno economically route for drawing up of the transmission line. After considering various parameters, the respondent Corporation has finalized a most techno economical feasible line route. The laying of transmission line would not have any impact on human beings, animals, plants, coffee plantations etc or in the geological or ecological system beyond the statutory clearances/norms provided by/under the Central Electricity Authority (Measures relating to Safety and Electric Supply) Regulations, 2010.

30. In so far as the substantial question related to environment raised by the applicant it has no basis and the approval dated 01.03.2012 was accorded by the 1<sup>st</sup> Respondent after taking into consideration all the parameters and the same would be evident from the directives issued in paragraphs 15 and 16 of the proceedings dated 01.03.2012 and also from the proceedings dated 23.10.2013 in line with the directions



issued by the Hon'ble High Court, Karnataka in W.P.No.14029 of 2008 dated 08.10.2013.

31. In the Application the applicant has raised an issue that the laying of transmission line would have serious environmental impact on Kodagu. In this regard, I respectfully submit that the issue raised by the Applicant is not the subject matter of issue in W.P.No.14029 of 2008 and the same has nothing to do with the laying of transmission line by this respondent. Even otherwise, the laying of transmission line will not have any serious environmental impact on Kodagu as alleged by the Applicant since this respondent with the aid of its officials having technical expertise has chosen the most techno-economically viable route which would not cause any harm to the human beings, animals etc and minimal utilization of forest area. The apprehension of the Applicant is unfounded and such an allegation is made with a view to mislead this Hon'ble Tribunal. Further, the laying of transmission line will not in any way affect the streams and tributaries flowing at Kodagu. Such an allegation is baseless and no material has been produced by the applicant before this Hon'ble Tribunal to substantiate its allegations and the same is incorrect.

32. The applicant has alleged that no consent has been obtained from Gram Sabhas in accordance with the Circular/letter dated 03.08.2009 issued by the Ministry of Environment and Forests. In fact the approval of the project was on 29.03.2005 and the scheduled date of commissioning was 33 months which is much prior to the said circular/letter. In the meeting held under the auspices of the Deputy Commissioner, Kodagu on 22.08.2009, the President, Secretary and Executive Officer of Kodagu *Zilla Parishad* were present and no objections were raised for granting approval to the project.

Further, the Government of India, Ministry of Environment and Forests (FC Division) vide Letter Ref. F.No.11-9/98-FC(pt) dated 05.02.2013 exempts the 3<sup>rd</sup> respondent from the requirement of obtaining consent of the concerned *Gram Sabha(s)* as stipulated in clause (c ) read with clause (b),(e) and (f) in second paragraph of the Ministry's said letter dated 03.08.2009 unless recognized rights of Primitive Tribal Groups/Pre-Agricultural Communities are affected. In this case even the concerned *Grama Sabhas* (i.e.) Muthur *Gram Panchayat* and Maldare *Gram Panchayat* vide their letters dated 01.03.2010 and 22.03.2010, respectively have stated that there are neither permanent residents nor any cultivation by scheduled caste/tribe community nor any traditional permanent forest dwellers as per Forest Rights Act, 2006 in their limits. By the letter dated 17.06.2011 addressed by the Principal Chief Conservator of Forests, to the Principal Secretary, Forest Ecology and Environment Department it was stated that it has already been reported to it by Maldare *Gram Panchayat* that there are no forest dwelling Scheduled tribes or Traditional Forest Dwellers residing in or cultivating in the proposed forest and no claims have been received in this regard. Thus, it could be seen that no consent need to be obtained from the concerned *Grama Sabha* as alleged by the applicant. Therefore, the averment which is contrary to the factual position is incorrect and devoid of merits. It has also been alleged by the applicant that the proposed area has high human elephant conflict. The said issue has been amply taken into consideration by the 1<sup>st</sup> respondent with issue of the directions as contained in the proceedings dated 01.03.2012 issued by the 1<sup>st</sup> respondent and 23.10.2013 issued by Principal Secretary, Government of Karnataka, Forest and Ecology Department.

33. With regard to the alleged averments made by the applicant that the alternate routes not considered, the alternative routes were indeed considered by the 2<sup>nd</sup> respondent and vide proceedings dated 18.12.2007 and passing of transmission line through D-Line of the National Park was totally ruled out and the respondent/Corporation was requested to try to avoid forest areas as much as possible and accordingly sanction was accorded by the 1<sup>st</sup> respondent after due consideration for diversion of a minimal area of 23.166 hectares of forest land. A meeting was convened by the Principal Secretary, Forest Ecology and Environment Department on 12.12.2008 regarding grant of permission for laying of 400 KV double circuit transmission line between Mysore and Kozhikode. In the said meeting, the land owners of the area and NGOs including the applicant herein suggested an alternative route through the Protected Area. The same was discussed with the Principal Chief Conservator of Forest (Wild Life). Since the route proposed was to pass through the protected area, the alternative route as suggested by the Applicant and other NGOs were categorically ruled out.

34. Since the respondent/ Corporation could not make headway in respect of the project in question, a meeting was convened by the Central Electricity Authority on 12.10.2009 to discuss the feasibility of alternative route alignment for Mysore-Kozhikode 400 KV Double Circuit Line. The said meeting was attended by the Member (Power Systems) of the Central Electricity Authority. The officials of Karnataka Power Transmission Corporation Ltd., Kerala State Electricity Board, the Member Secretary of Southern Regional Power Committee attended the said meeting. In the said Meeting, besides the original route proposed, 4 other alternatives routes were proposed and comparison of alternatives was deliberated upon. After deliberations, the Member,

(Power System) Central Electricity Authority indicated that the original route proposed by this respondent appeared to be most appropriate and feasible. The Central Electricity Authority and other power constituents of the Southern Region possessing the requisite technical expertise had deliberated and concluded that the original route was the most feasible route for laying of the transmission line. From the above, it could be seen that alternative routes indeed were deliberated upon and considered by this respondent Corporation and other constituents. Therefore, the allegation made by the Applicant that this respondent did not consider the alternative route for laying of the transmission line is wholly incorrect and baseless.

35. The 3<sup>rd</sup> respondent/Corporation would finally submit that in catena of decisions of various High Courts and Hon'ble Supreme Court of India, it has been held that it is within the domain of the electricity authorities to decide on the route alignment as they possess the technical expertise. The applicant does not possess any technical expertise to give suggestions to alter the route alignment. As already stated, the present transmission line has been envisaged on the basis of techno economical consideration considering all the relevant factors and on these grounds seeks to dismiss the application.

36. As seen above, this application challenges an approval granted for diversion of forest land for non-forest purposes by the Government of Karnataka *vide* order dated 01.03.2012 and also for directions to the concerned authorities to consider alternative routes as suggested by the applicant.

37. On notice, the respondents entered appearance and filed their respective replies. When the application was taken up for enquiry, the respondents raised a preliminary objection on the maintainability of the application stating that the same is barred by limitation. Hence, the Tribunal heard the submissions made by the learned counsel on either side and paid its anxious consideration on the same.

38. Advancing the arguments on behalf of the applicant, the learned counsel Shri Ritwick Dutta would submit that the application is a non-government organization representing the persons affected and aggrieved by the alignment of the Mysore-Kozhikode 400 kV double transmission high tension power line in Kodagu District. The 3<sup>rd</sup> respondent, namely, the Power Grid Corporation of India Limited is constructing a 400 kV transmission line for transmitting power from Kaiga Nuclear Power Plant in Uttar Karnataka District to Kozhikode in Kerala State for which the shortest route would be through the Nagarhole National Park. But, in order to avoid the National Park, the route which has been selected for the purpose of laying transmission lines passing through Hunsur and Piriapatna and also goes through Doddaharve Reserve Forest in Hunsur Division, Dubare Reserve Forest in Madikeri Division and Devmachi Reserve Forest in Virajpet Division. . Thus after passing through Devmachi Reserve Forest, the transmission line would have to pass through private lands in South Kodagu upto Begur near Kutta and then enter Wynad Reserve Forest in Kerala and the transmission line would have to pass through more than 43 km of private lands in Kodagu which form part of Western Ghats and also the catchment area for the River Cauvery. The concern of the applicant is about the environmental implication of felling of around 15,000 full grown trees for the purpose of laying the transmission line in a highly eco-sensitive region. The



felling of trees commenced on 20.10.2013. But, the work was suspended in view of the representation sent by groups of aggrieved persons over the same. But, the work was again commenced after few days therefrom. Under such circumstance, there arose the necessity to challenge the order passed by the State Government on 01.03.2012.

39. The learned counsel for the respondents, while disputing the factual position *inter alia* raised an objection as to the maintainability on the ground that the application is barred in time by section 14 of the National Green Tribunal Act, 2010 (for short 'NGT Act') and it has to be dismissed *in limini*.

40. Contending that the application is well within the time, the learned counsel for the applicant would submit that as per the provisions of the NGT Act an appeal can be preferred against the order passed by the State Government under section 2 of the Forest Conservation Act, 1980. But in the instant case, though the order of the State Government was passed on 01.03.2012, the same was not communicated to the public at large and the applicant was not aware that the order was published in the local newspapers or uploaded on the website of the Forest Department or the District Administration or of the Ministry of Environment and Forests and hence it was not possible to file an appeal under section 16 of the NGT Act. This contention is countered by the learned counsel for the respondents that on the date of issue of the impugned order dated 01.03.2012, National Green Tribunal has also been constituted on 18.10.2010 which fact was well within the knowledge of the applicant and apart from that on the date of filing of the W.P.No. 23456 of 2013 on 07.06.2013 before the Hon'ble High Court of Karnataka, the NGT had already been constituted and hence the application

should have approached the NGT and thus the application did not satisfy the ingredients of section 14 of the NGT Act and is barred by the limitation.

41. Admittedly, the applicant has challenged an approval granted by the Government of Karnataka dated 01.03.2012 to the 3<sup>rd</sup> respondent namely the Power Grid Corporation of India Ltd., for constructing a 400 kV power transmission line from a Nuclear Power Plant in Uttar Karnataka to Kozhikode in Kerala State on the ground that if allowed it would cause environmental implication of felling of large number of fully grown trees in a highly eco-sensitive region since the entire line would pass through not only the Reserve Forest but also in private lands which form part of Western Ghat and catchment area of River Cauvery. Before filing the instant appeal, the applicant herein has approached the Hon'ble High Court, Karnataka by filing W.P.No. 23456/2013 (GM-FOR-PIL) on 07.06.2013. An order of the Hon'ble First Bench of the Karnataka High Court made on 30.10.2013 reads as follows:

*“ The petition is disposed as withdrawn, since the learned counsel for the petitioners submitted tht the petitioners would like to make an appropriate fresh representation before the Government as also, file a petition before the National Green Tribunal. It is clarified at the request of learned counsel for the petitioners that it would be open for the petitioners to make appropriate application for alleged Contempt of Court, if any of the directions issued by this Court in the order dated 08.10.2013 in Writ Petition No. 14020/2008 are not complied with by the authorities concerned as also to make appropriate complaint*

*before the competent authorities or Court of Law in respect of any specific instance of violation of any provision*

42. From the reading of the order, it would be quite clear that the said writ petition was withdrawn and disposed of on the submissions made by the petitioner for making appropriate fresh representation before the Government and also file a petition before the NGT. Thus, the present application before the NGT is neither by an order of the said writ petition before the Hon'ble High Court of Karnataka or any directions were issued by Constitutional Court to consider the matter on merits. Thus, the question of limitation was left open which could be raised by the respondents as they have made before the Tribunal now. In so far as the plea of limitation is concerned, what are all averred in the application in paragraph 4 read thus:

*“4. As per the provisions of the NGT Act, 2010, an appeal can be preferred before the NGT against an order passed by the State Government under section 2 of the Forest (Conservation) Act, 1980. However, in the instant case, though the order was passed by the State Government on 01.03.2012, the same was not communicated to the public at large. The applicant is not aware that the order was published in any local newspaper or uploaded on the website of the forest department or the district administration or of the Ministry of Environment and Forest. It is thus not possible to file an appeal under section 16 of the Appeal as the respondent State Government as well as the Ministry of Environment has failed to discharge its obligation of communicating the order of grant of environmental clearance.”*

43. Though the applicant herein seeks to quash an order dated 01.03.2012 by the Government of Karnataka in favour of the 3<sup>rd</sup> respondent herein instead of preferring an appeal as envisaged under section 16 of the NGT Act, in order to circumvent the clutches of the Law on Limitation has preferred this application under section 14 of the NGT Act.

44. Speaking on jurisdiction, power and proceedings of the Tribunal, section 14 of the NGT Act reads as follows:

*“14. Tribunal to settle disputes: (1) The Tribunal shall have the jurisdiction over all civil cases where a substantial question relating to environmental (including enforcement of any legal right relating to environment), is involved and such question arises out the implementation of the enactments specified in Schedule I.*

*(2) The Tribunal shall hear the disputes arising from the questions referred to in sub-section (1) and settle disputes and pass orders thereon.*

*(3) No application for adjudication of dispute under this section shall be entertained by the Tribunal unless it is made within a period of six months from the date on which the cause of action for such dispute first arose:*

*Provided that the Tribunal may, if it is satisfied that the applicant was prevented by sufficient cause from filing the application within the said period, allow it to be filed within a further period not exceeding sixty days.”*

45. From the very reading of the above provision, it is abundantly clear that under section 14, application should be filed within a period of six months from the date on which cause of action first arose and if not done within the said period an application can be entertained within a period of not exceeding sixty days provided the applicant is able to show sufficient cause for not filing the application within the said period. It is not in controversy that the impugned order said to be made by the Government of Karnataka was made on 01.03.2012 and the same was challenged in W.P.No. 23456/2013 which was filed on 07.06.2013. It remains to be stated at this juncture that the NGT was constituted under the NGT Act, 2010 on 18.10.2010. As rightly pointed out by the learned counsel for the respondents, the applicant, instead of approaching the Tribunal has filed the writ petition in the month of June 2013. But, the applicant has not shown any reason for filing the writ petition after the establishment of NGT. The Tribunal has jurisdiction over all civil cases only where a substantial question relating to environment including enforcement of any legal right related to environment is involved and also the said substantial question should also arise out of the implementation and is included in one of the seven enactments specified under Schedule-I. Even if the applicant is able to satisfy the above requisites, the Tribunal can adjudicate the disputes only if it is made within a period of six months from the date on which the cause of action in such dispute first arose and the Tribunal for sufficient cause can condone delay for a period of not exceeding sixty days in making the application. In the instant case, the impugned order was made on 01.03.2012. The applicant chose to file the writ petition before the Hon'ble High Court, Karnataka only on 07.06.2013 nearly after a lapse of one year and three months. The contention putforth by the applicant that he was impeded from filing an



appeal under section 16 of the NGT Act within time since the impugned order dated 01.03.2012 was not communicated to the public at large and thus he had no knowledge of the impugned order before hand has to be rejected for two reasons: Firstly, after passing of the impugned order dated 01.03.2012, he filed the writ petition on 07.06.2013 nearly after one year and three months, that too long after the establishment of NGT as stated above. Secondly, the applicant had made a communication dated 21.08.2012 to the Principal Chief Conservator of Forests of the Karnataka State Government (as found in Annexure C in Typeset –Volume II, Page Nos. 37-41 filed by the applicant) which reads as follows:

*“4. Against this background, we have noted with deep concern that your office has granted permission to the Power Grid Corporation of India Ltd., to construct the High Tension power line along the original route. Before going into further details there are two major points for your kind consideration:*

*(a) The power is being generated from the Kaiga Nuclear Power Plant near Kaiga. Therefore, the coastal route should have been followed to Kozhikode as this would have been the shortest and most economical route.*

*(b) In any case, the Power Grid Corporation Ltd., (PGCIL) has not followed the proper procedure in initiating the project. The PGCIL should have first obtained all the required clearances prior to commencing the construction of the line. On the other hand, they have brought the project almost to the Kodagu District border and have also carried out work on the Kerala side*

*even before getting the clearances for the Kodagu stretch from your office. This could be viewed very seriously from a legal point of view. In this regard please refer to last para in the NBWL document and also para 3.3 of page 7, on discouraging fait accompli situations by user agencies.*

5. \*\*\*\*

6. Conclusion:

*The proposed route for the high tension power line has been sanctioned vide the agreement dated 23 May 2012, without giving proper detailed thought to alternative routes and in total violation of the various parameters and conditions as mentioned in the draft NBWL document dated 10 October 2011 and the background paper. Therefore, the project needs to be reviewed in order to ensure minimum damage and disturbance to wildlife habitat and damage to ecology and environment. For the immediate future, we are deeply worried about further potential danger to life due to heightened levels of HEC in the Maldare area.*

*We look forward to your kind cooperation in protecting the larger interests of wildlife and environment and in safe guarding the lives and property of the local inhabitants of Kodagu.*

46. The above parts of the said communication sent by the applicant to the Principal Chief Conservator of Forests, Karnataka Forest Department would clearly indicate the fact of the knowledge of the applicant even on 21.08.2012. While so, the instant application was filed by the applicant on 06.12.2013. It is well settled position of

law that the special law of limitation in a given enactment will always exclude the general law of limitation. The NGT Act, 2010 is a special enactment and specifically provides the period of limitation under section 14 for application and section 16 for appeal. The Hon'ble Principal Bench of the NGT held in *Jesurethinam and others vs. MoEF and others reported in 2012(2)FLT 811 NGT* that when a specific provision for limitation is provided under the special statute, the general provisions of the Limitation Act, 1963 are inapplicable. Hence, the Tribunal is afraid whether the contentions putforth by the learned counsel for the applicant that the applicant has sought for a direction to the authorities to consider the alternative routes and hence the application is well within the period of limitation cannot be countenanced. The applicant has sought for a relief to quash the impugned order dated 01.03.2012 made by the Government of Karnataka in favour of the 3<sup>rd</sup> respondent/Power Grid Corporation of India Ltd., and all other reliefs are consequential in nature. Thus, the contentions putforth by the learned counsel for the applicant have to be rejected as devoid of merits.

Accordingly, the application is dismissed as not maintainable since it is barred by limitation.

No cost.

Chennai,

Dated: 7<sup>th</sup> July 20

Justice M. Chockalingam  
Judicial Member

Prof. Dr. R. Nagendran  
Expert Member