

**Brief Summary of the events related to
Appeal No. 12 of 2018 filed in Principal Bench filed is NGT
(Catalyst Biotechnologies Pvt. Ltd. Vs. Uttarakhand Biodiversity Board)**

- 04.08.2016 : First Notice was issued against **Catalyst Biotechnologies Pvt. Ltd.**, Roorkee (user agency) for violation of Sec 7 & 24 of BD Act .
- 15.09.2016 : Information in Form I & A was provided by the user agency.
- 10.11.2016 : After receipt of all relevant documents, ABS was tentatively determined and communicated to the user agency inviting objection.
- 24.08.2017 : A letter issued by Uttarakhand Biodiversity Board to the user agency to complete the formalities related to the compliance of ABS for the F.Y. 2014-15.
- 12.10.2017 & : A letter was received from the user agency in which some
17.10.2017 objections were raised.
- 24.10.2017 : A reply letter was issued by Uttarakhand Biodiversity Board addressing the objection and directing to deposit Rs. 8,49,157 as ABS for the F.Y. 2014-15.
- 06.12.2017 : An appeal was filed vide Writ Petition No. 635 of 2017 in Hon'ble High Court of Uttarakhand. Hon'ble High Court disposed the Petition on 06.12.2017 directing to file fresh appeal before Hon'ble NGT. (order attached)
- 06.02.2018 : An appeal through O.A. No. 12 of 2018 was filed by the user agency in Hon'ble NGT challenging the order dated 24.10.2017 issued by Uttarakhand Biodiversity Board pertaining to deposition of determined ABS amount for the F.Y. 2014-15.
- 12.04.2018 : Reply affidavit was filed on behalf of Uttarakhand Biodiversity Board in Hon'ble NGT.
- 17.07.2018 : The appeal filed by the user agency was dismissed by Hon'ble NGT (order attached).

Hon'ble Lok Pal Singh, J.

Mr. Arvind Vashistha, Senior Advocate, assisted by Mr. Shivam Vashistha, Advocate for the appellant.

Appeal from order under Section 52 of the Biological Diversity Act, 2002 has been preferred against the order dated 23/24.10.2017, whereby the appellant was directed to deposit the ABS amount of Rs. 8,49,157/- for the financial year 2014-15 and complete other formalities related to the compliance of ABS. It was further directed that the appellant shall ensure its appearance through representative. Thereafter, he had personally appeared to complete the formalities, related to the compliance of ABS, for the financial years 2014-15.

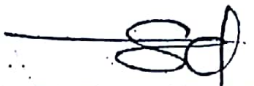
At the admission stage of appeal the learned senior counsel for the appellant would submit that in view of Section 3 of NGT Act, the appeal would be maintainable before the NGT. Thus, he may be permitted to withdraw the appeal with liberty to file fresh before NGT. He would further submit that the appeal was filed before this Court on 22.11.2017 and it was filed well within time. He would further submit that since the appeal has been preferred before this Court, which has not jurisdiction to hear the appeal, therefore, the appellant be permitted to withdraw the appeal and to file before the appropriate forum i.e. NGT and further prayed that the appellant be granted sometime to file the appeal before the NGT.

This Court is satisfied with the submission of the learned senior

counsel for the appellant that this Court has no jurisdiction to hear the appeal. Therefore, the liberty is granted to the appellant and appeal is permitted to withdraw to be filed before the NGT.


This Court is also satisfied that on an improper advice, appeal has been preferred before this Court. Therefore, 60 days time is allowed to the appellant to file an appeal before the NGT but is not exceeding 60 days.

The appeal is permitted to withdraw with liberty above. The interim relief application rendered infructuous.

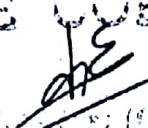

(Lok Pal Singh, J.)

06.12.2017

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Assistant Secretary (Copying)
Ministry of Environment and Forests
New Delhi

Appeal No. 12 of 2018
(M. A. No. 135/2018 & M. A. No.136/2018)

**CORAM : HON'BLE MR. JUSTICE RAGHUVENDRA S. RATHORE, JUDICIAL MEMBER
HON'BLE DR. SATYAWAN SINGH GARBYAL, EXPERT MEMBER**

Date and Remarks	Orders of the Tribunal
<p>Item No. 37</p> <p>July 17, 2018</p>	<p>Heard the Learned Counsels appearing for the parties.</p> <p>In the instance case, primary challenge has been made to the letter dated <u>24-10-2017</u> whereby inter-alia Uttarakhand Bio-Diversity Board has sought appearance of the appellant or its authorized representative. But neither the applicant nor his representative has appeared before the Uttarakhand Bio-Diversity Board. Instead of it appellant has filed the appeal before this Tribunal.</p> <p>In our consider view, when the Uttarakhand Bio-Diversity Board has summoned the appellant, he ought to have appeared before them and not to rush to the Tribunal. Therefore, we direct the applicant or its representative to appear before the Board in compliance to the order dated 24-10-2017.</p> <p>The appeal stands disposed of, with liberty to the applicant to take recourse under law, if any order is passed against them by the Board.</p> <p>Consequently, the Appeal No. 12 of 2018 Stands dismissed with the aforesaid liberty.</p> <p><u>M. A. NO.135 of 2018 and M. A. NO. 136 of 2018</u></p> <p>These misc. applications do not survive for consideration as the main appeal itself stands disposed of</p>

	Item No. 37 July 17, 2018	<p>today.</p> <p>Therefore, M. A. NO.135 of 2018 and M. A. NO. 136 of 2018 also stand disposed of.</p> <p>.....,JM (Raghuvendra S. Rathore)</p> <p>.....,EM (Dr. Satyawan Singh Garbyal) (17.07.2018)</p>
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Jg

