

BEFORE THE NATIONAL GREEN TRIBUNAL, CENTRAL ZONAL BENCH, BHOPAL

Appeal No. 07/2013

Ruchi Soya Industries Vs. MP State Bio Diversity

QUORAM : HON'BLE MR. JUSTICE M.CHOCKALINGAM, JUDICIAL MEMBER
HON'BLE DR. AJAY A. DESHPANDE, EXPERT MEMBER

PRESENT : Appellant : Shri Ajay Gupta, Adv.

Date and Remarks	Orders of the Tribunal
<p>Item No. 1</p> <p>29th July, 2013</p>	<p>Heard the Learned Counsel for the appellant. The appeal is admitted.</p> <p>Pressing for interim relief of stay, the Learned Counsel put forth his submissions. Challenge is made against the order made under Section 24(2) of Bio Diversity Act, 2002 dated 29.06.2013 passed by Respondent No. 1 MP State Bio Diversity Board, Bhopal whereby the appellant was directed pay 2% of the gross sale or gross revenue to the respondent Board as royalty for access to biological resource as equitable sharing of benefit. The Learned Counsel pressing for the interim relief would submit that <i>soyabean</i>, what is the subject matter, does not fall within the items enumerated under the Act and that the respondent board has no powers to decide any royalty or benefit sharing amount and thus, the Bio Diversity Act, 2002 is not applicable to the appellant and thus, the impugned order was thoroughly illegal and it has got to be set aside and further the Learned Counsel would submit that if not, the impugned order under challenge is stayed, there is a likelihood of immediate steps taken by the respondent Board for launching prosecution. Under such circumstances, there arose an immediate necessity for stay of the impugned order.</p> <p>After hearing the Learned Counsel for the appellant and looking into the materials available, the Tribunal is of the considered opinion that a <i>prima facie</i> case is made out for grant of interim stay of the impugned order no. MPSBB/ABS-Cell/2013/1192 dated 29.06.2013 passed by the MP State Bio Diversity Board, Bhopal. Accordingly, interim stay is granted until further orders.</p> <p>Notice is ordered to the respondents.</p> <p>The matter is posted to 26.08.2013.</p> <p>.....JM (M.CHOCKALINGAM)</p> <p>.....EM (Dr. AJAY A. DESHPANDE)</p>