

**BEFORE THE NATIONAL GREEN TRIBUNAL,
PRINCIPAL BENCH, NEW DELHI**

Appeal No. 70 of 2013

**Super Smelters Limited
Vs.
Union of India & Anr.**

CORAM : HON'BLE DR. JUSTICE P. JYOTHIMANI, JUDICIAL MEMBER
HON'BLE DR. D. K. AGRAWAL, EXPERT MEMBER

Present: Appellant: Mr. Bibhu Tripathy, Advocate and Mr. Jitendra Mohapatra, Advocate

| Date and Remarks | Orders of the Tribunal |
|------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Item No. 4 June 7, 2013 | <p>We have heard Learned Counsel appearing for the Appellant in both the Appeals.</p> <p>Admit. Issue notice to the Respondents by registered post/acknowledgement due and dasti as well. Notice returnable on 22nd July, 2013.</p> <p>Process to be filed by the Appellant in both the Appeals by Monday i.e. on 10th June, 2013.</p> <p>The submissions of the learned counsel for the Appellant while insisting for the order of stay is that while the unit in question has started operation from 2007, it was by clarification letter of MoEF dated 17.12.2008, for the first time such unit was required Environmental Clearance from the Government of India.</p> <p>On reference to the impugned order, we see that even after the clarification letter was issued on 17.12.2008, the Pollution Control Board has been continuously issuing orders every year by way of consent to operate to the unit in question without insisting EC. The impugned order solely relies upon a single factor that the unit should be closed down on the basis of wants of EC. In such view of the matter and also taking into consideration, number of persons have been employed in the unit, we are of the view that the impugned order must be stayed. Accordingly there shall be an order of interim stay of the impugned order of the Respondent No. 2 (Pollution Control Board) till the next date of hearing, however, subject to the condition that the Appellant's unit shall comply with all environmental norms as has been laid down by the earlier orders of consent to operate.</p> |

We direct the Respondent No. 1 (MoEF) to specifically state as to whether the unit requires EC, if so, from what date and what action has been taken by the MoEF as well as the Pollution Control Board from the date of notification to insist the unit in question to apply for EC.

Stand over to 22nd July, 2013.

.....,JM
(Dr. P. Jyothimani)

.....,EM
(Dr. D.K. Agrawal)

