BEFORE THE NATIONAL GREEN TRIBUNAL, PRINCIPAL BENCH, NEW DELHI

M.A. No. 164 of 2014 & M.A. No. 169 of 2014 In Appeal No. 73 of 2012

Sudiep Shrivastava Vs. State of Chhattisgarh& Ors.

CORAM: HON'BLE MR. JUSTICE SWATANTER KUMAR, CHAIRPERSON

HON'BLE MR. JUSTICE U.D. SALVI, JUDICIAL MEMBER HON'BLE MR. DR. D.K. AGRAWAL, EXPERT MEMBER

HON'BLE MR. B.S. SAJWAN, EXPERT MEMBER HON'BLE DR. R.C. TRIVEDI, EXPERT MEMBER

Present: Appellant: Mr. Raj Panjwani Sr. Adv, Mr. Rahul Choudhary,

Advocate and Ms. Parul Gupta, Advocate.

Respondent No.2:

Ms. Panchajanya Batra Singh, Advocate with

Mr. <mark>Sala</mark>uddin Khan,

Respondent No. 3: Mr. Parag Tripathi Sr. Adv. & Mr. Kunal Verma,

Advocate.

Respondent No. 4: Mr. Arjun Khera, Advocate and Mr. Avneesh

Arputham, Advocate.

Date and Remarks	Orders of the Tribunal
Item No. 1 April 2, 2014	M.A. No. 164 of 2014 and 169 of 2014 This Application has been moved by the
	proponent for extension of the stay of operation of jud

This Application has been moved by the project proponent for extension of the stay of operation of judgment as allowed by the Tribunal vide its Order dated 24th, March, 2014. Vide that Order operation of the judgment dated the same was ordered to be stayed subject to the conditions stated in that Order. This Application for extension of stay has been moved for the reason that the Green Bench in the Hon'ble Supreme Court of India dealing with environmental issues is not likely to assemble till 14th April, 2014 and the matter will not be likely to be heard till 21st April, 2014.

The prayer has been vehemently opposed by the Learned Counsel appearing for the Appellant, who has also filed M.A. No. 169 of 2014 praying that the project proponent is carrying on excavating, drilling and blasting activity at the site in question which is in clear violation to the judgment and the interim Order passed by the Tribunal on 24th March, 2014.

According to the Appellant no extension should be given and on the contrary appropriate action against the project proponents in accordance with law for violating the Order of the Tribunal should be taken and directions issued to restore and compensate the environmental damage done by them.

Having heard the Learned Counsel appearing for the

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parties, we are of the considered view that the interest of justice would demand grant of two weeks extension to the project proponent. The interim Order passed on 24th March, 2014 with the conditions imposed therein shall continue for a further period of two weeks. However, during the entire period now and subject to the Orders which the Supreme Court may pass, we make it clear that in no circumstances the project proponent shall carry on the blasting, drilling or excavating activity at the site in question. Other activities as permitted by the interim Order and saved by the Order in main Application can be continued by the Appellant.

MoEF may start with the process of re-examining the entire issue afresh in order to save the time. Obviously, this direction is without prejudice to the rights and contentions of the parties.

The interim Order granted in favour of the project proponent shall automatically cease to operate after 21st April, 2014.

Accordingly, M.A. Nos. 164 of 2014 and 169 of 2014 stand disposed of with the above directions.

,CP (Swatanter K <mark>u</mark> mar)
,JM (U.D. <mark>Salv</mark> i)
,,EM (Dr. D.K. Agrawal)
,EM (B.S. Sajwan)
,EM (Dr. R.C. Trivedi)