BEFORE THE NATIONAL GREEN TRIBUNAL PRINCIPAL BENCH, NEW DELHI

Appeal No. 29/2012

Smt. Padmabati Mohapatra Vs. Union of India & Ors.

CORAM: HON'BLE MR. JUSTICE M.S. NAMBIAR, JUDICIAL MEMBER

HON'BLE DR. G.K. PANDEY, EXPERT MEMBER

HON'BLE PROF. (DR.) P.C. MISHRA, EXPERT MEMBER

HON'BLE PROF. A.R. YOUSUF, EXPERT MEMBER

HON'BLE MR. RANJAN CHATTERJEE, EXPERT MEMBER

Present: Applicant / Appellant : Not appeared

Respondent No. 1 : Ms. P. Batra Singh and Mr. S. Khan, Adv. : Mr. Ruchir Mishra and Ramneek Mishra, Advs.

Respondent No. 4 : Mr. S. Panda, Adv. Respondent No. 5 : Mr. Rajkumar, Adv.

Respondent No. 11 : Mr. Gopal Jain, Sr. Adv. and Ms. Devina Sehgal,

Adv.

Date and Remarks Item No. 6 May 6, 2014

Orders of the Tribunal

Learned Counsel appearing for respondent no. 11 pointed out that the Appellant is not present today and even on the earlier three occasions. He submitted that the appellant is evidently not prosecuting the case.

This appeal was originally filed as an application under section 14 and 16 of the National Green Tribunal Act, 2010, seeking relief of quashing the order dated 15.02.2011 passed by the MoEF granting Environmental Clearance (EC) to the 1x660MW Coal based Thermal Power Plant at village: Naraz – Marthapur in the District of Cuttack, State of Orissa. The application was later on converted into an appeal. While the appeal was pending, respondent no. 11 (Project Proponent) submitted that the project proponent is proposing to change feed stock from coal to gas. The project proponent also submitted that the said proposal is pending before the State Government and as and when the State Government grants permission, the project proponent will decide the future course of action. The matter was hence being adjourned awaiting decision.

Learned Counsel for respondent no. 11 submitted that the project proponent is not proposing to proceed with the impugned EC granted in favour of respondent no. 11 in view of the request for changing feed stock from coal to gas. The submission of the learned Counsel is recorded.

In view of the submission that the EC will not be acted upon and the respondent no. 11 will not proceed with the industry based on the EC granted, nothing survives in the appeal. The appeal stands disposed of recording the submission of the appellant. All the miscellaneous applications filed in this appeal accordingly stand disposed of.

(M.S. Nambiar)	JM
(Dr. G.K. Pandey)	EM
, 1 (Prof. (Dr.) P.C. Mishra)	EM
, 1 (Prof. A.R. Yousuf)	EM
(Ranjan Chatterjee)	EM