BEFORE THE NATIONAL GREEN TRIBUNAL PRINCIPAL BENCH, NEW DELHI

M.A. No. 368/2014 In Original Application No. 08/2014

Mahendra Pandey V/s Union of India & Ors.

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

HON'BLE PROF. (DR.) R. NAGENDRAN, EXPERT MEMBER

Present: Applicant / Appellant : Mr. Gaurav Kr. Bansal, Adv.

Respondent No. 1 : Mr. S. Khan, Adv. for Ms. P. Batra Singh, Adv. Respondent No. 7 : Mr. D.K. Singh, Adv. for Ms. Purnima Maheswari,

Adv.

Orders of the Tribunal

Remarks
Item No. 1

Date and

June 4, 2014

Heard the learned Counsel appearing for the applicant.

There is no representation on behalf of Delhi Pollution Control

Committee. Learned Counsel appearing for the applicant submitted that notice has been furnished in advance.

By order dated 05.02.2014, while recording completion of service, the following order was passed in M.A. No. 16/2014:

"in the meanwhile, the Ministry of Environment and Forests (for short "MoEF") / State Level Environment Impact Assessment Authority (for short "SEIAA") shall not grant any final Environment Clearance for project located at the Najafgarh drain Basin in accordance with its own office Memorandum dated 13th January, 2010 and in view of the Office Memorandum dated 17th September, 2013"

This miscellaneous application is filed by the applicant seeking an order for cancellation of the Environment Clearance granted by the respondent no. 5 (SEIAA) (i) for the construction of building complex for Shaheed Sukhdev College of Business Studies at PSP, area IV, sector-16, Rohini, New Delhi and (ii) for expansion of Hindu College at Sudhir Bose Marg, University Enclave, New Delhi and (iii) for initiation suitable action for non-

compliance of the order dated 05.02.2014.

From the materials placed, we are prima facie satisfied that the order passed by the Tribunal on 05.02.2014 was not complied with and in fact was violated by according Environment Clearance to the construction of building complex for Shaheed Sukhdev College of Business Studies at PSP, area IV, sector-16, Rohini, New Delhi and for expansion of Hindu College at Sudhir Bose Marg, University Enclave. The relevant orders passed by respondent no. 5 according Environment Clearance clearly establish that the clearance was granted based on the decision taken on 23rd meeting held on 02.04.2014, much after the order passed by the Tribunal on 05.02.2014. In such circumstances, issue Notice to respondent no. 5 to show cause why action cannot be initiated, as provided under section 26 of the National Green Tribunal Act, 2010, for grantin<mark>g environ</mark>ment clearance in violation of the order dated 05.02.2014.

The applicant shall implead the Shaheed Sukhdev College of Business Studies at PSP, area IV, sector-16, Rohini, New Delhi and the Hindu College at Sudhir Bose Marg, University Enclave, New Delhi as additional party respondents in the miscellaneous application.

As the environment clearances in favour of the Shaheed Sukhdev College of Business Studies and Hindu College were granted subsequent to the order passed by the Tribunal on 05.02.2014 directing not to grant any final EC for the project located in the Nazafgarh drain basin area, the operation of the said ECs are kept in abeyance, until further orders.

Issue Notice to the respondents by registered post/acknowledgement due and Dasti as well

List on 22 nd July, 2014	•
	(Prof. (Dr.) R. Nagendran)
NATIONAL GREEN TRIBLE	MAL, MAL, MAL, MAL, MAL, MAL, MAL, MAL,