

**BEFORE THE NATIONAL GREEN TRIBUNAL, CENTRAL ZONAL BENCH,
BHOPAL**

Original Application No. 155/2014

Paryavaran and Manav Sanrakshan Samiti v. M/s Satya Infrastructures Ltd. & 7 Ors.

**CORAM : HON'BLE MR. JUSTICE DALIP SINGH, JUDICIAL MEMBER
HON'BLE MR. P.S.RAO, EXPERT MEMBER**

**PRESENT : Applicant : None
Respondent No.1 : Shri Vivek Dalal, Adv. &
Shri Rohit Gupta, Adv.
Respondent No. 2: Shri Om S. Srivastav, Adv.
Respondent No. 6 to 8 : Shri Sachin K.Verma, Adv.
MPPCB & SEIAA : Ms. Parul Bhadoria, Adv. for
Shri Purushaindra Kaurav, Adv.**

Date and Remarks	Orders of the Tribunal
Order No. 10 19th March, 2015	None for the Applicant. Heard the Learned Counsel for the Respondent No. 1 as well as the Learned Counsel for the State of MP and perused the reply. This petition has been filed by the Applicant alleging that the Respondent No.1/ M/s Satya Infrastructures Ltd. is a defaulter engaged in the activity of real estate development in the city of Indore and that the Respondent No. 1 is developing a township in the city of Indore without proper permission namely the Environmental Clearance (EC) under the EIA notification 2006 as well as consent under Water and Air Acts. Having heard the Learned Counsel for the Applicant the Tribunal issued notices to the Respondents vide its order dtd. 17.07.2014 pursuant to which the Respondents put in their appearance and replies have been filed. The dispute arose in view of the fact that it is an admitted position that Respondent No.1 applied for the grant of EC thought it was initially submitted by the Learned Counsel appearing for the Respondent No. 1 that it was not necessary for the Respondent to obtain such EC, however such application filed by the Respondent No.1 was rejected by the

SEIAA vide order dtd.11.05.2012.

It was however pointed out that the Respondent No.1 had in the meanwhile also approached the Hon'ble High Court of MP by way of filing Writ Petition No. 14043/2013 M/s Satya Infrastructures Ltd. Vs. Union of India & Ors. which is still pending before the Hon'ble High Court and in which the prayer made *inter alia* is for quashing the decision of SEIAA rejecting the application for the grant of EC vide its order dtd. 11.05.2012. Apart from that the Applicant had also challenged the order dtd. 01.10.2012 and 12.03.2013 by which the consents granted under the Water and Air Acts had also been revoked by the concerned authorities.

During the pendency of the petition it was brought to our notice by the Learned Counsel appearing for the MoEF as well as Learned Counsel appearing for the MPPCB that the MoEF & CC, Govt. of India vide their communication dtd. 02.12.2014 had clarified the position that it would be open for the party who had also submitted an application for grant of EC to SEIAA denovo to submit application and the same shall be considered in accordance with law by SEIAA. It may be stated here that initially it was considered that a fresh application/renewal application in the case of rejection of the earlier application for the grant of EC was not maintainable. It is now been submitted that in view of the communication and clarification contained in the letter dtd. 02.12.2014 by MoEF & CC, Govt. of India makes it open for a party like Respondent No. 1 whose application was earlier rejected to approach SEIAA afresh.

In view of the above, the Learned Counsel appearing for the Respondent No.1 submitted that the Respondent No.1 will approach the SEIAA with fresh application for the grant of EC and in this behalf make application also before the Hon'ble High Court for

seeking permission to withdraw the said relief to the extent claimed in the application regarding rejection of the EC by SEIAA.

Having considered the facts and the same being un-disputed that the Respondent No.1 does not as of today have the requisite consent and clearances under the environmental laws particularly the EC and the consent under the Air and Water Acts, we are of the view that for the development activity and construction being carried out by the Respondent No.1 is impermissible and has to be stopped.

Having said so we are of the opinion, that so far as the grant of EC is concerned in case the Respondent No.1 approaches the SEIAA for de novo consideration of his application it would be open for SEIAA to consider the said application in the light of the communication of the MoEF & CC, Govt. of India dtd. 02.12.2014. As regards the issue pertaining to consent under the Air and Water Acts since the matter is still pending before the Hon'ble High Court the decision to that effect shall be subject to the decision of the Hon'ble High Court in this behalf. So far as the issue pertaining to the existing constructions that have been carried out by the Respondent No.1 are concerned and the fate of such constructions in the event of refusal of the fresh application that may be submitted the Respondent No.1 may be free to approach this Tribunal as also the response of MoEF as well as MPPCB for seeking directions to that effect.

Having said so we make it clear that any of such issue which has been raised in the application on merits pertaining to the project, plan etc. submitted by the Respondent No.1 and in case such application for the grant of EC is submitted by the Respondent No.1 for consideration de novo not the earlier rejection of the application and the disposal of the petition with the above directions of

restraining the Respondent No.1 from any further construction, the concerned authority shall consider the above application without being influenced by our order.

.....,JM
(DALIP SINGH)

.....,EM
(P.S.RAO)

