

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

Original Application No. 134/2014

And

M. A. No.427/2014

Mr. Rajiv Suri Vs. Ministry of Urban Development & Anr.

**CORAM: HON'BLE MR. JUSTICE U.D. SALVI, JUDICIAL MEMBER
HON'BLE DR. G. K. PANDEY, EXPERT MEMBER
HON'BLE MR. B. S. SAJWAN, EXPERT MEMBER
HON'BLE MR. RANJAN CHATTERJEE, EXPERT MEMBER**

Present: Applicant/Appellant(s) : Appearance not given
Respondent No. 1 : Mr. B.V. Niren, CGSC
Respondent No. 2 : Mr. Pinaki Mishra, Sr. Adv. with Mr. Manoj Kumar Das, Adv.
Respondent No. 4 : Mr. Biraja Mahapatra, Adv. and Mr. Dinesh Jindal, Law Officer

Date and Remarks	Orders of the Tribunal
Item No. 1 July 14, 2014	<p style="text-align: center;"><u>Original Application No. 134/2014</u></p> <p>Heard. Perused.</p> <p>The present application throws challenge to the construction/re-development project undertaken by the Ministry of Urban Development at East Kidwai Nagar Delhi and further seeks the revocation of the Environment Clearance allegedly obtained by the NBCC Ltd. on concealment and misrepresentation of facts regarding development of commercial area within the project. The Applicant in person grieves that the project undertaken on a massive scale is bound to result in a massive environmental degradation on account of its adverse impact on the soil and underground water level. He, therefore, seeks urgent relief by way of <i>status quo</i> being maintained in the density of residential units and height of the buildings in the project.</p> <p>On the last date, we had noted that the controversy regarding the Environmental Clearance (EC) concerning the project calls for the joinder of necessary parties, namely, Ministry of Environment & Forests (MoEF) and State Level Environment Impact Assessment Authority (SEIAA).</p>

Today, the Applicant has moved a Miscellaneous Application (No. 427/2014) for amending the cause title and joining the MoEF and SEIAA as party Respondents as well as placed on record the photographs of the activities undertaken by the Respondent No. 2 (NBCC Ltd.) at the behest of Respondent No. 1.

We have perused the photographs. We do find massive construction activity in progress at the site.

However, learned Counsel appearing on behalf of Respondent No. 2 (NBCC Ltd.) has invited our attention to the compilation of documents tendered today before us. He submits that this issue, the one concerning the massive construction activity at the site has been raised before the Hon'ble Delhi High Court in Writ Petition (C) No. 3263/2014 – Shri Aman Lekhi & Ors. Vs. UoI & Ors. by one Mr. Aman Lekhi and M/s. Manali Singhal, and in the light of the submissions made before it as well as documents placed on record the Hon'ble High Court has made the construction in question subject to further orders passed in the said writ petition vide orders dated 21.05.2014 and 03.07.2014. He submits that now the Hon'ble Delhi High Court is seized of the matter in issue and it is open for the Applicant to join himself to the said writ petition and voice his grievances which according to him are identical in nature to the one voiced before this Tribunal.

Learned Counsel appearing on behalf of the Respondent No. 2 further invited our attention to the EC dated 13.08.2012 granted by SEIAA, Delhi to the project.

He further submitted that this EC was not only duly granted but was duly published on the website as well as in the local newspapers in order to make the grant of EC and its conditions publically known on or about 23.10.2012 and the present attempt to question it is miserably time barred.

He further submitted that a mechanism has been provided under the National Green Tribunal Act r.w. the Environment (Protection) Act to get the redressal of the grievances regarding damage to the environment and the environment in general and this Tribunal being the creature of the Act is bound to consider such grievances within the scope of the Act.

In all fairness learned Counsel appearing for Respondent No. 2 now makes a statement that they are not violating or going beyond the terms and conditions of the EC dated 13.08.2012 while executing work of the said project.

Considering these submissions, we feel it just and necessary that the rival parties are heard on issues on the basis of their pleadings and the submissions before any order is passed.

The Respondents including newly added Respondents, namely, MoEF and SEIAA seek time to file replies. Replies be tendered within two weeks from today with advance copy of the reply to the Applicant. Rejoinder, if any, shall be filed by the Applicant within one week thereafter.

List the matter on 12th August, 2014.

M. A. No. 427/2014

The necessary amendments to join MoEF and SEIAA have been made. M.A. No. 427/2014 stands disposed of accordingly.

....., JM
(U.D. Salvi)

....., EM
(Dr. G. K. Pandey)

....., EM
(B. S. Sajwan)

....., EM
(Ranjan Chatterjee)