

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

Appeal No. 10/2023
(IA No. 818/2023 & IA No. 488/2023)
WITH
Appeal No. 11/2023
(IA No. 489/2023)
WITH
Appeal No. 12/2023
(IA No. 490/2023)

Vineet Sinha		Appellant
	Versus	
Union of India & Ors.		Respondent(s)

Date of hearing: 14.05.2024

**CORAM: HON’BLE MR. JUSTICE PRAKASH SHRIVASTAVA, CHAIRPERSON
 HON’BLE MR. JUSTICE SUDHIR AGARWAL, JUDICIAL MEMBER
 HON’BLE MR. JUSTICE ARUN KUMAR TYAGI, JUDICIAL MEMBER
 HON’BLE DR. AFROZ AHMAD, EXPERT MEMBER**

Appellant:	Mr. Vineet Sinha, Appellant in Person
Respondent:	Mr. Pinaki Misra, Senior Advocate with Mr. Sumeer Sodhi, Mr. Chaitanya Sharma & Mr. Pratik Rajopadhye, Advs. for M/s Express Builders & Promoters Pvt. Ltd Mr. Priyanka Swami & Mr. Bhanwar Pal Singh Jadon, Advs. for SEIAA, UP Mrs. Asha Gopalan Nair & Ms. Nivedita Nair, Advs. for MoEF & CC (Through VC) Mr. Pradeep Misra & Mr. Daleep Dhyani, Advs. for UPPCB (Through VC)

ORDER

1. In these appeals, the appellant has challenged the grant of extension of Environmental Clearance (EC) dated 19.09.2011, amendment of the EC dated 19.09.2011 and expansion of EC dated 19.09.2011.
2. Learned counsel for the project proponent has pointed out that the similar orders were subject matter of challenge in OA No. 245/2021 and

the said OA was disposed of by order dated 28.09.2022 directing the project proponent to reduce some floors and pay compensation.

3. It is submitted that the said order was challenged before the Hon'ble Supreme Court in Civil Appeal No. 8421/2022, wherein the Hon'ble Supreme Court on 02.12.2022 had passed the following order:

“Issue notice, returnable in the month of February, 2023.

Notice has been accepted by respondent no.6 (Vineet Sinha), who appears in-person and is on caveat. He is at liberty to file counter affidavit/reply within four weeks.

In the meanwhile, subject to the appellant depositing Rs.5,00,00,000/- (Rupees Five Crores Only) in the Registry of this Court within six weeks from today, there will be stay of the direction requiring the appellant to deposit Rs.15 Crores as damages.

The authorities will examine and decide the application made by the appellant for environment clearance within a period of 30 days from the date of communication of this order. The application would be examined on merits without being influenced by the impugned order, which is now the subject matter of challenge before this Court.

The deposit once made, will be converted into an interest bearing fixed deposit receipt for a period of 12 months, renewable on an auto renewal basis. The deposit would abide by the further orders of this Court.”

4. He submits that, thereafter, Hon'ble Supreme Court on 27.03.2023 had passed order to the following effect:

“In view of the letter circulated by respondent no.6, who appears in person, seeking adjournment to enable him to file the counter affidavit, re-list in the month of August 2023.

Counter affidavit/reply may be filed within a period of six weeks from today.

Rejoinder affidavit, if any, may be filed within a period of six weeks after service of the counter affidavit/reply.

It is pointed out by the learned counsel for the petitioner that the authorities have not decided the application filed by the petitioner for Environmental Clearance. We request the authorities to decide the application for Environmental Clearance within a period of two months from today.

As per office report, the learned counsel for the petitioner had belatedly filed spare copies. The delay in filing the spare copies is condoned. Issue fresh notices to the unserved respondents.

Notices may be served by all modes, including dasti.”

5. Learned counsel for the project proponent has submitted that in pursuance to the above order, the project proponent had filed applications in respect of amendment/expansion and the subsequent orders on these applications of PP are now under challenge in this appeal.

6. In this background, he has submitted that the Tribunal should wait for the decision of the civil appeal which is pending before the Hon'ble Supreme Court and that the civil appeal is now posted for hearing in the month of August 2024.

7. Learned Counsel for the Appellant herein does not dispute that he will be referring to the facts and ground touching upon those mentioned in the order of the Tribunal dated 28.09.2022. Hence, we are of the view that the parties should await the decision of the Hon'ble Supreme Court in Civil Appeal No. 8421/2022. The prayer made by the Counsel for project proponent is allowed.

8. List on 30.08.2024.

Prakash Shrivastava, CP

Sudhir Agarwal, JM

Arun Kumar Tyagi, JM

Dr. Afroz Ahmad, EM

May 14, 2024
Appeals No. 10 to 12/2023 (IA Nos.
818, 488/2023, 489/2023 & 490 of 2023)
DV