

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

(Through Physical Hearing with Hybrid VC Option)
Original Application No.402/2022
(I.A No. 135/2022, I.A. No. 270/2022 & I.A. No. 271/2022))

Anand Swaroop Rastogi

...Applicant

Versus

Himalayan Food Park Limited & Ors.

...Respondents

Date of hearing: 04.04.2024

**CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI, JUDICIAL MEMBER.
HON'BLE DR. AFROZ AHMAD, EXPERT MEMBER.**

Applicant: Mr. Udit Bansal, Advocate for applicant.

Respondents: Mr. Ankit Siwach, Advocate for respondent no. 1

**Application under Section 18 read with Sections 14 and 15 of the
National Green Tribunal Act, 2010**

ORDER

1. The applicant has filed I.A. No. 270/2022 for impleading Uttarakhand Environment Protection and Pollution Control Board and the District Magistrate, Udham Singh Nagar as respondents no. 2 and 3 on the ground of being necessary parties.

2. Learned counsel for the respondent has objected to I.A. No. 270/2022 on the ground that all the grievances raised in the present application were already dealt with by this Tribunal in O.A. No. 129/2020 disposed of vide order dated 24.11.2020.

3. So far as I.A. No. 270/2022 is concerned the only aspect which this Tribunal is required to consider at this stage is as to whether Uttarakhand Environment Protection and Pollution Control Board and the District

Magistrate, Udham Singh Nagar are necessary parties to the present application. Above said I.A for impleading them cannot be rejected on the ground of applicability of the principle of res judicata which has to be adjudicated upon by consideration on merits after impleading the necessary parties. In the eventuality of the original application being held to be barred by the principle of res judicata the respondent-Project Proponent can be ordered to be compensated by passing an order for payment of costs for vexation and inconvenience caused. There is no doubt that in view of the grievances raised and attending facts and circumstances, Uttarakhand Environment Protection and Pollution Control Board and the District Magistrate, Udham Singh Nagar are necessary parties.

4. In view of above I.A. No. 270/2022 is allowed and Uttarakhand Environment Protection and Pollution Control Board and the District Magistrate, Udham Singh Nagar are impleaded as respondents no. 2 and 3.

5. I.A. No. 271/2022 has been filed by applicant for taking supplementary affidavit on record. Learned counsel for the respondent has no objection if I.A. No. 271/2022 is allowed.

6. In view of the reasons mentioned therein and no objection by learned counsel for the respondent, I.A. No. 271/2022 is allowed and supplementary affidavit is taken on record.

7. Amended original application/memo of parties be filed by the applicant within two weeks.

8. The Registry is directed to thereupon issues notice to respondents no. 2 and 3 requiring them to file their reply/response within two months at judicial-ngt@gov.in preferably in the form of searchable PDF/OCR Supported PDF and not in the form of Image PDF.

9. List for hearing on 05.07.2022 for further consideration.

Arun Kumar Tyagi, JM

Dr. Afroz Ahmad, EM

April 04th 2024