

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

M.A. No. 121/2023, M.A. No. 124/2023,
I.A. No. 851/2023 & I. A. No. 897/2023
IN
Original Application No. 692/2022

WITH

M.A. No. 123/2023
IN
Original Application No. 442/2022

Junaid Ayubi Applicant

Versus

State of Uttarakhand & Ors. Respondent(s)

Mukesh Joshi: ----- Applicant in MA 121/2023

Garhwal Mandal Vikas Nigam
Limited: ----- Applicant in MAs 121/2023
and 124/2023

Date of hearing: 03.01.2024

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

Applicant: Ms. Preetika Dwivedi & Mr. Abhishek Mohanty, Adv. for Applicant in M.A
121/2023 & I.A. 851-897/2023

Mr. Rahul Verma, AAG for Applicant in M.A 123-124/2023

ORDER

1. By M.A. No. 121/2023, M.A. No. 123/2023 and M.A. No. 124/2023, Applicants have sought modification of the order dated 30.01.2023 passed in OA No. 692/2023. It has been pointed out that the said order was subject matter of challenge before Hon'ble the Supreme Court in Civil Appeal No. 4287/2023 and Civil Appeal Diary No. 22038/2023, which was withdrawn with the liberty to move to the

Tribunal. The Hon'ble Supreme Court in above Civil Appeal on 07.08.2023 had passed the following order:

"CIVIL APPEAL NO. _____/2023 (@ Diary No(s). 22038/2023)

Delay condoned.

The learned Senior Counsel appearing for the State pointed out that the State will take steps to transfer environmental clearance to the appellant in Civil Appeal No.4287 of 2023.

We, therefore, dispose of the appeal with liberty to take steps accordingly.

Pending applications, if any, also stand disposed of.

CIVIL APPEAL NO. 4287/2023

Learned Senior Counsel appearing for the appellant seeks permission to withdraw the appeal as he wants to avail the remedy reserved by the Tribunal in terms of paragraph 16 of the impugned judgment. To enable him to avail the remedy, the appeal is disposed of as withdrawn.

We make it clear as far as the issue of compensation is concerned, if an adverse order is passed by the Tribunal, the appellant can always challenge the same in accordance with law.

As and when Environmental Clearance is transferred in the name of the appellant, it will be open for the appellant to apply for modification of the impugned judgment."

2. We also find that liberty was granted by the Tribunal in para 16 of the order dated 30.01.2023 to the contractors, transferee of mining rights by GMVN, who had not appeared before the Tribunal and were affected, to move to the Tribunal, if aggrieved.

3. In view of the above we direct, let notice in M.A. No. 121/2023, M.A. No. 123/2023, M.A. No. 124/2023 as also IA No. 851/2023 be issued to the applicants and respondents in OA Nos. 692/2022 and 442/2022. The Applicants in the MA are directed to serve the respondents and file their affidavit of service on or before the next date of hearing.

4. List on 21.02.2024.

Prakash Shrivastava, CP

Arun Kumar Tyagi, JM

Dr. Afroz Ahmad, EM

January 03, 2024
M.A. No. 121/2023, M.A. No. 124/2023,
I.A. No. 851/2023 & I. A. No. 897/2023
IN Original Application No. 692/2022
WITH M.A. No. 123/2023 IN
Original Application No. 442/2022
DV.