

Item No.07

Court No. 1

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

Appeal No. 32/2023
(I.A. No. 783/2023 I.A. No. 784/2023 & I.A. No. 816/2023)

Sandeep Kumar

Appellant

Versus

State of Haryana & Ors.

Respondent(s)

Date of hearing: 21.11.2023

**CORAM: HON'BLE MR. JUSTICE PRAKASH SHRIVASTAVA, CHAIRPERSON
HON'BLE MR. JUSTICE SUDHIR AGARWAL, JUDICIAL MEMBER
HON'BLE DR. A. SENTHIL VEL, EXPERT MEMBER**

Appellant: Mr. Nidhesh Gupta, Senior Advocate, Mr. Anshul Mangla & Mr. Vaibhav Niti, Advs.

Respondent: Mr. Rahul Khurana, Adv. for SEIAA, Haryana
Mr. Saurabh Rajpal & Mr. Vinay Kumar Singh, Advs. for R - 6

ORDER

1. Learned Counsel appearing for the Project Proponent as also for SEIAA, Haryana have submitted that the same issue is pending before the Hon'ble Supreme Court in SLP (Civil) Diary No(s). 14442/2021 in the matter of Sunder Singh & Anr. vs. M/s Satish Kumar Garg & Company & Ors. in which Hon'ble Supreme Court on 22.09.2023 has passed an interim order to the following effect:-

“Taking note of the above, the first respondent is granted two weeks' time to file their response. In the meantime, no further steps are to be taken in pursuant to the Environment Clearance granted by the SEIAA on 08.08.2023, to the respondent No.1.”

2. Learned Counsel appearing for the appellant has disputed the submission that the SLP is on the same issue. He has submitted that in the present Appeal, the appellant has challenged the Environmental Clearance dated 02.08.2023 which has been granted to respondent no. 6

whereas in the SLP before the Hon'ble Supreme Court, the order of the High Court in Writ Petition is under challenge. He has also submitted that apart from the issue of Aravalli plantation, the other grounds have also been raised in the Appeal. He has made a prayer for passing same interim order which has been passed by the Hon'ble Supreme Court.

3. Since, the issue is already pending before the Hon'ble Supreme Court and the interim order has been passed by the Hon'ble Supreme Court, therefore, at this stage, we do not deem it proper to go into the said issue. In any case, the interim order admittedly takes care of the immediate grievance of the appellant.

4. It has also been pointed out that Appeal No. 26/2023 is pending questioning the same EC and which has been deferred on account of pendency of the SLP before the Hon'ble Supreme Court.

5. Counsel for the Project Proponent and SEIAA also seeks time to file response to the application for condonation of delay. Let the same be filed within four weeks.

6. Counsel for the appellant is directed to supply copy of IA. No. 816/2023, which is an application for amendment, to Counsel for the respondents within one week. Reply to the IA, if any, be filed within three weeks thereafter.

7. If the need so arises, the appellant will be at liberty to mention.

8. List along with Appeal No. 26/2023 on 30.01.2024.

Prakash Shrivastava, CP

Sudhir Agarwal, JM

Dr. A. Senthil Vel, EM

November 21, 2023
Appeal No. 32/2023
(I.A. No. 783/2023 I.A. No. 784/2023
& I.A. No. 816/2023)
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