

Item No.05

**BEFORE THE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH, KOLKATA
(THROUGH PHYSICAL HEARING WITH HYBRID MODE)**

Original Application No.187/2023/EZ

Rakesh Kapoor

Applicant

Versus

State of Bihar & Ors.

Respondents

Date of hearing: 25.05.2026

**CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI, JUDICIAL MEMBER
HON'BLE MR. ISHWAR SINGH, EXPERT MEMBER**

Applicant: None for the applicant.

Respondents: Mr. Surendra Kumar, Advocate for respondents no.1 & 3 (through VC).
Ms. Amrita Pandey, Advocate for respondent no.2 (through VC).
Mr. Ghanshyam Pandey, Advocate for respondent no.4 (through VC).
None for respondent no.5.

ORDER

1. The applicant had sent letter petition dated 07.11.2023 which was treated and registered as Original Application No. 187/2023/EZ
2. Vide order dated 10.01.2024, notices were issued to the respondents.
3. Pursuant thereto, replies/reports were filed by the respondents which are taken on record.
4. In the course of hearing, it was pointed out that Civil Appeal No.3367 of 2020 titled as *Ashok Kumar Sinha Vs. Union of India & Ors.* involving the same issue as involved in the present Original Application is still pending before the Hon'ble Supreme Court.
5. Learned Counsels for the respondents have conceded that the decision of the abovesaid Civil Appeal No.3367 of 2020 titled as *Ashok*

Kumar Sinha Vs. Union of India & Ors. will have material bearing on the decision of the present Original Application.

6. This Tribunal has already adjourned the case for more than seven dates in view of the pendency of the above said Civil Appeal.

7. Disposal of the above said Civil Appeal is likely to take some time. No useful purpose will be served by repeatedly adjourning the matter during pendency of the abovesaid Civil Appeal. No prejudice will be caused to the parties if the present Original Application is adjourned *sine die* as any of the parties may move this Tribunal for revival thereof.

8. Accordingly, the present Original Application is adjourned *sine die* with liberty that any of the parties may move this Tribunal for revival thereof after decision of the abovesaid Civil Appeal by Hon'ble Supreme Court.

Arun Kumar Tyagi, JM

Ishwar Singh, EM

May 25th, 2026
Original Application No.187/2023/EZ
SN