

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

Appeal No.20/2023/EZ
With
Original Application No.63/2023/EZ
(Earlier O.A. No.158/2023/PB)

NTPC Ltd, Pakri-Barwadhi Coal Mining Project	Appellant(s)
Versus	
State of Jharkhand & Ors.	Respondent(s)

With	
Anup Kumar	Applicant(s)
Versus	
State of Jharkhand & Ors.	Respondent(s)

Date of hearing: 22.08.2024

**CORAM: HON’BLE MR. JUSTICE B. AMIT STHALEKAR, JUDICIAL MEMBER
HON’BLE DR. ARUN KUMAR VERMA, EXPERT MEMBER**

For Appellant(s) : Mr. Sanjay Jain, Sr. Advocate (in Virtual Mode) a/w
Mr. Uttam Kumar Mandal & Mr. Adarsh Tripathi, Advs.

For Respondent(s) : Ms. Aishwarya Rajyashree, Adv. for R-1,3,5&6, (in Virtual Mode)
Mr. D. N. Ray, Adv. for R-2&4, (in Virtual Mode)

(in O.A. No.63/2023/EZ):-

For Appellant(s) : None

For Respondent(s) : Mr. Surendra Kumar, Advocate for R-1,
Ms. Anamika Pandey, Adv. for R-2, (in Virtual Mode)
Ms. Aishwarya Rajyashree, Adv. for R-3&5, (in Virtual Mode)
Mr. Dipanjan Ghosh, Advocate for R-4,
Mr. Sanjay Jain, Sr. Advocate (in Virtual Mode) a/w
Mr. Uttam Kumar Mandal & Mr. Adarsh Tripathi, Advs. for R-6&7,

ORDER

1. Mr. Sanjay Jain, learned Senior Counsel is present (in Virtual Mode) assisted by Mr. Uttam Kumar Mandal and Mr. Adarsh Tripathi, learned Counsel for the Appellant.
2. This Court by its order dated 03.05.2024 had granted three months time i.e., by 31.07.2024, to the Ministry of Environment, Forest and Climate Change, Respondent Nos.2&4, to take a decision in the matter with regard to the imposition of penalty of Rs.857,52,85,944.32/- (Rupees Eight Hundred Fifty Seven Crores Fifty Two Lakhs Eighty Five Thousand Nine Hundred Forty Four and Thirty Two Paisa only) against the NTPC Ltd. the Appellant herein, and file affidavit in this regard by 16.08.2024,
3. Today, Mr. D. N. Ray, learned counsel appearing (in Virtual Mode) for Respondent Nos.2 & 4, Ministry of Environment, Forests and Climate Change, is again praying for further time for filing counter-affidavit.
4. We find that this matter is pending before the Ministry of Environment, Forests and Climate Change, Ministry of Power and ministry of Coal at least since 30.10.2023 which is the letter of the Ministry of Power addressed to the Secretary, Ministry of Coal, New Delhi, for amicable resolution of the issue. This was a matter in which we expected the Ministry of Environment, Forests and Climate Change to promptly file its counter-affidavit and it does not take ten months for filing its counter-affidavit.
5. We, therefore, grant the Ministry of Environment, Forests and Climate Change, Respondent Nos.2&4, further four weeks time and no more for filing counter-affidavit, failing which we will be constrained to issue bailable warrants against the Respondent

Nos.2&4 as well as take action in terms of Section 26 of the National Green Tribunal Act, 2010.

6. Interim order granted on 01.08.2023 is extended until further orders.
7. **List both the matters on 12.11.2024.**

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B. Amit Sthalekar, JM

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Dr. Arun Kumar Verma, EM

August 22, 2024,
Appeal No.20/2023/EZ
With
Original Application No.63/2023/EZ
(Earlier O.A. No.158/2023/PB)
AK