

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

Original Application No.12/2022/EZ
(I.A. No.241/2022/EZ)

Srinath Mishra

Applicant(s)

Versus

State of Odisha & Ors.

Respondent(s)

Date of hearing: 09.12.2022

**CORAM: HON'BLE MR. JUSTICE B. AMIT STHALEKAR, JUDICIAL MEMBER
HON'BLE DR. AFROZ AHMAD, EXPERT MEMBER**

For Applicant(s) : Mr. Srinath Mishra, in person

For Respondent(s) : Mr. P. P. Mohanty, AGA for R-1,2 & 3 (in Virtual Mode),
Mr. Balendu Sekhar, Adv. for R-4 (in Virtual Mode),
Mr. Gora Chand Roy Choudhury, Adv. for R-6 (in Virtual Mode),
Ms. Papiya Banerjee Bihani, Adv. for R-7,

ORDER

1. Mr. Srinath Mishra, Applicant is present in person.
2. I.A. No.241/2022/EZ is being taken up.
3. This Amendment Application has been filed for impleadment of Gammon Infrastructure Projects Limited in Joint Venture with Gammon Engineers and Contractors Private Limited (GECPL) as Respondent No.8.
4. Impleadment had already been permitted by this Tribunal vide its Order dated 07.11.2022 and, therefore, there was no occasion for filing of an interlocutory application seeking permission to implead. Even otherwise, impleadment cannot be sought through an amendment application. We, therefore, reject this I.A. No.241/2022/EZ.
5. Mr. Balendu Sekhar, learned Counsel appearing (in Virtual Mode) for the Respondent No.4, National Highway Authority of India,

informs the Tribunal that against the recovery of Environmental Compensation passed by the Collector & District Magistrate, Jajpur dated 24.05.2022, M/s Gammon Infrastructure Projects Limited has filed Writ Petition (C) No.29310 of 2022 in the Hon'ble High Court, Odisha and the order of recovery passed by the Collector & District Magistrate, Jajpur has been stayed by the Hon'ble High Court vide its Order dated 09.11.2022. The said Order is not on record nor has it been placed before the Tribunal by the Applicant.

6. We, therefore, direct the Applicant as well as Mr. Balendu Sekhar, to place the said order of the Hon'ble High Court, Odisha before the Tribunal by the next date of listing.
7. The Applicant, Mr. Srinath Mishra, further points out that he had appeared before the Hon'ble High Court, Odisha and pointed out that the matter is pending before the National Green Tribunal, Eastern Zone Bench, Kolkata but the High Court directed him to file counter-affidavit. These facts should have been disclosed to the Tribunal through an affidavit bringing on record the order of the Hon'ble High Court, Odisha.
8. We, therefore, direct the Applicant shall bring the said Order of the Hon'ble High Court, Odisha on affidavit before the Tribunal by the next date of listing.
9. **List on 18.01.2023.**

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B. Amit Sthalekar, JM

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Dr. Afroz Ahmad, EM

December 09, 2022
Original Application No.12/2022/EZ
(I.A. No.241/2022/EZ)
BD