

Item No. 04 & 05

**BEFORE THE NATIONAL GREEN TRIBUNAL
CENTRAL ZONE BENCH, BHOPAL
(Through Video Conferencing)**

**Appeal No.10/2022 (CZ)
(I.A.No.41/2022) (I.A.No.61/2023) (I.A.No.62/2023)**

Sant Kumar Netam

Appellant(s)

Vs.

Union of India & Ors.

Respondent(s)

WITH

Appeal No.16/2022 (CZ)

Hasdeo Arand Bachao Sangarsh Samiti

Appellant(s)

Vs.

Ministry of Environment, Forest &
Climate Change & Ors.

Respondent(s)

Date of Hearing: **08.05.2025**

**CORAM: HON'BLE MR. JUSTICE SHEO KUMAR SINGH, JUDICIAL MEMBER
HON'BLE DR. AFROZ AHMAD, EXPERT MEMBER**

For Appellant(s)	:	Ms. Shibani Ghosh, Adv. Mr. Abhimanue Shrestha, Adv.
For Respondent(s)	:	Mr. Atmaram NS Nadkarni, Sr. Adv. (with Mr. Kunal Verma, Adv. Mr. Rohit Sharma, Adv. Mr. S.S. Rebello, Adv. Ms. Deepti Arya, Adv. Ms. Arzu Paul, Adv. Mr. Manish Gupta, Adv. Mr. Prashant Dixit, Adv.) Mr. Om Shankar Shrivastava, Adv. Dr. Sapna Agarwal, Adv. Mr. Shaurya P.S. Parihar, Adv. (with Mr. Siddharth S. Chauhan, Adv.)

ORDER

1. Following Interlocutory applications are reported and listed today for disposal.

i. I.A. No. 41/2022

This is an application by the respondent no. 3 for submission of reply on behalf of respondent no. 03, M/s Rajasthan Rajya Vidyut Utpadan Nigam Ltd. with documents. Reply and the records be taken and be kept on record and are admitted, **disposed of** accordingly.

ii. I.A. No. 61/2023

This is an application on behalf of appellant to place on record the additional documents and affidavit filed by the appellant. The documents be kept on record, providing copy to the opposite parties, **disposed of** accordingly.

iii. I.A. No. 62/2023

This is an application to file additional documents on behalf of the respondent no. 03, M/s Rajasthan Rajya Vidyut Utpadan Nigam Ltd. Heard, documents be kept on record, providing copy to the opposite parties, **disposed of** accordingly.

2. On previous date, it was informed by Learned Counsel for the parties that one of the petitions has been disposed of by Hon'ble the Supreme Court, but rest of the petitions touching the subject matter pending in this appeal are pending before Hon'ble the Supreme Court of India and Hon'ble the High Court. The parties were directed to clarify their position.

3. We have gone through the records.

4. Vide order dated 16.10.2023 passed by Hon'ble the Supreme Court of India in Civil Appeal No. 4395/2014 following petitions are reported to be pending and connected with the above appeal.

- i. Civil Appeal No. 4395/2014
- ii. Writ Petition (C) No. 371/2019 (PIL-W).
- iii. Writ Petition (C) No. 510/2023.

- iv. Writ Petition (C) No. 5103/2023.
 - v. SLP Civil No. 18103/2022.
5. Vide order dated 16.10.2023, SLP Civil No. 18103/2022 and CA No. 4395/2014 was disposed. Accordingly, rest of the connected matters are still pending before Hon'ble Supreme Court of India.
 6. Learned Sr. Counsel for the applicant Mr. Atmaram N S Nadkarni has submitted that the prayer contained in W.P. No. 510/2023 are the same which has been contained in item no. 4 appearing today.
 7. Learned counsel for the applicant Ms. Shibani Ghosh has also argued that W.P. No. 1346/2016 is pending before the Hon'ble the High Court of Chhattisgarh.
 8. Learned counsel for the other appellant Mr. Abhimanue Shreshtha has submitted that no matter connected with these appeals are pending before the Hon'ble Supreme Court of India or Hon'ble High Court. The cause-list of item no. 26. Court no. 1 order dated 16.10.2023 discloses the number of connected matters pending before the Hon'ble Supreme Court of India.
 9. Learned counsel for the State has taken reliance in the case Civil Appeal No. 4522-4524/2022 *the State of Andhra Pradesh Versus Raghu Ramakrishna Raju Kanumuru (M.P.)* order dated 01.06.2022 reported in (2022) 8 SCC, 156 where in paragraph 10 the Hon'ble court quoted the case *Priya Gupta & Anr. Vs. Additional Secretary, Ministry of Health and Family Welfare and Others* (2013) 11 SCC 404 where it has been held –

“This Court also expressed the view that it had become necessary to reiterate that disrespect to the constitutional ethos and breach of discipline have a grave impact on the

credibility of judicial institution and encourages chance litigation. It must be remembered that predictability and certainty are important hallmarks of judicial jurisprudence developed in this country, as discipline is sine qua non for effective and efficient functioning of the judicial system”.

[Ref. East India Commercial Companies Ltd. v. Collector of Customs [AIR 1962 SC 1893] and Official Liquidator v. Dayanand & Ors. [(2008) 10 SCC 1].

10. Further para 12 & 13 of Civil Appeal No. 4522-4524/2022 titled *the State of Andhra Pradesh Versus Raghu Ramakrishna Raju Kanumuru (M.P.)* order dated 01.06.2022 are quoted below :-

“12. We are, therefore, of the considered view that it was not appropriate on the part of the learned NGT to have continued with the proceedings before it, specifically, when it was pointed that the High Court was also in seisin of the matter and had passed an interim order permitting the construction. The conflicting orders passed by the learned NGT and the High Court would lead to an anomalous situation, where the authorities would be faced with a difficulty as to which order they are required to follow. There can be no manner of doubt that in such a situation, it is the orders passed by the constitutional courts, which would be prevailing over the orders passed by the statutory tribunals.

13. In that view of the matter, we are of the considered view that the continuation of the proceedings before the learned

*NGT for the same cause of action, which is seized with the
High Court, would not be in the interest of justice.”*

11. Thus, in view of the matter we are of the view that the matter should be taken after the decision of the Hon’ble Supreme Court of India, thus, list it on **19th August, 2025** with the latest status of the matter pending before the Hon’ble Supreme Court of India.

Sheo Kumar Singh, JM

Dr. Afroz Ahmad, EM

08th May, 2025
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