

Item No. 03

**BEFORE THE NATIONAL GREEN TRIBUNAL
SOUTHERN ZONE, CHENNAI**

Appeal No. 29 Of 2020 (SZ)

(Through Video Conference)

IN THE MATTER OF:

S.K. Vijayakumar,

... Appelants(s)

Versus

Karnataka State Level Environment Impact
Assessment Authority,
Bangalore and others.

...Respondent(s)

Date of hearing: 24.05.2021.

CORAM:

HON'BLE MR. JUSTICE K. RAMAKRISHNAN, JUDICIAL MEMBER

HON'BLE MR. Dr. K. SATYAGOPAL, EXPERT MEMBER

For Appellant (s):

Sri. G. Stanly Hebzon Singh represented
Sri. Ritwick Dutta

For Respondent(s):

Mr. K. M. Darpan represented
M/s. K.M. Vijayan Associates for R2
Mr. K. M. Darpan represented for R4 to R6
Mrs. M. Sumathi for R7

ORDER

1. On the last hearing date, the time was extended for completion of pleadings and posted the case to today for that purpose.
2. When the matter came up for hearing today through Video Conference, Sri. G. Stanly Hebzon Singh represented Sri. Ritwick Dutta counsel for

the appellant. Mr. K.M. Darpan represented M/s. K. M. Vijayan Associates counsel for 2nd respondent, Mr. K. M. Darpan represented respondents 4 to 6 and Mrs. M. Sumathi represented 7th respondent.

3. Though there was a direction to pay a cost of Rs. 10,000/-(Ten Thousand Only) if the pleadings are completed within three weeks except the 5th respondent, others have filed out of time, namely 7th respondent and 3rd respondent of which the 3rd respondent's statement does not contain the signature Officer who filed the same. So it cannot said to be a proper written statements submitted on behalf of the 3rd respondent. No application has been filed to waive the payment of cost showing the reason for the delay in filing the same.
4. So under such circumstances it cannot be said that the statement filed by the 7th respondent is also filed as directed by this Tribunal, unless they file an application to receive the same waiving the cost. The other respondents have not filed in their statements. State Level Environment Impact Assessment Authority (SEIAA), Karnataka is expected to file a statement as the appeal was filed against the environmental clearance granted by them.
5. It was quite unfortunate that State Level Environment Impact Assessment Authority (SEIAA) has not filed the statement so far and they are also expected to produce the entire file regarding the matters including the Expert Appraisal Committee Appraisal, it's minutes, and the documents

produced by the project proponent which were appraised by them in a sealed cover for perusal of this Tribunal so as to ascertain as to whether the procedure has been followed or not and there is application of mind by the authorities.

6. The counsel appearing for the applicant wanted to file their rejoinder to the statements submitted by the official respondents. In spite of the fact that the Tribunal had reminded the counsel appearing for the parties that there is a responsibility on them to complete the pleadings within one month from the date of service of the notice and the further time can be extended by the Court of another one month and the entire matter will have to be disposed of within six months from the date of filing the appeal the same has not been complied with.
7. There is no meaning in postponing the hearing of appeals filed against the environmental clearance for a longer period after it has become fait accompli of the project as if any modification if any required or further studies if required that will cause some difficulty for the project proponent as well. These aspects must be kept in mind by the official respondents also as there is a responsibility created by the statute to co-operate with the Tribunal in disposing with the matters within the statutory period provided under the statutes as taking action on pollution issues and environment issues cannot wait for longer period as it may have impact on the health of the people and affect the ecology adversely.

8. However considering the circumstances, the parties are given some more time to complete the pleadings with the rider of payment of cost as mentioned above, unless they come with an application for waiver of the payment of cost with reasons to the satisfaction of the Court and receive the statement which was filed out of time as directed by this Tribunal.
9. The respondents as well the appellant are directed to complete the pleadings on or before 11.06.2021 by e-filing in the form of searchable PDF/OCR Support PDF and not in the form of Image PDF along with necessary hardcopies to be produced as per rules.
10. The Registry is directed to communicate this order to the official respondents and also to the Ministry of Environment Forests and Climate Change (MoEF & CC), New Delhi, and the Chief Secretary of the State, so as to enable them to alert the responsible officer's to co-operate with the Tribunal in expediting the matters in respect of environment as expected in the statute.
11. For completion of pleadings and for hearing, post on 11.06.2021.

.....J.M.
(Justice K. Ramakrishnan)

.....E.M.
(Dr. K. Satyagopal)

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24.05.2021(Sr.)**