

**Item No. 02:-**

BEFORE THE NATIONAL GREEN TRIBUNAL  
SOUTHERN ZONE, CHENNAI

*Tuesday, the 26<sup>th</sup> day of September 2023.*

*(Through Video Conference)*

**Review Application No. 15 of 2023 (SZ)**

**In**

**Original Application No. 54 of 2021(SZ)**

**IN THE MATTER OF:**

**1. State Environment Impact Assessment Authority, Kerala**

KSRTC Bus Terminal Complex,  
4<sup>th</sup> Floor, Thampanoor,  
Thiruvananthapuram-595001.

...Review Applicant(s)/1<sup>st</sup> Respondent

***Versus***

**1. Thomas Lawrence,**

GV 79, Divisional Office ROAD,  
Near PMG Junction,  
Thiruvananthapuram,  
Kerala-695033.

**2. Union Of India,**

Through The Secretary, MOEF&CC  
Ministry Of Environment and Forests &  
Climate Change,  
Jor Bagh Road, Ali Ganj,  
Lodi Colony,  
New Delhi-110003.

**3. STATE OF KERALA,**

Through Its Chief Secretary  
Kerala Government Secretariat  
Central Stadium, MG Road,  
Near Junction Palayam,  
Thiruvananthapuram-695001.

**4. DRAGONSTONE REALTY PVT.LTD.**

Through Its Chief Executive Officer  
5A3, Artech City Kalyani,  
Vazhuthacaud, Thycad,  
Thiruvananthapuram-695014.

**5. WINTERFELL REALTY PVT. LTD.**

Through its Authorised Signatory,  
Bhub, Cardinal Cleemis Centre,  
for Innovations, TC No. 11/2402-3,  
Mar Ivanos Vidya Nagar,  
Nalanchira, Thiruvananthapuram - 695015.

**6. Dorne Realty Pvt. LTD.**

5A3, Artech City Kalyani Vazhuthacaud,  
Thycaud,  
Thiruvananthapuram – 695014.

**7. M/S Technopark,**

Through its Chief Executive Officer,  
Park Centre Technopark Campus,  
Thiruvananthapuram – 695581.

**8. DISTRICT COLLECTOR**

Civil Station,  
Kudappanakunnu,  
Thiruvananthapuram - 695043.

**9. REVENUE DIVISIONAL OFFICER**

1st Floor, Kudappanakunnu,  
Thiruvananthapuram - 695043.

**10. MINOR IRRIGATION DIVISION**

Through the Executive Engineer  
Jalavinjanabhavan,  
Samithy Nagar,  
Ambalamukku,  
Thiruvananthapuram – 695044.

**11. DEPARTMENT OF INFORMATION TECHNOLOGY**

Through its Secretary of Government of Kerala,  
Central Stadium Mahatma Gandhi Road,  
Near Junction Palayam,  
Thiruvananthapuram – 695001.

...Respondent(s)

**CORAM:**

**HON'BLE SMT. JUSTICE PUSHPA SATHYANARAYANA, JUDICIAL MEMBER**

**HON'BLE DR. SATYAGOPAL KORLAPATI, EXPERT MEMBER**

For Applicant(s): Mrs. Vidyalakshmi Vipin.

For Respondent(s): None.

## **ORDER**

1. This Review Application is directed against the order passed by us in Appeal No. 54 of 2021(SZ) dated 30.05.2023.
2. The above Review Application was filed on 30.06.2023.
3. While the Review Application was pending to be processed, the project proponent seems to have moved the Hon'ble High Court of Kerala in Writ Petition Civil No. 27000 of 2023, and obtained an order of interim stay.
4. While so, the SEIAA - Kerala which has filed a Review Application before us got the same numbered which was taken up for hearing today.
5. As the matter is now pending before the Hon'ble High Court and once the Hon'ble High Court would dispose of the Writ Petition in any manner that is affirming, modifying or setting aside the order passed by the National Green Tribunal, the said order of the Hon'ble High Court would become final and binding on the parties and that becomes operative. Resultantly, the NGT order gets merged into the order of the Writ Petition.
6. It is also a well settled principle as has been held in **2000 (6) SCC 359 Kunhayammed Versus State of Kerala**, once the higher forum has taken up the matter and also an order of stay has been granted, the Review Application cannot be maintained under sub-rule (i) of Rule 1 of Order 47 CPC.

“ **44.** To sum up, our conclusions are:

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...

**(vii)** *On an appeal having been preferred or a petition seeking leave to appeal having been converted into an appeal before the Supreme Court the jurisdiction of High Court to entertain a review petition is lost thereafter as provided by sub-rule (i) of Rule 1 of Order 47 CPC.”*

**7.** In view of the above, it is open to the parties to agitate all their issues before the Hon’ble High Court of Kerala and this Review Application is dismissed as not maintainable.

Sd/-

Smt. Justice Pushpa Sathyanarayana

Sd/-

Dr. Satyagopal Korlapati

Internet – Yes/No

All India NGT Reporter – Yes/No

**R.A. No. 14/2023(SZ)in  
O.A No. 54/2021(SZ)  
26<sup>th</sup> September,2023. (AD)**

NGT



# NGT