

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 2984 /2020
(@ Diary No(s).15735/2020)

SHER BAHADUR SINGH & ORS.

Petitioner(s)

VERSUS

STATE OF UTTAR PRADESH & ORS.

Respondent(s)

O R D E R

Permission to file appeal is granted.

UP Pollution Control Board by an Order dated 3.8.2019 imposed fine of Rs.7,25,000/- on the appellants for causing damage to the environment. Jagriti Sansthan filed O.A. No.186 of 2009 before the National Green Tribunal ('the Tribunal') seeking remedial action against illegal extraction of groundwater for washing silica sand without obtaining necessary NOC from the Central Ground Water Authority (CGWA) in Shankargarh Block, Allahabad District, Uttar Pradesh. The appellants filed an application challenging the order passed by the UP Pollution Control Board. The Tribunal did not entertain the said application. However, liberty was given to the

appellants to file an appeal against the order passed by the UP Pollution Control Board imposing penalty. The appeals filed by some of the appellants were disposed of on the ground that the orders passed by the UP Pollution Control Board were not final and were being considered in the appeal filed by the Jagriti Sansthan which was pending.

By the impugned order dated 16.7.2020, the Tribunal considered the report submitted by the Divisional Commissioner, Prayagraj on 18.6.2020 and approved the same. Further directions were also issued by the Tribunal on 16.7.2020.

Learned counsel for the appellants submitted that the appellants were not made parties to the Original Application filed by Jagriti Sansthan and they were not heard before the order dated 16.7.2020 was passed. The appeal filed by them against the order passed by the UP Pollution Control Board was disposed of on 07.01.2020 on the ground that the said order was not final and the Tribunal was considering the issue in O.A. filed by Jagriti Sasthan.

As we are of the opinion that the appellants ought to have been heard by the Tribunal, we give liberty to the appellants to approach the Tribunal by

filing an application for review of the order dated 16.7.2020. In case, they do not succeed before the Tribunal, liberty is granted to the appellants to approach this Court by challenging the order dated 16.7.2020 as well.

The appeal is disposed of accordingly.

Pending application(s), if any, shall also stand disposed of.

.....J.
(L.NAGESWARA RAO)

.....J.
(HEMANT GUPTA)

.....J.
(S. RAVINDRA BHAT)

NEW DELHI;
24th August, 2020.

ITEM NO.6 Court 5 (Video Conferencing) SECTION XVII

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

CIVIL APPEAL Diary No(s).15735/2020

(Arising out of impugned final judgment and order dated 16-07-2020
in OA No.186/2019 passed by the National Green Tribunal)

SHER BAHADUR SINGH & ORS. Petitioner(s)

VERSUS

STATE OF UTTAR PRADESH & ORS. Respondent(s)
(With applns for exemption from filing c/c of impugned judgment,
exemption from filing O.T. stay application, permission to file
appeal)

Date : 24-08-2020 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE L. NAGESWARA RAO
HON'BLE MR. JUSTICE HEMANT GUPTA
HON'BLE MR. JUSTICE S. RAVINDRA BHAT

For Petitioner(s) Mr. Smarhar Singh, AOR

For Respondent(s)

UPON hearing the counsel the Court made the following
O R D E R

Permission to file appeal is granted.

The appeal is disposed of in terms of the
Signed Order.

Pending application(s), if any, shall also
stand disposed of.

(Geeta Ahuja)
Court Master

(Anand Prakash)
Court Master

(Signed Order is placed on the file)