

**IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION**

Civil Appeal Nos 3696-3697 of 2020

Talwandi Sabo Power Limited

Appellant(s)

Versus

Kulwant Singh and Others

Respondent(s)

ORDER

- 1 The challenge in these appeals is to the original orders of the National Green Tribunal dated 15 July 2020 and 19 August 2020. The subject of the controversy is the disposal of fly-ash by the appellant which has led to environmental hazards. By the first of those orders, the NGT constituted a Committee consisting of CPCB, the State Pollution Control Board, SEIAA and the District Magistrate to submit a report. By the second order, the NGT dismissed the review on 19 August 2020.
- 2 Appearing in support of the appeals, Mr Dhruv Mehta, learned senior counsel submits that the proceedings before the NGT are in the nature of an original action and hence, it was necessary that the appellant should be heard before the order constituting the Committee was passed. The order appointing the Committee was passed without hearing the appellant. We would have ordinarily been inclined to accept the grievance and remit the proceedings back. However, it has now transpired, as fairly pointed out by the learned senior counsel, that pursuant to the order of the NGT, the Committee has

already submitted its report, which has been uploaded on the website of the NGT. It is also not in dispute that the Committee had furnished to the appellant an opportunity of submitting a representation. Moreover, since the proceedings are still pending before the NGT, it will be open to the appellant to lodge its objections to the report which has been submitted by the Committee appointed by the Tribunal and unless the appellant has already done so, it may complete this exercise within a period of three weeks from today so as to enable the Tribunal to have the response of the appellant to the report of the Committee. Since the proceedings are pending, we keep open all the rights and contentions of the appellant to be appropriately urged before and determined by the NGT.

- 3 Subject to the aforesaid, the appeals are disposed of.
- 4 Pending applications, if any, stand disposed of.

.....J.
[Dr Dhananjaya Y Chandrachud]

.....J.
[Indira Banerjee]

.....J.
[Sanjiv Khanna]

New Delhi;
January 29, 2021
CKB

ITEM NO.8 Court 6 (Video Conferencing) SECTION XVII

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Civil Appeal Nos.3696-3697/2020

TALWANDI SABO POWER LIMITED

Appellant(s)

VERSUS

KULWANT SINGH & ORS.

Respondent(s)

(With appln.(s) for IA No.118035/2020-EX-PARTE AD-INTERIM RELIEF
and IA No.134591/2020-PERMISSION TO FILE ADDITIONAL DOCUMENTS/
FACTS/ANNEXURES)

Date : 29-01-2021 These appeals were called on for hearing today.

CORAM :

HON'BLE DR. JUSTICE D.Y. CHANDRACHUD
HON'BLE MS. JUSTICE INDIRA BANERJEE
HON'BLE MR. JUSTICE SANJIV KHANNA

For Appellant(s) Mr. Dhruv Mehta, Sr. Adv.
 Ms. Ranjana Roy Gawai, Adv.
 Ms. Vasudha Sen, Adv.
 Ms. Ananya Chug, Adv.
 Mr. Keith Verghese, Adv.
 Ms. Divya Roy, AOR

For Respondent(s)

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

- 1 The Civil Appeals are disposed of in terms of the signed order.
- 2 Pending applications, if any, stand disposed of.

(CHETAN KUMAR)
A.R. -cum-P.S.

(SAROJ KUMARI GAUR)
Court Master

(Signed order is placed on the file)