

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

**CIVIL APPEAL NO. 3756 OF 2020**

TARAPUR INDUSTRIAL ..... APPELLANT(S)  
MANUFACTURERS ASSOCIATION (TIMA)

VERSUS

AKHIL BHARTIYA MANGELA SAMAJ ..... RESPONDENT(S)  
PARISHAD & OTHERS

**WITH**

**CIVIL APPEAL NO. 3638 OF 2020**

**ORDER**

We have heard learned Senior Advocates for the appellants and the first respondent - Akhil Bhartiya Mangela Samaj Parishad, at length.

Having considered the issues raised, we do not think it would be appropriate and proper to admit the appeals and keep them pending in view of the order we propose to pass, which is as under:

- a) The appellants will, within 15 days, file ground-wise objections to the report submitted by the Monitoring Committee specifically indicating the challenges, including the challenge to the quantum of compensation.
- b) Copy of the objections would be furnished to the Monitoring Committee and Akhil Bhartiya Mangela Samaj Parishad before they are filed before the National Green Tribunal.
- c) The Monitoring Committee may file reply to objections, if it deems proper and necessary, within such time as stipulated by the National Green Tribunal.

- d) Akhil Bhartiya Mangela Samaj Parishad would file reply to the objections within 15 days after they are served with the copy of the objections, or within such extended time as granted the National Green Tribunal.
- e) The appellant, namely Tarapur Industrial Manufacturers Association (TIMA), or the individual units as identified in the report submitted by the Monitoring Committee, shall deposit 30% of the compensation amount within one month from today. In case of failure to deposit, their objections would not be heard and decided.
- f) The appellant - Tarapur Environment Protection Society (TIMA), in Civil Appeal No. 3638 of 2020, would deposit 30% of compensation amount as directed by the impugned order within one month from today. In case of failure to deposit, their objections would not be heard and decided.
- g) The compensation mentioned in clauses (e) & (f) will include compensation as awarded under the head of 'Super Fund'.
- h) Subject to the aforesaid deposits being made within the time stipulated, directions contained in the impugned order towards compensation would remain in abeyance till the decision on the objections by the National Green Tribunal.
- i) Order dated 17<sup>th</sup> September, 2020 would stand modified by the order so passed by the National Green Tribunal. The appellants and other parties, subject to their right to challenge the order on the objections to be filed, would abide by the order of the National Green Tribunal. Similarly, right to challenge order dated 17<sup>th</sup> September, 2020, remains protected and principle of *res judicata* would not apply.
- j) Directions passed in the present order regarding deposit of compensation by the appellants would also abide by the order of the National Green Tribunal, subject to the right to appeal and challenge.

- k) The appellants would, within 3 weeks from today, file an affidavit before the National Green Tribunal specifically stating the steps taken, compliance made, shortfalls remaining and the time period required for making requisite compliance.
- l) National Green Tribunal, if deems appropriate, would direct the Maharashtra Pollution Control Board (MPCB) to submit their status report with regard to compliance, shortfalls and also to meet the assertions made against them by the appellant - TIMA in Civil Appeal No. 3638 of 2020.

Recording the aforesaid, the appeals are party allowed and disposed of with a request to the National Green Tribunal to consider and decide the specific objections of the appellants as expeditiously as possible, without being influenced by the findings in the order dated 17<sup>th</sup> September, 2020. We clarify that we have not made any comment either way on merits.

There will be no order as to costs.

.....J.  
(S. Abdul Nazeer)

.....J.  
(Sanjiv Khanna)

**NEW DELHI;  
DECEMBER 14, 2020.**

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

Civil Appeal No(s). 3756/2020

TARAPUR INDUSTRIAL MANUFACTURERS  
ASSOCIATION (TIMA)

Appellant(s)

VERSUS

AKHIL BHARTIYA MANGELA SAMAJ PARISHAD & ORS.

Respondent(s)

WITH C.A. No. 3638/2020

(FOR ADMISSION and I.R. and IA No.114318/2020-EX-PARTE AD-INTERIM  
RELIEF and IA No.114314/2020-EXEMPTION FROM FILING C/C OF THE  
IMPUGNED JUDGMENT and IA No.114319/2020-PERMISSION TO FILE  
ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)

Date : 14-12-2020 These appeals were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE S. ABDUL NAZEER  
HON'BLE MR. JUSTICE SANJIV KHANNA

For Appellant(s)

Mr. Mukul Rohatgi, Sr. Adv.  
Mr. Devashish Bharuka, AOR  
Mr. Amit Aghase, Adv.  
Mr. Ravi Bharuka, Adv.  
Ms. Sarvshree, Adv.  
Mr. Justine George, Adv.  
Ms. Srishtri Agarwal, Adv.

Mr. C.A. Sundram, Sr. Adv.  
Mr. Devashish Bharuka, AOR  
Mr. Ramesh Shihag, Adv.  
Mr. Ravi Bharuka, Adv.  
Ms. Sarvshree, Adv.  
Mr. Justine George, Adv.  
Ms. Srishtri Agarwal, Adv.

For Respondent(s)

Mr. Colin Gonsalves, Sr. Adv.  
Mr. Satya Mitra, AOR

Mr. Mukesh Verma, Adv.  
Mr. Yash Pal Dhingra, AOR

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

Heard learned counsel for the parties.

The appeals are partly allowed and disposed of in  
terms of the signed order.

Pending applications shall also stand disposed of.

(ANITA MALHOTRA)  
COURT MASTER

(KAMLESH RAWAT)  
COURT MASTER

(Signed order is placed on the file.)