

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

Civil Appeal No(s). 3893/2020

M/S SAI BABA SALES PVT. LTD.

Appellant(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

O R D E R

The O.A. No.83/2019 (WZ) (in I.A.No.129/2019) has been filed before the National Green Tribunal, Principal Bench, New Delhi for demolition of an illegal structure set up by M/s Sai Baba Sales Private Limited, Pune.

According to the applicant, construction of 29,000 sq. mtrs. have already been taken place and there is a proposal to increase the capacity to 49012 sq. mtrs.

The Tribunal by its order dated 09.07.2020 constituted a three-member Committee comprising the SEIAA. Maharashtra, the State PCB and the Municipal Commissioner, Pune to submit a report about the factual position. The Committee submitted its report on 24.08.2020.

After considering the report of the Committee, the Tribunal directed remedial steps to be taken in accordance with the recommendation.

The Tribunal imposed interim compensation of Rs. 2 crores to be deposited within two months with the State PCB with further direction that no further construction shall take place without compliance of statutory norms.

Mr. Huzefa Ahmadi, learned Senior Advocate appearing for the appellant submits that the appellant was not served with notice and was not given an opportunity to make its submissions on the report of the Committee.

We set aside the order dated 17.11.2020 and remit the matter back to the Tribunal with a direction to give an opportunity of hearing to the appellant and pass appropriate order afresh.

Mr. Ahmadi submitted that the appellant shall not proceed with the construction without complying with statutory norms.

Parties are directed to appear before the Tribunal in the Second Week of January, 2021.

With the aforesaid direction, the appeal is allowed accordingly.

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

.....J.
(HEMANT GUPTA)

.....J.
(AJAY RASTOGI)

New Delhi
December 11, 2020.

