

ITEM NO.8 Court 14 (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 NO(S). 7024/2021

M/S UNICAST ALLOY PVT. LTD. APPELLANT(S)
VERSUS

DISHA - A LIFE SCHOOL AND P.K.D.
COLLEGE OF EDUCATION & ORS. RESPONDENT(S)

(IA No.152976/2021-EXEMPTION FROM FILING C/C OF THE IMPUGNED
JUDGMENT and IA No.152977/2021-EX-PARTE STAY)

WITH

C.A. No. 7066/2021 (XVII)

(IA No.154517/2021-EXEMPTION FROM FILING C/C OF THE IMPUGNED
JUDGMENT and IA No.154516/2021-EX-PARTE STAY)

Date : 13-12-2021 This appeal was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE AJAY RASTOGI
HON'BLE MR. JUSTICE ABHAY S. OKA

For Appellant(s) Mrs. V.Mohana, Sr Adv
Mr. B.Ragunath, Adv
Mrs. N.C. Kavitha Adv
Mr. Sriram P., AOR

For Respondent(s)

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

Ms. V.Mohana, learned senior counsel appearing for the appellant(s) in both the appeals submits that the Tamil Nadu Pollution Control Board by its order dated 27.07.2021 in exercise of its power under Section 31A of the Air (Prevention and Control of Pollution) Act, 1981 as amended has directed regarding closure and dis-connection of power supply of the unit(s) with immediate effect.

The order of the Pollution Control Board dated 27.07.2021 is pending appeal(s) before the Appellate Authority and the order of

the Board has been stayed by order dated 04.08.2021 and further submits that in view of the order(s) of the National Green Tribunal impugned in the instant proceedings dated 30.09.2021 there is a final direction under serial no. (ii) of the order(s), which reads as under:

“(ii) As regard the imposition of environment compensation for violations, the Pollution Control Board is directed to initiate proceedings against respondents 4 and 5 for violations of conditions imposed on the basis of the guidelines given by the Central Pollution Control Board after giving necessary notice to the respondents 4 and 5 and after hearing them pass appropriate order in accordance with law under Section 5 of the Environment (Protection) Act, 1986.”

If being permitted to be carried out, it will indeed cause prejudice and jeopardize the rights of the appellant(s) in pending appeal.

Issue notice on the appeal(s) and application(s) for stay, returnable on 10.01.2022.

Dasti service, in addition, is permitted.

In the meanwhile, the Appellate Authority may decide the pending appeal(s) against the order(s) passed by the Pollution Control Board dated 27.07.2021 independently without being influenced by the directions under the judgment impugned extract of which has been quoted herein-above.

List immediately after service.

(NIRMALA NEGI)
COURT MASTER (SH)

(BEENA JOLLY)
COURT MASTER (NSH)