

Revised

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE/ORIGINAL JURISDICTION

CIVIL APPEAL NO(S).8416-8417/2019

M/S. NEW ARK PROJECT

Appellant(s)

VERSUS

B. RAGHUPATHY & ORS.

Respondent(s)

WITH

CIVIL APPEAL NO. 9078/2019

TRANSFER CASE NO. 68/2019

TRANSFER CASE NO. 67/2019

TRANSFER CASE NO. 69/2019

O R D E R

Civil Appeal Nos.8416-8417 and 9078/2019

1. Heard learned counsel for the parties.
2. Taking note of the method and manner by which the original applications were being disposed of by the National Green Tribunal ("Tribunal", for short), Principal Bench, New

Delhi, this Court has been passing orders remanding the matter back to the Tribunal for reconsidering the case after giving due opportunity to all the stake-holders. One such order is in *Civil Appeal No.411/2021 in Jamshid Kesri Dalal vs. Union of India* dated 19.02.2024. In this order, we have also taken note of similar orders that this Court has been passing. Appellants have made the same submission, that the Tribunal has not heard them and that no opportunity has been given to them. We will therefore remand the matter for proper consideration.

3. We are aware of the fact that during the pendency of the proceedings before the Tribunal, an expert committee was constituted, and it submitted a report on 14.05.2019. The report of the committee is indicative of many environmental violations. In view of the expert committee report prima facie indicating environmental violations, we cannot set aside the order passed by the Tribunal. Instead, we remand the matter back to the National Green Tribunal, Principal Bench, New Delhi, by restoring the Original Application to its original number, by declaring the order impugned to be interim in nature.

4. After restoring the Application(s) the Tribunal shall give notices to all the parties and other stake-holders and decide the matter on merits. The parties appearing before the Tribunal can file necessary documents and reports that may

have assumed relevance during the pendency of the proceedings before the Tribunal.

5. In these circumstances, these appeals are allowed and the Original Application No. 595 of 2018 is remanded back to the National Green Tribunal, Principal Bench, New Delhi, by restoring it to its original number for proper adjudication and determination. The Tribunal shall endeavour to dispose of the matter within a period of three months, if possible.

TRANSFER CASE (C) NOS. 68,67 & 69/2019

6. These transfer cases arise out of three writ petitions bearing nos.46518, 21491 and 35568 of 2019 filed by the petitioner herein before the High Court of Karnataka. As the issues involved in these Transfer Cases are substantially the same as those arising in the Original Application, we are of the opinion that they must be heard along with the Original Application.

7. In view of the fact that we have remanded the Original Application back to the National Green Tribunal, Principal Bench, New Delhi, it will be appropriate to transfer these writ petitions to the Tribunal. Upon transfer, the Tribunal shall renumber these writ petitions as Original Applications and dispose them of along with connected matters as directed

hereinabove.

8. The Transfer cases are disposed of accordingly.

.....J.
[PAMIDIGHANTAM SRI NARASIMHA]

.....J.
[PANKAJ MITHAL]

New Delhi
August 09, 2024.

Revised

ITEM NO.25

COURT NO.15

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). 8416-8417/2019

M/S. NEW ARK PROJECT

Appellant(s)

VERSUS

B. RAGHUPATHY & ORS.

Respondent(s)

(IA No.168629/2019-EX-PARTE AD-INTERIM RELIEF and IA No.168627/2019-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENTMR.;IA No. 181767/2019 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)

WITH

C.A. No. 9078/2019 (XVII)

(IA No.182084/2019-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.182083/2019-APPROPRIATE ORDERS/DIRECTIONS)

T.C.(C) No. 68/2019 (IV-A)

T.C.(C) No. 67/2019 (IV-A)

T.C.(C) No. 69/2019 (IV-A)

Date : 09-08-2024 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE PAMIDIGHANTAM SRI NARASIMHA
HON'BLE MR. JUSTICE PANKAJ MITHAL

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Mr. D P Singh, Adv.
Ms. Tara Elizabeth Kurien, Adv.

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

1. The appeals are allowed and the transfer cases are disposed of in terms of the revised signed order.
2. Pending application(s), if any, shall stand disposed of.

(INDU MARWAH)
AR-cum-PS

(NIDHI WASON)
COURT MASTER (NSH)

(Signed order is placed on the file)

