

ITEM NO.15

COURT NO.2

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 No(s). 829/2019

M/S CITRUS MANALI RESORT PVT. LTD.

Appellant(s)

VERSUS

RAMESH CHAND & ORS.

Respondent(s)

(IA 684/2019-CLARIFICATION/DIRECTION, IA 685/2019-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA 687/2019-EXEMPTION FROM FILING O.T.)

Date : 04-02-2019 This appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE A.K. SIKRI
HON'BLE MR. JUSTICE S. ABDUL NAZEER

For Appellant(s) Mr. Salman Khurshid, Sr. Adv.
Ms. Bina Madhavan, Adv.
Mr. Ajay Marwah, Adv.
Ms. Shreyasi Kunwar, Adv.
Ms. Preeti Panwar, Adv.
M/s Lawyer S Knit & Co, AOR

For Respondent(s)

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

Our attention is drawn to Orders dated 16.01.2018 passed by this Court in Civil Appeal No. 116 of 2018 as per which the appellant was permitted to approach the National Green Tribunal ("NGT") again by filing an appropriate application along with documents on which the appellant is relying upon in order to show that the Hotel construction is within the permissible limits. The entire order reads as under:

"Mr. Salman Khurshid, learned senior counsel appearing for the appellant, is relying upon certain documents on the basis of which he argues that the construction of the Hotel, known as 'Citrus Manali Resort', is as per the approved plans and the Hotel was entitled to construct an extra floor as well. He is candid in his submission that this material was not produced before the National Green Tribunal.

Having regard to the nature of issue involved, we permit the appellant to approach the NGT again by filing an appropriate application along with documents on which the appellant is relying upon in order to show that the Hotel construction is within permissible limits. The appellant can move such an application within two weeks.

No action as per the impugned order shall be taken for a period of two weeks.

The civil appeal stands disposed of."

It is argued by Mr. Salman Khurshid, learned senior counsel appearing for the appellant, that after the aforesaid order, the appellant moved the NGT again with an application for review along with the documents on which the appellant relied upon. It is submitted that, in these circumstances, the Tribunal should have considered the averments made in application as well as the documents which are submitted by the appellant. However, the application is dismissed by the NGT by a cryptic order stating that it only amounts to reconsideration of the order and the same is not permissible in review jurisdiction.

Learned senior counsel further submits that the Order passed by the NGT was general in nature without considering the specific case of the appellant herein and it is for this reason this Court had permitted the appellant to approach the NGT with its own specific case. On that basis it is argued that the NGT should

have considered the applications on its own merits.

Issue notice, returnable in four weeks.

Status quo shall be maintained in the meantime.

(SUSHIL KUMAR RAKHEJA)
AR CUM PS

(SANTOSH KUMAR)
COURT MASTER (NSH)