

IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION  
CIVIL APPEAL NO. 234 OF 2019

DEENDAYAL PORT TRUST

APPELLANT(S)

VERSUS

STATE OF GUJARAT & ORS.

RESPONDENT(S)

O R D E R

Having regard to the prayers which were made by the appellant in the Miscellaneous Application filed before the National Green Tribunal ("NGT"), we are of the opinion that the NGT has rightly held that such prayers would not fall within the scope of Sections 14 and 15 of the National Green Tribunal Act, 2010. We may note the contention of the learned Solicitor General of India that the appellant had no option but to approach the NGT as it has passed, in the main proceedings, stay Order dated 22.11.2017, staying the grant of such permission. He, thus, submits that in essence the prayer was to relax the stay order *qua* the appellant so that the competent authority can consider the application of the appellant for environmental clearance.

In these circumstances, we make it clear that it would always be open to the appellant to move such

an application and when this application is made, the same shall be decided on merits by the National Green Tribunal.

The appeal is, accordingly, disposed of.

.....J.  
(A.K. SIKRI)

.....J.  
(S. ABDUL NAZEER)

NEW DELHI,  
JANUARY 21, 2019

ITEM NO.21

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). 234/2019

DEENDAYAL PORT TRUST

Appellant(s)

VERSUS

STATE OF GUJARAT & ORS.

Respondent(s)

(IA No.5135/2019-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT)

Date : 21-01-2019 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. Tushar Mehta, S.G.  
Mr. Sumit Goel, Adv.  
Mr. Sarthak Gaur, Adv.  
M/s Parekh & Co., AOR

For Respondent(s)

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

The appeal stands disposed of in terms of the signed order.

Pending applications, if any, shall also stand disposed of.

(SUSHIL KUMAR RAKHEJA)  
AR-CUM-PS

(RAJINDER KAUR)  
BRANCH OFFICER

(Signed order is placed on the file.)