

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO(S). _____ OF 2019
(Diary No. 7298/2019)

M/S AWASTHI TRADERS & ANR.

Appellant(s)

VERSUS

AMIT UPADHYAY & ORS.

Respondent(s)

WITH

CIVIL APPEAL NO(S). _____ OF 2019
(Diary No. 5296/2019)

O R D E R

Permission to file the Civil Appeals is granted.

Mr. Ranjit Kumar, learned senior counsel appearing on behalf of the appellants submits that by the impugned order of the National Green Tribunal¹ dated 17 December 2018, the Tribunal has followed its Order in Appeal No. 263 of 2018 passed on the same day, directing that environment clearance be not proceeded with.

The grievance is that though the appellants were not parties to the proceedings before the Tribunal, the result of the impugned order is that the environmental clearance granted to the appellants has been stayed.

Since the Tribunal is seized with the proceedings, we are of the view that the grievance of the appellant should be considered by the Tribunal.

1 "Tribunal"

We accordingly, direct that if the applicant moves an application for variation of the interim order within a period of one week from today, the Tribunal may expedite the disposal of the application preferably within a period of two weeks thereafter.

All the rights and contentions of the parties are kept open.

The civil appeals are, accordingly, disposed of. No costs.

Pending application(s), if any, shall stand disposed of.

.....J.
(DR. DHANANJAYA Y. CHANDRACHUD)

.....J.
(HEMANT GUPTA)

NEW DELHI
MARCH 11, 2019

ITEM NO.23

COURT NO.11

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 Diary No(s). 7298/2019

(Arising out of impugned final judgment and order dated 17-12-2018
in AN No. 264/2018 passed by the National Green Tribunal)

M/S AWASTHI TRADERS & ANR.

Petitioner(s)

VERSUS

AMIT UPADHYAY & ORS.

Respondent(s)

(FOR ADMISSION and I.R. and IA No.38457/2019-EXEMPTION FROM FILING
C/C OF THE IMPUGNED JUDGMENT and IA No.38458/2019-EX-PARTE STAY and
IA No.38456/2019-EXEMPTION FROM FILING O.T. and IA No.38455/2019-
PERMISSION TO FILE APPEAL)

WITH

Diary No(s). 5296/2019 (XVII)

(IA No.38758/2019-EXEMPTION FROM FILING C/C OF THE IMPUGNED
JUDGMENT and IA No.38763/2019-STAY APPLICATION and IA
No.38760/2019-EXEMPTION FROM FILING O.T. and IA No.38755/2019-
PERMISSION TO FILE APPEAL)

Date : 11-03-2019 These appeals were called on for hearing today.

CORAM : HON'BLE DR. JUSTICE D.Y. CHANDRACHUD
HON'BLE MR. JUSTICE HEMANT GUPTA

For Petitioner(s)

Mr. Ranjit Kumar, Sr. Adv.
Mr. Abhishek Yadav, AOR
Mr. Saurabh Yadav, Adv.

For Respondent(s)

Mr. Vanshdeep Dalmia, Adv.
Ms. Natasha Dalmia, Adv.
S. Jain, Adv.

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

The appeals are disposed of in terms of the signed order.

Pending application(s), if any, shall stand disposed of.

(MANISH SETHI)
COURT MASTER (SH)

(SAROJ KUMARI GAUR)
BRANCH OFFICER

(Signed order is placed on the file)