

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION
CIVIL APPEAL NO. 2667 OF 2016

M/S. PRADHAN STONE CRUSHERS

Appellant(s)

VERSUS

GURPREET SINGH BAGGA & ORS.

Respondent(s)

WITH

CIVIL APPEAL NO. OF 2019
(D. NO. 7484/2016)

CIVIL APPEAL NO. OF 2019
(D. NO. 7821/2016)

CIVIL APPEAL NO. OF 2019
(D. NO. 9109/2016)

CIVIL APPEAL NO. 5003/2016

CIVIL APPEAL No. 5005/2016

O R D E R

Heard the learned Counsel appearing for the parties.

Permission to file Appeals is granted.

This is a common order that is passed in Civil Appeal No. 2667 of 2016, Civil Appeal D. No. 7484/2016 (So far as Wajid Ali is concerned), Civil Appeal D. No. 7821/2016 and Civil Appeal D. No. 9109/2016.

In all these cases, we have been taken through the Report of the Central Empowered Committee (C.E.C.) dated 04.01.2012 and the impugned judgment and final order of the National Green Tribunal dated 18.02.2016.

We find that in the case which involves Pradhan Stone Crushers (Civil Appeal No. 2667 of 2016), Pradhan Stone Crushers applied to be impleaded itself in order to point out certain facts to the Tribunal. Pradhan Stone Crushers was not a miner of stones nor it did not hold a mining lease in this behalf, but was only a stone crusher, who allegedly was not working as such at the relevant time. So far as Pradhan Stone Crushers is concerned, therefore, the fine that is imposed upon them for environmental degradation cannot be sustained and is thus set aside.

So far as Mr. Wajid Ali (Civil Appeal D. No. 7484/2016), Mr. Dilshad (Civil Appeal D. No. 7821/2016) and Mr. Vikas Agarwal (Civil Appeal D. No. 9109/2016) are concerned, none of them appear to be covered by the table that is given in paragraph 2 of the C.E.C. Report. Further, even in the impugned judgment, we find that it is incorrect to state that among five noticees, who are named, Vikas Agarwal and Wajid Ali happen to be noticees. In fact, according to Mr. Jayant Bhushan, learned Senior Counsel appearing for Vikas Agarwal, the mining lease granted to him is on River Solani, which is some 30 kms. away from the sites in question.

So far as Dilshad is concerned, it is stated that he has three mining leases with Mahmood Ali, all of which pertain to different lots in different villages. Admittedly, Dilshad is also not served with any notice of the proceeding. The same goes for Wajid Ali. Therefore, so far as all these persons are concerned, the fine imposed upon them by the impugned judgment is set aside on this ground alone.

So far as Mr. Amit Jain (Civil Appeal No. 5003/2016) and Mr. Mahmood Ali (Civil Appeal No. 5005/2016) are concerned, we find that there notices were issued to them, they appeared and made submission. We see no reason to interfere with the impugned judgment so far as these two appeals are concerned.

We may hasten to add that the rest of the National Green Tribunal's judgment is not interfered with by us as a result of which, the High Powered Committee Report that was issued in September, 2016, pursuant to the judgment is also not being touched by us. To this extent, therefore, these appeals are disposed of.

It is made clear that all contentions on both sides are left open to be argued on merits in any other proceeding.

..... J.
(ROHINTON FALI NARIMAN)

..... J.
(SANJIV KHANNA)

..... J.
(SURYA KANT)

New Delhi;
July 16 2019.

ITEM NO.6

COURT NO.5

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). 2667/2016

M/S. PRADHAN STONE CRUSHERS

Appellant(s)

VERSUS

GURPREET SINGH BAGGA & ORS.

Respondent(s)

(IA No. 3/2016 - EX-PARTE STAY)

WITH

C.A. D 7484/2016 (XVII)
 (FOR STAY APPLICATION ON IA 3/2016
 IA No. 1/2016 - PERMISSION TO FILE APPEAL

C.A. D 7821/2016 (XVII)
 (FOR STAY APPLICATION ON IA 2/2016
 IA No. 1/2016 - PERMISSION TO FILE APPEAL

C.A. D 9109/2016 (XVII)
 (IA No. 1/2016 - PERMISSION TO FILE APPEAL)

C.A. No. 5003/2016 (XVII)
 (FOR [PERMISSION TO FILE ANNEXURES] ON IA 5/2016
 IA No. 2/2016 - STAY APPLICATION)

C.A. No. 5005/2016 (XVII)
 (IA No. 2/2016 - STAY APPLICATION)

Date : 16-07-2019 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ROHINTON FALI NARIMAN
 HON'BLE MR. JUSTICE SANJIV KHANNA
 HON'BLE MR. JUSTICE SURYA KANT

For Appellant(s)

Mr. Jayant Bhushan, Sr. Adv.
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 Mr. Ajit Sharma, AOR
 Mr. Mayank Agarwal, Adv.
 Mr. Pranshu Kaushal, Adv.
 Mr. Sushil K. Sharma, Adv.
 Mr. Sandeep Singh, Adv.
 Mr. Ashutosh Senger, Adv.
 Mr. Adnan Siddiqui, Adv.

Mr. Pahlad Singh Sharma, AOR

Mr. Anupam Mishra, AOR

Ms. Abha Jain, AOR

Mr. Niraj Jain, Adv.

Mr. Anupam Mishra, Adv.

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For Respondent(s) Mr. Narender Hooda, Sr. Adv.

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Mr. B.K. Satija, Adv.

Mr. Suhael Buttan, Adv.

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Mr. Kamendra Mishra, AOR

Mr. Rajeev Kr. Dubey, Adv.

Ms. Sheetal Rajput, Adv.

Mr. Ajay Kumar Misra, AAG

Mrs. Rachna Gupta, AOR

Mr. Anil Grover, AAG

Mr. Satish Kumar, Adv.

Mr. Sanjay Kumar Visen, AOR

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

Permission to file Appeals is granted.

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

Pending applications also stand disposed of.

(R. NATARAJAN)
COURT MASTER (SH)

(R.S. NARAYANAN)
COURT MASTER (NSH)

(Signed order is placed on the file)