

ITEM NO.12

COURT NO.10

SECTION IX

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

Petition(s) for Special Leave to Appeal (C) No(s).  
12122-12133/2016

(Arising out of impugned final judgment and order dated 13-08-2015 and 26-08-2015 in WP No. 7208/2015, 7456/2015, 7577/2015, 7720/2015, 7742/2015 and in 8158/2015 passed by the High Court of Bombay)

VANASHAKTI PUBLIC TRUST &amp; ANR.

Petitioner(s)

VERSUS

DOMBIVILI BETTER ENVIRONMENT SYSTEM  
ASSOCIATION (DBESA) AND ORS. ETC. ETC.

Respondent(s)

(FOR STAY APPLICATION ON IA 97/2017  
FOR STAY APPLICATION ON IA 109/2017)

Date : 05-07-2017 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ARUN MISHRA  
HON'BLE MR. JUSTICE AMITAVA ROY

For Petitioner(s)      Mr. Colin Gonsalves, Adv.  
                                 Ms. Tanya Agarwal, Adv.  
                                 Mr. Zaman Ali, Adv.  
                                 Mr. Satya Mitra, Adv.

For Respondent(s)    Mr. K.V. Vishwanathan, Sr. Adv.  
                                 Mr. Shubhranshu Padhi, AOR  
                                 Mr. Vijay Aggarwal, Adv.  
                                 Mr. Gursimran Dhillon, Adv.

Mr. Kush Chaturvedi, AOR  
Mr. Aman Varma, Adv.  
Ms. Anshula Grover, Adv.

Mr. Yash Pal Dhingra, AOR

Mr. Guru Prasad Pal, adv.  
Ms. Ramni Taneja, Adv.  
Mr. Anil Shrivastav, AOR

Mr. S. C. Birla, AOR  
Mr. Subrat Birla, Adv.

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

Leave granted.

The impugned order is set aside. Interim protection granted by this Court shall continue for three weeks.

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

(NEELAM GULATI)  
COURT MASTER (SH)

(TAPAN KUMAR CHAKRABORTY)  
BRANCH OFFICER  
(Signed order is placed on the file)

IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL No(s) . OF 2017  
(Arising out of SLP(C) Nos. 12122-12133 of 2016)

VANASHAKTI PUBLIC TRUST & ANR.

Appellant(s)

VERSUS

DOMBIVILI BETTER ENVIRONMENT SYSTEM  
ASSOCIATION (DBESA) AND ORS. ETC. ETC.

Respondent(s)

O R D E R

Leave granted.

The question involved in the matters is whether the writ petitions should have been preferred before the High Court. Without going into the question of law as to the maintainability of writ petitions, we find it appropriate in the peculiar facts and circumstances of this case that liberty be granted to the respondent No.1 to approach the National Green Tribunal (NGT) to seek modification of the order and in case it so desires liberty is also granted to the respondent No.1 to question the order passed by the NGT in appeal in this court. Period of limitation available for filing such an appeal before the NGT shall run from today. In case the modification is sought and application is dismissed, obviously the limitation would start from the date on which the application is so

decided by the NGT for the purpose of filing appeal against the order.

It is open to the petitioner to approach the NGT within a period of three weeks.

It was submitted that the NGT will be obsessed by its order. We find no reasonable ground to entertain such apprehension.

The other respondents, who filed writ petitions who were parties before the NGT and were heard, are at liberty to file an appeal in this Court in the period of limitation as prescribed in the Act to be counted from today as remedy of modification is not available to them. The impugned order is set aside.

Interim protection granted by this Court shall continue for three weeks.

The appeals stand disposed of.

.....J.  
(ARUN MISHRA)

.....J.  
(AMITAVA ROY)

NEW DELHI;  
JULY 05, 2017