

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NOS. 54-55 OF 2020

STATE OF U.P.

Appellant(s)

VERSUS

AMIT UPADHAYA & ORS.

Respondent(s)

WITH

CIVIL APPEAL NOS. 288-289 OF 2020

CIVIL APPEAL NO. 425 OF 2020

O R D E R

1. The present appeals challenge the interim order dated 17.12.2019 passed by the National Green Tribunal, Principal Bench, New Delhi.

2. It is informed by the parties that during the pendency of the proceedings before this Court, the mining leases have already expired and the mining activities have now stopped.

3. However, Shri Vanshdeep Dalmia, learned counsel appearing for the respondent(s) submits that since the very mining activity itself was illegal, so the issue of compensation still remains to be decided.

4. It is further submitted that the learned National Green Tribunal did not decide the issue, though the same was raised on account of pendency of the present petition before this Court.

5. *Per contra*, Learned counsel for the petitioner submits that the mining activity can not be said to be illegal, inasmuch as the said were carried out in view of interim order(s) passed by this Court.

6. We do not propose to dwell into that issue.

7. We find that since the present appeals are being disposed of, the learned Tribunal can very well decide the issue with regard to compensation on account of alleged illegal mining on its own merits after hearing both the parties.

8. The appeals are, accordingly, disposed of.

9. Pending application(s), if any, stand(s) disposed.

.....J
(B.R. GAVAI)

.....J
(K.V. VISWANATHAN)

New Delhi
August 27, 2024

ITEM NO.50

COURT NO.3

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). 54-55/2020

STATE OF U.P.

Appellant(s)

VERSUS

AMIT UPADHAYA & ORS.

Respondent(s)

(IA No. 2805/2020 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT, IA No. 2807/2020 - STAY APPLICATION AND IA No. 25320/2020 - VACATING STAY)

WITH

C.A. No. 288-289/2020 (XVII)

(IA No. 3682/2020 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT, IA No. 3684/2020 - STAY APPLICATION AND IA No. 25344/2020 - VACATING STAY)

C.A. No. 425/2020 (XVII)

(IA No. 4120/2020 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT, IA No. 4117/2020 - STAY APPLICATION AND IA No. 25357/2020 - VACATING STAY)

Date : 27-08-2024 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE B.R. GAVAI

HON'BLE MR. JUSTICE K.V. VISWANATHAN

For Appellant(s)

Mr. Ajit Sharma, AOR
Mr. Kanchan Kumar Singh, Adv.

Mr. Abhishek Yadav, AOR

Mr. Pradeep Misra, AOR
Mr. Daleep Dhyani, Adv.
Ms. Charu Singhal, Adv.
Mr. Suraj Singh, Adv.
Mr. Manoj Kumar Sharma, Adv.

For Respondent(s)

Mr. Vanshdeep Dalmia, AOR
Ms. Anisha Jain, Adv.
Ms. Shambhavi Singh, Adv.

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

1. The civil appeals are disposed of in terms of the signed order.
2. Pending application(s), if any, stand(s) disposed of.

(DEEPAK SINGH)
ASTT. REGISTRAR-cum-PS

(ANJU KAPOOR)
COURT MASTER (NSH)

[Signed order is placed on the file]