

IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NOS.2643-2644/2020

M/S. TOWN AND CITY DEVELOPERS

Appellant(s)

VERSUS

V. SANKARA SUBRAMANIAN & ORS.

Respondent(s)

O R D E R

The I<sup>st</sup> respondent filed an application before the National Green Tribunal complaining of illegal construction made by the appellant in violation of the environmental clearance. The I<sup>st</sup> respondent estimated the cost of the project at Rs.1500/- crores. The appellant applied for grant of approval ex-post facto which was forwarded by the State Environment Impact Assessment Authority (SEIAA) to the Expert Appraisal Committee which recommended for grant of approval. However, the approval is yet to be granted.

The Tribunal constituted an Expert Committee comprising of representatives of Central Pollution Control Board, State Pollution Control Board, SEIAA, IIT Regional Office of MOEF to finally assess the environmental compensation to be paid by the appellant for making the construction without obtaining environment

clearance. By the order dated 10.12.2019, the Tribunal imposed Rs.10 crores as interim compensation on the appellant. The compensation was directed to be deposited to State Pollution Control Board within four weeks failing which coercive steps would be taken for recovery.

The appellant filed an application for review of the order dated 10.12.2019 which was rejected in circulation by the Tribunal. The contention of the appellant that the cost of the project is only Rs.54.63 crores and not Rs.1500/- crores was dealt with by the Tribunal by holding that such facts were not brought to the notice of the Tribunal when the order dated 10.12.2019 was passed.

The appellant has filed this appeal against the orders dated 10.12.2019 and 12.02.2020.

Ms.V.Mohana, learned senior counsel for the appellant submitted that there is material to show that the cost of project is only Rs.54.63 crores and imposition of an interim compensation of Rs.10 crores on the basis that the cost of the project is Rs.1500 crores is excessive.

In the peculiar facts and circumstances of the case, we permit the appellant to approach the Tribunal and seek for modification of the interim order dated 10.12.2019 by placing the entire material pertaining to the cost of the project on record. The appellant shall file the application within a period of two weeks, which

shall be disposed of expeditiously by the Tribunal.

No coercive action shall be taken for recovery of 10 crores for a period of four weeks.

The appeals are accordingly, disposed of. Pending application(s) if any, shall stand disposed of.

.....J.  
(L.NAGESWARA RAO)

.....J.  
(HEMANT GUPTA)

.....J.  
(S.RAVINDRA BHAT)

NEW DELHI;  
17<sup>th</sup> July, 2020.

ITEM NO.7

Virtual Court 6

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).2643-2644/2020

M/S. TOWN AND CITY DEVELOPERS

Appellant(s)

VERSUS

V. SANKARA SUBRAMANIAN &amp; ORS.

Respondent(s)

(With applns. for exemption from filing c/c of the impugned judgment, ex-party stay)

Date : 17-07-2020 These appeals were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE L. NAGESWARA RAO  
HON'BLE MR. JUSTICE HEMANT GUPTA  
HON'BLE MR. JUSTICE S. RAVINDRA BHAT

For Appellant(s)

Ms. V.Mohana, Sr.Adv.  
Mr. B.Ragunath, Adv  
Ms. Sadhana V. Shankar, Adv.  
Mr. Pranav Shankar, Adv.  
Mr. Vijay Kumar, AOR

For Respondent(s)

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, stand  
disposed of.

(B.Parvathi)  
Court Master

(Anand Prakash)  
Court Master

(Signed order is placed on the file)