

Item Nos. 01 to 05

**BEFORE THE NATIONAL GREEN TRIBUNAL  
PRINCIPAL BENCH, NEW DELHI  
(Through Video Conferencing)**

Original Application No. 578/2018  
(Earlier O. A. No. 26/2013 (SZ) (THC)

WITH

Original Application No. 579/2018  
(Earlier O. A. No. 27/2013 (SZ) (THC)

WITH

Original Application No. 580/2018  
(Earlier O. A. No. 28/2013 (SZ) (THC)

WITH

Appeal No. 176/2018  
(Earlier Appeal No. 51/2012 (SZ) (THC)

WITH

Appeal No. 86/2017 (SZ)

Janajagrithi Samithi

Applicant(s)

Versus

The Union of India & Ors.

Respondent(s)

WITH

CSI St. Luke's Church

Applicant(s)

Versus

The Union of India & Ors.

Respondent(s)

WITH

Ballibettu Alide Deasthana, Yellur & Ors.

Applicant(s)

Versus

The Union of India & Ors.

Respondent(s)

WITH

Janajagrithi Samithi

Appellant(s)

Versus

The Union of India & Ors.

Respondent(s)

WITH

Janajagrithi Samithi

Appellant(s)

Versus

The Union of India & Ors.

Respondent(s)

Date of hearing: 06.02.2019

**CORAM: HON'BLE MR. JUSTICE ADARSH KUMAR GOEL, CHAIRPERSON  
HON'BLE MR. JUSTICE S.P. WANGDI, JUDICIAL MEMBER  
HON'BLE MR. JUSTICE K. RAMAKRISHNAN, JUDICIAL MEMBER  
HON'BLE DR. NAGIN NANDA, EXPERT MEMBER**

For Applicant/Appellant(s): Mr. Yogeshwaran, Advocate

For Respondent (s): Mr. Dhruv Mehta, Senior Advocate with Mr. Anubhav Ray, Mr. Rajeswaran P.N., Mr. Mahesh Agarwal, Ms. Neeha Nagpal, Mr. Arshit Anand and Ms. Aditi Phatak, Advocates for R-5  
Mr. Devraj Ashok, Advocate for Government of Karnataka and KSPCB  
Ms. M. Sumathi, Advocate for MoEF&CC  
Mr. G.M. Sayed Nurulla Sheriff, Advocate for MoEF&CC in Appeal No. 86/2017(SZ)

### **ORDER**

Hearing concluded.

Parties are at liberty to file any further written submissions within a week by e-mail at [ngt.filing@gmail.com](mailto:ngt.filing@gmail.com).

One of the questions which arises for consideration is whether commencement of operations for the unit in the year 2010 is consistent with the mandate of 2006 Notification requiring Environmental Clearance to be granted before commencement of any operations on the ground that on 10.03.1997 Environmental Clearance had been granted. By an administrative order issued in the year 2005 the cancellation of the Environmental Clearance on account of operations having not commenced till the year 2004 was restored without any impact assessment study. Consent to Establish was granted in 2005 which was also not operative when the operations commenced.

The learned Counsel for the Ministry of Environment and Climate Change (MoEF&CC) is unable to explain this position.

Further question is whether exemption from public hearing could be invoked on the ground that the activity was in the notified industrial area for the project falling under Item No. 1 (d) of the Schedule to the 2006 Notification which is not covered by the exemption.

Let the clarification be furnished by the MoEF&CC on or before 28.02.2019 by e-mail at [ngt.filing@gmail.com](mailto:ngt.filing@gmail.com).

The order will be uploaded after considering all aspects on or before 15.03.2019.

Adarsh Kumar Goel, CP

S.P. Wangdi, JM

K. Ramakrishnan, JM

Dr. Nagin Nanda, EM

February 6, 2019  
Original Application No. 578/2018  
(Earlier O. A. No. 26/2013 (SZ) (THC) and other connected matters  
DV

