Item Nos.01 to 03

BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

Through Physical Hearing (With Hybrid Option)

Original Application No. 236/2022

In re: News report published in the Newspaper named Indian Express, Daily News Paper dated : 4th February, 2022, Kolkata, Late City Edition titled "**Non-compliance of EC conditions by Kulda coal mine, Odisha & Tamnar Therman Plant, Chhattisgarh**"

WITH

Review Application No. 16/2023
IN
Original Application No. 236/2022
(I.A. No. 480/2023)

In re: News report published in the Newspaper named Indian Express, Daily News Paper dated : 4th February, 2022, Kolkata, Late City Edition titled "**Non-compliance of EC conditions by Kulda coal mine, Odisha & Tamnar Therman Plant, Chhattisgarh**"

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Jindal Steel & Power Limited ....Review Applicant

WITH

Review Application No. 17/2023
IN
Original Application No. 236/2022
(I.A. No. 481/2023)

In re: News report published in the Newspaper named Indian Express, Daily News Paper dated : 4th February, 2022, Kolkata, Late City Edition titled "**Non-compliance of EC conditions by Kulda coal mine, Odisha & Tamnar Therman Plant, Chhattisgarh**"

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Jindal Power Limited ....Review Applicant

Date of hearing: 19.07.2023

CORAM: HON'BLE MR. JUSTICE SUDHIR AGARWAL, JUDICIAL MEMBER
HON'BLE DR. A. SENTHIL VEL, EXPERT MEMBER

For Applicant(s) In Review : Dr. Ashwani Kumar, Sr. Advocate, Mr. Gopal Jain, Sr. Advocate, Ms. Gauri Rasgotra, Mr. Manish Kharbanda, Ms. Priyashree Sharma PH, Ms. Ekta Gupta, Ms. Shubhra Sharma, Ms. Tanzeela Mnbashsharah, Ms. Shefali Sangwan, Ms. Saumya Sriastava and Ms. Suvarna

	Kashyap, Advocate in R.A. 16 and 17 of 2023.
For Respondent(s):	Mr. Abhinay Sharma, Ms. Sakshi Jain, Ms. Parul Khurana, Advocates for CECB Mr. Shashank Bajpai Special Counsel State of Odisha and Ms. Stuti Karwal, Advocate Mr. Shubham Singh and Mr. Shlok Chandra, Advocates for MoEF&CC Mr. Saurabh Balwani, Advocate for CPCB

ORDER

1. We have heard Dr. Ashwani Kumar, Sr. Advocate assisted by Mr. Gopal Jain, Sr. Advocate assisted by Ms. Gauri Rasgotra assisted by Mr. Manish Kharbanda assisted by Ms. Priyashree Sharma PH assisted by Ms. Ekta Gupta assisted by Ms. Shubhra Sharma assisted by Ms. Tanzeela Mnbashsharah assisted by Ms. Shefali Sangwan assisted by Ms. Saumya Sriastava and assisted by Ms. Suvarna Kashyap, Advocates for Reviewing Applicants.

2. In both these Review Applications no. 16 and 17 of 2023, order dated 12.01.2023 and 30.03.2022 passed in Original Application No. 236/2022 (hereinafter referred to as '**OA**') are sought to be reviewed on the ground that review applicants were neither impleaded as respondents nor given any opportunity of hearing, hence, orders giving directions affecting Review Applicants adversely are in violation of the principles of natural justice.

3. During arguments, Learned Senior Counsel for the parties, at the outset, stated that since 12.01.2023 order is the complete order which covers the aspect dealt with by order dated 30.03.2022, therefore, Review Application be treated as confined to the order dated 12.01.2023.

4. We have gone through the record and find substance in the argument that neither Review Applicants were impleaded as respondents nor any notice was issued to them, hence they were not heard before passing order dated 12.01.2023.

5. On the question of construction of road, installation of conveyer belt and assessment and recovery of environmental compensation, order dated 12.01.2023 has some adverse consequences upon Review Applicants, hence we are satisfied that order affecting Review Applicant adversely ought to have been passed after giving opportunity to them.

6. In view of above discussion, Review Applications No. 16/2023 and 17/2023 in OA 236/2022 are hereby allowed to the extent that order dated 12.01.2023 is hereby recalled.

7. With the consent of Learned Counsels appearing for Review Applicants, we also direct that Review Applicants M/s Jindal Power Limited, Tamnar, Raigarh and M/s Jindal Steel and Power Ltd. Village Dongomhua, Raigarh shall be impleaded as respondents 1 and 2. As requested by Learned Counsel appearing for newly impleaded respondents, they are allowed to file response to OA as also various reports which are on record, within 10 days.

8. Since matter relates to States of Chhattisgarh and Odisha, it has to be heard by the Bench either at Central Zone Bench, Bhopal or Eastern Zone Bench, Kolkata. Since most parties are of State of Chhattisgarh let the matter be placed before appropriate Bench after obtaining order from the competent authority.

9. As agreed by Learned Counsel of the parties, list this matter 07.08.2023.

10. We also find from record that there are some other industrial units such as M/s S.K.S. Power Generation Ltd., M/s. End Synergi, Vill Mohapali Siyarpali, M/s J.S.W. Ispat Special Procut Pvt. Ltd., M/s Raigarh Energy Generation Ltd., M/s R.K.M. Powergen Pvt. Ltd., M/s D.B. Power

Ltd. and M/s Bharat Aluminium Co. Ltd. Since their interests are also likely to be affected, we direct that they shall also be impleaded as respondents 3 to 9.

11. Registry is directed to issue notice to all the newly added respondents. They may file their response within a week from the date of receiving notice.

12. State of Odisha is represented through Mr. Shashank Bajpai, Advocate. He pointed out that State of Odisha is also not formally impleaded. Let State of Odisha be also impleaded as respondent 10. No notice be issued to it since State is represented through counsel and has also submitted compliance reports.

13. Since we are permitting impleading of necessary parties, we also direct that State of Chhattisgarh shall also be impleaded at respondent no. 11 and notice shall also be issued to it who may file its response within one week from the date of receipt of notice.

Sudhir Agarwal, JM

Dr. A. Senthil Vel, EM

July 19, 2023
Original Application No. 236/2022
With Review Application Nos. 16 and 17/2023
IN Original Application No. 236/2022
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