

Item No. 03

Court No. 1

**BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI**

Execution Application No. 29/2024

In

Appeal No. 79/2014

(IA No 364/2024)

Debadityo Sinha

Applicant

Versus

Mirzapur Energy (UP) Pvt. Ltd. & Ors.

Respondent(s)

Date of hearing: 16.08.2024

**CORAM: HON'BLE MR. JUSTICE PRAKASH SHRIVASTAVA, CHAIRPERSON
HON'BLE MR. JUSTICE ARUN KUMAR TYAGI, JUDICIAL MEMBER
HON'BLE DR. A. SENTHIL VEL, EXPERT MEMBER**

Applicant: Ms. Parul Gupta, Adv. for Applicant in E.A 29/2024

ORDER

1. By this execution application, the applicant is seeking compliance of the order dated 21.12.2016 passed in Appeal No. 79/2014.

2. In Appeal No. 79/2014, the Environmental Clearance (EC) dated 21.08.2014 granted to M/s. Welspun Energy Pvt. Ltd. for setting up 2x660 MW Super Critical Coal based Thermal Power Plant at Village Dadri Khurd, Tehsil Mirzapur, Uttar Pradesh was challenged. The Tribunal by order dated 21.12.2016 had allowed the Appeal and had set aside the EC dated 21.08.2024 finding that the entire process of consideration and appraisal of proposal to grant EC was tainted so as to render it less credit worthy than the one expected by law and as such made it even more difficult to suggest the safeguards in order to render the project sustainable one.

3. The Tribunal had restrained the Respondent No. 4, M/s. Welspun Energy (U.P.) Pvt. Ltd. to carry out any developmental work at the project site and to restore the area to its original condition.

4. The allegation in this execution application is that the project has been transferred by M/s. Welspun Energy Pvt. Ltd. to the Respondent No. 1, Mirzapur Energy (U.P.) Pvt. Ltd. and that the project proponent is undertaking illegal construction activities at the site by clearing the vegetation and forest using massive earthwork and levelling the land.

5. We find that in support of the plea of construction by the project proponent, the applicant has enclosed the photographs Annexure A-10 but there are no geo-coordinates given.

6. Since the applicant has alleged non-compliance of the order of the Tribunal, therefore, we direct issuance of notice to the respondents.

7. The applicant is directed to serve on the respondents and file affidavit of service atleast one week before the next date of hearing.

8. List on 03.12.2024.

Prakash Shrivastava, CP

Arun Kumar Tyagi, JM

Dr. A. Senthil Vel, EM

August 16, 2024
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In Appeal No. 79/2014 (IA No 364/2024)
avt