

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
EASTERN ZONAL BENCH, AT KOLKATA
INTERLOCUTORY APPLICATION OF 2025
IN
ORIGINAL APPLICATION NO. 02 OF 2025**

IN THE MATTER OF:

M/s MSP Steel Sponge Iron Ltd. ...Applicant

-Versus-

Ministry of Environment, Forest & Climate Change & Others ...Respondents

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NDoH: 28.01.2025

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Date: 24.01.2025

Place: Kolkata

DRAWN & FILED BY:

Mbachani

Eisha Krishn & Mansi Bachani

Advocates for the Applicants

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SETTLED BY:

Mr. Sanjay Upadhyay

[Senior Advocate]

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
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INTERLOCUTORY APPLICATION OF 2025
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M/s MSP Steel Sponge Iron Ltd. ...Applicant

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Others ...Respondents

**INTERLOCUTORY APPLICATION FOR AMENDMENT OF THE
ORIGINAL APPLICATION NO. 02 OF 2025 BY THE APPLICANT IN
PURSUANCE OF THE ORDER DATED 22.01.2025.**

MOST RESPECTFULLY SHEWETH:

1. The present Original Application was filed under Section 14 read with Section 18 of the NGT Act, 2010 aggrieved by the non-consideration of Representation dated 12.09.2024 to the Ministry of Environment, Forest and Climate Change (Respondent No. 1) with reference to the Letter dated 27.08.2024 which refuses to process an application dated 22.01.2021 of the Applicant, for the amendment of the Environmental Clearance dated 10.10.2012 for both validity and modernization.
2. That it is the case of the Applicant that the Impugned Letter of the MOEFCC dated 27.08.2024 is erroneous and has failed to consider the clarifications issued by the Hon'ble Supreme Court on 02.02.2024 and 17.12.2024 whereby applications of projects with prior Environmental Clearance for the land area can be further processed by the MOEF&CC de hors the stay order of 07.07.2021.
3. That further, this has also been clarified by the latest Order by the Hon'ble Supreme Court on 06.01.2025 in the case of Fatima v. Union of India and Others [Special Leave Petition (Civil) Diary No. 49103/2024).

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4. That on 22.01.2025, Applicant was granted liberty from this Hon'ble Tribunal to amend its Original Application No. 02/2025 for specifically addressing the grievance of the Applicant with respect to the letter dated 27.08.2024. Accordingly, the present Interlocutory Application for amendment of the abovementioned OA is being filed seeking amendment in the List of Dates, Facts, Grounds and the Prayer of the Original Application to bring on record specific grievance of the Applicant with respect to the MoEF&CC Letter dated 27.08.2024 as well as the latest Development of the Hon'ble Supreme Court. The Order of the Hon'ble NGT is marked and annexed as **Annexure A/1** herein.

5. That in the List of Annexures , at page 3, the following Annexure may be included

—

26.	ANNEXURE A/22 – Copy of the Order dated 06.01.2025 of the Hon'ble Supreme Court in the case of Fatima v. Union of India and Others [Special Leave Petition (Civil) Diary No. 49103/2024).	
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The Copy of the Order dated 06.01.2025 is marked and annexed as **ANNEXURE A/2** herein.

6. That S. No. 26 entry is to be renumbered as S No. 27.

7. That in the List of Dates on page 14, after the date 12.2024, the following entry may be added –

06.01.2025	The Hon'ble Supreme Court in the case of Fatima v. Union of India and Others [Special Leave Petition (Civil) Diary No. 49103/2024) <i>inter alia</i> directed that the applications pending under 07.07.2021 may be processed.
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8. That in Brief Facts, on page 28, after paragraph no. 36, the following paragraph may be included –

37. That the Hon'ble Supreme Court on 06.01.2025 has further clarified in the case of Fatima v. Union of India and Others [Special Leave Petition (Civil) Diary No. 49103/2024) that applications pending under 07.07.2021 may be processed. Copy of the Order dated 06.01.2025 is marked and annexed as **ANNEXURE A/22**.

9. That at Page 30 of the OA after ground no. L, the following ground is sought to be inserted -

M. Because the MoEF&CC's Letter dated 27.08.2024 is not a speaking order and has erroneously rejected the application of the Applicant herein for grant of Environmental Clearance in contravention of the Order dated 02.02.2024 of the Hon'ble Supreme Court in Van Shati v. Union of India and Others (WP No. 1394 of 2023)

10. That further, the Prayers at page 31 of the Original Application may be substituted with the following prayers –

It is most respectfully prayed that this Hon'ble Tribunal may be pleased to:

- a) Allow the present Application;
- b) Set Aside the Letter dated 27.08.2024 of Ministry of Environment, Forest and Climate Change for being erroneous and on the ground of non-application of mind.
- c) Direct the Ministry of Environment, Forest and Climate Change to allow the process of Application for grant of Environment Clearance for the expansion of the project as per TOR dated 23.10.2021;
- d) Pass any other order(s)/direction(s) as this Hon'ble Tribunal may deem fit and proper in the present facts and circumstances.

11. That the balance of convenience lies with the Original Applicant and no prejudice would be caused to any party if the instant application is taken on record.

12. That the present application has been moved Bonafide and in the interest of justice and equity.

PRAYER

That in view of the above it is most respectfully prayed that this Hon'ble Tribunal may be pleased to:

- a. Allow this Application and grant the Applicant the liberty to amend the Prayers made in the Original Application as per the specifications mentioned above in the present Application.
- b. Allow this Application and grant the Applicant the liberty to file an amended Original Application reflecting the amendments proposed herein above.

Date: 24.01.2024

Place: Kolkata

DRAWN & FILED BY:

Mbachani

Eisha Krishn & Mansi Bachani

Advocates for the Applicants

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SETTLED BY:

Mr. Sanjay Upadhyay

[Senior Advocate]

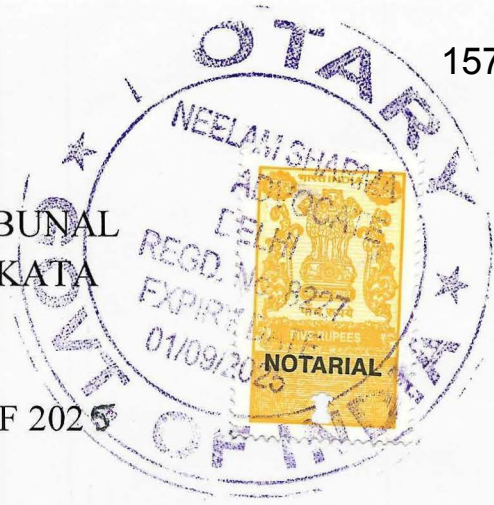
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IN THE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH, KOLKATA

IA. NO. OF 2025

IN

ORIGINAL APPLICATION NO. 02 OF 2025



IN THE MATTER OF:

M/s MSP Steel Sponge Iron Ltd.

...Appellant

Versus

Ministry of Environment, Forest and Climate Change

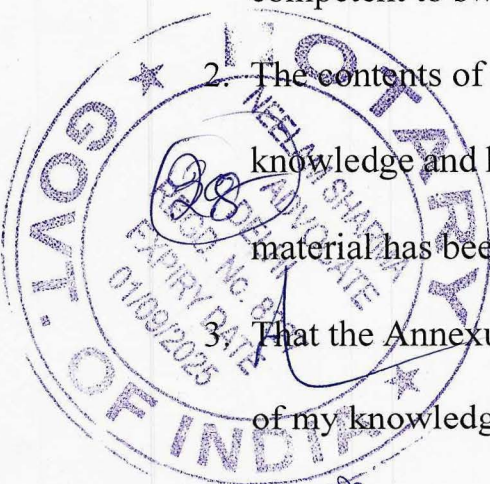
and Others

...Respondents

AFFIDAVIT

I, Pradip Kumar Dey S/o S.C. Dey aged about 61 Akash Enclave, 22, B, N. C. Das Road PS Behala Kolkata 700034 (WB) Presently at New Delhi presently at New Delhi, do hereby solemnly affirms and declares as under:

1. That I am fully conversant of the facts and circumstances of the matter and am competent to swear this affidavit.
2. The contents of the accompanying Application are true and correct to the best of my knowledge and have been drafted by the counsel on my instructions and nothing material has been concealed therefrom.
3. That the Annexures in the accompanying Application are true and correct to the best of my knowledge.



Pradip Kumar Dey
DEPONENT

VERIFICATION:

Verified at New Delhi on this 24 day of JAN 2025, 2025 that the contents of the

above affidavit are true and correct to my knowledge and belief and nothing material has been concealed there from.

Pradip Kumar Dey
DEPONENT

ATTESTED

NOTARY (Govt. of India)
Neelan Sharda
Advocate
Ch. No 185A, Gate No. No. 15,
Patula House Court,
New Delhi-110001
(M): 9899408301

24 JAN 2025
24 JAN 2025

Item No.01

Court No.1

**BEFORE THE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH, KOLKATA
(THROUGH PHYSICAL HEARING WITH HYBRID MODE)**

Original Application No.02/2025/EZ

M/S MSP Steel Sponge Iron Ltd.

Applicant(s)

Versus

Ministry of Environment,
Forest & Climate Change & Ors.

Respondent(s)

Date of hearing: 22.01.2025

**CORAM: HON'BLE MR. JUSTICE B. AMIT STHALEKAR, JUDICIAL MEMBER
HON'BLE DR. ARUN KUMAR VERMA, EXPERT MEMBER**

For Applicant(s) : Mr. Sanjay Upadhyay, Sr. Adv. a/w
Ms. Mansi Bachani, Adv. and
Ms. Eisha Krishn, Adv.

ORDER

1. Heard Mr. Sanjay Upadhyay, learned Senior Counsel assisted by Ms. Mansi Bachani and Ms. Eisha Krishn, learned Counsel appearing for the Applicant.
2. The present Original Application has been filed by the Applicant with the following prayer:-
 - a) *Allow the present Application;*
 - b) *Direct the Respondent No.1, Ministry of Environment, Forest and Climate Change to consider the Representation dated 12.09.2024 of the Applicant for grant of EC view of the Order dated 02.02.2024 of the Hon'ble Supreme Court in Van Shakti; and/or*
 - c) *Direct the Respondent No.1, Ministry of Environment, Forest and Climate Change to process the application dated 22.01.2021 of the Applicant for amendment of EC dated 10.10.2012 in accordance with the law from an environmental impact standpoint; and/or*

d) Pass any other order(s)/direction(s) as this Hon'ble Tribunal may deem fit and proper in the present facts and circumstances.

3. It is also stated that the Applicant had pleaded in its representation dated 12.09.2024 that its Application dated 22.01.2021 ought to be considered within the ambit of the exemption granted by the Hon'ble Supreme Court in its Order dated 02.02.2024 passed in Writ Petition No.1394 of 2023 (Van Shakti vs. Union of India & Others) for processing of applications for modifications/alterations of Environmental Clearance of projects which had valid Environmental Clearance prior to 07.07.2021, in accordance with law de hors the stay granted on 02.01.2024 on the Standard Operating Procedure for dealing with violation cases issued by the Ministry of Environment, Forest and Climate Change (MoEF&CC) vide the Office Memorandum dated 07.07.2021.
4. It is stated that till date no response has been received by the Applicant from the Ministry of Environment, Forest and Climate Change (MoEF&CC).
5. The contention of the Applicant herein is that it's case falls within para 5 to 7 of the Order dated 02.02.2024 as the Applicant had a subsisting Environmental Clearance dated 10.10.2012. It is stated that the Applicant had applied in time for extension of the validity as well as modification on 20.09.2019 but due to submission of wrong form, the application was not further processed. It is stated that the Terms of Reference (for short, 'TOR') obtained on 03.08.2021 was initially not under the OM dated 07.07.2021; it was only on 28.10.2023, that the said TOR was amended to include the Applicant herein as a violation case as there was no other provision under which it could have been applied.

11. Mr. Sanjay Upadhyay, learned Senior Counsel submits that the Applicant had earlier made a representation dated 30.05.2024 which has been rejected by the subsequent order dated 27.08.2024 at Annexure A/2 of the Original Application.
12. Learned Counsel submits that the said order is a non-speaking order. However, the said order has not been put to challenge in the present Original Application and the only prayer in the Original Application is to decide the Applicant's further representation dated 12.09.2024.
13. Mr. Upadhyay, learned Counsel submits that he would like to file an Amendment Application amending the Original Application and the prayer in the Original Application and challenge the order of the Ministry of Environment, Forest and Climate Change (MoEF&CC) dated 27.08.2024.
14. Learned Counsel prays for and is granted one week time for filing the Amendment Application.
15. **List for admission on 28.01.2025.**

.....

B. Amit Sthalekar, JM

.....

Dr. Arun Kumar Verma, EM

January 22, 2025,
Original Application No.02/2025/EZ
OM

ANNEXURE A/2

ITEM NO.12

COURT NO.5

SECTION XII

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

SPECIAL LEAVE PETITION (CIVIL) DIARY NO(S). 49103/2024

[Arising out of impugned final judgment and order dated 30-08-2024 in WP(MD) No. 8866/2021 and WP(MD) No. 11757/2021 passed by the High Court of Judicature at Madras]

FATIMA

Petitioner(s)

VERSUS

UNION OF INDIA

Respondent(s)

(FOR ADMISSION AND IA No. 294492/2024 - CONDONATION OF DELAY IN REFILEING/CURING THE DEFECTS)

Date : 06-01-2025 This matter was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ABHAY S. OKA

HON'BLE MR. JUSTICE UJJAL BHUYAN

For Petitioner(s) Mr. T.V.S. Raghavendra Sreyas, Adv.
Mr. Naveen Hegde, AOR
Mr. Siddharth Vasudev, Adv.

For Respondent(s)

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

Delay condoned.

Leave granted.

To be heard along with Writ Petition (C) No.1394/2023.

The operative part of the impugned order reads thus:

"29.Ergo, the sequitur is,

(i) captioned three W.P.s, namely W.P.(MD)Nos.8866 of 2021, 11757 of 2021 and W.P.No.18829 of 2021 are allowed in the aforesaid manner, impugned OMs dated 19.02.2021 and 07.07.2021 issued by MoEF are quashed/set aside but prospectively albeit with a window to three ongoing/completed projects as set out elsewhere supra in this order. Consequently, connected Writ Miscellaneous Petitions thereat are closed. There shall be no order as

Signature Not Verified
Digitally signed by
ASHISH KONDLE
Date: 2025.01.06
18:21:38 IST
Reason:

to costs;
....."

We direct that if any applications are pending for grant of *ex post facto* clearances on the basis of OMs dated 19th February, 2021 and 7th July, 2021, the same shall be processed. However, final order granting approval shall not be passed till further orders.

(ASHISH KONDLE)
COURT MASTER (SH)

(AVGV RAMU)
COURT MASTER (NSH)