

BEFORE THE NATIONAL GREEN TRIBUNAL PRINCIPAL BENCH, NEW DELHI

Appeal No. 22/2015

Krishan Lal GeraApplicant

//Versus//

State of Haryana & Ors.Respondent(s)

BRIEF NOTE AS PER ORDER DATED 09.07.2024

1. That the Hon'ble National Green Tribunal vide its order dated 09.07.2024 has passed an order wherein the Amicus Curiae has been directed to file a brief notes indicating the issue which the Hon'ble Tribunal has to examine after the order passed by the Hon'ble Supreme Court.
2. That it submitted that the Present appeal was filed by the Appellant aggrieved by the order of this Tribunal setting aside the Environmental Clearance (EC) granted to the appellant for setting up a Super Specialty Hospital on a 5 acre plot leased by the Haryana Development Authority for 99 years in Faridabad was finally decided by Tribunal by order dated 25.08.2015, which was subject matter of challenge before Hon'ble Supreme Court in Civil Appeal No. 6896/2015, M/s Vivekanand Ashram Society vs. Krishan Lal Gera & Ors. The Hon'ble Supreme Court vide its order



01.05.2023 allowed the appeal filed by the M/s Vivekanand Ashram Society . The Hon'ble Supreme Court observed as under

"The report of the Committee constituted by order dated 01.02.2018 is available; it has been placed on record. Broadly it indicates the state of affairs which existed after the National Green Tribunal's order and various steps taken by the appellant institution to mitigate the concerns voiced in the impugned order. Having regard to these developments, the impugned order is set aside and the matter is remitted to the National Green Tribunal for 2 fresh consideration on the question as to whether the environmental clearance, initially granted, can now be used by the appellant having regard to the inspection report dated 01.02.2018. The National Green Tribunal shall consider these aspects along with relevant material and pass an appropriate order as expeditiously as possible. The appeal is allowed in the above terms. All rights and contentions of the parties are kept open."

3. That thereafter a report has been submitted by SEIAA, Haryana vide letter dated 27.12.2023 before the Hon'ble Tribunal. That as per the said the SEIAA, Haryana has pointed some deficiencies in implementing the conditions as laid down by the Environment Clearance dated 14.11.2014.
4. That however the report dated 27.12.2023 does not cover all conditions as laid down by the Environment Clearance dated 14.11.2014 and such need to be reconsidered.



5. That moreso as per the report dated 27.12.2023 some deficiency has been highlighted and as such it needs to be revisited in terms of the Environment Clearance dated 14.11.2014.
6. That as considering the facts and circumstances mentioned above this Hon'ble Tribunal may consider all the aspects of the present state of affairs and conditions in view of the conditions imposed while granting the Environment Clearance.



FILED BY

MANISH KUMAR

AMICUS CURIAE