

**BEFORE THE NATIONAL GREEN TRIBUNAL
SOUTHERN ZONE, CHENNAI**

ORIGINAL APPLICATION NO. 28 OF 2025 (SZ)

[EARLIER O.A. NO. 988/ 2024 (PB) LP]

IN THE MATTER OF:

JAMBIAIAH. K
BELLARY DISTRICT

... APPLICANT

VERSUS

KARNATAK STATE POLLUTION
CONTROL BOARD & ORS

... RESPONDENTS

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FILED THROUGH:



Thriyambak J Kannan

(Advocate for Respondent No.5/Project Proponent)

Khaitan & Co, 8th Floor, Briley One, No. 30,
Ethiraj Salai, Egmore, Chennai – 600 008, India

Mobile No: +91 8939161989

Email ID: thriyambak.kannan@khaitanco.com

Date: 20.06.2025

Place: Chennai

Item No.02

Court No. 2

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

Miscellaneous Application No. 988/2024

Jmbaih K Son of Thimmappa K

Applicant(s)

Versus

State of Karnataka

Respondent(s)

Date of hearing: 21.10.2024

**CORAM: HON'BLE MR. JUSTICE SUDHIR AGARWAL JUDICIAL MEMBER
HON'BLE DR. AFROZ AHMAD, EXPERT MEMBER**

Applicant: None

ORDER

1. Jambaiah K son of Thimmappa K has sent a letter petition dated 13.12.2023 which has been registered as Original Application under Sections 14 and 15 of National Green Tribunal Act, 2010 (hereinafter referred to as '**NGT Act, 2010**') exercising *suo-moto* jurisdiction in view of law laid down by Supreme Court in ***Municipal Corporation of Greater Mumbai Versus Ankita Sinha and Others, (2022) 13 SCC 401.***

2. Complainant has said that M/s Jindal Steel Ltd. has installed an Integrated Waste Management Unit in 575 acres of land in Village Sultanpur under Gram Panchayat Torangallu District Bellary, State of Karnataka. Said unit has been installed unscientifically and operating in such a manner as to discharge sewer in water causing water and air pollution, and creating health hazards to local people as also wildlife. Toxic water collected in unit is directly channeled to Daroji Lake which is

of historical importance. Water lake is used by villagers and cattles for various purposes and they are getting affected adversely due to contaminated water of the lake which is caused by discharge of toxic waste by said unit. Dumping of waste unscientifically is also causing air pollution and this require in interference by Tribunal.

3. Complaint made in this letter petition prima-facie in our view, give rise to a substantial question relating to environment arising due to implementation of enactment mentioned in Schedule 1 of NGT Act, 2010.

4. However, before proceeding further in the matter we find it appropriate to obtain a factual report for which we constitute a Joint Committee comprising Karnataka State Pollution Control Board, Central Pollution Control Board, Integrated Regional Office, MoEF&CC, Bellary and District Magistrate, Bellary.

5. Central Pollution Control Board shall be the Nodal Authority for co-ordination and compliance of this order.

6. Committee shall visit the site, collect relevant information and submit a factual report within one month.

7. List for further consideration on 22.11.2024.

Sudhir Agarwal, JM

Dr. Afroz Ahmad, EM

October 21, 2024
Miscellaneous Application No. 988/2024
M



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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ W.P.(C) 15771/2024

M/S JSW STEEL LIMITED

.....Petitioner

Through: Mr. Sandeep Sethi, Senior Advocate
with Mr. Sanjeev Kapoor, Mr.
Aakash Bajaj, Ms. Prerona Banarjee,
Ms. Sania Abbasi, Ms. Riya Kumari,
Advocates.

versus

UNION OF INDIA & ORS.

.....Respondents

Through: Mr. Varun Pratap Singh, Advocate for
Mr. Kirtiman Singh, CGSC for UOI

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

% **13.11.2024**
CM APPL. 66165/2024 (Exemption)

1. Exemption is granted, subject to all just exceptions.
2. The Applicant shall file legible and clearer copies of exempted documents, compliant with practice rules, before the next date of hearing.
3. Accordingly, the application stands disposed of.

CM APPL. 66164/2024 (for stay)

4. The present petition impugns order dated 21st October, 2024,¹ passed by the National Green Tribunal, Principal Bench, New Delhi,² in Miscellaneous Application No. 988/2024. The said order was passed by the NGT in exercise of its *suo moto* jurisdiction in view of the Supreme Court's

¹ "the impugned order"

² "NGT, Principal Bench"

W.P.(C) 15771/2024

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decision in *Municipal Corporation of Greater Mumbai v. Ankita Sinha and Others*,³ on the basis of a letter dated 13th December, 2023 sent by Jambaiah K, Respondent No. 4, to the NGT, Principal Bench complaining that Petitioner's Integrated Waste Management Unit in 575 acres of land in Village Sultanpur under Gram Panchayat Torangallu District Bellary, State of Karnataka,⁴ is contributing towards water and air pollution in the nearby areas, thereby causing health hazards. The impugned order directed the formation of a Joint Committee comprising of Karnataka State Pollution Control Board, Central Pollution Control Board, Integrated Regional Office, MoEF&CC, Bellary and District Magistrate, Bellary with a direction to visit the Petitioner's industrial unit, collect relevant information and submit a factual report to the Tribunal within one month.

5. Mr. Sandeep Sethi, Senior Counsel for the Petitioner, challenges the impugned order primarily on two grounds – he argues that the impugned order suffers from lack of jurisdiction and all consequential actions taken thereunder are *de hors* the National Green Tribunal Act, 2010.⁵ He contends that NGT is a statutory authority established to exercise jurisdiction and powers within the confines of the NGT Act. The composition of the Tribunal is provided under Section 4 of the NGT Act. Further, sub-section (3) of Section 4 stipulates that the Central Government may, by notification, specify the ordinary place or places of sitting of the Tribunal, and the territorial jurisdiction falling under each such place of sitting. In furtherance of this provision, on 17th August, 2011, Ministry of Environment and Forests published a notification defining the ordinary places of sitting of the NGT

³ (2022) 13 SCC 401.

⁴ "the industrial unit"



and earmarking their jurisdiction. The same is extracted herein below:

Ministry of Environment and Forests
Notification
New Delhi, the 17th August, 2011

S.O. 1908(E).- In exercise of powers conferred by the sub-section (3) Of Section 4 of the National Green Tribunal Act, 2010(19th of 2010), the Central Government hereby specifies the following ordinary places of sitting of the National Green Tribunal which shall exercise jurisdiction on the area indicated against each.-

Serial Number	Zone	Place of Sitting	Territorial jurisdiction
1.	Northern	Delhi(Principal Place)	Uttar Pradesh, Uttarakhand, Punjab, Haryana, Himachal Pradesh, Jammu and Kashmir, National Capital Territory of Delhi and Union Territory of Chandigarh
2.	Western	Pune	Maharashtra, Gujarat, Goa with Union Territories of Daman and Diu and Dadra and Nagar Haveli.
3.	Central	Bhopal	Madhya Pradesh, Rajasthan and Chhattisgarh
4.	Southern	Chennai	Kerala, Tamil Nadu, Andhra Pradesh, Karnataka, Union Territories of Pondicherry and Lakshadweep.
5.	Eastern	Kolkata	West Bengal, Orissa, Bihar, Jharakhand, seven sister States of North-Eastern region, Sikkim, Andaman and Nicobar Islands:

Provided that till the Benches of the National Green Tribunal become functional at Bhopal, Pune, Kolkata and Chennai, the aggrieved persons may file petitions before the National Green Tribunal at Delhi and till such time the notification No. S.O. 1003 (E), dated the 5th May, 2011 in the Ministry of Environment and Forests, shall continue to be operative.

[F.No. 17(4)/2010-PL]
Rajneesh Dube, Jr. Secy.

6. Placing reliance on the afore-noted notification, Mr. Sethi argues that Petitioner's industrial unit, which is the subject matter of the complaint and

⁵ "NGT Act"



the impugned order, is located in the State of Karnataka, hence, the industrial unit falls within the jurisdiction of Southern Zone Bench of the NGT which sits at Chennai. He further urges that in similar circumstances, the NGT, Principal Bench has refused to entertain matters arising outside its jurisdiction and places reliance upon the decision in *K. Sathyadevan v. Union of India & Ors.*⁶

7. Furthermore, Mr. Sethi submits that this precise question of the territorial jurisdiction has been dealt in *State of Telangana through its Chief Secretary, Khairatabad, Hyderabad, Telangana and another v. Md. Hayath Uddin and others*,⁷ wherein the Division Bench of High Court of Hyderabad examined the framework of the NGT Act in relation to the question regarding the territorial jurisdiction of the NGT, Principal Bench. To this effect, the decision reads as follows:

“72. In the affidavit, in reply to the O.A filed by the first respondent-applicant, the petitioner herein specifically contended that the O.A should have been heard by a bench of the Southern Zone or the Western Zone of the NGT as the cause of action, to proceed against the purported illegal construction in the State of Telangana or Maharashtra, was beyond the boundaries of the territories over which the Principal Bench at New Delhi exercised jurisdiction. If that be so, the jurisdiction of the Judicial Member of the Northern Zonal Bench would not extend to his entertaining the O.A, if the cause of action had arisen substantially within the territorial limits of the Southern Zonal Bench of the NGT at Chennai, and partly within the territorial limits of the Western Zonal Bench of NGT at Pune. Despite the question of lack of territorial jurisdiction being urged and argued, the NGT failed to consider them. It is only if the NGT had examined these contentions, and had recorded its prima-facie finding that it has territorial jurisdiction to entertain the application, could it have, thereafter, considered the application for grant of interim relief. Since the objection to the jurisdiction of the NGT, to entertain the O.A, was taken at the first instance itself,

⁶Original Application No. 1154/2024 decided on 12th September, 2024.

⁷Writ Petition No. 34458/2017 decided on 8th November, 2017.



failure of the NGT to decide this question of territorial jurisdiction, cannot result in denial of relief to the petitioner merely because the NGT has chosen to decide the application, for grant of interim relief, on its merits. If the order is of a Court/Tribunal having no jurisdiction, it must be set aside. (Adani Exports Ltd.28). Failure of the NGT to decide this preliminary objection, to its lack of territorial jurisdiction to entertain the O.A, would also necessitate the interim order of the NGT dated 05.10.2017 being set aside.”

8. Mr. Sethi emphasises that the NGT has exceeded its jurisdiction by passing the impugned order *ex-parte*, contrary to Section 19(4)(i) of the NGT Act. He points out that the complaint was received by NGT nearly 10 months before the passing of the impugned order and there was no urgency that necessitated the passing of an *ex-parte* order without affording an opportunity to the Petitioner to respond to the allegations.

9. Mr. Varun Pratap Singh, counsel for Union of India, seeks a short accommodation to take instructions.

10. Having considered the above, the Court is satisfied that a *prima facie* case has been established in favour of the Petitioner on the issue of lack of territorial jurisdiction.

11. Accordingly, till the next date of hearing, the impugned order shall be stayed.

W.P.(C) 15771/2024

12. Issue notice. Mr. Varun Pratap Singh, counsel for Respondent No. 1 accepts notice. Counter affidavit be filed within a period of two weeks from today. Rejoinder thereto, be filed before the next date of hearing.



13. Issue notice to the remaining Respondents by all permissible modes, upon filing of process fee, returnable on the next date of hearing.
14. List on 11th December, 2024.

SANJEEV NARULA, J

NOVEMBER 13, 2024/ab

W.P.(C) 15771/2024

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Item No. 13

Court No. 2

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

Original Application No. 988/2024

JAMBALIAH K So THIMMAPPA K

Applicant

Versus

State of Karnataka

Respondent(s)

Date of hearing: 22.11.2024

**CORAM: HON'BLE MR. JUSTICE SUDHIR AGARWAL JUDICIAL MEMBER
HON'BLE DR. AFROZ AHMAD, EXPERT MEMBER**

Applicant: None

Respondents: Mr. Atif Suhrawardy, Advocate for CPCB (through VC).

ORDER

1. Against order dated 21.10.2024, M/s Jindal Steel Limited has filed Writ Petition No. 15771 of 2024 in Delhi High Court wherein said order of Tribunal has been stayed.
2. In the circumstances, we defer the matter for today. Since the next date fixed in High Court is 11.12.2024, let this matter come up on 17.12.2024.

Sudhir Agarwal, JM

Dr. Afroz Ahmad, EM

November 22, 2024
AB



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* IN THE HIGH COURT OF DELHI AT NEW DELHI

+ W.P.(C) 15771/2024 & CM APPL. 66164/2024

M/S JSW STEEL LIMITED

.....Petitioner

Through: Mr. Aakash Bajaj, Ms. Prerona
Banerjee and Ms. Sania Abbasi,
Advocates

versus

UNION OF INDIA & ORS.

.....Respondents

Through: Mr. Balendu Shekhar, CGSC with
Mr. Raj Kumar Maurya, Advocate for
UIO
Mr. Krishna Kumar, Advocate for
R-2

CORAM:**HON'BLE MR. JUSTICE SANJEEV NARULA****ORDER**

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11.12.2024

1. Let counter affidavit be filed by the Respondents within a period of four weeks from today with advance copy to the Petitioner, who may file rejoinder thereto, if any, before the next date of hearing.
2. Interim order(s), if any, to continue.
3. Re-notify on 29th April, 2025.

SANJEEV NARULA, J**DECEMBER 11, 2024/AS**

Item No.10

Court No. 2

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

Original Application No.988/2024

Jambaiah K son Thimmappa

Applicant

Versus

State of Karnataka & Others

Respondents

Date of hearing: 17.12.2024

**CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI, JUDICIAL MEMBER
HON'BLE DR. AFROZ AHMAD, EXPERT MEMBER**

Applicants: None for the applicant.

Respondents: Mr. Atif Suhrawardy, Advocate for CPCB (through VC).
Mr. Akash Bajaj (through VC), Ms. Presona Banerjee and Ms. Sania
Abbasi, Advocates for Project Proponent.**ORDER**

1. Mr. Jambaiah K. has sent the present letter petition dated 13.12.2023 to this Tribunal complaining that Petitioner's Integrated Waste Management Unit in 575 acres of land in Village Sultanpur under Gram Panchayat Torangallu District Bellary, State of Karnataka, is contributing towards water and air pollution in the nearby areas, thereby causing health hazards.
2. The above said letter petition has been treated as original application and registered as O.A. No. 988/2024 and assigned to the Bench no. 2 of the Principal Bench at Delhi under orders of Hon'ble Chairperson of this Tribunal.
3. This Tribunal, vide order dated 21.10.2024, took *suo-moto* cognizance and constituted a Joint Committee with direction to submit its report.

4. The Project Proponent-M/s Jindal Steel Ltd. challenged order dated 21.10.2024 by filing W.P.(C) 15771/2024 before Hon'ble High Court of Delhi. Vide order dated 13.11.2024, Hon'ble High Court of Delhi stayed order dated 21.10.2024 passed by this Tribunal. The relevant part of the order reads as under:-

“CM APPL. 66165/2024 (Exemption)

1. Exemption is granted, subject to all just exceptions.
2. The Applicant shall file legible and clearer copies of exempted documents, compliant with practice rules, before the next date of hearing.
3. Accordingly, the application stands disposed of.

CM APPL. 66164/2024 (for stay)

4. The present petition impugns order dated 21st October, 2024, Passed by the National Green Tribunal, Principal Bench, New Delhi, in Miscellaneous Application No. 988/2024. The said order was passed by the NGT in exercise of its suo moto jurisdiction in view of the Supreme Court's decision in **Municipal Corporation of Greater Mumbai v. Ankita Sinha and Others**, on the basis of a letter dated 13th December, 2023 sent by Jambaiah K, Respondent No. 4, to the NGT, Principal Bench complaining that Petitioner's Integrated Waste Management Unit in 575 acres of land in Village Sultanpur under Gram Panchayat Torangallu District Bellary, State of Karnataka, is contributing towards water and air pollution in the nearby areas, thereby causing health hazards. The impugned order directed the formation of a Joint Committee comprising of Karnataka State Pollution Control Board, Central Pollution Control Board, Integrated Regional Office, MoEF&CC, Bellary and District Magistrate, Bellary with a direction to visit the Petitioner's industrial unit, collect relevant information and submit a factual report to the Tribunal within one month.

5. Mr. Sandeep Sethi, Senior Counsel for the Petitioner, challenges the impugned order primarily on two grounds – he argues that the impugned order suffers from lack of jurisdiction and all consequential actions taken thereunder are de hors the National Green Tribunal Act, 2010. He contends that NGT is a statutory authority established to exercise jurisdiction and powers within the confines of the NGT Act. The composition of the Tribunal is provided under Section 4 of the NGT Act. Further, sub-section (3) of Section 4 stipulates that the Central Government may, by notification, specify the ordinary place or places of sitting of the Tribunal, and the territorial jurisdiction falling under each such place of sitting. In furtherance of this provision, on 17th August, 2011, Ministry of Environment and Forests published a notification defining the ordinary places of sitting of the NGT and earmarking their jurisdiction. The same is extracted herein below:

Ministry of Environment and Forests
Notification
New Delhi, the 17th August, 2011

S.O. 1908(E):- In exercise of powers conferred by the sub-section (3) of section 4 of the National Green Tribunal Act, 2010 (19th of 2010), the Central Government hereby specifies the following ordinary places of sitting of the National Green Tribunal which shall exercise jurisdiction on the area indicated against each:-

Serial Number	Zone	Place of Sitting	Territorial jurisdiction
1.	Northern	Delhi (Principal Place)	Uttar Pradesh, Uttarakhand, Punjab, Haryana, Himachal Pradesh, Jammu and Kashmir, National Capital Territory of Delhi and Union Territory of Chandigarh
2.	Western	Pune	Maharashtra, Gujarat, Goa with Union Territories of Daman and Diu and Dadra and Nagar Haveli.
3.	Central	Bhopal	Madhya Pradesh, Rajasthan and Chhattisgarh
4.	Southern	Chennai	Kerala, Tamil Nadu, Andhra Pradesh, Karnataka, Union Territories of Pondicherry and Lakshadweep.
5.	Eastern	Kolkata	West Bengal, Orissa, Bihar, Jharkhand, seven sister States of North-Eastern Region, Sikkim, Andaman and Nicobar Islands:

Provided that till the Benches of the National Green Tribunal become functional at Bhopal, Pune, Kolkata and Chennai, the aggrieved persons may file petitions before the National Green Tribunal at Delhi and till such time the notification No.S.O.1003 (E), dated the 5th May, 2011 in the Ministry of Environment and Forests, shall continue to be operative.

6. Placing reliance on the afore-noted notification, Mr. Sethi argues that Petitioner's industrial unit, which is the subject matter of the complaint and the impugned order, is located in the State of Karnataka, hence, the industrial unit falls within

the jurisdiction of Southern Zone Bench of the NGT which sits at Chennai. He further urges that in similar circumstances, the NGT, Principal Bench has refused to entertain matters arising outside its jurisdiction and places reliance upon the decision in *K. Sathyadevan v. Union of India & Ors.*

7. Furthermore, Mr. Sethi submits that this precise question of the territorial jurisdiction has been dealt in State of Telangana through its Chief Secretary, Khairatabad, Hyderabad, Telangana and another *v. Md. Hayath Uddin and others*, wherein the Division Bench of High Court of Hyderabad examined the framework of the NGT Act in relation to the question regarding the territorial jurisdiction of the NGT, Principal Bench. To this effect, the decision reads as follows:

"72. In the affidavit, in reply to the O.A filed by the first respondent applicant, the petitioner herein specifically contended that the O.A should have been heard by a bench of the Southern Zone or the Western Zone of the NGT as the cause of action, to proceed against the purported illegal construction in the State of Telangana or Maharashtra, was beyond the boundaries of the territories over which the Principal Bench at New Delhi exercised jurisdiction. If that be so, the jurisdiction of the Judicial Member of the Northern Zonal Bench would not extend to his entertaining the O.A, if the cause of action had arisen substantially within the territorial limits of the Southern Zonal Bench of the NGT at Chennai, and partly within the territorial limits of the Western Zonal Bench of NGT at Pune. Despite the question of lack of territorial jurisdiction being urged and argued, the NGT failed to consider them. It is only if the NGT had examined these contentions, and had recorded its prima facie finding that it has territorial jurisdiction to entertain the application, could it have, thereafter, considered the application for grant of interim relief. Since the objection to the jurisdiction of the NGT, to entertain the O.A, was taken at the first instance itself, failure of the NGT to decide this question of territorial jurisdiction, cannot result in denial of relief to the petitioner merely because the NGT has chosen to decide the application, for grant of interim relief, on its merits. If the order is of a Court/Tribunal having no jurisdiction, it must be set aside. (*Adani Exports Ltd.* 28). Failure of the NGT to decide this preliminary objection, to its lack of territorial jurisdiction to entertain the O.A, would also necessitate the interim order of the NGT dated 05.10.2017 being set aside."

8. Mr. Sethi emphasises that the NGT has exceeded its jurisdiction by passing the impugned order ex-parte, contrary to Section 19(4)(i) of the NGT Act. He points out that the complaint was received by NGT nearly 10 months before the passing of the impugned order and there was no urgency that necessitated the passing of an ex-parte order without affording an opportunity to the Petitioner to respond to the allegations.

9. Mr. Varun Pratap Singh, counsel for Union of India, seeks a short accommodation to take instructions.

10. Having considered the above, the Court is satisfied that a *prima facie* case has been established in favour of the Petitioner on the issue of lack of territorial jurisdiction.

11. Accordingly, till the next date of hearing, the impugned order shall be stayed.

W.P.(C) 15771/2024

12. Issue notice. Mr. Varun Pratap Singh, counsel for Respondent No. 1 accepts notice. Counter affidavit be filed within a period of two weeks from today. Rejoinder thereto, be filed before the next date of hearing.

13. Issue notice to the remaining Respondents by all permissible modes, upon filing of process fee, returnable on the next date of hearing.

14. List on 11th December, 2024."

5. It is pertinent to observe that the Project Proponent has challenged the order passed by this Tribunal on two grounds of lack of territorial jurisdiction in view of MoEF&CC Notification dated 17.08.2011 and passing of ex-parte injunction order in violation of 19(4)(i) of NGT Act, 2010. Hon'ble High Court of Delhi on being satisfied that a *prima facie* case has been established in favour of the Petitioner on the issue of lack of territorial jurisdiction, stayed the impugned order.

6. In view of both the objections raised by the Project Proponent (but without expressing any opinion or acknowledging correctness thereof) and also the fact that substantial environmental questions of water and air pollution raised in the present letter petition need to be addressed within appropriate time frame in view of the very nature thereof as delay in remediating water and air pollution may result in irreversible environmental damage, we consider it appropriate and are inclined to recall/modify order dated 21.10.2024 and transfer the application to Southern Zone Bench of this Tribunal at Chennai, with requisite approval from Hon'ble Chairperson of this Tribunal, for passing appropriate orders after taking cognizance and giving opportunity of being heard to the Project

Proponent. We do not see any objection to passing of any such order as the petitioner has not challenged the competence of appropriate Bench of this Tribunal to take cognizance suo motu and further proceedings before this Tribunal have also not been stayed by Hon'ble Delhi High Court and such order, instead of being in conflict with the order passed by Hon'ble High Court of Delhi, will facilitate not only expeditious disposal of the petition filed by the Project Proponent before Hon'ble High Court of Delhi but will also assist the Southern Zone Bench of this Tribunal in appropriate resolution/adjudication of the substantial environmental questions of water and air pollution raised in the letter petition.

7. However, before passing of any such order as aforesaid we give an opportunity to the Project Proponent to file his response as to whether the Project Proponent has any objection with respect to such recall/modification of order dated 21.10.2024 and transfer of the original application to Southern Zone Bench of this Tribunal at Chennai, with requisite approval from Hon'ble Chairperson of this Tribunal, for passing of appropriate orders after taking cognizance and after hearing the applicant and the Project Proponent and for this purpose the Project Proponent may seek clarification from Hon'ble High Court of Delhi if so considered necessary/desired by it.

8. List on 28.02.2025 for further proceedings.

Arun Kumar Tyagi, JM

Dr. Afroz Ahmad, EM

December 17th, 2024
O.A. No.988/2024
M

IN THE HIGH COURT OF DELHI AT NEW DELHI
EXTRAORDINARY WRIT JURISDICTION
WRIT PETITION (C.) NO. 15771 OF 2024



IN THE MATTER OF:

M/S. JSW STEEL LIMITED

...PETITIONER

VERSUS

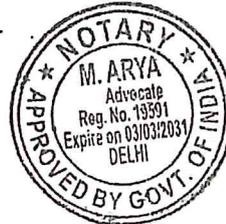
UNION OF INDIA & ORS.

...RESPONDENTS

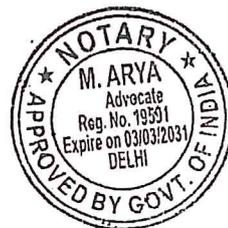
ADDITIONAL AFFIDAVIT ON BEHALF OF THE PETITIONER

I, Vijay Kumar, s/o Mr. Ishwar Datt, aged about 47 years, working as General Manager (Legal) with Petitioner, having my office at NTH Complex, 4th Floor, A-2, Shaheed Jeet Singh Marg, Qutub Institutional Area, New Delhi- 110067, do hereby solemnly affirm and state as under:

1. That I am the Authorised Signatory of the Petitioner, and I am fully conversant with the facts and circumstances of the present case and as such competent and duly authorized to swear and affirm this Affidavit.
2. The instant Affidavit is being filed by the Petitioner herein to place on record events which have taken place pursuant to the order dated 13.11.2024 passed by this Hon'ble Court and for passing of appropriate orders, if so required.



3. The Petitioner has preferred the instant Writ Petition for quashing of the order dated 21.10.2024 (hereinafter referred to as the “Impugned Order”) in *Jambaiah K. v. State of Karnataka*, being Miscellaneous Application No. 988 of 2024 (hereinafter referred to as the “Application”) passed by the Hon’ble National Green Tribunal, Principal Bench, New Delhi (hereinafter referred to as the “Hon’ble Tribunal”).
4. By way of the instant Writ Petition, the Petitioner had assailed the Impugned Order dated 21.10.2024 before this Hon’ble Court, *inter alia* on the following two broad grounds, which also raise important questions of law:
 - a. The Principal Bench of the Hon’ble Tribunal lacks jurisdiction to pass the Impugned Order dated 21.10.2024 as the subject matter of the purported Application does not fall within the territorial jurisdiction of the Principal Bench of the Hon’ble Tribunal. The Impugned Order is *ex facie* contrary to the National Green Tribunal Act, 2010 (hereinafter referred to as the “NGT Act”) and the rules / notifications thereunder, particularly notification of the Central Government dated 17.08.2011; and
 - b. The Impugned Order dated 21.10.2024 was passed in violation of principles of natural justice which are also enshrined in the NGT Act under Section 19(4)(i) thereof.



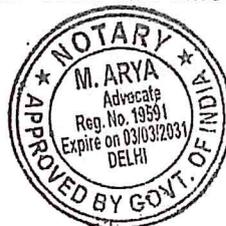
5. By way of the order dated 13.11.2024, this Hon'ble Court, after a detailed hearing, held that a *prima facie* case has been established in favour of the Petitioner on the issue of lack of jurisdiction (hereinafter referred to as the "Interim Order"). Accordingly, this Hon'ble Court stayed the Impugned Order dated 21.10.2024 till the next date of hearing, that is, 11.12.2024.

A copy of the Interim Order dated 13.11.2024 is annexed hereto and marked as **Annexure 1**.

6. That pursuant to the Interim Order, on 22.11.2024, the Application was listed before the Hon'ble Tribunal. On this date, the Hon'ble Tribunal, taking note of the Interim Order, deferred the hearing in the Application and further listed the Application on 17.12.2024, which is after the date fixed by this Hon'ble Court for the hearing of the instant Writ Petition, which was 11.12.2024.

A copy of the order dated 22.11.2024 of the Hon'ble Tribunal is annexed hereto and marked as **Annexure 2**.

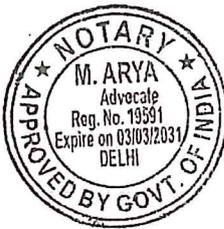
7. Thereafter, on 11.12.2024, the instant Writ Petition was listed before this Hon'ble Court. By way of the order dated 11.12.2024, this Hon'ble Court gave further time of four weeks to the Respondents herein to file their counter affidavit. The Hon'ble Court also continued the Interim Order and renotified the matter on 29.04.2025.



A copy of the order dated 11.12.2024 is annexed hereto and marked as **Annexure 3**.

8. Pursuant thereto, on 17.12.2024, the Application was listed before the Hon'ble Tribunal. The Hon'ble Tribunal, *inter alia*, sought the Petitioner's objections to recall / modification of the Impugned Order. The relevant portion of the order dated 17.12.2024 is reproduced hereinbelow:

"6. In view of both the objections raised by the Project Proponent (but without expressing any opinion or acknowledging correctness thereof) and also the fact that substantial environmental questions of water and air pollution raised in the present letter petition need to be addressed within appropriate time frame in view of the very nature thereof as delay in remediating water and air pollution may result in irreversible environmental damage, we consider it appropriate and are inclined to recall/modify order dated 21.10.2024 and transfer the application to Southern Zone Bench of this Tribunal at Chennai, with requisite approval from Hon'ble Chairperson of this Tribunal, for passing appropriate orders after taking cognizance and giving opportunity of being heard to the Project Proponent. We do not see any objection to passing of any such order as the petitioner has not challenged the competence of appropriate Bench of this Tribunal to take cognizance suo motu and further proceedings before this Tribunal have also not been stayed by Hon'ble Delhi High Court and such order, instead

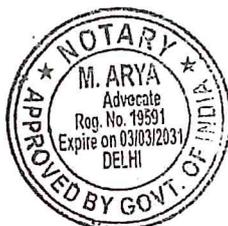


of being in conflict with the order passed by Hon'ble High Court of Delhi, will facilitate not only expeditious disposal of the petition filed by the Project Proponent before Hon'ble High Court of Delhi but will also assist the Southern Zone Bench of this Tribunal in appropriate resolution/adjudication of the substantial environmental questions of water and air pollution raised in the letter petition.

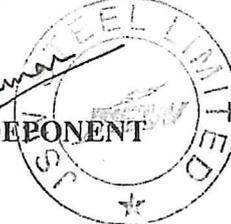
7. However, before passing of any such order as aforesaid we give an opportunity to the Project Proponent to file his response as to whether the Project Proponent has any objection with respect to such recall/modification of order dated 21.10.2024 and transfer of the original application to Southern Zone Bench of this Tribunal at Chennai, with requisite approval from Hon'ble Chairperson of this Tribunal, for passing of appropriate orders after taking cognizance and after hearing the applicant and the Project Proponent and for this purpose the Project Proponent may seek clarification from Hon'ble High Court of Delhi if so considered necessary/desired by it."

A copy of the order dated 17.12.2024 of the Hon'ble Tribunal is annexed hereto and marked as **Annexure 4**.

9. The aforesaid facts are relevant and material for the adjudication of the present Writ Petition.



10. In light of the above, it is prayed that this Hon'ble Court may be pleased to pass appropriate direction(s) / order(s) as this Hon'ble Court may deem fit and proper in the interest of justice.

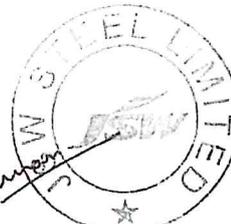

DEPONENT


VERIFICATION:

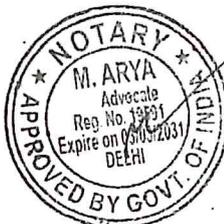
I, the Deponent above-named, do hereby verify that the contents of the above affidavit are true and correct to the best of my knowledge and belief. No part of it is false and nothing material has been concealed therefrom.

27 FEB 2025

Verified at New Delhi on this day of February 2025.


DEPONENT


Manish Arya
I identified the deponent who
has signed in my presence


NOTARY
M. ARYA
Advocate
Reg. No. 19891
Expire on 03/03/2031
DELHI
APPROVED BY GOVT. OF INDIA

ATTESTED

MANISH ARYA
NOTARY PUBLIC, DELHI
GOVT OF INDIA

IN THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI
ORIGINAL APPLICATION NO. 988 / 2024

IN THE MATTER OF:

Jambaiah K.
s/o Thimmappa ...Applicant
Versus
State of Karnataka & Ors. ...Respondents

REPLY ON BEHALF OF THE PROJECT PROPONENT
JSW STEEL LIMITED

MOST RESPECTFULLY SHOWETH:

1. The instant Reply of the Project Proponent is being filed pursuant to the order dated 17.12.2024 and is limited to the issues raised therein. By way of the order dated 17.12.2024, this Hon'ble Tribunal, *inter alia*, sought response of the Project Proponent on the issue of recall / modification of the order dated 21.10.2024 passed in the instant Application.
2. It is submitted that the Project Proponent is not a party to the instant proceedings. Resultantly, the Project Proponent has not received a copy of the purported letter petition dated 13.12.2023, which has led to the registration of the instant Application.

3. Therefore, at this stage, the Project Proponent is not adhering to a parawise reply of the contents of the purported letter petition and reserves its right to file a detailed response as and when need arises and / or as is directed by this Hon'ble Tribunal.
4. In view of the above, the Project Proponent denies all and singular, every averment and allegation made in the purported letter petition. Nothing shall be deemed to be admitted unless specifically admitted by the Project Proponent herein.
5. Before adverting to the objections regarding the recall / modification of the order dated 17.12.2024, the Project Proponent states the following facts which are material and necessary for adjudication of the present issue.

Brief Facts

6. This Hon'ble Tribunal, by order dated 21.10.2024, in exercise of its *suo moto* jurisdiction, took cognizance of the letter petition dated 13.12.2023 filed by the Applicant herein (hereinafter referred to as the "**Order dated 21.10.2024**").

7. From a bare reading of the Order dated 21.10.2024, it is evident that the allegations sought to be made in the said letter petition purportedly relate to the Integrated Waste Management Unit of the Project Proponent located in Village Sultanpur, District Bellary, Karnataka.
8. Additionally, by way of the Order dated 21.10.2024, this Hon'ble Tribunal also arrived at a *prima facie* view that the said letter petition raises substantial questions relating to environment. Moreover, this Hon'ble Tribunal directed the constitution of a Joint Committee to visit the site, collect relevant information and submit a factual report within one month.

A copy of the Order dated 21.10.2024 is annexed hereto and marked as **Annexure-A**.

9. It is also pertinent to mention that neither the letter petition / Application was served on the Project Proponent nor any notice was issued to it before passing of the Order dated 21.10.2024.
10. Upon obtaining knowledge of the Order dated 21.10.2024 from the website of this Hon'ble Tribunal, the Project Proponent was constrained to assail the Order dated 21.10.2024 before the Hon'ble High Court by way of a writ petition being W.P. (C.) No.

15771 of 2024, titled *M/s JSW Steel Limited v. Union of India & Ors.* (hereinafter referred to as the “**Writ Petition**”).

11. In the said Writ Petition, the Project Proponent *inter alia* raised the following two broad grounds for assailing the Order dated 21.10.2024:

- (a) The Principal Bench of this Hon’ble Tribunal lacks jurisdiction to pass the Order dated 21.10.2024 as the subject matter of the purported letter petition does not fall within the territorial jurisdiction of the Principal Bench of this Hon’ble Tribunal.
- (b) The Order dated 21.10.2024 was passed in violation of principles of natural justice.

12. The Hon’ble High Court of Delhi, by way of the order dated 13.11.2024 in the Writ Petition, held that a *prima facie* case has been established in favour of the Project Proponent on the issue of lack of jurisdiction (hereinafter referred to as the “**Interim Order**”). Accordingly, the Hon’ble High Court stayed the Order dated 21.10.2024 till the next date of hearing, that is, 11.12.2024.

A copy of the order dated 13.11.2024 is annexed hereto and marked as **Annexure-B**.

13. That pursuant to the Interim Order, the instant Application was listed before this Hon'ble Tribunal on 22.11.2024. Subsequently, this Hon'ble Tribunal, taking note of the Interim Order, deferred the hearing in the instant Application and further listed the instant Application on 17.12.2024, which is after the date fixed before the Hon'ble High Court in the Writ Petition, which was 11.12.2024.
14. Thereafter, the Writ Petition was listed before the Hon'ble High Court on 11.12.2024. By way of the order dated 11.12.2024, the Hon'ble High Court gave further time of four weeks to the Respondents therein to file their counter affidavit. The Hon'ble High Court also continued the Interim Order and renotified the matter on 29.04.2025.
15. Pursuant thereto, the order dated 17.12.2024 was passed by this Hon'ble Tribunal. The relevant portion of the said order is reproduced hereinbelow:

“In view of both the objections raised by the Project Proponent (but without expressing any opinion or acknowledging correctness thereof) and also the fact that substantial environmental questions of water and air pollution raised in the present letter petition need to be addressed within appropriate time frame in view of the very nature thereof as delay in remediating water and air pollution

may result in irreversible environmental damage, we consider it appropriate and are inclined to recall/modify order dated 21.10.2024 and transfer the application to Southern Zone Bench of this Tribunal at Chennai, with requisite approval from Hon'ble Chairperson of this Tribunal, for passing appropriate orders after taking cognizance and giving opportunity of being heard to the Project Proponent. We do not see any objection to passing of any such order as the petitioner has not challenged the competence of appropriate Bench of this Tribunal to take cognizance suo motu and further proceedings before this Tribunal have also not been stayed by Hon'ble Delhi High Court and such order, instead of being in conflict with the order passed by Hon'ble High Court of Delhi, will facilitate not only expeditious disposal of the petition filed by the Project Proponent before Hon'ble High Court of Delhi but will also assist the Southern Zone Bench of this Tribunal in appropriate resolution/adjudication of the substantial environmental questions of water and air pollution raised in the letter petition."

16. Pursuant to the order dated 17.12.2024 of this Hon'ble Tribunal, the Project Proponent has filed an affidavit before the Hon'ble High Court of Delhi, placing on record the aforesaid order of this Hon'ble Tribunal and *inter alia*, seeking appropriate orders / directions.

A copy of the affidavit filed before the Hon'ble High Court is annexed hereto and marked as **Annexure-C**.

17. From the above facts, the following is clear:
- a. The issue regarding validity of the Order dated 21.10.2024 is the subject matter of proceedings before the Hon'ble High Court of Delhi.
 - b. Resultantly, the Hon'ble High Court is in seisin of the issues regarding the Order dated 21.10.2024, including the issue of lack of territorial jurisdiction as well as violation of principles of natural justice.
 - c. The order dated 17.12.2024 passed by this Hon'ble Tribunal has also been placed before the Hon'ble High Court and the same is pending consideration.
 - d. This Hon'ble Tribunal, by earlier order dated 22.11.2024, has already deferred the hearing of the instant Application in view of the pendency of the Writ Petition and the operation of the Interim Order. There has been no change in circumstances pursuant to the order dated 22.11.2024.

18. Therefore, in light of the above, the Project Proponent is *inter alia* raising the following objections regarding the recall / modification of the order dated 17.12.2024:

- a. The continuation of proceedings before this Hon'ble Tribunal, more particularly, passing of any orders in relation to the Order dated 21.10.2024 during the pendency of the Writ Petition before the Hon'ble High Court is *de hors* principles of judicial propriety. In this regard, reliance is placed on the judgments of the Hon'ble Supreme Court in *State of Himachal Pradesh and Others v. Yogendera Mohan Sengupta and Another*, 2024 SCC OnLine SC 36, and *State of A.P. v. Raghu Ramakrishna Raju Kanumuru*, (2022) 8 SCC 156.
- b. The recall / modification of the Order dated 21.10.2024 would tantamount to initiation of a parallel proceeding on the very same subject matter, which is now in seisin of the Hon'ble High Court. This would lead to parallel proceedings, which would be flatly contradictory to principles of judicial decorum. The recall and / or modification of the Order dated 21.10.2024 may tantamount

to usurpation of the jurisdiction of the Hon'ble High Court, which cannot be permitted in any manner whatsoever.

- c. The order dated 17.12.2024 is also pending consideration before the Hon'ble High Court.
- d. This Hon'ble Tribunal, while taking note of the Interim Order and pendency of the Writ Petition, had earlier also deferred the hearing of the instant Application by order dated 22.11.2024. There has been no change in circumstances since the passing of the order dated 22.11.2024. Even in the order dated 17.12.2024, this Hon'ble Tribunal has *inter alia* observed that the letter petition raises substantial environmental questions of water and air pollution. This fact is disputed by the Project Proponent. In fact, the very fact of arriving at such findings and / or observations is itself a subject matter of the Writ Petition.
- e. It is submitted that the letter petition *ex facie* does not warrant any urgency. It appears that the said letter petition is dated 13.12.2023. The order of this Hon'ble Tribunal, which is now the bone of contention, only came to be passed on 21.10.2024.

19. In view of the above, it is submitted that this Hon'ble Tribunal ought to await the outcome of the Writ Petition before passing any further order, more particularly in relation to the Order dated 21.10.2024.


JSW Steel Limited
Project Proponent

THROUGH:

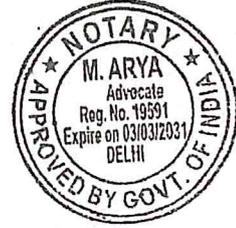


SANJEEV K KAPOOR / AAKASH BAJAJ
HIM/43/1997 D/1395/2013
ADVOCATES FOR THE PROJECT PROPONENT
KHAITAN & CO LLP
MAX TOWERS, 7TH FLOOR
SECTOR 16B, NOIDA
UTTAR PRADESH 201301
EMAIL: aakash.bajaj@khaitanco.com

PLACE: NEW DELHI
DATE: 27.02.2025

IN THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

ORIGINAL APPLICATION NO. 988 / 2024



IN THE MATTER OF:

Jambaiah K.
s/o Thimmappa

...Applicant

Versus

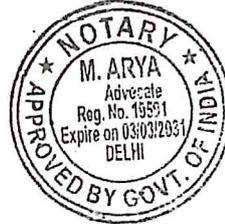
State of Karnataka & Ors.

...Respondents

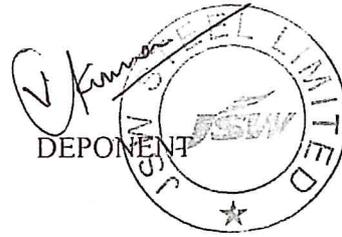
AFFIDAVIT

I, Vijay Kumar, S/o Mr. Ishwar Datt, aged about 47 years, working as General Manager (Legal) with Petitioner, having my office at NTH Complex, 4th Floor, A-2, Shaheed Jeet Singh Marg, Qutub Institutional Area, New Delhi- 110067, do hereby solemnly affirm and state as under:

1. I say that I am the Authorized Signatory of the Project Proponent - JSW Steel Limited, in the instant case and am conversant with the facts of the present case and as such competent and duly authorized to swear and affirm this affidavit on behalf of the Project Proponent.
2. That I have read and understood the contents of the accompanying Reply on behalf of the Project Proponent – JSW Steel Limited, and state that what is stated therein is true to the best of my knowledge as derived from the official records maintained by the Project Proponent and believed by me to be true.



3. I say that the annexures annexed to the Reply are true copies of their respective originals.

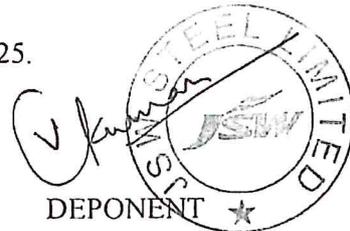


VERIFICATION:

I, the deponent above named, do hereby verify that the contents of the aforesaid affidavit are true and correct to the best of my knowledge and belief and nothing material has been concealed therefrom.

27 FEB 2025

Verified at New Delhi on this ____ day of February 2025.

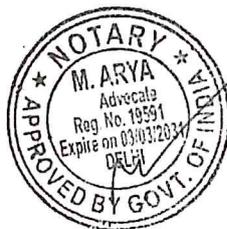


Manish Arya
I identified the deponent who has signed in my presence

27 FEB 2025

ATTESTED

MANISH ARYA
NOTARY PUBLIC, DELHI
GOVT OF INDIA



Item No.02:-

**BEFORE THE NATIONAL GREEN TRIBUNAL
SOUTHERN ZONE, CHENNAI**

[Through Physical Hearing (Hybrid Option)]

Original Application No.28 of 2025(SZ)

[Earlier O.A. No. 988/2024(PB)LP]

IN THE MATTER OF:

Jambaiiah. K,
Bellary District.

...Applicant(s)

Versus

Karnataka State Pollution Control Board,
Through its Member Secretary,
Bangalore and Ors.

...Respondent(s)

Date of hearing: 28.02.2025.



CORAM:

HON'BLE Smt. JUSTICE PUSHPA SATHYANARAYANA, JUDICIAL MEMBER

HON'BLE Dr. SATYAGOPAL KORLAPATI, EXPERT MEMBER

For Applicant(s): Mr. Thriyambar Kannan.

For Respondent(s): Mr. Devraj Ashok for R1.
Mr. R. Thirunavukarasu for R2.
Mr. Rajat Jonathan Shaw represented
Mr. K.M. Darpan for R4.

ORDER

1. The above case has been Suo Motu registered by the Principal Bench of the National Green Tribunal, New Delhi as Original Application No.988 of 2024 (PB) based on the letter petition received from one Jambaiah. K, Bellary District which has been transferred to this Bench and renumbered as Original Application No.28 of 2025 (SZ).

2. The learned counsel Mr. Thriyambar Kannan undertakes to file vakalat on behalf of the applicant (Party-in-Person).

3. The learned counsel Mr. Devraj Ashok accepts notice on behalf of Respondent No.1, Mr. R. Thirunavukarasu accepts notice on behalf of the Respondent No.2 and Mr. Rajat Jonathan Shaw representing Mr. K.M. Darpan accepts notice on behalf of the Respondent No.4.

4. Post the matter on 23.06.2025. In the meanwhile, the respondents are directed to file their respective replies/reports.

Sd/-

Smt. Justice Pushpa Sathyanarayana, JM

Sd/-

Dr. Satyagopal Korlapati, EM

O.A. No.28/2025(SZ)
28th February, 2025. AD.

IN THE NATIONAL GREEN TRIBUNAL

PRINCIPAL BENCH, NEW DELHI

M.A. NO..... OF 2025

IN

ORIGINAL APPLICATION NO. 988 / 2024

IN THE MATTER OF:

Jambaiah K.

s/o Thimmappa

...Applicant

Versus

State of Karnataka & Ors.

...Respondents

**APPLICATION FOR DIRECTION ON BEHALF OF THE
PROJECT PROPONENT - JSW STEEL LIMITED**

MOST RESPECTFULLY SHOWETH:

1. The present Application is being filed by JSW Steel Limited (hereinafter referred to as the "**Project Proponent**") *inter alia* seeking appropriate directions in relation to the transfer of the instant Original Application to the Southern Zone Bench of this Hon'ble Tribunal.

2. It is submitted that the Project Proponent is not a party to the instant proceedings. Resultantly, the Project Proponent has not received a copy of the purported letter petition dated 13.12.2023, which has led to the registration of the instant Original Application.
3. Before advertng to the contentions regarding the transfer of the instant Original Application, the Project Proponent states the following facts which are material and necessary for adjudication of the present issue.

Brief Facts

4. This Hon'ble Tribunal, by order dated 21.10.2024, in exercise of its *suo moto* jurisdiction, took cognizance of the letter petition dated 13.12.2023 filed by the Applicant herein (hereinafter referred to as the "**Order dated 21.10.2024**").
5. From a bare reading of the Order dated 21.10.2024, it is evident that the allegations sought to be made in the said letter petition purportedly relate to the Integrated Waste Management Unit of the Project Proponent located in Village Sultanpur, District Bellary, Karnataka.

6. Additionally, by way of the Order dated 21.10.2024, this Hon'ble Tribunal also arrived at a *prima facie* view that the said letter petition raises substantial questions relating to environment. Moreover, this Hon'ble Tribunal directed the constitution of a Joint Committee to visit the site, collect relevant information and submit a factual report within one month.

A copy of the Order dated 21.10.2024 is annexed hereto and marked as **Annexure-A**.

7. It is also pertinent to mention that neither the letter petition / Original Application was served on the Project Proponent nor any notice was issued to it before passing of the Order dated 21.10.2024.
8. Upon obtaining knowledge of the Order dated 21.10.2024 from the website of this Hon'ble Tribunal, the Project Proponent was constrained to assail the Order dated 21.10.2024 before the Hon'ble High Court by way of a writ petition being W.P. (C.) No. 15771 of 2024, titled *M/s JSW Steel Limited v. Union of India & Ors.* (hereinafter referred to as the "**Writ Petition**").

9. In the said Writ Petition, the Project Proponent *inter alia* raised the following two broad grounds for assailing the Order dated 21.10.2024:
- (a) The Principal Bench of this Hon'ble Tribunal lacks jurisdiction to pass the Order dated 21.10.2024 as the subject matter of the purported letter petition does not fall within the territorial jurisdiction of the Principal Bench of this Hon'ble Tribunal.
 - (b) The Order dated 21.10.2024 was passed in violation of principles of natural justice.

The Project Proponent craves leave of this Hon'ble Tribunal to refer to and rely upon the said Writ Petition at the time of hearing, if so required.

10. The Hon'ble High Court of Delhi, by way of the order dated 13.11.2024 in the Writ Petition, held that a *prima facie* case has been established in favour of the Project Proponent on the issue of lack of jurisdiction (hereinafter referred to as the "**Interim Order**"). Accordingly, the Hon'ble High Court stayed the Order dated 21.10.2024 till the next date of hearing, that is, 11.12.2024.

A copy of the order dated 13.11.2024 is annexed hereto and marked as **Annexure-B**.

11. That pursuant to the Interim Order, the instant Original Application was listed before this Hon'ble Tribunal on 22.11.2024. Subsequently, this Hon'ble Tribunal, taking note of the Interim Order, deferred the hearing in the instant Original Application and further listed the instant Original Application on 17.12.2024, which is after the date fixed before the Hon'ble High Court in the Writ Petition, which was 11.12.2024.

A copy of the order dated 22.11.2024 of this Hon'ble Tribunal is annexed hereto and marked as **Annexure-C**.

12. Thereafter, the Writ Petition was listed before the Hon'ble High Court on 11.12.2024. By way of the order dated 11.12.2024, the Hon'ble High Court gave further time of four weeks to the Respondents therein to file their counter affidavit. The Hon'ble High Court also continued the Interim Order and renotified the matter on 29.04.2025.

A copy of the order dated 11.12.2024 of the Hon'ble High Court is annexed hereto and marked as **Annexure-D**.

13. Pursuant thereto, the order dated 17.12.2024 was passed by this Hon'ble Tribunal. The relevant portion of the said order is reproduced hereinbelow:

“6. In view of both the objections raised by the Project Proponent (but without expressing any opinion or acknowledging correctness thereof) and also the fact that substantial environmental questions of water and air pollution raised in the present letter petition need to be addressed within appropriate time frame in view of the very nature thereof as delay in remediating water and air pollution may result in irreversible environmental damage, we consider it appropriate and are inclined to recall/modify order dated 21.10.2024 and transfer the application to Southern Zone Bench of this Tribunal at Chennai, with requisite approval from Hon'ble Chairperson of this Tribunal, for passing appropriate orders after taking cognizance and giving opportunity of being heard to the Project Proponent. We do not see any objection to passing of any such order as the petitioner has not challenged the competence of appropriate Bench of this Tribunal to take cognizance suo motu and further proceedings before this Tribunal have also not been stayed by Hon'ble Delhi High Court and such order, instead of being in conflict with the order passed by Hon'ble High Court of Delhi, will facilitate not only expeditious disposal of the petition filed by the Project Proponent before Hon'ble High Court of Delhi but will also assist the Southern Zone

Bench of this Tribunal in appropriate resolution/adjudication of the substantial environmental questions of water and air pollution raised in the letter petition.”

A copy of the order dated 17.12.2024 of this Hon'ble Tribunal is annexed hereto and marked as **Annexure-E**.

14. Therefore, from the order dated 17.12.2024, it is clear that the instant Original Application was listed before the Principal Bench, New Delhi, for filing of objections by the Project Proponent and further hearing on the following issues:
 - a. Whether this Hon'ble Tribunal can recall / modify the order dated 17.12.2024?
 - b. Whether this Hon'ble Tribunal can proceed with the further hearing and / or passing of orders in the instant Original Application, including transfer of the instant Original Application?
 - c. Whether such actions impinge upon the proceedings in the Writ Petition before the Hon'ble High Court of Delhi and the orders passed therein?

15. Pursuant to the order dated 17.12.2024 of this Hon'ble Tribunal, the Project Proponent has also filed an affidavit before the Hon'ble High Court of Delhi, placing on record the aforesaid order of this Hon'ble Tribunal and *inter alia*, seeking appropriate orders / directions.

A copy of the affidavit filed before the Hon'ble High Court is annexed hereto and marked as **Annexure-F**.

16. On 28.02.2025, the Application was to be listed before this Hon'ble Tribunal. As directed in the order dated 17.12.2024, the Project Proponent intended to file its objections before this Hon'ble Tribunal on the aforesaid issues.

The Project Proponent craves leave of this Hon'ble Tribunal to refer to and rely upon the objections at the time of hearing, if so required.

17. However, to the astonishment of the Project Proponent, the Original Application was not listed before this Hon'ble Tribunal. On the contrary, the instant Original Application was apparently transferred and renumbered as O.A. No. 28 of 2025 and listed

before the Southern Zone Bench [Chennai] of this Hon'ble Tribunal.

A copy of the Cause List of the Southern Zone Bench at Chennai for 28.02.2025 is hereto annexed and marked as **Annexure-G**.

18. It is pertinent to mention that at the time of hearing of the instant Original Application by the Southern Zone Bench on 28.02.2025, the Project Proponent had also apprised the said Bench of the Hon'ble Tribunal of the aforesaid background of the instant matter. At the time of hearing, the said Bench indicated that it will *inter alia* issue notice in the said Application and the same will be listed on 23.06.2025.
19. From the above facts, the following is clear:
 - a. The subject matter of the instant Original Application is also pending before the Hon'ble High Court of Delhi. Furthermore, the issue regarding validity of the Order dated 21.10.2024 is the subject matter of proceedings before the Hon'ble High Court of Delhi.

- b. Resultantly, the Hon'ble High Court is in seisin of the subject matter of instant Original Application and issues regarding the Order dated 21.10.2024, including the issue of lack of territorial jurisdiction as well as violation of principles of natural justice.
- c. Significantly, by order dated 17.12.2024, this Hon'ble Tribunal had given an opportunity to the Project Proponent and directed it to file its objections regarding the issues raised therein including transfer of the instant Original Application. The said objections were to be filed and directed to be heard on 28.02.2025. No direction whatsoever was passed in the order dated 17.12.2024 for either recall / modification of the order dated 21.10.2024 or transfer of the instant Original Application to the Southern Zone Bench of this Hon'ble Tribunal.
- d. The order dated 17.12.2024 passed by this Hon'ble Tribunal has also been placed before the Hon'ble High Court and the same is also pending consideration.
- e. This Hon'ble Tribunal, by earlier order dated 22.11.2024, has already deferred the hearing of the instant Original

Application in view of the pendency of the Writ Petition and the operation of the Interim Order. There has been no change in circumstances pursuant to the order dated 22.11.2024.

20. Therefore, the transfer of the instant Original Application to the Southern Zone Bench is wrongful and without any basis whatsoever. It is submitted that there is no direction / order of this Hon'ble Tribunal for transfer of the instant Original Application to the Southern Zone Bench at Chennai. In any event, no direction / order for such transfer ought to be passed in view of pendency of the Writ Petition before the Hon'ble Delhi High Court.

21. It is submitted that principles of judicial propriety/ judicial decorum necessitate that the instant Original Application ought to await the outcome in the Writ Petition pending before the Hon'ble High Court of Delhi. It is well settled position that when the Hon'ble High Court is already in seisin of the subject matter before this Hon'ble Tribunal, continuation of proceedings by this Hon'ble Tribunal during the pendency of the Writ Petition may not be in conformity with the principles of judicial propriety.

22. In light of the above, it is submitted that this Hon'ble Tribunal may pass appropriate orders in relation to the transfer of the instant Original Application to the Southern Zone Bench of this Hon'ble Tribunal at Chennai and for awaiting the outcome of the Writ Petition pending before the Hon'ble Delhi High Court.
23. In the circumstances, it is submitted that the present Application is *bona fide* and the same is being filed in the interest of justice and ought to be allowed.

PRAYER

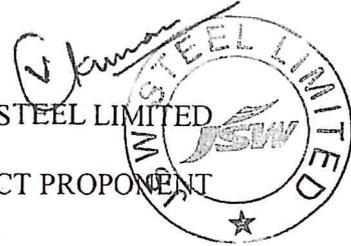
In view of the facts and circumstances stated herein above, it is most respectfully prayed that this Hon'ble Tribunal may be pleased to:

- a) Issue appropriate directions regarding the transfer of the instant Original Application to the Southern Zone Bench at Chennai;

Pass any further order(s) as this Hon'ble Tribunal may deem fit and proper in the interest of justice.

JSW STEEL LIMITED

APPLICANT / PROJECT PROPONENT



THROUGH:

ABajaj

SANJEEV K KAPOOR / AAKASH BAJAJ
HIM/43/1997 D/1395/2013
Advocates for the Applicant / Project Proponent
KHAITAN & CO LLP
Max Towers, 7th Floor
Sector 16B, Noida – 201 301
Tel:+91 120 479 1000
Email: sanjeev.kapoor@khaitanco.com
aakash.bajaj@khaitanco.com

PLACE: New Delhi
DATE: 28.02.2024

Item No. 03

Count No.1

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

M.A. No. 30/2025

In

Original Application No. 988/2024

Jambaiah K So Thimmappa K

Applicant

Versus

State of Karnataka & Ors.

Respondent(s)

Date of hearing: 05.03.2025

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

Applicant: Mr. Pinaki Misra, Senior Advocate with Mr. Aakash Bajaj, Ms. Prerona Banerjee & Ms. Sania Abbasi, Advs. for the Applicant in M.A. No. 30/2025

ORDER

1. By this Misc. Application, applicant has prayed for a direction against transfer of the Original Application (OA) 988/2024 and has raised an issue of continuance of proceedings in the OA in spite of pendency of Writ Petition before the High Court.
2. Plea of the applicant is that Tribunal by order dated 21.10.2024 had entertained the letter petition and had registered the OA 988/2024 in *suo-moto* exercise of power and had formed the joint committee.
3. Further plea of the applicant is that this order dated 21.10.2024 is the subject matter of challenge before High Court of Delhi in Writ Petition (C)No. 15771/2024 wherein Learned Single Judge of the High Court by order dated 13.11.2024 taking note of the jurisdictional issue had stayed the order dated 21.10.2024 till the next date of hearing.

4. He further submits that Writ Petition is pending before High Court of Delhi and interim order is continued yet the Tribunal by order dated 17.12.2024 passed in OA 988/2024 had proposed the transferred of the OA 988/2024 to the Southern Zonal Bench, Chennai.

5. Tribunal on 17.12.2024 had passed the following order in the OA:-

"6. In view of both the objections raised by the Project Proponent (but without expressing any opinion or acknowledging correctness thereof) and also the fact that substantial environmental questions of water and air pollution raised in the present letter petition need to be addressed within appropriate time frame in view of the very nature thereof as delay in remediating water and air pollution may result in irreversible environmental damage, we consider it appropriate and are inclined to recall/modify order dated 21.10.2024 and transfer the application to Southern Zone Bench of this Tribunal at Chennai, with requisite approval from Hon'ble Chairperson of this Tribunal, for passing appropriate orders after taking cognizance and giving opportunity of being heard to the Project Proponent. We do not see any objection to passing of any such order as the petitioner has not challenged the competence of appropriate Bench of this Tribunal to take cognizance suo motu and further proceedings before this Tribunal have also not been stayed by Hon'ble Delhi High Court and such order, instead of being in conflict with the order passed by Hon'ble High Court of Delhi, will facilitate not only expeditious disposal of the petition filed by the Project Proponent before Hon'ble High Court of Delhi but will also assist the Southern Zone Bench of this Tribunal in appropriate resolution/adjudication of the substantial environmental questions of water and air pollution raised in the letter petition.

7. However, before passing of any such order as aforesaid we give an opportunity to the Project Proponent to file his response as to whether the Project Proponent has any objection with respect to such recall/modification of order dated 21.10.2024 and transfer of the original application to Southern Zone Bench of this Tribunal at Chennai, with requisite approval from Hon'ble Chairperson of this Tribunal, for passing of appropriate orders after taking cognizance and after hearing the applicant and the Project Proponent and for this purpose the Project Proponent may seek clarification from Hon'ble High Court of Delhi if so considered necessary/desired by it."

6. It appears that on basis of the above-said order, OA has been transferred to the Southern Zonal Bench and has been re-numbered as

OA No. 28/2025. It has been pointed out that said OA was listed before Southern Zonal Bench on 28.02.2025 and taking note of the order of Delhi High Court it has been adjourned to 23.06.2025.

7. Learned Senior Counsel appearing for the applicant submits that by order dated 17.12.2024 only transfer to the Southern Zonal Bench was proposed after giving an opportunity of hearing to the applicant but in fact no order of transfer was passed, therefore, Registry by misreading the said order ought not to have transferred the OA to the Southern Zonal Bench.

8. Learned Senior Counsel has relied upon the judgment of Hon'ble Supreme Court in the matter of *State of Himachal Pradesh and Others vs. Yogendera Mohan Sengupta and Another* dated 11.01.2024 passed in Civil Appeal Nos. 5348-5349/2019 (2024 SCC Online SC 36) and has submitted that Tribunal ought not to have proceeded in the OA when the Writ Petition was pending before Delhi High Court. He has relied upon the paragraph 125 and 128 of the above order wherein Hon'ble Supreme Court has held that:

"125. In view of the settled legal position, we are of the view that the continuation of the proceedings by the NGT during the pendency of the writ petitions before the High Court was not in conformity with the principles of judicial propriety. Needless to state that the High Court of Himachal Pradesh, insofar as its territorial jurisdiction is concerned, has supervisory jurisdiction over the NGT. Despite pendency of the proceedings before the High Court including the one challenging the interim order dated 12th May 2022 passed by NGT, the NGT went ahead with the passing of the second order impugned herein.

128. In any case, the second order-of-NGT-is-passed-basically on the basis of the first order of NGT. Since we have held the first order of NGT itself to be not tenable in law, the second-order of NGT which is solely based on the first order of NGT, is liable to be set aside, on the short ground. This, apart from the fact that as discussed hereinabove, on the ground of judicial propriety, the NGT ought not to have continued with the proceedings after the High Court-was-in-seisin of the matter and specifically when it was informed about the same.

G. Balancing the need for Development and Protection of the Environment."

9. Having regard to the above factual and legal position, we are of the view that till the issue is decided by High Court of Delhi in Writ Petition 15771/2024 further proceedings in this OA should be kept in abeyance.

10. At this stage, plea of the learned Sr. Counsel for the applicant is that jurisdictional issue relating to the place of hearing of the OA will be finally governed by the order passed by Delhi High Court in the pending Writ Petition. Learned Senior Counsel for the applicant submits that no further orders in this MA is required.

11. MA is accordingly disposed of. Let a copy of this order be forwarded to Southern Zonal Bench Chennai.

Prakash Shrivastava, CP

Dr. A. Senthil Vel, EM

March 05, 2025
M.A. No. 30/2025
In Original Application No. 988/2024
JG..



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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ W.P.(C) 15771/2024 and CM APPL.66164/2024

M/S JSW STEEL LIMITEDPetitioner

Through: Ms. Sania Abbashi, Adv.

versus

UNION OF INDIA & ORS.Respondents

Through: Mr. Balendu Shekhar, CGSC, Mr.
Krishna Chaitanya and Mr. Rajkumar
Maurya, Adv. for UOI.

CORAM:

HON'BLE MR. JUSTICE SACHIN DATTA

ORDER

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29.04.2025

1. The matter could not be taken up today due to paucity of time.
2. List on 24.09.2025.

By order

Court Master

APRIL 29, 2025/cl

This is a digitally signed order.

The authenticity of the order can be re-verified from Delhi High Court Order Portal by scanning the QR code shown above.

The Order is downloaded from the DHC Server on 13/06/2025 at 17:07:14

**BEFORE THE NATIONAL GREEN
TRIBUNAL
SOUTHERN ZONE, CHENNAI**

**ORIGINAL APPLICATION NO. 28 OF 2025
(SZ)**

[EARLIER O.A. NO. 988/ 2024 (PB) LP]

**JAMBIAH. K
BELLARY DISTRICT ... APPLICANT
VERSUS**

**KARNATAK STATE POLLUTION
CONTROL BOARD & ORS**

... RESPONDENTS

**ADDITIONAL TYPED SET OF PAPERS
FILED BY PROJECT
PROPONENT/RESPONDENT
NO.5/PROJECT PROPONENT**

**Thriyambak J Kannan
Vaishnavi Subrahmanyam
Abhishek P
Counsel for Respondent No.5/Project
Proponent**