

**BEFORE THE NATIONAL GREEN TRIBUNAL, SITTING AT
NEW DELHI (PRINCIPAL BENCH)**

**ORIGINAL APPLICATION NO. 549 of 2025 (Earlier O.A. No.
42/2025 (CZ))**

IN THE MATTER OF:

DHEERAJ TIWARI

.....APPLICANT

Versus

MoEF&CC & Ors.

..... RESPONDENTS

Objection along with Affidavit on behalf of respondent no. 6

**To the application under Section 14 and 16 of the National Green
Tribunal Act, 2010**

Filed by-



Mohd. Aadil Yar Choudhary

Counsels for the Respondent No. 6

CHOUDHARY LAW FIRM

G-1, Royal House Complex,

M.P. Nagar Zone-1,

Bhopal, M.P. 462011

Cont: 8690152856, Email: Choudharylawnfirm01@gmail.com



**BEFORE THE NATIONAL GREEN TRIBUNAL, SITTING AT
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Respondent No. 6

Govind Kumar

Am

TETHYS CHEM PRIVATE LIMITED

Govind Kumar
DIRECTOR

M/s Tethys Chem Private Limited

PLACE: DELHI

THROUGH COUNSEL

Adil

DATE: 01.11.2025

MOHD. AADIL YAR CHOUDHARY

Govind Kumar

Adil

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ORIGINAL APPLICATION NO. 549 of 2025

DHEERAJ TIWARI

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..... RESPONDENTS

Objection along with Affidavit on behalf of respondent no. 6

**To the application under Section 14 and 16 of the National Green
Tribunal Act, 2010**

I, **Govind Kumar Mandal** S/o Ramdev Mandal, aged about 43 Years, Director of M/s Tethys Chem Private Limited, the registered office at Plot No. 17/N, Heavy Industrial Area, Hathkhaj, Bhilai -490026 Dist- Durg, Chhattisgarh, India, presently at Bhopal, do hereby solemnly affirm as under:

1. That I am the Director of M/s Tethys Chem Private Limited and is being mentioned as respondent No 6, in the OA No. 549/2025 before this Hon'ble Tribunal.
2. I am well conversant with the facts and circumstances of the present case.
3. As such I am competent to swear this affidavit on behalf of Respondent No.6.

Govind Kumar Mandal

AM

4. That the facts mentioned in the objections are true and correct to the best of my knowledge and belief and nothing material has been concealed therefrom.

MOST RESPECTFULLY SHOWETH:

1. Preliminary Submissions

- 1.1.I, Govind Kumar Mandal, Director and duly authorized representative of Respondent No. 6, Tethys Chem Private Limited (MSME Unit), having its registered office at Plot No. 17/N, Heavy Industrial Area, Hathkhohj, Bhilai, Chhattisgarh, India, do hereby respectfully submit this Objection/Counter Affidavit in response to the Interlocutory Applications filed by the Applicant seeking directions to halt or stay the ongoing process for expansion of capacity and the corresponding Environmental Clearance (EC) proceedings presently under consideration before the Competent Authority.
- 1.2. At the very outset, it is respectfully submitted that the reliefs sought by the Applicant are misconceived, premature, mala fide, and devoid of merit, being motivated by extraneous considerations and business rivalry. The present Application is a clear attempt to obstruct and derail a lawful statutory process under the pretext of unfounded and speculative apprehensions that the answering Respondent may be granted Environmental Clearance (EC).
- 1.3. The EC process is a statutory, multi-stage, and expert-driven procedure governed by the Environment (Protection) Act, 1986, and the EIA Notification, 2006 (as amended). The Applicant's prayer to prematurely halt this process is thus contrary to settled legal principles and procedural propriety.

Govind Kumar Mandal

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- 1.4. The Project Proponent has acted in complete conformity with all applicable laws, notifications, and guidelines, and no illegality or procedural irregularity has occurred that could justify interference by this Hon'ble Tribunal at this preliminary stage.
- 1.5. That the Applicant is acting as a proxy agent of Rival company, thus at this crucial moment when Minutes of the Meeting is out they are in action.

2. Disclosure of Parallel Proceedings

- 2.1 The proposal for grant of Environmental Clearance (EC), for which Terms of Reference (ToR) have been duly granted by the Competent Authority in accordance with law, is presently under consideration before the [MoEFCC / SEIAA — Chhattisgarh], which is empowered under the EIA Notification, 2006 (as amended).
- 2.2 The Project Proponent has apprised the said authority of the pendency of the present matter before this Hon'ble Tribunal, thereby ensuring transparency and avoiding any potential conflict of directions between parallel forums.

3. Compliance with Statutory Procedure

- 3.1 The Project Proponent has scrupulously followed each stage of the statutory EC procedure. All requisite baseline environmental data, studies, and reports, including those mandated under the Terms of Reference, have been duly prepared and submitted in accordance with prescribed norms.
- 3.2 The appraisal process—comprising screening, scoping, and expert appraisal—is being conducted under the supervision of independent expert bodies, ensuring scientific objectivity, transparency, and due diligence.

Govind Kumar

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3.3 The Project Proponent has obtained and maintained all necessary clearances and approvals, including:

- a. Consent to Operate (CTO) issued by the State Pollution Control Board (SPCB) in 2024 with validity 2029.
- b. Name Approval / NOC issued by the SPCB; and
- c. SPCB-certified Compliance Report along with the approved Terms of Reference (ToR) copy.

3.4 The Project Proponent remains fully compliant with all ToR conditions and continues to adhere to statutory environmental safeguards.

4. No Prejudice or Environmental Harm

4.1 The continuation of the EC appraisal process does not cause any prejudice or environmental harm, as no construction, operation, or expansion activity can commence unless and until final EC approval is granted by the Competent Authority.

4.2 Conversely, an unwarranted stay or suspension of the EC process would result in unjustified delay, disruption of statutory procedures, and serious prejudice to the Project Proponent's right to have its proposal duly considered on merits.

4.3 It is a settled legal position that the EC appraisal process may proceed subject to the final outcome of judicial proceedings. This Hon'ble Tribunal has consistently held, inter alia, in T.N. Godavarman Thirumulpad v. Union of India (O.A. No. 34/2014) and Re: Environmental Clearance Processes (O.A. No. 123/2020), that statutory evaluation should not be stalled unless a prima facie case of illegality or environmental damage is demonstrated.

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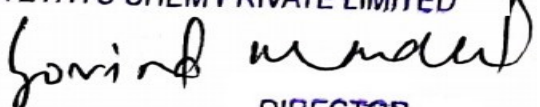
4.4 The Project Proponent reiterates that it remains fully committed to environmental protection, compliance monitoring, and adherence to any conditions imposed by the Competent Authority in the event EC is granted.

5. Prayer

In view of the foregoing submissions, it is most respectfully prayed that this Hon'ble Tribunal may be pleased to:

- a. Take on record the present Objection/Counter Affidavit filed on behalf of Respondent No. 6;
- b. Permit the Competent Authority (MoEFCC/SEIAA) to continue with the statutory Environmental Clearance process in accordance with law, subject to the final outcome of the present proceedings;
- c. Reject the Applicant's prayer seeking stay or suspension of the EC process as being unwarranted, mala fide, and premature; and
- d. Pass such other or further orders as this Hon'ble Tribunal may deem fit and proper in the facts and circumstances of the case.

For M/S TETHYS CHEM PRIVATE LIMITED

TETHYS CHEM PRIVATE LIMITED

DIRECTOR

Director
RESPONDENT
Through







PLACE: DELHI

ADVOCATE FOR THE APPLICANT

DATED: 01.11.2025

SHARIQUE CHOUDHARY

MOHD. AADIL YAR CHAUDHARY

Choudharylawfirm01@gmail.com , 8690152856

VERIFICATION

I, **Govind Kumar Mandal** S/o Ramdev Mandal, aged about 43 Years, R/o Flat No. 303, Block-F, 3rd Floor, Umda, Bhilai Charoda, Durg, Chhattisgarh, do hereby verify that the contents of paras 1 to 11 and all the documents, contents of this affidavit and along with this affidavit are true to my personal knowledge and paras 1 to 11 and all the other contents of this affidavit and along with this affidavit are believed to be true on legal advice and that I have not suppressed any material fact.

TETHYS CHEM PRIVATE LIMITED



DIRECTOR

Signature of the Respondent

Date: **01.11.2025**

Place: DELHI





**BEFORE THE NATIONAL GREEN TRIBUNAL, SITTING AT
NEW DELHI (PRINCIPAL BENCH)**

ORIGINAL APPLICATION NO. 549 of 2025

DHEERAJ TIWARIAPPLICANT

Versus

MoEF&CC & Ors.RESPONDENTS

AFFIDAVIT

I, **Govind Kumar Mandal S/o Ramdev Mandal**, aged about 43 Years, R/o Flat No. 303, Block-F, 3rd Floor, Umda, Bhilai Charoda, Durg, Chhattisgarh presently at Bhilai, do hereby solemnly affirm as under:

1. That I am the Director of M/s Tethys Chem Private Limited and is being mentioned as respondent No 6, in the OA No. 549 /2025 before this Hon'ble Tribunal.
2. I am well conversant with the facts and circumstances of the present case.
3. As such I am competent to swear this affidavit on behalf of respondent No 6.
4. I am advised to state that the conditions of Section 65B of the Indian Evidence Act, 1872 are complied with in filing the accompanying short reply which Consists of printouts. I state that no manipulation has been done in the same.

01 NOV 2025

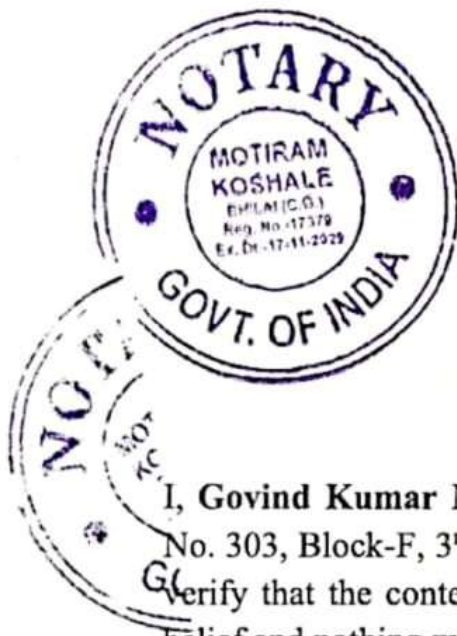
Govind Mandal



01 NOV 2025

11

5. I state that I have taken print outs of the relevant page(s) from the internet as downloaded by me on my computer. I state that the print out(s) were taken using the computer, which was operating properly and was under my lawful control. I state that the computer is being regularly used to send emails and electronic communication in the ordinary course of its use.
6. That the facts mentioned in the objections are true and correct to the best of my knowledge and belief and nothing material is concealed therefrom.



TETHYS CHEM PRIVATE LIMITED

Govind Mandal
DIRECTOR

DEPONENT

VERIFICATION

I, **Govind Kumar Mandal** S/o Ramdev Mandal, aged about 43 Years, R/o Flat No. 303, Block-F, 3rd Floor, Umda, Bhilai Charoda, Durg, Chhattisgarh, do hereby verify that the contents of short reply are true and correct to my knowledge and belief and nothing material is concealed therefrom.

TETHYS CHEM PRIVATE LIMITED

01 NOV 2025

Govind Mandal
DIRECTOR

DEPONENT

Date: 01.11.2025

Place: BHILAI, C.G

पहचानकर्ता

नाम *Govind Mandal*
पिता/पति का नाम *Ramdev Mandal*
स्थान *Bhilai C.G.*

Govind Mandal

साहचर्य

मेरे द्वारा शपथकर्ता जिनका नाम/पिता/पति का नाम व पता उपरोक्तानुसार है ने मेरे समक्ष शपथ लिया जिसे पहचानकर्ता/गवाह ने पहचान लिया जिनके हस्ताक्षर संलग्न ।
दिनांक.....को हस्ताक्षर किया ।

Govind Mandal
मोतीराम कोशले अधिवक्ता नोटरी भिलाई

ANNEXURE R1 Pg no. 12

पूना के अधिकार अर्थात्
अंतर्गत प्रदत्त सत्य...

REGIONAL OFFICE
C.G Environment Conservation Board
5/32 Banglow, Bhilai, District- Durg (C.G.)

Bhilai, Dated: 25/9/14

No. 1501 /RO/TS/CECB/2014

To,

M/s S. S. Udyog
17-N, Heavy Industrial Area
Hathkhot, Bhilai (C.G.)

Sub: Renewal of Consent of the Board under section 21 of Air (Prevention and Control of Pollution) Act 1981

Ref: Your Application No. Nil dated 22.08.2014 and subsequent corresponding ending dt. 09.09.2014

-00-

With reference to your above application consent is here by renewed for a period of Two years i.e. from 01.09.2014 to 31.08.2016 subject to the fulfillment of the terms and conditions incorporated in the schedule of the consent letter No. 1072/RO/TS/CECB/A/2013 Dated 09.09.2013 issued to you by this office and additional conditions mentioned below:-

This renewal is valid for the following products and production capacity.

Name of Products	Production Capacity
Coal tar Pitch	3000 M.T./ Month (Three thousand metric tonnes per month)
Refine Naphthalene Crude, Light furnace oil, heavy furnace oil (Solven Naphtha), Super Creosote fuel (Coal Tar), black Paint Organic chemicals.	3000 M.T./Month (Three thousand metric tonnes per month)

1. Industry shall install operate & maintain air pollution control equipment and shall ensure that these are always kept running in good working condition all the time. In case of any failure it shall be immediately rectified or some alternate arrangement be made.
2. Chimney height shall be increased to 30 meters. within Three Months.
3. Reduction in fugitive emissions due to transportation (which contribute the air pollutants such as suspended particulate matter in ambient air in the nearby residential, rural and other areas) of raw material and finished products shall be done in the existing transport system by adopting appropriate measures and infrastructure development.
4. Industry shall ensure use of properly covered vehicles for the transportation of raw materials, wastes etc. so as to avoid environmental hazards in the surroundings.
5. All raw materials/coal/finished products shall be stored above ground level with pucca platform in covered area.

6. All internal roads shall be made pucca. Good house keeping practices shall be adopted. Sludge and dust generated on the road due to transportation shall be disposed of properly.
7. Industry shall adopt Rain Water Harvesting system for the conservation of ground water.
8. Extensive tree plantation shall be carried out in the open areas available within and around the area.
9. Any change in production capacity, process, raw materials used, project profile etc. shall be intimated to the Board and prior permission of the Board shall be obtained for the same.
10. Industry shall not increase production more than capacity mentioned in the consent letter & shall not initiate any action regarding expansion without obtaining prior consent of the Board.

Please acknowledge the receipt of this letter.

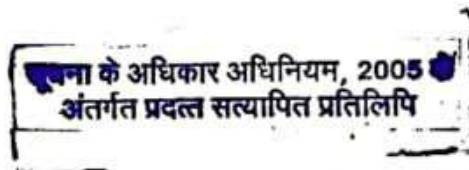
For & On behalf of the C.G. Environment Conservation Board



Regional Officer

C.G. Environment Conservation Board, Bhilai

ok 



REGIONAL OFFICE
C.G.Environment Conservallion Board
5/32 Banglow, Bhilai, District- Durg (C.G.)

No. 1500 /RO/TS/CECB/2014

Bhilai, Dated: 25/9/14

To,

M/s S. S. Udyog
 17-N, Heavy Industrial Area
 Hathkhoj, Bhilai (C.G.)

Sub: Renewal of Consent of the Board under section 25/26 of Water (Prevention and Control of Pollution) Act 1974

Ref: Your Application No. Nil dated 22.08.2014 and subsequent corresponding ending dt.09.09.2014

-000-

With reference to your above application consent is here by renewed for a period of Two years i.e. form 01.09.2014 to 31.08.2016 subject to the fulfillment of the terms and conditions incorporated in the schedule of the consent letter No. 1071/RO/TS/CECB/W/2013 Dated 09.09.2014 issued to you by this office and additional conditions mentioned below:-

This renewal is valid for the following products and production capacity.

Name of Products	Production Capacity
Coal tar Pitch	3000 M.T./ Month (Three thousand metric tonnes per month)
Refine Naphthalene Crude, Light furnace oil, heavy furnace oil(Solven Naphtha), Super Creosote fuel (Coal Tar), black Paint Organic chemicals.	3000 M.T./Month (Three thousand metric tonnes per month)

1. Industry shall provide adequate treatment facility for treatment of effluent generated and shall be utilized either in process or for land use only. No effluent shall be discharged out side the factory premises in any circumstances. Industry shall ensure that treated effluent shall conform prescribed effluent standards.
2. All the tanks shall be made pacca with seepage proof lining to avoid any seepage/leakage into sub-soil.
3. Industry shall made pucca platform with proper lining for the storage of solid wastes.
4. All raw materials/coal/finished products shall be stored above ground level with pucca platform in covered area.
5. Industry shall make proper arrangement for safe and scientific disposal of all solid wastes.
6. All internal roads shall be made pucca. Good house keeping practices shall be adopted.
7. Industry shall adopt Rain Water Harvesting system for the conservation of ground water.

रूपना के अधिनियम अधिनियम 2005 के
 अंतर्गत प्रस्ताव स्वीकृत
 जपि

8. Extensive tree plantation shall be carried out in the open areas available within and around the area.
9. Any change in production capacity, process, raw materials used, project profile etc. shall be intimated to the Board and prior permission of the Board shall be obtained for the same.
10. Industry shall not increase production more than capacity mentioned in the consent letter & shall not initiate any action regarding expansion without obtaining prior consent of the Board

Please acknowledge the receipt of this letter.

For & On behalf of the C.G. Environment Conservation Board


Regional Officer
C.G. Environment Conservation Board, Bhilai

सूचना के अधिकार अधिनियम, 2005
अंतर्गत प्रदत्त सत्यापित प्रतिलिपि



REGIONAL OFFICE
C.G.Environment Conservation Board
5/32 Banglow, Bhilai, District- Durg (C.G.)

No.
To,

3480 /RO/TS/CECB/2024

Bhilai, Dated: 23/08/2024

M/s Tethys Chem Pvt. Ltd.
Director- Shri Govind Mandal
Plot No. 17/N, Heavy Industrial Area, Hathkhoj, Bhilai
District- Durg (C.G.)

- Sub: - Renewal of the consent of the Board under section 25/26 of the Water (Prevention and Control of Pollution) Act, 1974 and under section 21 of the Air (Prevention and Control of Pollution) Act, 1981.
- Ref: - 1. Consent of the Board issued under section 25/26 of the Water (Prevention and Control of Pollution) Act, 1974 and under section 21 of the Air (Prevention and Control of Pollution) Act, 1981 vide letter no. 935 Bhilai, dated: 22/07/2020.
2. Letter issued to industry vide letter no. 1771 dated 03/06/2024
3. Amendment in consent of the Board under section 25/26 of the Water (Prevention and Control of Pollution) Act, 1974 and under section 21 of the Air (Prevention and Control of Pollution) Act, 1981 issued vide letter no. 1835 dated 18/06/2024.
4. Your online application no. 16470726 dated: 02/08/2024.

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With reference to your above application consent is hereby renewed for the period **from the date 18/12/2024 to 17/06/2029** subject to the fulfillment of the terms and conditions incorporated in the schedule of the consent letter No. **935/RO/CECB/2020 Bhilai Dated 22/07/2020 and amendment letter No. 1835/RO/CECB/2020 Bhilai Dated 18/06/2024** issued to you by this office and additional conditions mentioned below:-

This renewal is valid for the following products and production capacity.

Name of Product	Production Capacity
Refined Napthalene Balls, Light Oil, Heavy Creosote Oil, Super Creosote Fuel, Coal Tar, Black Paint, Organic Chemical	36,000 Metric Tonnes Per Annum (Thirty six thousand metric tonnes per annum)
Coal Tar Pitch (Molten/Granulated)	36,000 Metric Tonnes Per Year (Thirty six thousand metric tonnes per annum)
Carbozol, Phynole Oil, Wash Oil, Carbon Black Oil	12,000 Metric Tonnes Per Year (Twelve thousand metric tonnes per annum)

Additional Conditions

A. Water (Prevention and Control of Pollution) Act, 1974

1. Industry shall operate and maintain the existing effluent treatment system effectively and regularly. Industry shall ensure the treated effluent quality within the standards prescribed by Board published in Gazette Notification dated 25.03.88. All the effluent treatment system shall be kept in good running condition all the time and failure (if any), shall be immediately rectified without delay otherwise, similar alternate arrangement shall be made. In the event of any failure of any pollution control system adopted by the industry, the respective production unit shall not be restarted until the control measures are rectified to achieve the desired efficiency. Industry shall not discharge any treated/untreated effluent in to the river or any surface water bodies or on land. Industry shall re-circulate all the treated effluent back in the process. No effluent shall be discharged outside of the factory premises in any circumstances; hence zero discharge conditions shall be maintained all the time

2. Good housekeeping practices shall be adopted by the industry.
3. Wide green belt of broad leaf local species shall be developed in at least 33% of the project area. As far as possible maximum area of open spaces shall be utilized for plantation purposes.
4. The Industry shall adopt Rain Water Harvesting system for the conservation of ground.
5. Effective steps shall be taken for safe and scientific handling, storage, transportation and disposal of solid wastes.
6. All raw materials/finished products shall be stored above ground level with pucca platform in covered area.
7. This renewal of consent is being issued under the "Scheme of Auto-Renewal of Consent" of the Board issued vide office order no. 5937 dated 29/01/2018 as per self certificate submitted by authorized signatory **Shri Govind Mandal (Director) of M/s Tethys Chem Pvt. Ltd., Plot No. 17/N, Heavy Industrial Area, Hathkhoj, Bhilai, District-Durg (C.G.).**
8. In case, if the capital investment is increased by such amount that the total investment exceeds the range for which renewal fees has been paid, the industry shall have to pay the difference amount of renewal fees for the corresponding block years.
9. In case, the prescribed fee payable is amended in future, the industry shall be liable to pay the difference amount for corresponding block years.
10. Chhattisgarh Environment Conservation Board reserves the rights to revoke the Consent at any time for any violation/non-compliance. Please acknowledge the receipt of this letter.

B. Air (Prevention and Control of Pollution) Act, 1981

1. Industry shall operate and maintain the existing air pollution control systems regularly to ensure the particulate matter emission from any point source below 50 mg/Nm³ all the time, failing which, this renewal may be cancelled. Effective steps shall be taken to control fugitive emission inside the factory premises. Industry shall also maintain the ambient air quality within the factory premises within prescribed limits. All the air pollution control system shall be kept in good running condition all the time and failure (if any), shall be immediately rectified without delay otherwise, similar alternate arrangement shall be made. In the event of any failure of any pollution control system adopted by the industry, the respective production unit shall not be restarted until the control measures are rectified to achieve the desired efficiency. Chhattisgarh Environment Conservation Board may further stipulate stringent particulate matter emission limit depending upon environmental conditions.
2. Reduction in fugitive emissions due to transportation (which contribute the air pollutants such as suspended particulate matter in ambient air in the nearby residential, rural and other areas) of raw material and finished products shall be done in the existing transport system by adopting appropriate measures and infrastructure development.
3. Industry shall ensure use of properly covered vehicles for the transportation of raw materials, wastes etc. so as to avoid environmental hazards in the surroundings.
4. Good housekeeping practices shall be adopted by the industry.
5. Industry shall use fly ash brick, fly ash block and fly ash based products in their construction/repairing activities.
6. Wide green belt of broad leaf local species shall be developed in at least 33% of the project area. As far as possible maximum area of open spaces shall be utilized for plantation purposes.
7. The Industry shall adopt Rain Water Harvesting system for the conservation of ground.
8. This renewal of consent is being issued under the "Scheme of Auto-Renewal of Consent" of the Board issued vide office order no. 5937 dated 29/01/2018 as per self certificate submitted by authorized signatory **Shri Govind Mandal (Director) of M/s Tethys Chem Pvt. Ltd., Plot No. 17/N, Heavy Industrial Area, Hathkhoj, Bhilai, District-Durg (C.G.).**

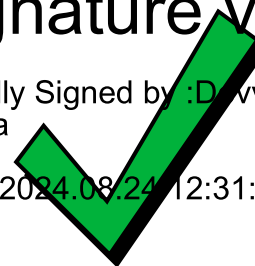
9. Chhattisgarh Environment Conservation Board reserves the rights to revoke the Consent at any time for any violation/non-compliance.
- Please keep this letter with original consent and amendment letters and acknowledge the receipt of this letter.

sd/-
Regional Officer
Chhattisgarh Environment Conservation Board
5/32 Banglow, Bhilai, District- Durg (C.G.)

Signature valid

Digitally Signed by :Dhruvrat
Mishra

Date: 2024.08.24 12:31:09 IST





छत्तीसगढ़ पर्यावरण संरक्षण मंडल

पर्यावास भवन, सेक्टर - 19, नवा रायपुर अटल नगर,

जिला-रायपुर (छ.ग.) 492002

Email add- hcecb@gmail.com

क्रमांक 10576 / राक/मु/छ.ग.प.सं.मं/2025 नवा रायपुर अटल नगर, दिनांक 28/4/2025

प्रति,

डॉयरेक्टर,
मेसर्स टेथिस केम प्राइवेट लिमिटेड,
प्लॉट नं. 17/एन, भारी औद्योगिक क्षेत्र,
हथखोज, भिलाई,
जिला-दुर्ग (छ.ग.)

विषय :- जल एवं वायु सम्मति शर्तों के अनुपालन रिपोर्ट को सत्यापित करने हेतु आवेदन के संबंध में।

- संदर्भ :- 1. आपका पत्र दिनांक 11/12/2024, इस कार्यालय में प्राप्ति दिनांक 11/12/2024.
2. क्षेत्रीय कार्यालय का पत्र क्रमांक 5454 दिनांक 30/12/2024.

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उपरोक्त विषयांतर्गत संदर्भित पत्र के परिपेक्ष्य में लेख है कि मेसर्स टेथिस केम प्राइवेट लिमिटेड, प्लॉट नं. 17/एन, भारी औद्योगिक क्षेत्र, हथखोज, भिलाई, जिला-दुर्ग (छ.ग.) को Refined Napthalene Balls, Light Oil, Heavy Creosote Oil, Super Creosote Fuel, Coal Tar, Black Paint, Organic Chemical - 36,000 Metric Tonnes Per Annum, Coal Tar Pitch (Molten/Granulated) - 36,000 Metric Tonnes Per Annum, Carbozol, Phynole Oil, Wash Oil, Carbon Black Oil - 12,000 Metric Tonnes Per Annum हेतु मंडल से जारी सम्मति शर्तों के पालनार्थ सर्टिफाईड कमप्लायंस पत्र की प्रति उपलब्ध कराने हेतु आपके द्वारा आवेदन प्रेषित किया गया है। प्राप्त आवेदन के परिपेक्ष्य में क्षेत्रीय अधिकारी, क्षेत्रीय कार्यालय, छत्तीसगढ़ पर्यावरण संरक्षण मंडल, भिलाई-दुर्ग द्वारा उक्तानुसार प्रतिवेदन प्रस्तुत किया गया है। प्रस्तुत प्रतिवेदन की प्रति संलग्न कर आपकी ओर प्रेषित है।

संलग्न :- उपरोक्तानुसार।

सदस्य सचिव

छत्तीसगढ़ पर्यावरण संरक्षण मंडल,
नवा रायपुर अटल नगर, रायपुर (छ.ग.)

निरीक्षण प्रतिवेदन

01. उद्योग का नाम एवं पता — मेसर्स टेथिसकेम प्राईवेट लिमिटेड,
प्लॉट नंबर-17/एन, हैवी इण्डस्ट्रियल एरिया,
हथखोज, भिलाई, जिला-दुर्ग (छ.ग.)।
02. उद्योग का निरीक्षण दिनांक — 26 / 12 / 2024
03. निरीक्षणकर्ता अधिकारी का नाम— शिव प्रसाद, कनिष्ठ वैज्ञानिक
एम.कै. श्रीवास्तव, कनिष्ठ वैज्ञानिक
संजय सिंह परिहार, रसायनज्ञ
04. निरीक्षण के समय उपस्थिति — श्री गोविन्द मण्डल, टेक्निकल डायरेक्टर
उद्योग प्रतिनिधि श्री मनोज प्रधान, प्रोसेस हेड इंजीनियर
05. उद्योग की उत्पादन क्षमता —

Refined Napthalene Balls, Light Oil, Heavy Creosote Oil, Super Creosote Fuel, Coal Tar, Black Paint, Organic Chemical	36,000 Metric Tonnes Per Annum
Coal Tar Pitch (Molten/Granulated)	36,000 Metric Tonnes Per Annum
Carbozol, Phynole Oil, Wash Oil, Carbon Black Oil	12,000 Metric Tonnes Per Annum

इस कार्यालय का पत्र क्रमांक 3480 दिनांक 23/08/2024 के माध्यम से जारी जल एवं वायु सम्मति नवीनीकरण पत्र में उल्लेखित शर्तों के पालनार्थ उद्योग द्वारा की गई कार्यवाही की जानकारी :-

जल सम्मति नवीनीकरण पत्र में उल्लेखित शर्तों के पालनार्थ उद्योग द्वारा की गई कार्यवाही		
क्र.	शर्त का विवरण	शर्त के पालनार्थ उद्योग द्वारा की गई कार्यवाही
1	Industry shall operate and maintain the existing effluent treatment system effectively and regularly. Industry shall ensure the treated effluent quality within the standards prescribed by Board published in Gazette Notification dated 25.03.88. All the effluent treatment system shall be kept in good running condition all the time and failure (if any), shall be immediately rectified without delay otherwise, similar alternate arrangement shall be made. In the event of any failure of any pollution control system adopted by the industry, the respective production unit shall not be restarted until the control measures are rectified to achieve the desired efficiency. Industry shall not discharge any treated/untreated effluent in to the river or any surface water bodies or on land. Industry shall re-circulate all the treated effluent back in the process. No effluent shall be discharged outside of the factory premises in any circumstances; hence zero discharge conditions shall be maintained all the time.	उद्योग प्रबंधन सहमत। उद्योग द्वारा घरेलू दूषित जल के उपचार हेतु सेप्टिक टैंक एवं सोकपिट की स्थापना की गई है। औद्योगिक दूषित जल के उपचार हेतु ईटीपी स्थापित है। उद्योग परिसर के बाहर शून्य निस्सारण की स्थिति रखी गई है।

2	Good housekeeping practices shall be adopted by the industry.	उद्योग प्रबंधन सहमत। उद्योग में हाउसकीपिंग व्यवस्था संतोषजनक पाई गई है।
3	Wide green belt of broad leaf local species shall be developed in at least 33% of the project area. As far as possible maximum area of open spaces shall be utilized for plantation purposes.	उद्योग प्रबंधन सहमत। उद्योग प्रबंधन द्वारा लगभग 80 नग वृक्षारोपण किया गया है।
4	The Industry shall adopt Rain Water Harvesting system for the conservation of ground.	उद्योग प्रबंधन सहमत। उद्योग प्रबंधन द्वारा रेन वॉटर हार्वेस्टिंग व्यवस्था की गई है।
5	Effective steps shall be taken for safe and scientific handling, storage, transportation and disposal of solid wastes.	उद्योग प्रबंधन सहमत। उद्योग द्वारा जनित होने वाले अपशिष्ट यथा Tarry residues and still bottom from distillation, Decanter tank tar sludge, Tar storage tank residue एवं Distillation residues को पुनः उपयोग किया जाता है।
6	All raw materials/finished products shall be stored above ground level with pucca platform in covered area.	उद्योग प्रबंधन सहमत। उद्योग द्वारा रॉ मटेरियल/फिनिशड प्रोडक्ट को पक्के प्लेटफॉर्म युक्त एम.एस. टैंक्स में भण्डारित कर रखा जाता है।
7	This renewal of consent is being issued under the "Scheme of Auto-Renewal of Consent" of the Board issued vide office order no. 5937 dated 29/01/2018 as per self certificate submitted by authorized signatory Shri Govind Mandal (Director) of M/s Tethys Chem Pvt. Ltd., Plot No. 17/N, Heavy Industrial Area, Hathkhaj, Bhilai, District-Durg (C.G.).	उद्योग प्रबंधन सहमत।
8	In case, if the capital investment is increased by such amount that the total investment exceeds the range for which renewal fees has been paid, the industry shall have to pay the difference amount of renewal fees for the corresponding block years.	उद्योग प्रबंधन सहमत।
9	In case, the prescribed fee payable is amended in future, the industry shall be liable to pay the difference amount for corresponding block years.	उद्योग प्रबंधन सहमत।
10	Chhattisgarh Environment Conservation Board reserves the rights to revoke the Consent at any time for any violation/non-compliance. Please acknowledge the receipt of this letter.	उद्योग प्रबंधन सहमत।

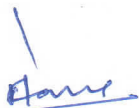
वायु सम्मति नवीनीकरण पत्र में उल्लेखित शर्तों के पालनार्थ उद्योग द्वारा की गई कार्यवाही		
क्र.	शर्त का विवरण	शर्त के पालनार्थ उद्योग द्वारा की गई कार्यवाही
1	Industry shall operate and maintain the existing air pollution control systems regularly to ensure the particulate matter emission from any point source below 50 mg/Nm ³ all the time, failing which, this renewal may be cancelled. Effective steps shall be taken to control fugitive emission inside the factory premises. Industry shall also maintain the ambient air quality within the factory premises within prescribed limits. All the air pollution control system shall be kept in good running condition all the time and failure (if any), shall be immediately rectified without delay otherwise, similar alternate arrangement shall be made. In the event of any failure of any pollution control system adopted by the industry, the respective production unit shall not be restarted until the control measures are rectified to achieve the desired efficiency. Chhattisgarh Environment Conservation Board may further stipulate stringent particulate matter emission limit depending upon environmental conditions.	उद्योग प्रबंधन सहमत। उद्योग में थर्मिक फ्लूइड हीटर स्थापित है तथा चिमनी की ऊंचाई 30 मीटर है। फ्युजिटिव उत्सर्जन के नियंत्रण हेतु जल छिड़काव व्यवस्था की गई है।
2	Reduction in fugitive emissions due to transportation (which contribute the air pollutants such as suspended particulate matter in ambient air in the nearby residential, rural and other areas) of raw material and finished products shall be done in the existing transport system by adopting appropriate measures and infrastructure development.	उद्योग प्रबंधन सहमत। उद्योग द्वारा फ्युजिटिव उत्सर्जन के नियंत्रण हेतु जल छिड़काव व्यवस्था की गई है तथा आंतरिक मार्गों का पक्कीकरण किया गया है।
3	Industry shall ensure use of properly covered vehicles for the transportation of raw materials, wastes etc. so as to avoid environmental hazards in the surroundings.	उद्योग प्रबंधन सहमत। उद्योग द्वारा रॉ मटेरियल का परिवहन क्लोज्ड टैंकरों के माध्यम से किया जाता है।
4	Good housekeeping practices shall be adopted by the industry.	उद्योग प्रबंधन सहमत। उद्योग में हाउसकीपिंग व्यवस्था संतोषजनक पाई गई है।
5	Industry shall use fly ash brick, fly ash block and fly ash based products in their construction /repairing activities.	उद्योग प्रबंधन सहमत। उद्योग द्वारा फ्लाई ऐश ब्रिक्स/ब्लॉक्स आदि का उपयोग मरम्मत कार्यों में किया जाता है।
6	Wide green belt of broad leaf local species shall be developed in at least 33% of the project area. As far as possible maximum area of open spaces shall be utilized for plantation purposes.	उद्योग प्रबंधन सहमत। उद्योग प्रबंधन द्वारा लगभग 80 नग वृक्षारोपण किया गया है।
7	The Industry shall adopt Rain Water Harvesting system for the conservation of ground.	उद्योग प्रबंधन सहमत। उद्योग प्रबंधन द्वारा रेन वॉटर हार्वेस्टिंग व्यवस्था की गई है।

8	This renewal of consent is being issued under the "Scheme of Auto-Renewal of Consent" of the Board issued vide office order no. 5937 dated 29/01/2018 as per self certificate submitted by authorized signatory Shri Govind Mandal (Director) of M/s Tethys Chem Pvt. Ltd., Plot No. 17/N, Heavy Industrial Area, Hathkhoj, Bhilai, District-Durg (C.G.).	उद्योग प्रबंधन सहमत।
9	Chhattisgarh Environment Conservation Board reserves the rights to revoke the Consent at any time for any violation/non-compliance.	उद्योग प्रबंधन सहमत।

उपरोक्तानुसार उद्योग द्वारा जल एवं वायु सम्मति नवीनीकरण पत्र में उल्लेखित शर्तों के पालनार्थ की गई कार्यवाही की जानकारी कृपया प्रस्तुत है।



संजय सिंह परिहार
रसायनज्ञ
छ.ग.पर्यावरण संरक्षण मण्डल,
भिलाई



एम.के. श्रीवास्तव,
कनिष्ठ वैज्ञानिक
छ.ग.पर्यावरण संरक्षण मण्डल,
भिलाई



शिव प्रसाद,
कनिष्ठ वैज्ञानिक
छ.ग.पर्यावरण संरक्षण मण्डल,
भिलाई

**ANNEXURE R4****Pg no 24****REGIONAL OFFICE**

**C.G. Environment Conservation Board
5/32 Banglow, Bhilai, District- Durg (C.G.)**

No. 2706 /RO/TS/CECB/2019

Bhilai, Dated 10/10/19

To,

**M/s Tethys Chem Private Limited
Plot No. 17-N, Heavy Industrial Area, Hathkhoj, Bhilai,
District- Durg (C.G.)**

Sub: Amendment for Change of 'Name' of Industry.

Ref: 1. Your Application No. 3034 dated 03.10.2019

2. This Office Consent Letter No.1071,1072/RO/TS/CECB/2013
Dated 09.09.2013

-000-

With reference to your application on the above subject and the relevant documents submitted therein, following amendments are hereby approved by this office in the consent letter issued vide reference no. 02.

1. Board has no objection to the change in name.

**M/s S. S. Udyog
Plot No. 17-N, Heavy Industrial Area, Hathkhoj, Bhilai,
District- Durg (C.G.)**

To

**M/s Tethys Chem Private Limited
Plot No. 17-N, Heavy Industrial Area, Hathkhoj, Bhilai,
District- Durg (C.G.)**

2. Other terms and conditions shall remain same
Please acknowledge the receipt of this letter.



Regional Officer

C.G. Environment Conservation Board, Bhilai

Regional Officer

C.G. Environment Conservation Board
Bhilai, Durg (C.G.)

रजिस्ट्री सं० डी० एल०-33004/99

REGD. NO. D. L.-33004/99

ANNEXURE R5

Pg no 25



भारत का राजपत्र

The Gazette of India

असाधारण

EXTRAORDINARY

भाग II—खण्ड 3—उप-खण्ड (ii)

PART II—Section 3—Sub-section (ii)

प्राधिकार से प्रकाशित

PUBLISHED BY AUTHORITY

सं. 1331]

नई दिल्ली, बुधवार, जून 25, 2014/आषाढ़ 4, 1936

No. 1331]

NEW DELHI, WEDNESDAY, JUNE 25, 2014/ASADHA 4, 1936

पर्यावरण, वन और जलवायु परिवर्तन मंत्रालय

अधिसूचना

नई दिल्ली, 25 जून, 2014

का.आ. 1598(अ).—भारत सरकार के पर्यावरण और वन मंत्रालय की अधिसूचना संख्यांक का.आ. 1533(अ) तारीख 14 सितंबर, 2006 का और संशोधन करने के लिए निम्नलिखित प्रारूप, जिसका केन्द्रीय सरकार, पर्यावरण (संरक्षण) अधिनियम, 1986 (1986 का 29) की धारा 3 की उप-धारा (2) के खंड (v) के साथ पठित उप-धारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, जारी करने का प्रस्ताव करती है, पर्यावरण (संरक्षण) नियम, 1986 के नियम 5 के उपनियम (3) की अपेक्षानुसार जनसाधारण की जानकारी के लिए, जिनके उसके द्वारा प्रभावित होने की संभावना है, प्रकाशित किया जाता है ; और सूचना दी जाती है कि उक्त प्रारूप अधिसूचना पर, उस तारीख से, जिसको भारत के राजपत्र की प्रतियां, जिसमें यह अधिसूचना अंतर्विष्ट है, जनसाधारण को उपलब्ध करा दी जाती हैं, साठ दिन की अवधि की समाप्ति पर या उसके पश्चात् विचार किया जाएगा:-

ऐसा कोई व्यक्ति, जो प्रारूप अधिसूचना में अंतर्विष्ट प्रस्तावों पर कोई आक्षेप या सुझाव देने में हितबद्ध है, इस प्रकार विनिर्दिष्ट अवधि के भीतर, केंद्रीय सरकार द्वारा विचार किए जाने के लिए, आक्षेप या सुझाव सचिव, पर्यावरण और वन मंत्रालय, पर्यावरण भवन, सीजीओ काम्प्लेक्स, लोदी रोड, नई दिल्ली-110003 या ई-मेल पते: satish.garkoti@nic.in पर लिखित रूप में भेज सकेगा ।

प्रारूप अधिसूचना

उक्त अधिसूचना की अनुसूची में,-

- (i) मद 1(ग) में स्तंभ (2), स्तंभ (3), स्तंभ (4) और स्तंभ (5) में की प्रविष्टियों के पश्चात् निम्नलिखित अंतःस्थापित किया जाएगा, अर्थात् :-

"1(ग)	(iii) बृहत् पेयजल आपूर्ति परियोजना जैसी गैर सिंचाई परियोजनाएं ।	(iii) $\geq 5,000$ है. जलमग्न क्षेत्र	(iii) $< 5,000$ है. जलमग्न क्षेत्र	साधारण शर्त लागू होगी
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- (ii) ईंधन के रूप में गैर परिसंकटमय नगर पालिक ठोस अपशिष्ट पर आधारित तापीय विद्युत संयंत्रों से संबंधित मद 1(घ) में स्तंभ (3) और स्तंभ (4) में की प्रविष्टियों के पश्चात् निम्नलिखित प्रविष्टियां रखी जाएंगी, अर्थात् :-

(i) स्तंभ (3).-

" ≥ 15 मे.वा."

(ii) स्तंभ (4).-

" < 15 मे.वा."

[फा. सं. जे- 11013/12/2013-आई.ए. II(1)(भाग)]

अजय त्यागी, संयुक्त सचिव

टिप्पण : मूल नियम भारत के राजपत्र, असाधारण, भाग II, खंड 3, उपखंड (ii) में अधिसूचना सं. का.आ. 1533(अ), तारीख 14 सितंबर, 2006 द्वारा प्रकाशित किए गए थे और तत्पश्चात् का.आ. 1737(अ), तारीख 11 अक्टूबर, 2007, का.आ. 3067(अ), तारीख 1 दिसंबर, 2009, का.आ. 695(अ), तारीख 4 अप्रैल, 2011, का.आ. 2896 (अ), तारीख 13 दिसंबर, 2012, का.आ. 674(अ), तारीख 13 मार्च, 2013, का.आ. 2559(अ), तारीख 22 अगस्त, 2013, का.आ. 2731(अ), तारीख 9 सितंबर, 2013, का.आ. 562(अ); तारीख 26 फरवरी, 2014 और का.आ. 637(अ), तारीख 28 फरवरी, 2014 द्वारा संशोधित किए गए ।

MINISTRY OF ENVIRONMENT, FORESTS AND CLIMATE CHANGE

NOTIFICATION

New Delhi, the 25th June, 2014

S.O. 1598(E).—The following draft of the notification, further to amend the notification of the Government of India in the Ministry of Environment and Forests number S.O.1533(E) dated the 14th September, 2006 which the Central Government proposes to issue in exercise of the powers conferred by Sub-section (1), read with clause (v) of Sub-section (2) of Section 3 of the Environment (Protection) Act, 1986 (29 of 1986) is hereby published, as required under sub-rule (3) of rule 5 of the Environment (Protection) Rules, 1986, for the information of the public likely to be affected thereby; and notice is hereby given that the said draft notification shall be taken into consideration on or after the expiry of a period of sixty days from the date on which copies of the Gazette of India containing this notification are made available to the Public;

Any person interested in making any objections or suggestions on the proposals contained in the draft notification may forward the same in writing, for consideration of the Central Government within the period so specified to the Secretary, Ministry of Environment and Forest, Paryavaran Bhawan, CGO Complex, Lodi Road, New Delhi-110 003, or at e-mail address:- satish.garkoti@nic.in.

Draft Notification

In the said notification, in the Schedule.-

(i) in item 1(c), after the entries in columns (2), (3), (4) and (5), the following inserted, namely:-

1(c)	“(iii) Non –Irrigation projects such as large drinking water supply projects.	(iii) $\geq 5,000$ ha submergence area	(iii) $< 5,000$ ha submergence of area	General Condition shall apply.”;
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(ii) in, item 1(d), for the entries in column (3) and column (4), relating to thermal power plants based on non-hazardous municipal solid waste as fuel, the following entries shall be substituted, namely:-

(i) In column(3).-
“ ≥ 15 MW”

(ii) In column(4).-
“ < 15 MW”

[F. No. J-11013/12/2013-IA-II (1) (part)]

AJAY TYAGI, Jt. Secy.

Note: The principal rules were published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (ii) vide notification number S.O. 1533(E), dated the 14th September, 2006 and amended vide S.O.1737(E) dated the 11th October, 2007, S.O. 3067(E) dated the 1st December, 2009, S.O.695(E) dated the 4th April, 2011, S.O.2896(E) dated the 13th December, 2012, S.O.674(E) dated the 13th March, 2013, S.O.2559(E) dated the 22nd August, 2013, S.O. 2731(E) dated the 9th September, 2013, S.O. 562(E) dated the 26th February, 2014 and S.O.637(E) dated the 28th February, 2014.

अधिसूचना

नई दिल्ली, 25 जून, 2014

का.आ. 1599(अ).—केन्द्रीय सरकार, पर्यावरण (संरक्षण) नियम, 1986 के नियम 5 के उपनियम (4) के साथ पठित पर्यावरण (संरक्षण) अधिनियम, 1986 की धारा 3 की उप-धारा (1) और उप-धारा (2) के खंड (5) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उक्त नियमों के नियम 5 के उपनियम (3) के खंड (क) के अधीन सूचना की अपेक्षा से अभिमुक्ति देने के पश्चात्, भारत सरकार के पर्यावरण और वन मंत्रालय की अधिसूचना संख्या का.आ. 1533 (अ), तारीख 14 सितंबर, 2006 में निम्नलिखित और संशोधन करती है, अर्थात्:-

I. उक्त अधिसूचना की अनुसूची में,-

(i) मद 1(ग) और उससे संबंधित प्रविष्टियों के स्थान पर, निम्नलिखित मद और प्रविष्टियां रखी जाएंगी, अर्थात्:-

"1(ग)	(i) नदी घाटी परियोजनाएं (ii) सिंचाई परियोजनाएं	(i) ≥ 50 मे.वा. जल विद्युत उत्पादन (ii) $\geq 10,000$ हे० खेती योग्य प्रभावित क्षेत्र	(i) $< 50 \geq 25$ मे.वा. जल विद्युत उत्पादन (ii) $< 10,000$ हे० > 2000 हे० खेती योग्य प्रभावित क्षेत्र	साधारण शर्त लागू होगी टिप्पण :- एक से अधिक राज्य में आने वाली प्रवर्ग 'ख' नदी घाटी परियोजनाओं का मूल्यांकन केन्द्रीय सरकार स्तर पर किया जाएगा।";
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(ii) मद 1(घ) और उससे संबंधित प्रविष्टियों के स्थान पर, निम्नलिखित मद और प्रविष्टियां रखी जाएंगी, अर्थात्:-

"1(घ)	तापीय विद्युत संयंत्र	≥ 500 मे.वा. (कोयला/लिग्नाइट/नेप्टा और गैस आधारित); ≥ 50 मे.वा. (जैव द्रव्यमान के सिवाय सभी अन्य ईंधन)। ≥ 20 मे.वा. (जिसमें गैरपरिसंकटमय नगरपालिक ठोस अपशिष्ट का ईंधन के रूप में उपयोग होता है)।	≥ 50 मे.वा. से < 500 मे.वा. (कोयला/लिग्नाइट/नेप्टा और गैस आधारित) < 50 मे.वा. और ≥ 5 मे.वा. (जैव द्रव्यमान और गैरपरिसंकटमय नगरपालिक ठोस अपशिष्ट के सिवाय सभी अन्य ईंधन)। < 20 मे.वा. > 15 मे.वा. (जिसमें गैरपरिसंकटमय नगरपालिक ठोस अपशिष्ट का ईंधन के रूप में उपयोग होता है)। ≥ 15 मे.वा. जैव द्रव्यमान पर आधारित संयंत्र	साधारण शर्त लागू होगी टिप्पण :- (i) जैव द्रव्यमान या गैरपरिसंकटमय नगरपालिक ठोस अपशिष्ट जिसमें कोयला, लिग्नाइट/पेट्रोलियम उत्पाद पेट्रोलियम उत्पाद जैसे सहायक ईंधन का उपयोग होता है, पर आधारित 15 मे.वा. तक के तापीय विद्युत संयंत्रों को छूट प्राप्त है। (ii) किसी सहायक ईंधन के बगैर अपशिष्ट ताप बायलरों का उपयोग करने वाले तापीय विद्युत संयंत्र छूट प्राप्त हैं।";
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(iii) मद 2(ख) और उससे संबंधित प्रविष्टियों के स्थान पर निम्नलिखित मद और प्रविष्टियां रखी जाएंगी, अर्थात्:-

"2(ख)	खनिज सज्जीकरण	≥ 0.5 मिलियन टी पी ए का उत्पादन	> 0.5 मिलियन टी पी ए का उत्पादन	साधारण शर्त लागू होगी (अनापत्ति प्रदान करने के लिए खनन प्रस्ताव का खनिज सज्जीकरण के साथ मूल्यांकन किया जाएगा)।";
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(iv) मद 4(ख) और उससे संबंधित प्रविष्टियों के स्थान पर निम्नलिखित मद और प्रविष्टियां रखी जाएंगी, अर्थात्:-

"4(ख)	(i) कोक भट्टी संयंत्र	$\geq 2,50,000$ टन/प्रतिवर्ष	$< 2,50,000$ और $\geq 2,50,000$ टन/प्रतिवर्ष	साधारण शर्त लागू होगी।";
	(ii) कोलतार प्रसंस्करण इकाईयां	-	सभी परियोजनाएं	

(v) मद 4(घ) के स्तंभ (3) में की प्रविष्टि के स्थान पर, निम्नलिखित प्रविष्टि रखी जाएगी, अर्थात् :-

"उत्पादन क्षमता ≥ 300 यदि कोई इकाई अधिसूचित औद्योगिक क्षेत्र/संपदा के बाहर अवस्थित है।";

(vi) मद 4(च) के स्तंभ (2) में, की प्रविष्टि के स्थान पर, निम्नलिखित प्रविष्टि रखी जाएगी, अर्थात् :-

"त्वचा/खाल प्रसंस्करण जिसके अंतर्गत चर्म शोधन उद्योग भी है।";

(vii) मद 5(क) और उससे संबंधित प्रविष्टियों के स्थान पर निम्नलिखित मद और प्रविष्टियां रखी जाएंगी, अर्थात् :-

"5(क)	रासायनिक उर्वरक	रासायनिक उर्वरकों के दानों के सिवाय सभी परियोजनाएं जिसके अंतर्गत H_2SO_4 उत्पादन के साथ सभी एकल सुपर फॉस्फेट परियोजनाएं भी हैं।	H_2SO_4 उत्पादन और रासायनिक दानों के बगैर सभी एकल सुपर फॉस्फेट परियोजनाएं	साधारण शर्त लागू होगी सुपर फॉस्फेट पाउडर के दाने बनाने को छूट दी गई है।";
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(viii) मद 5(ड) में :-

(क) स्तंभ (2) में की प्रविष्टि के स्थान पर निम्नलिखित प्रविष्टि रखी जाएगी, अर्थात्:-

"पेट्रोलियम उत्पाद और पेट्रो रसायन आधारित कार्बन ब्लैक तथा इलेक्ट्रोड ग्रेड ग्रेफाइट के उत्पादन का प्रसंस्करण (भंजन से भिन्न अन्य प्रसंस्करण तथा सुधार और जो परिसरों के भीतर समाविष्ट नहीं हैं)।";

(ख) स्तंभ (5) में की प्रविष्टि के स्थान पर, निम्नलिखित प्रविष्टि रखी जाएगी, अर्थात्:-

"साधारण और विनिर्दिष्ट शर्त लागू होगी।

टिप्पण—बहुलक दानों से उत्पादों के विनिर्माण को छूट प्राप्त होगी।";

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(ix) मद 5(च) और उससे संबंधित प्रविष्टियों के स्थान पर, निम्नलिखित मद और प्रविष्टियां रखी जाएंगी, अर्थात् :-

"5(च)	संश्लिष्ट कार्बनिक रसायन उद्योग (रंजक और रंजक मध्यक ; थोक ओषधि और ओषधि विनिमित्तियों को छोड़कर मध्यक ; संश्लिष्ट रबर मूल कार्बनिक रसायन और अन्य संश्लिष्ट कार्बनिक रसायन मध्यक)	स्तंभ (5) में यथापरिभाषित लघु इकाइयों के सिवाय अधिसूचित औद्योगिक क्षेत्र/संपदा के बाहर अवस्थित ।	(i) अधिसूचित औद्योगिक क्षेत्र/संपदा के बाहर अवस्थित । (ii) स्तंभ (5) में यथापरिभाषित लघु इकाइयां ।	साधारण और विनिर्दिष्ट शर्त लागू होगी लघु इकाइयां : < 25m ³ /दिन जल खपत, < 25टीपीडी ईंधन खपत के साथ और जो परिसंकटमय रसायन का प्रबंधन, भंडारण और आयात नियम, 1989 के अनुसार एमएएच इकाइयों के प्रवर्ग में नहीं आती हैं ।";
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(x) मद 5(छ) और उससे संबंधित प्रविष्टियों के स्थान पर निम्नलिखित मद और प्रविष्टियां रखी जाएंगी, अर्थात् :-

"5(छ)	आसवनी	(i) सभी शीरा आधारित आसवनी । (ii) गैर शीरा आधारित आसवनी $\geq$ 60 कि.ली.दैनिक	गैर शीरा आधारित आसवनी- < 60 कि.ली.दैनिक	साधारण शर्त लागू होगी ।";
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(xi) मद 5(झ) और उससे संबंधित प्रविष्टियों के स्थान पर निम्नलिखित मद और प्रविष्टियां रखी जाएंगी, अर्थात् :-

"5(झ)	लुग्दी और कागज उद्योग	लुग्दी विनिर्माण तथा अपशिष्ट कागज से विनिर्माण के सिवाय लुग्दी तथा कागज विनिर्माण उद्योग ।	अपशिष्ट कागज से लुग्दी विनिर्माण तथा अपशिष्ट कागज लुग्दी और अन्य तैयार लुग्दी से कागज विनिर्माण ।	साधारण शर्त लागू होगी टिप्पण : रंजन, विरंजन और रंगाई के बगैर अपशिष्ट कागज लुग्दी और तैयार लुग्दी से कागज विनिर्माण को छूट प्राप्त है ।";
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II. अनुसूची के पश्चात्, साधारण शर्त से संबंधित टिप्पण में निम्नलिखित साधारण शर्त रखी जाएगी, अर्थात् :-

"साधारण शर्त (सा.श.) :

प्रवर्ग 'ख' विनिर्दिष्ट किसी परियोजना या क्रियाकलाप का केन्द्रीय स्तर पर प्रवर्ग 'क' के रूप में मूल्यांकन किया जाएगा, यदि वह पूर्ण रूप से या आंशिक रूप से : (i) वन्य जीव संरक्षण

अधिनियम, 1972 (1972 का 53) के अधीन संरक्षित क्षेत्रों की ; (ii) जल (प्रदूषण निवारण तथा नियंत्रण) अधिनियम, 1974 (1974 का 6) के अधीन गठित केन्द्रीय प्रदूषण नियंत्रण बोर्ड द्वारा समय-समय पर पहचान किए गए गंभीर रूप से प्रदूषित क्षेत्रों की ; (iii) पर्यावरण (संरक्षण) अधिनियम, 1986 की धारा 3 की उप-धारा (2) के अधीन यथाअधिसूचित पारिस्थितिकी संवेदनशील क्षेत्रों की और (iv) अंतर राज्यिक सीमाओं और अंतराष्ट्रीय सीमाओं से पांच किलोमीटर की सीमाओं के भीतर अवस्थित है ;

परंतु 1(ग) में विनिर्दिष्ट नदी घाटी परियोजनाएं, मद 1(घ) में विनिर्दिष्ट तापीय विद्युत संयंत्र, मद 7(ग) विनिर्दिष्ट औद्योगिक संपदा/पार्क/क्षेत्र/निर्यात प्रसंस्करण जोन, विशेष आर्थिक जोन, जैव प्रौद्योगिकी पार्क, चमड़ा परिसर और मद 7(घ) में विनिर्दिष्ट सामान्य परिसंकटमय अपशिष्ट उपचार, भंडारण और निपटान सुविधाओं का मूल्यांकन केन्द्रीय स्तर पर किया जाएगा यदि वह 10 किलोमीटर के भीतर अवस्थित है ।

परंतु यह और कि उपरोक्त मद (i), मद (ii) और मद (iii) में वर्णित क्षेत्रों की, यथास्थिति, पांच किलोमीटर या दस किलोमीटर के भीतर कोई क्रियाकलाप न होने की दशा में अंतर राज्यिक सीमाओं की, यथास्थिति, पांच किलोमीटर या दस किलोमीटर की दूरी से संबंधित अपेक्षा को क्रमशः सामान्य सीमाओं वाले राज्यों या संघ राज्यक्षेत्रों की बीच करार द्वारा कम या पूर्ण रूप से समाप्त किया जा सकता है ।"

[फा. सं. जे- 11013/12/2013-आईए.II(1)(भाग)]

अजय त्यागी, संयुक्त सचिव

टिप्पण : मूल नियम भारत के राजपत्र असाधारण, भाग II, खंड 3, उपखंड (ii) में अधिसूचना सं. का.आ. 1533(अ), तारीख 14 सितंबर, 2006 द्वारा प्रकाशित किए गए थे और तत्पश्चात् का.आ. 1737(अ), तारीख 11 अक्टूबर, 2007, का.आ. 3067(अ), तारीख 1 दिसंबर, 2009, का.आ. 695(अ), तारीख 4 अप्रैल, 2011, का.आ. 2896 (अ), तारीख 13 दिसंबर, 2012, का.आ. 674(अ), तारीख 13 मार्च, 2013, का.आ. 2559(अ), तारीख 22 अगस्त, 2013, का.आ. 2731(अ), तारीख 9 सितंबर, 2013, का.आ. 562(अ), तारीख 26 फरवरी, 2014 और का.आ. 637(अ), तारीख 28 फरवरी, 2014 द्वारा संशोधित किए गए ।

NOTIFICATION

New Delhi, the 25th June, 2014

S.O. 1599(E).—In exercise of the powers conferred by Sub-section (1) and clause (v) of Sub-section (2) of Section 3 of the Environment (Protection) Act, 1986(29 of 1986) read with sub-rule(4) of rule 5 of the Environment (Protection) Rules, 1986, the Central Government hereby makes the following further amendments to the notification of the Government of India, in the Ministry of Environment and Forests number S.O.1533(E), dated the 14th September, 2006 after having dispensed with the requirement of notice under clause (a) of sub-rule (3) of rule 5 of the said rule, in public interest, namely:-

I. In the said notification, in the Schedule,-

- (i) for item 1(c) and the entries relating thereto, the following item and entries shall be substituted, namely:-

2589 GE/14-3

“1(c)	(i) River Valley projects	(i) ≥ 50 MW hydroelectric power generation;	(i) ≤ 50 MW ≥ 25 hydroelectric power generation;	General condition shall apply. Note:- Category ‘B’ river valley projects falling in more than one state shall be appraised at the central Government Level.”;
	(ii) Irrigation projects	(ii) $\geq 10,000$ ha. of culturable command area.	(ii) $< 10,000$ ha. > 2000 ha. of culturable command area.	

(ii) for item 1(d) and the entries relating thereto, the following item and entries shall be substituted, namely:-

“1(d)	Thermal Power Plants	≥ 500 MW (coal/lignite/naphta and gas based);	≥ 50 MW to < 500 MW (coal/lignite/ naphta and gas based);	General condition shall apply Note:- (i) Thermal Power plants up to 15 MW based on biomass or non hazardous municipal solid waste using auxiliary fuel such as coal, lignite/ petroleum products upto 15% are exempt. (ii) Thermal power plants using waste heat boilers without any auxiliary fuel are exempt.”;
		≥ 50 MW (all other fuels except biomass).	< 50 MW and ≥ 5 MW (all other fuels except biomass and municipal solid non hazardous waste).	
		≥ 20 MW (using municipal solid non hazardous waste, as fuel).	< 20 MW > 15 MW (using municipal solid non hazardous waste, as fuel). ≥ 15 MW plants based on biomass fuel.	

(iii) for item 2(b) and the entries relating thereto, the following item and entries shall be substituted, namely:-

“2 (b)	Mineral beneficiation	≥ 0.5 million TPA throughput	< 0.5 million TPA throughput	General condition shall apply (Mining proposal with mineral beneficiation shall be appraised together for grant of clearance).”;
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(iv) for Item 4(b) and the entries relating thereto, the following item and entries shall be substituted, namely:-

“4(b)	(i) Coke oven plants	$\geq 2,50,000$ tonnes/annum	$< 2,50,000$ and $\geq 25,000$ tonnes/annum	General condition shall apply.”;
	(ii) Coaltar processing units		All projects	

(v) in item 4(d), in column (3), for the entry, the following entry shall be substituted, namely:-

“ ≥ 300 TPD production capacity if a unit located outside the notified industrial area/ estate.”;

(vi) in item 4(f), in column (2), for the entry, the following entry shall be substituted, namely:-

“Skin/hide processing including tanning industry.”;

(vii) for item 5(a) and the entries relating thereto, the following item and entries shall be substituted, namely:-

"5(a)	Chemical fertilizers	All projects including all single super phosphate with H_2SO_4 production except granulation of chemical fertilizers.	All Single Super Phosphate without H_2SO_4 production and granulation of chemical fertilizers.	General condition shall apply. Granulation of single super phosphate powder is exempt.";
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(viii) in item 5(e):-

(a) in column (2), for the entry, the following entry shall be substituted, namely:-

"Petroleum products and petrochemical based processing such as production of carbon black and electrode grade graphite (processes other than cracking and reformation and not covered under the complexes).";

(b) in column (5), for the entry, the following entry shall be substituted, namely:-

"General as well as specific condition shall apply.

Note- Manufacturing of products from polymer granules is exempt.";

(ix) for item 5(f) and the entries relating thereto, the following item and entries shall be substituted, namely:-

"5(f)	Synthetic organic chemicals industry (dyes and dye intermediates; bulk drugs and intermediates excluding drug formulations; synthetic rubbers; basic organic chemicals, other synthetic organic chemicals and chemical intermediates)	Located outside the notified industrial area/ estate except small units as defined in column (5).	(i) Located in a notified industrial area/ estate. (ii) Small units as defined in column (5).	General as well as specific condition shall apply. Small units: with water consumption <25m ³ /day, fuel consumption <25TPD and not covered in the category of MAH units as per the Management, Storage and Import of Hazardous Chemical Rules, 1989.";
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(x) for item 5(g) and the entries relating thereto, the following item and entries shall be substituted, namely:-

"5(g)	Distilleries	(i) All Molasses based distilleries (ii) Non-molasses based distilleries ≥ 60 KLD	Non-molasses based distilleries - <60 KLD	General condition shall apply.";
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(xi) for item 5(i) and the entries relating thereto, the following item and entries shall be substituted, namely:-

"5(i)	Pulp and paper industry	Pulp manufacturing and Pulp and Paper manufacturing industry except from waste paper.	Pulp manufacturing from waste paper and paper manufacturing from waste paper pulp and other ready pulp.	General condition shall apply Note: Paper manufacturing from waste paper pulp and ready pulp without deinking, bleaching and colouring is exempt.";
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II. After the Schedule, in the Note relating to General Condition(GC), the following General Condition shall be substituted, namely:-

General Condition(GC):

Any project or activity specified in category 'B' will be appraised at the Central level as Category 'A', if located in whole or in part within 5 km. from the boundary of : (i) Protected areas notified under the Wildlife (Protection) Act, 1972 (53 of 1972); (ii) Critically polluted areas as identified by the Central Pollution Control Board constituted under the Water (Prevention and Control of Pollution) Act, 1974 (6 of 1974) from time to time; (iii) Eco-sensitive areas as notified under sub-section (2) of section 3 of the Environment (Protection) Act, 1986, and (iv) inter-State boundaries and international boundaries; provided that for River Valley Projects specified in item 1(c), Thermal Power Plants specified in item 1(d), Industrial estates/parks/complexes/areas, export processing zones (EPZs), Special Economic Zones (SEZs), biotech parks, leather complexes specified in item 7(c) and common hazardous waste treatment, storage and disposal facilities (TSDFs) specified in item 7(d), the appraisal shall be made at Central level even if located within 10km.

Provided further that the requirement regarding distance of 5 km or 10 km, as the case may be, of the inter-State boundaries can be reduced or completely done away with by an agreement between the respective States or the Union Territories sharing the common boundary in case the activity does not fall within 5km or 10 km, as the case may be of the areas mentioned at item (i), (ii) and (iii) above."

[F. No. J-11013/12/2013-IA-II (1) (part)]

AJAY TYAGI, Jt. Secy.

Note: The principal rules were published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (ii) vide notification number S.O. 1533(E), dated the 14th September, 2006 and amended vide S.O. 1737(E) dated the 11th October, 2007, S.O. 3067(E) dated the 1st December, 2009, S.O. 695(E) dated the 4th April, 2011, S.O. 2896(E) dated the 13th December, 2012, S.O. 674(E) dated the 13th March, 2013, S.O. 2559(E) dated the 22nd August, 2013, S.O. 2731(E) dated the 9th September, 2013, S.O. 562(E) dated the 26th February, 2014 and S.O. 637(E) dated the 28th February, 2014.

Item No.02

BEFORE THE NATIONAL GREEN TRIBUNAL
CENTRAL ZONE BENCH, BHOPAL
(Through Video Conferencing)

ORIGINAL APPLICATION NO.42/2025(CZ)
(I.A. No.56/2025, I.A. No.81/2025 & I.A. No.92/2025)

IN THE MATTER OF:

DHEERAJ TIWARI,
Hathkhoj, Housing Board Bhilai,
Tehsil – Charoda, Zilla – Durg,
Chhattisgarh,

Applicant(s)

Versus

1. MINISTRY OF ENVIRONMENT,
FOREST AND CLIMATE CHANGE,
Through the Secretary,
Paryavaran Bhawan, CGO Complex
Lodhi Road, New Delhi,

Respondent No. 01
2. STATE OF CHHATTISGARH,
Through its Chief Secretary, having
its office at Mahanadi Bhavan,
Mantralaya, Naya Raipur, C.G.
Accountant General, Chhattisgarh,

Respondent No. 02
3. CHHATTISGARH ENVIRONMENT
CONSERVATION BOARD,
Through the Regional Officer
5/32, Banglow, Bhilai, District – Durg
Chhattisgarh,

Respondent No. 03
4. CENTRAL POLLUTION CONTROL
BOARD,
Through its Member Secretary
Parivesh Bhawan, East Arjun Nagar,
Delhi,

Respondent No.04
5. STATE ENVIRONMENT IMPACT
ASSESSMENT AUTHORITY,
Through its Member Secretary, Having
its office at Paryavas Bhawan, North

Block, Sect-19, Nawa Raipur Atal Nagar,
Dist.- Raipur, Chhattisgarh,

Respondent No. 05

6. M/S TETHYS CHEM PRIVATE LIMITED,
Through its Authorized Representative
Plot No. 17/N, Heavy Industrial Area,
Hathkhoj, Bhilai, District – Durg,
Chhattisgarh,

Respondent No. 06

7. STATE LEVEL EXPERT APPRAISAL COMMITTEE, CHHATTISGARH
Through its Member Secretary, Having
its office at Paryavas Bhawan, North
Block, Sect-19, Nawa Raipur Atal Nagar,
Dist.- Raipur, Chhattisgarh,

Respondent No. 07

8. COLLECTOR AND DISTRICT MAGISTRATE, DURG,

Durg, Chhattisgarh,

Respondent No.08

COUNSELS FOR APPLICANT(S):

Mr. Prakash Upadhyay, Sr. Adv. With
Mr. Harpreet Singh Gupta, Adv.,
Ms. Nancy Chaturvedi, Adv.,
Mr. Srajan Jain, Adv.,
Mr. Yusuf Khan, Adv.

COUNSELS FOR RESPONDENT(S):

Mr. Abhinay Sharma, Adv.
Ms. Parul Khurana, Adv.
Ms. Kirti Vyas, Adv.
Mr. Om Shankar Shrivastava, Adv.
Mr. Aadil Choudhary, Adv.
Mr. Shariq Choudhary, Adv.
Mr. Kartikey Bhatia, Adv.
Mr. Himanshu Malik, Adv.
Mr. Tariq Siddqui, Adv.
Mr. Fahad Qureshi, Adv.

CORAM:

HON’BLE MR. JUSTICE SHEO KUMAR SINGH, JUDICIAL MEMBER
HON'BLE DR. A. SENTHIL VEL, EXPERT MEMBER

Date of completion of hearing and reserving of order : 24.07.2025

Date of uploading of order on website : 29.07.2025

JUDGMENT

1. This Application has been filed by the Applicant with the following prayers:-

“(a) Quash and set aside the Consent to Operate dated 23 August 2024 and/or any other consent to operate being issued to Respondent No. 6 during the pendency of the instant application;

(b) Directions be passed for the immediate closure of the Respondent No. 6’s Unit at Plot No. 17/N, Heavy Industrial Area, Hathkhoj, Bhilai, District – Durg, Chhattisgarh;

(c) Directions be passed for the stay of the operation of the Respondent No. 6’s Unit at Plot No. 17/N, Heavy Industrial Area, Hathkhoj, Bhilai, District – Durg, Chhattisgarh till disposal of this application;

(d) Directions be passed upon the Respondent No. 3 not to issue any consent to operate to the Respondent No. 6 till the pendency of this application;

(e) Direct the Respondent No. 5 and 7 to stay the grant of Environmental Clearance to the Respondent No. 6 till the disposal of this application;

(f) Injunction restraining the operation of the Unit of the Respondent No. 6 at Plot No. 17/N, Heavy Industrial Area, Hathkhoj, Bhilai, District – Durg, Chhattisgarh, till the Respondent No. 6 is granted the Environment Clearance as per the EIA 2006 dated 14th September 2006 as amended by the notification dated 25th June 2014;

(g) Order be passed staying the operation of the Consent to Operate dated 23 August 2024 and/or any further Consent to Operate of the said unit pending hearing and final disposal of the present application;

- (h) Order an independent enquiry and investigation into the affairs of the said Unit of the Respondent No. 6 located at Plot No. 17/N, Heavy Industrial Area, Hathkhaj, Bhilai, District – Durg, Chhattisgarh by appropriate investigating agencies;*
- (i) Direct the Respondents Nos. 1 to 5 and 7 to 8 to take immediate action against the Respondent No. 6;*
- (j) Exemplary penalty to be imposed on the Respondent No. 6 for deliberately suppressing material facts and for operating a unit without a valid Environmental Clearance;*
- (k) Order an inquiry into the operation of the consortium of companies associated to Respondent No. 6 for further investigation;*
- (l) Formulate a Standard Operating Procedure for the purchase of Coal Tar by Coal Tar Processing Units in a manner that Coal Tar cannot be purchased by Units not having Environmental Clearance;*
- (m) Formulate a Standard Operating Procedure for the purchase of Coal Tar Pitch in a manner that Coal Tar Pitch cannot be purchased from Units not having Environmental Clearance;*
- (n) Formulate a Standard Operating Procedure for the sale of Coal Tar and its derivatives by coal tar manufacturing units in a manner that Coal Tar and its derivatives cannot be sold to Units not having Environmental Clearance;*
- (o) Ad-interim orders in light of the prayers above;”*

2. At the time of admission, a question was raised by the Tribunal with regard to the maintainability of the application and the learned counsel for the Applicant sought a short time to file the law points and on the next date the learned counsel for the Respondent/Project Proponent put in appearance and challenged maintainability of the application.
3. Heard the learned counsel for the parties and perused the records.

4. By means of filing this application, the Applicant has challenged the Consent to Operate (CTO) dated 23.08.2024 issued by Chhattisgarh Environmental Conservation Board to the Respondent No.6 despite a default in obtaining any Environmental Clearance as mandated by the amendment dated 25.06.2014 to the Environment Impact Assessment Notification (EIA), 2006, despite the Unit of Respondent No.6 Coal Tar Distillation Unit within the meaning of Item 4(b)(ii) of the Notification. It is further alleged that the Respondent No.6 has been running the Unit to distil/process coal tar and to produce coal tar pitch with an alleged capacity of 36000 MT per annum without any Environmental Clearance and blatant disregard to the EIA Notification for the modernization/expansion of its Unit without obtaining any Environmental Clearance. It is further alleged that due to the pollution caused by the Unit in its vicinity arising out of the operation of the Respondent No.6, a substantial issue of environment has been raised.
5. On the basis of the above contentions raised by the learned counsel for the parties, following issues arose for determination:-
 - a. Whether the Applicant is not a person aggrieved or has no *locus standi* to present this application,
 - b. Issue of limitation and plural remedies,
 - c. More than two causes of action and several causes of action and forum hunting and maintainability of this application,
 - d. Abuse of process of Court/Tribunal and Malafide Intention,

- e. SEAC Report and its validity and allegation that there is no application of mind, and
 - f. Sustainable development,
6. The brief facts as narrated by the learned counsel for the Respondent/Project Proponent are that Respondent No. 6 Unit, proposed an expansion of its Coal Tar processing facility (From 36,000 MT to 65000 MT for Coal Tar Pitch and from 36,000 MT to 63,000 MT for Mixed Creosote Oils and Naphthalene) which is pending before, SEIAA, Chhattisgarh. The applicant was well aware of the operation of the unit since years, but chose to approach this Tribunal when the EC proceedings were underway. It is stated that, the SEAC and SEIAA CG, in their detailed deliberations, specifically recommended and granted ToR (Terms of Reference), citing the fact that, the existing unit was established in a notified industrial area before September 14, 2006, as per MoEF&CC Office Memorandum dated April 27, 2018, which exempts such projects within notified industrial estates/parks from public consultation if they were established prior to the 2006 Notification. This demonstrates that the authorities are following due process for expansion, contrary to the Applicant's claim of "blatant disregard" and "collusion". It is further stated that the Respondent No. 6 has duly complied with the conditions prescribed in CTO issued by the office of CECB, CG. A detailed inspection by a three member committee of compliance, has been duly carried out by CECB and its report is placed before SEAC, CG vide letter No 1056/2025 dated 28.04.2025 and found the unit in compliance. But, the

applicant having a dubious identity challenged the CTO issued by CECB in the year 2024. The rule of law barred such petition as per Section 15, 16 of the NGT Act 2010.

7. The Project Proponent has raised the issue that the answering Respondent cannot be questioned by the Applicant as he has no locus standi to file this application, since the Applicant is not resident of the area in which the Environmental Clearance has been granted. Since he reside away from the area, thus, no harm can be expected to be caused to the Applicant by issuance of Consent to Operate or Environmental Clearance for the for the production capacity.

A. Locus Standi:- Aggrieved person –

8. First issue as raised by the learned counsel for the Respondent is that the Applicant is not a person aggrieved or has no locus standi to institute the present application and he has relied on *Vimal Bhai Vs MoEF and Ors*, [Appeal No. 5 of 2011] on 14th December, 2011, dealt with the interpretation of section 16 and section 18 to explain the meaning of “person aggrieved” under the NGT Act and submitted that the person injured per-se as occurred in Section 18 (2) of the NGT Act is only for the purpose of claiming relief, compensation or settlement of disputes, is altogether different from the person aggrieved as available in Section 16. Person aggrieved and person injured are two different words which connote different meaning. Under Section 16, any person aggrieved can approach this Tribunal by way of filing an appeal, whereas, under Section 18 (2), the person injured per-se, whether it is an individual or a body

of individual or a social organization or a Hindu joint family, etc. Further, under Section 14 and 16 any person can approach this Tribunal for appropriate relief including the relief under Section 18. The only exception to be made for treating an appeal/application as not maintainable could be a matter which falls beyond the seven (7) Acts as notified in Schedule I of the NGT Act 2010 and in a case of mala-fide and vexatious litigation brought before this Tribunal and not otherwise.

9. In *M.C. Mehta Vs University Grants Commission & Ors.* on 17 July, 2014 (Original Application No.12 of 2014), this Tribunal has examined and explained intent of legislature and scope of Section 14,15 and 16 of the NGT Act, 2010. In the said decision, the Principal Bench spelt out that “jurisdiction under Section 16 of the Act is distinct from that of Ss.14 and 15” and held:-

*“12. This Tribunal is vested with three different jurisdictions. Firstly, it has the original jurisdiction in terms of Section 14 of the 10 NGT Act to deal with all civil cases raising a substantial question relating to environment and where such questions arise out of the implementation of the enactments specified in Schedule I of the NGT Act. Secondly, it is vested with appellate jurisdiction against the various orders / directions / decisions as stated in Section 16 (a) to (j) of the NGT Act. Thirdly it has a special jurisdiction in terms of Section 15 to grant relief of compensation and restitution as per the scheme contemplated under that provision. Admittedly, the present application has been filed under Section 14 of the NGT Act. Thus, it must plead and raise the following:
It should be a civil case.*

Where a substantial question relating to environment or enforcement of any legal right relating to environment is involved.

Such question arises out of implementation of enactment specified in Schedule I of the NGT Act.

13. Once these three ingredients are satisfied, then Section 14 does not appear to place any restriction on the locus or character of the Applicant who wishes to move an application under Section 14 of the Act. Similarly, Section 15 also does not describe the description of an Applicant who can move the Tribunal for seeking reliefs like compensation, restitution of the property and the environment. In contradistinction thereto, Section 16 restricts the Applicant entitled to file an Appeal to be 'any person aggrieved'. In other words, it is only a person aggrieved who can invoke the jurisdiction of the Tribunal under Section 16 and not any Applicant. Section 18 deals with the procedure which has to be followed by an applicant or applicants, who prefers to file an application or appeal before the Tribunal. It deals with all the three jurisdictions specified under Section 14, 15 and 16 of the NGT Act. However, Section 18 (2) of the NGT Act provides the details in regard to locus and character of an Applicant who is entitled to move the Tribunal by filing an Application for grant of relief or compensation or settlement of dispute. Section 18(2) has been worded by the legislature with wide amplitude besides covering any person aggrieved and the legal representatives of the various categories. In terms of Section 16, it includes various other persons as described under clauses (a) to (d) And (f) of sub-Section 2 of Section 18. The locus and character of an applicant specified under these provisions has to receive liberal construction and would cover variety of applicants. As far as Section 14 (1) of the NGT Act is concerned, the only restriction that appears to be imposed is that it must satisfy the prerequisites stated in that Section."

10. Only a person who has suffered, or suffers from legal injury can challenge the act/action/order etc. in a court of law. A petition is

maintainable either for the purpose of enforcing a statutory or legal right, or when there is a complaint by the Applicant that there has been a breach of statutory duty on the part of the Authorities. Therefore, there must be a judicially enforceable right available for enforcement, on the basis of which jurisdiction is resorted to. The Court can of course, enforce the performance of a statutory duty by a public body, using its writ jurisdiction at the behest of a person, provided that such person satisfies the Court that he has a legal right to insist on such performance. The existence of such right is a condition precedent for invoking the writ jurisdiction of the courts. It is implicit in the exercise of such extraordinary jurisdiction that, the relief prayed for must be one to enforce a legal right. In-fact, the existence of such right, is the foundation of the exercise of the said jurisdiction by the Court. The legal right that can be enforced must ordinarily be the right of the Applicant himself, who complains of infraction of such right and approaches the Court for relief as regards the same. (Vide: *State of Orissa v. Madan Gopal Rungta* MANU / SC / 0012 /1951MANU/SC /0012/1951: AIR 1952 SC 12; *Saghir Ahmad and Anr. v. State of U.P.* MANU/SC/0110/1954 MANU/SC/0110/1954: AIR 1954 SC 728; *Calcutta Gas Co. (Proprietary) Ltd. v. State of West Bengal and Ors.* MANU/ SC / 0063 /1962 MANU/SC/0063/1962: AIR 1962 SC 1044; *Rajendra Singh v. State of Madhya Pradesh* MANU/SC/0690/1996 MANU /SC/0690/1996: AIR 1996 SC 736; and *Tamilnadu Mercantile Bank Shareholders Welfare Association*

- (2) v. S.C. Sekar and Ors. MANU/SC/8375/2008 MANU/SC/8375/2008 : (2009) 2 SCC 784).
11. In *Anand Sharadchandra Oka v. University of Mumbai* MANU/SC/7106/2008MANU/SC/7106/2008 : AIR 2008 SC 1289, a similar view was taken by Court, observing that, if a person claiming relief is not eligible as per requirement, then he cannot be said to be a person aggrieved regarding the election or the selection of other persons.
12. In *A. Subhash Babu v. State of A.P.* MANU/S C /0845/2011 MANU/SC/0845/2011 : AIR 2011 SC 3031, the Court held:-
- “The expression 'aggrieved person' denotes an elastic and an elusive concept. It cannot be confined within the bounds of a rigid, exact and comprehensive definition. Its scope and meaning depends on diverse, variable factors such as the content and intent of the statute of which contravention is alleged, the specific circumstances of the case, the nature and extent of complainant's interest and the nature and the extent of the prejudice or injury suffered by the complainant.”*
13. Hon'ble Court, even as regards the filing of a habeas corpus petition, has explained that the expression, 'next friend' means a person who is not a total stranger. Such a petition cannot be filed by one who is a complete stranger to the person who is in alleged illegal custody. (Vide: *Charanjit Lal Chowdhury v. The Union of India and Ors.* MANU/SC/0009/1950MANU/SC/0009/1950 : AIR 1951 SC 41; *Sunil Batra (II) v. Delhi Administration* MANU/SC/0184/1978MANU/SC/0184/1978 : AIR 1980 SC 1579; *Mrs. Neelima Priyadarshini v. State of Bihar* MANU/SC/0253/1987MANU/SC/0253/1987 : AIR 1987 SC 2021;

Simranjit Singh Mann v. Union of India MANU/SC/0058/1993MANU /SC/ 0058/1993 : AIR 1993 SC 280; Karamjeet Singh v. Union of India MANU/SC/0059/1993MANU/SC/0059/1993 : AIR 1993 SC 284; and Kishore Samrite v. State of U.P. and Ors. MANU/SC/0892/2012MANU/SC/0892/2012 : JT (2012) 10 SC 393).

14. The Hon'ble Court has consistently cautioned the courts against entertaining public interest litigation filed by unscrupulous persons, as such meddlers do not hesitate to abuse the process of the court. The right of effective access to justice, which has emerged with the new social rights regime, must be used to serve basic human rights, which purport to guarantee legal rights and, therefore, a workable remedy within the framework of the judicial system must be provided. Whenever any public interest is invoked, the court must examine the case to ensure that there is in fact, genuine public interest involved. The court must maintain strict vigilance to ensure that there is no abuse of the process of court and that, "ordinarily meddlesome bystanders are not granted a Visa". Many societal pollutants create new problems of non-redressed grievances, and the court should make an earnest endeavour to take up those cases, where the subjective purpose of the lis justifies the need for it. (Vide: P. S. R. Sadhanantham versus Arunachalam and another MANU/ SC /0083 /1980 MANU/SC/0083/1980 : AIR 1980 SC 856; Dalip Singh versus State of U.P. and others. MANU/SC/1886/2009MANU/SC/1886/2009: (2010) 2 SCC 114; State of

Uttaranchal versus Balwant Singh Chaufal and others
 MANU/SC/0050/2010MANU/SC/0050/2010 : (2010) 3 SCC 402;
 and Amar Singh versus Union of India another
 MANU/SC/0596/2011MANU /SC /0596 /2011 : (2011) 7 SCC

15. Even as regards the filing of a Public Interest Litigation, Court has consistently held that such a course of action is not permissible so far as service matters are concerned. (Vide: *Dr. Duryodhan Sahu and Ors. v. Jitendra Kumar Mishra and Ors.* MANU/SC/0541/1998MANU/SC/0541/1998 : AIR 1999 SC 114; *Dattaraj Natthuji Thaware v. State of Maharashtra* MANU/SC/1060/2004 MANU/SC/1060/2004 : AIR 2005 SC 540; and *Neetu v. State of Punjab and Ors.* MANU/SC/7008 /2007MANU/SC/7008/2007 : AIR 2007 SC 758).
16. In *Ghulam Qadir v. Special Tribunal and Ors.* MANU/SC/0608/2001MANU/SC/0608/2001 : (2002) 1 SCC 33, Court considered a similar issue and observed as under:-

“There is no dispute regarding the legal proposition that the rights under Article 226 of the Constitution of India can be enforced only by an aggrieved person except in the case where the writ prayed for is for habeas corpus or quo warranto. Another exception in the general rule is the filing of a writ petition in public interest. The existence of the legal right of the Petitioner which is alleged to have been violated is the foundation for invoking the jurisdiction of the High Court under the aforesaid article. The orthodox rule of interpretation regarding the locus standi of a person to reach the Court has undergone a sea change with the development of constitutional law in our country and the constitutional Courts have been

adopting a liberal approach in dealing with the cases or dislodging the claim of a litigant merely on hyper-technical grounds. ---In other words, if the person is found to be not merely a stranger having no right whatsoever to any post or property, he cannot be non-suited on the ground of his not having the locus standi.”

17. The Hon'ble Supreme Court in *Ravi Yashwant Bhoir v. District Collector, Raigad and Ors.* MANU/SC/0186/2012MANU/SC/0186/2012 : (2012) 4 SCC 407, held as under:-

“Shri Chintaman Raghunath Gharat, ex-President was the complainant, thus, at the most, he could lead evidence as a witness. He could not claim the status of an adversarial litigant. The complainant cannot be the party to the lis. A legal right is an averment of entitlement arising out of law. In fact, it is a benefit conferred upon a person by the rule of law. Thus, a person who suffers from legal injury can only challenge the act or omission.

There may be some harm or loss that may not be wrongful in the eye of the law because it may not result in injury to a legal right or legally protected interest of the complainant but juridically harm of this description is called damnum sine injuria.

The complainant has to establish that he has been deprived of or denied of a legal right and he has sustained injury to any legally protected interest. In case he has no legal peg for a justiciable claim to hang on, he cannot be heard as a party in a lis. A fanciful or sentimental grievance may not be sufficient to confer a locus standi to sue upon the individual. There must be injuria or a legal grievance which can be appreciated and not a stat pro ratione voluntas reasons i.e. a claim devoid of reasons. Under the garb of being a necessary party, a person cannot be permitted to make a case as that of general public interest. A person having a remote interest cannot be permitted to become a party in the lis, as the person who wants to become a party in a case, has to establish that he has a proprietary right which

has been or is threatened to be violated, for the reason that a legal injury creates a remedial right in the injured person. A person cannot be heard as a party unless he answers the description of aggrieved party.”

18. A similar view has been re-iterated by Court in *K. Manjusree v. State of Andhra Pradesh and Anr.* MANU/SC/ 0925 /2008MANU/SC/0925/2008 : (2008) 3 SCC 512, wherein it was held that, the applicant before the High Court could not challenge the appointment of a person as she was in no way aggrieved, for she herself could not have been selected by adopting either method. Moreover, the appointment cannot be challenged at a belated stage and, hence, the petition should have been rejected by the High Court, on the grounds of delay and non- maintainability, alone.
19. In *Balbir Kaur and Anr. v. Uttar Pradesh Secondary Education Services Selection Board, Allahabad and Ors.* MANU/SC/7743/2008 MANU/SC/7743/2008 : (2008) 12 SCC 1, it has been held that a violation of the equality clauses, enshrined in Articles 14 and 16 of the Constitution, or discrimination in any form, can be alleged, provided that, the writ Petitioner demonstrates a certain appreciable disadvantage qua other similarly situated persons.
20. While dealing with the similar issue, The Court in *Raju Ramsingh Vasave v. Mahesh Deorao Bhiavapurkar and Ors.* MANU/SC/3754/2008MANU /SC / 3754/2008 : (2008) 9 SCC 54 held:-

“There may be some harm or loss that may not be wrongful in the eye of the law because it may not result in injury to a legal right or legally protected interest of the complainant but juridically harm of this description is called damnum sine injuria.

“We must now deal with the question of locus standi. A special leave petition ordinarily would not have been entertained at the instance of the Applicant. Validity of appointment or otherwise on the basis of a caste certificate granted by a committee is ordinarily a matter between the employer and the employee. This Court, however, when a question is raised, can take cognizance of a matter of such grave importance suo motu. It may not treat the special leave petition as a public interest litigation, but, as a public law litigation. It is, in a proceeding of that nature, permissible for the court to make a detailed enquiry with regard to the broader aspects of the matter although it was initiated at the instance of a person having a private interest. A deeper scrutiny can be made so as to enable the court to find out as to whether a party to a lis is guilty of commission of fraud on the Constitution. If such an enquiry subserves the greater public interest and has a far-reaching effect on the society, in our opinion, this Court will not shirk its responsibilities from doing so.” (also: Manohar Joshi v. State of Maharashtra and Ors.(2012)3SCC619)”

21. In *Vinoy Kumar v. State of U.P.* MANU/SC/ 0252 / 2001

MANU/SC/0252/2001 : AIR 2001 SC 1739, Court held:-

“Even in cases filed in public interest, the court can exercise the writ jurisdiction at the instance of a third party only when it is shown that the legal wrong or legal injury or illegal burden is threatened and such person or determined class of person is by reason of poverty, helplessness or disability or socially or economically disadvantaged position, unable to approach the court for relief.”

22. The submissions of the learned counsel for the Applicant are that the Unit is operated without CTO or without EC in violation of environmental rules.
23. In response to the above contentions, the learned counsel for the Applicant has relied on MANU/GT/0104/2016: (*Sameer Mehta Vs. Union of India & Ors.*) and *Vimal Bhai Vs. MoEF&CC & Ors.* (quoted above). In response to the contention raised by the Respondent/Project Proponent that the Applicant has no locus standi, the Applicant had submitted that:

“4. The legislative intent of the legislature in keeping the issue of locus standi before this Hon'ble Tribunal can also be seen from the 186th Law Commission Report -on 'proposal to constitute Environmental Courts' whereby it was proposed to constitute Green Tribunals. On the issue of locus standi the report advocates for a wide locus standi and clearly says that:-

" . Locus Standi: So far as locus standi before the proposed

Court in original petitions is concerned, it must be wide as it is today before the High Court/Supreme Court in writ jurisdiction in environment matters. This is the position in Austria and New Zealand also, any person or organization who or which is interested in the subject public matter or in interest must be able to approach the Court.”

5. That in Vimal Bhai u Ministry of Environment and Forests (2lll) SCC Online NGT 16, giving a wide interpretation it was held by this Hon'ble Tribunal that "Once the mandate is of every citizen, any person can approach this Tribunal complaining environmental threat in the activities of the State or any organization or individual." The complete paragraph of the Judgment is reproduced as follows:-

"A reading of Section z(j)(i) to (viii) would reveal that any individual, Hindu undivided family, Company, Firm, an

association of persons or a body of individuals whether incorporated or not, trustees of a trust a local authority and every artificial juridical person not falling within any of the preceding sub-clauses, would indicate "person" who can maintain an application/appeal under the NGT Act. But, it is

the argument of the learned counsel of the Respondent that even the above defined person shall be a person either aggrieved or injured directly or indirectly and not otherwise. Then the question arises whether in the environmental matters, a person who is really aggrieved/injured shall alone be permitted to approach this Tribunal. A combined reading of the above sections, would indicate that any person whether he is a resident of that particular area or not whether he is aggrieved and/or injured or not, can approach this Tribunal, In such situations, it is of course necessary to scan and find out the credentials of the applicant/appellant as to their true intentions and motives. No doubt that in the present case though the applicants have participated in the EC proceedings and they have not challenged the same. However, that does not mean that they cannot challenge the FC proceedings on any available legal grounds (However, it is to be noted that in the guise of challenging the FC, the applicants cannot be permitted to raise the grounds which might be raised, had the EC was challenged). applicants apprehend a great danger and disaster to the environment and ecology, if the project is not properly envisaged and does not satisfy the principles of sustainable development and precautionary principles as is mandated under Section 20 of the NGT Act. In the matters of environmental cases, any individual or persons and body of individuals can agitate as to the correctness of the study of environment and ecology made by the granting authority. Further, nothing substantial has been demonstrated to doubt the credential of the applicants except saying that they (applicants) are not aggrieved and/or injured person (s) under the Ad and they are a busy body and their motives are ulterior. The

person injured per-se as occurred in Section 18 (2) of the NGT Act is only for the purpose of claiming relief, compensation or settlement of disputes, is altogether different from the person

aggrieved as available in Section 16. Person aggrieved and person injured are two different words which connote different meaning. Under Section 16 any person aggrieved can approach this Tribunal by way of filing an appeal. Whereas, under Section 18 (2) the person injured per-se, whether it is an individual or a body of individual or a social organization or a Hindu joint family etc. Further under Section 14 and 16 any person can approach this Tribunal for appropriate relief including the relief under Section 18”.

From the above it is clear that the State shall endeavour and safeguard the environment and wild life and it is the fundamental duty of the citizen to improve the natural environment including forests, lakes, rivers, and wildlife and also to have compassion for living creatures. Once, the protection and improving the natural environment is the fundamental duty of a citizen, any person can approach this Tribunal and agitate his grievance as to protection and improvement of the natural environment. The statutory provisions are subservient to the constitutional mandates. The person as defined or person aggrieved as occurs in Section 2(j) 16 and 18 (2) of the NGT Act cannot be placed above "every citizen" as appears in Article 51(A) of the Constitution of India, Once the mandate is of every citizen, any person can approach this Tribunal complaining environmental threat in the activities of the State or any organization or individual. Therefore, we are of the view that the applicants are interested persons in the environment and ecology of the area, though they are not directly affected/injured at this point of time, But, they can be definitely called aggrieved persons since they apprehend some danger, if the project is launched without taking proper precautions. The person aggrieved in environmental matters must be given a liberal construction

and needs to be flexible. Therefore, we are of the considered opinion that persons like the applicants are also entitled to approach this Tribunal and the appeal is maintainable,"

6. *That in Save Mon Region Federation vs. Union of India and OE, (M.A. NO. 704 OF 2072 in Appeal No. 39 OF 2012) it has been held that:- "18. Law gives a right to 'any person' who is aggrieved by an order to prefer an appeal. The term 'any person' has to be widely construed. It is to include all legal entities so as to enable them to prefer an appeal, even if such an entity does not have any direct or indirect interest in a given project. The expression 'aggrieved again, has to be construed liberally, The framers of law intended to give the right to any person aggrieved, to prefer an appeal without any limitation as regards his locus or interest,"*

7. *The National Green Tribunal in Krishan Kant Singh vs. M/s Triveni Engg. Industries Ltd, [O.A NO.31 7/2014] held that:*

"Under the provisions of the NGT Act any aggrieved person can approach the Tribunal for redressal of his grievances in relation to environment within the ambit and scope of Sections 14, 16 and 18 of the NGT Ad. The legislative object appears to be to catalyse the access to environmental justice, which need not be circumscribed by strict rule of locus standi in legal prescriptions."

8. *Therefore, while consideration of the above-stated judgments, it is very clear that in order to maintain the Appeal direct legal injury is not required and therefore, the applicants has the requisite locus standi in this case.*

9. *Further, in the case of Samata & Ann v. MoeF & Ors., 2076 SCC Online NGT 479 this Tribunal had held that:-*

"Both under Section 11 of the NEAA Ad, 1997 and Section 18 of the NGT Act, 2010 any person aggrieved by the grant of EC as shown above can maintain an appeal. The "aggrieved person" as contemplated in the Ad came up for interpretation before the Tribunal in a number of cases. An aggrieved person contemplated in the above provisions

would refer to the substantial grievance as to denial of some personal, pecuniary or property right or imposing an obligation on a person. The grievance so ventilated should not be either fanciful or sentimental, but must be substantial. A person calling himself as an 'aggrieved' must have suffered a legal grievance that he has been wrongfully deprived of something or refused wrongfully. The aggrieved person can either be aggrieved either directly or indirectly. In so far as the environmental matters are concerned it cannot be stated that the person really aggrieved should alone be permitted to initiate an action. It is not necessary that the person, who initiates action, is a resident of that particular area wherein the proposed industrial site is located. It is true that the applicants have not participated in the proceedings of the public hearing. It is true that it is necessary to scan the credentials of the applicants as to their intention and motive. Even assuming that the applicants have not participated in the proceedings of the public hearing, to they would not lose their right challenge the approval or the EC. If the applicants come forward with a case apprehending damage and danger to environment and ecology if the project in question was not properly not satisfy the Principles of Sustainable Development and Precautionary Principles, they can maintain the appeal and be allowed to agitate as to the correctness of the study made in respect of ecology and environment."

10. The issue of locus standi was also raised before this Tribunal in the case of Samir Mehta n Union of India & Ors., 2016 SCC online NGT 479 before the PRINCIPAL BENCH of this Tribunal wherein after going through a plethora of cases discussing the issue this Hon'ble Tribunal held that:-

"From the above judgment it is clear that locus standi of an Applicant cannot be given a strict connotation under the environmental laws of our country. 'Environment, is not a subject which is person oriented but is society centric. The impact of environment is normally felt by a larger section

of society. Whenever environment is diluted or eroded the results are not person specific. If we were to adopt the reasoning given by the Respondents then it would lead to undesirable results. The provisions of a statute must be examined in light of the scheme of the Act and the scheme of both enactments afore referred do not permit recourse to such narrower interpretation."

11. That in *Hanuman Laxman Aroskar vs, Union of India, (2019) 15 SCC 401*, it has been held that:-

"164. Before we part with the present case, we consider it appropriate to record a finding on the bona fides of the applicants before this Court. It was briefly urged by the respondents that the applicants have invoked the jurisdiction of this Court based on a personal agenda and consequently, the present appeal is liable to be dismissed. This argument cannot be accepted. We accept the submission of Ms Shenoy, Learned counsel appearing on behalf of the applicants, that the non-consideration of vital issues by EAC has led to the invocation of the statutory remedy available to them under Section 22 of the NGT Act, 2010. Vague aspersions on the intention of public-spirited individuals does not constitute an adequate response to those interested in the protection of the environment. If a court comes to the finding that the appeal before it was lacking bona fides, it may issue directions which it thinks appropriate in that case. In cases concerning environmental governance, it is a duty of courts to assess the case on its merits based on the materials present before it. Matters concerning environmental governance concern not just the living, but generations to come. The protection of the environment, as an essential facet of human development, ensures sustainable development for today and tomorrow."

24. The learned counsel for the Applicant has further relied on (2022)

13 SCC 401: 2021 SCC OnLine SC 897 (*Municipal Corporation of*

Greater Mumbai Vs. Ankita Sinha & Ors.), where public interest and environmental matters have been highlighted giving approach to the National Green Tribunal for taking cognizance in the cases where there is danger to environmental rules.

25. In view of the above, we are of the view that since a forum is required to be heard where the environmental issues have been raised, thus strict formula of 'person aggrieved' or *locus standi* is not strictly applicable and as per philosophy as discussed above, the environmental matter can be heard before the Tribunal. Issue as raised is decided accordingly.

B. Issue of Limitation, plural remedies/more than two causes of action:-

26. The Applicant's central contention is that, Respondent No. 6 Unit is operating a "Coal-Tar distillation unit" without the mandatory Environmental Clearance (EC) required by the amendment dated June 25th, 2014, to the Environmental Impact Assessment (EIA) Notification, 2006. Respondent No.6 was incorporated in 2001, and the Madhya Pradesh Pollution Control Board granted a No-Objection Certificate ("NOC") in July 2001 for its operations. It is stated that the Unit was established by CSIDC on January 11, 2001, in the Heavy Industrial Area, Hathkhoj, Bhilai, which was notified as an industrial area before 2000. This demonstrates that the unit was established and commenced operations well before the EIA Notification, 2006, which was issued on September 14, 2006. It is further stated that the Respondent/CECB has clarified

vide letter No. 1835/RO/TS/CECB/20204 dated 18.06.2024 as amendment for production capacity of Refined Napthalene Balls, Light Oil, Heavy Creosote Oil, Super Creosote Fuel, Coal Tar, Black Paint, Organic Chemical for 36,000 Metric Tonnes Per Year, Coal Tar Pitch (Molten/Granulated) – and 36,000 Metric Tonnes Per Year. Carbozol, Phynole Oil, Wash Oil, Carbon Black Oil - 12,000 Metric Tonnes Per Year. It is stated that the State Expert Appraisal Committee, Chhattisgarh (Respondent No. 7) and the State Environment Impact Assessment Authority (Respondent No. 5) have acknowledged and accepted this fact. In their 549th meeting on November 6, 2024 and 184th meeting on November 20, 2024 respectively, while discussing Respondent No.6 proposal, they noted that National Green Tribunal (NGT) order dated April 1, 2014 (O.A. No. 173/2013), specifically directed that “those units, which have been established before the EIA Notification, 2006 are not required to obtain EC even if we decide that Tar Manufacturing requires EC. It is also stated that the Tribunal should be very cautious in entertaining petitions which are fictitious and filed with a malafide intention. It is worthwhile to note at this stage that when the Respondent No. 6 applied for the Enhancement of Capacity of Coal Tar Production, in order to create hindrance in the process of Environmental Clearance (EC) and to delay the matter the Respondent’s competitors through the present Applicant chose to file the instant O.A. It is pertinent to mention here that the Respondent has already proceeded for grant of EC for which the competent authority SEIAA has issued Standard Terms of

Reference (ToR) without public hearing of Category 4(b)(ii) mentioned in EIA Notification 2006, and accepted the proposal for further appraisal in its 184th minutes of meeting.

27. The submission of the learned counsel of the Applicant is that the Unit is being operated without Consent to Operate or without Environmental Clearance in violation of environmental rules.
28. The submissions of the learned counsel for the Respondent are that the Project Proponent has valid Consent conditions and the copy of the has been filed as Annexure-G which is extracted below:-

**“REGIONAL OFFICE
C.G. Environment Conservation Board
5/32 Banglow, Bhilai, District-Durg (CG)**

No.3480/RO/TS/CECB/2024

Bhilai,Dated:23.08.2024

To,

**M/s Tethys Chem Pvt. Ltd.
Director-Shri Govind Mandal
Plot No.17/N, Heavy Industrial Area, Hathkhoj, Bhilai
District - Durg (C.G.)**

Sub: - Renewal of the consent of the Board under section 25/26 of the Water (Prevention and Control of Pollution) Act, 1974 and under section 21 of the Air (Prevention and Control of Pollution) Act, 1981.

Ref: - 1. Consent of the Board issued under section 25/26 of the Water (Prevention and Control of Pollution) Act, 1974 and under section 21 of the Air (Prevention and Control of Pollution) Act, 1981 vide letter no. 935 Bhilai, dated: 22/07/2020.

2. Letter issued to industry vide letter no. 1771 dated 03/06/2024.

3. Amendment in consent of the Board under section 25/26 of the Water (Prevention and Control of Pollution) Act, 1974 and under section 21 of the Air (Prevention and Control of Pollution) Act, 1981 issued vide letter no. 1835 dated 18/06/2024.

4. Your online application no. 16470726 dated: 02/08/2024.

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With reference to your above application consent is hereby renewed for the period from the date 18/12/2024 to 17/06/2029

subject to the fulfillment of the terms and conditions incorporated in the schedule of the consent letter No. 935/RO/CECB/2020 Bhilai Dated 22/07/2020 and amendment letter No. 1835/RO/CECB/2020 Bhilai Dated 18/06/2024 issued to you by this office and additional conditions mentioned below:-

This renewal is valid for the following products and production capacity.

Name of Product	Production Capacity
<i>Refined Napthalene Balls, Light Oil, Heavy Creosote Oil, Super Creosote Fuel, Coal Tar, Black Paint, Organic Chemical</i>	<i>36,000 Metric Tonnes Per Annum (Thirty six thousand metric tonnes per annum)</i>
<i>Coal Tar Pitch (Molten/ Granulated)</i>	<i>36,000 Metric Tonnes Per Year Thirty six thousand metric tonnes per annum)</i>
<i>Carbozol, Phynole Oil, Wash Oil, Carbon Black Oil</i>	<i>12,000 Metric Tonnes Per Year (Twelve thousand metric tonnes per annum)</i>

Additional Conditions:

A. Water (Prevention and Control of Pollution) Act, 1974

1. Industry shall operate and maintain the existing effluent treatment system effectively and regularly. Industry shall ensure the treated effluent quality within the standards prescribed by Board published in Gazette Notification dated 25.03.88. All the effluent treatment system shall be kept in good running condition all the time and failure (if any), shall be immediately rectified without delay otherwise, similar alternate arrangement shall be made. In the event of any failure of any pollution control system adopted by the industry, the respective production unit shall not be restarted until the control measures are rectified to achieve the desired efficiency. Industry shall not discharge any treated/untreated effluent in to the river or any

surface water bodies or on land. Industry shall re-circulate all the treated effluent back in the process. No effluent shall be discharged outside of the factory premises in any circumstances; hence zero discharge conditions shall be maintained all the time

2. Good housekeeping practices shall be adopted by the industry.

3. Wide green belt of broad leaf local species shall be developed in at least 33% of the project area. As far as possible maximum area of open spaces shall be utilized for plantation purposes.

4. The Industry shall adopt Rain Water Harvesting system for the conservation of ground.

5. Effective steps shall be taken for safe and scientific handling, storage, transportation and disposal of solid wastes.

6. All raw materials/finished products shall be stored above ground level with pucca platform in covered area.

7. This renewal of consent is being issued under the "Scheme of Auto-Renewal of Consent" of the Board issued vide office order no. 5937 dated 29/01/2018 as per self certificate submitted by authorized signatory Shri Govind Mandal (Director) of M/s Tethys Chem Pvt. Ltd., Plot No. 17/N, Heavy Industrial Area, Hathkhoj, Bhilai, District-Durg (C.G.).

8. In case, if the capital investment is increased by such amount that the total investment exceeds the range for which renewal fees has been paid, the industry shall have to pay the difference amount of renewal fees for the corresponding block years.

9. In case, the prescribed fee payable is amended in future, the industry shall be liable to pay the difference amount for corresponding block years.

10. Chhattisgarh Environment Conservation Board reserves the rights to revoke the Consent at any time for any violation/non-compliance. Please acknowledge the receipt of this letter.

B. Air (Prevention and Control of Pollution) Act, 1981

1. Industry shall operate and maintain the existing air pollution control systems regularly to ensure the particulate matter emission from any point source below 50 mg/Nm³ all the time, failing which, this renewal may be cancelled. Effective steps

shall be taken to control fugitive emission inside the factory premises. Industry shall also maintain the ambient air quality within the factory premises within prescribed limits. All the air pollution control system shall be kept in good running condition all the time and failure (if any), shall be immediately rectified without delay otherwise, similar alternate arrangement shall be made. In the event of any failure of any pollution control system adopted by the industry, the respective production unit shall not be restarted until the control measures are rectified to achieve the desired efficiency. Chhattisgarh Environment Conservation Board may further stipulate stringent particulate matter emission limit depending upon environmental conditions.

2. Reduction in fugitive emissions due to transportation (which contribute the air pollutants such as suspended particulate matter in ambient air in the nearby residential, rural and other areas) of raw material and finished products shall be done in the existing transport system by adopting appropriate measures and infrastructure development.

3. Industry shall ensure use of properly covered vehicles for the transportation of raw materials, wastes etc. so as to avoid environmental hazards in the surroundings.

4. Good housekeeping practices shall be adopted by the industry.

5. Industry shall use fly ash brick, fly ash block and fly ash based products in their construction/repairing activities.

6. Wide green belt of broad leaf local species shall be developed in at least 33% of the project area. As far as possible maximum area of open spaces shall be utilized for plantation purposes.

7. The Industry shall adopt Rain Water Harvesting system for the conservation of ground.

8. This renewal of consent is being issued under the "Scheme of Auto-Renewal of Consent" of the Board issued vide office order no. 5937 dated 29/01/2018 as per self certificate submitted by authorized signatory Shri Govind Mandal (Director) of M/s Tethys Chem Pvt. Ltd., Plot No. 17/N, Heavy Industrial Area, Hathkhaj, Bhilai, District-Durg (C.G.).

9. Chhattisgarh Environment Conservation Board reserves the rights to revoke the Consent at any time for any violation/non-compliance.

Please keep this letter with original consent and amendment letters and acknowledge the receipt of this letter.”

And further some conditions have been imposed with the Consent conditions.

29. The submissions of the learned counsel for the Applicant are that this application is maintainable because it is against the environmental laws but the submissions of the learned counsel for the Respondents are that there are procedure to file the application and appeal and if the Applicant has to challenge any order then the procedure for challenging is contained in Section 28, 29 and 33B of the Water Act (Prevention and Control of Pollution) Act, 1974. The relevant provisions are quoted below:-

“28. Appeals. (1) *Any person aggrieved by an order made by the State Board under section 25, section 26 or section 27 may, within thirty days from the date on which the order is communicated to him, prefer an appeal to such authority (hereinafter referred to as the appellate authority) as the State Government may think fit to constitute:*

Provided that the appellate authority may entertain the appeal after the expiry of the said period of thirty days if such authority is satisfied that the appellant was prevented by sufficient cause from filing the appeal in time.

(2) An appellate authority shall consist of a single person or three persons, as the State Government may think fit, to be appointed by that Government.

(3) The form and manner in which an appeal may be preferred under sub-section (1), the fees payable for such appeal and the

procedure to be followed by the appellate authority shall be such as may be prescribed.

(4) On receipt of an appeal preferred under sub-section (1), the appellate authority shall, after giving the appellant and the State Board an opportunity of being heard, dispose of the appeal as expeditiously as possible.

(5) If the appellate authority determines that any condition imposed, or the variation of any condition, as the case may be, was unreasonable, then,

(a) where the appeal is in respect of the unreasonableness of any condition imposed, such authority may direct either that the condition shall be treated as annulled or that there shall be substituted for it such condition as appears to it to be reasonable;

(b) where the appeal is in respect of the unreasonableness of any variation of a condition, such authority may direct either that the condition shall be treated as continuing in force unvaried or that it shall be varied in such manner as appears to it to be reasonable.

29. Revision. *(1) The State Government may at any time either of its own motion or on an application made to it in this behalf, call for the records of any case where an order has been made by the State Board under section 25, section 26 or section 27 for the purpose of satisfying itself as to the legality or propriety of any such order and may pass such order in relation thereto as it may think it:*

Provided that the State Government shall not pass any order under this sub-section without affording the State Board and the person who may be affected by such order a reasonable opportunity of being heard in the matter.

(2) The State Government shall not revise any order made under section 25, section 26 or section 27 where an appeal against that order lies to the appellate authority, but has not been preferred or where an appeal has been preferred such appeal is pending before the appellate authority.

33B. Appeal to National Green Tribunal.-Any person aggrieved by,-

- (a) an order or decision of the appellate authority under section 28, made on or after the commencement of the National Green Tribunal Act, 2010*; or
- (b) an order passed by the State Government under Section 29, on or after the commencement of the National Green Tribunal Act, 2010*; or
- (c) directions issued under section 33A by a Board, on or after the commencement of the National Green Tribunal Act, 2010*,
may file an appeal to the National Green Tribunal established under section 3 of the National Green Tribunal Act, 2010, in accordance with the provisions of that Act.]”

30. The Applicant has neither approached the competent authority as contained in Section 28 or never made any revision before the revisionist authority and not filed any appeal before this Tribunal as provided under Section 33B of the Water (Prevention and Control of Pollution) Act, 1974.
31. The core challenge in the present Original Application is directed against the Consent to Operate (CTO) dated August 23, 2024, issued by the Chhattisgarh Environment Conservation Board (CECB or Respondent No. 3) to the answering Respondent. This effectively renders the Original Application an appeal against a statutory order issued by the environmental authority. It is stated that the Original Application raises “substantial question related to environment” and that an appellate remedy may not be fully constituted, however, a direct challenge to a regulatory approval falls primarily within the appellate jurisdiction of this Tribunal. It is further stated that there is no record demonstrating the fact that

the Appellant made any effort to appeal before the legally mandated forums within the period of limitation. It is also stated that the National Green Tribunal Act, 2010, provides for specific appellate mechanism under Section 16 for aggrieved parties to challenge orders passed by prescribed authorities. By framing this challenge as an Original Application, the Applicant circumvents the established legal process and attempts to bypass potential procedural requirements and limitations applicable to appeals, including strict timelines. This Tribunal has repeatedly emphasised the importance of adhering to proper legal avenues and not allowing parties to convert appellate matters into original applications. Furthermore, the provisions under Air (Prevention and Control of Pollution) Act, 1981 and Water (Prevention and Control of Pollution) Act, 1974, have prescribed specific appellate authorities for challenging a Consent to Operate (CTO) order. It is stated that even though the instant application was an appeal in the garb of an Original Application, it is still hopelessly barred by limitation, which as per Section 14(3) of the NGT Act, 2010. Section 14(3) of the NGT Act 2010 reads as follows:-

".....No application for adjudication of dispute under this section shall be entertained by the Tribunal unless it is made within a period of six months from the date on which the cause of action for such dispute first arose: Provided that the Tribunal may, if it is satisfied that the applicant was prevented by sufficient cause from filing the application within the said period, allow it to be filed within a further period not exceeding sixty days..."

32. It is further stated that the Applicant in his email correspondence with various authorities, pertaining to the alleged fact that the Respondent-6 is producing products without Environmental Clearance, he avers that “ Kindly refer to my letters dated 21st June’24 and 28th Jun’24 addressed to your goodselves regarding violation of EIA Notification 2006 (EIA-2006) under Environment (Protection) Act, 1986 and the conditions imposed by Chhattisgarh Environmental Conservation Board (CECB) in Consent To Operate (CTOs) under Section 25/26 of the Water (Prevention & Control of Pollution) Act, 1974 and under Section 21 of the Air (Prevention and Control of Pollution) Act, 1981 by M/s Tethys Chem Private Limited. Bhillai, Durg, Chhatisgarh.”(ANNEXURE R-6/7). It is apposite to mention here that the above-mentioned dates in the correspondence makes it apparent that the alleged cause of action according to the Applicant arose earliest by 21st June 2024 for making the instant OA which is hence, hopelessly barred by limitation. It is also stated that in case of *Athippa Chemicals Pvt. Ltd. v. Puducherry Pollution Control Board*, (O.A. No. 30 of 2011), decided on 14.12.2011, the Hon’ble Principal Bench of the NGT has held that where there is right of Appeal under the statutory provision of Act or Rules, Original Application is not maintainable before the Tribunal. The Tribunal in the said case dismissed an Original Application against the order of the Puducherry PCB challenged directly before the Tribunal in OA instead of filing of Appeal U/s 31 of Air Act before the Appellate Authority. The aforementioned judgement clearly covers the present issue.

33. The respondent, on the threshold, have raised their preliminary objections on the question of maintainability of the application on limitation and jurisdiction. They have raised all the contentions as narrated above. Speaking on the jurisdiction powers and proceedings of the Tribunal, Section 14 of the NGT Act, 2010, reads as follows:-

“14. Tribunal to settle disputes. – (1) *The Tribunal shall have the jurisdiction over all civil cases where a substantial question relating to environment (including enforcement of any legal right relating to environment), is involved and such question arises out of the implementation of the enactments specified on Schedule-I.*

(2) The Tribunal shall hear the disputes arising from the questions referred to in sub-section (1) and settle such disputes and pass order thereon.

(3) No application for adjudication of dispute under this section shall be entertained by the Tribunal unless it is made within a period of six months from the date on which the cause of action for such dispute first arose:

Provided that the Tribunal may, if it is satisfied that the application was prevented by sufficient cause from filing the application within the said period, allow it to be filed within a further period not exceeding sixty days.”

34. From the very reading of the above provisions of the NGT, it would be quite clear that the Tribunal has jurisdiction over all civil cases only where a substantial question relating to the environment including enforcement including enforcement of any legal right relating to environment is involved and also the said substantial question should also arise out of the implementation and is included in one of the seven enactments specified under the Schedule-I. Even if the Applicant is able to satisfy the above

requisite, the Tribunal can adjudicate the dispute only if it is made within a period of limitation from the date on which the cause of action in such dispute first arose.

35. As in any civil case, to initiate proceedings and to seek relief before the Tribunal, as envisaged under the provisions of NGT Act, one should have the cause of action which consisting of bundle of facts which gives the affected party a right to claim relief. The expression generally means the situation or a set of acts that entitles a party to maintain an action in a Court or a Tribunal:-

(e) Black's Law Dictionary defines Cause of Action as : "Cause of action is stated to be the entire set of facts that gives rise to an enforceable claim; the phrase comprises every fact, which, if traversed, the plaintiff must prove in order to obtain judgment.

(f) In "Words and Phrases", the meaning attributed to the phrase "cause of action" in common legal parlance is existence of those facts, which give a party a right to judicial interference on his behalf.

(g) As per Halsbury Laws of England (Fourth Edition) "Cause of action" has been defined as meaning simply a factual situation the existence of which entitles one person to obtain from the Court a remedy against another person. The phrase has been held from earliest time to include every fact which is material to be proved to entitle the plaintiff to succeed, and every fact which a defendant would have a right to traverse. "Cause of action" has also been taken to mean that particular act on the part of the defendant which gives the plaintiff his cause of complaint, or the subject matter of grievance founding the action, not merely the technical cause of action.

(h) It is judicially settled that the cause of action, in the restricted sense, means forming the infraction of the right or the immediate occasion for the action and in the wider sense, the necessary conditions for the maintenance of the proceedings not

only the alleged infraction but also the infractions coupled with the right itself.

36. It would be apt and appropriate to reproduce the following observation made by the Principal Bench, NGT, New Delhi, in Appeal No.01 of 2013 *Ms. Medha Patkar & Others Vs. Ministry of Environment & Forest, Union of India & Others*, on the point of limitation:-

"The Tribunal must adopt a pragmatic and practical approach that would also be in consonance with the provisions of the Act providing limitation. Firstly, the limitation would never begin to run and no act would determine when such limitation would stop running as any one of the stakeholders may not satisfy or comply with all its obligations prescribed under the Act. To conclude that it is only when all the stakeholders had completed in entirety their respective obligations under the respective provisions, read with the notification of 2006, then alone the period of limitation shall begin to run, would be an interpretation which will frustrate the very object of the Act and would also cause serious prejudice to all concerned. Firstly, the completely frustrates the purpose of prescription of limitation. Secondly, a project proponent who has obtained environmental clearance and thereafter spent crores of rupees on establishment and operation of the project, would be exposed to uncertainty, danger of unnecessary litigation and even the possibility of jeopardizing the interest of his project after years have lapsed. This cannot be the intent of law. The framers of law have enacted the provisions of limitation with a clear intention of specifying the period within which an aggrieved person can invoke the jurisdiction of this Tribunal. It is a settled rule of law that once the law provides for limitation, then it must operate meaningfully and with its rigour. Equally true is that once the period of limitation starts running, then it does not stop. An applicant may be entitled to condonation or exclusion of period of limitation. Discharge of one set of obligations in its entirety by any stakeholder would trigger the period of limitation which then would not stop running and equally cannot be frustrated by mere non-compliance of its obligation to

communicate or place the order in public domain by another stakeholder. The purpose of providing a limitation is not only to fix the time within which a party must approach the Tribunal but is also intended to bring finality to the orders passed on one hand and preventing endless litigation on the other. Thus both these purposes can be achieved by a proper interpretation of these provisions. A communication will be complete once the order granting environmental clearance is place in public domain by all the modes referred to by all or any of the stakeholders. The legislature in its wisdom has, under the provisions of the Act or in the notification of 2006, not provided any other indicator or language that could be the precept for the Tribunal to take any other view."

37. In construing a statutory provision, the first and foremost rule of construction is the literary construction. All that the Court has to see at the very outset is what does the provision say. If the provision is unambiguous and if from the provision the legislative intent is clear, the Court need not call into aid the other rules of construction of statutes. The other rules of construction are called into aid only when the legislative intent is not clear. In a more recent judgment, the Supreme Court, in *Balwant Singh (Dead) Vs. Jagdish Singh and Ors.* (2010) 8 SCC 685, while dealing with the expression 'sufficient cause', elaborately stated the principles of condonation of delay. It also elucidated the approach to be adopted by a Court in such cases and held as under:-

"It must be kept in mind that whenever a law is enacted by the legislature, it is intended to be enforced in its proper perspective. It is an equally settled principle of law that the provisions of a statute, including every word, have to be given full effect, keeping the legislative intent in mind, in order to ensure that the projected object is achieved. In other words, no provisions can be treated to have been enacted purposelessly. Furthermore, it

is also a well settled canon of interpretative jurisprudence that the Court should not give such an interpretation to provisions which would render the provision ineffective or odious. Once the legislature has enacted the provisions of Order 22, with particular reference to Rule 9, and the provisions of the Limitation Act are applied to the entertainment of such an application, all these provisions have to be given their true and correct meaning and must be applied wherever called for. If we accept the contention of the Learned Counsel appearing for the applicant that the Court should take a very liberal approach and interpret these provisions (Order 22 Rule 9 of the CPC and Section 5 of the Limitation Act) in such a manner and so liberally, irrespective of the period of delay, it would amount to practically rendering all these provisions redundant and inoperative. Such approach or interpretation would hardly be permissible in law. Liberal construction of the expression 'sufficient cause' is intended to advance substantial justice which itself presupposes no negligence or inaction on the part of the applicant, to whom want of bona fide is imputable. There can be instances where the Court should condone the delay; equally there would be cases where the Court must exercise its discretion against the applicant for want of any of these ingredients or where it does not reflect 'sufficient cause' as understood in law. [Advanced Law Lexicon, P. Ramanatha Aiyar, 2nd Edition, 1997] The expression 'sufficient cause' implies the presence of legal and adequate reasons. The word sufficient means adequate adequate enough, as much as mh999 3153 essay to to ansus the the purpo purpose intended. It embraces no more than that which provides a plentitude which, when done, suffices to accomplish the purpose intended in the light of existing circumstances and when viewed from the reasonable standard of practical and cautious men. The sufficient cause should be such as it would persuade the Court, in exercise of its judicial discretion, to treat the delay as an excusable one. These provisions give the Courts enough power and discretion to apply a law in a meaningful manner, while assuring that the purpose of enacting such a law does not stand frustrated. We find it unnecessary to discuss the instances

which would fall under either of these classes of cases. The party should show that besides acting bonafide, it had taken all possible steps within its power and control and had approached the Court without any unnecessary delay. The test is whether or not a cause is sufficient to see if it could have been avoided by the party by the exercise of due care and attention."

38. According to the Respondents, the Tribunal has no jurisdiction to condone the delay in view of the language of Section 16 of the NGT Act, which reads as under:-

"16. Tribunal to have appellate jurisdiction Any person aggrieved by,-

****** h. an order made, on or after the commencement of the National Green Tribunal Act, 2010, granting environmental clearance in the area in which any industries, operations or processes or class of industries, operations and processes shall not be carried out or shall be carried out subject to certain safeguards under the Environment (Protection) Act, 1986;*

*** ***** may, within a period of thirty days from the date on which the order or decision or direction or determination is communicated to him, prefer an appeal to the Tribunal:*

Provided that the Tribunal may, if it is satisfied that the appellant was prevented by sufficient cause from filing the appeal within the said period, allow it to be filed under this section within a further period not exceeding sixty days."

39. From language of the above provisions, it is clear that the Tribunal loses jurisdiction to condone the delay if the delay is of more than 90 days. Every appeal has to be filed within 30 days from the date of communication of the order. That is, what an applicant is required to ensure before the appeal is heard on merits. However, the Tribunal has been vested with the jurisdiction to entertain the appeal which is filed after 30 days from the date of communication

of an order. This power to condone the delay has a clear inbuilt limitation as it ceases to exist if the appeal is filed in excess of 60 days, beyond the prescribed period of limitation of 30 days from the date of communication of such order. To put it simply, once the period of 90 days lapses from the date of communication of the order, the Tribunal has no jurisdiction to condone the delay. The language of the provision is clear and explicit. It admits of no ambiguity and the legislative intent that Tribunal should not and cannot condone the delay in excess of 90 days in all, is clear from the plain language of the provision.

40. Section 16 of the NGT Act, 2010, provides for prescribed period of thirty (30) day for filing of the Appeal. The proviso appended to Section 16, however, gives discretion to the Tribunal, that if it is satisfied "that the Appellant was prevented by sufficient cause" from filing the Appeal, within the said period, it may allow (the Appeal) to be filed under this Section within a further period not exceeding sixty (60) days. Thus, limitation period can be extended only up to period of sixty (60) days only, if it is demonstrated by the Appellant that there was cause for him, which prevented him from filing of the Appeal, within initial prescribed period of limitation. In *Sunil Kumar Samanta, M/s. Samanta Engineering Workds, 1, B.T. Road, Barrackpore, North 24-Parganas, v. West Bengal Pollution Control Board & Ors.* (2014 India NGT Reporter (Part 3) 250), the Hon'ble Principal Bench of this Tribunal, elaborately considered the relevant proviso of Section 16 of the NGT Act, 2010. The Hon'ble Principal Bench also considered

analogues provisions of the Limitation Act. The Hon'ble Principal Bench, held that:-

“33. Normally, the statutory period of limitation provided in a provision like under the NGT Act, is un-extendable by recourse to provisions of Section 5 of the Limitation Act. While applying the provisions of limitation, besides applying the rule of strict construction, the Tribunal has to keep a balance between rival rights of the parties; appellant who has lost his right or whose remedy is barred by time and other to whom a benefit has accrued as a result of loss of right of the first. At this stage, it may be appropriate to make reference to a recent judgment of the Supreme Court, in the case of Esha Bhattacharjee v. Managing Committee of Raghunathpur Nafar Academy and others (JT 2013 (12) SC 450), where the Court was primarily concerned with the condonation of delay in filing an appeal. The Court adverted itself towards the respective rights and obligations of the parties and held as under:

"26. The law of limitation is a substantive law and has definite consequences on the right and obligation of a party to arise. These principles should be adhered to and applied appropriately depending on the facts and circumstances of a given case. Once a valuable right has accrued in favour of one party as a result of the failure of the other party to explain the delay by showing sufficient cause and its own conduct, it will be unreasonable to take away that right on the mere asking of the applicant, particularly when the delay is directly a result of negligence, default or inaction of that party. Justice must be done to both parties equally. Then alone the ends of justice can be achieved. If a party has been thoroughly negligent in implementing its rights and remedies, it will be equally unfair to deprive the other party of a valuable right that has accrued to it in law as a result of his acting vigilantly.

vii) The concept of liberal approach has to encapsulate the conception of reasonableness and it cannot be allowed a totally unfettered free play."

41. In light of these principles, the contention of the applicant/appellant that the National Green Tribunal is the forum

to which first appeal is provided against the orders specified in Section 16 of the NGT Act and that these provisions should be construed liberally, can hardly be accepted. Also there is no question of deprivation of right to appellant. The right of appeal is a statutory right and can be exercised within the prescribed period of limitation. If a party chooses to sleep over its right and permits the remedy available to it to become barred by time, then it can hardly be heard to contend that it has lost a valuable right and the result is unjust. Such interpretation would be a normal corollary of application of rule of 'plain construction'. This would be in line with the object and purpose of the Act and would also sub serve the cause of justice. This interpretation would not preclude any litigant from taking recourse to an appropriate remedy prescribed in in accordance with law.

42. We cannot and shall not overlook mandate of the proviso appended to Section 16 of the NGT Act, 2010, which carve out exception to the general Rule provided under Section 16 of the NGT Act, 2010. It is well stated that 'proviso' is always an exception to the main Rule, which is set out in the provision of the Rules. Needless to say, the 'proviso' will not supersede the main provision. The language of proviso, appended to Section 16, would make it amply clear that the Tribunal "must be satisfied by the Appellant with tangible reasons, which prevented him from filing of the Appeal within prescribed period of limitation, in order to make him eligible to ask for concession for extension of time". True, interpretation of the proviso has to be primarily made and the same cannot be used

as cobweb to deprive a genuine litigant from approaching the Tribunal. Still, however, in an appropriate case, where there is absolutely no acceptable explanation given by the Appellant, then extension of period of under the proviso, is unwarranted grant of premium in spite of absence of satisfactory reason being stated in the delay condonation Application. Such an application cannot be granted just for asking by a litigant, who fails to explain reasons for the delay.

43. There is no provision in the Act to file one appeal against several or more than one orders. The relief as sought by the applicant contains more than one appealable order and appellant had right to file an appeal separately before the competent forum but, he adopted to file complaint/PIL. This takes us to the question of maintainability of the Application in a composite form, which he says is dual- Appeal-cum-Application, filed in view of availability of plural remedies, in accordance with Rule 14 of the National Green Tribunal (Practices and Procedure) Rules, 2011. We shall deal with his contention, in order to set right the issue once for all, inasmuch as it is likely to be raised in many such cases, on similar ground. Rule 14 of the NGT (Practices and Procedure) Rules, 2011, reads as follows:-

"Rule 14. Plural remedies- An application or appeal, as the case may be, shall be based upon a single cause of action and may seek one or more relief provided that they are consequential to one another."

44. Perusal of Rule 14, without any pre-judicial notions in the mind, will make it amply clear that any Application or Appeal, as the

opening words imply are distinct remedies under which the particular relief may be sought on single cause of action. Thus, if properly read, the Rule provides as follows:-

“i) There may be either single Application or Appeal. In other words, it cannot be a comprehensive or hybrid type of pleadings like Appeal-cum-Application, as captioned by the Appellant-cum-Applicant, as in the present Application/ Appeals.

ii) The Appeal or Application, whatsoever it may, be must be filed on single cause of action. Thus, it cannot be filed on several causes of action. In other words, an Appeal cannot be filed with combined challenging different ECs or orders, nor an Application can be filed challenging different orders or different violations under the different Laws.

iii) Still, however, choice given to Appellant/Applicant is to ask for grant of more than one relief in case such reliefs, are of consequential character. In other words, if a relief depends upon grant of another relief, then grant of more than one relief is permissible.

For example; in case EC for grant of a project is challenged on the ground that there is no permission from CRZ Authority to the construction carried out, then consequential relief to demolish illegal construction carried out, without CRZ Authority's permission, which falls within CRZ area/ NDZ area.”

45. We cannot overlook and brush aside main provisions of the NGT Act, which do not provide for any kind of permission to allow filing of two (2) Appeals, one against time barred EC, coupled with another EC for revised plan along with an Application under Sections 14,15 and 18 of the NGT Act, 2010.
46. Once we examine the provision of Section 16 of the NGT Act in the light of the above principle, it is clear that the provision is neither ambiguous nor indefinite. The expressions used by the legislature

are clear and convey the legislative intent. The communication of an order granting the Environmental Clearance has to be made by the MoEF/SEIAA as well as the Project Proponent in adherence to law. The communication would be complete when it is undisputedly put in the public domain by the recognised modes, in accordance with the said provision. The limitation of 30 days would commence from that date. If the application is presented beyond the period of 30 days, in that event, it becomes obligatory upon the applicant to show sufficient cause explaining the delay. The delay must be bona fide and not a result of negligence or intentional inaction or mala fide and must not result in the abuse of process of law. Once these ingredients are satisfied the Tribunal shall adopt a balanced approach in light of the facts and circumstances of a given case".

"36. Trite law it is that the special law of limitation in any given enactment will always exclude the general law of limitation. The NGT Act, 2010, a special enactment specifically provides a period of limitation under section 14(2) and 15(3). The Principal Bench, NGT has already held in Jesurathinam v. MoEF, Union of India reported in 2012 (2) FLT 811 NGT that when a specific provision for limitation is provided under the special statute, the general provisions of the Limitation Act, 1963 are inapplicable. Hence, the Tribunal is afraid whether the theory of continuing cause of action can be made applicable to the present factual position of the case for which the specific period of limitation is available under the NGT Act, 2010."

47. Thus, the application is barred by time and instead of filing the appeal against the order in accordance with the provisions contained in Section 28 of the Water (Prevention and Control of

Pollution) Act, 1974, this application has been filed beyond time, and not maintainable.

C. More than two causes of action or several causes of action: -

48. Learned counsel for the Applicant has raised the issue that on the relief which has been claimed in the petition/application is maintainable while the contention of the learned counsel for the Respondent/Project Proponent is that there are more than two different causes of action for which two different applications lies before different forum in accordance with the provisions contained in the National Green Tribunal Act, 2010 and Water (Prevention and Control of Pollution) Act, 1974.
49. We have narrated the provisions in the above paragraphs, thus it would be quite clear that reliefs sought for on two distinct and different causes of action would be repugnant to rule 14 of the NGT Rules, 2011. The words 'consequential' to one another employed in rule 14 of the NGT Rules, 2011 would make the intention of the Legislature explicit that the reliefs sought for by the applicant or appellant can be more than one if they are consequential to one another but certainly not on two different causes of action. 'Consequential relief should flow directly as a natural sequence from the main and substantive relief and it can even be incidental also. But, it should be wholly connected to the main or the substantive relief and thus should arise from the same cause of action. In the instant case, two different and distinctive reliefs based on two separated causes of action are asked for by the appellant. The submission by the learned counsel for the appellant

that the relief was for striking down the 2011 Office Memorandum and setting aside of CTO/EC are intrinsically linked is worth to be ignored. In the face of rule 14 of NGT Rules, 2011 as seen above, it would be futile to contend that the rule 14 does not restrict the jurisdiction of cause of action. The Hon'ble Western Zone Bench of the NGT at Pune had an occasion to consider the question of maintainability of the application in a composite form of application-cum-appeal filed in view of the availability of the plural remedies in accordance with rule 14 of NGT Rules, 2011 in *Vikas K. Tripathi Mumbai v. The Secretary, MoEF* reported in 2014 ALL (I) NGT Reporter (3) (Pune) 95 and has held as follows:-

"21.. We shall deal his contention in order to set right issue once for all, in as much as it is likely to be raised in many such cases on similar ground. Rule 14 of the NGT (Practices and Procedure) Rules, 2011 reads as follows:

"Rule 14. Plural remedies.-An application or appeal, as the case may be, shall be based upon a single cause of action and may seek one or more relief provided that they are consequential to one another".

22. Perusal of Rule 14, without any prejudicial notions in the mind, will make it amply clear that any Application or Appeal, as the opening words imply are distinct remedies under which the particular relief may be sought on single cause of action. Thus, if properly read the rule provide as follows:

i) There may be either single Application or Appeal. In other words, it cannot be a comprehensive or hybrid type of pleadings like Appeal-cum-Application, as captioned by the Appellant-cum-Applicant (Vikas Tripathy) as in the present Application/Appeals.

ii) The Appeal or Application, whatsoever it may be must be filed on single cause of action. Thus, it cannot be filed on several causes of action. In other words, an Appeal cannot be filed with

combined causes challenging different ECs or orders, nor an Application can be filed challenging different orders or different violations under the different laws.

Still, however, choice given to the Appellant/Applicant is to ask for grant of more than one relief in case such reliefs are of consequential character. In other words, if a relief depends upon grant of another relief, then grant of more than one relief is permissible.

*22. * * **

23. We cannot overlook and brush aside main provisions of the NGT Act, which do not provide for any kind of permission to allow filing of two Appeals, one against the time barred EC, coupled with another EC for revised construction plan along with an Application under Sections 14, 15 and 18 of the NGT Act, 2010. In case, Vikas Tripathi is genuinely interested in the cause of environment and feels that the project in question has caused violations of EC conditions/deterioration of the environment of the environment, then he is at liberty to file a separate Application under Section 14(1)(2) read with Sections 15 and 18 of the NGT Act, 2010 if so advised and if it is permissible under law. He cannot, however, club all such Appeals and Applications together and explore to examine whether one cap fits on another".

50. Applying the principle laid down as above, we have no hesitation to hold that the appellant on two distinct and independent causes of action cannot maintain the present application. It is argued by the respondent that it is forum hunting and it is intended to continue till the appellant does not achieve a desired goal. The platform of the Tribunal or the Courts cannot be made a platform to compel the opposite party to pass a desired order. The matter cannot be agitated and to be continued till infinity and it should come at rest. The Hon'ble Supreme Court in *Dr. Buddhi Kota Subbarao Vs. K*

Parasaran & Ors., AIR 1996 SC 2687, the Hon'ble Supreme Court has observed as under:-

"No litigant has a right to unlimited drought on the Court time and public money in order to get his affairs settled in the manner he wishes. However, access to justice should not be misused as a licence to file misconceived and frivolous petitions."

Similar view has been reiterated by the Supreme Court in K.K. Modi Vs. K.N. Modi & Ors., (1998) 3 SCC 573.

In Tamil Nadu Electricity Board & Anr. Vs. N. Raju Reddiar & Anr. AIR 1997 SC 1005 the Hon'ble Supreme Court held that *filing successive misconceived and frivolous applications for clarification, modification or for seeking a review of the order interferes with the purity of the administration of law and salutary and healthy practice. Such a litigant must be dealt with a very heavy hand.*

In Sabia Khan & Ors. Vs. State of U.P. & Ors., (1999) 1 SCC 271, the Hon'ble Apex Court held that *filing totally misconceived petition amounts to abuse of the process of the Court and such litigant is not required to be dealt with lightly.*

In Abdul Rahman Vs. Prasoni Bai & Anr., (2003) 1 SCC 488, the Hon'ble Supreme Court held that *wherever the Court comes to the conclusion that the process of the Court is being abused, the Court would be justified in refusing to proceed further and refuse the party from pursuing the remedy in law."*

"It is well established rule of interpretation of a statute by reference to the exposition it has received from contemporary authority. However, the Apex Court added the words of caution that such a rule must give way where the language of the statute is plain and unambiguous. Similarly, in Collector of Central Excise, Bombay-I & Anr. Vs. M/s. Parle Export (P) Ltd., AIR 1980 SC 644, the Hon'ble Supreme Court observed that the words used in the provision should be understood in the same way in which they have been understood in ordinary parlance in the area in which the law is in force or by the people who ordinarily deal with them. In *Indian Metals and Ferro Alloys*

Ltd., Cuttack Vs. The Collector of Central Excise, Bhubaneswar, AIR 1991 SC 1028, the Hon'ble Supreme Court has applied the same rule of interpretation by holding that "contemporanea expositio by the administrative authority is a very useful and relevant guide to the interpretation of the expression used in a statutory instrument." Same view has been taken by the Hon'ble Supreme Court in State of Madhya Pradesh Vs. G.S. Daal and Flour Mills (Supra); and Y.P. Chawla & Ors. Vs. M.P. Tiwari and Anr., AIR 1992 SC 1360. In N. Suresh Nathan & Ors. Vs. Union of India & Ors, 1992 (Suppl) 1 SCC 584; and M.B. Joshi & Ors. Vs. Satish Kumar Pandey & Ors., 1993 (Suppl.)

2 SCC 419, the Apex Court observed that construction in consonance with long-standing practice prevailing in the concerned department is to be preferred."

51. On the basis of above discussion, there are more than two causes of action or several causes of action and the Applicant has approached before the several forums where the application was heard and decided. Thus, the application is not maintainable for the reasons mentioned above and it is simply forum hunting to achieve an intended target and not coming under the purview of a substantial question relating to the environment, and even if applicant is aggrieved against the Consent To Operate issued by the CECB, the aggrieved has every right to challenge the order by filing the appropriate application before the appropriate forum. For these reasons, the application is not maintainable.

D. Abuse of Process of Court/Tribunal and Malafide Intention:

52. The submission of the learned counsel for the Respondent/Project Proponent is that the Applicant has been complaining against the Unit and complaint was filed before the police authorities wherein

the police department inquired about the address and credentials of the Applicant Dheeraj Tiwari which was found to be false and it was established that no person with the name “Dheeraj Tiwari” is residing at the address provided by him. The applicant has filed another Case No. 272/2025 *Dheeraj Tiwari vs Union of India* before this Hon’ble Tribunal averring that he is a resident of House Number 429/2 Ward No. 13, Jai Bhawani Colony Khिताula Bazaar, Sihaura, Jabalpur, Madhya Pradesh, and the same address has been provided by the Applicant in the IA filed in the instant OA, which to the sheer surprise of the answering respondent was a different address as provided by the Applicant in the instant OA. It is stated that the present application constitutes a blatant “Abusus Processus” (abuse of the process of law) and is driven by a malafide intention rather than genuine environmental concern. The Applicant has targeted Respondent No.6 arbitrarily and without due diligence. There is a strong evidence to suggest that the Applicant is acting as a proxy for a competitor, with the objective of disrupting Respondent No. 6’s business expansion and to continue maintaining a market monopoly. It is also stated that there exists a group of individuals, such as the Applicant, who in connivance with the competitors construct hurdles and raise unfounded objections before the authorities, departments, and even filed frivolous cases before this Tribunal thereby undermining the sanctity of this forum and abusing the process of law.

53. It is further contended that vide Annexure-F filed by the Applicant, the information was available to the Applicant on aggrieved on

23.07.2024 and the Applicant was made instrumental for filing the this application and, thus, he has knowledge on or before 23.07.2024 and prepared this application and later filed several complaints before the competent officers. The first complaint was moved on 21.06.2024 as Annexure-J before various authorities with all documents, second application on 28.06.2024 before five competent officers and later on again third application was moved on 09.10.2024. The Unit was operating from 2001 with all Consent conditions and after some gap of time the name of the Unit was changed. The submission of the learned counsel for the Applicant are that the change of name should be according to rules but this matter is not within the domain of this Tribunal and neither challenged by the Applicant. The applicant further challenged by moving the complaint before the SEIAA, CECB and later on approached the Hon'ble Supreme Court by filing a Civil Appeal No.9479 of 2025 which was heard and dismissed by the Hon'ble Supreme Court vide order dated 22.07.2025. However, the Hon'ble Supreme Court pointed out that the application is pending in this Tribunal and listed on 24.07.2025, thus the matter should be taken up for hearing and in accordance with these directions this matter was heard. The contentions of the learned counsel for the Respondent are that this is the abuse of process of court and wastage of time of the court for malafide intention.

54. *In Nooruddin Vs. (Dr.) K.L. Anand* (1995) 1 SCC 242, the Hon'ble Supreme Court observed as under:-

“.....Equally, the judicial process should never become an

instrument of appreciation or abuse or a means in the process of the Court to subvert justice.”-

Similarly, in Ramniklal N. Bhutta & Anr. Vs. State of Maharashtra & Ors., AIR 1997 SC 1236, the Hon’ble Apex Court observed as under:-

“The power under Art. 226 is discretionary. It will be exercised only in furtherance of justice and not merely on the making out of a legal point..... the interest of justice and public interest coalesce. They are very often one and the same. The Courts have to weight the public interest vis-à-vis the private interest while exercising the power under Art. 226..... indeed any of their discretionary powers. (Emphasis added)”

In Dr. Buddhi Kota Subbarao Vs. K Parasaran & Ors., AIR 1996 SC 2687, the Hon’ble Supreme Court has observed as under:-

“No litigant has a right to unlimited drought on the Court time and public money in order to get his affairs settled in the manner he wishes. Easy, access to justice should not be misused as a licence to file misconceived and frivolous petitions.”

Similar view has been reiterated by the Supreme Court in K.K. Modi Vs. K.N. Modi & Ors., (1998) 3 SCC 573.

In M/s. Tilokchand Motichand & Ors. Vs. H.B. Munshi & Anr., AIR 1970 SC 898; State of Haryana Vs. Karnal Distillery, AIR 1977 SC 781; and Sabia Khan & Ors. Vs. State of U.P. & Ors., (1999) 1 SCC 271, the Hon’ble Apex Court held that filing totally misconceived petition amounts to abuse of the process of the Court and such a litigant is not required to be dealt with lightly, as petition containing misleading and inaccurate statement, if filed, to achieve an ulterior purpose amounts to abuse of the process of the Court.”

55. *In Agriculture & Process Food Products Vs. Oswal Agro Furane & Ors., AIR 1996 SC 1947, the Apex Court had taken a serious objection in a case filed by suppressing the material facts and held that if a petitioner is guilty of suppression of very important fact his case cannot be considered on merits. Thus, a litigant is bound*

to make “full and true disclosure of facts”. While deciding the said case, the Hon'ble Supreme Court had placed reliance upon the judgment in *King Vs. General Commissioner*, (1917) 1 KB 486, wherein it has been observed as under:-

" Where an ex parte application has been made to this Court for a rule nisi or other process, if the Court comes to the conclusion that the affidavit in support of the application was not candid and did not fairly state the facts, but stated them in such a way as to mislead the Court as to the true facts, the Court ought, for its own protection and to prevent abuse of its process, to refuse to proceed any further with the examination of its merits."

In Abdul Rahman Vs. Prasony Bai & Anr., AIR 2003 SC 718; and S.J.S. Business Enterprises (P) Ltd. Vs. State of Bihar & Ors., (2004) 7 SCC 166, the Hon'ble Supreme Court held that whenever the Court comes to the conclusion that the process of the Court is being abused, the Court would be justified in refusing to proceed further and refuse relief to the party. This rule has been evolved out of need of the Courts to deter a litigant from abusing the process of the Court by deceiving it. However, the suppressed fact must be material one in the sense that had it not been suppressed, it would have led any fact on the on the merit of the case."

E. SEAC Report, its validity and allegation that there is no application of mind:

56. The Respondent No.6 has contended that it has duly complied with the conditions prescribed in the Consent to Operate issued by the office of CECB, Chhattisgarh, and detailed inspection was done by the Committee of the compliance and it was carried out and certified and reported by the CECB and was placed before SEAC, Chhattisgarh, vide letter No.1056 of 2025 dated 28.04.2025 and found the Unit complaint. The SEAC and SEIAA, Chhattisgarh, in

their detailed deliberations and recommended the grant of ToR (‘Terms of Reference’) as per MoEF&CC Office Memorandum dated April 27, 2018. The copy of the Minutes of 549th Meeting Agenda of SEAC-3 State Level Expert Appraisal Committee held on 06.11.2024 have been annexed and filed with the reply and the application where clarification has been made as under:-

- CECB – Durg Reginal office has renewed the consent of existing capacity on dated 23/08/2024 which is valid till 17/06/2029.

Clarification: Tethys Chem Pvt Ltd (Old Name: SS Udyog) formed in 2001 and MP Pollution control board has been permitted the Coal tar processing from 25/07/2001 and continue till now as per CTO No 3480/RO/TS/CECB/2024. Hence, as per EIA notification, 2006 the existing capacity of Coal Tar Pitch production of 36,000MTPA does not required environment clearance as clearly mentioned and same it exempted to TCPL.	• Coal Tar Pitch: 36,000MTPA • Refined Naphthalene, Light/Heavy Oil Super Creosote Fuel, Organic Chemical, Black Paint, Coaltar:36,000MTPA • Wash Oil, Phenol Oil, Carbon Black Oil : 12000MTPA.
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57. Submission of the learned counsel for the applicant is that the report of the SEAC is without application of any mind and should not be relied upon. In reply thereof, learned counsel for the Respondent/Project Proponent has submitted that it is valid, since it is expert body of more than 12 members and was deliberated widely and thus binding till it is not declared void or cancelled by the competent authority.

58. In a case reported in 2011 (3) SCC 364, *Krishnadevi Malchand Kamathia v. Bombay Environmental Action Group*, it was held as follows:-

"16. It is a settled legal proposition that even if an order is void, it requires to be so declared by a competent forum and it is not permissible for any person to ignore the same merely because in his opinion the order is void. In *State of Kerala v. M.K. Kunhikannan Nambiar Man jeri Manikoth Naduvil*, (1996) 1 SCC 435, *Tayabbhai M. Bagasarwalla v. Hind Rubber Industries (P) Ltd.*, (1997) 3 SCC 443, *M. Meenakshi v. Metadin Agarwal and Sneh Gupta v. Devi Sarup*, (2009) 6 SCC 194, this court held that whether an order is valid or void, cannot be determined by the parties. For setting aside such an order, even if void, the party has to approach the appropriate forum.

17. In *State of Punjab V. Gurdev Singh* this court held that a party aggrieved by the in validity of an order has to approach the court for relief of declaration that the order against him is inoperative and therefore, not binding upon him. While deciding the said case, this Court placed reliance upon the judgment in *Smith v. East Elloe RDC*, wherein Lord Radcliffe observed: (AC pp. 769-70)

"...An order, even if not made in good faith, is still an act capable of legal consequences. It bears no brand of invalidity (on) its forehead. Unless the necessary proceedings are taken at law to establish the cause of invalidity and to get it quashed or otherwise upset, it will remain as effective for its ostensible purpose as the most impeccable of orders."

18. In *Sultan Sadik v. Sanjay Raj Subba*, (2004) 2 SCC 1377, this court took a view observing that once an order is declared non est by the court only then the judgment of nullity would operate erga omnes i.e. for and against everyone concerned. Such a declaration is permissible if the court comes to the conclusion that the author of the order lacks inherent jurisdiction/competence and therefore, it comes to the conclusion that the order suffers from patent and latent invalidity.

59. Thus, from the above it emerges that even if the order/notification is void/voidable, the party aggrieved by the same cannot decide that the said order/notification is not binding upon it. It has to approach the court for seeking such declaration. The order may be hypothetically a nullity and even if its invalidity is challenged before the court in a given circumstance, the court may refuse to quash the same on various grounds including the standing of the petitioner or on the ground of delay or on the doctrine of waiver or any other legal reason. The order may be void for one purpose or for one person, it may not be so for another purpose or another person.
60. The SEAA members are expert in their domain fields and apprised the proposal, through scrutiny and detailed deliberations are done by the members. Therefore, the deliberations taken place in the meeting are always of technical nature. The objections and clarifications of the Project Proponent have been complied on various issues raised by the SEAC members and the proposal was recommended. The expert finding cannot be questioned and this can be relied on the following law points:-

“A. Rajeev Suri v. Delhi Development Authority [2021 SCC OnLine SC 7]

“494. The minutes of the two meetings of EAC are self-explanatory and reveal due application of mind, in light of the principles relating to application of mind enunciated above. We do not wish to repeat the same to avoid prolixity. EAC is an expert body and it is amply clear that it has been made aware of all relevant information relating to the project and it has applied its mind to the proposal. Even on settled principles of judicial review, it is clear that

relevant material has been considered by the committee and no reliance has been pointed out on any irrelevant material. The specific recommendations given by the committee do indicate that the committee was aware of the need for precautionary measures in environmental matters and accordingly, it suggested requirement of further permissions on certain counts.

495. Once an expert committee has duly applied its mind to an application for EC, any challenge to its decision has to be based on concrete material which reveals total absence of mind. Absent that material, due deference must be shown to the decisions of experts. The facts of the case do not reveal any deliberate concealment of fact/information from the EAC or supply of any misinformation....

515. We, therefore, upon a thorough examination, decline to interfere in the grant of EC. The expertise developed by the EAC cannot be undermined in a light manner and as noted above, due deference must be accorded to expert agencies when their 384 decisions do not attract the taint of legal unjustness”.

***B. N.D. Jayal & Anr. vs. Union of India [2004 (9) SCC 362]:
A 3-Judge Bench of the Hon'ble Supreme Court emphasized the exercise of judicial restraint in matters involving technical expertise.***

20. This Court cannot sit in judgment over the cutting edge of scientific analysis relating to the safety of any project. Experts in science may themselves differ in their opinions while taking decisions on matters related to safety and allied aspects. The opposing viewpoints of the experts will also have to be given due consideration after full application of mind. When the Government or the concerned authorities after due consideration of all viewpoints and full application of mind took a decision, then it is not appropriate for the Court to interfere. Such matters must be left to the mature wisdom of the Government or the implementing agency. It is their forte. In

such cases, if the situation demands, the Courts should take only a detached decision based on the pattern of the well settled principles of administrative law. If any such decision is based on irrelevant consideration or non consideration of material or is thoroughly arbitrary, then the Court will get in the way. Here the only point to consider is whether the decision making agency took a well informed decision or not. If the answer is yes then there is no need to interfere. The consideration in such cases is in the process of decision and not in its merits.

21. In this context, reliance is sought to be placed on the decision of this Court in A.P. Pollution Control Board v. Prof. M.V. Nayudu (Retd.) and Ors., 1999 (2) SCC 718. In that decision, this Court viewed that in scientific matters of complex nature resulting in uncertainty, reference has to be made to a specialised technical/expert body and not merely decide the matter on well known principles of administrative law of court not reexamining the matter if all relevant considerations have been taken note of. In the present case when once a decision had been given by this Court on safety aspects on an earlier occasion and thereafter the matter was again examined by the Government through different agencies and had taken a decision as to the necessity of further test by way of abundant caution should be relevant or not, we do not think, we can sit in judgment over such decision, particularly when there is no difference of opinion among the Experts as to the safety of the dam.

C. Sam Built Well Private Limited vs Deepak Builders

[2018 (2) SCC 176]: *This judgement was rendered by the Hon'ble Supreme Court in the context of judicial review of tenders. However, several observations were made qua exercising judicial restraint in matters involving technical expertise.*

12. We have already noticed that three expert committees have scrutinized Respondent No. 1s tender and found Respondent No. 1 to be ineligible. The impugned judgment

of the Division Bench of the High Court expressly states that no malafides are involved in the present case. Equally, while setting aside the judgment of the learned Single Judge, the Division Bench does not state that the three expert committees have arrived at a perverse conclusion. To merely set aside the judgment of the learned Single Judge and then jump to the conclusion that Respondent No.1s tender was clearly eligible, would be directly contrary to the judgments aforestated. Not having found malafides or perversity in the technical expert reports, the principle of judicial restraint kicks in, and any appreciation by the Court itself of technical evaluation, best left to technical experts, would be outside its ken. As a result, we find that the learned Single Judge was correct in his reliance on the three expert committee reports. The Division Bench, in setting aside the aforesaid judgment, has clearly gone outside the bounds of judicial review. We, therefore, set aside the judgment of the Division Bench and restore that of the learned Single Judge.

D. Bombay Environmental Action Group vs State of Maharashtra [1990 SCC OnLine Bom 357]: *The Hon'ble High Court of Bombay made several observations discouraging judicial interference in technical matters pertaining to the environment.*

16. The, petitioners, as public spirited organisations and citizens, have, through their respective Counsel, done their duty by invoking this Courts writ jurisdiction and placing before us all such facts and circumstances as considered best by them. We in our turn, have done our duty by carefully examining all the facts and circumstances in the context of the rival contentions advanced before us on either side. In the course of this elaborate exercise and at every stage of the judicial process, we have kept asking ourselves the question -- Have the authorities shown such lack of awareness or have they been so oblivious of the needs of environment as to warrant Courts interference? We do not think so. On the contrary, considerable though

deliberation, consultation and application of mind by all concerned authorities and experts has gone into the decision making process. We find on the part of the authorities, and experts all the seriousness while considering and deciding upon the varied factors and circumstances including environment in relation to this project. The indepth analysis, the conditions imposed and the precautions taken inspire Courts confidence and, if, at the end of it all, the Court finds that a very conscious decision has been taken in the light of all possible pros and cons, it would then not interfere. The decision of the authorities cannot be said to be arbitrary or capricious or one not in good faith or actuated by improper motive or extraneous considerations.

17. Environmental issues are relevant and deserve serious consideration. But the needs of the environment require to be balanced with the needs of the community at large and the needs of a developing country. If one finds, as in this case, that all possible environmental safe-guards have been taken, the check and control by way of judicial review should then come to an end. Once an elaborate and extensive exercise by all concerned including the environmentalists, the State and the Central authorities and expert-bodies is undertaken and effected and its end result judicially considered and reviewed, the matter thereafter should in all fairness stand concluded. Endless arguments, endless reviews and endless litigation in a matter such as this, can carry one to no end and may as well turn counterproductive. While public interest litigation is a welcome development, there are nevertheless limits beyond which it may as well cease to be in public interest any further.”

F. Sustainable Development:

61. While economic development should not be allowed at the cost of ecology or by causing widespread environmental destruction, the necessity to preserve ecology and environment should not hamper

economic and other development. Both development and environment must go hand in hand. In other words, there should not be development at the cost of environment and vice versa, but there should be development while taking due care and ensuring the protection of environment [Indian council for enviro-legal action v union of India [1996]5 SCC 281]. The traditional concept that development and ecology are opposed to each other is no longer acceptable [Vellore Citizens Welfare Forum v. Union of India [1996] 5 SCC 647].

62. In a constitutional framework which is intended to create, foster and protect a democracy committed to liberal values, the rule of law provides the cornerstone. The rule of law is to be distinguished from rule by the law. The former comprehends the setting up of a legal regime with clearly defined rules and principles of even application, a regime of law which maintains the fundamental postulates of liberty, equality and due process. The rule of law postulates a law which is answerable to constitutional norms. The law in that sense is accountable as much as it is capable of exacting compliance. Rule by the law on the other hand can mean rule by a despotic law. It is to maintain the just quality of the law and its observance of reason that rule of law precepts in constitutional democracies rest on constitutional foundations. A rule of law framework encompasses rules of law but it does much more than that. It embodies matters of substance and process. It dwells on the institutions which provide the arc of governance. By focusing on the structural norms which guide institutional decision

making, rule of law frameworks recognize the vital role played by institutions and the serious consequences of leaving undefined the norms and processes by which they are constituted, composed and governed. A modern rule of law framework is hence comprehensive in its sweep and ambit. It recognizes that liberty and equality are the focal point of a just system of governance and without which human dignity can be subverted by administrative discretion and absolute power. Rule of law then dwells beyond a compendium which sanctifies rules of law. Its elements comprise of substantive principles, processual guarantees and institutional safeguards that are designed to ensure responsive, accountable and sensitive governance.

63. The environmental rule of law, at a certain level, is a facet of the concept of the rule of law. But it includes specific features that are unique to environmental governance, features which are sui generis. The environmental rule of law seeks to create essential tools – conceptual, procedural and institutional to bring structure to the discourse on environmental protection. It does so to enhance our understanding of environmental challenges – of how they have been shaped by humanity’s interface with nature in the past, how they continue to be affected by its engagement with nature in the present and the prospects for the future, if we were not to radically alter the course of destruction which humanity’s actions have charted. The environmental rule of law seeks to facilitate a multi-disciplinary analysis of the nature and consequences of carbon footprints and in doing so it brings a shared understanding

between science, regulatory decisions and policy perspectives in the field of environmental protection. It recognizes that the 'law' element in the environmental rule of law does not make the concept peculiarly the preserve of lawyers and judges. On the contrary, it seeks to draw within the fold all stakeholders in formulating strategies to deal with current challenges posed by environmental degradation, climate change and the destruction of habitats. The environmental rule of law seeks a unified understanding of these concepts. There are significant linkages between concepts such as sustainable development, the polluter pays principle and the trust doctrine. The universe of nature is indivisible and integrated. The state of the environment in one part of the earth affects and is fundamentally affected by what occurs in another part. Every element of the environment shares a symbiotic relationship with the others. It is this inseparable bond and connect which the environmental rule of law seeks to explore and understand in order to find solutions to the pressing problems which threaten the existence of humanity. The environmental rule of law is founded on the need to understand the consequences of our actions going beyond local, state and national boundaries. The rise in the oceans threatens not just maritime communities. The rise in temperatures, dilution of glaciers and growing desertification have consequences which go beyond the communities and creatures whose habitats are threatened. They affect the future survival of the entire eco-system. The environmental rule of law attempts to weave an understanding of

the connections in the natural environment which make the issue of survival a unified challenge which confronts human societies everywhere. It seeks to build on experiential learning's of the past to formulate principles which must become the building pillars of environmental regulation in the present and future. The environmental rule of law recognizes the overlap between and seeks to amalgamate scientific learning, legal principle and policy intervention. Significantly, it brings attention to the rules, processes and norms followed by institutions which provide regulatory governance on the environment. In doing so, it fosters a regime of open, accountable and transparent decision making on concerns of the environment. It fosters the importance of participatory governance – of the value in giving a voice to those who are most affected by environmental policies and public projects. The structural design of the environmental rule of law composes of substantive, procedural and institutional elements. The **tools** of analysis go beyond legal concepts. The result of the framework is more than just the sum total of its parts. Together, the elements which it embodies aspire to safeguard the bounties of nature against existential threats. For it is founded on the universal recognition that the future of human existence depends on how we conserve, protect and regenerate the environment today.

64. In its decision in *Hanuman Laxman Aroskar vs Union of India*, [2019] 15 SCC 401 the Court, recognized the importance of protecting the environmental rule of law. The court observed:-

"142. Fundamental to the outcome of this case is a quest for environmental governance within a rule of law paradigm. Environmental governance is founded on the need to promote environmental sustainability as a crucial enabling factor which ensures the health of our ecosystem.

"143. Since the Stockholm Conference, there has been a dramatic expansion in environmental laws and institutions across the globe. In many instances, these laws and institutions have helped to slow down or reverse environmental degradation. However, this progress is also accompanied, by a growing understanding that there is a considerable implementation gap between the environmental laws and their requirements of implementation and enforcement both in developed and developing countries alike...

156. The rule of law requires a regime which has effective, accountable and transparent institutions. Responsive, inclusive, participatory and representative decision making are key ingredients to the rule of law. Public access to information is, in similar terms, fundamental to the preservation of the rule of law. In domestic context, environmental governance that is founded on the rule of law emerges from the values of our Constitution. The health of the environment is key to preserving the right to life as a constitutionally recognized value under Article 21 of the Constitution. Proper structures for environmental decision making find expression in the guarantee against arbitrary action and the affirmative duty of fair treatment under Article 14 of the Constitution."

65. In its first global report on environmental rule of law in January 2019, the United Nations Environment Programme ("UNEP") has presciently stated:-

"If human society is to stay within the bounds of critical ecological thresholds, it is imperative that environmental laws are widely understood, respected, and enforced and the benefits of environmental protection are enjoyed by people and the planet. Environmental rule of law offers a framework for

addressing the gap between environmental laws on the books and in practice and is key to achieving the Sustainable Development Goals.

Successful implementation of environmental law depends on the ability to quickly and efficiently resolve environmental disputes and punish environmental violations. Providing environmental adjudicators and enforcers with the tools that allow them to respond to environmental matters flexibly, transparently, and meaningfully is a critical building block of environmental rule of law"

66. The need to adjudicate disputes over environmental harm within a rule of law framework is rooted in a principled commitment to ensure fidelity to the legal framework regulating environmental protection in a manner that transcends a case-by-case adjudication. Before this mode of analysis gained acceptance, we faced a situation in which, despite the existence of environmental legislation on the statute books, there was an absence of a set of overarching judicially recognized principles that could inform environmental adjudication in a manner that was stable, certain and predictable. In an article in the Asia-Pacific Journal of Environmental Law (2014), Bruce Pardy describes this conundrum in the following terms:-

"Environmental regulations and standards typically identify specific limits or prohibitions on detrimental activities or substances. They are created to reflect the principles and prohibitions contained in the statute under which they are promulgated. However, where the contents of the statute are themselves indeterminate, there is no concrete rule or set of criteria to apply to formulate the standards. Their development can therefore be highly political and potentially arbitrary. Instead of serving to protect citizens' environmental welfare, an

indeterminate environmental law facilitates a utilitarian calculus that allows diffuse interests to be placed aside when they are judged to be less valuable than competing considerations."

67. However, even while using the framework of an environmental rule of law, the difficulty we face is this when adjudicating bodies are called on to adjudicate on environmental infractions, the precise harm that has taken place is often not susceptible to concrete quantification. While the framework provides valuable guidance in relation to the principles to be kept in mind while adjudicating upon environmental disputes, it does not provide clear pathways to determine the harm caused in multifarious factual situations that fall for judicial consideration. The determination of such harm requires access to scientific data which is often times difficult to come by in individual situations.
68. In an article in the Georgetown Environmental Law Review (2020), Arnold Kreilhuber and Angela Kariuki explain the manner in which the environmental rule of law seeks to resolve this imbroglio:-

"One of the main distinctions between environmental rule of law and other areas of law is the need to make decisions to protect human health and the environment in the face of uncertainty and data gaps. Instead of being paralyzed into inaction, careful documentation of the state of knowledge and uncertainties allows the regulated community, stakeholders, and other institutions to more fully understand why certain decisions were made."

The point, therefore, is simply this the environmental rule of law calls on us, as judges, to marshal the knowledge emerging from the record, limited though it may sometimes be, to respond in a stern and decisive fashion to violations of environmental law.

We cannot be stupefied into inaction by not having access to complete details about the manner in which an environmental law violation has occurred or its full implications. Instead, the framework, acknowledging the imperfect world that we inhabit, provides a roadmap to deal with environmental law.”

69. In a recent decision of the Court in *Bengaluru Development Authority vs. Sudhakar Hegde* 2020 SCC online SC 328, the Hon’ble Supreme Court held:-

"107. The adversarial system is, by its nature, rights based. In the quest for justice, it is not uncommon to postulate a winning side and a losing side. In matters of the environment and development however, there is no trade-off between the two. The protection of the environment is inherent component of development and growth...

"108. Professor Corker draws attention to the idea that the environmental protection goes beyond lawsuits. Where the state and statutory bodies fail in their duty to comply with the regulatory framework for the protection of the environment, the courts, acting on actions brought by public spirited individuals are called to invalidate such actions...

"109. The protection of the environment is premised not only on the active role of courts, but also on robust institutional frameworks within which every stakeholder complies with its duty to ensure sustainable development. A framework of environmental governance committed to the rule of law requires a regime which has effective, accountable and transparent institutions. Equally important is responsive, inclusive, participatory and representative decision making. Environmental governance is founded on the rule of law and emerges from the values of our Constitution. Where the health of the environment is key to preserving the right to life as a constitutionally recognized value under Article 21 of the Constitution, proper structures for environmental decision making find expression in the guarantee against arbitrary

action and the affirmative duty of fair treatment under Article 14 of the Constitution. Sustainable development is premised not merely on the redressal of the failure of democratic institutions in the protection of the environment, but ensuring that such failures do not take place.”

70. It cannot be disputed that no development is possible without some adverse effect on the ecology and environment, and the projects of public utility cannot be abandoned and it is necessary to adjust the interest of the people as well as the necessity to maintain the environment. A balance has to be struck between the two interests. Where the commercial venture or enterprise would bring in results which are far from more useful for the people, difficulty of a small number of people has to be bypassed. The comparative hardships have to be balanced and convenience and benefits to a larger section of the people has to get priority over comparatively lesser hardship.
71. This indicates that while applying the concept of sustainable development one has to keep in mind the principle of proportionality based on the concept of balance. It is an exercise in which we have to balance the priorities of development on one hand and environmental protection on the other hand.
72. In view of above discussions, our conclusions are as follows:-
 - (i) The Respondent/Project Proponent has valid Consent condition which is issued by the Chhattisgarh Environment Conservation Board vide order dated 23.08.2024 and valid upto 17.06.2029 for the project enumerated in the Consent condition. The matter of expansion of business is before

consideration of SEAIAA where the SEAC, Chhattisgarh, has recommended and discussed the proposal vide meeting dated 06.11.2024 with specific clarification noted above.

- (ii) The contentions as raised by the Applicant have been raised before the SEIAA and SEAC and competent authority MoEF&CC, CECB, Chhattisgarh, and the same has been considered and rejected.
- (iii) The matter was agitated before the Hon'ble Supreme Court vide Civil Appeal No.9479/2025 which has been dismissed.
- (iv) The Applicant has proper efficacious remedy by way of filing appeal or revision as provided under Sections 28, 29 and 33B of Water (Prevention and Control of Pollution) Act, 1974, and thus, the present application is not maintainable.
- (v) The order under challenge is appealable and the Applicant may file appeal before appropriate forum subject to law of limitation.
- (vi) There are no causes of action before this Tribunal and the application is barred by law of limitation.
- (vii) There is no provision to entertain appeal-cum-application.
- (viii) The National Green Tribunal (Practices and Procedure) Rules, 2011, provides that an application or appeal, as the case may be, shall be based upon a single cause of action. There may be either single application or appeal. Several cause of action and

relief as sought are not maintainable by means of this application.

73. In view of the above discussion, alternate and efficacious remedy under Sections 28, 29 and 33B of the Water (Prevention and Control of Pollution) Act, 1974, is available, thus the application is not maintainable. There is no cause of action, application is barred by time, and abuse of process of Court and SEAC having more than 12 Expert Members has considered the report and the matter is pending before the SEIAA, Chhattisgarh, a statutory body under the environmental law, and is under consideration. It would not be appropriate to interfere with the independent decision taken by the authorities concerned and if anyone is aggrieved against the order passed by the authorities SEAC or SEIAA, may have alternate remedy to file an appeal by challenging the said order before the appropriate forum. Thus, the application is devoid of any merits and deserves to be dismissed as not maintainable. The **Original Application No.42/2025(CZ)** is **dismissed** accordingly.
74. The **I.A. No.56/2025, I.A. No.81/2025** and **I.A. No.92/2025** also stand **disposed of** accordingly.

Sheo Kumar Singh, JM

Dr. A. Senthil Vel, EM

29th July, 2025,
Original Application No.42/2025(CZ)
(I.A. No.56/2025, I.A. No.81/2025 & I.A. No.92/2025)
AK

VAKALATNAMA
BEFORE THE NATIONAL GREEN TRIBUNAL, PRINCIPAL BENCH
(NEW DELHI)
OA No. 549 OF 2025

IN THE MATTER OF:

DHEERAJ TIWARI

Versus

.... Applicant

MoEF&CC &

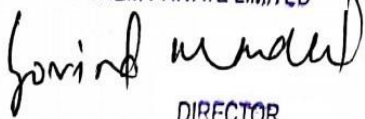
Ors.

....Respondents

I, Govind Kumar Mandal S/o Ramdev Mandal, aged about 43 Years, R/o Flat No. 303, Block-F, 3rd Floor, Umda, Bhilai Charoda, Durg, Chhattisgarh, the Respondent No.6 do hereby appoint, authorize, and engage the below mentioned advocate(s) to Act, appear and plead in the above-noted matter. This authorization shall include signing, file, verifying present appeal, pleadings, petitions for executions, review, revision, withdraw, compromise or file other petitions or affidavits or documents/applications in this court or any other court as may be deemed necessary for proper execution of the said appeal in all its stages subject to agreed terms and conditions including payment of fees.

And I the undersigned so hereby agree to ratify and confirm all acts done by the Advocates or their substitute in the matter as my/our own acts as done by me/us to all intents and purposes.

IN WITNESS WHEREOF I do hereunto set my hand to these presents the contents of which have been understood by me on this 0 1 day of **November, 2025.**

S No.	Name and Father’s Name	Address	E-mail	Mobile	Full Signature
1.	Govind Kumar Mandal S/o Ramdev Mandal	R/o Flat No. 303, Block-F, 3rd Floor, Umda, Bhilai Charoda, Durg, Chhattisgarh	adil.mayc@yahoo.com	8839836356	TETHYS CHEM PRIVATE LIMITED  DIRECTOR

Accepted

S No.	Name and Enrollment details	Address for Service	E-mail	Mobile	Full Signature
1.	M. Aadil Yar Chaudhary	T 38/22, Nr Bab E Aali Ground, Lower Idgah Hills, Bhopal ,M.P. 462001	adil.mayc@yahoo.com	8690152856	