

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL,
WESTERN ZONE BENCH AT PUNE

APPEAL NO. 26/2020

IN THE MATTER OF:

MR. AJAY JAYVANTRAO BHOSALE ... APPELLANT

VERSUS

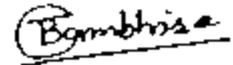
UNION OF INDIA THROUGH
SECRETARY-MoEF & CC & OTHERS ... RESPONDENTS

FILE-A, VOLUME- _____

INDEX

SR.	DESCRIPTION	PAGE NO.
1.	Written Submission on behalf of the Appellant on Limited point of Judgment placed by R-11-PP after reserve of Appeal for final Order & judgment and SC Order passed in CA No. 456/2023	_____ - _____
2.	A true copy of the Order passed by the Hon'ble Supreme Court in Civil Appeal No. 456/2023 vide dated 21.03.2023	_____ - _____

Date: 28.03.2023



(ADVOCATE FOR APPELLANT)

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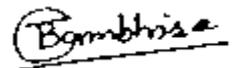
WRITTEN SUBMISSIONS ON BEHALF OF APPELLANT

1. That this Hon'ble NGT vide its Order dated 01.12.2022 disposed of the OA No. 63/2019 and this Order were challenged by this Appellant before Hon'ble Supreme Court in Civil Appeal No. 456/2023 and after hearing the matter, Hon'ble Supreme Court vide its Order dated 21.03.2023 passed in Civil Appeal No. 456/2023 have passed following Order;

"We have been informed that the respondents had applied and were given Environment clearance in the year 2020. The Environment Clearance certificate has been challenged by the appellant in separate proceedings. In view of the aforesaid position, we are not inclined to issue notice in the present appeal and hence, the same is dismissed.

We, however, clarify that the dismissal of the present appeal will have no bearing on the challenge made by the appellant to the grant of Environment Clearance Certificate."

2. That the Respondent No. 11-PP at the end of hearing off this Appeal No. 26/2020 placed its reliance on the Order dated 06.03.2013 passed by Hon'ble Bombay High Court in in **WP (Lodging) No. 470/2013 "M/s. Saumya Buildcon Pvt. Ltd"** Case in support of his contention based on the superior & inferior concept of judicial establishment from **(2022) 8 SCC 156** by stating that the construction upto 20000 M² is permissible without prior EC. However, as per the settled position under EIA Notification, 2006 & judgments & orders passed by this Hon'ble NGT as well as Hon'ble SC in S. P. Muthuraman Case (07.07.2015), Forward Foundation Case (07.052015), Goel Ganga Case (10.08.2019) and Matri Techzone Case 03.05.2019). Therefore, Order dated 06.03.2013 passed by Hon'ble Bombay High Court "M/s. Saumya Buildcon Pvt. Ltd" Case is "**par incuriam**" as stated in the **Table from Para-6(a)** of the Rejoinder and M/s. Saumya Buildcon Pvt. Ltd" Case cannot be applicable to the case in hand.
3. Hence this Written Submission on limited issue.



(ADVOCATE FOR APPELLANT)

1119

**IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION**

CIVIL APPEAL NO. 456 OF 2023

AJAY JAYVANTRAO BHOSALE APPELLANT(S)

VERSUS

UNION OF INDIA & ORS. RESPONDENT(S)

O R D E R

We have been informed that the respondents had applied and were given Environment clearance in the year 2020. The Environment Clearance certificate has been challenged by the appellant in separate proceedings.

In view of the aforesaid position, we are not inclined to issue notice in the present appeal and hence, the same is dismissed.

We, however, clarify that the dismissal of the present appeal will have no bearing on the challenge made by the appellant to the grant of Environment Clearance Certificate.

Pending application(s), if any, shall stand disposed of.

.....J.
(SANJIV KHANNA)

.....J.
(M.M. SUNDRESH)

Signature Not Verified

Digitally signed by
BABITA PANDEY
Date: 2023.03.23
16:52:30 IST
Reason:

**NEW DELHI;
MARCH 21, 2023.**

**S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S****Civil Appeal No(s). 456/2023****AJAY JAYVANTRAO BHOSALE****Appellant(s)****VERSUS****UNION OF INDIA & ORS.****Respondent(s)****(IA No.15239/2023-EXEMPTION FROM FILING C/C OF THE IMPUGNED
JUDGMENT and IA No.15243/2023-STAY APPLICATION and IA
No.15242/2023-EXEMPTION FROM FILING O.T.)****Date : 21-03-2023 This appeal was called on for hearing today.****CORAM :****HON'BLE MR. JUSTICE SANJIV KHANNA
HON'BLE MR. JUSTICE M.M. SUNDRESH****For Appellant(s) Mr. Pulkit Agarwal, AOR
Mr. Prashant Bhushan, Sr. Adv.
Mr. Shailesh Mandiyal, Adv.
Mr. Tanaji Gambhire, Adv.
Mr. Nitin Lonkar, Adv.
Ms. Sonali Suryavanshi, Adv.
Ms. Pradnya Bheke, Adv.
Mr. Sudhanshu Kaushesh, Adv.
Mr. Palav Agarwal, Adv.****For Respondent(s) Mr. Saket Mone, Adv.
Ms. Anshula Vijay Kumar Grover, AOR
Mr. Abhishek Salian, Adv.
Ms. Nitika Grover, Adv.
Mr. Devansh Shah, Adv.****UPON hearing the counsel, the Court made the following
O R D E R****The appeal is dismissed in terms of the signed order.****Pending application(s), if any, shall stand disposed of.****(BABITA PANDEY)
COURT MASTER (SH)****(R.S. NARAYANAN)
COURT MASTER (NSH)****(Signed order is placed on the file)**