

Item Nos. 17&18

Court No. 1

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

Execution Application No. 29/2024

In

Appeal No. 79/2014

(IA No 110/2025, IA No 163/2025, IA No 390/2025,  
IA No 422/2025, IA No 423/2025, IA No 364/2024)

Debadityo Sinha & Ors.

Applicant(s)

Versus

Ministry of Environment, Forest and  
Climate Change & Ors.

Respondent(s)

With

Original Application No. 883/2024

News Item titled "Experts flag large-scale clearing of vegetation in  
Mirzapur forest" appearing in The Hindustan Times dated 03.07.2024

Date of hearing: 18.08.2025

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

Applicant: Mr. Sanjay Parekh, Senior Advocate with Ms. Parul Gupta & Ms. Kritika,  
Adv. for Applicant in E.A 29/2024

Respondents: Mr. Pinaki Misra, Senior Advocate with Mr. Bhanwar Pal Singh Jadon,  
Ms. Hemlata Singh, Ms. Gargi Chaturvedi & Ms. Anjali Shamra, Adv. for  
R - 1, 2 & 4 in OA 883/2024  
Mr. Bhanwar Pal Singh Jadon, Ms. Hemlata Singh & Ms. Gargi  
Chaturvedi, Adv. for the State of UP in E.A. 29/2024  
Mr. Atmaram N.S. Nadkarni, Senior Advocate with Mr. Sumeer Sodhi, Ms.  
Petal Chandok, Ms. Ananya Saxena, Ms. Himanshi Nagpal, Ms. Vanshika  
Jhamb & Ms. Manisha Gupta, Adv. for R - 1 in E.A. 29/2024 & for R - 5  
in OA 883/2024  
Mr. Pradeep Misra & Mr. Daleep Dhyani, Adv. for UPPCB (Through VC)

**ORDER**

**Execution Application No. 29/2024**

1. Learned Senior Counsel appearing for the Applicant submits that  
on behalf of the same Applicant in IA No. 185063/2025 in Writ Petition  
No. 202/1995, in the matter of *T.N. Godavarman Thirumulpad vs. Union  
of India & Ors.* before the Hon'ble Supreme Court, he has made a  
statement that the applicant will withdraw this Execution Application

pending before the NGT and will raise all the issues before the Hon'ble Supreme Court in the above IA.

2. In view of the above, learned Senior Counsel for the Applicant in the execution application has made a prayer for withdrawal of the execution application. The prayer is not opposed by any of the respondents. The prayer is allowed.

3. The Execution Application is dismissed as withdrawn.

**Original Application No. 883/2024**

4. This Original Application was registered in *suo-Motu* exercise of powers on the basis of the news item disclosing violation of the environmental norms and clearing of the forest area in Mirzapur in the setting up of the proposed thermal power plant. The Tribunal by order dated 23.07.2024 had impleaded the Respondents and had issued notice to them.

5. Learned counsel appearing for the parties have pointed out that the IA No. 188063 of 2025 filed in W.P. (C) No. 202/2025 before the Hon'ble Supreme Court by the Applicant in the connected Execution Application No. 29/2024 involves the same issue which is involved in the present OA. A copy of the IA has also been produced during the hearing.

6. The Hon'ble Supreme Court in the matter of State of Himachal Pradesh & Ors. vs. Yogendera Mohan Sengupta & Anr. reported in (2024) 1 S.C.R. 973 :2024 INSC 30, in the case where the NGT had issued directions even though the matter was seized before the High Court in a Writ Petition, has held that:

“xxx

xxx

xxx

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

110. It will also be relevant to refer to the observations of this Court in the case of **Raghu Ramakrishna Raju Kanumuru (Member of Parliament) (supra)**, which read thus:

“13. We are, therefore, of the considered view that it was not appropriate on the part of the learned NGT to have continued with the proceedings before it, specifically, when it was pointed out that the High Court was also in seisin of the matter and had passed an interim order permitting the construction. The conflicting orders passed by the learned NGT and the High Court would lead to an anomalous situation, where the authorities would be faced with a difficulty as to which order they are required to follow. There can be no manner of doubt that in such a situation, it is the orders passed by the constitutional courts, which would be prevailing over the orders passed by the statutory tribunals.”

111. It can be seen from the perusal of the orders of the NGT itself that though the NGT was informed about the High Court being in seisin of the proceedings, it went on to hold that the judgment given by it was binding and therefore, the draft development plan, which in its view, was not in conformity with its judgment, was liable to be set aside.”

7. Since the issue involved in this OA is pending before the Hon'ble Supreme Court in IA No. 185063/2025, therefore, continuance of the proceedings in this OA will result in parallel proceedings, which is not permissible.

8. In view of the above, we do not find it proper to proceed further in this OA. Hence, the *suo-Motu* proceedings initiated by the Tribunal are closed and the OA is accordingly disposed of.

Prakash Shrivastava, CP

Dr. A. Senthil Vel, EM

Mr. Ishwar Singh, EM

August 18, 2025  
Execution Application No. 29/2024  
In Appeal No. 79/2014  
(IA No 110/2025, IA No 163/2025, IA No 390/2025,  
IA No 422/2025, IA No 423/2025, IA No 364/2024)  
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