

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

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**REVIEW APPLICATION NO. 02 OF 2017
(M.A. NO. 110/2017)
IN
APPEAL NO. 79 OF 2014
AND
REVIEW APPLICATION NO. 04 OF 2017
(M.A. NO. 325/2017)
IN
APPEAL NO. 79 OF 2014
AND
REVIEW APPLICATION NO. 06 OF 2017
(M.A. NO. 330/2017 & M.A. NO. 331/2017)
IN
APPEAL NO. 79 OF 2014**

IN THE MATTER OF:

Debadityo Sinha & Ors.

..... Applicant

Versus

Union of India & Ors.

..... Respondents

IN THE MATTER OF:

UNION OF INDIA
Through the Secretary,
Ministry of Environment,
Forests & Climate Change
Indira Paryavaran Bhavan
Jor Bagh Road,
New Delhi-110003

..... Review Applicant

// Versus //

1. DEBADITYO SINHA
R/o III Floor, 943A/8,
Govindpur, Kalkaji,
New Delhi-110019
2. SHIV KUMAR UPADHYAY
R/o 36/30, Shivpuri Colony,
Station Road, Mirzapur,
Uttar Pradesh – 231001

3. MUKESH KUMAR
R/o Room no. 65, Aravalli Hostel,
Rajiv Gandhi South Campus,
Banaras Hindu University,
Village – Barkachha,
District Mirzapur,
Uttar Pradesh – 231001
 4. GOVT. OF UTTAR PRADESH
Through its Chief secretary,
Lal Bahadur Shastri Bhavan
UP Secretariat,
Lucknow-226001.
 5. UTTAR PRADESH POLLUTION CONTROL BOARD
Through its Member Secretary
Vibhuti Khund, Gomti Nagar,
Lucknow, Uttar Pradesh -226010
 6. M/S WELSPUN ENERGY (U.P) PVT. LTD.
Through its Authorized Representative
Having its office at:
III Floor, PTI Building, Parliament Street,
New Delhi – 110001
- Respondents

COUNSEL FOR REIEW APPLICANTS:

Ms. Divya Prakash Pande, Advocate
Mr. Sanjeev Kumar & Mr. Anshul Sehgal, Advocate

COUNSEL FOR RESPONDENTS :

Ms. Parul Gupta, Adv. for R-1 to 3
Mr. Neeraj Kishan Kaul, ASG for R-4
Mr. Pradeep Misra, Adv. for UPPCB
Mr. Pinaki Misra, Sr. Adv. for R-6
Mr. Tarunvir Singh Khehar, Adv.
Mr. Tushar Mehta, ASG for R-1
Mr. Abhishek Yadav, Adv. for State of UP

JUDGMENT

PRESENT:

Hon'ble Mr. Justice Swatanter Kumar (Chairperson)

Hon'ble Mr. Justice U.D. Salvi (Judicial Member)

Hon'ble Mr. Bikram Singh Sajwan (Expert Member)

Hon'ble Mr. Ranjan Chatterjee (Expert Member)

Reserved on: 28th April, 2017

Pronounced on: 1st May, 2017

1. Whether the judgment is allowed to be published on the net?
2. Whether the judgment is allowed to be published in the NGT Reporter?

JUSTICE SWATANTER KUMAR, (CHAIRPERSON)

Appeal No. 79 of 2014 was directed against the Environmental Clearance (for short, "EC") dated 21st August, 2014. A Bench of the Tribunal vide judgment dated 21st December, 2016 set aside the EC granted to the project.

Three different review applications have been filed by different respondents seeking review/modification of the judgment dated 21st December, 2016 on different grounds.

2. We have heard the learned Counsel appearing for the respective parties, including the non-applicant, at length. After hearing the parties and perusing the records before us, we are of the considered view that the grounds raised in the present applications for review have no merit and fall within the Appellate Jurisdiction in contradistinction to Review Jurisdiction.

3. However, for proper implementation of the judgement, a clarification needs to be issued which we do hereby issue, that the project proponent is at liberty to approach the MoEF&CC or any other competent authority for processing of the applications for grant of EC

upon making up for/rectifying the defects and deficiencies pointed out in the judgment. However, the authorities concerned are at liberty to process the same in accordance with law while strictly adhering to the content of the judgment.

4. In view of the above, the Review Application Nos. 02 of 2017, 04 of 2017 and 06 of 2017 stand disposed of with no order as to cost. However, the parties would be free to approach the Tribunal if the occasion so arises.

5. M.A. Nos. 110/2017, 325/2017, 330/2017 & 331/2017 do not survive for consideration as the Review Applications have been disposed of. Accordingly, they stand disposed of.

**Swatanter Kumar
Chairperson**

**U.D. Salvi
Judicial Member**

**Bikram Singh Sajwan
Expert Member**

**Ranjan Chatterjee
Expert Member**

New Delhi
1st May, 2017