

Item No. 08 (Through VC-Bhopal)

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

Original Application No. 43/2019 (CZ)

Devidas Khatri

Applicant(s)

Versus

Union of India & Ors.

Respondent(s)

Date of hearing: 19.12.2019

**CORAM:**

**HON'BLE MR. JUSTICE RAGHUVENDRA S. RATHORE, JUDICIAL MEMBER  
HON'BLE DR. SATYAWAN SINGH GARBYAL, EXPERT MEMBER**

For Applicant(s)

None present

For Respondent(s)

Mr. Ashwin Rastogi, Advocate for  
Mr. Arvind Soni, Advocate  
Mr. Shoeb Khan, Advocate  
Mr. Yadvendra Yadav, Advocate

**ORDER**

In this case the applicant has raised the grievance that there is no valid environmental clearance. It has also been stated that environmental clearance is without following the norms. In such a situation the applicant has prayed for issuance of appropriate directions to respondent no. 4 and 5 i.e. State Pollution Control Board for closure of the operations. Another relief sought by the applicant is with regard to assessment of damages caused by the operation.

A perusal of the application as well as documents placed on record by the applicant reveals that the environmental clearance was issued on 26.11.2018. However, it is rather strange that the applicant, for the reason best known to him, has not come with a specific prayer that the

said environmental clearance should be set aside. Furthermore, a perusal of the order dated 26.11.2018 reveals that it relates to, as many as, 66 persons but the applicant has singled out respondent no. 6 in filing this application and no other.

A reference has also been made with regard to the earlier orders of the Tribunal. A perusal of the said order shows that the issue involved therein was in respect of a notification issued by MoEF and they were directed to take steps to revise the procedure laid down therein.

It is also clear from the order of environmental clearance that so far as respondent no. 6 is concerned the total area is 1 hectare. The basic grievance in the earlier case before the Tribunal was that those having an area of more than 5 hectare should be looked into by SEIAA and such cases should not be dealt with by the District Environment Impact Assessment Authority (DEIAA). The challenge against respondent no. 6 is not in respect of the fact that he has formed a cluster.

Therefore, in the instant case the applicant is failed to make out any case against respondent no. 6 legally or on the basis of earlier order passed by the Tribunal in respect of the notification issued by respondent-Ministry.

Consequently, this original application suffers from specific prayer in respect of environment clearance which is sought to be impugned and the applicant is alleged to have

been aggrieved of; non-joinder of necessary parties etc. and as such deserves to be dismissed.

Accordingly, original application no. 43/2019 (CZ) is dismissed, with no order as to cost.

Justice Raghuvendra S. Rathore, JM

Dr. Satyawan Singh Garbyal, EM

MN

