

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. _____ OF 2023
(@ DIARY NO. 4169/2023)

M/S SHRI RAM STONE CRUSHER & ORS.

APPELLANT (S)

VERSUS

THE STATE OF HARYANA & ORS.

RESPONDENT (S)

WITH

CIVIL APPEAL NO. 910 OF 2023

CIVIL APPEAL NO. _____ OF 2023
(@ DIARY NO. 4899/2023)

CIVIL APPEAL NO. 956 OF 2023

CIVIL APPEAL NO. _____ OF 2023
(@ DIARY NO. 5516/2023)

CIVIL APPEAL NO. _____ OF 2023
(@ DIARY NO. 5523/2023)

CIVIL APPEAL NO. _____ OF 2023
(@ DIARY NO. 6115/2023)

CIVIL APPEAL NO. _____ OF 2023
(@ DIARY NO. 6179/2023)

CIVIL APPEAL NO. _____ OF 2023
(@ DIARY NO. 6565/2023)

O R D E R

Permission to file the Appeals is granted.

We have heard Shri Maninder Singh, Shri Nidhesh Gupta and Shri Rakesh Kumar Khanna, learned Senior Advocates appearing on behalf of the respective appellants and Shri Prashant Bhushan, learned counsel appearing on behalf of the contesting respondents.

Contd..

After hearing learned Senior Advocates appearing on behalf of the respective appellants and the grievances made, it appears that the main grievances are two fold -

1. The order passed by the Tribunal directing to pay Rs.20,00,000/- by each stone crusher by way of interim compensation; and
2. That operation of the stone crushers, taking into consideration the carrying capacity.

It is also the grievance of the respective appellants that none of the appellants were heard by the Tribunal before passing the impugned order(s), more particularly, directing to pay the interim compensation at Rs.20,00,000/- for each stone crusher. It is the case on behalf of the appellants that in many cases, they have obtained the consent from the appropriate Authorities and in some of the cases, they are complying with the conditions and as per the Report submitted, the pollution in the area was below the permissible limit; in some of the cases, the stone crushing units have been dismantled since ten years ago and some of the them have not even operated at all. Even, the final Report was not submitted by the Committee constituted by the National Green Tribunal (NGT) and before that the impugned orders have been passed.

On the other hand, Shri Prashant Bhushan, learned counsel appearing on behalf of the contesting respondents has

contd..

submitted that, as such, if any of the individual stone crusher has any grievance, the Tribunal in the impugned order(s) itself has reserved the liberty in favour of the stone crushers to approach the Tribunal. It is also submitted that though, the respective stone crushers were aware of the pending proceedings before the NGT except some stone crushers (8 in number), none approached the Tribunal by way of intervention application. It is submitted that even the Association appeared before the Tribunal and filed the written submission, which has been considered by the Tribunal. Now, it is not open for the appellants to make a grievance that before passing the impugned order(s), the Tribunal did not hear them.

Having heard learned counsel for the respective parties and considering the impugned order(s) passed by the NGT, we are of the opinion that if any of the individual stone crusher has any objection against the order passed by the NGT, they may approach the NGT as per the liberty reserved by the Tribunal in the impugned order itself. As and when such applications are made, the Tribunal to consider the same in accordance with law and on its own merits and considering the individual cases to be put forward before the NGT. If such applications are made within a period of two weeks from today, the learned NGT to consider the same in accordance with law and on merits and to take into consideration the individual

contd..

cases to be brought to the knowledge of the NGT at the earliest and preferably within a period of six weeks from the date of receipt of such applications.

Till the applications are filed, no coercive action shall be taken

The present Appeals are accordingly disposed of.

Pending applications including the applications for impleadment shall stand disposed of.

..... J.
(M.R. SHAH)

..... J.
(C.T. RAVIKUMAR)

New Delhi;
February 24, 2023.

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

CIVIL APPEAL Diary No(s) . 4169/2023

(Arising out of impugned judgment and order dated 18-01-2023 in OA No. 667/2018 passed by the National Green Tribunal)

M/S SHRI RAM STONE CRUSHER & ORS.

Petitioner(s)

VERSUS

THE STATE OF HARYANA & ORS.

Respondent(s)

(IA No. 27666/2023 - EX-PARTE STAY

IA No. 27664/2023 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT

IA No. 35388/2023 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES

IA No. 27662/2023 - PERMISSION TO FILE APPEAL)

WITH

C.A. No. 910/2023 (XVII)

(IA No.28326/2023-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.28325/2023-EX-PARTE STAY)

Diary No(s) . 4899/2023 (XVII)

(IA No.32134/2023-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.32136/2023-STAY APPLICATION and IA No.32128/2023-PERMISSION TO FILE APPEAL)

C.A. No. 956/2023 (XVII)

(FOR ADMISSION and I.R. and IA No.30883/2023-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.30886/2023-EX-PARTE STAY)

Diary No(s) . 5516/2023 (XVII)

(FOR ADMISSION and I.R. and IA No.34143/2023-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.34145/2023-EX-PARTE STAY and IA No.34144/2023-EXEMPTION FROM FILING O.T. and IA No.34142/2023-PERMISSION TO FILE APPEAL)

Diary No(s) . 5523/2023 (XVII)

(IA No.34666/2023-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.34668/2023-STAY APPLICATION and IA No.34667/2023-EXEMPTION FROM FILING O.T. and IA No.34665/2023-PERMISSION TO FILE APPEAL)

Diary No(s) . 6115/2023 (XVII)

(IA No.34170/2023-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.34169/2023-STAY APPLICATION and IA No.34171/2023-EXEMPTION FROM FILING O.T. and IA No.34168/2023-PERMISSION TO FILE APPEAL)

Contd..

Diary No(s). 6179/2023 (XVII)

(IA No.33574/2023-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.33572/2023-EX-PARTE STAY and IA No.33564/2023-PERMISSION TO FILE APPEAL and IA No.33567/2023-PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)

Diary No(s). 6565/2023 (XVII)

(IA No.35865/2023-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.35867/2023-EX-PARTE STAY and IA No.35863/2023-PERMISSION TO FILE APPEAL)

Date : 24-02-2023 These matters were called on for hearing today.

CORAM : HON'BLE MR. JUSTICE M.R. SHAH
HON'BLE MR. JUSTICE C.T. RAVIKUMAR

For Petitioner(s) Mr. Rakesh Kumar Khanna, Sr. Adv.
Mr. Mohd. Fuzail Khan, AOR
Ms. Anshu Gupta, Adv.
Mr. Anisul Haque, Adv.
Mr. Ashutosh Srivastava, Adv.
Mr. Samant Singh, Adv.
Mr. Aditya Pushkal Khanna, Adv.
Ms. Ramya Khanna, Adv.
Mr. Bhibhuti Krishna, Adv.

Mr. Somvir Singh Deshwal, Adv.
Ms. A. Kumari Saroha, Adv.
Mr. S. S. Ahlawat, Adv.
Mr. Kuldeep Singh Bhakar, Adv.
Mr. Diwan Singh Chauhan, Adv.
Mr. Satbir, Adv.
Mr. Nischal Kumar Neeraj, AOR

Mr. S. Gowthaman, AOR
Ms. Pallavi Singh, Adv.
Mr. Sandeep Rana, Adv.

Mr. Nidhesh Gupta, Sr. Adv.
Ms. Pallavi Singh, Adv.
Ms. Japneet Kaur, Adv.
Ms. Vriti Gujral, Adv.
Mr. G. Balaji, AOR

Mr. Maninder Singh, Sr. Adv.
Mr. Tarun Gupta, AOR
Mr. Nishant Kumar, Adv.
Mr. Abhishek Sharma, Adv.
Mr. Atul Kumar, Adv.
Mr. Yatinder Chaudhary, Adv.
Mr. Davinder Singh Khurana, Adv.
Mr. Manoj Rajpoot, Adv.
Mr. Vikrant, Adv.

Contd..

For Respondent(s) Mr. Prashant Bhushan, AOR
 Mr. Devesh Kumar Agnihotri, Adv.
 Ms. Alice Raj, Adv.

UPON hearing the counsel the Court made the following
O R D E R

Permission to file the Appeals is granted.

The present Appeals are disposed of in terms of the
signed order.

Pending applications including the applications for
impleadment shall stand disposed of.

(NEETU SACHDEVA)
ASTT. REGISTRAR-cum-PS

(NISHA TRIPATHI)
ASSISTANT REGISTRAR

(signed order is placed on the file)