

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION
CIVIL APPEAL No(s).1975 OF 2022

M/S XRBIA DEVELOPERS LIMITED

Appellant(s)

VERSUS

TANAJI BALASAHEB GAMBHIRE & ORS.

Respondent(s)

WITH

CIVIL APPEAL No(s). 4589 OF 2022

O R D E R

IN CIVIL APPEAL No(s). 1975 OF 2022

Heard learned counsel for the parties.

Learned counsel for the Respondent No. 1- original applicant in the O.A. No. 33 of 2019 before the National Green Tribunal (Tribunal), fairly submits that the impugned order has been passed without issuing notice to the appellant herein, which was respondent No. 16 before the Tribunal.

He further submits that he has no objection if the impugned order is set aside and the matter is remanded to the Tribunal.

In view of the above, the appeal is allowed in part. The impugned order passed by the Tribunal is set aside.

The matter is remitted back to the Tribunal for *de nove* consideration in accordance with law, after affording due opportunity of hearing to all the parties. All the contentions are left open to be agitated by the parties before the Tribunal.

IN CIVIL APPEAL No(s). 4589 OF 2022

In view of the above order passed in C.A. No. 1975 of 2022, the instant appeal also stand disposed of accordingly.

.....J.
(S. ABDUL NAZEER)

.....J.
(J.K. MAHESHWARI)

NEW DELHI
AUGUST 01, 2022

ITEM NO.37

COURT NO.5

SECTION XVII

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

Civil Appeal No(s). 1975/2022

M/S XRBIA DEVELOPERS LIMITED

Appellant(s)

VERSUS

TANAJI BALASAHEB GAMBHIRE & ORS.

Respondent(s)

IA No. 41803/2022 - EX-PARTE STAY)

WITH

C.A. No. 4589/2022 (XVII)

(IA No.86822/2022-EXEMPTION FROM FILING C/C OF THE IMPUGNED
 JUDGMENT and IA No.86823/2022-EXEMPTION FROM FILING O.T.)

Date : 01-08-2022 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE S. ABDUL NAZEER

HON'BLE MR. JUSTICE J.K. MAHESHWARI

For Appellant(s)

Mr. Nitin Lonkar, Adv.
 Ms. Sonali Suryawanshi, Adv.
 Mr. Pradnya Bheke, Adv.
 Mr. Shankey Agrawal, AOR

Mr. Ninad Laud, Adv.
 Mr. Saket Mone, Adv.
 Ms. Anshula Vijay Kumar Grover, AOR
 Mr. Ivo D'Costa, Adv.

For Respondent(s)

Mr. Shankey Agrawal, AOR

Mr. K.M. Nataraj, ASG
 Mr. Gurmeet Singh Makker, AOR
 Mr. Shailesh Madiyal, Adv.
 Mr. Mahaling Pandarge, Adv.
 Mr. Pashupati Nath Razdan, Adv.
 Mr. Akshay Nain, Adv.
 Mr. Anuj Srinivas udupa, Adv.
 Mr. Nakul Chengappe, Adv.

Mr. Shashank Singh, AOR

Mr. Anand Dilip Landge, Adv.

Mr. Rahul Chitnis, Adv.
Mr. Sachin Patil, AOR
Mr. Aaditya A. Pande, Adv.
Mr. Geo Joseph, Adv.
Ms. Shwetal Shepal, Adv.

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

IN CIVIL APPEAL No(s). 1975 OF 2022

The appeal is allowed in part in terms of the signed order.

Pending applications, if any, also stand disposed of.

IN CIVIL APPEAL No(s). 4589 OF 2022

In view of the order passed in C.A. No. 1975 of 2022, the instant appeal also stand disposed of in terms of the signed order.

Pending applications, if any, also stand disposed of.

(NEELAM GULATI)
ASTT. REGISTRAR-cum-PS

(KAMLESH RAWAT)
COURT MASTER (NSH)

(Signed order is placed on the file)