

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 2874 OF 2022
(@Diary No(s). 6450/2022)

D N CARBONS

APPELLANT(S)

VERSUS

THE CHAIRMAN, TAMIL NADU POLLUTION CONTROL BOARD & ORS.
RESPONDENT(S)

WITH

CIVIL APPEAL NO. 2878 OF 2022
(@Diary No(s). 9095/2022)

CIVIL APPEAL NO. 2876 OF 2022
(@Diary No(s). 6467/2022)

CIVIL APPEAL NO. 2877 OF 2022
(@Diary No(s). 9089/2022)

CIVIL APPEAL NO. 2879 OF 2022
(@Diary No(s). 9589/2022)

CIVIL APPEAL NO. 2875 OF 2022
(@Diary No(s). 6463/2022)

CIVIL APPEAL NO. 2880 OF 2022
(@Diary No(s). 9594/2022)

WITH

CIVIL APPEAL NO. 2881 OF 2022
(@Diary No(s). 9595/2022

O R D E R

Permission to file the appeals is granted.

Order dated 20th November, 2020 passed by the National Green Tribunal, Southern Zone, Chennai (the "NGT") in Original Application No. 17 of 2013 i.e. M/s Balaubramanian Charcoal Unit versus District Environment Commissioner and Others and other connected matters has been made the subject matter of challenge in several appeals in this Court. Civil Appeal No. 2780/2022, was disposed of by the order of this Court dated 1st April, 2022, which reads as under :

"Permission to file the civil appeal is granted.

Learned counsel for the appellant, submits that the impugned order passed by the National Green Tribunal, Southern Zone, Chennai, was without notice to the appellant, who was never heard. The Appellant, it is stated, is compliant with the statutory norms.

The impugned order refers to arguments advanced by an association of charcoal manufacturers who had intervened and was heard before the impugned order was passed.

Be that as it may, it would be open to the appellant to file a review application before the National Green Tribunal, Southern Zone, Chennai, to press its stance and case.

Review application, if filed, would be considered on grounds as permissible in law.

Learned counsel for the appellant states that the review application may be barred by limitation. If that be so, it will be open to the appellant to move an application for condonation of delay, which application would be considered giving due regard to the fact that the appellant had filed the present appeal.

With the aforesaid observations, the civil appeal is disposed of without foreclosing the right of the appellant to subsequently challenge the impugned order.

Pending application(s), if any, stands disposed of."

Subsequently, the said order was repeated in several appeals.

Today eight appeals are listed before this Court praying for identical orders and, it is inter alia, pleaded that the appellants have filed review applications before the NGT, but these applications are not being taken up for adjudication/hearing as there is no specific order of this Court.

In view of the aforesaid position, we direct the NGT to take up the review applications filed by similarly situated applicants whose case is identical and rely on the order dated 1st April, 2022. This would help curtail delay and also cost of litigation.

In other words, parties/industries who have approached the NGT, by way of review applications would

not have to file an appeal before this Court and pray for a specific order in terms of the order dated 1st April, 2022 passed in Civil Appeal No. 2780 of 2022. The review applications in such cases would be decided and examined on merits. We, reiterate that we have not made any comments or observations on merits.

Recording the aforesaid, these appeals are disposed of.

Pending application(s), if any, shall stand disposed of.

..... .J.
[SANJIV KHANNA]

..... .J.
[BELA M. TRIVEDI]

NEW DELHI;
APRIL 11, 2022.

REVISED

ITEM NO.1

COURT NO.16

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 Diary No(s). 6450/2022

(Arising out of impugned final judgment and order dated 20-11-2020 in OA No. 24/2013 passed by the National Green Tribunal, Southern Zone at Chennai)

D N CARBONS

Petitioner(s)

VERSUS

THE CHAIRMAN, TAMIL NADU POLLUTION CONTROL BOARD & ORS.

Respondent(s)

(IA No.44156/2022-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.44157/2022-EXEMPTION FROM FILING AFFIDAVIT and IA No.44155/2022-PERMISSION TO FILE APPEAL)

WITH

Diary No(s). 9095/2022 (XVII)

(IA No.46975/2022-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.46976/2022-EXEMPTION FROM FILING AFFIDAVIT and IA No.46974/2022-PERMISSION TO FILE APPEAL)

Diary No(s). 6467/2022 (XVII)

(IA No.42429/2022-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.42430/2022-EXEMPTION FROM FILING AFFIDAVIT and IA No.42428/2022-PERMISSION TO FILE APPEAL)

Diary No(s). 9089/2022 (XVII)

(IA No.47047/2022-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.47048/2022-EXEMPTION FROM FILING AFFIDAVIT and IA No.47046/2022-PERMISSION TO FILE APPEAL)

Diary No(s). 9589/2022 (XVII)

(IA No.48824/2022-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.48829/2022-EXEMPTION FROM FILING AFFIDAVIT and IA No.48822/2022-PERMISSION TO FILE APPEAL)

Diary No(s). 6463/2022 (XVII)

(FOR ADMISSION and I.R. and IA No.44425/2022-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.44426/2022-EXEMPTION FROM FILING AFFIDAVIT and IA No.44424/2022-PERMISSION TO FILE APPEAL)

ITEM NO. 41

CIVIL APPEAL

Diary No(s). 9594/2022

([TO BE TAKEN UP ALONG WITH ITEM NO. 1 I.E. Diary No. 6450/2022]..... IA No.50853/2022-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.50854/2022-EXEMPTION FROM FILING AFFIDAVIT and IA No.50852/2022-PERMISSION TO FILE APPEAL)

WITH

ITEM NO. 41.1

Diary No(s). 9595/2022 (XVII)

(IA No.50840/2022-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.50841/2022-EXEMPTION FROM FILING AFFIDAVIT and IA No.50839/2022-PERMISSION TO FILE APPEAL)

Date : 11-04-2022 These petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SANJIV KHANNA
HON'BLE MS. JUSTICE BELA M. TRIVEDI

For Petitioner(s) Ms. D. Durga Devi, Adv.
Mr. Prakash Sharma, Adv.
Mr. Arup Banerjee, AOR

For Respondent(s)

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

Permission to file the appeals is granted.

Appeals are disposed of in terms of the Signed
Order.

Pending application(s), if any, shall stand disposed
of.

(SONIA BHASIN)
COURT MASTER (SH)

(DIPTI KHURANA)
COURT MASTER (NSH)

[Signed Order is placed on the file]

ITEM NO.1

COURT NO.16

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 Diary No(s). 6450/2022

(Arising out of impugned final judgment and order dated 20-11-2020 in OA No. 24/2013 passed by the National Green Tribunal, Southern Zone at Chennai)

D N CARBONS

Petitioner(s)

VERSUS

THE CHAIRMAN, TAMIL NADU POLLUTION CONTROL BOARD & ORS.

Respondent(s)

(IA No.44156/2022-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.44157/2022-EXEMPTION FROM FILING AFFIDAVIT and IA No.44155/2022-PERMISSION TO FILE APPEAL)

WITH

Diary No(s). 9095/2022 (XVII)

(IA No.46975/2022-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.46976/2022-EXEMPTION FROM FILING AFFIDAVIT and IA No.46974/2022-PERMISSION TO FILE APPEAL)

Diary No(s). 6467/2022 (XVII)

(IA No.42429/2022-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.42430/2022-EXEMPTION FROM FILING AFFIDAVIT and IA No.42428/2022-PERMISSION TO FILE APPEAL)

Diary No(s). 9089/2022 (XVII)

(IA No.47047/2022-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.47048/2022-EXEMPTION FROM FILING AFFIDAVIT and IA No.47046/2022-PERMISSION TO FILE APPEAL)

Diary No(s). 9589/2022 (XVII)

(IA No.48824/2022-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.48829/2022-EXEMPTION FROM FILING AFFIDAVIT and IA No.48822/2022-PERMISSION TO FILE APPEAL)

Diary No(s). 6463/2022 (XVII)

(FOR ADMISSION and I.R. and IA No.44425/2022-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.44426/2022-EXEMPTION FROM FILING AFFIDAVIT and IA No.44424/2022-PERMISSION TO FILE APPEAL)

ITEM NO. 41

CIVIL APPEAL Diary No(s). 9594/2022

([TO BE TAKEN UP ALONG WITH ITEM NO. 1 I.E. Diary No.

6450/2022]..... IA No.50853/2022-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.50854/2022-EXEMPTION FROM FILING AFFIDAVIT and IA No.50852/2022-PERMISSION TO FILE APPEAL)

WITH

ITEM NO. 41.1

Diary No(s). 9595/2022 (XVII)

(IA No.50840/2022-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.50841/2022-EXEMPTION FROM FILING AFFIDAVIT and IA No.50839/2022-PERMISSION TO FILE APPEAL)

Date : 11-04-2022 These petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SANJIV KHANNA
HON'BLE MS. JUSTICE BELA M. TRIVEDI

For Petitioner(s) Ms. D. Durga Devi, Adv.
Mr. Prakash Sharma, Adv.
Mr. Arup Banerjee, AOR

For Respondent(s)

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

Permission to file the appeals is granted.

Order dated 20th November, 2020 passed by the National Green Tribunal, Southern Zone, Chennai (the "NGT") in Original Application No. 17 of 2013 i.e. M/s Balaubramanian Charcoal Unit versus District Environment Commissioner and Others and other connected matters has been made the subject matter of challenge in several appeals in this Court. Civil Appeal No. 2780/2022, was disposed of by the order of this Court dated 1st April, 2022, which reads as under :

"Permission to file the civil appeal is granted.

Learned counsel for the appellant, submits that the impugned order passed by the National Green Tribunal, Southern Zone, Chennai, was without notice to the appellant, who was never heard. The Appellant, it is stated, is compliant with the statutory norms.

The impugned order refers to arguments advanced by an association of charcoal manufacturers who had intervened and was heard before the impugned order was passed.

Be that as it may, it would be open to the appellant to file a review application before the National Green Tribunal, Southern Zone, Chennai, to press its stance and case. Review application, if filed, would be considered on grounds as permissible in law.

Learned counsel for the appellant states that the review application may be barred by limitation. If that be so, it will be open to the appellant to move an application for condonation of delay, which application would be considered giving due regard to the fact that the appellant had filed the present appeal.

With the aforesaid observations, the civil appeal is disposed of without foreclosing the right of the appellant to subsequently challenge the impugned order.

Pending application(s), if any, stands disposed of."

Subsequently, the said order was repeated in several appeals.

Today eight appeals are listed before this Court

praying for identical orders and, it is inter alia, pleaded that the appellants have filed review applications before the NGT, but these applications are not being taken up for adjudication/hearing as there is no specific order of this Court.

In view of the aforesaid position, we direct the NGT to take up the review applications filed by similarly situated applicants whose case is identical and reply on the order dated 1st April, 2022. This would help curtail delay and also cost of litigation.

In other words, parties/industries who have approached the NGT, by way of review applications would not have to file an appeal before this Court and pray for a specific order in terms of the order dated 1st April, 2022 passed in Civil Appeal No. 2780 of 2022. The review applications in such cases would be decided and examined on merits. We, reiterate that we have not made any comments or observations on merits.

Recording the aforesaid, these appeals are disposed of.

Pending application(s), if any, shall stand disposed of.

(SONIA BHASIN)
COURT MASTER (SH)

(DIPTI KHURANA)
COURT MASTER (NSH)