

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.3701 OF 2023
(ARISING FROM CIVIL APPEAL DIARY NO.7479 OF 2023)

BHARAT COKING COAL LIMITED

APPELLANT(S)

VERSUS

THE STATE OF JHARKHAND & ANR.

RESPONDENT(S)

O R D E R

Application for permission to file civil appeal is allowed.

Re-filing delay condoned.

The learned senior counsel appearing on behalf the appellant would point out that here is a case where the appellant is aggrieved by the observations contained in the order against the appellant. Though the appellant filed an application for impleading and it is taken note of, the objections of the appellant against the report have not been considered. No fault can be laid at the door step of the appellant for the appellant has complied with the condition, it is submitted.

The learned senior counsel for the appellant fairly, however, submits that as far as compensation of Rs.75,00,000/- (Rupees Seventy Five Lakhs) which is seen calculated at the the rate of Rs.250 per day, the appellant is, in fact, without prejudice willing to deposit that amount and use the amount towards the environmental compensation. What he is more concerned is with the impact of the observations made against the appellant without his objection is being considered. In such circumstances, learned

counsel for the appellant would submit that he may be permitted to withdraw the appeal with liberty to move the National Green Tribunal (NGT) for removing the remarks made against the appellant. The appeal is dismissed as withdrawn with such liberty to move the NGT.

We make it clear that we have not any way interfered with the direction to pay the amount of Rs.75,00,000/- (Rupees Seventy Lakhs).

..... J.
[K. M. JOSEPH]

..... J.
[B. V. NAGARATHNA]

New Delhi
Dated; 15th May, 2023.

ITEM NO.11

COURT NO.3

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). 3701/2023
(Arising from Diary No.7479 of 2023)

BHARAT COKING COAL LIMITED**APPELLANT(S)****VERSUS****THE STATE OF JHARKHAND & ANR.****RESPONDENT(S)**

(IA No.92295/2023-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.92292/2023-STAY APPLICATION and IA No.92298/2023-EXEMPTION FROM FILING O.T. and IA No.92288/2023-PERMISSION TO FILE PETITION (SLP/TP/WP/..) and IA No.92300/2023-CONDONATION OF DELAY IN REFILING / CURING THE DEFECTS)

Date : 15-05-2023 This appeal was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE K.M. JOSEPH
HON'BLE MRS. JUSTICE B.V. NAGARATHNA

For Appellant(s) **Mr. Anupam Lal Das, Sr. Adv.**
 Mr. Amit Sharma, AOR
 Mr. Dipesh Sinha, Adv.
 Ms. Pallavi Barua, Adv.
 Ms. Sakshi Upadhyaya, Adv.
 Ms. Aparna Singh, Adv.

For Respondent(s)

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

The appeal is dismissed as withdrawn with such liberty to move the National Green Tribunal (NGT) in terms of the signed order.

We make it clear that we have not any way interfered with the direction to pay the amount of Rs.75,00,000/- (Rupees Seventy Lakhs).

(JAGDISH KUMAR)
COURT MASTER (SH)

(RENU KAPOOR)
ASSISTANT REGISTRAR

(Original signed order is placed on the file)