

**IN THE SUPREME COURT OF INDIA**

**CIVIL APPELLATE JURISDICTION**

**CIVIL APPEAL NO 3049 OF 2023**

(Diary No 9248/2023)

**Hitesh Sharma**

**... Appellant**

**Versus**

**Sabyasachi Mullick Chowdhury & Ors**

**... Respondents**

**O R D E R**

- 1 Delay condoned.
- 2 Ms Kiran Suri, senior counsel appearing on behalf of the petitioner states that no hearing was afforded to the appellant before the impugned order was passed by the National Green Tribunal on 3 January 2022.
- 3 The submission is, it is only when a notice was received by the appellant on 19 December 2022 that the appellant obtained knowledge of the order of the National Green Tribunal. It has been submitted that the appellant would be seriously affected by the impugned order.
- 4 The allegation pertains to a construction on a wetland.
- 5 The Tribunal has constituted an eight member committee.
- 6 Since the appellant has a grievance that he was not heard, it will be open to him to move the National Green Tribunal with the above grievance for which we

grant liberty to the appellant.

- 7 The Tribunal may then look into the tenability of the grievance on merits before passing an order thereon.
- 8 Subject to the grant of the liberty to the appellant in the above terms, the appeal is disposed of.
- 9 Pending applications, if any, stand disposed of.

.....CJI.  
[Dr Dhananjaya Y Chandrachud]

.....J.  
[Pamidighantam Sri Narasimha]

**New Delhi;**  
**April 24, 2023**  
GKA

ITEM NO.6

COURT NO.1

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). 9248/2023

(Arising out of impugned final judgment and order dated 03-01-2022 in OA No. 25/2016 passed by the National Green Tribunal, Eastern Zone Bench, Kolkata)

HITESH SHARMA

Petitioner(s)

VERSUS

SABYASACHI MULLICK CHOWDHURY &amp; ORS.

Respondent(s)

( IA No.74071/2023-CONDONATION OF DELAY IN FILING and IA No.74075/2023-STAY APPLICATION and IA No.74074/2023-PERMISSION TO FILE APPEAL )

Date : 24-04-2023 This petition was called on for hearing today.

**CORAM : HON'BLE THE CHIEF JUSTICE**  
**HON'BLE MR. JUSTICE PAMIDIGHANTAM SRI NARASIMHA**

**For Petitioner(s)** Ms. Kiran Suri, Sr. Adv.  
 Mr. Chandrashekhar A. Chakalabbi, Adv.  
 Mr. Abhishek Bose, Adv.  
 Mr. Pijush Biswas, Adv.  
 Mr. S.k. Pandey, Adv.  
 Mr. Awanish Kumar, Adv.  
 Mr. Anshul Rai, Adv.  
 Mr. Abhinav Garg, Adv.  
 Mr. D. Girish Kumar, Adv.  
 Mr. Kumar Vinayakam Gupta, Adv.  
 Mr. Anupam Jain, Adv.  
 Ms. Aishwarya N Hiremath, Adv.  
 M/S. Dharmaprabhas Law Associates, AOR

**For Respondent(s)**

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

1 Delay condoned.

- 2 The appeal is disposed of in terms of the signed order operative part of which is reproduced as under :

- "6 Since the appellant has a grievance that he was not heard, it will be open to him to move the National Green Tribunal with the above grievance for which we grant liberty to the appellant.
- 7 The Tribunal may then look into the tenability of the grievance on merits before passing an order thereon.
- 8 Subject to the grant of the liberty to the appellant in the above terms, the appeal is disposed of.
- 9 Pending applications, if any, stand disposed of."

**(GULSHAN KUMAR ARORA)**  
**AR-CUM-PS**

**(SAROJ KUMARI GAUR)**  
**ASSISTANT REGISTRAR**

**(Signed order is placed on the file)**