

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). 18853/2023

(Arising out of impugned final judgment and order dated 05-08-2022 in OA No. 133/2020 passed by the National Green Tribunal, Southern Zone at Chennai)

GAIL (INDIA) LIMITED

Appellant(s)

VERSUS

NATIONAL GREEN TRIBUNAL &amp; ORS.

Respondent(s)

([TO BE TAKEN UP IMMEDIATELY AFTER THE FRESH CASES.] .

IA No. 93900/2023 - CONDONATION OF DELAY IN FILING

IA No. 93902/2023 - EXEMPTION FROM FILING O.T.

IA No. 93901/2023 - PERMISSION TO FILE ADDITIONAL  
DOCUMENTS/FACTS/ANNEXURES

IA No. 93904/2023 - PERMISSION TO FILE LENGTHY LIST OF DATES

IA No. 93906/2023 - STAY APPLICATION)

Date : 16-10-2023 These matters were called on for hearing today.

CORAM :

HON'BLE MRS. JUSTICE B.V. NAGARATHNA

HON'BLE MR. JUSTICE UJJAL BHUYAN

For Appellant(s) Mr. Tushar Mehta, SG  
Mr. N. L. Ganapathi, AOR

For Respondent(s) Mr. K M Nataraj, A.S.G.  
Mr. Gurmeet Singh Makker, AOR  
Mr. Shailesh Madiyal, Adv.  
Mr. Siddhanth Kohli, Adv.  
Mr. Chinmayee Chandra, Adv.  
Mr. Sharath Nambiar, Adv.  
Mr. Sourav Roy, Adv.  
  
Mr. Avijit Roy, AOR  
  
Mr. M.F. Philip, Adv.  
Ms. Purnima Krishna, AOR  
Mr. Karamveer Singh Yadav, Adv.

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

Delay condoned.

Learned Solicitor General has drawn our attention to the  
minutes of the Meeting of the Expert Appraisal Committee (CRZ) held

on 26.09.2023 and particularly to paragraph 16 of Agenda 3.3, which reads as under -

"16. Accordingly, the proposal has been examined by EAC (CRZ) in the present meeting. After detailed deliberation, the Committee suggested the proponent to submit the environmental or ecological damage assessed, Compensatory Conservation Plan (CCP) and Community Resource Augmentation Plan (CRAP) with the recommendation of TNSCZMA as per OM dated 19/02/2021. Accordingly, the Committee deferred the proposal for want of essential documents required as per OM dated 19/02/2021 issued under CRZ Notification."

He further pointed out that Office Memorandum dated 19.02.2021 issued under the CRZ notification referred to above is a subject matter of consideration by the Madras High Court and interim order of stay of the said Notification granted by the Madras High Court has been stayed by this Court by order dated 04.09.2023.

Learned Solicitor General further pointed out that as far as O.M. dated 19.02.2021 is concerned, which is also the subject matter of consideration by the Bombay High Court the same being stayed has also been challenged by the Union of India before this Court and notice has been issued in the said case.

However, since the project in question is in the State of Tamil Nadu, therefore, the Madras High Court's interim order which has been stayed by this Court would apply to the facts of the present case.

In view of the stay of the Madras High Court Order being granted by this Court on 04.09.2023, the appellant may be permitted to proceed with the project in as much as out of 29 kms. of the pipe line being laid only 255 mtrs. is the subject matter of

controversy and, therefore, on the strength of the interim order of this Court, the appellant/GAIL India Ltd. may be permitted to use the pipe line, which has already been laid and the order of the Bombay High Court which has stayed O.M. dated 19.02.2021 may not be an impediment for utilising the said pipe line.

Shri M.F. Philip, learned counsel appearing for Tamil Nadu Pollution Control Board did not deny the contents of the factual submissions made by learned Solicitor General and he also admitted that the project in question and, more particularly, the pipe line in question is within the territorial limits of State of Tamil Nadu and that the Madras High Court has the jurisdiction to consider the correctness or otherwise of O.M. dated 19.02.2021.

He further agreed to the fact that the said O.M., which was stayed by the Madras High Court has been challenged before this Court and by order dated 04.09.2023, there is an interim stay granted by this Court of the interim order of stay of the O.M. dated 19.02.2021 granted by the Madras High Court.

Having regard to the aforesaid peculiar facts and circumstances of the present case and bearing in mind that what is in controversy is now only 255 mtrs. of the pipe line which has already been laid and not been utilised, which is part of 29 kms. and, therefore, valuable natural gas is not being transmitted through the pipe line and is being released to the atmosphere and therefore lost as a resource, we find that in the instant case, permission ought to be given to the appellant herein to make use of the 255 mtrs. of pipe line which has already been laid. This is by bearing in mind that 255 mtrs. of the pipe line is part of the 29

kms. of the pipe line and, therefore, to use the entire extent of 29 kms. This order is made particularly having regard to the interim order dated 04.09.2023 passed by this Court.

It is also to be noted that paragraph 16 extracted above states that the project proponent, i.e., appellant herein has to submit Compensatory Conservation Plan (CCP) and Community Resource Augmentation Plan (CRAP). The same shall also be adhered to by the appellant, within the earliest possible time.

(NEETU SACHDEVA)  
ASTT. REGISTRAR-cum-PS

(MALEKAR NAGARAJ)  
COURT MASTER (NSH)