

ITEM NO.20

COURT NO.12

SECTION IVA

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Diary No(s) . 20672/2017

(Arising out of impugned final judgment and order dated 15-06-2017 and 5/7/2017 in WP No. 25881-25882/2017 passed by the High Court of Karnataka at Bangalore)

NAMMA BENGALURU FOUNDATION

Petitioner(s)

VERSUS

SHASHI DISTRILLERIES PRIVATE LIMITED & ORS.

Respondent(s)

(FOR ADMISSION and I.R. and IA No.65415/2017-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.65414/2017-PERMISSION TO FILE SLP)

Date : 08-08-2017 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ROHINTON FALI NARIMAN
HON'BLE MR. JUSTICE SANJAY KISHAN KAUL

For Petitioner(s) Mr. Sajjan Poovayya, Sr.Adv.
Mr.Saransh Jain,Adv.
Mr.Saransh Kumar, Adv.
Mr.Priyadarshi Banaerjee, Adv.
Mr. Abhishek Bharti, Adv.
Ms. Vaishnavi Subramanyam, Adv.
Ms. Pratiksha Mishra, Adv.
Mr. Arunava Mukherjee, Adv.
Mr. Balaji Srinivasan, AOR

For Respondent(s) Mr. K.V.Vishwanathan, Sr.Adv.
Mr.Trideep Pais, Adv.
Ms. Deeksha Gujral, Adv.
Mr. N.K. Verma, Adv.
Ms.Vrinda Bhandari, Adv.
Ms. Anjana Chandrashekar, AOR

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

Permission to file SLP is granted.

We are a little distressed to find that despite our judgment in *Union of India & Ors. vs. Major General Shri Kant Sharma & Anr.* (2015) 6 SCC 773 and the clear statement of law in paragraph 36 thereof, the High Court has not only entertained a writ petition but granted blanket stay of proceedings before the National Green Tribunal, Principal Bench, New Delhi. It is true that this judgment has been referred to a larger Bench, but until it is disturbed or set aside it continues to be good law. We, therefore, issue notice and stay the extracted part of the order:

"During the pendency of the writ petitions there shall be stay of all the further proceedings in Original Application No.217 of 2017 and Original Application No.125 of 2017, before the National Green Tribunal, Principal Bench. New Delhi."

Shri K.V. Vishwanathan learned senior counsel appearing on behalf of respondent No.1 has informed us that on 12th May, 2017 the order issued by the Karnataka State Control Pollution Board has since been revoked by the Board on 16th June, 2017.

This being the case, it is clear that an appeal against the second part of the order has now become infructuous.

Liberty to serve the standing counsel is granted.

(USHA RANI BHARDWAJ)
AR CUM PS

(SAROJ KUMARI GAUR)
BRANCH OFFICER