

**THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION**

CIVIL APPEAL NO. 4287/2023

MUKESH JOSHI

Appellant(s)

VERSUS

STATE OF UTTARAKHAND & ORS.

Respondent(s)

WITH

**CIVIL APPEAL NOS. _____/2023
(@ Diary No(s). 22038/2023)**

O R D E R

CIVIL APPEAL NO. _____/2023(@ Diary No(s). 22038/2023)

Delay condoned.

The learned Senior Counsel appearing for the State pointed out that the State will take steps to transfer environmental clearance to the appellant in Civil Appeal No.4287 of 2023.

We, therefore, dispose of the appeal with liberty to take steps accordingly.

Pending applications, if any, also stand disposed of.

CIVIL APPEAL NO. 4287/2023

Learned Senior Counsel appearing for the appellant seeks

permission to withdraw the appeal as he wants to avail the remedy reserved by the Tribunal in terms of paragraph 16 of the impugned judgment. To enable him to avail the remedy, the appeal is disposed of as withdrawn.

We make it clear as far as the issue of compensation is concerned, if an adverse order is passed by the Tribunal, the appellant can always challenge the same in accordance with law.

As and when Environmental Clearance is transferred in the name of the appellant, it will be open for the appellant to apply for modification of the impugned judgment.

.J.
[ABHAY S. OKA]

.J.
[SANJAY KAROL]

New Delhi
August 7, 2023.

ITEM NO.14

COURT NO.11

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). 4287/2023

MUKESH JOSHI

Appellant(s)

VERSUS

STATE OF UTTARAKHAND & ORS.

Respondent(s)

(IA No.132298/2023-INTERLOCUTARY APPLICATION and IA No.128490/2023-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.128491/2023-EXEMPTION FROM FILING O.T.)

WITH

Diary No(s). 22038/2023 (XVII)

(IA No.142879/2023-CONDONATION OF DELAY IN FILING and IA No.142877/2023-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.142876/2023-EX-PARTE STAY and IA No.142878/2023-EXEMPTION FROM FILING O.T. and IA No.142880/2023-CONDONATION OF DELAY IN REFILING / CURING THE DEFECTS)

Date : 07-08-2023 These appeals were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ABHAY S. OKA
HON'BLE MR. JUSTICE SANJAY KAROL

For Appellant(s) Mr. Mukul Rohatgi, Sr. Adv.
Mrs. D. Bharathi Reddy, AOR
Mr. Vikas Negi, Adv.
Mr. Nishant Sharma, Adv

Mr. Gopal Shankarnarayan, Sr. Adv.
Ms. Preetika Dwivedi, AOR
Mr. Abhisek Mohanty, Adv.
Ms. Jhanvi Dubey, Adv.

For Respondent(s) Mr. Ajit Sharma, AOR
Mr. A. Renganath, Adv.

Mr. Mukesh Verma, Adv.
Mr. Pawan Kumar Shukla, Adv.
Mr. Pankaj Kumar Singh, Adv.
Mr. Yash Pal Dhingra, Adv.

UPON hearing the counsel the Court made the following

O R D E R

Diary No(s).22038/2023)

The appeal is disposed of in terms of the signed order.

Pending applications, if any, also stand disposed of.

Civil Appeal No(s). 4287/2023

The appeal is disposed of as withdrawn in terms of the signed order.

(INDU MARWAH)

COURT MASTER (SH)

(AVGV RAMU)

COURT MASTER (NSH)

(signed order is placed on the file)