

ITEM NO.16

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 No. 5731/2023

**THE CHAIRMAN AND DIRECTORS SHREE SIDDHESHWAR  
SAHAKARI SAKHAR KARKHANA LTD.**

**Appellant(s)**

**VERSUS**

**SANJAY BHIMASHANKAR THOBDE & ORS.**

**Respondent(s)**

**(IA No. 163676/2023 - EX-PARTE STAY, IA No. 163682/2023 - EXEMPTION  
FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No. 163687/2023 -  
PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)**

**Date : 12-11-2024 This matter was called on for hearing today.**

**CORAM :**

**HON'BLE THE CHIEF JUSTICE  
HON'BLE MR. JUSTICE SANJAY KUMAR**

**For Appellant(s)**

**Mr. Sandeep Sudhakar Deshmukh, AOR  
Mr. Nishant Sharma, Adv.  
Ms. Afshaa Hakim, Adv.**

**For Respondent(s)**

**Mr. Preetam Shah, Adv.  
Mr. Rajul Srivastav, Adv.  
Mr. K. Krishna Kumar, AOR**

**Mr. Mukesh Verma, Adv.  
Mr. Pankaj Kumar Singh, Adv.  
Mr. Vatsala Tripathi, Adv.  
Mr. Pawan Kumar Shukla, Adv.  
Mr. Shashank Singh, AOR**

**Mr. Suhaskumar Kadam, Adv.  
M/s. Black & White Solicitors, AOR**

**Mr. Aniruddha Deshmukh, Adv.  
Mr. Siddharth Dharmadhikari, Adv.  
Mr. Aaditya Aniruddha Pande, AOR**

**Ms. Neetika Sharma, Adv.  
Mr. Tavinder Sidhu, Adv.  
M/s. M.V. Kini & Associates, AOR**

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

It is accepted at the Bar that the Environment Clearance<sup>1</sup> has not been granted. If that be so, the appellant cannot undertake manufacturing/crushing activities, as it would be in clear violation of the order dated 01.09.2023, wherein it was observed that on making the deposit of ₹3 crores and furnishing a bank guarantee(s) for ₹10.34 crores, the appellant's application for grant of EC shall be considered and examined. It was also recorded that if EC is issued, till the appellant complies with the conditions imposed thereupon, he shall not undertake manufacturing/crushing activities.

We hope and trust that the appellant is complying with the order dated 01.09.2023 in letter and spirit.

We also wish to clarify that the order dated 17.05.2024 should not be read as dispensing with the requirement of obtaining EC, which is the mandate of the law and cannot be and should not be dispensed with.

Copies of the Office Memoranda dated 07.07.2021 and 28.01.2022 issued by the Ministry of Environment, Forest and Climate Change, Government of India, shall be placed on record.

Even though the aforesaid Office Memoranda were stayed, *vide* order dated 02.01.2024 passed in Writ Petition (Civil) No. 1394/2023, the industry will be entitled to undertake manufacturing/crushing activities in terms of the later order dated

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1 For short, "EC".

02.02.2024 passed in the said writ petition. The said order dated 02.02.2024 clarified that the stay order granted on 02.01.2024 would not come in the way of the competent authorities considering the proposals for modifications/alterations in the EC if area of such projects had any valid EC granted prior to 07.07.2021.

It will also be open to the appellant to move an appropriate application in Writ Petition (Civil) No. 1394/2023, titled "*Vanashakti v. Union of India*", for seeking appropriate orders.

The appeal will remain on Board and will be taken up in the first ten matters on the Board on the next date of hearing.

(DEEPAK GUGLANI)  
AR-cum-PS

(R.S. NARAYANAN)  
ASSISTANT REGISTRAR