

ITEM NO.16 Court 5 (Video Conferencing) 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).3971-3972/2020

PAHAL YOUTH CLUB

Appellant(s)

VERSUS

ARAVALI POWER COMPANY PRIVATE LIMITED

Respondent(s)

(WITH I.R. and IA No.127787/2020-EXEMPTION FROM FILING C/C OF THE
IMPUGNED JUDGMENT)

Date : 04-01-2021 These appeals were called on for hearing today.

CORAM :

HON'BLE DR. JUSTICE D.Y. CHANDRACHUD
HON'BLE MS. JUSTICE INDIRA BANERJEE
HON'BLE MR. JUSTICE SANJIV KHANNA

For Appellant(s) Mr. Sanjay Gahlawat, Adv.
Mr. Kedar Nath Tripathy, AOR

For Respondent(s)

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

- 1 Mr Sanjay Gahlawat, learned counsel appearing on behalf of the appellant, submits that the National Green Tribunal¹ has erroneously disposed of the OA on the ground that the issues were covered by its earlier decision in **Vedprakash v State of Haryana** [OA No 834 of 2018] decided on 24 October 2019/22 November 2019. (CA 1692-93 of 2020 is pending against the above decision of the NGT). It has been submitted that in the present case, the issue did not pertain to air pollution as was the situation in the earlier case, but the grievance of the appellant was in regard to the contamination of ground water, and environmental hazards. Learned counsel has relied upon the report of the

1 "NGT"

Hydrologist, Ground Water Cell, Rohtak (Annexure A-12) dated 5 March 2018 recording that:

- (i) There was an increase in the water table; and
- (ii) As a result of undisposed fly ash, the quality of the ground water had been adversely affected, rendering it unsuitable for irrigation and consumption.

2 Learned counsel further submits that on these facts, there was a claim for compensation which has not been decided by the NGT.

3 Issue notice.

4 Dasti, in addition, is permitted.

5 Tag with Civil Appeal Nos 1692 -1693 of 2020.

(SANJAY KUMAR-I)
AR-CUM-PS

(SAROJ KUMARI GAUR)
COURT MASTER