

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

CIVIL APPEAL NO.6998/2022

**TAMIL NADU GENERATION AND DISTRIBUTION
CORPORATION (TANGEDCO)**

Appellant(s)

VERSUS

R.L.SRINIVASAN & ORS.

Respondent(s)

O R D E R

1. This Civil Appeal is against the order of the National Green Tribunal¹, Special Bench, New Delhi in Original Application No.01 of 2017 (SZ) dated 20.07.2022.

2. The short facts giving rise to the present appeal commences with the filing of the Original Application by respondent no.1 before the Tribunal alleging various environmental transgressions.

3. The Tribunal called for reports from the authorities/committees from time to time. By the time the impugned order was passed on 20.07.2022, the Tribunal had before it, the Monitoring Report dated 01.11.2017 by the Ministry of Environment, Forest and Climate Change (MoEFCC)

¹ For short 'Tribunal'.

identifying certain defects. Thereafter the Tribunal directed constitution of a Joint Committee on 13.12.2019 and there is also a report of the Joint Committee dated 30.01.2020. Further, there were also reports dated 18.11.2020 and 07.12.2020. The impugned order makes a reference to these reports but there is no detailed consideration.

4. Finally, having come to the conclusion that there are certain violations, the Tribunal disposed of the Original Application by the order impugned before us and directing as under:

"12. We thus find that even as per stand of the State PCB dated 18.5.2022, reports of MoEF&CC dated 1.11.2017 and of the joint Committee dated 7.12.2020 remain unquestioned with regard to factual situation as prevailed at the time of the said reports. Thus, for the said past violations, the PP remains accountable, apart from carrying out recommendations of the PCB in its affidavit dated 18.5.2022. Compensation thus needs to be determined for the said violations on 'Polluter Pays' principle. Let the same be done by a joint Committee of CPCB, State PCB and District Magistrate within three months, following due process. If any grievance survives, it will be open to the aggrieved parties to take remedies. However, having regard to the magnitude and period of violation, the PP is directed to deposit Rs. 5 crores with State PCB within two months towards interim compensation which may be utilized for restoration of environment in the area by preparing an integrated restoration plan for restoration of Buckingham Canal, Ennore Creek and Kosasthalaiyar river, including incidental issues like, degraded coastline, backwater,

restitution of mangroves, maintaining marine flora and fauna, and, green aspects."

5. Questioning the legality and validity of the order passed by the Tribunal, the appellant filed the present appeal.

6. While issuing notice on 14.10.2022, this Court granted stay of the impugned order. This means that the amount of Rs.5 crores as directed by the Tribunal was not paid.

7. We have on record the counter affidavit on behalf of Respondent no.1 as well as the Tamil Nadu Pollution Control Board, Respondent no.3 herein. There is also the status report of Respondent no.3 and the status report is claimed to be in favour of the appellant.

8. Having considered the matter in detail, we are of the opinion that two things are necessary. First and foremost, there must be a detailed scrutiny of the reports submitted by the various authorities and institutions. We have no hesitation in holding that the Tribunal has not examined the matter in detail. Secondly, during the pendency of the appeal, the affidavits/status report filed by the Tamil Nadu Pollution Control Board also need to be closely scrutinized. For such examination, it is necessary to remand the matter to the Tribunal.

9. In view of the above, we set aside the direction of the Tribunal that the Original Application No. 1 of 2017 (SZ) is disposed of by holding that the order impugned should be treated as an interim order. This is necessary because we are not interfering with the findings arrived at by the Tribunal, but are requiring it to undertake a detailed and comprehensive scrutiny of the facts.

10. We restore the Original Application No. 1 of 2017 (SZ) to its original number and direct the Tribunal to examine the matter in detail from all perspectives after giving an opportunity to all the parties. Pending disposal of the original application, the direction to pay Rs. 5 crores towards interim compensation is hereby set aside.

11. However, we leave it to the Tribunal to pass such orders as may be necessary, including interim compensation pending disposal of the Original Application No. 01 of 2017 (SZ).

12. Civil Appeal No. 6998 of 2022 is disposed of with the above directions.

.....J.
[PAMIDIGHANTAM SRI NARASIMHA]

.....J.
[SANJAY KUMAR]

New Delhi
August 5, 2024.

ITEM NO.35

COURT NO.15

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). 6998/2022

**TAMIL NADU GENERATION AND DISTRIBUTION
 CORPORATION (TANGEDCO)**

Appellant(s)

VERSUS

R.L. SRINIVASAN & ORS.

Respondent(s)

**(IA No. 146563/2022 - EXEMPTION FROM FILING C/C OF THE IMPUGNED
 JUDGMENT; IA No. 146564/2022 - STAY APPLICATION)**

Date : 05-08-2024 These matters were called on for hearing today.

CORAM :

**HON'BLE MR. JUSTICE PAMIDIGHANTAM SRI NARASIMHA
 HON'BLE MR. JUSTICE SANJAY KUMAR**

For Appellant(s) Mr. Jaideep Gupta, Sr. Adv.
 Mr. D.Kumanan, AOR
 Ms. Deepa S, Adv.
 Mr. Sheikh F Kalia, Adv.
 Mr. Chinmay Anand Panigrahi, Adv.

For Respondent(s) Ms. Anitha Shenoy, Sr. Adv.
 Ms. Srishti Agnihotri, AOR
 Ms. Ayushma Awasthi, Adv.
 Ms. Sanjana Grace Thomas, Adv.
 Ms. Sruthi Kupadakath, Adv.
 Ms. Tara Elizabeth Kurien, Adv.

Mr. R Bala, Sr. Adv.
 Mr. Gurmeet Singh Makker, AOR
 Ms. Vaishali Verma, Adv.
 Ms. Vimla Sinha, Adv.
 Mr. Ishaan Sharma, Adv.
 Mr. Anirudh Sharma Ii, Adv.
 Mr. Sweksha, Adv.

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

The Civil Appeal is disposed of in terms of the signed order.

Pending application(s), if any, shall stand disposed of.

(INDU MARWAH)
AR-cum-PS

(NIDHI WASON)
COURT MASTER (NSH)

(Signed order is placed on the file)