

**BEFORE THE NATIONAL GREEN TRIBUNAL,
PRINCIPAL BENCH, NEW DELHI**

Appeal No. 73 of 2012

Sudiep Shrivastava Vs. State of Chhattisgarh & Ors.

CORAM : HON'BLE MR. JUSTICE SWATANTER KUMAR, CHAIRPERSON
HON'BLE MR. JUSTICE U.D. SALVI, JUDICIAL MEMBER
HON'BLE DR. D. K. AGRAWAL, EXPERT MEMBER
HON'BLE PROF. A.R. YOUSUF, EXPERT MEMBER
HON'BLE DR. R. C. TRIVEDI, EXPERT MEMBER

Present: Appellant: Mr. Raj Panjwani Sr. Adv, Mr. Rahul Choudhary, Advocate and Ms. Parul Gupta, Advocate.
Respondent No.1: Mr. Atul Jha, Advocate
Respondent No.2: Ms. Panchajanya Batra Singh, Advocate with Mr. Salauddin Khan, Advocate and Mr. Nakul Chaudhary, Advocate.
Respondent No. 3: Mr. Parag Tripathi Sr. Adv. & Mr. Kunal Verma, Advocate.

Date and Remarks	Orders of the Tribunal
<p>Item No. 1 March 24, 2014</p>	<p>Judgment in the matter has been pronounced. The Learned Counsel appearing for the Project Proponent submits that operation of the Judgment should be stayed at least for a short duration to enable them to exercise their statutory right of appeal before the Supreme Court of India. It is contended that about 2 lakh metric tones washed coal is lying ready in open and if it is not removed it is likely to be wasted in its entirety which will be a national loss. Further, it is contended that they should be permitted to remove the exposed coal and wash the same, as again if not permitted, it will cause a considerable loss to the Project Proponent.</p> <p>The Learned Counsel appearing for the Applicant on the other hand contends that restoration is the paramount feature of grant of Forest Clearance. The Project Proponent should not be permitted mining under the garb of removing exposed coal. However, to the other prayer there is no serious opposition.</p> <p>We are conscious of the fact that this Application was pending before the Tribunal for more than a year and has been decided by the Judgment today. In the interest of Justice we direct as follows:-</p> <ol style="list-style-type: none">1) The operation of the Judgment shall remain stayed for a period of two weeks from today.2) The Project Proponent would be entitled to deal with washed coal even during this period.3) No activity beyond the interim Order of the Tribunal

dated 28th May, 2013 shall be carried on.

With the above directions we leave the parties to take recourse to the respective remedies as are available to them in accordance to law. After the lapse of two weeks the Judgment will become operative.

.....,CP
(Swatanter Kumar)

.....,JM
(U.D. Salvi)

.....,EM
(Dr. D. K. Agrawal)

.....,EM
(Prof. A.R. Yousuf)

.....,EM
(Dr. R. C. Trivedi)



