

**BEFORE THE NATIONAL GREEN TRIBUNAL, CENTRAL ZONAL BENCH,  
BHOPAL**

**Original Application No. 157/2014**

**Dilip Bhawe Vs. Union of India & Ors.**

**CORAM : HON'BLE MR. JUSTICE U.D. SALVI, JUDICIAL MEMBER  
HON'BLE MR. P.S.RAO, EXPERT MEMBER**

**PRESENT : Applicant : Mr. Sanjay Kumar & Mr. Harsh  
Wardhan Adv.  
Respondent : None.**

<b>Date and Remarks</b>	<b>Orders of the Tribunal</b>
<b>Item No. 1</b>  <b>3<sup>rd</sup> July, 2014</b>	<p>Heard. Perused.</p> <p>The learned counsel for the Applicant has filed this application with a prayer for setting aside the EIA report and holding the public hearing held on 21<sup>st</sup> October, 2011 in the process of deciding the issue of grant of EC to the Project Proponent for setting up of 2 x 660 Megawatt Super Critical Thermal Power plant at village Siladehi, Tehsil Champ, Distt. Janjgir-Champa, Chhattisgarh as null &amp; void.</p> <p>It appears that the proceedings conducted for grant of EC in the said matter are not over and the issue of grant of EC to the said project appears yet to be resolved by the MoEF. Furthermore, it is revealed by the learned counsel for the Applicant that the Applicant did participate in the public hearing in question.</p> <p>In our opinion, the present application is premature in as much as the competent authority i.e. MoEF has yet to resolve the issue of grant of EC to the project on the basis of the merits and demerits of the case and pending such proceedings the Applicant is seeking comments of this Tribunal on EIA report and the public hearing held on 21<sup>st</sup> October, 2011. We see no reason to intrude in the process of law prescribed to resolve the issue of grant of EC. In any event the merits and demerits of the case would continue to be available for judicial assessment even after the MoEF resolves the issue of grant of</p>

EC in the present case; and the avenue of challenging such EC, if granted, would remain available to the Applicant in any case.

Learned counsel for the Applicant submitted that there could not have been the acquisition of land for the purpose of said project unless the EC was granted and the present application was moved with an expectation that the legitimate grievances of the villagers affected by the land acquisition and the project would reach the concerned quarters. He, therefore, seeks withdrawal of the application with liberty to agitate the issues now raised before us at the appropriate time and before the appropriate forum.

Permission to withdraw the present application is granted with liberty to agitate all the issues involved in the present case at appropriate time and before the appropriate forum. The application stands dismissed as being withdrawn with no order as to costs.

OA No. 157 of 2014 stands disposed of accordingly.

.....,JM

**(U.D. SALVI)**

.....EM

**(P.S.RAO)**