

Item No. 07

(Court No.1)

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

(By Video Conferencing)

Original Application No. 192/2020

Say Earth

Applicant

Versus

Union of India & Ors.

Respondent(s)

Date of hearing: 10.06.2021

**CORAM: HON'BLE MR. JUSTICE ADARSH KUMAR GOEL, CHAIRPERSON
HON'BLE MR. JUSTICE SUDHIR AGARWAL, JUDICIAL MEMBER
HON'BLE MR. JUSTICE M. SATHYANARAYANAN, JUDICIAL MEMBER
HON'BLE MR. JUSTICE BRIJESH SETHI, JUDICIAL MEMBER
HON'BLE DR. NAGIN NANDA, EXPERT MEMBER**

Applicant: Mr. Ritin Rai, Senior Advocate with Mr. Abhinav Shrivastava, Advocate

Respondent: Mr. Atif Suhrawardy, Advocate for CPCB

ORDER

1. Grievance in this application is against Notification dated 21.05.2020 issued by the MoEF&CC under the Environment (Protection) Act, 1986, permitting the use of coal with ash content higher than permitted earlier, to the detriment of environment.

2. The matter was last considered on 08.09.2020 and after noting the issue, the MoEF&CC, Ministries of Mines, Power and Coal and CPCB were required to file a response. Sets of papers were directed to serve on the said parties and copy of the order was also forwarded to the said parties by e-mail. The applicant filed an Affidavit of service dated 15.09.2020. The CPCB has filed its response to the effect that policy being within the purview of the Ministries, it had nothing to say in the matter.

3. No response has been filed by the MoEF&CC and Ministries of Mines, Power and Coal even after 9 months. We give one more opportunity and direct that necessary response may be filed within one month failing which concerned joint Secretaries of MoEF&CC and Ministries of Mines, Power and Coal may remain present in person by video conferencing to show cause as to why adverse action be not taken for their failure, in accordance with law. The response may file by e-mail at judicial-ngt@gov.in preferably in the form of searchable PDF/ OCR Support PDF and not in the form of Image PDF. This may also be ensured by the Secretaries of MoEF&CC and Ministries of Mines, Power and Coal. CPCB may file further response about impact of the impugned policy on the environment.

List for further consideration on 18.08.2021.

A copy of this order be forwarded to the Secretaries of MoEF&CC, Ministries of Mines, Power and Coal by e-mail and speed post to facilitate the compliance of the above order.

The applicant may also inform the said parties separately.

Adarsh Kumar Goel, CP

Sudhir Agarwal, JM

M. Sathyanarayanan, JM

Brijesh Sethi, JM

Dr. Nagin Nanda, EM

June 10, 2021
Original Application No. 192/2020
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