

ITEM NO.5

COURT NO.16

SECTION XIV

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

SPECIAL LEAVE PETITION (CIVIL) Diary No.18380/2022

(Arising out of impugned final judgment and order dated 24-05-2022 in PIL No. 2/2022 passed by the High Court of Meghalaya at Shilong)

JMK COKE INDUSTRY PVT. LTD. & ORS.

Petitioner(s)

VERSUS

THE STATE OF MEGHALAYA & ANR.

Respondent(s)

(IA No. 85445/2022 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT, IA No. 85446/2022 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES & IA No. 85444/2022 - PERMISSION TO FILE SLP)

Date : 27-06-2022 This matter was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SURYA KANT
HON'BLE MR. JUSTICE J.B. PARDIWALA
(VACATION BENCH)

For Petitioner(s)

Mr. Mukul Rohatgi, Sr. Adv.
Mr. Chinmoy Pradip Sharma, Sr. Adv.
Mr. S.P. Mahanta, Sr. Adv.
Mr. Amarjeet Singh, AOR
Mr. mewaker Lyngdoh, Adv.

For Respondent(s)

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

1. Exemption is allowed. Application seeking permission to file the Special Leave Petition is granted.
2. The grievance of the petitioners is against an Order dated 24-5-2022 passed by the High Court of Meghalaya at Shillong in suo motu proceedings which have been registered as public interest litigation. Vide the aforesaid interim order, the High Court has accepted the preliminary findings contained in the Preliminary

Report dated 23-5-2022 filed by Justice B.P. Katakey (Retd) who was requested by an earlier Order dated 19-4-2022 for ascertaining the extent to which the directions issued by this Court and the National Green Tribunal in respect of establishing and running of coke plants under the Mines and Minerals Development Regulation Act, 1957 have been complied with by the State of Meghalaya and also to ascertain the possibilities of large scale extraction or complying with the formalities including the impact thereof on the environment and local inhabitants.

3. Vide the impugned interim order, the High Court has accepted one of the recommendations contained in the preliminary report of Justice B.P. Katakey (Retd) to dismantle the existing coke plants within a period of 30 days and not to allow them to operate and/or grant permission to establish new coke plant(s).

4. The petitioners have raised multiple grievances against the aforesaid impugned order including that they were not heard by the High Court before issuing the impugned direction which has adversely affected them. The petitioners are said to be not required to obtain environmental impact assessment to establish a coke plant and that the direction to dismantle the existing coke plant will cause irreversible losses and injury etc.

5. Having heard learned Senior counsel appearing for the petitioners at a considerable length, it appears to us that the proper recourse for the petitioners would be to seek their impleadment in the suo motu proceedings pending before the High Court.

7. We have no reason to doubt that the High Court shall entertain the application for impleadment and hear the petitioners on merits including for modification of the previous interim orders dated 24-5-2022 and the one passed subsequent thereto. We request the High Court to hear the petitioners and pass appropriate orders.

8. Meanwhile, the direction issued by the High Court for dismantling the coke plant(s) shall remain stayed but the same

shall not be operational.

9. The Special Leave Petition is disposed of in above terms.

10. Pending applications filed in the matter also stand disposed of.

(VISHAL ANAND)
ASTT. REGISTRAR-cum-PS

(RENU BALA GAMBHIR)
COURT MASTER (NSH)