

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGSSPECIAL LEAVE PETITION (CIVIL) Diary No(s). 14442/2021

(Arising out of impugned judgment and order dated 26-04-2018 in CWP No. 2682/2018 passed by the High Court of Punjab & Haryana at Chandigarh)

SUNDER SINGH & ANR.

Petitioner(s)

VERSUS

M/S SATISH KUMAR GARG AND COMPANY & ORS.

Respondent(s)

(IA No. 160444/2023 - APPROPRIATE ORDERS/DIRECTIONS)

Date : 28-08-2023 This matter was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE HRISHIKESH ROY
HON'BLE MR. JUSTICE SANJAY KAROL

For Petitioner(s) Mr. Maninder Singh, Sr. Adv.
Mr. Tarun Gupta, AOR
Mr. Anmol Mishra, Adv.
Mr. Atul Kumar, Adv.
Mr. Yatinder Choudhary, Adv.
Mr. Daviner Singh Khurana, Adv.
Mr. Manoj Rapoot, Adv.
Mr. Vikrant, Adv.

For Respondent(s) Mr. Mukul Rohatagi, Sr. Adv.
Mr. Ankur Yadav, AOR
Mr. Sameer, Adv.
Dr. Sandeep Singh, Adv.
Mr. Vinay Pal, Adv.
Ms. Priya Gaur, Adv.
Mr. Sanjay Singh, Adv.
Mr. Prakash Negi, Adv.

Mr. Anil Kumar Yadav, A.A.G.
Dr. Monika Gusain, AOR

UPON hearing the counsel the Court made the following

O R D E R

Heard Mr. Maninder Singh, learned senior counsel appearing for the petitioners. Also heard Mr. Mukul Rohatagi, learned senior

counsel appearing for respondent No. 1. Mr. Anil Kumar Yadav, learned AAG appears on behalf of respondent Nos. 2 to 6.

2. Learned senior counsel for the petitioner would point out that environmental clearance was granted by the State Environment Impact Assessment Authority (SEIAA) on 08.08.2023 for the mining project in question although notice in this case was issued just the previous day i.e., on 07.08.2023. Adverting next to the materials available in the IA No. 160444 of 2023, Mr. Maninder Singh, the learned senior counsel would submit that although there is an indication that the Project Proponent will abide by the outcome of the case pending before this Court, if the trees in the concerned area are cut down, nobody can undo the felling of the trees and the condition subject to the outcome of the case, would be meaningless. The counsel would point out that if mining is to be undertaken, the axe will fall on around 46,226 trees. He would also advert to *M.C. Mehta v. Union of India & Ors.* reported in (2004) 12 SCC 118 to say that the proposed mining area is within the Aravali Plantation Hills and being a protected area, mining cannot be allowed there. Mr. Maninder Singh further submits that the Forest Authorities have filed counter affidavit in the withdrawn Special Leave Petition (SLP (Civil) No. 6160 of 2019) saying that the area over which the Project Proponent wants to carry out mining activity, is part of the Aravali Plantation Hills.

3. Resisting the above, Mr. Mukul Rohatgi, learned senior counsel would submit that the proposed mining area is not within protected area and the Project Proponent would file an affidavit in response.

The counsel would then submit that although stay order was passed on 12.07.2019 in the SLP (Civil) No. 6160 of 2019 but the said Special Leave Petition was dismissed subsequently on 02.11.2020 on being withdrawn by the concerned petitioner in the case where, the Project Proponent was the respondent. Therefore as on date, there is no interim order operating against mining activities. Mr. Mukul Rohatgi further submits that the order passed on 08.08.2023 granting environmental clearance is an appealable order. It is next pointed out that the Project Proponent has not cut a single tree so far, in furtherance of the mining Project and unless consent etc. is obtained, the mining activity cannot commence.

4. The parties are granted three weeks time to file response. Mr. Rohatgi prays for and is granted three weeks time to also file affidavit to oppose the delay condonation application.

5. In the meantime, trees are not to be cut by the Project Proponent on the strength of the environmental clearance by SEIAA granted on 08.08.2023.

(NITIN TALREJA)
COURT MASTER (SH)

(KAMLESH RAWAT)
ASSISTANT REGISTRAR