

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION
CIVIL APPEAL NO. 389 OF 2018
(Arising out of S.L.P. (C) NO. 9986 OF 2017)

AMAN SETHI

Appellant(s)

VERSUS

STATE OF RAJASTHAN AND ORS

Respondent(s)

O R D E R

1) Leave granted.

2) With a view to prevent and control pollution of air and to restore environment, directions were issued on 11.09.2012 by the State Government to stone crushing units. By a letter dated 06.11.2012, the Rajasthan State Pollution Control Board, who is respondent No.5 herein, directed the appellant to close down his stone crushing plant at Bharatpur. Pursuant to a representation made, the Pollution Control Board continued with its earlier stance and finally in a Writ Petition that was filed against the respondents, by an order dated 16.04.2013, the High Court of Rajasthan allowed the appellant to withdraw his Writ Petition so that it could approach the National Green Tribunal.

3) By an order dated 07.05.2015, though the appeal was filed immediately after the order of 16.04.2013 that is on 08.05.2013, the National Green Tribunal dismissed the petition stating that *inter alia*, there was no condonation of delay application and that, therefore, ultimately the delay of 175 days would not be condoned.

From this order, Civil Appeals were preferred before this Court, which were dismissed on 02.07.2015.

4) When the appellant went back to the learned Single Judge in the High Court knocking at the doors of the High Court so that the order dated 16.04.2013 indeed be recalled so that the Writ Petition itself could be disposed of on merits, this was rejected and the High Court on 30.01.2017, by the impugned order, dismissed the appeal stating that a special appeal does not lie.

5) Having heard the learned Senior Counsel/Counsel for the parties, we find that it was never the intention to leave the appellant remediless. As a result of what has happened, his writ petition has not been decided on merits. The petition before the National Green Tribunal has been dismissed on the ground of delay. In the interest of justice, therefore, the Writ Petition now needs to be set down for hearing on merits.

6) Accordingly, we set aside the impugned order before us and restore the Writ Petition (S.B. Civil Application No. 1046 of 2013) to the file, which should be expeditiously disposed of.

7) The appeal is disposed of accordingly.

..... J.
(ROHINTON FALI NARIMAN)

..... J.
(NAVIN SINHA)

New Delhi;
January 15, 2018.

ITEM NO.57

COURT NO.12

SECTION XV

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

Petition(s) for Special Leave to Appeal (C) No(s). 9986/2017

(Arising out of impugned final judgment and order dated 30-01-2017 in DBSW No. 1629/2016 passed by the High Court Of Judicature For Rajasthan At Jaipur)

AMAN SETHI

Petitioner(s)

VERSUS

STATE OF RAJASTHAN AND ORS

Respondent(s)

Date : 15-01-2018 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ROHINTON FALI NARIMAN
HON'BLE MR. JUSTICE NAVIN SINHA

For Petitioner(s) Mr. Dhruv Mehta, Sr. Adv.
Ms. Asmita Singh, Adv.
Ms. Sanjana Saddy, Adv.
Mr. Yashraj Singh Deora, AOR

For Respondent(s) Mr. Nitish B., Adv.
Mr. Rohit K. Singh, AOR

Mr. Mahesh Kasana, Adv.
Ms. Aparna Rohatgi Jain, Adv.
Mr. S. K. Dhingra, AOR

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

Leave granted.

The appeal is disposed of in terms of the signed order.

Pending applications, if any, also stand disposed of.

(R. NATARAJAN)
COURT MASTER (SH)

(SAROJ KUMARI GAUR)
COURT MASTER

(Signed order is placed on the file)