

**BEFORE THE NATIONAL GREEN TRIBUNAL  
CENTRAL ZONAL BENCH  
BHOPAL  
Original Application No. 12/2014 (CZ)**

**CORAM:**

**Hon'ble Mr. Justice Dalip Singh  
(Judicial Member)**

**Hon'ble Mr. P.S. Rao  
(Expert Member)**

**BETWEEN:**

1. Ramashanker Gurudwan S/o Lt. Pt. Sunder Lal Sharma,  
R/o Village Rank, Tehsil & Distt. Bilaspur,  
Chhattisgarh.
2. Smt. Rashmi Singh W/o Ashish Singh Thakur,  
R/o Behind Balram Talkies, Bilaspur,  
Chhattisgarh.
3. Dev Kumar Kaneri S/o Khamar Ram Kaneri,  
R/o Village Uchchabhatti, Tehsil & Distt. Bilaspur,  
Chhattisgarh.
4. Dr. R.S.L. Tripathi S/o Lt. L.P. Tripathi,  
R/o Nehru Putla, Indira Setu Marg, Bilaspur,  
Chhattisgarh.
5. Badridhar Diwan S/o Lt. Ishwardhar Diwan,  
R/o Village Deori (Pandhi), Tehsil & District  
Bilaspur, Chhattisgarh.

**.....Applicants**

**Versus**

1. National Thermal Power Corporation (NTPC)  
Through it's Chairman-cum-Managing Director,  
Delhi
2. Central Electricity Authority (CEL)  
Through it's Chairman, Sewa Bhawan,  
R.K. Puram, New Delhi
3. Chattisgarh Paryavaran Samrakshan Mandal,  
Through its Regional Officer,  
Regional Office, Vyapar Vihar,  
Bilaspur, Chhattisgarh.
4. Union of India Through Secretary,  
Department of Power, Shram Shakti Bhawan,  
Rafi Marg, New Delhi.

5. Ministry of Environment & Forests  
Through It's Secretary, Paryavaran Bhawan,  
C.G.O. Complex, New Delhi
6. State of Chhattisgarh,  
Through It's Chief Secretary, D.K.S. Bhawan,  
Raipur, Chhattisgarh.
7. Ministry of Water Resources,  
Through It's Secretary, D.K.S. Bhawan,  
Raipur, Chhattisgarh.

.....Respondents

**Counsel for Applicant :**

**Ritwick Dutta, Advocate**

**Counsel for NTPC :**

**Mr. Sachin Verma, Advocate with  
Mr. Ayush Dev Bajpai, Advocate**

**Counsel for CECB :**

**Shri Shivendu Joshi, Advocate for  
Mr. Purushaindra Kaurav, Adv.**

**Counsel for State of Chhattisgarh :**

**Shri S.S. Chauhan, Advocate**

**Counsel for MoEF :**

**Shri Om. S. Shrivastav, Advocate**

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**Dated : April 23<sup>rd</sup>, 2014**

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**Delivered in Open Court by**

**Hon'ble Mr. Justice Dalip Singh, Judicial Member**

1. We have heard learned counsel for the parties and perused the record.
2. This O.A. was registered after having been received from the Hon'ble High Court of Chhattisgarh at Bilaspur where Writ Petition No. 778/2001 was filed by the Petitioners alleging that the NOC dated 5<sup>th</sup> March, 1997 issued by the State Pollution Control Board in favour of the NTPC project, is bad in law and prayed to quash the site clearance for the stage one given by the MoEF as also to quash the Environmental Clearance.
3. It is not in dispute, as was submitted by the learned counsel for the parties, that during the pendency of the writ petition, the plant of the NTPC has already been commissioned and power generation has been going on for quite sometime.
4. Learned counsel for the Applicant submitted that in view of the above, before the Hon'ble High Court, the Petitioner in June, 2013 had filed an M.A. No. 185/2014

pointing out certain violation of the conditions of the Environmental Clearance by the Project Proponent and with the prayer for issuing appropriate directions against the Respondents and the NTPC for strict compliance of the conditions of the State Pollution Control Board and the mandatory conditions imposed by the MoEF.

5. Learned counsel for the Applicant submitted that in view of the subsequent developments and the present facts with regard to the plant having been already commissioned, the original prayers made in the petition have become infructuous. However, so far as the prayers made in the M.A. with regard to the non-observance and violation of the conditions of the permission granted to the NTPC is concerned, the learned counsel requested that he may be permitted to file a fresh application in that behalf so that the issues which have been raised in the MA can be dealt with in an appropriate manner by the Tribunal.
6. Having considered the matter, we are of the view that the prayer made deserves to be allowed as prima facie the two causes of action are different. The original application itself in view of the subsequent development, is disposed of having become infructuous and the M.A. No. 185/2014 is permitted to be withdrawn with liberty to file a fresh Original Application, if so advised.
7. We make it clear that since the M.A. was filed in June, 2013, the Applicant would be at liberty to seek condonation of delay in accordance with law if the same is filed against the matter of non-compliance of the conditions of EC as is alleged in the MA No. 185/2014.
8. The OA No. 12/2014 and MA No. 185/2014 are disposed of accordingly.

**(Mr. Justice Dalip Singh)**  
**Judicial Member**

Bhopal:  
**April 23<sup>rd</sup> , 2014**

**(Mr. P.S.Rao)**  
**Expert Member**