

BEFORE THE NATIONAL GREEN TRIBUNAL, PRINCIPAL BENCH, NEW DELHI

Original Application No. 320/2013

Mandar Dalbehera Vs. Union of India & Ors.

**CORAM:** HON'BLE Mr. JUSTICE M.S. NAMBIAR, JUDICIAL MEMBER  
HON'BLE PROF. DR. P. C. MISHRA EXPERT MEMBER  
HON'BLE PROF. A. R. YOUSUF, EXPERT MEMBER  
HON'BLE MR. RANJAN CHATTERJEE, EXPERT MEMBER

**Applicant / Appellant** : Mr. Rahul Choudhary, Adv.  
**Respondent No. 1** : Mr. Vivek Chib, Adv., Ms. Ruchika Goel,  
Mr. Joby Varghese, Mr. Asif Ahmed and  
Mr. Kushal Gupta, Advs.  
**Respondent No. 2** : Mr. S. Panda & Mr. M Paikaray, Advs.  
**Respondent No. 3** : Mr. Adbhut Pathak, Adv.  
**Respondent No. 4** : Ms. Abhisar Bairagi, Adv.

Date and Remarks	Orders of the Tribunal
Item No. 5 December 11 , 2013	<p>Learned Counsel appearing for Respondent Nos. 1 to 4 prays for time to file written objections. The objections shall be filed before the next date of hearing after serving copies to the learned Counsel for the Applicant. Applicant is at liberty to file rejoinder, if any, by the next date of hearing.</p> <p>Learned Counsel for the Applicant pressed for an interim order submitting that in O.A. No. 173/2013 (Anil Kumar Nanda &amp; Anr. V/s MoEF &amp; Ors.), in respect of commencement of similar Coal Tar Industry an interim order was already passed by this Tribunal and operation of the industry was stayed. It was pointed out that the proceedings of Engineer-in-Chief, Water Resources, Orissa shows that industry / mine shall not be allowed to draw water from the underground sources/bore well. It was also pointed out that the letter addressed by the Executive Engineer, Angul Irrigation Division, Angul to the Chief Engineer &amp; Basin Manager, Brahmani Right Basin, Dhenkanal, shows that when the premises of the proposed plant was inspected on 03.05.2013 it was found that nearly 50% of the compound wall construction is taken up and a Bore well of 6" diameter has been dug in the proposed plant area and drawal of water is being done using a 3 HP generator and those are unauthorized and</p>

illegal. Respondent No. 4 (Project Proponent) admittedly did not so far obtain Environmental Clearance.

In such circumstances, we are inclined to grant an interim order restraining the Respondent No. 4 from proceeding with any further constructions in the area of the proposed plant for the project before obtaining Environmental Clearance. Respondent No. 4 is also restrained from using underground water by digging Bore-well and also from using the surface water, without obtaining valid permission till the next date of hearing.

Post this matter along with O.A. No. 173/2013 (Anil Kumar Nanda & Anr. V/s MoEF & Ors.) on 10<sup>th</sup> January, 2014.

....., JM  
(M.S. Nambiar)

....., EM  
(Prof. P.C. Mishra)

....., EM  
(Prof. A.R. Yousuf)

....., EM  
(Ranjan Chatterjee)

