

I.A. NOS. 89 & 91-106 in Writ Petition(s)(Civil) No(s). 435/2012
GOA FOUNDATION Petitioner(s)

VERSUS

UNION OF INDIA & ORS. Respondent(s)

(For directions and Office Report)

Date : 24/04/2017 These applications were called on for hearing today.

CORAM : HON'BLE MR. JUSTICE MADAN B. LOKUR

HON'BLE MR. JUSTICE DEEPAK GUPTA

For Petitioner(s) Mr. Harish N. Salve, Sr. Adv.(A.C.)

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Mr. Ninad Laud, Adv.

Mr. Karan Mathur, Adv.

Mr. Anjuman Tripathy, Adv.

Mr. Jayant Mohan, AOR

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Mr. Rana Mukherjee, Sr. Adv.

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Ms. Arunima Dwivedi, Adv.

Mr. Ranjan Sharma, Adv.

Ms. Kiran Bhardwaj, Adv.

Mr. G.S. Makker, AOR

Mr. S. M. Walawaikar, Adv.

Mr. R.P. Goyal, AOR

UPON hearing the counsel the Court made the following

O R D E R

The National Green Tribunal had taken the view in its order dated 13.01.2015 that the issues raised by the applicant were covered by a decision of this Court in Goa Foundation v. Union of India [(2014) 6 SCC 590].

The Tribunal held in the alternative that in case the matter is not covered by the aforesaid decision then it would not be proper for the Tribunal to take a view on the grounds of res judicata and judicial propriety.

Feeling aggrieved by the order dated 13.01.2015 passed by the Tribunal, the applicant filed Civil Appeals in this Court which were withdrawn by an order dated 14.07.2015 with liberty to file a proper application in the present proceedings. Permission to file an application in the present petition was granted by this Court.

There are doubts expressed whether the issues raised before the Tribunal are in fact covered by the decision of this Court in

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Goa Foundation (supra). These doubts can be resolved only in a substantive appeal rather than in a miscellaneous application in a decided matter.

At this stage, learned counsel for the applicant prays for leave to revive the appeals filed by him and withdrawn on 14.07.2015.

Liberty is granted to the applicant to move a proper application for revival, if so advised or to file fresh appeals. The matter will be considered on its own merits. All Objections against the revival application are kept open.

I.A. Nos. 89 & 91-106 are disposed of.

(Meenakshi Kohli)
Court Master (SH)

(Sharda Kapoor)
Court Master (NS)