

ITEM NO.43

COURT NO.11

SECTION XIV

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Civil) No(s).12065/2009

(From the judgement and order dated 11/02/2009 in CM No. 15895/2005 in WP No. 17682/2005 of The HIGH COURT OF DELHI AT N. DELHI)

UNION OF INDIA

Petitioner(s)

VERSUS

VIMAL BHAI & ORS.

Respondent(s)

(With prayer for interim relief and office report)

Date: 06/12/2010 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE G.S. SINGHVI
HON'BLE MR. JUSTICE ASOK KUMAR GANGULY

For Petitioner(s) Ms. Indira Jai Singh, A.S.G.
Mr. J.S. Atri, Sr.Adv.
Ms. Sadhana Sandhu, Adv.
Mr. Shreekant N. Terdal,Adv.

For Respondent(s) Mr. Sanjay Parikh, Adv.
Mr. Ritwick Dutta, Adv.
Mr. Rahul Choudhary, Adv.
Ms. Anitha Shenoy,Adv.

UPON hearing counsel the Court made the following

O R D E R

Ms. Indira Jai Singh, learned Additional Solicitor General placed before the Court a copy of the Notification dated 26.11.2010 by which the National Green Tribunal (Manner of Appointment of Judicial and Expert Members, Salaries, Allowances and other Terms and Conditions of Service of Chairperson and other Members and Procedure of Inquiry) Rules, 2010 have been

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published. Learned Additional Solicitor General submitted that difficulties in the functioning of the National Green Tribunal can be resolved by the Central Government on an ad hoc basis by exercising power under Section 37(1) of the National Green Tribunal Act (for short, "the Act").

Keeping in view the fact that with the establishment of the Tribunal, National Environment Appellate Authority stood already abolished and all the pending cases are deemed to have been transferred to the newly constituted Tribunal, which has so far not become functional, we deem it proper to make it clear that it will be open to the Central Government to take appropriate action under Section 37(1) of the Act.

List the case on 14.12.2010. To be taken up at 2.00 P.M.

(A.D. Sharma)
Court Master

(Phoolan Wati Arora)
Court Master