

ITEM NO.45

COURT NO.11

SECTION XIV

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 (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 &amp; ORS.

Respondent(s)

(With prayer for interim relief and office report)

Date: 22/11/2010      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.    Ritwik Dutta, Adv.  
                                 Mr.    Anish Shah, Adv.  
                                 Mr.    Rahul Choudhary, Adv.  
                                 Ms.    Anitha Shenoy, Adv.

UPON hearing counsel the Court made the following

O R D E R

At the commencement of hearing, learned Additional Solicitor General placed before the Court a copy of Notifications dated 18.10.2010. By one of these notifications, the Central Government has in exercise of the powers vested in it under Section 3 of the National Green Tribunal Act, 2010 constituted the National Green Tribunal. By another notification of the same date issued under Section 6(1) and (2) read with Section 7 of the National Green Tribunal Act, the

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Central Government has appointed Shri Justice L.S. Pant, former Judge of the Supreme Court as the Chairperson of the National Green Tribunal with effect from the date of publication of the notification in the Official Gazette.

Shri Sanjay Parikh, learned counsel appearing for the respondents complains that even though the Tribunal has not been constituted in accordance with Sections 3 and 4, by virtue of Section 38(3) of the Act the existing National Environment Appellate Authority stands abolished with effect from 18.10.2010 and about 40 appeals pending before the National Environment Appellate Authority have been transferred and there is no possibility of hearing of the appeals because other members of the National Green Tribunal have not been

appointed and the Chairperson alone cannot exercise the jurisdiction, powers and authority under the new Act.

Learned Additional Solicitor General stated that total number of transferred cases is 28 and not 40, as given by Shri Sanjay Parikh. She then made a request for the adjournment for seven days to seek instructions in the matter.

The request of the learned Additional Solicitor General is accepted.

List the case on 29.11.2010.

(A.D. Sharma)  
Court Master

(Phoolan Wati Arora)  
Court Master