

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

CIVIL APPEAL Diary No(s). 10524/2018

(Arising out of impugned final judgment and order dated 13-01-2015 in OA No.134/2013, 13-01-2015 in OA No. 74/2013, 13-01-2015 in OA No. 58/2012, 13-01-2015 in OA No. 55/2012, 13-01-2015 in OA No. 54/2012, 13-01-2015 in OA No. 51/2012, 13-01-2015 in OA No. 112/2013 passed by the National Green Tribunal)

GOA PARYAVARAN SAVRAKSHAN SANGHARSH SAMITEE
THROUGH ITS PRESIDENT MR. BRUNO RODRIGUES Appellant(s)

VERSUS

M/S. H.L. NATHURMAL
THROUGH ITS PROPRIETOR MR. HARESH MELWANI & ORS. Respondent(s)

(FOR ADMISSION and I.R. and IA No.46196/2018-CONDONATION OF DELAY IN FILING and IA No.46194/2018-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT)

WITH
Diary No(s). 24631/2018 (XVII)
(IA FOR CONDONATION OF DELAY IN FILING ON IA 96298/2018 FOR EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT ON IA 96299/2018)

Date : 15-01-2019 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE A.K. SIKRI
HON'BLE MR. JUSTICE S. ABDUL NAZEER

For Petitioner(s) Mr. S.M. Walawaikar, Adv.
Mr. Pramit Saxena, AOR
Mr. Rahul Aggarwal, Adv.
Mr. Amit Pratap Singh, Adv.

For Respondent(s) Mr. Yashraj Singh Deora, AOR

For Caveator Mr. Dhruv Mehta, Sr. Adv.
Mr. Yashraj Singh Deora, Adv.
Mr. Anmol Mehta, Adv.
Mr. Shyam Agarwal, Adv.

UPON hearing the counsel the Court made the following

O R D E R

Applications seeking exemption from filing certified copy of the impugned judgment are allowed.

Learned counsel appearing for the appellant has argued the matters for some time. His endeavour was to show that the subject matter of his applications filed before the National Green Tribunal was different and it had not been decided by this Court in its earlier judgment in *Goa Foundation versus Union of India and others [(2014) 6 SCC 590]*. After hearing counsel for the appellant as well as Mr. Dhruv Mehta, learned senior counsel for the Caveator, we are of the view that the matters need consideration.

We may record that Mr. Mehra has raised two preliminary objections to the maintainability of these appeals.

First objection is that this Court had granted liberty to the appellant to file the appeals by Order dated 24.04.2017. However, the present appeals are filed in March, 2018, that is, after a lapse of more than ten months. Second objection is that though 96 applications were filed by the appellant before the National Green Tribunal, which have already been decided by the common judgment and is a subject matter of these appeals, appeals are filed only in 32 cases. It may result in two conflicting decrees.

We leave these preliminary objections open which shall be decided at the hearing of these appeals.

Issue notice on the Civil Appeals as well as on the

applications for condonation of delay.

Counter affidavit be filed within four weeks from today.

Rejoinder affidavit, if any, be filed within four weeks thereafter.

List thereafter.

(GEETA AHUJA)
COURT MASTER (SH)

(RAJINDER KAUR)
BRANCH OFFICER