

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION
CIVIL APPEAL NO.11931 OF 2018

M/S INTERNATIONAL AGRO FOODS

APPELLANT(S)

VERSUS

UTTAR PRADESH POLLUTION CONTROL BOARD

RESPONDENT(S)

O R D E R

Learned counsel appearing for the appellant states that the appellant be heard by the National Green Tribunal, Principal Bench, New Delhi (for short, the 'Tribunal'), for setting up of an industry which is PPP Model Slaughter House.

We see no reason why the Original Application being O.A. No.122 of 2018 filed by the appellant should not be decided by the Tribunal on merits and after hearing the parties concerned. Accordingly, the appeal is allowed, the impugned order dated 24.09.2018 passed by the Tribunal is set aside, and the matter is remanded back to the Tribunal for fresh decision in accordance with law.

We make it clear that the Tribunal will undoubtedly decide the question of grant or withhold of such permission depending on the parameters set out in various

judgments and orders of this Court including the judgment in *M.C. Mehta (Taj Trapezium Matter) vs. Union of India & Ors* - (1997) 2 SCC 353 and order dated 06.12.2019 passed by this Court in I.A. No.103908/2019 in Writ Petition (C) No.13381/1984.

.....CJI
[S.A. BOBDE]

.....J
[B.R. GAVAI]

.....J
[SURYA KANT]

NEW DELHI;
DECEMBER 17, 2019.

ITEM NO.1

COURT NO.1

SECTION PIL-W

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

Writ Petition(s)(Civil) No(s). 13381/1984

M.C. MEHTA

Petitioner(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

(IN RE: TAJ TRAPEZIUM ZONE

(1) IA NOS. 172361, 172378 AND 172379/2018 (APPLNS. FOR INTERVENTION, DIRECTIONS AND EXEMPTION FROM FILING O.T. ON B/O AGRA NAGAR NIGAM)

(2) IA NOS. 91609 AND 91610/2018 (APPLNS. FOR PERMISSION TO FILE AND EXEMPTION FROM FILING O.T. ON B/O INSTITUTE OF MENTAL HEALTH AND HOSPITAL, AGRA)

"ONLY" IN W.P. (C) NO. 13381/1984 ARE LISTED.

["ONLY" NAMES OF THE FOLLOWING ADVOCATES MAY BE TREATED TO HAVE BEEN SHOWN IN THE LIST.

PETITIONER-IN-PERSON, MR. A.D.N. RAO, MS. ANIL KATIYAR, MR. M.K. MARORIA, MR. G.S. MAKKER, MR. VIJAY PANJWANI, MR. KAMLENDRA MISHRA, MR. ANKUR PRAKASH, MS. MAYURI RAGHUVANSHI, MR. ASWATHI M.K., ADVOCATES)

WITH C.A. No. 11931/2018 (XVII)

Date : 17-12-2019 These matters were called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE B.R. GAVAI

HON'BLE MR. JUSTICE SURYA KANT

Counsel for the parties

Petitioner-in-person

Mr. R.B. Singhal, Sr. Adv.

Mr. M.Z. Choudhary, Adv.

Mr. S.A. Zaidi, Adv.

Ms. Mansi Chahal, Adv.

Mr. Hira Lal, Adv.

Ms. Vidya P. Pathak, Adv.

Mr. Surendra Kumar, Adv.

Mr. Anis Ahmed Khan, AOR

Applicant-in-person

Mr. A.D.N. Rao, AOR

Ms. Anil Katiyar, AOR

Mr. M.K. Maroria, AOR

Mr. ANS Nadkarni, ASG
Mr. R. Bala Subramanian, Sr. Adv.
Ms. Rashmi Malhotra, Adv.
Ms. Ruchi Kohli, Adv.
Mr. Santosh Kr. Vishwakarma, Adv.
Mr. Raj Bahadur Yadav, Adv.

Mr. ANS Nadkarni, ASG
Mr. D.L. Chidananda, Adv.
Mr. Vijay Prakash, Adv.
Ms. Suhasini Sen, Adv.
Mr. G.S. Makker, AOR

Mr. Vijay Panjwani, AOR

Ms. Aishwarya Bhati, AAG
Mr. Kamendra Mishra, AOR
Mr. Rajeev Kumar Dubey, Adv.
Mr. Ashiwan Mishra, Adv.
Mr. Siddharth Krishna Dwivedi, Adv.

Mr. Ankur Prakash, AOR
Mr. Kaluram Chaudhary, Adv.
Ms. Priyanka Singh, Adv.
Mr. Amod Kr. Bidhuri, Adv.
Mr. Alok Kr. Pandey, Adv.
Ms. Mahima Singh, Adv.

Mr. Sanjay Upadhyay, Adv.
Mr. Salik Shafique, Adv.
Ms. Mayuri Raghuvanshi, AOR

Mr. Ashutosh Kumar Srivastava, Adv.
Mr. Baidy Nath Patel, Adv.
Mr. S. Gokula Krishnan, Adv.
Mr. Neeraj Srivastava, Adv.
Mr. Dharmendra Kumar Yadav, Adv.
Mr. Sachchidanand Yadav, Adv.
Mr. Kerry Venkata Reddi, Adv.
Mr. Vipin Kumar Saxena, Adv.
Mr. Dheeraj Srivastava, Adv.
Mr. Rahul Kumar Srivastava, Adv.
Mr. Aswathi M.K., AOR

Mr. Atishi Dipankar, AOR

Mr. Abhimanyu Mahajan, Adv.
Ms. Anubha Goel, Adv.
For Mr. E.C. Agarwala, AOR

Mr. Pradeep Misra, AOR

Mr. Daleep Dhyani, Adv.
Mr. Suraj Singh, Adv.

UPON hearing the counsel the Court made the following
O R D E R

IA NOS. 172361, 172378 AND 172379/2018 (APPLNS. FOR INTERVENTION,
DIRECTIONS AND EXEMPTION FROM FILING O.T. ON B/O AGRA NAGAR NIGAM)

Let copies of these applications be served upon the Standing Counsel for the State of Uttar Pradesh in order to enable the counsel to file reply affidavit within two weeks from today.

Mr. Atmaram N.S. Nadkarni, Additional Solicitor General appearing on behalf of the respondent-Union of India, handed over a note containing brief submissions on behalf of the Archaeological Survey of India in the Court today. The said note is perused and taken on record.

List these applications after four weeks.

IA NOS. 91609 AND 91610/2018 (APPLNS. FOR PERMISSION TO FILE AND
EXEMPTION FROM FILING O.T. ON B/O INSTITUTE OF MENTAL HEALTH AND
HOSPITAL, AGRA)

Let copies of these applications be served upon the Standing Counsel for the State of Uttar Pradesh in order to enable the counsel to file reply affidavit within two weeks from today.

List these applications after four weeks.

CIVIL APPEAL NO.11931/2018

The appeal is allowed in terms of the signed order.

Pending interlocutory applications, if any, stand disposed of.

(SANJAY KUMAR-II)
COURT MASTER (SH)

(INDU KUMARI POKHRIYAL)
ASSISTANT REGISTRAR

(Signed Order is placed on the file)