

IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 2700 OF 2020

M/S TATA STEEL BSL LIMITED

Appellant(s)

VERSUS

HAZI ARIF & ORS.

Respondent(s)

WITH

CIVIL APPEAL NO. 2727 OF 2020

CIVIL APPEAL NO. 2927 OF 2020

CIVIL APPEAL NO. 3076 OF 2020

O R D E R

The challenge in the present appeals is to an order passed by the National Green Tribunal (in short, "the NGT") on 26.02.2020. The learned NGT held that in execution proceedings, the order passed by the Tribunal on 07.10.2016 cannot be disputed.

The NGT has appointed an Expert Committee on 03.03.2014 under the Chairmanship of Ms. Parul Gupta, Advocate. The said committee submitted report on 23.4.2014. The NGT passed an order on 7.10.2016 whereby the Respondent Ghaziabad Development Authority was directed to remove all such encroachments on green belt area as per GMPD 2021 in Vaishalli Zone -5 in accordance with law. The order dated 7.10.2016 is being treated as final order though the report of Committee of Ms. Parul Gupta was accepted by NGT after giving an opportunity of hearing to the affected parties.

Another Expert Committee was ordered to be constituted comprising of Professor C.R. Babu Centre, Professor for Environment Management of degraded ecosystem, School of Environment study University of

Delhi, Dr. Brij Gopal, Professor JNU, Professor A.K. Gosain Professor of Civil Engineering IIT, Delhi to carry out study of Sahibabad drain No. 1 Ghaziabad. The said Committee had given its report on 09.10.2017.

The appellant and other affected parties filed applications for impleadment in the Original Application pending before the NGT before it passed an order on 7.10.2016. Objections to the Report were also submitted. However, the NGT, in the impugned order, held that *"as an executing court, the jurisdiction of the Court is limited as it cannot go behind the original order passed in respect of which execution proceedings have been initiated."*

We find that the entire basis of the order of the NGT is the Report of the Expert Committee dated 23.4.2014 leading to the alleged executable order dated 7.10.2016. Such Report was never accepted on the basis of which any executable order was passed by the NGT. The argument raised that such report was taken on record does not mean acceptance of report. Still further none of the affected parties, such as the appellants were before the NGT and no order could be passed without hearing the affected parties.

Consequently, we set aside all proceedings subsequent to the submission of the Report dated 23.4.2014. The affected parties are given liberty to file objections to the report so submitted. It is only thereafter, an order can be said to have been passed by the NGT, which can be said to be an executable order.

Consequently, the appeals are allowed. The order passed by the NGT on 26.02.2020 is set aside. The matter is remitted back to the NGT from the stage of submission of the Report dated 23.4.2014. The NGT

shall decide all questions of law and fact after hearing the affected parties in accordance with law.

The interim order(s) passed by the NGT and by this Court after the submission of the Report stand vacated.

Pending interlocutory application(s), if any, is/are disposed of.

.....J.  
[ HEMANT GUPTA ]

.....J.  
[ V. RAMASUBRAMANIAN ]

New Delhi;  
OCTOBER 22, 2021.

ITEM NO.23                      Court 11 (Video Conferencing)                      SECTION XVII

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

Civil Appeal No(s). 2700/2020

M/S TATA STEEL BSL LIMITED

Appellant(s)

VERSUS

HAZI ARIF & ORS.

Respondent(s)

IA No. 57892/2020 - EX-PARTE STAY  
IA No. 44888/2021 - EXEMPTION FROM FILING AFFIDAVIT  
IA No. 57894/2020 - EXEMPTION FROM FILING AFFIDAVIT  
IA No. 57893/2020 - EXEMPTION FROM FILING O.T.)

WITH

C.A. No. 2727/2020 (XVII)  
(IA FOR STAY APPLICATION ON IA 61938/2020  
FOR EXEMPTION FROM FILING O.T. ON IA 61939/2020  
FOR EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT ON IA  
61940/2020  
FOR EXEMPTION FROM FILING AFFIDAVIT ON IA 61942/2020  
IA No. 61942/2020 - EXEMPTION FROM FILING AFFIDAVIT  
IA No. 61940/2020 - EXEMPTION FROM FILING C/C OF THE IMPUGNED  
JUDGMENT  
IA No. 61939/2020 - EXEMPTION FROM FILING O.T.  
IA No. 61938/2020 - STAY APPLICATION)

C.A. No. 2927/2020 (XVII)  
(IA FOR EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT ON IA  
74088/2020  
FOR EX-PARTE STAY ON IA 74089/2020  
FOR EXEMPTION FROM FILING PAPER BOOKS ON IA 74091/2020  
FOR EXEMPTION FROM FILING AFFIDAVIT ON IA 74092/2020  
FOR EXEMPTION FROM FILING O.T. ON IA 74093/2020  
FOR PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES ON IA  
75682/2020  
IA No. 74089/2020 - EX-PARTE STAY  
IA No. 74092/2020 - EXEMPTION FROM FILING AFFIDAVIT  
IA No. 74088/2020 - EXEMPTION FROM FILING C/C OF THE IMPUGNED  
JUDGMENT  
IA No. 74093/2020 - EXEMPTION FROM FILING O.T.  
IA No. 74091/2020 - EXEMPTION FROM FILING PAPER BOOKS  
IA No. 75682/2020 - PERMISSION TO FILE ADDITIONAL  
DOCUMENTS/FACTS/ANNEXURES)

C.A. No. 3076/2020 (XVII)

(FOR EX-PARTE STAY ON IA 86643/2020  
 FOR EXEMPTION FROM FILING O.T. ON IA 86644/2020  
 FOR EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT ON IA  
 86645/2020

IA No. 86643/2020 - EX-PARTE STAY

IA No. 86645/2020 - EXEMPTION FROM FILING C/C OF THE IMPUGNED  
 JUDGMENT

IA No. 86644/2020 - EXEMPTION FROM FILING O.T.)

Date : 22-10-2021 These matters were called on for hearing today.

CORAM : HON'BLE MR. JUSTICE HEMANT GUPTA  
 HON'BLE MR. JUSTICE V. RAMASUBRAMANIAN

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 parties

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 Mr. Daleep Dhyani, Adv.  
 Mr. Suraj Singh, Adv.  
 Mr. Manoj Kumar Sharma, Adv.  
 Mr. Bhuwan Chandra, Adv.

Mr. Raman Yadav, Adv.  
Mr. Syed Mehdi Imam, AOR

Mr. Rajeev Sharma, Adv.  
Ms. Nandita Sharma, Adv.  
Mr. Deepak Goel, AOR

Mr. Tahir Ashraf Siddiqui, AOR

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

The Civil Appeals are allowed in terms of the signed order.

Pending interlocutory application(s), if any, is/are disposed  
of.

(JAYANT KUMAR ARORA)  
COURT MASTER

(RENU BALA GAMBHIR)  
COURT MASTER

(Signed order is placed on the file)