

ITEM NO.29

COURT NO.3

SECTION XVII

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. 42318/2022

(Arising out of impugned final judgment and order dated 02-08-2022 in RA No. 10/2022 and 23-05-2022 in OA No. 87/2021 passed by the National Green Tribunal, Southern Zone at Chennai)

ARVIND KUMAR AGRAWAL & ORS.

Petitioner(s)

VERSUS

THE CHIEF SECRETARY TO GOVERNMENT  
OF TAMIL NADU & ORS.

Respondent(s)

(IA No.22667/2023-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT, IA No.24703/2023-EXEMPTION FROM FILING O.T., IA No.23245/2023-PERMISSION TO FILE APPEAL, IA No.22669/2023-CONDONATION OF DELAY IN FILING APPEAL, IA No.22659/2023-CONDONATION OF DELAY IN REFILEING / CURING THE DEFECTS, IA No.22658/2023-PERMISSION TO APPEAR AND ARGUE IN PERSON and IA No.23246/2023-APPROPRIATE ORDERS/DIRECTIONS)

WITH

Diary No(s). 38136/2022 (XVII)

(IA No.37571/2023-CONDONATION OF DELAY IN FILING and IA No.37574/2023-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.37576/2023-STAY APPLICATION and IA No.37573/2023-CONDONATION OF DELAY IN REFILEING / CURING THE DEFECTS)

Date : 06-07-2023 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SANJIV KHANNA  
HON'BLE MS. JUSTICE BELA M. TRIVEDI

For Petitioner(s)

Appellant-in-person, AOR

Mr. Krishnan Venugopal, Sr. Adv.  
Mr. Rahul Goel, Adv.  
Ms. Anu Monga, Adv.  
Mr. Shobhit Sharma, Adv.  
Ms. Parul Parmar, Adv.  
Ms. Aditi Sharma, Adv.  
Mr. Kaushik Mishra, Adv.  
Mr. Shivendra Singh, AOR

For Respondent(s)

Mr. Amit Anand Tiwari, A.A.G. (N/P)  
Ms. Purnima Krishna, AOR  
Mr. M. F. Philip, Adv.  
Ms. Vatsala Chandra, Adv.  
Mr. Karamveer Singh Yadav, Adv.

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

Permission to file the appeal is granted.

Delay condoned.

Issue notice returnable in the month of February 2024.

Ms. Purnima Krishna, learned counsel, who is present on caveat/advance notice on behalf of the State of Tamil Nadu and the Tamil Nadu Pollution Control Board and Mr. Shivendra Singh, learned counsel, who is also present on advance notice for respondent no. 5 in Civil Appeal Diary no. 42318/2022 [M/s. Puravankara Project Limited (now - Puravankara Limited)], waive service and accept notice.

Notice on the unserved respondents will be served by all modes, including *dasti*.

The appellant in Civil Appeal Diary no. 38136/2022 - M/s. Puravankara Project Limited (now - Puravankara Limited) will deposit Rs.5.50 crores with the Tamil Nadu Pollution Control Board on or before 30.10.2023. The deposit would be converted into five (5) interest bearing Fixed Deposit Receipts (FDRs) of Rs.1 crore each and one (1) FDR of Rs.50 lakhs for a period of one year with auto-renewal clause.

M/s. Puravankara Project Limited (now - Puravankara Limited) will comply with the directions issued in the impugned judgment

from their own sources/money.

Status report viz. the compliance will be filed by the Tamil Nadu Pollution Control Board on or before 31.01.2024.

The expenditure to be incurred on compliance by M/s. Puravankara Project Limited (now - Puravankara Limited) will be through an escrow/separate account, which would only contain entries of deposit of money and payments made for the purpose of compliance with the directions issued by the National Green Tribunal (NGT), Southern Zone, Chennai in the impugned judgment, and the authorities. Bills, vouchers and invoices of expenses towards compliance will be maintained.

In case M/s. Puravankara Project Limited (now - Puravankara Limited) wants to take benefit of paragraph 10 of the order dated 01.09.2022 passed by the NGT in the review application, it will move an application before this Court alongwith statement of bank account. Appropriate orders will then be passed by this Court after hearing learned counsel for the respondents. It may be noted that the respondents have some reservations on adjustments of the said account(s). We make no comments in this regard at this stage.

(DEEPAK GUGLANI)  
AR-cum-PS

(R.S. NARAYANAN)  
ASSISTANT REGISTRAR