

**IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE/EXTRAORDINARY JURISDICTION**

**Civil Appeal No 4395 of 2014**

**Rajasthan Rajya Vidyut Utpadan Nigam Limited**

**Appellant**

**Versus**

**Sudiep Shrivastava and Others**

**Respondents**

**W I T H**

**Special Leave Petition (Civil) No 18103 of 2022**

**O R D E R**

**Civil Appeal No 4395 of 2014**

1 The appeal has arisen from an order dated 24 March 2014 of the National Green Tribunal<sup>1</sup>. The NGT issued the following directions:

1 “NGT”

“1. Order dated 23<sup>rd</sup> June, 2011 passed by the respondent no.2-MoEF Government of India and consequential order dated 28<sup>th</sup> March, 2012 passed by the respondent no.1 State of Chhattisgarh under section 2 of the Forest (Conservation) Act 1980 for diversion of forest land of PEKB Coal Blocks are set-aside;

2. The case is remanded to the MoEF with directions to seek fresh advice of the FAC within reasonable time on all aspects of the proposal discussed herein above with emphasis on seeking answers to the following questions: (i) What type of flora and fauna in terms of bio-diversity and forest cover existed as on the date of the proposal in PEKB Coal Blocks in question. (ii) is/was the PEKB Coal Blocks habitat to endemic or endangered species of flora and fauna. (iii) Whether the migratory route/corridor of any wild animal particularly, elephant passes through the area in question and, if yes, its need. (iv) Whether the area of PEKB Block has that significant conservation/protection value so much so that the area cannot be compromised for coal mining with appropriate conservation/management strategies. (v) What, is their opinion about opening the PEKB Coal Blocks for mining as per the sequential mining and reclamation method proposed as well as the efficacy of the translocation of the tree vis-a-vis the gestation period for regeneration of the flora? (vi) What is their opinion about the Wildlife Management plan finally prescribed. (vii) What conditions and restriction do they propose on the mining in question, if they favour such mining? Liberty is granted to the FAC to seek advice/opinion/specialised knowledge from any authoritative source such as Indian Council of Forestry Research and Education Dehradun or Wildlife Institute of India including the sources indicated in the present case by the parties.

3. The MoEF shall pass a reasoned order in light of the advice given by the FAC in accordance with law and pass appropriate order in accordance with law.

4. All work commenced by the respondent no.3 project proponent and respondent no.4 pursuant to the order dated 28<sup>th</sup> March, 2012 passed by the respondent no.1 State of Chhattisgarh under section 2 of the FC Act 1980, except the work of conservation of existing flora and fauna, shall stand

suspended till such further orders are passed by the MoEF in accordance with law.”

- 2 Since the order of the NGT, the Ministry of Environment, Forest and Climate Change<sup>2</sup> has granted approval for commencing Phase II mining operation for the Parsa East and Kete Basan (PEKB) Coal Block on 2 February 2022. Thereafter, the State of Chhattisgarh has on 25 March 2022 accorded permission for coal mining and for non-forest activity in respect of the Parsa East and Kete Basan Coal Block comprising 1136 hectares.
- 3 The above facts are not in dispute.
- 4 Since the order of the NGT has resulted in the above orders of MoEF&CC dated 2 February 2022 and of the State of Chhattisgarh dated 25 March 2022, Mr A N S Nadkarni, senior counsel appearing on behalf of the appellant states that the appeal is not pressed.
- 5 The appeal is accordingly disposed of.
- 6 Pending applications, if any, stand disposed of.

**Special Leave Petition (Civil) No 18103 of 2022**

- 1 The Special Leave Petition arose from an order dated 30 September 2022 of a learned Single Judge in IA No 5 of 2022 in Writ Petition (Civil) No 1346 of
- 2 “MoEF&CC”

2016. The learned Single Judge declined to entertain the prayer for interim relief primarily on the ground that proceedings were pending before this Court in which certain reliefs were claimed in respect the orders dated 2 February 2022, 25 March 2022 and 5 May 2022. The learned Single Judge had also indicated that there was no challenge to the orders at that stage.

2 Mr C U Singh, senior counsel appearing on behalf of the petitioner states that an application for amending the writ petition has been filed before the High Court which is pending.

3 By a separate order passed today, Civil Appeal No 4395 of 2014<sup>3</sup> instituted before this Court has been disposed of as not pressed.

4 Since the writ petition under Article 226 of the Constitution is pending before the High Court, it would be appropriate and proper to relegate the petitioners to pursue their rights and remedies in accordance with law. Since the application for interim relief in IA No 5 of 2022 was not considered by the High Court for the reasons which have been indicated above, we clarify that it will be open to the petitioners to move an application for seeking interim relief. The above liberty is subject to such objections which the contesting respondents may have to the grant of interim relief. This Court has not expressed any opinion on the merits of the challenge before the High Court.

3 “Rajasthan Rajya Vidyut Utpadan Nigam Limited vs Sudiep Shrivastava and Others”

- 5 The Special Leave Petition is accordingly disposed of.
- 6 Pending applications, if any, stand disposed of.

.....CJI.  
**[Dr Dhananjaya Y Chandrachud]**

.....J.  
**[J B Pardiwala]**

.....J.  
**[Manoj Misra]**

New Delhi;  
October 16, 2023  
CKB

ITEM NO.26

COURT NO.1

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 No.4395/2014

RAJASTHAN RAJYA VIDYUT UTPADAN NIGAM LTD

Appellant

VERSUS

SUDIEP SHRIVASTAVA & ORS.

Respondents

(With IA No.2007/2022 - APPROPRIATE ORDERS/DIRECTIONS, IA No.53863/2019 - CLARIFICATION/DIRECTION, IA No. 53848/2019 - EXEMPTION FROM FILING O.T., IA No.5912/2023 - EXEMPTION FROM FILING O.T., IA No.71319/2022 - EXEMPTION FROM FILING O.T., IA No. 66757/2021 - EXEMPTION FROM FILING O.T., IA No. 134831/2023 - EXEMPTION FROM FILING O.T., IA No. 53864/2019 - EXEMPTION FROM FILING O.T., IA No. 86937/2023 - EXEMPTION FROM FILING O.T., IA No. 86934/2023 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES, IA No. 32860/2023 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES, IA No. 53847/2019 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES, IA No. 71316/2022 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES, IA No. 4/2014 - PERMISSION TO FILE ANNEXURES, IA No. 3/2014 - PERMISSION TO FILE ANNEXURES and IA No.1/2014 - STAY APPLICATION)

WITH W.P.(C) No.371/2019 (PIL-W)

(With IA No.97095/2022 - APPLICATION FOR PERMISSION, IA No.28837/2023 - APPLICATION FOR PERMISSION, IA No.49251/2019 - APPROPRIATE ORDERS/DIRECTIONS, IA No.97098/2022 - EXEMPTION FROM FILING O.T., IA No.49254/2019 - EXEMPTION FROM FILING O.T., IA

No.168205/2019 - INTERVENTION/IMPLEADMENT and IA No.5925/2023 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)

S.L.P.(C) No.18103/2022 (IV-C)

(With IA No.24570/2023 - APPLICATION FOR PERMISSION, IA No. 17183/2023 - APPLICATION FOR PERMISSION, IA No.187284/2022 - APPLICATION FOR PERMISSION, IA No.154263/2022 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT, IA No.174182/2022 - EXEMPTION FROM FILING O.T., IA No.164370/2022 - EXEMPTION FROM FILING O.T., IA No.154264/2022 - EXEMPTION FROM FILING O.T., IA No.185800/2022 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES, IA No.150385/2023 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES, IA No.174181/2022 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES, IA No.32885/2023 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES, IA No.23304/2023 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES and IA No.19260/2023 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)

W.P.(C) No.510/2023 (PIL-W)

(With IA No.87170/2023 - CLARIFICATION/DIRECTION and IA No. 87171/2023 - EXEMPTION FROM FILING O.T.)

Date : 16-10-2023 These matters were called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE  
HON'BLE MR. JUSTICE J.B. PARDIWALA  
HON'BLE MR. JUSTICE MANOJ MISRA

For Appellant(s) Mr. Atmaram N S Nadkarni, Sr. Adv.  
Mr. S.S. Rebello, Adv.  
Ms. Deepti Arya, Adv.  
Ms. Arzu Paul, Adv.  
Ms. Manisha Gupta, Adv.  
Mr. Siddant Gupta, Adv.  
Mr. Rishikesh Haridas, Adv.  
Lavany Dhawan, Adv.  
Mr. Ritik Gupta, Adv.  
Mr. Kunal Verma, AOR

Ms. Yugandhara Pawar Jha, Adv.  
Mr. Ashwin Kumar Nair, Adv.

WPC 371/2019 &  
WPC 510/2023

Mr. Prashant Bhushan, Adv.  
Ms. Neha Rathi, AOR  
Mr. Kamal Kishore, Adv.  
Ms. Kajal Giri, Adv.

SLPC 18103/2022

Mr. Chander Uday Singh, Sr. Adv.  
Ms. Pyoli, AOR  
Ms. Shalini Gera, Adv.  
Mr. Archit Krishna, Adv.  
Mr. Mayank Gautam, Adv.

For Respondent(s)

Mr. A.M. Singhvi, Sr. Adv.  
Mr. Mahesh Agarwal, Adv.  
Ms. Aanchal Mullick, Adv.  
Mr. Arshit Anand, Adv.  
Mr. Nidhiram, Adv.  
Mr. E.C. Agrawala, AOR

Mr. Prashant Bhushan, Adv.  
Ms. Neha Rathi, AOR  
Mr. Kamal Kishore, Adv.  
Ms. Kajal Giri, Adv.

Mr. Tushar Mehta, SG  
Mr. K.M. Nataraj, ASG  
Mr. Gurmeet Singh Makker, AOR  
Ms. Ruchi Kohli, Adv.  
Ms. Nidhi Khanna, Adv.  
Ms. Swarupama Chaturvedi, Adv.  
Ms. Archana Pathak Dave, Adv.  
Ms. Swati Ghildyal, Adv.  
Mr. Shailesh Madiyal, Adv.  
Mr. Kanu Agrawal, Adv.  
Mr. Mayank Pandey, Adv.  
Mr. Madhav Sinhal, Adv.

Mr. Mahesh Kumar, Adv.  
Ms. Prachi Mishra, Adv.



Mr. Aman Preet Singh Rahi, Adv.  
Mr. Nikhilesh Kumat, Adv.  
Mr. Dipesh Singhal, Adv.  
Ms. Devika Khanna, Adv.  
Ms. Rebecca Mishra, Adv.  
Mr. Himanshu Kumar, Adv.  
Mrs. V.D. Khanna, Adv.  
Mr. Vmz Chambers, AOR

Ms. Pragati Neekhra, AOR  
Mr. Aditya Bhanu Neekhra, Adv.  
Mr. Aniket Patel, Adv.  
Mr. Tushar Mehta, SG  
Mr. Kartik Seth, Adv.  
Ms. Shriya Gilhotra, Adv.  
Mr. Prashanth Dixit, Adv.  
Mr. Ankit Gupta, Adv.  
Mr. Mahesh Bhati, Adv.  
Ms. Arushi Rathore, Adv.  
Mr. Saurabh Chaturvedi, Adv.  
M/s. Chambers of Kartik Seth

Mr. Kunal Verma, AOR

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

**Civil Appeal No 4395 of 2014 & SLP (C) No 18103/2022**

- 1 The Civil Appeal and the Special Leave Petition are disposed of in terms of the signed order.
- 2 Pending applications, if any, stand disposed of.

**Writ Petition (C) No 371 of 2019 & Writ Petition (C) No 5103 of 2023**

- 1 List the Petitions 20 November 2023.

**(CHETAN KUMAR)**  
**A.R. -cum-P.S.**

**(SAROJ KUMARI GAUR)**  
**Assistant Registrar**

**(Signed order is placed on the file)**