

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). 18853/2023

(Arising out of impugned final judgment and order dated 05-08-2022 in OA No. 133/2020 passed by the National Green Tribunal, Southern Zone at Chennai)

GAIL (INDIA) LIMITED

Petitioner(s)

VERSUS

NATIONAL GREEN TRIBUNAL & ORS.

Respondent(s)

(IA No. 93900/2023 - CONDONATION OF DELAY IN FILING

IA No. 93902/2023 - EXEMPTION FROM FILING O.T.

IA No. 93901/2023 - PERMISSION TO FILE ADDITIONAL
DOCUMENTS/FACTS/ANNEXURES

IA No. 93904/2023 - PERMISSION TO FILE LENGTHY LIST OF DATES

IA No. 93906/2023 - STAY APPLICATION)

Date : 25-07-2023 These matters were called on for hearing today.

CORAM :

HON'BLE MRS. JUSTICE B.V. NAGARATHNA

HON'BLE MR. JUSTICE UJJAL BHUYAN

For Petitioner(s) Mr. Tushar Mehta, SG
Mr. N. L. Ganapathi, AOR
Mr. Samya Chatterjee, Adv.
Mr. Sidhant Garg, Adv.

For Respondent(s) Mr. K M Nataraj, A.S.G.
Mr. Gurmeet Singh Makker, AOR
Mr. Shailesh Madiyal, Adv.
Mr. Siddhanth Kohli, Adv.
Mr. Chinmayee Chandra, Adv.
Mr. Rohan Gupta, Adv.

Mr. Avijit Roy, AOR

Mr. M.F. Philip, Adv.
Mr. Karamveer Singh Yadav, Adv.
Ms. Purnima Krishna, AOR

UPON hearing the counsel the Court made the following

O R D E R

We have heard learned Solicitor General appearing for the
appellant and learned Additional Solicitor General appearing for

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respondent No.3 - Ministry of Environment, Forests & Climate Change and learned counsel for respondent No.7 - Tamil Nadu Pollution Control Board.

On the last date of hearing, learned Solicitor General appearing for the appellant had submitted that an affidavit of undertaking on behalf of the appellant would be filed and accordingly the same has been filed. A copy of which has been served on the learned ASG appearing for the third respondent.

On perusal of the same, it is evident that by letter dated 18.07.2019, the District Coastal Zone Management Authority has recommended 255 meters of the appellant's pipeline for CRZ clearance to the Tamil Nadu State Coastal Zone Management Authority. Similarly, Department of Environment, Climate Change and Forests, Tamil Nadu has by its letter dated 21.03.2022 recommended CRZ clearance for the appellant's pipeline to National Coastal Zone Management Authority, coming under the third respondent.

Now, the matter is at the stage of consideration by the National Coastal Zone Management Authority. Since, the said clearance has not yet been given as yet, a plea is made that the said Authority may consider the application already made by the appellant for clearance to be given to the appellant to use the pipeline, which has already been land.

The submission of learned Solicitor General appearing for the appellant is that in the absence of the said clearance having been given, there is a wastage of natural gas, the same being now let

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out into the open air, which may not only cause pollution but also a wastage of the natural resource. Therefore, a direction is sought to the National Coastal Zone Management Authority, coming under the third respondent herein to grant the clearance in accordance with law.

In the circumstances, we find that at this stage a direction ought to be issued to the third respondent to consider the application made by the appellant for grant of clearance for the pipeline already laid by the appellant herein, more particularly, with regard to 255 meters which is stated to be in the CRZ zone out of a total 29 kms. The said consideration of the application shall be made within a period of two weeks from today. In the circumstances, list this matter after two weeks.

Learned ASG is at liberty to move the matter in the event a copy of the order passed on the application is served on the appellant.

Liberty is also reserved to the appellant to move the matter on receipt of communication from the third respondent.

(NEETU SACHDEVA)
ASTT. REGISTRAR-cum-PS

(R.S. NARAYANAN)
ASSISTANT REGISTRAR