

**BEFORE THE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH, KOLKATA**

APPEAL NO. 01/2017/EZ

UMESH PRASAD SINGH

VS

UNION OF INDIA & ORS

CORAM: Hon'ble Mr. Justice S.P.Wangdi, Judicial Member
Hon'ble Prof. (Dr.) P. C. Mishra, Expert Member

PRESENT:

Appellant	: Mr. Somnath Roy Chowdhury, Advocate
Respondent No. 1	: Mr. Gora Chand Roy Chowdhury, Advocate
Respondents 2 to 5	: Mr. Surendra Kumar, Advocate
Respondent No. 6	: Kumar Ravish, Advocate
Respondent No. 7	: Mr. Dipanjan Ghosh, Advocate

Date & Remarks	Orders of the Tribunal
Item No. 1 11th September, 2017.	<p style="text-align: center;">Mr. Gora Chand Roy Chowdhury, Id. Advocate for the respondent No. 1, the MOEF, prays that the affidavit-in-opposition filed on behalf of the Ministry be taken on record.</p> <p style="text-align: center;">The prayer is allowed. Let it be taken on record as prayed for. It is stated that copies have been served on the other side.</p> <p style="text-align: center;">Mr. Kumar Ravish, Id. advocate for the respondent No. 6, informs us that the SEIAA, Bihar, has not still been constituted.</p> <p style="text-align: center;">We find this position to be quite untenable considering the fact that the term of the SEIAA had expired on 2.7.2017 as informed by Mr. Kumar Ravish,</p>

Id. counsel for SEIAA. It is not understood as to why the Central Govt. has not yet constituted SEIAA and the SEAC (State Expert Appraisal Committee) considering the crucial role which these bodies play. We are not informed as to whether the State Govt. has forwarded the names of the members and Chairman of SEIAA to the Central Govt. as required under sub-paragraphs (3) and (4) of paragraph 3 of the EIA Notification, 2006. It is also not clear as to whether the MOEF has issued any notification constituting the SEAC as per sub-clause (iii) of clause 4 of the said Notification. The Central Govt., respondent No.1 and the State Govt., respondent No. 2, shall file affidavits giving the present status. If there is any possibility of the process getting delayed, the Central Govt. shall consider extending the term of the existing Chairman and Members of SEIAA and SEAC, Bihar, until such time these bodies are constituted by appointing regular members and chairman, provided there is no impediment under the Rules or Act to do so. It is needless to state that such decision shall be taken in the light of the provision in sub-clause (iii) of paragraph 4 of the EIA Notification, 2006 that "in the absence of a duly constituted SEIAA or SEAC, a category 'B' project shall be treated as a category 'A' project" in greater public interest.

The affidavits shall be filed by the State and Central Govt. before the next date.

The applicant is at liberty to file rejoinder to the affidavit-in-opposition of respondent No. 1 taken on record today.

List on 23.10.2017.

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Justice S.P.Wangdi, JM
11-9-2017

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Prof. (Dr.) P. C. Mishra, EM
11-9-2017

