BEFORE THE NATIONAL GREEN TRIBUNAL EASTERN ZONE BENCH, KOLKATA

O.A. No. 109/2017/EZ

TULARAM GOGOI

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: Applicant : Mr. Ritwick Dutta, Advocate

Ms. Sreeja Chakraborty, Advocate

Respondents : None

4	Orders of the Tribunal
Date & Remarks	
Item No. 4	
31 st May , 2017.	H <mark>ear</mark> d.
	In this OA, the applicant has questioned the
2	Sub <mark>ansiri Low</mark> er Hydro-Ele <mark>ctric Proje</mark> ct in Assam on the
	ground that after the grant of Envi <mark>ro</mark> nmental
11.5	clearance, changes have been made to the scope of the
	work of the project for which, as per the applicant,
and the second	fresh appraisal is required which in the present case, it
W	has not been done. He has referred to the case of the
3	Polavaram Multipurpose Project in Andhra Pradesh
100	where in similar circumstances as in the case of the
	present project, fresh appraisal had been called for by
	the MoEF.
	Apart from the above, other cognate issues have
	also been raised.
	We are conscious of the fact that OA
	346/2013/PB/9/2015/EZ which also raised a large

number of questions pertaining to the very same Hydro-electric project, has already been heard finally and is reserved for judgement.

As per the ld. Advocate for the applicant, the issue raised in the present OA is not identical to the ones involved in that OA.

We are also concerned with the question of limitation in filing the OA, which as per the ld. Advocate for the applicant, has been explained. It is submitted that the facts and circumstances relating to the project pointed out in the OA, came to the knowledge of the applicant only after receipt of a reply dated 9.11.2016 to an application under RTI Act filed by him.

<mark>Issue not</mark>ice returnabl<mark>e in three</mark> weeks.

Let requisites be filed within a week.

We make it clear that the question of limitation shall be left open for consideration.

Considering the importance of the project, we direct the respondents to file their responses expeditiously and, as far as practicable, before the next date with advance copies on the applicant.

List on 17.7.2017.

Justice S.P.Wangdi, JM 31-5-2017 Prof. (Dr.) P. C. Mishra, EM 31-5-2017



