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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **W.P.(C) 10771/2017**

VYAKTI VIKAS KENDRA INDIA

..... Petitioner

Through: Mr Krishnendu Datta, Mr Nikhil, Mr
Kedar Desai, Mr Mayank Pandey, Mr
Yajur Sharma, Ms Saraswati Nath
and Mr Samar Kushwaha, Advocates.

versus

MANOJ MISHRA AND ORS.

..... Respondents

Through: Mr Dhanesh Relan, Standing Counsel
for DDA with Ms Akshita Manocha,
Advocate.
Mr Satyakam and Mr Akshay
Agarwal, Advocates for R-3.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

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04.12.2017

CM No. 44120/2017

1. Exemption is allowed, subject to all just exceptions.
2. The application stands disposed of.

W.P.(C) 10771/2017 and CM No. 44119/2017

3. The petitioner has filed the present petition, *inter alia*, praying as under:-

“a. Issue an appropriate writ/order/direction directing the National Green Tribunal to grant fresh opportunity to the Petitioner herein for re-presenting and rehearing oral arguments hearing in O.A. 65 of 2016 before a bench

Hon'ble Mr Justice Swatanter Kumar, Chairperson,
Hon'ble Mr Justice Jawad Rahim, Hon'ble Mr Justice
Raghuvendra S. Rathore, and Hon'ble Mr. Justice
Bikram Singh Sajwan; ”

4. The petitioner's grievance appears to be that the matter in O.A. 65/2016 before the National Green Tribunal (hereafter 'NGT') was heard by a Bench of four Members including one member who had not heard the arguments in opening.

5. Mr Dutta, learned counsel appearing for the petitioner had drawn the attention of this Court to an order dated 10.11.2017 passed by the NGT wherein the petitioner (who is arrayed as respondent no.3 in O.A. 65/2016) had expressed his reservation with regard to Hon'ble Dr. Justice Jawad Rahim, Judicial Member being a part of the bench. He states that all the other parties had expressly stated that they had no objection in this regard.

6. Mr Dutta submitted that in view of the objections raised, a separate bench had been constituted comprising of the Chairperson, Hon'ble Mr Justice Raghuvendra S. Rathore and Hon'ble Mr Justice Bikram Singh Sajwan and the petitioner had no objection of the said bench hearing the said matter. However, on 13.11.2017, the petitioner found that contrary to the constitution of bench as reflected in the cause list, the bench hearing the matter included Hon'ble Dr. Justice Jawad Rahim as a judicial member. He emphatically contended that a request was made on the said date for permitting the petitioner to reargue its submissions, since Justice Jawad Rahim was not a part of the Bench when the petitioner's arguments were heard. It is stated that the said request was rejected.

7. A plain reading of the order dated 13.11.2017 does not indicate that any such request was made before NGT. On the contrary, the order indicates that the petitioner (respondent no.3) was also permitted to recapitulate the points.

8. Mr Dutta states that although a request had been made, the same had not been recorded in the said order. This Court is not inclined to accept this contention, as it is well settled that if an order passed by the Court does not reflect the submissions or the grounds urged; in the first instance, the party concerned is required to make an application to the same Court.

9. In view of the above, this Court does not find any ground to entertain the present petition. The petition and the application are, accordingly, dismissed.

10. It is clarified that this order will not preclude the petitioner to approach the NGT in regard to its grievance.

11. Order *dasti* under signature of Court Master.

VIBHU BAKHRU, J

DECEMBER 04, 2017
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