

NAFR

**HIGH COURT OF CHHATTISGARH, BILASPUR****WPC No. 2482 of 2019**

1. M/s Hi-Tech Steel and Power Ltd through its Director Binod Kumar Agrawal, Son of Shri Jai Prakash Agrawal, Aged About 49 Years, R/o House No. 11, Near Mangal Bhawan, Motilal Nehri Nagar, Bhilai, District Durg Chhattisgarh.
2. Binod Kumar Agrawal, S/o- Shri Jai Prakash Agrawal, Aged About 49 Years, R/o House No. 11, Near Mangal Bhawan, Motilal Nehri Nagar, Bhilai, District Durg Chhattisgarh. **--- Petitioners**

**Versus**

1. State of Chhattisgarh through the Principal Secretary, Department of Environment, Mantralaya, Raipur Chhattisgarh.
2. Member Secretary, Chhattisgarh Environment Conservation Board, Commercial Complex, Chhattisgarh Housing Board Colony, Kabir Nagar, Raipur Chhattisgarh.
3. Collector / District Magistrate, Raipur, District Raipur Chhattisgarh.
4. The Chairman, Chhattisgarh Environment Conservation Board, Commercial Complex, Chhattisgarh Housing Board Colony, Kabir Nagar, Raipur Chhattisgarh.
5. Member Secretary, State Level Environment Impact Assessment Authority, Chhattisgarh, Commercial Complex, Chhattisgarh Housing Board Colony, Kabir Nagar, Raipur Chhattisgarh.
6. Union of India, through the Secretary, Ministry of Environment and Forest, Shastri Bhawan, New Delhi. **--- Respondents**

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| For Petitioner       | : | Mr. Manaynath Thakur, Advocate             |
| For Respondent/State | : | Ms. Smita Ghai, Panel Lawyer               |
| For respondent no.6  | : | Mr. B. Gopa Kumar, Asst. Solicitor General |

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**Hon'ble Shri Justice Goutam Bhaduri****Order On Board****22-07-2019**

1. This writ petition has been filed for grant of the following relief(s)

**“10. RELIEF(S) SOUGHT :**

**a.** A writ and/or an order in the nature of writ of mandamus do issue commanding and directing the respondent authorities concerned to produce before this Hon'ble Court all the relevant records pertaining to the petitioner's case for grant of Environment clearance, for kind perusal of this Hon'ble Court and for ascertainment of truth in the version of the petitioner and for further examination of the legality of the proceedings.

**b.** A writ and/or an order in the nature of writ of certiorari do issue quashing the decision memo 02/07/3029 (Annexure P-) and further proceeding initiated under memo dated 02/07/2019 being arbitrary, illegal and not sustainable in law and in effect direct the respondent No.3 to conduct public hearing as fixed by order dated 15/06/2019 issued by the respondent No. 3 in presence of the respondent No.2 or any other representative of the respondent No.2 after following the due procedure prescribed under notification dated 14th September 2006 issued by GOI MOEF.

**c.** A writ and/or an order in the nature of writ of appropriate nature do issue directing the respondent authorities to conduct public hearing within 45 days' time as fixed under the notification dated 14th September 2006 by the GOI MOEF.

**d.** Or A writ and/or an order in the nature of writ of appropriate nature do issue directing the respondent authorities to pay the petitioners all cost occurred in conducting public hearing which is cancelled without any reason or direct the respondent authority to bear the cost of the second public hearing.

**e.** Cost of the proceedings.

**f.** Any other relief in the discretion of this Hon'ble Court.”

2. Since the date of public hearing was on 15/07/2019, the clock can not be

set back as on toady i.e. 22/07/2019. However, it is directed that the respondent authorities shall carry out the public hearing according to the Environmental Impact Assessment Notification dated 14th September, 2006 issued by the Ministry of Environment and Forests.

3. It is further observed, that if the time-line has been set out in the notification, that shall also be carried out according to the said notification.
4. With the above observation/direction, this writ petition stands finally disposed of.

**Sd/-**  
**(Goutam Bhaduri)**  
**Judge**