

HIGH COURT OF CHHATTISGARH, BILASPUR

REVP No. 128 of 2019

(Arising out of order dated 20.06.2019 passed by the learned Division Bench in WPIL 43 of 2019)

1. Regional Officer Chhattisgarh Environment Conservation Board, Regional Office, TV Tower Road, Raigarh, District Raigarh Chhattisgarh (Res.No.6)
2. Member Secretary Chhattisgarh Environment Conservation Board Paryavaas Bhawan, North Block Sector- 19, Atal Nagar New Raipur, District Raipur Chhattisgarh.

---- Petitioner

Versus

1. Union of India Through Its Ministry Of Environmental Forest And Climate Change, Government of India, Indira Parayavaram Bhawan, Jor Bagh New Delhi
2. State of Chhattisgarh Through Its Principal Secretary, Housing And Environment Department, Government Of Chhattisgarh, Mantralaya, Mahanadi Bhawan, New Raipur, District Raipur Chhattisgarh.
3. State Environment Impact Assessment Authority Through Its Chairman P 4b/226, Near Canara Bank, Sector, 27, New Raipur District Raipur Chhattisgarh.
4. District Collector And District Magistrate Raigarh District Raigarh Chhattisgarh.
5. M/s Maharashtra State Power Generation Company Ltd. (MSCPGCL) Through Its Director HDIL Towers, 3rd Floor, Prof. A.K. Marg, Bandra, (E) Mumbai Maharashtra.,
6. Ramesh Agrawal S/o Late Shri Jay Narayan Das Agrawal Aged About 64 Years R/o Satyam Kunj, Itwari Bazar, Nayagaj, District Raigarh Chhattisgarh. (Petitioner)

---- Respondents

For Petitioner	:	Shri Animesh Tiwari, Advocate
For Respondent-UOI	:	Shri B. Gopa Kumar, Assistant Solicitor General with Ms. Jyoti Singh, Advocate
For Respondent-State	:	Shri Siddharth Dubey, Deputy G.A.
For Respondent-writ petitioner	:	Shri K. Rohan, Advocate.

Hon'ble Shri P. R. Ramachandra Menon, Chief Justice

Hon'ble Shri Goutam Bhaduri, Judge

Order on Board

P. R. Ramachandra Menon, Chief Justice

25.09.2019

1. This review petition has been filed by the Member Secretary of the Chhattisgarh Environment Conservation Board. The error apparent on the

face of the record, as pointed out by the learned counsel for the review petitioner, is that as per the relevant provisions of law, the public hearing can be conducted by the authorities mentioned therein, which need not be heard by the Member Secretary himself, due to various reasons, as explained in the review petition.

2. Heard both the sides. On going through the proceedings, it appears that there is some discrepancy with regard to the competent authority to hear the matter, which is clarified by Shri Abhyuday Singh, the learned counsel for the review petitioner in the similar Review Petition No.187 of 2019, pointing out that the Rules been undergone change in the year 2009 and a copy of the amended Rules has been produced along with the said Review Petition. We have gone through the same. Clause 4.0 of Annexure-A/2 Notification dated 14.09.2006 with the heading "Supervision and Presiding over the Hearing" contains Clause 4.1, dealing with the authorities concerned. The said provision is extracted below :

"4.0 Supervision and Presiding over the Hearing :

4.1. The District Magistrate/District Collector/Deputy Commissioner or his or her representative not below the rank of an Additional District Magistrate assisted by a representative of SPCB or UTPCC, shall Supervise and preside over the entire public hearing process."

3. The learned counsel appearing for the review petitioner in the present case, the learned counsel for writ petitioners as well as the Assistant Solicitor General appearing for the Union of India and the learned Deputy Government Advocate representing the State concede the above position as to the relevant Rules.

4. In the said circumstances, we hold that there is an 'error apparent on the face of record', as contained in the last paragraph of the order dated 20.06.2019 in WPPIL No. 43 of 2019, holding that the hearing on the objections shall be conducted by the 5th Respondent himself and not by the 6th Respondent. This will stand corrected and modified to the effect that it shall be done by any of the competent authority as mentioned in Clause 4.1 of the aforementioned Notification.
5. The review petition is disposed off accordingly.

Sd/-
(P.R. Ramachandra Menon)
Chief Justice

Sd/-
(Goutam Bhaduri)
Judge