

HIGH COURT OF CHHATTISGARH, BILASPUR

REVP No. 187 of 2019

*(Arising out of order dated 21.06.2019 passed by the Learned Division Bench in
WPIL No. 44 of 2019)*

- M/s Mahavir Coal Washery Pvt. Ltd. A Company Incorporated Under The Provisions of The Companies Act, 1956, Through Its Director, Shri Upkar Rai Having Its Registered Office At 198, Vasant Enclave, Rao Tularam Marg, New Delhi.

---- Petitioner

Versus

1. Ramesh Agrawal S/o Shri Jai Narayan Das Agrawal Aged About 64 Years R/o Satyam Kunj, Itwari Bazar, Nayaganj, District Raigarh Chhattisgarh.
2. Union of India Through It Secretary Ministry of Environment, Forest and Climate Change, Government of India, Indira Paryavarn Bhawan, Jor Bagh Road, New Delhi.
3. State of Chhattisgarh, through its Principal Secretary, Housing and Environment Department, Government of Chhattisgarh, Mantralaya, Mahanadi Bhawan, New Raipur, District Raipur, Chhattisgarh.
4. State Environment Impact Assessment Authority, through its Chairman, P 4B/226, Near Canara Bank, Sector 27, New Raipur, District Raipur, Chhattisgarh.
5. Chhattisgarh Environment Conservation Board through its Member Secretary Paryavaas Bhawan, North Block, Sector 19, Atal Nagar, New Raipur, District Raipur, Chhattisgarh.
6. Member Secretary, Chhattisgarh Environment Conservation Board, through its Member Secretary, Paryavaas Bhawan, North Block Sector 19, Atal Nagar, New Raipur, District Raipur, Chhattisgarh.
7. Regional Officer, Chhattisgarh Environment Conservation Board, Regional Office, TV Tower Road, Raigarh, District Raigarh, Chhattisgarh.
8. District Collector and District Magistrate Raigarh, District Raigarh, Chhattisgarh.

---- Respondents

For Petitioner	:	Shri Abhyuday Singh, Advocate
For Respondent No.1/ Writ Petitioner	:	Shri K. Rohan, Advocate.
For Respondent No.2/ -UOI	:	Shri B. Gopa Kumar, Assistant Solicitor General with Ms. Jyoti Singh, Advocate
For Respondent-State	:	Shri Siddharth Dubey, Deputy G.A.
For Respondent-Member Sec.	:	Shri Animesh Tiwari

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 8th Respondent in WP(PIL) No. 44 of 2019. 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.
3. Writ Petition (PIL) No. 44 of 2019 was disposed in terms of the judgment dated 20.06.2019 passed in WP(PIL) No. 43 of 2019. A review petition has been filed against the judgment dated 20.06.2019 passed in WP(PIL) No. 43 of 2019 as Review Petition No. 128 of 2019, which stands disposed of vide order dated 25.09.2019.
4. Learned counsel for the parties jointly submit that this review petition may also be disposed of in terms of the order passed in Review Petition No. 128 of 2019 decided on 25.09.2019. The operative portion of the said order is extracted below :

“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 WP(PIL) 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. In view of the above submission, this Review Petition stands disposed of in the terms order dated 29.09.2019 passed in Review Petition No.128 of 2019.

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

Sd/-
(Goutam Bhaduri)
Judge