Serial No.01
Regular List

HIGH COURT OF MEGHALAYA
AT SHILLONG

WP(C). No. 189 of 2020

Date of Order: 15.09.2020

Shri. Shyam Century Ferrous Limited. Vs. State of Meghalaya & 7 Ors.

Coram:

Hon'ble Mr. Justice Ranjit More, Judge.

Appearance:

For the Petitioner/Appellant(s) : Dr. A.Saraf, Sr. Adv.

For the Respondent(s) : Mr. A.Kumar AG with
Mr. S.Sen, Sr. GA and
Mr. A.Kharwanlang, GA.

1. Heard Dr. A.Saraf, learned Sr. counsel for the petitioner and Mr. S.Sen, learned Sr. GA for the respondents.

2. Petition is filed invoking the jurisdiction of Article 226 of the Constitution of India challenging the Notice dated 19-02-2020 issued by the Director of Mineral Resources, Meghalaya, Shillong. Said notice is issued in pursuant to the recommendation of the Monitoring Committee of the National Green Tribunal submitted in its 5th Interim Report dated 02-12-2019 and the order dated 17-01-2020 passed by the National Green Tribunal, Principal Bench, New Delhi (in short "NGT"). The impugned notice was issued in pursuant of the NGT's order, which order is also challenged by filing this petition.

3. Petitioner has approached this Court under Article 226 of the Constitution on the ground that NGT has no jurisdiction to pass the order impugned in the petition as well as recommendation of the Monitoring Committee are made without following the principle of natural justice.

4. Learned Sr. GA invited my attention to provision 19 and 22 of the NGT Act, 2010. He submitted that under Section 19 (4) (f) (h), petitioner has remedy to approach the NGT. He also submitted that under Section 22 of the said Act, statutory appeal to the Hon'ble Supreme Court is provided.

5. In the light of above, I am not inclined to interfere in the writ petition. At this stage, Dr. Saraf, learned Sr. counsel for the petitioner submitted that he may be allowed to withdraw the petition with liberty to approach the NGT or the Hon'ble Supreme Court under Section 19 or Section 22 respectively.

6. Learned Sr. GA has no objection.

7. In the above circumstances, I grant leave to the petitioner to withdraw this petition with liberty to approach the NGT or the Hon'ble Supreme Court challenging the impugned order/notice, under Section 19 or 22 of the NGT Act, 2010. It is expressly made clear that I have not gone into the merits of the matter and all points and contentions of the parties kept open.

8. Petition is dismissed as withdrawn.

Judge

Meghalaya
15.09.2020
"Samantha PS"