

**Item No.09:**

BEFORE THE NATIONAL GREEN TRIBUNAL  
SOUTHERN ZONE, CHENNAI

**Original Application No.239 of 2021 (SZ) &  
I.A. No. 206 of 2021**

(with Hybrid Option)

IN THE MATTER OF

Navroz Kersasp Mody

...Applicant(s)

**Versus**

The Auroville Foundation and Ors.

...Respondent(s)

**Date of hearing: 21.12.2021.**

**CORAM:**

**HON'BLE MR. JUSTICE K. RAMAKRISHNAN, JUDICIAL MEMBER**

**HON'BLE DR. SATYAGOPAL KORLAPATI, EXPERT MEMBER**

For Applicant(s): Mr. A Yogeshwaran

For Respondent(s): Mr. R. Sankaranarayanan, Additional Solicitor General  
along with Mr. V. Chandrasekaran, Senior Panel Counsel  
Union of India for R1.

Mr. G.M. Syed Nurullah sheriff for R2

Dr. D. Shanmuganathan for R3

**ORDER**

1. The above case has been posted to today for completion of pleading and hearing.

2. Earlier Learned Additional Solicitor General had entered appearance for respondent 1 and 2 earlier. But subsequently, Mr. G.M. Syed Nurullah Sheriff also filed memo of appearance with specific instruction from the MoEF&CC to appear in this matter. Since, there is a possibility of conflict of interest regarding the necessity of obtaining prior environmental clearance for the project that is evolved by the 1<sup>st</sup> respondent, we feel it appropriate that the 1<sup>st</sup> respondent and 2<sup>nd</sup> respondent have to be represented by independent lawyers. So, we permit Mr. G.M. Syed Nurullah Sheriff to represent MoEF&CC in this matter. Though, two lawyers have filed memo of appearance for the same party Learned Additional Solicitor General submitted that he will ask the Learned Government Pleader on record who filed the memo to withdraw the appearance for 2<sup>nd</sup> respondent to enable the Standing Counsel to represent the MoEF&CC.
3. In the meantime some third party has filed I.A. No. 206 of 2021 to get them impleaded in the matter as additional respondent as they are also interested in the project which is being envisaged by the 1<sup>st</sup> respondent. Learned Counsel appearing for the applicant Mr. A. Yogeshwaran has opposed the interlocutory application for impleadment on the ground that they cannot be said to be interested parties.
4. We have heard the Learned Counsel appearing for the applicant who wants to come on record, namely, Mr. Nithayesh Nataraj and other Learned Counsel.

5. Learned Counsel also submitted that he does not want come on record as respondents but he only wants to supplement the arguments of the Learned Additional Solicitor General in support of the project. It may be mentioned here that when the 1st respondent is being represented by the highest law officer of the country, there is no necessity for other persons to come on record as respondents. But however, we feel that in order to help the Tribunal, the person interested having pro or against the project can come as intervener and help the Tribunal. So considering the circumstances instead of impleading the proposed parties in the Interlocutory Application, we allow them to intervene in the matter and submit their views on the points which they want to support the project of the 1<sup>st</sup> respondent-Auroville Foundation.

6. With the above observations and directions, I.A. No. 206 of 2021 is disposed of. Registry is directed to carry out the amendment in the cause title.

O.A. No. 239 of 2021

7. I. A. No. 206 of 2021 is allowed with certain observations permitting the applicant in that application to intervene and help the Tribunal in support of the project which is already being dealt with by Learned Additional Solicitor General, if anything to be addressed in addition to what Learned Additional Solicitor General submitted in support of their case.

8. Learned Counsel appearing for the applicant is also directed to file the amended cause title in view of the orders passed in I.A. No. 206 of 2021.
9. 1<sup>st</sup> respondent has filed counter affidavit and the applicant has filed rejoinder to the same.
10. Learned Counsel appearing for the MoEF&CC submitted that since the Ministry has got only short time to prepare the statement, they wanted some more time to file the statement. Since, the applicant as well as 1<sup>st</sup> respondent is interested in disposal of the matter at an earliest possible time, the Ministry is also expected to rise to the occasion and file the statement within short time. Though, the pleading was lacking on the question of necessity of an environmental clearance in the application but on the basis of the allegations made in the application and also the counter statement filed by the 1<sup>st</sup> respondent, we feel that the question as to whether the project requires prior environmental clearance is also arises for consideration for the purpose of settling the issue in an effective manner.
11. MoEF&CC is directed to enlighten this aspect in their counter statement and without filing a statement in a sweeping way stating that such and such provisions of EIA Notification deals with those aspects they will have to collect the facts and on the basis of the facts, they will have to say as to whether this project requires environment clearance or not. So, they are directed to mention about these things also when they are filing the counter statement.

12.Registry is directed to communicate this order to the 2<sup>nd</sup> respondent by e-mail immediately so as to enable them to comply with the directions.

13.They are directed to complete the pleadings on or before 03.01.2022.

14.Interim order will continue till that date. Learned Counsel for intervener submitted that in the guise of the interim order passed by them, Learned Counsel appearing for the applicant is trying to do some activities in that area. The applicant is directed not to do any activity in the project area. The Learned Counsel appearing for the applicant submitted that the 1<sup>st</sup> respondent is proceeding with other activities by putting underground cables etc. whatever work done by the 1<sup>st</sup> respondent during the pendency of this proceeding will be subject to final orders passed by this Tribunal and they will be doing the same at their risk.

15.For completion of pleadings and hearing, post on 03.01.2022.

.....J.M.  
(Justice K. Ramakrishnan)

.....E.M.  
(Dr. Satyagopal Korlapati)

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21th December, 2021. (AM)