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NATIONAL ENVIRONMENT APPELLATE AUTHORITY,
NEW DELHI

APPEAL NO. 26 OF 2009

(ADIVASI MAJDOOR KISAN EKTA SANGATHAN AND ANOTHER
VS. MINISTRY OF ENVIRONMENT & FORESTS AND OTHERS)

CORAM: HON'BLE MEMBER SHRI J.C. KALA

Appellants	:	Shri Ritwick Dutta, Advocate Shri Rahul Choudhary, Adv.
Respondent -1 (MoEF)	:	Not present
Respondent - 2 (CECB)	:	Ms. Yogamaya Agnihotri, Adv.
Respondent - 3 (M/s. Jindal Steel Ltd)	:	Shri Krishnan Vengopal, Sr. Advocate with Shri Anil Dutt, Advocate

Date : 26.4.2010

The application filed on behalf of Respondent-3 (applicant) (M/s. Jindal Steel Limited) for appropriate directions was taken up for further hearing today.

Earlier the parties were heard on 01.04.2010 when the Appellant was directed to file rejoinder on the issue of law of General Public Importance raised by the Respondent-3 in the application. Detailed rejoinder on behalf of the Appellant was received in response to the application on 06.04.2010 and also Respondent-3 has filed rejoinder to the rejoinder of appellant on 19.04.2010.

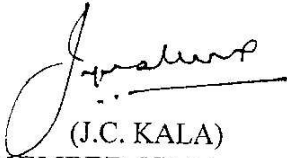
Respondent-3 in the application had raised, interalia, questions relating to conduct of Public Hearing, perverse finding of EAC in view of the transcript of public hearing proceedings including its jurisdiction to decide on the correctness or completeness of the hearing as recommendatory body, the final decision making power of MoEF and entire public hearing being directory rather than mandatory within the meaning of the EIA Notification etc.

Today he carried forward his arguments citing various case laws necessitating basic and sufficient knowledge of law and accordingly prayed that in order to deal with the above intricate questions of law, the Authority, being quasi-judicial in nature, must have a bench that includes a judicial member.

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The Authority heard patiently the submissions and observed that there is no intricacy involved in above issues that cannot be understood by the present authority. Further, there is no bar by any court for hearing appeals in its present constitution. The Authority therefore directed the matter to be heard on the above points on **12th May, 2010**. However, the Authority will keep the option open should it find it necessary at any point of time during the arguments.

List the case for further hearing at 2.00 PM on 12th May, 2010


(J.C. KALA)
MEMBER, NEAA