

BEFORE THE NATIONAL ENVIRONMENT APPELLATE AUTHORITY
NEW DELHI

DATED 13TH OCTOBER, 2010

PRESENT:

HON'BLE MEMBER J.C. KALA

APPEAL NO. 23 OF 2010

IN THE MATTER OF
Capt. J. Rama Rao I.N (Rtd),
S/o. J Venkata Rao,
R/o. 1511, Valley View, Koad No. 11,
Banjara Hills, Hyderabad-500 034
Representative:

APPELLANTS

VERSUS

- i. Union of India
Through tile Secretary,
Ministry of Environment and Forests:
Paryavaran Bhawan.
C.G.O Complex; Lodhi Road,
New Delhi – 110 003
2. Govt. of Andhra Pradesh.
Through Chief Secretary,
A.P Secretariat, Hyderabad-500 022
3. Department of Environment & Forest,
Government of A.P
Through Special Chief Secretary to Govt. of A.P
A.P Secretariat.
Hydrabad – 500 022
4. East Coast Energy Pvt. Ltd..
Through The Managing Director,
1st Floor, B-Block, Piot No. 4,
Factory Road adjoining to Safdarjung Hospital,
King Koad, New Delhi – 110 016.

RESPONDENTS

- | | | |
|---|------------------------|--|
| 1 | Appellant/s | Shri Ritwick Dutta, Advocate
Shri Rahul Choudhary, Advocate |
| 2 | Representative of MoEF | : Not present |

By speed post

APPEAL No. 23 / 2010 dated 15.10.2010
**NATIONAL ENVIRONMENT APPELLATE AUTHORITY,
TRIKOOT -I, 2ND FLOOR, BHIKAJI CAMA PLACE,
NEW DELHI - 110 066, Ph. 011-2617 4124**

1. Shri Ritwick Dutta.
Shri Rahul Choudhary.
Counsel for Appellants,
N-71, Lower Ground Floor
Greater Kailash -I
New Delhi - 110 048.
2. Ministry of Environment and Forests.
Through the Secretary.
Paryavaran Bhavan, C.G.C Complex.
Lodhi Road, New Delhi - 110 003
(Rep. Shri W. Bharat Singh, Deputy Director, MoEF)
3. Shri Pankaj Kumar Singh
Advocate for East Coast Energy Pvt. Ltd.
A-704, Mayurdhanj Apartment
60, I.P Extension, PATPARGANJ,
DELHI - 110 092
4. The Chief Secretary,
Government of Andhra Pradesh,
A.P Secretariat, Hyderabad - 500 022.
5. The Special Chief Secretary to Govt. of A.P
Department of Environment & Forests,
Government of A.P.
A.P Secretariat, Hyderabad - 500 022.

Sub: APPEAL NO. 23/2010 (Capt. J. Rama Rao Vs. Ministry of Environment & Forests and Others

Sir,

I am directed to forward the true copy of the order dated 13th October, 2010 passed by the National Environment Appellate Authority in the above appeals. Please acknowledge the receipt of the same

**Court Master
NEAA**

15/10/10

Court Master
National Environment Appellate Authority
Room - 101, Bhika Cama Place,
New Delhi - 110 066

3. Govt. of A.P, through Chief Secretary, : Not Present
4. Department of Env. & Forest. : Not Present
Govt. of A.P
5. Counsel for East Coast Energy Pvt. Lid : Shri Pankaj Kumar Singh,
Shri K.V Shiva Prasad, Advocate

ORDER

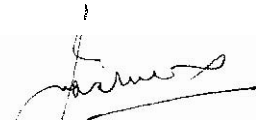
The above appeal was filed under section 11(1) of the National Environment Appellate Authority Act, 1997 by the above Appellants against order no. J-13011/36/2008-IA II (T) dated 9th April, 2009 of Respondent-1 (Ministry of Environment and Forests) conveying 'Environmental Clearance' for setting up of 2640 MW Rhavanapadu Thermal Power Project near Kakrapalli Village, Srikakulam District, Andhra Pradesh by M/s. East Coast Energy Private Ltd., with a prayer to quash the Environmental Clearance dated 9th April, 2009.

2. The National Environment Appellate Authority (NEAA) registered the above Appeal and listed for hearing on admission on 13.10.2010. Arguments of Appellant and the Respondent were heard.

3. It is seen that no new points have been raised by the Appellant in the present appeal as compared with an earlier case dealt at length and decided in Appeals Nos. 16, 17 and 32 of 2009.

4. Taking note of various judicial decisions cited by the learned Counsel of the Respondent, this Authority is convinced that the appeal is barred by the principle of Res-judicata /Constructive Res- judicata.

5. Appeal is accordingly dismissed. No Cost.


(J.C.Kala)
Member

