

BEFORE THE NATIONAL ENVIRONMENT APPELLATE AUTHORITY,  
NEW DELHI

DATED THE 13<sup>TH</sup> JULY, 2010

PRESENT:

HON'BLE MEMBER SHRI J.C. KALA

APPEAL NO.17 OF 2010

**BETWEEN:**

Pratap Singh S/o. Mr. Chet Ram,  
Village Bagheri, PO Khillian  
Tehsil Nalagarh,  
Distt. Solan, Himachal Pradesh

....

APPELLANT

**AND:**

1. Ministry of Environment and Forests,  
Through its Secretary  
Paryavaran Bhawan, C.G.O Complex,  
Lodhi Road, New Delhi – 110 003
2. Himachal Pradesh State Pollution Control Board  
Through the Member Secretary,  
Him Parivesh, Stage – III,  
New Shimla, Himachal Praadesh – 171 009.
3. M/s. Jaiprakash Associates Ltd.,  
Through the Executive Chairman,  
Sector -128, Noida 201 304  
Uttar Pradesh

...

RESPONDENTS

Counsel for Appellant : (1) Shri Rahul Choudhary, Advocate  
(2) Shri Sujit Kr. Singh, Advocate  
(3) Shri Pratap Singh, Appellant



Counsel for Respondents : Shri P.R Sakhace, R.O, MoEF  
Respondent No. 1(MoEF) :  
Respondent No. 2(HPSPC) : Not Present  
Respondent No. 3 : Shri S.B Upadhyay Sr. Advocate with  
(M/s. Jai Prakash Associates Ltd) Shri Pawan Upadayay, Advocate

## O R D E R

This is an appeal filed on 26<sup>th</sup> May 2010 under section 11(1) of the National Environment Appellate Authority (NEAA) Act, 1997 by Shri Rahul Choudhary, Advocate on behalf of the above Appellant against the order no. J-11011/123/2009.IA-II(1) dated 27.02.2010 of Respondent-1 (MoEF) conveying Environmental Clearance for setting up of the Cement Grinding Unit and Integrated Multi-fuel based Captive Thermal Power Plant at Village Padiyana near Bagheri, Tehsil Nalagarh, Dist. Solan Himachal Pradesh with a request to quash the Environmental Clearance.

2. The Authority issued notices to the parties concerned by fixing 13.07.2010 for hearing on admission. Respondents 1, 2 & 3 have filed reply on 12.07.2010, 01.07.2010 and 05.07.2010 respectively after serving a copy on the Appellant. In the meantime the applicant has filed an application for withdrawal of the Appeal on 12.07.2010 through Advocate Sujit Kr. Singh, Q -19, B LGF, Jungpura Extension, New Delhi – 110 013. The Appellant has stated in his application as under:

“ 2. That after filing of the appeal and on further inquiry the applicant came to know about the actual facts of the case and after knowing the facts, the applicant realized that the present appeal was preferred by the applicant under misconception.

5. That the appellant has also sworn in an affidavit on 30.6.2010 before the Notary Public Nalagarh, Solan, H.P, categorically stating that he wants to withdraw his appeal un-conditionally. ....

6. That in the afforested circumstances, the applicant does not want to pursue the present appeal and seeks leave of this Hon'ble Curt to withdraw the same, un-conditionally”.

3. This application was taken up for hearing on 13.07.2010 before the Authority. The Authority heard the Counsel for the Appellant Shri Rahul Choudhary and also Shri Sujit Kr. Singh, Advocate, who filed application for withdrawal on behalf of the Appellant. Shri Pratap Singh, the Appellant was physically present in the court. He has mentioned in the court that he has no grievance against the Environmental Clearance granted to Respodnent-3 and he made a mistake by filing the present Appeal before this Authority. This Captive Power Plant is set up merely to provide power to the Cement Plant. The Environmental Clearance for the cement Plant is not under the challenge before this Authority.

4. Counsel for the Respondent-3 stated that they have no objection for withdrawal of appeal by the appellant. Counsel for the Appellant was, however, not in favour on the ground that other persons might be aggrieved if not this Appellant.

5. The Authority considering all the aspects including the physical presence of the Appellant and after hearing the parties to the Appeal conclude that the appeal be permitted for withdrawal. Therefore, the Appeal is dismissed as withdrawn.

**No order as to costs.**

  
**(J.C.KALA)**  
**MEMBER, NEAA**

*Handwritten notes:*  
"The order"  
"13/7/10"

**Court Master**  
**National Environment Appellate Authority**  
2nd Floor, Bhikaji Cama Place  
New Delhi-110066