

BEFORE THE NATIONAL ENVIRONMENT APPELLATE AUTHORITY,
NEW DELHI

APPEAL NO. 36 OF 2009

IN THE MATTER OF :

VILLAGERS OF SINGHTARI AND ANOTHER APPELLANTS

VERSUS

MINISTRY OF ENVIRONMENT & FORESTS AND OTHERS ... RESPONDENTS

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

Appellant	:	Shri Ritwick Dutta, Advocate Shri Rahul Choudhary, Advocate
Respondent -1 (MoEF)	:	Not Present
Respondent -2 (CECB)	:	Not Present
Respondent -3 M/s. Athena Chhattisgarh Power Ltd.	:	Shri Tarun Johri, Advocate

DATED 8TH MARCH, 2010

ORDER

Upon viewing the CD of the Public Hearing, this Authority felt that the proceedings of Public Hearing had no validity. Accordingly, the matter was referred to Expert Appraisal Committee/ Ministry to know whether they have looked in to this important aspect. Since no reply was received from the Ministry, the Authority in its order dated 15th February, 2010 directed the Ministry to submit their response by 26th February, 2010 failing which the matter will be decided on merit as to whether the EC should be cancelled.

2. The Ministry of Environment and Forests has since replied in their letter F.No. L-11011/18/09-IA.II (T) dated 25.02.2010 by enclosing copy of the minutes of the 60th meeting of Expert Appraisal Committee in which it is mentioned that that EAC has decided to go ahead with a fresh Public Hearing as per the provisions of Environment Impact Assessment Notification 2006.

3. Counsel for Respondent-3 has informed this Authority that necessary steps have been initiated to conduct the fresh Hearing and therefore the Environmental Clearance issued to the Project may continue to be held in abeyance rather than quashing it enabling him to obtain other statutory clearances. Counsel for the Appellant submitted that the draft EIA Report that was placed before the Public Hearing at that time will get modified on the basis of the public input and the comments and this will have to be placed before the EAC for fresh appraisal which in turn will lead to changes in the Environmental Clearance if at all issued. Therefore, the EC issued to the project may be quashed otherwise it will render the process of Public Hearing as biased and will not be objective.

4. Arguments of both Appellant and the Respondent-3 were considered by this Authority. It is felt that a fresh Public Hearing may lead to modifying the EIA document, which will form basis for the EAC/Ministry to reconsider the Project. Therefore the present Environment Clearance has no sanctity and accordingly the Environmental Clearance issued to M/s. Athena Chhattisgarh Power Pvt. Ltd., vide No. J-13011/7/2009-IA.II (T) dated 17th July, 2009 by the Respondent-1 (MoEF) for setting up of 2 x 600 MW Singhitari TPP near village Singhitari, District Janjgir –Champa Chhattisgarh is hereby quashed solely on the ground of invalid Public Hearing. The Appeal stands disposed off.

Ministry should acknowledge the receipt of this order.

(J.C. Kala)
Member