

**BEFORE THE NATIONAL GREEN TRIBUNAL
CENTRAL ZONE BENCH, BHOPAL
(Through Video Conferencing)**

Original Application No. 56/2021(CZ)

Rajesh Kumar Tripathi

Applicant(s)

Versus

Union of India & Ors.

Respondent(s)

Date of hearing: 27.07.2021

**CORAM: HON'BLE MR. JUSTICE SHEO KUMAR SINGH, JUDICIAL MEMBER
HON'BLE DR. ARUN KUMAR VERMA, EXPERT MEMBER**

For Applicant(s):

Mr. Utkarsh Jain, Adv.

For Respondent(s):

None

ORDER

1. Issue of non-compliance of Notification and Office Memorandum with regard to compliance of Standard Operating Procedure (SoP) during the Covid-19 period and conducting the public hearing for expansion of a coal washery unit in Village Chote Dumarpali, District Raigarh are raised in this application. It is submitted that violations of preventive measures in the place of hearing including social distancing, mask wearing, gathering of more than 10,000 people and non-compliance of Covid appropriate behavior are taking place and in this situations conducting of the public hearing by Chhattisgarh Environment Conservation Board is not proper and alleged to be in violation of public hearing in accordance with the EIA Notification.
2. The applicant has also taken reliance of **Re: Alarming Newspaper Report regarding Kanwar Yatra in State of U.P., Suo-Motu Writ (C) No. (5/2021)** order dated 16.07.2021 and order of Hon'ble Supreme Court in the case of Director General (Road Development) National Highways Authority of India Vs. Aam Aadmi Lokmanch & Ors. 2020 SCC Online SC 572. The compliance of Covid appropriate behavior and SoP as issued from time to time by the Ministry of Home Affairs, Govt. of India and the State Government for the

interest of public health and public at large are obligatory to follow for public health. In addition to conventional methods the modern technology as available on date for proper public hearing may be adopted and in case the person who are not able to participate physically, may adopt other technological method for participating in public hearing. We could not specify any particular technology application for virtual functioning of the administration. Authorities are at liberty to choose the application according to their convenience. Due to continuance of Covid-19, the administrative work cannot be held up and function of the administration should continue to run in the public interest and in the interest of the nation.

3. The application has been moved only on the ground of apprehended violation of social distancing and not wearing the mask. Apprehended violation of these conditions of guidelines cannot be made a ground to hold the administrative work. However, we are of the view that the guidelines issued by the Ministry of Home Affairs and the Local Administration must be observed strictly by the Authorities concerned. Accordingly, we direct the respondent to follow the guidelines issued by Hon'ble the Supreme Court of India and Ministry of Home Affairs from time to time and to ensure that Covid appropriate behavior and SoP, as issued should be complied with by all participating in the public hearing. With these observations, the Original Application No. **56 of 2021** is finally **disposed of**.

Sheo Kumar Singh, JM

Arun Kumar Verma, EM

June 27th July, 2021
O.A. 56/2021(CZ)
PN