

Item No. 1(i) &(ii)

BEFORE THE NATIONAL GREEN TRIBUNAL
SOUTHERN ZONE, CHENNAI

Review Application No. 15 of 2022 (SZ)

a/w

I.A. No. 171 of 2022(SZ)

In

Original Application No. 20 of 2021(SZ)

and

Review Application No. 27 of 2022 (SZ)

a/w

I.A. No. 189 of 2022(SZ)

In

Original Application No. 174 of 2020(SZ)

IN THE MATTER OF

The Singareni Collieries Company Limited,

Rep by its Chairman and Managing Director,
Singareni Bhawan, Red hills, Hyderabad,
Telangana.



सत्यमेव जयते



Versus

...Review Applicant(s)
(In both Cases)

1. Oggu Srinivasa Reddy,

S/o. Kesava Reddy,
Occ. Agriculture, R/o Narayanpuram & Rejerla Village,
Sathupally Mandal, Khammam District,
Telangana.

2. Chintala Bharat Kumar Reddy,

S/o. Surender Reddy,
Occ. Software Engineer, R/o Rejerla Village,
Sathupally Mandal, Khamman District,
Telangana.

3. Union of India

Through the Secretary,
Ministry of Environment, Forests & Climate Change,
Indira Paryavaran Bhawan,
Jor Bagh Road, New Delhi- 110003.

...Respondent(s)
(In R.A. No. 15 of 2022)

And

1. Banothu Nandu Nayak,

R/o. H. No. 13-181, NTR Nagar,
Sathupalli Village & Mandal, Khammam District,
Telangana- 507 303.

2. Union of India

Through the Secretary,
Ministry of Environment, Forests & Climate Change,
Indira Paryavaran Bhawan,

Jor Bagh Road, New Delhi- 110003.

3. Telangana State Pollution Control Board,

Rep by its Member Secretary,
A-3, Paryavaran Bhavan, Industrial Estate,
Sanath Nagar, Hyderabad,
Telangana- 500018

4. District Collector and Magistrate,

Khammam,
Telangana- 507 101.

5. Principal Secretary,

Environment and Forest,
Secretariat, Hyderabad.

6. General Manager,

District Industrial Centre,
Khammam,
Telangana-507101.

7. Directorate General of Mine Safety,

Rep. By its CIM & Director General, Dhanbad,
Jharkhan- 826016
(R7- Deleted as per order of the Tribunal dated 08.09.2020)

...Respondent(s)
(In R.A. No. 27 of 2022)

R.A. No. 15/2022(SZ)

For Applicant(s):

Mr. Padma Rao G.S. Lakkaraju

For Respondent(s):

Mr. Sravan Kumar for R1 and R2
Mr. Meyyappan for Mrs. Me. Saraswathy for R3
Ms. Dayana for Mr. T. Sai Krishnan for R4

R.A. No. 27/2022(SZ)

For Applicant(s):

Mr. Padma Rao G.S. Lakkaraju

For Respondent(s):

Mr. Sravan Kumar for R1
Mr. Meyyappan for Mrs. Me. Saraswathy for R2
Ms. Dayana for Mr. T. Sai Krishnan for R3

Date of Hearing: 29.11.2022.

CORAM:

HON'BLE SMT. JUSTICE PUSHPA SATHYANARAYANA, JUDICIAL MEMBER

HON'BLE DR. SATYAGOPAL KORLAPATI, EXPERT MEMBER

ORDER

1. The 3rd respondent in O.A. 20 of 2021 and 1st respondent in O.A. No. 174 of 2020 is the review applicant, who has filed the above Review Applications with a delay. The Original Applications were filed by the applicants, therein, complaining about the violations committed by the review applicant in respect of violation of the conditions in the

Environmental Clearance and consent granted and also the pollution caused on account of operation of the units.

2. After hearing all the parties elaborately and after discussions, this Tribunal had awarded compensation of Rs. 41.21 crores as Environmental Compensation to be paid within a period of 03 months and further directing the Mining Department to calculate the penalty payable for the excess mining done and also issued several other directions to the applicant herein. The said order was passed on 06.05.2022.
3. Aggrieved by the same, the review applicant has filed the above Review applications with a delay. Rule 22(1) of the National Green Tribunal (Practices and Procedure) Rules, 2011 specifically mandates that "*No application for review shall be entertained unless it is filed within thirty days from the date of receipt of copy of the order sought to be reviewed*". From the reading of the above provision, it is clear that any application for review should be filed within 30 days from the receipt of copy of the order sought to be reviewed and there is no discretionary power vested with the Tribunal to extend the above said period by condoning the delay on showing sufficient cause.
4. In this case, the order was passed on 06.05.2022 and the Review Applications are filed on 27.09.2022. I.A. No. 171 of 2022 in R.A. No. 15 of 2022 and the I.A. No.189 of 2022 in R.A. No. 27 of 2022 to condone the delay were also filed on 27.09.2022. When the provision is very clear that the Review Application cannot be entertained beyond the period prescribed in the statute, the Interlocutory Applications filed for condoning the delay are not maintainable and the same are liable to be dismissed.
5. One more aspect that has to be looked into in these matters is that one Mr. Sanjeev Kumar appeared for the applicant herein when the Original Applications were argued. However, today one Mr. Padma Rao G. S. Lakkaraju appeared on behalf of the Review Applicant. The Hon'ble Supreme Court has time and again deprecated the practice of filing the review applications as an attempt for hearing the matter again on merits that too with a changed Counsel without obtaining the consent of the previous Counsel. The Learned Counsel who has filed vakalat in Review Applications is neither counsel on record nor the Learned Counsel argued the applications when it was heard originally and was also not present at

the time of arguments. Hence, it is not known on what basis he has now filed the Review Applications, as if it is intended for rehearing of the applications. Besides, the new Counsel may not know what transpired in the Court when the applications were argued earlier.

6. It is a well recognised principle of '*Interpretation of Statutes*' that conferment of rule-making power by an Act does not enable the rule-making authority to make a rule which travels beyond the scope of the enabling Act or which is inconsistent therewith or repugnant thereto. Hence, the power to condone the delay is specifically excluded by the statute itself. Therefore, a Review Petition which is contemplated under Rule 22(1) cannot be filed with the delay as the rules framed are protected by the limits prescribed in the parent Act.
7. The Learned Counsel had submitted the decisions reported in *Sridevi Datla Vs. Union of India & Ors.* (MANU/SC/0138/2021), *Raza Ahmad Vs. State of Chhattisgarh and Ors.* (MANU/SC/0311/2022) and *D.N. Carbons Vs. The Chairman, Tamil Nadu Pollution Control Board and Ors.* (MANU/SCOR/33324/2022) in support of his case. All these cases are not applicable to the facts of this case.
8. In view of the discussion, the Review Applications, which are file beyond the period of 30 days, are not maintainable. Accordingly, I.A. No. 171 of 2022 in R.A. No. 15 of 2022 and the I.A. No.189 of 2022 in R.A. No. 27 of 2022 are dismissed. Consequently, the Review Application No. 15 of 2022 in O.A. No.20 of 2021 and Review Application No. 27 of 2022 in O.A. No. 174 of 2020 are also rejected.

.....J.M.
(Smt. Justice Pushpa Sathyanarayana)

.....E.M.
(Dr. Satyagopal Korlapati)

Internet – Yes/No
All India NGT Reporter – Yes/No

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O.A No. 174/2020(SZ)&
29th November, 2022. (AM)

**Before the National Green
Tribunal
Southern Zone (Chennai)**

**R.A. No. 15 of 2022(SZ)
&
R.A. No. 27 of 2022(SZ)**

The Singareni Collieries Company Limited,
Vs.
Oggu Srinivasa Reddy and Ors.

And

The Singareni Collieries Company Limited,
Vs.
Banothu Nandu Nayak and Ors.



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