

EIA

2

**BEFORE THE NATIONAL GREEN TRIBUNAL
(PRINCIPAL BENCH), NEW DELHI**

**APPEAL NO. 28/2012
Wednesday, 29th August, 2012**

Quorum:

1. Hon'ble Shri Justice V.R. Kingaonkar
(Judicial Member)
2. Hon'ble Shri Devendra Kumar Agrawal
(Expert Member)

BETWEEN:

M/s Diana Infrastructure Ltd.
having office at
612/613, Lower Parel Division
Elphinston Mill
Senapati Bapat Marg
Mumbai – 400079 Maharashtra

... Appellant/ Petitioner

AND

1. THE STATE LEVEL ENVIRONMENT IMPACT
ASSESSMENT AUTHORITY (SEIAA)
C/o, Secretary Environment
Room No. 217, Mantralay Annex,
Mumbai - 400032.
Through the Member Secretary
2. The Secretary
Environment Department,
Govt. of Maharashtra
Room No. 217, Mantralay Annex,
Mumbai - 400032

3. Mumbai Metropolitan Region
Development Authority (MMRDA)
Bandra Kurla Complex,
Bandra East, Mumbai - 400051
Through Addl. Metropolitan Commissioner

... Respondent/s

(Advocates Appered: Mr. K.K. Venugopal, Mr. P.S. Narsimha, Mr. Rishi Agrawal, Ms. Megha Agrawal, Mr. Himanshu Bagdwal and Mr. Uday Rathore for appellant and Mr. Mukesh Verma & Pravesh Thakur for Respondent No.1 and Respondent No.2)

ORDER

(Judgment delivered by the bench)

We have heard learned counsel for the parties.

We have noticed that the Respondent -3 has not put in appearance nor appears to be interested in the lis.

By consent of learned counsel for the contesting parties, this appeal is being disposed of on following terms.

1. Respondent No. 1 shall reconsider the issue regarding the comprehensiveness of the project after taking stock of the situation and examine the question of totality of the tenaments in relation to the project.
2. The Respondent No. 1 shall also reconsider the issue regarding requirement of the environmental safeguards needed for clearance

- of the project and may put appropriate conditions if the project is to be granted clearance.
3. The Respondent No. 1 to take final decision at the earliest in the next meeting or at the most within a period of couple of months.
 4. The Respondent No. 1 shall communicate the next date of meeting to the appellant prior to at least one week of such meeting and may consider any fresh representation that may be filed by the appellant.
 5. The parties to bear their own costs. The appeal is disposed of in above terms. It is made clear that we have not considered the matter on merits and the same is remanded on aforesaid terms, after setting aside the impugned order.

(Dr. Devendra Kumar Agrawal)
Expert Member

(Justice V. R. Kingaonkar)
Judicial Member

