ITEM NO.17 COURT NO.11 SECTION XVII

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Civil Appeal No(s). 10017-10018/2025

M/S GRENESIIS CONSTRO PVT. LTD. Appellant(s)

VERSUS

VISHAL ARINJAY SHAH & ORS. Respondent(s)
IA No. 173412/2025 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT
IA No. 173413/2025 - STAY APPLICATION

Date : 26-10-2026 This matter was called on for hearing today.

CORAM :
HON'BLE MR. JUSTICE K.V. VISWANATHAN
HON'BLE MR. JUSTICE ARUN PALLI

For Appellant(s) **Mr. Nikhil Nayyar, Sr. Adv.**
Mr. Sangramsingh R. Bhonsle- 3503, AOR
Mr. Nrupal A. Dingankar, Adv.
Ms. Pushkara A. Bhonsle, Adv.
Mrs. Sneha S. Bhonsle, Adv.
Mr. Sanmitra Y. Pol, Adv.
Ms. Suganda Batra, Adv.
Ms. Shruti Sharma, Adv.
Mr. Brahamjyot Singh, Adv.

For Respondent(s) **Mr. Anupam Raina, Sr. Adv.**
Mr. Tanaji Gambhire, Adv.
Mr. Ankur Parihar, Adv.
Mr. Pulkit Agarwal- 2892, AOR
Mr. Sudhanshu Kaushesh, Adv.

Mr. Dhaval Mehrotra- 2289, AOR
Mr. Rahul Garg, Adv.
Mr. Dhaval Mehrotra, Adv.
Ms. Aditi Desai, Adv.

Mr. Aishwarya Bhati, A.S.G.
Mr. Gurmeet Singh Makker, AOR
Ms. Ruchi Kohli, Adv.
Ms. Rajeshwari Shankar, Adv.
Mr. Kartikeya Asthana, Adv.
Mr. P.v. Yogeshwaran, Adv.
Mr. Rohan Gupta, Adv.

Mr. Bharat Bagla- 3997, AOR

Signature Not Verified
Digitally signed by ASHA SUNDRIYAL
Date: 2026.10.30 15:20:19 IST
Reason:

UPON hearing the counsel the Court made the following

O R D E R

1. The present appeals call in question the correctness of the order dated 09.08.2023 in Appeal No.68 of 2019 (WZ) and order dated 12.06.2025 in Review Application No.9 of 2023 (WZ) passed by the National Green Tribunal, Western Zone Bench, Pune.

2. By the first impugned order dated 09.08.2023, the National Green Tribunal set aside the *ex post facto* environmental clearance granted to the appellant on 09.08.2019, under the Notification of the Ministry of Environment, Forest and Climate Change, dated 14.03.2017, by primarily holding that even though the bank guarantee was submitted by the project proponent to the Maharashtra Pollution Control Board, it was not clear as to how the amount was to be utilized. It was also found that neither the Project Proponent nor the Maharashtra Pollution Control Board have submitted any document as to how the remediation plan under Natural and Community Resource Augmentation Plan was to be implemented.

3. The National Green Tribunal (NGT) referred to the EC letter dated 09.08.2019 and conditions at serial Nos.(VI) and (IX) and observed as under:

> **“26. We further find that as per the EC letter dated 09.08.2019 under specific conditions at serial nos.(VI) & (IX), annexed at page no.22 of**

the paper book, following has been mentioned:-

> **VI. Cost of Ecological Damage as assessed by the PP and discussed in the SEAC is 33.34 Crore. In general the damage caused in construction period is 5 % of the total damage. Therefore, committee decided to put Bank Guarantee of Rs.1.55 Crore (5% of the total damage assessment value).**
>
> **(IX) The committee noted that Cost of remediation plan and natural & community resource augmentation plan as per revised approach paper is estimated Rs.1.95 Cr. The Committee also noted that the amount of CER as per MoEF&CC is Rs.1.90 Cr. which is less than the remediation/augmentation plan. Therefore, committee decided to obtain Bank Guarantee of Rs.1.95 Cr.for the project completion period.**

27. Based on above stipulations in specific conditions, it is not clear as to whether the Project Proponent was asked to submit B.G. of Rs.1.55 Crore and Rs. 1.95 Crore separately or only Rs. 1.95 Crore, which is said to have been deposited. The SEAC has not made it clear as to how the said figures find mention in the specific conditions in final letter issued by the SEIAA."

4. It was specifically recorded that the SEAC-respondent No.6 has not made it clear as to how the said figure found mention in the final letter.

5. In view of the above, the NGT set aside *ex post facto* environmental clearance granted and directed

the respondent No.5/SEIAA to consider issuance of Environmental Clearance (EC) again after giving opportunity of hearing to the parties concerned.

6. A review petition was filed. However, the same was dismissed by order dated 12.06.2025 by recording the following observations:

> **“15. We may mention here that the figure of Rs. 1.95 Crore, which is calculated to be the estimated plan cost, details of which could not be explained either by the learned counsel for the applicant or by the learned counsel for SEIAA during argument.**
>
> **16. After having relied upon this document, learned counsel for the applicant urged that this document would clearly establish that the remediation plan and natural & community resource augmentation plan, both were submitted by the applicant with the SEAC/SEIAA. Therefore he cannot be treated to be at fault and cannot be held responsible for the fault committed by SEIAA.**
>
> **17. We may also make it clear here that in Paragraph No.6 of Review Application, in Clause (D) (Page 17 of the paper-book), the main direction, which was issued to the applicant by SEAC, is given at point No.8 as follows:**
>
> > **"PP to submit compliance report for remediation and augmentation is planned for various aspects affecting environment (Compliance of PART-C of Ecological Damage Assessment Report.)"**
>
> **18. This part of the direction appears to have not been complied with by the applicant because**

he could not show any document in that regard. As per the Notification dated 14.03.2017, cited by us above, in paragraph No.7, it was very clearly mentioned that the Project Proponent shall submit Bank Guarantee equivalent to amount of remediation plan and natural & community resource augmentation plan with the State Pollution Control Board and the quantification will be recommended by the EAC and finalized by regulatory Authority-SEIAA. Such Bank Guarantee shall be deposited prior to grant of Environmental Clearance and will be realized only after successful completion of the plan. It is quite clear that what is to be implemented under the remediation and natural & community resource augmentation plan was not found to have been mentioned and because of this reason, in our judgment delivered in Appeal No.68 of 2019 in paragraph No.25, after having reproduced the above assessment of environmental damages and cost of remediation plan and natural & community resource augmentation plan, we opined that concrete time-bound and specific plan has not been given by the Project Proponent and admitted by the SEIAA. We fail to understand as to how such a document was accepted by the SEAC/SEIAA because how the Bank Guarantee would be utilized was not made clear in absence of description of any work, which was required to be carried out by the Project Proponent. Therefore, we confirm that finding to be correct and the same does not require any modification in this Review Application."

The appellant has challenged both these orders.

7. When the matter came before us, we issued notice and ordered *status quo* vide order dated 01.08.2025.

8. Heard Mr. Nikhil Nayyar, learned Senior counsel appearing for the appellant, Mr. Bharat Bagla, learned counsel appearing for respondent No.5-State Level Environment Impact Assessment Authority (SEIAA) and Mr. Anupam Raina, learned senior counsel appearing for the original complainant, who is respondent No.1 before us.

9. It is not disputed at the Bar that the case of the appellant is covered by the Notification dated 14.03.2017 where the appellant is entitled to obtain *ex post facto* Environmental Clearance.

10. Mr. Nikhil Nayyar, learned senior counsel appearing for the appellant, drawing our attention to the affidavit dated 10.08.2026, filed by the appellant before us, submits that since the issue was only about the method of utilization under the remediation plan, the additional affidavit filed by the appellant in para 4 sets out the manner of utilization, which is as under:

> **"4. Without prejudice to the contentions raised in the present Civil Appeal, the Appellant approached the office of the Respondent No. 5 vide a letter dated 15.06.2026, thereby proposing that the amount assessed as Cost of Remediation and Natural and Community Resource Augmentation,**

during the grant of ex-post facto EC shall be utilized, and thus, suggested that the amount shall be utilized as follows:

Sr. No.	Description of Activity	Percentage of Allocation	Implemeting Agency	Amount to be allotted by the Project Proponent (Rs. In Lakhs)
1.	Afforestation	25	Social Forestry and Local Body	48.75
2.	Water conservation	25		48.75
3.	Urban Environment and Sanitation	20	Local Body	39
4.	Sewerage Lines and STP, solid waste management	20	Local Body	39
5.	Urban air/noise pollution control initiatives	10	Local Body	19.50

11. It was also submitted that approval was sought from Pune Municipal Corporation and the Pune Municipal Corporation has also approved the remediation plan.

12. We wanted to elicit the views of the SEIAA on this issue. The SEIAA has filed an affidavit in this Court, sworn on 30.09.2026, wherein para 18 to 21, SEIAA stated that since the remediation plan has been approved by the Pune Municipal Corporation, the same may be permitted to be implemented. Paras 18 to 21 state as under:

“18. I say that the Appellant thereafter addressed a letter dated 03.08.2026 to the Answering Respondent, submitting the proposed Implementation Plan for the Remediation Plan and the Natural and Community Resource Augmentation Plan. The said Implementation Plan was approved by Respondent No. 3-Pune Municipal Corporation, being the implementing agency, in its meeting held on 23.07.2026.

19. I say that upon perusal of the Implementation Plan submitted by the Appellant and approved by Respondent No. 3-Pune Municipal Corporation, it is evident that the proposed allocation of funds and the manner of implementation are in accordance with the Approach Paper.

20. I say that the Answering Respondent has not proceeded further upon the said proposal only in view of the subsisting Order of status quo dated 01.08.2025 passed by this Hon'ble Court. The Answering Respondent shall consider and act upon the said proposal in accordance with law and subject to such orders and directions as may be passed by this Hon'ble Court.

21. In the aforesaid circumstances, it is respectfully submitted that the Implementation Plan approved by Respondent No. 3-Pune Municipal Corporation may be permitted to be implemented in terms of the Notification dated 14.03.2017 and the applicable Approach Paper, subject to the orders and directions of this Hon'ble Court.”

13. Mr. Anupam Raina, learned senior counsel appearing for the original complainant has drawn our attention to the Notification dated 14.03.2017, especially to para 13(5) thereon.

Para 13(5) reads as under:

> **"13(5) In case, where the findings of the Expert Appraisal Committee on point at sub-para (4) above are affirmative, the projects under this category will be prescribed the appropriate Terms of Reference for undertaking Environment Impact Assessment and preparation of Environment Management Plan. Further, the Expert Appraisal Committee will prescribe a specific Terms of Reference for the project on assessment of ecological damage, remediation plan and natural and community resource augmentation plan and it shall be prepared as an independent chapter in the environment impact assessment report by the accredited consultants. The collection and analysis of data for assessment of ecological damage, preparation of remediation plan and natural and community resource augmentation plan shall be done by an environmental laboratory duly notified under Environment (Protection) Act, 1986, or a environmental laboratory accredited by National Accreditation Board for Testing and Calibration Laboratories, or a laboratory of a Council of Scientific and Industrial Research institution working in the field of environment."**

14. Mr. Anupam Raina, learned senior counsel, submits that while his client has no objection to the Project Proponent being rendered operational, the only concern of his client is that Notification dated 14.03.2017 should be strictly complied with.

15. According to the learned senior counsel, the Tribunal has rightly found that not only was there no explanation for the manner of implementation of the remediation plan, there was also no basis as to how the figure of Rs.1.95 crores was assessed towards the bank guarantee which bank guarantee would be invoked in the event of non-compliance with the remediation plan.

16. Learned senior counsel submits that an Expert Appraisal Committee after prescribing the appropriate terms of reference for undertaking of the Environment Impact Assessment (EIA) and after preparation of the Environment Management Plan has to prescribe the terms to arrive at the assessment of ecological damage and thereafter prescribe the remediation plan as well the Natural and Community Resource Augmentation Plan.

17. Learned senior counsel submits that the collection and analysis of data for Assessment Of Ecological Damage, Preparation Of Remediation Plan and Natural and Community Resource Augmentation plan ought to be done in an environmental laboratory duly

notified under the Environment (Protection) Act, 1986, or environmental laboratory accredited by the National Accreditation Board for Testing and Calibration Laboratories (NABL) or a laboratory of Council for Scientific and Industrial Research Institution working in the field of environment.

18. Learned senior counsel submits that in any event the figure of Rs.1.95 crore for the bank guarantee and for the assessment by the Environmental damage are all of 2018 vintage and an assessment ought to be carried out in the present scenario.

19. Learned senior counsel submits that since these are matters pertaining to environment, any leniency shown will have a grave impact on the environment, causing irreparable loss to the ecology.

20. Learned senior counsel however undertakes that in case such an exercise is carried out and the report is submitted before this Court, the complainant would also be satisfied as the only anxiety of the complainant is the prevention of ecological damage.

21. In response Mr. Nikhil Nayyar, learned senior counsel appearing for the appellant submits that drill under the Notification dated 14.03.2017 was in fact undergone before the figures of proposed environment damage and the bank guarantee amount were arrived at and it is not as if the amounts were

plucked out of the hat.

22. Be that as it may, we are of the opinion that an assessment ought to be made depicting the current scenario as on today.

23. In view of the above, we direct the respondent No.6/SEAC and respondent No.5/SEIAA to forthwith take steps to comply with the mandate of para 13(5) of the Notification dated 14.03.2017 in the context of what we have set out hereinabove.

24. Let the exercise be undertaken within a period of eight weeks from today.

25. Let a copy of the assessment report be given to the appellant after compliance with the due procedure prescribed under the norms.

26. Necessary compliance affidavit be filed by the parties before the next date of hearing.

27. A copy of the assessment report be given to the complainant-respondent No.1 as well.

28. Respondent Nos.5 and 6 are at liberty to not only determine the proposed environmental damage and the bank guarantee amount but also to prescribe the time bound schedule for implementation of the plan the proposal of which the appellant shall furnish.

29. Necessary approvals from respondent No.3-Pune Municipal Corporation shall also be obtained.

30. List the matter on 08.01.2027.

31. In the meantime, interim order shall continue.

(ASHA SUNDRIYAL)
DEPUTY REGISTRAR

(NIKITA SINGH)
COURT MASTER (NSH)