



NON-REPORTABLE

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.7018 OF 2022

JAIPUR DEVELOPMENT AUTHORITY

...Appellant(s)

Vs.

STATE OF RAJASTHAN & ORS.

...Respondent(s)

J U D G M E N T

ABHAY S.OKA, J.

Heard the learned counsel appearing for the parties.

2. The challenge in this appeal is to the judgment and order dated 25th April, 2022 passed by the National Green Tribunal. There is a finding recorded by the National Green Tribunal that STP operated by the appellant was non-compliant for a period of 135 days. In the appeal, there is no challenge to the said finding. The challenge is to the quantification of compensation payable by the appellant of Rs.2,00,00,000/- (Rupees two crores) by way of interim measure. The Committee of Experts proposed compensation of Rs.33,75,000/- (Rupees thirty three lakhs

seventy five thousand) which the appellant has deposited, pursuant to the interim order passed by this Court.

3. After having perused paragraph No.8 of the impugned judgment, we find that there is absolutely no reason recorded by the Tribunal for coming to the conclusion that the appellant is liable to pay a sum of Rs.2,00,00,000/- (Rupees two crores) towards the interim compensation. The Tribunal has not given reasons why the compensation suggested by the Committee of Experts should not be accepted. The Committee had suggested that the interim compensation should be quantified at Rs.33,75,000/- (Rupees thirty three lakhs seventy five thousand). The learned counsel appearing for the appellant stated that there are further reports filed by the Committee and the National Green Tribunal is monitoring the compliance.

4. As no reasons have been recorded for arriving at a figure of Rs.2,00,00,000/- (Rupees two crores), we propose to remand the case to the National Green Tribunal for reconsideration of the quantum of interim compensation amount payable by the appellant.

5. Accordingly, we set aside only that part of the paragraph 8 of the impugned judgment by which a direction was given to the appellant to deposit a sum of Rs.2,00,00,000/- (Rupees two crores) by way of interim compensation.

6. We direct the Tribunal to decide the issue of quantum of interim compensation afresh after hearing the parties.

7. The learned counsel appearing for the appellant states that a sum of Rs.33,75,000/- (Rupees thirty three lakhs seventy five thousand) has been deposited by the appellant with the District Magistrate, Jaipur, Rajasthan. Till the adjudication is made by the National Green Tribunal on the amount of interim compensation payable by the appellant, the sum of Rs.33,75,000/- (Rupees thirty three lakhs seventy five thousand) shall be treated as interim compensation.

8. The appeal is accordingly partly allowed.

9. We request the Tribunal to decide the issue of payment of interim compensation as expeditiously as possible.

.....J.
(ABHAY S.OKA)

.....J.
(SANJAY KAROL)

NEW DELHI;
August 09, 2023.