

**BEFORE THE NATIONAL GREEN TRIBUNAL
WESTERN ZONE BENCH, PUNE**

[THROUGH PHYSICAL HEARING (WITH HYBRID OPTION)]

**APPEAL NO.26 OF 2025 (WZ)
WITH
I.A. NO.89 OF 2025 (WZ)
AND
I.A. NO.52 OF 2025 (WZ)**

Go Green Foundation Trust

.....Appellant

Versus

Union of India & 12 Ors.

....Respondents

Date of hearing: 11.09.2025

**CORAM: HON'BLE MR. JUSTICE PRAKASH SHRIVASTAVA, CHAIRPERSON
HON'BLE MR. JUSTICE DINESH KUMAR SINGH, JUDICIAL MEMBER
HON'BLE DR. VIJAY KULKARNI, EXPERT MEMBER**

Appellant : Ms. Pradnya Bheke, Advocate h/f
Mr. Nitin Lonkar, Advocate

Respondents : Mr. Pushkal Mishra, Advocate for R-1/MoEF&CC
Mr. Neelkanth R. Mehta, Advocate for R-8 & 9/GPCB
Mr. Sanjay Upadhyay, Senior Advocate i/b and with
Ms. Eisha Krishn, Ms. Mansi Bachani,
Mr. Shubham Upadhyay and
Ms. Gitanjali Sanyal, Advocates for the applicant
in I.A. 89/2025 (WZ) & R-13 in Appeal 26/2025(WZ)

ORDER

1. This appeal under Section 16 (h) of the National Green Tribunal Act, 2010 has been filed, challenging the Environmental Clearance (EC) dated 12.12.2024 issued by Respondent No.1- Ministry of Environment, Forest & Climate Change (MoEF&CC) in favour of Respondent No.13- M/s. GHCL Ltd./Project Proponent for proposed project to produce Light Soda Ash

(LSA), Dense Soda Ash (DSA) and Sodium Bicarbonate (SBC), located near village Bada, Taluka- Mandvi, District- Kutch in Gujarat.

2. I.A. No.89 of 2025 (WZ) has been filed by Respondent No.13 seeking dismissal of the appeal.

3. I.A. has been heard with the consent of learned counsel for the parties.

4. Learned counsel for Respondent No.13 submits that another appeal being Appeal No.19 of 2025 (WZ) has been filed challenging the same EC and this appeal is on the same grounds. Therefore, it should be dismissed as filing of this appeal leads to multiplicity of the proceedings. He has further submitted that the present appeal has been filed as a ploy to delay the project of the appellant. He has submitted that this appeal is not maintainable on the basis of principles carved out applying Order II Rule 2 of the Code of Civil Procedure, 1908 (CPC). In support of his submissions, learned counsel for Respondent No.13 has placed reliance upon the Judgment of the Hon'ble Supreme Court in the matter of **Cuddalore Powergen Corporation Ltd. vs. Chemplast Cuddalore Vinyls Ltd. & Anr.**, reported in **2025 SCC OnLine SC 82**, the Judgment of the Hon'ble Supreme Court in the matter of **Gurubux Singh vs. Bhooralal**, reported in **AIR 1964 SC 1810** and the **order dated 29.07.2022 of Central Bench of National Green Tribunal (NGT) passed in Appeal No.13 of 2022 (CZ)** in the matter of **Kanhaiya Lal Gadri & Ors. vs. MoEF&CC & Ors.**

5. Opposing the I.A., learned counsel for the appellant submits that this appeal has been filed prior to Appeal No.19 of 2025, but since the Registry of the Tribunal had noted certain defects, it has been numbered later. She has further submitted that the appellant has independent right of filing the appeal, which cannot be curtailed.

6. Having heard the learned counsel for the parties and on perusal of the record, it is noticed that in terms of Section 16 of the National Green Tribunal Act, 2010, “any person aggrieved” has a right to file the appeal, challenging the orders covered in Section 16. It is not in dispute that under Section 16 (h), appeal lies against the order granting Environmental Clearance (EC). The appellants in Appeal No.19 of 2025 (WZ) and in this appeal are not the same. Two different aggrieved appellants have questioned the same Environmental Clearance (EC) by filing two different appeals. The right to file appeal has accrued in their favour under Section 16 of the National Green Tribunal Act, 2010. Therefore, unless they are restrained by some law/Judgment, their right cannot be curtailed.

7. So far as the Judgment relied upon by learned counsel for Respondent No.13 in the matter of **Cuddalore Powergen Corporation Ltd.** (supra) is concerned, in that case, same plaintiff, which had filed the first suit for permanent injunction to protect his possession, had filed the second suit during the pendency of first suit, challenging the sale-deed. Therefore, the Hon’ble Supreme Court, while examining the ambit and scope of Order II Rule 2 of the CPC, had made observation in para 47 (IV) of the Judgment. Therefore, the reliance of learned counsel for Respondent No.13 on para no.47 (IV) of the Judgment is of no help, because present is not a case of the same appellant filing another appeal challenging the same order.

8. So far as the Judgment of the Hon’ble Supreme Court in the matter of **Gurubux Singh** (supra), relied upon by learned counsel for Respondent No.13, is concerned, in that case also, the same plaintiff had filed the second suit. Therefore, the question of bar contained in Order II Rule 2 (3) of CPC arose.

9. Similarly, reliance of learned counsel for Respondent No.13 on the order of the NGT (CZ) in the matter of **Kanhaiya Lal Gadri & Ors.** (supra) is also misplaced because in that case, the appeal against the Environmental Clearance (EC) dated 05.01.2022 issued by the MoEF&CC was already heard and decided finally by the Tribunal. Thereafter another appeal challenging the same EC was filed and in that background, the Tribunal had attracted the principle of *res judicata* and dismissed the subsequent appeal.

10. The reliance of Order II Rule 2 of CPC by the learned counsel for Respondent No.13 is misplaced because Order II Rule 2 of CPC can be attracted when same plaintiff, who had omitted to sue in respect of or relinquishing any part of his claim in the first suit, files the second suit in respect of the portion so omitted or relinquished. As already stated, in the present matter, the appellants in the two appeals are different, who have invoked their independent statutory right to file the appeal.

11. Appeal No.19 of 2025(WZ) was filed on 30.01.2025 whereas the Appeal No.26 of 2025 (WZ) has been filed on 10.02.2025. It is not a case that this appeal has been filed at a stage when the connected appeal had reached to an advanced stage of hearing. Therefore, we do not find any substance in the plea of learned counsel for Respondent No.13 that this appeal has been filed to delay the project.

12. Though we find that no ground is made out to dismiss this appeal at this stage, in order to save the time, hearing of this appeal can be expedited by hearing this appeal with Appeal No.19 of 2025 (WZ).

13. In view of the above analysis, no case is made out to allow I.A. No. 89 of 2025 (WZ). I.A. No.89 of 2025 (WZ) is accordingly rejected.

14. Also heard I.A. No.52 of 2025 (WZ), which is an application seeking condonation of one day delay in filing this appeal. Apart from the fact that the delay is marginal, the appellant has properly explained the delay. The appellant has given sufficient reason for one day delay in filing the appeal by disclosing that on 11.01.2025, the Registry of the Tribunal was closed being 2nd Saturday. Therefore, the appeal was filed on 12.01.2025 and the Registry had pointed out the delay of one day on 17.01.2025. It has further been explained that after uploading of EC under challenge on PARIVESH Portal on 12.12.2025, the appellant had tried to get the supporting documents, which are running in more than 3000 pages. Thereafter, time was consumed in analyzing the EIA Report of the project and examining the other documents. The explanation furnished by the appellant in I.A. No. 52 of 2025 (WZ) reveals that the delay in filing the appeal is unintentional and the appellant was prevented from filing the appeal within time due to *bonafide* reasons. Accordingly, I.A. No.52 of 2025 (WZ) is allowed. The delay in filing the appeal is condoned.

15. List this appeal along-with Appeal No.19 of 2025 (WZ) on 17.11.2025, for hearing.

Prakash Shrivastava, CP

Dinesh Kumar Singh, JM

Dr. Vijay Kulkarni, EM

September 11, 2025
APPEAL NO.26 OF 2025 (WZ) WITH
I.A. NO.89/2025 (WZ) AND
I.A. NO.52 OF 2025 (WZ)
P.Kr