

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. _____ OF 2026
DIARY NO.30388/2026

KANAHI RAM PATEL & ORS.

APPELLANT(S)

VERSUS

UNION OF INDIA & ORS.

RESPONDENT(S)

O R D E R

1. Delay condoned.

2. We have heard Dr. S. Muralidhar, learned senior counsel for the appellants and Dr. A.M. Singhvi and Mr. Atmaram Nadkarni, learned senior counsel for respondent No.4 - Maharashtra State Power Generation Company Limited. The relevant record has also been perused.

3. We find that in the second round of litigation between the parties, the Environmental Clearance (EC) granted on 11.07.2022 was challenged before the National Green Tribunal (NGT). The NGT, vide its judgment dated 15.01.2024, has allowed the appeal and directed the Ministry of Environment, Forest and Climate Change to re-examine the matter from the stage of "*conducting public consultation afresh*".

4. In our considered opinion, the expression "*afresh*" connotes that it was obligatory upon the authorities to conduct afresh public consultation. Since such an exercise has not been carried out, the contrary view taken by the NGT in the impugned judgment does not seem to be sustainable.

5. At this stage, it is stated on behalf of the appellants that in addition to the requirement of "*afresh public consultation*", there were other grounds also urged before the NGT, which had not been gone into in detail.

6. Be that as it may, since substantial compliance has already taken place, we are satisfied that respondent No.4 is entitled to continue with the mining activity. To that end, it is clarified that there shall not be any impediment to respondent No.4 merely because the requisite fresh public consultation has not been undertaken so far. At the same time, we have no doubt that "*afresh public consultation*" ought to have been undertaken before the grant of EC.

7. Consequently, the instant appeal is allowed in part. The matter is remitted to the NGT, Central Zone, Bhopal to monitor that "*afresh public consultation*" is carried out and that an appropriate order is passed thereafter. If there are other issues raised by both sides, those may also be examined on merits by the NGT.

8. It is clarified that we have not expressed any opinion on other issues except on the issue of public consultation.

9. The parties are directed to appear before the NGT on 03.08.2026. We request the NGT to decide the matter expeditiously.

10. The appeal stands disposed of, accordingly.

.....CJI.
(SURYA KANT)

.....J.
(JOYMALYA BAGCHI)

.....J.
(V. MOHANA)

NEW DELHI;
JULY 24, 2026.

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGSCIVIL APPEAL Diary No(s). 30388/2026

[Arising out of impugned judgment and order dated 17-04-2026 in AN No. 28/2024 (CZ) passed by the National Green Tribunal, Central Zonal Bench, Bhopal]

KANAHI RAM PATEL & ORS.

Petitioner(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

(IA No. 199579/2026 - CONDONATION OF DELAY IN REFILING / CURING THE DEFECTS, IA No. 199571/2026 - GRANT OF INTERIM RELIEF and IA No. 201073/2026 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)

Date : 24-07-2026 This matter was called on for hearing today.

CORAM : HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE JOYMALYA BAGCHI
HON'BLE MRS. JUSTICE V. MOHANA

For Petitioner(s) :Dr. S. Muralidhar, Sr. Adv.
Mr. Nikhil Nayyar, Sr. Adv.
Mr. Yogeshwaran A, Adv.
Ms. Poongkhulali B, Adv.
Mr. Naveen Hegde, AOR
Ms. Bhargavi Bhardwaj, Adv.
Ms. Ninni Susan Thomas, Adv.
Ms. Megha, Adv.
Mr. K. Rigved Prasad, Adv.
Ms. Apoorva Singh, Adv.
Mr. Subham Jain, Adv.

For Respondent(s) :Dr. A.M. Singhvi, Sr. Adv.
Mr. Atmaram Nadkarni, Sr. Adv.
Mr. Mahesh Agarwal, Adv.
Ms. Aanchal Mullick, Adv.
Mr. Arshit Anand, Adv.
Mr. Siddharth Seem, Adv.
Mr. Himanshi Nagpal, Adv.
Mr. E. C. Agrawala, AOR

UPON hearing the counsel the Court made the following

O R D E R

1. Delay condoned.
2. The appeal is allowed in part in terms of the signed order.
3. Pending application(s), if any, shall stand closed.

(NITIN TALREJA)
ASTT. REGISTRAR-cum-PS

(PREETHI DILEEP KUMAR)
DY. REGISTRAR

(Signed order is placed on the file)