

**IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION**

CIVIL APPEAL NO.6679 OF 2019

B BROTHER BUILDERS

APPELLANT

VERSUS

SANTOSH DAUNDKAR & ORS.

RESPONDENTS

O R D E R

Being aggrieved by the order dated 24.04.2019 passed by the National Green Tribunal, Principal Bench, New Delhi in M.A.No.107 of 2014 in Original Application No.24 of 2014 (WZ), the appellant is before this Court. For ease of reference, the order is extracted as under:

“In view of the order passed today in Original Application No.61/2014 (WZ), we overrule the preliminary objections as regards the issue of limitation and locus standi.

List the matters for hearing on merits on 15.05.2019”.

Learned senior counsel for the appellant submitted that the appeal is pending before the

National Green Tribunal (NGT), Western Zone, Pune. However, there is stay of further proceedings by this Court. Learned senior counsel further submitted that MA No.107 of 2014 was filed in O.A.No.24 of 2014(WZ). The said application had to be heard on its own merits and having regard to the facts of the case. Instead, by a common order, by following an earlier order passed by the NGT in O.A.No.61 of 2014 (WZ), the preliminary objections as regards the issue of limitation and locus standi raised by the appellant herein, have been overruled. Learned senior counsel submitted that for overruling of the same, the NGT (WZ) ought to have assigned reasons and for that the consideration of the case, having regard to the facts of the case and on the merits of the preliminary objections were necessary. In the circumstances, the impugned order may be set aside and the matter may be remanded to the National Green Tribunal, Western Zone Bench, Pune, to rehear MA No.107 of 2014 filed in O.A.No.24 of 2014 in case this Court is not inclined to hear on

the merits of the preliminary objections.

Per contra, learned counsel for the respondent(s)-(appellant before the NGT) supported the impugned order and contended that there is no merit in this appeal and that the order passed in O.A.No.61 of 2014 squarely applies to the facts of the present case. Therefore, the appeal may be dismissed.

Learned counsel for the respondent(s)-State submitted that appropriate orders may be made in this appeal having regard to the controversy between the parties arising out of the impugned order dated 24.04.2019.

We have considered the arguments advanced at the bar. We have perused the impugned order dated 24.04.2019 which is extracted as above.

We note that the National Green Tribunal, Pune Bench had to consider the Miscellaneous Application No.107 of 2014 filed in Original Application No.24 of 2014 on its own merits both with regard to the issue of locus standi as well as on the preliminary objections raised having

regard to the facts of the case.

We do not find any such consideration being made on the facts of the instant case in the order impugned. Instead, a reference is made to an order passed in O.A.No.61 of 2014 (WZ) to overrule the preliminary objections as regards the limitation and locus standi raised by the appellant herein. In the absence of there being any discussion as to how that order applies to the present case, we find that the impugned order is lacking in reasoning and consideration of the application filed by the appellant herein on the aforesaid issues in light of the facts of the appellant's case.

On that short ground alone, we set aside the impugned order and we remand the matter to the NGT, WZ, Pune, by restoring MA No.107 of 2014 in O.A.No.24 of 2014 (WZ). Consequently, the interim order granted by this Court stands vacated.

It is needless to observe that the National Green Tribunal, West Zone sitting at Pune shall rehear the said application in light of the facts

of the present case and in accordance with law and pass a reasoned order on the issue of limitation as well as on locus standi.

This appeal is allowed and disposed of in the aforesaid terms.

....., J.
(B.V.NAGARATHNA)

....., J.
(R.MAHADDEVAN)

NEW DELHI;
AUGUST 06, 2026

ITEM NO.17

COURT NO.3

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).6679/2019

**B
APPELLANT(S)**

BROTHER

BUILDERS

VERSUS

**SANTOSH
RESPONDENT(S)**

DAUNDKAR

&

ORS.

**IA NO. 120087/2019 - EXEMPTION FROM FILING C/C OF THE
IMPUGNED JUDGMENT**

IA NO. 124617/2019 - STAY APPLICATION

**Date : 06-08-2026 This matter was called on for hearing
today.**

**CORAM : HON'BLE MRS. JUSTICE B.V. NAGARATHNA
HON'BLE MR. JUSTICE R. MAHADEVAN**

**For Appellant(s) : Mr. Anirudh Joshi, Sr. Adv.
Mr. Mahesh Agarwal, Adv.
Mr. Ankur Saigal, Adv.
Ms. S. Lakshmi Iyer, Adv.
Ms. Sukriti Bhatnagar, Adv.
Mr. Sanmish Gala, Adv.
Mr. E. C. Agrawala, AOR**

For Respondent(s) : Mr. Munawwar Naseem, AOR

**Ms. Aishwarya Bhati, A.S.G.
Mr. Gurmeet Singh Makker, AOR
Ms. Ruchi Kohli, Adv.
Mr. Raghav Sharma, Adv.
Ms. Shagun Thakur, Adv.
Mr. Gauran Bhushan, Adv.
Mr. Rohan Gupta, Adv.
Mr. Bhagya Shree Raj, Adv.
Mr. Moulík Shrivastava, Adv.
Mr. Ritika Singhal, Adv.**

Mr. Shreeyash Lalit, Adv.
Mr. Siddharth Dharmadhikari, Adv.
Mr. Aaditya Aniruddha Pande, AOR
Mr. Shrirang B. Varma, Adv.
Mr. Yash Pal Dhingra, AOR
Mr. Mukesh Verma, Adv.

Mr. Sunil Kumar Verma, AOR

Dr. N. Visakamurthy, AOR
Ms. Aishwarya Bhati, A.S.G.
Ms. Ruchi Kohli, Adv.
Mr. Raghav Sharma, Adv.
Mr. Shagun Thakur, Adv.
Mr. Brajesh Kumar, Adv.
Mr. Raman Yadav, Adv.
Mr. S. Lamba (aor), Adv.

UPON hearing the counsel the Court made the following

O R D E R

Civil Appeal is allowed and disposed of in terms of the signed order, which is placed on file.

Pending application(s) if any, shall stand disposed of.

(B. LAKSHMI MANIKYA VALLI)
COURT MASTER (SH)

(DIVYA BABBAR)
COURT MASTER (NSH)