
(2026) 02 GAU CK 1613
In the Gauhati High Court
Case No : WPC Of 715 Of 2026

M S Arya Erectors India Pvt Ltd

APPELLANT

Vs

State Environmental Impact Assessment Authority Seiaa And
Ors

RESPONDENT

Date of Decision : 11-02-2026

Acts Referred:

Citation : (2026) 02 GAU CK 1613

Hon'ble Judges : Devashis Baruah, J

Bench : Single Bench

Advocate : S. Dutta, A. Biswas, S. Baruah, P. Nayak, J. Handique

Final Decision : Dismissed

Judgement

Devashis Baruah, J

1. Heard Mr. S. Dutta, the learned Senior Counsel assisted by Mr. A. Biswas, the learned counsel appearing on behalf of the petitioner. Mr. S. Baruah, the learned counsel appears on behalf of the respondent No.1; Mr. P. Nayak, the learned counsel appears on behalf of the respondent No.2 and Mr. J. Handique, the learned counsel appears on behalf of the respondent No.3.

2. Taking into account the order which this Court proposes to pass, this Court dispenses with the notice upon the proforma respondent Nos.4 & 5.

3. The grievance of the petitioner herein is that the petitioner had submitted a representation on 27.03.2025, pursuant to the directions issued by the State Environment Impact Assessment Authority, (SEIAA) on 15.02.2025 to duly comply with the said recommendations and the said representation dated 27.03.2025 has not yet been considered. It is under such circumstances, the petitioner being in difficulty, has approached this Court by filing the present writ petition.

4. This Court duly takes note of that on the basis of certain complaints being filed

by one Ganesh Das and others, a proceedings was initiated before the National Green Tribunal, Eastern Zone Bench, Kolkata, which was registered as Original Application No.92/2023/EZ whereby the SEIAA along with Assam State Public Pollution Control Board were directed to work out the costs incurred in expansion of the project and determine the environment compensation. Further, the SEIAA was also directed to carry out the remedial measures on damage assessment. Directions were also issued directing the SEIAA to take action against the petitioner for violation of the EC condition by complying with the principles of natural justice.

5. In pursuance thereto, the SEIAA took up the matter and submitted a report on 29.01.2025 thereby giving certain recommendations. In pursuance thereto, on 15.02.2025, the Member Secretary of SEIAA informed the petitioner that the SEIAA unanimously decided to send a copy of the report to the project proponent and the petitioner was further directed to comply with the observations and recommendations of the Committee as suggested in the said report.

6. The petitioner thereupon submitted an application before the Chairman, SEIAA on 27.03.2025 stating the difficulties faced by the petitioner to comply with the directions issued by the order dated 15.02.2025 which the petitioner received on 4.03.2025. The said application of the petitioner, however, has not been considered, and under such circumstances, the petitioner has approached this Court seeking interference with the communication dated 15.02.2025 and other consequential directions.

7. This Court has heard the learned counsels appearing on behalf of the parties and is of the opinion that the matter in question emanates from certain directions passed by the National Green Tribunal from the order dated 12.09.2024 in Original Application No.92/2023/EZ. It is further seen that on the basis of such directions, the SEIAA has made certain recommendations. The communication dated 23.07.2025 issued to the Chairman, SEIAA also shows that the petitioner is though interested in complying with the directions passed in the order dated 15.02.2025, but the petitioner in view of certain difficulties stated therein, the petitioner is not in a position to comply. It is the opinion of this Court that these aspects ought to be agitated by the petitioner before the National Green Tribunal.

8. During the course of the hearing, Mr. S. Baruah the learned counsel who appears on behalf of the respondent No.1 submitted that the petitioner has also filed a review application before the National Green Tribunal in respect of the said issue.

9. Taking into account the above, it is the opinion of this Court that entertaining the instant writ petition would be in conflict with the National Green Tribunal Act, 2010 and also would not be in the interest of justice taking into account that the National Green Tribunal, Eastern Zone, Kolkata is taking up the issues involved herein on a review application so filed by the petitioner.

10. Accordingly, this Court therefore is not inclined to entertain the instant writ petition for which the writ petition stands dismissed without prejudice to the petitioner to seek remedies before the National Green Tribunal, if so advised.