



FACULTY OF JURIDICAL SCIENCES

COURSE: LL.B.

Semester: IV

SUBJECT: Environmental Laws

SUBJECT CODE: LLB404

NAME OF FACULTY: Mohammad Aqib

Lecture-26



LECTURE 26: Jurisdictions and Proceedings of the Tribunal under National Environment Tribunal Act

Bar of jurisdiction

On and from the commencement of this Act, no court or Other authority except the Tribunal shall have, or be entitled to exercise, any jurisdiction, powers or authority to entertain any application or action for any claim for compensation which may be entertained or dealt with by the Tribunal.

Power of Chairperson to transfer cases from one Bench to another

On the application of any of the parties and after notice to the parties, and after hearing such of them as he may desire to be heard, or on his own motion without such notice, the Chairperson may transfer any case pending before one Bench, for disposal, to any other Bench.

Decision to be taken by majority

If the Members of a Bench differ in opinion on any point, the point shall be (decided according to the opinion of the majority, if there is a majority, but if the Members are equally divided they shall state the point or points on which they differ, and make a reference to the Chairperson who shall either hear the point or points himself or refer the case for hearing on such point or points by one or more of the other Members and such point or points shall be decided according to the opinion of the majority of the Members who have heard the case including those who first heard it.

Deposit of amount payable for damage to environment

(1) Where any amount of compensation is ordered to be paid under any award by the Tribunal on the ground of any damage to environment, that amount shall be remitted to the authority specified under sub-section (3) of section 7A of the Public Liability Insurance Act, 1991 for being credited to the Environmental Relief Fund established under that section.

(2) The amount of compensation credited to the Environmental Relief Fund under subsection (1) may be utilised by such person or authority, in such manner and for such purposes of environment as may be prescribed.

Extension of award or order of Tribunal

(1) An award made by the Tribunal under this Act shall be executable by the Tribunal as a decree of civil court, and for this purpose, the Tribunal shall have all the powers of a civil court.

(2) Notwithstanding anything contained in sub-section (1), the Tribunal may transmit to the Collector having jurisdiction over the area in which the accident has occurred the copy of the order made by it for payment of relief as provided in the Public Liability Insurance Act, 1991 and the Collector shall execute the order in the same manner as if it were an order made by him under that Act.

(3) Where the owner against whom the award or order is made by the Tribunal fails to make the payment or deposit the amount as directed by the Tribunal within the period specified in the award or order, such amount shall be recoverable from the owner as arrears of land revenue or of public demand.

Appeals

(1) Save as provided in sub--section (2) and notwithstanding anything contained in the Code of Civil Procedure, 1908 or in any other law, an appeal shall lie against any award or other order, not being an interlocutory order, of the Tribunal to the Supreme Court on one or more of the grounds specified in section 100 of that Code.

(2) No appeal shall lie against an award or other order made by the Tribunal with the consent of the parties

(3) Every appeal under this section shall be preferred within a period of ninety days from the date of the award or other order appealed against:

Provided that no appeal by the person who is required to pay any amount in terms of such award shall be entertained by the Supreme Court unless he has deposited with it the amount so awarded in the manner directed by the Supreme Court:

Provided further that the Supreme Court may entertain the appeal after the expiry of the said period of ninety days, if it is satisfied that the appellant was prevented by sufficient cause from preferring the appeal in time.