

ITEM NO.19

COURT NO.4

SECTION X

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

WRIT PETITION(S)(CIVIL) NO(S).72/2025

NGT BAR ASSOCIATION (WESTERN ZONE)

PETITIONER(S)

VERSUS

UNION OF INDIA & ORS.

RESPONDENT(S)

IA NO. 75790/2025 - PERMISSION TO FILE ADDITIONAL
DOCUMENTS/FACTS/ANNEXURES

Date : 11-02-2026 This matter was called on for hearing today.

CORAM : HON'BLE MRS. JUSTICE B.V. NAGARATHNA
HON'BLE MR. JUSTICE UJJAL BHUYAN

For Petitioner(s) : Mr. Dcosta Ivo Manuel Simon, AOR
Mr. Ninad Laud, Adv.
Mr. Saurabha Kulkarni, Adv.
Mr. Guruprasad Naik, Adv.

For Respondent(s) : Ms. Aishwarya Bhati, A.S.G.
Mr. Vikram Banerjee, A.S.G.
Mr. Gurmeet Singh Makker, AOR
Mr. Kanu Agrawal, Adv.
Mr. Prashant Singh-ii, Adv.
Ms. Rajeshwari Shankar, Adv.
Ms. Shagun Thakur, Adv.
Mr. Rohan Gupta, Adv.
Mr. Santosh Krishnan, AOR
Mr. Ashwin Joseph, Adv.

UPON hearing the counsel the Court made the following

O R D E R

Learned counsel for the petitioner has submitted a
chart indicating that one of the judicial members is on
extension for a period of three years and twenty six days

as of today and three other judicial members would be retiring in the months of March and April of this year. Consequently, there would be only one judicial member functioning since his extension is till the appointment and assumption of charge by other judicial members. It was contended that as a result the National Green Tribunal (hereinafter referred to as, "NGT") would be functioning solely with expert members and *de hors judicial* members which is contrary to what has been envisaged under Section 4(4) of the National Green Tribunal Act, 2010 (hereinafter referred to as, "the NGT Act, 2010). For ease of reference, Section 4 is extracted as under:

"4. Composition of Tribunal:-

(1) The Tribunal shall consist of-

(a) a full time Chairperson;

(b) not less than ten but subject to maximum of twenty full time Judicial Members as the Central Government may, from time to time, notify;

(c) not less than ten but subject to maximum of twenty full time Expert Members, as the Central Government may, from time to time, notify.

(2) The Chairperson of the Tribunal may, if considered necessary, invite any one or more person having specialised knowledge and experience in a particular case before the Tribunal to assist the Tribunal in that case.

(3) The Central Government may, by notification, specify the ordinary place or places of sitting of the Tribunal, and the territorial jurisdiction

falling under each such place of sitting.

(4)The Central Government may, in consultation with the Chairperson of the Tribunal, make rules regulating generally the practices and procedure of the Tribunal including-

(a)the rules as to the persons who shall be entitled to appear before the Tribunal;

(b)the rules as to the procedure for hearing applications and appeals and other matters [including the circuit procedure for hearing at a place other than the ordinary place of its sitting falling within the jurisdiction referred to in sub-section (3)], pertaining to the applications and appeals;

(c)the minimum number of Members who shall hear the applications and appeals in respect of any class or classes of applications and appeals: Provided that the number of Expert Members shall, in hearing an application or appeal, be equal to the number of Judicial Members hearing such application or appeal;

(d)rules relating to transfer of cases by the Chairperson from one place of sitting (including the ordinary place of sitting) to other place of sitting."

2. The details of the judicial members who are on extension or/are to retire this year are as under:

	Name	Date Of Appointment	Tenure	Extension Granted On	Period Of Extension
1.	Hon'ble Sh. Justice Sheo Kumar Singh	16.03.2020	16.01.2023	16.01.2023 (IANo.129992 / 2022 in WP No.662/2022)	3 years, 26 days
2.	Hon'ble Sh. Justice Arun Kumar Tyagi	25.03.2022	24.03.2026	-	-

	Name	Date Of Appointment	Tenure	Extension Granted On	Period Of Extension
3.	Hon'ble Smt. Pushpa Sathyanarayana	30.03.2022	29.03.2026	-	-
4.	Hon'ble Sh. Jusitce Dinesh Kumar Singh	14.04.2022	13.04.2026	-	-

3. In response to this submission, learned Additional Solicitor General Sri Banerjee has drawn our attention to paragraphs 143, 153 to 155 of the recent judgment dated 19.11.2025 passed in the case of Madras Bar Association vs. Union of India, 2025 SCC Online SC 2498 ("Madras Bar Association"). It was submitted that since this Court has issued a direction for establishment of a National Tribunal Commission, the Union of India is working towards that end and hence in the circumstances, no appointments are being processed as such. It was therefore submitted that what has been opined by this Court in the case of Madras Bar Association may be borne in mind in the instant case.

4. We have considered the arguments advanced at the bar.

5. We have noted what has been opined by this Court in the case of Madras Bar Association.

6. The judgment of this Court in the aforesaid case has also protected the appointments made to the Income Tax Appellate Tribunal (ITAT) inasmuch as there is a protection to the said appointments which have been granted by this Court. Further in paragraph 155, this court has clarified that all appointments of members and chairpersons whose selection or recommendation by the Search-cum-Selection Committee was completed before the commencement of the Tribunal Reforms Act, 2021, but whose formal appointment notifications were issued after the Act came into force, shall be protected. Such appointments will continue to be governed by the parent statutes and by the conditions of service as laid down in MBA (IV) AND MBA (V), rather than by the truncated tenure and altered service conditions introduced by the Tribunal Reforms Act, 2021.

7. In view of the aforesaid opinion of this Court, we find that insofar as the National Green Tribunal Act, 2010 is concerned, one of the judicial members is serving in an extended period and three other judicial officers would retire in the months of March and April this year. This would imply that there would be at least three vacancies in the post of judicial members of the NGT. Consequently, in our view, this would adversely affect the very functioning

of the NGT at five different locations in the country. Such a situation cannot be permitted to occur.

8. In the circumstances, pending further appointments to be made and assumption of office to happen vis-a-vis the judicial members of the NGT or until further orders, as a stopgap arrangement, we direct that (i) Hon'ble Sri Justice Arun Kumar Tyagi, (ii) Hon'ble Smt. Justice Pushpa Sathyanarayana, and (iii) Hon'ble Sri Justice Dinesh Kumar Singh, shall continue to function as judicial members of the NGT.

9. It is needless to opine that the respondent-Union of India shall comply with the directions issued by this court on 19.11.2025 in paragraph 153 of the judgment in the case of Madras Bar Association.

10. The aforesaid direction has been made by us bearing in mind that the vacancy of judicial members in the NGT would hamper the working of the NGT and adversely affect the litigants who are seeking justice before the various NGTs.

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

(DIVYA BABBAR)
COURT MASTER (NSH)