

Item No. 5

(Court No. 2)

**BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI.**

(Through Physical Hearing with Hybrid VC Option)

Original Application No.476/2022

Arvindbhai Hirabhai Patel & Ors.

...Applicants

Versus

State of Gujarat & Ors.

...Respondents

Date of hearing: 28.02.2023

**CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI, JUDICIAL MEMBER.
HON'BLE DR. AFROZ AHMAD, EXPERT MEMBER.**

Applicant: None for the applicant.

Respondents: Mr. Parth H. Bhatt for respondent no. 3 (through VC).
Mr. Maulick Nanavati for respondent no. 5 and 6 (through VC).

Application is registered based on a complaint received by Post.

ORDER

1. Vide order dated 02.08.2022, this Tribunal constituted a Joint Committee with direction to submit factual and action taken report within two months and notices were ordered to be issued to respondents no. 1 to 7.

2. Interim report of the Joint Committee has been filed vide email dated 21.10.2022.

3. As per office report notices have been duly served on the respondents.

4. Counter Affidavits by respondents no. 1 and 2 have been filed vide separate emails dated 15.11.2022 but none has appeared for them today.

5. Mr. Maulick Nanavati has appeared for respondents no. 5-GCZMA and 6-Gujarat State PCB and seeks time to file reply/response on their behalf. Reply/Response by respondents no. 5-GCZMA and 6-Gujarat State PCB be filed within **ten days** by e-mail at judicial-ngt@gov.in preferably in the form of searchable PDF/OCR Supported PDF and not in the form of Image PDF.

6. None has appeared on behalf of respondent no. 4-Secretary, Fisheries Department, Government of Gujarat, respondent no. 7-Divisional Forest Officer, Navsari and respondent no. 8- Collector, Navsari despite due service.

7. The proceedings before this Tribunal cannot be treated as part of adversarial litigation where the concerned defendants may opt out to remain absent and suffer ex-parte proceedings. On the other hand, the State and its instrumentalities are under constitutional and statutory obligations to ensure compliance with environmental norms and, therefore, the State and its instrumentalities have to ensure submission of their replies/response with relevant details and also their representation through duly authorised representatives/Counsel before this Tribunal. We consider it appropriate that the matter of non-appearance of the above said respondents be brought to the notice of the Chief Secretary, Government of Gujarat and learned Advocate General, Government of Gujarat for issuance of appropriate instructions to them for compliance with notices issued by this Tribunal and submission of reply/response and ensuring representation through their authorized representative/counsel before this Tribunal, as may be required.

8. The Registry is directed to issue notices to respondents no. 4, 7 and 8 again requiring them to file their replies within **ten days** by

e-mail at judicialngt@gov.in preferably in the form of searchable PDF/OCR Supported PDF and not in the form of Image PDF.

9. List for further consideration on 20.03.2023.

10. A copy of this order be sent to the Chief Secretary, Government of Gujarat and learned Advocate General, Government of Gujarat by email for information/compliance.

Arun Kumar Tyagi, JM

Dr.Afroz Ahmad, EM

February 28, 2023
AG