

Item No. 6

(Pune Bench)

**BEFORE THE NATIONAL GREEN TRIBUNAL
WESTERN ZONE BENCH, PUNE**

THROUGH PHYSICAL HEARING (WITH HYBRID OPTION)

Execution Application No. 04/2023(WZ)

In

Appeal No. 57/2019(WZ)

Babubhai Keshabhai Rawal & Anr.

.....Applicant(s)

Versus

GPCB & Ors.

....Respondent(s)

Date of hearing: 04.05.2023

**CORAM: HON'BLE MR. JUSTICE DINESH KUMAR SINGH, JUDICIAL MEMBER
HON'BLE DR. VIJAY KULKARNI, EXPERT MEMBER**

Applicant : Mr. Zaman Ali, Advocate

Respondent(s) : Mr. Maulik Nanavati, Advocate for R-1 & 2/GPCB
Ms. Manvi Damle, Advocate for R-3/DNP
Mr. Aniruddha Kulkarni, Advocate for R-7/CPCB

ORDER

1. In pursuance of our previous order dated 14.03.2023, the Execution Applicant had sought amendment in the prayer clause 'a' but when we enquired as to why amended application has been filed instead of seeking amendment only in the prayer clause 'a', he states that e-filing process requires that the whole application has to be uploaded, therefore, he has uploaded the amended application with corrections. We allow the amendment and direct that this amended application be treated as the Original Application. He has also apprised us that a copy of the same has already been served upon all other parties.

2. Service affidavit has been filed, as per which the service of notice upon all the Respondents is found to be sufficient.

3. None has appeared from the side of Respondent No. 8/District Collector, Banaskantha, though there was direction issued to him also as a member of the Committee to explore for relocation of the site preferably within one year, pending such relocation, scientific remediation and handling of legacy waste were also required to be done in accordance with the Rules.

4. From the side of Respondent Nos. 1 & 2/GPCB, learned Counsel Mr. Maulik Nanavati has appeared, who prays that two weeks' time may be allowed to file reply affidavit and the same is allowed.

5. From the side of Respondent No. 3/Deesa Nagar Palika, learned Counsel Ms. Manvi Damle has appeared, who prays that two weeks' time may be allowed to file reply affidavit and the same is allowed by way of last opportunity.

6. The learned Counsel for the Applicants has drawn our attention to the order of this Tribunal dated 25.11.2022 in M.A. No. 26/2022(WZ), which was moved by the Respondent No. 3/DNP, which was later on withdrawn in which this Tribunal had directed the Registry to issue show cause to the Applicant/Respondent No. 3/DNP, as to why compliance was not made of the earlier order dated 10.02.2022 passed by the Principal Bench of this Tribunal in Appeal No. 57/2019(WZ), the execution of which is being sought in the present case. Based on this order, it is being prayed by the learned Counsel for the Applicants that Respondent No. 3 has deliberately not filed reply affidavit.

7. In the interest of justice, we grant one opportunity to the Respondent No. 3 to file reply affidavit as ordered above.

8. Registry is directed to put up this matter for further consideration on 03.08.2023.

Dinesh Kumar Singh, JM

Dr. Vijay Kulkarni, EM

May 04, 2023
Execution Application No. 04/2023(WZ) In
Appeal No. 57/2019(WZ)
P.Kr