

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

(By Video Conferencing)

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: 14.03.2023

**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. Aniruddha Kulkarni, Advocate for R-7/CPCB

ORDER

1. From the side of Execution Applicant, learned Counsel Mr. Zaman Ali has appeared and drawn our attention to the Judgment of this Tribunal dated 10.02.2022 passed in Appeal No. 57/2019(WZ), the relevant para of which is quoted here-in below:-

“8. In view of above, the GPCB, the District Magistrate, Banaskantha and the Nagar Palika, Deesa may explore relocation of the site preferably within one year from today. Pending such relocation, scientific remediation and handling of legacy and current waste may be ensured, in accordance with the Rules. The State PCB will be the nodal agency for compliance. Action taken report may be filed within six months with the Registrar of Pune by e-mail at ngt-pune@gov.in. If any direction is considered necessary, the Registrar may place the matter before the Bench.”

2. The learned Counsel for the Execution Applicant has stated that the compliance of the above-mentioned order has not been done by the Respondent Authorities, however, when we made pointed query as to why he has made prayers (a) to (c) in the Execution Application, no proper

reply could be given because in our estimation, the sole relief which ought to have been sought in the present application, should have been implementation/execution of order dated 10.02.2022. The learned Counsel for the Applicant prays that some time may be allowed to move an amendment so as to amend the prayer clauses. We allow one week's time for that. In the meantime, we admit this application.

3. Registry is directed to issue Notice to the Respondents, returnable within 04(four) weeks.

4. Since from the side of Respondent No. 7/CPCB, learned Counsel Mr. Aniruddha Kulkarni has appeared and accepted notice on behalf of Respondent No. 7, the service of notice is waived against Respondent No.7.

5. Applicant is directed to provide copy of the application and relevant documents to the Respondents within a week.

6. Respondents are directed to submit their reply within 04(four) weeks providing copies of the same to the other parties in advance.

7. Applicant is also directed to take necessary steps for service upon the Respondents by both ways and also through available e-mail.

Put up this matter on 04.05.2023

Dinesh Kumar Singh, JM

Dr. Vijay Kulkarni, EM

March 14, 2023
Execution Application No. 04/2023(WZ) In
Appeal No. 57/2019(WZ)
P.Kr