

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

THROUGH PHYSICAL HEARING (WITH HYBRID OPTION)

**Original Application No.61/2023(WZ)
[I.A No.03/2024(WZ)]
[(Earlier I.A. No.896/2023(PB))
Earlier Original Application No.549/2022(LP)]**

Mr. Firdos Cambatta

.....Applicant

Versus

State of Gujarat & Ors.

....Respondent(s)

Date of hearing: 01.07.2024

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

Applicant : Ms. Ranu Purohit, Advocate

Respondent : Mr. Maulik Nanavati, Advocate for R-6/GPCB

ORDER

1. From the side of applicant, learned counsel Ms. Ranu Purohit has appeared, who submits that despite sufficient time having been granted to the respondent No.1- State of Gujarat through its Chief Secretary; respondent No.2-Sabarmati Riverfront Development Corporation Ltd. through its Managing Director; respondent No.3-The Commissioner, Ahmedabad Municipal Corporation; respondent No.4-The Collector-Cum-District Magistrate; respondent No.5-Gujarat State Aviation Infrastructure Company Ltd.; and respondent No.7- Forest Department, State of Gujarat, none has appeared from their side.

2. From the side of respondent No.6-GPCB, learned counsel Mr. Maulik Nanavati has appeared, who assured us that he would be informing above-mentioned parties to appear before us and also to file

separate reply affidavit in this matter. He further submits that their reply affidavit would not be of much significance in this matter. But we direct him that a detailed affidavit be filed from their side within a period of two weeks.

3. We have already a Joint Committee Report on record, which says that in Plot Nos.313, 322 and 323 (Plots in question), trees do not fall under the reserved category and mainly belong to the category of Gaando, Baawal (Prosopis Julifora) trees.

4. The learned counsel for respondent No.6- GPCB submits that these trees do not require any permission for being cut. He also apprised us that an additional affidavit dated 24.02.2023 has also been filed from the side of applicant, annexed at page nos.116 to 135 of the paper book, which does not show that any number of trees were cut and that whatever trees were cut, belong to the category of Gaando and Baawal, which is being disputed by the learned counsel for applicant.

5. We would like to have another affidavit to be filed from the side of applicant, detailing therein the number of trees, which have been cut (which were numbered) because it is not possible for us to make out from the photographs, which have been annexed with the said affidavit, as to whether these trees were numbered or not and as to whether these trees belong to the category of Gaando and Baawal, which do not require any permission for being cut.

6. We are dismayed by non-filing of reply affidavits from the side of Government Authorities i.e. respondent Nos.1 to 7 despite sufficient service nor has anyone appeared before us to represent them except respondent No.6. The learned counsel for respondent No.6- GPCB submits that as per his information, some other counsel namely Ms.

Astha Mehta has been authorized to appear before this Tribunal to represent these respondent authorities, who has not appeared today somehow. We direct the Registry of this Tribunal to send a letter along-with a copy of this order to the Chief Secretary, State of Gujarat showing therein our dis-pleasure on non-appearance of these respondent authorities and directing him to ensure that a reply affidavit from their side be filed within a period of two weeks from today and someone shall also appear before us from their side positively.

Put up this matter for further consideration on 12.09.2024

Dinesh Kumar Singh, JM

Dr. Vijay Kulkarni, EM

July 01, 2024

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