

Item No.3

(Pune Bench)

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

THROUGH PHYSICAL HEARING (WITH HYBRID OPTION)

**Original Application No.61/2023(WZ)
Earlier Original Application No.549/2022(LP)**

Mr. Firdos Cambatta

.....Applicant

Versus

State of Gujarat & Ors.

....Respondent(s)

Date of hearing: 05.09.2023

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

Applicant : Ms. Ranu Purohit, Advocate

Respondent(s) : Mr. Maulik Nanavati, Advocate for R-1

ORDER

1. This Original Application is arising out on a complaint dated 25.04.2022 written by one Shri Firdos Cambatta (applicant herein) addressed to the then Hon'ble Chairperson of NGT alleging therein that the applicant had planted about 4000 trees in 1974 on Plot Nos.313, 322 and 323 to avoid soil erosion in Hansol Village, Ahmednagar, in order to provide greenery to the area which would increase the exchange of Oxygen for the residents residing in the vicinity.

2. The applicant has also referred in the said letter that he has set up a Trust by the name 'The Serenity Trust' and personally, he is an environmentalist, who is running the said Trust. But the present complaint has made in-person and not as a President/Officer of the said Trust. It is prayed in this letter that he seeks intervention of this Tribunal

in the area of Hansol on above-mentioned Plot Numbers to ensure that the trees are not mercilessly cut down.

3. In view of above, this letter petition has been treated as Original Application and parties of this Original Application are indicated in the memo of parties; complainant as applicant and the Chief Secretary, Government of Gujarat as respondent No.1; Sabarmati Riverfront Development Corporation Ltd. through its Managing Director as respondent No.2; the Commissioner, Ahmedabad Municipal Corporation as respondent No.3; Collector-Cum-District Magistrate as respondent No.4; and Gujarat State Aviation Infrastructure Company Ltd. as respondent No.5.

4. As per previous order of the Tribunal dated 27.02.2023, it is apparent that the respondent Nos.1 to 4 were directed to file reply affidavits, which has not been filed and the respondent No.5, which was newly impleaded, was also issued Notice, but none has appeared from the side of said respondent despite sufficient service.

5. The Registrar of this Bench has also submitted a report dated 04.09.2023 indicating therein that all the respondents have been served through e-mail and also in respect of the present matter having been transferred to this Bench and having been listed today for hearing.

6. By the previous order dated 27.02.2023, an order was also passed to the effect that since the respondents, who are state instrumentalities, have not filed their responses despite the same being their bounden duty, the matter should be brought to the notice of the Chief Secretary, Government of Gujarat and learned Advocate General of the Government of Gujarat for issuance of appropriate instructions for compliance on the part of the respondent authorities.

7. In this regard, we find that the Registrar had sent a letter through e-mail dated 09.06.2023 to the Chief Secretary, Government of Gujarat along-with the learned Advocate General of the Government of Gujarat and other respondent authorities.

8. In response to the same, we find that only from the side of respondent No.1, learned Counsel Mr. Maulik Nanavati has appeared today, who submits that the other respondents may not have appeared because the Principal Bench of this Tribunal was not having jurisdiction in view of the latest Judgment passed by the Hon'ble High Court of Bombay. Therefore, he will ensure that other authorities would also be informed and would file their replies, if so required, or at least put their appearances before this Tribunal.

9. We find that the Joint Committee Report has already been filed in this case, which is received through e-mail dated 27.01.2023, annexed at page no.60 onwards, clearly states that during site visit, it was found that the trees cutting is not done in the land (plot nos.313, 322 & 323). But this finding has been disputed by the learned Counsel for applicant by way of filing an additional affidavit dated 24.02.2023. We direct the learned Counsel for applicant to serve a copy of the same upon the learned Counsel for respondent No.1 and other respondents through e-mail.

10. The learned Counsel for applicant has shown concern that the helipad, which is going to be established at the survey numbers in question, is requiring tree felling and in pursuance to that, certain trees have also been felled. It appears that the said tree cutting has taken place in pursuance of the permission granted. Therefore, a clarity is required to be there at this point because we do not find any permission to have been granted regarding felling of the trees at the site in question. Therefore, the

learned Counsel for respondent No.1 is directed to file reply affidavit stating clearly these facts with respect to felling of trees, which is being alleged by the applicant, within a period of four weeks and a copy of the same shall be served upon the learned Counsel for applicant, who may file rejoinder against the same, if any, within one week thereafter.

Put up this matter for final hearing on 11.12.2023

Dinesh Kumar Singh, JM

Dr. Vijay Kulkarni, EM

September 05, 2023

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