

**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: 11.12.2023

**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 & 7

ORDER

1. From the side of applicant, learned counsel Ms. Ranu Purohit has appeared, who submits that initially this was a letter petition entertained by the Principal Bench of this Tribunal and on being asked to file a detailed affidavit averring therein the entire case/pleadings, she has submitted an additional affidavit. A copy of the same is said to have been served upon all other parties and for this, she has filed service affidavit.

2. We have gone through the said affidavit, in which we find that 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 and respondent No.5/Gujarat State Aviation Infrastructure Company Ltd. have been served but not the respondent No.1, to which the learned counsel for applicant replied that when

learned counsel Mr. Maulik Nanavati appeared on the previous date, he had submitted that he would be representing the respondent No.1/State of Gujarat through its Chief Secretary, that is why nothing has been stated in the said affidavit about service upon the respondent No.1.

3. Thereafter, learned counsel Mr. Maulik Nanavati submits that he is representing only State PCB as well as Forest Department. But we do not find the State PCB as well as Forest Department to be party in the present application. Therefore, we direct the applicant to implead these two parties as respondent Nos.6 & 7 in the present application respectively and file an amended memo of parties within a week.

4. We have gone through the previous order dated 05.09.2023 passed by this Tribunal, in which we find that learned counsel Mr. Maulik Nanavati had appeared from the side of respondent No.1 and stated that the other respondents may not have appeared before the Principal Bench of this Tribunal being under impression that the Principal Bench of this Tribunal did not have jurisdiction to hear the present matter and therefore, he had undertaken to inform them and assured us that on the next date, reply affidavit would be filed and they would be **represented** through their counsel. But the said learned counsel candidly admitted that he could not inform these respondents to appear before this Tribunal and file their reply affidavits.

5. We had also directed by our previous order to the learned counsel Mr. Maulik Nanavati to give clarity as to whether any permissions were granted for felling of trees at the site in question and wanted him to file an affidavit on record making this position clear. But the said learned counsel submits that he could not comply with that direction and has prayed another two weeks' time to be allowed for the same. We grant the

said time period. This would be the last opportunity to the above respondents to appear before us and file their reply affidavits, failing which we would have no option but to proceed against them *ex-parte*.

Put up this matter for further consideration on 01.03.2024

Dinesh Kumar Singh, JM

Dr. Vijay Kulkarni, EM

December 11, 2023

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