

**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.

....Respondents

Date of hearing: 12.09.2024

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

Applicant : Ms. Ranu Purohit, Advocate
Respondents : Mr. Simranjit H. Virk, Advocate for R-2/PP
Mr. Parth H. Bhatt, Advocate for R-4/Collector &
R-7/Forest Deptt., State of Gujarat

ORDER

1. From the side of applicant, learned counsel Ms. Ranu Purohit has appeared, who submits that this Tribunal vide order dated 01.07.2024 had directed the applicant to file an affidavit detailing therein the number of trees, which have been cut and about the species of the said trees.
2. In compliance to the above-mentioned order, an additional affidavit dated 10.09.2024 has been filed from the side of applicant, wherein we find that applicant has not mentioned the total number of trees, which have been cut or which have been identified to be cut. But applicant has annexed few photographs of the trees, which have been cut, in order to show that they were fully grown trees and should not have been cut for the local ecology and one of the trees, which is mentioned at page no.313

of the paper book, is also shown, marked as number 34. However, it is stated by the learned counsel for applicant that specie of the said tree is said to be “Gaando Bawal”, for which officially, no permission is required to be taken for being cut. But even these trees should not have been cut, keeping in view the local ecology.

3. It is further submitted by the learned counsel for applicant that a copy of the above-mentioned affidavit has already been served upon all other parties. Therefore, we direct that the other parties may file rejoinder affidavit against the same, if any, within two weeks.

4. From the side of respondent No.2-Sabarmati Riverfront Development Corporation Ltd. through its Managing Director, learned counsel Mr. Simranjit H. Virk has appeared before us, who has filed reply affidavit dated 04.09.2024, wherein it is mainly submitted by him that this matter relates to the Survey Nos.313, 322 and 323, with which the answering respondent does not have any concern and that the applicant has no specific case against the answering respondent. In view of this, orally, it is being prayed by the learned counsel for respondent No.2 that respondent No.2 should be deleted from the array of the parties of the present Original Application.

5. In this regard, learned counsel for applicant submits that she wants to file rejoinder affidavit against the reply affidavit filed by the respondent No.2 because for the Sabarmati Riverfront Development also, the trees are being cut on the Survey Numbers in question. We allow two weeks' time to the applicant for the same.

6. From the side of respondent No.4-The Collector-Cum-District Magistrate, Ahmedabad and for respondent No.7- Forest Department, State of Gujarat, learned counsel Mr. Parth H. Bhatt has appeared, who

submits that he has been engaged yesterday only and therefore, two weeks' time is prayed to be allowed to file reply affidavit in this matter. We allow the said time with a direction that a copy of the same be served upon all other parties, who may file rejoinder affidavit against the same, if any, within one week thereafter.

7. From the side of respondent No.6- GPCB, none has appeared today nor has any reply affidavit been filed from their side. We find in the earlier order dated 01.07.2024 that learned counsel Mr. Maulik Nanavati had appeared to represent the respondent No.6- GPCB, who is said to be ill today because of which, he has not appeared today. In the interest of justice, we grant two weeks' time to the respondent No.6 to file reply affidavit.

Put up this matter for further consideration on 18.11.2024

Dinesh Kumar Singh, JM

Dr. Vijay Kulkarni, EM

September 12, 2024
Original Application No. 61/2023(WZ)
[I.A No.03/2024(WZ)]
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