

Item No.1

(Pune Bench)

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

[Through Physical Hearing (with Hybrid Option)]

**APPEAL NO.30 OF 2023 (WZ)
WITH
I.A. NO.219/2023 IN APPEAL NO.30/2023 (WZ)**

Ahmedabad District Coop. Milk
Producers Union Ltd. (Uttam Dairy)

.... Applicant/
Appellant

Versus

Gujarat Pollution Control Board

.... Respondent

Date of hearing : 30.11.2023

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

Applicant/Appellant : Mr. Bharat Patel, Senior Advocate i/b and with
Mr. Vaibhav Jathar, Mr. Tanaji Gambhire and
Mr. Chirag Patel, Advocates

Respondent : Mr. Maulik Nanavati, Advocate

ORDER

I.A. NO.219/2023 (WZ) :

1. This application has been filed by the applicant/appellant seeking condonation of delay of 22 days in filing the present appeal against the order dated 16.09.2023 passed by the sole respondent – GPCB, by which Environmental Damage Compensation (EDC) of Rs.25 lakhs has been imposed upon the applicant/appellant, alleging that no opportunity of hearing was given to the applicant/appellant nor reason for arriving at an amount of Rs.25 lakhs as the amount of EDC, has been given in the impugned order.

2. Mr. Maulik Nanavati, learned counsel for the respondent – GPCB has opposed the condonation of delay saying that there is no plausible

explanation given by the applicant/appellant for condonation of delay of 22 days.

3. The reason for delay in filing the present appeal has been explained in paragraph No.6 (b), stating that the applicant/appellant is a Co-operative Union which had to seek legal advice in this matter and that took some time because of which the delay has occurred in filing this appeal. We find the ground for condonation of delay to be sufficient. Accordingly, we condone the delay of 22 days caused in filing the appeal and allow the present application (I.A.).

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4. Since this appeal has been preferred against the order dated 16.09.2023 passed by the sole respondent – GPCB, by which Environmental Damage Compensation (EDC) of Rs.25 lakhs has been imposed upon the appellant, alleging that no opportunity of hearing was given to the appellant nor reason/ground for arriving at such an amount of EDC, has been given in the impugned order, we deem it appropriate to admit this appeal and direct the learned counsel for the respondent to file the reply within four weeks.

5. Since learned counsel Mr. Maulik Nanavati is representing the respondent – GPCB today, notice to the respondent after admission of the appeal is waived by him.

6. The Registry is directed to place this appeal for further consideration on 16.01.2024.

Dinesh Kumar Singh, JM

Dr. Vijay Kulkarni, EM

November 30, 2023
APPEAL NO.30/2023(WZ)
npj