

(Pune Bench)

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

[Through Physical Hearing (with Hybrid Option)]

**APPEAL NO. 03 OF 2023 (WZ)
WITH
I.A. NO.278/2024 IN APPEAL NO.03/2023 (WZ)**

Suhas Prabhu

... **Appellant**

Versus

GCZMA & Ors.

... **Respondents**

Date of Hearing : 18.10.2024

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

Appellant : Mr. Shivan Desai, Advocate

Respondents : Ms. V. Gracias, Advocate for R-1/GCZMA
Mr. Abhijeet Gosavi, Advocate for R-2

ORDER

1. This matter is not on today's cause-list; however, on mentioning thereof by learned counsel Mr. Shivan Desai, for which an e-mail dated 17.10.2024 has been sent by him to us, the same has been placed before us and is being considered by us today. Along with the said e-mail, an application being I.A. No.278/2024 has been filed in which it is alleged that the structure in question, which has been ordered to be demolished by the impugned order, is going to be demolished on 22.10.2024 as per the information received from credible sources. Hence, he has moved the said I.A., wherein it is prayed that the hearing of main appeal No.3/2024 be preponed and the interim relief may be granted, staying the operation of the impugned order. The copy of this application (I.A.) has been served on all

other parties, who may file their respective objections against the I.A. within four weeks.

2. Since the learned counsel for the appellant has pressed for grant of stay to the impugned order because the date of demolishing the property in question is scheduled to be 22.10.2024, he prays for preponing of hearing of the appeal or pass an order staying the demolition of the property in question in the meantime till the next date of hearing.

3. In order to appreciate as to whether the prayer with respect to interim relief has any substance, we asked the learned counsel for the appellant to show the evidence on the basis of which he is claiming that the property has been wrongly ordered to be demolished, he drew our attention to the following documents:

- (a) At page 61 of the paper-book, the appellant has annexed a copy of permission for erection of the building/property in dispute, which is granted by Village Panchayat, Arambol in favour of the appellant on 24.12.1989, regarding which the learned counsel for respondent No.1 – GCZMA states that the said permission order was found to be not in existence as per the information received under RTI and besides that the date 24.12.1989 happened to fall on Sunday on which the Village Panchayat does not normally work.
- (b) At page 62 of the paper-book, the appellant has produced on record the permission No.10/89-90 dated 31.03.1990 for restaurant and cold-drink house of the appellant, issued by the Village Panchayat, Arambol.
- (c) Thereafter, at page 63 of the paper-book, a certificate dated 29.10.2007 issued by the Assistant Engineer, Electricity Department,

Sub-Division, Pernem-Goa has been annexed to show that the electricity connection Consumer No.9G/19-1 was in in respect of the house of the appellant on 12.01.1987.

- (d) At page-64 of the paper-book, occupancy certificate dated 31.03.1990 issued by the Village Panchayat, Arambol in favour of the appellant has been annexed.
- (e) At page 65 of the paper-book, a certificate dated 02.02.2017 issued by the Village Panchayat, Arambol, has been annexed, certifying that the old house No.250/1 and new no.622 house was registered in the name of the appellant.
- (f) At page No.66 of the paper-book, is the receipt dated 24.12.1989 issued by the Secretary, Village Panchayat, Arambol in the name of the appellant towards payment of house tax for the year 1989-90.

4. On the basis of above documents, the learned counsel for the appellant submits that it has been proved prima facie that the appellant was granted permission with regard to the structure in question, which has been ordered to be demolished by the impugned order, but all the above documents have been discarded by respondent No.1-GCZMA erroneously.

5. We find that the above documents, relied upon by the appellant, need to be scrutinized after giving an opportunity of hearing to the other sides.

6. At this stage, we deem it appropriate to direct the respondent Authorities i.e. respondent No.1 – GCZMA to ensure that the structure in question, which has been ordered to be demolished by the impugned order, is not demolished till the next date of hearing of the appeal, subject to the condition that the appellant shall not conduct any commercial activity in the disputed property till the next date.

7. The Registry is directed to place this matter for final hearing on the date already fixed i.e. 20.01.2025.

Dinesh Kumar Singh, JM

Dr. Vijay Kulkarni, EM

October 18, 2024
APPEAL NO.03/2023(WZ)
npj