

Item No.5

(Pune Bench)

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

(By Video Conferencing)

INTERLOCUTORY APPLICATION NO.28 OF 2023 (WZ)
IN
APPEAL NO.03 OF 2023 (WZ)

Mr. Suhas Prabhu

.... Applicant

Versus

G.C.Z.M.A. & Another

....Respondents

Date of hearing: 15.02.2023

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

Applicant : Mr. Shivan Desai, Advocate

Respondents : Ms. Supriya Dangre, Advocate for R-1
Mr. Abhijit Gosavi, Advocate for R-2

ORDER

1. This application has been filed by the appellant seeking condonation of delay in filing the present appeal which is preferred against the order dated 06.12.2022 passed by respondent No.1 – GCZMA whereby demolition of some structure, standing on Survey No. 71/0, Arambol village, Taluka Pernem, Goa, has been ordered.

2. We find that this appeal was preferred on 16.01.2023 while one month's period from the date of passing of the impugned order would end on 05.01.2023. Therefore, there is delay of 11 days in filing the appeal. The reasons for filing this appeal with 11 days' delay have been stated by the applicant in paragraph Nos.3 and 4 of the application, stating that the appellant had preferred Writ Petition (F) No.28/2023 before the Hon'ble High Court of Bombay at Goa, which was not entertained on the ground of alternate remedy being available to the appellant. Thereafter, the appellant has approached this Tribunal.

3. The notices on this application were issued to both the respondents. The learned counsel for both the respondents are present today and submit that they do not have any objection against the delay condonation application and only formal objection has been raised by them.

4. We are convinced with the reasons mentioned by the learned counsel for condonation of delay. For the reasons stated in the application for delay, we condone the delay and allow this application accordingly.

5. The learned counsel for respondent Nos.1 and 2 have sought two weeks' time to file reply-affidavit against the main appeal. The same is allowed.

6. Put up Appeal No.03/2023 (WZ) on 28.03.2023.

Dinesh Kumar Singh, JM

Dr. Vijay Kulkarni, EM

February 15, 2023
I.A. No.28/2023 (WZ)