

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

THROUGH PHYSICAL HEARING (WITH HYBRID OPTION)

**Original Application No.15/2023(WZ)
I.A. No.159/2023(WZ)**

Alchemist Asset Reconstruction Company Ltd.

.....Applicant

Versus

GCZMA & Ors.

....Respondent(s)

Date of hearing: 12.10.2023

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

Applicant : Mr. Karan Batura, Advocate

Respondent(s) : Ms. Supriya Dangare, Advocate for R-1/GCZMA
Mr. Saket Mone, Advocate along-with
Mr. Abhishek Salian, Advocate for R-2/PP
Mr. Shivan Desai, Advocate along-with Mr. S. Swaminathan,
Advocate for R-3 & 4/Pvt. Respondents

ORDER

1. From the side of applicant, learned counsel Mr. Karan Batura has appeared, who apprised us that he has received the reply affidavit dated 04.10.2023 of respondent No.1/GCZMA yesterday only, which needs to be rebutted by filing a rejoinder affidavit because in this application, original prayer made by him was that the permission to be granted to the respondent No.3/PP for repair and renovation of the two authorized existing structures, which was granted subject to the Condition no.(iv), which finds mention in the order dated 04.04.2017 to the following effect:-

"The structure should not be used for commercial purpose and not be sold or transfer to the non-traditional community."

2. Now, the learned Counsel for applicant submits that respondent No.1 has admitted in application dated 22.06.2023 from the respondent No.3 for consideration of removal of that rider, which was considered by the respondent No.1/GCZMA in its Meeting held on 29.08.2023 at Case

No.1.13, Minutes of which are annexed with the reply affidavit of respondent No.1, in which the GCZMA has expressed opinion that the Condition No.(iv) in the order dated 04.04.2017 granting NOC to the respondent No.3 would not be applicable and in that very Meeting, it has also been held that since the present request pertains to commercial utilization of the existing house, the applicant/respondent No.3 may first seek permission from Town and Country Planning Department (TCP).

3. Having cited this, it is argued by the learned counsel for applicant that this kind of removal of condition (iv) is not permissible since this matter was sub-judice before this Tribunal and hence he requires some time to file rejoinder against the same because it was this provision/rider only, which he was opposing in the order dated 04.04.2017. We grant the learned counsel for applicant one week's time for the same with the direction that a copy of the same shall be served upon the learned counsel for other parties.

4. From the side of respondent No.1/GCZMA, learned counsel Ms. Supriya Dangare has appeared; from the side of respondent No.2/Project Proponent, learned counsel Mr. Saket Mone has appeared; and from the side of respondent Nos.3 & 4/Private Respondents, learned counsel Mr. Shivan Desai along-with learned counsel Mr. Shivshankar Swaminathan have appeared.

Put up this matter for final hearing on 24.11.2023

Dinesh Kumar Singh, JM

Dr. Vijay Kulkarni, EM

October 12, 2023
Original Application No.15/2023(WZ)
I.A. No.159/2023(WZ)
P.Kr