

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

[Through Physical Hearing (With Hybrid Option)]

**INTERLOCUTORY APPLICATION (I.A.) NO.83 OF 2023 (WZ)
IN
APPEAL NO.12 OF 2023 (WZ)**

Chandan Suryakant KhorjuvekarApplicant/
Appellant

Versus

GCZMA & Ors.Respondents

Date of hearing : 22.02.2024

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

Applicant/ : Mr. Aagney Sail, Advocate
Appellant

Respondents : Mr. Dhruv Tank, Advocate holding for Mr. Abhay
Anturkar, Advocate for R-1
Mr. Gauravardhan Nadkarni, Advocate for R-2

ORDER

1. From the side of applicant/appellant, learned counsel Mr. Aagney Sail has appeared.
2. From the side of respondent No.1, learned counsel Mr. Dhruv Tank has appeared while from the side of respondent No.2, learned counsel Mr. Gauravardhan Nadkarni has appeared.
3. This order is being passed in continuation of our previous order dated 06.02.2024 passed in I.A. No.83/2023 in Appeal No.12/2023, by which delay of 37 days has been prayed to be condoned.
4. From our previous order, it is apparent that we had directed respondent No.1 – GCZMA that specific reply should be filed by them giving therein details of uploading of corrigendum/addendum dated

18.11.2022 on its website along with its proof. In compliance with that, an additional affidavit dated 20.02.2024 has been filed by GCZMA, stating therein in paragraph No.5 that the website of respondent No.1 – GCZMA was designed and prepared by the National Informatic Centre (NIC), Goa State Unit. Respondent No.1 wrote to NIC, requesting them to inform the date on which the impugned corrigendum was uploaded on the website of respondent No.1 and in response thereto, NIC has informed respondent No.1 by e-mail dated 16.02.2024 that the impugned corrigendum was uploaded on 25.11.2022. Copy of the said e-mail has been annexed with the said additional affidavit. The said e-mail in picture form is reproduced hereunder:



5. Copy of above additional affidavit has also been served on the learned counsel for the applicant, who again insisted that there was no communication made of the said order and that the communication was made only on 05.01.2023. It is also stated by him that he had no need to check the website, particularly because GCZMA was not in force.

6. We are of the view that this is a general practice adopted by GCZMA to place its minutes on website and normally communication is not made to the parties. It is not the case of the applicant that the said minutes were not downloadable. In case any person wanted to have the said minutes, he could have downloaded from the website of the GCZMA and made representation to the GCZMA. In our opinion, limitation in the present case would run from 25.11.2022 from where 30 days' period would expire on 24.12.2022 and further 60 days' time was at our disposal to condone the delay provided that the said period of delay had justifiable reason. Even if that period is allowed in the present matter, the limitation would expire before 24.02.2023. Since the present appeal has been preferred on 13.03.2023, which is found to have been filed after 90 days, it is barred by limitation. Hence, the present application (I.A.) is liable to be rejected.

7. In the result, I.A. is rejected and consequently, the Appeal is dismissed.

8. No order as to costs.

Dinesh Kumar Singh, JM

Dr. Vijay Kulkarni, EM

Februar 22, 2024
I.A. No.83/2023 (WZ)
npj