

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

[Through Physical Hearing (With Hybrid Option)]

**EXECUTION APPLICATION NO.20 OF 2023 (WZ)
IN
ORIGINAL APPLICATION NO.70 OF 2022 (WZ)**

Chandan Suryakant Khorjuvekar Applicant

Versus

GCZMA & Ors.Respondents

Date of hearing: 11.01.2024

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

Applicant : Mr. Aagney Sail, Advocate

Respondents : Mr. Dhruv Tank, Advocate holding for MR. Abhay
Anturkar, Advocate for R-1

ORDER

1. The reply-affidavit dated 10.01.2024 has been filed from the side of respondent No.1 – GCZMA, wherein in paragraph 4, it is recorded that the answering respondent has concluded the proceedings in respect of respondent Nos. 5 and 6 – Pankaj Chopra and Mrs. Goldy Chopra, respectively and respondent No.7 – Satyam Thakral during its 364th meeting held on 23.10.2023 by taking final decision in respect of the structures. Copy of the minutes of the said meeting are annexed as Annexure-1. Further it is mentioned that respondent No.8 – Rajendra Kamra and the applicant were not present during the meeting dated 23.10.2023, hence they were issued notice to remain present for pronouncement of its order dated 16.11.2023. Thereafter, during 368th meeting dated 16.11.2023, the answering respondent noted that its order was not ready and thus, posted the proceeding on 30.11.2023. The

answering respondent concluded the proceeding against respondent No.8 during 357th meeting dated 30.11.2023 and a decision is taken to communicate its order to the parties (learned counsel for respondent No.1 – GCZMA clarified that this should have been the meeting 375th meeting instead of 357th meeting). Copy of the minutes of meeting dated 30.11.2023 are annexed as Annexure-2. The learned counsel for the applicant submitted that so far, no formal order has been passed by the GCZMA with respect to the structures which were to be demolished, which were found to be illegal belonging to respondent Nos.5, 6, 7 and 8. It is also alleged that deliberately long time is being given to these violators in order to take advantage of their own wrong, which smacks of collusion between respondent No.1 – GCZMA and those violators.

2. We take note of this fact that the minutes which were passed, which are of 23.10.2023 and 30.11.2023 (Annexure-1 and Annexure-2), wherein decisions have been taken with respect to respondent Nos.5, 6, 7 and 8, but the formal order/final order has not been passed and it has not been clarified as to why the delay is taking place for passing such final order. Therefore, we direct respondent No.1 – GCZMA to submit a clear affidavit on or before 15.01.2024, stating therein the reasons why the final order has not been passed so far.

3. Earlier also, in several appeals, which had been/are being filed before us by the appellants, who had to file the same not against the final orders but against the decision/s taken by GCZMA in their meeting/s because the delay has been committed for passing the final orders on the part of GCZMA. Therefore, this practice of respondent No.1 – GCZMA needs to be deprecated and we grant an opportunity to GCZMA to explain and submit by way of an affidavit the procedure which is being followed by them for passing the final order. The said affidavit shall be filed before the next date.

4. The learned counsel for the applicant has sought time to file rejoinder against the reply-affidavit filed by respondent No.1- GCZMA. We grant him two weeks' time for the said purpose.

5. The learned counsel for the applicant submits that he has also filed I.A. No.232/2023 wherein a prayer is made for a direction to be issued to respondent No.1 – GCZMA to pass formal order under Section 5 of the Environment (Protection) Act, 1986 and its Rules with respect to the decision taken during 364th meeting held on 23.10.2023 pertaining to Case Nos.1.10 and 1.12 concerning demolition of illegal structures of Pankaj Chopra and Mrs. Goldy Chopra – M/s Maargrit Beach Resort (respondent No.5 and respondent No.6, respectively and Satyam Thakral – Dallas Beach Resort (respondent No.7). A direction is prayed to be issued to respondent No.1 – GCZMA to explain the reasons for delay in issuing formal order. This prayer appears to be the same for which we have already passed an order directing respondent No.1 – GCZMA to submit an explanation for the delay in passing the formal/final order. Therefore, no separate order is required to be passed, at this stage, on this I.A. However, we direct respondent No.1 – GCZMA to file its reply on this I.A. within two weeks.

6. From the side of respondent No.1, learned counsel Mr. Dhruv Tank, holding for learned counsel Mr. Abhay Anturkar, has appeared.

7. Put up this matter for next consideration on 16.01.2024.

Dinesh Kumar Singh, JM

Dr. Vijay Kulkarni, EM

January 11, 2024
E.A. NO.20/2023 (WZ)
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