

Item No.5

(Pune Bench)

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

(By Video Conferencing)

ORIGINAL APPLICATION NO.116 2022 (WZ)

Mr. Wenceslau Francis D'souza and another Applicants

Versus

State of Goa and othersRespondents

Date of hearing: 09.01.2023

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

Applicants : Ms. Rupa Banaulikar, Advocate holding for
Mr. Jagannath Mulgaonkar, Advocate

ORDER

1. From the side of the applicants, learned counsel Ms. Rupa Banaulikar, holding for Mr. Jagannath Mulgaonkar, learned Counsel, has appeared today and not learned counsel Mr. Mulgaonkar who had appeared earlier on 02.01.2023. Mr. Mulgaonkar, learned counsel for the applicants, who had appeared earlier on 02.01.2023, had sought time till today to seek instructions from the applicants as to whether this Original Application is to be pressed or not, because of the view expressed by us in paragraph No.6 of our order dated 02.01.2023 wherein we had made it clear that the order dated 24.09.2021 passed by the Hon'ble High Court appears to have been passed on merits taking into consideration the inspection report which was got submitted from GCZMA at their instance and after having relied upon the same, the said PIL Writ Petition was dismissed. Thereafter, the recall application was also moved but the same was not pressed. We had expressed our view that there was no

clarity in the order of the Hon'ble High Court mentioned above granting the liberty to the applicants to approach this Tribunal. Therefore, this Original Application is not entertainable by us because if we entertain it, there could be a possibility of conflicting order being passed by us as the order passed by the Hon'ble High Court appears to have been passed on merits.

2. Accordingly, we dismiss this Original Application at the admission stage itself.

Dinesh Kumar Singh, JM

Dr. Vijay Kulkarni, EM

January 09, 2023
O.A. No.116 of 2022 (WZ)
NPJ