

(Pune Bench)

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

(By Video Conferencing)

APPEAL NO.57 OF 2022 (WZ)
WITH
M.A. NO. 29 OF 2022 (WZ)

Caetana Juliana Fernandes

.... Appellant/
Applicant

Versus

GCZMA and others

.... Respondents

Date of hearing: 22.12.2022

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

Appellant/Applicant : Ms. Fawia M. Mesquita, Advocate

Respondents : ----

ORDER

1. The learned counsel for the appellant/applicant has made a mention today that the application for recall/review of the order dated 20.12.2022 passed by this Tribunal dismissing the appeal in default, be taken up today.

2. We have heard Ms. Fawia M. Mesquita, learned counsel for the applicant, who has prayed that the order dated 20.12.2022 passed in Appeal No.57/2022 be recalled and the said appeal be restored to its original number.

3. The learned counsel for the applicant argues that she had sent an email on 19.12.2022 addressed to the Registrar of this Tribunal praying for fixing of appeal No.57 of 2022 to be taken up on 22.12.2022 for admission, but this matter was taken up on 20.12.2022 on which date

she could not appear because of no knowledge and the same has been dismissed for non-appearance.

4. When we enquired from the Registrar of this Tribunal in presence of the learned counsel for the applicant as to whether the date of hearing 20.12.2022 was informed to the learned counsel or not, it was apprised by the Registrar that a link was sent to her for hearing to be held on 20.12.2022. We, therefore, find that it is wrong basis being taken up by the learned counsel for the applicant that she was not informed about the hearing on 20.12.2022. However, in the interest of justice, we deem it proper to allow the application for recall and accordingly, the same is allowed. The order dated 20.12.2022 dismissing the appeal in default is recalled and the Registry is directed to restore the appeal to its original number. The application for recall stands disposed accordingly.

5. As far as appeal No.57 of 2022 is concerned, after having heard the learned counsel for the appellant for half an hour, she has prayed that she be permitted to withdraw the appeal with liberty to file fresh one at appropriate time. The appeal is accordingly dismissed as withdrawn with liberty as prayed for.

Dinesh Kumar Singh, JM

Dr. Vijay Kulkarni, EM

December 22, 2022
APPEAL NO.57 OF 2022 (WZ)
Npj