

Item No. 9

(Pune Bench)

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

(By Video Conferencing)

Appeal No. 43/2022(WZ)
I.A. 145/2022(WZ), I.A. 150/2022(WZ),
I.A. 152/2022 (WZ), I.A. 199/2022(WZ) &
I.A. No. 06/2023(WZ)

Balaji Tirupati Cinemas

.....Appellant

Versus

MCGMA & Anr.

....Respondent(s)

Date of hearing: 27.03.2023

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

Appellant : Mr. Saurabh Kulkarni, Advocate
Respondent(s) : Ms. Manasi Joshi, Advocate for R-1/MCZMA
Mr. Sameer Khale, Advocate for R-2/MCGM
Mr. Aditya Bhatt along-with Ms. Zarna Mehta, Advocates
for Intervenor

ORDER

1. From the side of Appellant, learned Counsel Mr. Saurabh Kulkarni has appeared.
2. From the side of Respondent No. 1/Maharashtra Coastal Zone Management Authority (MCZMA), learned Counsel Ms. Manasi Joshi has appeared and apprised that reply affidavit has already been filed.
3. From the side of Respondent No. 2/Municipal Corporation of Greater Mumbai (MCGM), learned Counsel Mr. Sameer Khale has appeared and apprised that reply affidavit as well as his Vakalatnama has already been filed.

4. The Applicant-Dr. Kirit Jayantilal Somaiya has filed I.A. No. 06/2023(WZ) as an Intervenor to get himself impleaded as one of the Respondents in the present appeal, who is being represented by learned Counsel Mr. Aditya Bhatt. He has assured that he would file Vakalatnama today positively or latest by tomorrow and on his behalf, learned Counsel Ms. Zarna Mehta has appeared before us.

5. Intervenor/Applicant in I.A. No. 06/2023(WZ) has stated that he had made complaint by way of writing a letter dated 12.08.2022 to the Principal Secretary of Environment Department regarding illegal construction of film studios by the Appellant in CRZ-I area and also wrote a letter dated 22.08.2022 to the Chief Minister of Maharashtra regarding the same. He has further brought to our notice that in response to the present application for impleadment in para no. 3 the Appellant himself has admitted that it was the complaint made by the Applicant/Intervenor on the basis of which the Authority/Respondent No. 1 has passed impugned order against the Appellant, therefore, it proves that he is the person, who had made a complaint on the basis of which the impugned order was passed and yet the Appellant has not impleaded him as a necessary party.

6. From the side of Appellant, the impleadment of the Intervenor is being vehemently opposed on the ground that he has malafide intention and that the complaint which was moved by him to the authority, the copy of the same was not provided to him even by the Authority/Maharashtra Coastal Zone Management Authority (MCZMA) and he apprehends that if he gets impleaded, he would act malafidely against the Appellant in this matter.

7. We are not inclined to look into the fact at this stage, as to what malafide intention of the Applicant/Intervenor is harboring against the Appellant in this case because we have to go by the evidence on record, which has to be appreciated by us but it is essential to give an opportunity of hearing to the Original Complainant/Applicant, on whose complaint, the impugned order appears to have been passed, hence we direct the Appellant to implead the Intervenor/Applicant as Respondent No. 3 today itself and file amended memo of parties also.

8. The learned Counsel for the so newly impleaded Respondent submits that he does not want to file any written reply because he would be arguing orally before this Tribunal.

9. Since a connected matter i.e. Appeal No. 44/2022(WZ) is going to be listed tomorrow, hence Registry is directed to put this matter along-with Appeal No. 44/2022(WZ) for final hearing tomorrow i.e. 28.03.2023.

I.A. No. 06/2023(WZ) stands disposed of accordingly.

Dinesh Kumar Singh, JM

Dr. Vijay Kulkarni, EM

March 27, 2023
Appeal No. 43/2022(WZ)
I.A. 145/2022(WZ), I.A. 150/2022(WZ),
I.A. 152/2022 (WZ), I.A. 199/2022(WZ) &
I.A. No. 06/2023(WZ)
P.Kr