

Item No. 8

(Pune Bench)

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

(By Video Conferencing)

Original Application No. 07/2022(WZ)

Shashikant Vitthal Kamble

.....Applicant

Versus

MoEF&CC & Ors.

....Respondent(s)

Date of hearing: 21.11.2022

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

Applicant : None appeared

Respondent(s) : Mr. Rahul Garg, Advocate for R-1/MoEF&CC & R-3/CPCB
Mr. Atul J. Pathak, Advocate for R-2/CGWA
Mr. Aniruddha Kulkarni, Advocate for R-4, R-5 and R-6
Mr. Yashwant Dhanegave, Advocate for R-7
Ms. Manasi Joshi, Advocate for R-8 and R-9
Mr. Anil Patil, Advocate for R-12
Mr. R. Mahabal, Advocate for R-13

ORDER

1. From the side of Applicant, we have received an e-mail sent by learned Counsel Mr. Viraj U. Pawar praying for adjournment. Though the ground mentioned there-in does not appear to be good enough for us to grant adjournment, even then we give one opportunity to the Applicant to appear before us on the next date as no further adjournment would be allowed to him on any ground whatsoever because earlier also, he has not been appearing before us.

2. As per our previous order dated 27.09.2022, the SEIAA is said to have listed the application of the Project Proponent/Respondent No. 13 for consideration of the expansion of EC tomorrow, therefore, it appears

to be reasonable that in this matter, we should await the decision of the SEIAA on the application of Respondent No. 13. We, therefore, adjourn this matter in order to have the decision of SEIAA on the said application before us, to 11.01.2023.

3. From the side of Respondent No. 1/Ministry of Environment, Forest & Climate Change (MoEF&CC) and Respondent No.3/Central Pollution Control Board (CPCB), learned Counsel Mr. Rahul Garg has appeared and apprised that reply affidavit has been filed on behalf of Respondent No. 3 only.

4. From the side of Respondent No. 2/CGWA, learned Counsel Mr. Atul J. Pathak has appeared and apprised that he has not received the copy of the Original Application. Therefore, we direct the Applicant to provide copy of the Original Application forthwith through e-mail and there-after within three weeks, he may file his reply affidavit.

5. From the side of Respondent No. 4/Environment Department; from the side of Respondent No. 5/State Environment Impact Assessment Authority (SEIAA); and from the side of Respondent No. 6/State Expert Appraisal Committee (SEAC), learned Counsel Mr. Aniruddha Kulkarni has appeared.

6. From the side of Respondent No. 7/SGWA, learned Counsel Mr. Yashwant Dhanegave has appeared and apprised that reply affidavit has already been filed.

7. From the side of Respondent Nos. 8 & 9/Maharashtra Pollution Control Board (MPCB), learned Counsel Ms. Manasi Joshi has appeared and apprised that reply affidavit has already been filed.

8. From the side of Respondent No. 12/PMRDA, learned Counsel Mr. Anil Patil has appeared. He apprised that despite this Tribunal's earlier order that the copy of the Original Application be provided to him, the Applicant has not provided the same because of which he could not file the reply affidavit. We direct the Applicant again to provide a copy of the Original Application forthwith by e-mail, failing which adverse order would be passed against the Applicant and within two weeks thereafter, the learned Counsel for the Respondent No. 12 may file reply affidavit.

9. From the side of Respondent No. 13/Project Proponent, learned Counsel Mr. R.B. Mahabal has appeared. He is instructed to provide a copy of the order to be passed by SEIAA as soon as the same is passed, a copy of the same shall be served upon all the other parties in advance.

Put up this matter on 11.01.2023

Dinesh Kumar Singh, JM

Dr. Vijay Kulkarni, EM

November 21, 2022
Original Application No. 07/2022(WZ)
P.Kr