

Item No. 8

(Pune Bench)

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

(WITH HYBRID OPTION)

Original Application No. 07/2022(WZ)

Shashikant Vitthal Kamble

.....Applicant

Versus

MoEF&CC & Ors.

....Respondent(s)

Date of hearing: 26.04.2023

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

Applicant : Mr. Viraj Pawar, Advocate
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/Env't. Deptt.,
R-5/SEIAA and R-6/SEAC
Mr. Yashwant Dhanegave, Advocate for R-7/SGWA
Ms. Manasi Joshi, Advocate for R-8 & 9/MPCB
Mr. R. B. Mahabal, Advocate for R-13/PP

ORDER

1. From the side of Applicant, learned Counsel Mr. Viraj Pawar has appeared and states that he has effected service of notice on all the Respondents and service affidavit is also found on record but from the side of Respondent No. 2/CGWA, who is represented by learned Counsel Mr. Atul J. Pathak has apprised us that they have not received the copy of Original Application as well as annexures thereto.

2. We find that the track consignment, which is annexed at page no. 101 of the paper book, is related to Respondent No. 2 and track consignment regarding Respondent No. 12 is annexed at page no. 107 of the paper book, show that the weight which is mentioned there-in is only 18 gm. amounting to Rs. 28/- each, which clearly shows that the entire

set of Original Application and annexures have not been served upon these Respondents. The learned Counsel for the Applicant is denying to have sent the notices without the application and the annexures but we have serious doubts and we are warning him for future that in case such things happen, we will impose heavy cost upon the Applicant and by way of last opportunity, we direct the learned Counsel for the Applicant to provide a copy of the Original Application as well as annexures today itself through e-mail to these Respondents and Respondents shall file reply affidavits within a period of two weeks positively.

3. We find that today no one has appeared from the side of Respondent No. 12/PMRDA but on the previous date, learned Counsel Mr. Anil Patil had appeared on behalf of Respondent No. 12.

4. From the side of Respondent No. 1/Ministry of Environment, Forest & Climate Change (MoEF&CC) and for 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/CPCB only and further apprised that he would not be filing reply affidavit on behalf of Respondent No. 1/MoEF&CC as the EC has been granted in the present case by SEIAA.

5. From the side of Respondent No. 4/Environment Department; for Respondent No. 5/State Environment Impact Assessment Authority (SEIAA); and for Respondent No. 6/State Expert Appraisal Committee (SEAC), learned Counsel Mr. Aniruddha Kulkarni has appeared and apprised that reply affidavit has been filed on behalf of Respondent No. 5/SEIAA only.

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. None has appeared from the side of Respondent No. 10/DEIAA and from the side of Respondent No. 11/The Commissioner, Land & Records, Pune despite sufficient service.

9. From the side of Respondent No. 13/Project Proponent, learned Counsel Mr. R.B. Mahabal has appeared and apprised that reply affidavit has already been filed.

10. When we enquired from the learned Counsel for the Respondent No. 13 as to why the argument is not being made at his end today, he says that the replies of Respondent Nos. 2 & 12 are necessary in this matter because there are allegations made by the Applicant regarding extraction of water from the bore well and issuance of Completion Certificate before grant of EC.

Put up this matter for final hearing on 27.07.2023

Dinesh Kumar Singh, JM

Dr. Vijay Kulkarni, EM

April 26, 2023
Original Application No. 07/2022(WZ)
P.Kr