

Item No.2

(Pune Bench)

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

(By Video Conferencing)

ORIGINAL APPLICATION NO.07 OF 2023 (WZ)

Mr. Dattatraya Phalke & Anr.

.... Applicant

Versus

Union of India and others

....Respondents

Date of hearing: 06.02.2023

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

Applicant : Mr. Nitin Lonkar, Advocate

Respondents : Mr. Rahul Garg, Advocate for R-1
Mr. Aniruddha Kulkarni, Standing Advocate for R-2
Mr. Saurabh Kulkarni, Advocate for R-9

ORDER

1. This Original Application has been filed alleging that respondent No.9 – Project Proponent is indulging in illegal mining in Gat Nos.80 and 95 of village Jadhewadi, Taluk Ajara, District Kolhapur and Gat No.113 of village Bhosi, Taluk Kalamnuri, District Hingoli. However, it has been clarified by the learned counsel for the applicant that Gat No.113 of village Bhosi is not related to the present matter and it has been inadvertently mentioned in this application and has undertaken to delete the same by moving an application. We allow him two days' time to file the application.

2. It is further submitted in the application that the Project Proponent has not deliberately obtained prior Environmental Clearance (EC) and CTE and CTO from MPCB for the project in question and has excavated more than 20,000 bras of stones, murom, sand, etc. Therefore, it is prayed that respondent No.9 – Project Proponent be directed to stop illegal mining activities with immediate effect and Committee of the

Experts be constituted to assess the damage caused by the Project Proponent to the environment and ecology. Further it is prayed that exemplary environmental compensation may be imposed on the Project Proponent.

3. We prima facie find that substantial question relating to environment is made out. Hence, we admit this Original Application and direct the Registry to issue notice to the respondents except respondent Nos.1, 2 and 9, returnable within four weeks. Since learned counsel Mr. Rahul Garg appeared on behalf of respondent No.1 – MoEF&CC, learned Standing Counsel Mr. Aniruddha Kulkarni appeared on behalf of respondent No. 2 – SEIAA and learned counsel Mr. Saurabh Kulkarni appeared on behalf of respondent No. 9 – Project Proponent, service of notice to these three respondents is waived by the respective learned counsel.

4. The applicant is directed to provide copies of the Original Application and annexures thereto for being served to the respondents within a week.

5. The applicant is also directed to take necessary steps for service of notice upon the respondents except respondent Nos.1, 2 and 9 by both ways and also through available e-mail.

6. The learned counsel who are appearing for respondent Nos.1, 2 and 9 shall file their respective reply-affidavits within four weeks.

7. Put up this matter on 27.03.2023.

Dinesh Kumar Singh, JM

Dr. Vijay Kulkarni, EM

February 6, 2023
O.A. No.07/2023 (WZ)