

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

[Through Physical Hearing (with Hybrid Option)]

ORIGINAL APPLICATION NO.07 OF 2023 (WZ)

Dattatraya Phalke & Anr.

... **Applicants**

Versus

Union of India & Ors.

... **Respondents**

Date of Hearing : 09.01.2025

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

Applicants : None present for Applicant No.1
Mr. Shreyash Yande, Advocate for Applicant No.2

Respondents : Mr. Rahul Garg, Advocate for R-1
Mr. Aniruddha Kulkarni, Advocate for R-2
Mr. Vilas Jadhav, Advocate for R-3
Mr. Nitin Deshpande, Advocate for R-4 and R-7
Mr. Nitin Sardesai, Senior Advocate i/b and along with
Mr. Pourush Ranka, Advocate for R-9/PP

ORDER

1. None has appeared from the side of applicant No.1 – Dattatraya Phalke, despite repeated calls.

2. From the side of applicant No.2 – Baban Sambhu Sawant, learned counsel Mr. Shreyash Yande has appeared and apprised that applicant No.2 does not want to press this application. Accordingly, this Original Application is dismissed as against the applicant No. 2 – Baban Sambhu Sawant.

3. From the side of respondent No.9/Project Proponent, an affidavit has been filed today, stating therein that this Tribunal, by its order dated 22.02.2023 passed in Original Application No.28/2022 and Original Application No.54/2022, held that for mining/extraction/excavation on the basis of temporary quarry permit, the Environmental Clearance was necessary, which was based on the judgment of the Hon'ble High Court of Bombay dated 14.10.2022 passed in Writ Petition No.2153/2022 in the case of Orange City Stone Crusher Owner Association vs. State of Maharashtra &

Ors. Copies of the orders passed by this Tribunal and the Hon'ble High Court of Bombay, referred to above, are also annexed as Annexure-A/1 and A/2, respectively. The aforesaid order passed by this Tribunal has been challenged before the Hon'ble the Supreme Court of India in Civil Appeal Nos.1707/2023 and 1718/2023 and as such, the issue of requirement of Environmental Clearance for quarry permit holders is subjudice before the Hon'ble Supreme Court. It is further mentioned in this affidavit that this Tribunal has adjourned the hearing in Original Application No.74 of 2023 vide order dated 05.02.2024 till the judgment/order of the Hon'ble Supreme Court in above mentioned Civil Appeals is passed and a copy of the said order of this Tribunal dated 05.02.2024 is annexed as Annexure-A/4. Having mentioned above, it is submitted that the issue involved in the present matter is identical to the issue which was involved in Original Application No.74/2023, in which the hearing is kept in abeyance.

4. Learned counsel for respondent No.3 – MPCB and learned counsel for respondent No. 4 – District Collector, Kolhapur, respondent No. 5 – Tahsildar, Ajara and respondent No.7 – District Mining Officer, Kolhapur, have admitted this fact that the issue involved in Original Application No.74/2023 and the present Original Application are one and the same. Therefore, we pass identical order in this O.A. also.

5. We direct the Registry to place this matter before us for further consideration only after the judgment is delivered by the Hon'ble Supreme Court in Civil Appeal Nos.1707/2023 and 1718/2023.

Dinesh Kumar Singh, JM

Dr. Vijay Kulkarni, EM

January 09, 2025
ORIGINAL APPLICATION NO.07 OF 2023 (WZ)
npj