

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

[Through Physical Hearing (with Hybrid Option)]

**ORIGINAL APPLICATION NO.07 OF 2023 (WZ)
WITH
I.A. NO.37/2023 IN O.A. NO.07/2023 (WZ)**

Mr. Dattatraya Phalke & Anr.

.... Applicants

Versus

Union of India & Ors.

....Respondents

Date of hearing : 11.09.2023

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

Applicants : Ms. Pradnya Bheke, Advocate

Respondents : Mr. Raghvendra Kulkarni, Advocate holding for
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 to R-7
Mr. Siddarth S. Ambegaonkar, Advocate for R-8
Mr. Nitin Sardesai, Senior Advocate along with
Mr. Saurabh Kulkarni, Advocate and Mr. Pourush
Ranka, Advocate for R-9

ORDER

1. From the side of the applicant, learned counsel Ms. Pradnya Bheke has appeared and submits that she has carried out the amendment in compliance with our previous order dated 04.07.2023 and has e-filed the amended copy of the Original Application, but the same is not found on record. We made query to her as to on which date, she has e-filed the amended Original Application, she could not reply it, nor any proof regarding e-filing the same could be produced by her. The learned counsel for respondent No.9 states that he has received the copy of the

amended Original Application on 19.08.2023, which is incomplete. Since the compliance of the said direction dated 04.07.2023 has not been done, nor do we find that the copy of the amended Original Application has been served on all the respondents, the proceedings cannot go ahead in this case. Therefore, we grant two weeks' time to the learned counsel for the applicants to incorporate the amendment as directed and submit a copy of the amended Original Application within the said period, subject to the cost of Rs.10,000/- (Rupees Ten Thousand). The said amount of cost shall be paid by the applicants to "NGT Bar Association, Western Zone Bench, Pune" within a week.

2. From the side of respondent No.1 – MoEF&CC, learned counsel Mr. Raghvendra Kulkarni, holding the brief of learned counsel Mr. Rahul Garg, has appeared and says that the reply-affidavit has been filed.

3. From the side of respondent No.2 – SEIAA, learned counsel Mr. Aniruddha Kulkarni has appeared and submits that the reply-affidavit has been filed, but in view of the amendment in Original Application, which is sought to be allowed, he may have to file supplementary reply-affidavit, if so required. He seeks time therefor, which is allowed.

4. From the side of respondent No.3 – MPCB, learned counsel Mr. Vilas Jadhav has appeared and states that the reply-affidavit has been filed.

5. From the side of respondent Nos.4 to 7, learned counsel Mr. Nitin Deshpande has appeared and submits that the reply-affidavit has been filed.

6. From the side of respondent No.8, learned counsel Mr. Siddarth Ambegaonkar has appeared and seeks two weeks' time to file the reply. The same is allowed.

7. From the side of respondent No.9 – Project Proponent, learned Senior Counsel Mr. Nitin Sardesai has appeared and submits that the reply-affidavit has been filed.

8. None has appeared from the side of respondent Nos.10 and 11, despite sufficient service.

9. We find that respondent No.9 has not filed so far the full-fledged reply in this matter. We direct the learned counsel for respondent No.9 to file the same within a period of two weeks with a direction that a copy of the same shall be served on the learned counsel for the applicants and all other respondents.

10. Put up this matter for further consideration on 22.01.2024.

Dinesh Kumar Singh, JM

Dr. Vijay Kulkarni, EM

September 11, 2023
O.A. No.07/2023(WZ)
npj