

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

(By Video Conferencing)

ORIGINAL APPLICATION NO.07 OF 2023 (WZ)

Mr. Dattatraya Phalke & Anr.

.... Applicants

Versus

Union of Indi and Ors.

....Respondents

Date of Hearing : 27.03.2023

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

Applicants : Mr. Nitin Lonkar, Advocate and Applicant No.1 in person

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
Ms. Madhavi Rahirkar, Advocate holding for
Mr. Nitin Deshpande, Advocate for R-4 to R-7
Mr. Saurabh Kulkarni, Advocate for R-9

ORDER

1. From the side of the applicants, learned counsel Mr. Nitin Lonkar has appeared alongwith applicant No.1 through video conferencing.
2. We find that in compliance with our order dated 06.02.2023, service on all the respondents, except respondent Nos.1, 2 and 9, was to be effected, which appears to have not been done as there is no service affidavit to that effect brought on record. A proof of service in the form of e-mail attached with the track consignment is annexed, but it does not have any affidavit attached. We, therefore, cannot hold that the service is sufficient.

3. From the side of respondent No.1 – MoEF&CC, learned counsel Mr. Raghvendra Kulkarni, holding brief of Mr. Rahul Garg, learned counsel has appeared.
4. From the side of respondent No. 2 – SEIAA, Maharashtra, learned standing counsel Mr. Aniruddha Kulkarni has appeared and prays for two weeks' time to file the reply-affidavit. The same is granted.
5. From the side or respondent No.3 – MPCB, learned counsel Mr. Vilas Jadhav has appeared and states that the reply-affidavit has been filed.
6. Today, from the side of respondent No. 4 – District Collector, Kolhapur, respondent No. 5 – Tahsildar, Ajara, respondent No. 6 – Tahsildar, Gadhinglaj and respondent No. 7 – District Mining Officer, learned counsel Ms. Madhavi Rahirkar, holding for Mr. Nitin Deshpande, learned counsel, has appeared and states that the vakalatnama of Mr. Nitin Deshpande is filed from his side. We do not find the same on record. We direct her to file the vakalatnama on record. The learned counsel Ms. Rahirkar has also apprised us that the reply-affidavit from the side of respondent Nos.4 to 7 is under preparation and the same would be filed within two weeks and that much time may be granted. We allow the same.
7. From the side of respondent No. 9, Rajendrasinh Bhamboo Infra Pvt Ltd., learned counsel Mr. Saurabh Kulkarni has appeared and submitted a copy of the order dated 24.03.2023 passed by the Hon'ble Supreme Court in Civil Appeal No.1707/2023 filed by respondent No.9, which is listed for hearing on 27.03.2023. It is apprised to us that this matter before the Hon'ble Supreme Court is the same in which this Tribunal has passed final order and identical reliefs have been prayed. He, therefore, prays that this matter may be adjourned so that the order which is going to be passed by the Hon'ble Supreme Court would also be brought before this Hon'ble Tribunal. Fifteen days' time is granted.

I.A. NO.57 OF 2023 (WZ) :

8. The learned counsel for the applicants has brought to our notice that I.A.No.57/2023 (WZ) is to be disposed of. By the said I.A., the applicants have sought amendment in the Original Application in pursuance to this Tribunal's order dated 06.02.2023. Even then, we direct the applicants to serve copy of the amendment application on all the respondents, who may file their reply against this amendment application within two weeks. I.A. No.57/2023 be placed thereafter for its disposal.

9. The learned counsel for the applicants has also prayed before us that a Joint Committee be appointed in order to assess as to how-much minerals have been mined in pursuance of the temporary permit granted to the Project Proponent. We would pass appropriate order in that regard on the next date.

10. Put up this matter on 04.07.2023.

Dinesh Kumar Singh, JM

Dr. Vijay Kulkarni, EM

March 27, 2023
O.A. No.07/2023 (WZ)
npj