

Item No. 5

(Pune Bench)

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

(By Video Conferencing)

Appeal No. 04/2023(WZ)

Pune Municipal Corporation

.....Appellant

Versus

Maharashtra Pollution Control Board

....Respondent(s)

Date of hearing: 27.02.2023

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

Appellant : Mr. Rahul Garg, Advocate
Respondent(s) : Ms. Manasi Joshi, Advocate for R-1
Ms. Supriya Dangare, Advocate for Contractor

ORDER

1. From the side of Appellant, learned Counsel Mr. Rahul Garg has appeared.

2. From the side of Respondent-MPCB, learned Counsel Ms. Manasi Joshi has appeared and prayed that two weeks' time may be allowed in order to place before us a clear stand as to whether the Municipal Commissioner of PMC or the Contractor is to be prosecuted in compliance with this Tribunal's order dated 23.02.2023, though in this regard, we have already made very clear in our earlier order dated 28.09.2022 passed in Execution Application No. 07/2022(WZ) that prosecution has to be initiated against the defaulting Contractor but even then, as prayed, we allow two weeks' time to the learned Counsel for the MPCB to file reply affidavit in regard to status of the prosecution.

3. It appears that the learned Counsel for the Respondent has also not filed reply affidavit in this appeal with respect to the prayer of the Appellant that the direction given by the MPCB to deposit Rs. 1,82,41,900/- by way of environmental compensation, be set aside. Therefore, we grant the MPCB last opportunity to file reply affidavit within a period of two weeks with an advance copy of the same shall be served upon the other party.

4. During argument (partly heard), it has been apprised by the learned Counsel for the Appellant that the burden for depositing the said environmental compensation is lying upon the Contractor, therefore, we direct the Appellant to implead the Contractor i.e. M/s. Ecoman Enviro Solutions Pvt. Ltd. as Respondent No. 2. The learned Counsel Ms. Supriya Dangare has already appeared from the side of said Contractor. Therefore, we direct her to file the reply affidavit within a period of two weeks with the direction that a copy of the same shall be exchanged among the parties before the next date positively and rejoinder, if any, is to be filed, the same shall also be filed within one week thereafter.

Put up this matter on 18.04.2023. Interim stay to continue.

Dinesh Kumar Singh, JM

Dr. Vijay Kulkarni, EM

February 27, 2023
Appeal No. 04/2023(WZ)
P.Kr