

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

THROUGH PHYSICAL HEARING (WITH HYBRID OPTION)

Original Application No. 07/2023(WZ)
I.A. No. 57/2023(WZ)

Mr. Dattatraya Phalke & Anr.

.....Applicant(s)

Versus

Union of India & Ors.

....Respondent(s)

Date of hearing: 04.07.2023

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

Applicant : Ms. Pradnya Bheke, Advocate h/f Mr. Nitin Lonkar,
Advocate

Respondent(s) : Mr. Rahul Garg, Advocate for R-1/MoEF&CC
Mr. Anuruddha Kulkarni, Advocate for R-2/SEIAA
Mr. Vilas Jadhav, Advocate for R-3/MPCB
Mr. Nitin P. Deshpande, Advocate for R-4 to 7
Mr. Nitin Sardesai, Senior Advocate along-with
Mr. Saurabh Kulkarni, Advocate and Mr. Pourush Ranka,
Advocate for R-9/PP

ORDER

1. In pursuance of our previous order dated 06.02.2023, the learned Counsel for the appellants has filed I.A. No. 57/2023 (WZ) seeking deletion, correction and amendment of the typographical error in original application, details of which are given in para no. 6 sub-paras 'a to e' in the said I.A.
2. Since by the said amendment, mainly the deletion of address i.e. Gat No. 113 is sought and correct number is to be replaced and the consequential amendments are also prayed, we find that the said amendment needs to be allowed as it does not change the nature of the original application.

3. The respondents, who have been served a copy of the said I.A., have not filed any objections against the said application except the formal objection, hence the same is allowed. We direct the learned Counsel for the applicants to carry out the said amendment within one week and amended copy of the original application shall be placed on record within that time period. If any additional affidavit is required to be filed by the learned Counsel for the respondents, who have already filed their affidavits, the same may be filed within two weeks' thereafter.

I.A. No. 57/2023 (WZ) stands disposed of accordingly.

4. Today, from the side of applicants, learned Counsel Ms. Pradnya Bheke holding brief of learned Counsel Mr. Nitin Lonkar has appeared.

5. From the side of respondent No. 1/MoEF&CC, learned Counsel Mr. Rahul Garg has appeared, who submits that he may be allowed two weeks' time to file reply affidavit after seeking instructions, the same is allowed.

6. From the side of respondent No. 2/SEIAA- Maharashtra, learned Counsel Mr. Anuruddha Kulkarni has appeared. He was granted earlier two weeks' time to file reply affidavit but due to certain reasons, the same could not be filed and prays for additional two weeks' time to file the same, the same is allowed by way of last opportunity.

7. From the side of respondent No. 3/MPCB, learned Counsel Mr. Vilas Jadhav has appeared, who apprised us that reply affidavit has already been filed.

8. From the side of respondent Nos. 4 to 7, learned Counsel Mr. Nitin P. Deshpande has appeared, who apprised us that reply affidavit has already been filed.

9. None has appeared from the side of respondent No. 8/Chief General Manager (TECH), National Highway Authority of India despite sufficient service.

10. From the side of respondent No. 9/Rajendrasinh Bhamboo Infra Pvt. Ltd., learned Senior Counsel Mr. Nitin Sardesai along-with learned Counsel Mr. Saurabh Kulkarni and learned Counsel Mr. Pourush Ranka have appeared, who seek three weeks' time to file reply affidavit after service of the amended copy of the original application, the same is allowed.

11. From the side of respondent No. 9, an I.A. No. 37/2023(WZ) has been filed with the prayer that the application be heard on the ground of maintainability first. A copy of which has already been served upon the learned Counsel for the other parties. If any objections are required to be filed against the same by the learned Counsel for the other parties, the same may be filed within two weeks.

12. Registry is directed to put up this matter along-with I.A. No. 37/2023(WZ) for further consideration on 11.09.2023.

Dinesh Kumar Singh, JM

Dr. Vijay Kulkarni, EM

July 04, 2023
Original Application No. 07/2023(WZ)
I.A. No. 57/2023(WZ)
P.Kr