

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

(By Video Conferencing)

**EXECUTION APPLICATION NO.02 OF 2023 (WZ)
IN
ORIGINAL APPLICATION NO.05 OF 2021 (WZ)**

Santosh Patil & Another Applicants

Versus

Member Secretary, SEIAA and Ors.Respondents

Date of Hearing : 24.04.2023

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

Applicants : Mr. Aditya Pratap, Advocate

Respondents : Mr. Aniruddha Kulkarni, Standing Advocate for R-1 & R-3
Mr. Vineet Naik, Advocate for R-2
Mr. Mayur Khandeparkar, Advocate for R-4
Mr. Pinaki Mishra, Senior Advocate for R-5

ORDER

1. From the side of Execution Applicant, learned counsel Mr. Aditya Pratap has appeared and submits that he has received copy of the affidavit filed by respondent No. 3 – Maharashtra Pollution Control Board (MPCB) today morning and that of respondent No. 2 – Slum Rehabilitation Authority (SRA) few days back and he wants to file rejoinder against them for which, he prays for grant of time. We allow him fifteen days' time for the same.

2. From the side of respondent Nos.1 and 3, learned standing counsel Mr. Aniruddha Kulkarni has appeared and submits that he has not filed the reply-affidavit from the side of respondent No.1 – SEIAA nor would he be filing the same as it is not required although the reply-affidavit has been filed from the side of respondent No.3 – MPCB wherewith a letter

written by the Regional Officer, Mumbai addressed to the Executive Engineer, SRA dated 03.06.2022 has been annexed on the subject of compliance of order dated 22.02.2022, which contains the proposed parking facility. A plan of 502 parking space has been approved. With this affidavit, an undertaking is also annexed by the Project Proponent/Director, M/s Skylark Buildcon Pvt. Ltd. furnished before the National Green Tribunal wherein it is mentioned that 240 numbers of parking in Tower-1 and 90 numbers of parking in Tower-2 would be completed by March, 2025 and 172 numbers of parking for Tower-3 would be completed by June, 2025.

3. From the side of respondent No. 4 – Project Proponent, learned counsel Mr. Mayur Khandeparkar has appeared and prayed for time to file reply-affidavit. We grant him two weeks' time to file the same.

4. From the side of respondent No.2 – SRA, learned counsel Mr. Vineet Naik has appeared and submits that two affidavits have been filed by them and he has shown the receipts thereof online. But the Registry report shows that those have not been found in the Registry. Therefore, we direct respondent No.2 to send us copies of those affidavits today itself through e-mail and e-file them.

5. We find from the order dated 02.02.2022 that the Joint Committee, which was constituted comprising one member each of CPCB, State PCB and SEIAA, Maharashtra, respondent No.2 – SRA being the nodal agency of the said Committee, was supposed to submit remedial action. We do not find that the report of the Joint Committee on record is signed by all the members of the Committee, which was essential for us. The learned counsel for respondent No.2 – SRA submits that he would be filing the report duly signed by all the members of the Joint Committee within two weeks. We grant two weeks' time as prayed for by him, by way of last opportunity.

6. From the side of respondent No. 5 – M/s Oberoi Realty Ltd., learned Senior Counsel Mr. Pinaki Mishra has appeared and apprised us that several reliefs have been sought against respondent No.5 and therefore, he would file the reply-affidavit for which time may be granted. We grant him two weeks' time for filing the reply-affidavit with a direction that he would serve copy of the reply on all other parties in advance and the applicants and other respondents shall file rejoinder/reply to the same within a week thereafter.

7. The Registry is directed to put up this matter for next consideration on 20.07.2023.

Dinesh Kumar Singh, JM

Dr. Vijay Kulkarni, EM

April 24, 2023
E.A. No.02/2023 (WZ)
npj