

Item No. 1

(Pune Bench)

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

(By Video Conferencing)

Execution Application No. 02/2023(WZ)
In
Original Application No. 05/2021(WZ)

Santosh Patil & Anr.

.....Applicant(s)

Versus

Member Secretary, SEIAA & Ors.

....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**

Applicant : Mr. Aditya Pratap, Advocate

Respondent(s) : Mr. Aniruddha S. Kulkarni, Advocate for R-1/SEIAA &
R-3/MPCB

ORDER

1. From the side of Applicant, learned Counsel Mr. Aditya Pratap has appeared but we find that he has not filed his Vakalatnama on record. We direct him to file the same today itself positively.

2. This application has been filed with the following prayers:-

" A. That pursuant to the powers vested with this Hon'ble Tribunal under Section 25 of the National Green Tribunal Act, 2010, this Hon'ble Tribunal issued Orders for the attachment of the said 39 Apartments linked to the corresponding 39 registered sale transactions, which took place after 2nd February, 2022, i.e. after the date of the Order of this Hon'ble Tribunal.

B. That all the monies which emanated from the said 39 sale transactions be attached, till the time the Developer complies with the said Orders of this Hon'ble Tribunal.

C. That consequent upon the attachment of the said flats, the Slum Rehabilitation Authority be directed to seal the said apartments,

till the time the Orders of this Hon'ble Tribunal are complied with for providing 500 number of parking spaces for the Rehabilitation Flats.

D. That the Developers be restrained from selling any further apartments or creating any rights whatsoever in relation thereof, till the same, the Orders for providing 500 number of parking spaces are complied with.

E. That costs for this Application be provided for.

F. Any other order which this Hon'ble Tribunal may deem fit to pass considering the facts and circumstances of this case.”

3. Our attention is drawn by the learned Counsel for the Applicant to the Judgment of this Tribunal dated 02.02.2022 passed in Original Application No. 05/2021 (WZ), where-in it is recorded that not a single parking has been provided in the rehabilitation tenements resulting in extreme congestion. Plea was set up by the Project Proponent that parking of the rehab component would be provided after the entire scheme is completed. As per the EC condition, all the proposed SRA buildings have not been completed. After considering the submissions of the parties, it has been recorded in the said Judgment that the stand taken by the Project Proponent could not be accepted and that providing parking in rehab component cannot be deferred. The Joint Committee had found categorical violation of the EC condition, therefore, remedial action was needed and accordingly, a direction was issued to the Slum Rehabilitation Authority (SRA) in co-ordination with SEIAA and SPCB, Maharashtra, to hold joint meeting within one month and take remedial action and Project Proponent was restrained from making any further alienation till EC conditions were complied with.

4. It appears from the prayers made by the Execution Applicant that he has sought prayers, which are beyond the Judgment passed by the

Tribunal and appears to ask for compelling measures to be taken against the Project Proponent.

5. Further, it is mentioned in the body of the application that the Developer/Project Proponent did not provide even a single parking to the 2300 flats and that he would provide the same at some future vague date, which is being said by the Project Proponent and that Project Proponent has started selling the flats in open defiance of the Tribunal's Order.

6. In view of above, we deem it appropriate to admit this Execution Application.

7. Registry is directed to issue Notice to the Respondents, returnable within 04(four) weeks.

8. Since from the side of Respondent No. 1/SEIAA, learned Counsel Mr. Aniruddha S. Kulkarni has appeared and accepted notice on behalf of Respondent No. 1, hence the service of notice is waived against them.

9. Appellant is directed to provide copy of the application and relevant documents to the Respondents within a week.

10. The learned Counsel for the Respondent No. 1 is directed to submit the reply within 04(four) weeks providing copies of the same to the other parties in advance.

11. Appellant is also directed to take necessary steps for service upon the Respondents by both ways and also through available e-mail.

12. We further direct the Respondents to specifically clarify as to whether the Joint Committee, which was directed to hold its meeting to take necessary action, held its meeting so far or not and what action was taken at their end?

Put up this matter on 24.04.2023

Dinesh Kumar Singh, JM

Dr. Vijay Kulkarni, EM

February 27, 2023
Execution Application No. 02/2023(WZ) In
Original Application No. 05/2021(WZ)
P.Kr