

Item No.2

(Pune Bench)

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

THROUGH PHYSICAL HEARING (WITH HYBRID OPTION)

Original Application No.40/2023(WZ)

Yogesh Mundhara

.....Applicant

Versus

M/s. Super Dream Real Estate Private Ltd. & Ors.

....Respondent(s)

Date of hearing: 25.08.2023

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

Applicant : Ms. Sreeja Chakraborty, Advocate
Respondent(s) : Mr. Ajay S. Yadav, Advocate for R-1
Mr. Saurabh Kulkarni, Advocate for R-5/UDD
Mr. Aniruddha Kulkarni, Advocate for R-6/Env. Deptt.
Mr. Raghvendra Kulkarni, Advocate h/f Mr. Rahul Garg,
Advocate, for R-7/MoEF&CC
Mr. Anand G. Awasarmol, Advocate for R-8 to 14

ORDER

1. From the side of applicant, learned Counsel Ms. Sreeja Chakraborty has appeared, who has filed service affidavit, as per which service of notice upon all the respondents is found to be sufficient.

2. From the side of respondent No.1-M/s. Super Dream Real Estate Pvt. Ltd., learned Counsel Mr. Ajay S. Yadav has appeared, who apprised us that he has already filed reply affidavit and a copy of which has not been served upon the applicant. Therefore, we direct the said learned Counsel to serve a copy of the same upon the learned Counsel for applicant today itself and also to all other parties, if already not served.

3. From the side of respondent No.2/Thane Municipal Corporation, learned Counsel Mr. Saurabh Kulkarni, who is representing respondent

No.5/Urban Development Department, submits that from the side of respondent No.2/TMC, learned Counsel Mr. Narayan Bubna would be appearing. We direct the learned Counsel for respondent No.2 to file reply affidavit within a period of four weeks. From the side of respondent No.5, learned Counsel prays that four weeks' time may also be allowed to file reply affidavit, the same is allowed.

4. None has appeared from the side of respondent No.3/Provident Investment Company Ltd. despite sufficient service. In this regard, the learned Counsel for applicant apprised us that the respondent No.3 is the owner of the land in question.

5. None has appeared from the side of respondent No.4/The Director and Conservator of Forest, Sanjay Gandhi National Park, Mumbai despite sufficient service.

6. From the side of respondent No.6/State Environment Department, learned Counsel Mr. Aniruddha Kulkarni has appeared, who seeks four weeks' time to file reply affidavit, the same is allowed.

7. From the side of respondent No.7/MoEF&CC, learned Counsel Mr. Raghvendra Kulkarni holding brief of learned Counsel Mr. Rahul Garg has appeared, who also seeks four weeks' time to file reply affidavit, the same is allowed.

8. From the side of respondent Nos.8 to 14, who are occupants of the bangalows, learned Counsel Mr. Anand G. Awasarmol holding brief of learned Counsel Gulabrao W. Awasarmol has appeared. An e-mail dated 25.08.2023 has been received on his behalf stating therein that learned Counsel Gulabrao W. Awasarmol is suffering from serial ailment and would be taking some time in recovery from the same. Therefore, six

weeks' time is prayed for by the said learned Counsel to file reply affidavit along-with Vakalatnama, we allow the same.

9. We also direct that if any reply affidavit would be filed from the side of learned Counsel for respondents, a copy of the same shall be served upon the learned Counsel for applicant and within one week thereafter, rejoinder, if any, may also be filed from the side of applicant.

Put up this matter for further consideration on 28.11.2023

Dinesh Kumar Singh, JM

Dr. Vijay Kulkarni, EM

August 25, 2023
Original Application No.40/2023(WZ)
P.Kr