

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

THROUGH PHYSICAL HEARING (WITH HYBRID OPTION)

Original Application No.28/2023(WZ)

Santosh Daundkar

.....Applicant

Versus

SEIAA, Environment Department, Government of Maharashtra & Ors.

....Respondents

Date of hearing: 13.11.2024

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

Applicant : Mr. Aditya Pratap, Advocate
Respondents : Mr. Aniruddha Kulkarni, Advocate for R-1
Mr. Prakash D. Shejal, Advocate for R-2 & 3
Mr. Samit Shukla, Advocate along-with
Mr. Shivshankar Swaminathan, Advocate and
Ms. Saakshi Saboo, Advocate for R-4 & 10
Mr. Aditya Udeshi, Advocate for R-5
Mr. Saket Mone, Advocate for R-7
Mr. Mayur Khandparkar, Advocate for R-8
Mr. Karan Bhide, Advocate for R-11 & 14
Mr. Rohaan Cama, Advocate for R-12
Mr. Bhakti Mehta, Advocate and
Mr. Siddharth Yadav and Mr. Pheroze Mehta, Advocates
representing Wadia Ghandy & Co., for R-12
Ms. Vaidehi Odhekar, Advocate h/f
Mr. Pankaj Rajmachikar, Advocate for R-13

ORDER

1. From the side of the applicant, learned counsel Mr. Aditya Pratap has appeared.
2. From the side of respondent No.7 – Money Magnum Nest Pvt. Ltd., learned counsel Mr. Saket Mone has appeared before us. He has filed a copy of the Judgment dated 10.05.2024 passed by the Hon'ble Supreme Court in Civil Appeal Diary No(s).19266/2024 (Arising out of impugned final judgment and order dated 13.09.2022 in AN No.22/2016 and AN No.23/2016 passed by this Tribunal), which is taken on record, wherein following order is passed:-

“Issue notice.

Dasti in addition is permitted.

There shall be stay of paragraph 8 of the order impugned till the next date of hearing.

List after service is complete.”

3. We find that the prayer made by the applicant in the present Original Application is to the effect that the order/judgment dated 13.09.2022 passed by the Tribunal in Appeal Nos.22 of 2016 and 23 of 2016 be applied in all other projects in Mumbai, where Recreation Ground (RG) has been put either above the concrete slab of podium or above the concrete slab of basement. In the order dated 13.09.2022 passed by the Tribunal in above-mentioned appeals, following is held in para no.8:-

“In the light of above, we hold that RG has to be provided on ground to enable plantation. SEIAA, Maharashtra has thus to ensure availability of space as per above norms. The area has not only to be open to sky but must also enable plantation of trees. If the PP fails to provide RG as per norms, the project may not be allowed to proceed and till compliance, no third-party rights may be created. SEIAA, Maharashtra may verify facts on the ground and take its decision within one month from today.”

4. Since through the Judgment dated 10.05.2024, the Hon'ble Supreme Court has stayed the implementation of para no.8 of the above-mentioned order/judgment passed by the Tribunal, we deem it appropriate to place the proceedings in this matter *in abeyance* till the final Judgment is delivered by the Hon'ble Supreme Court in the said Civil Appeal. Registry shall place the present Original Application before this Tribunal thereafter only.

Dinesh Kumar Singh, JM

Dr. Vijay Kulkarni, EM

November 13, 2024
Original Application No.28/2023(WZ)
P.Kr