

Item No.2

(Pune Bench)

**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, Govt. of Maharashtra
& Ors.

....Respondent(s)

Date of hearing: 21.09.2023

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

Applicant : Mr. Aditya Pratap, Advocate

ORDER

1. From the side of applicant, learned Counsel Mr. Aditya Pratap has appeared.
2. The Registry has placed before us an I.A., which is un-numbered, containing prayer that the amendments, which are sought to be carried out through this application, may be permitted to be incorporated.
3. In this application, the Registry has notified two defects to the learned Counsel for applicant with regard to the affidavit not being notarized and also the annexures not having been attested. In this regard, the learned Counsel for applicant submits that in the past, notarization of the affidavit had been dispensed with by this Tribunal, hence in the present case also, it should be dispensed with. He also apprised us that simultaneously, his client has gone to get the said affidavit notarized today only but we cannot wait for any further time because we have already waited for two hours when this matter was first

taken up in the morning and the permission was granted to the applicant to complete its documents but it is yet to be done.

4. With regard to attestation of the annexures, that is also a necessary condition as per the report of the Registry, which too has not been done. In this regard, the learned Counsel for applicant submits that he has filed self-signed annexures but had not attested them. We fail to understand as to why the necessary procedures are not being followed by the said learned Counsel and each time, some or the other defects are left in the presentation before us.

5. This matter was first taken up on 22.03.2023 and despite fixing this matter for hearing on various dates, till now, the documentation is not complete.

6. We direct the learned Counsel for applicant to remove the defects by tomorrow positively before the matter is taken up by us for hearing as 1st case at 10:30 AM. If that is not done, we would be compelled to dismiss this application for non-compliances of the directions.

7. The learned Counsel for applicant has inquired from us as to whether he can attest the documents himself or is there any provision for this, to which the Registry has informed us that the documents, which are filed/relied upon by the applicant, even if, they are copies of the Judgment of any Court, need to be attested by the learned Counsel or the party or a Notary.

8. The Registry has further indicated that at page no.576 of the paper book, there is a copy of Judgment passed by the Hon'ble Bombay High Court in *Writ Petition (L) No.35671 of 2022*, which has not been attested by anyone. Similar is the condition with respect to the copy of Judgment

of Hon'ble Supreme Court annexed at page nos.594 & 595 of the paper book. Therefore, we direct the said learned Counsel to remove these infirmities forthwith.

9. Registry is directed to put up this matter for admission tomorrow i.e. on 22.09.2023.

Dinesh Kumar Singh, JM

Dr. Vijay Kulkarni, EM

September 21, 2023
Original Application No.28/2023(WZ)
P.Kr