

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

[Through Physical Hearing (With Hybrid Option)]

ORIGINAL APPLICATION NO.41 OF 2023 (WZ)

Arun Nathuram Gaikwad Applicant

Versus

Secretary, Environment Department,
Govt. of Maharashtra & Ors.Respondents

Date of hearing: 09.01.2024

**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 and R-6
Mr. Rahul Garg, Advocate for R-5

ORDER

1. From the side of the applicant, learned counsel Mr. Aditya Pratap has appeared and states that he has tried to e-file the rejoinder, but the same could not be done because of technical snag and that he has sent the rejoinder through e-mail in the Registry of this Tribunal, but we do not find copy of the same available on the record. We direct the learned counsel for the applicant to e-file the same again.
2. Copy of the rejoinder said to have been filed by the learned counsel for the applicant is admitted to have been received by Mr. Rahul Garg, learned counsel for respondent No.5, but the other parties have not been served with a copy of the same. Therefore, we direct the learned counsel for the applicant to serve a copy of the rejoinder upon all other parties today only through e-mail. We also direct the Registry to place the rejoinder on record, if filed.

3. The learned counsel for the applicant submits that in his rejoinder, he has answered the queries made by this Tribunal in paragraph No.7 of the order dated 09.10.2023 on the issue of maintainability of this Original Application.

4. From the side of respondent No. 5 – MoEF&CC, learned counsel Mr. Rahul Garg has appeared and submits that respondent No. 5 has submitted a copy of the report, which is annexed at pages 295 to 411 of the paper-book, which is said to have been filed in response to our direction contained in paragraph No.1 of our order dated 09.10.2023, but the copy of the same is not served on the learned counsel for the applicant. Therefore, we direct the learned counsel for respondent No.5 to serve a copy of the same to the learned counsel for the applicant and other parties and the objections thereto, if any are required to be filed, the same be filed within two weeks thereafter.

5. From the side of respondent No.1 – Environment Department and respondent No. 6 – SEIAA, learned counsel Mr. Aniruddha Kulkarni has appeared.

6. This matter is still to be admitted by us. We direct the Registry to place this matter for admission on 23.01.2024.

Dinesh Kumar Singh, JM

Dr. Vijay Kulkarni, EM

January 9, 2024
ORIGINAL APPLICATION NO.41/2023 (WZ)
npj