

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

THROUGH PHYSICAL HEARING (WITH HYBRID OPTION)

**Original Application No.52/2023 (WZ)
I.A. No.39/2024(WZ)**

Krunnal Narayan Gharre

.....Applicant

Versus

Pune Municipal Corporation & Ors.

....Respondent(s)

Date of hearing: 15.03.2024

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

Applicant	:	Applicant-in-person
Respondent(s)	:	Mr. Mayur Ovhal, Advocate h/f Mr. Rahul Garg, Advocate for R-1, 2 & 5/PMC Ms. Manasi Joshi, Advocate for R-3/MPCB Mr. Milind Mahajan, Advocate for R-4/PMRDA Mr. Ravindra S. Pachundkar, Advocate and Mr. Prithpalsingh Nahal, Advocate for R-6 to 8 along-with Mr. Aapasaheb Gujar, Zilla Parishad, Pune for R-6 Mr. Pratap Mane, Bhugaon Gram Panchayat, for R-7 Mr. Bhagwat Yadav, Bhukum Gram Panchayat, for R-8

ORDER

1. From the side of applicant, applicant has appeared in-person through Video Conferencing, who has filed an amended copy of Original Application, which is annexed at page nos.167 to 182 of the paper book. He has also filed service affidavit, as per which service of notice upon all the respondents is found to be sufficient.
2. From the side of respondent Nos.1 & 2-PMC and for respondent No.5-Bavdhan Budruk Gram Panchayat, learned counsel Mr. Mayur Ovhal holding brief of learned counsel Mr. Rahul Garg has appeared, who submits that reply affidavit has been filed today on behalf of respondent Nos.1 & 2-PMC, which is taken on record. He is directed to serve a copy

of the same upon all other parties, who may file rejoinder affidavit against the same, if any, within two weeks.

3. From the side of respondent No.3-MPCB, learned counsel Ms. Manasi Joshi has appeared, who submits that no reply affidavit is required to be filed from their side as she is relying upon the Joint Committee Report.

4. From the side of respondent No.4-PMRDA, learned counsel Mr. Milind Mahajan has appeared, who submits that he has already filed reply affidavit. We direct him to serve a copy of the same upon all other parties, who may file rejoinder affidavit against the same, if any, within two weeks.

5. Regarding respondent No.5- Bavdhan Budruk Gram Panchayat, the applicant has admitted that the respondent No.5 is not in existence, as the same has merged with PMC in the year 2021 nor was in existence at the time of filing of the present Original Application. Therefore, we direct the applicant to remove the name of respondent No.5 from the array of parties, for which he may move an application forthwith.

6. From the side of respondent No.6- Zilla Parishad, Pune, Mr. Aapasaheb Gujar has appeared in-person, who prays for four weeks' time to be allowed to file reply affidavit. The said time is allowed.

7. From the side of respondent No.7- Bhugaon Gram Panchayat, Mr. Pratap Mane, Panchayat Secretary (Gramsevak) has appeared in-person, who prays for four weeks' time to be allowed to file reply affidavit. The said time is allowed.

8. From the side of respondent No.8- Bhukum Gram Panchayat, Mr. Bhagwat Yadav, Panchayat Secretary (Gramsevak) has appeared in-

person, who prays for four weeks' time to be allowed to file reply affidavit.
The said time is allowed.

9. From the side of respondent Nos.6 to 8, learned counsel Mr. Prithpalsingh Nahal has appeared before us, who has filed his Vakalatnama.

10. Applicant has also moved an I.A. No.39/2024(WZ) praying therein for a temporary injunction to be issued prohibiting the Respondents from adding any chemicals, enzymes or any other substance, directly or indirectly, in Ramriver or any other water bodies without appropriate environmental clearance.

11. In the body of this I.A., he has mainly placed thrust upon the use of "A DRAIN CLEANING SUBSTANCE", which, according to him, has been tested for removal of 'water hyacinth'.

12. In this regard, the applicant has drawn our attention to the Annexure- A annexed with this I.A. in order to prove that the test was conducted that the Drainzyme Chemical is found suitable for combating the invasive growth of water hyacinth and now, the authority intends to use the same on large scale, which according to the applicant would pollute the rivers and other water bodies where ultimately the water would meet.

13. It is also stated in this I.A. by the applicant that he had also approached the respondent No.3- MPCB for permission not to be granted for this chemical to be used. But the Board had directed the applicant to approach the District Magistrate and hence the applicant has approached before this Tribunal for a direction to be issued to the respondent No.3-

MPCB that they should not grant consent for use of the said chemical for clearing the water hyacinth.

14. We find that there is no such prayer made in the present Original Application by the applicant that a restraint order be passed against the respondent No.3- MPCB in respect of use of the Drainzyme Chemical for clearance of the water hyacinth and yet he has moved this application for seeking interim relief, which is not maintainable.

15. At this stage, the applicant has prayed for some time to be allowed to bring an amendment in this regard in the present Original Application so that the said I.A. may be treated to be maintainable. As prayed, we grant him two weeks' time for the same with a direction that a copy of the same shall be served upon all other parties again. We expect that the respondent Nos.1 & 2-PMC as well as the respondent No.3-MPCB would file objection against the same before the next date.

Put up this matter for further consideration on 21.05.2024

Dinesh Kumar Singh, JM

Dr. Vijay Kulkarni, EM

March 15, 2024
Original Application No.52/2023 (WZ)
I.A. No.39/2024(WZ)
P.Kr