

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

THROUGH PHYSICAL HEARING (WITH HYBRID OPTION)

Original Application No. 50/2023 (WZ)
(Earlier O.A. No. 180/2022) LP

Shahu Shivaji Mokashi

.....Applicant

Versus

State Of Maharashtra

....Respondent(s)

Date of hearing: 04.05.2023

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

Applicant : None appeared
Respondent(s) : Mr. Mukesh Verma, Advocate for MPCB
Mr. Mukesh Kumar, Advocate for KSPCB
Mr. Rajat Jonathan Shaw, State of Karnataka

ORDER

1. From the side of Maharashtra Pollution Control Board (MPCB), learned Counsel Mr. Mukesh Verma has appeared; from the side of Karnataka State Pollution Control Board, learned Counsel Mr. Mukesh Kumar has appeared; and from the side of State of Karnataka, learned Counsel Mr. Rajat Jonathan Shaw has appeared.

2. We find that the industry, which is said to be polluted the river Hiranyakeshi, is lying in Karnataka State while the Petitioner- Mr. Shahu Shivaji Mokashi is a resident of District: Kolhapur, Maharashtra. The details of the Joint Committee Report have been reproduced in the order of Principal Bench of this Tribunal dated 08.07.2022, which shows that the details which have been given with respect to pollution happening in the River Hiranyakeshi from two industries, one industry namely M/s. Hiranyakeshi SSK Niyamit is located in Karnataka State while the other industry, regarding which we did not have any compliant from the side of

Applicant through letter petition, i.e. M/s. Appasaheb Nalawade Gadhinglaj is located in Maharashtra State.

3. Pursuant to the receipt of the Joint Committee Report, there are directions issued by the Principal Bench of this Tribunal on 08.07.2022 that appropriate responses be sought from concerned industries, Principal Secretaries, Department of Agriculture, Fisheries and Environment, Government of Maharashtra and Karnataka and State Pollution Control Boards with respect to the observations made in the report.

4. The above order and evidence, which has come on record, indicates that the jurisdiction is covered partly under the Western Bench and partly under the Southern Bench of this Tribunal. In such a situation, whether this Bench should hear the entire matter or should segregate them and take steps with respect to the industry, which is located in the State of Maharashtra only, is to be considered.

5. In view of this, we deem it appropriate to seek direction from the Hon'ble Chairperson, and if deemed proper, the Hon'ble Chairperson may hear himself this matter looking to the fact that dispute involves two States, one of which is not falling in the jurisdiction of this Bench.

6. We direct the Registry to place this matter before the Hon'ble Chairperson through the Registrar General, NGT, Principal Bench and seeks direction as prayed by us.

Put up this matter for further consideration on 25.07.2023.

Dinesh Kumar Singh, JM

Dr. Vijay Kulkarni, EM

May 04, 2023
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P.Kr