

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

[Through Physical Hearing (With Hybrid Option)]

**ORIGINAL APPLICATION NO.50 OF 2023 (WZ)
(Earlier O.A. No.180/2022)-LP**

Shahu Shivaji Mokashi Applicant

Versus

M/s Appasaheb Nalwade Gandhinglaj
Taluka SSK Ltd. And othersRespondents

Date of hearing: 09.01.2024

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

Applicant : ---

Respondents : Mr. Dattatray Devale, Advocate for R-1
Mr. Mukesh Verma, Advocate for R-2 - MPCB

ORDER

1. From the side of the applicant, none has appeared despite repeated calls.
2. From the side of respondent No.1 – M/s Appasaheb Nalwade Gandhinglaj Taluka SSK Ltd., learned counsel Mr. Dattatray Devale has appeared and submits that he has filed the affidavit-reply dated 30.12.2023. By way of said affidavit, it is submitted on behalf of respondent No.1 that the said sugar factory was not in operation because of their internal problems, hence it is wrong to say that there was pollution to have been committed by them at all. It is also stated by the learned counsel that he has not been served copy of the Original Application. Since the applicant is not appearing today, we direct the

Registry to serve a copy of the Original Application to the learned counsel for respondent No.1 today only. In case any new facts are to be brought on record, he may do so within two weeks from the date of uploading of this order.

3. We find from the record that the Registry has not complied with our earlier order fully as only Joint Committee report dated 23.06.2022, which is annexed at pages 11 to 40 of the paper-book, only has been served to respondent No.1. We hold that the service of this report has been properly done upon the party (respondent No.1) and not on the counsel thereof. Therefore, the learned counsel for respondent No.1 was supposed to obtain copy of the report from the party (respondent No.1). The learned counsel for respondent No.1 submits that he has not received copy of the same. It is fault on his part and not on the part of the Registry. In the interest of justice, last opportunity is given to him to file objections, if any against the said report within two weeks from the date of uploading of this order and no more.

4. By our previous order dated 22.09.2023, we had also directed respondent No.2 – MPCB to submit a clear-cut report regarding violations, but none has appeared from their side today. Instead, an e-mail dated 08.01.2024 has been sent by learned counsel Mr. Mukesh Verma, representing respondent No.2, seeking adjournment. It is stated that his mother has expired because of which, adjournment is sought. We grant the request made for adjournment.

5. We do not have any report from the Registry stating whether respondent Nos.2 to 5 have already been served, which are the Authorities of the Govt. of Maharashtra. If not already served, we direct the Registry to serve notice to them, returnable within four weeks.

6. Put up this matter for next consideration on 18.03.2024.

Dinesh Kumar Singh, JM

Dr. Vijay Kulkarni, EM

January 9, 2024
O.A. NO.50/2023 (WZ)
npj