

Item No.1

(Pune Bench)

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

[THROUGH PHYSICAL HEARING (WITH HYBRID OPTION)]

APPEAL NO.23 OF 2023 (WZ) WITH I.A.NO.151/2023

Protection of Environment and
Public Service Committee

.... Appellant/
.... Applicant

Versus

Union of India & Ors.

.... Respondents

Date of Hearing : 21.07.2023

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

Appellant/Applicant : Mr. Nitin Lonkar, Advocate along with
Mr. Tanaji Gambhire, Advocate

ORDER

I.A. NO.151/2023 :

1. From the side of the appellant/applicant, learned counsel Mr. Nitin Lonkar along with learned counsel Mr. Tanaji Gambhire have appeared.
2. In compliance with our order dated 05.07.2023, this I.A. No.151/2023 has been filed with a prayer to allow the amendments to be incorporated in the memo of appeal. The details of the amendments, which are prayed to be allowed to be incorporated, are mentioned in paragraph No.4 sub-clause (i) and paragraph No.5 sub-clauses (15.1) to 15.10) of the application.
3. The appeal, in which the present I.A. has been filed, is at the stage of admission and since the I.A. for amendments prayed to be allowed to be incorporated, has been filed at our instance in order to bring clarity, we allow this amendment application (I.A.) and permit the appellant/applicant to incorporate the amendments in the memo of appeal today itself. Accordingly, I.A. No.151 of 2023 (WZ) stands disposed of.

APPEAL NO.23/2023 (WZ) :

4. The present appeal has been filed seeking quashing of the *ex-post facto* Environmental Clearance granted by respondent No. 3 – SEIAA Maharashtra to respondent No. 11 – M/s Eversmile Properties Pvt. Ltd. (Project Proponent), which has undertaken to construct project namely “Srishti Namaah”, situated at Sector-IIA, Old Survey Nos.233(P), 235(P), 256(P) and New Sr.Nos.66(P), 68(P), 69(P) at village Penkarpada, District Thane, Maharashtra, on the ground that despite the proposed Built-Up Area being 3,23,656.18 sq.mtrs, which required prior Environmental Clearance, the same has not been obtained as per EIA Notification, 2006 and that after the construction has been done, *ex-post facto* Environmental Clearance has been obtained suppressing material information in Form 1 and Form 1-A. It is also submitted in the grounds that since the area where the construction is being done is covered by CRZ Notification, 2011, prior permission was required to be obtained from MCZMA, which too has not been obtained.
5. Considering the grounds raised, we admit this appeal and direct the Registry to issue notice to the respondents, returnable within four weeks.
6. The appellant is directed to provide copies of the Appeal Memo and annexures thereto to the respondents, within a week.
7. The appellant is also directed to take necessary steps for service upon the respondents by both ways and also through available e-mail.
8. Put up this matter (Appeal No.23/2023) on 18.09.2023.

Dinesh Kumar Singh, JM

Dr. Vijay Kulkarni, EM

July 21, 2023
APPEAL NO.23 OF 2023 (WZ)
npj