

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

THROUGH PHYSICAL HEARING (WITH HYBRID OPTION)

Original Application No.02/2020(WZ)

Vaibhav Tapkir & Anr.

.....Applicants

Versus

M/s. Tanish Associates & Ors.

....Respondents

Date of hearing: 13.01.2025

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

Applicants : Mr. Tanaji Gambhire, Advocate along-with
Mr. Omkar Wangikar and Mr. Vijay Mhaske, Advocates

Respondents : Mr. Saurabh Kulkarni, Advocate for R-1/PP
Ms. Manasi Joshi, Advocate along-with
Ms. Pooja Natu, Advocate for R-2/MPCB
Mr. D. T. Devale, Advocate for R-3/Tahsildar, Khed &
R-5/PMRDA
Mr. Rahul Garg, Advocate along-with
Mr. Shubham Rathod, Advocate for R-6/MoEF&CC
Mr. Aniruddha Kulkarni, Advocate for R-7/SEIAA

ORDER

1. From the side of applicants, learned counsel Mr. Tanaji Gambhire has appeared.

2. From the side of respondent No.7-SEIAA, learned counsel Mr. Aniruddha Kulkarni has appeared, who submits that the query, which was made by this Tribunal vide order dated 19.10.2023, i.e. "*whether any policy is laid down by them to check the device adopted by the Project Proponent to split one bigger survey number/project into parts for raising construction below 20,000 sq. mtrs. in order to obviate the need of prior*

EC”, cannot be responded to by the SEIAA, as the same falls under the domain of respondent No.6-MoEF&CC.

3. Thereafter, learned counsel for respondent No.6-MoEF&CC has drawn our attention to the reply affidavit dated 15.10.2024 filed from their side, wherein, in para no.17, it has been stated that power in regard to the above has been delegated to SEIAA and therefore, SEIAA is the appropriate authority to reply the query, which was made by us.

4. We find that above two respondents are throwing their responsibility to each other to explain the position of law in regard to the above. Therefore, as per our query, it is very clear that as to whether there is any policy laid down as above, in our opinion, needs to be clarified by the MoEF&CC only. Hence, a clear speaking affidavit must come on record from their side and if there is no such policy laid down till now by them then certainly, the same will have to be considered and laid down so that there is no ambiguity in this regard in future. Therefore, we direct the MoEF&CC as well as SEIAA both to file a clear affidavit in this regard. The MoEF&CC and SEIAA may sit together and find out specific response to the query, which we have made above, in larger interest.

Put up this matter for further consideration on 16.06.2025

Dinesh Kumar Singh, JM

Dr. Vijay Kulkarni, EM

January 13, 2025
Original Application No.02/2020(WZ)
P.Kr