

Item No. 8

(Pune Bench)

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

(By Video Conferencing)

Original Application No. 02/2020(WZ)
I.A. No. 75/2021 & I.A. No. 142/2022

Vaibhav Tapkir & Anr.

.....Applicant(s)

Versus

Ms Tanish Associates & Ors.

....Respondent(s)

Date of hearing: 21.09.2022

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

Applicant(s) : Mr. Omkar Wangikar, Advocate
Respondent : Mr. Saurabh Kulkarni, Advocate for R-1
Ms. Manasi Joshi, Advocate for R-2
Mr. D. T. Devale, Advocate for R-3 & 5
Mr. Aniruddha Kulkarni, Advocate

ORDER

I.A. No. 142/2022 (WZ)

1. This Application has been moved by Respondent No. 1/Project Proponent, seeking recall of order dated 09.03.2022, directing to proceed *ex-parte* against it. The ground taken in this application is that the Learned Advocate who was engaged by Respondent No. 1, did not appear before this Tribunal on the date when it was heard and when the Respondent No. 1 came to know about it, another Counsel has been engaged and now Mr. Saurabh Kulkarni, Learned Counsel has appeared before us. There is no objection filed from the side of the other parties. The Learned Counsel for the Applicant also did not have objection as far as the opportunity being granted to the Respondent No. 1 is concerned in

the present case, therefore, in-stead of recalling the said order in totality, we confine only to the extent that the order passed against the Respondent No. 1 that proceedings will to go ahead against it *ex-parte*, is set aside and he is allowed a week's time to file reply affidavit.

I.A. No. 142/2022 (WZ) stands disposed of accordingly.

O.A. No. 02/2020 (WZ)

2. From the side of Applicant- Mr. Omkar Wangikar, Learned Counsel has appeared and from the side of Respondent No. 1/Project Proponent- Mr. Saurabh Kulkarni, Learned Counsel has appeared.

3. From the side of Respondent No. 2/Maharashtra Pollution Control Board (MPCB)- Ms. Manasi Joshi, Learned Counsel has appeared and apprised that reply affidavit could not be filed, hence she has prayed that some time may be allowed. We allow two weeks' time to file the reply affidavit.

4. She has further drawn attention to para Nos. 4 & 5 of the order of this Tribunal dated 09.03.2022 and in the light of that, direction was given by this Tribunal that joint committee shall submit additional supplementary report on the points which finds mention in the said order within a period of two months. Though the said period has already expired but the report could not be prepared, though it is apprised that visit has already been conducted and the report is yet to be prepared for filing of which four weeks' time may be allowed. Accordingly, we allow four weeks' time within which to file the said report and no more.

5. From the side of Respondent Nos. 3 & 5 (Tahasildar, Pune & PMRDA)- Mr. D. T. Devale, Learned Counsel has appeared and apprised that reply affidavit has already been filed.

6. No one has appeared from the side of Respondent No. 4/The Collector, Pune, hence proceeding will go ahead against him *ex-parte*.

7. Parties shall have the pleadings exchanged among themselves before the next date positively so that no adjournment would be required.

Put up this case on 09.11.2022.

Dinesh Kumar Singh, JM

Dr. Vijay Kulkarni, EM

September 21, 2022
Original Application No. 02/2020(WZ)
I.A. No. 75/2021 & I.A. No. 142/2022
P.Kr