

Item No. 8

(Pune Bench)

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

(WITH HYBRID OPTION)

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

Vaibhav Tapkir & Anr.

.....Applicant(s)

Versus

Ms Tanish Associates & Ors.

....Respondent(s)

Date of hearing: 25.04.2023

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

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

ORDER

1. From the side of Applicant, learned Counsel Mr. Omkar Wangikar, has appeared.
2. From the side of Respondent No. 1/Project Proponent, learned Counsel Mr. Saurabh Kulkarni has appeared and apprised that he has received the report of the Joint Committee Saturday night, therefore, he prays that two weeks' time may be allowed to file objection against the Joint Committee Report and also to file reply affidavit, the same is allowed.
3. From the side of Respondent No. 2/Maharashtra Pollution Control Board (MPCB), learned Counsel Ms. Manasi Joshi has appeared and apprised that she would not be filing separate reply affidavit as she is relying upon the Joint Committee Report.

4. From the side of Respondent No. 3/Tahasildar, Pune and for Respondent No. 5/PMRDA, learned Counsel Mr. D. T. Devale has appeared, who submits that he has some objection against the Joint Committee Report, which he would like to mention orally. He has pointed out towards para no. 2.7 of the Joint Committee Report and submits that the channelization of the open nala is permissible under the DCPR Notification but report contains the facts contrary to that. He has also drawn our attention to para no. 2.1 of the report at page no. 125 of the paper book, saying that it is a Marathi language document, which has been submitted from their side, its English version was requested to be provided but the same was not provided and he states that it was not very material because the only thing, which was required to be taken into consideration, was that the area of Gat No. 498/2+3 was required to be read as 1351.84 sq. mtrs. in-stead of 1551.84 sq. mtrs., which could have been done even if English version was not submitted by him.

5. Thereafter, the learned Counsel for the Respondent Nos. 3 & 5 has pointed out para nos. 3.2 and 3.3 of the Joint Committee Report, which says that separate Commencement Certificate was issued by the Sub-Divisional Officer, Sub-Division Khed, District: Pune with respect to the Gat No. 498/1, Gat No. 504 and Gat No. 498/2+3 respectively and that they were treated to be separate and therefore, the finding of the Joint Committee that they should be treated to be one project, is erroneous. When we directed him to show as to where the DCPR says that channelization is permissible, he says that he may be permitted to file written objection, we allow the same and direct that the same may be filed within a period of two weeks.

6. None has appeared from the side of Respondent No. 4/the Collector, Pune.

Put up this matter for final hearing on 24.07.2023

Dinesh Kumar Singh, JM

Dr. Vijay Kulkarni, EM

April 25, 2023
Original Application No. 02/2020(WZ)
I.A. No. 75/2021
P.Kr