

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

THROUGH PHYSICAL HEARING (WITH HYBRID OPTION)

**Original Application No.02/2020(WZ)
I.A. No.75/2021(WZ) & I.A. No.204/2023(WZ)**

Vaibhav Tapkir & Anr.

.....Applicant(s)

Versus

Ms. Tanish Associates & Ors.

....Respondent(s)

Date of hearing: 26.09.2023

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

Applicant	:	Mr. Tanaji Gambhire, Advocate along-with Mr. Omkar Wangikar, Advocate and Ms. Kajal Mandge, 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

I.A. No.204/2023(WZ)

1. This application has been filed by the applicant praying therein for impleadment of Union of India through Secretary; SEIAA- Maharashtra through Member Secretary; and Tanish Srushti Co-Operative Housing Society as respondents respectively.

2. It is mentioned in para no.4 of this I.A. that this Tribunal had passed an order dated 09.03.2022 in view of the Project Proponent/ Tanish Srushti Co-Operative Housing Society not having consent from MPCB nor EC required for the project, hence the Tribunal appointed 2nd Joint Committee, which has submitted its report dated 21.04.2023. It is further mentioned that as per this Tribunal's order dated 09.03.2022, the Tribunal is of the view that in order to avoid the Environmental Clearance

(EC), the project has been split into three parts, which fact has been confirmed and verified by the Joint Committee as well. Therefore, if the Tribunal comes to the conclusion that there is an encroachment made by the Tanish Srushti Co-Operative Housing Society/Project Proponent or has made construction illegally without obtaining EC and the same deserves to be demolished/removed, the Tanish Srushti Co-Operative Housing Society would be a necessary party to be impleaded as one of the respondents in the present matter for being given an opportunity of being heard.

3. In view of the above facts, prayer is made for impleadment of the above-mentioned three respondents in the present Original Application.

4. The learned Counsel Mr. Saurabh Kulkarni representing respondent No.1 vehemently opposed the impleadment of above parties as respondents in the present matter on the ground that by this impleadment, the original applicant is seeking expansion of the original prayers, which related to encroachment on the Nalla, which obstructed the free flow of water because of the illegal construction having been raised by the respondent No.1. But now, it is being expanded by the applicant contending that respondent No.1 has not obtained prior EC and other consents. If these contentions are allowed to be raised and consequential reliefs are also allowed to be added and being considered, the same would be time barred.

5. The learned Counsel for respondent No.1 prays for some time to be allowed to file objection against the said I.A., we allow one week's time to file the same.

6. The learned Counsel for applicants has also insisted upon to go through the 2nd Joint Committee Report, where-in at page no.130 of the paper book, there is an observation at point no.2.5, in which it is

recorded that the STP, which has been provided by the respondent No.1/Project Proponent to handle the sewage generated from the buildings from all three plots, is not operational because of power supply cuts off and that the same was not approachable due to bushes and plants over there. The Tanish Srushti Co-Operative Housing Society is not paying any proper attention for its maintenance because of which all untreated sewage is being allowed to be discharged in the nearby drain, which meets the River Indrayani, which is getting polluted heavily.

7. The learned Counsel for applicants further submits that this type of pollution needs to be stopped immediately, for which some interim direction should be issued. We direct the MPCB to take necessary steps in this regard forthwith and file an affidavit before us, as to what steps have been taken at their end to resolve this problem.

8. From the side of respondent No.3/Tahasildar, Pune and for respondent No.5/PMRDA, learned Counsel Mr. D. T. Devale has appeared, who apprised us that reply affidavit has been filed on behalf of respondent No.5/PMRDA, which is on record. He is provided an opportunity of one week to file objection against the above-mentioned I.A., if any.

I.A. No.75/2021(WZ)

9. It is also pointed out by the learned Counsel for applicants that one more I.A. i.e. I.A. No.75/2021(WZ) is pending, where-by prayer is made to re-consider the order dated 27.09.2021 passed by the Tribunal. But we do not find any such order to be there on record, therefore, this application stands dismissed as not maintainable.

I.A. No.75/2021(WZ) stands disposed of accordingly.

10. Registry is directed to put up this matter for further consideration
on 19.10.2023

Dinesh Kumar Singh, JM

Dr. Vijay Kulkarni, EM

September 26, 2023

Original Application No.02/2020(WZ)

I.A. No.75/2021(WZ) & I.A. No.204/2023(WZ)

P.Kr