

Item No.5

(Pune Bench)

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

THROUGH PHYSICAL HEARING (WITH HYBRID OPTION)

Original Application No.90/2023(WZ)

Ravindra Kuber Walawade

.....Applicant

Versus

Padmabhushan Vasantdada Patil Government Hospital & Ors.

....Respondent(s)

Date of hearing: 30.11.2023

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

Applicant : Mr. Omkar Wangikar, Advocate

Respondent(s) : Dr. S.D. Nadkarni along-with Dr. Sandeep Satpute,
representing P.V.P, Govt. Hospital, for R-1
Mr. Aniruddha Kulkarni, Advocate for R-2/Env't. Deptt.
Mr. Vilas Jadhav, Advocate for R-3 & R-4/MPCB

ORDER

1. From the side of applicant, learned counsel Mr. Omkar Wangikar has appeared, who has filed rejoinder to the reply affidavit filed by the respondent No.1/Padmabhushan Vasantdada Patil, which is taken on record.

2. From the side of respondent No.1, Dr. S.D. Nadkarni along-with Dr. Sandeep Satpute representing Padmabhushan Vasantdada Patil have appeared through Video Conferencing, who submit that the directions issued by the MPCB has been partly complied with and partly in the process of being complied. The reason given for non-compliance is said to be the non-availability of funds, for which efforts are being made. Some time has been prayed to be allowed for complying with the entire directions issued by the MPCB.

3. We inform the representatives of respondent No.1 that no Vakalatnama of any counsel has been filed from their side nor the affidavit, which has been submitted in this matter, has been verified. Therefore, this would be treated to be a defective affidavit without verification. They have undertaken to remove these defects at the earliest. We grant one week's time for removal of these defects as well as filing of Vakalatnama.

4. From the side of respondent Nos.3& 4/MPCB, learned counsel Mr. Vilas Jadhav has appeared, who apprised us reply affidavit has already been filed. We direct the respondent Nos.3& 4/MPCB to assess the amount of EDC with respect to not setting up STP as well as not obtaining CC&A, in terms of the principle laid down in the case of *Paryavaran Suraksha Samiti and Ors. Vs. Union of India and Ors. (Original Application Nos. 593/2017)* by filing an affidavit and a copy of the same shall also be served upon the respondent No.1 and other parties within a week and one week thereafter, rejoinder/objection against the same, if any, is required to be filed by the other parties, the same may be filed.

Put up this matter for final hearing on 26.02.2024

Dinesh Kumar Singh, JM

Dr. Vijay Kulkarni, EM

November 30, 2023
Original Application No.90/2023(WZ)
P.Kr