

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

(By Video Conferencing)

Original Application No.01/2022(WZ)
I.A. No. 87/2022(WZ) & 88/2022(WZ)

Shashikant Vitthal Kamble

Applicant(s)

Versus

Ministry of Environment, Forest
And Climate Change & Ors.

Respondent(s)

Date of hearing: 05.08.2022.

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

Applicant(s): None Present

Respondent(s): Mr. D. M. Gupta, Advocate for R-1
Mr. Aniruddha Kulkarni, Advocate for R-3, 4, 5 & 6
Mr. Joel Carlo, Advocate with Mr. Yashwant
Dhanegave, Advocate for R-7
Ms. Mansi Joshi, Advocate for R-8 & 9
Mr. Rahul Garg, Advocate for R 12, 13, & 14
Mr. Saurabh Kulkarni, Advocate for R-15

ORDER

1. No one has appeared on behalf of the Applicant. Though, Service affidavit has been filed on 05.04.2022, according to which service is sufficient on all the Respondents.

2. From the side of Respondent No.1-Mr. D. M. Gupte, Learned Counsel has appeared and apprised that he has not received the copy of the original application because of which he could not file his reply affidavit. Since, the Applicant is not appearing, hence, Registry is directed to send copy of the original application to Respondent No.1 through email who shall file his reply affidavit within a period of seven days.

3. No one has appeared from the side of Respondent No.2 despite sufficient service. Hence, the proceedings shall go ahead ex-parte against it.

4. From the side of Respondent Nos. 3, 4, 5 and 6 Mr. Aniruddha Kulkarni, Learned Counsel has appeared and apprised that he has filed reply from the side of Respondent No.3 but could not file replies from the side of Respondent Nos. 4, 5 and 6 because copies of the original application were not provided to them. Therefore, he is directed to file reply affidavits on behalf of Respondent Nos. 4, 5 and 6 within a period of seven days and no more.

5. From the side of Respondent No. 7, Mr. Joe Carlos, Learned Counsel has appeared and apprised that he has already filed his reply affidavit.

6. From the side of Respondent No. 8 and 9, Ms. Mansi Joshi, Learned Counsel has appeared and apprised that the joint visit report is yet to be filed because few documents were required to be obtained from executive engineer building approval, PMC from where the said documents could not be obtained so far, despite a letter being written on 14.07.2022 and thereafter its reminder dated 01.08.2022. Hence, further a week's time is prayed for to obtain those documents and to file the joint visit report. We also make it clear that within the same time limit the reply affidavit shall also be filed by the Respondent Nos. 8 and 9.

7. No one has appeared from the side of Respondent Nos.10 and 11 despite sufficient service. Hence, the proceedings shall go ahead ex-parte against them.

8. From the side of Respondent Nos. 12, 13 and 14, Mr. Rahul Garg, Learned Counsel has appeared and prays for two weeks time to file his reply affidavit. Permission is granted. Let the same be filed within a period of two weeks.

9. From the side of Respondent No.15 Mr. Saurbh Kulkarni, Learned Counsel has appeared and submitted that he has filed his reply affidavit on 14.07.2022. He has brought to the notice of this Tribunal that this Tribunal has constituted a joint committee vide order 04.02.2022, all these authorities

have already granted permission, therefore, they should not have been parties to the joint committee. This preliminary objection has been raised as well as he has raised the point of limitation and has prayed that the matter be decided on these preliminary grounds.

10. We deem it proper to dispose of the matter finally after hearing all the parties after their reply affidavits have been received.

11. The Learned Counsel for the Applicant may file rejoinder/s, if any, within a week after the reply affidavits filed by the Respondents.

12. The pleadings shall be exchanged by the parties among themselves before the next date positively so that no adjournment would need to be granted on that count.

13. Put up this matter for final hearing on 08.09.2022.

Dinesh Kumar Singh, JM

Dr. Vijay Kulkarni, EM

August 05, 2022
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