

Item No.7

(Pune Bench)

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

[THROUGH PHYSICAL HEARING (WITH HYBRID OPTION)]

**ORIGINAL APPLICATION NO.76 OF 2022 (WZ)
WITH
I.A.NO.107/2022 IN O.A. NO.76/2022**

Mr. Ibra Mashnaji Konapure & Ors.

.... Applicants

Versus

Union of India through Secretary, MoEF&CC
and Ors.

.... Respondents

Date of Hearing : 16.08.2023

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

Applicants

: Mr. Nitin Lonkar, Advocate

Respondents

: Mr. Raghvendra Kulkarni, Advocate holding
for MR. Rahul Garg, Advocate for R-1
Mr. Aniruddha Kulkarni, Advocate for
R-3, R-4 & R-5
Ms. Manasi Joshi, Advocate for R-6
Mr. Narayan Bubna and Mr. Tarun Sharma,
Advocates for R-10
Mr. R.B. Mahabal, Advocate for R-11

ORDER

1. From the side of the applicants, learned counsel Mr. Nitin Lonkar has appeared.
2. From the side of respondent No.1, learned counsel Mr. Raghvendra Kulkarni, holding brief of learned counsel Mr. Rahul Garg has appeared.
3. From the side of respondent No.3, 4 and 5, learned counsel Mr. Aniruddha Kulkarni has appeared.
4. From the side of respondent No.6, learned counsel Ms. Manasi Joshi has appeared.

5. From the side of respondent No.10, learned counsel Mr. Narayan Bubna and Mr. Tarun Sharma have appeared.

6. From the side of respondent No.11, learned counsel Mr. R.B. Mahabal has appeared.

7. By our previous order dated 11.05.2023, we had granted time by way of last opportunity to the learned counsel for R-3 – Environment Department, respondent No.4 – MCZMA and respondent No. 5 – SEIAA to submit the Joint Committee report. Regarding it, an e-mail dated 14.08.2023 has been received by us from the learned counsel for respondent No.4 – MCZMA, wherein it is submitted that NSCSM – respondent No.12 has submitted its opinion to respondent No.4 – MCZMA recently and based on that, the Joint Committee has scheduled its visit to the site for ascertaining the factual position. It is further apprised that after the said visit by the Joint Committee, four weeks' time would be required for preparation of the report. Therefore, adjournment of four weeks is prayed to be granted.

8. The learned counsel for the applicants submits that a copy of the opinion, which has been submitted by NCSCM to the MCZMA, should have been filed before this Tribunal as well as a copy thereof should have been provided to the applicants and other respondents too because NCSCM has now been impleaded as respondent No.12. The learned counsel for the applicants further prays that when the Joint Committee visits the site, the applicants should also be intimated in advance the date and time of visit so that the applicants would be present at the time of site inspection, to which Mr. R.B. Mahabal, learned counsel for respondent No.11 is opposing stating that this will set up wrong procedure/practice. Therefore, there is no need to allow the applicants to accompany the Joint Committee during inspection of the site because the Joint Committee members are the statutory authorities.

9. Having heard the learned counsel for the parties, we direct the Joint Committee to inform the applicants about the date and time of the visit of site so that the applicants would be present at the site during the inspection and in his presence, the said inspection should be carried out.

10. As regards the copy of opinion submitted by NCSCM to the MCZMA not having been filed before this Tribunal and not having been provided to the applicants and other respondents, we direct that the same be provided to the applicants and other respondents and the same also be placed before this Tribunal, at the earliest.

11. Since the visit to the site has been fixed on 18.08.2023, four weeks' time is prayed by the learned counsel for respondent No. 4 – MCZMA. We allow the same and direct the Registry to place this matter for next consideration on 21.11.2023.

Dinesh Kumar Singh, JM

Dr. Vijay Kulkarni, EM

August 16, 2023
O.A.No.76/2022 (WZ)
npj