

**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 (WZ)**

Mr. Ibra Mashnaji Konapure & Ors.

.... Applicants

Versus

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

.... Respondents

Date of hearing : 21.11.2023

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

Applicants : Mr. Nitin Lonkar, Advocate

Respondents : Mr. Rahul Garg, Advocate for R1
Mr. S.K. Mishra, Senior Advocate, i/b and with Mr.
Aniruddha Kulkarni, Advocate for R3, R4 & R5
Ms. Manasi Joshi, Advocate for R6
Mr. Preshit Surase, Advocate for R7 & R8
Mr. Narayan Bubna, Advocate for R10
Mr. R.B. Mahabal, Advocate for R11

ORDER

1. From the side of the applicants, learned counsel Mr. Nitin Lonkar has appeared and opposed the adjournment being sought by the learned counsel representing respondent Nos.3, 4 and 5 – the Principal Secretary, Environment Department, respondent No.4 – MCZMA and respondent No.5 – SEIAA, who submits that the inspection/site visit was conducted by the Joint Committee on 18.08.2023 and thereafter, NCSCM i.e. respondent No.12 has submitted their remarks to MCZMA – respondent No.4 on 17.11.2023, therefore, he seeks four weeks' time for the Joint Committee to submit its report. The learned counsel for the applicants submits that the NCSCM was directed to be impleaded and accordingly, it

has been impleaded as respondent No.12 and service of notice has been effected upon the said party, which is sufficient as per the service affidavit dated 31.03.2023, but none has appeared from their side despite sufficient service. It is further submitted by the learned counsel for the applicants that the opinion/remarks submitted by the NCSCM to the MCZMA was also required to be supplied to him but the same has not been provided nor any reason is given therefor. In view of above, we direct the Registry to issue a letter to the Director, NCSCM to appear personally through VC before us on the next date, in order to show why the compliance of our previous order dated 16.08.2023 has not been made by them.

2. We find that the Joint Committee was constituted long back in this case and too long a time is being taken by the Joint Committee, which is delaying the proceedings in the present matter, which is a thing of concern for us. Therefore, we direct the Joint Committee, by way of last opportunity, to file its report within four weeks as prayed for by the learned counsel for respondent Nos.3, 4 and 5 with a direction that the copy of the same shall also be served on the learned counsel for the applicants, who may file rejoinder to the same within a week thereafter.

3. Since the NCSCM has submitted its opinion/remarks to the MCZMA, we direct that a copy of the same shall be served by the learned counsel for the MCZMA upon the learned counsel for the applicants so that the objections may be submitted by the applicants against them, if so required.

4. From the side of respondent No.1, learned counsel Mr. Rahul Garg has appeared.

5. From the side of respondent Nos.3, 4 and 5, learned Senior Counsel Mr. S.K. Mishra along with learned counsel Mr. Aniruddha Kulkarni have appeared.

6. From the side of respondent No.6, learned counsel Ms. Manasi Joshi has appeared and states that already the reply affidavit has been filed.

7. From the side of respondent Nos.7 and 8, learned counsel Mr. Preshit Surase has appeared and states that the reply-affidavit has been filed.

8. From the side of respondent No.10, learned counsel Mr. Narayan Bubna has appeared.

9. From the side of respondent No.11, learned counsel Mr. R.B. Mahabal has appeared and states that the reply has been filed.

10. Put up this matter for further consideration on 09.02.2024.

Dinesh Kumar Singh, JM

Dr. Vijay Kulkarni, EM

November 21, 2023
O.A. No.76/2022(WZ)
npj