

Item No.4

(Pune Bench)

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

(By Video Conferencing)

ORIGINAL APPLICATION NO.76 OF 2022 (WZ)

Mr. Ibra Mashnaji Konapure & others

.... Applicants

Versus

Union of India through Secretary,
MoEF&CC and others

....Respondents

Date of hearing: 21.12.2022

**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 R-1
Mr. Aniruddha Kulkarni, Advocate for R-3, R-4 and R-5
Ms. Manasi Joshi, Advocate for R-6
Mr. Preshit Surshe, Advocate for R-7
Mr. Tarun Sharma, Advocate 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 and prays that a direction be issued that no further construction be raised in the area which is said to be CRZ area.

2. From the side of respondent No. 1 – MoEF&CC, learned counsel Mr. Rahul Garg has appeared and states that respondent No.1 is a formal party.

3. From the side of respondent No.2, none has appeared.

4. From the side of respondent Nos.3, 4 and 5, learned counsel Mr. Aniruddha Kulkarni has appeared and states that progress report has been filed, which is annexed at page 750 of the paper-book wherein it is stated that the Joint Committee has held its first meeting on 10.10.2022

and it was decided that for better clarity in the present case, necessary information was required to be obtained from National Centre for Sustainable Coastal Management (NCSCM), Chennai and Mira-Bhayandar Municipal Corporation. They have received the information from Mira-Bhayandar Municipal Corporation, but the information is still to be received from NCSCM. Thereafter only the inspection of the site would be carried out. The compliance of this Tribunal's order dated 07.11.2022 would be made, which directs that the Committee shall give an opportunity of hearing to all the parties/their representatives. In the said Progress Report, it is requested that 6 to 8 weeks' time be granted for submission of the report. The same is accordingly granted by way of last opportunity.

5. From the side of respondent No. 6 – MPCB, learned counsel Ms. Manasi Joshi has appeared and states that three weeks' time be granted to file reply-affidavit. The same is allowed.

6. From the side of respondent No. 7 – Urban Development Department, learned counsel Mr. Preshit Surshe has appeared. However, it is apparent from our previous order that the proceeding is directed to go ahead *ex parte* against respondent No.7. Therefore, the learned counsel for respondent No.7 may get the said order set aside/recalled by moving an application. He prays that he would file the appropriate application for getting the said order set aside. He further prays that he may be allowed to file reply-affidavit.

7. From the side of respondent No. 8 – Mira-Bhayandar Municipal Corporation, the reply-affidavit has been filed.

8. From the side of respondent No.10 – Mr. Narendra Lalchand Mehta, learned counsel Mr. Tarun Sharma has appeared and prays for two weeks' time for filing the reply-affidavit. The same is granted by way of last opportunity.

9. From the side of respondent No. 11 – M/s Seven Eleven Hotels Pvt. Ltd., learned counsel Mr. R.B. Mahabal has appeared and states that he has filed the reply-affidavit.

10. Put up this matter on 24.02.2023.

Dinesh Kumar Singh, JM

Dr. Vijay Kulkarni, EM

December 21, 2022
OA NO.76 OF 2022 (WZ)
Npj