

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

(By Video Conferencing)

Original Application No. 76/2022(WZ)
I.A. No. 107/2022(WZ) & I.A. No. 61/2023(WZ)

Mr. Ibra Mashnaji Konapure & Ors.

.....Applicant(s)

Versus

Union of India through Secretary MoEF&CC & Ors.

....Respondent(s)

Date of hearing: 22.03.2023

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

Applicant	:	Mr. Nitin Lonkar, Advocate along-with Mr. Tanaji Gambhire, Advocate
Respondent(s)	:	Mr. Rahul Garg, Advocate for R-1/MoEF&CC Mr. Aniruddha Kulkarni, Advocate for R-3/Env't. Deptt., R-4/MCZMA and R-5/SEIAA Ms. Manasi Joshi, Advocate for R-6/MPCB Mr. Preshit Surshe, Advocate for R-7/UDD & R-8/MBMC Mr. Narendra L. Mehta along-with Mr. Tarun Sharma, Advocates for R-10/Pvt. Party Mr. R.B. Mahabal, Advocate for R-11/PP

ORDER

I.A. No. 61/2023(WZ)

1. Respondent No. 7/UDD has filed this I.A. praying for setting aside the order dated 07.11.2022, where-by the proceedings were directed to proceed against it *ex-parte*. There is no objection to this order being recalled from the side of other Respondents or the Applicant. We find the reasons given for setting aside the said order to be sufficient, hence we recall that order as against the Respondent No. 7. This application stands allowed.

I.A. No. 61/2023(WZ) stands disposed of accordingly.

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2. From the side of Applicant, learned Counsel Mr. Nitin Lonkar along-with Mr. Tanaji Gambhire have appeared.

3. By the previous order dated 21.12.2022, it is apparent that from the side of Respondent No. 3/Env't. Department, for Respondent No. 4/Maharashtra Coastal Zone Management Authority (MCZMA) and for Respondent No. 5/SEIAA, learned Counsel Mr. Aniruddha Kulkarni, who has appeared before us, had sought 6 to 8 weeks' time for submission of the Joint Committee Report because some information was being tried to be received from National Centre for Sustainable Coastal Management (NCSCM), Chennai, which could not be gathered till now. Therefore in this situation, from the side of the Applicant, it has been proposed that NCSCM should be impleaded as one of the Respondent so that it may be known as to why the information is not being submitted by them and some pressure may be exerted upon them. To this proposal, the other Respondents, who are present today, have also no objection, therefore, we direct the learned Counsel for the Applicant to implead NCSCM as Respondent No. 12 within a period of one week and thereafter, Registry shall issue notice to the NCSCM, returnable within 04(four) weeks. We expect that in the meantime, NCSCM would furnish the desired information to the Respondent Nos. 3 to 4 and the report of the Joint Committee would also be furnished before us by then.

4. The learned Counsel for the Respondent No. 11 has drawn our attention to page no. 749 of the paper book, which is a Proforma-I annexed with the short affidavit filed by it showing that the Respondent No. 8/MBMC has excluded the CRZ area from the area where-on the

construction has been permitted, although the same has been disputed by the learned Counsel for the Applicant.

5. From the side of Respondent No. 7, learned Counsel Mr. Preshit Surshe has appeared and states that in PIL No. 35/2021, Hon'ble High Court has decided the matter on merits, which matter was similar in nature to the matter, which is before this Tribunal, the same is being disputed by the learned Counsel for the Applicant.

Put up this matter for final hearing on 11.05.2023

Dinesh Kumar Singh, JM

Dr. Vijay Kulkarni, EM

March 22, 2023

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