

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

[Through Physical Hearing (with Hybrid Option)]

ORIGINAL APPLICATION NO.104 OF 2023 (WZ)

Charan Bhatt

.... **Applicant**

Versus

Environment and Climate Change Department & Ors.

....**Respondents**

Date of Hearing : 13.09.2024

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

Applicant : Applicant-in-person present through VC

Respondents : Mr. Aniruddha Kulkarni, Advocate for R-1 and R-14
Mr. Shivshankar Swaminathan, Advocate for R-3, R-4 and R-6
Mr. Raghunath Mahabal, Advocate for R-9
Ms. Manasi Joshi, Advocate for R-15

ORDER

1. From the side of respondent No.9 – Project Proponent, reply-affidavit dated 10.09.2024 has been filed, wherein stand is being taken that there is no pond shown in the revenue records. In the D.P. map of CIDCO, there was a pond shown, which was erroneous and that error has not been rectified and this Original Application is false, which has been filed only with a view to harass the answering respondent. The applicant, who has appeared in person, seeks time to file rejoinder to this affidavit, for which we grant two weeks' time.

2. Today, the applicant has filed objection dated 12.09.2024 to the Joint Committee report, wherein two objections have been raised specifically i.e. (i)

information was not obtained by the Joint Committee from the respondent nor were they called for the site inspection and (ii) the presence of the pond was acknowledged, but the proper chronology of its approval, restrictions, violations and changes on the site was not clearly mentioned in the Joint Committee report. Therefore, it is prayed that the Joint Committee report should be quashed for its inaccuracy and omissions and another Joint Committee be constituted with qualified and impartial members to conduct a thorough and accurate review, with a direction to examine all relevant documents, violation, misuse of power, damage of pond, etc.

3. We are of the view that the report which has been submitted by the Joint Committee will be scrutinized by us in the light of the documentary evidence, which is to be led by the applicant and based on that, we would ourselves determine as to whether there is any need for setting aside this report and constituting another Joint Committee or not, at the stage of final hearing of the matter.

4. From the side of respondent no.3 – Commissioner of Vasai-Virar Municipal Corporation, respondent no.4 – Y. Shiva Reddy, Deputy Director of Town Planning and respondent No.6 – Mitali Dhangar, Engineer of Vasai-Virar Municipal Corporation, a joint affidavit-in-reply dated 12.09.2024 has been filed, in which same averments are made that there was an error in the CIDCO plan, which has been duly rectified and in fact, there is no pond at the site in question. The applicant may file rejoinder to this affidavit-in-reply, if he so desires, within two weeks.

5. From the side of respondent No.1 – Environment and Climate Change Department, Government of Maharashtra and respondent No.14 - CPCB, learned counsel Mr. Aniruddha Kulkarni has appeared.

6. From the side of respondent No.15 – MPCB, learned counsel Ms. Manasi Joshi has appeared.

7. Put up this matter for final hearing on 19.12.2024.

Dinesh Kumar Singh, JM

Dr. Vijay Kulkarni, EM

September 13, 2024
O.A. No.104/2023(WZ)
npj