

Item No.4

(Pune Bench)

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

THROUGH PHYSICAL HEARING (WITH HYBRID OPTION)

**Original Application No.102/2023(WZ)
I.A. No.166/2023(WZ) & I.A. No.170/2023(WZ)**

Ashish Prafull Bhopatrao

.....Applicant

Versus

The State of Maharashtra & Ors.

....Respondent(s)

Date of hearing: 09.08.2023

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

Applicant : Mr. Ashutosh Gole, Advocate

ORDER

1. From the side of applicant, challenge is made to an order dated 22.11.2022 passed by the District Collector & Magistrate, Palghar/respondent No.5 for cancelling the permanent fire cracker license granted to the applicant, on the ground that Village Mauje Balivali, Tal. Wada is included within the periphery of 10 kms. of eco-sensitive zone adjoining Tanasa Sanctuary, which is a prohibited activity.

2. The learned Counsel for applicant submits that this matter would be covered under the provision of Section 14 of the National Green Tribunal Act, 2010 because substantial question related to environment is involved in this case arising out of implementation of the provisions of the Environment (Protection) Act, 1986, which is one of the enactments specified in schedule I to the National Green Tribunal Act, 2010.

3. In order to understand the facts, the learned Counsel says that despite the Village Balivali falling in the eco-sensitive area, the applicant's

activity of storing the firecrackers and selling the same, is not a prohibited activity. Therefore, impugned order deserves to be set aside.

4. When we made a query from the learned Counsel as to from where the said ground has been taken and which is the Notification, on the basis of which he says that such kind of activity is not falling in the category of prohibited activity, to which the learned Counsel says that he may be given an opportunity to file the same. We grant an opportunity of one week to file the same.

5. Registry is directed to list this matter for admission on 24.08.2023.

Dinesh Kumar Singh, JM

Dr. Vijay Kulkarni, EM

August 09, 2023

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