

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

[Through Physical Hearing (with Hybrid Option)]

**EXECUTION APPLICATION NO.15 OF 2023 (WZ)
IN
ORIGINAL APPLICATION NO.04 OF 2022 (WZ)**

Tanaji Ruikar

.... Applicant

Versus

Mhetre Accident & Multispeciality
Hospital & Ors.

.... Respondents

Date of hearing : 14.09.2023

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

Applicant : Mr. Omkar Wangikar, Advocate

ORDER

1. This Execution Application has been filed by the applicant seeking relief that the directions issued by this Tribunal by order dated 11.10.2022 in Original Application No.4 of 2022 and by order dated 04.05.2023 passed in Appeal No.2 of 2023, be ordered to be complied with by respondent Nos.1, 5 and 6.

2. The learned counsel for the applicant has drawn our attention to the judgment and order of this Tribunal dated 11.10.2022 rendered in Original Application No.4 of 2022, wherein in paragraph No.16, following directions were issued:

“We, therefore, direct respondent Nos.5 and 6 – MPCB to assess the environmental compensation on the basis of the principle/formula which has been prescribed by the CPCB as stated in paragraph No.13 of their reply-affidavit, after giving an opportunity of hearing to respondent No.1 and the so quantified amount of environmental compensation be realized from respondent No.1 to be used for

restitution of environment. We direct that the exercise of calculation of the environmental compensation shall be completed within a period of one month from today and thereafter, within one month, the same shall be realized from respondent No.1. If respondent No.1 does not obtain CCA even till the date of calculation of environmental compensation, thereafter respondent No.1's facility shall not be allowed to be continued. Besides that, the Maharashtra Pollution Control Board also shall proceed to prosecute respondent No.1 in accordance with law for the said violation.

While in the order dated 04.05.2023 passed in Appeal No.02 of 2023 (WZ), following directions were issued by us:

“17. We find that the calculation of environmental compensation has been made only from 31.12.2019 till the date of passing of our order i.e. 11.10.2022, therefore, from that date onwards till 17.11.2022, the additional environmental compensation shall also have to be levied from the Project Proponent by the MPCB by following the same Guidelines, which have been relied upon by them.

18. We direct that if the said amount is not deposited by the Appellant, the Respondent No.1 shall take all coercive measures to realize the same.”

3. Thereafter, the learned counsel for the applicant has drawn our attention to Annexure-H to the present application (page 51), which is communication dated 18.07.2023 made by Sub-Regional Officer of MPCB, Sangli to the applicant, informing that compliance of this Tribunal's order has been made vide above reference letter No.3 i.e. letter dated 14.07.2023. The applicant has submitted in paragraph No.10 of the application that respondent No.5 has issued only revised environmental compensation notice on 21.06.2023, but has failed to take any coercive measures to realize the said amount of environmental compensation and further prosecution, which was directed to be launched against officers of respondent No.1, has not been initiated.

4. Considering the above facts and submissions, we deem it appropriate to admit this Execution Application and direct the Registry to issue notice to respondent Nos.5 and 6, directing them to file reply within four weeks.

5. The applicant is directed to provide copies of the Execution Application and annexures thereto to respondent Nos.5 and 6, within a week.

6. The applicant is also directed to take necessary steps for service upon the respondent Nos.5 and 6 by both ways and also through available e-mail.

7. Put up this matter for further consideration on 17.10.2023.

Dinesh Kumar Singh, JM

Dr. Vijay Kulkarni, EM

September 14, 2023
E.A. No.15/2023(WZ)
npj