

**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 : 17.10.2023

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

Applicant : Mr. Omkar Wangikar, Advocate

Respondents : Mr. Vilas Jadhav, Advocate for R-5 and R-6

ORDER

1. From the side of the applicant, learned counsel Mr. Omkar Wangikar has appeared and states that he has not been served with the reply-affidavit filed by the MPCB, which is placed before us. We direct that a copy of the said reply-affidavit be served on the learned counsel for the applicant today through e-mail.

2. By the said reply-affidavit dated 16.10.2023 filed by respondent Nos.5 and 6 – MPCB, it is submitted that in pursuance of our order dated 04.05.2023, which is sought to be executed, they have calculated the revised environmental damage compensation to the tune of Rs.52,30,875/- and issued notice to respondent No.1 to deposit the same within fifteen days, but the same has not been deposited so far. It is also stated that compliance report in regard to finalization of

calculation of environmental damage compensation has been submitted before the Registry of this Tribunal on 14.07.2023. It is further submitted in the affidavit that the answering respondents have initiated a criminal case in the Court of Chief Judicial Magistrate, Sangli on 11.10.2023 against the Project Proponent in compliance with this Tribunal's order, to which the learned counsel for the execution application submits that it has been initiated after a period of one year, for which the officials of the MPCB need to be proceeded against.

3. It is further mentioned in the aforesaid affidavit that respondent No.1 has filed Civil Appeal No.5957 of 2023 before the Hon'ble Supreme Court wherein the Hon'ble Apex Court has passed an order on 15.09.2023 directing respondent No.1 to deposit an amount of Rs.20 lakhs with the MPCB, which amount has been deposited, proof of which has been annexed as Annexure-C to the reply-affidavit.

4. As regards initiation of prosecution against the officials of the MPCB for taking one year for initiation of prosecution against the Project Proponent, we do not deem it appropriate to proceed against them in the given circumstances.

5. We find that the prayers made in the present Execution Application stand complied with and nothing remains to be decided in this application. Therefore, we dispose of this Execution Application.

Dinesh Kumar Singh, JM

Dr. Vijay Kulkarni, EM

October 17, 2023
E.A. No.15/2023(WZ)
npj