

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

THROUGH PHYSICAL HEARING (WITH HYBRID OPTION)

**Execution Application No.16/2023(WZ)
I.A. No.21/2024(WZ)
Earlier E.A. No.21/2023(PB)
In
Original Application No.119/2023(WZ)
Earlier O.A. No.363/2015(PB)**

Dr. Sarvabhoun Bagali

.....Applicant

Versus

State of Karnataka & Ors.

....Respondent(s)

Date of hearing: 01.02.2024

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

Applicant : Mr. Aagney Sail, Advocate
Respondent(s) : Mr. Tushar Thombare, Addl. Collector, Solapur for R-3
Mr. Aniruddha Kulkarni, Advocate for R-4/SEIAA
Ms. Surabhi Agrawal, Advocate along-with
Mr. Rajeev Carvalho, Advocate for R-5/PP

ORDER

I.A. No.21/2024(WZ)

1. From the side of execution applicant, learned counsel Mr. Aagney Sail has appeared, who has moved an I.A. No.21/2024(WZ) seeking impleadment of the State of Maharashtra through its Chief Secretary as respondent No.7 in the present application. In this regard, he submits that this application has already been allowed by the Tribunal by previous order dated 01.12.2023 in para no.2 and it is being submitted now that the specific number is allotted to the same. With this I.A., he also annexed amended memo of parties of the present application. We allow this I.A. accordingly.

I.A. No.21/2024(WZ) stands disposed of accordingly.

Execution Application No.16/2023(WZ)

2. From the side of respondent No.3/District Collector, Solapur, Mr. Tushar Thombare, Addl. Collector, Solapur has appeared in-person through Video Conferencing, who submits that he was not served a copy of the order passed by us directing him to file reply affidavit within four weeks. But today, he assured us that he will submit reply affidavit within a week before this Tribunal. We allow the same by way of last opportunity.

3. From the side of respondent No.4/SEIAA- Maharashtra, learned counsel Mr. Aniruddha Kulkarni has appeared, who submits that he would not be filing any reply affidavit in this matter.

4. From the side of respondent No.5- Project Proponent – M/s K.J. Infrastructure Projects India Pvt. Ltd, learned counsel Ms. Surabhi Agrawal along-with learned counsel Mr. Rajeev Carvalho have appeared. Learned counsel Mr. Rajeev Carvalho submits before us that Ms. Surabhi Agrawal is an Advocate on record before the Hon'ble High Court of Bombay and she would be appearing on behalf of respondent No.5 in this matter before this Tribunal. The learned counsel Ms. Surabhi Agrawal submits that she will file her Vakalatnama within a week in this matter. We allow the same.

5. As per the service affidavit dated 30.11.2023, service of notice upon respondent No.7-State of Maharashtra through its Chief Secretary is sufficient by e-mail as well as by Registered Post. But none has appeared from their side today.

6. The learned counsel for execution applicant has also submitted before us that he has received a reply through e-mail from the side of

respondent No.7, where-in it is mentioned that they have forwarded the matter to the Environment Department of the State of Maharashtra.

7. We direct the Registrar of this Tribunal to send a letter to the Chief Secretary, State of Maharashtra asking him to submit reply, as to why no one was authorized from their side to represent them and why no reply was submitted in writing, by the next date. If he fails to appoint an Advocate to represent them, we would have no option but to order his personal appearance before this Tribunal.

Put up this matter for further consideration on 04.04.2024

Dinesh Kumar Singh, JM

Dr. Vijay Kulkarni, EM

February 01, 2024
Execution Application No.16/2023(WZ)
I.A. No.21/2024(WZ)
Earlier E.A. No.21/2023(PB) In
Original Application No.119/2023(WZ)
Earlier O.A. No.363/2015(PB)
P.Kr