

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

THROUGH PHYSICAL HEARING (WITH HYBRID OPTION)

**I.A. No.205/2023(WZ)
IN
Review Application No.10/2023(WZ)
In
Original Application No.65/2018(WZ)**

Lalitkumar Namdeo Chaudhari

.....Applicant

Versus

The State of Maharashtra & Ors.

....Respondent(s)

Date of hearing: 03.10.2023

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

Applicant : Applicant in person

ORDER

I.A. No.205/2023(WZ)

1. This application has been filed against the Judgment/Order of this Tribunal dated 17.07.2023 passed in Original Application No.65/2018(WZ) with a delay of 26 days, condonation of which has been sought by moving above-mentioned I.A.

2. It is further mentioned in this application that impugned order was uploaded on the portal of NGT on 21.07.2023 and thereafter, he approached his Advocate, in order to seek legal advice. On 30.09.2021 (appears to be wrongly mentioned as it should be 30.07.2021), after going through the impugned order, his Advocate directed him to provide all documents filed before this Tribunal including enquiry committee report. Thereafter, the applicant approached his Advocate on 04.09.2023 and he was advised to file the present review application because he was told

that this Tribunal did not deal with the issue of throwing the garbage/sewage in the Dhadi River Bed.

3. Thereafter, the applicant drafted the present review application on 10.09.2023 and filed this review application through online process on 12.09.2023 (we find that the signature of the applicant on this review application is made on 16.09.2023).

4. We find that the impugned order/Judgment, even it was uploaded on the website of NGT on 21.07.2023, one month thereafter would expire on 20.08.2023, while the present review application has been moved on 16.09.2023, which is evident from the signature done by the present applicant, which is much beyond 30 days' time, which has been prescribed for filing review application under Rule 22 of the NGT (Practice and Procedures) Rules, 2011. Therefore, this application is found to be time barred.

5. Moreover, the averment made in this application in para no.6 that he was advised to file this review application because this Tribunal did not deal with the issue of throwing the garbage/sewage in the Dhadi River Bed, is also not found to be correct because we have held in the said Judgment as below:-

23. We do not find any genuine reason for the respondent No. 6 not to set up the STP as per the directions given in Original Application No. 606/2018 and also for not clearing the legacy waste. Therefore, the amount of Rs. 390 lakhs, which has been calculated by the MPCB as environmental compensation, which has been cited above in tabular form, cannot be held to be wrong calculation as the same has been done in accordance with the guidelines issued by this Tribunal in Original Application No. 606/2018.

24. Now the only question, which remains for consideration, is as to whether for the period thereafter, for which the calculation has already been done by the MPCB, further calculation of environmental compensation is required to be levied from the respondent No. 6 or not?

25. In our estimation, we are of the view that the said calculation also needs to be made by the MPCB, for which we grant 15 days' time from the date of uploading of this order and thereafter the same would be payable by the respondent No. 6 within next one month and

no more. The amount of environmental compensation, which has already been imposed by MPCB as detailed in para nos. 9 and 15 above, shall also be paid to MPCB within one month of uploading of this order, failing which an interest @12% would be chargeable on the balance amount till the same is paid.

26. The amount so realized from the respondent No. 6 shall be utilized for the improvement of environment in the Faizpur municipal council area within a period of six months of its realization.

27. We have been apprised by the learned Counsel for the MPCB of the gravity of the situation by telling that the legacy waste and sewage waste, which are presently lying at the site, will have very serious impact on environment by getting mixed in the river water during this monsoon period. Therefore, we expect from the respondent No. 6 to take measures on war footing, in order to resolve the problem. We also make it clear that till the problem is set right and the treatment of legacy waste is taken care of, the MPCB shall continue to assess the environmental compensation for the future period as well, to be realized from the respondent No. 6/Faizpur Municipal Council.

28. Since the learned Counsel for the MPCB apprised that a Criminal Prosecution has already been initiated against the respondent No. 6, we direct that the same shall be pursued appropriately in the Court concerned and its conclusion shall be got expedited.”

6. In view of above, we find that above-mentioned authority has taken adequate care of the problem, which was reported to have been faced by the applicant. Therefore on merits also, review application does not have any force.

7. We may also make it clear that the impugned order/Judgment was dictated in Open Court by us in presence of the applicant and at that point of time, when it was being dictated, no such objection has been raised by the applicant.

8. This delay condonation application i.e. I.A. stands rejected and consequently, the present review application also stands rejected.

Dinesh Kumar Singh, JM

Dr. Vijay Kulkarni, EM

October 03, 2023
I.A. No.205/2023(WZ) IN
Review Application No.10/2023(WZ) In
Original Application No.65/2018(WZ)
P.Kr