

Item No.3

(Pune Bench)

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

[Through Physical Hearing (with Hybrid Option)]

**EXECUTION APPLICATION NO.18 OF 2023 (WZ)
IN
APPEAL NO.32 OF 2020 (WZ)**

Tanaji B. Gambhire

.... Applicant

Versus

Chief Secretary, Govt. of Maharashtra & Ors.

.... Respondents

Date of hearing : 22.09.2023

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

Applicant

: Applicant-in-person present

ORDER

1. This application has been filed seeking execution of the order dated 04.05.2022 passed by this Tribunal in Appeal No.32 of 2020(WZ) (Tanaji B. Gambhire Vs. Chief Secretary, Govt. of Maharashtra & Ors.), wherein in paragraph Nos.13 and 15, following was directed:

“13. Having regard to the entirety of facts and circumstances pointed out above, we determine the total compensation payable by the PP at Rs.10 crores which may be spent on restoration of environment by preparing an appropriate Environmental Restoration Plan by joint Committee comprising of CPCB, State PCB, SEIAA Maharashtra, and District Magistrate, Pune. The Environmental Restoration Plan may be prepared within one month and executed within six months in the manner which may be determined by the joint Committee. The State PCB will be the nodal agency for coordination and compliance. The compensation may be paid by the PP within one month and deposited with the State PCB to be kept in a separate account for restoration of environment as directed above.

15. In view of above discussion, though the impugned EC is illegal being ex post facto, applying the doctrine of proportionality, the same is upheld subject to payment of compensation determined above for restoration of environment. The appeal succeeds to this extent.”

2. The applicant-in-person submits that though an amount of Rs.10 Crores, in compliance with above order, has been deposited by the Project Proponent, no appropriate Environmental Restoration Plan has been prepared by the joint Committee so far, which was required to be done by it within six months' time.

3. In view of above, we admit this Execution Application and direct the Registry to issue notice to the respondents, returnable within four weeks.

4. The applicant is directed to provide copies of the Execution Application and annexures thereto to the respondents, within a week.

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

6. Put up this matter on 05.01.2024.

Dinesh Kumar Singh, JM

Dr. Vijay Kulkarni, EM

September 22, 2023
E.A. No.18/2023(WZ)
npj