

Item No.1

(Pune Bench)

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

[Through Physical Hearing (with Hybrid Option)]

ORIGINAL APPLICATION NO.145 OF 2023 (WZ)

Murtaza Sadikali Tarwadi

.... Applicant

Versus

Pride Property Developer & Ors.

.... Respondents

Date of hearing : 20.11.2023

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

Applicant : Applicant-in-person present

ORDER

1. The applicant has appeared in person and has filed Misc. Application No. 215 of 2023, wherein he has prayed that a direction be issued to respondent No.1 to construct the STP at appropriate location and with appropriate technology available presently and a direction be issued to State Pollution Authority to create policy with construction less than 20,000 sq.mtrs.

2. Perusal of the aforesaid prayers would indicate that the applicant wants these reliefs to be added in the original prayers which were made by him by filing the present Original Application, for which an amendment application is required to be filed seeking addition of the above two prayers, amending the relevant pleadings in the pleading part of the Original Application. However, instead of doing that, the applicant has moved this I.A. The applicant has responded that he has filed this

I.A. in response to the queries made by this Tribunal vide its order dated 18.10.2023 whereby we had directed the applicant to file the guidelines laid down by the CPCB, which mandate that STP cannot be located in the basement area and that the total built-up area was also required to be disclosed by him. Applicant states that he has annexed CPCB guidelines with the I.A. as Exhibit-A (pages 10 and 11 of the I.A.), which, according to him, are said to be available on the website of the CPCB. But we suspect that since there is no date mentioned on the said CPCB guidelines filed by the applicant, they may not be the correct guidelines. It also does not contain the website from which these guidelines are said to have been downloaded.

3. The applicant submits that he is one of the members of the Society which has been formed by the residents of the building in question, but no documentary evidence has been annexed by him showing that the said Society is registered one of which the applicant is a member and authorized to file the proceeding before this Tribunal.

4. The applicant, at this stage, has consented to withdraw this Original Application as well as I.A. No. 215/2023 with liberty to file a fresh Original Application along with full details. Accordingly, we allow the prayer of the applicant and dismiss the Original Application as well as I.A. No.215/2023 as withdrawn with liberty as prayed for.

Dinesh Kumar Singh, JM

Dr. Vijay Kulkarni, EM

November 20, 2023
O.A. No.145/2023(WZ)
npj