

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

THROUGH PHYSICAL HEARING (WITH HYBRID OPTION)

**Execution Application No.21/2023(WZ)
In
Original Application No.75/2021(WZ)**

The Cliff Garden Co-op. Hsg. Society Ltd. & Anr.

.....Applicant(s)

Versus

Gram Panchayat, Maan & Ors.

....Respondent(s)

Date of hearing: 01.03.2024

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

Applicant : Mr. Saurabh Kulkarni, Advocate

Respondent(s) : Ms. Pooja Natu, Advocate h/f Ms. Manasi Joshi,
Advocate for R-6/MPCB

ORDER

1. The execution of order dated 22.02.2023 passed in Original Application No.75/2021(WZ), which is being sought in the present execution application, is upheld by the Hon'ble Supreme Court vide order dated 02.02.2024 passed in *Civil Appeal Diary No(s).940/2024*, wherein following order has been passed:-

“Application for exemption from filing a certified copy of the impugned judgment ids allowed.

The learned counsel appearing for the appellant, on instructions, states that the entire solid waste and other waste has been removed in terms of the directions issued under the impugned order.

Delay condoned.

Issue notice returnable on 15th March, 2024.

We direct the appropriate officers of the Maharashtra Pollution Control Board to immediately visit the site and verify the correctness of the aforesaid statement of the appellant. The report shall be submitted on the next date.

We direct the appellant to file an affidavit setting out in what manner it will comply with the requirements of the Solid Waste Rules, 2016. The affidavit to be filed within a period of one month.

A copy of this order shall be forwarded to the seventh respondent for making necessary compliance.

In the meanwhile, no steps shall be taken to recover compensation from the appellant.”

2. In compliance with our order dated 22.02.2023 in para no.18(1), from the Gram Panchayat- Maan, the respondent No.6- MPCB was required to realize the EDC to be calculated in terms of the order passed by the Principal Bench of this Tribunal in Original Application No.606/2018.

3. By the reply affidavit of respondent No.6- MPCB dated 21.11.2023, an amount of Rs.43,00,000/- (Rs. Forty Three Lakhs) has been calculated to be realized from the respondent No.1- Gram Panchayat- Maan and now the same stands stayed by the Hon'ble Supreme Court.

4. Since the Hon'ble Supreme Court has already taken up this matter and stayed the proceedings of this execution application and it is also recorded in the order of Hon'ble Supreme Court that they have called for a report with respect to removal of the entire solid waste as well as to know as to in what manner, requirement of Solid Waste Rules, 2016 would be complied with, entire matter appears to be under consideration before the Hon'ble Supreme Court.

5. We do not find anything left to be decided at our end in the present execution application. However, after final disposal of the above-mentioned Civil Appeal by the Hon'ble Supreme Court, in case any issue remains outstanding, execution applicant may approach us.

6. With the above direction, we dispose of this execution application.

Dinesh Kumar Singh, JM

Dr. Vijay Kulkarni, EM

March 01, 2024
Execution Application No.21/2023(WZ) In
Original Application No.75/2021(WZ)
P.Kr