

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

[Through Physical Hearing (with Hybrid Option)]

**ORIGINAL NO.58 OF 2022 (WZ)
WITH
I.A. NOS.73/2022 AND 209/2023 IN O.A. NO.58/2022 (WZ)**

Aryavart Foundation

Applicant

Versus

M/s Ria CEPT Co-op. Society Ltd. & Ors.

Respondents

Date of hearing : 08.05.2024

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

Applicant : Mr. Aayushman Aeron, Advocate holding for Dr. Surendra Singh Hooda, Advocate

Respondents : Mr. Saurabh Kulkarni, Advocate for R-1
Mr. Vilas Jadhav, Advocate for R-2
Mr. Aniruddha Kulkarni, Advocate for R-3
Mr. Raghunath Mahabal, Advocate for R-4
Mr. Dattatray Devale, Advocate for R-5
Mr. Saket Mone, Advocate for R-7

ORDER

I.A. NO.209 OF 2023 (WZ) :

1. Learned counsel for respondent No.5 – M/s Sudarshan Chemical Industries Ltd has filed this application (I.A. No.209/2023) for deletion of respondent No.5 from the array of parties in Original Application. When we enquired from the learned counsel for the applicant as to whether he has any objection for deletion of respondent No.5, he states that respondent No.5 was not impleaded by him, rather it was at the direction of this Tribunal vide order dated 31.03.2023 that the said impleadment has been done. Therefore, we find that the reason which has been given for impleadment of respondent No.5 is already recorded in paragraph no.8 of our order, referred to above. Hence, we do not find good ground

for deletion of respondent No.5 from the array of parties in Original Application. This application (I.A.) is accordingly disposed of.

2. Respondent No.5 has already filed reply-affidavit dated 07.02.2024 in Original Application. Learned counsel for respondent No.5 states that he has received copy of the reply-affidavit of respondent No.1 – M/s Ria CEPT Co-op. Society Ltd., dated 02.03.2024, against which he wants to file rejoinder. Four weeks' time is allowed for the same.

3. From the side of respondent No.6 – M/s R & B Infra Projects Ltd and respondent No.7 – M/s Hydroair Tectonics (PCD) Ltd, reply-affidavits have been filed wherein the submissions are made against the Joint Committee as well, stating that opportunity of hearing was not given to them while calculating the environmental damage compensation (EDC) against them and on the point that they were contractors engaged by respondent No.4 – MIDC and hence, they cannot be held liable for EDC.

4. From the side of respondent Nos.6 and 7, learned counsel Mr. Saket Mone has appeared and states that the basis of the Joint Committee report in respect of recommending EDC against respondent Nos.6 and 7 is the tripartite agreement while there is no such agreement executed. The document which has been provided to us and relied upon by the Joint Committee is not actual agreement.

5. The learned counsel for respondent No.2-MPCB states that the objections which have been stated in the replies of respondent Nos.6 and 7 need to be considered by the Joint Committee and thereafter, the matter should be heard. We allow respondent Nos.6 and 7 as well as respondent No.1 – M/s Ria CETP Co-op. Society Ltd and respondent No.4-MIDC to approach the Joint Committee for raising the objections against the Joint Committee report and the hearing shall be given by the Joint Committee to these parties and supplementary report be submitted before us within one month and a copy of the said supplementary report shall also be served on all the parties to the present proceeding.

6. From the side of respondent No.4, learned counsel Mr. R.B. Mahabal has appeared and submits that there are several allegations/objections against the MPCB-respondent No.2 itself. Therefore, MPCB should not be party to the hearing before the Joint Committee in respect of the matter of complaint against themselves. But we find that respondent No.2-MPCB is an Institution and that there may be some specific officer who might have bias against some party. Therefore, the parties have liberty to implead such kind of officer who is taking interest in respect of any other party and seeking relief against them.

7. Learned counsel for the parties apprised us that the reply-affidavit, which has been submitted by respondent No.5, has not been served upon them. Therefore, we direct learned counsel for respondent No.5 to serve a copy of the reply to all other parties within two days.

8. Put up this matter for next consideration on 22.08.2024.

Dinesh Kumar Singh, JM

Dr. Vijay Kulkarni, EM

May 08, 2024
O.A. NO.58/2022(WZ)
npj