

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

THROUGH PHYSICAL HEARING (WITH HYBRID OPTION)

**Original Application No.182/2023(WZ)
I.A. No. /2024(WZ)
Misc. Application No.14/2023(WZ)
(Disposed on 01/12/2023)**

Prasad Haribhau Jadhav & Ors.

.....Applicant(s)

Versus

M/s Godavari Bio-refineries Ltd. & Ors.

....Respondent(s)

Date of hearing: 15.04.2024

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

Applicant : Mr. Abhiraj S. Kulkarni, Advocate

Respondent : Mr. Aniruddha Kulkarni, Advocate for R-2/MPCB

ORDER

1. In compliance with our previous order dated 04.04.2024, the respondent No.2-MPCB has filed rejoinder affidavit dated 10.04.2024 to the affidavit of applicant, wherein it is clearly submitted that while collecting the samples and conducting the tests, environmental parameters were adhered to and that the allegations made against the respondent No.2- MPCB in this regard are all baseless.

2. In compliance with our previous order dated 04.04.2024, an I.A. has been filed from the side of applicants, which is not yet numbered by the Registry because the same was found to be defective because of the reasons that the annexures were not attested; and printing charges were not paid.

3. Today, hard copy of the same has been provided directly to us by the learned counsel for applicants, the same is taken on record. He submits that the annexures of the same have been attested and that he has to pay the printing charges, which he will be paying today itself. Therefore, we direct the Registry to register this I.A. today itself after the compliance made by the learned counsel for applicants.

4. Heard on this I.A., wherein prayer is made that additional documents, which are filed through this I.A., as per the list, annexed at page no.11 of this I.A., which are 14 in number, are prayed to be taken on record. The learned counsel for applicants submits that a copy of this I.A. has already been provided to the learned counsel for respondent No.2- MPCB, who may file objection against this I.A., if any, within two weeks.

5. The learned counsel for applicants is raising objection in respect of the test reports filed by the respondent No.2- MPCB to be biased in favour of the Project Proponent on the ground that the procedures, which have been laid down under the Rules, have not been adhered to.

6. As per the practice of this Tribunal, we have been relying on the report of the MPCB. But looking to the fact that a doubt is being expressed about their correctness, we deem it appropriate to constitute a Committee comprising one Member each from:-

- (i). The Maharashtra Pollution Control Board (MPCB);
- (ii). The Central Pollution Control Board (CPCB); and
- (iii). The Ministry of Environment, Forest & Climate Change (MoEF&CC).

7. The Committee is directed to visit the site in question, collect the samples in presence of the applicants/applicants' counsel as well as the representative of the Project Proponent and submit a factual and action taken report within one month. The Committee is also directed to provide an opportunity of hearing to both the parties before the submission of report to us.

8. The Maharashtra Pollution Control Board (MPCB) shall be the nodal agency for coordination and logistic support.

9. The report in the matter be submitted through e-filing by using portal of NGT in the form of searchable PDF/OCR Support PDF and not in the form of Image PDF.

10. Applicants are directed to supply the required documents and copy of the application to the Members of the Committee within three days from today.

11. We make it clear that if we find through report that false facts are being placed before us by the applicants, we would have no option but to impose heavy cost upon the applicants.

12. A copy of this order be communicated to the above-mentioned Committee forth-with for compliance.

Put up this matter for further consideration on 05.07.2024

Dinesh Kumar Singh, JM

Dr. Vijay Kulkarni, EM

April 15, 2024
Original Application No.182/2023(WZ)
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P.Kr