

Item No.4

(Pune Bench)

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

[Through Physical Hearing (With Hybrid Option)]

ORIGINAL APPLICATION NO.185 OF 2023 (WZ)

Vanashakti Public Trust & Anr.

.... Applicants

Versus

Union of India & Ors.

....Respondents

Date of hearing : 04.04.2024

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

Applicants : Mr. Zaman Ali, Advocate

Respondents : Mr. Rahul Garg, Advocate for R-1
Mr. Aniruddha Kulkarni, Advocate for R-2(i), R-2(ii) & R-3
Ms. Bhavna Kundalkar, Advocate holding for Ms. Shakuntala
Wadekar, Advocate for R-4
Ms. Pooja Natu, Advocate holding for Ms. Manasi Joshi,
Advocate for R-7
Mr. Pushkal Mishra, Advocate for R-8

ORDER

1. From the side of the applicants, learned counsel Mr. Zaman Ali has appeared.

2. From the side of respondent No.1, learned counsel Mr. Rahul Garg has appeared.

3. From the side of respondent No.2(ii), Urban Development Department, Govt. of Maharashtra, learned counsel Mr. Aniruddha Kulkarni has appeared and says that he has to file reply-affidavit for which four weeks' time may be granted. The same is allowed by way of last opportunity. He is also representing respondent No.2(i) – Environment Department, Govt. of Maharashtra and respondent No.3 –

MCZMA. He says that no reply-affidavit is required to be filed on behalf of respondent No.3. He also apprised us that from the side of respondent No.2 (i) – Environment Department, no additional reply is required to be filed.

4. From the side of respondent No.4 – Water Resources Department, Govt. of Maharashtra, learned counsel Ms. Bhavna Kundalkar, holding brief of learned counsel Ms. Shakuntala Wadekar, has appeared, who submits that learned counsel Ms. Shakuntala Wadekar is unable to attend the Court today because of her illness. She further states that copy of amended O.A. has been provided to her by the applicant and that no additional affidavit is required to be filed as already reply has been filed before the Hon'ble High Court.

5. From the side of respondent No.5 – Kalyan-Dombivali Municipal Corporation, none has appeared. As per our previous order, learned counsel for the applicants was directed to serve a typed copy of the O.A. upon the learned counsel for respondent No.5, to which he says that the said order has been complied with, but there is no proof placed before us in that regard. Therefore, we direct him to file an affidavit to that effect within a week.

6. None has appeared from the side of respondent No.6 – Collector, Thane despite sufficient service.

7. From the side of respondent No.7 – MPCB, learned counsel Ms. Pooja Natu, holding brief of learned counsel Ms. Manasi Joshi has appeared.

8. From the side of respondent No.8 – Department of Water Resources, Union of India, learned counsel Mr. Pushkal Mishra has appeared and categorically admitted that he has received typed copy of O.A. and seeks additional time of three weeks to file reply-affidavit. The same is allowed by way of last opportunity.

9. Put up this matter for further consideration on 16.07.2024.

Dinesh Kumar Singh, JM

Dr. Vijay Kulkarni, EM

April 04, 2024
O.A. No.185/2023 (WZ)
npj