

**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 : 24.01.2025

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

Applicants : Mr. Zaman Ali, Advocate

Respondents : Mr. Shubham Rathod, Advocate holding for Mr. Rahul Garg,
Advocate for R-1
Mr. Aniruddha Kulkarni, Advocate for R-2(i), R-2(ii) and R-3
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 and states that after transfer of this petition from the Hon'ble High Court to this Tribunal, no service of fresh notice has been effected on the respondents. But following is found to be the current status by us today.

2. From the side of respondent No.1, learned counsel Mr. Shubham Rathod, holding brief of learned counsel Mr. Rahul Garg, has appeared and states that the reply-affidavit has already been filed before the Hon'ble High Court, which is being relied upon by them.

3. From the side of respondent No.2 (i) – Secretary, Department of Environment, Government of Maharashtra, learned counsel Mr. Aniruddha Kulkarni has appeared and states that he has already filed reply-affidavit on behalf of the said respondent before the Hon'ble High Court. He states that he is also representing respondent No.2 (ii) – Secretary, Urban Development Department, Government of Maharashtra and respondent No.3 – MCZMA. On the previous date, he had apprised that he would not be filing any additional reply on behalf of respondent No.2 (i) and today, he states that no

reply is required to be filed from the side of respondent No.3 – MCZMA. Today, at this stage, he states that respondent No.2 (ii) – Urban Development Department now wants to file its reply-affidavit, which was not filed earlier, but why it was not filed earlier, is not made clear. He seeks time, by way of last chance, to file the reply from the side of respondent No.2 (ii) – Urban Development Department. We allow two weeks' time for the same, subject to depositing an amount of Rs.10,000/- (Rupees Ten Thousand only) towards cost by respondent No.2 (ii) – Secretary, Urban Development Department considering the fact that they have caused much delay in choosing to file the reply-affidavit and on further condition that copy of the reply-affidavit that would be filed on behalf of respondent No.2 (ii) – Urban Development Department shall be served in advance on the learned counsel for the applicants and other parties, who may file rejoinder thereto within a week thereafter. The amount of cost imposed as above shall be deposited by respondent No.2 (ii) with the NGT Bar Association at Western Zone Bench, Pune within eight days from the date of uploading of this order.

4. From the side of respondent No.4 – Water Resource Department, none has appeared though it is apprised by the learned counsel for the applicants that on the previous date i.e. 04.04.2024, learned counsel Ms. Bhavna Kundalkar, holding brief of learned counsel Ms. Shakuntala Wadekar had appeared for respondent No.4 and that the reply-affidavit has also been filed by them before the Hon'ble High Court. In the circumstances, we close the opportunity to respondent No.4 to file additional affidavit.

5. From the side of respondent No. 5 – Municipal Commissioner, Kalyan Dombivali Municipal Corporation, none has appeared.

6. From the side of respondent No.6 – Collector, Thane, none has appeared.

7. From the side of respondent No. 7 – MPCB, learned counsel Ms. Manasi Joshi has appeared and states that the reply-affidavit has been filed before the Hon'ble High Court upon which she is relying.

8. From the side of respondent No. 8 – Ministry of Jalshaki, learned counsel Mr. Pushkal Mishra has appeared and states that affidavit-in-reply dated 24.01.2025 has been filed today, copy of which is stated to have been served on the learned counsel for the applicants, who states that he does not want to file rejoinder thereto.

9. Put up this matter for final hearing on 18.06.2025.

Dinesh Kumar Singh, JM

Dr. Vijay Kulkarni, EM

January 24, 2025

ORIGINAL APPLICATION NO.185 OF 2023 (WZ)

npj