

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

(By Video Conferencing)

Execution Application No. 13/2022(WZ)
In
Appeal No. 12/2022(WZ)

Sarang Yadwadkar & Anr.

.....Applicant(s)

Versus

PMC & Ors.

....Respondent(s)

Date of hearing: 16.12.2022

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

Applicant : Mr. Ritwick Dutta, Advocate
Appellant-in-person along-with
Mr. Pushkar V. Kulkarni

Respondent(s) : Mr. Rahul Garg, Advocate for R-1/PMC

ORDER

1. From the side of Execution Applicant, learned Counsel Mr. Ritwick Dutta has appeared and filed present Execution Application, praying to direct the Respondent No. 1, not to undertake construction activities for River Front Development Project of Mula, Mutha and Mula-Mutha River because that is in violation of direction of this Tribunal's Judgment dated 29.11.2022 passed in Appeal No. 12/2022 (WZ). The learned Counsel for the Applicant has drawn our attention to para no. 49 of the said Judgment, where-in it is recorded by us "*.....As this is public interest project, the PP has carried out all required studies, and SEAC/SEIAA have duly apprised the proposal before recommending/granting EC, we do not find it necessary to set aside the EC, however, we hereby direct the PP to approach SEIAA for amendment of EC both in the terms of project scope*

and additional EC conditions to be stipulated, if any, before proceeding to start any construction activity.....”

2. Having drawn our attention to the above quoted para, it is pressed by him that it is very clear from the above direction that the Respondent No. 1 could not have started construction or continue with the construction without obtaining amended EC from SEIAA but instead of doing that they have started construction at greater pace.

3. From the side of Respondent No. 1/Pune Municipal Corporation (PMC), learned Counsel Mr. Rahul Garg has appeared before us and has denied that any vigorous construction is going on rather he states that it is only preliminary work, which is being completed as per the earlier work order dated 02.03.2022. He further argued that the main thrust of the said Judgment appears to be on construction of barrages, which the Respondent No. 1 undertakes not to construct without obtaining amended EC. We direct the Respondent No. 1 to file full-fledged reply affidavit.

4. We admit this application and direct the Registry to issue notices to the Respondents, returnable within 02(two) weeks.

5. Learned Counsel Mr. Rahul Garg accepts notice on behalf of Respondent No.1/PMC, hence, notice is waived for Respondent No.1.

6. Applicant is directed to provide copy of the application and relevant documents to the Respondents within a week.

7. Respondents are directed to submit their reply within 04(four) weeks providing copies of the same to the other parties in advance.

8. Applicant is also directed to take necessary steps for service upon the Respondents by both ways and also through available e-mail.

Put up this matter on 04.01.2023

Dinesh Kumar Singh, JM

Dr. Vijay Kulkarni, EM

December 16, 2022
Execution Application No. 13/2022(WZ) In
Appeal No. 12/2022(WZ)
P.Kr