

Item No.1

(Pune Bench)

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

(By Video Conferencing)

MISC. APPLICATION NO.01 OF 2023 (WZ)
IN
ORIGINAL APPLICATION NO.65 OF 2022 (WZ)

Bhagwan Bhausahab Bhoite & Anr. Applicants

Versus

The Collector, Ahmednagar and others Respondents

Date of hearing: 17.01.2023

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

Applicants : None

ORDER

1. None has appeared on behalf of the applicants to press this application. We, however, find after perusal of this application that a prayer is made by the applicants that the stamp duty and court fees, which were paid by them while filing Original Application No.65/2022 (WZ) should be directed to be refunded or the same should be directed to be adjusted when a new application would be filed by the applicants.

2. In the body of this application, it is mentioned by the applicants that by filing Original Application No.65/2022 (WZ), they had sought compensation for loss suffered by them because of emission of fine fugitive dust from the stone crusher, but the Tribunal, vide order dated 01.08.2022 had dismissed Original Application No.65/2022 (WZ) granting permission to the applicants to withdraw the same with liberty to file fresh. It appears that in view of that order, giving liberty to file fresh Original Application, they seek refund of the stamp duty/court fees

paid on earlier Original Application or the same be directed to be adjusted while they would file fresh Original Application.

3. We are not clear about the Rules in this regard as to whether such kind of adjustment or refund is permissible under the Rules. Hence, the Registry is directed to submit a report in this regard.

4. Since the applicants have not appeared, we grant him time by way of last opportunity and direct the Registry to put up this matter along with its report on 19.01.2023.

Dinesh Kumar Singh, JM

Dr. Vijay Kulkarni, EM

January 17, 2023
M.A. NO.01/2023 (WZ)
NPJp