

Item No. 2

(Pune Bench)

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

(By Video Conferencing)

Misc. Application No. 01/2023(WZ)
In
Original Application No. 65/2022(WZ)

Bhagwan Bhausahab Bhoite

.....Applicant

Versus

The Collector, Ahmednagar & Ors.

....Respondent(s)

Date of hearing: 19.01.2023

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

Applicant : Mr. Nilesh Sharda, Advocate

ORDER

1. From the side of Applicant, learned Counsel Mr. Nilesh Sharda has appeared and has relied upon the Office Order No. NGT/PB/748/2020/485, dated 07.10.2020, issued by the Registrar General, National Green Tribunal, Principal Bench, New Delhi, where-in following is narrated:-

“10. In following cases, refund claims shall NOT be entertained :

- i) If Services sought by the User in lieu of payment done, has already been provided to user.*
- ii) If user no longer wants to avail services where payment has already been credited to PAO account.*
- iii) Failed/Aborted/Refunded transactions where Receipt has not been generated or government account has not been credited. In these cases, the amount will be credited back in user's bank account within 7-10 working days without intervention of NGT as the matter would be between the bank and the user only.”*

2. The learned Counsel has argued that since he has not availed the service of this Tribunal, hence he is entitled for refund of the court fees because the Clause 10 of the said Office Order prohibits refund of Court fees, if the services sought by the user in view of payment done, has already been provided to the Applicant.

3. We had directed the Registry to submit a report in this regard and the same Office Order has been narrated by the learned Registrar in its report dated 18.01.2023 and has submitted that in the case in hand, the Applicant has already availed the service of this Tribunal, therefore, the Court fees is not refundable.

4. We have gone through the said Office Order in totality and found that the conclusion drawn by the learned Registrar is absolutely correct. Since we had given opportunity to the Applicant here-in, when Original Application No. 65/2022(WZ) was filed by him and after having heard at length, the impugned order was passed, where-in it was prayed by the learned Counsel for the Applicant that he may be permitted to withdraw this application and thereafter only, we dismissed the application as withdrawn with the liberty to file fresh.

5. Therefore, this application deserves to be rejected and accordingly, is rejected.

Dinesh Kumar Singh, JM

Dr. Vijay Kulkarni, EM

January 19, 2023
Misc. Application No. 01/2023(WZ) In
Original Application No. 65/2022(WZ)
P.Kr