

Item No.11

(Pune Bench)

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

THROUGH PHYSICAL HEARING (WITH HYBRID OPTION)

**Original Application No.52/2023 (WZ)  
I.A. No.229/2023(WZ), I.A. No.230/2023(WZ) &  
I.A. No.236/2023(WZ)**

Krunnal Narayan Gharre

.....Applicant

*Versus*

Pune Municipal Corporation & Ors.

....Respondent(s)

Date of hearing: 08.01.2024

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

|               |   |                                                                                                                                           |
|---------------|---|-------------------------------------------------------------------------------------------------------------------------------------------|
| Applicant     | : | Applicant-in-person                                                                                                                       |
| Respondent(s) | : | Mr. Rahul Garg, Advocate for R-1 & R-2/PMC & R-5<br>Ms. Manasi Joshi, Advocate for R-3/MPCB<br>Mr. Milind Mahajan, Advocate for R-4/PMRDA |

**ORDER**

1. From the side of applicant, applicant has appeared in-person.
2. By our previous order dated 13.09.2023, we had directed the respondent No.3/MPCB to ensure that the Joint Committee Report be submitted before us and accordingly, the same has been filed. But it is pointed out by the applicant that the said report is not signed by the representative of respondent No.4/PMRDA despite the PMRDA being one of the Members of the Joint Committee. He has also pointed out para no.5 of the report dated 23.11.2023, in which it is recorded that PMRDA has not submitted any reply to the Board. MPCB has issued a letter to the PMRDA on 08.08.2023 and thereafter, two reminders dated 01.09.2023 and 11.09.2023 were also sent, but to no avail. After that the PMRDA submitted a letter to the MPCB mentioning that they have forwarded the

said NGT matter to other department for further action. A copy of the PMRDA letter is attached as Annexure-IV to the report, which is in Marathi language.

3. Today, from the side of respondent No.4/PMRDA, learned counsel Mr. Milind Mahajan has appeared. When we enquired from him as to why the representative of PMRDA has not signed the report, he states that in this regard, he needs to obtain instruction from the respondent No.4. Thereafter, we granted him some time also to contact the respondent No.4. He responded that he is not able to establish contact with them, hence he cannot give reply to our query.

4. We also find that by our previous order, we had directed the respondent No.4 to file reply affidavit as well, which was assured to be filed within two weeks after receipt of the report of Joint Committee. But we find that even after two weeks having lapsed since the service of report upon the respondent No.4, till now no reply affidavit has been filed. It appears that the conduct of the respondent No.4 is not appropriate because neither have they sent any representative to the Joint Committee, which was very essential because we had constituted a Committee which comprises them also as one of the Members of that Committee nor has any reason indicated as to why no one was sent during inspection. In this regard, we direct the respondent No.4 to explain the reasons as to why no one was sent at the time of inspection and would also indicate whether they are in agreement with the Joint Committee Report. Orally, it is submitted by the learned counsel for respondent No.4 that they have no objection to this report. In that case, we direct that signature be made on the report by the representative of respondent No.4 so that the same may be treated to be valid report in the eyes of law. We grant two weeks' time to the respondent No.4, subject to a cost of Rs.10,000/- (Rs. Ten Thousand) to be paid with

the Western Zone Bench Bar Association of NGT at Pune, to file reply affidavit with a direction that a copy of the same shall be served upon all other parties, who may file objection against the same, if any, within two weeks thereafter.

5. From the side of respondent Nos.1 & 2/PMC and for respondent No.5/Bavdhan Budruk Gram Panchayat, learned counsel Mr. Rahul Garg has appeared, who apprised us that from the side of PMC, reply affidavit is ready and the same would be filed within two weeks. By way of last opportunity, we allow the said time period.

6. From the side of respondent No.3/MPCB, learned counsel Ms. Manasi Joshi has appeared, who submits that no reply affidavit is required to be filed from their side as she is relying upon the Joint Committee Report.

7. We also find that the applicant has filed 03 I.A.s i.e. I.A. No.229/2023(WZ), I.A. No.230/2023(WZ) & I.A. No.236/2023(WZ), a copy of which is said to have been served upon all other parties.

**I.A. No.229/2023(WZ)**

8. By this application, prayer is made for amendment to be allowed in Schedule I, which is annexed at page nos.94 to 96 of the paper book, by which para nos.29A to 29S are prayed to be added in the present Original Application in the form of additional pleadings. Since no objection has been filed so far against this application and these pleadings appear to be necessary for disposal of this application, we allow this application and direct that these amendments be incorporated in the present Original Application, within two days.

I.A. No.229/2023(WZ) stands disposed of accordingly.

**I.A. No.236/2023(WZ)**

9. By this application, prayer is made for impleadment of Zilha Parishad, Pune; Bhugaon Gram Panchayat, Pune; and Bhukum Gram Panchayat, Pune as three additional respondents i.e. respondent Nos.6 to 8 respectively in the present application on the ground that the applicant identified 15 locations that discharge untreated sewage in Ramnadi, which are falling within the jurisdiction of Bhukum Gram Panchayat as well as Bhugaon Gram Panchayat, which are covered in the jurisdiction of Zilha Parishad, Pune.

10. Since there is no objection filed against this application, we find it essential to allow this application and accordingly, we allow this application and direct the applicant to implead these three parties as respondent Nos.6 to 8 respectively in the present application. After impleadment, the Registry is directed to issue notice to these newly impleaded respondents, returnable within four weeks.

11. Applicant is directed to take necessary steps for service to the respondents by both ways (Dasti as well as by Registered Post) and also on available e-mail/WhatsApp and submit service affidavit within one week.

12. Applicant is also directed to provide copy of the application and relevant documents to the newly impleaded respondents within a week.

13. Newly impleaded respondents are directed to submit their reply affidavits within four weeks and also circulate the same to the applicant as also other respondents by available e-mail.

14. Rejoinder, if any, is directed to be submitted within one week thereafter.

I.A. No.236/2023(WZ) stands disposed of accordingly.

**I.A. No.230/2023(WZ)**

15. By this application, it appears that directions are required to be issued against respondent Nos.6 to 8 to immediately stop discharge of untreated sewage in Ramnadi and build a sewage treatment plant as per the directives of respondent No.3/MPCB.

16. We failed to understand as to why this application has been moved separately as the prayers, which are made herein, could have been added in I.A. No.229/2023(WZ), where-by the amendment in the pleadings of Original Application was prayed to be allowed. Even then, we allow this application as there is no objection filed against this application and direct the applicant to incorporate amendment in the present Original Application, within two days.

I.A. No.230/2023(WZ) stands disposed of accordingly.

17. In view of above orders passed by us, we direct that an amended copy of Original Application be filed within one week by the applicant and a copy of the same shall be served upon all other parties within three days thereafter.

Put up this matter for further consideration on 15.03.2024

Dinesh Kumar Singh, JM

Dr. Vijay Kulkarni, EM

January 08, 2024  
Original Application No.52/2023 (WZ)  
I.A. No.229/2023(WZ), I.A. No.230/2023(WZ) &  
I.A. No.236/2023(WZ)  
P.Kr