

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

THROUGH PHYSICAL HEARING (WITH HYBRID OPTION)

**I. A. No.233/2023(WZ)
IN
Appeal No.34/2023(WZ)
I. A. No.234/2023(WZ)**

Mr. Tanaji Balasaheb Gambhire

.....Applicant/Appellant

Versus

MoEF&CC & Ors.

....Respondents

WITH

**Original Application No.29/2019(WZ)
I.A. No.29/2019(WZ), I.A. No.94/2019(WZ)
I.A. No.18/2020(WZ) & I.A. No.295/2024(WZ)**

Tanaji Balasaheb Gambhire

.....Applicant

Versus

The Principal Secretary, Environment Deptt. & Ors.

....Respondents

Date of hearing: 28.11.2024

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

In Appeal 34/2023(WZ)

Appellant : Applicant-in-person along-with
Mr. Vijay Mhaske, Advocate

Respondents : Mr. Shubham Rathod, Advocate h/f
Mr. Rahul Garg, Advocate for R-1/MoEF&CC and
R-5/PMC
Mr. Aniruddha Kulkarni, Advocate for R-2/SEIAA and
R-3/SEAC-III
Ms. Manasi Joshi, Advocate along-with
Ms. Pooja Natu, Advocate for R-4/MPCB
Mr. Saket Mone, Advocate along-with
Mr. Abhishek Salian, Advocate for R-9/PP

In O.A.29/2019(WZ)

Applicant : Applicant in-person along-with
Mr. Vijay Mhaske, Advocate

Respondents : Mr. Aniruddha Kulkarni, Advocate for R-1/Env. Deptt.,
R-2/SEIAA & R-3/SEAC-III

Ms. Manasi Joshi, Advocate along-with
Ms. Pooja Natu, Advocate for R-4 & 5/MPCB
Mr. Shubham Rathod, Advocate h/f
Mr. Rahul Garg, Advocate for R-7 to 9/PMC
Mr. Saket Mone, Advocate along-with
Mr. Abhishek Salian, Advocate for R-11/PP

ORDER

Appeal No.34/2023(WZ)

1. By our previous order dated 19.11.2024, we had directed the appellant to file service affidavit with respect to effecting service of notice upon the respondent Nos.6 to 8. In this regard, the appellant submits that he has already effected the same and service affidavit to that effect will be filed in course of the day. But today, it appears that none has appeared from the side of these respondents.

2. From the side of respondent No.2 – SEIAA and respondent No.3 – SEAC-III, learned counsel Mr. Aniruddha Kulkarni has appeared, who submits that he does not want to file objection against the delay condonation application.

Original Application No.29/2019(WZ)

3. By our previous order dated 30.11.2023, respondent No.11- Project Proponent was directed to disclose as to how it would spend Rs.284.63 lakhs on Remediation Plan and Natural & Community Resource Augmentation Plan and as to which specific activities will be undertaken by the said respondent. Regarding it, learned counsel Mr. Saket Mone representing respondent No.11 submits that respondent No.11 has already prepared the same and within two weeks, the same would be submitted before this Tribunal. We allow the said time with a direction that a copy of the same be served upon the applicant in advance.

4. The other direction, which we had issued to the respondent No.2- SEIAA vide our previous order dated 30.11.2023, regarding clarification

as to how *ex-post-facto* EC had been considered by them and granted in the case in hand despite the case not having been found covered in violation window under the Notification dated 14-03-2017/08-03-2018/OM 16-03-2018. Apart from that, we had also sought clarification from the respondent No.2- SEIAA regarding discrepancy in the total BUA shown, regarding which we had already mentioned in para no.6 of our previous order dated 30.11.2023. In this regard, learned counsel for respondent No.2- SEIAA prays for additional two weeks' time to be allowed to submit the same. Though it appears that earlier order was passed by us on 30.11.2023 and since then, one year has already lapsed but till date, the said clarification has not been responded to by the respondent No.2- SEIAA. We depreciate this practice for not filing reply within time. Therefore, we direct the learned Registrar of this Tribunal to issue Show Cause Notice to the Member Secretary, SEIAA calling for an explanation from him for not filing the said reply within time and why the cost be not imposed upon him for the said delay. It be further directed therein to submit the same within two weeks positively.

5. We may make it clear here that in case replies, as directed above, are not filed within the prescribed period, applicant would be at liberty to move proper application for seeking preponment of the case.

Put up this matter for final hearing on 20.03.2025

Dinesh Kumar Singh, JM

Dr. Vijay Kulkarni, EM

November 28, 2024
I.A. No.233/2023(WZ) IN
Appeal No.34/2023(WZ)
I.A. Nos.234/2023(WZ) & 294/2024(WZ) With
Original Application No.29/2019(WZ)
I.A. No.29/2019(WZ), I.A. No.94/2019(WZ)
I.A. No.18/2020(WZ) & I.A. No.295/2024(WZ)
P.Kr