

Item No.6

(Pune Bench)

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

[Through Physical Hearing (With Hybrid Option)]

**MISC. APPLICATION NO.16 OF 2023 (WZ)
IN
APPEAL NO.24 OF 2023 (WZ)**

Suhas Rao Rane

.... Applicant

Versus

MoEF&CC & Ors.

...Respondents

Date of hearing: 03.01.2024

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

Applicant : Ms. Pooja Ghosh, Advocate

Respondents : Mr. Aniruddha Kulkarni, Advocate for R-2 and R-3
Mr. Sanjay Upadhyay, Advocate for R-5

ORDER

1. This Misc. Application has been filed seeking restoration of Appeal No.24 of 2023, which was dismissed in default by this Tribunal by order dated 13.07.2023, where-against the applicant/appellant approached the Hon'ble Supreme Court by filing Civil Appeal No.6814 of 2023 wherein prayer was made to set aside the impugned order dated 13.07.2023 passed by this Tribunal. On the said appeal, the Hon'ble Apex Court passed the following order on 24.11.2023, annexed at pages 199 and 200 of the paper-book:

"The learned counsel appearing for the appellant seeks permission to withdraw the appeal with liberty to make an application before the National Green Tribunal for restoration of the appeal which was dismissed in default.

By granting liberty as aforesaid, the appeal is disposed of."

2. Since the delay in filing the present Misc. Application is sought to be condoned, we direct the Registry to issue notice to the respondents, except respondent No.5 – Dr. Farookh Wadia, who is being represented today by learned counsel Mr. Sanjay Upadhyay and respondent No.2 – SEIAA and respondent No.3 – SEAC(3) being represented by learned counsel Mr. Aniruddha Kulkarni, who may file objections against the delay condonation within four weeks. The notice to other respondents be made returnable within four weeks.
3. The applicant is directed to provide copies of Misc. Application and annexures thereto to the respondents, within a week.
4. The applicant is also directed to take necessary steps for service upon the respondents by both ways and also through available e-mail.
5. Put up this matter for hearing on and disposal of this Misc. Application on 06.03.2024.

Dinesh Kumar Singh, JM

Dr. Vijay Kulkarni, EM

January 3, 2024
M.A. No.16/2023 (WZ)
npj