

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

[THROUGH PHYSICAL HEARING (WITH HYBRID OPTION)]

**ORIGINAL APPLICATION NO.01 of 2024 (WZ)
WITH
I.A. NO.02/2024 IN O.A. NO.01/2024 (WZ)**

Vishal Shantaram Darwatkar

.... Applicant

Versus

Union of India, through Secretary,
MoEF&CC & Ors.

... Respondents

Date of hearing : 11.08.2025

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

Applicant : Mr. Tanaji Gambhire, Advocate along with Mr. Vijay
Mhaske, Advocate

Respondents : Mr. Pushkal Mishra, Advocate for R-1/MoEF&CC
Mr. Atul J. Pathak, Advocate for R-2/CGWA
Mr. Aniruddha Kulkarni, Advocate along with Mr. Savyasachi
Bharadwaj, Advocate for R-3/SEIAA, Maharashtra and R-5/Urban
Development Department, Govt. of Maharashtra
Ms. Manasi Joshi, Advocate for R-4/MPCB
Mr. Shubham Rathod, Advocate holding for Mr. Rahul Garg,
Advocate for R-6 and R-7 - PMC
Ms. Supriya Dangare, Advocate for R-9/Ganga Ishanya Cooperative
Housing Society Ltd.
Mr. Saurabh Kulkarni, Advocate along with Mr. Adwait Gokhale,
Advocate for R-10 – M/s Mahanagar Realty

ORDER

1. In compliance with our previous order dated 25.06.2025, respondent No.4 – MPCB has filed an affidavit dated 08.08.2025, stating therein the total gap in Consent to Establish and Consent to Operate not having been obtained timely by the Project Proponent comes to the extent of 2474 days and in the light of that, total amount of EDC has been calculated to the tune

of Rs.9,27,75,000/-. Learned counsel for respondent No.10 – Project Proponent submits that he should be given an opportunity to file objection against the additional affidavit filed by the MPCB, because, according to him, in the light of judgment dated 04.08.2025, delivered by the Hon'ble Supreme Court in Civil Appeal No(s).757-760 of 2013 (Delhi Pollution Control Committee Vs. Lodhi Property Co.Ltd. Etc.) that without there being evidence of pollution having been caused by the Project Proponent, the amount of EDC can not be levied. We direct him to file the objections to the additional affidavit filed by the MPCB within two weeks. He also states that there should only be penalty charges and not EDC to be charged/levied from the Project Proponent.

2. From the side of the applicant, learned counsel Mr. Tanaji Gambhire has appeared and seeks time to file rejoinder to the additional affidavit filed by MPCB. We allow him two weeks' time for the same as he states that the EDC is wrongly calculated and it needs to be enhanced.

3. From the side of respondent No. 9 – Ganga Ishanya Cooperative Housing Society Ltd., learned counsel Ms. Supriya Dangare has appeared and states that the reply has been filed.

4. From the side of respondent NO.1 – MoEF&CC, learned counsel Mr. Pushkal Mishra has appeared, from the side of respondent No.2 – CGWA, learned counsel Mr. Atul Pathak has appeared, from the side of respondent No.3 – SEIAA and respondent No.5 – Urban Development Department, learned counsel Mr. Aniruddha Kulkarni has appeared and states that the replies have been filed.

5. From the side of respondent No.6 and 7 – PMC, learned counsel Mr. Shubham Rathod, holding brief of learned counsel Mr. Rahul Garg has appeared and states that the reply has been filed.

6. Put up this matter for final hearing on 21.11.2025.

Dinesh Kumar Singh, JM

Dr. Vijay Kulkarni, EM

August 11, 2025

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