

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

[THROUGH PHYSICAL HEARING (WITH HYBRID OPTION)]

REVIEW APPLICATION NO.03 OF 2026(WZ)

M/s Prayeja City

.....Applicant/Respondent No.13

IN THE MATTER OF

ORIGINAL APPLICATION NO.33/2020 (WZ)

Tanaji Balasaheb Gambhire

.....Applicant

Versus

Union of India & Ors.

....Respondents

Date of hearing: 09.04.2026

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

Review Applicant : Mr. Saurabh Kulkarni, Advocate

Original Applicant : Mr. Tanaji Balasaheb Gambhire, Advocate

ORDER

1. From the side of review applicant, learned counsel Mr. Saurabh Kulkarni has moved this application praying for review of the judgement in appeal No.33 of 2020 dated 17.02.2026 passed by this Tribunal, on the ground that the same has been passed without considering the written submissions filed by the applicant. The applicant cannot be made liable for the acts which are beyond the scope of limitation. The Tribunal has failed to consider that the residential project would not require CTE/CTO in accordance with the judgement of the Hon'ble Delhi High Court and hence the EDC for the aspect need not be levied upon the applicant. While imposing EDC, it has not been considered that the applicant has already applied for an *ex-post facto* Environmental Clearance as per the Standard

Operating Procedure as issued by the MoEF&CC dated 07.07.2021. As per the Judgement of the Hon'ble High Court of Delhi in the matter of Splendor Landbase Ltd. Vs. Delhi Pollution Control Committee (2010 SCC OnLine Del 3466), consent to operate is not applicable to the residential complexes. It is not considered that the project was handed over to the society, which was formed in the year 2012. The Joint committee has calculated the said EDC amount from 02.07.2015 to 17.11.2020. The financial position of the applicant was different at the time of 2012. As per today's position the applicant is suffering from heavy losses, which has not been taken into consideration.

2. During oral arguments, the learned counsel for the review application has drawn our attention to the written submissions which is at Page Nos.191 to 192 of the paper book wherein at Page No.199 (d.) contains that " Even assuming that the report can be relied upon, the same admits to the fact that any construction undertaken 5 years prior to the filing of the OA cannot be looked into; (e) contains that "5 years prior to the filing of the OA cannot be looked into"; (e) contains that "Even assuming that the report can be relied upon the same erroneously employs a CPCB report expressly meant for industrial units and in particular for their failure to construct a ETP/STP/CETP, which is *ex facie* inapplicable to the present case"; (g) contains that "The Answering Respondent had already applied for an ex post facto EC for PC-I, and the same was not considered in view of the expiry of the 6 month window provided in the OM dated 14.03.2017. However, now that the SOP dated 07.07.2021 is in force, the Answering Respondent ought to be dealt with strictly in terms thereof. Any penalties *de hors* the SOP would amount to double jeopardy".

3. We have heard the arguments of learned counsel for the execution applicant and perused the record as well as the judgment in question and

find that the impugned judgment is passed by this Tribunal after thorough consideration and after perusing the entire record meticulously.

4. With respect to the application for *ex-post facto* EC being pending, we had observed in Para 67 of the judgement that, “even if, the application for *ex-post facto* EC, which is said to have been moved by the PP for consideration before SEIAA, is allowed or disallowed on merits, it would not affect the position of the violation already committed by the PP because the violations, which have already been committed by the PP, it can be held accountable for those violations and is liable to pay EDC for the said violations in accordance with the principle laid down in Central Pollution Control Board Guidelines, 2022”.

5. With respect to the period of limitation regarding EC we have observed in Para 67 of the judgement that, “We found force in the argument of Learned Counsel for Respondent No.13 and are of the view that since only 5 years’ limitation period is prescribed to file a case by an aggrieved party, any violation, which has been committed earlier, that period will not be taken into consideration by us and hence no amount of EDC would be levied for that period”.

6. In view of the above findings, we are of the view that there is no error on the face of it in the impugned judgement, we do not find any force in the review application. The same stands disposed of

Dinesh Kumar Singh, JM

Dr. Sujit Kumar Bajpayee, EM

April 09, 2026
REVIEW APPLICATION NO.03 OF 2026(WZ)
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ORIGINAL APPLICATION NO.33/2020 (WZ)
SAR