

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL  
WESTERN ZONE BENCH**

**AT PUNE**

**ORIGINAL APPLICATION NO. 115 OF 2023**

**IN THE MATTER OF:**

Dr. Atul Sheth & Ors.

...Applicant

**VERSUS**

The Guhagar Nagar Panchayat,

Guhagar & Ors.

...Respondents

**ADDITIONAL OBJECTIONS ON BEHALF OF THE APPLICANTS**

**TO THE JOINT COMMITTEE REPORT OF OCTOBER 2023.**

**ADVOCATE FOR THE APPLICANTS:**

Nrupal A. Dingankar, Pushkara A. Bhonsle,

Naman Shrestha & Mahesh Jadhav.

Office: A-10, Lajpat Nagar III, New Delhi 110024

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Date: 25.05.2024

Place: Pune



**ADVOCATE FOR THE APPLICANTS:**

Nrupal A. Dingankar, Pushkara A. Bhonsle,

Naman Shrestha & Mahesh Jadhav.

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**ADDITIONAL OBJECTIONS ON  
BEHALF OF THE APPLICANTS TO  
THE JOINT COMMITTEE REPORT  
OF OCTOBER 2023.**

To,

The Hon'ble Chairman and

His Hon'ble Companion Members of

The Hon'ble National Green Tribunal.

The humble objections of the Applicants above named

Most Respectfully Showeth,

1. The Applicants had approached this Hon'ble Tribunal u/s 14 r/w Sec. 18(1) of the National Green Tribunal Act, 2010 raising a substantial question of Environment, thereby challenging the establishment of the Municipal Solid Waste Facility at the Proposed Site i.e. Survey No.134/9, Village Guhagar, Tal. Guhagar, Dist.

Ratnagiri by the Respondent No. 1, which is contrary to the Solid Waste Management Rules, 2016.

2. The present matter was listed before this Hon'ble Tribunal on 01.09.2023, whereby after considering arguments raised on behalf of the Applicants, this Hon'ble Tribunal vide its order dated 01.09.2023 was pleased to opine that the prima facie case adversely impacting the environment was made out and thus, the Hon'ble Tribunal was pleased to admit the present case. Further, this Hon'ble Tribunal deemed it just and proper to call for Joint Committee Report. This Hon'ble Tribunal vide its order dated 01.09.2023 was pleased to constitute a Joint Committee, comprising of one member each of the Guhagar Nagar Panchayat, Guhagar (the Respondent No. 1), District Collector, Ratnagiri (Respondent No. 2) and the Maharashtra Pollution Control Board (Respondent No. 3). In terms thereof, the Joint Committee conducted a site visit on 06.10.2023 and submitted its Report before this Hon'ble Tribunal in October 2023. In terms of the liberty granted by this Hon'ble Tribunal, the Applicants have filed objections to the Joint Committee Report of October 2023. The Applicants now seek to submit further additional objections to the Joint Committee Report of October 2023, which are without prejudice to the objections already filed by the Applicants on 27.11.2023.
3. At the outset, it is most respectfully submitted that the contents of the Joint Committee Report are denied. Nothing therein shall be deemed to be admitted, unless specifically admitted herein, for the reason of non-traverse. The Applicant seeks to rely on the records of the present matter and the facts/submissions already forming a part of the record are not repeated herein for the sake of convenience and brevity.

4. Vide the present additional objections, the Applicants are raising a substantial question of law that,

**“Whether the constitution of the Joint Committee is contrary to the established Principle of Law, “*nemo judex in causa sua*” i.e. ‘No Man Shall be a Judge in its Own Cause’ as the Joint Committee was constituted for assessing suitability of the proposed site for establishing MSW Project of the Respondent No. 1 and on contrary, the Respondent No. 1 itself was a part of the said committee?”**

5. It is not a disputed position of law that this Hon’ble Tribunal while conducting the proceedings has to follow the principles of natural justice enshrined under Article 14 and Article 21 of the Constitution of India. ‘*Nemo Judex in Causa Sua*’, ‘*Audi Alter Partem*’ and ‘*Reasoned Decision*’ are three pillars of natural justice. ‘*Nemo Judex in Causa Sua*’ means no one can be judge in its own cause. It is well, established that Justice can never be seen to be done if a man acts as a judge in his own cause or is himself interested in its outcome. The Hon’ble Supreme Court of India in **(1984) 4 SCC 103** has held that this principle (*Nemo Judex in Causa Sua*) applies not only to judicial proceedings but also quasi-judicial and administrative proceedings.
6. In terms of the above mentioned established principles of law, the Applicants object to the constitution of the Joint Committee as the Report of October 2023 clearly shows bias and absence of independent adjudication on the issue of the suitability of the proposed site for establishing the MSW Project of the Respondent No. 1.

7. At the cost of repetition, it is stated that vide the present original application, the Applicants are contending that the proposed site where the Respondent No. 1 has sought to establish the MSW Plant is not suitable for the said project due to the Geographical Conditions, biodiversity around the proposed site and due to such other grounds as mentioned in the original application. Thus, it is clear that the Respondent No. 1 being a Municipal Authority proposing to establish the MSW Plant at the proposed site is interested in the outcome of the present case.
8. Further, it is submitted that in terms of Rule 12 of Solid Waste Management Rules, 2016, the District Collector is responsible to facilitate identification and allocation of suitable land for setting up of MSW Facility. In the present case, also, the Office of District Collector of Ratnagiri i.e. the Respondent No. 2 had accorded its approval to establish MSW Project. It is contended on behalf of the Applicants that the said approval is based on erroneous consideration of facts and ground reality. The Applicants reserves their right to contend the same vide the present Original Application. In such circumstances, the Respondent No. 2 may have bias to defend its own action and thus the Respondent No. 2 is an interested party in the outcome of the present case.
9. In such circumstances, the Joint Committee constituted for assessing suitability of the proposed site for MSW Project comprising the Respondent No. 1 and 2 along with the Respondent No. 3 does not stand the test of law as the same is contrary to the principles of natural justice more-so '*Nemo Judex in Causa Sua*'.
10. Also, it is most respectfully submitted that the perusal of the Joint Committee Report clearly shows bias and non-application of mind as stated in objection to the Joint Committee Report of October 2023 filed on 27.11.2023. Thus, the Joint Committee Report of October 2023 in the present case ought to be set aside.

11. It is also to be noted that being aware of the position of law, the Applicants have in prayer clause 'd' at page 41 of the Original Application had prayed to constitute expert committee comprising of the Respondent No. 3 with the Respondent No. 5 to 7. It is prayed with the utmost respect that the expert committee in terms of prayer clause 'd' be appointed or the Independent Expert Identities such as 'NEERI/IIT Bombay or a committee of expert members in the field of environment and geology from Dr. Balasaheb Sawant Konkan Krishi Vidyapeeth, Dapoli and Finolex Academy of Management and Technology, Ratnagiri,' the Respondent No. 3 being the nodal agency be appointed for the same to assess the suitability of the proposed site for establishment of the MSW Project.
12. That the present additional objections may be taken as a part and parcel of the original objections as the Applicants seek to rely on the same as and when required.

Drawn On: 23.05.2024

Date: 25.05.2024

Place: Pune



**ADVOCATE FOR THE APPLICANTS:**

Nrupal A. Dingankar, Pushkara A. Bhonsle,

Naman Shrestha & Mahesh Jadhav.

Office: A-10, Lajpat Nagar III, New Delhi 110024

Email: [nrupal252525@gmail.com](mailto:nrupal252525@gmail.com)

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WESTERN ZONE BENCH

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BETWEEN

Dr. Atul Sheth & Ors.

...Applicant

VERSUS

The Guhagar Nagar Panchayat, Guhagar & Ors.

...Respondents

AFFIDAVIT

I, Mr. Atul Sheth, Occupation: Medical Practioner. Age: Adult, Residing at:- 438D, Markandi, Chiplun, Dist. Ratnagiri, 415605 do hereby solemnly affirm and state as under:

1. That I am the Applicant No. 1 in the above mentioned Original Application as such am conversant with the facts and circumstances of the case and am competent to swear to this affidavit.
2. That I have read the contents of the accompanying Additional Objections, the same being drafted by my counsel under my instructions and that the contents of Para 1 to \_\_\_ of the Additional Objections are facts in brief which are believed to be true on legal advice and that I have not suppressed any material fact.
3. That the annexures filed along with the present Additional Objections are the true copies of their respective originals.

DEPONENT



VERIFICATION

Verified at Chiplun, Maharashtra on this \_\_\_ day of May, 2024 that the contents of the present affidavit are true and correct and nothing material has been concealed therefrom.

24 MAY 2024

**BEFORE ME**

ADV. SNEHAL SANJAY PATIL  
B.A.L.L.B.  
(NOTARY GOVT. OF INDIA)  
AT CHIPLUN, TAL. CHIPLUN  
DIST. RATNAGIRI - 415605 (M.S.)  
MOB. 9423294024 / 7887702515

DEPONENT



Noted and Registered at  
Serial No. 385 DL 2024

P.T.O.

Solemnly Affirmed before me by  
Shri/Smt. Sou. Atul Vasant  
Shekh

no is identified by Shri \_\_\_\_\_

Whom I Personally Know





Nrupal Dingankar &lt;nrupal252525@gmail.com&gt;

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**Service: OA NO. 115 of 2023 between Dr. Atul Vasant Sheth & Ors. V. The Guhagar Nagarpanchayat, Guhagar & Ors.**

1 message

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**Nrupal Dingankar** <nrupal252525@gmail.com>

Sat, May 25, 2024 at 2:39 PM

To: adv.manasi.joshi@outlook.com, aniruddha1488@gmail.com, swanand23@gmail.com

Sir/Ma'am,

Please find attached herewith a copy of the Additional Objections to the Joint Committee Report of October 2023 on behalf of the Applicants in the above mentioned matter. Please consider this email as service of the same on your esteemed office.

Kindly note, as communicated earlier, the matter **is listed on 27.05.2024 ( Monday)** before the Hon'ble Tribunal.

Regards,  
Nrupal Dingankar  
Advocate  
Supreme Court of India  
A10, LGF, Lajpat Nagar III,  
New Delhi, 110024.

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 **Final\_Additional Objections to JC Report\_Atul Sheth copy\_pagenumber.pdf**  
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