

**BEFORE HON'BLE NATIONAL GREEN TRIBUNAL,  
WESTERN BENCH AT PUNE**

**I.A. NO. 856 OF 2025**

**IN**

**ORIGINAL APPLICATION NO. 145 OF 2025**

**IN THE MATTER OF:**

Gram Panchayat, Nimgaon Bhogi,

Tehsil Shirur, Dist. Pune & 8 Ors.

...Applicant(s)

-Versus-

State of Maharashtra & 11 Ors.

...Respondent(s)

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**NDOH- 18.12.2025**

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**DATE:**

**PLACE:** Pune

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**BEFORE HON'BLE NATIONAL GREEN TRIBUNAL,  
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-Versus-

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...Respondent(s)

**OBJECTIONS/REPLY ON BEHALF OF THE ORIGINAL APPLICANTS  
TO I.A. NO. 856 OF 2025 FILED BY RESPONDENT NO. 12 IN O.A NO. 145  
OF 2025 (WZ)**

**MOST RESPECTFULLY SHEWETH: -**

1. That this Hon'ble Tribunal is presently seized of the Original Application No. 145 of 2025 wherein serious concerns have been raised about the unabated discharge/seepage of polluted water from "M/s Maharashtra Enviro Power Ltd." (hereinafter referred as "**Respondent No. 12**") operating its Common Hazardous Waste Treatment, Storage and Disposal Facility (hereinafter referred as "CHWTSDF") at Plot No. P-56, Ranjan Gaon, MIDC, Taluka Shirur, Dist. Pune, Maharashtra in sheer and utter violation and disregard of the environmental laws of the land more particularly Water (Prevention and Control of Pollution) Act, 1974, Air (Prevention and Control of Pollution) Act, 1981 and Environment Protection Act, 1986 thereby causing serious pollution in the surrounding areas thus damaging the quality of air, water, soil and ground water resources in the nearby areas and also causing an adverse impact on the health of nearby residents.

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2. That the CHWTSDF was established as a facility on 27.10.2005 without prior environmental clearance (EC) of the Captive Power Plant which is an integral part of the facility, despite there being a specific requirement of the same as

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per the Environmental Impact Assessment (EIA) Notification 1994 read with the amended EIA Notification of 1997. Further, the Rapid Environmental Impact Assessment (REIA) was conducted prior to setting up this Facility by the Regional Research Laboratory CSIR, Bhopal in May 2005, wherein the water quality of region, including groundwater and surface water during winter season were assessed for selected environmental parameters, the physical parameters were found to be normal, but subsequently degeneration has been noticed in those parameters. The contents of the OA may be read as part of this para and is not being repeated for the sake of brevity.

3. That this Hon'ble Tribunal vide Order dated 25.11.2025 was pleased to issue notice to the Respondents, as the Original Application raised substantial questions related to environment and this Hon'ble Tribunal was prima facie convinced that the Respondent No. 12 is not operating its unit in accordance with the environmental laws, after going through the contents of Original Application. This Hon'ble Tribunal was also gracious enough to give a hearing at length, to the Ld. Counsel for Respondent No. 12 who had appeared *suo-moto*, even though he was not on caveat or on a notice and, only after observing the gravity of the situation, visual evidences, CPCB report dated 02.07.2025 and NEERI Report, 2015, among others. This Hon'ble Tribunal also directed the constitution of a Joint Committee comprising one member from each of the Respondents No. 2 i.e., MoEF&CC, Respondent No. 9 i.e., CPCB, Respondent No. 10 & 11 i.e. MPCB & NEERI and the Director of Health, State of Maharashtra and Respondent No. 10 MPCB to be the nodal agency of the said Joint Committee. Further, keeping into consideration, the Principles of Natural Justice, the Joint Committee was directed to inform Respondent No. 12 as well as the Applicant in advance the date and time of

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the visit to the site in question, so that no prejudice is caused to Respondent No. 12.

4. That all submissions regarding the environmental violations done by the Respondent No. 12 and indifferent attitude of the Regulators (i.e., the Official Respondents) towards these violations have been mentioned at length in the Original Application No. 145 of 2025 and is not repeated herein for the sake of brevity.
5. The Respondent No. 12 has subsequently filed an I.A. No. 856 of 2025 seeking recall of Order dated 25.11.2025 insofar as it relates to the constitution of the Joint Committee, while making frivolous submissions not only against the Counsel of the Applicants but also against this Hon'ble Tribunal. Further, the Respondent No. 12 has also sought a stay on the operation and execution of the said Order dated 25.11.2025 during the pendency of the present Original Application.

6. That at the outset, the Original Applicants denies and disputes all the allegations and averments raised in the instant Application which is contrary to and/or inconsistent with what is stated herein. Save as otherwise admitted herein, the contents of the instant Application are false and untrue. Nothing contained in the said Application shall be construed as an admission on the part of Original Applicants for want of specific traverse or otherwise, and unless expressly admitted herein.

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B.A. Shewale

7. That the present Objections are being filed on behalf of the Original Applicants to the Interlocutory Application No. 856 of 2025 in terms of the liberty granted by this Hon'ble Tribunal vide Order dated 03.12.2025. The Original Applicants seeks to place on record its Preliminary Objections and submissions, before submitting its para wise reply on merits, which in the

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humble opinion are crucial for a holistic adjudication of the present Application.

**PRELIMINARY OBJECTIONS**

**ON THE MAINTAINABILITY OF THE INTERLOCTOURY APPLICATION NO. 856 OF 2025**

8. That in the National Green Tribunal Act, 2010 (NGT Act, 2010) under Section 19 (4)(h) read with Rule 21 of National Green Tribunal (Practices & Procedure) Rules, 2011 (NGT Rules, 2011) there is provision for setting aside of an order made *ex-parte* or order for dismissal of any application for default, but the present Application is not filed under Section 19(4)(h) of the NGT Act, 2010 read with Rule 21 of NGT Rules, 2011. Thus, the present Application may be dismissed *in limine* as the same is not filed under the relevant Sections of the NGT Act, 2010 and Rules in NGT Rules, 2011.

9. That it is humbly submitted, that the power to recall an Order is to be used rarely and available only when there are total absence of notice and some prejudicial Order is passed against any party *ex-parte*. The law is well settled

that once a party appears and waives notice, recall is not maintainable and the same can be established through a catena of judgments passed by the Hon'ble Supreme Court and this Hon'ble Tribunal and same are the facts of the present

Original Application which is evident from the Order dated 25.11.2025. Even in arguendo, it is submitted that a Joint Committee was formed to submit the factual report without causing any prejudice to the Respondents.

**PRELIMINARY SUBMISSIONS**

10. That the present I.A is an attempt to defeat the ends of environmental justice to the local communities residing in an area where the facility of the Respondent No 12 is causing grave threat to their life and hearth and health and only on the basis of the material on record including the

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dereliction of the duty by the statutory authorities, in the present O.A. No. 145 of 2025, the Joint Committee was appointed vide Order dated 25.11.2025 after analysing the CPCB's findings of major pollution based on the inspections dated 13.08.2024-14.08.2024 and NEERI's study of 2015 of chronic seepage, which prompted this Hon'ble tribunal to act urgently, keeping in mind the Precautionary Principles, Polluter's Pay Principle and Sustainable Development. That the present I.A. only seeks to delay the inspections, prevent examination of the continuing pollution and undermine environmental justice.

11. That this Hon'ble Tribunal has consistently followed the practice of appointing Joint Committees for getting the factual and Action -Taken report in cases involving grave Environmental Violations such as the present one. For ready reference of this Hon'ble Tribunal few illustrative Orders are mentioned herein below:

| S.NO. | ORDER DATE | PARTICULARS OF THE CASE   | OBSERVATIONS  |
|-------|------------|---|---|
| 1.    | 29.11.2022 | "Mr. Irba Mashnaji<br>Konapure & Anr. v.<br>Union of India & Ors.<br>O.A. No. 107 of 2022 | The NGT (WZ) took up the matter urgently after the Applicants alleged that the project "Sristi Namaah" was continuing construction illegally without Environmental Clearance, violating MPCB's Consent to |



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N.B. Jadhav



S. D. Jadhav

Establish conditions and CRZ Notification requirements, and despite SEIAA having deferred EC approval. Observing that a substantial environmental question was made out, the Hon'ble Tribunal issued notices, and crucially ordered the constitution of a Joint Committee to conduct a site visit and submit a factual and action-taken report within one month, (*Relevant Para 12*). A true copy of the Order dated 29.11.2022 in the O.A. No. 107 of 2022 is marked and annexed as **ANNEXURE R/1.**

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A.D. Bokhande

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| 2. | 23.01.2023 | <p>“Sandip s/o Sheshrao<br/>Jadhav v. State of<br/>Maharashtra &amp; Ors.”</p> <p>O.A. No. 03 of 2023</p> | <p>The NGT (WZ) considered allegations regarding the discharge of large quantities of spent-wash onto agricultural lands in Pathri between January and June 2018, causing severe soil and water contamination, livestock injury, illness among villagers, and widespread environmental damage. On observing that a substantial environmental question arose, the Hon’ble Tribunal admitted the application and constituted a Joint Committee comprising directing the Committee to inspect the site and submit a</p> |
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|    |            |   | report with compensation assessment within four weeks. (Relevant para 4). A true copy of the Order dated 23.01.2023 in the O.A. No. 03 of 2023 is marked and annexed as <b>ANNEXURE R/2.</b>   |
| 3. | 10.10.2023 | "Irfan Baloch & Ors. v. MoEF&CC & Ors."<br>O.A. No. 147 of 2023 | The NGT (WZ) found that Applicants had raised prima facie credible allegations of illegal wind farm installations and related activities within and around the eco-sensitive zone of Rampara Wildlife Sanctuary, Gujarat. The Hon'ble Tribunal admitted the matter, issued notices. It constituted a Joint Committee to verify |

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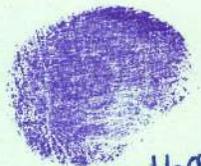
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|    |            |   | <p>allegations and<br/>examine bird<br/>mortality from wind<br/>turbines, with a report<br/>due within one month.<br/><i>(Relevant para 15)</i>. A<br/>true copy of the Order<br/>dated 10.10.2023 in<br/>the O.A. No. 147 of<br/>2023 is marked and<br/>annexed as<br/><b>ANNEXURE R/3.</b></p>  |
| 4. | 05.03.2024 | <p><i>"Murlidhar Dattoba<br/>Nimankar v.<br/>Maharashtra State<br/>Police Housing &amp;<br/>Welfare Corporation<br/>Ltd. &amp; Ors."</i></p> <p>O.A. No. 57 of 2024</p> | <p>The NGT (WZ) heard<br/>allegations that an STP<br/>was being illegally<br/>constructed in open<br/>space at Kalanagar,<br/>Ichalkaranji, just 2<br/>metres from the<br/>Applicant's residence,<br/>in violation of CPCB<br/>siting guidelines and<br/>Maharashtra's<br/>Development Control<br/>Regulations, and<br/>without Orange-</p> |

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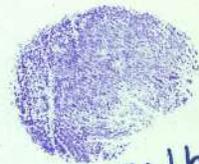
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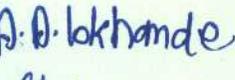
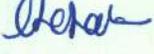
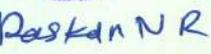
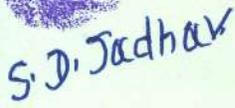
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|   |    |            | category consent from MPCB. Finding a prima facie environmental issue, the Hon'ble Tribunal admitted the case and constituted a Joint Committee to inspect the site and file a factual report within one month. ( <i>Relevant para 10</i> ). A true copy of the Order dated 05.03.2024 in the O.A. No. 57 of 2024 is marked and annexed as <b>ANNEXURE R/4</b> . |
| <p><br/>N.V. Limaye</p> <p><br/>A.D. Bokhande</p> <p><br/>R.S. Patil, M.P.</p> <p><br/>L.T.I.<br/>B.A. Shewale</p> <p><br/>Paskar N R</p> <p><br/>L.T.I.<br/>N.B. Jadhav</p> <p><br/>S.D. Jadhav</p> | 5. | 23.04.2024 | <p>"Scheduled Tribe Association &amp; Ors. v. Goa State Pollution Control Board &amp; Ors."</p> <p>O.A. No. 80 of 2024</p> <p>The NGT (WZ) heard the allegations that Goa Carbon Ltd.'s calcination plant in Sao Jose De Areal had been emitting hazardous pollutants for decades with repeated exceedances and non-</p>   |

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|  |    |            | <p>compliances. The Hon'ble Tribunal admitted the matter and constituted a Joint Committee to verify consents, assess non-compliance, calculate Environmental Damage Compensation, and suggest corrective actions. (Relevant para 6). A true copy of the Order dated 23.04.2024 in the O.A. No. 80 of 2024 is marked and annexed as ANNEXURE R/5.</p> |   |
| <p>sl</p> <p>N.V. Limaye.</p> <p>A.A. Lokhande,</p> <p>Debab</p> <p>RASKAR, M.D</p> <p>L.T.I.<br/>B.A. Shewale</p> <p>Deskar N R</p> <p>L.T.I.<br/>N.B. Jadhav</p> <p>S. D. Jadhav</p> | 6. | 21.08.2024 | <p>"Vanshakti &amp; Anr. v. Maharashtra Coastal Zone Management Authority &amp; Ors."</p> <p>O.A. No. 172 of 2024</p>   | <p>The NGT (WZ) considered allegations of continuous illegal dumping of mixed waste and C&amp;D debris across ten CRZ-I locations along the Ulhas River estuary</p> |

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|  |                   |  | <p>despite MCZMA's earlier directions to authorities. Finding a prima facie environmental issue, the Hon'ble Tribunal admitted the matter and constituted a three-member Committee to recommend action plans, and propose restoration measures within one month. (Relevant para 11). A true copy of the Order dated 21.08.2024 in the O.A. No. 172 of 2024 is marked and annexed as <b>ANNEXURE R/6</b></p> |
| <p>7.</p> <p>L.T.I.<br/>B.A. Shewale</p> <p>Deeskar N R</p> <p>L.T.I.<br/>N.B. Jadhav</p> <p>S.D. Jadhav</p> | <p>17.06.2025</p> | <p>"Sandeep Salekar v. State of Goa &amp; Ors."</p> <p>O.A. No. 65 of 2025</p> | <p>The NGT (WZ) considered allegations that Vedanta Ltd. violated a key EC condition by transporting minerals through an</p>  |

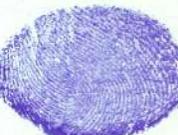
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| <p><i>sls</i></p> <p>N.V. Limaye</p> <p>A.A. Lokhande</p> <p><i>Dehale</i></p> <p>RASKAR, M. D</p> <p> L.T.I.<br/>B.A. Shewale</p> <p><i>Daskar NR</i></p> |    |  | <p>unauthorised stretch of MDR-20 passing through Pilgaon habitations, causing dust pollution and health risks. The Hon'ble Tribunal admitted the application and constituted a Joint Committee to inspect the route and recommend corrective measures within one month. (Relevant para 6). A true copy of the Order dated 17.06.2025 in the O.A. No. 65 of 2025 is marked and annexed as <b>ANNEXURE R/7.</b></p> |
| <p> L.T.I.<br/>N.B. Jadhav</p> <p><i>S. D. Jadhav</i></p>  | 8. | 24.11.2025<br>"Prashant Vasant Mahadik v. Thane Municipal Corporation & Ors" | The NGT (WZ) heard allegations that Thane Municipal Corporation was reducing the width of nallahs by   |

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|  |  | O.A. No. 140 of 2025 | <p>constructing RCC slabs and obstructions, risking flooding and pollution. To verify the claims, the Hon'ble Tribunal constituted a Joint Committee directing a factual report within one month. (<i>Relevant para 5</i>). A true copy of the Order dated 24.11.2025 in the O.A. No. 140 of 2025 is marked and annexed as <b>ANNEXURE R/8</b>.</p> |
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Thus, it is clear from the above that Appointment of Committees to assist the Hon'ble Tribunal is consistent with the procedures followed and also in accordance this Section 19 of the NGT Act, 2010 as confirmed by the Hon'ble Supreme Court in "*State of Meghalaya vs. All Dimasa Students Union, Dima Hasao District Committee & Ors. (2019) 8 SCC 177*".

12. That the Hon'ble Supreme Court in the case titled "*State of Meghalaya vs. All Dimasa Students Union, Dima Hasao District Committee & Ors. (2019) 8 SCC 177*" while dealing with the question whether the Hon'ble NGT has the jurisdiction to constitute Committee or not has observed as follows:

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A.A. Lokhande.

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N.B. Jadhav

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"155. The appellants contend that the NGT has no jurisdiction to constitute any committee. The NGT vide its different orders has constituted different committees for submitting reports for different purposes. The Constitution of which committees are sought to be challenged on the ground that the NGT has no jurisdiction to constitute a committee. Similarly, order of the Tribunal directing for constituting a fund, namely, Meghalaya Environment Protection and Restoration Fund has been challenged on the ground that the Tribunal has no jurisdiction to constitute any fund.

156. What are the powers and jurisdiction of the Tribunal given under the National Green Tribunal Act, 2010 has to be looked into to consider the above submission? In so far as jurisdiction of the Tribunal is concerned, we have already noticed Sections 14, 15, and 16 of the Act. Section 19 of the Act deals with procedure and powers of the Tribunal. Section 19 which is relevant for the present case is as follows:

"19. Procedure and powers of Tribunal. – (1). The Tribunal shall not be bound by the procedure laid down by the Code of Civil Procedure, 1908 but shall be guided by the principles of natural justice.

(2). Subject to the provisions of this Act, the Tribunal shall have power to regulate its own procedure.

(3). The Tribunal shall also not be bound by the rules of evidence contained in the Indian Evidence Act, 1872.

(4). The Tribunal shall have, for the purposes of discharging its functions under this Act, the same powers as are vested in a civil court under the Code of Civil Procedure, 1908, while trying a suit, in respect of the following matters, namely: -

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N.V. Limaye

A.A. Lokhande

Shelkar

RASKAR, M.D.



L.T.I.  
B.A. Shewale

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N.B. Jadhav

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(a) summoning and enforcing the attendance of any person and examining him on oath;

(b) requiring the discovery and production of documents;

(c) receiving evidence on affidavits;

(d) subject to the provisions of sections 123 and 124 of the Indian Evidence Act, 1872, requisitioning any public record or document or copy of such record or document from any office;

(e) issuing commissions for the examination of witnesses or documents;

(f) reviewing its decision;

(g) dismissing an application for default or deciding it ex parte;

(h) setting aside any order of dismissal of any application for default or any order passed by it ex parte;

(i) pass an interim order (including granting an injunction or stay) after providing the parties concerned an opportunity to be heard, on any application made or appeal filed under this Act;

(j) pass an order requiring any person to cease and desist from committing or causing any violation of any enactment specified in Schedule I;

(k) any other matter which may be prescribed.

(5). All proceedings before the Tribunal shall be deemed to be the judicial proceedings within the meaning of sections 193, 219 and 228 for the purposes of section 196 of the Indian Penal Code and the Tribunal shall be deemed to be a civil court for the purposes of section 195 and Chapter XXVI of the Code of Criminal Procedure, 1973."

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N.V. Limaye.

A.A. Bokhande,

Debate

Rasakar, M.D.



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L.T.I.  
N.B. Jadhav

S.D. Jadhav.

157. Sub-section (1) of Section 19 provides that Tribunal shall not be bound by the procedure laid down by the Code of Civil Procedure but shall be guided by the principles of natural justice. What sub-section (1) meant to convey is that Tribunal is not shackled with the procedure laid down by the CPC for conducting its proceedings. Sub-section (2) of Section 19 empowers the Tribunal, powers to regulate its own procedure. Section 19(2) confers wide powers on the Tribunal in so far as its procedure is concerned. Section 19(4) vests some powers as are vested in civil court, while trying a suit, in respect of matters enumerated therein. The use of expression "shall not be bound by the procedure laid down by the CPC" is not akin to saying that procedure as laid down by the CPC is in no manner relevant to the Tribunal. Further, Section 19(1) also does not mean that Tribunal cannot follow any procedure given in the CPC. One provision of CPC inserted by Act 104 of 1976 with effect from 01.02.1977 is Order 26, which is relevant for present inquiry. Order 26 Rule 10-A provides as follows:

"10A. Commission for scientific investigations-

(1) Where any question arising in a suit involves any scientific investigation which cannot, in the opinion of the Court, be conveniently conducted before the Court, the Court may, if it thinks it necessary or expedient in Page 4 of 7 the interests of justice so to do, issue a commission to such person as it thinks fit, directing him to inquire into such question and report thereon to the Court.

(2) The provisions of rule 10 of this Order shall, as far as may be, apply in relation to a Commissioner appointed under this rule as they apply in relation to a Commissioner appointed under rule 9."

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B.A. Shewale

Raskar, N.R.

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N.B. Jadhav

S.D. Jadhav

158. Rule 10A provides that where any question arising in a suit involves any scientific investigation which cannot, in the opinion of the Court, be conveniently conducted before the Court, the Court may, if it thinks necessary or expedient in the interests of justice so to do, issue a commission to such person as it thinks fit, directing him to inquire into such question and report thereon to the Court. Rule 10A is enabling power to the courts to obtain report from such persons as it thinks fit when any question involves with the scientific investigation.

The powers under Rule 10A which are to be exercised by the Court can very well be used by the NGT to obtain reports by experts. The NGT as per the statutory scheme of the NGT has to decide several complex questions pertaining to pollution and environment. The scientific investigation and report by experts are necessary requirement in appropriate cases to come to correct conclusion to find out measures to remedy the pollution and environment. We do not,

thus, find any dearth of jurisdiction in the NGT to appoint a committee to submit a report. We may further say that while asking expert to give a report the NGT is not confined to the four corners of Rule 10A rather its jurisdiction is not shackled by strict terms of Order 26 Rule 10A s

per Section 19(1) as noticed above.

159. There is one more provision which throws considerable light on the above. Under Section 35 of the NGT Act, 2010 Central Government is empowered to make rule for carrying out the provisions of the Act. Rules have been framed in exercise of powers under Section 35, namely, National Green Tribunal (Practice and Procedure) Rules, 2011. The said Rules have been framed in exercise of powers under Section 4(4) as well as Section 35. The Rules, 2011

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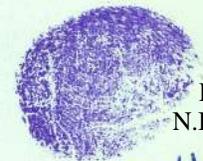
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N.B. Jadhav

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are Rules also for practices and procedure of the Tribunal. Rule 24 which is relevant for the present case is as follows:

*"24. Order and directions in certain cases. - The Tribunal may make such orders or give such directions as may be necessary or expedient to give effect to its order or to prevent abuse of its process or to secure the ends of justice."*

160. Rule 24 empowers the Tribunal to make such orders or give such directions as may be necessary or expedient to give effect to its order or to secure the ends of justice. Rule 24 gives wide powers to the Tribunal to secure the ends of justice. Rule 24 vests special power to Tribunal to pass orders and issue directions to secure ends of justice. Use of words 'may', 'such orders', 'gives such directions', 'as may be necessary or expedient', 'to give effect to its orders', 'order to prevent abuse of process', are words which enable the Tribunal to pass orders and the above words confer vide discretion.

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161. Professor Justice G.P. Singh, in Principles of Statutory Interpretation, 14th Edition while dealing with enabling word says:

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*"Ordinarily, the words 'May' and 'It shall be lawful' are not words of compulsion. They are enabling words and they only confer capacity, power or authority and imply discretion. "They are both used in a statute to indicate that something may be done which prior to it could not be done". The use of words "Shall have power" also connotes the same idea."*

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B.A. Shewale

RASKAR N R

L.T.I.  
N.B. Jadhav

162. The enabling powers give to the Tribunal under Rule 24 is for purpose and object to decide the subjects which are to be examined, decided and an appropriate relief is to be granted by the Tribunal. Further, subjects contain wide range of subjects which require

S. D. Jadhav

technical and scientific inputs. The Tribunal can pass such orders as it may think fit necessary or expedient to secure ends of justice.

163. The object for which said power is given is not far to seek. To fulfil objective of the NGT Act, 2010. NGT has to exercise a wide range of jurisdiction and has to possess wide range of powers to do justice in a given case. The power is given to exercise for the benefit of those who have right for clean environment which right they have to establish before the Tribunal. The power given to the Tribunal is coupled with duty to exercise such powers for achieving the objects. In this regard reference is made to judgment of this Court in *L. Hirday Narain vs. Income Tax Officer, Bareilly, 1970(2) SCC 355*, where this Court was examining provision empowering authority to do something. This Court laid down in paragraph 14:

“14. The High Court observed that under Section 35 of the Indian Income Tax Act, 1922, the jurisdiction of the Income Tax Officer is discretionary. If thereby it is intended that the Income Tax Officer has discretion to exercise or not to exercise the power to rectify, that view is in our judgment erroneous. Section 35 enacts that the Commissioner or Appellate Assistant Commissioner or the Income Tax Officer may rectify any mistake apparent from the record. If a statute invests a public officer with authority to do an act in a specified set of circumstances, it is imperative upon him to exercise his authority in a manner appropriate to the case when a party interested and having a right to apply moves in that behalf and circumstances for exercise of authority are shown to exist. Even if the words used in the statute are prima facie enabling the Courts

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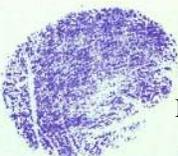
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N.B. Jadhav

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*will readily infer a duty to exercise power which is invested in aid of enforcement of a right — public or private — of a citizen.*

164. *We, thus, are of the considered opinion that there is no lack of jurisdiction in the NGT to direct for Page 6 of 7 appointment of committee or to obtain a report from a committee in given facts of the case."*

It is also pertinent to submit here that the Hon'ble Supreme Court has held that under Section 19 of the NGT Act, 2010 read with Rule 24 of NGT Rules, 2011 the Hon'ble NGT is empowered to pass any Order (including the Order for appointment of Joint Committee) as it may think fit and necessary or expedient to secure the ends of justice or prevent the abuse of its process.

**REPLY TO THE GROUNDS OF RECALL AND PARA WISE REPLY**

13. That the contents of Para 1-2 are matter of record and merit no response.

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14. That the contents of Para 3 are denied as false and devoid of merit. The allegation that the order dated 25.11.2025 is ex facie in violation of the

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Principles of Natural Justice is not only false but baseless. The Hon'ble

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Tribunal in its Order dated 25.11.2025 records that the counsel for the

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Respondent No. 12 was present, waived notice and made submissions including

Ras Kar, M.D  
the request to club the present Original Application with the Original

L.T.I.  
B.A. Shewale  
Application No. 14/2025/WZ and be heard together on 03.12.2025. The

Hon'ble Tribunal has issued the direction of constitution of Joint Committee

Ras Kar N R  
after observing the grave environment violations and within the canons of

L.T.I.  
N.B. Jadhav  
powers as provided by the NGT Act, 2010 read with NGT Rules, 2011 and the

precedents of the Hon'ble Supreme Court. The contents of above preliminary

S. D. Jadhav  
objections and preliminary submissions may be read as an additional response

to the contents of this Para.

15. That the contents of Para 4 merit no response. It is pertinent to submit here that the Original Application was served on all the Respondents along with the Notice on 02.12.2025 and the Respondent No. 12 has filed this recall Application on 29.11.2025, thus it is for the Respondent No. 12 to prove how it got hold of the Original Application even before the service of the same.

**RESPONSE TO VIOLATION OF PRINCIPLE OF NATURAL JUSTICE**  
**(AUDI ALTERAM PARTEM)**

16. That the contents of Para 5 are specifically and categorically denied. The allegation that the order dated 25.11.2025 is ex facie in violation of the Principles of Natural Justice is not only false but baseless. The Hon'ble Tribunal in its order dated 25.11.2025 records that the counsel for the Respondent No. 12 was present, waived notice and made submissions including the request to club the present Original Application with the Original Application No. 14/2025/WZ and be heard together on 03.12.2025. Further, the allegation that the constitution of an Expert Joint Committee "casts a stigma" or presupposes a prima facie case" is legally untenable as appointment of the Joint committee is only as a neutral fact-finding mechanism routinely invoked by this Hon'ble Tribunal to investigate and adjudicate environmental proceedings as mentioned above in para 10-12. Moreover, the Joint Committees was constituted not on one- sided assertions, but after considering the findings of CPCB, MPCB, NEERI and other environmental authorities, all of which recorded serious violations. The attempt of Respondent No. 12 to portray the said Order as based solely on the assertions of the Original Applicant is therefore misleading and contrary to the records of this Hon'ble Tribunal.

17. That the contents of Para 6-7 are denied as false, misleading and contrary to the records of this Hon'ble Tribunal. The Order dated 25.11.2025 neither passed

*ex parte*, nor in violation of the Principles of Natural Justice. The contention that the Respondent No. 12 was deprived of presenting its case, is incorrect as the said Respondent had full opportunity to address the Hon'ble Tribunal on the question of clubbing both the Original Applications. Further, the comparison drawn with the O.A. No. 14 of 2025 in the case titled "*Kailas Narke vs State of Maharashtra & Ors.*" is misconceived. The present Original Application the Hon'ble Tribunal has substantial material before it to convince itself of the prima facie environmental violations and thus appointing the Joint Committee.

18. That the contents of Para 8 are denied as based on incorrect interpretation of the Section 19 of the National Green Tribunal Act, 2010. Firstly, Section 19 of the NGT Act, 2010 does not require that every procedural or investigative direction be preceded by a personal hearing rather as per the said section, the Tribunal shall not be bound by the procedure laid down by the Code of Civil Procedure, 1908 but shall be guided by the Principles of Natural Justice. It is pertinent to note that the constitution of the Joint Committees falls squarely within the Hon'ble Tribunal's procedural powers and not its punitive powers, therefore it may not attract a mandatory notice or a pre-decisional hearing. The contents of above preliminary objections and preliminary submissions may be read as an additional response to the contents of this Para.

19. That the contents of Para 9 are denied as false and devoid of merits. Further, it is humbly submitted that there is no provision or procedure in the Hon'ble Tribunal to first issue a Notice to the Respondents before the Appointment of Joint Committee. In fact, in order to protect parties from unnecessary litigations the Hon'ble Tribunal in a number of cases, as illustrated above, first directs for the constitution of a Joint Committee to ascertain the factual situation and only after that the parties are issued notice or impleaded to defend themselves. Thus,

the process of appointing Joint Committee is not prejudicial but beneficial for the environmentally compliant units. The obstructive stand of the Respondent No. 12 is something which meets more than eye.

### RESPONSE TO CONTRAVENTION OF HON'BLE SUPREME COURT JUDGEMENTS

20. That the contents of Para 10-12 are categorically denied, as false and misconceived. The Respondent No. 12 has wrongly interpreted the law laid down by the Hon'ble Supreme Court and has attempted to portray a routine and necessary exercise to be as improper. On the contrary, in a catena of judgments of the Hon'ble Supreme Court, the wide powers of the Tribunals have been recognised. The allegation that the Tribunal is mechanically appointing a committee is false, as the Order dated 25.11.2025 itself records that the Joint Committee is being constituted in view of the material placed on record in the Original Application, taking into consideration of the findings of the CPCB inspection of 2024, NEERI's study of 2015 and non-compliances on part of the project proponent. Further, the claim that the Original Applicant has produced "no material" is factually wrong as the Tribunal has relied on the material placed on record by the Original Applicant which includes the Complaint made to various regulatory authorities about the grave pollution caused by the Respondent No. 12, various Show cause Notices issued by the MPCB and the reports of the statutory bodies as well as Expert Bodies such as CSIR-NEERI.
21. Further, the Respondent No. 12 in the present Application has cited a number of judgements of the Hon'ble Supreme Court submitting that the *ratio decidendi* of these judgements have not been followed by this Hon'ble Tribunal while pronouncing the Order Dated 25.11.2025. It is humbly submitted that these submissions are misplaced and was made to misled the Hon'ble Tribunal and in order to assist this Hon'ble Tribunal effectively, the Original Applicants

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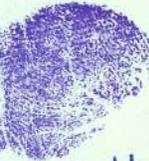
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crave liberty of this Hon'ble Tribunal to deal with each judgement separately as follows:

| Judgements Relied<br>(Para and Page No. In<br>IA)  | Particulars of the<br>case   | Our Submissions  |
|--|--|--|
| <p><i>"Municipal Corporation of Greater Mumbai vs. Ankita Sinha and Ors."</i></p> <p>2021 SCC OnLine SC 897</p> <p>(Para 8, Pg 585 r/w Annexure A/3 (Colly), Pg 610-633 of IA)</p> | <p>The main issue in this matter is whether the Hon'ble NGT has the power to exercise <i>Suo Moto</i> jurisdiction in discharge of its functions under the NGT Act, 2010. The Hon'ble Supreme Court has declared that NGT is vested with <i>suo moto</i> power in discharge of its function but has to follow procedural safeguards like Principle of Natural Justice etc. while discharging its function.</p> | <p>It is humbly submitted that the Hon'ble Supreme Court in the case of Ankita Sinha has held that Hon'ble NGT has an active role to play to serve the ends of environmental justice. It cannot remain as a mute spectator even in cases when no-one knocks its door. The Original Applicants in the present case are before the Hon'ble NGT with a prayer to secure their</p> |

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S. D. Jadhav

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|  |  | <p>Right to live in a healthy Environment and security for such a precious Right cannot be delayed by entertaining frivolous Application as the present IA, to prolong the sufferings of the Applicants and the nearby residents who are actively writing to the authorities and who are victims of the hazard caused by the Respondent No. 12.</p> |
| <p><i>W.V. Limaye</i><br/><i>A.A. Lakhande</i><br/><i>Shetale</i><br/><i>Raskob, M.D.</i><br/>L.T.I.<br/>B.A. Shewale<br/><br/><i>Raskar N.R.</i><br/>L.T.I.<br/>N.B. Jadhav<br/><br/><i>S.D. Jadhav</i></p> | <p>The Hon'ble NGT registered the OA on the basis of letter petition and the Hon'ble NGT</p> | <p>It is humbly submitted that vide Order dated 25.11.2025, this Hon'ble Tribunal</p>   |

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| <p>(Para 11, Pg 586 r/w Annexure A/3(Colly) Pg 634-637 of IA)</p> <p><i>sh</i><br/> <i>M.V. Limaye.</i><br/> <i>D. A. Lakhande</i><br/> <i>Shetal</i><br/> <i>Roshni, M.D</i><br/> L.T.I.<br/> B.A. Shewale</p> <p><i>Roshni N R</i><br/> L.T.I.<br/> N.B. Jadhav</p> <p><i>S.D. Jadhav</i></p> | <p>without impleading the Project Proponent and without giving him the opportunity to reply to the Joint Committee report has accepted the recommendation without adjudication. The Hon'ble Supreme Court has deprecated this practice as a violation of principle of Natural Justice and allowed the Appeal.</p> | <p>has constituted the Joint Committee only after hearing the Counsel of the Respondent No.12 at length and has in fact positively directed that the Respondent No.12 and Original Applicants shall be informed about the date and time of the visit of the Joint Committee at the site of inspection. Thus, such an order is in conformation with the precedents as laid down by the Hon'ble Supreme Court.</p> |
| <p><i>Triveni Engineering and Industries Ltd. vs. State of Uttar Pradesh</i></p>  | <p>In O.A No. 71/2021/PB the Hon'ble NGT has accepted the Joint</p>   | <p>It is humbly submitted that vide Order dated 25.11.2025, this</p>   |

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| <p>&amp; Ors.” 2025 SCC<br/>OnLine SC 1877<br/>(Para 12, Pg 586 r/w<br/>Annexure A/3 (Colly),<br/>Pg 638-665 of IA)</p> <p><i>sls</i><br/>v. Limaye<br/>Alokhande<br/><i>lshale</i><br/>Resdar, M. D<br/>L.T.I.<br/>B.A. Shewale<br/><i>Rastkar NR</i><br/>L.T.I.<br/>N.B. Jadhav<br/><i>S. Dr Jadhav</i></p> | <p>Committee Report<br/>and imposed the<br/>compensation on the<br/>Project Proponent as<br/>per the<br/>recommendation of<br/>Joint Committee,<br/>without even<br/>impleading the PP as<br/>a party in the OA nor<br/>he was informed<br/>about the visit of the<br/>Joint Committee for<br/>the inspection. Thus,<br/>NGT acted in<br/>violation of Section<br/>19 of the NGT Act,<br/>2010.</p> | <p>Hon'ble Tribunal<br/>has constituted the<br/>Joint Committee<br/>only after hearing<br/>the Counsel of the<br/>Respondent No.12<br/>at length and has in<br/>fact positively<br/>directed that the<br/>Respondent No.12<br/>and Original<br/>Applicants shall be<br/>informed about the<br/>date and time of the<br/>visit of the Joint<br/>Committee at the<br/>site of inspection.<br/>Thus, such an order<br/>is in conformation<br/>with the precedents<br/>as laid down by the<br/>Hon'ble Supreme<br/>Court.</p> |
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22. That the Respondent No. 12 has also placed on record two judgements in the Annexure A/3 (Colly) of the IA, namely “Arun Kumar Sharma and Ors. vs. State of Madhya Pradesh and Ors. 2025 INSC 826” and “Singrauli Super

*Thermal Power Station vs. Ashwani Kumar Dubey & Ors. 2023 INSC 618*”, but without any supporting pleadings. The Original Applicant reserve their right to rebut the same as an when the same is pleaded. It is submitted that no facts have been suppressed by the Original Applicants and in fact this is the first Original Application of the Applicants before this Hon’ble Tribunal Against the Respondent No. 12.

**RESPONSE TO SUPPRESSION OF MATERIAL FACTS BY ORIGINAL APPLICANT**

23. That the contents of para 13 are denied as false and devoid of any merits.

The allegations put forth by the Respondent No. 12 is baseless and are just to divert the attention from the serious environmental violations already noted by the statutory authorities. It is humbly submitted that the Original Applicant in both the Original Applications are different and both are within the definition “Aggrieved Person” and thus have a right to file separate Original Application. Further, the reference to the same set of counsels is

irrelevant and immaterial, as the identity of Counsel has no legal bearing on the maintainability of the proceedings. Moreover, it is wrong to submit that the Counsels have suppressed the fact about the pendency of the OA No. 14/2025/WZ. In fact, the Ld. Senior Counsel had, at the outset, informed the Hon’ble Bench about the pendency of the said OA and further in the contents of the present Original Application there is a reference of the CPCB reply dated 02.07.2025 filed in OA No. 14/2025/WZ. (Page No. 45-47 r/w *Annexure A/25, Pg 320-349 of OA*).

24. Further, it is pertinent to add that this Hon’ble Tribunal vide Order dated 11.09.2025 in the case titled “*Go Green Foundation Trust vs. Union of India & 12 Ors. Appeal No. 26 of 2025*” wherein an IA was filed for dismissal of

appeal, in view of the pendency of the Appeal challenging the same Environment Clearance had held as follows:

“ ...

11. Having heard the learned counsel for the parties and on perusal of the record, it is noticed that in terms of Section 16 of the National Green Tribunal Act, 2010, “any person aggrieved” has a right to file the appeal, challenging the orders covered in Section 16. It is not in dispute that under Section 16 (h), appeal lies against the order granting Environmental Clearance (EC). The appellants in Appeal No.19 of 2025 (WZ) and in this appeal are not the same. Two different aggrieved appellants have questioned the same Environmental Clearance (EC) by filing two different appeals. The right to file appeal has accrued in their favour under Section 16 of the National Green Tribunal Act, 2010. Therefore, unless they are restrained by some law/Judgment, their right cannot be curtailed.

...” (Para 6 of Order dated 11.09.2025)

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*N.V. Limaye* Thus, drawing a corollary from the said observation, it is humbly submitted  
*DA Lakhande* that the Original Applicants in both the cases as mentioned above, are  
*Shetale* aggrieved persons within the meaning of Section 18 of the NGT Act, 2010  
*RASKAR, M.D* and thus have a right to file separate Original Applications under Section 14  
 L.T.I.  
 B.A. Shewale  
 read with Section 15 of the NGT Act, 2010. The details of Complaints made  
 against the Respondent No.12 by the Applicants mentioned in *Para 13-14*  
*Prakash R* (*Page 28-35*) of this Original Application also corroborate the grievances of  
 L.T.I.  
 N.B. Jadhav  
 the Original Applicant against the Respondent No. 12. A true copy of Order  
 dated 11.09.2025 passed by this Hon'ble Tribunal in “Go Green Foundation  
*S. Jadhav* Trust vs. Union of India & 12 Ors. Appeal No. 26 of 2025” is marked and  
 annexed as ANNEXURE R/9.

25. Further it is humbly submitted that as per Section 49 (1) (C) of the Advocates Act, 1961, Bar Council of India has formed Rules Governing Advocates wherein under Chapter II "Standards of Professional Conduct and Etiquette" are prescribed. As per the Rules prescribed in the Duty to the Client, the Advocate is bound to accept any brief in the Courts or Tribunals or before any other authorities in or before which he proposes to practise and only special circumstances may justify his refusal to accept a particular brief. Further as a duty towards Client, the Advocates are mandated not to act, appear or plead against the Party who at a time advised him to act, appear or drawn pleadings for them in order to avoid conflict of interest or to keep Advocacy as a noble profession.

26. That it is humbly submitted that the counsels in the present case have drafted and appeared in the present Original Application in consonance with the Bar Council of India Rules mentioned above. Further, regarding the allegations of suppression of facts about the pendency of the OA No. 14/2025/WZ in the case titled, "*Kailas Narke vs. Maharashtra Enviro Power Ltd. & Ors.*", it is humbly submitted that the Senior Advocate representing the Original Applicants have duly informed the Hon'ble Bench about the pendency of the said Original Application orally, before starting his argument and it is also humbly submitted that the Counsel has in fact relied on the CPCB reply dated 02.07.2025, filed in OA 14/2025/WZ (*Annexed as A/25, Pg 320-349 of OA*) and has also duly informed this Hon'ble Tribunal that MPCB was directed for a time bound compliance on the observations and findings of CPCB report (*Ground L, Pg 51 of OA*). Thus, such an insinuation of suppression of facts is not only false but also defamatory in nature.

27. That the contents of Para 14 merit no response and it is for the Counsel for Respondent No. 12 to prove the truthfulness of the contents of this para.

However, it is pertinent to submit here that as per the contents of this Para the Counsel of Respondent No. 12 has made his submissions at length and the same is recorded in the Order dated 25.11.2025, including his presence which has been marked in the said Order. Thus, the basis of the present Application to recall the Order dated 25.11.2025 with a ground of that being passed in violation of Principle of Natural Justice is untenable in facts as well as law.

28. That the contents of Para 15 are denied as false and baseless. Further, it is humbly submitted that in *Ground L (Pg 51-52 of OA)* it was specifically submitted that the MPCB was directed to ensure compliance of the CPCB observations. Be that as it may, in the present Original Application the Applicants also have a grievance against the inaction of the Officers of MPCB who have been lenient and has been magnanimous in providing several opportunities to Respondent No. 12 since long without any punitive measures.

29. That the contents of Para 16-17 are and denied as false and baseless. Further, the Respondent No. 12 while making these submissions has forgotten the fact that the case was filed on behalf of the Original Applicant being aggrieved by the inaction of the regulators and against the environmental hazard caused by the Respondent No. 12. The Ld. Senior Counsel as an officer of the Court has in fact informed the Hon'ble Tribunal about pendency of the OA No. 14/2025/WZ before starting his arguments, thus the allegation of suppression of facts are baseless and unfounded. Further, the pleadings filed in another case, cannot be a ground of suppression of facts. The reliance on the CPCB report is only due to the fact the same was publicly available and the Original Applicants have been making innumerable complaints on the gross violations done by the Respondent No. 12.

30. That the contents of Para 18-19 are denied as false and without any merit. It is clear from the memo of parties of OA No. 14/2025/WZ and the present

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Shetale

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Deskar, R.

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N.B. Jadhav

S. D. Jadhav

Original Application that the Applicants in both the cases are different and further the copies of Complaint, Show Cause Notices and various directions attached with the Original Application are factual in nature and which are sufficient in ordinary course for filing the present Original Application. It is pertinent to note that under Section 14 and 15 of the NGT Act, 2010 any person, has the right to approach the Tribunal on issues concerning environmental degradation. Further, the locus standi of environmental adjudication relies on the public interest and environmental protection, and not on the identity or credentials of an individual applicant. Be that as may the present Original Application is by the Gram Panchayat and the local residents who are directly impacted by the gross violations of the environmental laws by the Respondent No. 12 and consequent inaction by the regulatory authorities, specifically by the MPCB.

31. That the contents of Para 20 (a)- 20(e) are denied as false and without any merit. Further the contents of Preliminary Objections, Preliminary Submissions and Para wise Reply may be read as an additional response to the contents of this Para. It is submitted that this is a fit case to ascertain the latest facts from the ground by the independent credible institutions which has been done by the Order dated 25.11.2025 and no ground has been made to recall the said Order.

32. That the contents of Para 21 are denied as false and without any merit. It is humbly submitted that the Applicants in both the Original Application are different and the Joint Committee was constituted by this Hon'ble Tribunal in the present Original Application only after convincing itself about the sufficiency of material on record, which indicates the serious Environmental Violations on the part of Respondent No. 12.

33. That the contents of Para 22 are denied as false and without any merit. Firstly, the constitution of Joint Committee is only for the submitting the factual report while taking into consideration that the opportunity of being heard shall be given to the parties at the time of inspection. Further, it is humbly submitted that the objective of the Hon'ble Tribunal is to subserve the environmental protection over the personal inconvenience, if the material on record already points out towards the grave environmental violations.

**RESPONSE TO SUBMISSIONS HIGHLIGHTING INADVERTANT PROCEDURAL ERROR**

34. That the contents of Para 23-24 are denied as false and misleading. The Ld. Counsel for Respondent No. 12 in order to make out a case about the violation of Principle of Natural Justice has casted aspersions and negligence on the part of Hon'ble Tribunal which is not only derogatory but contemptuous in nature. The Hon'ble Tribunal has heard the Counsel at length and recorded his presence only on his insistence which can be verified through the records of virtual hearing.

35. That the contents of Para 25-29 are specifically and categorically denied. It is humbly submitted that the contents of the present Application are based on concocted facts and wrong understanding of the laws and precedent as laid down by the Hon'ble Supreme Court and practice of this Hon'ble Tribunal in a number of case (few of them mentioned above).

Further, the Hon'ble NGT is not a mute spectator but a *sui generis* body which may devise its own procedure to fulfil its objective of Environment Protection based on the Precautionary Principle and Sustainable Development and in view of the facts as mentioned in the Original Application and in the present objections, the appointment of Joint Committee is necessary to ascertain the

SLB  
N.V. Limaye

AA Lakshmi  
L.T.I.  
B.A. Shewale



Reshant R  
L.T.I.  
N.B. Jadhav



S.D. Jadhav

factual truth. It is consistent with past practice and without prejudice to any party and this a ground alone to dismiss the recall application *in limine*.

36. That it may also be acknowledged that the present Interlocutory Application has been filed in regard to the violation of Principles of Natural Justice. It is humbly submitted that this Hon'ble Tribunal was gracious enough to have heard the Counsel for "Respondent No. 12", who has appeared *suo moto*, thus extending the opportunity of hearing even before the issuance of formal Notice. Not only that the Hon'ble Tribunal was diligent enough to positively direct the Joint Committee to inform in advance to the Respondent No. 12 and the Original Applicants about the date and time of their visit to the site, so that no prejudice is caused to any of the parties. Even after protecting every Right of the Respondent No. 12, the filing of present IA alleging violation of Principle of Natural Justice is nothing but a wastage of the precious time of this Hon'ble Tribunal, a ground alone to dismiss the recall application.

*slk*  
A.V. Limaye  
**DATE:**

**PLACE:** Pune

**DRAWN BY:**

*AA. Lakhande*  
*Chetab*  
*Raskar. n. d.*  


ARVIND SONI/SHUBHAM SONI,  
(Counsels for the Applicants)

R/664/1999

Email: [arvindsoni\\_lawyer@yahoo.com](mailto:arvindsoni_lawyer@yahoo.com); +91-9460070283

  
L.T.I.  
B.A. Shewale

*Raskar N.R.*  
L.T.I.  
N.B. Jadhav  
**SETTLED BY:**

Shri. Sanjay Upadhyay

*S.D. Jadhav* [Senior Advocate]

BEFORE HON'BLE NATIONAL GREEN TRIBUNAL, WESTERN  
BENCH AT PUNE

I.A. NO. 856 OF 2025

IN

ORIGINAL APPLICATION NO. 145 OF 2025

AFFIDAVIT IN SUPPORT OF REPLY TO I.A.

I, Smt. Jyoti Laxman Sambhare, aged about 33 years, R/o Mashere Vasti, Nimgaon Bhogi, Dist. Pune, Maharashtra, Sarpanch of Gram Panchayat, Nimgaon Bhogi, Tehsil Shirur, Dist. Pune, Maharashtra-412220, am the Applicant No. 1, do hereby, solemnly affirm and declare as under:

1. That I am fully conversant of the facts and circumstances of the matter and am competent to swear this affidavit.
2. The contents of the accompanying Reply are true and correct to the best of my knowledge and have been drafted by the counsel on my instructions and nothing material has been concealed therefrom.
3. That the annexed documents in the accompanying Reply are true and correct to the best of my knowledge.

*JL*

DEPONENT

VERIFICATION

Verified at *Pune*.....on this *16<sup>th</sup>* day of *Dec*, 2025 that the contents of the above affidavit are true and correct to my knowledge and belief and nothing material has been concealed there from.

*JL*

DEPONENT

BEFORE ME

*Adv. Smita J. Deshmukh*  
ADV. SMITA J. DESHMUKH  
NOTARY  
GOVT. OF INDIA  
NOTED AND REGISTERED  
AT SR. NO. 598/2025  
DATE -- 16 DEC 2025 --



BEFORE HON'BLE NATIONAL GREEN TRIBUNAL, WESTERN  
BENCH AT PUNE

I.A. NO. 856 OF 2025

IN

ORIGINAL APPLICATION NO. 145 OF 2025

AFFIDAVIT IN SUPPORT OF REPLY TO I.A.

I, Neela Limaye Raskar, aged about 62 years, R/o Raskar Wasti, Nimgaon Bhogi, Pune, at present residing at B-4, Radhika, Plot No. 7, Sector-14, Navi Mumbai, PO: Vashi, Thane, Maharashtra-400703, Authorised signatory of Maharashtra Mahila Parishad (Reg. No. 484/1997) 4, Shramik Bharti Chowk, Shant Jog Marg, Tilak Nagar, Chembur, Mumbai, am the Applicant No. 2, do hereby, solemnly affirm and declare as under:

1. That I am fully conversant of the facts and circumstances of the matter and am competent to swear this affidavit.
2. The contents of the accompanying Reply are true and correct to the best of my knowledge and have been drafted by the counsel on my instructions and nothing material has been concealed therefrom.
3. That the annexed documents in the accompanying Reply are true and correct to the best of my knowledge.

*N.V. Limaye.*

DEPONENT

VERIFICATION

Verified at *Pune*.....on this *16<sup>th</sup>* day of *Dec*, 2025 that the contents of the above affidavit are true and correct to my knowledge and belief and nothing material has been concealed there from.

*N.V. Limaye.*

DEPONENT

BEFORE ME

*Smita J. Deshmukh*  
ADV. SMITA J. DESHMUKH

NOTARY  
GOVT. OF INDIA

NOTED AND REGISTERED  
AT SR. NO. *596/2025*  
DATE: *16 DEC 2025*



BEFORE HON'BLE NATIONAL GREEN TRIBUNAL, WESTERN  
BENCH AT PUNE

I.A. NO. 856 OF 2025

IN

ORIGINAL APPLICATION NO. 145 OF 2025

AFFIDAVIT IN SUPPORT OF REPLY TO I.A.

I, Lokhande Ashwini Ankush, aged about 35 years, R/o Lokhande Wasti, Nimgaon Bhogi, Pune, Maharashtra-412220, am the Applicant No. 3, do hereby, solemnly affirm and declare as under:

1. That I am fully conversant of the facts and circumstances of the matter and am competent to swear this affidavit.
2. The contents of the accompanying Reply are true and correct to the best of my knowledge and have been drafted by the counsel on my instructions and nothing material has been concealed therefrom.
3. That the annexed documents in the accompanying Reply are true and correct to the best of my knowledge.

*A.A. Lokhande.*

DEPONENT

VERIFICATION

Verified at *Pune*.....on this *16<sup>th</sup>* day of *Dec* 2025 that the contents of the above affidavit are true and correct to my knowledge and belief and nothing material has been concealed there from.

*A.A. Lokhande.*

DEPONENT

BEFORE ME

*[Signature]*  
ADV. SMITA J. DESHMUKH  
NOTARY  
GOVT. OF INDIA  
NOTED AND REGISTERED  
AT SR. NO. *597/2025*  
DATE. *16 DEC 2025*



BEFORE HON'BLE NATIONAL GREEN TRIBUNAL, WESTERN  
BENCH AT PUNE

I.A. NO. 856 OF 2025

IN

ORIGINAL APPLICATION NO. 145 OF 2025

AFFIDAVIT IN SUPPORT OF REPLY TO I.A.



I, Ujjwala Kautik Ichake, aged about 40 years, R/o Ichake vasti, Nimgaon Bhogi, Pune, Maharashtra-412220, am the Applicant No. 4, do hereby, solemnly affirm and declare as under:

1. That I am fully conversant of the facts and circumstances of the matter and am competent to swear this affidavit.
2. The contents of the accompanying Reply are true and correct to the best of my knowledge and have been drafted by the counsel on my instructions and nothing material has been concealed therefrom.
3. That the annexed documents in the accompanying Reply are true and correct to the best of my knowledge.

*Ujjwala Kautik Ichake*  
DEPONENT

VERIFICATION

Verified at Pune .....on this 16<sup>th</sup> day of Dec, 2025 that the contents of the above affidavit are true and correct to my knowledge and belief and nothing material has been concealed there from.

*Ujjwala Kautik Ichake*  
DEPONENT

BEFORE ME

*Smita J. Deshmukh*  
ADV. SMITA J. DESHMUKH  
NOTARY  
GOVT. OF INDIA  
NOTED AND REGISTERED  
AT SR. NO. 599/2025  
DATE 16 DEC 2025



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BEFORE HON'BLE NATIONAL GREEN TRIBUNAL, WESTERN  
BENCH AT PUNE

I.A. NO. 856 OF 2025

IN

ORIGINAL APPLICATION NO. 145 OF 2025

AFFIDAVIT IN SUPPORT OF REPLY TO I.A.

I, Raskar Mainawati Dharamraj, aged about 56 years, R/o Raskar Wasti, Nimgaon Bhogi, Pune, Maharashtra-412220, am the Applicant No. 5, do hereby, solemnly affirm and declare as under:

1. That I am fully conversant of the facts and circumstances of the matter and am competent to swear this affidavit.
2. The contents of the accompanying Reply are true and correct to the best of my knowledge and have been drafted by the counsel on my instructions and nothing material has been concealed therefrom.
3. That the annexed documents in the accompanying Reply are true and correct to the best of my knowledge.

*Raskar, M.D*

DEPONENT

VERIFICATION

Verified at *Pune*.....on this *16<sup>th</sup>* day of *Dec*, 2025 that the contents of the above affidavit are true and correct to my knowledge and belief and nothing material has been concealed there from.

*Raskar, M.D*

DEPONENT

BEFORE ME

*Smity*  
ADV. SMITA J. DESHMUKH  
NOTARY  
GOVT. OF INDIA

NOTED AND REGISTERED  
AT SR. NO. *600/2025*  
DATE *16 DEC 2025*



BEFORE HON'BLE NATIONAL GREEN TRIBUNAL, WESTERN  
BENCH AT PUNE

I.A. NO. 856 OF 2025

IN

ORIGINAL APPLICATION NO. 145 OF 2025

AFFIDAVIT IN SUPPORT OF REPLY TO I.A.

I, Shewale Bhimabai Ananda, aged about 47 years, R/o Ichake Jadhav wasti, Nimgaon Bhogi, Pune, Maharashtra-412220, am the Applicant No. 6, do hereby, solemnly affirm and declare as under:

1. That I am fully conversant of the facts and circumstances of the matter and am competent to swear this affidavit.
2. The contents of the accompanying Reply are true and correct to the best of my knowledge and have been drafted by the counsel on my instructions and nothing material has been concealed therefrom.
3. That the annexed documents in the accompanying Reply are true and correct to the best of my knowledge.



**DEPONENT**

Left thumb impression  
Bhimabai Ananda Shewale

VERIFICATION

Verified at Pune.....on this 16<sup>th</sup> day of Dec, 2025 that the contents of the above affidavit are true and correct to my knowledge and belief and nothing material has been concealed there from.

L.T.I.  
B.A. Shewale



**DEPONENT**

**BEFORE ME**

*[Signature]*  
**ADV. SMITA J. DESHMUKH**  
NOTARY  
GOVT. OF INDIA

NOTED AND REGISTERED  
AT SR. NO. 601/2025

DATE .. 16 DEC 2025



BEFORE HON'BLE NATIONAL GREEN TRIBUNAL, WESTERN  
BENCH AT PUNE

I.A. NO. 856 OF 2025

IN

ORIGINAL APPLICATION NO. 145 OF 2025

AFFIDAVIT IN SUPPORT OF REPLY TO I.A.

I, Raskar Nirmala Ramdas, aged about .... years, R/o Raskar Wasti, Nimgaon Bhogi, Nimgaon Bhogi, Pune, Maharashtra-412220, am the Applicant No. 7, do hereby, solemnly affirm and declare as under:

1. That I am fully conversant of the facts and circumstances of the matter and am competent to swear this affidavit.
2. The contents of the accompanying Reply are true and correct to the best of my knowledge and have been drafted by the counsel on my instructions and nothing material has been concealed therefrom.
3. That the annexed documents in the accompanying Reply are true and correct to the best of my knowledge.

Raskar N R  
DEPONENT

VERIFICATION

Verified at Pune on this 16<sup>th</sup> day of Dec, 2025 that the contents of the above affidavit are true and correct to my knowledge and belief and nothing material has been concealed there from.

Raskar N R  
DEPONENT

BEFORE ME

*[Signature]*  
ADV. SMITA J. DESHMUKH  
NOTARY  
GOVT. OF INDIA

NOTED AND REGISTERED  
AT SR. NO. 603/2025  
DATE .. 16 DEC 2025



BEFORE HON'BLE NATIONAL GREEN TRIBUNAL, WESTERN  
BENCH AT PUNE

I.A. NO. 856 OF 2025

IN

ORIGINAL APPLICATION NO. 145 OF 2025

AFFIDAVIT IN SUPPORT OF REPLY TO I.A.

I, Nandabai Babu Jadhav, aged about 58 years, R/o Ichake wasti,  
Nimgaon Bhogi, Pune, Maharashtra-412220, am the Applicant No. 8, do  
hereby, solemnly affirm and declare as under:

1. That I am fully conversant of the facts and circumstances of the matter and am competent to swear this affidavit.
2. The contents of the accompanying Reply are true and correct to the best of my knowledge and have been drafted by the counsel on my instructions and nothing material has been concealed therefrom.
3. That the annexed documents in the accompanying Reply are true and correct to the best of my knowledge.



**DEPONENT**  
Left thumb impression  
Nandabai Babu Jadhav

VERIFICATION

Verified at Pune.....on this 16<sup>th</sup> day of Dec, 2025 that the  
contents of the above affidavit are true and correct to my knowledge and  
belief and nothing material has been concealed there from.

L.T.I.  
N.B. Jadav

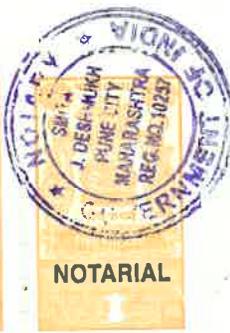
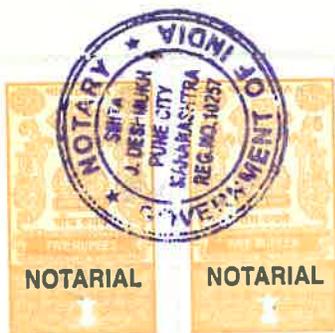


**DEPONENT**

**BEFORE ME**

  
**ADV. SMITA J. DESHMUKH**  
NOTARY  
GOVT. OF INDIA

NOTED AND REGISTERED  
AT SR. NO. 604/2025  
DATE 16 DEC 2025



BEFORE HON'BLE NATIONAL GREEN TRIBUNAL, WESTERN  
BENCH AT PUNE

I.A. NO. 856 OF 2025

IN

ORIGINAL APPLICATION NO. 145 OF 2025

AFFIDAVIT IN SUPPORT OF REPLY TO I.A.

I, Sarika Dinesh Jadav, W/o Dinesh Jadhav, aged about 35 years, R/o Nimgaon Bhogi, Pune, Maharashtra-412220, am the Applicant No. 9, am the Applicant No. 8, do hereby, solemnly affirm and declare as under:

1. That I am fully conversant of the facts and circumstances of the matter and am competent to swear this affidavit.
2. The contents of the accompanying Reply are true and correct to the best of my knowledge and have been drafted by the counsel on my instructions and nothing material has been concealed therefrom.
3. That the annexed documents in the accompanying Reply are true and correct to the best of my knowledge.

*S.D. Jadhav*  
DEPONENT

VERIFICATION

Verified at *Pune*.....on this *16<sup>th</sup>* day of *Dec*, 2025 that the contents of the above affidavit are true and correct to my knowledge and belief and nothing material has been concealed there from.

*S.D. Jadhav*  
DEPONENT

BEFORE ME

*Smita*  
ADV. SMITA J. DESHMUKH  
NOTARY  
GOVT. OF INDIA

NOTED AND REGISTERED  
AT SR. NO. *602/2025*

DATE *16 DEC 2025*



Mentioned matter

(Pune Bench)

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

(By Video Conferencing)

Original Application No. 107/2022 (WZ)

Mr. Irba Mashnaji Konapure & Anr.

.....Applicant

Versus

Union of India & Ors.

....Respondent(s)

Date of hearing: 29.11.2022

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

Applicant : Mr. Nitin N. Lonkar along-with Mr. Tanaji B. Gambhire,  
Advocates

**ORDER**

1. We have received an e-mail from the learned Counsel for the Applicant Mr. Tanaji B. Gambhire, praying that this matter may be taken up for admission on urgent basis on Tuesday i.e. today.

2. We have heard the learned Counsels for the Applicant who are present before us and argument is made by the learned Counsel Mr. Nitin N. Lonkar who also has joint Vakalatnama, states that the matter is urgent because the construction is going on by the Project Proponent which needs to be stopped forth-with. We have taken up the matter today itself.

3. This application has been moved with a prayer for seeking demolition of illegal structure raised by the Respondent No. 11/Project Proponent in the name and style of "*Sristi Namaah*" situated at Sector No. II (A), on Old Survey No. 233 (part), 235 (part), 256 (part) and new Survey Nos. 66 (part), 68 (part) and 69 (part) at Village Penkarpada, District

Thane, Maharashtra, on total land area admeasuring 37880.43 M<sup>2</sup> within the jurisdiction of Mira-Bhayandar Municipal Corporation. The submission made is that the total built up area of the project for which the EC is still under consideration by SEIAA is 3,23,656.18 M<sup>2</sup> and by the Minutes of the Meeting dated 21.10.2021 annexed at page nos. 423-428 of the paper book, it is apparent that the SEIAA has deferred the proposal for grant of EC and the Project Proponent is proceeding with the construction illegally.

4. He has also drawn our attention to page nos. 429 to 431 of the paper book which are photographs of the construction in question and also drawn our attention to the Consent to Establish granted by the MPCB, where-in at serial no. 10, there is a stipulation made that "Project Proponent shall not take effective steps towards construction unless Environmental Clearance (EC) is obtained" but even then in violation of that, the construction is going on.

5. He has drawn our attention to page no. 24 of the paper book, where-in it is also pointed out that the said construction is going on in violation of CRZ Notification, 2011 (though by mistake it is mentioned as 1991 instead of 2011), despite the fact that no permission has been taken from the MCZMA.

6. He has also drawn our attention to page no. 20 of the paper book which shows that a large number of constructions have already been done without valid EC.

7. On the basis of these documents to which our attention is drawn, we find that substantial question of environment appears to be made out in the present case, therefore, we admit this application.

8. Issue notices to the Respondents, returnable within four weeks.

9. Applicant is directed to provide copy of the application and relevant documents to the Respondents within a week.

10. Respondents are directed to submit their reply affidavit before 23.01.2023.

11. Applicant is also directed to take necessary steps for service upon the Respondents by both ways and also through available e-mail.

12. We deem it just and proper to call for a report on the matter in issue in present application from a Joint Committee comprising:-

- (i) One Representative from the State Environment Impact Assessment Authority (SEIAA);
- (ii) One Representative from the Maharashtra Pollution Control Board (MPCB); and
- (iii) One Representative from the Maharashtra Coastal Zone Management Authority (MCZMA)

13. The Committee is directed to visit the site and submit a factual and action taken report with regard to the violation, if any, within one month.

14. The Maharashtra Pollution Control Board (MPCB) will be the nodal agency for coordination and logistic support.

15. The report in the matter be filed by the Committee by e-mail at [ngt-pune@gov.in](mailto:ngt-pune@gov.in) preferably in the form of searchable PDF/ OCR Support PDF and not in the form of Image PDF.

16. Applicant is directed to supply the required documents and copy of the application to the members of the Committee within three days from today.

17. Registry of this Tribunal is directed to communicate a copy of this order to the above-mentioned Committee forth-with for compliance

Put up with the report on 23.01.2023.

Dinesh Kumar Singh, JM

Dr. Vijay Kulkarni, EM

November 29, 2022  
Original Application No. 107/2022 (WZ)  
P.Kr

Item No.3

(Pune Bench)

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

(By Video Conferencing)

ORIGINAL APPLICATION NO.03 OF 2023 (WZ)

Sandip s/o Sheshrao Jadhav

.... Applicant

Versus

The State of Maharashtra and others

....Respondents

Date of hearing: 23.01.2023

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

Applicant : Mr. Hrishikesh V. Tungar, Advocate

Respondents : ---

**ORDER**

1. This Original Application has been moved by the applicant seeking a direction to be issued to respondent Nos.5 to 21 (private respondents) to rehabilitate the applicant to any other suitable place for residence, agriculture activities and to allot him agricultural lands; further respondent Nos.1 to 4 authorities be directed to compute the damage caused to the applicant's health, agricultural lands, domestic animals, environment of the applicant, etc. and the applicant be directed to be paid a sum of Rs.5,00,000/- towards compensation with liberty to amend the claim; respondent Nos.1 to 4 be directed to provide sufficient drinking water to the applicant and for his domestic animals; a direction be issued to respondent No.3 to remove the contaminated soil, sludge, spent-wash from the agricultural land of the applicant and respondent Nos.5 to 21 be directed to make treatment of well-water and bore-well water so as to

make the same potable situated at nearby Gat Nos.144, 123 in the agricultural land of the applicant.

2. It is submitted by the learned counsel for the applicant that respondent No. 5 – M/s Radico NV Distilleries Maharashtra Ltd. is manufacturing liquor and respondent No. 6 – Shri Dwarkadas Yeshwantrao Bansod (Pathrikar) is the President of Mitra Sadhana Shikshan Prasarak Mandal, Pathri as well as President of Foster Development Trust, Aurangabad. Respondent Nos.7 to 15 are the members of Mitra Sadhana Shikshan Prasarak Mandal, Pathri whereas respondent Nos.16 to 21 are the members of Foster Development Trust, Aurangabad. Respondent No.6 has purchased the land block No.144, admeasuring 8 Hectares situated at village Pathri from one Santosh Manik Balande by registered sale-deed No.2134/2014 dated 01.10.2014. Respondent No. 5 – M/s Radico NV Distilleries Maharashtra Ltd. and respondent Nos.7 to 21 have poured spent-wash in the land block nos.144, 123 to the tune of 1000 tankers from 01.01.2018 to June, 2018, which resulted in causing huge pollution and also resulted in causing death of two persons and illness of 200 persons. The news item was also published in Daily Lokmat on 31.01.2018 about this occurrence. One official of Maharashtra Pollution Control Board (MPCB), Aurangabad and Kotwal had made spot inspection on 31.08.2018 and reported that chemical had been poured by Radico Distilleries Company – respondent No.5 in the aforesaid blocks and the same was being poured since January, 2018 to June, 2018 by tankers. During the spot inspection, it revealed that there was black sludge layer on the agricultural lands. The water samples were collected from the wells of the applicant and other affected persons. It revealed that calf of one Sanjay Navgire drank poisonous and contaminated water from well and became paralyzed. Several complaints were made by the applicant and other affected

persons to the Police Inspector as well as to the Pollution Control Board but to no avail. The local residents are suffering from various diseases such as low vision, swellings on eye, headache, deafness, asthma, etc. On 01.10.2018, panchanama was carried out in presence of Tahsildar, Fulambri, Taluka Agricultural Officer, Medical Officer in respect of wells and lands block Nos.112, 113, 141, 124, 143, 139, 140, 123. The water in the wells was found yellow in colour and soil sample was also taken for examination. The MPCB had issued notice under Section 33A of the Water (Prevention and Control of Pollution) Act, 1974 and the Air (Prevention and Control of Pollution) Act, 1981 on 25.10.2018 ordering shifting contaminated soil from block No.144 to their (respondent No.5's) existing bio-composting plant within a week.

3. The learned counsel for the applicant has also drawn our attention to the analysis report, which is annexed at pages 256 to 260 of the paper-book, which shows the turbidity, pH, Chlorides, total hardness, Alkalinity and total dissolved solids on much higher side.

4. On the basis of evidence and the averments made in the application, we find that substantial question relating to the environment is made out in this Original Application. We, therefore, admit the Original Application and further deem it appropriate to constitute a Joint Committee, consisting of three members, one each from Maharashtra Pollution Control Board (MPCB), Central Pollution Control Board (CPCB) and the Collector, Aurangabad. The MPCB shall be the nodal agency of the said Committee. The Committee shall visit the spot whereupon it shall submit its report alongwith the compensation assessed before us within a period of four weeks from today.

5. The Registry is directed to issue notice to the respondents returnable within four weeks.

6. The applicant is directed to provide copies of the Original Application along with its annexures for being served to the respondents, within seven days.

7. The applicant is also directed to take necessary steps for service of notice upon the respondents by both ways and also through available e-mail.

8. We further find that in the present application, personal compensation has been prayed to be allowed, for which Form-II was required to be filed which is not done though court fees has been paid. We, therefore, direct the applicant to file Form-II giving specific details of the compensation for the damages, to be assessed with respect to the land of the applicant.

9. Put up this matter on 24.03.2023.

Dinesh Kumar Singh, JM

Dr. Vijay Kulkarni, EM

January 23, 2023  
O.A. NO.03/2023 (WZ)

Item No.1

(Pune Bench)

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

THROUGH PHYSICAL HEARING (WITH HYBRID OPTION)

**Original Application No.147/2023(WZ)**  
(Earlier Diary No.2704105003662023)

Irfan Baloch &amp; Ors.

.....Applicant(s)

*Versus*

MoEF&amp;CC &amp; Ors.

....Respondent(s)

Date of hearing: 10.10.2023

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

Applicant : Applicant-in-person along-with  
Mr. Raghvendra Kulkarni, Advocate

Respondent(s) : Mr. Maulik Nanavati, Advocate for GPCB

**ORDER**

1. From the side of applicants, learned counsel Mr. Raghvendra Kulkarni holding brief of learned counsel Mr. Rahul Garg has appeared, who apprised us that he has been engaged in this matter today only and that he would be removing the defects, which are mentioned in the report of the Assistant Registrar dated 09.10.2023, within a period of three weeks. But we consider it to be a very long period to remove the objections and direct him to remove the same today itself with the help of our office. The main defects, which we have noted, are related to the contact details of the applicants and respondents to be filled up in preview form, which can be done very easily today only. The other defects is said to be the annexures not being attested, therefore, we direct the learned counsel for applicants to attest the same today only. With respect to annexures not properly scanned, in this regard, we have gone through the said documents, they appear to be legible, by and large, therefore, these defect does not appear to be serious of nature. As regards the

limitation clause, we consider it to be appropriate for us to take up this matter at the time of final argument. Therefore, we direct the Registry to register this case today itself.

2. Since the applicants have stated that they do not know English and have got the present Original Application drafted by some typist, therefore, we do not find it to be a coherent application nor does it state specifically, what issue is involved as illegal mining, cutting of trees illegally and setting up of the wind farms around the "Rampara VD Sanctuary" are said to be the issues, which are highlighted in this application.

3. Today, out of the five applicants, only from the side of applicant No.2, Mr. Lavji Lalji Ambaliya and applicant No.5, Mr. Katiya Haidarali Ahmadbhai has appeared before us. The other three applicants have signed Vakalatnama in favour of the counsel for the applicants, who are being represented through learned counsel Mr. Raghvendra Kulkarni holding brief of learned counsel Mr. Rahul Garg.

4. We have tried to understand the issues involved in the present application by these two applicants, who are present before us and it is apprised by them that the private respondents i.e. respondent Nos.9 to 12 have set up wind farm illegally around Rampara Vidi Sanctuary, in order to generate electricity within the radius of 0.50 mtrs. to 10.00 kms. of the outer limit of the said sanctuary, which is an eco-sensitive area. This sanctuary falls in the restricted zone and in this area, the industrial activity of any kind is not permissible without any prior approval. This activity is being done in collusion with the respondent Nos.1 to 8, who are Government Servants.

5. It is also alleged in this application that in the protected forest area, the electric lines are also set up with the help of electric poles

without any prior permission. As many as 30 Wind Farms are set up and day & night activities in these Farms are disturbing the wild animals and birds as their movement is adversely impacted.

6. In view of above allegations made by the applicant, we find *prima facie* case adversely impacting on environment is made out, therefore, we deem it appropriate to admit this application and accordingly admit the same.

7. Registry is directed to issue Notice to the respondents, returnable within 04(four) weeks.

8. Learned counsel Mr. Maulik Nanavati, who has appeared before us on his own, is likely to represent respondent No.2/Secretary, Forest and Environment Department, State of Gujarat and he assures us that he would seek instructions from the Government in that regard and put his appearance. In the meantime, we direct the Registry to provide a copy of the application to the learned counsel Mr. Maulik Nanavati through e-mail.

9. Applicants are directed to take necessary steps for service to the respondents by both ways (Dasti as well as by Registered Post) and also on available e-mail/WhatsApp and submit service affidavit within one week.

10. Applicants are also directed to provide copy of the application and relevant documents to the respondents within a week.

11. Respondents are directed to submit their reply affidavits within three weeks and also circulate the same to applicants as also other respondents by available e-mail.

12. Rejoinder, if any, is directed to be submitted within one week thereafter.

13. Learned counsel Mr. Maulik Nanavati has also provided us a copy of Guidelines for Declaration of Eco-Sensitive Zones around National Parks and Wildlife Sanctuaries, issued by the Government of India, Ministry of Environment and Forest on 09.02.2011 and he apprised us that the use of renewal energy resources is an activity, which is required to be actively promoted in eco-sensitive areas and that the Wind Farm would fall in the same category, hence this cannot be said that this activity is prohibited activity in the said area. Apart from that, we also find that in the Notification dated 28.12.2017, issued by the Ministry of Environment and Forest, in which it is mentioned that an area to the extent varying between 0.17 kms. and 4.25 kms. around the boundary of Rampara Wildlife Sanctuary in the State of Gujarat has been declared to be eco-sensitive zone and in this Notification, under the head prohibited, regulated and promoted activities, there is a table given at serial no.37 of which the activity "use of renewal energy sources' shall be actively promoted, has been recorded.

14. We require an answer from the applicants as to how they are claiming that no Wind Farm can be set in the area in question, which is said to be an eco-sensitive zone, in view of the above Guidelines as well as Notification dated 28.12.2017.

15. We deem it just and proper to call for a report in the present application from a Joint Committee comprising one Member each of:

- (i) The Chief Conservator of Forest, State of Gujarat;
- (ii) The District Collector, Morbi, State of Gujarat; and
- (iii) The Secretary, Environment Department, Government of Gujarat.

16. The Committee is directed to visit the site and submit a factual and action taken report with regard to the truthfulness of the allegations

made in the present application and if any action taken thereon, within one month.

17. Besides this, we would also like from the Joint Committee to submit a report with respect to the birds getting killed by the blades of wind mills and solution to the same, if any.

18. The Chief Conservator of Forest, State of Gujarat shall be the nodal agency for coordination and logistic support.

19. The report in the matter be submitted by SPCB through e-filing by using portal of NGT in the form of searchable PDF/OCR Support PDF and not in the form of Image PDF.

20. Applicants are directed to supply the required documents and copy of the application to the Members of the Committee within three days from today.

21. A copy of this order be communicated to the above-mentioned Committee forth-with for compliance.

Put up this matter for further consideration on 17.01.2024

Dinesh Kumar Singh, JM

Dr. Vijay Kulkarni, EM

October 10, 2023  
Original Application No.147/2023(WZ)  
(Earlier Diary No.2704105003662023)  
P.Kr

Item No.1

(Pune Bench)

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

[Through Physical Hearing (With Hybrid Option)]

**ORIGINAL APPLICATION NO.57 OF 2024 (WZ)**

Murlidhar Dattoba Nimankar

.... Applicant

Versus

Maharashtra State Police Housing & Welfare  
Corporation Ltd. & Ors.

....Respondents

Date of hearing : 05.03.2024

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

Applicant : Mr. Omkar Wangikar, Advocate

**ORDER**

1. This Original Application has been filed with the prayer that a direction may be issued to respondent No.1 – Maharashtra State Police Housing and Welfare Corporation Ltd. to demolish illegal STP constructed at the site and restore it to its position. According to the applicant, the construction of said STP is being done at Survey No.14485, Kalanagar, Shri Ram Nagar, Ichalkaranji, District Kolhapur. The total built-up area is 16,887 sq.mtrs for three apartments (A, B and C) and two row houses (D and E). For the said construction, building permission certificate was issued on 26.10.2021 by the Ichalkaranji Municipal Council (now Ichalkaranji Municipal Corporation) – respondent No.5 and huge portion of the land has also been kept for future expansion. The construction of STP is going on in open space, very close to the residential area (applicant's house is about 2 mtrs away from this building wall).

2. It is urged by the learned counsel for the applicant that the said construction is in violation of the guidelines issued by the Central

Pollution Control Board, which are annexed as Annexure-K at pages 61 to 64 of the paper-book, wherein at point No.4, it is mentioned that “*STP should be located under the driveway, play area, or clubhouses, and far away from the residential buildings to not cause any nuisance to the people living.*” It is also mentioned therein that “*also, STP should not be installed in the basement of any building. Access to the STP room should be from ground level or upper basement through well-designed walkways or headroom, and not from the lowest basement to avoid nuisance that may happen due to rain flooding, smell or sound.*”

3. Citing the above guidelines, it is alleged that respondent No.1 is raising construction of STP in open space. Therefore, it is in violation of the said guidelines and close to the residential area.

4. Our attention is also drawn to the Unified Development Control and Promotion Regulations for Maharashtra State, which is annexed as Annexure-L to the application, wherein at point No.3.4.7 (ii), following is recorded:

**“3.4.7 Structures permitted in Open Space :**

*If required, structure and uses which can be permitted without counting in FSI in the recreational open spaces shall be as under:-*

(i) \*\*\*\*\*

(ii) *The structures used for the purpose of pavilion, gymnasium, fitness centre, club house, vipashyana and yoga centre, crèche, kindergarten, library, or other structures for the purpose of sports and recreational activity (indoor or outdoor stadiums, etc. as per availability of area) may be permitted. Utilities such as water tank (underground or elevated), electric substation, generator set, pump houses, garbage treatment, public health out post/centre may be permitted only with the consent of the society of residents. Religious structure may be allowed with the permission of competent Authority as decided by Government from time to time.”*

5. Having cited the above provision, it is argued by the learned counsel that the said provision does not contain "STP", hence it is quite evident that the STP cannot be set up in open space as per these Regulations, which are being breached by respondent No.1.

6. Further it is argued that no consent has been obtained by the Project Proponent-respondent No.1 despite the said activity falling in the 'Orange' category as per the classification made by the CPCB by their communication dated 12.01.2021, annexed as Annexure-J at pages 55 to 57 of the paper-book.

7. Considering the averments made, grounds raised in the application and the prima facie evidence produced on record, we find that the matter requires consideration because the question as to the adverse impact on the environment is involved in this matter and hence, we admit this Original Application and direct the Registry to issue notice to the respondents, returnable within four weeks.

8. The applicant is directed to provide copies of the Original Application and annexures thereto to the respondents, within a week.

9. The applicant is also directed to take necessary steps for service upon the respondents by both ways and also through available e-mail.

10. We also deem it appropriate to constitute a Joint Committee comprising one member each of respondent No.3 – District Collector, Kolhapur, respondent No.4 – Maharashtra Pollution Control Board (MPCB) and respondent No.5 – Ichalkaranji Municipal Corporation and MPCB shall be the nodal agency of the said Committee. We direct that the Committee shall visit the site in question, after communicating the applicant the date of visit to the site, shall submit the sketch of the site, showing the distance of the house of the applicant from the alleged construction of STP site and submit its report within one month to this Tribunal. The report of the Committee shall be submitted before us by

the MPCB by e-mail at [ngt-pune@gov.in](mailto:ngt-pune@gov.in) preferably in the form of searchable PDF/OCR Support PDF and not in the form of Image PDF.

11. A copy of this order shall be served upon all the members of the Joint Committee by the MPCB for compliance as above.

12. Put up this matter for next consideration on 02.05.2024.

**Dinesh Kumar Singh, JM**

**Dr. Vijay Kulkarni, EM**

March 05, 2024  
O.A. No.57/2024 (WZ)  
npj

Item No.3

(Pune Bench)

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

[Through Physical Hearing (With Hybrid Option)]

**ORIGINAL APPLICATION NO.80 OF 2024 (WZ)**

Scheduled Tribe Association & Ors.

.... Applicants

Versus

Goa State Pollution Control Board & Ors.

....Respondents

Date of hearing : 23.04.2024

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

Applicants : Ms. Ronita Bhattacharya, Advocate

**ORDER**

1. This Original Application has been filed by three Associations i.e. Scheduled Tribe Association of Sao Jose De Areal (applicant No.1), Social Justice Forum of Sao Jose De Areal (applicant No.2) and Ralloi Residents Welfare Association of Sao Jose De Areal (applicant No.3), which are associations of local villagers, who are working for safety and health of the villagers of Sao Jose De Areal located in Curtorim in Salcete Taluka of Goa. It is stated that the said village is a landlocked village located in Salcete Goa having approximately 3000 families. Respondent No.4 – Goa Carbon Ltd is operating its plant of calcination of 3,08,000 TPA (843.83 TPD) capacity from four decades in the said village emitting toxic and impermissible effluent fumes, which are causing air pollution, which is resulting in harm to the health of the local residents. Against the said Industry, from its inception i.e.1980, complaints were made by the villagers regarding pollution being spread by respondent No.4. One such complaint is annexed at Annexure-A1. Pet Coke, which is being

produced by respondent No.4 is highly dangerous to health. Raw Petroleum Coke (RPC) or Green Coke is subjected to a calcination process in a rotary kiln, where it is heated to 1000 or 1350 Degrees Celsius to remove its moisture content. The treatment of RPC is then burnt at which time it is de-volatised and then calcined where it is densified. Lastly, the RPC is cooled down in a rotary cooler where it is sprayed with moisture and is processed further till the final product is moisture free. The product is then taken to finished storage godowns. The calcined pet-coke is majorly used in the steel and aluminum industries. This process mainly generates pollution in the form of Particulate Matter and also includes Oxides of Sulphur and Nitrogen. It is further submitted that there have been 221 instances during the period from January, 2023 to January, 2024 where the emissions from respondent No.4 exceeded 150 mg/Nm<sup>3</sup> which is highly dangerous for the environment and the people living in the vicinity. It is also pointed out that the complaint was made before the Goa Human Rights Commission, which conducted an enquiry and submitted its report dated 15.03.2022, which is annexed at pages 279 to 287 of the paper-book, wherein the following recommendations were made in paragraph No.15:

- (a) The Respondent No.1 shall install Ambient Air Monitoring Equipments at different locations identified by the Complainants and carry out the monitoring at least over a period of one year and shall take into consideration the reports while issuing the permission to operate the unit;*
- (b) Regular inspection shall be carried out by the Respondent No.1 inside the factory and also within a radius of one kilometer from the center point of the factory and necessary direction shall be given to the Respondent No.2, to stop the pollution, if any;*
- (c) Whenever the consent to operate the unit of the Respondent No.2 is given with conditions, the Respondent No.1 shall see to it that all those conditions are complied with within certain prescribed*

*time limit and if not complied with, the Respondent No.1 shall consider whether to withdraw/suspend consent.*

*(d) No renewal of consent to operate the unit shall be given by the Respondent No.1 unless all the conditions mentioned in previous consent have been duly complied with.*

*(e) Consent to operate the unit shall not be given by the Respondent No.1 for more than for one year every time, from 01/04/2024, when the present consent to operate expires.”*

2. In view of above, it is mainly prayed by the applicants that a direction may be issued to respondent No.1 i.e. Goa State Pollution Control Board to ensure that the unit of respondent No.4 be permanently closed down or be relocated elsewhere in industrial area and respondent No.1 be restrained from renewing the Consent to Operate dated 28.03.2019 or revoke any new consent subsequently granted.

3. We find that prima facie, substantial question impacting the environment is made out in this application. Therefore, we admit this Original Application and direct the Registry to issue notice to the respondents, returnable within four weeks.

4. The applicants are directed to provide copies of the Original Application and annexures thereto to the respondents, within a week.

5. The applicants are also directed to take necessary steps for service upon the respondents by both ways and also through available e-mail.

6. We deem it appropriate to constitute a Joint Committee comprising one member each of Goa State Pollution Control Board (GSPCB), the Chief Secretary, State of Goa and Ministry of Environment, Forests and Climate Change (MoEF&CC), GSPCB being the nodal agency of the said Committee, with a direction that the Committee shall visit the spot after intimating the applicants the date of its visit to the spot. After visiting the spot, the Joint Committee will submit a report as to whether respondent No.4 has been granted all the consents which were required

to be obtained for setting up the Industry and whether the conditions laid down therein have been complied with by them or not and if there is any non-compliance on the part of respondent No.4, amount of Environmental Damage Compensation (EDC) to be levied from respondent No.4 and the corrective action may also be proposed. Let this report of the Committee be submitted before us by the GSPCB within one month, by e-mail at [ngt-pune@gov.in](mailto:ngt-pune@gov.in) preferably in the form of searchable PDF/OCR Support PDF and not in the form of Image PDF.

7. A copy of this order shall be served upon all the members of the Joint Committee by the GSPCB for compliance as above.

8. Put up this matter for next consideration on 18.07.2024.

**Dinesh Kumar Singh, JM**

**Dr. Vijay Kulkarni, EM**

April 23, 2024  
O.A. No.80/2024 (WZ)  
npj

Item No.3

(Pune Bench)

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

THROUGH PHYSICAL HEARING (WITH HYBRID OPTION)

**Original Application No.172/2024(WZ)**

Vanshakti &amp; Anr.

.....Applicants

*Versus*

Maharashtra Coastal Zone Management Authority &amp; Ors.

....Respondents

Date of hearing: 21.08.2024

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

Applicant : Mr. Zaman Ali, Advocate

Respondent : Mr. Aniruddha Kulkarni, Advocate for R-1/MCZMA

**ORDER**

1. The applicant No.1-Vanashakti, who is a Public Trust involved in the protection and conservation of forests, Mangroves, wildlife corridors and habitats and applicant No.2 – Stalin Dayanand, who is the Director of applicant No.1, have raised issue in the present Original Application of continuous illegal dumping of mixed waste/garbage along-with solid construction and demolition waste at 10(ten) district locations, which are mentioned in para no.5 from serial nos.(i) to (x), out of which, locations (i) to (viii) fall in the jurisdiction of respondent No.11- Thane Municipal Corporation, while locations (ix) and (x) fall in the jurisdiction of respondent No.2- Gram Panchayat, Kasheli, which all are situated in CRZ-1(A) and CRZ -1(B) areas bordering the Ulhas River Estuary and its creek channels in Kasheli, Mumbra, Diva and its surrounding regions in Thane District.

2. It is also pointed out by the learned counsel for applicants that an e-mail dated 15.06.2024 was sent by the respondent No.1- MCZMA to the respondent No.4- District Collector, Thane as well as respondent No.7- Dy. Conservator of Forest, Mangrove Cell mentioning therein that an e-mail dated 01.05.2024 was received from the applicant No.2 complaining therein about complete ongoing reclamation, destruction, elimination of CRZ zones in Thane District (Kharigaon Kalwa to Mumbra- Diva and beyond) and that there were ongoing continuous destruction of Mangroves, CRZ areas, Coastal Wetlands, Creeks in Thane District and requested the Authorities to take appropriate action in this matter after verification and send the factual and detailed action taken report within 15 days.

3. It is urged by the learned counsel for applicants that 15 days' period have already expired on 30.06.2024 but no action has been taken in this matter. Therefore, applicants have approached this Tribunal for necessary directions to be issued.

4. We find *prima facie* case adversely impacting environment is made out, therefore, we deem it appropriate to admit this application and accordingly admit the same.

5. Registry is directed to issue Notice to the respondents, returnable within 04(four) weeks.

6. Since learned counsel Mr. Aniruddha Kulkarni accepts notice on behalf of respondent No.1- MCZMA, hence notice is waived against them.

7. Applicants are directed to take necessary steps for service to the respondents by both ways (Dasti as well as by Registered Post) and also

on available e-mail/WhatsApp and submit service affidavit within one week.

8. Applicants are also directed to supply copy of the application and relevant documents to the respondents within a week.

9. Respondents are directed to submit their reply affidavits within four weeks through e-filing portal of NGT and also circulate the same to the applicants as also other respondents by available e-mail.

10. Rejoinder, if any, is directed to be submitted within one week thereafter.

11. We deem it appropriate to constitute a Committee comprising one member each of:-

- (i) The Maharashtra Coastal Zone Management Authority (MCZMA);
- (ii) The District Collector, Thane; and
- (iii) The Dy. Conservator of Forest, Mangrove Cell, Mangrove Conservation Unit, Maharashtra State Forest Department, Mumbai.

12. The Committee is directed to visit the site in question after informing the applicant/learned counsel for applicant and submit a factual report with regard to the contents of the present Original Application, recommend Action Plan, if any and suggest the remedial measures for restoration of the same so that no such occurrence happens in future. The report be submitted within one month.

13. The Maharashtra Coastal Zone Management Authority (MCZMA) shall be the nodal agency for coordination and logistic support.

14. The report in the matter be submitted through e-filing by using portal of NGT in the form of searchable PDF/OCR Support PDF and not in the form of Image PDF.

15. Applicants are directed to supply the required documents and copy of the application to the Members of the Committee within three days from today.

16. A copy of this order be communicated to the above-mentioned Committee forth-with for compliance.

Put up this matter for further consideration on 15.10.2024

**Dinesh Kumar Singh, JM**

**Dr. Vijay Kulkarni, EM**

August 21, 2024  
Original Application No.172/2024(WZ)  
P.Kr

Item No.1

(Pune Bench)

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

[THROUGH PHYSICAL HEARING (WITH HYBRID OPTION)]

**ORIGINAL APPLICATION NO.65 OF 2025 (WZ)**

Sandeep Salekar

.... **Applicant**

***Versus***

State of Goa &amp; Ors.

....**Respondents**

Date of hearing : 17.06.2025

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

Applicant : Mr. Maitreya Ghorpade, Advocate

**ORDER**

1. This Original Application has been filed seeking a restraint order to be issued against respondent No.6 – M/s Vedanta Ltd in whose favour Environmental Clearance (EC) dated 23.01.2024 (annexed as Annexure-A1 at pages 33 to 71 of the paper-book) has been issued by respondent No. 5 – MoEF&CC for mining of Iron Ore for the proposed production capacity of 3.0 MTPA, Waste : 25.162 MTPA (Total Excavation : 28.162 MTPA) along with crushing and screening plant capacity of 4.0 MTPA in the mine lease area of 478.5206 ha, located at Bicholim, Bordem, Lamgao, Mulgoa, Mayem & Srigao villages of Bicholim Taluka of North Goa District Goa. The allegation leveled against respondent No.6 is that one of the important conditions of the EC, subject to which this EC was granted, contained in Serial No.7.1 under the head 'Standard EC Conditions for Mining of Minerals', has been violated by it. The said EC Condition at Serial No.7.1 provided as follows:

*“No Transportation of the minerals shall be allowed in case of roads passing through villages/habitations. In such cases, PP shall construct a ‘bypass’ road for the purpose of transportation of the minerals leaving an adequate gap (say at least 200 meters) so that the adverse impact of sound and dust along with chances of accidents could be mitigated. All costs resulting from widening and strengthening of existing public road network shall be borne by the PP in consultation with nodal State Govt. Department. Transportation of minerals through road movement in case of existing village/rural roads shall be allowed in consultation with nodal State Govt. Department only after required strengthening such that the carrying capacity of roads is increased to handle the traffic load. The pollution due to transportation load on the environment will be effectively controlled and water sprinkling will also be done regularly. Vehicular emissions shall be kept under control and regularly monitored. Project should obtain Pollution Under Control (PUC) Certificate for all the vehicles from authorized pollution testing centres. (If applicable in case of road transport).*

2. Having drawn our attention to above condition, it is urged by the learned counsel that it is evident that respondent No. 6, by that EC, had been sanctioned a fixed route for transportation of mined minerals from its point of origin at MB-I till its destination at Sarmanaas Jetty located 5.48 Kms away. This EC-sanctioned route comprises a 4.54 km stretch of ‘dedicated (company owned) route’ followed by a 0.94 km stretch of Major District Road – 20 (MDR-20), but it is alleged that in violation of this condition of EC, the Project Proponent is utilizing an additional 850 metres of MDR-20 from New Beneficiation Plant (NBP) Gate No.II till Matwada junction, which passes alongside 30 + houses/habitations located in Pilgaon Panchayat. Further it is urged that because of this, lot of dust pollution is happening, resulting in health-hazards to the inhabitants residing in the nearby houses/habitats.

3. Considering the averments made in the application, submissions made by the learned counsel for the applicant and the prima facie evidence produced on record, we are convinced that substantial question relating to adverse impact on the environment is raised in this matter, and hence, we admit this Original Application and direct the Registry to issue notice to the respondents, returnable within four weeks.

4. The applicant is directed to provide copies of the memo of Original application and annexures thereto to the respondents, within a week from the date of uploading of this order.

5. The applicant is also directed to take necessary steps for service upon the respondents by both ways and also through available e-mail.

6. We are also of the view that it would be appropriate to constitute a Joint Committee in this matter comprising one member each of respondent No.2 – Goa State Pollution Control Board, respondent No.3 – Director of Mines and Geology, Government of Goa and respondent No.5 – Ministry of Environment, Forest and Climate Change, New Delhi and the Goa State Pollution Control Board (GSPCB) shall be the nodal agency of the said Joint Committee, with a direction that the said Committee shall visit the site in question and submit a fact finding report along with corrective measures to be taken by the Project Proponent, if so required within one month.

7. The report of the Joint Committee shall be submitted by respondent No.2 – Goa State Pollution Control Board being nodal agency of the said Joint Committee before us within one month, as directed above, by e-mail at [ngt-pune@gov.in](mailto:ngt-pune@gov.in) preferably in the form of searchable PDF/OCR Support PDF and not in the form of Image PDF.

8. Put up this matter for further consideration on 31.07.2025.

**Dinesh Kumar Singh, JM**

**Dr. Vijay Kulkarni, EM**

June 17, 2025  
ORIGINAL APPLICATION NO.65/2025 (WZ)  
npj

Item No.1

(Pune Bench)

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

[THROUGH PHYSICAL HEARING (WITH HYBRID OPTION)]

**ORIGINAL APPLICATION NO.140 OF 2025 (WZ)**

Prashant Vasant Mahadik

.....Applicant

***Versus***

Thane Municipal Corporation &amp; Ors.

....Respondents

**Date of hearing: 24.11.2025**

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

Applicant : Ms. Ronita Bhattacharya, Advocate

**ORDER**

1. This Original Application has been filed with the prayers that a direction may be issued to Respondent No.1- Thane Municipal Corporation to remove the RCC slabs and other obstructions created in the following drains and nallahs and restore the natural width, flow and alignment of the said nallahs:-

| Sr. no. | Place where natural drains are closed                                  | Nallah no. | Latitude Longitude    | Latitude Longitude    | Status   |
|---------|--|------------|-----------------------|-----------------------|--|
| i       | Near Regency Shelters LLP, Hiranandani Estate, Ghodbandar Road, Thane. | 10-E       | 19.25289,<br>72.98486 | 19.25204,<br>72.98779 | The construction of the slab on the drain has recently been completed. |

|     |  |        |                          |                          |  |
|-----|--|--------|--------------------------|--------------------------|--|
| ii  | Near New Passport Office, Road No. 22, Wagale Estate, Thane. | 2 Main | 19.19853,<br>72.94898    | 19.19908,<br>72.94745    | The construction of the drain walls has recently been completed, and the construction of the slab is proposed. |
| iii | Near Horse stable, Raghunath Nagar, Wagale Estate, Thane.    | 2 Main | 19.19026,<br>72.96073    | 19.19074,<br>72.96097    | The construction of the slab on the drain has recently been completed.   |
| iv  | Near Hinduruday Samrat Balasaheb Thackeray                   | 2 Main | 19.18367,<br>72.96457    | 19.18392,<br>72.96450    | Slabs have been laid in some parts of the canal under the  |
|     | Memorial, Mental Hospital Road, Thane.                       |        |                          |                          | work, and the remaining construction is still pending.   |
| v   | Kisan Nagar Wagale Estate                                    | 2/C    | 19.1934388<br>72.9503648 | 19.1922194<br>72.9504097 | A parking lot has been constructed by placing slabs on the drain and is being used for private parking.        |
| vi  | Kisan Nagar Wagale Estate                                    | 2/C    | 19.1931864<br>72.9506703 | 19.1927313<br>72.9503604 | The work of laying slabs on the drain is in progress.  |
| vii | Hiranandani Meadows, Thane                                   | 7-D    | 19.227579,<br>72.973486  | 19.226501,<br>72.973883  | Slabs laid on natural drain for convenience  |

|      |   |           |                         |                         |   |
|------|---|-----------|-------------------------|-------------------------|---|
|      |   |           |                         |                         | of commercial shops   |
| viii | Opp. Tata<br>Glendale, Near<br>Lok Upvan ,<br>Pokharan Road<br>No. 2, Thane | 7<br>Main | 19.221727,<br>72.970077 | 19.221086,<br>72.970318 | The drain was closed about four years ago to allow access to unauthorized shops built in the right-of-way of the 40-meter-wide DP road. |

2. Learned counsel for the applicant has drawn our attention to Section 24 (2) (a) of the Water (Prevention and Control of Pollution) Act, 1974, which lays down as follows:-

**“24. PROHIBITION ON USE OF STREAM OR WELL FOR DISPOSAL OF POLLUTING MATTER, ETC.**

*(2) A person shall not be guilty of an offence under sub-section (1), by reason only of having done or caused to be done any of the following acts, namely;-*

***(a) constructing, improving or maintaining in or across or on the bank or bed of any stream any building, bridge, weir, dam, sluice, dock, pier, drain or sewer or other permanent works which he has a right to construct, improve or maintain;***

.....”

3. Having drawn our attention to the above provision, it is submitted by learned counsel for the applicant that the reduction of the width of above-mentioned nallahs is likely to happen, which may result in flooding of the adjoining areas and will lead to huge pollution. The concretization,

which is being done in these nallahs indiscriminately, is creating obstruction of the natural flow of the water. Similarly, the covering of these nallahs are also likely to result in reduction of the carrying capacity of the same.

4. Several Judgments have also been relied upon by learned counsel for the applicant to press her case.

5. At this stage, we deem it appropriate to get ascertained the said fact by appointing a Joint Committee as to whether the allegations, which are levelled by the applicant in the present Original Application, is correct or not and whether the same would result or likely to result in reduction of carrying capacity of the nallahs and would obstruct the natural flow of these nallahs, etc. Accordingly, we constitute a Joint Committee comprising one Member each of:-

- (i). Thane Municipal Corporation;
- (ii). The Execution Engineer, INDP Department, Thane Municipal Corporation, Thane;
- (iii). Maharashtra Pollution Control Board (MPCB);
- (iv). The District Collector, Thane; and
- (v). Urban Development Department, Mantralaya, Mumbai.

6. The Committee is directed to visit the site in question and submit its report, as directed above, within one month.

7. The Maharashtra Pollution Control Board (MPCB) shall be the nodal agency for coordination and logistic support.

8. The report in the matter be submitted by MPCB through e-filing in the form of searchable PDF/OCR Support PDF and not in the form of Image PDF.
9. Applicant is directed to supply the required documents and copy of the application to the Members of the Committee within three days from today.
10. A copy of this order be communicated to the above-mentioned Committee forthwith for compliance.
11. Put up this matter for further consideration on 21.01.2026.

**Dinesh Kumar Singh, JM**

**Dr. Sujit Kumar Bajpayee, EM**

November 24, 2025

ORIGINAL APPLICATION NO.140 OF 2025 (WZ)

P.Kr

Item No.3

(Pune Bench)

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

[THROUGH PHYSICAL HEARING (WITH HYBRID OPTION)]

**APPEAL NO.26 OF 2025 (WZ)  
WITH  
I.A. NO.89 OF 2025 (WZ)  
AND  
I.A. NO.52 OF 2025 (WZ)**

Go Green Foundation Trust

.....Appellant

***Versus***

Union of India &amp; 12 Ors.

....Respondents

**Date of hearing: 11.09.2025**

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

Appellant : Ms. Pradnya Bheke, Advocate h/f  
Mr. Nitin Lonkar, Advocate

Respondents : Mr. Pushkal Mishra, Advocate for R-1/MoEF&CC  
Mr. Neelkanth R. Mehta, Advocate for R-8 & 9/GPCB  
Mr. Sanjay Upadhyay, Senior Advocate i/b and with  
Ms. Eisha Krishn, Ms. Mansi Bachani,  
Mr. Shubham Upadhyay and  
Ms. Gitanjali Sanyal, Advocates for the applicant  
in I.A. 89/2025 (WZ) & R-13 in Appeal 26/2025(WZ)

**ORDER**

1. This appeal under Section 16 (h) of the National Green Tribunal Act, 2010 has been filed, challenging the Environmental Clearance (EC) dated 12.12.2024 issued by Respondent No.1- Ministry of Environment, Forest & Climate Change (MoEF&CC) in favour of Respondent No.13- M/s. GHCL Ltd./Project Proponent for proposed project to produce Light Soda Ash

(LSA), Dense Soda Ash (DSA) and Sodium Bicarbonate (SBC), located near village Bada, Taluka- Mandvi, District- Kutch in Gujarat.

2. I.A. No.89 of 2025 (WZ) has been filed by Respondent No.13 seeking dismissal of the appeal.

3. I.A. has been heard with the consent of learned counsel for the parties.

4. Learned counsel for Respondent No.13 submits that another appeal being Appeal No.19 of 2025 (WZ) has been filed challenging the same EC and this appeal is on the same grounds. Therefore, it should be dismissed as filing of this appeal leads to multiplicity of the proceedings. He has further submitted that the present appeal has been filed as a ploy to delay the project of the appellant. He has submitted that this appeal is not maintainable on the basis of principles carved out applying Order II Rule 2 of the Code of Civil Procedure, 1908 (CPC). In support of his submissions, learned counsel for Respondent No.13 has placed reliance upon the Judgment of the Hon'ble Supreme Court in the matter of **Cuddalore Powergen Corporation Ltd. vs. Chemplast Cuddalore Vinyls Ltd. & Anr.**, reported in **2025 SCC OnLine SC 82**, the Judgment of the Hon'ble Supreme Court in the matter of **Gurubux Singh vs. Bhooralal**, reported in **AIR 1964 SC 1810** and the **order dated 29.07.2022 of Central Bench of National Green Tribunal (NGT) passed in Appeal No.13 of 2022 (CZ)** in the matter of **Kanhaiya Lal Gadri & Ors. vs. MoEF&CC & Ors.**

5. Opposing the I.A., learned counsel for the appellant submits that this appeal has been filed prior to Appeal No.19 of 2025, but since the Registry of the Tribunal had noted certain defects, it has been numbered later. She has further submitted that the appellant has independent right of filing the appeal, which cannot be curtailed.

6. Having heard the learned counsel for the parties and on perusal of the record, it is noticed that in terms of Section 16 of the National Green Tribunal Act, 2010, “any person aggrieved” has a right to file the appeal, challenging the orders covered in Section 16. It is not in dispute that under Section 16 (h), appeal lies against the order granting Environmental Clearance (EC). The appellants in Appeal No.19 of 2025 (WZ) and in this appeal are not the same. Two different aggrieved appellants have questioned the same Environmental Clearance (EC) by filing two different appeals. The right to file appeal has accrued in their favour under Section 16 of the National Green Tribunal Act, 2010. Therefore, unless they are restrained by some law/Judgment, their right cannot be curtailed.

7. So far as the Judgment relied upon by learned counsel for Respondent No.13 in the matter of **Cuddalore Powergen Corporation Ltd.** (supra) is concerned, in that case, same plaintiff, which had filed the first suit for permanent injunction to protect his possession, had filed the second suit during the pendency of first suit, challenging the sale-deed. Therefore, the Hon’ble Supreme Court, while examining the ambit and scope of Order II Rule 2 of the CPC, had made observation in para 47 (IV) of the Judgment. Therefore, the reliance of learned counsel for Respondent No.13 on para no.47 (IV) of the Judgment is of no help, because present is not a case of the same appellant filing another appeal challenging the same order.

8. So far as the Judgment of the Hon’ble Supreme Court in the matter of **Gurubux Singh** (supra), relied upon by learned counsel for Respondent No.13, is concerned, in that case also, the same plaintiff had filed the second suit. Therefore, the question of bar contained in Order II Rule 2 (3) of CPC arose.

9. Similarly, reliance of learned counsel for Respondent No.13 on the order of the NGT (CZ) in the matter of ***Kanhaiya Lal Gadri & Ors.*** (supra) is also misplaced because in that case, the appeal against the Environmental Clearance (EC) dated 05.01.2022 issued by the MoEF&CC was already heard and decided finally by the Tribunal. Thereafter another appeal challenging the same EC was filed and in that background, the Tribunal had attracted the principle of *res judicata* and dismissed the subsequent appeal.

10. The reliance of Order II Rule 2 of CPC by the learned counsel for Respondent No.13 is misplaced because Order II Rule 2 of CPC can be attracted when same plaintiff, who had omitted to sue in respect of or relinquishing any part of his claim in the first suit, files the second suit in respect of the portion so omitted or relinquished. As already stated, in the present matter, the appellants in the two appeals are different, who have invoked their independent statutory right to file the appeal.

11. Appeal No.19 of 2025(WZ) was filed on 30.01.2025 whereas the Appeal No.26 of 2025 (WZ) has been filed on 10.02.2025. It is not a case that this appeal has been filed at a stage when the connected appeal had reached to an advanced stage of hearing. Therefore, we do not find any substance in the plea of learned counsel for Respondent No.13 that this appeal has been filed to delay the project.

12. Though we find that no ground is made out to dismiss this appeal at this stage, in order to save the time, hearing of this appeal can be expedited by hearing this appeal with Appeal No.19 of 2025 (WZ).

13. In view of the above analysis, no case is made out to allow I.A. No. 89 of 2025 (WZ). I.A. No.89 of 2025 (WZ) is accordingly rejected.

14. Also heard I.A. No.52 of 2025 (WZ), which is an application seeking condonation of one day delay in filing this appeal. Apart from the fact that the delay is marginal, the appellant has properly explained the delay. The appellant has given sufficient reason for one day delay in filing the appeal by disclosing that on 11.01.2025, the Registry of the Tribunal was closed being 2<sup>nd</sup> Saturday. Therefore, the appeal was filed on 12.01.2025 and the Registry had pointed out the delay of one day on 17.01.2025. It has further been explained that after uploading of EC under challenge on PARIVESH Portal on 12.12.2025, the appellant had tried to get the supporting documents, which are running in more than 3000 pages. Thereafter, time was consumed in analyzing the EIA Report of the project and examining the other documents. The explanation furnished by the appellant in I.A. No. 52 of 2025 (WZ) reveals that the delay in filing the appeal is unintentional and the appellant was prevented from filing the appeal within time due to *bonafide* reasons. Accordingly, I.A. No.52 of 2025 (WZ) is allowed. The delay in filing the appeal is condoned.

15. List this appeal along-with Appeal No.19 of 2025 (WZ) on 17.11.2025, for hearing.

**Prakash Shrivastava, CP**

**Dinesh Kumar Singh, JM**

**Dr. Vijay Kulkarni, EM**

September 11, 2025  
APPEAL NO.26 OF 2025 (WZ) WITH  
I.A. NO.89/2025 (WZ) AND  
I.A. NO.52 OF 2025 (WZ)  
P.Kr