

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

[Through Physical Hearing (With Hybrid Option)]

**DIARY NO. 2704138001672024
AND
DIARY NO. 2704138001682024
AND
DIARY NO. 2704138001692024
AND
DIARY NO. 2704138001702024
AND
DIARY NO. 2704138001712024
AND
DIARY NO. 2704138001722024
AND
DIARY NO. 2704138001732024**

Tanaji B. Gambhare

... Applicant

Versus

Union of India

... Respondent

WITH

**DIARY NO. 2704138001742024
AND
DIARY NO. 2704138001752024
AND
DIARY NO. 2704138001762024
AND
DIARY NO. 2704138001772024
AND
DIARY NO. 2704138001782024
AND
DIARY NO. 2704138001802024
AND
DIARY NO. 2704138001812024
AND
DIARY NO. 2704138001822024
AND
DIARY NO. 2704138001832024
AND
DIARY NO. 2704138001842024
AND
DIARY NO. 2704138001852024
AND
DIARY NO. 2704138001862024
AND
DIARY NO. 2704138001872024**

Sayyed Mohammed Sabir Usman

... Applicant

Versus

Union of India

... Respondent

Date of hearing : 29.04.2024

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

Applicant/Appellant : Mr. Tanaji Gambhire, Applicant/Appellant is present in person in matters at Item Nos.1 to 7
None appears for the applicant/appellant in matters at Item Nos.8 to 20

ORDER

1. From the side of the applicant/appellant in the matters at Item Nos.1 to 7, Mr. Tanaji B. Gambhire, applicant/appellant has appeared in person. As far as matters at Item Nos.8 to 20 are concerned, from the side of the applicant/appellant – Sayyed Mohammed Sabir Usman, none has appeared although the applicant/appellant was informed by the Registry through e-mail about the matters being taken up today.

2. The Registry has placed these matters from Item Nos.1 to 20 before us with its report dated 23.04.2024 wherein following defects, which were raised, have been reported:

(A) The appellant has not uploaded complete appeal along with annexures. Appellant to upload complete appeal along with all annexures in one properly scanned PDF for scrutiny.

(B) Appeal will be scrutinized after re-filing of complete appeal along with the annexures.

3. In comments made by the Registry on 13.03.2024, it is recorded as follows:

(A) It appears that appellant has not uploaded complete appeal along with annexures. Appellant to upload complete appeal along with all annexures in one properly scanned PDF for scrutiny;

(B) Appeal will be scrutinized after re-filing of complete appeal along with the annexures.

x

(C) *Appellant to re-file the properly scanned complete copy of the petition with date of re-filing in one PDF within 7 days.*

4. The aforesaid defects, which were raised by the Registry on 13.03.2024, were communicated to the appellants/applicants. The said defects were system generated and thus communicated to the appellants through system itself. Since the said defects were not removed by the appellants and 30 days' time period had expired, these matters are placed before us.

5. Today in the morning session,, the applicant/appellant Mr. Tanaji B. Gambhire in the matters at item Nos.1 to 7 had sought time of one hour to place before us the evidence to show that he had followed the procedure as laid down under Rules 8, 9 and 10 of the National Green Tribunal (Practices and Procedure) Rules, 2011 ("NGT Rules", for short) while filing these matters/appeals. After an hour, Mr. Tanaji Gambhire has placed before us a Reference No.2704138002202024 wherewith Form No.1 is also annexed in which the grievance and the grounds raised are also mentioned along with limitation and relief sought and it is stated by the applicant/appellant that this was tried to be upoloaded by him on 09.03.2024, but the same could not be uploaded due to some defect in the server. The Registry says that this information, which is being furnished by the applicant/appellant is not with the Registry because there is no procedure provided for the same as the information which the applicant/appellant is providing is computer generated, which went to the applicant/appellant only and that the same shall not be treated to be an appeal filed in accordance with Rules 8, 9 and 10 of the NGT Rules. The said Rules 8, 9 and 10 of the NGT Rules are quoted hereunder:

"8.Procedure for filing application or appeal. - (1) An application or appeal to the Tribunal under section 18 shall be presented in Form I by the applicant or appellant, as the case may

be, in person or by an agent or by a duly authorised legal practitioner, to the Registrar or any other officer authorised in writing by the Registrar to receive the same or be sent by registered post with acknowledgement duly addressed to the Registrar of the Tribunal at and sent to concerned place of sitting:

Provided that where the application is for relief and compensation, it shall be made in Form II.

(2) The application or appeal, as the case may be, under sub-rule (1) shall be presented in triplicate in the following two compilations-

(i) Compilation No. 1 - application or appeal, as the case may be, along with the impugned order, if any;

(ii) Compilation No. 2 - all other documents and annexures referred to in the application or appeal, in a paper book form.

(3) Where the number of respondents is more than one, as many extra copies of the application or appeal, in paper-book form as there are respondents together with unused file size envelope bearing the full address of each respondent shall be furnished by the applicant or appellant, as the case may be:

Provided that where the number of respondents is more than five, the Registrar may permit the applicant or appellant, as the case may be, to file the extra copies of the application or appeal, as the case may be, at the time of issue of notice to the respondents.

(4) The applicant or appellant, as the case may be, may attach to, and present with, his application or appeal, as the case may be, a receipt slip in Form III which shall be signed by the Registrar or the officer receiving the application or appeal on behalf of the Registrar in acknowledgement of the receipt of the application or appeal.

(5) Notwithstanding anything contained in sub-rules (1) to (3), the Tribunal may permit more than one person to join together and file a single application or appeal, as the case may be, if it is satisfied, having regard to the cause and the nature of relief prayed for that they have a common interest in the matter:

Provided that such permission may also be granted to an agent representing the person desirous of joining in a single application or appeal provided, however, that the application or appeal shall disclose the class, grade, categories or persons on whose behalf it has been filed:

Provided further that at least one affected person joins such an application or appeal.

9. Presentation and scrutiny of application or appeal. - (1) *The Registrar, or the officer authorised by him under rule 8, shall endorse on every application or appeal, as the case may be, the date on which it is presented or deemed to have been presented under that rule and shall sign the endorsement.*

(2) *If, on scrutiny, the application or appeal, as the case may be, is found to be in order, it shall be duly registered in a register in Form IV and assigned a serial number.*

10. Rectification of defects. - (1) *If on scrutiny, any application or pleadings filed in the Tribunal is found to be defective, the Registrar or the authorised officer of the Registry shall notify in Form V on the Notice Board of the Tribunal fixing the time for rectifying the same.*

(2) *The papers shall be returned to the party or his legal practitioner only after obtaining acknowledgment thereof in the Inward Register.*

(3) *The Registrar may, for good and sufficient reasons extend the time for rectifying the defects, provided the total period for rectification including the extended period does not exceed thirty days.*

(4) *If the party or his legal practitioner contests the office objection and the Registrar is not satisfied, the matter shall be placed before the Tribunal for appropriate orders.*

(5) *If the party or his legal practitioner rectifies the defects and represents the application or appeal or pleading within the time granted, the Registrar on being satisfied may order for its registration and acceptance and numbering as specified in rule 9."*

6. The above Rule 8 clearly lays down that an application or appeal to the Tribunal shall be presented in Form I by the applicant or appellant, as the case may be, to the Registrar. Rule 10 states that scrutiny of the defects would be made in the application or pleadings and such defects found by the Registrar shall be notified in Form V on the Notice Board of the Tribunal fixing the time for rectifying the same. The Registrar is authorized to get the defects rectified within 30 days.

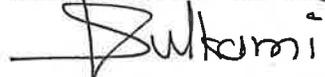
7. It is apparent that the defects, which were communicated to the applicant/appellant, were not removed within 30 days, hence the matters have been placed before us for issuing further directions.

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8. The applicant/appellant appears to have e-filed only copy of the Environmental Clearance (EC) because of which Diary Number has been generated, which has been reported by the Registry and thereafter, no further steps were taken by the applicant/appellant. The cases which are filed by the applicant/appellant are in bulk because it is orally reported that as many as 105 such cases have been filed, which are allotted Diary Number merely on e-filing the EC issued in the respective cases.

9. It appears that the applicant/appellant has adopted a wrong practice as in none of these cases, an effort was ever made by the applicant/appellant to approach this Tribunal apprising that there was some problem in uploading these appeals/matters nor any prayer was made that hardcopy of the memo of appeal/application may be permitted to be produced on record. Looking to the large number of cases being filed in such manner that probably an effort is being made by the applicant/appellant to claim the period of limitation from the date when the ECs were uploaded and Diary Numbers were got generated instead of actually e-filing the cases. We find that this practice appears to be erroneous and not in consonance with the provisions of NGT Rules, referred to above.

10. We reject all these twenty matters/appeals. We direct the applicant/appellant to file cases/appeals in accordance with the relevant provisions of NGT Rules, if he so chooses.


Dinesh Kumar Singh, JM

Dr. Vijay Kulkarni, EM

April 29, 2024
DIARY NO.2704138001672024 (WZ)
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