

Item No.1
3rd January,
2017
Order No.2

filed Reg. Civil Suit No.4/2009 (PP 3 of the compilation) in respect of property in question in the Court of Civil Judge (Jr.Dn.), Shrivardhan against Dighi Port Ltd. as defendant No.1 therein and as Respondent No.1 in the present Application and the said suit was dismissed by the Civil Judge (Jr.Dn.) Shrivardhan vide order dated 2nd December 2010 passed below Ex.1 in R.C.S.No.09/2009 (page 100 to 102) upon taking into consideration the order passed by the Hon'ble High Court, at Bombay, in P.I.L. No. 42/2009 vide judgment dated 9th July 2009 (page 53 to 99). He further submits that the present Application is hit by the Limitation prescribed under Section 15(3) of the National Green Tribunal Act, 2010, particularly for the reason that cause of action for the Application firstly arose in the year 2008 when the alleged activity started and not upon receiving the response to the R.T.I. queries in respect of the said project as contended by the Applicant.

Learned counsel appearing on behalf of the Applicant submits that the present Application has been filed against the project proponent M/s. Balaji Infrastructure Ltd., a company indulging in the illegal activities of dumping of excavated soil and boulders at village Nanavali, in front of the house property of the Applicant situated at Gat No.76 of village Nanavali, Tal. Shrivardhan, District Raigad and not against Mr. Vijay Govardhandas Kalantri and Mr. Vishal Vijay Kalantri in their personal capacity and the application would be appropriately corrected by moving an appropriate Application. He further submits that photographs at page 128, 129 and 130 show the extent of the mischief committed by the Respondent No.1 by illegally dumping the soil and boulders in front of the house property of the Applicant in the said area and where the dumping is being carried out is not the part of the Dighi Port project as described in the EC granted to the construction of the said Dighiport. He submits that he will be placing the relevant EC before the Tribunal to substantiate his submissions in

Item No.1
3rd January,
2017
Order No.2

that regard.

We invited his attention to the verification clause at page 38 and the affidavit in support at page 39, which show that verification is made by one Gaurav Nevatia, whereas the affidavit in support is sworn by Applicant Mrs. Geeta Bhadrasingh Vadhai.

Learned counsel appearing on behalf of Applicant submitted that he will require some time to clarify and take corrective measures in that regard.

List the case on 24th January, 2017.

....., **JM**
(Mr. Justice U.D. Salvi)

....., **EM**
(Dr. Ajay A. Deshpande)

ajp

