

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

**APPEAL NO.19/2014 (WZ)  
Ashok Khatari & Anr Vs Tata Power Co. Ltd & Ors. with  
APPEAL NO.22/2014 (WZ)  
Conservation Action Trust & Anr vs Union of India**

**CORAM: HON'BLE MR JUSTICE V.R. KINGAONKAR, JUDICIAL MEMBER  
HON'BLE DR. AJAY A. DESHPANDE, EXPERT MEMBER**

**Present:**     **Applicant/ Appellant**                                     :     **Mr.Asim Sarode Adv a/w  
Alka Babaladi Adv**

**Respondent No.1**   :     **Mr.R.B.Mahabal Adv**

**Respondent No.2**   :     **Shweta Busar Adv holding for  
Mr.Ranjan Nehru Adv**

**Respondent No.3**   :     **Manda S. Gaikwad Adv**

**Respondent Nos.4,5**   :     **Mr. D.M.Gupte Adv a/w  
Supriya Dangare Adv**

**Respondent No.6**   :     **M.D. Munot Adv**

**Appeal No.22/2014**

**Present:**     **Applicant/ Appellant**                                     :     **F.M.Mesquita Adv**

**Respondent No.1**   :     **Shweta Buzar Adv holding for  
Mr Ranjan Nehru Adv**

**Respondent No.2**   :     **Mr. Saurabh Kulkarni Adv**

**Respondent No.3**   :     **Mr. R.B.Mahabal Adv**

**Respondent No.3**   :     **Mr D.M.Gupte Adv a/w  
Supriya Dangare Adv**

<b>Date and Remarks</b>	<b>Orders of the Tribunal</b>
<p><b>Item No.3 April 15, 2015 Order Nos.8,13</b></p>	<p>Heard learned Advocates for the parties.</p> <p>Learned Advocate for Conservation Action Trust, Advocate F.M.Mesquita, submits that she could not file rejoinder because recently she received reply affidavit of MoEF as well as other parties. She could not go through the affidavits and as such, stand taken by them, could not be sorted out. She seeks time to file rejoinder after going through the reply affidavits. The MoEF and MCZMA, as per the statements of learned Advocates, representing them, would adopt the same reply affidavits in both the matters and, therefore, there is no need to file separate affidavit in either matters.</p> <p>According to learned Advocate Mr.Mahabal, the Appeal pertains to challenge to CRZ clearance, is pre-mature, inasmuch as so far CRZ clearance is not granted. However, learned Advocate F.M.Mesquita, states that in the last meeting, there was recommendation to grant CRZ clearance. If it is so granted before the scheduled date of hearing, learned Advocate F.M.Mesquita, to carry out the amendment and furnish copies of amended Appeal-Memo to all other parties, without any delay and no grievance will be heard. Learned Advocate Mr. Mahabal further contended that the Appeal to the extent of challenge to consent granted by MPCB, is also untenable, because there is separate Appellate remedy which is not availed as yet by the Appellant.</p>

**Item No.3**  
**April 15, 2015**  
**Order Nos.8,13**

He contended that in view of alternate remedy available to the Appellant, the Appeal to the extent of challenge to consent for establishment of Unit No.6, at the Thermal Power of Tata Power Co. alleged expansion, or alleged change in the fuel, whatever it may be, cannot be entertained. All the issues are kept open for determination at the time of final hearing. We make it clear that in case the Appellants desires to explore such alternate remedy during pendency of the Appeal, then the Appellants may do so by informing the Tribunal, so that appropriate time gap will be made available for further final hearing and if such remedy is not to be availed, then final hearing will be taken up on the scheduled date of hearing.

**S.O. to 8<sup>th</sup> May, 2015.**

....., JM  
(Justice V. R. Kingaonkar)

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

