

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

APPLICATION NO.14 /2013 (WZ)

Smt. Lalita Shinde & Anr Vs. Trimbakeshwar Mun. Council & Ors

CORAM: HON'BLE MR JUSTICE V.R. KINGAONKAR, JUDICIAL MEMBER

HON'BLE DR. AJAY A. DESHPANDE, EXPERT MEMBER

Present: Applicant/ Appellant : Pravartak Pathak Adv
Respondent Nos. 1,2 : Sudhir Kotwal Adv
Respondent No. 3 : D.M.Gupte Adv w/
: Ms.S.R.Dangre, Adv (s)
Intervener : Shailesh S. Kharat Adv

Date and Remarks	Orders of the Tribunal
<p>Item No.1 February 10, 2014 Order No.3</p>	<p>We have heard learned Counsel for the parties. Learned Counsel for the Applicant has filed additional affidavit.</p> <p>The Counsel for Respondent Nos.1 and 2 have also filed affidavits on behalf of the Respondent Nos.1 and 2.</p> <p>The reply affidavit of Respondent No.3, is also placed on record.</p> <p>None has appeared for the Respondent Nos. 4 and 5, though it appears that the Respondent No.5, may not have direct role to play in the matter, yet the presence of Respondent No.4 is necessary to seek better assistance in arriving at proper conclusions. In spite of such responsibility and important role to represent the State Government, the Secretary of Water Resources Development, Mantralaya, has failed to appear.</p> <p>We have been informed that 'Kumbh- Mela' is likely to be organized somewhere in August, 2015, and certain arrangements will be required to be made for that purpose. We may mention here that we are desirous to expeditiously hear and dispose of the present Application in view of 'Kumbh- Mela', which is in the offing. The Respondent Nos.1 to 3, may inform the State Government, particularly the Chief Secretary of the State of Maharashtra and the Secretary of Water Resources department, Mantralaya that in case there will be no proper representation before the NGT, (WZ), it is probable that this Tribunal will be constrained to pass certain adverse orders, may be of prohibitory nature against the State Government, or the Authorities or of penal nature, as may be so required. We expect proper response of the Respondent No.4, by next date and hope that the State Government will not abdicate its responsibility to assist the Tribunal in reaching to proper conclusion and will ask the Secretary of Water Resources department to bring about all the relevant facts before the Tribunal.</p> <p>We direct the MPCB, to place on record the proceedings of Consent Application and further steps taken on basis of Consent Application submitted by Trimbakeshwar Municipal Council and whether</p>

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STP and MSW facility are available, examined and inspection is duly carried out. The status report about the same shall be placed on record with *juxta* position of the water quality levels of pollution and other aspects, including feasibility of relocating places of 'Pind-Dan' 'Kalasarpa Vidhi' and like religious ceremonies as well as to examine whether removal of cement concrete flooring or the road which covers the river, can be replaced by any other method by placing, wire mesh or like material, so as to keep the flow of river undisturbed and clean. The recommendations of the MPCB, shall be put on record along with report of an Expert, which the MPCB may appoint internally, if so required.

Mr Shailesh S. Kharat, learned Counsel seeks time to file Intervention Application. It may be filed in the Registry and the copies thereof may be furnished to other parties. It shall be registered as Misc. Application.

Stand over to 12th March, 2014.

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

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

