

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

**M. A. No. 75/2017(WZ)  
In  
Appeal No. 22/2016(WZ)**

**In the matter of:-**

**Anil V. Tharthare V/s Secretary, Environment Department & Ors.**

**CORAM: HON'BLE MR. JUSTICE U.D. SALVI, JUDICIAL MEMBER  
HON'BLE MR. RANJAN CHATTERJEE, EXPERT MEMBER**

**Present:**

<b>Applicant/Appellant</b>	<b>: Mr. Aditya Pratap, Adv. a/w Mr. Anirudha Joshi, Adv.</b>
<b>Respondent Nos.1-3</b>	<b>: Mr. D.M. Gupte, Adv. a/w Mrs. Supriya Dangare, Adv.</b>
<b>Respondent No.5</b>	<b>: Mr. Kapil Agarwal, Adv., a/w Ms. Anushree Chaudhari, Adv.</b>
<b>Respondent No.6</b>	<b>: Mr. T.N. Subramanian, Sr. Adv. a/w Mr. Saket Mone, Adv.</b>
<b>Respondent No.7</b>	<b>: Mr. Suneet Kr. Tyagi, Adv. a/w Jayshree Ramchandran, Adv.</b>

<b>Date and Remarks</b>	<b>Orders of the Tribunal</b>
<b>Item No.16 6<sup>th</sup> March, 2017 Order No.2</b>	<p>Service affidavit dated 3<sup>rd</sup> March, 2017 reveals that service of Notice is complete on all the parties.</p> <p>We have before us learned Counsel appearing on behalf of Respondent Nos.1 to 3, 5, 6 and 7. Learned Counsel appearing on behalf of Respondent Nos.6 and 7 are filing their replies. Copies of the replies be furnished to the Applicant. Other seeks time to file their replies. Two (02) weeks' time granted for filing replies. Advance copies of the replies be furnished to the Applicant who may file rejoinder thereto within a week.</p> <p>In the meanwhile, learned Counsel for the Applicant insists upon passing interim directions for stopping the development as well as the cutting of the trees at the site. It is brought to our notice that the Tree Authority has granted permission to cut 39 trees and transplant 126 trees and plant 117 trees in the said property vide permission dated 27<sup>th</sup> May, 2015 (Annexure A-18 to the application page-128).</p> <p>Before any directions are passed, it is necessary to conduct some local investigation to understand the complete facts concerning the trees at the site. We, therefore, appoint learned Counsel Mr. Shivshankar Swaminathan who is present before us, as a Court Commissioner to carry out local investigation at CTS No.629 part Village Bandra (E), MIG Group-V</p>

Item No.16  
6<sup>th</sup> March,  
2017  
Order No.2

Co-operative Housing Society Ltd. Gandhi Nagar, Bandra East, Mumbai – 400 051.

The Court Commissioner shall visit the site at about 11.00 A.M. on 8<sup>th</sup> March, 2017 and shall commence the work at the site. Notice of the Court Commissioner's proceedings is waived by the parties. The Court Commissioner shall take account of the trees standing at the site and ascertain whether every tree is numbered as per the Tree Permission dated 27<sup>th</sup> May, 2015. The Court Commissioner shall verify whether the number of trees to be transplanted have been actually transplanted or not at the site or at any other site and if yes, how many with reference to the numbers allotted to them by the Tree Authority.

A copy of the Tree Permission shall be furnished to the Court Commissioner. The Court Commissioner is at liberty to photograph the trees. Parties to the present proceedings are also at liberty to attend the proceedings undertaken by the Court Commissioner at the site at the given date and time. None of the parties shall interfere in the work of the Court Commissioner in any manner whatsoever and shall not carry any recording instrument with them. Supdt. Of Gardens & Tree Officer who has given the Permission dated 25<sup>th</sup> May, 2015 shall give every assistance to the Court Commissioner particularly in identifying the trees referred to in the said permission. The Applicant shall deposit Rs.20,000/- as an initial cost of the Court Commissioner with the Registry on or before the next date. Transport facility for the Court Commissioner shall be arranged by the Applicant. The Court Commissioner shall submit his report to the Tribunal on or before the next date. The Court Commissioner shall furnish a copy of the report to the respective parties.

**List this case on 24<sup>th</sup> March, 2017.**

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

....., **EM**  
**(Ranjan Chatterjee)**