

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

Application No.179/2015

In the matter of :-

**Uttamrao Vitthalrao Bhondwe Vrs. State of Maharashtra & Ors.**

**CORAM: HON'BLE DR JUSTICE JAWAD RAHIM, JUDICIAL MEMBER  
HON'BLE DR. AJAY A DESHPANDE, EXPERT MEMBER**

**Present:**

<b>Applicant/Appellant</b>	<b>: Mr.S.V. Avhad, Adv. a/w. Mr. S.S. Sanwalkad, Adv.</b>
<b>Respondent No.2, 2-A, 3 and 6</b>	<b>: Mrs. S.B. Vaidya, Pandit, Law Officer, Collectorate, Pune</b>
<b>Respondent No.4 &amp; 5</b>	<b>: Mansi Joshi, Adv.</b>
<b>Respondent No.10</b>	<b>: Mr. Rahul Andhalen, Adv.</b>
<b>Intervener</b>	<b>: Mr. AnantS. Randive, Adv.</b>

<b>Date and Remarks</b>	<b>Orders of the Tribunal</b>
<b>Item No.10 7<sup>th</sup> April, 2016 Order No.11</b>	<p>In pursuance to our earlier order dated 28<sup>th</sup> March 2016, it is submitted by Respondent No.4 and 5 that Board has issued closure notice to 88 (eighty eight) stone crushers out of existing 165 (One hundred sixty five) crushers and also directions are issued to the concerned Executive Engineer of the Electricity Board to disconnect the electric supply.</p> <p>Being questioned by this Tribunal, whether the closure orders have been implemented, learned counsel for the Board submits, orders were issued only yesterday, whereas it had to be issued forthwith. We are making it clear that merely passing the order of closure of the units or disconnection of electricity will not be enough. MPCB has been vested powers to ensure the closure. It is therefore necessary for MPCB to ensure that its closure orders are implemented and complied with by the stone crusher units to whom order of closure of the unit has been issued and report in this behalf shall be filed in the Tribunal by the next date of hearing. The report shall clearly specify the date of compliance of closure order after due verification and documentation.</p> <p>At this stage, learned Advocate on behalf of Intervener submits that he has filed the Application on behalf of Association of stone crushers to be impleaded in this case. On enquiry by this Tribunal, he submits that the Association will be representing 93 units but the Application filed only in the</p>

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name of Association.

Considering the fact environmental damages, could be imposed on impleading the Association of stone crusher may not be proper. Therefore, while the Applicant who is registered association, may be directed to be impleaded. We also direct the Members of Association to be impleaded individually. Liberty is also granted to other stone crusher units against whom the directions have been issued to file application for impleadment.

We permit the newly added Respondents to file affidavit on next date of hearing after pre-serving the copies to the Respondent Nos.4 and 5 and Applicant.

The Applicant may file re-joinder to the said counters and supply the copies to other Respondents.

Meanwhile, we direct other Respondents who have not filed their counters, to file it positively within two (2) weeks from now, after serving the copies of the counters to the Applicant and other Respondents.

**List this matter on 4<sup>th</sup> May 2016.**

....., JM  
(Dr. Justice Jawad Rahim)

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

ajp