

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

APPLICATION NO.20/2014 (WZ)

Dinkar Sitaram Dhulgand Vs. Maharashtra Pollution Control Board & Ors

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

Present: Applicant : R.B.Mahabal Adv
**Respondent Nos.1,2 : D.M.Gupte Adv
Supriya Danagare Adv**
**Respondent No.3 : Omprakash Zha Adv
Shireen Merchant Adv**
Respondent No.4 : Ujwala Pawar, DGP

Date and Remarks	Orders of the Tribunal
Item No.4 February 19, 2014 Order No.2	<p>We have heard learned Counsel for the parties.</p> <p>Learned Counsel Mr D.M.Gupte, waives service for Respondent Nos.1 and 2 and seeks time to file reply affidavit. Mr. Omprakash Zha, appears for the Respondent No.3 and seeks time to file reply affidavit.</p> <p>Mr Ramnath Satpute, SDO, attached to the Irrigation department, Ahmednagar, present in person. Learned Govt. Pleader Ujwala Pawar waives service for the Respondent No.4. She submits that she will take appropriate instructions from the Executive Engineer and will file his affidavit by next date.</p> <p>Mr Mahabal, learned Counsel for the Applicant has pointed out letters at P-34 and P-42, that distance between river and the proposed site of Sugar Factory of the Project Proponent, is less than 8 km. The learned Counsel for Respondent No.3, submits that such allegation is untrue. Mr Mahabal, learned Advocate for the Applicant, submits that Ad-interim stay is necessary in the matter, when the distance as shown in the communication issued by the Executive Engineer of Irrigation Department, has supported the case of the Applicant.</p> <p>We deem it proper to direct that Mr Mahabal, learned Advocate and any representative of the Respondent No.3, or the Advocate of Respondent No.3, may jointly visit the site of the Sugar Factory and may conduct the inspection on Sunday i.e. 23rd February, 2014, between 11 a.m. to 1 p.m. for which no separate Notice is required to be given by the parties. They are at liberty to take separate land measurer and photographer to conduct survey and also to take photographs,</p>

Item No.4
February 19,
2014
Order No.2

measurement and collect other details of project status and the location vis-à-vis river in question.

The joint inspection report shall be placed on record on 24th February, 2014 instant i.e. on 24th February, 2014 and then question about Ad-interim relief will be considered. Stand over to 24th February, 2014, for hearing of interim relief. Copy of the order be furnished immediately.

Stand over to 24th February, 2014

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

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

