

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

Original Application No. 163/2017(WZ)
M.A. No.1/2018

In the matter of:-

Arvind P. Mhatre V/s MOEF & CC & Ors.

CORAM: HON'BLE DR. JUSTICE JAWAD RAHIM, JUDICIAL MEMBER

Present:	Applicant	: None gave appearance.
	Respondent No.1	: Mr. Rahul Garg, Adv.
	Respondent No.3	: Mr. Rahul Andhale, Adv.
	Respondent Nos.4, 5	: Ms. Manasi Joshi, Adv.
	Respondent Nos.6, 7	: Ms. Neha Muajkar, Adv. i/b Little & Co.
	Respondent No.8	: Mr. Vikramsinh V. Yadav, Adv.
	Respondent No.11 (Intervener)	: Mr. Saurabh Kulkarni, Adv. a/w Ms. Priti Joshi, Adv.

Date and Remarks	Orders of the Tribunal
<p>Item No.4 2nd January, 2018</p>	<p>In this case the Applicant has basically approached the Tribunal alleging pollution caused as a result of discharge of industrial effluent by the industries and non-functioning of the CETP. Incidental reliefs are against the MPCB for its failure to check the pollution level thereby call a further direction.</p> <p>It is reported that the CETP Management impleaded in this case as Respondent No.10 has since been superseded by the Registrar of Co-operative Societies and as also submitted that the Administrator has been appointed vide Order dated 6th December, 2017. In view of this development, the Applicant is directed to implead Administrator of the CETP.</p> <p>Mr. Saurabh Kulkarni has filed M.A. No.1/2018 seeking five (05) reliefs amongst which this principal prayer is to permit the Applicant Association named as Taloja Industries Association to be a necessary party respondent.</p> <p>Amongst 05 reliefs sought, the relief to direct to elect a separate body of experts' under the guidance of MPCB for</p>

Item No.4
2nd January,
2018

protecting rights of the Member Industry calls for no consideration in this proceeding and thus the relief so sought is rejected. Relief No.2 requiring during interregnum only Administrator should be recognised is also rejected. However, considering the nature of the proceeding relief sought in the main application, the Taloja Industries' Association is permitted to participate in this proceeding, provided an affidavit is filed by the authorised representative of the Applicant Association that whatever stand it may take in these proceedings shall bind all the member industries and there shall be no plea in future that such industry has not been heard. With this observation, the Applicant Association is impleaded as Respondent No.11. Applicant to amend the cause title and amended copy of the application with additional amendment to the pleadings, if any, be filed within one week from now. The impleaded Association is granted a weeks' time to file their response to the main application.

Meanwhile, let the Notice be issued to the Administrator of CETP returnable within one week with further direction to file reply, if any, by them.

Respondent Nos.1, 3, 4 and 5 report filing of the replies whereas Respondent No.8 is permitted to file their reply during the course of the day after serving copy on the Applicant.

The Applicant may file rejoinder to the replies already filed and reply by Respondent No.8 by the next date of hearing.

On behalf of MPCB and CPCB it is submitted that joint inspection in terms of the Order passed by this Tribunal on 24th November, 2017 has been conducted and the report is ready. They are permitted to file it, copy of which be served on the

Item No.4
2nd January,
2018

Applicant and impleaded Association. As far as Respondent Nos.6 and 7 are concerned, we direct that reply shall be filed within one week from now.

List it for further proceeding on 16th January, 2018.

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

mk

