

Sanjay Khandu Navgire vs Social Welfare Department on 31 August, 2023

Item No.4,5 & 6

(Pune Bench)

BEFORE THE NATIONAL GREEN TRIBUNAL
WESTERN ZONE BENCH, PUNE

[Through Physical Hearing (with Hybrid Option)]

ORIGINAL APPLICATION NO.03 OF 2023 (WZ)
WITH
I.A.NO.193/2023 IN O.A. NO.03/2023 (WZ)

Sandip Sheshrao Jadhav

.... Applicant

Versus

The State of Maharashtra & Ors.

....Respondents

AND

ORIGINAL APPLICATION NO.79 OF 2023 (WZ)
WITH
I.A.NO.191/2023 IN O.A. NO.79/2023 (WZ)

Dr. Pramod s/o Eknathrao Jadhav & Ors.

....Applicants

Versus

The State of Maharashtra & Ors.

....Respondents

AND

ORIGINAL APPLICATION NO.53 OF 2023 (WZ)
WITH
I.A.NO.190/2023 IN O.A. NO.53/2023 (WZ)

Sanjay Khandu Navgire & Ors.

....Applicants

Versus

The State of Maharashtra & Ors.

....Respondents

Date of hearing : 31.08.2023

CORAM: HON'BLE MR. JUSTICE DINESH KUMAR SINGH, JUDICIAL MEMBER
HON'BLE DR. VIJAY KULKARNI, EXPERT MEMBER

Applicants

: Mr. Hrishikesh V. Tungar, Advocate

Respondents : Mr. Vilas Jadhav, Advocate for R-3 in all O.As.
Mr. R.B. Mahabal, Advocate for R-5 in all O.As.
Ms. Anuradha Mantri, Advocate for R-4 in all O.As.
Mr. Prabhakar K. Joshi, Advocate for R-7 to R-15
and R-21 in O.A.No.03/2023, for R-7 to 15 and
R-20 in O.A. No.79/2023 and for R-1, R-7 to R-15
and R-20 in O.A.No.53/2023

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Mr. Saurabh Kulkarni, Advocate for R6, R-16 and
R18 in all O.As.

ORDER

1. All these three Original Applications have been filed with common reliefs of personal compensation to be levied from respondent Nos.5 to 21 and therefore, all these applications need to be taken up together and Original Application No.03/2023 (WZ) shall be the leading matter.
2. In Original Application No.03/2023, an I.A. No.193/2023 has been filed praying for correction to be allowed in the nomenclature of respondent No.5, as earlier, respondent No.5 - M/s Radico NV Distilleries Maharashtra Ltd was not impleaded through its General Manager. Now, by way of proposed amendment, it is being impleaded through its General Manager. We allow this I.A. No.193/2023 and direct the applicant to incorporate the amendment in Original Application today itself.
3. At this very stage, learned counsel for the applicant has also apprised us that I.A. No.191/2023 (WZ) in Original Application No.79/2023 and I.A. No.190/2023 (WZ) in Original Application No.53/2023, have been filed, with the similar relief. Both these I.As. are allowed with direction to the applicant to incorporate the necessary amendment in O.A. Nos.79/2023 and 53/2023 accordingly.
4. All three I.As. i.e. I.A. Nos.193/2023 in O.A. No. 03/2023, I.A. No.191/2023 in O.A. No.79/2023 and I.A. No.190/2023 in O.A. No.53/2023 stand disposed of.
5. The applicant has filed another I.A. No.194/2023 in O.A. No.03/2023 for deleting the name of respondent No.19 - Uttamrao Vishwanathrao Gaikwad because of his having expired. Since the applicant does not want to seek compensation to be levied from respondent No.19, because of his death, we allow this application (I.A. No.194/2023 and find that there is no necessity to direct impleadment of legal heirs of deceased respondent No.19.
6. We find that the applicant has sought personal compensation, hence he was required to seek the compensation in Form No.II as prescribed, which has not been done by him. The learned counsel for the applicant seeks a week's time to file Form No.II. Time of a week is allowed for the same. We

direct the Registry to submit a clear report as to whether the court fee has been paid by the applicant in three cases.

7. In Original Application No.03/2023 (WZ), service affidavit has been filed by the applicant, which is at pages 595 and 596 of the paper- book, according to which notices have been served on respondent Nos.1 to 18, 20 and 21 and notice of respondent No.19 has returned unserved as he has expired. Therefore, we find that service on all respondents is sufficient as per the service affidavit.

8. In original Application No.79/2023 (WZ), the service affidavit has been filed today as per which respondent Nos.1 to 10, 12, 14 and 15 have been served. But the notices sent to respondent Nos.11, 13 and 16 to 20 have returned unserved. It is apprised by the learned counsel for the applicant that only respondent Nos.17 and 19 are remained to be served because for rest of the respondents, their respective learned counsel have put in their appearance. Therefore, we direct the applicant to serve respondent Nos.17 and 19 within four weeks. The applicant is directed to take necessary steps for service upon respondent Nos.17 and 19 by both ways and also through available e-mail.

9. In Original Application No.53/2023 (WZ), the service affidavit has been filed, as per which notices on respondent Nos.1 to 12, 14 and 15 have been served and from the side of respondent Nos.6 to 16, 18 and 20, respective learned counsel have put in their appearance. Therefore, they need not be served. Further it is mentioned in this affidavit that the notice sent to respondent Nos.13, 16, 17, 18, 19 and 20 have returned unserved. It is clarified that from the side of other respondents, appearance has been put in except respondent Nos.17 and 19. Therefore, notice to respondent Nos.17 and 19 be issued, regarding which we have already directed above to serve notice on these two respondents.

10. From the side of respondent No.3 - MPCB, learned counsel Mr. Vilas Jadhav has appeared in all three O.As., who states that the reply- affidavit has been filed and Joint Committee report has been filed in O.A. No.03/2023, which shall be applicable in all three matters.

11. From the side of respondent No.4 - Zilla Parishad, Aurangabad, learned counsel Ms. Anuradha Mantri has appeared and seeks four weeks' time to file the reply-affidavit in all three cases. The same is allowed.

12. From the side of respondent No.5 - M/s Radico NV Distilleries Maharashtra Ltd (Project Proponent), learned counsel Mr. R.B. Mahabal has appeared and seeks four weeks' time to file the reply-affidavit. The same is allowed.

13. From the side of respondent Nos.7 to 15 and respondent No.21 in O. A. No. 03/2023, for respondent Nos.7 to 15 and respondent No.20 in O.A. No.79/2023 and for respondent Nos.1, 7 to 15 and 20 in O.A. No.53/2023, learned counsel Mr. Prabhakar K. Joshi, Advocate has appeared and seeks four weeks' time to file the reply-affidavit. The same is allowed.

14. From the side of respondent Nos.6, 16 and 18, learned counsel Mr. Saurabh Kulkarni has appeared in all three matters and seeks two weeks' time to file the reply-affidavit. The same is

allowed.

15. We further direct that all the learned counsel, who would file the reply-affidavit, shall serve a copy thereof to other parties and within a week thereafter, rejoinder, if any shall be filed by the applicant. The objections, if any against the Joint Committee report shall be filed within two weeks.

16. The learned counsel for the applicant submits that the copy of the Joint Committee is received by him yesterday only. He seeks time to file objections to the said report. He may file the objections, if any to the Joint Committee report within two weeks.

17. Put up these matters on 24.11.2023.

Dinesh Kumar Singh, JM Dr. Vijay Kulkarni, EM August 31, 2023 O.A. Nos.3-79-53/2023(WZ) npj