

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

Application No.49/2016 (WZ)
Rohit Prajapati & Anr Vs Secretary, MoEFCC & Ors

**CORAM: HON'BLE MR JUSTICE U.D. SALVI, JUDICIAL MEMBER
HON'BLE DR. AJAY A. DESHPANDE, EXPERT MEMBER**

Present: Applicant/Appellant : Lara Jesani Adv a/w
Mr. Nakul Pradhan, Asim Sarode

Advs
Respondent Nos.2,3,4 : Mr. Parth Bhatt Adv
Respondent No.5 : Mr. Viral Shah Adv
Respondent No.6 : Supriya Dangare Adv

Date and Remarks	Orders of the Tribunal
Item No. 14 July 1 , 2016 Order No.3	<p>Heard. Perused.</p> <p>The Application raises controversy over execution of "Vishwamitri Riverfront Development Project (VRDP) at Vadodara, spread over total area admeasuring 953.5ha (as described in Feasibility Report, Masterplan at Annexure-8, pg. 124) along the stretch of 16.5km. of ' Vishwamitri River' without obtaining Environmental Clearance (EC).</p> <p>The Application was admitted. Notices were issued. The order dated 25th May, 2016, reveals that Notice was served on all the Respondents and after hearing the parties the present Respondent No.6 was restrained from proceeding further with any construction or developmental activity within area of VRDP.</p> <p>Today, learned Counsel appearing on behalf of the Applicant submits that despite the Injunction Order its violations are being continued by the Respondent No.6- Vadodara Municipal Corporation (VMC). Learned Counsel appearing on behalf of the Respondent No.6 submits that she needs time to controvert these allegations and put forth her case. However, we would like to remind the Respondent No.6 that violations, if any, found to have been made will be subject to outcome of this Application and in addition thereto it will invite consequences of disobedience as envisaged under the Law.</p> <p>Learned Counsel appearing on behalf of the Applicant submits that before appropriate Application for action against the disobedience is moved the Applicant wishes to place on record present situation by way of affidavit dated 1st July, 2016. Liberty granted to file the said affidavit.</p>

**Item No. 14
July 1 , 2016
Order No.3**

In order to check continuing violations we direct the Respondent No.4 Member Secretary, State Level Environment Impact Assessment Authority (SEIAA) and Respondent No.5- Collector, Vadodara to carry out a joint inspection of the entire study area, as described in Annexure-8 to the Application and bring on record all the facts regarding present situation as regards construction carried out in the study area. SEIAA shall give Notice of inspection to the Applicant on email address furnished by the Applicant, well in advance. The inspection shall be carried out and Report be filed within two (2) weeks.

Liberty is granted to the Applicant to attend the inspection proceedings. Liberty is granted to the Respondent No.4 SEIAA to lodge prosecution/s against the delinquents, who are found violating the EIA Notification and/or injunction order.

Two (2) weeks' time is granted to file reply. Advance copy of the reply be furnished to the Applicant, who may file rejoinder, if any, within two weeks thereafter.

List this case on 5th August, 2016.

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

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

hkk

