

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

MA No.26/2014, 34/2014, 35/2014

APPLICATION NO.6 /2014 (WZ)

**Dyaneshwar Gadhve Vs MoEF & Ors.**

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

**Present:**

<b>Applicant</b>	<b>:</b>	<b>R.B.Mahabal Adv</b>
<b>Respondent No.1</b>	<b>:</b>	<b>Krishna D. Ratnaparkhi Adv</b>
<b>Respondent Nos.3,4</b>	<b>:</b>	<b>D.M.Gupte Adv Supriya Danagare Adv</b>
<b>Respondent No.5</b>	<b>:</b>	<b>Ujwala Pawar DGP</b>
<b>Intervener:</b>	<b>:</b>	<b>F.M.Mesquita Adv Arundaya Magaswarigya Mazoor Kamagar Sahkari Sangathna Ltd</b>
<b>Intervener:</b>	<b>:</b>	<b>Asim Sarode Adv M.Z.Enterprizes</b>

<b>Date and Remarks</b>	<b>Orders of the Tribunal</b>
<b>Item No.3 February 19, 2014 Order No.10</b>	<p>We have heard Learned Counsel for the parties. Mrs F.M.Mesquita, seeks leave to file Intervene Application on behalf of one of the successful bidder for Nagpur district.</p> <p>Mr Asim Sarode, Advocate, appearing for one of the Intervener, as well as, Advocate Ujwala Pawar, appearing for the Respondent Nos. 5 and 6, urge to vacate the stay order.</p> <p>Mr Mahabal, learned Advocate for the Applicant has placed on record Government Notification whereby the Committees were constituted for the purpose of appraisal (SEAC). It appears that the Committee under the chairmanship of Shri. Buddiraja, was constituted for appraisal of the projects for construction in Mumbai Metropolitan Region, Maharashtra and was referred in the Notification as SEAC-II. We have not come across any Notification whereby the same Committee was authorized to conduct appraisal of other activities in Nagpur/Bhandara districts, including environment impact, particularly, in respect of the sand extraction from the river bed/basin etc. The learned Advocate (Sh.Mahabal) has placed on record another Notification dated 30<sup>th</sup> January, 2014, which shows that another Committee is newly constituted under the chairmanship of Sh. T.C. Benjamin and is called SEAC-I, for appraisal of all the projects relevant to Industries, Mining, Irrigation and others, excluding building projects in the State of Maharashtra. Thus, it appears that Sh. T.C. Benjamin Committee is all pervasive Appraisal Committee, excluding building</p>
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projects in the State of Maharashtra though no such Committee was in existence, when the e-auction was conducted.

Mr. D.M.Gupte, learned Advocate, appearing for the Respondent Nos.3 and 4, would submit that in a short while i.e. tomorrow a Meeting is scheduled to resolve the issue at the level of SEAC-I, under the chairmanship of Sh. T.C. Benjamin. Hence, he seeks adjournment to clarify the position after obtaining further instructions.

Considering the complexity involved in relation to the legality of the acts of the Committees and the Authorities, as regards appraisal that was required to be done, we deem it proper to allow the learned Advocate for the Respondent Nos.3 and 4, to give response by way of additional affidavit, as may be available under instructions of the competent officer of Sh. T.C. Benjamin Committee. Such additional affidavit may be filed on or before 4<sup>th</sup> March, 2014 and the copies thereof be furnished to other side. Ad-interim order to continue till then.

**Stand over to 4<sup>th</sup> March, 2014.**

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

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

