

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

APPLICATION NO.19/2014 (WZ)

Ratandeep Rangari Vs. State of Maharashtra & Ors

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

Present: Applicant/ Appellant : Arpit Ratan Adv
Respondent Nos.1,2,9 : Rakesh Rathod Adv
Respondent No.4 : Krishna D. Ratnaparkhi Adv
Respondent No.6 : Shweta Busar Adv
Respondent Nos.7,8 : Kartik Shukul Adv
Respondent No.10 : Saurabh Kulkarni Adv a/w Supriya Dangare Adv

| Date and Remarks | Orders of the Tribunal |
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| Item No.5 October 31, 2014 Order No.8 | <p>Heard learned Counsel for the parties.</p> <p>By order dated September 25th, 2014, we directed the MoEF to file affidavit to explain the policy or methodology as regards supply of coal to the coal generation Units of Mahagenco. According to the learned Counsel for the Respondent Nos.7and 8, due compliances are reported to the CPCB, in scientific manner and therefore, no fault can be attributed to the Respondent Nos.7 and 8. It is contended that verification by the CPCB, could have been done when the reports were filed by the Respondent Nos.7 and 8. We may, however, point out that the order dated September 25th, 2014, was passed having regard to 'precautionary principle' particularly, because Kamatee area is thickly populated and there is also Military area near the Thermal Power Units.</p> <p>Though such directions were clearly issued, the Secretary of the MoEF or any responsible officer deputed by him, not below the rank of Director or Joint Director, concerned, has failed to attend the Tribunal today. Obviously, inspite of good intentions of Advocate Shweta Busar, unfortunately, she is in a precarious position to defend the stance of MoEF, though she tried vehemently to submit that due to certain difficulties, particularly, because the officers are on tour, more time is required to file reply affidavit. We do not agree with her submission, inasmuch as no responsible officer is present before the Tribunal to explain the fact situation, or inability to file reply affidavit and the reason as to why the record could not be produced.</p> <p>Let it be noted that we make it clear that in view of earlier orders that the response of MoEF is very much essential, in order to resolve the issue involved in the present matter, because, it will have more ramifications, apart from the decision in the present matter. The</p> |

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responsibility of coal handler at source, the coal transporters, the coal users, the receiving end users of coal, where acknowledgment of goods is obtained and maintenance of the same quality during entire process, are the questions which need to be addressed, inclusive of testing of the coal quality at either one source or at each point. Due to non-compliance of earlier orders, the Regional Officer, Bhopal (MoEF) and Dr. M. Ramesh, Scientist-D, of MoEF, will have to be secured by issuing Bailable Warrants.

Issue Bailable Warrant of Rs.20,000/- each against both of them, /- to the satisfaction of the Arresting Officer, in exercise of our powers and in terms of provision of Section 19(4) (a) of the National Green Tribunal Act, 2010, read with Order XV I Rule 10 (3) and Section 151 of the Code of Civil Procedure, 1908, returnable on 26.11.2014.

In case, it is necessary the Director of MoEF, may also depute any officer of CPCB to attend the Tribunal by next date to explain the fact situation on affidavit. Reply affidavit shall be filed within period of three (3) weeks. Copy of the affidavit be exchanged before two (2) days in advance before scheduled date.

Stand over to 26th November, 2014.

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

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

