

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

M.A.No.135/2014 (WZ)  
APPLICATION NO.25/2014(WZ)  
Mr.Shafi Mohammed Meer Vs State of Maharashtra &Ors.

WITH  
MA NO.91/2014(WZ)  
Mumbai Rickshaw men  
APPLICATION NO.32/2014 (WZ)

**New Link Road Residents Forum &Anr. Vs. The Union of India &Ors**

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

**Present: Applicant/ Appellant : AsimSarodeAdva/wSmitaSingalkar, Mahesh  
Bhosale, PratapVitankarAdv  
Intervener : G.S.  
Hegdea/wP.M.Bhansali&HarshadMandkeAdv**

**In Appln No.32/2014  
Applicant/Appellant : UmeshDindorea/wAmarjit Prasad Adv  
Respondent No.4 : Swati Vaidya Adv holding for UjwalaPawar  
DGP  
Respondent No 5 : Saurabh Kulkarni a/wSupriyaDangareAdv  
Intervener : G.S.  
Hegdea/wP.M.Bhansali&HarshadMandkeAdv**

Date and Remarks	Orders of the Tribunal
Item No.3,4,5, 10 October 13, 2014 Order No.7	<p>Heard learned Advocates for the parties.</p> <p>The report filed on behalf of MPCB, does not reflect compliance of the order of NGT (WZ), which was passed on the earlier date. We subsequently directed the Committee to take a call and decide the issue, as regards emission level arising out of four (4) Stroke Engines and two (2) Stroke Engines, at the source as well as from distance and to give a report. The affidavit placed on record, would show that no report is prepared by the Committee and only minutes are placed on record to show that the Committee could not finally decided the issue. We find that under Section 17 of the Air (Prevention and Control of Pollution) Act, 1981, it is duty of the MPCB to consider the issue of air pollution and to take an appropriate decision, as regards emission from any source, whether stack emission, or the emission from Engines, source from automobiles, or any kind of other vehicles, where there is possible use of fuel to cause emission. This has not been done and, therefore, we again direct the Committee constituted by the MPCB to look into the matter and take decision appropriately and place on record the report about such decision taken on the issue.</p>
Item No.3,4,5, 10	We make it clear that such a report shall be final report, contending

**October 13, 2014**  
**Order No.7**

decision making process and outcome of entire deliberations on the issue that final decision taken by the Committee and it shall not be only minutes of the Meeting.

Learned Advocate Mr.U.G.Dindore, appearing for the Applicant in Application No.32 of 2014, makes a statement that the Applicants in the said Application, do not desire to file report regarding investigation/study undertaken as regards emission standards arising out of two (2) Stroke Engines/ four (4) Stroke Engines. He would submit that the averments in the Application No.32 of 2014, in relation to the emission standards of such Engines, are made only on basis of the material down loaded from the Internet and other sources, and the reports have been filed. Therefore, no other material is required to be filed by them.

We make it clear that if any unessential/unnecessary derogatory pleadings are noticed in the said Application, we may delete the same and the issue is kept open.

The report of MPCB-Committee, shall be placed on record within period of four (4) weeks. The pleadings shall be completed before the schedule date, including rejoinder, if any,

**Stand over to 18<sup>th</sup> November, 2014**

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

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

