

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

APPLICATION NO.8/2014 (WZ)

Mr. Vinod Jain 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 : Rahul Bora Adv
Harshad Mandke Adv**

**Respondent Nos.2,3 : Sameer Khale Adv
Mahashabde Adv**

Date and Remarks	Orders of the Tribunal
Item No.5 April 1, 2014 Order No.7	<p style="text-align: center;">Heard Counsel for the parties.</p> <p>The learned Counsel for the Applicant submits that though time was granted for submission of the report, yet the details regarding plantation of the trees, transplantation of the trees and present number of standing trees on "Mundhava-Ghorpadi" road, is not made available by the Respondent Nos.2 and 3. The Counsel for Respondent Nos.2 and 3, would submit that the officers of Municipal Corporation, are engaged in the election duties and therefore, could not prepare report. He, however, submits that within a period of 4-5 days such details will be furnished to the Tribunal. He seeks one (1) weeks' time to submit the details. The Counsel for the Applicant, requests for appointment of a Court Commissioner. The Counsel for Respondent Nos.2 and 3, has no objection for such appointment.</p> <p>By consent of learned Counsel Mr Girish Raghunath Shinde, Advocate, is appointed as Court Commissioner. The Applicant to bear cost of the work to be executed by the Court Commissioner. The Court Commissioner shall give estimate of cost required to be incurred for execution of the work. Following work is required to be undertaken:</p> <ol style="list-style-type: none">1. To submit details of standing trees, including species of the trees, if possible the height and girth of trees standing on "Mundhwa-Ghorpadi" road.2. The trees which are said to have been pruned.3. The trees which are said to have been pruned and substantially denuded of main branches and have been cut up to the trunk.4. The trees which are said to be likely to get transplantation, feasibility of transplantation of such trees, having regard to the nature of stem as well as height and possibility of life after transplantation.

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5. Location of proposed plantation of new trees.

6. Location of proposed plantation of trees, besides location of flanking "Mundhwa-Ghorpadi" road, on either side thereof.

The Respondent Nos.2 and 3, may submit detailed information, which they want to give as per earlier orders of this Tribunal along with an affidavit within period of one (1) week.

The Applicant to pay cost of execution of Commissioner's work directly to the Commissioner and submit the receipt of such payment to the Tribunal. The Commissioner shall give due Notices to the parties before conducting inspection and location and site inspection. The Respondent Nos.2 and 3, may depute any responsible Garden officer/Tree officer/ horticulture officer, as may be desired during course of inspection, to assist the Court Commissioner or to pin-point the locations and sites of the trees etc. The appointment letter of the Commissioner to be taken on 'Dasti' service for delivery. The report may be filed on 15th April, 2014.

Stand over to 15th April, 2014.

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

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

