

Compliance of Order dated 07-11-2016 in the Application No.139 of 2016 filed MPCB V/s Amri India Pvt. Ltd., and Ors.

A list of 13 no. of industries to which the notices were dispatched on the last known addresses, but due to closure of those units, Hon'ble NGT (WZ), Pune directed to resort to procedure under Order 5 Rule 20 of the C.P.C. Accordingly, notices were affixed on the conspicuous part of the closed industries are being placed on the website of MPCB for the information of all concerned in compliance of Order dated 07-11-2016 in the Application No.139 of 2016 filed MPCB V/s Amri India Pvt. Ltd., and Ors.

BEFORE THE NATIONAL GREEN TRIBUNAL, WESTERN ZONE BENCH,
PUNE

Application No. 139/2016(WZ)

MPCB

V/s

M/s. Amri India Pvt. Ltd. & Ors.

To

1. M/s. Garware Chemicals Ltd. Respondent No. 29
Aurangabad-Pune Road, Walunj,
Dist. Aurangabad
2. M/s. Sai Enterprises, Respondent No. 49
Plot No. C-165, MIDC Area, Walunj,
Dist. Aurangabad
3. M/s. Pooja Engineering Works, Respondent No. 53
Gat No. 48, Plot No. 5, MIDC Area,
Walunj, Dist. Aurangabad
4. M/s. Om Sai Engineering Pvt. Ltd, Respondent No. 54
Plot No. B-40, MIDC Area,
Walunj, Dist. Aurangabad
5. M/s. Mauli Industries, Respondent No. 57
Plot No. C-80, MIDC Area,
Walunj, Dist. Aurangabad
6. M/s. Gurudatta Enterprises, Respondent No. 62
Plot No. 48, Plot No. 5,
Dist. Aurangabad
7. M/s. Akash Industries Respondent No. 66
Plot No. B-49, MIDC Area,
Walunj, Dist. Aurangabad
8. M/s. Uma Precision Ltd. Respondent No. 91
Plot No. B-18, MIDC Area,
Walunj, Dist. Aurangabad
9. M/s. Aurangabad Electricals Ltd. Respondent No. 92
Plot No. L-6/1, MIDC Area,
Walunj, Dist. Aurangabad
10. M/s. Shree Samarth Enterprises Respondent No. 97
Plot No. C-165, MIDC Area,
Walunj, Dist. Aurangabad
11. M/s. Shree Industries, Respondent No. 99
Plot No. C-174, MIDC Area,
Walunj, Dist. Aurangabad
12. M/s. Jagdamba Industries, Respondent No. 114
Plot No. E-29, MIDC Area,
Walunj, Dist. Aurangabad

13. M/s. Best Powder Coating,
Plot No. C-69, MIDC Area,
Walunj, Dist. Aurangabad

Respondent No. 116

NOTICE

1. The above titled Original Application is posted for **hearing** on **07.12.2016 at 10.30 AM** in the premises of National Green Tribunal, Western Zone Bench, Pune, **New Administrative Building, 'D' Wing, 1st Floor, Opp. Council Hall, Camp, Pune.**
2. Please note that you shall make yourself available, or represent through authorized legal representative, on the date and place indicated herein above, in default, the said Application will be heard and determined in your absence.
3. Given under my hand and the seal of this Tribunal, this the 23.11.2016.


Assistant (Judicial), NGT

(For Orders, Cause Lists & other information, please visit our website www.greentribunal.gov.in)



BEFORE THE NATIONAL GREEN TRIBUNAL, WESTERN ZONE
BENCH, PUNE

Application No.139/2016 (WZ)

The matter of:-

MPCB Vs. M/s. Amri India Pvt. Ltd.

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

Present: Applicant/Appellant : Mr. S.S. Sanyal, Adv. a/w
Mrs. Supriya Dangare, Adv.
Respondent Nos.1, 89 : Mr. Gaurav Joshi, Sr. Adv. a/w
Mr. Aniket Nimbalkar, Adv. &
Mr. Kedar Kivade, Adv., i/b
AZB & Partners
Respondent No.6 : Mr. Gaurav Joshi, Sr. Adv. a/w
Mr. Sagar Bhandwalkar, Adv.
Respondent Nos.2, 3, 7,8 : Mr. Sachin Vasant Dankh, Adv. a/w
37, 41, 46, 75, 76, 113 : Mr. Varun Rajiv Joshi, Adv.
Respondent Nos.4, 9, 10, : Mr. Saurabh Kulkarni, Adv.
27, 28, 31, 32, 38, 42 to 44,
93, 94, 109
Respondent No.5, 11 to 18 : Mr. Prateek Kumar, Adv.
Respondent Nos.30, 78 : Mr. Varun Rajiv Joshi, Adv.
Respondent Nos.19,20, : Ms. Shrilekha P. Golekar, Adv.
21,22,23
Respondent No.26 : Mr. Vaibhav V. Jathar, Adv.
Respondent No.33 : Neelam Akiwate, Adv.
Respondent No.34 : Mr. Rupin Chopra, Adv. a/w
Mr. Saurabh Dikshit, Adv.
Respondent No.36 : Apurva Kulkarni, Adv.
Respondent No.39 : Mr. Sagar S. Vidwans, Adv.
Respondent No.77 : Mr. A.D. Sugdare, Adv.
Respondent No. 84 : Mr. Amit Agashe, Adv.
Respondent Nos.47, 48, 49 : Vijaya P.Birmole, Adv. a/w
51, 52, 54, 56, 58, 59, 60 : Mr. Sanandan Khalmar, Adv.
61, 63, 67, 68, 70, 72, 82,
85, 87, 88, 96, 98, 100, 101 to
103, 105 to 107, 111, 113, 118
to 122, 126 to 129, 131 & 136
Respondent No.90 : Mr. Kapil Agarwal, Adv. a/w
Anushree Chaudhari, Adv. i/b
J.S. Wad & Co.
Respondent No.115 : Mr. Viviek Deshmukh, Adv.

Date and Remarks	Orders of the Tribunal
Item No.6 7 th November, 2016 Order No.2	Service Affidavit dated 25 th October, 2016 has been placed before us. It is revealed that Respondent Nos.1 to 28, 30 to 48, 50 to 52, 55, 56, 58 to 61, 63 to 65, 67 to 89, 93 to 96, 98, 100 to 113, 115, 117 to 136 have been served through Registered Post A.D. and Dasti as well. Respondent Nos. 29, 49, 53, 54, 57, 62, 66, 90, 91, 92, 97, 99, 114 &

No.6
amber,
er No.2

116 have remained to be served as the Notices have been returned un-served for the reason that industries were found closed. Registry to verify from the record placed before us whether the service of Notice on Respondent Nos. 1 to 28, 30 to 48, 50 to 52, 55, 56, 58 to 61, 63 to 65, 67 to 89, 93 to 96, 98, 100 to 113, 115, 117 to 136 is complete and submit a report.

Learned Counsel appearing on behalf of the Applicant submits that addresses to which the Notices were dispatched to industrial units Respondent Nos. 29, 49, 53, 54, 57, 62, 66, 90, 91, 92, 97, 99, 114 & 116 are the only last known addresses on record with the Applicant and as such fresh Notices will have to be issued and served by resorting to the procedure for substituted service. We, therefore, direct issuance of fresh Notice to Respondent Nos. 29, 49, 53, 54, 57, 62, 66, 90, 91, 92, 97, 99, 114 & 116 to be served by resorting to procedure under Order 5 Rule 20 of the CPC. Notices shall be affixed on the conspicuous part of the entrances of the said establishments as well as published on the website of MPCB and compliance report submitted before us.

We have before us Respondent Nos. 1 to 23, 26 to 28, 30 to 34, 36 to 39, 41 to 44, 46, to 49, 51, 52, 54, 56, 58, 59, 60, 61, 63, 67, 68, 70, 72, 75, 76, 77, 78, 82, 84, 85, 87, 88, 89, 93, 94, 96, 98, 100, 101 to 103, 105 to 107, 109, 111, 113, 115, 118 to 122, 126 to 129, 131 & 136. As regards other Respondents which have been found to be served and not appeared, the matter shall proceed ex parte against them.

At this stage learned Counsel Mr. Kapil Agarwal submits that Respondent No.90 - M/s. Colgate Palmolive India Ltd., industrial unit at Waluj is presently closed and the Notice must have been returned un-served. He submits that he is filing his appearance on behalf of Respondent No.90 and no order for proceeding ex-parte against such industry may be passed.

Industries before us seek time to file reply. Two weeks time is granted for filing replies. Advance copies of the replies be furnished to the Applicant who may file rejoinder thereto within a week thereafter.

List this case on 7th December, 2016.