

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

Application No. 43/2013 (WZ)

(Disposed on 6.9.14)

Asim Sarode & Ors. Vs. MPCB & Ors.

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

**Present: Applicant/ Appellant : Mr. Asim Sarode, Adv. i/b
Mrunalini Shinde, Adv.
Respondent No. 2 : Mr. Dhairyasheel Patil, Adv.**

Date and Remarks	Orders of the Tribunal
Item No. 5 7 September, 2015 Order No. 9	<p>Heard.</p> <p>By Judgement dated 6th September, 2014 Application No. 43/2013, came to be disposed by which we sought certain compliances by the authorities Vide the said Judgement, this Bench of NGT prohibited burning of tyres in open space and at public places, particularly, in the localities surrounded by the residential areas, public places, schools, hospitals, offices etc., in view of the potential air pollution and health hazards. This particular direction was issued as Direction No. 2 in Paragraph 19 of the Judgement.</p> <p>The matter was being considered for further directions in order to ensure compliances when Adv. Asim Sarode pointed out to us that in Newspapers dated 14th December, 2014 titled %Maharashtra Times+ and %Rudhari+, there appeared news items which published incidents of tyre, burning on roads during course of agitation in which separate Bench of Hon'ble High Court of Bombay at Kolhapur was being demanded. It was pointed out that the agitation could not be the cause of pollution and in any manner, defies the order of this Tribunal, by the Lawyers, who are supposed to maintain Majesty of Law. On basis of such information, by Order dated February 27th, 2015, we directed issueance of Notices to the President and Secretary of the Bar Association, Kolhapur to appear before the Tribunal on 23rd April, 2015 and file their affidavits, explaining the circumstances under which the directions of the Tribunal were violated. The affidavits were filed. Thereafter, a stage came in when Secretary of the Dist. Bar Association, Kolhapur was likely to undergo cross</p>

Item No. 5
7 September,
2015
Order No. 9

examination. In the meanwhile, wisdom prevailed and Learned

Counsel for the President and Secretary of Kolhapur Bar Association filed affidavit of Shri Rajendra Mamdlik, Secretary of the District Bar Association at Kolhapur which sets out the circumstances under which the incident could have occurred and how the representatives of the Bar Association were not directly concerned with such incident. It may be noted that in the earlier affidavit, there was total denial of the incident but now the incident is admitted as a matter of fact. Yet, there is satisfactory explanation given by the Secretary, in his present affidavit.

The affidavit shows that a Resolution was passed not only by Kolhapur District Bar Association but by various associations supporting agitation of the Lawyers for establishment of a Bench of Hon^{ble} High Court of Bombay at Kolhapur. It is stated that burning of tyres was neither on agenda of the Kolhapur Dist. Bar Association nor it was justified. It is, however, explained that during course of such agitation, agitated public Members get into such acts and regret later on. It is stated that the leaders of the Lawyers including Secretary were taken into custody by the Police, prior to the incident of burning of the tyres. It is the contention of the Secretary that he is not directly concerned with the incident of burning of tyres, which might have occurred as a result of public outcry. It is assured that the Kolhapur Distt. Bar Association would take care that no further incidents like such would happen in future and that they disapprove such kind of activity.

With this affidavit, Learned Adv. Shri Asim Sarode who is Applicant No. 1 has no objection to drop the proceedings as against the Dist. Bar Association, Kolhapur. In our opinion, at a times, one does not know psychology of the mob and the mob may become frenzy, uncontrollable and, therefore, the leaders like President and Secretary of the Dist. Bar Association may not be able to avoid such untoward incidents. We are satisfied that the President and Secretary of the Dist. Bar Association of Kolhapur had no intention as such to violate directions of this Tribunal. Consequently, the Notices against them are discharged and the proceedings as against them are dropped.

**Item No. 5
7 September,
2015
Order No.**

The remaining directions shall be complied by the MPCB and other parties including Environment Deptt. by issuing necessary notification within 3 (three) weeks.

Stand Over to 14th October, 2015

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

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



