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IN THE HIGH COURT OF BOMBAY AT GOA

P.I.L. WRIT PETITION NO.4 OF 2022

THE GOA FOUNDATION THR. ITS
SECRETARY DR. CLAUDE ALVARES ... Petitioner.

Versus

THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH THR. THE
REGISTRAR GENERAL AND 3 ORS. ... Respondents.

*Ms. Norma Alvares with Mr. Om D'Costa, Advocates for the
Petitioner.*

*Mr. Pravin Faldessai, Assistant Solicitor General of India for
Respondent No.3.*

*Mr. Devidas Pangam, Advocate General with Mr. Deep Shirodkar,
Additional Government Advocate for Respondent No.4.*

**CORAM: M.S. SONAK &
R.N. LADDHA, JJ.**

DATED: 1st March 2022

P.C:

1. Heard Ms. Alvares with Mr. D'Costa for the Petitioner.
2. Having regard to the nature of the issues raised in this petition, we issue notice to the Respondents returnable on 16.03.2022.
3. Mr. Devidas Pangam, learned Advocate General, appears along with Mr. Deep Shirodkar, learned Additional Government Advocate for Respondent No.4.

4. Mr. P. Faldessai, learned Assistant Solicitor General of India, accepts notice on behalf of Respondent No.3. Mr. Faldessai states that he has already sent a mail to Respondent Nos.1 and 2 seeking instructions, but for the present, he states that he cannot make a statement about the appearance on behalf of Respondent Nos.1 and 2.

5. Accordingly, the Petitioner to take steps to serve Respondent Nos.1 and 2. Ms. Alvares states that hard copies of the petition have already been served upon Respondent Nos.1 and 2.

6. Ms. Alvares points out that presently the Western Zone Bench of the National Green Tribunal (NGT) is left with only one expert member. There is no judicial member assigned to the Western Zone Bench. She clarifies that this is the position since January, 2022. She also refers to the order dated 31.01.2018 made by the Hon'ble Supreme Court in Writ Petition (Civil) No.1235/2017, in which an interim order was made to restrain the Chairperson of the NGT from constituting a Single Member Bench instead of a Division Bench comprising of one judicial member and an expert member.

7. Ms. Alvares submits that presently only some matters are being taken up by the Principal Bench and access to the NGT is rendered most difficult. She submits that environment matters normally can brook no delay and if there is no appropriate forum to seek redressal, then, environment protection can be rendered a casualty.

8. Ms. Alvares also invites our attention to the Judgment and Order dated 11.10.2017 in PILWP No.22/2017 (The Goa Foundation vs.

Ministry of Environment, Forest and Climate Change), which emphasizes the necessity of having a functional Western Zone Bench, so that environmental issues arising in Goa can be suitably presented before the NGT and redressal sought.

9. Ms. Alvares submits that this is a fit case where this Court should consider granting interim reliefs, so that the Western Zone Bench is made fully operational. She submits that presently, the hearings before the NGT are being held virtually. She, therefore, submits that it would be easily possible to assign at least one judicial member who can function along with the expert member on the Western Zone Bench.

10. On the next date, we propose to consider the issue of interim relief and that is the reason why we have transcribed above the submissions made by Ms. Alvares. By the next date, we request the Respondents to submit their response, not only to the larger issues raised in this petition, but also on the aspect of interim relief.

11. Stand over to 16.03.2022.

R.N. LADDHA, J.

M.S. SONAK, J.