

SECOND REPORT OF COMMITTEE IN COMPLIANCE OF THE ORDER DATED 06.07.2023 PASSED BY THE HON'BLE NGT IN THE MATTER – OA NO. 81 OF 2022 (WZ) RELATED TO THE ALLEGED DAMAGE TO AGRICULTURE PRODUCE AND LAND DUE TO POLLUTION CAUSED BY M/S DUNUNG INDUSTRIES PVT. LTD VADGAON, DIST KOLHAPUR

1.0 BACKGROUND

Original Application No. 81/2022 (WZ) filed by Shri Shantinath Devappa Hukkeri before Hon'ble National Green Tribunal (NGT) Western Zonal Bench, Pune wherein it was alleged that damage to agriculture produce and land occurred due to air pollution caused by M/s Dunung Industries Pvt. Ltd. i.e. Respondent No. 1, established on adjacent plot to his agriculture land. The prayer made out by the Applicant for closure of the industrial unit of M/s Dunung Industries Pvt. Ltd. and pass an order of compensation to the tune of Rs. 25,00,000 /- (Rupees Twenty Lakhs Only) with an interest @18% and also an order for restitution of the environmental damage be passed.

The Hon'ble NGT passed an order on 30/09/2022 (**Annexure-I**) and constituted committee comprising representatives of –CPCB, MPCB and District Agricultural Officer with direction to visit the site of industry and submit the report accordingly in the light of the averments made in the Application within a period of two months.

Pursuant, to this order the Joint Committee conducted a site visit on 30.11.2022 and 01.12.2022 at Industry- M/s Dunung Industries Pvt. Ltd., agriculture land of the Applicant and nearby agriculture farms/lands surrounding the industry. Further, based on information received, analysis results for source emission, AAQM and soil samples, the committee submitted its report to Hon'ble NGT through MPCB (Nodal Agency) vide e-mail dated 30.03.2023.

Subsequently, Hon'ble NGT passed an order dated 03.04.2023 (**Annexure-II**) with the following direction to the applicant;

“4. We provide last opportunity to the Applicant to provide details on record regarding agricultural produce/plants of the last 5 years and also revenue record in that respect so that the Committee may be instructed to make assessment of the loss suffered by the Applicant.

We also provide last opportunity to the Applicant that he shall apply for personal compensation on Form No. (ii) within a period of two weeks and deposit the requisite court fees there-on as per the Rules.”

In compliance to the Hon'ble NGT order dated 03.04.2023, the Applicant filed Affidavit on 06.07.2023 (**Annexure-III**) based on which the Hon'ble NGT passed an order dated 06.07.2023 (**Annexure-IV**) directing the committee to submit a report in the light of the observations made by the Hon'ble NGT. The relevant paras of the said order as reproduced as follows;

- “5. *Further, the details of the agricultural produce from the year 2017 to 2022 are being shown as ‘Nil’. The reason for this produce to be Nil, is mentioned to be the damage caused to the crop due to the heavy pollution from the industry of the respondent No. 1/Project Proponent.*
6. *We find that the said calculation, which has been given in this affidavit, to be not accurate. But even then, we deem it appropriate to forward the same to the Joint Committee as the Committee had required through its recommendation at point no. 6.2 of the report that the applicant may be asked to provide detailed data/records regarding agricultural produce/plants of five years prior to the commissioning of the industry.*
7. *From the perusal of the Annexure- A1 annexed to the original application at page no. 35 of the paper book, we find that the applicant is owning 0-86.50 hec. of land, therefore, the Committee has also to ascertain whether for the said piece of land was it possible to grow the crops, which are shown by the applicant in its affidavit dated 06.07.2023 and also to verify the probability of the income, which is being shown to have been earned and the loss which is being shown of the entire income. Whether the same could be correct or not.*
8. *A copy of the said affidavit dated 06.07.2023 filed by the applicant along-with the copy of this order passed by us today shall be forwarded to the Joint Committee with the direction to submit its report in the light of the observations made by us today in this order. The report shall be submitted by the Joint Committee within a period of four weeks.”*

2.0 APPROACH OF THE COMMITTEE

In compliance with the Hon'ble NGT order dated 06.07.2023, the Committee convened a meeting through VC on 22.08.2023 for consideration of the submission in the Affidavit by the Applicant regarding loss of agricultural produce/income. The meeting was attended by Committee Members and Officials of MPCB, Agriculture Department, Kolhapur, as detailed below-

- i) Shri Pratik Bharme, Sc E, CPCB, Pune
- ii) Shri Jagannath Salunkhe, RO, MPCB Kolhapur
- iii) Shri Dattatray Divekar, District Superintendent of Agriculture, Kolhapur
- iv) Shri Pramod Mane, SRO, MPCB Kolhapur
- v) Shri Abhijit Gadage, Taluka Agriculture Officer, Hatkanangale

It was observed that from the Affidavit that-

- Agricultural produce for the year five year i.e. 2013-17 (prior to commissioning of industry) which includes details of name of crops/fruits tress, total number of trees, average income per year, yearly income (approximately) per crops with total yearly income of Rs. 9,66,000 and total cost incurred of Rs. 2,00,000. The Applicant has incurred a loss of approximately seven lakhs yearly during the period of 2017 to 2022.
- The details of the agricultural produce from the year 2017 to 2022 are being shown as 'Nil'. The reason for this produce to be Nil, is mentioned to be the damage caused to the crop due to the heavy pollution from the industry of the respondent No. 1/Project Proponent. Total cost incurred per year Rs. 2,00,000/- in the period 2017-2022. There is no income due to pollution from nearby Industry.
- There were no any records/data of Revenue Department provided along with the claims/ in support of the claims made in the Affidavit.

The committee also deliberated as per direction to ascertain whether it was possible to grow the crops, which are shown by the Applicant in its Affidavit dated 06.07.2023, for 0 - 86.50 hectare of land of the Applicant, and also to verify the probability of the income and loss and its correctness.

Accordingly, Agriculture Department was requested to collect/obtain the data/revenue record (7/12 Extracts) from Revenue Department/Applicant or other concern department regarding crops/plants as mentioned by the Applicants in Affidavit dated 06.07.2023 and whether such

crops/plants can be grown on 0-86.50 hectares of land with a probability of income/loss, its correctness etc as per Hon'ble NGT order dated 06.07.2023.

3.0 OBSERVATIONS & CONCLUSIONS

The District Superintendent of Agriculture, Kolhapur prepared its report based on the Revenue Records (7/12 Extracts) submitted by Applicant, Ready Reference Dairy of Gov. Agricultural College for recommended spacing specifications for cultivation of unit crops and cash crops and discussions in the meeting dated 22.08.2023. The report vide letter dated. 28.08.2023 to RO, MPCB, Kolhapur (Nodal Agency). The detailed report along with Revenue Records (7/12 Extracts-as annexure) submitted by District Superintendent of Agriculture, Kolhapur is attached as an **Annexure-V**.

The observations from the aforesaid report are summarized as below-

1. As per the Revenue Records (7/12 Extracts) for period '2013 to 2017' submitted by the Applicant, the agricultural crops such as Soyabean, Groundnut and Sugarcane are mentioned on Revenue records (7/12 Extracts). The Fruit crops are not mentioned on the 7/12 Extracts for years '2013 to 2017'. The Applicant has falsely mentioned fruit crops in the Affidavit dated 06.07.2023. In the absence of Revenue records, it is not possible to verify the income, as claimed by the Applicant.
2. Considering the Recommended Spacing Specifications for Cultivation of Fruits Crops and Cash Crops in Ready Reference Diary of Govt. Agricultural College, it is not possible to grow the crops to the tune of quantity which are shown by the Applicant in its Affidavit dated 06.07.2023, and hence it is not possible to ascertain the probability of the income, earnings/losses incurred.
3. The soil testing reports of the Applicant's land along with other surrounding land are "well within limits" as prescribed by the competent authority and the same are already produced on record along with the Joint Committee Report.

Based on the Report of the Agriculture Department, the Committee is of the opinion that the claims made by the Applicant regarding losses/damages to the agriculture produce cannot be ascertained as Fruit crops are not mentioned in the Revenue Records (7/12 extracts) for the

period of 2013-2017. However, as per the Revenue Records (7/12 Extracts) for period '2013 to 2017', the agricultural crops-cash crops such as Soyabean, Groundnut and Sugarcane are mentioned in Revenue records (7/12 Extracts), however, no supporting record/documents for income/loss of such crops have been provided by the Applicant. Therefore, the loss due to these crops also cannot be ascertained.

Further, as per Recommended Spacing Specifications for Cultivation of Fruits Crops and Cash Crops in Ready Reference Dairy of Gov. Agricultural College, it is not possible to grow the Cash crop/Fruit Crops in 0.86 hectare of land of the Applicant, as mentioned in the Affidavit dated 06.07.2023.

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Name	Name of Department	Signature
Shri Pratik Bharne, Scientist 'E', (Member of Committee)	Regional Directorate, Central Pollution Control Board, Pune	
Shri Jagannath S. Salunkhe, Regional Officer, (Member of Committee)	Maharashtra Pollution Control Board, Kolhapur,	
Shri Abhijit Gadade, Taluka Agriculture Officer, Hatkanangale, Dist. Kolhapur. (Member of Committee)	District Superintendent of Agriculture, Kolhapur	

Item No. 7

(Pune Bench)

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

(By Video Conferencing)

I.A. No. 140/2022(WZ)

In

Original Application No. 81/2022(WZ)

Shri Shatinath Devappa Hukkeri

.....Applicant(s)

Versus

Dunung Industries Pvt. Ltd. & Anr.

....Respondent(s)

Date of hearing: 30.09.2022

**CORAM: HON'BLE MR. JUSTICE DINESH KUMAR SINGH, JUDICIAL MEMBER
HON'BLE DR. VIJAY KULKARNI, EXPERT MEMBER**

Applicant(s) : Ms. Reshma P. Bhurke, Advocate

ORDER

1. In compliance with the previous order dated 21.09.2022 directing the Applicant to move an application on proper format, the Applicant has moved I.A. No. 157/2022 (WZ) by which on Form No. II, the prayer has been made for award of compensation and fees also appears to have been paid.

O.A. No. 81/2022 (WZ)

2. The prayer is made by the Applicant for closure of the industrial unit of Respondent No. 1 and pass an order of compensation to the tune of Rs. 25,00,000 /- (Rupees Twenty Lakhs Only) with an interest @18% and also an order for restitution of the environmental damage be passed.

3. The submission made by the Learned Counsel for the Applicant is that the Applicant is a poor farmer while Respondent No. 1 is running the industry since 2016 which is situated on Gat No. 388 which is adjoining

to the land bearing Gat No. 391/2, belonging to the Applicant. Huge pollution is emitting out the said industry. The Respondent industry has engaged in the manufacturing of a C.I. and S.G. Casting which is directly having ill effect on the growth of the agricultural produce of the Applicant. The said industry is being run without paying any heed to the consent conditions nor has it taken any precaution regarding air pollution. They have not established any treatment plant for the treatment of effluent and the same is being discharged in the land of the petitioner. Due to heavy deposit of dust, fumes and other iron particles, the Petitioner had to cut down 35 trees of NMK golden custard apple, curry leave plants and many other plants. A complaint was made to the Maharashtra Pollution Control Board (MPCB) whose officials made a visit of the said industry and ETP was not found in operation. The unit was found disposing untreated effluent and was disposing hazardous waste i.e. 1460 kg to CHWTSDF on 28.04.2021. The industry has not provided hazardous waste and non-hazardous waste storage facility, therefore, Board had imposed Bank Guarantee of Rs. 5.0 lakhs towards compliance of consent conditions. Thereafter, the Board had not taken any further steps in this regard, hence the present application has been moved.

4. Substantial question of affecting the environment is made out in the present application.
5. Issue Notice to the Respondents, returnable within 04(four) weeks.
6. Applicant is directed to provide copy of the application and relevant documents to the respondents within a week.
7. Respondents are directed to submit their reply before 02.12.2022.
8. Applicant is also directed to take necessary steps for service upon the respondents by both ways and also through available e-mail.

9. We deem it just and proper to constitute a Committee comprising of:-

- (i). One Representative from the Central Pollution Control Board (CPCB);
- (ii). One Representative of the Maharashtra Pollution Control Board (MPCB) and
- (iii). One Member from the District Agricultural Officer.

10. The Committee is directed to visit the site and submit a report in the light of the averments made in the application within a period of two months.

11. The Maharashtra Pollution Control Board (MPCB) shall be the nodal agency for coordination and logistic support.

12. The report in the matter be filed by the Committee by e-mail at ngt-pune@gov.in preferably in the form of searchable PDF/ OCR Support PDF and not in the form of Image PDF.

13. Applicant is directed to supply the required documents and copy of the application to the members of the Committee within three days from today.

Put up this matter on 02.12.2022

Dinesh Kumar Singh, JM

Dr. Vijay Kulkarni, EM

September 30, 2022
I.A. 140/2022(WZ) In
Original Application No. 81/2022(WZ)
P.Kr

Item No. 8

(Pune Bench)

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

(By Video Conferencing)

I.A. No. 140/2022(WZ)

In

Original Application No. 81/2022(WZ)

I.A. No. 157/2022 (WZ)

Shri Shatinath Devappa Hukkeri

.....Applicant

Versus

Dunung Industries Pvt. Ltd. & Anr.

....Respondent(s)

Date of hearing: 03.04.2023

**CORAM: HON'BLE MR. JUSTICE DINESH KUMAR SINGH, JUDICIAL MEMBER
HON'BLE DR. VIJAY KULKARNI, EXPERT MEMBER**

Applicant : None appeared

Respondent(s) : Mr. Sachin Chavan, Advocate for R-1/PP
Mr. Vilas Jadhav, Advocate for R-2/MPCB

ORDER

1. None has appeared from the side of Applicant.
2. The Joint Committee Report has already been filed, a copy of which has already been served upon the learned Counsel for the Respondent No. 1/Project Proponent, who submits that he may be allowed one week's time to file objection against the said Committee Report and the same is allowed.
3. From the side of Respondent No. 2/Maharashtra Pollution Control Board (MPCB), learned Counsel Mr. Vilas Jadhav has appeared and apprised that reply affidavit has already been filed.
4. We provide last opportunity to the Applicant to provide details on record regarding agricultural produce/plants of the last 5 years and also

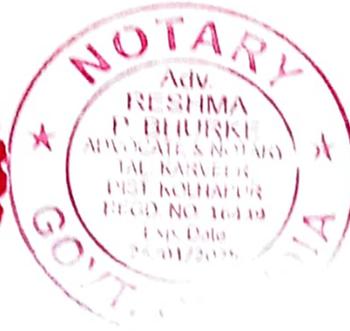
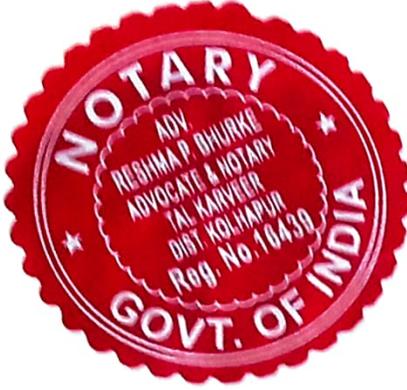
revenue record in that respect so that the Committee may be instructed to make assessment of the loss suffered by the Applicant. We also provide last opportunity to the Applicant that he shall apply for personal compensation on Form No. (ii) within a period of two weeks and deposit the requisite court fees there-on as per the Rules.

Put up this matter for hearing on 06.07.2023

Dinesh Kumar Singh, JM

Dr. Vijay Kulkarni, EM

April 03, 2023
I.A. No. 140/2022(WZ) In
Original Application No. 81/2022(WZ)
I.A. No. 157/2022 (WZ)
P.Kr



Application No.157/2022

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
WESTERN ZONE BENCH PUNE**

AT PUNE...

Shri. Shantinath Devappa Hukkeri

Petitioner

V/s....

1) Dunung Industries Pvt. Ltd.
through directors

Respondent

Affidavit on behalf of the petitioner -

I, Shri. Shantinath Devappa Hukkeri Age 69 yrs, Occu - Agriculture, R/o - Peth Vadgaon, Tal Hatkanagale, Dist Kolhapur do hereby state on solemn oath as follows :-

- 1) The Hon'ble bench had passed and order for setting up committee for assessment of damages arising out of the pollution caused by the respondent industry. Accordingly the committee, its members have visited the agricultural

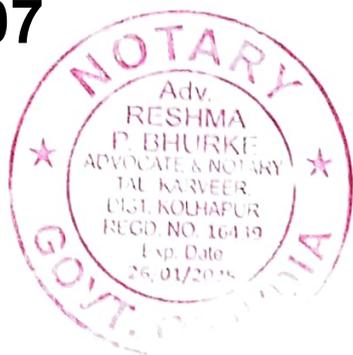


(2)

land of the petitioner and given a committee report on date - accordingly the committee has recommended to provide details of the agricultural produce of the petitioner yeilding out of his lands for a duration of five years prior to establishment of respondent factory i.e. five years prior to 2017 and for the duration of five years after the establishment of the factory. Accordingly the petitioner hereby submits the detailed income arising out of his agricultural lands from the respective crops and fruit trees serially.

A) Agricultural produce year 2013 to 2017 from the agricultural land of the petitioner is as follows :-

Sr.No.	Name of Crops / Fruit Trees	Total No of Trees	Average income per year Rs.	Yearly income (Approximately)
1)	Curry Leaves	500[500*365days]	500/-	1,82,500/-
2)	Bananas (seasonal)	200[200 ghad*400Rs.per tree.]	200/-	80,000/-
3)	Custard Apple (seasonal)	25kg*50Rs.=1250 Rs.Per tree 1250 Rs*80trees]	1250/-	1,00,000/-



(3)

4)	Ramfal (seasonal)	10 trees 50 fruits*40Rs=Rs2000 Rs.2000*10 trees	200/-	20,000/-
5)	Mango (seasonal)	10 trees 125kg fruits 125Kg*10 trees=1250 kg 1250 Kg* 80 Rs=1,00,000/-	1250/-	1,00,000/-
6)	Drumsticks Trees	40 trees Rs 2000 per tree *40 trees=Rs.80,000/-	2000/-	80,000/-
7)	Guvava (seasonal)	5 trees Rs.1000*5trees	1000/-	5,000/-
8)	Chickoo	5trees *2000Rs	2000/-	10,000/-
9)	Papaya	40trees Average fruits 125*50=6250fruits 6250 fruits *10 Rs=62500/- aproximately	1250/-	62,500/-
10)	Coconut	10 trees	Produce was not yet begun--	--
11)	Lemon	12 trees*6000Rs per year per tree.	17 Rs	72,000/-
12)	Groundnuts	-	-	24,000/-
13)	Soyabean	-	-	21,000/-

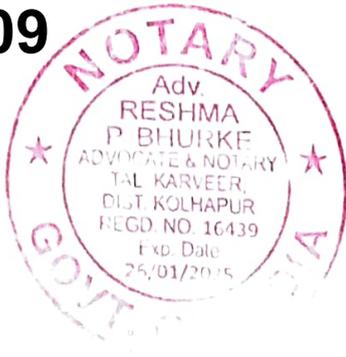


(4)

14)	Turdal	-	-	35,000/-
15)	Chickpeas	-	-	47,000/-
16)	Tomatoes, Brinjals, Chilly etc.	-	-	50,000/-
Total Income				9,66,000/-
Total Cost incurred				2,00,000/-

B) Agricultural produce year 2017 to 2022 from the agricultural land of the petitioner is as follows :-

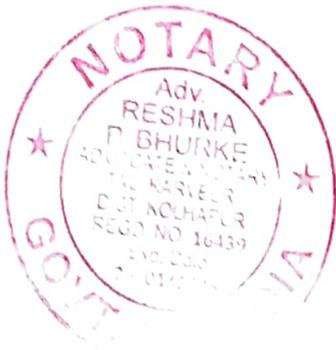
Sr.No.	Name of Crops / Fruit Trees	Total No of Trees	Average income per year Rs.	Yearly income (Approximately)
1)	Curry Leaves	500	-	All curry leaves discarded due to excessive pollution
2)	Bananas (seasonal)	200	All Bananas discarded due to excessive pollution
3)	Custard Apple (seasonal)	80	All Custard Apple discarded due to excessive pollution
	NMK Golden Custard Apple (seasonal)	-	-	All 35 trees cut down due to excessive pollution
4)	Ramfal (seasonal)	10	All Ramfal discarded due to excessive pollution



(5)

5)	Mango (seasonal)	10	..	All Mango discarded due to excessive pollution
6)	Drumsticks Trees	20	No income
7)	Guvava (seasonal)	-	-	Loss due to pollution
8)	Chickoo	5	-	Loss due to pollution
9)	Papaya	-	-	Loss due to pollution
10)	Coconut	10	-	Loss due to pollution
11)	Lemon	12	-	Loss due to pollution
12)	Groundnuts	-	-	Loss due to pollution
13)	Soyabean	-	-	Loss due to pollution
14)	Turdal	-	-	Loss due to pollution
15)	Chickpeas	-	-	Loss due to pollution
16)	Tomatoes, Brinjals, Chilly etc.	-	-	Loss due to pollution
Total Income				Loss
Total Cost incurred				2,00,000/-

2) The petitioner has incurred expenses for pesticides, fertilizers and labour charges even during the times of excessive pollution emission from the respondent industry. However all the efforts of petitioner were in vain resulting in total loss of his agricultural produce.



(6)

3) Hence the petitioner respectfully begs to this Hon'ble Bench to award maximum compensation for the damages incurred by him due to the heavy pollution from the respondent industry from the above table it is evident that the petitioner has incurred a loss of approximately seven lakhs yearly during the period of 2017 to 2022. Hence the petitioner begs this Hon'ble Bench to award maximum amount of compensation to the poor petitioner.

Hence this affidavit.

[Handwritten signature]

Kolhapur. Date 06/07/2023

VERIFICATION

I, Shri. Shantinath Devappa Hukkeri Age 69 yrs, Occu - Agriculture, R/o - Peth Vadgaon, Tal Hatkanagale, Dist Kolhapur do hereby state on solemnly verify that the contents of the affidavit are true and correct to the best of my knowledge and belief.

Kolhapur. Date 06/07/2023

[Handwritten signature]

SOLEMNLY affirmed before me
by *Shantinath Devappa Hukkeri* Notary Regi. No. 399
Who is identified before me
by —
Whom I personally know
This 05 day of 07 2023

BEFORE ME

[Handwritten signature]
RESHMA RANINI BHURKE
Advocate & Notary
26 B, Vishwakarma Colony,
Jawahar Nagar, Kolhapur 416 008.



Item No. 11

(Pune Bench)

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

THROUGH PHYSICAL HEARING (WITH HYBRID OPTION)

Original Application No. 81/2022(WZ)
I.A. No. 157/2022 (WZ) & I.A. No. 140/2022(WZ)

Shri Shatinath Devappa Hukkeri

.....Applicant

Versus

Dunung Industries Pvt. Ltd. & Anr.

....Respondent(s)

Date of hearing: 06.07.2023

**CORAM: HON'BLE MR. JUSTICE DINESH KUMAR SINGH, JUDICIAL MEMBER
HON'BLE DR. VIJAY KULKARNI, EXPERT MEMBER**

Applicant : Ms. Reshma P. Bhurke, Advocate

Respondent(s) : Mr. Sachin Chavan, Advocate for R-1/PP
Mr. Vilas Jadhav, Advocate for R-2/MPCB

ORDER

1. From the side of applicant, learned Counsel Ms. Reshma P. Bhurke has appeared, who was not present on the last date.

2. By our previous order dated 03.04.2023, we had directed the respondent No. 1/Project Proponent to file objection against the Joint Committee report, if any, in pursuance of which, comments have been submitted by the respondent No. 1 instead of any objection, where-in it is submitted that the soil samples, which were collected, were found to be within parameters, which means that the same was not found contaminated, hence there is no need for data to be provided by the applicant of last five years for assessment of the damages. The Committee has made recommendation with respect to ETP of the industry and adequate APCS, regarding which it is submitted that the ETP of the

industry is a batch type ETP that is used only whenever required. The said ETP has been upgraded as per the directions given by the State PCB and also the industry has upgraded its APCS. It is further submitted that in view of absence of substantial evidence to show that the industry has polluted the agricultural land of the petitioner, recommendations made by the Committee in para no. 6.2 need to be quashed.

3. From the side of respondent No. 2/MPCB, learned Counsel Mr. Vilas Jadhav has appeared, who has filed reply affidavit dated 31.03.2023, where-in it is submitted that the land of the applicant/complainant is adjoining to the land of the industry in question, which is located in the industrial zone which is declared by the Regional Town Planning and Development Authority. The industry has obtained Consent to Operate dated 30.04.2014 and 1st Consent to Operate dated 31.03.2015, which has been renewed up to 30.11.2024. In the remaining part of the affidavit of the respondent No. 2/MPCB, we find that neither air pollution is found to have been done by the industry nor is any violation found to be there with respect to hazardous waste disposal. Whatever infirmities were found from time to time, regarding which show cause notices were issued. After receiving the compliance report from the Project Proponent, no adverse action was required to be taken at their end.

4. By our previous order dated 03.04.2023, we had directed the applicant to provide details of the record regarding agricultural produce/plants of the last 5 years and the revenue record in that respect so that the Committee could be forwarded the same for making assessment of the loss suffered by the applicant. In compliance of the same, the applicant has filed affidavit dated 06.07.2023, where-in the

details of the agricultural produce from the year 2013 to 2017 have been given, which are as follows:-

Sr.No.	Name of Crops / Fruit Trees	Total No of Trees	Average income per year Rs.	Yearly income (Approximately)
1)	Curry Leaves	500[500*365days]	500/-	1,82,500/-
2)	Bananas (seasonal)	200[200 ghad*400Rs.per tree.]	200/-	80,000/-
3)	Custard Apple (seasonal)	25kg*50Rs.=1250 Rs.Per tree 1250 Rs*80trees]	1250/-	1,00,000/-
4)	Ramfal (seasonal)	10 trees 50 fruits*40Fts=Rs2000 Rs.2000*10 trees	200/-	20,000/-
5)	Mango (seasonal)	10 trees 125kg fruits 125Kg*10 trees=1250 kg 1250 Kg* 80 Rs=1,00,000/-	1250/-	1,00,000/-
6)	Drumsticks Trees	40 trees Rs 2000 per tree *40 trees=Rs.80,000/-	2000/-	80,000/-
7)	Guvava (seasonal)	5 trees Rs.1000*5trees	1000/-	5,000/-
8)	Chickoo	5trees *2000Rs	2000/-	10,000/-

9)	<i>Papaya</i>	<i>40trees Avenge fruits 125*50=6250fruits 6250 fruits *10 Rs=62500/- aproximately</i>	<i>1250/-</i>	<i>62,500/-</i>
10)	<i>Coconut</i>	<i>10 trees</i>	<i>Produce was not yet begun-</i>	<i>---</i>
11)	<i>Lemon</i>	<i>12 trees*6000Rs per year per tree.</i>	<i>17 Rs.</i>	<i>72,000/-</i>
12)	<i>Groundnuts</i>	<i>---</i>	<i>---</i>	<i>24,000/-</i>
13)	<i>Soyabean</i>	<i>---</i>	<i>---</i>	<i>21,000/-</i>
14)	<i>Turdal</i>	<i>---</i>	<i>---</i>	<i>35,000/-</i>
15)	<i>Chickpeas</i>	<i>---</i>	<i>---</i>	<i>47,000/-</i>
16)	<i>Tomatoes, Brinjals, Chilly etc.</i>	<i>---</i>	<i>---</i>	<i>50,000/-</i>
Total Income				9,66,000/-
Total Cost incurred				2,00,000/-

5. Further, the details of the agricultural produce from the year 2017 to 2022 are being shown as 'Nil'. The reason for this produce to be Nil, is mentioned to be the damage caused to the crop due to the heavy pollution from the industry of the respondent No. 1/Project Proponent.

6. We find that the said calculation, which has been given in this affidavit, to be not accurate. But even then, we deem it appropriate to forward the same to the Joint Committee as the Committee had required through its recommendation at point no. 6.2 of the report that the applicant may be asked to provide detailed data/records regarding agricultural produce/plants of five years prior to the commissioning of the industry.

7. From the perusal of the Annexure- A1 annexed to the original application at page no. 35 of the paper book, we find that the applicant is owning 0-86.50 hec. of land, therefore, the Committee has also to ascertain whether for the said piece of land was it possible to grow the crops, which are shown by the applicant in its affidavit dated 06.07.2023 and also to verify the probability of the income, which is being shown to have been earned and the loss which is being shown of the entire income. Whether the same could be correct or not.

8. A copy of the said affidavit dated 06.07.2023 filed by the applicant along-with the copy of this order passed by us today shall be forwarded to the Joint Committee with the direction to submit its report in the light of the observations made by us today in this order. The report shall be submitted by the Joint Committee within a period of four weeks.

Put up this matter for final hearing on 12.09.2023

Dinesh Kumar Singh, JM

Dr. Vijay Kulkarni, EM

July 06, 2023
Original Application No. 81/2022(WZ)
I.A. No. 157/2022 (WZ) & I.A. No. 140/2022(WZ)
P.Kr

Date – 28/08/2023

To,
The Regional Officer,
Chairman of the Joint Committee
constituted in O.A.No.81/2022(WZ),
Maharashtra Pollution Control
Board, Kolhapur

Sub: Assessment of the details of the crops given by the complainant Shri Shantinath Hukkeri vide his affidavit dated 06/07/2023 filed in O. A. 81/2022 pending before Hon'ble NGT Pune, WZ.

Ref: 1) Order dated 06/07/2023 passed by Hon'ble NGT (WZ) Pune;
2) Virtual meeting of the Joint Committee dated _22/08/2023

Respected Sir,

With reference to the order dated 06/07/2023 passed by Hon'ble NGT (WZ) Pune in O. A. 81/2022, the Hon'ble Tribunal forwarded the affidavit filed by complainant Shri Shantinath Hukkeri to the Joint Committee as the Committee had required through its recommendation at point no. 6.2 of the report that the applicant/complainant may be asked to provide detailed data/records regarding agricultural produce/plants of five years prior to the commissioning of the industry. The Tribunal also directed the Committee to ascertain whether for the 0.86 hec. of land was it possible to grow the crops, which are shown by the applicant in its affidavit dated 06.07.2023 and also to verify the probability of the income, which is being shown to have been earned and the loss which is being shown of the entire income and whether the same could be correct or not.

Accordingly, the complainant has submitted the data/records regarding agricultural produce/plants of five years prior to the commissioning of the industry. The revenue records of complainant's land R.S.No.392/2 are studied and ascertained which are enclosed herewith as an

Annexure - I.

The Hon'ble Tribunal in its para 5 of the order has observed that the details of the agricultural produce from the year 2017 to 2022 are being shown as 'Nil'. The reason for this produce to be Nil, is mentioned to be the damage caused to the crop due to the heavy pollution from the industry of the respondent No. 1/Project Proponent. However, it is pertinent to note that the revenue records i.e. 7/12 extracts of the complainant's land shows that the crops Soyabean, Groundnut and Sugarcane are the only crops cultivated by the complainant in his land and it is crystal clear that no other crops like fruits and vegetables are cultivated by the complainant in his land nor there is any complaint regarding the damage of crops he is claiming for in the

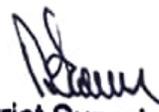
to get good reproduce from the crops is enclosed herewith as an **Annexure-I**, which elaborates the spacing between two fruit crops as well as period for fruit bearing and fruit yield per tree. It is observed that the Complainant has cultivated intermediate crops like Soyabean, Groundnut and Sugarcane. However, it is not possible to cultivate the fruit crops as mentioned in the affidavit.

As per the directions given by this office to Taluka Agricultural Officer, Hatkanangle, the following observations are drawn:

- 1) As per the revenue records for period '2013 to 2017' submitted by the complainant, the agricultural crops on record are Soyabean, Groundnut and Sugarcane. Fruit crops are nowhere found in the records of revenue for years '2013 to 2017'. Complainant has falsely mentioned about fruit crops in his affidavit dated 06/07/2023.
- 2) As per the revenue records for period '2017 to 2022' submitted by the complainant, the agricultural crops on record are Soyabean, Groundnut and Sugarcane. There is no record found about fruit crops and cash crops. Complainant has falsely mentioned 'NIL' agricultural produce in his affidavit. However, in the absence of revenue records it is not possible to ascertain the income as claimed by the complainant.
- 3) Considering the recommended spacing specifications for cultivation of fruit crops and cash crops, it is pertinent to note that it is not possible to grow the crops to the tune of quantity which are shown by the applicant in its affidavit dated 06.07.2023 and hence it is not possible to verify the probability of the income, which is being shown to have been earned and the losses which is being shown of the entire income.
- 4) The soil testing reports of the complainants land along with other surrounding lands are "well within limits" prescribed by the authority and the same are already produced on record along with the Joint Committee Report.

Hence this report.


Taluka Agriculture Office:
Hatkanangle Dist. Kolhapur


District Superintendent of
Agriculture, Kolhapur

गाव नमुना बारा - चानू

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16
		हे.मा.													
2092 2093	2019	काम	2093												
		0.30	0.30	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00		
2093 2094	2019	काम	2094												
		0.30	0.30	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00		
2094 2094		काम	2094												
		0.30	0.30	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00		
2096 2094		काम	2094												
		0.30	0.30	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00		
2096 2096		काम	2096												
		0.30	0.30	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00		

दिनांक: 09/09/2019

असावत कित्या झरे.

तबाठी
का. वडगांव, मीजे तासगाव
ता. हातकणंगले, जि. कोल्हापूर



महाराष्ट्र शासन

गाव नमुना सात (अधिकार अभिलेख पत्रक)

। महाराष्ट्र जमीन महसूल अधिकार अभिलेख आणि नोंदवहा। तयार करणे व सुस्थितीत ठेवणे। नियम, १९७१ यातील नियम ३, ५, ६ आणि ७।

गाव :- कसबा वडगाव (567271)

तालुका :- हातकणंगले

जिल्हा :- कोल्हापुर

ULPIN : 29089394852

भूमापन क्रमांक व उपविभाग : 391/2

भू-धारणा पध्दती : भोगवटादार वर्ग -1

शेताचे स्थानिक भाव :

क्षेत्र, एकक व आकारणी	खाते क्र	भोगवटादाराचे नांव	क्षेत्र	आकार	पो.ख.	फे.फा.	कुळ, खंड व इतर अधिकार
क्षेत्राचे एकक ह.आर चौ.मी	10261	अध्यायक देवापा हुकेरी				(23880)	कुळाचे नाव व संद
अ) लागवड योग्य क्षेत्र	1488	अमोल कमलाकर हुकेरी	0.20.25	1.83		(16261)	
ख) राहणीय क्षेत्र	6322	शांतीनाथ देवापा हुकेरी	0.86.50	7.81		(16191)	इतर अधिकार
ग) बागायत क्षेत्र	6323	शितल देवापा हुकेरी	0.73.75	6.22		(16191)	। भोग्य वेंक बोझ (19866)
एकूण क्षेत्र 2.29.00	14980	मोहन तुकाराम मोहिते	0.48.50	4.38		(23880)	। शांतीनाथ या. वेंक. प्रा. व. देवापा यां. र. र. २०,०००
ब) पोटा-खराब क्षेत्र (लागवड अयोग्य)							या बोझ (19866)
वर्ग (अ)							प्रत्येक फेरफार नाही.
वर्ग (ब)							शेतवा फेरफार क्रमांक 23880 व दिनांक 21/03/2023
एकूण पो.ख.	0.00.00						
एकूण क्षेत्र	2.29.00						
अ-ब)							
आकारणी	20.69						
जुडी किंवा विस्थापन							
आकारणी							
जमने फेरफार क्र	(6048) (10507) (12984) (13956) (15748) (15771) (16191) (16261) (20256) (20967) (22376)						सीमा आणि भूमापन चिन्ह

गाव नमुना बारा (पिकांची नोंदवही)

। महाराष्ट्र जमीन महसूल अधिकार अभिलेख आणि नोंदवहा। तयार करणे व सुस्थितीत ठेवणे। नियम, १९७१ यातील नियम २९।

गाव :- कसबा वडगाव (567271)

तालुका :- हातकणंगले

जिल्हा :- कोल्हापुर

भूमापन क्रमांक व उपविभाग : 391/2

वर्ष	हंगाम	खाता क्रमांक	पिकाखालील क्षेत्राचा तपशील					लागवडीसाठी उपलब्ध नसलेली जमीन		शेरा
			पिकाचा प्रकार	पिकाचे नाव	जल सिंचित	अजल सिंचित	जल सिंचनाचे साधन	स्वरूप	क्षेत्र	
(१)	(२)	(३)	(४)	(५)	(६)	(७)	(८)	(९)	(१०)	(११)
					ह.आर. चौ.मी	ह.आर. चौ.मी			ह.आर. चौ.मी	
2016-17	खरीप		निभळ	ऊस	0.3000					
			निभळ	भईमग		0.5000				
			निभळ	सोयाबीन		1.0000				
								बोअरवेत	0.0000	
								रस्तापड	0.2700	
2017-18	खरीप		निभळ	सोयाबीन		1.0000				
			निभळ	भईमग		0.5000				
			निभळ	ऊस	0.3000					
								बोअरवेत	0.0000	
								रस्तापड	0.2700	
2018-19	खरीप		निभळ	ऊस	0.3000					
			निभळ	भईमग		0.5000				
			निभळ	सोयाबीन		1.0000				
								बोअरवेत	0.0000	
								रस्तापड	0.2700	
2019-20	खरीप		निभळ	सोयाबीन		1.0000				
								बोअरवेत	0.0000	
								रस्तापड	0.2700	
			निभळ	ऊस	0.3000					
			निभळ	भईमग		0.5000				
2020-21	खरीप		निभळ	भईमग		0.5000				
			निभळ	सोयाबीन		1.0000				
2022-23	खरीप	6322*	निभळ	भईमग		0.0650				
		6322*	निभळ	सोयाबीन		0.5000				
		6323*	निभळ	सोयाबीन		0.3000				
	संपूर्ण वर्ष	14980*							एक विहीर पड	0.0200
		6322								

कडुतिव-2
5, आवळा
-1, चिकू-९
काजू-3, फ
णस-2, इतर
बाधावरील

24-08-2023

		6322*	निभळ	सिताफळ					ड्राई-350
		6322*	निभळ	आवा	0.0700				कोकम-1
		6322*	निभळ	रामफळ	0.0500				
		6322*	निभळ	नारळ	0.0500				
		6323*			0.0300				
		6323*	निभळ	सरु ऊस	0.4000		विहिर	रस्तापड	0.0375
2023-24	संपूर्ण वर्ष	6322							कडुलिब. 0.सिताफ ळ-80.ना ळ-10

टीप : * सदरची नोंद मोबाइल ॲप द्वारे घेणेत आलेली आहे

"या प्रमाणित प्रतीसाठी फी म्हणून ₹५/- रुपये मिळाले."
दिनांक :- 24/08/2023
सांकेतिक क्रमांक :- 273400030420560000820231790

(नाव :- लक्ष्मी शिवाजी खराडे)
तलाठी साक्षा :- कसबा वडगांवता :- हातकणगले जि :- कोल्हापूर

तलाठी
क।। वडगांव/मौजे तासगांव
ना. हातकणगले, जि. कोल्हापूर

धारण जमिनीची नोंदवही (क्रांशिक)
(आसामीवार खतावणी - जमावेंदी पत्रक)

422

जिल्हा: कोल्हापूर

गाव कसबा वडगांव

तालुका: हातकणंगले

गाव नमुना सहा मधील नोंद	भूमापन क्रमांक व उपविभाग क्रमांक	क्षेत्र	क्षेत्र	एकूण क्षेत्र	आकारणी किंवा जुडी	दुमाला जमिनीवरील नुकसान.	स्थानिक उपकर	एकूण
(१)	(२)	(३अ)	(३ब)	(३क)	(४)	(५)	जि.प. प.	(६अ) (६ब) (७)
खाते क्रमांक ६३२२	शांतीनाथ देवापा हुकेरी .							
व्यक्तिगत खातेदार	३९१/२	०.८६.५०	०.००००	०.८६.५०	७.८९	०	५४.६७	७.८९ ७०.२
	एकूण	०.८६.५०	०.००००	०.८६.५०	७.८९	०	५४.६७	७.८९ ७०.२

"या प्रमाणित प्रतीसाठी फी म्हणून २५० रुपये मिळाले."
दिनांक :- 23/08/2023
सांकेतिक क्रमांक :- 273400030420560000820232701

(नाव :- अश्विनी शिवाजी खराडे)
तलाठी साझा :- कसबा वडगांव ता :-
हातकणंगले जि. कोल्हापूर

तलाठी
क।। वडगांव/मौजे तासगाव
ता. हातकणंगले, जि. कोल्हापूर

Annexure 2

Recommended Specification Area for Cultivation of Fruit Crop.

crop	Spacing	Fruiting period	Fruit yield/tree
Curry leaves	3.5 × 3.5 m	1 year	52 kg / tree
Banana	4 × 2.5 m	1 year	11 to 13 kg / tree
Custard apple	5 × 5 m	3 year	25 to 30 kg / tree
Ramfal	10 × 10 m	3 year	10 to 15 kg / tree
Mango	10 × 10 m	3 year	50 fruit / tree
Drumstics	3 × 3 m	1 year	25 to 30 kg /tree
Guava	6 × 6 m	3 year	250 to 300 fruits / tree
Sapota (chiku)	10 × 10 m	3 year	1500 to 3000 fruit / tree

Ref: - (As mentioned in the ready reference diary of Gov. Agricultural College.)