

BEFORE THE HON'BLE GREEN TRIBUNAL WESTERN  
ZONE, BENCH AT PUNE

O.A. No. 109/2023

Pralhad Tukaramji Gawande and others .... Applicants

-Versus-

State of Maharashtra and others ... Respondents



ADDITIONAL AFFIDAVIT ON BEHALF OF  
RESPONDENT NO. 4

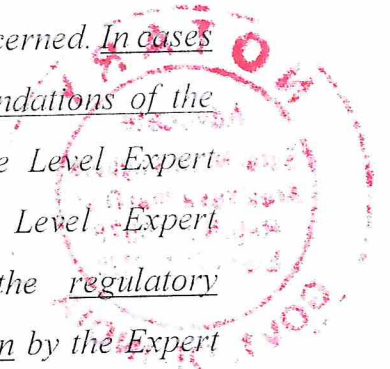
I, Suraj Kisanrao Rathod, Aged about 52 years, Executive Engineer, Lower Penganga Project Division, Yavatmal the respondent no.4 herein, do hereby take oath and state on solemn affirmation as under:

1. I affirm and say that this Hon'ble Tribunal by order dated 24.02.2025 had posed a specific query to the respondent no.2. The relevant portion of the said order is quoted hereunder for ready reference:

*"We also would like to have a clear reply from respondent No.2- MoEF&CC as to how it happened that EAC has considered the grant of EC and*



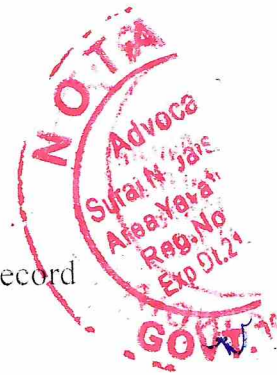
recommended the same under EIA Notification 1994, which is reflected from the Minutes of 52nd & 53rd Meeting of the Expert Appraisal Committee and subsequently, EC came to be issued under EIA Notification 2006, para 8 (ii) of which provides "The regulatory authority shall normally accept the recommendations of the Expert Appraisal Committee or State Level Expert Appraisal Committee or District Level Expert Appraisal Committee concerned. In cases where it disagrees with the recommendations of the Expert Appraisal Committee or State Level Expert Appraisal Committee or District Level Expert Appraisal Committee concerned, the regulatory authority shall request reconsideration by the Expert Appraisal Committee or State Level Expert Appraisal Committee or District Level Expert Appraisal Committee concerned within forty five days of the receipt of the recommendations of the Expert Appraisal Committee or State Level Expert Appraisal Committee or District Level Expert Appraisal Committee concerned while stating the reasons for the disagreement. An intimation of this decision shall be simultaneously conveyed to the applicant. The Expert Appraisal Committee or State Level Expert Appraisal Committee or District Level Expert Appraisal Committee concerned, in turn, shall consider the observations of the regulatory authority and furnish its





*views on the same within a further period of sixty days. The decision of the regulatory authority after considering the views of the Expert Appraisal Committee or State Level Expert Appraisal Committee or District Level Expert Appraisal Committee concerned shall be final and conveyed to the applicant by the regulatory authority concerned within the next thirty days". We expect that reply in this regard shall be filed by Respondent No.2 within two weeks and no more."*

2. I affirm and say that, pursuant to aforesaid order dt. 24.02.2025 passed by this Hon'ble Tribunal, the respondent no.2- MoEF&CC filed affidavit in response dt. 26.04.2025. However, the respondent no.2 did not answer the query posed by this Hon'ble Tribunal by the afore-quoted order.
3. I affirm and say that, this Hon'ble Tribunal considered the said affidavit of respondent no.2 during hearing on 28.04.2025. On the said date this Hon'ble Tribunal was pleased to observe that the respondent no.2 has not answered the query of this Hon'ble Tribunal contained in order dated 24.02.2025. Accordingly, further time was granted to respondent no.2 to file specific affidavit to answer the said query. However, even now the respondent no.2 has



not answered the said query and is avoiding to place on record correct facts.

4. In view of the above facts and circumstances, the deponent has verified the original record of respondent no.2 to ascertain the answer to the query posed by this Hon'ble Tribunal. On perusal of entire record of respondent no.2 the following facts are evident.

- a) The Regulatory Authority never disagreed with the recommendations of Expert Appraisal Committee (EAC) reflected in 52<sup>nd</sup> and 53<sup>rd</sup> meeting of EAC.
  - b) Further, the Regulatory Authority never requested the EAC for reconsideration of its decision taken in 52<sup>nd</sup> and 53<sup>rd</sup> meeting of EAC.
5. I, therefore, affirm and say that the decision of EAC as contained in the minutes of said meeting was accepted as final, conclusive and was acted upon. The EC issued to project proponent was therefore, issued pursuant to the decision in the 52<sup>nd</sup> and 53<sup>rd</sup> meetings of EAC as the Regulatory Authority never disagreed with the decision of EAC taken in the said meetings.



6. I affirm and say that since aforesaid facts apparent on the record of the respondent no.2 would go against it, the respondent no.2 is avoiding to file affidavit pointing out the said facts. The respondent no.4 is, therefore, constrained to file this affidavit to bring on record the correct factual position.

Submitted with respect.

Hence, this affidavit.

NAGPUR

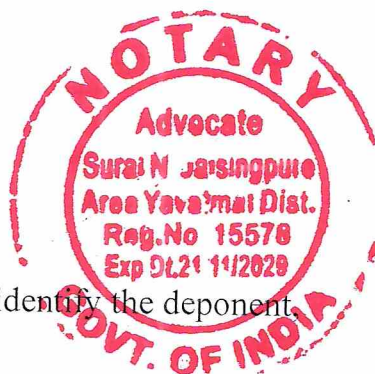
DATED: 28.08.2025

*(S.K. Rathod)*  
Executive Engineer  
Lower Penganga Project Division  
Yavatmal  
DEPONENT

VERIFICATION

Verified on this 28<sup>th</sup> day of August, 2025 at Nagpur, that the contents of above affidavit are true and correct to my personal knowledge.

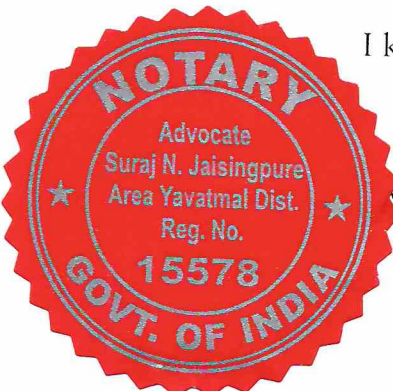
*(S.K. Rathod)*  
Executive Engineer  
Lower Penganga Project Division  
Yavatmal  
DEPONENT



I know the & identify the deponent.

Advocate

N.R.S.No 3964/2025 Dt. 28/8/2025  
Solemnly affirmed before me  
*(Signature)*  
Shri Suraj N. Jaisingpure  
Advocate & Notary  
AL.Po Dist. Yavatmal (M.S.) India  
Dated 28/8/2025  
Page 3

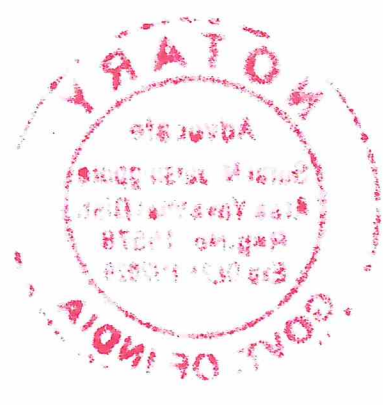


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