

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

O A NO. 54/2020

Shashikant Vitthal Kambale

... Applicant


V/s.

M/s. Nakshatra Eye Land & Ors.

... Respondents

**ADDITIONAL AFFIDAVIT BY RESPONDENT NO. 7,
STATE LEVEL ENVIRONMENT IMPACT ASSESSMENT
AUTHORITY IN COMPLIANCE OF HON'BLE NGT'S
DIRECTIONS DATED 12-09-2022**

I, Dattatray Suryakant Bhalerao, working as Scientist II & Under Secretary, Environment and Climate Change Department, Government of Maharashtra do hereby state on solemn affirmation as under –

 M. D. Patel

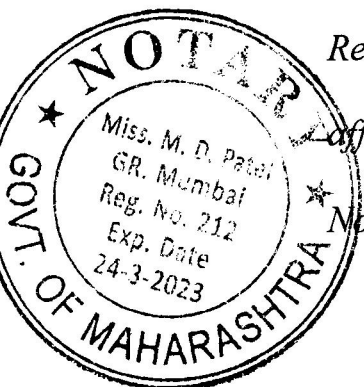
I am well conversant with the facts of the present case and I am competent to swear this Affidavit based upon the records available with this office.

1. SEIAA has already filed reply affidavit to the present OA which has been taken on record.
2. On 12th September the Hon'ble NGT observed –

"... 12. From the side of Respondent No. 7/SEIAA- Mr. Aniruddha Kulkarni, Learned Counsel has appeared and an affidavit dated 23.05.2022 has been filed wherein it is stated that it has taken Bank Guarantee to the tune of Rs. 2.31 crores from the Project Proponent towards the cost of remediation plan, natural and community resources plan and that it has granted environmental clearance to the Project Proponent under 'Amnesty Scheme' treating it to be a violation case.

13. From the affidavit submitted by the Respondent No. 7/SEIAA, we do not find the position clear as to whether the grant of EC would condone the past violations made by the Project Proponent (including not obtaining prior Consent to Establish/Operate) or not. Let a clarification be made by the Respondent No. 7/SEIAA in this regard by filing supplementary

affidavit within a period of 07 days. We also direct Respondent No. 7/SEIAA to state whether the said amount of BG was based

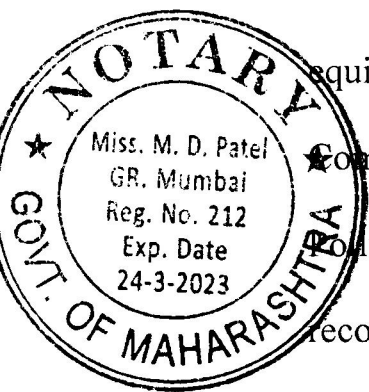


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M. D. Patil

on environmental damage assessment as required by clause 5 of Notification dated 14th March, 2017. ... ”

3. According to the above direction it is stated that, SEIAA, Maharashtra works according to the mandate of EIA Notification, 2006, Office Memos, Orders and directions issued by the MoEF & CC from time to time.
4. In the present case, Environment Clearance has been granted by SEIAA to the PP under the Amnesty Scheme of MoEF & CC dated 14-03-2017. As per the procedure laid down in the aforesaid notification that while granting Environment Clearance, the Expert Appraisal Committee shall stipulate the implementation of Environment Management Plan, comprising of remediation plan and natural community augmentation plan corresponding to the ecological damage assessed and economic benefit derived due to operating the project without EC or in violation of existing EC.
5. Further, the PP will be required to submit a Bank Guarantee equivalent to the amount of remediation plan, and Natural and Community Resource Augmentation Plan with the State Pollution Control Board, and the quantification will be recommended by the Expert Appraisal Committee, and finalised by Regulatory Authority, and the Bank Guarantee shall be

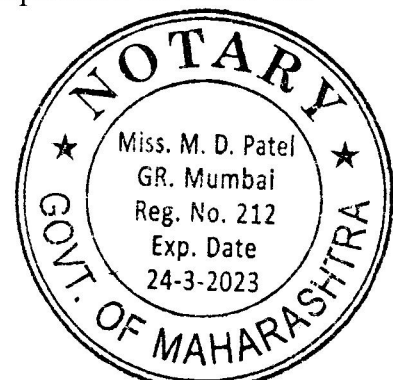


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- deposited prior to the grant of EC, and will be released after successful implementation of remediation plan, and after the recommendation by Regional Office of Ministry, Expert Appraisal Committee and approval of the Regulatory Authority.
6. As per the notification dated 14-03-2017, the bank guarantee equivalent to the amount of remediation plan and Natural and Community Augmentation Plan will be recommended by the Expert Appraisal Committee. Accordingly in the present case, bank guarantee of 2.31 Cr. has been imposed by the SEIAA while granting of the EC. The said notification doesn't talk about calculation of environmental compensation.
7. It is accordingly submitted, that while granting Environment Clearance under violation category as per EIA Notification, 2006 as amended, past violations are taken into consideration as per the procedure and provisions laid down in the notification dated 14-03-2017.
8. SEIAA has granted Environmental Clearance on 31.12.2019 to the PP under the Amnesty Scheme of MoEF&CC, treating the project as a violation case.
9. This Affidavit may kindly be treated as compliance towards the Hon'ble NGT's directions dated 12-9-2022.



M. D. Patel



This respondent craves leave to file any additional reply as and when required. In light of the above submissions, it is respectfully prayed that Environment Department shall abide by any orders and directions issued by the Hon'ble Tribunal.



Place: Mumbai

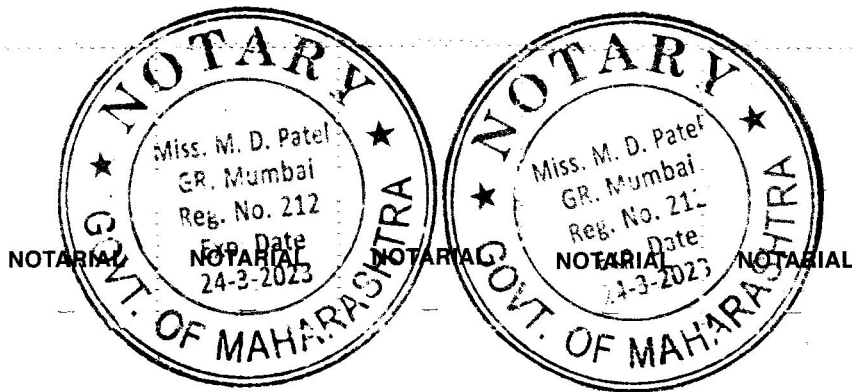
(Dattatray Suryakant Bhalerao)

Date: 15/02/2023

Scientist II & Under Secretary,

Environment & CC Department,

Government of Maharashtra

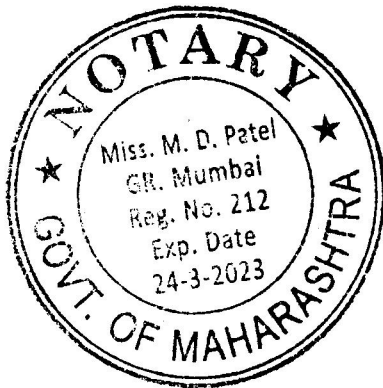


VERIFICATION

I, Dattatray Suryakant Bhalerao, Age- 39, working as Scientist II & Under Secretary, Environment and Climate Change Department, Government of Maharashtra, having my office address at 15th floor, New Administrative Building, Mantralaya, Mumbai-400 032, do hereby verify and declare that the statements made in the aforesaid Para's are true and correct to the best of my knowledge and information and I believe the same to be true and that nothing material has been concealed therefrom.

Solemnly affirmed on this 15th day of the February, 2023 at

Mumbai.



Identified by me

(Dattatray Suryakant Bhalerao)

Scientist II & Under Secretary,
Environment & CC Department,

Government of Maharashtra

BEFORE ME

M. D. Patel

15-2-2023

Sr. No. 69

Bk. No. 1

MISS M. D. PATEL
ADVOCATE & NOTARY
Kohiar House,
4, Dhuswadi, Dhobitalao,
MUMBAI - 400 002.