

BEFORE THE NATIONAL GREEN TRIBUNAL
WESTERN ZONE BENCH, PUNE

Appeal No.156 of 2024

Rangrao Baburao Gaikwad ... Appellant

Versus

The Tahasildar & 3 others ... Respondents

INDEX

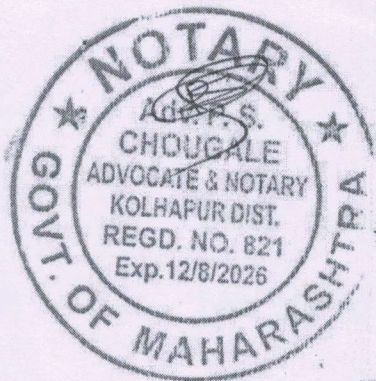
S.No.	Annexure	Particulars	Page Nos.
1)	-	Additional Affidavit in reply of R.No.3	102- 107
2)	R-1	Copy of letter dated 25/03/2022	108-109
3)	R-2	Copy of letter dated 20/04/2022	
		Alongwith copy of minutes	110-113

(Page No.108 to110 are correspondence, reference of same is in Page Nos. 111-113, no translation needed)

Pune

Date: 22/11/2024


Advocate for Respondent No.3



IN THE NATIONAL GREEN
TRIBUNAL,
WESTERN ZONE BENCH PUNE

INTERLOCUTORY APPLICATION NO. 264 OF
2024(WZ)

IN APPEAL NO. 155 OF 2024

PRADEEP NANASO PATIL ----- APPLICANT

VERSUS

THE TAHSILDAR & Ors ----- RESPONDENTS

AND

INTERLOCUTORY APPLICATION NO. 265 OF 2024 (WZ)

IN

APPEAL NO. 156 OF 2024 (WZ)

**Affidavit on behalf of Principal Chief Conservator of
Forests (Head of Forest Force) Maharashtra State, as
directed by the Hon'ble Tribunal vide its order dated
05/11/2024**

Submission of above Respondent-

2.0. It is submitted and brought to the notice of this Hon'ble Tribunal that the aforementioned Appeal as well as Interlocutory Application has still not been received to the office of the Principal Chief Conservator of Forests (Head of Forest Force) Maharashtra State, Nagpur. The order of this Hon'ble

Tribunal dated 05/11/2024 brought to the notice of this office by the Chief Conservator of Forests (Territorial) Kolhapur vide his letter dated 07/11/2024 wherein this Hon'ble Tribunal directed in Para 3 of the said order that *"an affidavit from the side of Principal Chief Conservator of Forests should be filed within a week's time from the date of uploading of this order for the said purpose with a direction that a copy of the affidavit, if at all it would be filed, shall be served on all other parties in advance."*

3.0. As per aforementioned directions this Deponent is filing this affidavit by putting the facts of this case as under-

3.01. Originally the Gram Panchyat Kasarwadi Tq. Hatkanagale, Distt. Kolhapur filed Original Application before this Hon'ble Tribunal bearing OA No. 66 of 2020.

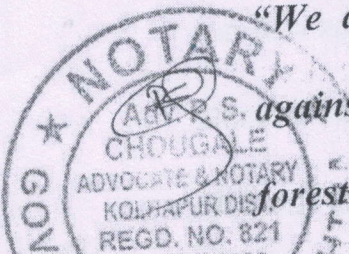
3.02. This Hon'ble Tribunal heard this Original Application alongwith another Original Application bearing No. 101/2017 which was filed by Mr. Dhanaji Baburao Patil & Others.

3.02. This Hon'ble Tribunal decided this case on 20/12/2021 wherein it was directed as under-

"We direct the Chief Secretary to take further remedial action

against the persons responsible for permitting mining illegally in the

forest land. The joint Committee of PCCF(HoFF), Maharashtra,

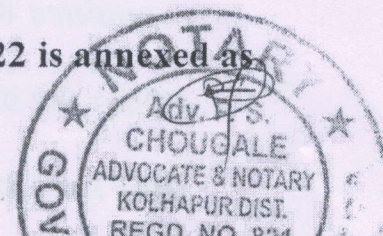


CPCB, State PCB, SEIAA Maharashtra and District Magistrate, Kolhapur needs to ascertain the extent of damage to the environment and plan a restoration plan and to recover the amount from the persons who have undertaken illegal mining. The Forest Department may fence the area in question and use the same for forest purposes.”

3.03. It is submitted that, as per aforementioned order passed by this Hon'ble Tribunal the Government of Maharashtra, Revenue and Forest Department constituted a Committee vide Government Resolution dated 08/02/2022 under the Chairmanship of Principal Chief Conservator of Forests (Head of Forest Force) Maharashtra State and Member Secretary was Regional Officer, Maharashtra Pollution Control Board, Kolhapur, wherein it was directed by the Government that the report of the Committee should be submitted within three months to Government.

3.04. It is specifically submitted that, immediately after issuance of abovementioned Government Resolution, this office had communicated to the Regional Officer, MPCB being a Member Secretary vide this office letter dated 25/03/2022 to call a meeting of the said Committee. **Copy of letter dated 25/03/2022 is annexed as**

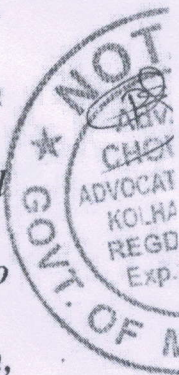
ANNEXURE-I.



3.05. The Member Secretary of the said Committee called a meeting through Video Conference on 13/04/2022. Minutes of the said meeting was communicated to all the Members vide this office letter dated 20/04/2022. **Copy of letter dated 20/04/2022 alongwith copy of minutes is annexed as ANNEXURE-II.**

3.06. It is submitted that, as decided in the aforementioned meeting the Collector Kolhapur communicated the detailed report about illegal mining and rate of minerals etc.

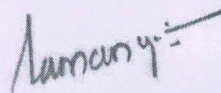
3.07. As mentioned in the report of the Committee under caption "Conclusion" that *"Members of the Committee visited the site as well as conducted the meetings on 13/04/2022 and 20/05/2022 with all members to finalize the report. Also as per the submission of various departments, the area of illegal mining is 20.12 hectares, wherein 13 leases were awarded by the Revenue Department and overall quantum of material mined was 80000 MT. On the basis of quantum of material mined and damages to mined area, the total environmental damage compensation to be collected is estimated to be Rs. 144,22,17,885/-. Considering the present ground situation, committee discussed different options for restoration by means of filling the mineral area with soil/ MSW/ Fly ash. As these options were not found practically possible and feasible, it was unanimously*



decided to maintain it as water body and utilize it for Adventure Sports activity by Kolhapur Forest Division."

- 3.08. It is submitted that, the then Principal Chief Conservator of Forests (Head of Forest Force) Maharashtra State, Dr. Y.L.P. Rao, who was Chairman of the said Committee has signed the report. He has retired on superannuation on 31st August, 2023.
- 3.09. It is submitted that, in the order dated 05/11/2024 of this Hon'ble Tribunal, it is mentioned that the report of Joint Committee has been filed on 05/11/2024 by the Respondent No. 5 i.e. Maharashtra Pollution Control Board.
- 4.0. It is submitted that, this deponent is submitting this Affidavit as directed by this Hon'ble Tribunal on 05/11/2024 with facts and background of the case.

Hence this Affidavit.


DEPONENT



VERIFICATION

I, R. M. Ramanujam, Age - 49, Occupation - Chief Conservator of Forests (Territorial), Kolhapur and authorized officer do hereby solemnly verify above contents of the Affidavit as true and correct to the best of my knowledge, belief and information derived from the records and files maintained in the office and I verify the same to be true. I say that I have not suppressed any material fact from this Hon'ble Tribunal.

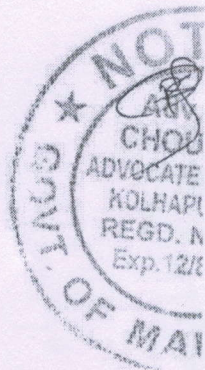
Solemnly affirmed at Kolhapur.

Place : Kolhapur.

Date : 21/11/2024

Ramanujam

(R. M. Ramanujam)
Chief Conservator of Forests (Territorial),
Kolhapur and authorized officer



Before Me

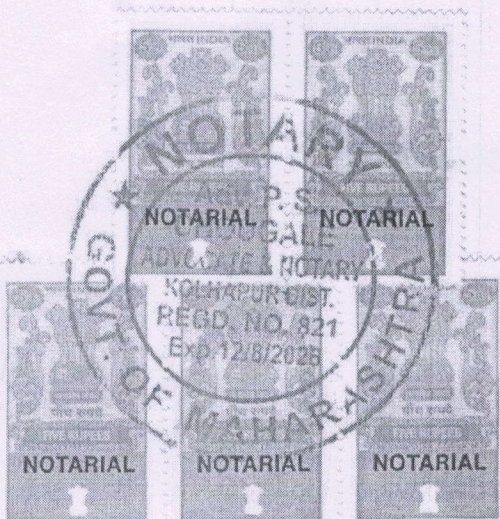
[Signature]

SHRI. P. S. CHOUGALE
Advocate & Notary
"Kanak", Maratha Colony,
Kasaba - Bawada, KOLHAPUR.

21/11/2024

Notary Regi. Sr. No. 526

2024



Speed post



प्रधान मुख्य वन संरक्षक (वन बल प्रमुख), महाराष्ट्र राज्य यांचे कार्यालय
Office of the Principal Chief Conservator of Forests (HoFF), Maharashtra State
वन भवन, सिविल लाइन्स, नागपूर ४४०००१ Van Bhavan, Civil Lines, Nagpur 440001

ANNEXURE - I

अपर प्रधान मुख्य वन संरक्षक
(संघारण), महाराष्ट्र राज्य

Additional Principal Chief Conservator of Forests
(Conservation), Maharashtra State

apccfcon@mahaforest.gov.in; Phone: 0712-2556944, 2555675; Fax: 2550675; www.mahaforest.gov.in

FTS - 0164		
05	04	2022

क्रमांक : कक्ष-१२/जमीन/३/कोल्हापूर/प्र.क्र.१११/४७७

दिनांक : २५/३/२०२२

प्रति,

प्रादेशिक अधिकारी,
महाराष्ट्र प्रदूषण नियंत्रण मंडळ,
कोल्हापूर तथा सदस्य सचिव,
संयुक्त समिती

विषय : Original Application No. 66/2020 (WZ) R/w Original Application No. 101/2017 (WZ) मध्ये मा. राष्ट्रीय हरित न्यायाधिकरण यांनी दिलेले आदेश दि. २०.१२.२०२१.

संदर्भ : १. मा. राष्ट्रीय हरित न्यायालय (पश्चिम) यांचा दि. २०.१२.२०२१ चा आदेश.
२. शासन पत्र क्र. एफएलडी-२०१७/प्र.क्र.२५५/फ-१०, दि. ०८.०२.२०२२

उपरोक्त संदर्भ क्र. १ अन्वये मा. राष्ट्रीय हरित न्यायाधिकरणाने दि. २०.१२.२०२१ रोजीच्या आदेशान्वये विनापरवानगी उत्खननास परवानगी देणा-याविरुद्ध कार्यवाही, पर्यावरणाच्या झालेल्या हानीचा संयुक्त समितीमार्फत शोध घेऊन पुनर्स्थापन योजना (Restoration Plan) आखणे व संबंधित व्यक्तींकडून रक्कम वसूल करण्याचे निर्देश दिलेले आहेत.


त्याअनुषंगाने कार्यवाही करण्यासाठी संदर्भ क्र. २ अन्वये शासन पत्रानुसार खालीलप्रमाणे संयुक्त समिती स्थापन करण्यात आलेली आहे.

अ.क्र.	पद	
१.	प्रधान मुख्य वनसंरक्षक (वन बल प्रमुख) म.रा. नागपूर	अध्यक्ष
२.	जिल्हाधिकारी, कोल्हापूर	सदस्य
३.	तज्ञ सदस्य, राज्यस्तरीय पर्यावरण आघात मूल्यांकन प्राधिकरण, महाराष्ट्र, मुंबई	सदस्य
४.	अतिरिक्त संचालक, प्रादेशिक संचालनालय, केंद्रिय प्रदूषण नियंत्रण मंडळ, पुणे	सदस्य
५.	प्रादेशिक अधिकारी, महाराष्ट्र प्रदूषण नियंत्रण मंडळ, कोल्हापूर	सदस्य सचिव

उपरोक्त समितीने मा. राष्ट्रीय हरित न्यायाधिकरणाने दिलेल्या आदेशानुसार प्रकरणाची तपासणी/ चौकशी करून ३ महिन्यात शासनास अहवाल सादर करावयाचा आहे. तरी संयुक्त समितीचे सदस्य

सचिव, या नात्याने आपण उर्वरित सर्व सदस्यांची सहमती घेऊन माहे एप्रिल/ २०२२ च्या दुस-या आठवड्यात आभासी सभा (VC) आयोजित करावी. तसेच सदर सभेस मुख्य वनसंरक्षक (प्रादेशिक), कोल्हापूर व उप वनसंरक्षक, कोल्हापूर यांनाही निमंत्रित करावे.

मसुदा प्र.मु.व.सं. (व.व.प्र.) म.रा. नागपूर
यांचेकडून अनुमोदित.


25/3/22

(नरेश झुरपुरे)

अपर प्रधान मुख्य वनसंरक्षक (संधारण)

महाराष्ट्र राज्य

- प्रतिलिपी-
१. प्रधान सचिव (वने), महसूल व वनविभाग, मंत्रालय, मुंबई-३२
 २. मुख्य वनसंरक्षक (प्रादेशिक), कोल्हापूर
 ३. जिल्हाधिकारी, कोल्हापूर
 ४. अतिरिक्त संचालक, प्रादेशिक संचालनालय, केंद्रिय प्रदुषण नियंत्रण मंडळ, पुणे
 ५. उप वनसंरक्षक, कोल्हापूर.

ANNEXURE-II



प्रधान मुख्य वन संरक्षक (वन बल प्रमुख), महाराष्ट्र राज्य यांचे कार्यालय
Office of the Principal Chief Conservator of Forests (Hoff), Maharashtra State
वन भवन, सिविल लाइन्स, नागपूर ४४०००१ Van Bhavan, Civil Lines, Nagpur 440001

अपर प्रधान मुख्य वन संरक्षक
(संधारण), महाराष्ट्र राज्य

Additional Principal Chief Conservator of Forests
(Conservation), Maharashtra State

apccfeon@mahaforest.gov.in; Phone: 0712-2556944, 2555675; Fax: 2550675; www.mahaforest.gov.in

क्रमांक : कक्ष-१२/जमीन/३/कोल्हापूर/प्र.क्र.१११/१५

दिनांक : २०/५/२०२२

प्रति,


१. जिल्हाधिकारी, कोल्हापूर
२. सदस्य, राज्यस्तरीय पर्यावरण आघात मूल्यांकन प्राधिकरण, महाराष्ट्र, मुंबई
३. अतिरिक्त संचालक, प्रादेशिक संचालनालय, केंद्रीय प्रदुषण नियंत्रण मंडळ, पुणे
४. प्रादेशिक अधिकारी, महाराष्ट्र प्रदुषण नियंत्रण मंडळ, कोल्हापूर

विषय : Original Application No. 66/2020 (WZ) R/w Original Application No. 101/2017 (WZ) मध्ये मा. राष्ट्रीय हरित न्यायाधिकरण यांनी दिलेले आदेश दि. २०.१२.२०२१.

- संदर्भ : १. मा. राष्ट्रीय हरित न्यायालय (पश्चिम) यांचा दि. २०.१२.२०२१ चा आदेश.
२. शासन पत्र क्र. एफएलडी-२०१७/प्र.क्र.२५५/फ-१०, दि. ०८.०२.२०२२
३. प्रादेशिक अधिकारी, महाराष्ट्र प्रदुषण नियंत्रण मंडळ, कोल्हापूर यांचेकडील पत्र क्र. मप्रनि/प्राका/को/४२३/२०२२, दि. ०८.०४.२०२२

उपरोक्त संदर्भ क्र. १ अन्वये मा. राष्ट्रीय हरित न्यायाधिकरणाने दि. २०.१२.२०२१ रोजीच्या आदेशाच्या अनुषंगाने कार्यवाही करण्यासाठी संदर्भ क्र. २ अन्वये स्थापन करण्यात आलेल्या संयुक्त समितीची आभासी सभा दि. १३.०४.२०२२ रोजी सायंकाळी ४.०० वाजता जिल्हाधिकारी कार्यालय, कोल्हापूर येथे आयोजित करण्यात आलेली होती. सदर सभेच्या कार्यवृत्तांताची प्रत यासोबत जोडून सादर करण्यात येत आहे.

सहपत्र - वरील प्रमाणे.

 20/5/22

(नरेश शुरपुरे)

अपर प्रधान मुख्य वनसंरक्षक (संधारण)
महाराष्ट्र राज्य

- प्रतिलिपी- १. प्रधान मंचिव (वने), महसूल व वनविभाग, मंत्रालय, मुंबई-३२
२. प्रधान मुख्य वनसंरक्षक (वन बल प्रमुख) म.रा. नागपूर
३. मुख्य वनसंरक्षक (प्रादेशिक), कोल्हापूर
४. उप वनसंरक्षक, कोल्हापूर.

उपवनसंरक्षक, यांचे कार्यालय
कोल्हापूर - ४१९ ००३.
व.क्र. १०९५५५
19 MAY 2022
जिल्हाधिकारी

Minutes of Meeting on 13th April 2022 wrt order of Hon'ble NGT in the matters- OA No. 60 /2020 (WZ) & OA No.101/2017 dated 20.12.2021 regarding illegal mining at Kasarwadi, Tal : Hatkangale, Dist Kolhapur

Meeting through Video Conference (VC) convened on 13th April 2022 with reference to order of Hon'ble NGT OA No.101/2017 & OA No. 60 /2020 (WZ) dated 20.12.2021 regarding illegal mining at Grampanchayat Kasarwadi, Tal :Hatkangale, Dist Kolhapur.

During the Video Conference following Officers were present:

- | | |
|--|-----------------------|
| 1. Hon'ble Shri. Y.L. P. Rao
HoFF, Nagpur, Maharashtra | Chairman of Committee |
| 2. Hon'ble Shri Rahul Rekhawar
Collector, Kolhapur District | Member of Committee |
| 3. Shri Pankaj Joshi
Member of SEIAA Committee | Member of Committee |
| 4. Shri. Pratik Bharane
Additional Director CPCB | Member of Committee |
| 5. Shri J.S. Salunkhe
R.O MPCB, Kolhapur | Member Secretary |
-

From related Department:

1. Shri. Naresh Zurmure APCCF, Nagpur, Maharashtra
 2. Shri. M. Ramanujam CCF, Kolhapur
 3. Shri. R. R. Kale Dy. C F, Kolhapur
 4. Shri. Anand Patil, District M.O. Kolhapur
 5. Shri. Kharat SDO, Tal : Hatkanangale, Dist : Kolhapur
 6. Shrimati. Dhavale Madam Tahsildar, Tal : Hatkanangale, Dist : Kolhapur.
-

Member Secretary of the committee- Shri Salunkhe, Regional Officer, MPCB, Kolhapur welcomed Hon'ble Chairman, committee members and officials of concerned department present in meeting through VC.

Shri. Naresh Zurmure , APCCF, Nagpur Maharashtra, briefed about background of Hon'ble NGT matters - OA No.101/2017 & OA No. 60 /2020 (WZ) regarding illegal mining at Grampanchayat Kasarwadi , Tal : Hatkangale, Dist : Kolhapur. In compliance with the order, the committee is formed vide order vide no. FLD-217/Letter No. 295/F-10 dated 08th Feb. 2022 by Chief Secretary Government of Maharashtra.

Hon'ble Chairman of Committee informed that there is limited time for the submission of report of the committee and directed to all members for their contribution in the completion of the task assigned to the committee and submission of the report.

Shri Naresh Zurmure mentioned about restoration/reclamation, plantation, fencing of forest area and communication to be make with M/s Western Coalfields Limited (WCL) for its guidance/guidelines for restoration/reclamation with costing.

Shri J.S. Salunkhe mentioned about the requirement of essential data from Revenue Department to assess the compensation for damage to Environment which will be based on previous Hon'ble NGT orders in similar matters. The data may include date of mining leases, area, quantum of mineral metal excavated, market rate of minerals etc.

Hon'ble Collector instructed to revenue officials for compilation of required information/data, as per judgment of Hon'ble NGT, also directed for site visit to assess the further details. Accordingly, District Mining Officer Shri. Anand Patil mentioned that he has already discussed with their Revenue staff and started to collect the required information.

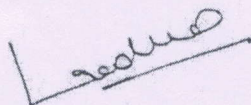
Shri. Pratik Bharne, requested to refer judgment of Hon'ble Supreme Court in the matter -Common Cause VsUoi&Ors (2017) 9 SCC 499 which is mentioned in the Hon'ble NGT order for the recovery of value of mined material and site visit at Grampanchayat Kasarwadi where illegal mining has been carried out to see/ascertain any damages due to mining. He also suggested to collect and provide the data from Revenue Department to calculate the compensation for damage to the Environment/penalty along with Revenue Department/ District Mining Office. The expert/official from Directorate of Geology and Mining, Govt.

of Maharashtra, Nagpur or any institute related to mining may be helpful in the matter.

After due deliberations following decisions have been taken:-

- District Mining Officer/ Collector Office Kolhapur shall submit required data as per NGT order as early as possible.
- On basis of data submitted by District Mining Officer Kolhapur, Mr. Pratik Bharne, Additional Director (Scientist E), Member from CPCB and Shri. Salunkhe, Member. Secretary of the Committee and Member from MPCB shall assess the compensation for damage to Environment.
- Restoration should be done by CCF Kolhapur under the guidance of Western Coalfield Limited and costing from Restoration plan should be submitted by CCF Kolhapur.
- Area demarcation with fencing shall be complete within stipulated time, and damage to the Environment shall be on "Polluters Pays" principle under the guidance of CCF Kolhapur.
- As per Hon'ble NGT order, district Collector should submit information about person responsible for permitting mining illegally in forest area from Revenue Department.

Meeting ended with a vote of thanks to the chair & participants.



Hon'ble Shri. Y. L. P. Rao
HoFF, Nagpur,
Maharashtra

BEFORE THE NATIONAL GREEN TRIBUNAL,
WESTERN ZONE BENCH, PUNE

Appeal No.156 of 2024

Rangrao Baburao Gaikwad ... Appellant

Versus

Additional Affidavit in Reply of Respondent

No.3

DATED 21st November, 2024

DATED 4th November, 2024

D.M.GUPTE

Advocate for Respondent No.3

3, LAXMAN APARTMENT

25/26, OLD TOPKHAHANA,

S'NAGAR, PUNE - 411 005

MOBILE : 9422317884

email: advgupte@gmail.com