BEFORE THE NATIONAL GREEN TRIBUNAL

WESTERN ZONE BENCH AT PUNE

EXECUTION APPLICATION NO. 7 OF 2024

IN

ORIGINAL APPLICATION NO. 28 OF 2014

Saiprasad Mangesh Kalyankar …Applicant

Versus

The Regional Transport Officer (R.T.O.)
& Ors. …Respondents

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Versus

The Regional Transport Officer (R.T.O.)
& Ors. ...Respondents

ADDITIONAL AFFIDAVIT IN REPLY ON BEHALF OF RESPONDENT NO. 4 (MSRDC):

I, Muktesh Wadkar , aged 45 years, Indian Inhabitant, the Authorised Signatory of Respondent No. 4, having my office address at Maharashtra State Road Development Corporation Ltd. Near Lilawati Hospital, Opposite Bandra Reclamation Depo Bandra (W) 400 051, do solemnly state on oath and affirm as under:-

1. I am the Authorised Signatory of Respondent No. 4 having my address as mentioned above. I have gone through the captioned Execution Application filed in OA No. 28 of 2014 and the documents filed along with the captioned Original Application by the Applicant. I am familiar with the facts of the case from personal knowledge as well as from office records available with Respondent No. 4 and am competent to depose to the facts in this Additional Affidavit-in-Reply.

NOTARY
Jayashri S. Kulkarni
Panvel, Dist. Raigad,
MAHARASHTRA
Reg. No. 1259
Exp. No. 20/11/28
GOVT. OF MAHARASHTRA

22 FEB 2025

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Jayashri S. Kulkarni
Panvel Dist. Raigad,
MAHARASHTRA
Reg. No. 1259
Exp. No. 20/11/28
GOVT. OF MAHARASHTRA

2. I am filing the Reply for the limited purpose of placing on record certain additional facts, circumstances and documents for the consideration of this Hon'ble Tribunal and in compliance of Order dated 18th December 2024 passed in the present matter. I say that Respondent No. 4 as filed Affidavit in Reply dated 8th November 2024 in the captioned matter and the same be deemed to be forming part and parcel of the present Additional Affidavit unless contrary hereto. It is clarified that the present Additional Affidavit is in furtherance of and supplemental to the Affidavit in Reply dated 8th November 2024 already filed by Respondent No. 4 in the present matter. I crave leave of this Hon'ble Tribunal to file a further Affidavit(s) along with supporting documents, if the circumstances so warrant.

3. It is germane to bring on record certain facts and documents which would be critical to the adjudication of the present case and which are set out hereunder.

4. On 18th December 2024, the Hon'ble Tribunal directed the present Respondent No. 4 to file a fresh affidavit stating as to whether 44,000 trees have been planted after excluding lemon grass and bamboo plantation and the same is clarified as under:

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a) I say that vide Order and Judgment dated 10th September 2014 ("**said Judgment**") passed in Original Application No. 28 of 2014, this Hon'ble Tribunal passed specific directions for all Respondents to comply with.

b) Direction No. (iv) of the said Judgment is reproduced hereinbelow:

"***iv) The Respondent No.9 (MSRDC), shall carry out compensatory afforestation of 44,000 trees (1:8) in the same area, on the slope in the acquired land or area near NH No. 17, as per the opinion of the Agricultural University, Dapoli. The work shall be supervised by the Head of Horticultural Department of Agricultural University, Dapoli,*** *to whom honorarium of Rs.25,000/- p.m. be paid by the MSRDC, which shall not be included in cost of the project. The Respondent No. 8 (MSRDC), shall deposit an amount of Rs. 10 lakh (Rs. Ten lakhs) as tentative cost for such afforestation programme to be executed through Agricultural University, Dapoli, under the supervision of above Committee, in the Collector's office, Sindhudurg, within two (2) months hereafter.*"

c) I say that on 12th August 2017, Agricultural University, Dapoli addressed a letter to Respondent No. 4 giving a schedule of trees to be planted for compliance of the said Judgment and the same is reproduced hereinbelow for reference:

Sr. No.	Location	Area	Spacing (m)	Plant spacing	Number

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1	Zone 1	1808	2 x 1	Ain	904
2	Slope 1	8160	0.6 x 0.6	Lemon grass	22667
3	Zone 2	4735	2x2	Cinnamon	116
4	Slope 2	4905	0.6 x 0.6	Lemon grass	13625
5	Zone 3	908	2x1	Kinjal	454
6	Zone 4	5463	2x2	Jackfruit	1366
7	Zone 5	5990	2x2	Jamun	1498
8	Zone 6	3127	1x1	Bamboo	8127
	Total				**48757**

Hereto annexed and marked as "**Exhibit-A**" is a copy of the letter dated 12th August 2017 addressed by Agricultural University, Dapoli to Respondent No. 4.

d) On 15th June 2019, a joint visit was carried out by the Agricultural University, Dapoli to inspect the plantations in the area and on 5th July 2019, the Agricultural University, Dapoli addressed a letter to Respondent No. 4 wherein it was categorically recorded that 49,197 trees have been planted in the Banda Check post area as per the schedule given by the Agricultural University, Dapoli. It is pertinent to note that the Agricultural University, Dapoli has noted that lemon grass was required to be planted to prevent soil erosion at the area due to

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hill cutting in the said area. Hereto annexed and marked as "**Exhibit-B**" is a copy of the letter dated 5th July 2019 addressed by Agricultural University, Dapoli to Respondent No. 4.

e) Without prejudice, I say that Respondent No. 4 has overseen the protection and maintenance of the afforestation that had to be maintained by the Concessionaire/Contractor and it was found during a site visit on 15th March 2024 that certain trees had died due to non-maintenance of the same. Therefore, on 2nd April 2024, Respondent No. 4 addressed a letter to the Concessionaire/ Contract, Maharashtra Check Post Network Limited to take appropriate steps to maintain as well as implement the directions as issued by this Hon'ble Tribunal as per the said Judgment. It is also pertinent to note that on 25th May 2015, this Hon'ble Tribunal had taken cognizance of the issue in OA No. 28 of 2014 and has noted that the issue regarding plantation of trees/plants as directed by the said Judgment has to be carried out by the Concessionaire/ Contractor and the consequence of failure or non-compliance of the said Judgment by the Concessionaire/ Contractor will entail penal action under the NGT Act, 2010 and Respondent No. 4

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GOVT. OF MAHARASHTRA

would be compelled to recover the cost of plantation from the Concessionaire/ Contractor due to the said inaction. Hereto annexed and marked as "**Exhibit-C**" is a copy of the letter dated 2nd April 2024 issued by Respondent No. 4 to the Concessionaire and "**Exhibit-D**" is a copy of the Order dated 25th May 2015 passed in OA No. 28 of 2014.

f) I say that at present, 17,279 trees are on the site after excluding lemon grass and bamboo plantation which was carried out under the guidance of the Agricultural University, Dapoli.

g) In the aforesaid circumstances, this Hon'ble Tribunal may be pleased to appoint an expert agency and/or the Agricultural University, Dapoli and/or the District Collector, Sawantwadi and/or the Forest Department, Sawantwadi to carry out the plantation and any monetary compensation, if any, shall be borne by the Respondent No. 4 for the same, if required.

5. ***Affidavit in Reply of Respondent No. 2 dated 17th December 2024***

a) I say that the Respondent No. 2 has filed its Affidavit in Reply dated 17th December 2024 wherein the Authority has also

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Panvel. Dist. Raigad.
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corroborated the fact that as on date, 17,279 trees excluding lemon grass and bamboo plantation are present on the said site.

6. ***Rejoinder Affidavit of Applicant dated 5th February 2025***

a) I say that the Applicant has filed the Rejoinder Affidavit dated 5th February 2025 to Respondent No. 4's Affidavit in Reply dated 8th November 2024 with an attempt to increase the scope of the present proceedings. The present Execution Application is filed for compliance of said Judgment dated 10th September 2014 in OA No. 28 of 2014. I say that Respondent No. 4 has filed a detailed Affidavit in Reply dated 8th November 2024 enumerating the various compliances as per the directions given in the said Judgment dated 10th September 2014. I say that this Hon'ble Tribunal has taken cognizance of the same in the present matter.

b) I say that as regards the direction no. (iv) of the said Judgment, the same is clarified hereinabove in compliance of Order dated 18th December 2024 passed in the present matter. It is also pertinent to note that the Applicant has categorically stated in the Rejoinder Affidavit that the compensatory afforestation of

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GOVT. OF MAHARASHTRA

44,000 trees was executed in accordance with the directions of the said Judgment which was duly recorded and verified by multiple authorities and the same was also acknowledged by the Applicant.

7. In view of the above facts and circumstances, it is submitted that Respondent No. 4-MSRDC has duly complied with the conditions of the said Judgment dated 10th September 2014.

Date: 21.02.2025

Place: MUMBAI

IDENTIFIED BY ME

Advocates for Respondent No. 4

Deponent

Authorised Signatory of
Respondent No. 4

22 FEB 2025

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NOTARY ★ Jayashri S. Kulkarni Panvel, Dist. Raigad, MAHARASHTRA Reg. No. 1259 Exp. No. 20/11/28 ★ GOVT. OF MAHARASHTRA

VERIFICATION

I, Muktesh Wadkar, aged 45 years, Indian Inhabitant, the Authorised Signatory of Respondent No. 4, having my office address at Maharashtra State Road Development Corporation Ltd. Near Lilawati Hospital, Opposite Bandra Reclamation Depo Bandra (W) 400 051, do hereby state that I have submitted this Affidavit on solemn affirmation and oath. I have verified that the facts are true to my personal knowledge. I have not suppressed any material fact known to me and relevant to this matter.

Date:

Place:

Deponent

Authorised Signatory of
Respondent No. 4

IDENTIFIED BY ME

Advocates for Respondent No. 4

BEFORE ME

JAYASHRI S. KULKARNI
B.A.LL.B.
ADVOCATE & NOTARY
GOVT. OF MAHARASHTRA
Shop No. 9, Plot No. 550 A/B,
Shree Sahyog CHS, Lokhandi Pada,
Panvel, Tal. Panvel, Dist. Raigad.
Maharashtra, Pin. 410 206.

NOTED AND REGISTERED
At. Sr. No. 140/25

22 FEB 2025

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Exhibit-A

ANNEXURE - G

4763

जा. क्र. कृमवि / उविवि / १२०६ / २०१७
उद्यानविद्या विभाग,
कृषि महाविद्यालय, दापोली
दिनांकः— 12 AUG 2017

प्रति,

कार्यकारी अभियंता,
महाराष्ट्र राज्य रस्ते विकास महामंडळ,
वांद्रे रेक्लेमेशन डेपोसमोर,
लिलावती हॉस्पीटल जवळ,
के. सी. मार्ग—वांद्रे (प)— मुंबई—४०० ०५०

विषय : इन्सुली सीमा तपासणी नाका, बांदा येथे मा. राष्ट्रीय हरित लवाद, पुणे यांचे आदेशानुसार वृक्ष लागवड करणेबाबत...

संदर्भ : जा. क्र. मरारविम / ०२ / ०६४ दिनांक ०३ / ०७ / २०१७.

वरील विषयास अनुसरून आपणास कळविण्यात येते की, इन्सुली सीमा तपासणी नाका, वांद्रा तसेच सावंतवाडी शहरामध्ये विविध ठिकाणी उपलब्ध असलेल्या जागांमध्ये लागवड करता येण्यासारखी वृक्षांची यादी या पत्रा सोबत जोडण्यात येत आहे.

forward to MSIPPL and ask to start plantation immediately under supervision of Dapoli Agricultural University

प्रमुख,
उद्यानविद्या विभाग,
कृषि महाविद्यालय, दापोली

सोबत:— वरील प्रमाणे

12/09/12

M.S.R.D.C.
(BWSP) SITE OFFICE

1645

Remarks

Open areas available at Insuli cheds post

Sr. No.	Area	Approximate Area	Spacing (m)	Plant spacing	Number
1	Zone 1	1808	2 x 1	Ain	904
2	Slope 1	8160	0.6 x 0.6	Lemon grass	22667
3	Zone 2	4735	2 x 2	Cinnamon	116
4	Slope 2	4905	0.6 x 0.6	Lemon grass	13625
5	Zone 3	908	2 x 1	Kinjal	454
6	Zone 4	5463	2 x 2	Jackfruit	1366
7	Zone 5	5990	2 x 2	Jamun	1498
8	Zone 6	3127	1 x 1	Bamboo	8127

Open Areas available in Sawantwadi town

Sr. No.	Area	Approximate Area	Spacing (Running m)	Plant spacing	Number
1	पांडुरंग गोविंद कदम	262	5m	Coconut	104
2	वामन परशुराम सोनशेट	146.4	5 m	Coconut	58
3	निलोफर गनी बेग	128	3 m	Kokum	85
4	सतिश पुरूषोत्तम वजारी	136	5 m	Coconut	55
5	आत्माराम भिवा नाईक	100	3 m	Kanchan	67
6	शकील खान आस्लम खान	105	3 m	Kokum	110
7	सुभानराव पाटणकर	170	3 m	Nagkeshar	113
8	सुखदेव बापू सावंत	100	3 m	Jamun	67
9	विष्णू दत्ताराम डोंगरे	70	3 m	Nagkeshar	46
10	दिलीप लक्ष्मण गिरप	112	3 m	Jamun	75
11	रेश्मा सगीर शेख	146	2 m	Kavthichafa	146
12	जुलेखाबी इब्राहीम रखांगी	122	3 m	Tamhan	81
13	दिलीप लक्ष्मण गिरप	88	3 m	Tamhan	53
14	दिगंबर गो. वारंग	100	2 m	Kavthichafa	100

Exhibit-B

जा. क्र. कृमविदा/उविवि/१०१०/२०१९
उद्यानविद्या विभाग,
कृषि महाविद्यालय, दापोली
दिनांकः— - 5 JUL 2019

प्रति,

श्री. मुक्तेश वाडकर
कार्यकारी अभियंता,
महाराष्ट्र राज्य रस्ते विकास महामंडळ,
वांद्रे रेक्लेमेशन डेपो समोर,
लिलावती हॉस्पीटल जवळ,
केसी मार्ग — वांद्रे (प.) मुंबई ४०० ०५०

विषयः— राष्ट्रीय हरित लवाद पश्चिम विभाग, पूणे यांनी दिलेल्या निर्णयानुसार बांदा येथील चेक पोस्ट नजिक करावयाच्या लागवडी संदर्भात दिनांक १५ जून २०१९ रोजी केलेल्या संयुक्त पहाणीबाबत......

संदर्भः— आपले जा. क्र. MSRDC/02/BCP/2019/64 दिनांक ६ मे, २०१९ चे पत्र

महाशय,

आपल्या उपरोक्त पत्रातील विषयास अनुसरून डॉ. बाळासाहेब सावंत कोकण कृषि विद्यापीठ, दापोलीच्या उद्यानविद्या विभागाचे प्रमुख डॉ. बी. आर्. साळवी व श्री. वाय्. आर्. परूळेकर, सहाय्यक प्राध्यापक यांनी दिनांक १५/०६/२०१९ रोजी बांदा चेकपोस्ट प्रक्षेत्राची प्रत्यक्ष पहाणी केली. सदर पहाणीच्या वेळी सदर प्रकल्पासंबंधीत व्यक्ती श्री. एम्. पी. अॅव्रॉल, श्री. एस्. एम्. साळुंखे, श्री. रफिक अहमद, श्री. धनराज तापसे, श्री. नितीन पोळेकर तसेच ब्रिगेडियर श्री. कपिल उपस्थित होते. या सर्वांसमक्ष पहाणी करून करावयाच्या उपाय योजनां संदर्भात सविस्तर माहिती देण्यात आली.

आपण प्रत्यक्ष केलेल्या लागवडी पैकी मा. हरित लवाद, पूणे यांनी Compensatory afforestration of 44,000 trees (1:8) in the same area असे ते नमूद केले आहे. ते पहाता आणि वृक्ष लागवड याचा विचार करता त्यापैकी आतापर्यंत ४७७८ विविध वृक्षांची लागवड करण्यात आली आहे. त्याच बरोबर संबंधीत यंत्रणेने ८,१२७ बांबू आणि ३६,२९२ लेमन ग्रास यांची लागवड केली आहे. चेकपोस्ट तयार करताना झालेल्या डोंगर कापणीचा आणि तेथे असलेल्या उताराचा विचार करता जमिनीची धूप थांबविण्यासाठी लेमन ग्रांस लावण्याची ही आवश्यकता होतीच. मात्र हरित लवादाच्या आदेशानुसार त्याठिकाणी असलेल्या ११.९५ हेक्टर क्षेत्रापैकी चेक पोस्ट विकासासाठी

अत्यावश्यक असलेली जागा सोडून उर्वरीत उपलब्ध होणाऱ्या क्षेत्रामध्ये उरलेल्या ३९२२२ वृक्षांची लागवड करता येणे अशक्य आहे मात्र अजूनही काही प्रमाणामध्ये मोकळी असलेली जागा वृक्ष लागवड करण्यासाठी वापरता येवू शकेल या मध्ये आंबा, काजू, कोकम, जांभूळ, साग, ऐन, किंजळ यासारख्या वृक्षांची लागवड करण्यात यावी. पाहणी दरम्यान सदर ठिकाणी इतर ही शोभेची झाडे लावून इन्सूली चेक पोस्ट चे सुशोभिकरण करण्याचा राबविलेला कार्यक्रम अतिशय चांगला आहे. वरील सुचनांचा अवलंब करण्यात यावा असे वाटते.

कळावे

आपला विश्वासू,

प्रमुख
उद्यानविद्या विभाग,
डॉ. बा. सा. कोकण कृषि विद्यापीठ,
दापोली, जि. रत्नागिरी

प्रत, माहितीसाठी सविनय सादर.

१. मा. संशोधन संचालक, डॉ. बा. सा. कोकण कृषि विद्यापीठ, दापोली.
२. मा. सहयोगी अधिष्ठाता, कृषि महाविद्यालय, दापोली.
३. मा. कुलगुरू यांचे स्वीय सहाय्यक, डॉ. बा. सा. कोकण कृषि विद्यापीठ, दापोली.

Exhibit-C

महाराष्ट्र राज्य रस्ते विकास महामंडळ मर्यादित

स्वातंत्र्याचा अमृत महोत्सव

म.रा.र.वि.म.
(महाराष्ट्र शासनाचा उपक्रम)

मरारविम/०२/सव्यसं(अभि)/बीसीपी/२०२४/२१४४
दिनांक : ०२.०४.२०२४.

प्रति,
मे. महाराष्ट्र बार्डर चेक पोस्ट नेटवर्क लि,
गोदरेज कोलस्युम, ६०२, सी विंग,
एव्हराट नगर जवळ,
सायन (पु), मुंबई ४०००२२.

विषय : NGT Case No. २८/२०१४
Shri Saiprasad Kalyankar Vs. The Regional Transport Officer (RTO) and Others चे प्रकरण करण्यात आलेल्या वृक्षलागवडीची संयुक्त स्थळ पाहणी.

संदर्भ : १. NGT Case Application no. २८/२०१४ चे दि. १०.०९.२०१४ चे आदेश
२. NGT Case Ex. Application no. ०६/२०१८ चे दि. १३.०३.२०१९ चे आदेश
३. उप वनसंरक्षक, वनविभाग सावंतवाडी यांचे पत्र क्र. अ/कक्ष-कोर्टकेस/बांदा चेकपोस्ट-वृक्षारोपण /२३-२४/२९७० दि. २८.०३.२०२४.

उपरोक्त विषयांकीत प्रकरणी मौजे बांदा ता. सावंतवाडी येथील सर्वे क्र. १८९ क, क्षेत्र ११.९५.०० हे. आर. मधील सिमा तपासणी नाक्याचे आधुनिकीकरणासाठी करण्यात आलेल्या वृक्षतोडीचे अनुषंगाने सदर ठिकाणी वृक्ष लागवड करणे सदर्भात मा. राष्ट्रीय हरित लवादाने Execution Application No.०६/२०१८ in Original Application No.२८/२०१४ मध्ये दि. १३/०३/२०१९ रोजी न्यायालयीन आदेश पारीत केलेले असून विषयांकीत प्रकरणी बेकायदेशीर वृक्षतोडीमुळे कोर्टाने १:८ प्रमाणे ४४००० झाडे लावण्याचे आदेश Reforestration म्हणजे झाडे लावणे व जगवणेचे आदेश दिलेले आहेत. सदर आदेशान्वये सदरची वृक्ष लागवड दि.१३.०३.२०२० पुर्वी करणेबाबतचे निर्देश देण्यात आलेले होते.

दि. १५/०३/२०२४ रोजी वनक्षेत्रपाल (प्रा) सावंतवाडी MSRDC चे कार्यकारी अभियंता, आरटीओ विभागाचे अधिकारी मोटर वाहन निरीक्षक, सहाय्यक मोटर वाहन निरीक्षक त्याचप्रमाणे MSRDC चे सहाय्यक, व तक्रारदार श्री. कल्याणकर यांचे प्रतिनीधी, पंच त्याचप्रमाणे माळी, वनपाल बांदा, वनरक्षक, वनमुजर यांनी उपस्थित राहून दि. १५/०३/२०२४ रोजी पासून मौजे बांदा सटवाडी येथील सर्वे क्र १८९ क क्षेत्र ११.९५.०० हे. आर मधील सिमा तपासणी नाक्याचे क्षेत्रात मा.राष्ट्रीय हरित लवाद यांचेकडील आदेशान्वये MSRDC ने लागवड केलेल्या वृक्षांची मोजदाद करणेस सुरवात केली.

INWARD
Date 5/4/24
Inward No. 33213

सीआयएन : U45200MH1996SGC101586
जीएसटी : 27AAACM6833C1ZP

नोंदणीकृत कार्यालय : नेपियन्सी रोड, प्रियदर्शनी पार्क जवळ, मुंबई - ४०० ०३६
दूरध्वनी : (०२२) २३६८ ५९०९
दूरध्वनी : (०२२) २३६१ ३७८९
दूरध्वनी : (०२२) २३६९ १०३०

कार्पोरेट कार्यालय : वांद्रे रेक्लेमेशन डेपोसमोर, लिलावती हॉस्पिटलजवळ, के.सी.मार्ग, वांद्रे (प), मुंबई - ४०० ०५०
दूरध्वनी : (०२२) २६४० ०१९० / २०१
दूरध्वनी : (०२२) २६५५ ८१७५ / ७६
फॅक्स : (०२२) २६४१ ७८९३

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दि.१५/०३/२०२४ ते १९/०३/२०२४ पर्यंत सदर क्षेत्रातील लागवड केलेल्या वृक्षांची मोजदाद पूर्ण करून पंचनामा आदी कागदपत्र तयार करणेत आलेले असून पंचनाम्यानूसार सदर क्षेत्रात मोजणी केलेली रोपे संख्या २६६६५ एवढी झाले असून त्यापैकी १७२७९ झाडे ही वृक्ष प्रजाती संवर्गातील असून इतर उर्वरीत ९३८६ एवढया प्रजाती शोभिवंत झाडे, बांबू कणक, कंद (गवत) स्वरूपातील असून, पुर्व-पश्चिम दिशेने टेकडीच्या वरच्या भागात प्लॅस्टिकच्या २-२ टाक्या बसवून ठिबक सिचनव्दारे रोपांना पाण्याची व्यवस्था करणेत आलेली असून रोपांना पाणी सोडण्यात आले नसल्याचे नमुद केले आहे. तसेच रोपांचे सभोवताल सुकलेल्या स्थितीत रानमोडी, गवत, घाणेरी यांचा फैलाव असल्याचे निदर्शनास आले. त्यामुळे सदर क्षेत्रात आग लागून रोपांना इजा, नूकसान होण्याची शक्यता असलेबाबत, तसेच सदर झाडांचे संरक्षण व संर्वधन करणेकामी उपाययोजना करणेसंबधी आवश्यक त्या सर्व सुचना वन अधिकारी यांचेकडून पंचासंमक्ष देण्यात आलेल्या आहेत.

उपरोक्त प्रमाणे प्राप्त झालेल्या अहवालानुसार मा. राष्ट्रीय हरित लवाद यांचेकडील दि. १०/०९/२०१४ व १३/०३/२०१९ चे आदेशांचे पुर्ण पालन झालेले दिसून येत नाही. प्रकरणी स्थळ पाहणी अहवालात १७२७९ झाडे ही वृक्ष प्रजाती संवर्गातील लागवड केल्याचे नमुद केले आहे. आपणास पुनच्छ कळविणेत येते की, मा.राष्ट्रीय हरित लवाद यांचेकडील दि.१०/०९/२०१४ व दि. १३/०३/२०१९ रोजीचे आदेशान्वये सदरचे वृक्ष लागवड उद्दीष्ट येत्या पावसाळयात जूलै २०२४ अखेर पुर्ण करून संरक्षण व देखभाल ची कार्यवाही करणेत यावी.

तसेच स्थळ पाहणी अहवालानूसार पुर्वी लावण्यात आलेल्या वृक्ष प्रजातीचे रोपांचे सभोवती सुकलेल्या स्थितीत रानमोडी, गवत, घाणेरी यांचा फैलाव असल्याने सदर क्षेत्रात आग लागून रोपांना इजा, नूकसान होण्याची शक्यता असल्याने सदर क्षेत्रात तात्काळ उपाययोजना करून वृक्ष प्रजाती रोपे १००% जिवंत राहतील या दृष्टीने आवश्यक ती संरक्षण व संगोपनाची कार्यवाही आपले स्तरावरून तातडीने करणेत यावी.

वरील सर्व बाबी लक्षात घेता, मा. राष्ट्रीय हरित लवाद यांनी दि.१०/०९/२०१४ व १३/०३/२०१९ अन्वये दिलेल्या आदेशाप्रमाणे व संयुक्त पाहणी दरम्यान वन अधिकारी यांनी दिलेल्या उपरोक्त सुचनेच्या अनुषंगाने आवश्यक ती कार्यवाही करुन आपला स्वयंस्पष्ट अहवाल महामंडळास त्वरीत सादर करावा.

(मुक्तेश वाडकर)
कार्यकारी अभियंता
म.रा.र.वि.महामंडळ, मुंबई

प्रत : माहितीसाठी सविनय सादर.

१. मा. उपाध्यक्ष व व्यवस्थापकीय संचालक, म.रा.र.वि.महामंडळ, मुंबई.
२. मुख्य अभियंता (आरपीएन), म.रा.र.वि.महामंडळ, मुंबई.
३. उप प्रादेशिक परिवहन अधिकारी, सिंधुदुर्ग,

Exhibit-D

BEFORE THE NATIONAL GREEN TRIBUNAL, WESTERN ZONE BENCH, PUNE

APPLICATION NO.28 /2014 (WZ)

Shri. Saiprasad Kalyankar Vs The Regional Transport Officer (RTO) & Ors.

CORAM: HON'BLE MR JUSTICE V.R. KINGAONKAR, JUDICIAL MEMBER

HON'BLE DR. AJAY A. DESHPANDE, EXPERT MEMBER

Present: Applicant/ Appellant : None Appeared
Respondent No.8 : Mr Saket Mone Adv i/b Vidhi Partners

Date and Remarks	Orders of the Tribunal
Item No.3 May 25, 2015 Order No.14	We have heard learned Advocate Mr. Saket Mone, appearing for Maharashtra State Road Development Corporation (MSRDC). Perusal of communications placed on record go to show that the transport authority has allocated the funds for transfer to the Irrigation Department as directed by NGT. Thus, main part of order of the NGT is complied with and Mr. Sake Mone, makes a statement that said amount will be transferred within a week. We accept the statement of Mr. Saket Mone. Only part which remains is regarding plantation of trees/plants as directed in the final order, which work has to be carried out by the concessionaire/contractor. MSRDC will give due information to the concessionaire/contractor to commence the work at the onset of Monsoon in order to ensure proper growth of plants during ensuring season. He also states that concessionaire/contractor will be informed to put tree-guards in order to avoid any loss of plantation and take due care of the plantation activity by all means. Consequence of failure or non-compliance may also be informed to concessionaire/contractor by the MSRDC in clear terms. He may be informed that failure to comply with directions of the NGT, may entail not only penal action under Section 28 of the NGT Act, 2010, but also recovery of cost of afforestation/ plantation which MSRDC will be compelled to do due to inaction on part of concessionaire/contractor. In view of above statement by learned Advocate Mr. Saket Mone, we deem it proper to hold that directions are complied with and the matter is disposed of. ...., JM (Justice V. R. Kingaonkar) ...., EM (Dr.Ajay A. Deshpande)