

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

MISC. APPLICATION NO.05/2024 (WZ)

IN

EXECUTION APPLICATION NO.12/2022 (WZ)

IN

ORIGINAL APPLICATION NO.80/2020 (WZ)

Vanashakti & Anr. ... Applicants

Versus

State of Maharashtra & Ors. ... Respondents

**Additional Affidavit in Reply on behalf of Respondent No.6
Maharashtra Pollution Control Board (MPCB)**

I, B.M. Kukade, aged-Adult, occupation – Service, the Sub Regional Officer of the Maharashtra Pollution Control Board at Pune 2, having office address at 2nd Floor, Jog Centre, Wakdewadi, Pune – 411003, do hereby state on solemn affirmation as under :-

1. I have perused the papers and proceedings of the above matter. I am thus conversant with the facts of the case and I am able to depose the same. I am filing the said Affidavit in Reply on behalf of Respondent No.6 -Maharashtra Pollution Control Board (MPCB) in compliance of order of this Hon'ble Tribunal dated 09/04/2025.
2. I say that the Hon'ble Tribunal had enquired as to why the discrepancy had occurred in regards to the letter dated



08/08/2023 written by the Sub regional officer MPCB, Pune 2, addressed to the Executive Engineer, Pune Irrigation Division, i.e Respondent No.9. I say that the Board has filed Affidavit dated 24/07/2024 wherein it was stated that in compliance of the order dated 27/02/2023 passed by this Hon'ble Bench in EA No. 12/2022, in OA No. 80/2020, the present Respondent had given an opportunity of personal hearing to one Mr Bharadwaj Yadavrao Pagare on 08/05/2023. I say that during the course of hearing, Mr Bhardwaj Pagare informed that he had started the cage aqua culture activity with the permission from Commissioner of Fisheries, GOM, vide their letter dated 06/09/2018 and this activity was stopped since last two years. I say that the said Mr Bhardwaj Pagare had filed an Affidavit to that effect on 11/06/2024. Hereto annexed and marked as **Annexure A colly** is the letter of granting personal hearing dated 08/05/2023 and Affidavit dated 11/06/2024.

3. I say that on 05/08/2023, the Board had received a mail from the Applicant No.2 informing that the cage aqua culture activities have increased and have sprung up in other locations and reservoirs in and around Vadawali lake. Applicant No.2 also mentioned that at two other locations i.e. Andra dam and Kondivade also have this activity underway. I say that to handle this issue of aqua cage culture pollution, the concerned competent authorities are the Ministry of Fishing, Animal Husbandry and Dairying (Respondent No.3) Commissioner of Fisheries, (Respondent No.4) GOM & Pune Irrigation Division, Water Resources Department, State of Maharashtra (Respondent





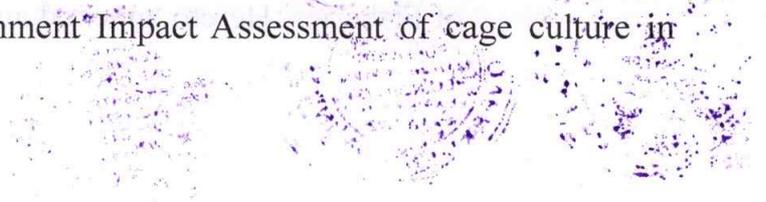
No.9). I say that on receiving the mail from Applicant No.2 on 05/08/2023, the present Respondent had written a letter dated 08/08/2023 to the Executive Engineer, Pune Irrigation Division I.e. Respondent No. 9. I say that vide the said letter, Respondent No.9 was requested to take necessary steps to stop cage aqua culture activity and remove all equipment's inside the lake including the toilets made on the water on two locations ie. Andhra Dam near village Kondivade to avoid water pollution at natural bodies. Hereto annexed and marked as **Annexure B** is the letter dated 08/08/2023. I say that as far as Mr Bhardwaj Yadavrao Pagare is concerned, as directed by the Hon'ble Tribunal in EA No. 12/2022 in OA No. 80/2020, the Respondent Board had granted him opportunity of hearing and ensured the closure of the aqua cage culture activity.



4. I say that on 23/01/2024, the Official of the Respondent Board at Pune visited the same site and confirmed that Mr Bhardwaj Yadavrao Pagare's cage culture activity was completely removed by him from Vadiwale lake and he had shifted his activity to Nashik. I say that the Officer of the Respondent Board at Pune had found another cage culture activity by one Mr. Dattatray Panchgane and observed that Mr Panchgane had obtained NOC dated 26/11/2021 from Asst Commissioner of Fisheries, which was valid from the year 2020-21 to 2024-25. I say that it was also observed that the said Mr. Panchgane had not obtained permission from the present Respondent and it was running on the basis of the NOC issued from the Commissioner of Fisheries. Hereto annexed and marked as **Annexure C** colly

is the visit report dated 23/01/2024 in vernacular language along with the English translation. I say that on observing that the said activities are going on, on the basis of the NOCs obtained from the Commissioner of Fisheries, the present Respondent vide letter dated 23/01/2024, ie. the very same date of the visit, requested Asst. Commissioner of Fisheries to take necessary steps to avoid water pollution in natural bodies enclosing the copy of the Hon'ble Tribunal's order dated 27/02/2023. Hereto annexed and marked as **Annexure D** is the letter dated 23/01/2024. However, the Respondent Board has not received any reply from the Assistant Commissioner of Fisheries. I say that during visit dated 07/02/2024, the same situation was observed which led to another letter written to the Asst Commissioner Of Fisheries informing that all these units are running on the basis of the NOC obtained from the Fisheries Department and necessary action is warranted from their side.

5. I say that considering the pollution potential associated with cage aqua culture activity, currently, the present Respondent has categorised the cage aqua culture activities into 'Green category of industries and assigned it a provisional classification under serial number 'G-94', until such time as the CPCB finalises the industry categorisation based on the outcome of the proposed Environmental Impact Study on cage aqua culture activities. I say that the present Respondent has issued a work order dated 24/09/2024 to Indian Council of Agriculture Research – Central Inland Fisheries Research Institute (ICAR- CIFRI) to carry out study on Environment Impact Assessment of cage culture in





inland open waters. The funds are released to said ICAR-CIFRI on 21/04/2025 and work is started & the same is expected to be completed by April 2026.

6. I say that as far as current aqua cage culture activities are concerned which are going on in and around Vadiwale lake, the Respondent-Board has issued closure directions to all aqua cage culture activities vide letter dated 23/07/2025.

7. I say that in the meanwhile the present Respondent has issued a Public Notice in leading newspapers **The Indian Express and The Loksatta on 04/07/2025** informing all the stakeholders to obtain the necessary consent as mandated under the applicable Environmental laws. I further say that to obtain the specific number of ongoing cage aqua culture activities in and around Vadiwale lake, the present Respondent is taking abundant precautions by obtaining list from the Commissioner Of Fisheries – Pune since these activities are going on, on the basis of the NOCs granted by them. I say that the present Respondent is taking necessary steps to curb the pollution resulting from cage aqua culture activities.



BEFORE ME

Solemnly affirmed as on 28th day of July 2025 at Pune.

MANGALA N. WAKHARE
ADVOCATE & NOTARY
GOVERNMENT OF INDIA

For and on behalf of
Maharashtra Pollution Control
Board

28 JUL 2025

28 JUL 2025

(B.M. Kukade)

Sub-Regional Officer, Pune-II



Date: / / 20

MON	TUE	WED	THU	FRI	SAT	SUN
<input type="checkbox"/>						

Name of person :- ~~Mr~~ Shri Bhardwaj Yadavmo
Pagare

At Sansarigaon, Post Deolali
Camp, Tal. & Dist. Nashik
bypagare@gmail.com

Date :- 8.5.2023

Ref :- Order passed by Hon'ble NAT on 27.2.2023
in Execution A.No. 12/2022 in O.A. No.
80/2020 Vanashakti & An vs State of Mah.
2. Letter of SRO P-II for hearing on
at 27.4.2023

Representative :- Shri. Bhardwaj Yadavmo Pagare
- Mob. NO. 9822532544
- bypagare@gmail.com

Discussion :-

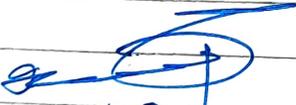
As per the Hon'ble NAT order dtd.
27.2.2023, the personal hearing is conducted.
During the course of personal hearing the
Project Proposer Mr. Bhardwaj Yadavmo
Pagare apprised about entire NAT matter
i.e. O.A. No. 80/2020 and Execution No.
12/2022. As per the Hon'ble NAT Order
6 members expert committee comprising
the concerned Regional officer, MOEF & CC,
the Concern Regional officer, CPCB,
the Maharashtra state PCB, the nominee
of ministry of fishing GOI and GOI and
also the Central Inland Fisheries Research
Institute.

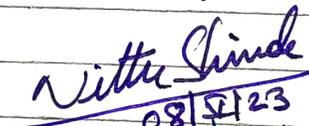
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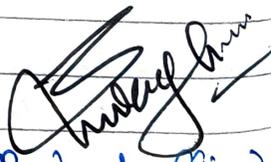
MON TUE WED THU FRI SAT SUN

The Committee submitted the report before the Hon'ble NGR with conclusion that- due to Cage Aquaculture activity in the Radivali Lake, the water quality changed ~~into~~ to (Polluted).

In response to the above the PP informed that they have started the Cage Aquaculture activity with permission from Commissioner of Fisheries Govt vide their letter dt 6.9.2018. However, this activity stopped/closed since 2 years back. The details of the same will be submitted within 7 days. Further, they informed that he stated he is not aware about this NGR matter.


 (Bhasadraj Pagare)
 Cage owner


 08/11/23
 (Nitin Shinde)
 Sub Regional Officer-P-II


 (Regional officer)
 Pune

देवडाडी कॅम्प
दि. 9/1/2028

3

प्रति.

12/06/14-PS-0004

मा. उपमादेशीक अधिकारी पृष्ठे 2

महाराष्ट्र प्रदुषण मंडळ, जोग रोड

दुसरा मजला, वाफडे वाडी पृष्ठे-899003.

विषय:- वडोवडी धरण, (मु. भाजगाव
पो. पिपडंगाव ता. मावड
जि. पुणे येथील पिंजरा पध्दतीने
मस्य संबंधीत प्रकल्प हळकियत
बाबत

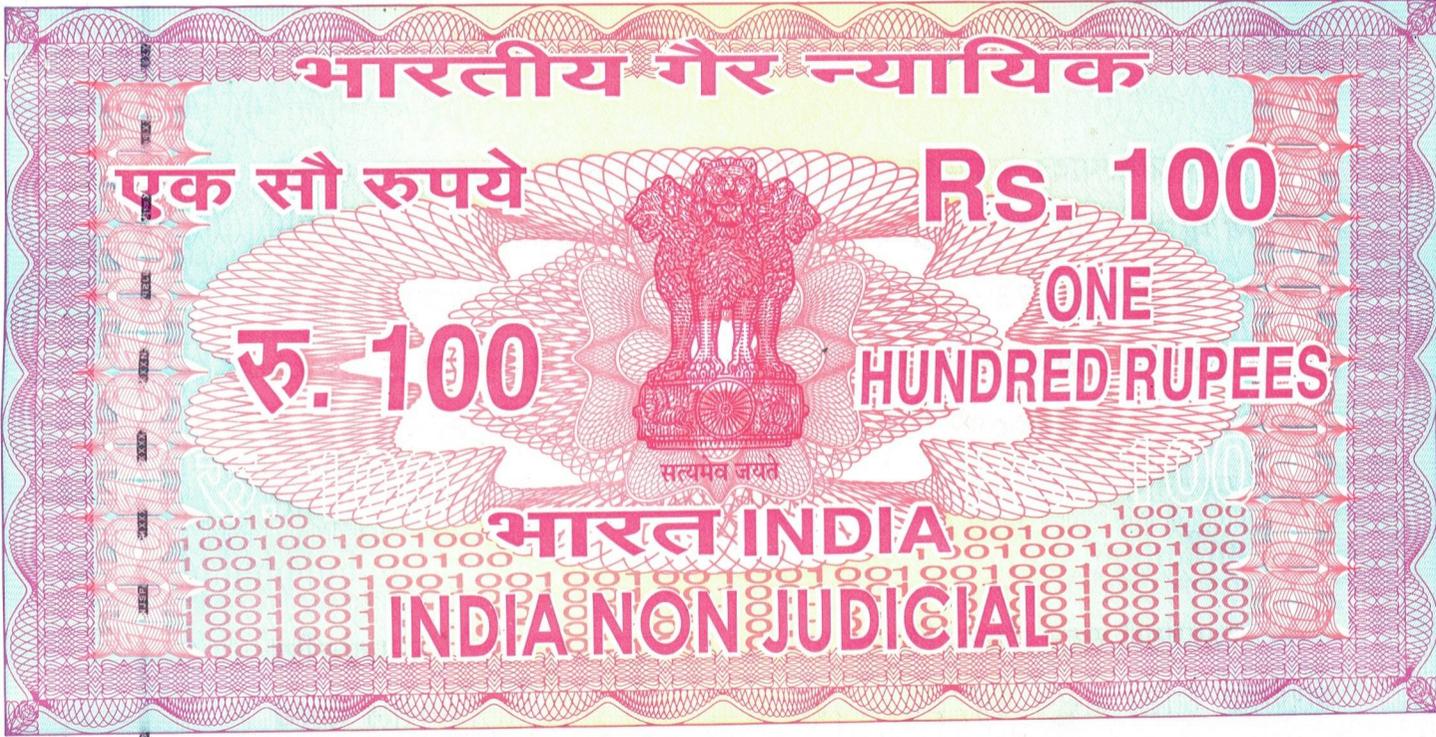
अर्जदार:- भारद्वाज चांदवराव पगारे,
मु. संसरी पो. देवडाडी कॅम्प
ता. जि. नाशिक. 422401

महोदय,
मा. कदम मंडळ यांच्या दुरुष्की नुसार
वडोवडी धरण वरील पिंजरा पध्दतीने कोठे
मस्य संबंधीत प्रकल्प दि. 9/1/3/2022
रोजी नाशिक येथील कडवा धरण इगतपुर्ण
येथे हळकियत आता आहे. आज रोजी
उपरोक्ता धरणवर कोणतेही सामान व
मस्य पिंजरे शिफ्ट नाही.
सोपत प्रतिसापत्र नोटरी कुठे
सादर केले आहे. आपण विचारत

(भारद्वाज चांदवराव पगारे)

NGT OA NO. 80/2020
file

SRDP-II
14/6/24



महाराष्ट्र MAHARASHTRA

2023

95AA 025039

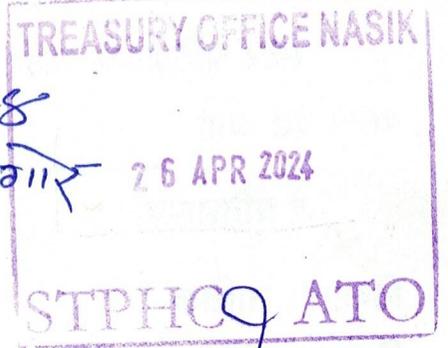
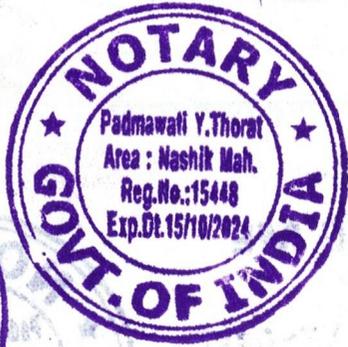
प्रतिज्ञापत्र करार नामा

L2 900/- 90/11/2028

शंभू विकत घेणान्याबे नाब अश्वदुवाज यादवराव पगारे

26 APR 2024

हस्ता २वला

विनायक म. गायकबाई
नॉटरी बेंडर, नाशिकNOTED AND REGISTERED
AT SR.NO. 5768 11/06/24
THE DOCUMENT CONSIST
OF 2 PAGES

॥ श्री ॥

प्रतिज्ञापत्र

मी, श्री.भारद्वाज यादवराव पगारे उ.वय : ६६ वर्षे, धंदा : सेवानिवृत्त,
रा.जानकी निवास, मु.संसरी, पो.देवळाली कॅम्प, ता.जि.नाशिक समक्ष हजर
राहून सत्य प्रतिज्ञेवर लिहून देतो की,

मा.आयुक्त, मत्स्य व्यवसाय महाराष्ट्र राज्य, मुंबई यांचे जा.क्र.मत्स्य/भू/
०२०९१६/१२०/७९६/३०/२०१६/भाग-३ दिनांक ०६/०९/२०१८ रोजीचे
आदेशान्वये पिंजरा पध्दतीने मत्स्य पालनाचा प्रकल्प मंजूर करण्यात आला
होता.



सदर प्रकल्पावर मत्स्य पालनाचे काम करणे वैयक्तिक कारणास्तव अशक्य धरल्याने मी सदर प्रकल्प कडवा धरण, ता.इगतपुरी जि.नाशिक येथे स्थलांतरीत करण्यासाठी दिनांक २३/११/२०२१ रोजी प्रस्ताव सादर करण्यात आला होता. त्यानुसार मा.आयुक्त मत्स्य व्यवसाय, महाराष्ट्र राज्य, मुंबई यांचे जा.क्र.मत्स्य/भू/०२०९३३/१२३/२०१९/४०५ दिनांक १४/०३/२०२२ चे आदेशान्वये पिंजरा पध्दतीने मत्स्य पालन प्रकल्प स्थलांतरीत करण्यास परवानगी देण्यात आली होती.

त्याप्रमाणे सदर प्रकल्प दिनांक १५/०३/२०२२ पासून त्वरीत स्थलांतरीत करण्यात आला असून ११/०६/२०२४ रोजी माझा सदर तलावावरील मत्स्य प्रकरणा संबंधी कोणतेही साहित्य शिल्लक नाही.

सदर प्रतिज्ञापत्र माझे स्वखुशीने, कोणत्याही दबावाला बळी न पडता करून देत आहे.

हे प्रतिज्ञापत्र.

ठिकाण : नाशिक

दिनांक : ११/०६/२०२४

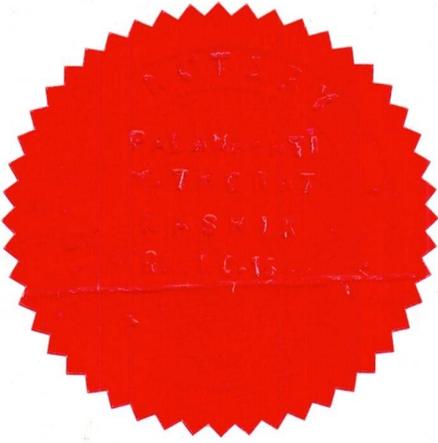
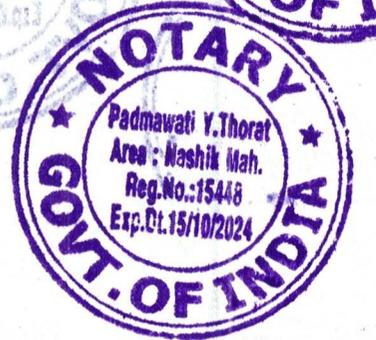


श्री.भारद्वाज यादवराव पगारे

प्रतिज्ञापत्र करणार

BEFORE ME

Y. Thorat
PADMAWATI Y. THORAT
 NOTARY GOVT. OF INDIA
 Keshavrao Thorat Chowk,
 Deoligaon, Nashik Road



MAHARASHTRA POLLUTION CONTROL BOARD

SUB-REGIONAL OFFICE, PUNE- 2

Annexure - B

Ph. 020-25811694

Fax. 020-25811029

E-mail-sropune2@mpcb.gov.in



Jog Center Bldg.

2nd floor, Wakdewadi,

Mumbai – Pune Highway,

Pune 411003

Ref. No. SROP-II/ 230808-FTS-0060

Date: 08/08/2023

To,
Executive Engineer,
Pune Irrigation Division,
New Admin Building, 2nd Floor,
Above Hon'ble NGT Office, Pune-1.

Sub: - Regarding to stop cage aquaculture activity in Vadiwale Dam and other two location.

Ref:- 1) Hon'ble NGT order dtd. 27/02/2023
2) E-mail of Stalin D dtd. 05/08/2023

Sir / Madam,

With reference to above subject matter this is to inform you that this office has received e-mail from Stalin D, Director, Vanashakti dtd. 05/08/2023 mentioning that presently cage aquaculture activity is going on in Vadiwale Dam and another two location i.e. Andhara Dam and Kondibade (mail copy attached herewith). Also to take action & remove all equipment's inside the lake including the toilets made on the water. As per Hon'ble NGT order dtd. 27/02/2023 they have directed to stop cage aquaculture activity in Vadiwale Dam and take appropriate action on operator.

In view of above, you are requested to take necessary steps to stop cage aquaculture activity and remove all equipment's inside the lake including the toilets made on the water for above locations to avoid water pollution at natural bodies.

Submitted for further needful please.

Your's faithfully,


08/08/2023

(V.V. Killedar)
Sub- Regional Officer,
M. P. C. B., Pune-II

Encl:- Hon'ble NGT (WZ) Orders
Stalin D email copy

Copy to:
Regional Officer, M.P.C.B, Pune : For information please.

आज दि. 23/09/2024 रोजी भाजगाव व उकसाण गाव, ता. मावळ, जिल्हा पुणे येथे NGT O.A. नंबर 80/2020(W2) व Execution Application no.12/2020 (W2) In. Order dated 27 फेब्रुवारी 2023 अन्वये पाहणी करण्यात आली. सदर पाहणी दरम्यान खालील बाबी आढळून आल्या.

- १) सदर पाहणी दरम्यान भाजगाव येथील श्री. भारदोज यादवराव पगारे यांचा मच्छीमारी (Vadivali) व्यवसाय वडीवडे तलावानुन पूर्णपणे हटवल्याचे दिसून आले. श्री. भारदोज पगारे यांच्याची 9822532544 या भूमण्डवनी कुमांकठाद्वारे संभाषण केले असता सदर व्यवसाय त्यांनी नाशिक येथे हटवल्याचे कळविले.
- २) उकसाण गाव, कामशेत, ता. मावळ, जिल्हा पुणे येथे वडीवडे तलावात अंदाजे 400 फूट अंतरावर श्री. हत्तात्रय पान्धगणे यांचा 92 cage चा मच्छीसंवर्धन व मच्छीमारी व्यवसाय सुरू असल्याचे आढळून आले.
- ३) सदर व्यवसाय दोन वर्षांपासून सुरू असल्याचे त्यांचे कामगार श्री. दिनेश किसन शेवार यांनी सांगितले.
- ४) सदर व्यवसायात अंदाजे ६ ते ७ महिने मत्स्यसंवर्धन केले जाते. Cage मध्ये दुसरे ब्रीड / बालिकुन ब्रीड आणून टाकले जात नाही. शेज अंदाजे 95 किगो खाद्य Cage मध्ये टाकले जाते.
- ५) सदर व्यवसायाकरीत) श्री. पान्धगणे यांनी पत्र क्र. सआम 1 तां / 9220/2029 दि. 24.09.2029 रोजी अन्वये सहाय्यक आयुक्त मत्स्यव्यवसाय (तां) पुणे यांची NOC घेतली असून ती. 2020-29 ते 2024-25 कर्िता आहे.
- ६) सदर उद्योजकाकडे महाराष्ट्र प्रदूषण नियंत्रण मंडळाचे संमतीपत्र घेतल्याचे आढळून आले नाही.


श्री. दिनेश किसन शेवार.


(वर्षा कदम)
क्षेत्र अधिकारी. पुणे.

989

MAHARASHTRA POLLUTION CONTROL BOARD

SUB-REGIONAL OFFICE – Pune II.

Phone No. 9422742901
Fax No. 020-2581 1029
Email ID – sropune2@mpcb.gov.in



Jog Center 2nd floor,
Wakdewadi, Pune -Mumbai
Road, Pune- 411003.

-: Visit Report :-

Date:23.01.2024

With reference to the Hon'ble NGT's order dated 27th February 2023 in O. A. No. 80 of 2020 (WZ) and E.A. NO. 12 of 2022 (WZ) and MISC. APPLICATION NO.05/2024 (WZ), the visit has been caused to the site to verify the status of the Aqua Cage Culture activity in the Vadiwali lake and following are the observations during the visit.

1. During visit it is observed that Mr. Bhardwaj Pagare has stopped the Aqua Cage Culture activity in the Vadiwali Lake and shifted their activity to Nashik. (This is confirmed by telephonic communication with Mr. Bharadwaj Pagare, Tel. No. 9822532544)
2. Mr. Dattatray Panchagane has started their 18 cage Aqua Cage Culture activity in the Vadiwali lake which is located approximately 500 mtrs away from the village Uksan, Kamshet, Tal. Maval, Dist. Pune.
3. One Worker named Mr. Dinesh Kisan Shelar told that they have started this activity since last two years.
4. The breed of fishes are cultivated for 6 to 7 months and approximately 15 Kg/ D is the food given to them.
5. Mr. Dattatray Panchagane has obtained NOC dated 26/11/2021 from Asst Commissioner of Fisheries which was valid from the year 2020-21 to 2024-25.
6. During visit it is observed that this unit is in operation without obtaining Consent from the Board.

(V.A. Kadam)

Field Officer,

Sub-Regional Officer,

M.P.C. Board, Pune-II

990

MAHARASHTRA POLLUTION CONTROL BOARD

SUB-REGIONAL OFFICE, PUNE- 2

Annexure- D

Ph. 9422742901
Fax. 020-25811029
E-mail-sropune2@mpcb.gov.in



Jog Center Bldg.
2nd floor, Wakdewadi,
Mumbai – Pune Highway,
Pune 411003

Ref. No. SROP-II/ 240123-FTS-0159

Date: 23/01/2024

To,
Assistant Commissioner Fisheries (Tech.),
Government Fish Seed Production Centre,
Survey No. 15, Hadapsar, Pune-28

Sub: - Regarding to stop cage aquaculture activity in Vadiwale Dam and other two location.

Ref:- 1) Hon'ble NGT order dtd. 27/02/2023
2) E-mail of Stalin D dtd. 05/08/2023

Sir / Madam,

With reference to above subject matter this is to inform you that this office has received e-mail from Stalin D, Director, Vanashakti dtd. 05/08/2023 mentioning that presently cage aquaculture activity is going on in Vadiwale Dam and another two location i.e. Andhara Dam and Kondibade (mail copy attached herewith). Also to take action & remove all equipment's inside the lake including the toilets made on the water. As per Hon'ble NGT order dtd. 27/02/2023 they have directed to stop cage aquaculture activity in Vadiwale Dam and take appropriate action on operator.

In view of above, it is requested to take necessary steps to avoid water pollution at natural bodies and compliance of Hon'ble NGT order dtd. 27/02/2023.

Submitted for further needful please.

Your's faithfully,

(V.V.Killedar)
Sub- Regional Officer,
M. P. C. B., Pune-II

Encl:- Hon'ble NGT (WZ) Order,
Stalin D email copy

Copy to:
Regional Officer, M.P.C.B, Pune : For information please.