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Entered in the Notary  
Register with SL No. 789/2025  
Date 7/8/2025

IN THE NATIONAL GREEN TRIBUNAL,  
WESTERN ZONE BENCH, PUNE

EXECUTION APPLICATION NO. 7 OF 2024  
IN  
ORIGINAL APPLICATION NO. 28 OF 2014

BETWEEN

CA MR. SAIPRASAD MANGESH KALYANKAR - APPLICANT

VERSES

THE REGIONAL TRANSPORT OFFICER & ORS -RESPONDENTS

ADDITIONAL AFFIDAVIT BY THE APPLICANT

**MOST RESPECTFULLY SHOWETH:-**

I, Saiprasad Mangesh Kalyankar, the Applicant herein, do hereby solemnly affirm and respectfully submit this Additional Affidavit in continuation of and in furtherance to my reply dated 04/01/2025 and additional affidavit submitted on 22/02/2025 and 23/02/2025. Through the said reply, I have elaborated upon the economic, ecological, and legal significance of trees, emphasizing their indispensable role in maintaining environmental equilibrium, their contribution to sustainable development, and the broader public interest implications arising from their destruction. In light of the gravity of the matter and the necessity of placing additional material on record to further substantiate the submissions already made, I am filing this Additional Affidavit to ensure a comprehensive and just adjudication of the issues involved.

I, Saiprasad Mangesh Kalyankar, the Applicant herein, do hereby solemnly affirm and state as follows:-

1. I, Saiprasad Mangesh Kalyankar, the Applicant above named, most respectfully state and submit that ever since the passing of the Judgment dated 10.09.2014 in Original Application No. 28 of 2014 by this Hon'ble Tribunal under the powers vested in it under various Section of the National Green Tribunal Act, 2010, I have diligently, consistently, and in good faith

**BEFORE ME**

*S.S. Sawant*

**S.S. SAWANT**

B.A.LL.B.

ADVOCATE & NOTARY

Shivaleela, C-242Q Near Govind  
Chhatra Mandir Bhatwadi Sawantwadi

discharged my duties and responsibilities as an environmental activist, public-spirited citizen and technical facilitator for the effective execution and monitoring of the binding directions contained therein.

2. I state that in exercise of my right and duty as an affected person under various Section of the National Green Tribunal Act, I have consistently raised vital issues before all competent statutory authorities, including the Maharashtra State Road Development Corporation (MSRDC), the Regional Forest Department, the Dapoli Agricultural University, the Social Forestry Department, the District Collector, Sindhudurg, and the EPC Contractor, Sadbhav Engineering Limited and Concessionaire Maharashtra Border Checkpost Network Ltd (MBCPNL), to ensure that the directions of this Hon'ble Tribunal regarding compensatory afforestation, soil conservation measures, and payment of statutory dues including royalty and penalties are fully complied with, so that the intended environmental safeguards are not defeated.

3. I respectfully submit that, throughout the course of these proceedings, Sadbhav Engineering Limited and its associated entities have, on multiple occasions, furnished written commitments and undertakings, solemnly assuring this Applicant as well as the concerned public authorities that the mandated plantation works would be duly executed in accordance with scientific standards, that the survival rates would be maintained strictly in line with the approved species list and the recommendations of the Dapoli Agricultural University, and that all outstanding royalty dues and penalties would be discharged in compliance with the applicable environmental and forest laws. These assurances have been communicated through official correspondences exchanged with me and other relevant officials, inter alia, through letters dated 14.02.2024, 03.12.2018, 05.12.2018, 22.02.2019, 04.09.2019, 15.07.2019, 22.08.2022, 10.12.2017, 13.09.2017, 15.07.2022 and 28/11/2023. Copies of these documents are already on record before this Hon'ble Tribunal and are being annexed once again along with this Additional Affidavit for the kind perusal and consideration of this Hon'ble Tribunal.



**BEFORE ME**

*S.S. Sawant*

**S.S. SAWANT**

**B.A.L.L.B.**

**ADVOCATE & NOTARY**

Shivaleela: C-242Q Near Govind  
Central Mandir Bhatwadi Sawantwadi  
Tal. Sawantwadi, Dist. Sindhudurg

4. I further submit that relying on these solemn undertakings, and keeping in mind the larger public interest of ecological conservation and local employment generation, I extended my full cooperation, domain expertise,



technical facilitation and on-ground oversight to ensure that plantation activities were implemented in accordance with the directions issued under various Sections of the NGT Act. I facilitated site inspections, coordinated with local Gram Panchayat, addressed local impediments, and even supported the Respondents in securing statutory permissions and interim certifications including the Commercial Operation Date (COD) certificate granted under the Mediation Decree executed between Suwarna Buildcon Pvt. Ltd. and Sadbhav Engineering Limited.

5. I state that after the issuance of the Completion Certificate (COD), it was specifically assured and committed by M/s Sadbhav Engineering Limited and the concerned officials of the Maharashtra State Road Development Corporation (MSRDC), in the presence of the officials of the Regional Transport Office (RTO), the Forest Department, and the Independent Engineer, Brig. Kapil, that the plantation shall be properly maintained by Maharashtra Border Checkpost Network Ltd (MBCPNL). However, during my inspection of the site in December 2022, it came to my knowledge that the plantation has not been properly maintained and the required upkeep has been grossly neglected. Accordingly, I addressed a written communication to M/s Sadbhav Engineering Limited bringing these lapses to their notice, and the said letter is annexed herewith to this affidavit for the kind consideration of this Hon'ble Tribunal.

6. I further state that in response to my aforesaid letter, M/s Sadbhav Engineering Limited addressed a communication dated 28/11/2023 almost after an year to me wherein they expressly stated that they were unable to maintain the plantation on account of not being in possession of the project site, and accordingly requested my assistance to facilitate the process of securing possession from the concerned authorities and their subcontractor Suwarna Buildcon Pvt Ltd. In good faith and solely in the larger public interest of protecting the environment, a cause to which I have dedicated my entire life, I extended such support strictly within the framework of law and without assuming any responsibility for the actual maintenance of the plantation, which solely rested with the M/s Sadbhav Engineering Ltd, Its Concessionaire and the implementing agency. However, it has now come to light that despite my bona fide efforts and cooperation, M/s Sadbhav Engineering Limited has failed to fulfil its continuing obligations, and appears to have taken undue advantage of my genuine concern for



BEFORE ME

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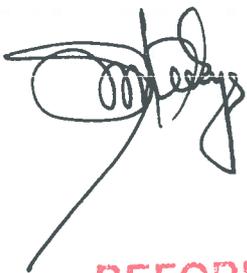
ADVOCATE & NOTARY

Shivaleela: C-242Q Near Govind  
Chitra Mandir Bhatwadi Sawantwadi  
Tel: Sawantwadi, Dist: Sindhudurg

environmental protection. I am therefore submitting this affidavit along with all related communications to bring the true facts to the notice of this Hon'ble Tribunal, so that my actions are placed on record transparently and any false inference of collusion or lapse on my part is conclusively dispelled in the interest of justice and accountability.

7. In further support, I respectfully submit that, in addition to the Panchnama dated 29th August 2019, a detailed physical verification was once again conducted through a fresh Panchnama dated 13th July 2022 at Banda Seema Tapasani Naka, which confirms that various tree species, shrubs, bamboo, and grass varieties had indeed been planted on both sides of the road by Sadbhav Engineering Limited in connection with the check post works. This Panchnama, prepared in the presence of the local Panchas, the Forest Officer, and officials of Sadbhav Engineering Limited, records a meticulous plantation totaling 95,258 plants, comprising approximately 28,334 trees, 68,686 shrubs and grass species, and bamboo and other decorative varieties, as verified species-wise. For instance, the count includes 13,732 cashew trees, 2,035 jamun trees, 3,540 acacia, along with substantial plantations of wild tea (29,250), wedelia (7,550), wild grass (7,310), bamboo (4,860) and several other native and decorative species, thereby demonstrating the scale of the compensatory plantation initially undertaken as per the binding directions of this Hon'ble Tribunal.

8. I further respectfully submit that it is evident from the Affidavit in Reply filed by Respondent No. 4, Maharashtra State Road Development Corporation (MSRDC), the inspection reports, and the records placed before this Hon'ble Tribunal that the compensatory plantation was initially executed in strict compliance with the binding directions contained in this Hon'ble Tribunal's Judgment dated 10th September 2014. The said plantation was carried out under the technical supervision and periodic guidance of the Dapoli Agricultural University, which had been specifically entrusted with overseeing the scientific norms, species selection, and survival standards of the plantation. Based on this plantation only Dapoli University team have communicated through their letter dated 26/08/2022 to Sadbhav Engineering Ltd regarding the compliance of the NGT directions as per Hon'ble Tribunal's Judgment dated 10th September 2014 based on which the IE Brig Kapil have issued COD for the Insuli BCP project. The said letter is also annexed with this affidavit for kind

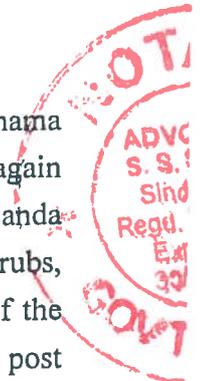


**BEFORE ME**

**S.S. SAWANT**  
B.A.L.L.B.

**ADVOCATE & NOTARY**

Shivaleela, C-242Q Near Govind  
Chitra Mandir Bhatwadi Sawantwadi  
Tel: Sawantwadi, Dist: Sindhudurg



references of the Hon'ble Tribunal. I have also personally withdrawn all complaints previously submitted to the NHAI, Irrigation Department, Forest Department, and Revenue Department concerning royalty and other related issues, after ensuring compliance with the matters raised therein. I have issued corresponding withdrawal letters to the respective authorities, which are annexed to this affidavit. This demonstrates that, following the successful plantation work, I extended my full support and took all necessary steps to facilitate the achievement of COD for the project.

9. I further respectfully submit that the on-site verification carried out through the Panchnama dated 13th July 2022 once again corroborates that the compensatory plantation was initially undertaken and documented under the technical supervision of the Dapoli Agricultural University, in full compliance with this Hon'ble Tribunal's binding Judgment dated 10th September 2014. However, it is a matter of record that this plantation was maintained only for a short period of approximately three months after the grant of the Commercial Operation Date (COD) and that thereafter no proper and continuous maintenance was undertaken, despite clear contractual and statutory obligations resting with Sadbhav Engineering Limited and its Concessionaire, Maharashtra Border Check Post Network Limited (MBCPNL). Despite multiple verified counts and repeated written assurances, the record now clearly demonstrates that Sadbhav Engineering Limited and its Concessionaire failed to uphold their commitments regarding the survival and upkeep of the plantation, resulting in a substantial deterioration of the plantation cover and its ecological objectives. This further highlights the compelling necessity of the present Execution Application to secure faithful adherence to the binding directions of this Hon'ble Tribunal and to ensure sustained protection and restoration of the environment.

10. It is a matter of serious concern and grave public interest that despite repeated interventions, persistent follow-up, and substantial public resources expended to achieve the objectives laid down by this Hon'ble Tribunal, M/s Sadbhav Engineering Limited and its associated entities have willfully failed to fulfil their binding obligations both in letter and in spirit. It is pertinent to place on record that the Additional Affidavit dated 22.04.2025, filed by the Deputy Conservator of Forests and placed before this Hon'ble Tribunal in Execution Application No.07 of 2024,

**BEFORE ME**

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**S.S. SAWANT**

**B.A.L.L.B.**

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Street No. C-242Q Near Govind  
Bhatwadi Sawantwadi  
Dist: Sindhudurg

unequivocally establishes that during the inspection conducted between 15.03.2024 and 19.03.2024, only 26,665 plants were found surviving, comprising 17,279 tree species and 9,386 bamboo, grass, and ornamental species. The inspection report further discloses grave lapses and deficiencies: the plantations were found neglected, not properly watered, and overrun with weeds and dry waste, creating a severe fire hazard and directly threatening the very survival of the plantation. Such willful negligence has effectively frustrated the core objectives of compensatory afforestation as mandated by the Judgment of this Hon'ble Tribunal dated 10.09.2014, rendering the entire exercise futile and causing irreparable damage to the ecological balance.

11. In this regard, the Panchnama dated 29th August 2019 prepared by the Range Forest Officer, Sawantwadi, categorically recorded that as on that date, a total of 70,781 trees had been planted on the available land, which included trees, bamboo, shrubs, and lemon grass in accordance with the approved plan. Further, the Panchnama prepared pursuant to the joint site inspection conducted on 2nd April 2024 once again verified the plantation area and revealed that, due to continued neglect by Sadbhav Engineering Limited and its Concessionaire Maharashtra Border Checkpost Network Ltd (MBCPNL), only 17,279 trees and around 9,386 decorative plants, bamboo and lemon grass remained at site in viable condition.

12. It is thus evident from the admitted record that while the plantation was duly carried out in accordance with the mandate of this Hon'ble Tribunal and under the direct technical supervision of the Dapoli Agricultural University, the M/s Sadbhav Engineering Limited and its associated entities had further categorically undertaken, vide its communication dated 28.11.2023, that the plantation would be properly maintained in perpetuity, subject to their getting possession of the BCP site. However, owing to M/s Sadbhav Engineering Limited and its associated entities failure to secure or retain possession and its resultant neglect of its binding maintenance obligations, despite repeated written assurances, the condition of the plantation has significantly deteriorated. In these circumstances, and in furtherance of the larger statutory and constitutional mandate of ensuring sustained environmental protection under the relevant provisions of the National Green Tribunal Act, 2010, this Applicant has been constrained to approach this Hon'ble Tribunal by way of the present Execution



**BEFORE ME**

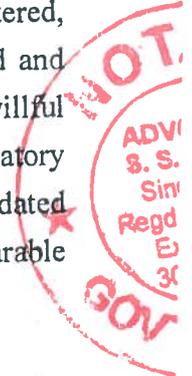
*S.S. Sawant*

**S.S. SAWANT**

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Shivaleela: C-242Q Near Govind  
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Application not merely in the narrow interest of enforcing compliance with the plantation requirement but also to secure the continuing maintenance and survival of the plantation as per M/s Sadbhav Engineering Limited and its associated entities explicit commitment dated 28.11.2023, so that the larger environmental objective and binding directions of this Hon'ble Tribunal are meaningfully fulfilled.

13. I further state that the Additional Affidavit of Respondent No. 2 clearly reveals that for planting the remaining shortfall of approximately 27,000 trees, suitable land within the original forest division is unavailable due to terrain limitations, existing prior plantations and stiff slopes that are unsuitable for large tree species. The Social Forestry Department, Sindhudurg has categorically expressed its inability to execute the remaining plantation work on the designated land. This Hon'ble Tribunal, therefore, in its Order dated 01.07.2025, has rightly directed Respondent No. 3, the District Collector, Sindhudurg, to identify alternate lands, including road-side plantations, for compensatory afforestation, thereby reinforcing the binding mandate under Section 20 of the NGT Act which directs that the Tribunal shall apply the principles of sustainable development, the precautionary principle, and the polluter pays principle.

14. I respectfully submit that despite repeated reminders, written representations and multiple personal follow-ups, the Respondents have failed to transparently disclose the actual survival rates, have not undertaken genuine maintenance measures for the existing plantations, and instead have attempted to frustrate compliance by raising contradictory contentions before other legal fora contrary to their recorded assurances and the verified factual status established through site inspections and inspection reports filed by statutory authorities.

15. However, it is a matter of record that after obtaining the COD, neither Sadbhav Engineering Limited nor its Concessionaire Maharashtra Border Checkpost Network Ltd (MBCPNL) maintained the plantation area in the manner repeatedly promised and committed through various written communications and meetings. Consequently, this Applicant has been compelled to approach this Hon'ble Tribunal by filing the present Execution Application, which was necessitated due to the internal disputes and legal issues raised by Sadbhav Engineering Limited and its associated

**BEFORE ME**

*S.S. Sawant*

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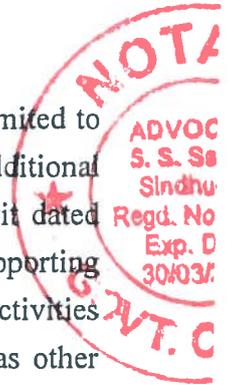
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parties. The sole intention of this Applicant is to ensure that the maintenance of the plantation is fully undertaken by the responsible parties as originally mandated, in order to secure the larger objective of sustained environmental protection in accordance with the binding directions of this Hon'ble Tribunal.

16. I state that I have submitted various affidavits, including but not limited to the affidavit dated 12.03.2024, affidavit dated 04/01/2025 and additional affidavit submitted on 22/02/2025 and 23/02/2025 and the affidavit dated 05.05.2024, together with related communications and supporting documents, highlighting serious lapses concerning the plantation activities undertaken under the Border Check Post (BCP) projects as well as other critical environmental issues. Despite these detailed submissions, the Hon'ble National Green Tribunal has not taken any cognizance of the specific facts, records, and grievances placed on record through these affidavits. I am now annexing all the aforementioned affidavits along with this additional affidavit, as well as the affidavits filed by other respondents, for the perusal of this Hon'ble Tribunal, so that the true state of compliance and post-compliance negligence may be brought to light.

17. It is most respectfully submitted that once the compliance mandated under the orders of this Hon'ble Tribunal was achieved and the Completion Certificate (COD) was issued, it became the unequivocal responsibility of the Concessionaire and the implementing authority, namely the Maharashtra State Road Development Corporation (MSRDC), to ensure that the plantation not only survives but is duly protected and maintained in a healthy condition. However, it is a matter of record that after securing the COD, the Concessionaire and Maharashtra State Road Development Corporation (MSRDC) have wilfully neglected this crucial environmental obligation, resulting in large-scale death and destruction of the plantation. I therefore humbly pray that this Hon'ble Tribunal may kindly take due cognizance of the contents of these affidavits and communications, and be pleased to impose strict and exemplary penalties upon the concerned parties for their gross failure to safeguard and preserve vital environmental resources entrusted to their care.

18. I reiterate that all my actions have at all times been bona fide, transparent and in furtherance of the binding Judgment dated 10.09.2014 and



**BEFORE ME**

*S.S. Sawant*  
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 B.A.L.L.B.

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 Chitra Mandir Bhatwadi Sawantwadi  
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subsequent Execution Proceedings. I have neither acted in collusion with any party nor derived any personal benefit, monetary or otherwise, from my involvement. Instead, I have continued to discharge my obligations as a vigilant citizen and an affected stakeholder seeking enforcement of environmental safeguards in the larger public interest, in accordance with the provisions of the National Green Tribunal Act, 2010, read with applicable Forest Conservation and Environment Protection laws.

19. I further submit that any present or future non-compliance by Sadbhav Engineering Limited and its associated entities should not, in any manner, be attributed to me, as I have exhausted all reasonable avenues to facilitate, monitor and report plantation activities, soil conservation measures and statutory royalty payments, and have fully cooperated with this Hon'ble Tribunal and all concerned statutory authorities.

20. I, therefore, most humbly and respectfully pray that this Hon'ble Tribunal be pleased to take this Additional Affidavit on record as an integral part of the factual record, demonstrating that despite my diligent cooperation and repeated interventions, the Respondents have failed to comply with the binding obligations flowing from the Judgment dated 10.09.2014, thereby causing continuing harm to the ecological balance and the interests of the local community.

21. I further state that I stand ready and willing to extend my full cooperation and assistance to this Hon'ble Tribunal and all competent authorities, including the District Collector, Sindhudurg, the Social Forestry Department, the Forest Department, and the Maharashtra State Road Development Corporation (MSRDC), to ensure that the remaining compensatory afforestation is carried out expeditiously in suitable alternative locations, the survival rates are sustained as per prescribed norms, all outstanding royalty dues and penalties are paid in full, and all statutory and judicial conditions for environmental restoration are duly complied with.

22. I respectfully pray that this Hon'ble Tribunal may be pleased to issue appropriate directions safeguarding my bona fide position and take such further measures as deemed just and proper to hold Sadbhav Engineering Limited, Maharashtra Border Checkpost Network Ltd (MBCPNL) and its

**BEFORE ME**

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**S.S. SAWANT**

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Dist. Sindhudurg

associated parties fully accountable for any further delay, obstruction or dereliction of the environmental safeguards mandated under the binding Judgment dated 10.09.2014, in the true spirit of the National Green Tribunal Act, 2010.

Date: 07/08/2025  
Place: Pune/ Sawantwadi,

*[Signature]*  
Applicant  
CA Saiprasad Mangesh Kalyankar

VERIFICATION

I, Mr. Saiprasad Mangesh Kalyankar, Chartered Accountant, Age 63 years, Indian inhabitant and active environmentalist residing at House No.1442B at village Banda, Taluka Sawantwadi, District Sindhudurg, State Maharashtra, Pin 416511 state on the solemn affirmation that all information provided in above reply is true and correct to the 07/08/2025 at Pune/ Sawantwadi.

Date: 07/08/2025  
Place: Pune/ Sawantwadi,



*[Signature]*  
Applicant  
CA Saiprasad Mangesh Kalyankar

*[Signature]*  
Narendra Rajput  
Toll Naka Sawantwadi  
Naka Banda

**BEFORE ME**

*[Signature]*

**S.S. SAWANT**  
B.A.L.L.B.

**ADVOCATE & NOTARY**  
Shivaleela: C-242Q Near Govind  
Chitra Mandir Bhatwadi Sawantwadi  
Tel: Sawantwadi, Dist: Sindhudurg

This document has been personally presented & signed by Saiprasad mangesh kalyankar R/o Banda, Tal-Sawantwadi who is identified by Narendra P. Rajput to whom I personally know No. of pages 286. Notary Regd. No. 789 Dated 7/8/2025

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

**EXECUTION APPLICATION NO. 7 OF 2024**  
**IN**  
**ORIGINAL APPLICATION NO. 28 OF 2014**

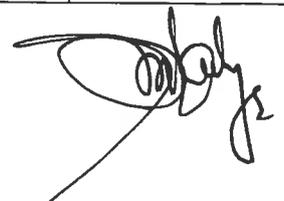
BETWEEN

CA MR. SAIPRASAD MANGESH KALYANKAR - APPLICANT  
VERSES  
THE REGIONAL TRANSPORT OFFICER & ORS -RESPONDENTS

**LIST OF DOCUMENTS**

Herein the list of documents by Applicant along with the Additional Affidavit are as under:

Sr.	Description of Documents	Date	Remark	Page Number
1)	MBCPNL Letter to Sadbhav Engg Ltd along with handing over note.	14/02/2014	Photocopy	1 to 2
2)	Sadbhav Engg Ltd letter to MBCPNL	03/12/2018	Photocopy	3 to 3
3)	MBCPNL inter alia letter	05/12/2018	Photocopy	4 to 4
4)	MBCPNL Letter to Sadbhav Engg Ltd	22/02/2019	Photocopy	5 to 7
5)	MBCPNL Letter to Sadbhav Engg Ltd	04/09/2019	Photocopy	8 to 8
6)	Sadbhav Engg Ltd letter to Dapoli University	15/07/2022	Photocopy	9 to 10
7)	Sadbhav Engg Ltd inter alia letter	22/08/2022	Photocopy	11 to 11
8)	Sadbhav Engg Ltd letter to MBCPNL	22/08/2022	Photocopy	12 to 12
9)	Order for Royalty Penalty by Tehsildar, Sawantwadi	26/09/2022	Photocopy	13 to 17
10)	Saiprasad Kalyankar Letter to Dapoli University.	18/05/2022	Photocopy	18 to 19
11)	Saiprasad Kalyankar Letter to Forest Department.	18/05/2022	Photocopy	20 to 21



12)	Saiprasad Kalyankar Letter to Sindhudurg Irrigation Department.	18/05/2022	Photocopy	22 TO 23
13)	Saiprasad Kalyankar Letter to MSRDC.	18/05/2022	Photocopy	24 TO 25
14)	Saiprasad Kalyankar Letter to NHAI.	18/05/2022	Photocopy	26 TO 26
15)	Saiprasad Kalyankar Letter to Sawantwadi Tehsildar.	18/05/2022	Photocopy	27 TO 28
16)	Plantation Panchnama by Sawantwadi Forest Department	13/07/2022	Photocopy	29 TO 32
17)	Dapoli University letter to Sadbhav Engg Ltd	26/08/2022	Photocopy	33 TO 35
18)	Letter to Sadbhav Engg Ltd by Applicant	22/12/2022	Photocopy	36 TO 37
19)	Sadbhav Engg Ltd letter to Applicant	28/11/2023	Photocopy	38 TO 39
20)	Additional affidavit submitted by the Applicant	22/02/2025	Photocopy	40 TO 63
21)	Reply affidavit submitted by the Applicant	23/02/2025	Photocopy	64 TO 67
22)	Affidavit in reply by Respondent No 4 MSRDC	08/11/2024	Photocopy	68 TO 75
23)	Rejoinder affidavit by the Applicant	17/03/2025	Photocopy	76 TO 276
24)				

In all 23 documents filed on behalf of the Applicant.

Date: 07/08/2025

Place: Pune/ Sawantwadi,

  
Applicant

CA Saiprasad Mangesh Kalyankar

**Maharashtra Border Check Post Network Ltd**

Godrej Coliseum, 602, 'C' wing, Behind Everard Nagar,  
Sion (E), Mumbai - 400 022.

T: 022 - 2409 5887, F: 022 - 2409 6883

CIN: U45201GJ2009PLC056327

**MBCPNL/BCP/INSULI/13-14/Note**

**Date: 14/02/2014**

To,  
Mr. Nitin Patel,  
Sadbhav Engineering Ltd.  
Sadbhav House,  
Nawrangpura, Ahmedabad.

Ref: Computerization and Modernization of 24 Border Check Posts in Maharashtra on Build, Operate and Transfer basis – Insuli BCPs.

Sub: Handing Over of Insuli BCP Site to Suwarna Buildcon Pvt Ltd (SBPL) for Commencement.

Dear Nitinbhai,

As you are aware, Sadbhav Engineering Ltd. has been striving for many years to initiate work at the Insuli BCP site. Unfortunately, due to persistent resistance from local farmers, mainly Mr. Saiprasad Kalyankar and Mr. Shivram Gadkari, entry to the Insuli BCP site has been impeded, creating significant delays and challenges. These local issues have been a major obstacle in our progress in BCP project. Following instructions from our CMD, Mr. Vishnubhai, the decision has been made to hand over the Insuli BCP site to Suwarna Buildcon Pvt Ltd (SBPL) for the commencement of work. Attached to this letter, you will find the formal handover note detailing the exclusive transfer of land site to SBPL. SBPL has been mandated to secure and vacate the plot for Insuli BCP using their full authority. It is imperative to highlight that MBCPNL and SEL should not have any direct involvement in this process. Any repercussions or accountability arising from this operation will solely rest with SBPL, ensuring that we safeguard our organizations from any sensitive matters that may arise.

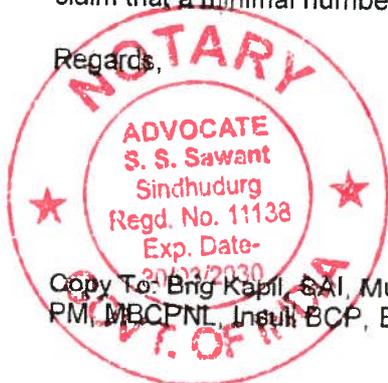
The site currently hosts several houses, and SBPL has been instructed to manage the demolition and clearance of the plot. The responsibility to vacate the plot falls entirely on SBPL. As per Mr. Vishnubhai's directives, SBPL has been informed that failure to take over the site will result in the encashment of their submitted Bank Guarantee (BG). Given this stipulation, we are confident that SBPL will exhaust all means to vacate the plot as they have no alternative. SBPL initially emphasized that plantation should be removed manually to avoid harm to the habitat. However, we have instructed SBPL to employ excavators to remove all 22,000 plus plantations from the acquired land, ideally conducting these operations during holidays to minimize any potential support the local farmers might receive from authorities. SBPL has also been advised to coordinate with local authorities and police to facilitate the takeover of the site. Kindly see that debris of trees removed from the site immediately and should be completely cleared and disposed off to ensure no records are maintained, allowing us to claim that a minimal number of trees were present initially.

Regards,

Yours Sincerely,

**For M/s Maharashtra Border Checkpost Network Limited,**

Copy To: Brig Kapil, SAI, Mumbai.  
PM, MBCPNL, Insuli BCP, Banda.



**Vikram R. Patel**  
Authorized Signatory,

VENTURE OF

**Sadbhav**

**PROJECT SITE**  
**HANDING OVER OF LAND/ SITE FOR CHECK POST: INSULI**  
**TO SUBCONTRACTOR SUWARNA BUILDCON PRIVATE LIMITED**

For construction of border check post against the work order by EPC Contractor Sadbhav Engineering Limited of MBCPNL for the work: Construction of Modernization & Computerization of Integrated Boarder Check Post at 22 Locations in the state of Maharashtra on Build operate & Transfer Basis (BOT).  
**SBPL SUBLET WORK: BCP at Insuli, Banda at Maharashtra Goa Border. (Building and Road Work) dated 20/12/201**  
**Description and Particular of Land/ Site on which the project to be implemented.**

- |   |   |  |
|---|---|--|
| 1. Name of the Check Post   | : | Insuli, Banda.                               |
| 2. Village  | : | Banda.                                       |
| 3. Taluka   | : | Sawantwadi.                                  |
| 4. District   | : | Sindhudurg.                                  |
| 5. Type of the Check Post   | : | Large.                                       |
| 6. Road on which check post is proposed   | : | NH-17.                                       |
| 7. Dimension of the land Site   |   |  |
| a. Width from the center line   | : | 130m on KHS & 130m on RHS (Approx)           |
| b. Length on both side  | : | 600m (Approx)                                |
| c. Boundaries   |   |  |
| i. EAST   | : | Balance portion of Gat No. 197/1             |
| ii. WEST  | : | Balance portion of Gat No. 189,193.          |
| iii. SOUTH  | : | Balance portion of Gat No.193,198/32,198/28. |
| iv. NORTH   | : | Balance portion of Gat No. 189.              |
| 8. Total area of Land   | : | 11.95.5 HA, GAT No. 189/C as per 712.        |
| 9. Check post Complete Schedule   | : | As Per work order/ Final Billing.            |
| 10. Date of Handing Over  | : | 28/12/2013.                                  |
| 11. Site will be in possession of Suvarna Buildcon Private limited and will be taken over once site is completed in all respect with a proper handing over note. Until then the site will be in possession of Suvarna Buildcon Private Limited. |   |  |

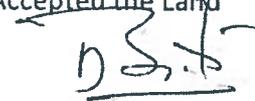
and site Handed over

Vikram R. Patel,  
 Auth Signatory,  
 Maharashtra border check Post network Limited ( MBCPNL).



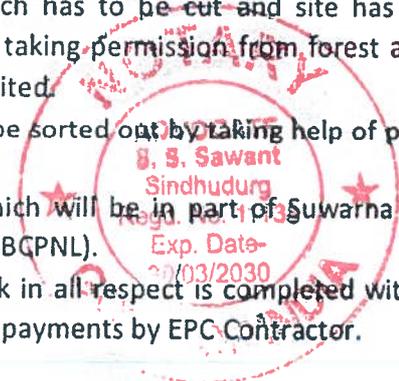

Accepted the Land

For Suvarna Buildcon Private Limited  
 Director




**IMPORTANT NOTES:**

- Three big houses with living families are yet at site as house owner refused to move out of site.
- Land is covered with approx. 15000 dense tree forest which has to be cut and site has to make accessible by cleaning before starting actual site of work by taking permission from forest and other departments, which is in part of Suvarna Buildcon Private Limited.
- Local farmers are not allowing entering at site, which has to be sorted out by taking help of police and local administration.
- Land has to be remarked by taking Government Mojani which will be in part of Suvarna Buildcon Private Limited on account of Sadbhav Engineering Limited (MBCPNL).
- Site will be handed over to MBCPNL/ Sadbhav once the work in all respect is completed with proper handing over documents and final approved billing along with payments by EPC Contractor.



SEL/HO/MBCPNL/BCP/18-19/Letter

**CONFIDENTIAL**

To,  
Gr. Capt. Sudhir Gattu,  
MBCPNL,  
Mumbai.

**Ref : Kagal BCP PCOD dated 28/11/2018 and Compliance related to COD for Kagal BCP.**

Dear Sir,

The work for Kagal BCP is nearly completion and we are in the process of obtaining the COD. A provisional COD (PCOD) has been issued by Brig D. Kapil of Sai Systra, IC. You are well aware that this PCOD was issued by Brig D. Kapil of Sai Systra, IC and Mr. Muktesh Wadekar, EE, MSRDC on special request, as the remaining work exceeds 6% of the total cost of the Kagal BCP project. As per CA norms, we are required to prepare a list of outstanding items signed jointly by the Brig D. Kapil of Sai Systra, IC and Mr. Muktesh Wadekar, EE, MSRDC and the Concessionaire. All Punch List items shall be completed by the MBCPNL within 60 (Sixty) days of the date of issue of such PCOD. Please take care that the total cost of punch list items shall not exceed 2% of the project cost even though it's more than 6% as on date at site. Upon completion of all Punch List items to the satisfaction of the Brig D. Kapil of Sai Systra, IC and Mr. Muktesh Wadekar, EE, MSRDC, the COD Certificate will be issued to the Concessionaire, MBCPNL. Please ensure that we manage the remaining work in the punch list so that it complies with the provisions mentioned in the CA and falls within 2% limit.

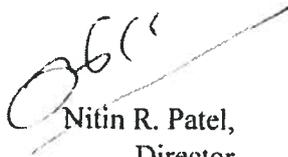
Suwarna Buildcon has completed all tasks outlined in the work order dated 12/05/2018 and also have sorted all local issues as the Kagal BCP site was in forceful possession of local farmers and due to this the Kagal BCP work was stopped for last more than 2 years. Suwarna Buildcon started the Kagal BCP work under the promise of advance payments, but as you are aware, we have not paid a single rupee to Suwarna Buildcon for the work executed at Kagal BCP. Therefore, we do not expect them to complete the ancillary works not within the scope of Suwarna Buildcon without receiving payment. We must address the pending ancillary work related to COD, including internet connections, Gram Panchayat taxes, electricity connections, computerization, and other tasks within the scope of Sadbhav and MBCPNL. Kindly note that COD is pending for these ancillary tasks, which fall within our scope and this must be completed within 60 days from the date of PCOD.

Regards,

**Copy To:**

CMD Mr. Shashinbhai Patel, Ahmedabad.  
Brig D. Kapil, Sai Systra, Mumbai,  
Mr. Rocky Deesawals, MBCPNL, Mumbai.

For Sadbhav Engineering Ltd,

  
Nitin R. Patel,  
Director

**Sadbhav Engineering Limited**

Regd Office : "Sadbhav House"

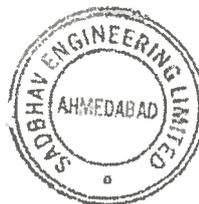
Opp Law Garden Police Chowki

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E : sel@sadbhaveng.com CIN : U51900GJ1988PLCG11322



**Maharashtra Border Check Post Network Ltd**

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CIN: U45201GJ2009PLC056327

**MBCPNL/BCP/KAGAL/18-19/ Internal Note**

Date: 05/12/2018

**CONFIDENTIAL**

To,  
Gr. Capt. Sudhir Gattu,  
Maharashtra Border Checkpost Network Ltd,  
Mumbai.

**Ref: Completion and NOC Requirements for Kagal BCP.**

Dear Sir,

I am pleased to inform you that the work for Kagal BCP is approaching completion, and we are in the final stages of securing the COD. We have obtained a royalty exemption certificate from the Government of Maharashtra under special provisions for all 24 Border Check Post works, which is attached for your reference.

This royalty exemption certificate is intended to be presented to the local revenue authorities to secure a No Objection Certificate (NOC) for the royalty deposits. Kindly note that this certificate is for display purposes only and should not be submitted officially. It is crucial that the NOC be issued without mentioning any specific quantities. Furthermore, we need to obtain a positive change of scope (COS) for the royalty rate difference according to the design quantities. We have engaged in discussions with the relevant officials and members of the steering committee to facilitate a favorable COS. Kindly prioritize related site documents in collaboration with IC representative.

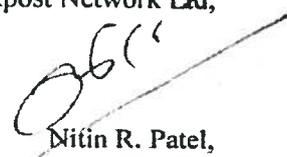
In parallel, it is necessary to curtail the public utilities provided at all BCPs, as facilities such as toilets, triple hostels, and single hostels do not generate revenue. Without altering the approved design and shown completed papers, the scope of work must be reduced, and positive reports must be secured from the representative of Sai Systra on-site. At the same time local farmers are demanding for approach road to their fields. We have to provide roads along the boundary wall as per the decision taken but try to avoid the same and provide only Kachcha road with nominal Murum filling. We have concluded discussions with Brig. D. Kapil of Sai Systra and Mr. Muktesh Wadkar, EE MSRDC, along with all members of the steering committee, to ensure their support. Please expedite this process to minimize unnecessary expenditures and ensure the economical completion of the site.

Regards,

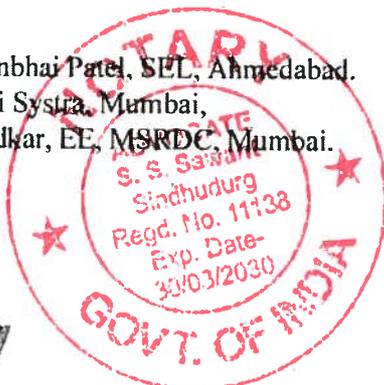
**Copy To:**

CMD Mr. Shashinbhai Patel, SEL, Ahmedabad.  
Brig D. Kapil, Sai Systra, Mumbai,  
Mr. Muktesh Wadkar, EE, MSRDC, Mumbai.

For Maharashtra Border Checkpost Network Ltd,

  
Nitin R. Patel,  
Director

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**Sadbhav**



**Maharashtra Border Check Post Network Ltd**

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CIN: U45201GJ2009PLC056327

MBCPNL/BCP/INSULI/18-19/ Internal Note

Date: 22/02/2019

**CONFIDENTIAL**

To,  
Mr. Shashin Patel, CMD,  
M/s Sadbhav Engineering Ltd.  
Sadbhav House,  
Nawrangpura, Ahmedabad.

Ref: Computerization and Modernization of 24 Border Check Posts in the state of Maharashtra on Build, Operate and Transfer basis -Insuli, Kagal and Shinoli border check post work.

Sub: Regarding Royalty, positive scope of work, claims and economical completion of the BCP.

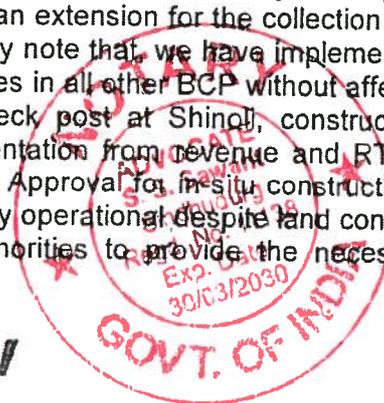
Dear Sir,

We are writing to formally acknowledge the successful ongoing works of 24 Border Check Posts (BCP) undertaken by Sadbhav Engineering Ltd as the EPC Contractor for concessionaire Maharashtra Border Check Post Network Limited (MBCPNL). Your dedication and efficiency in executing these projects are commendable. However, certain discrepancies have come to our attention, particularly regarding the payment of royalty fees across the various check posts. It has been observed that Sadbhav Engineering Ltd has effectively managed to avoid paying royalties at all Border check posts by utilizing an exemption provided by the Government of Maharashtra specifically for this BCP project. This certificate to be used at local level unofficially and shall not be submitted. This strategic management of local revenue departments to secure royalty payment exemptions are noteworthy. It has come to our attention that royalty payments are being made at the Insuli BCP. Given Sadbhav Engineering Ltd's previous success in securing royalty exemptions at other BCP locations, we expect Sadbhav Engineering Ltd to apply similar diligence and strategy at Insuli BCP to obtain the necessary exemption. MBCPNL will not cover any royalty payments made by Sadbhav Engineering Ltd, nor will such amounts be reimbursed to any subcontractors. Therefore, it is essential to manage the local revenue authorities at Insuli BCP effectively to revoke any unwarranted royalty demands and secure a No Objection Certificate (NOC). This will enable MBCPNL to claim positive COS for royalty rate differences from MSRDC. Formalities and service charges related to managing these issues should be recorded immediately for approval.

As per the approved DPR design specifications, 10 lanes per side are provided for traffic movement at both sides of Insuli BCP. However, with the guidance and support of Brig. Kapil of SAI and MSRDC officials, Sadbhav Engineering Ltd should propose a reduction in the number of lanes based on traffic flow, ensuring the total project cost remains unaffected. A report on traffic flow counts should be prepared to justify this reduction. This proposal must be strategically developed to gain approval without compromising the project's quality or scope. By adding positive scope at all possible levels, MBCPNL can seek an extension for the collection of service charges based on the amount of positive scope of work. Kindly note that we have implemented this strategy by managing SAI/ MSRDC official for reductions of lanes in all other BCP without affecting the cost of the work on the base of traffic flow count. For the check post at Shinoli, constructions have been proceeding on an in-situ basis. Appropriate documentation from revenue and RTO authorities must reflect that no suitable land is available at the site. Approval for in-situ construction should be obtained on these grounds, ensuring the check post is fully operational despite land constraints. It is essential to present this as a failure on the part of the authorities to provide the necessary land, thereby justifying the need for in-situ

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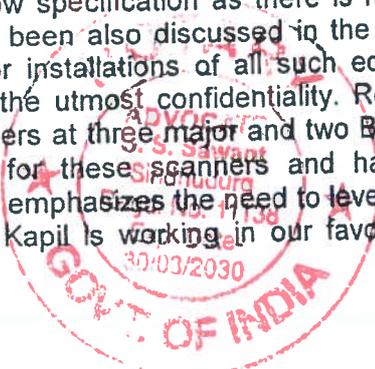


construction should be obtained on these grounds, ensuring the check post is fully operational despite land constraints. It is essential to present this as a failure on the part of the authorities to provide the necessary land, thereby justifying the need for in-situ construction to avoid disruptions to the project scope. We have to convert maximum BCP to in situ basis where traffic count is sufficient for the collection of accepted service charges.

The Kagal BCP work was halted due to the tragic suicide of Late Mr. Jigar Thakkar. This project initially brought to Sadbhav by Late Jigar Thakkar, later involved serious disputes. To ensure MBCPNL is not linked to the incident, Sadbhav Engineering Ltd instructed Suwarna to complete the work, given the serious litigation and control by local vendors and farmers. Suwarna has now completed the Kagal BCP work with full effort. We promised advance payments to Suwarna, and this commitment must be honoured by making the related payments for the Kagal BCP work immediately. We have relocated the Navapur BCP from the DPR approved location to a rocky area for positive variation. Similarly, efforts have shifted the Insuli BCP to a hilly area. Sadbhav Engineering Ltd must ensure maximum positive variation in earthwork and retaining wall at this BCP. Additionally, at the Insuli BCP, constructing other entry points should be avoided to prevent extra manpower and maintenance burdens. Higher-level discussions with the RTO have assured us they will manage these aspects independently; therefore, no construction of exit points should be undertaken and all this must be executed without affecting the financial scope of the work. Efforts should also be made to curtail building related construction as much as possible by managing MSRDC and SAI. The substantial service charges paid at the top level must be considered when planning any extra work beyond the directives given by MBCPNL. Any deviations from these instructions will impact the overall project costing. You are very well aware that we have curtailed building work at all the Big and Major Check post successfully without affecting the cost of the overall project.

Concerning the check post at Marawade, even though the collector has allocated the land, we have successfully demonstrated a delay on the part of the authorities by coordinating with officials at the collector level. Taking into account the traffic volume, we have decided to convert this check post from a medium-scale to an in-situ type. It is crucial to proceed with utmost caution in this regard. We must ensure that the positive variation for the In Situ BCP is either higher than or equal to the cost of all related BCPs. This careful consideration will help us maintain financial balance and make informed decisions regarding the project's scope and execution. MBCPNL has adeptly managed the project scope for the prominent Border Check Posts (BCPs) at Achchad, Varud, and Navapur, addressing challenges of limited land availability. This strategic approach has been documented in the steering committee, indicating that pending work will commence only upon the allocation of additional land. By taking this proactive stance, MBCPNL have ensured any potential negative impacts on the project's scope are effectively mitigated. Specifically, for the Achchad BCP, efforts have been made to acquire land from the dairy department. Through negotiations conducted at our level, we have successfully resolved issues and secured the necessary land. Importantly, this process has resulted in an expansion of the project scope, under the guise of work to be executed for the dairy department. These considerations will play a pivotal role in the construction of both ongoing and future BCPs. Kindly note that all positive scope shall be bring on record while negative scope shall be managed so that no record shall be kept for same or if required then cost consideration shall be watched,

Regarding the installation of scanners and other electronic provisions outlined in the sanctioned Detailed Project Report (DPR), it has been approved by MSRDC and SAI at the Head Office level that these provisions are exempted or can be provide below specification as there is no clarity regarding the specification of these items. The same have been also discussed in the steering committee headed by the TC. Therefore, no provisions for installations of all such equipment should be made, and this decision must be handled with the utmost confidentiality. Regarding scanner installation, it was initially planned to provide scanners at three major and two Big check posts. However, we have not submitted the quotations for these scanners and have only accounted for a minimal cost under the negative scope. This emphasizes the need to leverage the system for our benefit. With SAI officials specifically Brig Kapil is working in our favour, such



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beneficial proposals should be made at the site level and approvals secured from SAI. MSRDC is committed to clearing SAI proposals as submitted without any query. At Insuli BCP, we have made commitments to ensure that any additional earthwork, retaining walls, and related tasks will result in a positive variation. It is important to highlight that at every BCP, we have successfully secured positive variations, and we will continue to implement the same practices at the remaining BCPs. This approach will enable us to benefit from these positive variations, including extending the time limit for the collection of service charges at each BCP. In essence, MBCPNL has demonstrated a comprehensive understanding of project dynamics, effectively managing scope constraints while leveraging opportunities to enhance project scope where feasible. These practices ensure the smooth progression of construction activities and pave the way for the successful completion of BCP projects. Additionally, it is crucial to recognize the significant expenses associated with formalities at higher government level like steering committee, MSRDC, SAI and RTO levels. These expenses should be recovered at the site level. We must ensure that these benefits are realized on the ground level. Sadbhav Engineering Ltd is fully aware that we are incurring monthly service charges to SAI, Brigadier Kapil and his associates, as well as to the MSRDC Executive Engineer and team. Furthermore, all higher officials at the transport department, MSRDC, and other departments are being managed at the top level.

As per MBCPNL's advice, SAI has provided unequivocal support by submitting PR and MPR to MSRDC and the lenders. We have revised the PCOD dates for Khapri, Biloli, Borgaon, Omerga, Varud, Biloli, and Muktainagar BCPs without achieving the same milestones. Due to delays, there is a risk of our project being classified as a Non-Performing Asset (NPA) by the lenders, which would create unmanageable consequences. Enclosed are copies of the PCOD for these BCPs to ensure future communications with relevant departments are handled with caution. The steering committee has been convinced that the remaining compound wall work at Biloli BCP can be omitted without affecting project variation. With significant support from high-level administrative officials, Sadbhav Engineering Ltd must complete the work at a reduced cost. The backing and management of key officials should enable Sadbhav Engineering Ltd to optimize project costs, reflecting MBCPNL's efforts and expenditures at higher levels, ensuring project efficiency and cost-effectiveness.

Please note that we initially invested significant amounts to secure the project from MSRDC and are currently paying substantial monthly amounts to SAI, MSRDC, and the Transport Department, including members of the steering committee. Therefore, we must strive to achieve the maximum possible positive COS. No expenses should be incurred for unnecessary plantation or amenities at any of the BCP, as these do not generate revenue. This must be done without negatively affecting the project scope or cost. We trust that Sadbhav Engineering Ltd will adhere to these guidelines and manage the respective departments effectively to ensure project success. Ensure all information and instructions are handled with confidentiality and executed to the highest professional standards. This letter is strictly for internal confidential communication only.

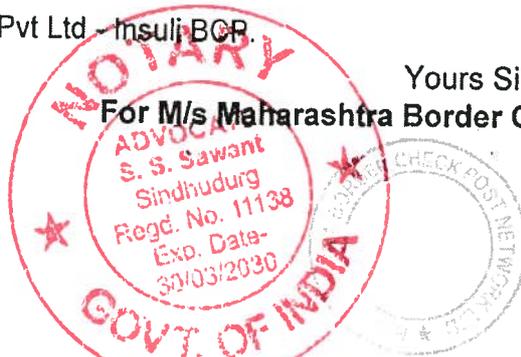
Copy To: Suwarna Buildcon Pvt Ltd - Insuli BCP.

Brig Kapil, SAI, Mumbai.

Yours Sincerely,

**For M/s Maharashtra Border Checkpost Network Limited,**

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**Vikram R. Patel**  
Authorized Signatory,

**Maharashtra Border Check Post Network Ltd**Godrej Coliseum, 602, 'C' wing, Behind Everard Nagar,  
Sion (E), Mumbai - 400 022.

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CIN: U45201GJ2009PLC056327

**CONFIDENTIAL****MBCPNL/BCP/INSULI/19-20/Internal Note****Date: 04/09/2019**

To,  
Mr. Nitin Patel Director,  
M/s Sadbhav Engineering Ltd.  
Sadbhav House,  
Nawrangpura, Ahmedabad.

Ref: Computerization and Modernization of 24 Border Check Posts in Maharashtra on Build, Operate and Transfer basis - Insuli, Kagal, and Shinoli BCPs.

Sub: Suwarna email dated 27/08/2019 related to Royalty Payments, NGT Order Compliance.

Dear Nitin Bhai,

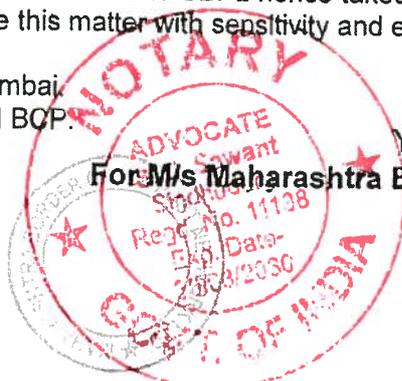
I am writing to address discrepancies and provide clarity on royalty payments and plantation matters at the Kagal and Insuli Border Check Posts (BCPs). Our company has not made any royalty payments for any of the 22 BCPs. We have observed that Sadbhav Engineering Ltd. (SEL) has effectively avoided paying royalties at all BCPs by using a ~~fake~~ exemption certificate from the Government of Maharashtra, which should only be used locally and not formally submitted. However, it has come to our attention that royalty payments are currently being made at the Kagal and Insuli BCPs. MBCPNL will not cover any royalty payments made by SEL or reimburse the same to any subcontractors. Therefore, it is crucial to manage local revenue authorities at Kagal and Insuli BCPs to revoke unwarranted royalty demands and secure a No Objection Certificate (NOC), enabling MBCPNL to claim positive Change of Scope (COS) for royalty rate differences from MSRDC. Kindly note that, officials of MSRDC and SAI are fully supporting MBCPNL in all this matter. Any formalities and service charges related to these issues should be recorded immediately for approval.

Furthermore, we have noticed that the subcontractor, Suwarna Buildcon Pvt Ltd (SBPL), appointed by SEL at Kagal and Insuli BCPs, is exaggerating plantation issues. According to the CA, zones are defined for landscaping and tree plantation at every BCP. However, with the cooperation of Mr. Wadekar of MSRDC and Brig Kapil of SAI, this provision has been managed and subsequently ignored at all BCP locations. Kindly take a serious note that, we have not planted a single tree at any of the other BCP and for all this support we are paying heavy monthly charges to all related officials and members of steering committee. At Insuli, tree plantation shall only be done temporarily to comply with the NGT order. Once we receive positive reports from Dapoli University, no further expenses shall be incurred for plantation. Our primary focus is on business, not environmental protection. SEL should have managed Mr. Kalyankar, the RTI activist, but due to the responsibility given to SBPL, we believe the current NGT issue arose due to SBPL's negligence; therefore, no payments should be made to SBPL for any BCP work, and payments must be blocked. As we have handed over the exclusive possession of Kagal and Insuli BCP site to SBPL hence takeover and related NOC shall be taken from SBPL tactfully. Please handle this matter with sensitivity and ensure appropriate action is taken.

Copy To: Brig Kapil, SAI, Mumbai,  
PM, MBCPNL, Insuli & Kagal BCP.

Yours Sincerely,

For M/s Maharashtra Border Checkpost Network Limited,



  
Vikram R. Patel  
Authorized Signatory,

VENTURE OF  
**Sadbhav**

Ref: SEL/22-23/0037/C

Date : 15/07/2022

To,  
Mr. Bharat Salvi Sir,  
Head of the Department, Horticulture Department,  
Dr. Balasaheb Sawant Konkan Krishi Vidyapeeth,  
Dapoli Agriculture University,  
Dapoli, Maharashtra,

**REF:** (i) Name of the work: Construction of Modernization & Computerization of Integrated Boarder Check Post at 22 Locations in the state of Maharashtra on Build operate & Transfer Basis for BCP- BCP at Insuli, Banda, Taluka Sawantwadi, District: Sindhudurg, Maharashtra.  
(i) NGT Order OA/ 28/2014 related to tree plantation at Insuli BCP.

**SUB:** Request for Final Inspection of Tree Plantation at Insuli Border Check Post, Banda, Taluka Sawantwadi, District Sindhudurg, Maharashtra.

Dear Sir,

Sadbhav Engineering Limited (SEL) is working on the project as the Engineering, Procurement, and Construction (EPC) Contractor for the concessionaire Maharashtra Border Check Post Network Limited (MBCPNL) under the Build-Operate-Transfer (BOT) model. The project is being carried out under the authority of Maharashtra State Road Development Corporation (MSRDC) for the Regional Transport Office (RTO) Department, Government of Maharashtra.

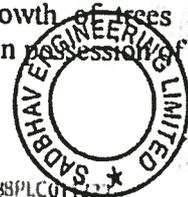
In compliance with the Hon'ble National Green Tribunal (NGT) Court's Order OA-28/2014(NGT)(W2) Pune, regarding tree plantation at Insuli Border Check Post (BCP), extensive afforestation work has been carried out under the supervision of Dr. Balasaheb Sawant Konkan Krishi Vidyapeeth, Dapoli, with your esteemed guidance. As per the directives of the Hon'ble NGT, Pune, the plantation work at Insuli BCP was to be executed under the technical guidance of the Head of the Horticulture Department. We sincerely appreciate your valuable support in ensuring compliance with the court's directives. The Head of Horticulture visited the site multiple times, specifically on 10/03/2015, 16/06/2017, 15/06/2019, and most recently on 31/05/2022. Under your direction, our subcontractor, Sadbhav Buildcon Private Limited (SBPL), has successfully completed the plantation work, including the installation of a drip irrigation system and an efficient watering mechanism to support the long-term growth of the planted species. Over 45,000 plants, including various tree species, shrubs, and ornamental plants, have been planted. Additionally, approximately 35,000 clumps of vetiver and lemongrass have been planted on steep slopes to enhance soil conservation. This afforestation initiative has significantly contributed to preventing soil erosion, improving soil fertility, and fostering the growth of natural vegetation in the surrounding area.

We are highly satisfied with the plantation work and are pleased to inform you that the Regional Transport Office (RTO), Maharashtra State Road Development Corporation (MSRDC), IC Brig Kapil, and the Forest Department have also expressed their satisfaction with its progress and current status, confirming full compliance with NGT directives. The growth of trees and vegetation has been observed to be excellent. As the Insuli BCP site remains in possession of our

**Sadbhav Engineering Limited**

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subcontractor, Suwarna Buildcon Pvt Ltd, as per court orders, we will take over the site after fulfilling the monetary compliance as per the decree and achieving COD. Thereafter, the future maintenance of the plantation will be the responsibility of the concessionaire, Maharashtra Border Check Post Network Limited (MBCPNL). We remain fully committed to ensuring its continued upkeep, with regular maintenance activities, including watering, protection from cattle, and fire prevention, being diligently carried out to preserve the ecological benefits of the plantation. We confirm that the plantation is in good condition as of today. Even after the Commercial Operations Date (COD) and BCP site transfer from subcontractor to MBCPNL/SEL, ongoing maintenance, such as watering, cattle and fire protection, and other necessary care, must continue under MBCPNL's responsibility for the concessionaire period to ensure sustained growth.

During your visit on 31/05/2022, you directed that a physical count of plantation and trees be conducted by the Forest Department to assess the plantation's progress and ensure compliance with afforestation commitments as per the Hon'ble NGT directives. In accordance with your instructions, the Forest Department, Sawantwadi, conducted a detailed survey on 13/07/2022 to verify and documenting the number of surviving trees. As part of this process, a formal Panchnama was carried out by the Forest Department, which included and attached along with this letter. The Panchnama has been duly signed by the relevant authorities of the Forest Department, independent witnesses, and Mr. Saiprasad Kalyankar, ensuring transparency and authenticity in the verification process. This exercise reaffirms our commitment to maintaining the plantation and adhering to regulatory guidelines. A copy of the Panchnama is attached herewith for your kind reference.

We take this opportunity to sincerely thank renowned environmental activist Mr. Saiprasad Kalyankar for his invaluable support and guidance, which have been instrumental in ensuring the long-term success and sustainability of this initiative. His decision to withdraw all his complaints has enabled us to effectively resolve the issues related to royalty penalties, as well as matters concerning NHAI, the Irrigation Department, and full compliance with the NGT order. We deeply appreciate his unwavering commitment and contributions, which have played a crucial role in the successful execution of the plantation efforts.

Furthermore, we kindly request you to arrange a final inspection visit to the Insuli Border Check Post (BCP) and verify the situation at site of forestation and we request your Kindself to please convey your valuable official report to the Maharashtra State Road Development Corporation (MSRDC), Mumbai, as well as the Regional Transport Office (RTO) Sindhudurg and the forest department authorities. This will help facilitate any further necessary actions and ensure full compliance with the directives and requirements stipulated by the Hon'ble National Green Tribunal (NGT).

Thanking you, We remain at your service.

For Sadbhav Engineering Limited

Authorized Signatory



Copy to: - Mr. Saiprasad M. Kalyankar, Banda, Sawantwadi for Information.



SEL/HO/MBCPNL/22-23/BCP/Letter

**CONFIDENTIAL**

To,  
Mr. Partha Sasmal,  
(partha.sasmal@sadbhav.co.in).  
Sadbhav Engineering Ltd,  
Insuli BCP, Banda.

Dear Partha Sasmal,

The work for Insuli BCP is nearly complete, and we are in the process of obtaining the COD. After 98% completion of work at Insuli BCP by Suwarna Buildcon Pvt Ltd, a provisional COD (PCOD) has been issued by SAI dated 18/08/2022, which is attached to this letter for your reference.

Please be informed that we have entered into an addendum agreement with Suwarna Buildcon regarding the Kagal and Insuli BCP project, and we need to proceed patiently until we receive the COD. Suwarna Buildcon has completed all tasks outlined in the addendum agreement. You have updated that, Suwarna Buildcon has also completed the Plantation Panchnama positively under the forest department officials with the team from Dapoli University at Insuli BCP and the same have been submitted to Dapoli University on 13/07/2022. Additionally, Suwarna has resolved the royalty matter related to penalty on Sadbhav by Tehsildar, irrigation land issues and national highway matter, along with the completion of additional work as per addendum agreement.

Please follow up on-site to ensure that the remaining work, which is not within the scope of Suwarna Buildcon, is also completed by Suwarna Buildcon. Please note that no billing should be made by Suwarna Buildcon for this additional ancillary work, and no papers related to work completion should be signed by you on behalf of Sadbhav or MBCPNL.

Kindly note that the Insuli and Kagal BCP are in the exclusive possession of Suwarna Buildcon, and they are fully cooperating to assist with the pending ancillary work related to COD, including internet connections, Gram Panchayat taxes, electricity connections, computerization, and other ancillary tasks within the scope of Sadbhav and MBCPNL. Kindly note that COD is pending for these ancillary tasks, which are within our scope. Furthermore, since the Tree Panchnama has been submitted to Dapoli University, no further expenses should be incurred for trees or plantation activities at Insuli BCP. Remove the gardeners and related staff immediately from the site. Additionally, do not make any promises to local farmers regarding shops or utilities, as we intend to allocate these to external agencies to maximize returns. Involving locals may interfere with our future operations and hinder the achievement of our goals.

Please treat this matter with the utmost seriousness and provide updates accordingly.

**Copy To:**

CMD Mr. Shashinbhai Patel, Ahmedabad  
Brig D. Kapil, Sai Systra, Mumbai  
Mr. KA Santhosh Kumar, MBCPNL, Mumbai

For Sadbhav Engineering Ltd,

**Sadbhav Engineering Limited**

Regd. Office: "Sadbhav House"

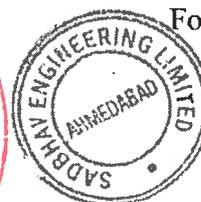
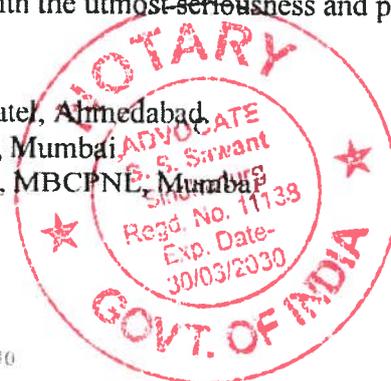
Opp. Law Garden Police Chowki,

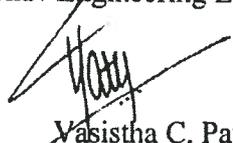
Ellisbridge, Ahmedabad-380006

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Web: www.sadbhaveng.com

E: info@sadbhaveng.com CIN: U45400GJ1986PLC011322





Vasistha C. Patel  
CEO

SEL/HO/MBCPNL/22-23/Letter

**CONFIDENTIAL**

To,  
Mr. KA Santhosh Kumar,  
(Santhosh.Kumar@mbcpnl.co.in)  
MBCPNL, Mumbai.

**Ref – Compliance related to COD for Kagal BCP.**

Dear Santosh Kumar,

The work for Kagal BCP is nearly complete, and we are in the process of obtaining the COD. A provisional COD (PCOD) has been issued by SAI, which is attached to this letter for your reference. You are well aware that this PCOD was issued by Brig D. Kapil of Sai Systra, IC on special request, as the remaining work exceeds 5% of the total cost of the Kagal BCP project. The Kagal work was delayed due to the sudden death of Mr. Jigar Thakkar, and the Kagal BCP site was under the forceful possession of local farmers and other vendors of D Thakkar & Company for more than 2 years. With the support of Suwarna Buildcon Pvt Ltd, we were able to resolve local issues, and Suwarna Buildcon has completed the majority of the work to achieve 94% progress as per CA scope allowing us to obtain the PCOD with the cooperation of Brig D. Kapil from Sai Systra and MSRDC.

You are very well aware that we have entered into an addendum agreement with Suwarna Buildcon regarding the Kagal and Insuli BCP project, and we need to proceed patiently until we receive the COD. Suwarna Buildcon has completed all tasks outlined in the addendum agreement. Since we have not paid single rupee to Suwarna Buildcon for the work executed at Kagal BCP, we do not expect them to complete the ancillary works not in scope of Suwarna Buildcon without making payment. Brig D. Kapil has expressed his inability to issue the COD, stating that the PCOD was issued under pressure despite the work not being completed as per the CA scope. Considering this situation, we instruct you to obtain the GR for Kagal BCP based on the PCOD received in 2018. We have discussed this with the relevant officials, and everyone is willing to support us without objection. Therefore, please proceed accordingly.

Kindly note that the Insuli and Kagal BCP are in the exclusive possession of Suwarna Buildcon, and they are fully cooperating to assist with the pending ancillary work related to COD, including internet connections, Gram Panchayat taxes, electricity connections, computerization, and other ancillary tasks within the scope of Sadbhav and MBCPNL. Kindly note that COD is pending for these ancillary tasks, which are within our scope. Additionally, do not make any promises to local farmers regarding shops or utilities, as we intend to allocate these to external agencies to maximize returns. Involving locals may interfere with our future operations and hinder the achievement of our goals.

Please treat this matter with the utmost seriousness and provide updates accordingly. Regards.

**Copy To:**

CMD Mr. Shashinbhai Patel, Ahmedabad.

Brig D. Kapil, Sai Systra, Mumbai,

Mr. Partha Sasmal, SEL, Banda.

**Sadbhav Engineering Limited**

Regd. Office : "Sadbhav House"

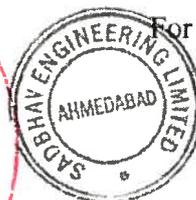
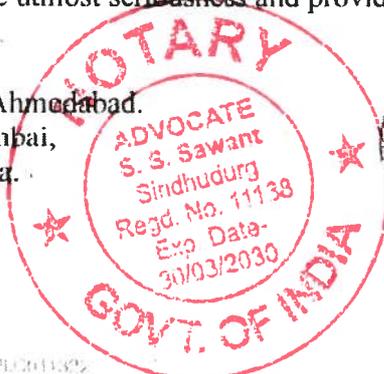
Opp. Law Garden Police Chowki,

Ellisbridge, Ahmedabad-380006

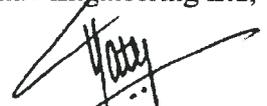
T. : +91 79 26463384 F. : +91 79 26400210

Web : www.sadbhaveng.com

E : sel@sadbhaveng.com CIN : U54000GJ19860102011302



For Sadbhav Engineering Ltd,



Vasistha C. Patel  
CEO

**569**  
**श्री श्रीधर पाटील, प्र.तहसिलदार सावंतवाडी यांचे न्यायालयात**

13

गौणखनिज फेरतपासणी केस नं. - 01/2020

श्री. साईप्रसाद कल्याणकर

रा. साईसदन, बाझारपेठ

बादा ता सावंतवाडी

जि. सिंधुदुर्ग

----- तक्रारदार

में सदभाव इंजिनिअरींग लि. बांदा

तर्फे मे सुवर्णाबिल्डकॉन प्रा.लि विश्रांतवाडी - पुणे

तर्फे अधिकृत इसम श्री मनोजकुमार अब्रोल

रा. पुणे

----- सामनेवाले

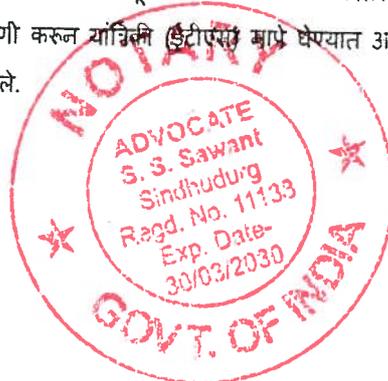
( महाराष्ट्र जमीन महसूल अधिनियम 1966 चे कलम 48 (7) नुसार)

मौजे बांदा ता. सावंतवाडी जि.सिंधुदुर्ग येथील स.नं 189/क, क्षेत्र 11.95.5 हे.आर या मिळकतीमध्ये सामनेवाले यांनी माती उत्खनन केलेप्रकरणी तहसिलदार सावंतवाडी यांनी आदेश क्र. आरईव्ही/कावि/4042/06/2019 दि. 22/07/2019 अन्वये सामनेवाले यांना रक्कम रु 349,25,76,800/- एवढ्या रकमेचा दंडात्मक आदेश पारीत केला होता. सदर आदेशाने व्यथित होउन सामनेवाले यांनी प्रस्तुतचे अपिल मा. उपविभागीय अधिकारी कार्यालय सावंतवाडी यांचे न्यायालयात गौणखनिज अपिल क्र. 5/2019/1765 दाखल केले. त्याअनुषंगाने मा. उपविभागीय अधिकारी सावंतवाडी यांनी दि. 29/09/2020 रोजी अपिलाचा निर्णय देण्यात आला असून, सदर निर्णयामध्ये प्रस्तुत प्रकरणी तहसिलदार सावंतवाडी यांनी दि. 22/07/2019 रोजी दिलेला आदेश क्र.आरईव्ही/कावि/4042/06/2019 रद्द करून न्यायनिर्णयात नमुद मुदयांच्या अनुषंगाने फेरचौकशी करून निर्णय घेण्याचे आदेश दिले आहेत.

(श्री मनोजकुमार अब्रोल रा.पुणे में सदभाव इंजिनिअरींग लि. बांदा तर्फे मे सुवर्णा बिल्डकॉन प्रा.लि ----- सामनेवाले यांनी सादर केलेले म्हणणे )

बांदा येथे परिवहन खात्याकरीता चेकपोस्ट वांधण्याचे काम सदभाव इंजिनिरींग लिमिटेड हया कंपनीला मिळालेले असून ते काम मे सुवर्णा बिल्डकॉन प्रायव्हेट लिमिटेड यांना सबलेटबेसिस वरती देण्यात आलेले आहे. तरी सदर कामासाठी सपाटीकरण करण्यासाठी आवश्यक उत्खनन व त्या संदर्भात लागणारी परवानगी व त्यावरील रॉयल्टी भरायची जबाबदारी ही पुर्णपणे मे. सुवर्णा बिल्डकॉन प्रायव्हेट लिमिटेड हयांची होती. त्याप्रमाणे त्यांनी याबाबत लागणारी सर्व परवाने व अन्य कागदपत्रेची पूर्तता करून सदरचे काम पूर्ण केलेले आहे.

मे.सुवर्णा बिल्डकॉन प्रायव्हेट लिमिटेड हयांनी सदर कामाचे सपाटीकरण करण्यासाठी आवश्यक उत्खननासाठी लागणारी सर्व परवानग्या घेतल्यानंतर सदरचे काम सुरु करण्यात आले होते. सदरच्या कामात मा. महाराष्ट्र प्रदुषण नियंत्रण मंडळ (NGT) यांचे कोर्टाची स्थगिती होती. सदर NGT कोर्टाने दिलेल्या निकालानंतर मा.जिल्हाधिकारी कार्यालय सिंधुदुर्ग खनिकर्म शाखा येथे प्रकरण दाखल करून घेवून रॉयल्टीची रक्कम रितसर भरणे केली आहे. तसेच याबाबत काम पुर्ण झाल्यानंतर प्रत्यक्ष जागेवर पहाणी करून यांत्रिकी (डी.एस.) मापे घेण्यात आली. त्याबाबत मा. खनिकर्म अधिकारी यांजकडून नो डयूस प्रमाणपत्र घेण्यात आले.



मर्यादा कायदा श्री साईप्रसाद कल्याणकर रा. पुं. सुनी यांनी केलेल्या तक्रार अर्जाच्या अनुषंगाने आपले कार्योत्तराभाषेत आदेश क्रमांक आरईएटी/कां/4042/06/2019 दिनांकित 22/07/2019 नुसार रॉयल्टी दड म्हणून रुपये 349 25 कोटीचा दड पारीत केलेला होता. आपल्या दिलेल्या आदेशास कोणताही आधार नसून मंडळ अधिकारी यांनी घेतलेली मोजमापे ही कम पूर्ण झाल्यानंतर घेतलेली असून, पूर्णपणे कल्पनिक आणि अदाजित होती. सदरच्या जागेचा फक्त उजवी बाजूलाच जास्त उत्खनन झालेला असून, डाव्या बाजूला निघारा घरे आणि शेती होती.

डाव्या बाजूला असलेल्या जागेत अंदाजे 10 ते 12 मीटरचा भराव करून जागेचा सपाटीकरण करण्यात आलेला आहे व सदर भरावासाठी उजव्याबाजूला झालेल्या उत्खनना मधून निघालेली माती वापरण्यात आलेली होती. तसेच उजव्या बाजूला सुध्दा काही भागात 5 ते 10 मीटर चा भराव करण्यात आलेला आहे.

शेड्या प्रमाणात अतिरिक्त माती बांदा गावाचे शेतकरी आणि रहिवासी ह्यांना त्यांच्या खाजगी वाहनातून त्यांचे खाजगी शेती आणि क्षेत्र सपाटीकरणासाठी घेऊन गेले असावेत. आज जागेवरती असलेली मापे ही मा. जिल्हाधिकारी कार्यालयातून प्रमाणित करण्यात आलेली नकाशे सारखीच आहेत. याबाबतची रॉयल्टीची व तसेच अन्य टॅक्स भाडे, VAT आणि DMF ह्या रकमा शासनखाती पूर्ण भरलेल्या आहेत. सदर उत्खनन अवैध नसून रीतसर परवानगी आणि चलन प्राप्त करूनच केलेले होते. तरी आपल्या संदर्भीय पत्रानुसार खालीलप्रमाणे खुलासा आहे.

- सदर जागेवरती केलेले उत्खनन वैध आहे. उत्खननासाठी मा. जिल्हाधिकारी कार्यालयात रीतसर अर्ज करून त्यांची परवानगी मिळाल्यानंतर व परवानगीनुसार चलनाद्वारे रॉयल्टीची रक्कम भरून सदरचा काम पूर्ण करण्यात आलेले आहे. माननीय NGT कोर्टाचा निकालानुसार आम्ही सर्व कामे केलेली असून माननीय साईप्रसाद कल्याणकर ह्यांच्या पत्रामध्ये करण्यात आलेले सर्व तक्रारी चुकीचे आहेत.
- दिनांक 15/05/2019 ला घेण्यात आलेल्या मोजमापे ही काम पूर्ण झाल्यानंतर घेण्यात आलेली आहे अडवालात नमूद केलेल्या मोजमापाना कुठला ही तांत्रिक आधार नाही आहे. त्या उलट आमच्या सदर खातेवर्तिका वरिष्ठ आम्ही मंडळ अधिकारी बांदा ह्यांनी प्रत्यक्ष जागेवर येऊन प्रमाणित केलेले ईटीएस नकाशा सोबत जोडलेला असून, त्यालाच आधार मानण्यात यावे ही विनंती.
- सदर उत्खननासाठी लागणारी परवानगी आम्ही मा. जिल्हाधिकारी कार्यालयातून घेतलेली असून, आम्ही सदर परवानगीशी सलग्न चलन, नकाशे आणि मा. जिल्हाधिकारी कार्यालयाचे नो इयूस प्रमाणपत्र पत्रासोबत जोडत आहे. तसेच सदभाव इंजिनिअरींग लि. यांनी सुवर्णा बिल्डकॉन प्रा.लि. यांना दिलेली वर्क ऑर्डर सोबत जोडत आहे.

तरी मा. तहसिलदार सावंतवाडी यांचे न्यायालयात दिलेल्या आदेशाचे अनुषंगाने आज दि. 17/06/2022 रोजी हजर राहून घरीलप्रमाणे जबाब देत आहे.

( श्री साईप्रसाद कल्याणकर रा.बांदा यांनी सादर केलेले म्हणणे

तक्रारदार)

मे. सदभाव इंजिनिअरींग लिमिटेड यांना सावंतवाडी तालुक्यातील गोंजे बांदा रेशील टोल नाकाचे काम मिळालेले असून, ते काम मे. सुवर्ण बिल्डकॉन प्रायव्हेट लिमिटेड यांना सवलतवेषिसा वरती देण्यात आलेले आहे. सदर कामात झालेल्या उत्खननाच्या गौणछनिज भरणे बाबत आपलेकडे तक्रार केली होती. त्या संदर्भात माझ्या निर्देशांनुसार सदर मातीचे सपाटीकरण करण्यासाठी आवश्यक उत्खनन व त्या संदर्भात लागणारी परवानगी आणि त्याचरील गौणछनिज भरावची जबाबदारी ही पूर्णपणे मे. सुवर्ण बिल्डकॉन प्रायव्हेट लिमिटेड ह्यांची होती व त्याप्रमाणे त्यांनी ते सर्व स्वकम भरलेली आहे. त्याप्रमाणे मे. सुवर्ण बिल्डकॉन प्रायव्हेट लिमिटेड ह्यांनी सदर कामासाठी लागणारी सर्व कागदपत्रे मला समक्ष दाखवलेली असून, असे दिसून येते की मे. सुवर्ण बिल्डकॉन प्रायव्हेट लिमिटेड ह्यांनी सदर कामासाठी सपाटीकरण करण्यासाठी आवश्यक लागणारी सर्व परवानगे घेतल्यानंतर सदर काम सुरु करण्यात आलेले होते. तसेच मा. जिल्हाधिकारी

कायोल्यात तिसर अजे करून सपाटीकरण करण्यासाठी आता उत्खननासाठी 2500 बासची सुरवातीची परवानगी मिळाल्यावर व परवानगीनुसार चलनाद्वारे गौणखनिजची रक्कम भरून सदरचा काम सुरु करण्यात आले आणि काम पूर्ण झाल्यावरही खनिज विभागातून प्रत्यक्ष जागेवर पाहणी करून यांत्रिक मापे घेण्यात आली व सदरची मापे मंडळ अधिकारी बांदा ह्यांनी प्रत्यक्ष जागेवर येऊन प्रमाणित केली व त्यानुसार पूर्ण गौणखनिजची रक्कम भरून माननीय जिल्हाधिकारी कायोल्याचे नो ड्यूस प्रमाणपत्र घेण्यात आले. एकाच गटात सपाटीकरणकरीता गौणखनिज भरावे लागत नाही तरी पण माझ्या तक्रारीमुळे मे. सुवर्ण बिल्डिंग्स प्रायव्हेट लिमिटेड ह्यांनी गौणखनिजची रक्कम भरलेली आहे. काही गैरसमजुतीमुळे माझ्याकडून सदरची तक्रार झालेली असून, मी माझ्या सर्व तक्रारी मागे घेत असून, ह्यापुढे माझ्या कडून कुठल्याही प्रकारची तक्रार होणार नाही.

तसेच बांदा गावाच्या जवळपास जी माती दिसून येत आहे ती बांदा गावाच्या जवळपास सुरु असलेल्या अनेक कामातून निघालेली उत्खननाची अतिरिक्त माती असून, बांदा चेकपोस्टचे काम हे सपाटीकरणाचे होते आणि उत्खननातून निघालेली जास्तीची माती सदर गटाचे सपाटीकरणासाठीच वापरलेली दिसून येत आहे. मे. सुवर्ण बिल्डिंग्स प्रा. लि. यांनी सर्व बाबतीत आवश्यक कागदपत्रे खुलाशासोबत मला दाखविलेले असून, त्याचे म्हणणे मला पटत असून. या पत्राची झालेला पत्रव्यवहार, निदर्शनास आणून दिलेली माहिती, तपशिल/पुरावे व समक्ष चर्चा याद्वारे माझ्या सर्व शकाचे निराकरण झाले आहे. माझी वरील विषयांकीत कामाबाबतीत तक्रार नाही. भविष्यात सदर विषयात माझी कुठलीही तक्रार नसणार आहे. तरी आपण आपल्या स्तरावर्ती योग्य तो निर्णय द्यावा. तरी सर्व तक्रारी मागे घेत असून, वेगवेगळ्या ठिकाणी केलेल्या तक्रारी ही मागे घेत आहे.

### न्यायनिर्णय -

मा. उपविभागीय अधिकारी सावंतवाडी यांचे न्यायालयात गौणखनिज अपिल क्र. 5/2019/1765 बाबत दि. 29/09/2020 रोजी दिलेल्या न्यायनिर्णयातील मुदयांचे अनुषंगाने या कार्यालयाकडे संबंधित कंपनी व तक्रारदार तसेच मंडळ अधिकारी व तलाठी यांचे समवेत फेरचौकशीची तारीख दि. 20/04/2022, दि. 06/05/2022 दि. 19/05/2022 व दि. 17/06/2022 रोजी नेमण्यात आली. त्याअनुषंगाने संबंधित सर्व दि. 17/06/2022 रोजी माझे समक्ष वरीलप्रमाणे लेखी न्यायने सादर केले आहे.

मा. उपविभागीय अधिकारी सावंतवाडी यांचे आदेशातील न्यायनिर्णयातील मुदयांप्रमाणे फेरचौकशी करण्यात आली. फेरचौकशीमध्ये सामनेवाले यांनी या न्यायालयासमोर हजर केलेले कागदपत्र तसेच सामनेवाले यांनी सादर केलेल्या खुलाशासोबत संलग्नित केलेल्या कागदपत्राचे अवलोकन केले असता, माझे बांदा ता. सावंतवाडी येथील सर्व्हे नं 189/क क्षेत्र 11.95.5 हे.आर या क्षेत्रामध्ये मा. जिल्हाधिकारी कार्यालय सिंधुदुर्ग यांजकडून 2500 बास मातीचे उत्खनन करणाऱ्या परवानगी देण्यात आलेली होती. सपाटीकरणाचे काम पूर्ण झालेनंतर प्रस्तुत क्षेत्राची मंडळ अधिकारी बांदा यांचे समक्ष ईटीएसएम (ETS) मोजणी करण्यात आली होती. त्याचा अहवाल मा. जिल्हाधिकारी कार्यालय सिंधुदुर्ग यांजकडे सादर करण्यात आला. याबाबत तत्कालीन उपविभागीय अधिकारी सावंतवाडी यांजकडून क्र.गौ.ख/कावि/87/2017 दि. 30/05/2019 अहवाल मे. सदभाव इंजिनिअरींग लि. यांचे तर्फे सुवर्ण बिल्डिंग्स प्रा.लि. यांचेकडून शिल्लक रॉयल्टीची रक्कम व इतर शासकीय रक्कमा विविध चलनाने जिल्हाखनिज शाखे मार्फत शासन खाती जमा करण्यात आलेली आहे.

सदभाव इंजिनिअरींग लि. यांजकडून एकूण रक्कम रुपये 66,17,100/- रुपये व त्यावरील इतर शासकीय रक्कमा (डीएमएफ, आयटी, व सेल्स टॅक्स) जमा झाले असल्याने सामनेवाले सदभाव इंजिनिअरींग लि. यांचेकडे रॉयल्टी व त्यावरील उपकराची शिल्लक रक्कम निरंक असलेबाबत मा. जिल्हा खनिज शाखा यांस कळविलेले आले. तदनंतर मा. जिल्हाखनिज अधिकारी, सिंधुदुर्ग यांनी पत्र क्र.डिस्क-17/एम एन एन/एनओसी/2016-17 दि. 07/07/2017 अन्वये सामनेवाले यांना विषयांकीय क्षेत्राच्या माती उत्खनन परवानगीबाबत दि. 31/03/2017 अखेर कोणतीही रक्कम येणेबाकी नसलेबाबत ना-देय प्रमाणपत्र (No Dues Certificate) देण्यात आले.



महाराष्ट्र शासन राजपत्र व तंत्रविभागीय यांजकडील 11 मे 2015 रोजीच्या अधिसूचनेमध्ये नमूद आहे की, ज्यावेळी जमिनीच्या एखाद्या भूखंडाचा विकास करताना मातीचे उत्खनन करून ती माती त्याच भूखंडाच्या संपादिकरणावरील वापरली जाईल किंवा ती अशा भूखंडाच्या विकासाच्या प्रक्रियेतील कोणत्याही कामासाठी वापरली जाईल, त्यावेळी अशा मातीवर स्वाभित्त्वधन भरले जाणार नाही."असे नमूद असून, शासन परीपत्रक क्रमांक गौखनि 10/1012/प्र.क्र.603/ख दि. 01/11/2021 मध्ये, भूखंडाचा विकास म्हणजे शेतीची सुधारणा किंवा नियोजन प्राधिकारी यांनी मंजूर केलेल्या अभिन्यायाचे किंवा विकास परवानगीत समाविष्ट असलेले संपूर्ण क्षेत्र ज्यात एका पेक्षा जास्त गट नंबर किंवा भूदापन क्रमांकाचा समावेश असू शकतो.

उक्त पत्रावरील महाराष्ट्र राज्य रस्ते विकास महामंडळ यांजकडील आदेश नं. एमएस आरडीसी/02/बीसीपी/1939 दि. 05/05/2009 अन्वये सदरचे काम सदभाव इंजिनिअरिंग लि. यांना देण्यात आले होते. म्हणजेच उक्त शासन परीपत्रकान्वये नियोजन प्राधिकारी यांनी मंजूर केलेल्या भूखंडाच्या विकासाच्या प्रक्रियेतील कोणत्याही कामासाठी गौणखनिज स्वाभित्त्वधन आकारणीस पात्र राहणार नाही.

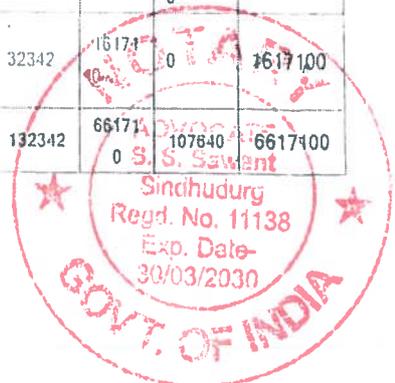
सामनेवाले यांना मा. जिल्हा खनिकर्म शाखेमार्फत शासन खाती रक्कम रुपये 66,17,100/- (सहासष्ट लाख सतरा हजार शंभर रुपये ) भरणा केलेली आहे. मंडळ अधिकारी बांदा यांचे दि. 15/05/2019 रोजीचा पंचनामा पाहता, सदर ठिकाणी घेतलेल्या अंदाजित मोजमापाचे अनुषंगाने संबंधितांविरुद्ध दंडात्मक कारवाई केल्याचे दिसून येते. सामनेवाले यांनी सादर केलेल्या ईटीएसएम (ETS) अहवालाचे अनुषंगाने सादर ठिकाणी बांदा टोलगाक्याचे पूर्ण क्षेत्रात खालीलप्रमाणे मोजमापे व परिमाणे घेण्यात आली आहेत.

Cutting in plot Area Brass	83486.21 brass
Filing within plot Area Brass	66943.46 brass
Royalty to paid total Qty Brass	16542.75 brass



सदरचा ईटीएस Dimensions Surveys 247, Vakola pipe line, subhash nagar, Gaondevi santacruz, Mumbai 400053 या संस्थेमार्फत मंडळ अधिकारी बांदा ता. सावंतवाडी यांचे समक्ष करण्यात आला म्हणजेच तांत्रिक ज्ञान नसलेल्या व्यक्तीने घेतलेली मोजमापे व तांत्रिक संस्थेने ईटीएस मशीनव्दारे घेतलेली मोजमापे याचा विचार करता, ईटीएसद्वारे घेतलेल्या मोजमापावरूनच उत्खनन केलेल्या गौणखनिजाची एकूण परिमाण निश्चित करणे आवश्यक ठरते. Dimensions Surveys, Mumbai या संस्थेने घेतलेल्या मोजमापावरून 16542.75 इतक्या माती गौणखनिजाचे उत्खनन झाल्याचे दिसून येते यापैकी सामनेवाले यांनी खालीलप्रमाणे रॉयल्टीची रक्कम भरणा केलेली आहे.

CHALLAN NO	DATE	HEAD	QUANTITY	UNIT	RATE	VAT	IT	DMF	SURFACE RENT	ROYALTY
MA1009573296 1291516E	25 01 20 16	Mineral Concession Fees, Rates and Royalties Receipts from the Mineral Extraction Rules	2500	Brass	400	10000 0	20000	30000 0	107640	1000000
MA100243049 7291516E	23 03 29 16	Mineral Concession Fees, Rates and Royalties Receipts from the Mineral Extraction Rules	5000	Brass	400	20000 0	40000	0 00		2000000
MA100808571 5201617A	31 01 20 17	Mineral Concession Fees; Rates and Royalties Receipts from the Mineral Extraction Rules	2500	Brass	400	10000 0	20000	10000 0	0 00	1000000
MA100952528 5201617A	27 03 20 17	Mineral Concession Fees, Rates and Royalties Receipts from the Mineral Extraction Rules	2500	Brass	400	10000 0	20000	10000 0	0	1000000
MA100194629 5201718M	03 06 20 17	Mineral Concession Fees, Rates and Royalties Receipts from the Mineral Extraction Rules	4042.75	Brass	400	16171 0	32342	16171 0	0	1617100
Total			16542.75	Brass	400	66171 0	132342	66171 0	107640	6617100



वरीलप्रमाणे रॉयल्टीची रक्कम शासन जमा केली असल्याने मा.उपविभागीय अधिकारी सावंतवाडी यांजकडील पत्र क्र. वगमांक/गों ख/कावी/87/2017 दि. 30/05/2017 अन्वये मे. सुवर्णा बिल्डकॉन प्रायव्हेट लिमिटेड यांचेकडून रॉयल्टी व त्यावरील उपकराची शिल्लक रक्कम निरंक असल्याचे मा. जिल्हाधिकारी कार्यालयास कळविलेले आहे.

शासकीय खजिन्यात भरणा केलेली रॉयल्टीची रक्कम पहाता, मा. जिल्हाखनिकर्म अधिकारी, सिंधुदुर्ग यांजकडील No Desk 17/MNL/NOC/2016-17 दि. 07/07/2017 अन्वये सामनेवाले यांस ना-देय (No Dues Certificate) प्रमाणपत्र दिलेले आहे. तसेच महाराष्ट्र शासन महसुल व वनविभाग यांजकडील दि.12/01/2018 अधिसूचनेमध्ये नमूद केले आहे की, शासनास एखाद्या भुखंडाचा विकास करण्याच्या प्रयोजनासाठी अधिसूचित केलेल्या कोणत्याही महत्त्वाच्या सार्वजनिक प्रकल्पाच्या कामाकरीता आवश्यक असलेल्या गौणखनिजाच्या उत्खननावर स्वामित्वधन माफ किंवा स्वामित्वधनाचे दर कमी करता येईल अशी तरतूद आहे.

तक्रारदार यांनी आपल्या सादर केलेल्या म्हणण्यामध्ये " मे. सुवर्णा बिल्डकॉन प्रा. लि. यांनी गौणखनिज रक्कम भरलेली आहे. काही गैरसमजूतीमुळे माझ्याकडून सादरची तक्रार झालेली असून, मी माझ्या सर्व तक्रारी मागे घेत असून यापुढे माझ्याकडून कुठल्याही प्रकारची तक्रार होणार नाही." असे नमूद केले आहे.

यावरून तक्रारदार यांना उत्खनन झालेल्या गौणखनिजाचे परिमाण निश्चित सांगता आलेले नाही. यासंदर्भात केलेली वेळोवेळी गैरसमजूतीने केलेल्या सर्व तक्रारी दि. 18/05/2022 च्या पत्रांन्वये मागे घेतले आहेत.

आज रोजी सावंतवाडी तालुक्यातील गाव मौजे बांदा येथील सीमा तपासणी नाक्याचे सपाटीकरणामाचे काम पूर्ण झालेले असून, उत्खनन केलेल्या गौणखनिजाचे पुर्नशः मोजमाप करणे तांत्रिकदृष्ट्या शक्य होणार नाही. त्यामुळे Dimensions Surveys, Mumbai या संस्थेने केलेल्या मोजमापानुसार निश्चित केलेले परिमाण अंतिम समजणे योग्य होईल. वरील विवेचनावरून मी, श्री श्रीधर पाटील प्र.तहसिलदार सावंतवाडी खालीलप्रमाणे आदेश पारीत करत आहे.

### आदेश

- 1) प्रस्तुत प्रकरणी मा. उपविभागीय अधिकारी सावंतवाडी यांजकडील गौणखनिज अपिल क्र. 5/2019 दि. 29/09/2020 च्या आदेशानुसार फेरचौकशी करण्यात आली आहे.
- 2) उपलब्ध कागदपत्रांची फेरतपासणी व जिल्हा खनिकर्म शाखा यांचेकडील ना देय प्रमाणपत्र (No Dues Certificate) पहाता, सामनेवाले यांनी शासनास रॉयल्टी व रॉयल्टीवरील उपकराची रक्कम भरणा करण्यास देय ठरत नाहीत.
- 3) संबंधितांना निर्णय मान्य नसल्यास त्यांना या आदेशा विरुद्ध मा.उपविभागीय अधिकारी सावंतवाडी यांजकडे अपिल करता येईल.
- 4) अपिलाचा कालावधी 60 दिवसाचा राहिल.
- 5) खर्चाबाबत आदेश नाहीत.
- 6) निर्णय सर्व संबंधितांना कळविण्यात यावा

सादरचा आदेश या कोर्टाच्या शिक्यानिशी व माझे सहीनिशी दिला.

दिनांक - 26/09/2022

ठिकाणी - सावंतवाडी

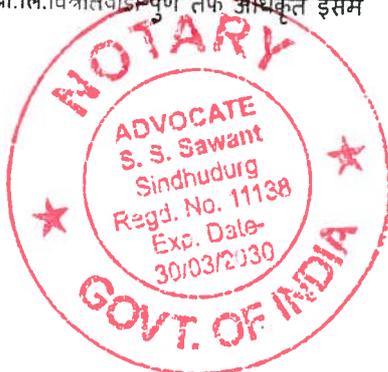
प्रत - 1) मे. सदभाव इंजिनिअरींग लि.बांदा तर्फे मे.सुवर्णा बिल्डकॉन प्रा.लि.विश्वातवाडी-पुणे तर्फे अधिकृत इसम श्री मनोजकुमार अत्रोल रा.पुणे

2) श्री साईपराद कल्याणकर रा.इन्सुली ता.सावंतवाडी यांस



श्री. श्रीधर पाटील  
(श्रीधर पाटील)

प्र.तहसिलदार सावंतवाडी



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Ref. No. SMK -

Date : १८/०५/२०२२

प्रति,

माननीय श्री साळवी साहेब,  
विद्यमान विभाग प्रमुख,  
हॉर्टिकल्चर विभाग, दापोली कृषी विद्यापीठ,  
दापोली, महाराष्ट्र.

विषय - बांदा येथे परिवहन खात्याकरिता चेकपोस्ट बांधण्याचे काम.  
संदर्भ - NGT. OA. २८/२०१४ मधील आदेश व वृक्ष लागवळ बाबतीत.

माननीय साहेब,

मौजे बांदा ता. सावंतवाडी या गावातील सटमटवाडी येथे बांधण्यात आलेल्या चेकपोस्ट मध्ये NGT मधील OA.२८/२०१४(NGT)(W2) पुणे च्या आदेशाची आपल्याला पूर्ण कल्पना आहे. आपल्या बरोबरच रिफॉरेस्टेशनचे काम वनखाते सावंतवाडी यांचे मार्गदर्शनाखाली पूर्ण करणेचे NGT कोर्टाचे आदेश आहेत.

या वावत आपल्या विभागाकडे मी वेळोवेळी केलेल्या पत्रव्यवहाराच्या अनुषंगाने कळविणेत येते की डोंगर उतारावरती ज्या नवीन झाडांची लागवड करण्यात आलेली होती ज्याचे वनखात्याने दिनांक २९/०८/२०१९ ला केलेल्या संयुक्त पंचनाम्यानुसार झाडे, फळझाडे, बांबू आणि अन्य गवती चहा सारखे सर्व धरून अंदाजे ७०७८१ झाडे लावल्याचे दिसून आले होते. ह्या आडवड्यात मी स्वतः प्रत्यक्ष जागेवरती गेलो असताना प्रत्यक्ष पाहणीत असे दिसून आले कि सर्व झाडे व्यवस्थित जगवलेली आहेत तसेच साईट वरती दोन माळी आणि कामगार दिसून आलेत. पूर्ण परिसरात ड्रीप इरीगेशनचे काम केलेले आहे आणि त्याप्रमाणे अत्यंत उन्हाळ्यात सुद्धा ड्रीप इरीगेशनची वयवस्थित तरतूद असल्यामुळे सर्व झाडे व्यवस्थित दिसत आहेत. आज प्रत्यक्ष पाहणीत पूर्ण ड्रीप इरीगेशन वयवस्थित चालू असलेले दिसून आले. साईट वरती व्यवस्थापनाशी चर्चा केल्यावरती काही रिकाम्या जागेत काजूची अजून रोपे लावता येतील असे दिसून आले आणि मे. सदभाव इंजिनिअरींग कंपनी यांना विनंती केल्यावरती त्यांनी १०००० काजूची कलमी रोपे आणि फुलझाडे ५००० लावण्यासाठी हीकर दिना असून लगेच माझ्यासमोर १०००० काजूची कलमी रोपांची ऑर्डर दिलेली आहे.



तसेच कार्यकारी अभियंता, महाराष्ट्र राज्य रस्ते विकास महामंडळ, मुंबई व संबंधीत सिमा तपासणी नाक्याचे ठेकेदार मे. सदभाव इंजिनिअरींग कंपनी यांचेकडून मिळालेल्या माहितीनुसार सदरचा सिमा तपासणी नाक्याचा प्रकल्प BOT अंतर्गत असून करारानुसार सदर ठेकेदार 24 वर्षे 6 महिने पर्यंत त्या कामास जबाबदार असून सर्व प्रकारच्या कामाबाबत व सुरक्षितते बाबतची जबाबदारी सदर ठेकेदाराची असून त्या बाबतचा करार महाराष्ट्र राज्य रस्ते, विकास महामंडळ व ठेकेदार मे. सदभाव इंजिनिअरींग यांचेमधरे झाला असल्याचे तसेच लागवळ केलेल्या झाडांची निगा, भविष्यातील देखभाल व सुरक्षिततेची संपूर्ण जबाबदारी संबंधीत ठेकेदारानी घेतलेली असल्याचे सांगण्यात आले आहे. त्याप्रमाणे लागवळ केलेल्या झाडांची भविष्यात सुरक्षित राखण्यासाठी आवश्यक उपाययोजना त्या- त्या वेळी महाराष्ट्र राज्य रस्ते विकास महामंडळ व ठेकेदार मे. सदभाव इंजिनिअरींग यांच्या खर्चाने / निधीतून पूर्ण करण्यात येणार आहेत असे त्यांनी सांगितले आहे. परंतु साईट वरती ज्या प्रकारची झाडे लावण्यात आलेली आहे आणि ज्याप्रमाणे सदर झाडांची निगा घेण्यात आलेली आहे त्याप्रमाणे सदरची सर्व झाडे ह्यापुढे जगणारच आहे आणि चांगली काळजी घेतल्यामुळे फळ उत्पादन हि चांगला होणार आहे.

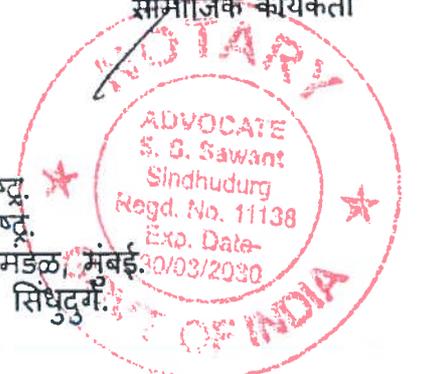
मी आपल्याकडे गवती चहा आणि बांबू लावल्याबद्दल तक्रार केली होती परंतु समक्ष जागेवरती पाहणी करता असे लक्षात आले कि गवती चहा आणि बांबू मुळे उताराच्या जागेवरती मातीची झीज थांबलेली आहे आणि जिथे जिथे गवती चहा लावलेला आहे तिथे अन्य अनेक झाडे सुद्धा लावलेली दिसत आहे. ना. NGT कोर्टाचे आदेश प्रमाणे फक्त ४४००० झाडे लावायची होती परंतु सदर जागेवरती त्यापेक्षा जास्त झाडे लावून सदर जागेचा संपूर्ण उपयोग झालेला दिसत आहे. समाजाने सयुक्त प्रयत्न केल्यामुळे सदरचा परिसर हिरवेगार झालेला असून सकाळी बांदा वासियांसाठी फिरण्यासाठी सुंदर स्थळ झालेला आहे तसेच काजू आणि आंबा मुळे पक्षी आणि निसर्गाचे संरक्षण झालेले दिसत आहे. मोठा प्रकल्प होऊन सुद्धा रिकाम्या जागेची व्यवस्थित उपयोग केल्यामुळे पूर्ण परिसर हिरवेगार झालेला असून काम सुरू होण्याच्या अगोदरच्या परिस्थिती पेक्षाही जास्त हिरवेगार दिसत आहे.

हा विषय मांडताना त्यावेळी प्रथमदर्शनी जे दिसत होते ते आपल्या समोर मांडले होते. तथापि या प्रकरण / विषया बाबत झालेला पत्रव्यवहार, निदर्शनास आणून दिलेली माहिती / तपशिल / पुरावे व समक्ष चर्चा या व्दारे माझ्या सर्व शंकाचे निराकरण झाले आहे. या बाबत माझी कोणतीही तक्रार नाही तसेच भविष्यात तक्रार करणार नाही. तसेच सिमा तपासणी नाक्याचे ठेकेदार मे. सदभाव इंजिनिअरींग कंपनीचे व्यवस्थापनचे मी संपूर्ण बांदा वासियांच्यावतीने आभार आणि भविष्यासाठी शुभेच्छा देतो.

आपला विश्वासू,  
श्री साईप्रसाद कल्याणकर  
सामाजिक कार्यकर्ता

प्रत :

- माननीय जिल्हाधिकारी साहेब, सिंधुदुर्ग, महाराष्ट्र.
- माननीय प्रांताधिकारी साहेब, सावंतवाडी, सिंधुदुर्ग, महाराष्ट्र.
- माननीय वनसंरक्षक साहेब, सावंतवाडी, जिल्हा सिंधुदुर्ग, महाराष्ट्र.
- माननीय तहसीलदार साहेब, सावंतवाडी, जिल्हा सिंधुदुर्ग, महाराष्ट्र.
- माननीय कार्यकारी अभियंता, महाराष्ट्र राज्य रस्ते विकास महामंडळ, मुंबई.
- माननीय उप परिवहन अधिकारी, प्रादेशिक परिवहन कार्यालय, सिंधुदुर्ग.



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BANDA  
FIRM NO. : 104609 w  
E-mail : saikalyankar@yahoo.com**"Sai Sadan " , Bazar Street, At & post - Banda, Tal. Sawantwadi, Dist. Sindhudurg, Pin - 416 511.  
Tel. (O) : 02363 - 270355 (R) : 02363 - 270105**

Ref. No. SMK -

Date : १८/०५/२०२२

प्रति,

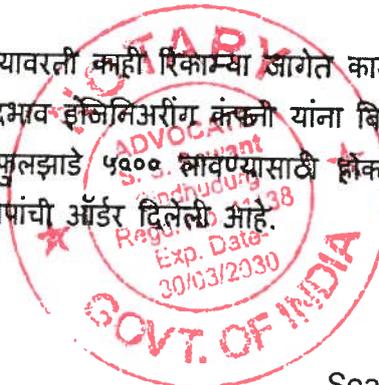
माननीय उप वनसंरक्षक साहेब,  
सावंतवाडी, जिल्हा सिंधुदुर्ग, महाराष्ट्र.विषय - बांदा येथे परिवहन खात्याकरिता चेकपोस्ट बांधण्याचे काम.  
संदर्भ - NGT. OA. २८/२०१४ मधील आदेश व वृक्ष लागवड बाबतीत.

माननीय साहेब,

मौजे बांदा ता. सावंतवाडी या गावातील सटमटवाडी येथे बांधण्यात आलेल्या चेकपोस्ट मध्ये NGT मधील OA.२८/२०१४(NGT)(W2) पुणे च्या आदेशाची आपल्याला पूर्ण कल्पना आहे. आपल्या बरोबरच रिफॉरेस्टेशनचे काम वनखाते सावंतवाडी यांचे मार्गदर्शनाखाली पूर्ण करणेचे NGT कोर्टाचे आदेश आहेत.

या बाबत आपल्या विभागाकडे मी वेळोवेळी केलेल्या पत्रव्यवहाराच्या अनुषंगाने कळविणेत येते की डोंगर उतारावरती ज्या नवीन झाडांची लागवड करण्यात आलेली होती ज्याचे वनखात्याने दिनांक २९/०८/२०१९ ला केलेल्या सयुक्त पंचनाम्यानुसार झाडे, फळझाडे, बांबू आणि अन्य गवती चहा सारखे सर्व धरून अंदाजे ७०७८१ झाडे लावल्याचे दिसून आले होते. ह्या आडवड्यात मी स्वतः प्रत्यक्ष जागेवरती गेलो असताना प्रत्यक्ष पाहणीत असे दिसून आले की सर्व झाडे व्यवस्थित जगवलेली आहेत तसेच साईट वरती दोन माळी आणि कामगार दिसून आलेत. पूर्ण परिसरात ड्रीप इरिगेशनचे काम केलेले आहे आणि त्याप्रमाणे अत्यंत उन्हाळ्यात सुद्धा ड्रीप इरिगेशनची व्यवस्थित तरतूद असल्यामुळे सर्व झाडे व्यवस्थित दिसत आहेत. आज प्रत्यक्ष पाहणीत पूर्ण ड्रीप इरिगेशन व्यवस्थित चालू असलेले दिसून आले.

साईट वरती व्यवस्थापनाशी चर्चा केल्यावरती काही रिकाम्या जागेत काजूची अजून रोपे लावता येतील असे दिसून आले आणि मे. सदभाव इन्जिनिअरिंग कंपनी यांना बिनंती केल्यावरती त्यांनी १०००० काजूची कलमी रोपे आणि फुलझाडे ५००० लावण्यासाठी हक्क दिलेले आहे. माझ्यासमोर १०००० काजूची कलमी रोपांची ऑर्डर दिलेली आहे.



समाजाने सयुंक्त प्रयत्न केल्यामुळे सदरचा परिसर हिरवेगार झालेला असून सकाळी बांदा वासियांसाठी फिरण्यासाठी सुंदर स्थळ झालेला आहे तसेच काजू आणि आंबा मुळे पक्षी आणि निसर्गाचे संरक्षण झालेले दिसत आहे. मोठा प्रकल्प होउन सुद्धा रिकाम्या जागेची वयवस्थित उपयोग केल्यामुळे पूर्ण परिसर हिरवेगार झालेला असून काम सुरु होण्याच्या अगोदरच्या परिस्थिती पेक्षाही जास्त हिरवेगार दिसत आहे. तसेच रीतसर परवानगी घेउन जी झाडे तोडण्यात आलेली होती ती सर्व जागेमालकानी ताब्यात घेतलेली होती. बाकीची लाकडे जागेवरती जमा करण्यात आलेली होती ज्याचे गावकऱ्यांनी तसेच सर्व झाडे मालकी हक्काची होती ती सर्वांनी स्वतः वाहतूक करून नेलेली आहेत त्या कारणाने लाकडाबद्दलची माझी तक्रार ग्राह धरण्यात येउन नये तसेच माझ्या सर्व शंकांचे निरसरण झालेले असून मी आज पर्यंत केलेल्या सर्व तक्रारी मागे घेत आहे.

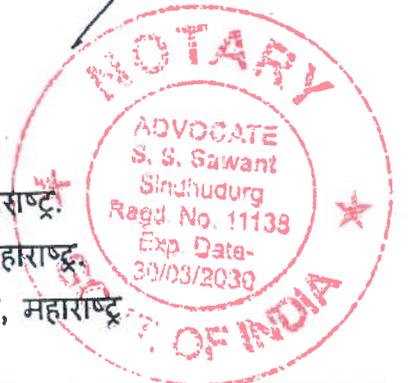
हा विषय मांडताना त्यावेळी प्रथमदर्शनी जे दिसत होते ते आपल्या समोर मांडले होते. सर्व कागदपत्रे बघितल्यावरती मला असे वाटते कि हयापूर्वी गैरसमजुतीने माझ्याकडून सदर साईटच्या बाबतीत पत्रव्यवहार झालेला आहे. प्रत्यक्ष पाहणी करिता कुठल्याही प्रकारचा नियमांचा भंग झालेला दिसून आलेला नाही आहे. सर्व परवानग्या आणि रीतसर अर्जकरून कायदाच्या चोकटीत राहूनच सर्व कामे केलेली दिसून येत आहे आणि काम झाल्यावरती पूर्ण परिसर कल्पनाच्या वाहेर सुंदर केलेला आहे. सर्व गोष्टींचा विचार करिता मी हयापूर्वी केलेल्या सर्व तक्रारी मागे घेत असून साईटवर्ती केलेल्या प्रशंसनीय वृक्षलागवड केल्यामुळे सर्वांचे आभार मानतो. माझ्या तक्रारीमुळे झालेल्या त्रासाबद्दल आणि गैरसोयींबद्दल दुर्लक्ष करावे हि सविनय विनंती असून तरी माझ्या समाजासाठी असलेल्या जवाबदारीतून मी सदर बाबतीत लक्ष दिला होता आणि आज प्रत्यक्ष साईटवर्ती हिरवेगार झाडे बघून मला अत्यंत आनंद झालेला असून मी सर्वांचे आभार मानतो. तथापि या प्रकरण / विषया बाबत झालेला पत्रव्यवहार, निदर्शनास आणून दिलेली माहिती / तपशिल / पुरावे व समक्ष चर्चा या व्दारे माझ्या सर्व शंकांचे निराकरण झाले आहे. या बाबत माझी कोणतीही तक्रार नाही तसेच भविष्यात तक्रार करणार नाही. तसेच सिमा तपासणी नाक्याचे ठेकेदार मे. सदभाव इंजिनिअरींग कंपनीचे वयवस्थापनचे मी संपूर्ण बांदा वासियांच्यावतीने आभार आणि भविष्यासाठी शुभेच्छा देतो.

आपला विश्वासू,

  
श्री साईप्रसाद कल्याणकर  
सामाजिक कार्यकर्ता

प्रत :

- माननीय जिल्हाधिकारी साहेब, सिंधुदुर्ग, महाराष्ट्र
- माननीय प्रांताधिकारी साहेब, सावंतवाडी, सिंधुदुर्ग, महाराष्ट्र
- माननीय वनसंरक्षक साहेब, सावंतवाडी, जिल्हा सिंधुदुर्ग, महाराष्ट्र
- माननीय तहसीलदार साहेब, सावंतवाडी, जिल्हा सिंधुदुर्ग, महाराष्ट्र
- माननीय कार्यकारी अभियंता साहेब, MSRDC, बांद्रा, मुंबई, महाराष्ट्र



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Ref. No. SMK -

Date : १८/०५/२०२२.

प्रति,

माननीय कार्यकारी अभियंता,

सिंधुदुर्ग पाटबंधारे प्रकल्प बांधकाम विभाग, चराठे, ता. सावंतवाडी, जि. सिंधुदुर्ग.

विषय - तिलारी आंतरराज्य पाटबंधारे प्रकल्प ता. दोडामार्ग जि. सिंधुदुर्ग.

संदर्भ - वरील विषयांकित कामात झालेल्या वरील विषया संदर्भात दि. 30.07.2019 रोजी मी दिलेली सिव्हिल प्रोसिजर कोड कलम 80 नुसार कारवाई करणे बाबतची माझी तक्रार

माननीय कार्यकारी अभियंता साहेब,

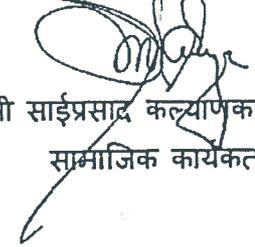
मौजे बांदा ता. सावंतवाडी या गावातील सटमटवाडी या वाडीतून गेलेल्या तिलारी आंतरराज्य पाटबंधारे प्रकल्पातर्गत काढणेत आलेल्या बांदा शाखा कालवा किमी 11 मध्ये कालव्याच्या डाव्या बाजूस कालव्यालगत सिमा तपासणी नाक्याच्या संकुलासाठी खोदकाम व बांधकाम केले आहे. त्यामुळे या ठिकाणच्या कालव्याच्या सेवापथा कडील बाजूस माती भरवामध्ये केलेल्या खोदकामामुळे कालव्यास धोका पोहचून कालव्याचे नुकसान / हाणी होणार असलेने सिमा तपासणी नाक्याचे कामाचे ठेकेदार मे. सदभाव इंजिनिअरींग कंपनी तसेच कार्यकारी अभियंता, महाराष्ट्र राज्य रस्ते विकास महामंडळ, मुंबई यांचेवर महाराष्ट्र इरिगेशन अॅक्ट 1676 चे कलम 93, 94, 95 व 98 प्रमाणे कारवाई करणे बाबत दि. 30.07.2019 रोजी मी सिव्हिल प्रोसिजर कोड कलम 80 ची नोटीस दिली होती.

याबाबत आपल्या विभागाकडे मी वेळोवेळी केलेल्या पत्रव्यवहाराच्या अनुषंगाने कळविणेत येते की सन 2019 च्या अतिवृष्टी मध्ये देखिल या ठिकाणचा कालवा सुस्थितीत राहिला आहे. या ठिकाणी सिमा टोल नाका संकुलाच्या बांधकामाच्या ठेकेदारांनी संरक्षक भिंत बांधल्याने व पावसाळ्यात भरावा वर लावलेली झाडे व गवत यांची वाढ झाल्याने भराव सुस्थितीत राहिला आहे. सद्यःस्थितीत या ठिकाणचा कालवा सुरक्षित व सुस्थितीत आहे याची खातरजमा प्रत्यक्ष पाहणी करून केली आहे. प्रत्यक्ष जागेवरती पाहणी केल्यावरती असे दिसून आले कि सदरच्या परिसर हिरवेगार झालेला असून सकाळी बांदा वासियांसाठी फिरण्यासाठी सुंदर स्थळ झालेला आहे तसेच काजू आणि आंबा मुळे पक्षी आणि निसर्गाचे संरक्षण झालेले दिसत आहे. मोठा प्रकल्प होउन सुद्धा रिकाम्या जागेची व्यवस्थित उपयोग केल्यामुळे पूर्ण परिसर हिरवेगार झालेला असून काम सुरू होण्याच्या अगोदरच्या परिस्थिती पेक्षाही जास्त हिरवेगार दिसत आहे.

हा विषय मांडताना त्यावेळी प्रथमदर्शनी जे दिसत होते ते आपल्या समोर मांडले होते. तथापि या प्रकरण / विषया बाबत झालेला पत्रव्यवहार, निदर्शनास आणून दिलेली माहिती / तपशिल / पुरावे व समक्ष चर्चा या व्दारे माझ्या सर्व शंकाचे निराकरण झाले आहे. त्यामुळे दि. 30.07.2019 रोजी मी सिव्हिल प्रोसिजर कोड कलम 80 ची नोटीस तसेच महाराष्ट्र इरिगेशन अॅक्ट 1676 चे कलम 93, 94, 95 व 98 प्रमाणे महाराष्ट्र राज्य रस्ते विकास महामंडळ तसेच कंत्राटदारावर कारवाई करण्याचा प्रश्न उदभवत नाही. या बाबत माझी कोणतीही तक्रार नाही तसेच भविष्यात तक्रार करणार नाही.

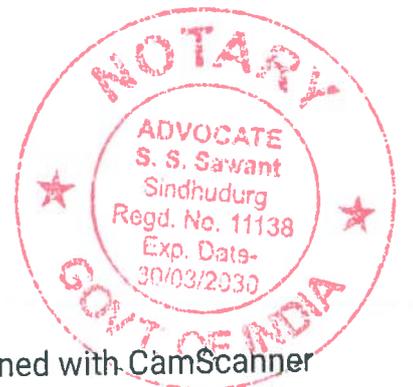
मी प्रथम विषय मांडताना जे त्या परिस्थितीत प्रथमदर्शनी दिसत होते ते आपल्यासमोर मांडले होते व मी माझे काम नेहमीच प्रामाणिकपणे पार पाडत असतो. सदरचा नाका हा शासनाचा महत्वाकांक्षी प्रकल्प आहे व त्यामुळे सीमावरती होणारे गैरवाहतुकीला आला बसणार आहे, हा विचार करून सदर प्रकल्पाच्या पूर्णतेला माझ्या तक्रारीमुळे धक्का लागू नये असे मला वाटत आहे. सदर नाका लवकर पूर्ण व्हावे असे मी नेहमीच म्हटलेले आहे. त्या प्रमाणे मे. सुवर्ण बिल्डकॉन प्रायव्हेट लिमिटेड यांनी सर्व बाबतीत आवश्यक कागदपत्रे खुलाशासोबत मला दाखवलेली असून त्यांचे म्हणणे मला पटत असून तथापि या प्रकरण / विषया बाबत झालेला पत्रव्यवहार, निदर्शनास आणून दिलेली माहिती / तपशिल / पुरावे व समक्ष चर्चा या व्दारे माझ्या सर्व शंकाचे निराकरण झाले आहे. माझी वरील विषयांकित कामाबाबतीत तक्रार नाही आहे आणि भविष्यातही सदर विषयात माझी कुठलीही तक्रार नसणार आहे, तरी आपण आपल्या स्तरावर्ती योग्य तो निर्णय घ्यावा हि विनंती. कळावे,

आपला विश्वासू,

  
श्री साईप्रसाद कल्याणकर  
सामाजिक कार्यकर्ता

प्रत :

- माननीय जिल्हाधिकारी साहेब, जिल्हा सिंधुदुर्ग, महाराष्ट्र.
- माननीय उपविभागीय अधिकारी, ता. सावंतवाडी, जि. सिंधुदुर्ग, महाराष्ट्र.
- माननीय कार्यकारी अभियंता, MSRDC, बांद्रा, मुंबई, महाराष्ट्र.
- माननीय पोलीस निरीक्षक साहेब, बांदा पोलीस स्टेशन, बांदा, जिल्हा सिंधुदुर्ग, महाराष्ट्र.
- माननीय उपप्रादेशिक परिवहन अधिकारी, उपप्रादेशिक परिवहन कार्यालय, जिल्हा सिंधुदुर्ग.



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"Sai Sadan " , Bazar Street, At & post - Banda, Tal. Sawantwadi, Dist. Sindhudurg, Pin - 416 511.  
Tel. (O) : 02363 - 270355 (R) : 02363 - 270105

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Ref. No. SMK -

Date : १८/०५/२०२२

प्रती,

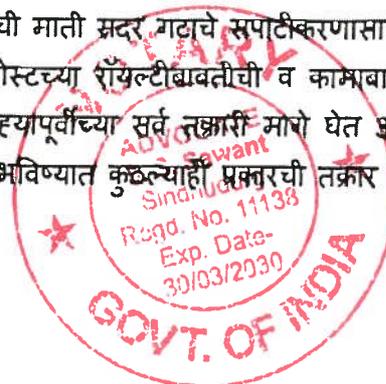
माननीय व्यवस्थापकीय संचालक साहेब,  
महाराष्ट्र राज्य रस्ते विकास महामंडळ,  
बांद्रा, मुंबई, महाराष्ट्र.विषय : बांदा, तालुका: सावंतवाडी जिल्हा: सिंधुदुर्ग येथील सर्वे नंबर १८९क येथे परिवहन  
खात्याकरिता अत्याधुनिक चेकपोस्ट बांधणेबाबत.

संदर्भ : सदरच्या कामात माझ्याकडून आजपर्यंत झालेल्या तक्रारी बाबत खुलासा पत्र.

माननीय महोदय,

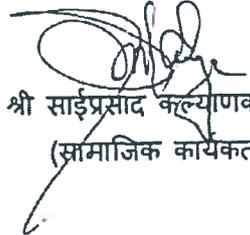
वरील विषयांकित काम सद्भाव इंजिनीरिंग लिमिटेड यांना ह्यांच्या मार्फत केले जात असून बांदा येथील चेकपोस्टचे काम पूर्णत्वावरती आहे. सदरचे काम सुंदर झालेले असून पूर्ण परिसर हिरवेगार दिसून येत आहे. सदर कामात झालेल्या गैरप्रकाराबद्दल बाबतीत मी आपल्याकडे गैरसमजुतीने तक्रार केली होती. त्या संदर्भाने मे. सद्भाव इंजिनीरिंग लिमिटेड तर्फे ऑथोराइज्ड व्यक्ती यांनी माझी भेट घेतली आणि आणि प्रत्यक्ष जागेवरती पाहणी केल्यावरती आणि साईटची योग्य परिस्थिती आणि सर्व कागदपत्रे समक्ष बघितली असता असे लक्षात आले कि माझ्या कडून गैरसमजुतीने तक्रार झालेली होती तरी माझ्या सर्व शंकाचे निरसरण झालेले असून ह्या पत्राद्वारे मी माझे म्हणणे आपल्या कार्यालयात सादर करित आहे.

तसेच बांदा गावाच्या जवळपास जी माती दिसून येत आहे ती बांदा गावाच्या जवळपास सुरु असलेल्या अनेक कामातून निघालेली उत्खननाची अतिरिक्त माती असून बांदा चेकपोस्टचे काम हे सपाटीकरणाचे होते आणि उत्खननातून निघालेली जास्तीची माती सदर गावाचे सपाटीकरणासाठीच वापरलेली दिसून येत आहे. काही तरी गैरसमजुतीने बांदा चेकपोस्टच्या साईटच्या बाबतीची व कामाबाबतीत माझ्याकडून तक्रार झालेली असून ह्या पत्राद्वारे मी माझ्या ह्यापूर्वीच्या सर्व तक्रारी मागे घेत असून वेगवेगळ्या ठिकाणी केलेल्या तक्रारी मागे घेत असून ह्या पुढे भविष्यात कुठल्याही प्रकारची तक्रार करण्याचे प्रश्नच उद्भवत



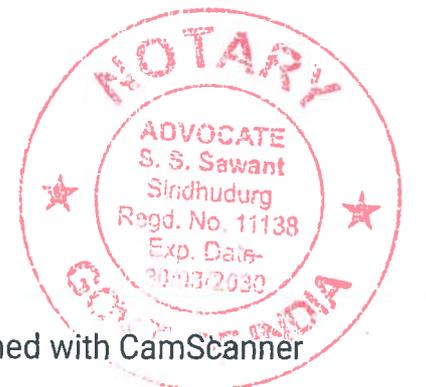
नाही आहे हा विषय मांडताना त्यावेळी प्रथमदर्शनी जे दिसत होते ते आपल्या समोर मांडले होते. सर्व कागदपत्रे बघितल्यावरती मला असे वाटते कि ह्यापूर्वी गैरसमजुतीने माझ्याकडून सदर साईटच्या बाबतीत पत्रव्यवहार झालेला आहे. प्रत्यक्ष पाहणी करिता कुठल्याही प्रकारचा नियमांचा भंग झालेला दिसून आलेला नाही आहे. सर्व परवानग्या आणि रीतसर अर्जकरून कायदाच्या चौकटीत राहूनच सर्व कामे केलेली दिसून येत आहे आणि काम झाल्यावरती पूर्ण परिसर कल्पनाच्या बाहेर सुंदर केलेला आहे. सर्व गोष्टींचा विचार करिता मी ह्यापूर्वी केलेल्या सर्व तक्रारी मागे घेत असून साईटवर्ती केलेल्या प्रशंसनीय वृक्षलागवड केल्यामुळे सर्वांचे आभार मानतो. माझ्या तक्रारीमुळे झालेल्या त्रासाबद्दल आणि गैरसोयींबद्दल दुर्लक्ष करावे हि सविनय विनंती असून तरी माझ्या समाजासाठी असलेल्या जवाबदारीतून मी सदर बाबतीत लक्ष दिला होता आणि आज प्रत्यक्ष साईटवर्ती हिरवेगार झाडे बघून मला अत्यंत आनंद झालेला असून मी सर्वांचे आभार मानतो. तथापि या प्रकरण / विषया बाबत झालेला पत्रव्यवहार, निदर्शनास आणून दिलेली माहिती / तपशिल / पुरावे व समक्ष चर्चा या व्दारे माझ्या सर्व शंकाचे निराकरण झाले आहे. या बाबत माझी कोणतीही तक्रार नाही तसेच भविष्यात तक्रार करणार नाही. तसेच सिमा तपासणी नाक्याचे ठेकेदार मे. सदभाव इंजिनिअरींग कंपनीचे व्यवस्थापनाचे मी संपूर्ण बांदा वासियांच्यावतीने आभार आणि भविष्यासाठी शुभेच्छा देतो.

आपले विनीत,  
प्रकल्पग्रस्त शेतकऱ्यांकरिता,

  
श्री साईप्रसाद कल्याणकर  
(सामाजिक कार्यकर्ता)

प्रती:-

- कार्यकारी अभियंता, महाराष्ट्र राज्य रस्ते विकास महामंडळ, मुंबई.
- उपप्रादेशिक परिवहन अधिकारी, जिल्हा: सिंधुदुर्ग.
- मे. सदभाव इंजिनिअरींग लिमिटेड, बांदा, सिंधुदुर्ग.



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### Saiprasad M. Kalyankar

M. Com., F.C.A., I.C.W.A. (Int)  
Chartered Accountant  
M. No. 43875

### M/s. S. Kalyankar & Co.

CHARTERED ACCOUNTANT

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Tel. (O) : 02363 - 270355 (R) : 02363 - 270105

Ref. No. SMK -

Date : १८/०५/२०२२

पति,  
माननीय उपविभागीय अभियंता,  
उपविभागीय अभियंता कार्यालय,  
राष्ट्रीय महामार्ग उपविभाग,  
ता. सावंतवाडी, जि. सिंधुदुर्ग.

विषय - बांदा येथे परिवहन खात्याकरिता चेकपोस्ट बांधण्याचे काम.  
संदर्भ - वरील विषयांकित कामात झालेल्या गैरप्रकाराबद्दल बाबतीत माझ्या सर्व तक्रारी.

माननीय उपविभागीय अभियंता साहेब,  
वरील विषयांकित काम सद्भाव इंजिनीरिंग लिमिटेड यांना मिळालेले असून बांदा येथील चेकपोस्टचे काम पूर्णत्वावरती आहे. सदरचे काम सुंदर झालेले असून पूर्ण परिसर हिरवेगार दिसून येत आहे. सदर कामात झालेल्या गैरप्रकाराबद्दल बाबतीत मी आपल्या कार्यालयात गैरसमजुतीने तक्रार केली होती. त्या संदर्भाने मे. सद्भाव इंजिनीरिंग लिमिटेड तर्फे ऑथोराइज्ड व्यक्ती यांनी माझी भेट घेतली आणि प्रत्यक्ष जागेवरती पाहणी केल्यावरती आणि साईटची योग्य परिस्थिती आणि सर्व कागदपत्रे समक्ष वधितली असता असे लक्षात आले कि माझ्या कडून गैरसमजुतीने तक्रार झालेली होती तरी माझ्या सर्व शंकाचे निरसरण झालेले असून ह्या पत्राद्वारे मी माझे म्हणणे आपल्या कार्यालयात सादर करित आहे.

मी प्रथम विषय मांडताना जे त्या परिस्थितीत प्रथमदर्शनी दिसत होते ते आपल्यासमोर मांडले होते व मी माझे काम नेहमीच प्रामाणिकपणे पार पाडत असतो. सदरचा नाका हा शासनाचा महत्वाकांक्षी प्रकल्प आहे व त्यामुळे सीमावरती होणारे गैरवाहतुकीला आळा बसणार आहे, हा विचार करून सदर प्रकल्पाच्या पूर्णतेला माझ्या तक्रारीमुळे धक्का लागू नये असे मला वाटत आहे. सदर नाका लवकर पूर्ण व्हावे असे मी नेहमीच म्हटलेले आहे. त्या प्रमाणे मे. सद्भाव इंजिनीरिंग लिमिटेड यांनी सर्व बाबतीत आवश्यक कागदपत्रे खुलाशासोवत मला दाखवलेली असून सर्व कागदपत्रांची शहनिशा केल्यावरती त्यांचे म्हणणे मला पटत असून तथापि या प्रकरण / विषयाबाबत झालेला पत्रव्यवहार, निदर्शनास आणून दिलेली माहिती / तपशिल / पुरावे व समक्ष चर्चा या व्दारे माझ्या सर्व शंकाचे निराकरण झाले आहे. माझी वरील विषयांकित कामाबाबतीत तक्रार नाही आहे आणि भविष्यातही सदर विषयात माझी कठलीही तक्रार नसणार आहे, तरी आपण आपल्या स्तरावर्ती योग्य तो निर्णय घ्यावा हि विनंती. कळवें.

प्रत :

- माननीय कार्यकारी अभियंता, राष्ट्रीय महामार्ग विभाग, जिल्हा सिंधुदुर्ग.
- माननीय कार्यकारी अभियंता, MSRDC, बांद्रा, भंडारा, सहाराष्ट्र.
- माननीय उपप्रादेशिक परिवहन अधिकारी, उपप्रादेशिक परिवहन कार्यालय, जिल्हा सिंधुदुर्ग.



आपला विश्वासू,  
श्री साईप्रसाद कल्याणकर (सामाजिक कार्यकर्ता)

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### Saiprasad M. Kalyankar

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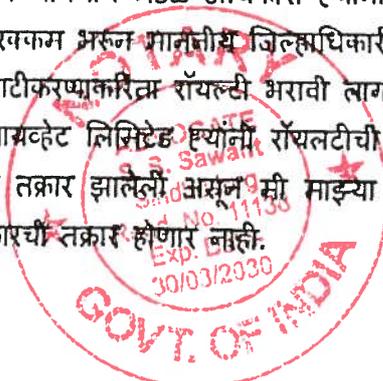
Ref. No. SMK -

Date : १८/०५/२०२२.

पति,  
माननीय तहसीलदार तथा कार्यकारी दंडाधिकारी साहेब,  
ता. सावंतवाडी, जि. सिंधुदुर्ग.

विषय - बांदा येथे परिवहन खात्याकरिता चेकपोस्ट बांधण्याचे काम.  
संदर्भ - वरील विषयांकित कामात झालेल्या उत्खननाची रॉयल्टी बाबतीत माझ्या सर्व तक्रारी.

माननीय तहसीलदार साहेब,  
वरील विषयांकित काम मे. सद्भाव इंजिनिरिंग लिमिटेड यांना मिळालेले असून ते काम मे. सुवर्ण विल्डकॉन प्रायव्हेट लिमिटेड यांना सबलेटबेसिस वरती देण्यात आलेले आहे. सदर कामात झालेल्या उत्खननाच्या रॉयल्टी भरणे बाबत मी आपल्याकडे वेळोवेळी तक्रार केली होती. त्या संदर्भाने मे. सुवर्ण विल्डकॉन प्रायव्हेट लिमिटेड तर्फे ऑथोराइज्ड व्यक्ती यांनी माझी भेट घेतली आणि आणि माझ्या निदर्शनास आणून दिले कि सदर कामासाठी सपाटीकरण करण्यासाठी आवश्यक उत्खनन व त्या संदर्भात लागणारी परवानगी आणि त्यावरील रॉयल्टी भरायची जबाबदारी हि पूर्णपणे मे. सुवर्ण विल्डकॉन प्रायव्हेट लिमिटेड ह्यांची होती व त्याप्रमाणे त्यांनी ते सर्व रक्कम भरलेली आहे. त्याप्रमाणे मे. सुवर्ण विल्डकॉन प्रायव्हेट लिमिटेड ह्यांनी सदर कामासाठी लागणारी सर्व कागदपत्रे मला समक्ष दाखवलेली असून त्याप्रमाणे असे दिसून येते कि मे. सुवर्ण विल्डकॉन प्रायव्हेट लिमिटेड ह्यांनी सदर कामासाठी सपाटीकरण करण्यासाठी आवश्यक उत्खननासाठी लागणारी सर्व परवानग्या घेतल्यानंतर सदरचा काम सुरु करण्यात आलेला होता. सर्व कागदपत्रांची शहनिशा केल्यावरती असे दिसून येते कि उत्खननासाठी माननीय जिल्हाधिकारी कार्यालयात रीतसर अर्ज करून २५०० ब्रासची सुरुवातीची परवानगी मिळाल्यानंतर व परवानगीनुसार चलनाद्वारे रॉयल्टीची रक्कम भरून सदरचा काम सुरु करण्यात आले आणि काम पूर्ण झाल्यावरती खनिकर्म विभागातून प्रत्यक्ष जागेवर पाहणी करून यांत्रिक मापे घेण्यात आली व सदरची मापे माननीय मंडळ अधिकारी ह्यांनी प्रत्यक्ष जागेवर येऊन प्रमाणित केली व त्यानुसार पूर्ण रॉयल्टी रक्कम भरून माननीय जिल्हाधिकारी कार्यालयाचे नो ड्यूस प्रमाणपत्र घेण्यात आले. एकाच गटात सपाटीकरण करित रॉयल्टी भरावी लागत नाही आहे तरी पण माझ्या तक्रारीमुळे मे. सुवर्ण विल्डकॉन प्रायव्हेट लिमिटेड ह्यांनी रॉयल्टीची रक्कम भरलेली आहे. काही गैरसमजुतीमुळे माझ्याकडून सदरची तक्रार झालेली असून मी माझ्या सर्व तक्रारी मागे घेत असून ह्यापुढे माझ्या कडून कुठल्याही प्रकारची तक्रार होणार नाही.



तसेच बांदा गावाच्या जवळपास जी माती दिवून येत आहे ती बांदा गावाच्या जवळपास सुरू असलेल्या अनेक कामातून निघालेली उत्खननाची अतिरिक्त माती असून बांदा चेकपोस्टचे काम हे सपाटीकरणे होते आणि उत्खननातून निघालेली जास्तीची माती सदर गटाचे सपाटीकरणासाठीच वापरलेली दिसून येत आहे. काही तरी गैरसमजुतीने बांदा चेकपोस्टच्या कामाबाबत माझ्याकडून तक्रार झालेली असून ह्या पत्राद्वारे मी माझ्या ह्यापूर्वीच्या सर्व तक्रारी मागे घेत असून वेगवेगळ्या ठिकाणी केलेल्या तक्रारी हि मागे घेत असून ह्या पुढे कुठल्याही प्रकारची तक्रार करण्याचे प्रश्नच उद्भवत नाही आहे. तसेच ज्या नवीन झाडांची लागवड करण्यात आलेली होती ज्याचे वनखात्याने दिनांक २१/०८/२०१९ ला केलेल्या संयुक्त पंचनाम्यानुसार झाडे, फळझाडे, बांबू आणि अन्य गवती चहा सारखे सर्व धरून अंदाजे ७०७८१ झाडे लावल्याचे दिसून आले होते. ह्या आडवड्यात मी स्वतः प्रत्यक्ष जागेवरती गेलो असताना प्रत्यक्ष पाहणीत असे दिसून आले कि सर्व झाडे व्यवस्थित जगवलेली आहेत तसेच साईट वरती दोन माळी आणि कामगार दिसून आलेत. पूर्ण परिसरात ड्रीप इरिगेशनचे काम केलेले आहे आणि त्याप्रमाणे अत्यंत उन्हाळ्यात सुद्धा ड्रीप इरिगेशनची व्यवस्थित तरतूद असल्यामुळे सर्व झाडे व्यवस्थित दिसत आहेत. आज प्रत्यक्ष पाहणीत पूर्ण ड्रीप इरिगेशन व्यवस्थित चालू असलेले दिसून आले.

मी प्रथम विषय मांडताना जे त्या परिस्थितीत प्रथमदर्शनी दिसत होते ते आपल्यासमोर मांडले होते व मी माझे काम नेहमीच प्रामाणिकपणे पार पाडत असतो. सदरचा नाका हा शासनाचा महत्वाकांक्षी प्रकल्प आहे व त्यामुळे सीमावरती होणारे गैरवाहतुकीला आला बसणार आहे, हा विचार करून सदर प्रकल्पाच्या पूर्णतेला माझ्या तक्रारीमुळे धक्का लागू नये असे मला वाटत आहे. सदर नाका लवकर पूर्ण व्हावे असे मी नेहमीच म्हटलेले आहे. त्या प्रमाणे मे. सुवर्ण बिल्डकॉन प्रायव्हेट लिमिटेड यांनी सर्व बाबतीत आवश्यक कागदपत्रे खुलाशासोबत मला दाखवलेली असून त्यांचे म्हणणे मला पटत असून तथापि या प्रकरण / विषया बाबत झालेला पत्रव्यवहार, निदर्शनास आणून दिलेली माहिती / तपशिल / पुरावे व समक्ष चर्चा या द्वारे माझ्या सर्व शंकाचे निराकरण झाले आहे. माझी वरील विषयांकित कामाबाबतीत तक्रार नाही आहे आणि भविष्यातही सदर विषयात माझी कुठलीही तक्रार नसणार आहे, तरी आपण आपल्या स्तरावर्ती योग्य तो निर्णय घ्यावा हि विनंती. कळावे,

आपला विश्वासू,

  
श्री साईप्रसाद कल्याणकर  
सामाजिक कार्यकर्ता

प्रत :

- माननीय जिल्हाधिकारी साहेब, जिल्हा सिंधुदुर्ग, महाराष्ट्र.
- माननीय उपविभागीय अधिकारी, ता. सावंतवाडी, जि. सिंधुदुर्ग, महाराष्ट्र.
- माननीय कार्यकारी अभियंता, MSRDC, बांद्रा, मुंबई, महाराष्ट्र.
- माननीय पोलीस निरीक्षक साहेब, बांदा पोलीस स्टेशन, बांदा, जिल्हा सिंधुदुर्ग, महाराष्ट्र.
- माननीय उपप्रादेशिक परिवहन अधिकारी, उपप्रादेशिक परिवहन कार्यालय, जिल्हा सिंधुदुर्ग.
- माननीय मुख्य अधिकारी, सद्भाव इंजिनीरिंग लिमिटेड, बांदा, महाराष्ट्र.











जा. क. उविमविदा/चेकपोस्ट/1842/2022  
 उद्यानविद्या महाविद्यालय, दापोली  
 दिनांक :- 26 AUG 2022

प्रति,

मे. सद्भाव इंजिनिअरींग लिमिटेड,  
 सद्भाव हाऊस, लॉ गार्डन,  
 पोलीस चौकी समोर,  
 एलिस ब्रीज,  
 अहमदाबाद - ३८०००६

विषय :- इन्सूली बॉर्डर चेक पोस्ट बांदा तालुका-सावंतवाडी जि. सिंधुदूर्ग  
 येथील वृक्ष लागवड तपासणीचा अहवाल...

माननीय राष्ट्रीय हरित लवाद (NGT) पुणे यांनी दिलेल्या निर्देशानुसार इन्सूली बॉर्डर चेक पोस्ट येथे करावायाची लागवड प्रमुख, उद्यानविद्या विभाग, डॉ. बा. सा. सावंत कोकण कृषि विद्यापीठ, दापोली यांच्या तांत्रिक मार्गदर्शनाखाली करावयाची होती. सदर निर्णयानुसार प्रमुख, उद्यानविद्या यांनी कार्यकारी अधिकारी महाराष्ट्र राज्य रस्ते विकास महामंडळ, मुंबई यांच्या कोरोना पुर्व कालावधी मध्ये १०.०३.२०१५, १६.०६.२०१७ तसेच १५.०६.२०१९ रोजी प्रत्यक्ष भेटी देवून करावयाच्या लागवडीबाबत वेळोवेळी मार्गदर्शन करण्यात आले. तसेच लागवडीसाठी जागेवरील गरजेप्रमाणे कोणत्या वनस्पतींची निवड करावी व लागवडी नंतर त्यांची कोणती काळजी घेण्यात यावी याबाबत लागवड करणाऱ्या संबंधित यंत्रणेस सविस्तर मार्गदर्शन करण्यात आले.

कोरोना नंतरच्या कालावधीमध्ये देखिल दि. ३१.०५.२०२२ इन्सूली बॉर्डर चेक पोस्टला प्रत्यक्ष भेट देवून करण्यात आलेल्या लागवडीची संपूर्ण पहाणी केली. सदर पहाणीच्या वेळी असे लक्षात आले की. कोरोना काळात बंद असताना देखील चेक पोस्ट वर लागवड करण्यात आलेल्या सर्व वनस्पतींची उत्तमरित्या काळजी घेण्यात आली आहे. यामध्ये प्रामुख्याने सर्व झाडांना ठिबक सिंचनाची सोय करणे, वेळोवेळी खत व्यवस्थापन, खुरपणी इ. मशागतीची कामे उत्तमरित्या केल्यामुळे लागवड करण्यात आलेली सर्व झाडे उत्तमस्थितीत आहेत. इन्सूली बॉर्डर चेक पोस्ट उपलब्ध असलेल्या लागवडीयोग्य सर्व जमिनीमध्ये ही लागवड टप्प्या टप्प्याने करण्यात आली असून लागवलेली सर्व झाडे २ ते ५ वर्ष वयाची आहेत. त्यांची चांगली वाढ होत आहे. दि. ३१.०५.२०२२ रोजी दिलेल्या भेटीमध्ये लागवड करण्यात आलेल्या व सद्यास्थितीत जिवंत असलेल्या झाडांची मोजदाद वनविभागाकडून करून घेण्यात यावी असे सुचविण्यात आले. त्यानुसार वनविभाग, सावंतवाडी यांनी दि. १३.०७.२०२२ रोजी पंचनामा करून जिवंत असलेल्या झाडांची मोजदाद करून अहवाल सादर केला.

तदनंतर मे. सद्भाव इंजिनिअरींग लिमिटेड यांनी दि. १५.०७.२०२२ च्या पत्राने केलेल्या विनंतीवरून दि. ०३/०८/२०२२ रोजी प्रत्यक्ष भेट देवून पहाणी केली. पहाणी केल्याप्रमाणे तसेच वनविभाग, सावंतवाडी यांच्या अहवालाप्रमाणे खालीलप्रमाणे

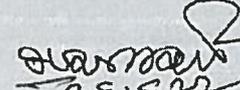
वृक्षांची लागवड करण्यात आली असून आज राजी सदर लागवड सुस्थितीत आहे तसेच. सदर झाडांना पाणी पुरवण्यासाठी ढिबक करण्यात आले असून दैनंदिन मशागतीसाठी मजुरांची देखिल व्यवस्था करण्यात आली आहे. लागवड करण्यात आलेल्या वनस्पतींचे नाव खालीलप्रमाणे.

अ.क्र.	वनस्पतींची नावे	संख्या
		८७०
१	ऐन	१७८०
२	फणस	२०३५
३	जांभूळ	१३७३२
४	काजू	१५७९
५	कोकम	३००
६	नारळ	८७०
७	शोभिवंत पाम	३३५
८	अशोक	१९२८
९	आंबा	३५४०
१०	अकेशिया	३४०
११	गुलमोहर	०९
१२	चाफा	२३०
१३	फायकस	१७९
१४	दालचीनी	४८६०
१५	बांबू	५५
१६	परिजातक	२५
१७	मोरपंखी	६००
१८	जट्रोपा	७१९
१९	क्रेडिया	३५२
२०	मोगरा	७५९
२१	हेमोदिया	२०१
२२	जास्वंद	७५
२३	रातराणी	१५०१
२४	चीनी गुलाब	४००
२५	सुपारी	२५०
२६	अॅनगॅंडा	७५५०
२७	वेडोलेया	५५१
२८	अरेलिया	

या वेगवेगळ्या वृक्षवर्गीय, झुडूपवर्गीय तसेच शोभिवंत अशा ४५००० पेक्षा जास्त वनस्पतींची लागवड करण्यात आली आहे. या व्यतिरिक्त येथे असलेल्या तीव्र डोंगर उतारावरील मातीचे संधारण व्हावे यासाठी सुचविण्यात आल्याप्रमाणे गवती चहा, वाळा सुमारे ३५००० पेक्षा जास्त टोंब लावण्यात आले असून त्यामुळे सुधारण होण्यास देखील मदत झाली आहे. वेगवेगळ्या प्रकारच्या वृक्ष लागवडीमुळे जमिनीची धूप कमी होवून सुपिकता वाढत आहे. त्यामुळे लागवड केलेल्या झाडाव्यतिरिक्त इतर वनस्पतीदेखील आपोआप वाढण्यास सुरुवात झाली आहे. सर्व वनस्पती आजोमिति स सुस्थितीत असल्याचे दिसून आले. सदर प्रकल्पाचे हस्तांतरण झाल्यानंतर सुध्दा लागवड

केलेल्या झाडांची नियमित मशागत व देखभाल उदा. फाणी, खते, गुरांपासून संरक्षण, आगीपासून संरक्षण इत्यादी सुरु ठेवणे आवश्यक आहे.

तरी वरीलप्रमाणे अहवाल सादर करण्यात येत आहे.

  
प्रमुख तथा सहयोगी अधिष्ठाता,  
उद्यानविद्या महाविद्यालय, दापोली,  
जि. रत्नागिरी

प्रत:— माहितीसाठी व पुढील योग्य कार्यवाहीसाठी

१. संयुक्त व्यवस्थापकीय संचालक, महाराष्ट्र राज्य रस्ते विकास महामंडळ, बांदा रिकलेमेशन बस स्टॅंड समोर, लिलावती हॉस्पिटल जवळ, के. सी. मार्ग, बांद्रा (प.), मुंबई — ४०० ०५०
२. उप प्रादेशिक परिवहन अधिकारी, सिंधुदुर्ग नगरी, ता. कुडाळ, जि. सिंधुदुर्ग



दिनांक : २२/१२/२०२२

प्रति,

9422 632825

Saikalyankar@yahoo.com

मा. संचालक,  
मे. सदभाव इंजिनिअरिंग लिमिटेड,  
इन्सुली सीमा तपासणी नाका, बांदा,  
तालुका सावंतवाडी, जि. सिंधुदुर्ग, महाराष्ट्र.

विषय : पर्यावरणीय तक्रारी मागे घेण्यासंदर्भात तसेच वृक्षलागवडीच्या देखभालीकरिता तातडीने कार्यवाही करण्यासंबंधी विनंती.

माननीय महोदय,

सविनय निवेदन असे की, मी साईप्रसाद कल्याणकर, बांदा गावातील एक जागरूक सामाजिक कार्यकर्ता म्हणून, आपल्या कंपनीने इन्सुली सीमा तपासणी नाका प्रकल्पामध्ये पर्यावरणीय जबाबदारीची जाणीव ठेवून आवश्यक ती वृक्षलागवड केली, याबद्दल आपल्या कंपनीचे, तसेच आपल्या समस्त सहकाऱ्यांचे मनःपूर्वक आभार मानतो.

आपल्या कंपनीच्या सहकार्यामुळे आणि माझ्या सातत्यपूर्ण पाठपुराव्यामुळे सदर प्रकल्पाशी संबंधित राष्ट्रीय हरित प्राधिकरण (NGT) यांच्या आदेशांची अंमलबजावणी प्रभावीपणे पार पडली असून, त्या अनुषंगाने आवश्यक प्रमाणात वृक्षलागवड करण्यात आली आहे. बांदा परिसरातील सीमा तपासणी नाका हा पर्यावरणदृष्ट्या अतिशय संवेदनशील आणि जैवविविधतेच्या दृष्टीने महत्त्वाचा पट्टा असून, स्थानिक पर्यावरणाचे संवर्धन व ग्रामस्थांचे आरोग्य अबाधित राहावे, या उद्देशानेच मी विविध शासकीय विभागांपाशी वेळोवेळी निवेदने सादर करून तक्रारी दाखल केल्या होत्या.

माझ्या या तक्रारी कोणत्याही वैयक्तिक हेतूने नव्हत्या, हे आपल्या लक्षात आले असेलच. त्या केवळ सार्वजनिक हित व पर्यावरण संवर्धनाच्या व्यापक दृष्टीनेच होत्या. आपल्या कंपनीने आपल्या सामाजिक, नैतिक व कायदेशीर कर्तव्याचे पालन करत सदर क्षेत्रात आवश्यक ती वृक्षलागवड नियमानुसार पूर्ण केली, ही गोष्ट अत्यंत समाधानकारक आहे.

आपल्या प्रयत्नांमुळे व गावकऱ्यांच्या सहकार्यामुळे आज सदर परिसरात हरित पट्टा विकसित होऊन ग्रामस्थांना सकाळी-संध्याकाळी फेरफटका मारण्यासाठी, मुला-मुलींना खेळण्यासाठी व वयोवृद्धांना शांततेत विसावा घेण्यासाठी एक सुंदर जागा उपलब्ध झाली आहे. पक्ष्यांचे वास्तव्य वाढल्यामुळे परिसरातील जैवविविधता अधिक समृद्ध होत आहे व नैसर्गिक अधिवासाची पुनर्स्थापना होत आहे.



सदर वृक्षलागवडीचा पंचनामा वनविभागामार्फत करण्यात आलेला असून आपले सब-कॉन्ट्रॅक्टर मे. सुवर्णा बिल्डकॉन प्रा. लि. यांच्यामार्फत लागवड झालेली आहे. आपल्या मौखिक तसेच पूर्वीच्या बैठकीतील स्पष्ट भूमिकेनुसार, या झाडांची देखभाल प्रकल्पाचे पूर्णता प्रमाणपत्र (COD) प्राप्त झाल्यानंतर आपल्या कन्सेशनर मे. महाराष्ट्र बॉर्डर चेक पोस्ट नेटवर्क लिमिटेड (एमबीसीपीएनएल) यांच्याच जबाबदारीत राहिल, हे ठरलेले आहे.

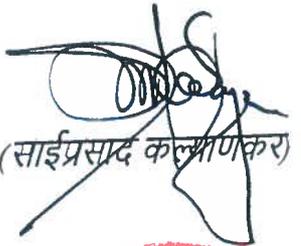
मात्र, दिनांक २२/१२/२०२२ रोजी माझ्या प्रत्यक्ष भेटीदरम्यान असे आढळून आले की, सदर वृक्षलागवडीची नियमित देखभाल अद्याप अपेक्षित प्रमाणात होत नाही आहे. विशेषतः सब-कॉन्ट्रॅक्टर मे. सुवर्णा बिल्डकॉन प्रा. लि. यांना ठरवलेली मासिक देयके नियमितपणे अदा न झाल्यामुळे पाणीपुरवठा, खत व्यवस्थापन व आवश्यक छाटणी आदी कामांवर प्रतिकूल परिणाम होत असून, काही ठिकाणी लागवड वाळण्याच्या अवस्थेत पोहोचली आहे. हा प्रकार अत्यंत दुर्दैवी असून आपल्या व आमच्या सामूहिक परिश्रमांचे हे अपयश ठरेल, ही खेदाची बाब आहे.

त्यामुळे आपल्यास नम्र विनंती आहे की आपण आपल्या कंपनीमार्फत व आपल्या कन्सेशनरमार्फत सदर प्रकरणाकडे तातडीने गांभीर्याने लक्ष देऊन सब-कॉन्ट्रॅक्टरला थकलेली सर्व देयके त्वरीत अदा करावीत. तसेच संपूर्ण वृक्षलागवडीची शास्त्रीय पद्धतीने व नियमित देखरेख केली जावी, जेणेकरून एकही झाड मृत पावू नये आणि आपले पर्यावरणीय व सामाजिक दायित्व शाबूत राहिल.

तसेच, भविष्यात बांदा व इन्सुली सीमा तपासणी नाका परिसराचा हरित पट्टा आणखी विस्तारित व्हावा व निसर्गाचा समतोल टिकून राहावा, याकरिता आपले सहकार्य सदैव असेच अखंड राहिल, अशी मी अपेक्षा बाळगतो.

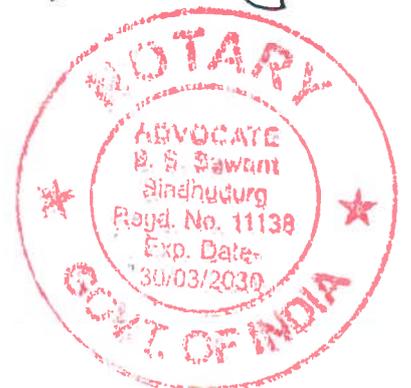
आपल्या कंपनीच्या सामाजिक बांधिलकीच्या कार्यास व पुढील विकासात्मक उपक्रमांसाठी माझ्याकडून मनःपूर्वक शुभेच्छा.

आपला विश्वासू,

  
(साईप्रसाद कल्याणकर)

प्रतः

- १) मा. मुख्य कार्यकारी अधिकारी, मे. एमबीसीपीएनएल,
- २) मा. उपवनसंरक्षक, सावंतवाडी, जि. सिंधुदुर्ग
- ३) मा. तहसीलदार, सावंतवाडी
- ४) मा. प्रांताधिकारी, सावंतवाडी



SEL/2023-24/BCP/138A

CONFIDENTIAL

To,  
 Mr. Saiprasad M. Kalyankar,  
 Banda, Sawantwadi,  
 District Sindhudurg, Maharashtra

Ref: i) NGT Order OA 28/2014 dated 10/09/2014 for Plantation Compliance at Insuli BCP.  
 ii) MSRDC Letter No. MSRDC/02/BCP/EE-17/2017 dated 13/09/2017.  
 iii) MBCPNL Letter dated 10/12/2017 related to plantation, Royalty and other issues at Insuli BCP.  
 iv) Decree dated 06/05/2022 executed between Suwarna Buildcon Pvt Ltd and Sadbhav Engineering Ltd.  
 v) Sadbhav Engineering Ltd letter to Dapoli Agriculture University dated 15/07/2022.  
 vi) Your letter related to Insuli BCP plantation work dated 22/12/2022.

**Subject:** Seeking Continued Support for Safeguarding Environmental Commitments, Local Employment and Smooth Operations at Border Check Posts.

Dear Sir,

At the outset, we place on record our sincere gratitude for your unwavering dedication to the cause of environmental protection and community welfare, which has guided us in fulfilling our statutory and contractual obligations, especially under the directions of the Hon'ble National Green Tribunal (NGT), the Maharashtra State Road Development Corporation (MSRDC) and allied authorities.

As acknowledged in our concessionaire MBCPNL previous communications, including our detailed commitment letter dated 10/12/2017 (Ref: MBCPNL/BCP/INSULI/17-18/Letter 447) and the subsequent joint site inspections facilitated under your supervision, we have consistently acted on the directives received from the Hon'ble NGT Pune in OA 28/2014, MSRDC, and the Dapoli Agricultural University.

Under your esteemed technical supervision and strict oversight, our subcontractor, Suwarna Buildcon Pvt. Ltd., has diligently executed comprehensive afforestation works at Insuli BCP, resulting in the plantation of more than 90,000 saplings of diverse species strictly in accordance with the approved plantation schedules and soil conservation plans as prescribed by the team under Dapoli University guidelines as per NGT directives, which plantation activities stand duly verified and authenticated through site inspections conducted by the Forest Department, including the Panchnama dated 13/07/2022, thereby evidencing our unwavering adherence to all applicable ecological norms and reflecting your continued guidance and monitoring, it being further placed on record that the entire plantation was undertaken under the vigilant supervision and as per the directions and instructions of Dapoli University and IE Systra Lt Brig Kapil.

Your valuable involvement and continued assistance to us and our subcontractor Suwarna Buildcon Pvt. Ltd. in effectively addressing and expeditiously resolving issues relating to royalty penalties at Tehsildar, Sawantwadi, execution of soil erosion control measures, compliance with stipulations of the NHAI and Irrigation Department, as well as securing necessary permissions from the concerned Gram Panchayat, has been instrumental in enabling us to obtain the Commercial Operations Date (COD) certification from IE Systra Ltd, Brig Kapil, in strict adherence to the terms and conditions embodied in the Decree executed between Suwarna Buildcon Pvt. Ltd. and Sadbhav Engineering Limited, the successful achievement whereof has paved the way for commencement of commercial operations at the Insuli BCP. We are really thankful to you and Banda Gram Panchayat for this unconditional support in resolving all issues in Insuli BCP projects.

**Sadbhav Engineering Limited**

Read Office: "Sadbhav House" Opp. Law Garden Police Chowki Ellichridge, Ahmedabad- 380006

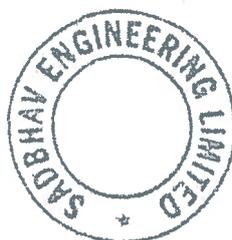
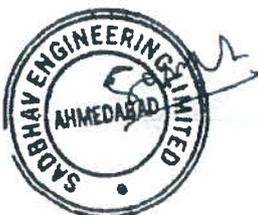
Regrettably, despite our unwavering compliance efforts and the solemn undertakings set out in our earlier correspondence, Suwarna Buildcon Pvt. Ltd. has, at this stage, chosen to obstruct the operational handover by securing interim orders and initiating further disputes before the Hon'ble Sawantwadi Court, the Hon'ble National Company Law Tribunal, Ahmedabad, and other judicial forums, all premised on the very same Mediation Decree. This unforeseen impasse of possession of BCP site by our Concessionaire, MBCPNL directly jeopardises the ongoing maintenance, which must be carried out by MBCPNL, upon achieving COD certificate of the plantation works. As confirmed through your inspections and the Panchnama carried out by Forest department, these plantation works require uninterrupted protection, watering, soil enrichment, and pest control measures. It is evident that any lapse in such essential upkeep risks undoing years of sustained investment and collective effort undertaken under your personal supervision, as clearly reflected in the correspondence with the Dapoli Agricultural University and the Forest Department.

Considering the ongoing practical challenges at the site, we wish to submit that although most of the issues have been compiled and closed, it would be helpful if you could kindly raise the Plantation matter once again before the Hon'ble NGT and other relevant authorities. Similarly, points related to Royalty, NHAI, Irrigation, and Gram Panchayat may also be brought up again at the concerned forums. Showing that some parts of the plantation work and related conditions under the decree are still not fully settled on the ground will help establish that genuine issues remain and should be addressed properly. As v mentioned earlier, we are fully ready to continue the plantation and related activities, but it is important that the record clearly shows the current situation. We believe your effort to highlight these matters again will support us in taking smooth possession of the BCP site as per the decree and will also help close the matter at the NCLT, protecting the company's interest and ensuring that pending compliances are carried out in the right way.

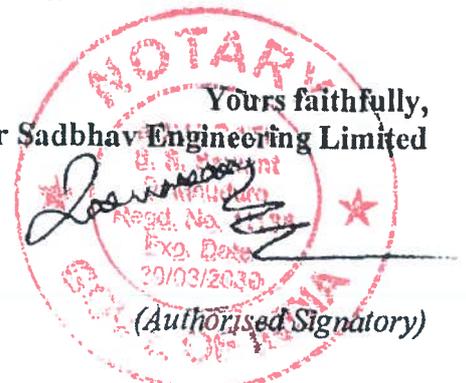
In this regard, your genuine grievance highlighting how site-level obstructions are causing actual hindrance to plantation upkeep and local development goals would establish the factual situation and strengthen the record before relevant authorities. We also reiterate and reconfirm the binding undertakings already placed on record in our earlier letters, namely: full re-plantation, soil conservation, and ongoing maintenance of all tree cover and allied greenery under your direct technical guidance while maintaining the minimum survival rates as verified by the Forest Department Panchnama; continued priority employment to local youth for BCP operations, plantation care, and allied activities in line with our commitment to collaborate with local bodies for fair engagement; allocation of commercial spaces to local stakeholders as per your recommendations and community needs; and strict adherence to all environmental directives issued by the Hon'ble NGT, MSRDC, Gram Panchayat and allied authorities under your supervision, to ensure that the ecological balance and local community welfare remain safeguarded.

Our sole intention is to ensure that the collective efforts behind the Insuli BCP's environmental compliance and community development do not go in vain due to avoidable site-level disputes. We once again place on record our deep appreciation for your invaluable contribution and assure you of our full cooperation in carrying forward all environmental, regulatory, and community welfare obligations as laid down in the Mediation Decree and verified by the competent authorities. We remain hopeful that, with your timely and continued guidance, the current roadblocks shall be resolved, ensuring that the Insuli and Kagal BCPs remain compliant, operational, and beneficial to all stakeholders.

Regards,



Yours faithfully,  
For Sadbhav Engineering Limited



(Authorised Signatory)

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

422

EXECUTION APPLICATION NO. 7 OF 2024  
IN  
ORIGINAL APPLICATION NO. 28 OF 2014



BETWEEN

CA MR. SAIPRASAD MANGESH APPLICANT

- APPLICANT

VERSES

THE REGIONAL TRANSPORT OFFICER &amp; ORS

-RESPONDENTS

**ADDITIONAL AFFIDAVIT IN SUPPORT OF AFFIDAVIT SUBMITTED ON**  
**04/01/2025 IN REJOINDER TO THE SAY OF RESPONDENT NO. 4**

MOST RESPECTFULLY SHOWETH:-

1. I, Saiprasad Mangesh Applicant, the Applicant herein, do hereby solemnly affirm and respectfully submit this Additional Affidavit in continuation of and in furtherance to my reply dated 04/01/2025. Through the said reply, I have elaborated upon the economic, ecological, and legal significance of trees, emphasizing their indispensable role in maintaining environmental equilibrium, their contribution to sustainable development, and the broader public interest implications arising from their destruction. In light of the gravity of the matter and the necessity of placing additional material on record to further substantiate the submissions already made, I am filing this Additional Affidavit to ensure a comprehensive and just adjudication of the issues involved.
2. The present submissions seek to emphasize the indispensable role of trees in maintaining ecological balance, mitigating climate change, and ensuring compliance with fundamental environmental and constitutional mandates, as enshrined under Articles 21, 48A, and 51A(g) of the Constitution of India. The right to a clean and healthy environment is an integral part of the right to life under Article 21, and the State has a corresponding duty under Article 48A to protect and improve the environment, including forests and wildlife. Furthermore, Article 51A(g) imposes a fundamental duty upon every citizen to protect and improve the natural environment, including forests, lakes, rivers, and wildlife, and to have compassion for living creatures.

BEFORE ME

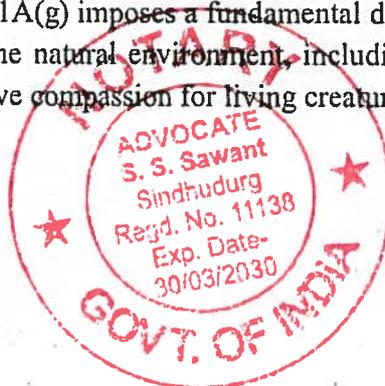
Sawant

S.S. SAWANT

B.A.L.L.B.

ADVOCATE &amp; NOTARY

Shivaleela, C-2420 Near Govind  
Chitra Mandir Bhatwadi Sawantwadi  
Tel: Sawantwadi, Dist: Sindhudurg



3. The Hon'ble Tribunal is respectfully invited to consider the irreparable environmental damage caused by indiscriminate deforestation, particularly in ecologically sensitive zones, and to recognize the inadequacy of compensatory afforestation as an effective remedial measure. Scientific studies and judicial precedents have repeatedly affirmed that compensatory afforestation cannot fully restore the ecological services rendered by fully grown, mature trees, which take decades, if not centuries, to develop and provide critical environmental benefits such as carbon sequestration, soil conservation, temperature regulation, biodiversity support, and groundwater recharge. The Hon'ble Supreme Court, in *T.N. Godavarman Thirumulpad v. Union of India* [(1997) 2 SCC 267], has categorically held that forests and tree cover must be preserved in accordance with the principles of sustainable development and intergenerational equity.
4. In light of established scientific, economic, and legal principles, the preservation of the existing green cover, particularly large, mature trees, becomes a non-negotiable necessity. The ecological contributions of such trees far exceed those of newly planted saplings, making it imperative to prevent their indiscriminate felling. The destruction of such trees imposes multi-dimensional costs, economic, social, legal, and environmental—that must be holistically evaluated in accordance with the precautionary principle and the polluter-pays principle, both of which have been recognized as part of the law of the land in *Vellore Citizens' Welfare Forum v. Union of India* [(1996) 5 SCC 647].
5. Furthermore, the Hon'ble Tribunal is urged to consider the statutory obligations imposed by the Environment (Protection) Act, 1986, the Forest (Conservation) Act, 1980, the Biological Diversity Act, 2002, and the National Green Tribunal Act, 2010, all of which mandate strict regulatory oversight over activities that may lead to environmental degradation. The principles of environmental justice necessitate that no developmental project be allowed to proceed at the cost of irreversible ecological harm, particularly when viable, less-destructive alternatives exist. In this regard, the Hon'ble Supreme Court, in *M.C. Mehta v. Union of India* [(1987) 1 SCC 395], has emphasized that environmental protection must take precedence over economic considerations in matters of large-scale ecological damage.
6. Given the foregoing, it is imperative that the Hon'ble Tribunal adopts a strict scrutiny approach in evaluating the environmental, legal, and economic ramifications of large-scale deforestation, ensuring that the rights of present and future generations to a sustainable and ecologically balanced environment are not compromised. The doctrine of public trust, as affirmed in *M.C. Mehta v. Kamal Nath* [(1997) 1 SCC 388], places a fiduciary duty upon the State to act as a trustee of natural resources, including forests and tree cover, thereby



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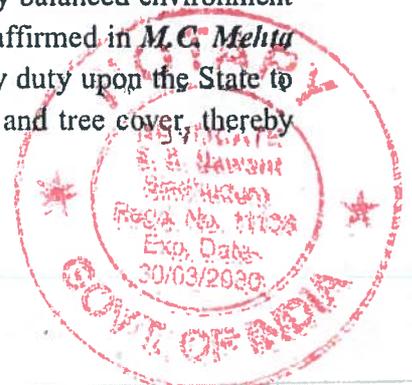
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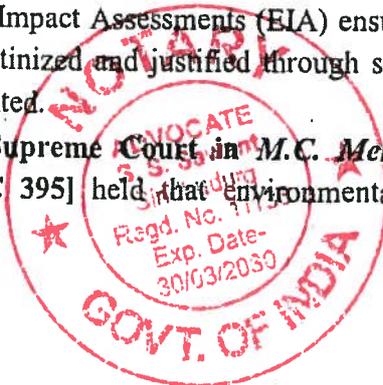
prohibiting their arbitrary destruction for short-term economic gains. Therefore, it is respectfully submitted that the Hon'ble Tribunal must prioritize environmental conservation in accordance with constitutional and statutory mandates, as well as the principles of sustainable development and ecological preservation.



7. The regulation of tree felling and environmental protection in India is governed by an extensive legal framework comprising constitutional mandates, statutory provisions, and judicial pronouncements that collectively ensure the conservation of forests, tree cover, and biodiversity. These laws and regulations underscore the imperative of ecological preservation, impose restrictions on deforestation, and prescribe procedural safeguards to mitigate environmental damage. The following enactments form the cornerstone of environmental governance in India.

8. **The Environment (Protection) Act, 1986:-** Enacted under Article 253 of the Constitution of India, the Environment (Protection) Act, 1986 ("EPA, 1986") serves as an umbrella legislation, empowering the Central Government to take all necessary measures for environmental protection. The Act confers extensive powers upon the Government to regulate activities that may cause environmental degradation, including large-scale deforestation.

- Section 3(1) authorizes the Central Government to take necessary measures for the protection and improvement of the environment, including the imposition of restrictions on activities that are likely to cause environmental harm.
- Section 3(2)(v) empowers the Government to lay down procedures and safeguards for the handling of hazardous substances that may impact environmental stability, which extends to deforestation and loss of green cover.
- Section 5 authorizes the issuance of directions, including prohibition, regulation, and restriction on industries, operations, or processes that may have an adverse environmental impact, which encompasses indiscriminate tree felling.
- Section 7 prohibits individuals and entities from carrying out any activity that violates environmental norms prescribed under the Act.
- Environment Impact Assessment (EIA) Notification, 2006, issued under the EPA, 1986, mandates prior environmental clearance for projects involving tree felling, ensuring that alternatives are considered before permitting any destruction of green cover. The requirement of Environmental Impact Assessments (EIA) ensures that large-scale tree removal is scrutinized and justified through scientific analysis before approval is granted.
- The Hon'ble Supreme Court in *M.C. Mehta v. Union of India* [(1987) 1 SCC 395] held that environmental protection must take



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precedence over economic considerations where large-scale ecological damage is likely to result. This principle applies to deforestation, making prior environmental clearance under the EPA, 1986, an indispensable requirement.

9. **The Forest (Conservation) Act, 1980:-** The Forest (Conservation) Act, 1980 was enacted with the objective of preventing indiscriminate deforestation and ensuring that forests are not diverted for non-forest purposes without stringent regulatory oversight. The Act imposes legal obligations on State Governments and private entities to obtain prior approval from the Central Government before utilizing forest land for non-forest purposes.

- Section 2 of the Act explicitly states that no State Government or authority shall make any order directing the use of forest land for non-forest purposes without prior approval from the Central Government. The provision ensures that alternatives are explored before granting permissions for tree felling.
- In *T.N. Godavarman Thirumulpad v. Union of India* [(1997) 2 SCC 267], the Hon'ble Supreme Court expanded the definition of "forest" to include all areas bearing forest characteristics, regardless of ownership or classification. This judgment established that all tree-covered lands, whether designated as reserved forests or not, fall within the purview of the Act and require government approval before tree felling can be undertaken.
- The Act also mandates that compensatory afforestation be carried out wherever forest land is diverted, although courts have consistently held that newly planted saplings cannot substitute the ecological services provided by mature trees.
- The Hon'ble Supreme Court, in *Centre for Environmental Law v. Union of India* [(2013) 8 SCC 234], ruled that forest conservation must align with the principles of sustainable development and that any diversion of forest land must be subjected to a stringent cost-benefit analysis.

10. **The Biological Diversity Act, 2002:-** The Biological Diversity Act, 2002, enacted in compliance with India's obligations under the United Nations Convention on Biological Diversity (CBD), 1992, aims to protect and conserve biodiversity, including tree cover. It explicitly prohibits activities that threaten ecological stability.

- Section 3 restricts the transfer of biological resources, including trees, to foreign entities without prior approval from the National Biodiversity Authority (NBA).
- Section 36 mandates that the Central Government shall develop strategies for the conservation of biodiversity including protecting tree



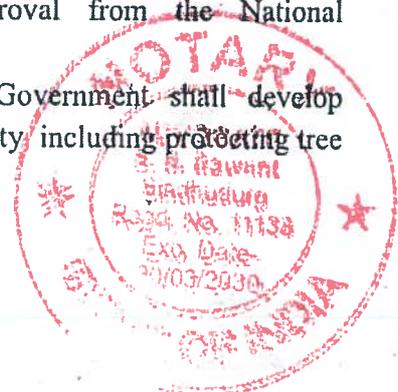
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cover and preventing the indiscriminate felling of ecologically significant trees.

- In *M.K. Ranjitsinh v. Union of India* [(2018) 15 SCC 532], the Supreme Court upheld the principles of biodiversity conservation, ruling that any act that results in the destruction of biodiversity-rich habitats must be strictly regulated and scrutinized under this Act.

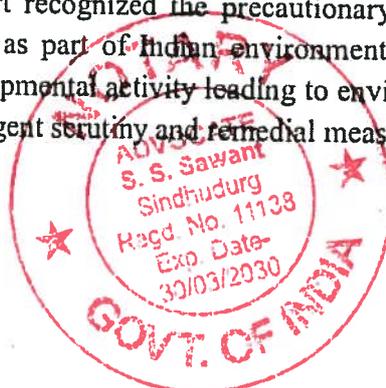


**11. State and Municipal Tree Protection Laws:-** Several states have enacted laws to regulate tree felling and ensure the protection of urban and rural green cover. Notably, the Maharashtra (Urban Areas) Protection and Preservation of Trees Act, 1975, imposes strict regulatory controls over tree felling within municipal limits.

- Section 8 of the Maharashtra Act mandates that prior approval from the Tree Authority is required before felling any tree in an urban area.
- Section 21 imposes penalties for unauthorized felling, making individuals and corporate entities liable for violations.
- The National Green Tribunal (NGT), in *Almitra H. Patel v. Union of India* [(2018) SCC OnLine NGT 2996], directed State Governments and Municipal Corporations to strictly enforce state tree protection laws, emphasizing that municipal authorities must ensure compliance with statutory provisions before granting permissions for tree removal.
- Other states, including Delhi, Karnataka, Tamil Nadu, and West Bengal, have enacted similar legislations to protect trees from indiscriminate destruction. The Hon'ble NGT has consistently held that non-compliance with these laws constitutes a violation of the fundamental right to a clean and healthy environment under Article 21 of the Constitution.

**12. Judicial Precedents and the Role of the National Green Tribunal:-** The Hon'ble Supreme Court of India and the National Green Tribunal (NGT) have repeatedly reinforced the necessity of strict enforcement of environmental laws to prevent deforestation and ecological damage.

- In *M.C. Mehta v. Kamal Nath* [(1997) 1 SCC 388], the Supreme Court reaffirmed the doctrine of public trust, holding that the State has a fiduciary duty to protect natural resources, including forests and tree cover, from arbitrary destruction.
- In *Vellore Citizens' Welfare Forum v. Union of India* [(1996) 5 SCC 647], the Court recognized the precautionary principle and polluter-pays principle as part of Indian environmental jurisprudence, stating that any developmental activity leading to environmental harm must be subject to stringent scrutiny and remedial measures.



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13. The statutory and judicial framework governing tree conservation in India unequivocally mandates that environmental protection must be prioritized over short-term economic benefits. Given the indispensable ecological role played by trees, the precautionary principle and the principle of intergenerational equity, as recognized in *T.N. Godavarman Thirumulpad v. Union of India*, must be rigorously enforced. The Hon'ble Tribunal is, therefore, respectfully urged to ensure strict compliance with the above legal provisions and to safeguard India's green cover in accordance with constitutional, statutory, and judicial mandates.

14. **Scientific and Economic Significance of Trees in Climate Mitigation, Air Quality Improvement, and Ecological Stability:-** The ecological, scientific, and economic benefits of trees are well-documented and form the basis for stringent regulatory protection under Indian and international environmental laws. The role of trees extends beyond mere carbon sequestration, encompassing temperature regulation, air purification, water conservation, and soil stabilization. Empirical data and authoritative studies confirm that deforestation, particularly of mature trees, results in severe environmental degradation, increased carbon emissions, and irreversible ecological losses. The following sections provide a detailed analysis of the critical functions performed by trees and their indispensability in ensuring climate resilience and environmental sustainability.

15. **Carbon Sequestration and Climate Change Mitigation:-** Trees serve as natural carbon sinks, absorbing atmospheric carbon dioxide (CO<sub>2</sub>) and mitigating the adverse effects of climate change and global warming. Scientific studies confirm that a single mature tree absorbs approximately 22 kilograms of CO<sub>2</sub> annually, significantly reducing greenhouse gas concentrations in the atmosphere.

- A peer-reviewed study on carbon accumulation (submitted as Annexure A-24) establishes that older and larger trees sequester disproportionately higher amounts of carbon than younger ones. This finding underscores the necessity of preserving mature trees rather than relying on compensatory afforestation.
- The United States Department of Agriculture (USDA) Forest Service has quantified the economic value of carbon sequestration by trees, estimating that a single mature tree provides carbon sequestration benefits valued at ₹5,000–₹10,000 per year.
- The destruction of mature trees not only results in immediate carbon release into the atmosphere but also negates decades of accumulated carbon sequestration benefits, exacerbating climate change-induced risks such as extreme weather events, rising temperatures, and erratic rainfall patterns.



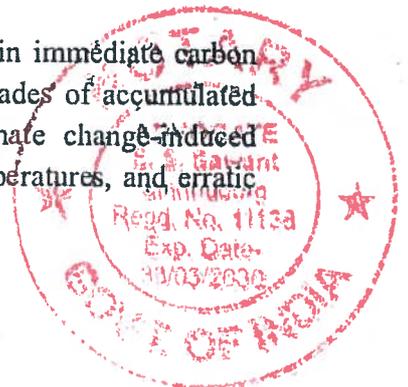
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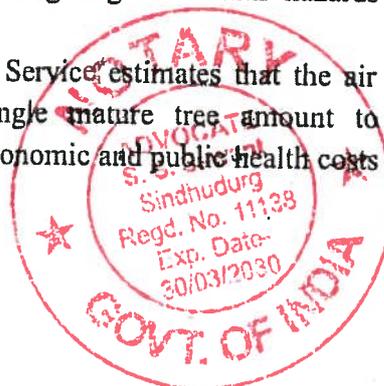
- In *T.N. Godavarman Thirumulpad v. Union of India* [(1997) 2 SCC 267], the Hon'ble Supreme Court emphasized the precautionary principle, highlighting that deforestation should be strictly regulated to prevent long-term environmental damage.
- Thus, any proposed removal of mature trees must be subjected to rigorous environmental cost-benefit analysis, ensuring compliance with national and international climate change commitments under the Paris Agreement (2015) and India's National Action Plan on Climate Change (NAPCC).

**16. Urban Heat Island Regulation and Temperature Control:-** Scientific research, including studies conducted by the Central Pollution Control Board (CPCB), confirms that tree canopies play a pivotal role in regulating urban microclimates by mitigating the Urban Heat Island (UHI) effect.

- Empirical data establishes that tree cover reduces ambient temperatures by 1.5°C–5.85°C, depending on the density and species of trees.
- This natural cooling mechanism is essential in urban areas, where concrete and asphalt surfaces absorb and retain heat, leading to higher temperatures and increased energy consumption for air conditioning.
- The **National Green Tribunal (NGT)**, in *Almitra H. Patel v. Union of India* [(2018) SCC OnLine NGT 2996], reiterated that tree protection policies must prioritize urban climate resilience by strictly regulating deforestation in metropolitan regions.
- The environmental costs of tree removal must be accounted for in any proposed project, as tree canopies act as natural air conditioners, reducing dependency on artificial cooling and lowering energy consumption, which is a significant factor in mitigating carbon emissions.

**17. Air Pollution Control and Public Health Benefits:-** Mature trees are essential in reducing airborne pollutants, including particulate matter (PM<sub>2.5</sub> and PM<sub>10</sub>), nitrogen oxides (NO<sub>2</sub>), sulfur dioxide (SO<sub>2</sub>), and carbon monoxide (CO). Trees act as natural air filters, significantly improving air quality and reducing the incidence of respiratory illnesses, cardiovascular diseases, and heat-related ailments.

- A scientific study annexed as Annexure A-26 confirms that trees, particularly species such as Banyan (*Ficus benghalensis*) and Peepal (*Ficus religiosa*), can capture up to 60% of airborne pollutants, playing a crucial role in mitigating the health hazards associated with air pollution.
- The USDA Forest Service estimates that the air purification benefits provided by a single mature tree amount to ₹15,000 per year, underscoring the economic and public health costs of deforestation.



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- The Supreme Court in *M.C. Mehta v. Union of India* [(1987) 1 SCC 395] held that clean air is a fundamental right under Article 21 of the Constitution, and any activity that deteriorates air quality must be subjected to strict judicial and environmental scrutiny.
- Given the alarming rise in air pollution-related health issues, particularly in metropolitan regions, the removal of trees must be considered a direct threat to public health and subject to stringent environmental impact assessments before being permitted.

**18. Water Conservation and Soil Stability:-** Trees perform essential hydrological functions, including groundwater recharge, stormwater retention, and soil erosion prevention. The ecological consequences of large-scale tree felling extend beyond atmospheric impacts and significantly affect water security and agricultural productivity.

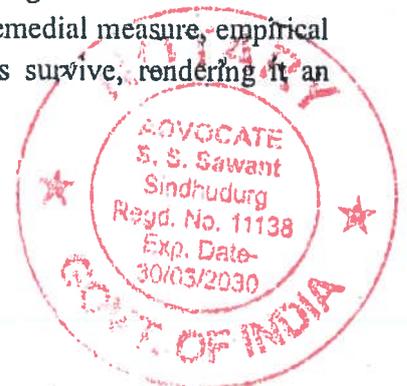
- Tree roots enhance water percolation, preventing surface runoff and promoting groundwater recharge, which is critical for sustaining water availability in urban and rural landscapes.
- Canopy cover reduces soil erosion by shielding topsoil from wind and water erosion, thereby preserving soil fertility and ensuring agricultural productivity.
- The USDA Forest Service estimates that a single mature tree provides stormwater retention and soil stabilization benefits valued at ₹12,000 per year.
- A literature review on land acquisition and environmental impact, annexed as Annexure A-27, demonstrates that deforestation accelerates soil degradation, leading to long-term economic losses in agriculture, infrastructure maintenance, and water resource management.
- The Hon'ble Supreme Court, in *Indian Council for Enviro-Legal Action v. Union of India* [(1996) 3 SCC 212], recognized that water conservation is intrinsically linked to afforestation and sustainable land use practices, mandating that tree protection policies must be enforced in a manner that prioritizes long-term ecological balance over short-term developmental gains.
- The environmental costs associated with tree removal must be calculated holistically, factoring in the economic consequences of soil erosion, decreased agricultural yield, groundwater depletion, and increased flood risks.

**19. Inefficacy of Compensatory Afforestation as a Mitigation Measure:-** While compensatory afforestation is often proposed as a remedial measure, empirical data confirms that only 30% of transplanted trees survive, rendering it an inadequate substitute for mature tree conservation.



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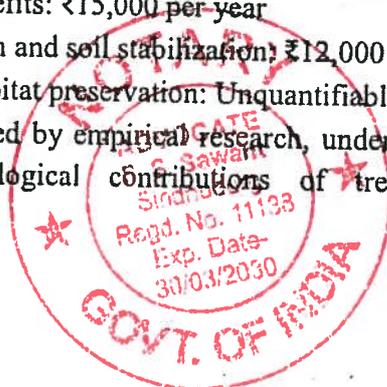
- Scientific studies confirm that newly planted saplings take decades to match the ecological contributions of mature trees, and most afforestation programs fail to compensate for biodiversity loss.
- The Supreme Court, in *Lafarge Umiam Mining Pvt. Ltd. v. Union of India* [(2011) 7 SCC 338], held that compensatory afforestation cannot be treated as an alternative to existing natural forests, emphasizing that the destruction of old-growth trees must be avoided wherever possible.
- Given the low survival rates of transplanted trees, it is imperative that existing tree cover be preserved rather than relying on replantation strategies that fail to replicate the full spectrum of ecological benefits provided by mature trees.

20. The Hon'ble Tribunal is respectfully urged to recognize that trees are not merely environmental assets but essential life-support systems that sustain climate stability, air quality, water conservation, and soil integrity. The scientific, legal, and economic evidence overwhelmingly supports the need for stricter enforcement of tree protection laws. In view of the significant and irreplaceable benefits provided by mature trees, no tree felling should be permitted without a rigorous cost-benefit analysis ensuring compliance with constitutional, statutory, and judicial mandates governing environmental protection in India.

21. **Judicial and Scientific Recognition of the Non-Compensable Value of Mature Trees:-** The Hon'ble Courts of India have consistently upheld strict environmental protection by recognizing the irreplaceable value of mature trees. Judicial pronouncements, scientific studies, and economic assessments confirm that trees provide multi-dimensional environmental, economic, and public health benefits that cannot be adequately replaced through compensatory afforestation. The valuation of trees has been increasingly incorporated into judicial decisions, highlighting the ecological, climatic, and social importance of preserving mature trees rather than relying on replantation strategies.

22. **Economic Valuation of Trees: Scientific and Judicial Perspectives:-** Several scientific studies, including research conducted by the United States Department of Agriculture (USDA) Forest Service (submitted as Annexure A-25), have quantified the annual economic value of a single mature tree as follows:

- Carbon sequestration benefits: ₹5,000-₹10,000 per tree per year
- Air purification benefits: ₹15,000 per year
- Stormwater retention and soil stabilization: ₹12,000 per year
- Biodiversity and habitat preservation: Unquantifiable
- These figures, backed by empirical research, underscore the immense financial and ecological contributions of trees, making their



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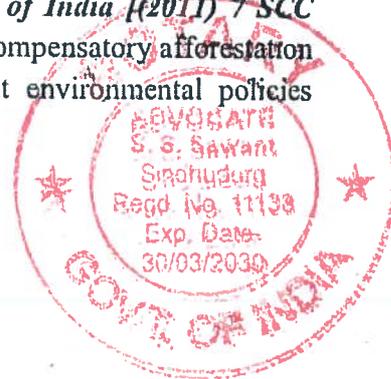
indiscriminate felling an act of severe environmental and economic loss.

- Further, a Supreme Court-appointed expert committee has developed a valuation model for mature trees, specifically for cases before the National Green Tribunal (NGT). The model considers the age, species, location, and environmental functions of a tree to determine its monetary worth.
- Age-Based Valuation: A tree's monetary value is calculated by multiplying its age by ₹74,500, considering factors such as oxygen production, air purification, and climate regulation.
- Heritage Trees: A mature tree with a lifespan exceeding 100 years can be valued at over ₹1 crore, reinforcing the need for stricter conservation measures.
- NGT Precedent on Compensation: In a landmark case, the NGT imposed a ₹10 crore penalty on a private entity for illegally felling 500 trees on protected Aravali land in Faridabad, setting a compensation rate of ₹2 lakh per tree. (*The Times of India*, Execution Application (07/2024)).
- The Hon'ble Supreme Court and NGT have thus affirmed that trees are natural capital assets and must be valued and protected accordingly.

### 23. Judicial Precedents on Tree Preservation and Environmental Protection:-

Indian courts have repeatedly recognized the non-compensable value of mature trees, imposing strict restrictions on tree felling and reinforcing the precautionary principle in environmental jurisprudence. The following landmark rulings illustrate the judiciary's approach to tree conservation:

- *Amrit Lal v. Union of India [(2001) 1 SCC 341]*:- The Supreme Court mandated the highest level of environmental scrutiny before permitting any tree felling, recognizing that compensatory afforestation is an inadequate remedy.
- *Suo Motu In Re: Smog in Delhi [(2018) 8 SCC 337]*:- The Hon'ble Supreme Court imposed a moratorium on tree felling in Delhi, citing the critical role of trees in controlling air pollution and mitigating climate change.
- *Save Aarey Movement v. MMRCL (2019), Bombay High Court*:- The Bombay High Court recognized Aarey's tree cover as a unique ecosystem, ruling that large-scale deforestation for infrastructure projects cannot be justified without evaluating its long-term ecological consequences.
- *Lafarge Umiam Mining Pvt. Ltd. v. Union of India [(2011) 7 SCC 338]*:- The Supreme Court emphasized that compensatory afforestation cannot replace mature forests, stressing that environmental policies must prioritize conservation over remediation.



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These precedents reinforce the legal and constitutional obligation to prevent indiscriminate tree felling, especially in urban and ecologically sensitive zones. The judiciary has consistently upheld that tree conservation is intrinsically linked to the right to life (Article 21 of the Constitution) and must be protected through stringent regulatory and legal measures.



**24. The Scientific Failure of Compensatory Afforestation as a Mitigation Measure:-** While compensatory afforestation is often cited as a remedial measure, scientific evidence refutes its effectiveness in replacing mature trees.

- A study from the Central Vista Project confirms that only 30% of transplanted trees survive, even when advanced transplantation techniques are used.
- Saplings require 20–30 years to develop the same ecological functions as a mature tree, making afforestation an inadequate and delayed remedy.
- Research annexed as Annexure A-26 highlights that even in controlled environments, survival rates of replanted trees remain low, and they fail to provide equivalent carbon sequestration, air purification, or soil stabilization benefits.

**25. These findings align with international environmental standards, which advocate for mature tree preservation over deforestation and replantation.**

- The Paris Agreement (2015) and India's National Action Plan on Climate Change (NAPCC) prioritize tree conservation as a primary strategy for carbon neutrality, rather than reliance on afforestation offsets.
- The United Nations' Intergovernmental Panel on Climate Change (IPCC) recognizes that deforestation accelerates climate change, and efforts should focus on avoiding unnecessary tree felling rather than post-facto replantation efforts.

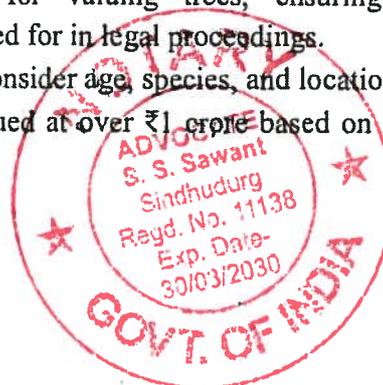
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Given the scientific failure of compensatory afforestation, any proposal to replace mature trees with saplings must be subject to rigorous scrutiny and independent expert evaluation.

**26. Judicially Recognized Principles for Tree Valuation in Environmental Disputes:-** The National Green Tribunal (NGT) and the Hon'ble Supreme Court have set specific guidelines for valuing trees, ensuring that their full environmental impact is accounted for in legal proceedings.

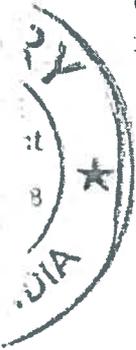
- Tree valuation must consider age, species, and location.
- Heritage trees are valued at over ₹1 crore based on their lifespan and ecological benefits.

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- Compensation for illegal tree felling is fixed at ₹2 lakh per tree, as per NGT orders in the Aravali case.

This judicial approach reinforces the principle that trees are not mere commodities but ecological assets that must be protected under constitutional and environmental law frameworks.



27. The Hon'ble Tribunal is respectfully urged to recognize that mature trees provide indispensable ecological, economic, and social benefits that cannot be replaced through compensatory afforestation. Given the scientific evidence, economic valuation, and judicial precedents, it is imperative that:

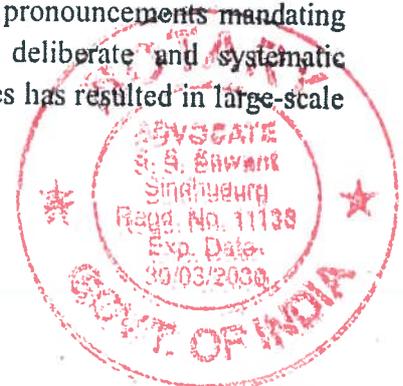
- Tree removal should be permitted only in exceptional cases, subject to stringent environmental scrutiny.
- Judicially recognized tree valuation models must be applied in determining compensation for tree felling.
- The precautionary principle must guide all tree conservation policies, ensuring compliance with constitutional and statutory environmental obligations.

Any action that undermines tree conservation must be subjected to the highest level of judicial and regulatory oversight, given its far-reaching environmental and public health consequences.

28. The Applicant, with a deep sense of urgency and unwavering commitment to environmental protection, submits that the Concessionaire, Maharashtra Border Check Post Network Limited (MBCPNL), has egregiously failed to uphold its solemn and legally binding obligations concerning afforestation at the Insuli Border Check Post (BCP), Banda, Sawantwadi, Sindhudurg. This area, being a designated elephant corridor and Ecologically Sensitive Zone (ESZ), mandated strict compliance with afforestation norms and sustained environmental conservation efforts. However, despite having undertaken a categorical and explicit obligation to plant and maintain trees within the project premises for the entirety of the Concessionaire period, MBCPNL, in an act of gross neglect and willful dereliction of duty, has completely abandoned its afforestation responsibilities immediately after securing the Commercial Operation Date (COD).

29. This egregious act of non-compliance not only constitutes a breach of contractual commitments but also represents a flagrant violation of binding environmental laws, including but not limited to the Environment Protection Act, 1986, the Forest Conservation Act, 1980, and various judicial pronouncements mandating robust environmental preservation measures. The deliberate and systematic failure of MBCPNL to uphold its legal responsibilities has resulted in large-scale

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ecological destruction, irreversible damage to biodiversity, and a grave threat to the delicate environmental equilibrium of the region.

30. The Applicant submits that irrefutable documentary evidence, including work orders, official correspondence, and environmental impact reports, unequivocally establishes that MBCPNL and Sadbhav Engineering Ltd (SEL) had, from the very inception, undertaken an unambiguous obligation to maintain the plantation at Insuli Border Check Post (BCP) through the engagement of local personnel. However, upon achieving the Commercial Operation Date (COD), MBCPNL, in collusion with its executive authority, the Maharashtra State Road Development Corporation (MSRDC), deliberately manufactured disputes with its subcontractor by intentionally not paying the obligation under the decree as a calculated pretext to abdicate its environmental responsibilities. This orchestrated evasion of afforestation obligations has directly resulted in the destruction of approximately 7,000 trees, causing severe ecological degradation and irreversibly harming the fragile ecosystem of the region. Documentary evidence conclusively establishes that the subcontractor was engaged only until the achievement of COD, after which the exclusive responsibility for plantation maintenance vested in the Concessionaire, MBCPNL. However, in a deliberate and mala fide scheme, MBCPNL, in collusion with the implementing agencies and the Independent Consultant (IC), fabricated disputes to create a smokescreen of sub judice proceedings—ensuring that no entity could be held accountable for the blatant non-compliance with afforestation obligations. Such a contrived legal maneuver is a brazen abuse of judicial process, designed to subvert accountability and defeat the very objectives of environmental protection laws. The Hon'ble Tribunal's intervention is thus imperative to rectify this gross miscarriage of justice and to prevent further subversion of legal and environmental mandates.

31. The Applicant submits that the brazen abdication of responsibility by MBCPNL and MSRDC is not merely an instance of negligence but a calculated and deliberate act of deception aimed at circumventing legally mandated environmental safeguards. The contractual obligations for afforestation, which were an intrinsic component of the Concessionaire Agreement, imposed an enduring duty on MBCPNL to ensure the sustainability of planted trees. However, instead of fulfilling this fundamental duty, MBCPNL has attempted to obfuscate and mislead this Hon'ble Tribunal by shifting the blame onto its subcontractor, despite clear and unambiguous documentary evidence proving that the subcontractor's obligations had ceased upon achieving COD.

32. It is pertinent to highlight that the failure to maintain these plantations is not a minor contractual lapse but a serious environmental offense with far-reaching consequences. The loss of thousands of trees has not only resulted in severe deforestation but has also caused a drastic decline in biodiversity, disruption of local wildlife habitats, and an alarming increase in soil erosion and land

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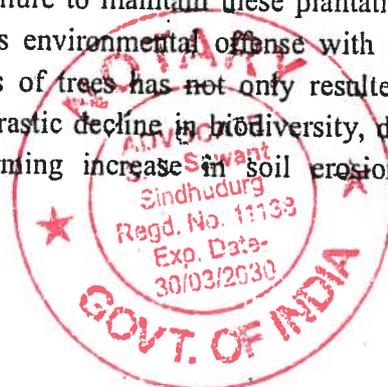
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degradation in the ecologically sensitive zone. Moreover, the adverse impact on air quality, water retention capacity, and microclimatic conditions further exacerbates the environmental crisis caused by the deliberate non-compliance of MBCPNL and MSRDC.

33. In view of the above, it is imperative that this Hon'ble Tribunal take immediate and stringent action against the Concessionaire and MSRDC to hold them accountable for their willful default. The Applicant submits that an exemplary penalty of ₹2,00,000 per tree must be imposed for the unauthorized destruction of approximately 7,000 trees, thereby amounting to an aggregate environmental liability of ₹140 crores. Additionally, to ensure accountability for the massive ecological destruction and to deter future violations, an additional compensatory charge of ₹2,00,000 per sapling should be levied against MBCPNL and MSRDC for their willful and reckless failure to ensure the survival of saplings planted under the compensatory afforestation scheme.

34. The Applicant further submits that given the established jurisprudence of the Hon'ble Supreme Court, which mandates stringent penalties and strict compliance measures in cases of environmental degradation, this Hon'ble Tribunal must enforce the most severe consequences on the Respondents to prevent further violations and ensure strict adherence to afforestation commitments. It is crucial that this Tribunal take a firm stance to deter future instances of reckless environmental destruction by holding the responsible parties fully accountable for their grossly negligent and deceitful conduct.

35. The present case presents a clear and unequivocal instance of corporate misconduct, wherein MBCPNL/ SEL and MSRDC in collusion with Maharashtra RTO Department, in their relentless pursuit of financial gains, have completely disregarded their statutory obligations, contractual commitments, and fundamental principles of environmental justice. The Applicants, therefore, seek the urgent and decisive intervention of this Hon'ble Tribunal to rectify the blatant injustice meted out to the environment, local communities, and the ecological balance of the region.

36. The Applicant submits that MBCPNL/ SEL, MSRDC and Maharashtra RTO Department, as entities entrusted with public infrastructure projects, have a heightened duty to ensure compliance with all environmental regulations, particularly when operating in an Ecologically Sensitive Zone. Their deliberate and intentional failure to uphold these duties cannot be overlooked, excused, or condoned under any circumstances. Their reckless abandonment of afforestation commitments has not only inflicted irreparable environmental harm but has also set a dangerous precedent for corporate irresponsibility in the execution of public-private partnerships.

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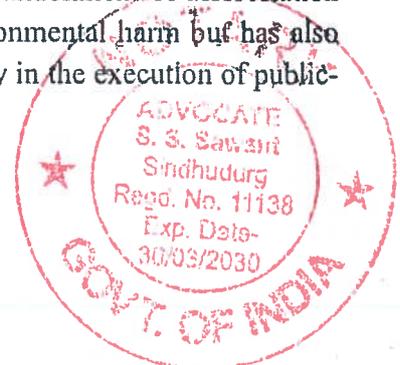
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37. **Submission Seeking Production of Royalty Exemption Certificate and Clarifications on Its Selective Application:-** The Applicant respectfully submits that the Applicant have previously placed on record documents substantiating that Maharashtra Border Check Post Network Limited (MBCPNL) has availed an exemption certificate issued by the Government of Maharashtra for royalty exemption in the execution of works across all 23 Border Check Posts (BCPs) in Maharashtra. Additionally, the Applicant has received a communication from MBCPNL, wherein they sought withdrawal of complaints filed by the Applicant and made commitments towards plantation and other related activities in the Insuli BCP. In the said letter, MBCPNL has explicitly stated that the Government of Maharashtra has exempted MBCPNL from royalty payments for all 23 BCPs. Furthermore, the MBCPNL submitted that all necessary environmental clearances, duly considering the Eco-Sensitive Zone (ESZ) of the area, along with requisite approvals from the Maharashtra Pollution Control Board and the Forest Department, shall be obtained without delay for the execution of the said work. The MBCPNL also undertakes to secure all necessary permissions for mineral extraction, as required under applicable laws. Additionally, the MBCPNL committed to ensuring the timely payment of all dues related to Non-Agricultural (NA) land and Gram Panchayat taxes. It is also submitted that the applicable stamp duty, as mandated under the Maharashtra Stamp Act, has been duly paid concerning the agreements executed for the BCP work. In light of the above, the Applicant respectfully prays that this Hon'ble Tribunal may be pleased to direct the concerned parties, including MBCPNL and the relevant government authorities, to produce all necessary documents, including the Royalty Exemption Certificate and related approvals, to ensure transparency and compliance with the applicable legal and environmental framework.

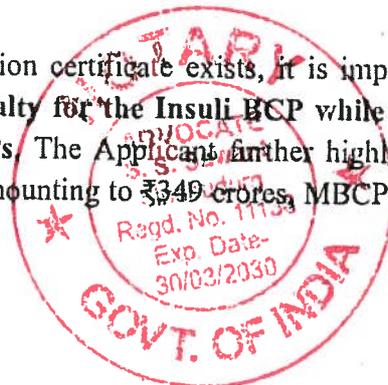


38. It is a matter of record that MBCPNL asserts possession of a valid exemption certificate, purportedly relieving them from royalty payments for all 23 BCPs. In view thereof, the Applicant urgently seeks a direction from this Hon'ble Tribunal to MSRDC and MBCPNL/SEL to produce the said exemption certificate on record based on which MBCPNL/SEL has refrained from making any royalty payments across the other 22 BCPs., permission from the related departments related to environmental clearance, NA land, Gram Panchayat taxes, Stamp duty paid for the related agreements and clearance from the Maharashtra Pollution board. The failure to produce all such a certificate/ documents would cast serious doubts on the legality of their claims and the alleged exemption from statutory obligations.

39. Furthermore, assuming such an exemption certificate exists, it is imperative to ascertain why MBCPNL has paid royalty for the Insuli BCP while claiming exemption for the remaining 22 BCPs. The Applicant further highlights that during the adjudication of the penalty amounting to ₹349 crores, MBCPNL never

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disclosed the existence of any such exemption certificate, raising serious concerns of deliberate suppression of material facts. This selective and inconsistent approach raises substantial legal and financial irregularities that warrant immediate scrutiny.



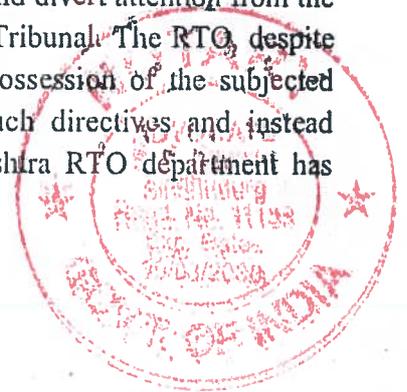
40. In light of the foregoing, the Applicant strongly urges this Hon'ble Tribunal to direct MSRDC and MBCPNL to clarify the legal standing and applicability of the purported exemption certificate and to establish transparency regarding its alleged non-payment of statutory royalty obligations. The Tribunal may also take necessary steps to investigate whether MBCPNL's actions amount to misrepresentation or selective application of statutory exemptions, thereby compromising the integrity of the regulatory framework governing BCP operations in Maharashtra.

41. The present application is filed by me, who works as an active environmental activist and legal advisor, highlighting the unlawful and arbitrary actions of the Maharashtra Regional Transport Office (RTO), which appear to be in collusion with Maharashtra Border Check Post Network Ltd. (MBCPNL). The Applicant submits that the recently, the Maharashtra RTO department has deliberately issued a letter dated 14.02.2025 to various parties with the malafide intent to create unnecessary disputes regarding the legal possession of Insuli BCP land held by Subcontractor of MBCPNL/ SEL namely Suwarna Buildcon Pvt. Ltd. (SBPL). This action comes at a strategically timed moment, immediately preceding a scheduled hearing before this Hon'ble Tribunal, thereby suggesting an attempt to mislead the Hon'ble National Green Tribunal (NGT) and manipulate the judicial process.

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42. It is a matter of grave concern that a regulatory body such as the Maharashtra RTO department, which is expected to act in an impartial and lawful manner, is instead engaging in actions that undermine the due process of law and support private interests over public welfare and judicial mandates. The collusive actions of the Maharashtra RTO department and MBCPNL/SEL with MSRDC are clearly aimed at causing obstructions in the legitimate environmental concerns of the Applicant, who has been diligently adhering to its environmental and legal obligations.

43. **Demonstration of Malafide Intent and Collusion between Maharashtra RTO department, MSRDC and MBCPNL/SEL:** The issuance of the impugned letter by the RTO, coinciding with the date of the NGT hearing, is indicative of a calculated and coordinated effort to create confusion and divert attention from the core environmental issues raised before this Hon'ble Tribunal. The RTO, despite being aware of judicial mandates affirming SBPL possession of the subjected Insuli BCP land, has willfully chosen to ignore such directives and instead attempted to question a settled matter. The Maharashtra RTO department has



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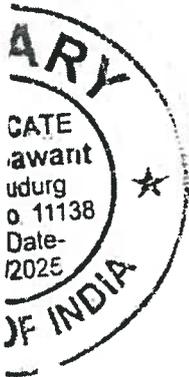
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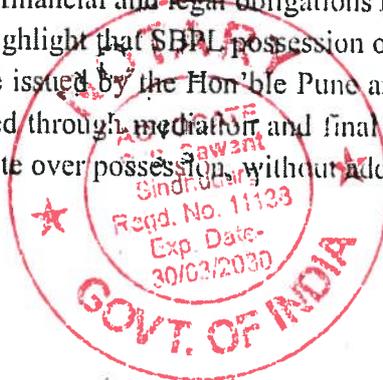
remained conspicuously silent on MBCPNL/SEL long-standing financial liabilities towards SBPL, even though multiple representations have been made by SBPL requesting intervention on this front. This selective approach in addressing concerns further reinforces the suspicion of collusion between the two entities.



**44. Financial Irregularities and Failure of the Maharashtra RTO department and MSRDC to Act on MBCPNL/SEL Liabilities:** The Maharashtra RTO department has consistently failed to take any action regarding MBCPNL/SEL non-payment of maintenance dues, despite repeated complaints and representations made by SBPL over the past three years. MBCPNL/SEL failure to release funds owed to SBPL has led to maintenance of plantation related financial challenges, yet the Maharashtra RTO department has chosen to remain a silent spectator instead of enforcing contractual and legal compliance. The bias in the Maharashtra RTO department approach, wherein it selectively targets SBPL while absolving MBCPNL/SEL of its obligations, further affirms the existence of an unlawful nexus between the two entities.

**45. Environmental Compliance by SBPL and the Maharashtra RTO department Attempt to Mislead the Tribunal:** The Applicant is fully aware that SBPL has been in full compliance with all environmental regulations and directives issued by the NGT and expert environmental bodies such as Dapoli University. In NGT Case No. 28/2014, it was explicitly recognized that all border check posts must maintain proper green cover, tree plantations, and ecological safeguards. Despite severe financial constraints, SBPL has undertaken significant initiatives to ensure compliance in the Insuli BCP, while other similarly situated other 22 BCP all over Maharashtra have failed to do so. The Maharashtra RTO department sudden questioning of SBPL's environmental obligations is not only baseless but also a clear attempt to deflect attention from the continued environmental violations by MBCPNL/SEL, which remain unaddressed.

**46. Legal Submissions On Behalf Of Applicant In Response To Maharashtra RTO department Communication Dated 14.02.2025:** The Applicant strongly objects to the communication issued by the Maharashtra Regional Transport Office (RTO) dated 14.02.2025, which appears to be a deliberate attempt to interfere with SBPL legally established possession over the Insuli Border Check Post site. This communication is not only legally unsustainable but also reflects an attempt to assist Maharashtra State Road Development Corporation (MSRDC), Maharashtra Border Check Post Network Limited (MBCPNL), and Sadbhav Engineering Limited (SEL) in evading their binding financial and legal obligations towards the subcontractor SBPL. It is pertinent to highlight that SBPL possession over the site is protected by a legally binding decree issued by the Hon'ble Pune and Hon'ble Sawantwadi Courts, which was obtained through mediation and final settlement. Any attempt to create an artificial dispute over possession, without addressing the



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real issue of unpaid obligations by MSRDC, MBCPNL, and SEL, amounts to an abuse of administrative authority and a direct contempt of court. The Hon'ble Supreme Court held that a decree obtained through mediation is final and binding, and any interference without due process constitutes a violation of judicial mandates. In light of this precedent, the Maharashtra RTO department communication is wholly without jurisdiction and must be withdrawn immediately.



47. The Applicant seeks to bring to the Hon'ble Tribunal's attention a critical and indisputable aspect concerning the Insuli Border Check Post (BCP) site. The Applicant unequivocally asserts that the possession of the Insuli BCP land site by SBPL, a subcontractor of MBCPNL/SEL, is legally protected under a binding court decree. The mediation decree, which serves as the foundation of this infrastructure project, explicitly prohibits any third-party interference, including that of the Maharashtra RTO department, until the formal handover of the BCP site is completed in accordance with the decreed financial obligations. This legal position is further fortified by the ruling of the Hon'ble Supreme Court in *Union of India v. Tania Construction Pvt. Ltd.*, (2011) 5 SCC 697, wherein it was categorically held that contractual obligations arising from a decree or a Build-Operate-Transfer (BOT) agreement cannot be unilaterally altered by any government department in the absence of express legal authority. Additionally, Section 47 of the Code of Civil Procedure, 1908, strictly prohibits interference in the execution of a decree, while Section 144 mandates restitution in cases of wrongful interference. The Maharashtra RTO department's letter, which seeks to challenge the legally recognized possession of SBPL, constitutes an unlawful act that warrants immediate judicial intervention. The Applicant deems it imperative to bring this issue to the Hon'ble Tribunal's notice, as any direction issued regarding plantation at the site will either remain unimplemented due to MSRDC's collusive actions with MBCPNL/SEL—on the pretext that the land is in possession of SBPL—or will be misused by these entities to unlawfully dispossess SBPL by leveraging the Tribunal's order before other judicial forums. It is, therefore, the Applicant's duty to present an accurate and unambiguous account of the prevailing factual and legal position at the site, devoid of any personal interest. This submission is made in light of the established pattern of collusion between MSRDC, the Maharashtra RTO department, and MBCPNL/SEL, who have previously engaged in deliberate misrepresentation and defamatory tactics against the Applicant to secure a favorable outcome through misguidance of the Hon'ble Tribunal.

48. The issuance of this communication by the Maharashtra RTO department also reflects a prejudiced and selective approach aimed at shielding MSRDC, MBCPNL, and SEL from their binding obligations. As per the court-mediated settlement, which is duly incorporated in the decree, MBCPNL and SEL are required to pay ₹1,00,000 per month to SBPL for the maintenance of the

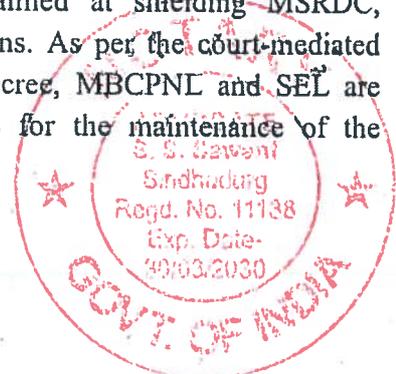
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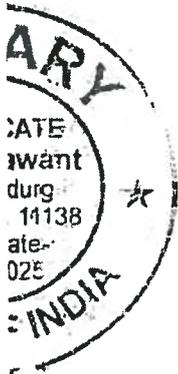
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plantation, commencing after the Commercial Operation Date (COD) and continuing until full and final settlement of financial obligations. Despite repeated requests by SBPL, these entities have willfully defaulted on their payments for over two years. Instead of taking appropriate legal steps to enforce compliance with these payment obligations, the Maharashtra RTO department has attempted to shift the burden onto SBPL, in direct violation of the principle laid down by the Hon'ble Supreme Court in *Bar Council of India v. A.K. Balaji*, (2018) 5 SCC 379, which held that administrative authorities must act in a fair, transparent, and unbiased manner. The continued silence of the Maharashtra RTO department on the non-payment issue, combined with its sudden attempt to interfere with SBPL possession, raises grave suspicions of collusion between Maharashtra RTO department officials and the defaulting entities, thereby warranting an independent inquiry by the appropriate authorities.



49. **Judicial Recognition of SBPL Legal Possession and Maharashtra RTO department Unauthorized Interference:-** The Applicant respectfully submits that the Hon'ble Pune Commercial Court and the Hon'ble Sawantwadi Court, in their decree orders, have explicitly recognized SBPL's legal and legitimate possession of the subject land, with categorical instructions restraining any third-party interference. As per Section 47 of the Code of Civil Procedure, 1908, the possession of a decree holder is sacrosanct and cannot be unlawfully disturbed by any third party, including government authorities such as the Maharashtra RTO department. The Applicant is fully aware that SBPL is the sole entity that has undertaken all necessary actions related to plantation activities. SBPL has not only initiated and executed the plantation work but has also borne all related expenses, including various payment of ₹25,000 to the team from Dapoli University for site visits. Furthermore, SBPL arranged and covered the costs of transportation and accommodation for the Dapoli University team. Despite these efforts and payments made by SBPL, it has come to the Applicant's attention that MSRDC has falsely claimed, under affidavit, to have made these payments. It is further submitted that, to date, all plantation activities have been carried out solely by SBPL, whereas MBCPNL/SEL has failed to contribute any amount towards the maintenance of the plantation. At the same time the applicant wants to bring to the knowledge of the Hon'ble Tribunal that MBCPNL/SEL have not paid any amounts for the till date plantation by the SBPL. As per the mediation court decree, MBCPNL/SEL is obligated to take over the maintenance after the COD by paying the decreed amount to SBPL. In the event of failure, the agreed maintenance monthly charges of ₹1.00 lakh per month shall be payable until the official handover of possession by SBPL to MBCPNL/SEL is completed. Despite this binding agreement, MBCPNL/SEL has neglected its responsibilities, and now, the Maharashtra RTO department through irrelevant and misleading communications is attempting to falsely portray that SBPL is not maintaining the plantation while remaining silent on the outstanding maintenance charges. This selective and misleading stance demonstrates clear collusion and lack of

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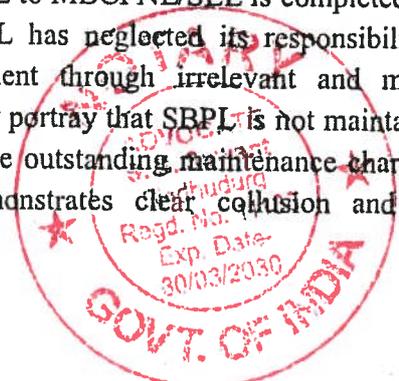
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impartiality, aimed at prejudicing SBPL's rightful claims and possession of the Insuli BCP site. The sudden and arbitrary questioning of SBPL's possession by the Maharashtra RTO department is not only unlawful but also amounts to a direct violation of binding judicial pronouncements. Such actions appear to be a deliberate attempt to mislead this Hon'ble Tribunal and create a wrongful advantage for MBCPNL/SEL, enabling them to unlawfully seize possession of the subject land. **This orchestrated effort to misuse the platform of this Hon'ble Tribunal to secure favorable orders, only to be used in other judicial forums to wrongfully dispossess SBPL, must not be permitted.** In light of the above, the Applicant prays that this Hon'ble Tribunal take serious cognizance of these mala fide actions and direct the concerned authorities to refrain from any further unlawful interference in SBPL's legally recognized possession of the subject land.



50. The Applicant has remained steadfast in its commitment to environmental conservation and affirms that the SBPL has undertaken plantation maintenance activities in accordance with the directives issued under National Green Tribunal (NGT) Case No. 28/2014, which mandates preservation of plantations at Border Check Posts. The official report prepared by Dapoli University categorically confirms that SBPL has complied with all environmental mandates, ensuring regular irrigation and maintenance of the plantation despite financial constraints caused by the non-payment from MBCPNL and SEL. It is, therefore, wholly unjustified and legally unsound for the Maharashtra RTO department to claim non-compliance on SBPL part when the real defaulters, MBCPNL and SEL, have blatantly failed to maintain plantations at the remaining 23 Border Check Posts in Maharashtra. The Hon'ble Bombay High Court in *Bombay Environmental Action Group v. State of Maharashtra*, (2013) 4 Mah LJ 255, held that selective and arbitrary enforcement of environmental compliance measures constitutes a violation of Article 14 of the Constitution. Applying this principle, the Maharashtra RTO department undue focus on SBPL, while ignoring the widespread non-compliance by MBCPNL and SEL at other sites, is not only discriminatory but also amounts to an abuse of power that is liable to be struck down.

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51. The records maintained by this Applicant, including the official Panchnamas in the year 2019 and 2022, confirm that over 80,000 trees have been planted at the Insuli Border Check Post site as per work orders issued by MBCPNL and SEL to SBPL. These plantation activities were carried out under the supervision of Dapoli University and were regularly inspected by officials from MSRDC, the Forest Department, and the Maharashtra RTO department itself. In view of this, the claim that the plantation has not been maintained is patently false and misleading. The Supreme Court in *M.C. Mehta v. Union of India*, (1987) 1 SCC 395, emphasized that environmental obligations must be upheld in a manner that is both factual and legally sustainable. The Maharashtra RTO department attempt

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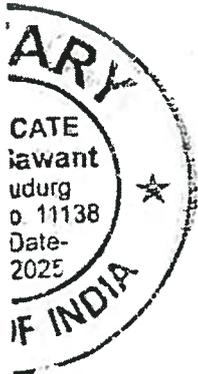
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to misrepresent facts and create an artificial dispute, despite clear documentary evidence, is indicative of mala fide intent and requires immediate judicial scrutiny.



52. The Applicant has always acted in accordance with legal and administrative directives and remains open to constructive discussions with the authorities. However, it is imperative to recognize that without the release of the due payments from MBCPNL and SEL to SBPL, the continued execution of plantation maintenance is financially unviable. Expecting SBPL to fulfill obligations in the absence of payments is not only unjust but also contrary to the contractual framework that governs the project. The Hon'ble Delhi High Court in *B.L. Kashyap and Sons Ltd. v. DDA*, (2011) 179 DLT 363, held that contractual obligations must be fulfilled in entirety, and any failure to release payments amounts to a breach that entitles the aggrieved party to legal redress. The failure of MBCPNL and SEL to honor their commitments, combined with the Maharashtra RTO department arbitrary actions, creates a legally untenable situation that must be rectified immediately.

53. **Submission By The Applicant:-** The Applicant submits that the tree plantation at the Insuli Border Check Post has been duly acknowledged and verified by the Dapoli University, as evidenced in Letter Ref: जा. क. उविभविदा/चेकपोस्ट/1842/2022. The University's report explicitly states: *"It was observed that despite the challenges posed during the COVID-19 period, proper care had been taken of all the plants on the check post premises. The plants had been maintained well through drip irrigation, timely fertilizer management, weeding, and nurturing. This ensured that the planted trees were in excellent condition."* Furthermore, an inspection conducted on 31/05/2022 confirmed that the plantation remains in a healthy state, with a physical count of surviving trees documented by the Forest Department, Sawantwadi, on 13/07/2022. The report further emphasizes: *"Over 45,000 plants, including various tree species, shrubs, and ornamental plants, have been planted. Additionally, around 35,000 clumps of vetiver and lemongrass were planted on steep slopes to aid soil conservation. This plantation has significantly helped in preventing soil erosion, enhancing soil fertility, and promoting the growth of other spontaneous vegetation around the site."* The Applicant was personally present on the counting of the plants and is a direct witness to the successful implementation and ongoing maintenance of the plantation. The situation was prevailing even after many months after the COD. If MBCPNL and SEL had fulfilled their financial and contractual obligations by paying maintenance charges to the subcontractor in accordance with the Mediation Decree or even in compliance with the Hon'ble NGT's directives, the present execution application would not have been necessary. However, it is evident that MBCPNL/SEL in collusion with MSRDC and IC Brig Kapil has willfully disregarded their obligations, believing them to be beyond legal scrutiny due

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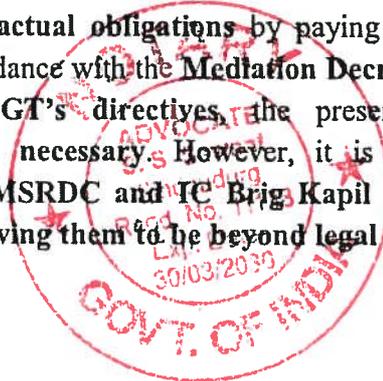
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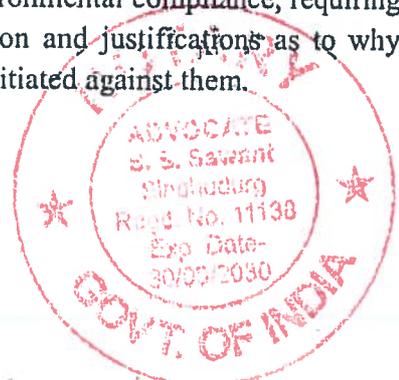


to their corporate affiliations. The name Adani is attached to the MBCPNL and by taking disadvantage of the same and with a feeling that all system is in their pocket, they are not ready to comply even with judiciary orders. Their defiance of environmental mandates and judicial orders must not be condoned. The Applicant, therefore, prays that this Hon'ble National Green Tribunal (NGT) take stringent action to uphold environmental justice and ensure full enforcement of its directives, thereby setting a precedent that no corporate entity is above the rule of law when it comes to environmental protection.



54. PRAYER:- In view of the incontrovertible evidence of willful non-compliance, environmental destruction, and deliberate misrepresentation by the Respondents, the Applicant respectfully prays that this Hon'ble Tribunal be pleased to:

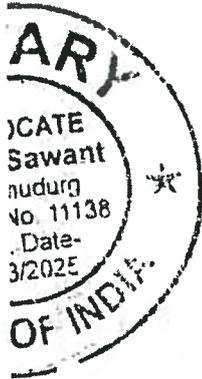
- a) **Impose Stringent Monetary Penalties:** Direct the Respondents, MBCPNL and MSRDC, to jointly and severally pay a penalty of ₹140 crores for large-scale environmental degradation, destruction of trees, and failure to adhere to statutory obligations, to be utilized exclusively for ecological restoration and compensatory afforestation.
- b) **Mandate Comprehensive Reforestation Measures:** Issue appropriate injunctive directions to the Respondents to undertake immediate large-scale afforestation and reforestation programs in all the border check post work all over Maharashtra under the strict supervision of an independent court-appointed environmental expert, with periodic compliance reports submitted before this Hon'ble Tribunal.
- c) **Initiate Perjury Proceedings:** Direct initiation of perjury proceedings against MSRDC for knowingly filing false and misleading affidavits before this Hon'ble Tribunal, with the intent to suppress material facts and evade liability for non-compliance with environmental and statutory mandates.
- d) **Ensure Continuous Judicial Oversight:** Establish an independent judicial monitoring mechanism over all afforestation and environmental restoration activities in all the border check post work all over Maharashtra undertaken by MBCPNL and MSRDC for the remainder of the Concessionaire period, with mandatory quarterly reports submitted before this Hon'ble Tribunal.
- e) **Enforce Individual Accountability:** Issue show-cause notices to the key officials responsible for afforestation and environmental compliance, requiring them to provide explanations for their inaction and justifications as to why departmental and penal action should not be initiated against them.



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- f) **Restrain Unlawful Administrative Interference:** Direct the Regional Transport Office (RTO) to immediately withdraw the impugned communication issued in contravention of judicial proceedings and restrain it from taking any further coercive action that interferes with the adjudication of the present matter before this Hon'ble Tribunal.
- g) **Seek Justification from the RTO for Regulatory Lapses:** Direct the Maharashtra RTO department to furnish a detailed affidavit explaining its inaction against MBCPNL's blatant financial and environmental violations, failing which appropriate legal consequences be imposed against the erring officials.
- h) **Compel Production of Exemption Certificate:** Direct MSRDC and MBCPNL to produce the purported exemption certificate, if any, on record before this Hon'ble Tribunal, failing which adverse inference be drawn against them for deliberate suppression of material documents.
- i) **Clarify Legal Validity of Exemptions and Non-Payment of Statutory Dues:** Direct MSRDC and MBCPNL to unequivocally establish the legal basis and applicability of the alleged exemption certificate concerning statutory royalty payments. Further, direct an independent inquiry into whether MBCPNL's conduct amounts to misrepresentation, fraud, or selective application of regulatory exemptions, thereby violating the statutory framework governing 24 Border Check Post (BCP) operations in Maharashtra.
- j) **Investigate Institutional Collusion:** Constitute an independent inquiry to examine the nexus between the Maharashtra RTO department, MSRDC and MBCPNL in facilitating regulatory violations, financial misappropriation, and environmental degradation, and initiate appropriate criminal and administrative action against officials found complicit.
- k) **Safeguard the Legal Possession and Rights:** Issue necessary directives ensuring that no third party, including the Maharashtra RTO department, interferes with the lawful possession, environmental commitments, and operational activities concerning the Insuli Border Check Post.
- l) **Furnish a detailed report documenting** the current afforestation status across all 23 Border Check Posts in Maharashtra, ensuring accountability for environmental violations committed by MBCPNL and SBL.

55. The Applicant submits that failure to grant the aforementioned reliefs would amount to a grave miscarriage of justice and an implicit endorsement of corporate and institutional misconduct at the expense of environmental sustainability and



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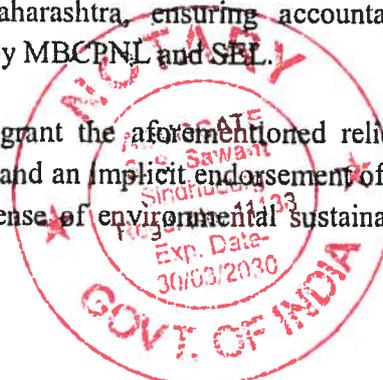
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regulatory integrity. It is, therefore, imperative for this Hon'ble Tribunal to exercise its judicial authority to the fullest extent to:-

- (i) Uphold the rule of law,
- (ii) Prevent the erosion of environmental governance, and
- (iii) Reinforce the fundamental legal principle that corporate entities entrusted with public infrastructure projects must be held to the highest standards of accountability, transparency, and environmental stewardship.

I, Mr. Saiprasad Mangesh Kalyankar, Chartered Accountant, Age 61 years, Indian Inhabitant and active environmentalist residing at House No.1442B at village Banda, Taluka Sawantwadi, District Sindhudurg, State Maharashtra, Pin 416511 state on the solemn affirmation that all information provided in above reply is true and correct to the best of my knowledge and belief. I am signing this affidavit today on 22/02/2025 at Pune/ Sawantwadi.

Date: 22/02/2025

Place: Pune/ Sawantwadi,



Applicant

CA Saiprasad Mangesh Kalyankar

### VERIFICATION

I, Mr. Saiprasad Mangesh APPLICANT, Chartered Accountant, Age 61 years, Indian Inhabitant and active environmentalist residing at House No.1442B at village Banda, Taluka Sawantwadi, District Sindhudurg, State Maharashtra, Pin 416511 state on the solemn affirmation that all information provided in above reply is true and correct to the best of my knowledge and belief. I am signing this affidavit today on 22/02/2025 at Pune/ Sawantwadi.

Date: 22/02/2025

Place: Pune/ Sawantwadi

witness & s.d. by



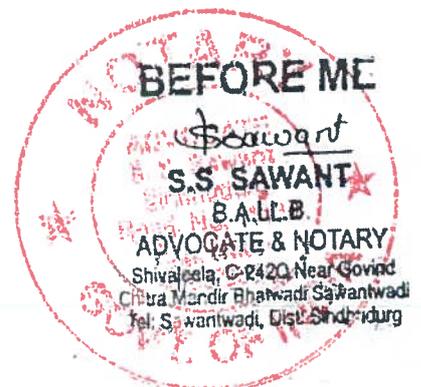

Applicant

CA Saiprasad Mangesh Kalyankar

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Aadhar Card No  
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This document has been personally presented & signed by Saiprasad Mangesh Kalyankar R/o Banda, Tal-Sawantwadi who is identified by Ishwari Saiprasad Kalyankar to whom I personally know No. of pages 24 Notary Regd. No.254 Dated 22/2/2025



**Maharashtra Border Check Post Network Ltd**Godrej Colliseum, 602, 'C' wing, Behind Everard Nagar,  
Sion (E), Mumbai - 400 022.

T : 022 - 2409 5887, F : 022 2409 6883

CIN: U45201GJ2009PLC056327

Date: 10/12/2017

MBCPNL/BCP/INSULI/17-18/Letter

To,  
Mr. Saiprasad Kalyankar,  
Banda, Sawantwadi,  
Dist: Sindhudurg, Maharashtra.

**Subject:** Commitment to Plantation & Maintenance at Insuli BCP as per NGT Order-  
Ensuring Local Employment & Request for Withdrawal of Complaints.

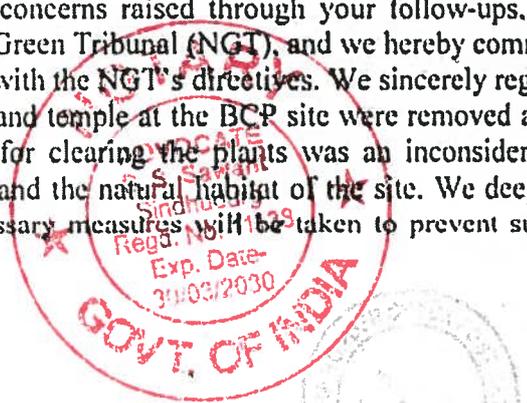
**Reference:**

- i. Your letter dated 16/06/2017 and 25/09/2017
- ii. MSRDC Letter No. MSRDC/02/BCP/EE-17/2018/7610 dated 13/09/2017.
- iii. Letter No. कृमवि /उविवि /१२०६/२०१७/ dated 21/08/2017 from Chief of Horticulture Department, Dapoli Agricultural University.

Dear Sir,

We acknowledge and take cognizance of the concerns raised regarding the plantation and environmental obligations at Insuli BCP. In adherence to the directives issued by the Hon'ble National Green Tribunal (NGT) and pursuant to the communication received from the Maharashtra State Road Development Corporation (MSRDC) and Dapoli Agricultural University, annexed herewith, we have initiated immediate and substantive measures to ensure the rigorous implementation of the mandated plantation activities. As per our discussion regarding your referenced communication on the Insuli BCP site, and considering the ecological sensitivity of the region along with our statutory and contractual obligations toward environmental sustainability, we hereby extend the following binding commitments:-

1. **Compliance with Maharashtra Government Infrastructure Policy and Environmental Commitments:-** As the concessionaire for the development of 23 Border Check Posts (BCPs) in Maharashtra on a Build-Operate-Transfer (BOT) basis, we have undertaken construction at designated border locations in accordance with the Infrastructure Policy of the Government of Maharashtra. Given that these locations generally have dense tree cover, significant portions of the BCP land were cleared to facilitate construction, which aligns with standard development practices for such projects. As a commercial infrastructure initiative, the primary objective remains the recovery of our investment through operations, with only a small area allocated for landscaping. While tree plantation was not mandated under the prevailing infrastructure policy for any of the 23 BCPs, we acknowledge the environmental concerns raised through your follow-ups, as well as the directives issued by the National Green Tribunal (NGT), and we hereby commit to undertaking tree plantation in accordance with the NGT's directives. We sincerely regret the manner in which the existing plantation and temple at the BCP site were removed and acknowledge that the use of an excavator for clearing the plants was an inconsiderate action that disrupted the ecological balance and the natural habitat of the site. We deeply apologize for this and assure you that necessary measures will be taken to prevent such occurrences in the future.



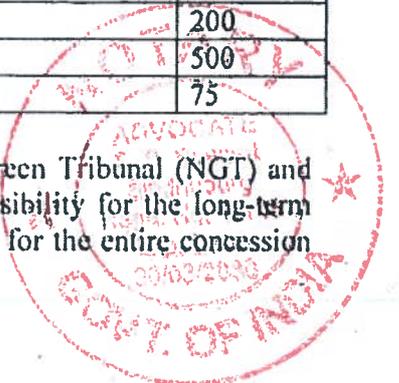
VENTURE OF

**Sadbhav**

2. **Implementation of Soil Erosion Control Measures and Compliance with Tree Plantation Requirements:-** In accordance with the directions and discussions held, it is imperative to undertake soil stabilization measures at the Insuli BCP site due to the inherent vulnerability of the Konkan region's soil to erosion and washouts. Pursuant to this necessity, it has been decided that Gawatigrass and Wala shall be planted along the slopes to mitigate the risk of landslides and future structural collapse. Additionally, to reinforce soil retention and environmental sustainability, bamboo plantations shall be undertaken as a preventive measure. It is pertinent to note that under Section 2(f) of the Indian Forest Act, 1927, bamboo is legally classified as a tree. Consequently, the plantation of bamboo shall be duly accounted for in the total tree plantation count to reach total 44,000 trees.
3. **Local Employment Commitment:-** We will work in collaboration with local bodies and ensure that employment is prioritized for skilled and semi-skilled workers from nearby villages. We recognize that the local community holds valuable knowledge about the region's flora and its upkeep. Therefore, we commit to employing local workers who are familiar with plantation maintenance, ensuring proper care and survival of the plants while generating employment for local residents.
4. **Immediate Actions & Compliance Reporting:-** We have already issued work order and related instructions to our subcontractor, Suwarna Buildcon Pvt Ltd, copy of which is attached along with this letter for your reference. Additionally, M/s Sadbhav Engineering Limited, our EPC Contractor has been directed to clear all pending royalty payments related to BCP site construction immediately to ensure smooth execution. We urge you to coordinate with Mr. Sanjay Salunkhe, our official representative handling this project, to monitor the ongoing work and provide your valuable insights to ensure full compliance.
5. **Total Plantation Commitment & Execution Plan:-** We confirm that a total of 75000 trees and plants will be planted at Insuli BCP, in alignment with the approved zoning plan and local ecological considerations. The breakdown of species and numbers is as follows:-

No.	Species Name	Quantity	No.	Species Name	Quantity
1	Ain	800	18	Bamboo	5,000
2	Phanas (Jackfruit)	1,500	19	Prajakta	25
3	Jambul (Jamun)	2,000	20	Morpankhi (Thuja)	20
4	Kaju (Cashew)	10,000	21	Andrographis	600
5	Kokam	1,500	22	Weldiya	700
6	Coconut	250	23	Mogra (Jasmine)	350
7	Palm	750	24	Himalayan Painter	750
8	Ashoka	250	25	Galchemia	500
9	Chafa	10	26	Parijat (Harsingar)	30
10	Aanja	1,500	27	Lenchia	1,300
11	Acacia	3,000	28	Almeda	250
12	Gulmohar	250	29	Chinese Rose	1,500
13	Khus Khus	100	30	Vernia	2,500
14	Dalehini	100	31	White Pine	500
15	Lemon Grass	30,000	32	Hibiscus	200
16	Wedelia	5,000	33	Avaliya	500
17	Valagavat	5,000	34	Raat Rani	75

6. In strict adherence to the directives of the Hon'ble National Green Tribunal (NGT) and pursuant to the discussions held, we hereby assume full responsibility for the long-term maintenance and preservation of all planted trees and vegetation for the entire concession



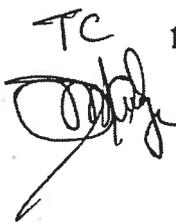
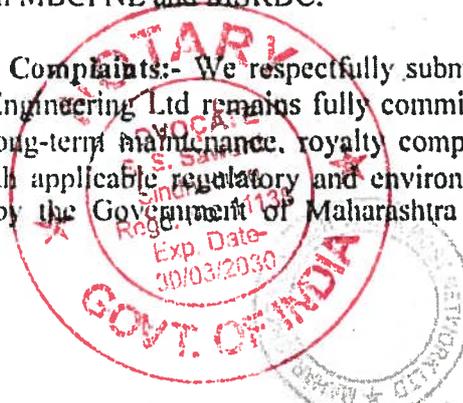
**Maharashtra Border Check Post Network Ltd**Godrej Colliseum, 602, 'C' wing, Behind Everard Nagar,  
Slon (E), Mumbai - 400 022.

T : 022 - 2409 5887, F : 022 2409 6883

CIN: U45701GJ2009PLC056327

period. Our obligations encompass regular irrigation, fertilization, and soil enrichment to ensure sustainable growth. In the event of plant mortality, we undertake to conduct immediate replacement to maintain ecological equilibrium. Additionally, systematic pruning and pest control measures shall be implemented to safeguard the health and longevity of the plantation. We remain committed to achieving and sustaining a minimum survival rate of 80% throughout the concession period, thereby ensuring continued compliance with environmental and regulatory mandates.

7. **Relocation of Insuli BCP and Commitment to Addressing Leakages:-** The primary location for the Insuli Border Check Post (BCP) was initially identified at Khamdeo Naka, where the existing RTO check post is situated. However, due to revenue leakage concerns at the said location, the BCP was relocated to Satmatwadi to ensure better operational efficiency and regulatory compliance. As part of the site preparation for the new location, land levelling and tree cutting were necessary to facilitate infrastructure development, which aligns with standard procedures for such projects. Based on the discussions held, we hereby commit that all leakage issues will be effectively addressed by implementing necessary countermeasures, including the establishment of additional check posts or deployment of mobile vans, ensuring that no unauthorized passage or leakage occurs at the designated BCP site.
8. We hereby inform you that, in accordance with the terms of the Concessionaire Agreement, the obligation to provide 10 lanes on each side of the Border Control Point (BCP) are acknowledged. However, at present, only 7 lanes are being provided on each side. Furthermore, the provision of hostel and other accommodations remains restricted and will be executed in per CA after the BCP mobilisation. The deployment of the scanner, as required at all the 23 BCP, shall be effectuated at a later stage. All requisite approvals and permissions pertaining to these deviations have been duly obtained from the implementing authority, MSRDC, in consultation with IC Brig. Kapil and with the concurrence of the Maharashtra RTO department.
9. We hereby assure you that all necessary environmental clearances, duly considering the Eco-Sensitive Zone (ESZ) of the area, along with requisite approvals from the Maharashtra Pollution Control Board and the Forest Department, shall be obtained without delay for the execution of the said work. Additionally, all necessary permissions for mineral extraction, as required under applicable laws, shall be secured in a timely manner. Furthermore, we undertake to ensure the prompt payment of all dues related to Non-Agricultural (NA) land and Gram Panchayat uses. We also confirm that the applicable stamp duty, as mandated under the Maharashtra Stamp Act, has been duly paid in relation to the Concessionaire agreements executed for the BCP work between MBCPNL and MSRDC.
10. **Request for Cooperation & Withdrawal of Complaints:-** We respectfully submit that MBCPNL and our BCP contractor Sadbhav Engineering Ltd remains fully committed to the implementation of plantation activities, long-term maintenance, royalty compliance, NA and local employment in accordance with applicable regulatory and environmental mandates. Pursuant to the notification issued by the Government of Maharashtra under

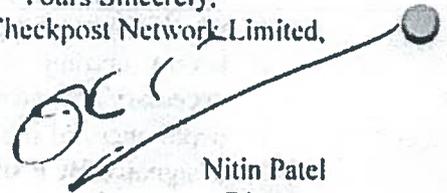
TC  
  
 VENTURE OF**Sadbhav**

MSRDC, we hold a valid royalty exemption certificate for this BCP project, thereby exempting us from royalty payments across 23 BCPs in Maharashtra. However, in view of the mineral composition within the Insuli BCP area and its designation as an Eco-Sensitive Zone (ESZ), we have directed our EPC contractor, Sadbhav Engineering Ltd., to ensure the requisite royalty payments related to construction work at Insuli BCP, with oversight and compliance monitoring by us.

14. Accordingly, we hereby request the withdrawal of all complaints and objections pertaining to plantation, royalty, P.W.D., Irrigation, Forest Department, and other related concerns at Insuli BCP. We reaffirm our unwavering commitment to strict adherence to environmental regulations and the directives of the Hon'ble National Green Tribunal (NGT), ensuring there is no deviation from the prescribed execution plan. Continuation of objections at this stage would not only hinder project progress but also result in unnecessary delays in environmental restoration and potential conflicts. In the interest of expeditious and effective environmental conservation, we solicit your cooperation and support in ensuring the successful completion and sustained maintenance of plantation activities in a manner that is both efficient and ecologically responsible.

Regards,

Yours Sincerely,  
For Maharashtra Border Checkpost Network Limited,



Nitin Patel  
Director,

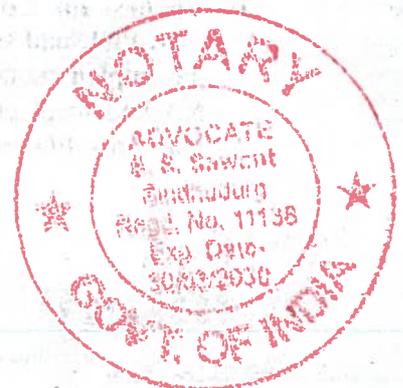
Attachment: - Total 3 copies including this letter.

Copy To:

- Rocky Deesabhai, MBCPNI., Mumbai. (Issue a copy of the same to Mr. Saiprasad Kalyankar at Insuli BCP).
- Sadbhav Engineering Ltd, Ahmedabad.
- Executive Engineer, MSRDC, Bandra, Mumbai.



TC  

MSRDC/02/BCP/EE-17/2018/7610

Date: - 13.09.2017

URGENT

Maharashtra State  
Road Development  
Corpn. Ltd.

(A Government of Maharashtra Undertaking)

To,  
MBCPNL,  
602(1) C Wing, Godrej Coliseum,  
Behind Everard Nagar,  
Sion (E), Mumbai - 400022.

Sub: Computerisation and Modernisation of 22 Border Check Posts in the State of Maharashtra on Build, Operate and Transfer basis.

Plantation to be carried out at Insuli BCP and in Sawantwadi town.

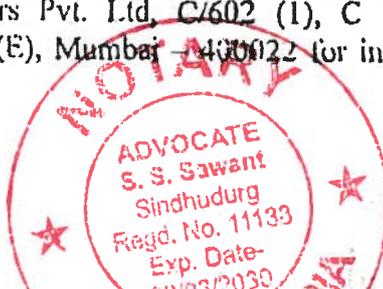
Ref: Chief of Horticulture Department of Dapoli Agriculture University's letter no. कृमवि/उविवि/२०६/२०१७ दि. २१.०८.२०१७

Find enclosed the photocopy of the list of plantation to be carried out at Insuli BCP and in Sawantwadi town, in connection with above subject work. It is hereby instructed to immediately take up the work of plantation under the supervision of Horticulture Department of Dapoli Agriculture University and submit the compliance accordingly.

(Muktesh Wadkar)  
Executive Engineer

M.S.R.D.C. (Ltd), Mumbai

- TC
1. Copy submitted to Transport Commissioner, Office, New Administrative Building, 3<sup>rd</sup>/4<sup>th</sup> Floor, Bandra East, Mumbai, Maharashtra 400051
  2. Copy submitted to the Chief Engineer, (A.B.G), MSRDC for information, please.
  3. Copy to M/s Sai Consulting Engineers Pvt. Ltd, C/602 (1), C Wing, Godrej Coliseum, behind Everard Nagar, Sion (E), Mumbai - 400022 for information and necessary action.



Corporate Office : Opp. Bandra Reclamation Bus Depot, Near Lilavati Hospital, K.E. Marg, Bandra (West), Mumbai - 400 050.  
Telephone No.: 022-26100190/201, 26558175/76 Fax No.: 022-26417893

Regd. Office : Nandlall Sea Road, Beside Piyadarshini Park, Mumbai - 400 038.  
Telephone No.: 022-2368112, 2368109 / 3671 / 3673, Fax No.: 022-2368 4943.  
Website : www.msrdc.gov.in CIN : U41200MH1996SGC101586

14/9/17

Ref: SEL/22-23/0037/C

Date : 15/07/2022

To,  
Mr. Bharat Salvi Sir,  
Head of the Department, Horticulture Department,  
Dr. Balasaheb Sawant Konkan Krishi Vidyapeeth,  
Dapoli Agriculture University,  
Dapoli, Maharashtra,

REF: (i) Name of the work: Construction of Modernization & Computerization of Integrated Border Check Post at 22 Locations in the state of Maharashtra on Build operate & Transfer Basis for BCP- BCP at Insuli, Banda, Taluka Sawantwadi, District: Sindhudurg, Maharashtra.  
(ii) NGT Order OA/ 28/2014 related to tree plantation at Insuli BCP.

SUB: Request for Final Inspection of Tree Plantation at Insuli Border Check Post, Banda, Taluka Sawantwadi, District Sindhudurg, Maharashtra.

Dear Sir,

Sadbhav Engineering Limited (SEL) is working on the project as the Engineering, Procurement, and Construction (EPC) Contractor for the concessionaire Maharashtra Border Check Post Network Limited (MBCPNL) under the Build-Operate-Transfer (BOT) model. The project is being carried out under the authority of Maharashtra State Road Development Corporation (MSRDC) for the Regional Transport Office (RTO) Department, Government of Maharashtra.

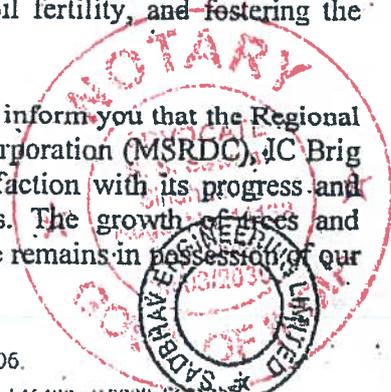
In compliance with the Hon'ble National Green Tribunal (NGT) Court's Order OA-28/2014(NGT)(W2) Pune, regarding tree plantation at Insuli Border Check Post (BCP), extensive afforestation work has been carried out under the supervision of Dr. Balasaheb Sawant Konkan Krishi Vidyapeeth, Dapoli, with your esteemed guidance. As per the directives of the Hon'ble NGT, Pune, the plantation work at Insuli BCP was to be executed under the technical guidance of the Head of the Horticulture Department. We sincerely appreciate your valuable support in ensuring compliance with the court's directives. The Head of Horticulture visited the site multiple times, specifically on 10/03/2015, 16/06/2017, 15/06/2019, and most recently on 31/05/2022. Under your direction, our subcontractor, Sadbhav Buildcon Private Limited (SBPL), has successfully completed the plantation work, including the installation of a drip irrigation system and an efficient watering mechanism to support the long-term growth of the planted species. Over 45,000 plants, including various tree species, shrubs, and ornamental plants, have been planted. Additionally, approximately 35,000 clumps of vetiver and lemongrass have been planted on steep slopes to enhance soil conservation. This afforestation initiative has significantly contributed to preventing soil erosion, improving soil fertility, and fostering the growth of natural vegetation in the surrounding area.

We are highly satisfied with the plantation work and are pleased to inform you that the Regional Transport Office (RTO), Maharashtra State Road Development Corporation (MSRDC), IC Brig Kapil, and the Forest Department have also expressed their satisfaction with its progress and current status, confirming full compliance with NGT directives. The growth of trees and vegetation has been observed to be excellent. As the Insuli BCP site remains in possession of our

**Sadbhav Engineering Limited**

Regd Office: "Sadbhav House", Opp. Law Garden Police Chowki, Ellisbridge, Ahmedabad 380006.

Tel: 079-2523384 Fax: 079-26400210 E-mail: info@sadbhav.co.in Web: www.sadbhav.co.in CIN: 1452006190849 (P)



subcontractor, Suwarna Buildcon Pvt Ltd, as per court orders, we will take over the site after fulfilling the monetary compliance as per the decree and achieving COD. Thereafter, the future maintenance of the plantation will be the responsibility of the concessionaire, Maharashtra Border Check Post Network Limited (MBCPNL). We remain fully committed to ensuring its continued upkeep, with regular maintenance activities, including watering, protection from cattle, and fire prevention, being diligently carried out to preserve the ecological benefits of the plantation. We confirm that the plantation is in good condition as of today. Even after the Commercial Operations Date (COD) and BCP site transfer from subcontractor to MBCPNL/SEL, ongoing maintenance, such as watering, cattle and fire protection, and other necessary care, must continue under MBCPNL's responsibility for the concessionaire period to ensure sustained growth.

During your visit on 31/05/2022, you directed that a physical count of plantation and trees be conducted by the Forest Department to assess the plantation's progress and ensure compliance with afforestation commitments as per the Hon'ble NGT directives. In accordance with your instructions, the Forest Department, Sawantwadi, conducted a detailed survey on 13/07/2022 to verify and documenting the number of surviving trees. As part of this process, a formal Panchnama was carried out by the Forest Department, which included and attached along with this letter. The Panchnama has been duly signed by the relevant authorities of the Forest Department, independent witnesses, and Mr. Saiprasad Kalyankar, ensuring transparency and authenticity in the verification process. This exercise reaffirms our commitment to maintaining the plantation and adhering to regulatory guidelines. A copy of the Panchnama is attached herewith for your kind reference.

We take this opportunity to sincerely thank renowned environmental activist Mr. Saiprasad Kalyankar for his invaluable support and guidance, which have been instrumental in ensuring the long-term success and sustainability of this initiative. His decision to withdraw all his complaints has enabled us to effectively resolve the issues related to royalty penalties, as well as matters concerning NHAI, the Irrigation Department, and full compliance with the NGT order. We deeply appreciate his unwavering commitment and contributions, which have played a crucial role in the successful execution of the plantation efforts.

Furthermore, we kindly request you to arrange a final inspection visit to the Insuli Border Check Post (BCP) and verify the situation at site of forestation and we request your Kindself to please convey your valuable official report to the Maharashtra State Road Development Corporation (MSRDC), Mumbai, as well as the Regional Transport Office (RTO) Sindhudurg and the forest department authorities. This will help facilitate any further necessary actions and ensure full compliance with the directives and requirements stipulated by the Hon'ble National Green Tribunal (NGT).

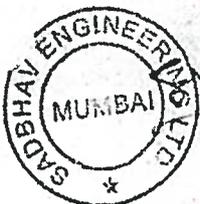
Thanking you, We remain at your service.

TC  
For **Sadbhav Engineering Limited**



*[Signature]*  
Authorized Signatory

Copy to: - Mr. Saiprasad M. Kalyankar, Banda, Sawantwadi for Information.



महाराष्ट्र राज्य कृषि विभाग 4763

जा. क्र. कृमवि/उविवि/1206/2017  
उद्यानविद्या विभाग,  
कृषि महाविद्यालय, दापोली  
दिनांक:- 12 AUG 2017

प्रति,

कार्यकारी अभियंता,  
महाराष्ट्र राज्य रसद विकास महामंडळ,  
वांद्रे रेवलेमेश्वर डेपोसमोर,  
लिलावती हॉस्पीटल जवळ,  
के. सी. नार्ग-वांद्रे (प)- गुंवरई-४०० ०१,०

विषय : इन्सुली सीमा तपासणी नाका, बांदा येथे मा. राष्ट्रीय हरित लवाद,  
पुरी आणि आनुसार वृक्ष लागवड करणेबाबत...

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

वरील विषयास अनुषंगाने आपणास कळविण्यात येते की, इन्सुली सीमा तपासणी नाका, बांद्रा तसेच सावंतवाडी शहरामध्ये विविध ठिकाणी उपलब्ध असलेल्या जागांमध्ये लागवड करणे संस्थासारखी वृक्षांची यादी या पत्रा सोबत जोडण्यात येत आहे.

सोबत:- वरील प्रमाणे

*S. S. Sawant*  
प्रमुख,

उद्यानविद्या विभाग,  
कृषि महाविद्यालय, दापोली

*S. S. Sawant*  
मालूम

*असे वी स्टार  
महाराष्ट्र राज्य कृषि विभाग  
दापोली*

*12.08.17*

TC  
*[Signature]*

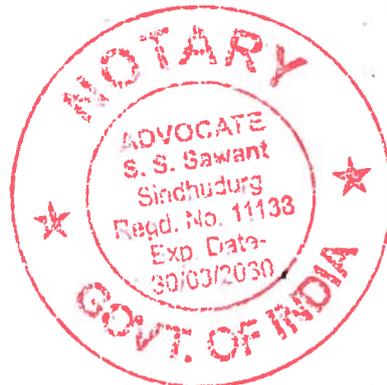


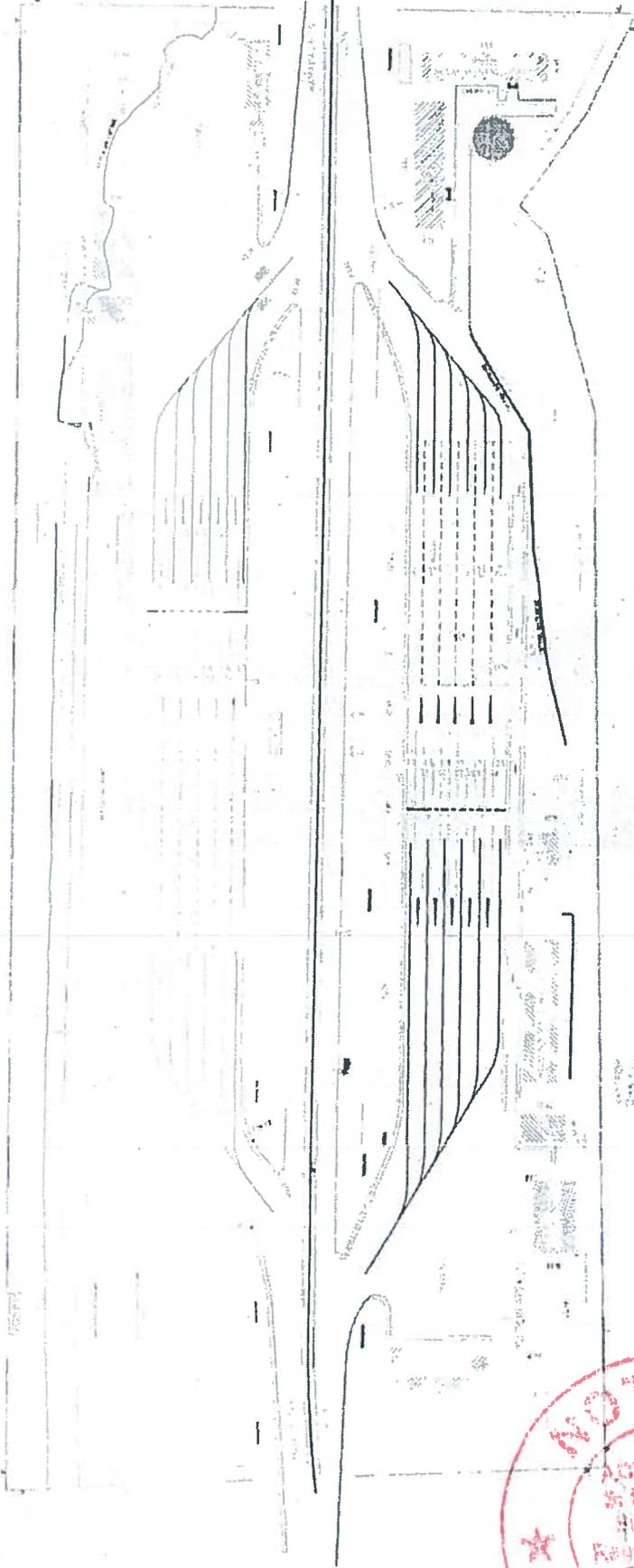
Open areas available at Insoli cheds post

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	Kinjul	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

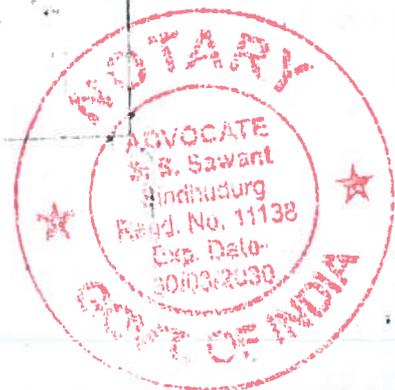


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## Open areas available at Insuli cheds post

Sr. No.	Area	Approximate Area	Spacing (m)	Plant spacing	Number
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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 वंजारी	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 वापू 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	Kavthibafa	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	Kavthibafa	100

TC

NOTARY  
ADVOCATE  
S. S. Sawant  
Sinhadurg  
Regd. No. 38/2038  
Exp. Date: 30/03/2030  
GOVT. OF INDIA



SEL/BCP/LOI/Suvarna/14-15/4672

Date: 25/03/2015

To,  
M/S Suvarna Buildcon Pvt. Ltd.  
F-1, Net-208, Anarag Complex,  
Vishramwadi, Pune - 411  
MB: 098220 53485.  
Email: suvarna-buildconplz@gmail.com  
PAN No. AAFC58023D

Kind Att: - Mr. Manoj Abrol

**Sub:-** Modernization and Computerization of 22 Border Check Posts in the state of Maharashtra on Build Operate & Transfer (BOT) basis.  
Regarding Reduction in Scope and Quantity in Insuli BCP.

**Ref:-** Agreement of Road and Building works, dated 20th December,2013

Dear Sir,

This is to inform you that we have entered in to Agreement for Road and Building work for Insuli Border Check Post vide reference above. After entering in to Agreement, as per instruction from Department / Independent Engineer, there is reduction in scope for Road work and Building work. In road work, originally 10+10 lanes changed to 5+5 lane. Proportionately, the quantity of Road works items will get reduced.

In building works, there is deletion of 2 no. Toilets (gents), reduction in area for Hostel Single Sharing and Hostel Triple Sharing Building. In respect of reduction in scope, quantity of building works items also get reduced.

This is for your information.

Yours faithfully,

*TC*  
*[Signature]*  
for Sadbhav Engineering Limited

Authorized Signatory

*25/03/15*  
[Circular Stamp]



**ADVOCATE**  
**S. S. Sawant**  
Regd. Office: **Gandhuurg**  
Sadhav Engineering Limited  
Sadhav House, 2030  
Opp. Law Garden Police Chokki,  
Elisbridge, Ahmedabad - 380006.  
T: 91 79 2646333 F: 91 79 26400210  
Web: www.sadbhaveng.com

Corporate Office.

**Sadbhav Engineering Limited**

702, C Wing, Gokraj Coliseum,  
Behind Everard Nagar, Sion (E), Mumbai - 400022.  
T: 022 24094887 F: 022 24094887  
E-mail: info@sadbhaveng.com  
Web: www.sd-engineering.com

**Maharashtra Border Check Post Network Ltd**Godrej Coliseum, 602, 'C' wing, Behind Everard Nagar,  
Sion (E), Mumbai - 400 022.

T : 022 - 2409 5887, F : 022 - 2409 6883

CIN: U45201GJ2009PLC056327

MBCPNL/SB/INDULI/BCP/9357

Dated: 07/12/2017

To,  
M/s Suwarna Buildcon Pvt. Ltd.  
F. No. 208, Anurag Complex,  
Vishrantwadi, Pune - 15.  
Mb: 098220 53485,  
Email - suwarnabuildconpl@gmail.com

Kind Attn: Mr. Manoj Ahrol

Sub:- Modernization and Computerization of 22 No. Border Check Post in the State of Maharashtra on Built, Operate and Transfer (BOT) basis.

- Work order for Tree Plantation at Insuli Checkpost, Dist - Sindhudurga - Border Check Post - Shrub Plantation and Tree Plantation.

Ref:

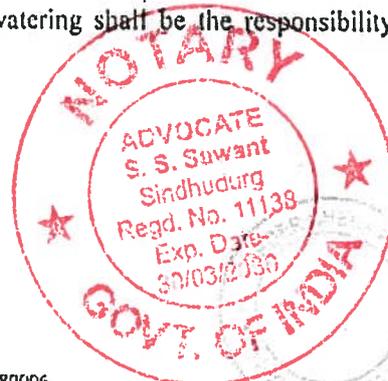
1. As per telephonic discussion held with you on 07/12/2012 with Mr. Nitin Patel;
2. MSRDC's letter no. MSRDC/02/BCP/EE-17/2018/7610, dated 13/09/2017.

Dear Sir,

We are pleased to issue this purchase order to you, M/S SUWARNA BUILDCON for Shrub Plantation and Tree Plantation at Insuli Border Check Post ("BCP"), for the Project on the following terms and conditions:

1. Schedule of Quantities and Price The unit rate for each type of Shrub Plantation and Tree Plantation is as per Annexure I.
2. M/S SUWARNA BUILDCON shall make available entire landscape site cleaned suitable for carrying out the said work.
3. Scope of Work
  - a. Preparation of bed for plantation - Prepare the soil bed with garden soil mixing soil with manure/ fertilizer. Leveling and fine bed preparation suitable for plantation.
  - b. Preparation of bed for Tree, Shrub & Hage plantation - prepare the soil bed with garden soil mixing soil with manure / fertilizer. Leveling and fine bed preparation suitable for plantation.
  - c. Preparation of pit, filling with sweet garden soil, Plantation of Tree of different height mentioned in attach Annexure I with the mentioned varieties.
  - d. Supply of Water Source at required points in Tree plantation area and Cost of water.
  - e. Provision of Water Tanker and labour for watering shall be the responsibility of the Contractor.

TC  
[Handwritten signature]



VENTURE OF  
**Sadbhav**

- f. Tree Plantation should be done as per direction and under supervision of Horticulture Department of Dapoli Agriculture University. Letter received from MSRDC alongwith List of open areas available for tree plantation is attached for ready reference.
- g. Getting NOC from Horticulture Department of Dapoli Agriculture University.
- h. Electricity Requirement - If any.
- i. Any civil work - If any.

#### 4. Maintenance

The maintenance of Tree plantation shall be done by the Contractor till final COD received from IC/MSRDC. The all-inclusive maintenance (including required manpower, Manure/fertilizer, insecticide and pesticide etc.) shall be done by the Contractor.

#### 5. Completion Schedule

It is agreed that the entire works shall be completed within 30 days from the date of this Purchase Order.

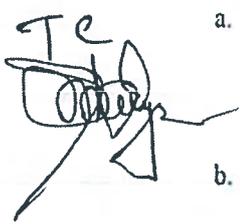
#### 6. Contract Price

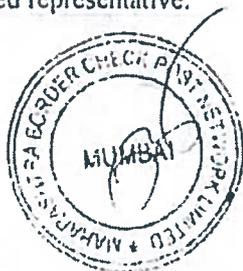
The total contract price ("Contract Price") for the entire work under this purchase order shall be the amount derived from the agreed rates enclosed herewith as Annexure I and the quantities actually executed at site. The measurement shall be based on standard measurement practice. It is clearly agreed that the order is based on the rates agreed between us and there shall be no claim with regard to increase or decrease in quantities.

Rate for the scope mentioned in Annexure-I attached to this Agreement. The rates are full and final including all taxes, levies & GST as per Government Norms. You have to submit the necessary documents towards GST. All taxes i.e. T.D.S, labour cess will be deducted at source as per Government norms. The rates are inclusive of all ancillary works needed for execution of works.

#### 7. Terms of Payment

- a. 30 % (Thirty percent) of the amount shall be released on the completion of 30% (Thirty percent) of the total works at site. You shall raise invoice towards the same and the payment shall be released only after due verification and certification of our authorized representative.
- b. Further 30% (Thirty percent) of the amount shall be released on the completion of 60% (Sixty percent) of the total works at site. You shall raise invoice towards the same and the payment shall be released only after due verification and certification of our authorized representative.

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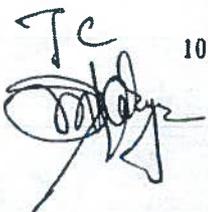




- c. The balance payment shall be released after satisfactory completion of the entire works at site. You shall raise invoice towards the same and the payment shall be released only after getting NOC from Horticulture Department of Dapoli Agriculture University.
- d. We will deduct 5% amount as Retention money from each bill and same shall be released after final COD received from IC/MSRDC.
8. The execution and the completion of the Works shall comply with all Applicable Laws, the Specification and Standards, Good Industry Practice and the standards expected of a reasonable and prudent contractor engaged in undertakings similar to the Works hereunder;
9. Contractor shall, at its own cost and expense, in addition to and not in derogation of its obligations elsewhere set out in this Agreement:
- a. Maintain the Works in accordance with the provisions of this Agreement, Standards and Specifications, Good Industry Practice and Applicable Laws;
- b. procure and maintain in full force and effect, as necessary and applicable, appropriate proprietary rights, licenses, agreement and permissions for Materials, methods, processes and/or systems required to be used in or incorporated into the Works for the Landscaping, including license for storage of Materials and Free Issue Materials in safe custody of Landscape Contractor, if any;
- c. ensure and procure that each Subcontract contains provisions giving MBCPNL an unrestricted right to assign or otherwise transfer such Subcontract to MBCPNL or a nominee of MBCPNL (including the Authority), at the option of MBCPNL, in the event of termination under this Agreement and that that its Subcontractors comply with all Applicable Permits and Applicable Laws in the performance by them of any of the works in relation to the Works;
- d. provide all assistance to the Project Coordinator and MBCPNL as they may require from time to time for the performance of their obligations hereunder;
- e. Submit progress reports to the Project Coordinator and MBCPNL.
- f. make efforts to maintain harmony and good industrial relations among the personnel employed in connection with the performance of the Works under this Agreement (including any personnel engaged by Subcontractors);
- g. take all reasonable precautions for the prevention of accidents on or about the Site(s)/ Landscaping and provide all reasonable assistance and emergency medical aid to accident victims;
- h. not to place or create nor to permit any Subcontractor or any other person claiming through or under Landscape Contractor or any Subcontractor to create or place any Encumbrance over all or any part of the of the Works and/or the Project Assets, or on any rights of Landscape Contractor;



- i. be responsible for safety, soundness and durability of the Works including all components forming part thereof and their compliance with the Specifications and Standards, Good Industry Practice and Applicable Laws;
- j. keeping the Site and adjacent areas in a clean, tidy and orderly condition free of litter and debris and remove promptly at their own cost, in accordance with Good Industry Practice, from the Site(s), all surplus Materials and other materials, waste materials (including, without limitation, hazardous materials), rubbish and other debris (including any accident debris) in conformity with the Applicable Laws and Applicable Permits;
- k. make all arrangements, for safety and security measures (including obtaining the necessary insurances in accordance with provisions hereof) and take all precautions against any damage or injury (from accidents) to the Materials, Free Issue Materials and the personnel working on the Landscaping or on the Site(s), and shall comply with the directions of the Project Coordinator;
- l. engage only such personnel, and ensure that all Subcontractors engage such personnel, who are skilled and experienced in their respective callings and supervisory staff who are competent to adequately supervise the Works.
- m. should MBCPNL require any personnel of Landscape Contractor or any Subcontractor to be replaced (if MBCPNL believes such personnel to be unsuitable for the Works, or otherwise), or if any personnel is required to be replaced due to reasons beyond the control of Landscape Contractor, Landscape Contractor shall promptly replace (or ensure the replacement of) any such personnel with a person of equivalent or better qualification and experience. Further, Landscape Contractor shall not and shall ensure that any of its personnel do not, during the term of this Agreement, engage in any business or professional activities in India/abroad which would conflict with the activities and responsibilities entrusted to them under this Agreement, or in relation to the Landscaping;
- n. discharge its obligations in accordance with Good Industry Practice and the standards of a reasonable and prudent contractor engaged in a project similar in nature and scope to the Works hereunder;
- o. support and cooperate with MBCPNL in the implementation of the Works in accordance with the provisions of this Agreement;

TC  


**10. Security**

- a. Landscape Contractor shall, at its own cost and risk, have total responsibility of all the Works and shall keep in its care and custody, in the stores or at the Site(s), all the Materials and the Free Issue Materials. Landscape Contractor shall make suitable security arrangements including employment of security personnel to ensure the protection of all Works, Materials and the Free Issue Materials from theft, fire, pilferage and any other damages and loss.





- b. No change in the Item Rates, Initial Contract Price or the Contract Price or any other compensation shall be permitted on account of a difference in the details provided by or on behalf of the MBCPNL and the data collected by Landscape Contractor. Any neglect or omission or failure on the part of Landscape Contractor in obtaining necessary and reliable information upon the foregoing or any other matter affecting the performance of the Works shall not, in any manner whatsoever, relieve Landscape Contractor of its responsibility for the completion of the Works in accordance with this Agreement.

#### 11. Right to Third Party Audit

MBCPNL shall, at its own cost, have the right to require that any Materials or service be tested by a third party for the purposes of regulatory compliance/ dispute resolution/ performance improvement, and Landscape Contractor shall extend full cooperation to MBCPNL and such third party, as may be required.

#### 12. Termination

We reserve the right to cancel this purchase order or any part thereof. Further, we shall be entitled to terminate this purchase order, wholly or in part, without assigning any reason. Under these circumstances, you are entitled to receive payment for certified material received at our end.

#### 13. Governing law and jurisdiction

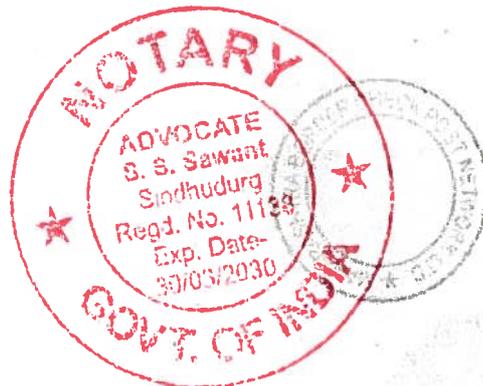
This purchase order shall be governed by the laws of India and the courts at [Ahemdabad] shall have exclusive jurisdiction over matters arising out of or relating to this purchase order.

#### 14. Order Acceptance

This purchase order is being issued to you in duplicate. Please return the duplicate copy of this purchase order to Mr. Nitin Patel at Mumbai office for necessary coordination duly signed on each page with your company's seal as a token of your unconditional acceptance to all prices, terms and conditions.

Thanking you,  
for and on behalf of Maharashtra Border Check Post Network Ltd.

Authorised Signatory  
Name: Mr. Nitin R. Patel  
Designation: Director



Te

(14.02.25.)

6:02 PM

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**"Road Safety. Secures your family. Be cautious on Road"****उप प्रादेशिक परिवहन कार्यालय**

मुंबई-गोवा हायवे, सिंधुदुर्गनगर, ओरस

ता - कुडाळ, जि - सिंधुदुर्ग

Tel - 02362-229050

फोन - dyrto.07-mh@gov.in

क्रमांक उपप्रापका/सिंधु/आस्था/२०२४/जा.क्र. ११३६

दिनांक :- ०४.११.२०२४

प्रति

मनोजकुमार अंब्रोले,

सुवर्ण विल्डकॉन प्रा. लि.

**विषय :-** थापुर्वी अनेकवेळा पुर्वसुचना दिल्याप्रमाणे नाईलाजास्तय माझे वाट्यास येणाऱ्या ०.१४.५० हे. आर. येवढ्या काजू लागवड केलेल्या जमिनीचा फेर तावा घेतल्याबाबत.

**संदर्भ :-** श्री. साईभ्रसाद कल्याणकर यांचे दि. ३१.१०.२०२४ रोजीचे पत्र.

उपरोक्त संदर्भिय विषयास अनुसरून आपणांस काळविण्यात येते की,

१. गाव माँजे सटवाडी, सांश येथील अत्याधुनिकीकरण करून उभारण्यात आलेला सांश तपासणी नाक्याची जमीन ही मा. परिवहन आयुक्त, महाराष्ट्र राज्य यांचे नावे नोंद आहे. सचब शासकीय मालमत्ता आहे.

२. श्री. साईभ्रसाद कल्याणकर यांनी अत्याधुनिक सीमा तपासणी नाका, माँजे सटवाडी, बांदा, ता. सावंतवाडी, जि. सिंधुदुर्ग येथील ०.१४.५० हे. आर.येवढ्या काजू लागवड केलेल्या जमिनीचा फेरतावा घेतला असलेबाबत संदर्भिय पत्राद्वारे या कार्यालयाला कळविले आहे.

३. मा. दिवाणी न्यायाधीश (फनिष्ठ स्तर), सावंतवाडी यांचे न्यायालयात दाखल Civil Suit No.126/2021, दि. ०६.०६.२०२२ चे आदेशान्वये सादर जागंचा तावा सद्यस्थितीस ये. सुवर्ण विल्डकॉन प्रा. लि. पुणे यांचेकडे आहे. तरी देखील श्री कल्याणकर यांनी ठक्त नमुद जमिनीमध्ये केलेले बेकायदेशीर अतिक्रमण हे मा. न्यायालयाच्या आदेशाचा अवमान ठरेल.

४. सचब श्री. कल्याणकर यांचेकडून ठक्त नमुद जमिनीमधील बेकायदेशीर अतिक्रमण काढण्याची सवस्वी जबाबदारी आपली अमून अशाप्रकारचे बेकायदेशीर अतिक्रमण शासकीय जमिनीमध्ये होऊ नये याची छबरदारी घेण्याची जबाबदारी देखील आपली आहे. तरी सादरचे अतिक्रमण तात्काळ काढण्याची कार्यवाही करून त्याचा वास्तुधुतो अहवाल या कार्यालयास सादर करावा.

सहपत्र :- थरीलप्रमाणे

प्रत :- १. मा. परिवहन उप आयुक्त (निरीक्षण), महाराष्ट्र राज्य, मुंबई यांना माहितीस्तय सविनय सादर.  
२. मा. प्रादेशिक परिवहन अधिकारी, पनयेल यांना माहितीस्तय सविनय सादर.





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Entered in the Notary Register with SL No. 258/2025  
Date 22/2/2025

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

**EXECUTION APPLICATION NO. 7 OF 2024  
IN  
ORIGINAL APPLICATION NO. 28 OF 2014**

**BETWEEN**

**CA MR. SAIPRASAD MANGESH APPLICANT - APPLICANT  
KALYANKAR,**

**VERSES**

**THE REGIONAL TRANSPORT OFFICER & ORS -RESPONDENTS**

**REPLY AFFIDAVIT BY THE APPLICANT TO THE ADDITIONAL  
AFFIDAVIT SUBMITTED ON 22/02/2025 IN REJOINDER TO THE  
SAY OF RESPONDENT NO. 4**

**MOST RESPECTFULLY SHOWETH:-**

I, Saiprasad Mangesh Applicant, the Applicant herein, do hereby solemnly affirm and respectfully submit this Additional Affidavit in continuation of and in furtherance to my reply dated 04/01/2025 and additional affidavit submitted on 22/02/2025. Through the said reply, I have elaborated upon the economic, ecological, and legal significance of trees, emphasizing their indispensable role in maintaining environmental equilibrium, their contribution to sustainable development, and the broader public interest implications arising from their destruction. In light of the gravity of the matter and the necessity of placing additional material on record to further substantiate the submissions already made, I am filing this Additional Affidavit to ensure a comprehensive and just adjudication of the issues involved.

1. Preliminary Objections:- The Applicant vehemently opposes the submissions made in the affidavit filed by Respondent No. 4 (MSRDC), as the same is nothing but an attempt to mislead this Hon'ble Tribunal by providing selective, contradictory, and self-serving statements. The affidavit, rather than offering any substantive justification for the

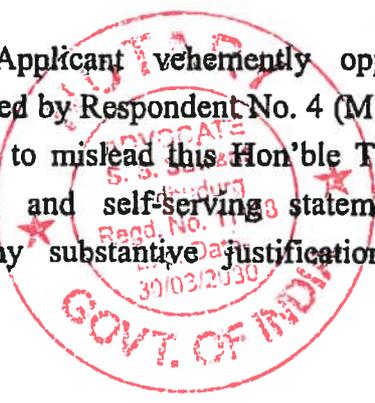
**BEFORE ME**

**S.S. SAWANT**

**B.A.L.L.B**

**ADVOCATE & NOTARY**

Shivaleela C-242J Near Govind  
Chitra Mandir Bhatwadi Sawantwadi  
Tel: Sawantwadi Dist: Sindhudurg



environmental violations committed by MSRDC, serves as an explicit admission of its failure to comply with the binding directions issued by this Hon'ble Tribunal in its Judgment dated 10th September 2014 in O.A. No. 28 of 2014. The said judgment had categorically mandated that compensatory afforestation be carried out under strict supervision and in a manner that ensures ecological balance and environmental sustainability. However, the contents of the affidavit reveal that MSRDC has completely abdicated its statutory responsibility, thereby violating not only the judgment of this Hon'ble Tribunal but also fundamental environmental protection laws.

2. The illegal and abrupt cutting of trees in an Eco-Sensitive Zone (ESZ) without the necessary environmental clearances, regulatory approvals, and adherence to the due process of law is a grave violation of the Environment Protection Act, 1986, the Forest Conservation Act, 1980, and the National Green Tribunal Act, 2010. The principles of sustainable development and the precautionary principle, which form the bedrock of India's environmental jurisprudence, have been blatantly disregarded by MSRDC. The failure of MSRDC to ensure compliance with compensatory afforestation measures as required by law and its collusion with the Concessionaire in facilitating environmental degradation raises serious concerns about its accountability and commitment to environmental protection. This Hon'ble Tribunal, through various landmark judgments, has consistently held that authorities responsible for public infrastructure projects must ensure that all environmental safeguards are strictly implemented. However, in the present case, MSRDC has demonstrated a complete lack of supervision and control, thereby allowing irreversible damage to the environment.

3. The Hon'ble Supreme Court in *T.N. Godavarman Thirumulpad v. Union of India* [(1997) 2 SCC 267] has unequivocally held that the failure to carry out compensatory afforestation is a gross violation of environmental protection laws and attracts liability under the principle of absolute responsibility. MSRDC's admission in its affidavit that it failed to oversee afforestation activities and its apparent indifference towards the destruction of green cover within the ESZ makes it directly liable under this legal principle. The doctrine of absolute responsibility imposes a non-

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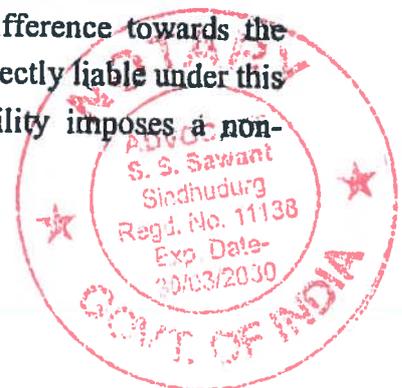
S. S. Sawant

S.S. SAWANT

B.A.L.L.B.

ADVOCATE & NOTARY

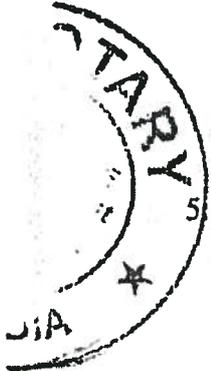
S. S. Sawant, C-242Q Near Govind  
Ch. Mandir Bhalwadi Sawantwadi  
Tal. Sawantwadi, Dist. Sindhudurg



*[Handwritten signature]*

delegable duty on public authorities to prevent environmental harm and to ensure strict compliance with regulatory provisions. The absence of any monitoring mechanism, lack of independent environmental assessments, and failure to enforce compensatory afforestation requirements constitute gross negligence on the part of MSRDC.

4. Additionally, under Section 15 of the *National Green Tribunal Act, 2010*, this Hon'ble Tribunal has the power to grant relief, compensation, and restitution for environmental damage caused due to violations of environmental laws. The large-scale and unauthorized felling of trees, particularly in an ESZ, not only constitutes a violation of statutory provisions but also results in severe ecological harm. The impact of such indiscriminate deforestation is far-reaching, leading to biodiversity loss, disruption of local water cycles, soil erosion, increased air pollution, and irreversible damage to the ecological balance. The Applicant submits that such violations, if left unchecked, will set a dangerous precedent wherein public authorities and project proponents will continue to disregard environmental mandates with impunity.



5. Given the gravity of the violations, the Applicant prays for the immediate intervention of this Hon'ble Tribunal by directing MSRDC to submit a comprehensive report detailing the extent of environmental damage, the current status of compensatory afforestation, and the steps undertaken to mitigate the adverse environmental impact. The Applicant further seeks strict action against MSRDC, including the imposition of exemplary costs for its failure to comply with the Tribunal's orders, as well as an immediate stay on any further tree cutting or land-clearing activities within the ESZ. The Hon'ble Tribunal is urged to uphold the principles of environmental justice by ensuring that MSRDC is held accountable for its legal transgressions and that the affected environment is restored in accordance with the law.

6. Reply to Paragraph 2 of the Additional Affidavit Filed by Respondent No. 4:-The Applicant strongly objects to the misleading and contradictory statements made in Paragraph 2 of the Additional Affidavit filed by Respondent No. 4 (MSRDC). It is evident that the said affidavit has been

BEFORE ME as a mere delaying tactic, without any substantial legal or factual

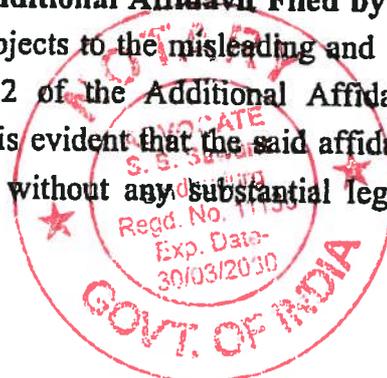
*Sawant*

S.S. SAWANT

B.A.L.L.B.

ADVOCATE & NOTARY

Shivajinagar, C-242Q Near Govind  
Chitra Mandir Sitawadi Sawantwadi  
Tel: Sawantwadi, Dist: Sindhudurg



basis, solely to consume the valuable time of this Hon'ble Tribunal. The Respondent has conveniently chosen to file an Additional Affidavit under the garb of placing additional facts on record, whereas in reality, it is an attempt to introduce alternative and contradictory submissions to cover up its gross dereliction of duty and failure to comply with the binding directions of this Hon'ble Tribunal. Such conduct is not only unbecoming of a public authority but also an abuse of the legal process, aimed at frustrating the due course of justice.

7. It is a matter of grave concern that MSRDC, being a publicly funded entity, is engaging in such blatant disregard for accountability, as the costs of such repeated and baseless submissions are being borne by public funds. It is a settled principle of law that government agencies and public sector undertakings must act in a fair, transparent, and responsible manner, particularly when they are dealing with public resources and taxpayer money. However, the conduct of MSRDC in this case, and specifically the reckless and evasive approach of its Executive Engineer, Mr. Muktesh Wadkar, highlights the systemic apathy prevalent among government officials who operate without fear of consequences. The Hon'ble Supreme Court in *Centre for Public Interest Litigation v. Union of India* [(2012) 3 SCC 1] has categorically held that public authorities are trustees of public funds and must act in a manner that upholds accountability and public interest. The misuse of public resources for filing frivolous affidavits and delaying compliance with judicial orders is a violation of this fundamental duty.

8. Furthermore, the Hon'ble Supreme Court in *Common Cause v. Union of India* [(1996) 6 SCC 530] has emphasized that public servants are bound by the principles of probity and fair play, and their actions must be guided by the public trust doctrine. However, in the present case, the executive officers of MSRDC, who are neither personally liable for the consequences of their actions nor financially affected by the ongoing litigation, have taken the proceedings for granted. This Hon'ble Tribunal must take serious cognizance of the fact that all legal fees, court expenses, and procedural costs for these frivolous submissions are being borne by MSRDC, which in turn is funded by taxpayer money. The officers responsible, including Mr. Muktesh Wadkar, are shielded from any personal liability and thus engage

BEFORE ME

S. S. Sawant

S. S. SAWANT

B.A.L.L.B.

ADVOCATE &amp; NOTARY

Sawantwadi - C-2420 Near Govind  
Chhatrapati Maharaj Bhawadi Sawantwadi  
Tal. Sawantwadi, Dist. Sindhudurg



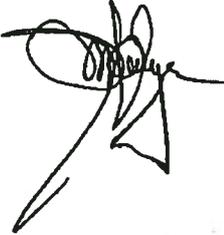
in reckless litigation tactics without any fear of repercussions. This misuse of public office for personal convenience and bureaucratic evasion must be curtailed.

9. Additionally, the Hon'ble Supreme Court in *State of Maharashtra v. Public Concern for Governance Trust* [(2007) 3 SCC 587] has held that public authorities must act in furtherance of the public good and should not resort to procedural manipulations to delay legal proceedings. The present conduct of MSRDC in repeatedly filing affidavits with contradictory statements is a textbook example of how government agencies attempt to evade responsibility by engaging in legal gymnastics. The delay caused by such tactics results in irreparable harm to the environment, frustrates judicial mandates, and weakens public confidence in governance.

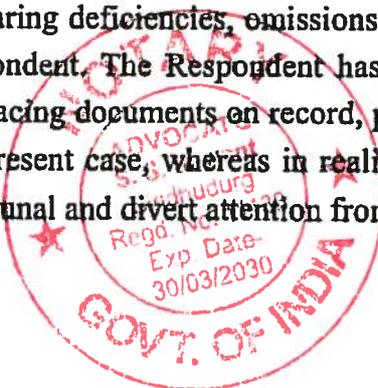
10. In light of the above, the Applicant prays that this Hon'ble Tribunal take strict action against MSRDC for filing an Additional Affidavit without any justifiable reason and direct the concerned officials, including Mr. Muktesh Wadkar, to be held personally accountable for such evasive tactics. The Applicant further prays that this Hon'ble Tribunal issue strong directions to ensure that public funds are not misused in such an arbitrary and irresponsible manner, and that legal costs be recovered from the responsible officers personally, rather than being passed on to MSRDC and, consequently, the public exchequer. Such a measure will serve as a deterrent against future misuse of public office and ensure that government officials discharge their duties with the seriousness and accountability that the law demands.

11. Reply to Paragraph 3 of the Additional Affidavit Filed by Respondent No. 4:- The Applicant vehemently opposes the statements made in Paragraph 3 of the Additional Affidavit filed by Respondent No. 4, as it is nothing more than a conveniently structured attempt to introduce selective and self-serving facts while deliberately suppressing material information that would expose the glaring deficiencies, omissions, and non-compliance on the part of the Respondent. The Respondent has sought to justify its inaction by selectively placing documents on record, purportedly for aiding the adjudication of the present case, whereas in reality, the intention is to mislead this Hon'ble Tribunal and divert attention from its blatant failures.

BEFORE ME

  
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12. It is pertinent to highlight that the duty of a public authority, particularly one funded by taxpayer money, is to act with utmost transparency, accountability, and good faith. However, the conduct of MSRDC in the present matter stands in stark contrast to these fundamental principles. Instead of proactively ensuring compliance with the legal and regulatory framework, the Respondent has indulged in a piecemeal and evasive approach by withholding critical records, thereby violating the well-established legal principle that public authorities must place all relevant materials before the adjudicatory forum in a fair and impartial manner. The Hon'ble Supreme Court in *K.K. Baskaran v. State Rep. by its Secretary* [(2011) 3 SCC 793] has unequivocally held that state instrumentalities must function with fairness and reasonableness and must not engage in selective disclosure that serves their interests at the cost of public trust.

13. Furthermore, the very language used by the Respondent—"It is germane to bring on record certain facts and documents"—itself exposes the intent to cherry-pick information while conveniently omitting documents that would establish its dereliction of duty. The Hon'ble Supreme Court in *Reliance Industries Ltd. v. SEBI* [(2022) 10 SCC 1] has categorically held that incomplete disclosure and selective filing of documents by a public entity amounts to an attempt to suppress material facts and mislead the adjudicatory process, warranting strict judicial scrutiny.

14. It is also relevant to note that the manner in which MSRDC has introduced "additional facts" at this belated stage, without any reasonable justification, is a clear violation of the principles laid down in *S.P. Chengalvaraya Naidu v. Jagannath* [(1994) 1 SCC 1], where the Hon'ble Supreme Court held that "suppression of material facts amounts to fraud on the court." The attempt to introduce selective facts and documents at this stage, while crucial records remain undisclosed, is nothing but a manifestation of mala fide intent.

15. In view of the above, the Applicant prays that this Hon'ble Tribunal direct MSRDC to place the complete set of relevant documents on record, including all communications, reports, and internal assessments, rather than a carefully curated selection that serves the Respondent's interest.

Additionally, the Applicant submits that adverse inference must be drawn

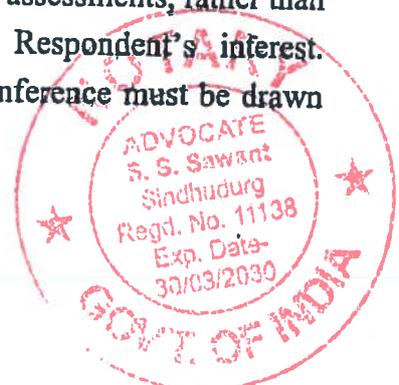
BEFORE ME

  
S. S. SAWANT

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against the Respondent for its deliberate and strategic suppression of facts, in accordance with the well-settled principle laid down in *Kali Ram v. State of Himachal Pradesh* [(1973) 2 SCC 808], where the Hon'ble Supreme Court held that when a party deliberately withholds material evidence, the presumption is that such evidence would be unfavorable to them.

16. The Applicant, therefore, requests this Hon'ble Tribunal to take strict cognizance of the Respondent's conduct, direct the filing of all necessary documents in a complete and transparent manner, and impose exemplary costs on the Respondent for its deliberate attempts to delay and derail the adjudicatory process through selective and misleading disclosures.

17. **Reply to Paragraph 4 of the Additional Affidavit Filed by Respondent No. 4:-** The Applicant strongly refutes the statements made in Paragraph 4 of the Additional Affidavit filed by Respondent No. 4, as it represents yet another calculated attempt to obfuscate the core issue and evade compliance with the directions of this Hon'ble Tribunal. The Respondent's submission is not only vague and ambiguous but also reflective of a clear intent to mislead this Hon'ble Tribunal through incomplete and selective disclosure.

18. It is pertinent to highlight that MSRDC has selectively quoted the Tribunal's order dated 18th December 2024, attempting to portray compliance when, in reality, it has failed to meet the obligations imposed. The Hon'ble Tribunal had categorically directed the Respondent to file a fresh affidavit clarifying whether 44,000 trees had been planted, explicitly excluding lemon grass and bamboo plantations. However, instead of providing a straightforward and transparent response, the Respondent has resorted to evasive tactics, attempting to mask its non-compliance through convoluted justifications.

19. Furthermore, the acknowledgment that bamboo and lemon grass were included in the plantation scheme is a clear admission of non-compliance, as these species do not qualify as trees under compensatory afforestation norms. As per the provisions of the Compensatory Afforestation Fund Act, 2016, afforestation must include species that contribute to biodiversity and

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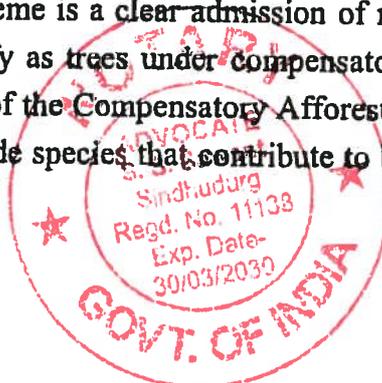
*S.S. Sawant*

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ecological balance. Bamboo and lemon grass do not meet these criteria, and their inclusion in the plantation figures demonstrates a deliberate attempt to inflate the data and mislead this Hon'ble Tribunal. The Hon'ble Supreme Court in *Union of India v. Shiv Raj* [(2014) 6 SCC 564] has unequivocally held that non-compliance with judicial directions, coupled with attempts to obfuscate the issue, constitutes contemptuous conduct warranting strict scrutiny.

20. The Respondent, being a public authority, is duty-bound to ensure complete adherence to judicial orders and maintain absolute transparency in its submissions. However, the manner in which the Respondent has framed its affidavit—without directly addressing whether 44,000 actual trees have been planted, excluding non-qualifying species - raises serious concerns regarding its bona fides. The Hon'ble Supreme Court in *DDA v. Skipper Construction Co. (P) Ltd.* [(1996) 4 SCC 622] has reiterated that any attempt to suppress material facts or mislead the court attracts adverse consequences, including legal action for contempt.



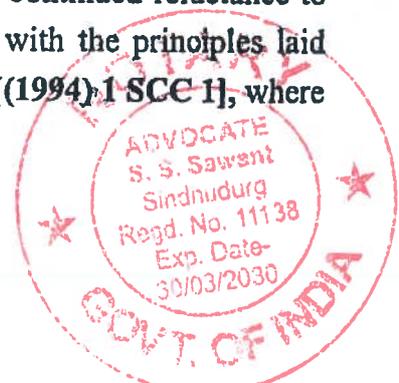
21. Furthermore, the selective nature of the Respondent's submission is evident from the absence of verifiable records, field survey reports, plantation status details, and independent verification mechanisms. The Hon'ble Supreme Court in *A.P. Pollution Control Board v. Prof. M.V. Nayudu* [(1999) 2 SCC 718] has held that environmental compliance cannot be based on mere assertions but must be supported by empirical data and independent verification. In the present case, the Respondent's failure to provide a credible and verifiable confirmation regarding tree plantations necessitates judicial intervention to ensure strict compliance with the Tribunal's order.

22. In light of the above, the Applicant prays that this Hon'ble Tribunal direct the Respondent to place on record the complete and verifiable details of the plantations undertaken, including species-wise breakdown, independent verification reports, and photographic evidence duly authenticated by competent authorities. Additionally, the Applicant submits that an adverse inference be drawn against the Respondent for its continued reluctance to furnish a direct and transparent response, in line with the principles laid down in *S.P. Chengalvaraya Naidu v. Jagannath* [(1994) 1 SCC 1], where

BEFORE ME  
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ADVOCATE & NOTARY

Shivalaya: C-242Q Near Govind  
Chitra Mandir Bhalwadi Sawantwadi  
Tal: Sawantwadi, Dist: Sindhudurg



the Hon'ble Supreme Court held that suppression of material facts amounts to fraud on the court.

23. Accordingly, the Applicant requests this Hon'ble Tribunal to take strict cognizance of the Respondent's non-compliance, direct immediate and verifiable disclosure of plantation data, and impose exemplary costs for deliberate attempts to dilute the Tribunal's directions through evasive and misleading submissions.

24. Reply to Paragraph 4a of the Additional Affidavit Filed by Respondent

No. 4:- 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 had issued clear and binding directions to all Respondents, including the obligation to undertake compensatory afforestation in accordance with established norms. However, the Respondents, particularly MSRDC, have selectively quoted the Tribunal's subsequent order dated 18th December 2024 in an attempt to portray compliance, when in reality, they have failed to meet their obligations. The acknowledgment that bamboo and lemon grass were included in the plantation scheme is a clear admission of non-compliance, as these species do not qualify as trees under compensatory afforestation norms. As per the Compensatory Afforestation Fund Act, 2016, afforestation must consist of species that contribute to biodiversity, ecological balance, and environmental restoration. The plantation of bamboo and lemon grass fails to meet these criteria and constitutes a blatant attempt to circumvent the compensatory afforestation requirements imposed by the said Judgment. Furthermore, compliance under the said Judgment was not limited to mere numerical plantation but mandated the restoration of ecological balance through appropriate tree species. The inclusion of non-tree species is, therefore, a direct violation of both the judicial directives and statutory provisions governing compensatory afforestation. Such misrepresentation amounts to a deliberate attempt to mislead this Hon'ble Tribunal and evade legal obligations. In light of the Respondents' continued non-compliance, I respectfully submit that this Hon'ble Tribunal may direct the Respondents to submit a verifiable and species-wise breakdown of the plantations carried out, excluding non-tree species such as bamboo and lemon grass, along with independent field verification reports. Further, given the

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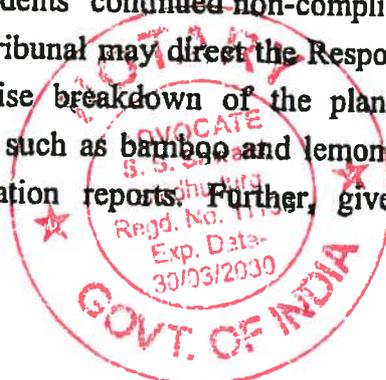
*S.S. Sawant*

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deliberate evasion of judicial orders and the misleading submissions placed on record, I pray that this Hon'ble Tribunal take strict action against the Respondents for failing to comply with the said Judgment and for their attempt to project a false narrative of compliance. The Hon'ble Supreme Court in *M.C. Mehta v. Union of India* [(2004) 12 SCC 118] emphasized the importance of genuine afforestation and the liability of government agencies that fail to execute court-mandated ecological restoration programs. MSRDC's failure to conduct genuine compensatory afforestation is a direct violation of this principle.

**25. Reply to Paragraph 4b of the Additional Affidavit Filed by Respondent**

**No. 4:-** The affidavit acknowledges the Tribunal's direction for compensatory afforestation but fails to demonstrate any concrete compliance. The obligation to deposit Rs. 10 lakh with the Collector's Office, Sindhudurg, has not been properly accounted for, and MSRDC has not produced any verifiable evidence of fund utilization for afforestation purposes. The Respondents have selectively quoted the judgment of the Hon'ble Tribunal dated 10th September 2014 in Original Application No. 28 of 2014 to misrepresent compliance while conveniently omitting critical directives. The relevant portion of the judgment mandates that MSRDC shall carry out compensatory afforestation of 44,000 trees (1:8) in the same area, on the slope in the acquired land or an area near NH No. 17, as per the opinion of the Agricultural University, Dapoli. The judgment further specifies that the work shall be supervised by the Head of the Horticultural Department of Agricultural University, Dapoli, who shall receive an honorarium of Rs. 25,000 per month from MSRDC, which shall not be included in the project cost. Additionally, the MSRDC was directed to deposit Rs. 10 lakh in the Collector's office, Sindhudurg, for executing the afforestation program through the Agricultural University, Dapoli, under the supervision of the designated committee.

26. Despite these explicit directives, Respondent No. 4 (MSRDC) has misinterpreted and misrepresented the scope of compliance. Instead of ensuring that the afforestation cost is borne as an independent obligation of MSRDC, they have attempted to shift the financial burden onto the Concessionaire, in direct contravention of the Hon'ble Tribunal's orders. It is imperative to ascertain whether the cost of tree plantation has been

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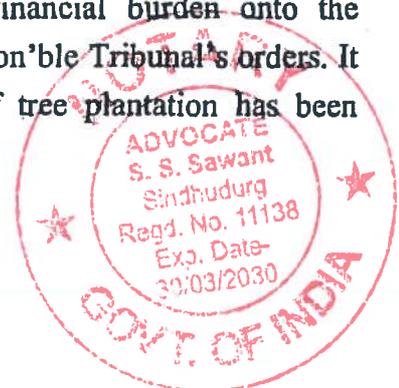
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Tel: Sawantwadi, Dist: Sindhudurg



accounted for under the Change of Scope or any other cost component, as MSRDC has deliberately remained silent on this aspect. The Hon'ble Tribunal is requested to direct Respondent No. 4 to submit a clear affidavit specifying whether the afforestation cost is being covered by MSRDC or if it has been transferred to the Concessionaire in violation of the Tribunal's directives.

27. Moreover, the order required MSRDC to deposit Rs. 10 lakh for afforestation, but to the best knowledge of the Applicant, this amount has been wrongfully paid by the Concessionaire instead of MSRDC. This constitutes a blatant breach of the Hon'ble Tribunal's directives and a contemptuous act, warranting strict penal action against Respondent No. 4. Any attempt to divert financial responsibility onto the Concessionaire not only defeats the purpose of independent afforestation funding but also amounts to misuse of public resources and regulatory fraud. The Hon'ble Tribunal has time and again emphasized that environmental restoration and mitigation measures must be executed in a transparent and accountable manner. In *M.C. Mehta v. Union of India (1987 SCR (1) 819)*, the Hon'ble Supreme Court held that environmental protection measures must not be diluted through administrative manipulation or financial diversions that allow government entities to evade responsibility.

28. The affidavit acknowledges the Tribunal's direction for compensatory afforestation but fails to demonstrate any concrete compliance. The obligation to deposit Rs. 10 lakh with the Collector's Office, Sindhudurg, has not been properly accounted for, and MSRDC has not produced any verifiable evidence of fund utilization for afforestation purposes.

29. Further, the directive regarding afforestation on slopes has been entirely disregarded by Respondent No. 4. Instead of ensuring compliance with scientific and sustainable afforestation techniques, MSRDC Executive Engineer Mr. Muktesh Wankar and Independent Consultant Eng. Kapil, in collusion with the Concessionaire and EPC Contractor Sadbhav Engineering Ltd., has attempted to present a misleading picture of compliance while deliberately violating clear mandates of the Hon'ble Tribunal. This constitutes a fraudulent misrepresentation of environmental

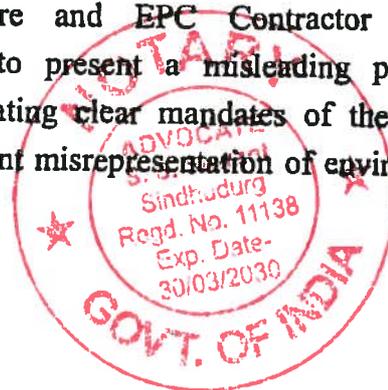
BEFORE ME

  
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ADVOCATE & NOTARY

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Chitra Mandir Bhatwadi Sawantwadi  
Tel: Sawantwadi, Dist: Sindhudurg



compliance and an attempt to undermine the judicial authority of the Tribunal.

30. It is further submitted that the Applicant's independent inspection of 23 other Border Check Posts (BCPs) has revealed a complete absence of tree plantation or green cover, despite express financial provisions for afforestation within the Concessionaire Agreement. This highlights a systematic and deliberate pattern of environmental neglect and corruption, where funds earmarked for afforestation have been misused or diverted, leading to irreparable environmental damage. The Hon'ble Tribunal has in *T.N. Godavarman Thirumulpad v. Union of India & Ors.* [(1997) 2 SCC 267] emphasized that government agencies are duty-bound to ensure compliance with afforestation and conservation mandates, failing which strict action must be taken against the responsible officers. Given the above facts, it is evident that Respondent No. 4 has wilfully violated the Hon'ble Tribunal's orders and colluded with private contractors to circumvent their obligations. The Supreme Court in *Lafarge Umiam Mining Pvt. Ltd. v. Union of India* [(2011) 7 SCC 338] held that failure to ensure afforestation amounts to environmental degradation and necessitates strict action against the violators. The affidavit does not contain proof that MSRDC took necessary steps to ensure the afforestation was done as per the mandated requirements.

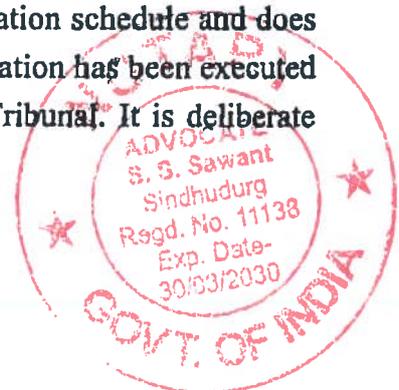
31. The Hon'ble Tribunal has previously demonstrated its commitment to upholding environmental compliance and judicial integrity in cases involving state agencies and large infrastructure projects. The present case presents yet another instance of gross dereliction of duty, collusion, and regulatory fraud, requiring the strictest possible action to uphold the rule of law and ensure environmental justice.

32. Reply to Paragraph 4c of the Additional Affidavit Filed by Respondent No. 4:- The reliance placed by Respondent No. 4 on the letter dated 12th August 2017 from Agricultural University, Dapoli, is entirely misleading and does not constitute evidence of compliance with the Hon'ble Tribunal's directives. The said letter merely prescribes a plantation schedule and does not, in any manner, certify that the required afforestation has been executed in accordance with the directives of the Hon'ble Tribunal. It is deliberate

BEFORE ME

  
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ADVOCATE & NOTARY  
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Chhat Mandir Bhalwad: Sawantwadi



misrepresentation and an attempt to mislead this Hon'ble Tribunal by presenting selective and irrelevant documents that do not establish actual compliance with the binding judgment.

33. It is further submitted that Respondent No. 4, particularly Mr. Muktesh Wadkar, Executive Engineer of MSRDC, has been operating under corrupt practices in collusion with Independent Consultant (IC) Brig. Kapil, to benefit the Concessionaire, MBCPNL, through fraudulent and illegal actions. **The Hon'ble Supreme Court in *Centre for Public Interest Litigation v. Union of India* [(2012) 3 SCC 1]** has held that public officials entrusted with government projects are required to act with the highest standards of integrity and transparency, failing which strict legal action must be taken. However, in the present case, the executive officers have engaged in a systematic collusion to benefit private parties while disregarding the Hon'ble Tribunal's directives.

34. The illegal financial transactions and bribes exchanged between these parties have resulted in the complete non-execution of afforestation works, despite the clear directions of the Hon'ble Tribunal. **The Hon'ble Supreme Court in *Vineet Narain v. Union of India* [(1998) 1 SCC 226]** laid down strict anti-corruption principles, holding that public servants engaging in corrupt practices must face criminal liability. In this case, the actions of MSRDC Executive Engineer Mr. Muktesh Wadkar and Independent Consultant Brig. Kapil have compromised public funds and led to the failure of afforestation efforts, which is not only a violation of environmental laws but also a serious case of public corruption.

35. Furthermore, the Compensatory Afforestation Fund Act, 2016 mandates that funds allocated for afforestation projects must be utilized transparently and effectively for ecological restoration. The failure to plant the required number of trees and the submission of misleading documents is a clear violation of this statutory mandate. **The Hon'ble Supreme Court in *T.N. Godavarman Thirumulpad v. Union of India* [(1997) 2 SCC 267]** has held that compensatory afforestation is an absolute obligation of public authorities, and failure to execute the same attracts strict liability. Therefore, Respondent No. 4's failure to plant trees as directed by the Hon'ble Tribunal, coupled with its reliance on irrelevant documentation,

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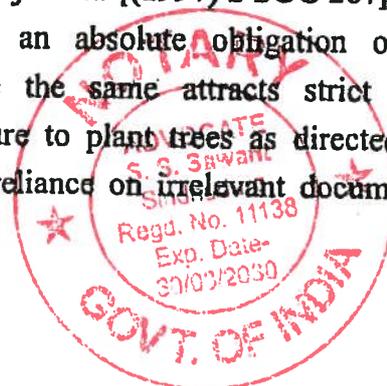
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ADVOCATE & NOTARY

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warrants strict penal action. The deliberate evasion of compliance and corruption in public projects cannot be tolerated, and strict legal action must be initiated to hold the responsible officials accountable.

36. Reply to Paragraph 4d of the Additional Affidavit Filed by Respondent No. 4:- The reliance placed by Respondent No. 4 on the letter dated 12th August 2017 from Agricultural University, Dapoli, is misleading and does not establish compliance with the Hon'ble Tribunal's directives. The said letter merely provides a plantation schedule and does not certify that MSRDC has executed compensatory afforestation as mandated by the Tribunal's judgment dated 10th September 2014. However, the subsequent letter dated 5th July 2019 directly contradicts MSRDC's claims, explicitly stating that 49,197 trees were planted, of which a significant portion consists of bamboo and lemon grass. This is a clear deviation from the mandated requirement of 44,000 trees comprising genuine forest species, as per afforestation norms.

37. It is pertinent to note that the Hon'ble Tribunal, in its order dated 18th December 2024, had categorically directed MSRDC to exclude bamboo and lemon grass while reporting afforestation compliance. However, Respondent No. 4 has attempted to mislead this Hon'ble Tribunal by inflating plantation figures using non-qualifying species, thereby creating a false impression of compliance. Such misrepresentation amounts to contempt of court and a blatant violation of the directives issued by this Hon'ble Tribunal. The Hon'ble Supreme Court in *DDA v. Skipper Construction Co. (P) Ltd.* [(1996) 4 SCC 622] has unequivocally held that government authorities engaging in misleading submissions to evade legal obligations must face strict consequences, including personal liability of responsible officials.

38. Furthermore, MSRDC's conduct reflects a pattern of collusion and corrupt practices between its officers and private contractors. The MSRDC Executive Engineer, Mr. Muktesh Wadkar, in collusion with Independent Consultant (IC) Brig. Kapil and the Concessionaire MBCPNL, has deliberately manipulated afforestation data to benefit the contractor while disregarding the Hon'ble Tribunal's clear directives. This fraudulent misrepresentation constitutes a violation of public trust and misuse of

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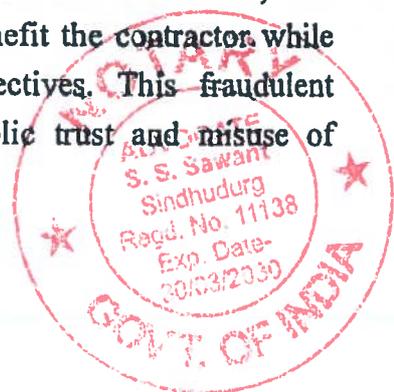
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government authority, warranting strict penal action. The Hon'ble Supreme Court in *Centre for Public Interest Litigation v. Union of India* [(2012) 3 SCC 1] has held that government officers engaging in acts of favoritism, collusion, and financial misappropriation in public projects must be subjected to independent investigation and criminal prosecution.

39. Additionally, the Compensatory Afforestation Fund Act, 2016 mandates that compensatory afforestation must be carried out with ecologically beneficial tree species that restore biodiversity. The inclusion of bamboo and lemon grass not only violates the legal mandate but also defeats the entire purpose of compensatory afforestation, which is intended to compensate for deforestation losses by reintroducing native tree species. The Hon'ble Supreme Court in *T.N. Godavarman Thirumulpad v. Union of India* [(1997) 2 SCC 267] has emphasized that failure to execute compensatory afforestation as per judicial mandates attracts strict liability and penal consequences.

40. The submission of misleading data, financial mismanagement, and outright defiance of the Hon'ble Tribunal's orders must not go unpunished. This Hon'ble Tribunal is requested to take the strictest possible action to uphold the rule of law and prevent further abuse of public resources.

41. Reply to Paragraph 4e of the Additional Affidavit Filed by Respondent No. 4:- The admission by Respondent No. 4 that trees have died due to non-maintenance is a direct acknowledgment of its gross negligence and failure to comply with the binding directives of this Hon'ble Tribunal. This admission exposes the lack of supervision, monitoring, and accountability within MSRDC, making it evident that the afforestation was carried out only as a superficial compliance measure without any genuine intention to restore the lost green cover. The compensatory afforestation mandated by the Hon'ble Tribunal was not merely an obligation to plant trees but also to ensure their maintenance, and long-term ecological benefits. However, the Respondent's failure to maintain the afforested areas has rendered the entire afforestation effort meaningless, amounting to deliberate non-compliance and environmental negligence.

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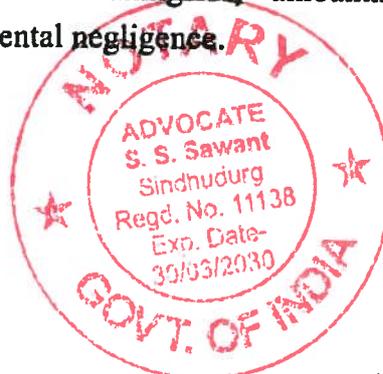


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ADVOCATE & NOTARY

Shivalata, C-242Q Near Govind  
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42. The National Forest Policy, 1988, and the Forest Conservation Act, 1980, categorically mandate that compensatory afforestation efforts must not only replace deforested land with new tree cover but also ensure that the afforested land is scientifically maintained and nurtured until it reaches a self-sustaining stage. The principle of absolute responsibility, as laid down by the Hon'ble Supreme Court in *T.N. Godavarman Thirumulpad v. Union of India* [(1997) 2 SCC 267], imposes a duty upon public authorities to ensure the long-term survival of afforestation efforts. MSRDC's failure to adhere to these fundamental environmental principles, coupled with its admission of tree mortality due to non-maintenance, warrants strict penal action under the NGT Act, 2010, and relevant forest conservation laws.

43. Further, this failure is not an isolated incident but the result of systematic collusion and corrupt practices between MSRDC officials and private entities, including MSRDC Executive Engineer Mr. Muktesh Wadkar and Independent Consultant Brig. Kapil and the Concessionaire MBCPNL, in furtherance of financial gains. Instead of ensuring compliance with the Hon'ble Tribunal's directives, these officials prioritized personal enrichment over environmental responsibility. The complete breakdown of afforestation maintenance indicates not just negligence but a deliberate attempt to defraud the system and siphon off public funds allocated for environmental restoration. The Hon'ble Supreme Court in *Vineet Narain v. Union of India* [(1998) 1 SCC 226] has laid down stringent guidelines for dealing with public corruption, holding that officials misusing their positions for personal gains must be held criminally liable. In the present case, the officials responsible for monitoring afforestation must be subjected to strict legal scrutiny and face personal liability for their actions.

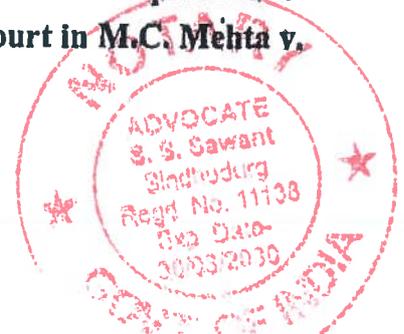
44. Additionally, MSRDC's attempt to deflect responsibility by citing tree mortality due to "non-maintenance" is a feeble excuse designed to evade accountability. The *Compensatory Afforestation Rules, 2016*, places a direct obligation on project proponents and implementing agencies to ensure that afforestation efforts result in sustainable ecological restoration. The failure to maintain afforested land not only violates statutory provisions but also demonstrates a reckless disregard for the public trust doctrine, as recognized by the Hon'ble Supreme Court in *M.C. Mehta v.*

BEFORE ME

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Kamal Nath [(1997) 1 SCC 388], where it was held that natural resources, including forests, are held in trust by the government for the benefit of the people and future generations.

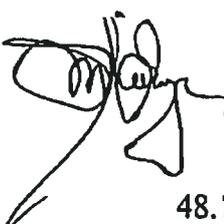
45. Moreover, the contractual obligations placed on the Concessionaire and EPC Contractor Sadbhav Engineering Ltd. to maintain the afforestation efforts have been completely ignored. Instead of ensuring that the afforestation was maintained and scientifically managed, MSRDC, in collusion with these private entities, engaged in a fraudulent cover-up, falsely portraying compliance while allowing afforestation funds to be misused or diverted. The Hon'ble Supreme Court in *Common Cause v. Union of India* [(1996) 6 SCC 530] has held that government authorities cannot escape liability by citing procedural lapses when public interest and environmental protection are at stake. In the present case, MSRDC and its officials cannot be permitted to evade their obligations under the guise of mere "non-maintenance."

46. The reckless disregard for afforestation efforts, financial corruption, and fraudulent misrepresentation of compliance must not be allowed to continue unchecked. The principles of environmental justice and public accountability demand that strict penal action be taken against those responsible for this deliberate failure to protect and restore the environment.

47. Reply to Paragraph 4f of the Additional Affidavit Filed by Respondent No. 4:- The admission by Respondent No. 4 that only 17,279 trees remain at the site after excluding bamboo and lemon grass exposes the deliberate non-compliance and failure to implement the Hon'ble Tribunal's directives in both letter and spirit. The requirement of compensatory afforestation was not limited to mere plantation but included the obligation to ensure survival, maintenance, and ecological sustainability of the planted trees. The sharp decline in tree count due to neglect and lack of supervision by MSRDC is not just a breach of judicial orders but also a serious environmental offense, warranting strict penal action.

48. The Supreme Court in *Indian Council for Enviro-Legal Action v. Union of India* [(1996) 3 SCC 212] unequivocally held that failure to

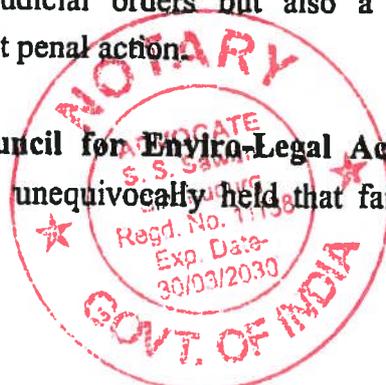
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Tal. Sawantwadi Dist. Sindh Durg



maintain compensatory afforestation is an environmental offense, attracting liability under the Environment (Protection) Act, 1986. This ruling establishes that compensatory afforestation is not a procedural formality but a legally binding obligation under environmental laws, and any lapse in ensuring the survival of afforested species constitutes an actionable violation of the law. The failure of MSRDC to maintain afforestation efforts despite clear judicial mandates makes it liable under Section 15 of the Environment (Protection) Act, 1986, which prescribes both monetary penalties and imprisonment for non-compliance with environmental directives.

49. Furthermore, the large-scale mortality of trees, resulting in the survival of only 17,279 trees from the mandated 44,000, demonstrates the reckless disregard of MSRDC officials, including MSRDC Executive Engineer Mr. Muktesh Wadkar and Independent Consultant Brig. Kapil. Instead of ensuring compliance, these officials colluded with the Concessionaire MBCPNL and EPC Contractor Sadbhav Engineering Ltd. to fabricate compliance reports while completely ignoring ground-level afforestation requirements. The Supreme Court in *T.N. Godavarman Thirumulpad v. Union of India* [(1997) 2 SCC 267] has held that state authorities and public officials must be held accountable for failures in afforestation programs, as such lapses directly contribute to ecological degradation and loss of biodiversity. In the present case, the dishonesty in reporting and the deliberate attempt to suppress critical afforestation failures constitute a fraud on this Hon'ble Tribunal

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50. Additionally, MSRDC's failure to maintain afforestation efforts violates its obligations under the Compensatory Afforestation Fund Act, 2016, which mandates not just plantation but also post-plantation care, monitoring, and survival of compensatory afforestation species. The deliberate omission of survival details, failure to implement replantation programs, and the lack of scientific afforestation measures constitute violations of both statutory and judicial mandates. The Hon'ble Supreme Court in *M.C. Mehta v. Kamal Nath* [(1997) 1 SCC 388] reiterated that environmental resources, including forests, must be protected under the public trust doctrine, and any failure by government agencies in safeguarding afforested lands must be viewed as direct breach of public duty.

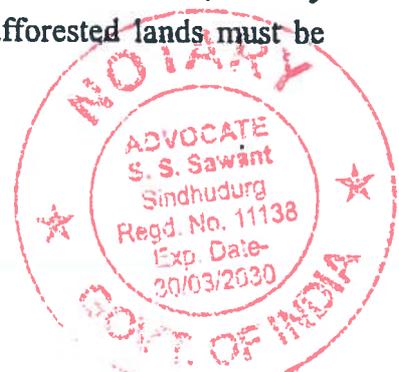
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51. Further, the fact that the surviving trees constitute less than 40% of the mandated afforestation target necessitates a forensic audit of the afforestation funds allocated for the project. The pattern of misreporting, financial irregularities, and failure to ensure afforestation survival suggests that public funds meant for compensatory afforestation have been misappropriated. The Supreme Court in *Centre for Public Interest Litigation v. Union of India* [(2012) 3 SCC 1] has emphasized that public authorities handling environmental projects must ensure complete transparency and must not divert funds allocated for conservation purposes. However, in the present case, MSRDC's failure to maintain afforestation efforts, combined with the large-scale mortality of trees, strongly indicates misuse of funds and regulatory fraud.

52. The failure to maintain compensatory afforestation is a serious environmental crime, and the officials responsible for this large-scale negligence must be held personally accountable. This Hon'ble Tribunal is urged to take the strictest possible action to ensure compliance with environmental mandates and prevent further manipulation of judicial directives.

53. Reply to Paragraph 4g of the Additional Affidavit Filed by Respondent No. 4:- The brazen admission by Respondent No. 4 under oath that it has failed to maintain the compensatory afforestation efforts is nothing short of contemptuous conduct, exposing a deep-rooted nexus of corruption between MSRDC officials and private contractors. This failure is not due to unforeseen circumstances or genuine operational constraints but is a deliberate, well-planned conspiracy hatched by Executive Engineer Mr. Muktesh Wadkar, Independent Consultant (IC) Brig. Kapil, Concessionaire MBCPNL, and EPC Contractor Sadbhav Engineering Ltd. (SEL) to manipulate environmental compliance, evade financial liabilities, and defraud public funds.

54. Despite clear opposition from the Applicant, who persistently highlighted non-compliance with afforestation mandates, MSRDC Executive Engineer Mr. Muktesh Wadkar and Independent Consultant Brig. Kapil unlawfully granted the Certificate of Completion (COD) to MBCPNL, knowing fully well that afforestation obligations had not been met. The moment the COD

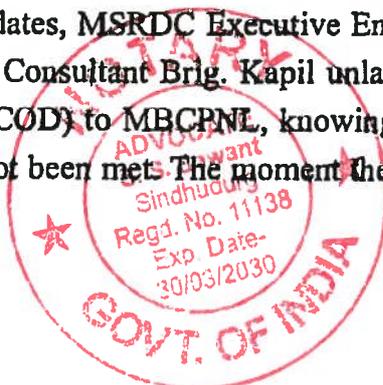
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was secured, all plantation maintenance activities were halted, proving that the afforestation program was never intended to be a genuine ecological initiative but merely procedural eyewash orchestrated to obtain regulatory approvals. This fraudulent scheme amounts to criminal misconduct under the Prevention of Corruption Act, 1988, and necessitates immediate legal action against all responsible officials.

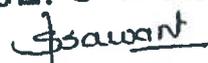
55. What is even more scandalous is the audacity of MSRDC to now propose appointing yet another agency for afforestation while blatantly stating that the monetary compensation for this will be borne by MSRDC, a publicly funded entity. This submission is nothing but an open declaration that MSRDC is willing to misuse taxpayer money to shield private contractors from their rightful liabilities. The Hon'ble Supreme Court in *Centre for Public Interest Litigation v. Union of India* [(2012) 3 SCC 1] has categorically held that government officials who misuse their authority to divert public funds for private gain must be held personally accountable, both financially and criminally. In the present case, MSRDC's willingness to recklessly spend public funds instead of recovering the costs from MBCPNL proves beyond doubt that its officials are acting as facilitators of corruption rather than protectors of public interest.

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56. Furthermore, this is a Build-Operate-Transfer (BOT) project, and under no circumstances should the burden of afforestation maintenance fall upon the public exchequer. The Concessionaire, MBCPNL, is contractually obligated to bear these costs, yet due to the corrupt nexus between MSRDC Executive Engineer Mr. Muktesh Wadkar and Independent Consultant Brig. Kapil and MBCPNL, MSRDC is now deliberately ignoring its duty to recover these expenses. The Hon'ble Supreme Court in *Vineet Narain v. Union of India* [(1998) 1 SCC 226] has held that corrupt government officials who collude with private entities to misappropriate public funds must face strict criminal prosecution. Here, there is overwhelming evidence that MSRDC Executive Engineer Mr. Muktesh Wadkar and Independent Consultant Brig. Kapil have abused their official positions, engaged in bribery, and manipulated regulatory processes to benefit MBCPNL and SEL, all at the cost of environmental destruction and financial loss to the state.



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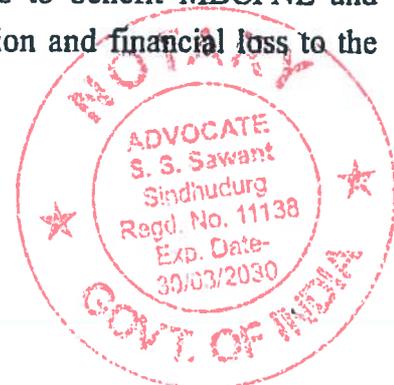


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57. The Applicant further submits that this collusion is not limited to the present case but is part of a larger systemic corruption within MSRDC, where government officials routinely act as middlemen for private contractors, ensuring regulatory approvals in exchange for illegal financial gains. The shamelessness of this entire exercise is evident from the fact that despite public outcry, clear judicial directives, and environmental damage, MSRDC officials continue to defend the indefensible by making submissions that openly justify their misuse of public funds. The pattern of corruption, granting COD despite non-compliance, halting maintenance immediately after COD, and now proposing that taxpayers bear the cost of rectification, is a direct violation of the public trust doctrine, as recognized in *M.C. Mehta v. Kamal Nath* [(1997) 1 SCC 388], wherein the Hon'ble Supreme Court held that government officials cannot act as agents of private interests to the detriment of public resources and environmental protection.

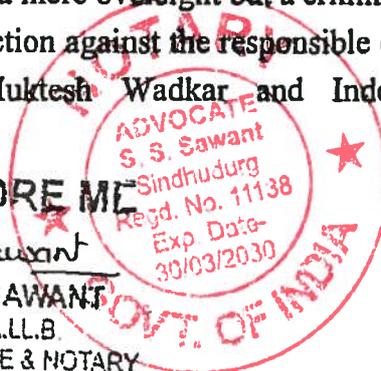
58. The scale of corruption, manipulation, and blatant disregard for judicial directives in this case demands nothing less than the strongest legal and financial repercussions. This Hon'ble Tribunal must set an unambiguous precedent that government officials who engage in such fraudulent practices will be held accountable not just administratively but also criminally. Anything less would embolden further corruption and environmental destruction under the guise of regulatory compliance.

59. Reply to Paragraph 5a of the Additional Affidavit Filed by Respondent No. 4:- The admission by Respondent No. 4 that only 17,297 trees remain at the site out of the mandated 45,000 trees is a damning acknowledgment of gross negligence, deliberate non-compliance, and reckless disregard for environmental obligations. This means that over 28,000 trees have been lost due to the failure of MSRDC and its officials specifically MSRDC Executive Engineer Mr. Muktesh Wadkar and Independent Consultant Brig. Kapil to fulfill their legal and judicial responsibilities. Such large-scale environmental destruction is not a mere oversight but a criminal act of negligence, warranting severe penal action against the responsible officials, specifically Executive Engineer Muktesh Wadkar and Independent Consultant Brig. Kapil.

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60. The Hon'ble Supreme Court in *T.N. Godavarman Thirumulpad v. Union of India* [(1997) 2 SCC 267] has clearly held that failure to implement and maintain compensatory afforestation amounts to a serious environmental offense, attracting strict liability upon the implementing agencies and individuals responsible. Further, in *Indian Council for Enviro-Legal Action v. Union of India* [(1996) 3 SCC 212], the Supreme Court ruled that deliberate non-compliance with afforestation mandates is punishable under the Environment (Protection) Act, 1986. Here, the death of 28,000 trees is not just an environmental offense but an act of institutionalized negligence, facilitated by a corrupt nexus between MSRDC officials and the Concessionaire.

61. The Applicant has been continuously following up with MSRDC on a weekly basis, raising concerns over the deteriorating condition of the plantations, yet the officials have willfully ignored these warnings with the impression that they are untouchable by any regulatory agency or the judiciary. This arrogant and reckless approach has directly resulted in the destruction of afforested land, making MSRDC Executive Engineer Mr. Muktesh Wadkar and Independent Consultant Brig. Kapil personally liable for the environmental damage. The Hon'ble Supreme Court in *M.C. Mehta v. Kamal Nath* [(1997) 1 SCC 388] has emphasized that public officials cannot treat environmental obligations as a mere formality and that destruction of ecological assets due to negligence amounts to a violation of the public trust doctrine, warranting strict personal liability.

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62. Further, the complete disregard for judicial mandates by these officials is reflective of a larger pattern of corruption and mismanagement within MSRDC, where regulatory oversight is manipulated, funds are misappropriated, and judicial directives are ignored with impunity. This Hon'ble Tribunal has issued clear and binding directives on the afforestation program, yet MSRDC specifically MSRDC Executive Engineer Mr. Muktesh Wadkar and Independent Consultant Brig. Kapil has acted as though it is beyond legal accountability. This case is a textbook example of government officials misusing their positions to facilitate environmental violations, favor private contractors, and evade liability.



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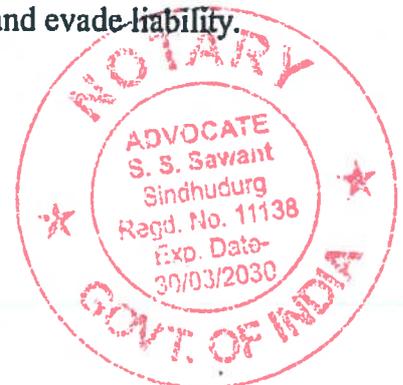
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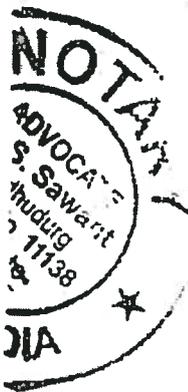
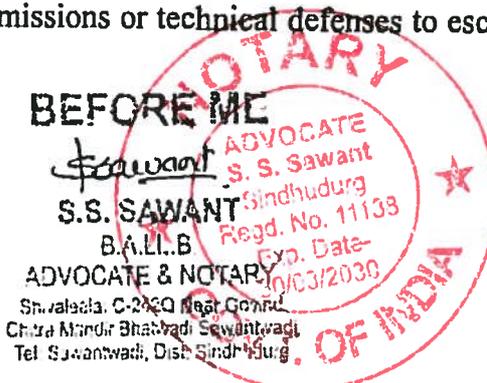
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63. The deliberate killing of 28,000 trees is an environmental crime of the highest order, and those responsible must be held personally accountable. This Hon'ble Tribunal must ensure that public officials are not allowed to act with impunity and that such reckless destruction of afforested land is met with the strictest legal consequences.

64. **Reply to Paragraph 6a of the Additional Affidavit Filed by Respondent No. 4:-** The assertion by Respondent No. 4 that the Applicant's Rejoinder Affidavit dated 5th February 2025 attempts to "increase the scope" of the present proceedings is a blatant misrepresentation, a desperate attempt to mislead this Hon'ble Tribunal, and an effort to shield its blatant non-compliance with the judgment dated 10th September 2014 in OA No. 28 of 2014. This submission is nothing more than a deliberate diversionary tactic to shift attention away from the irrefutable fact that Respondent No: 4 has failed to meet its binding legal obligations, despite multiple opportunities and explicit directives issued by this Hon'ble Tribunal. The claim that the Applicant is attempting to "increase the scope of proceedings" is baseless. The Applicant is merely ensuring that the Tribunal's order is executed in full compliance. The *Polluter Pays Principle* as upheld in *Vellore Citizens' Welfare Forum v. Union of India* [(1996) 5 SCC 647] mandates that MSRDC must be held liable for non-compliance with afforestation requirements.

65. The fundamental purpose of an execution application is to ensure that judicial mandates are enforced in their entirety. Respondent No. 4 is now attempting to evade the consequences of its willful disobedience by making baseless claims about the scope of the proceedings, rather than demonstrating substantive compliance with the Hon'ble Tribunal's judgment. The mere act of filing an affidavit does not constitute compliance, nor does it absolve Respondent No. 4 of its obligation to execute the Tribunal's directives in a lawful and transparent manner. The Hon'ble Supreme Court in *K.K. Bisikaran v. State Rep. by its Secretary* [(2011) 3 SCC 793] has categorically held that state instrumentalities cannot rely on procedural submissions or technical defenses to escape their substantive legal obligations.

66. Furthermore, the claim that the Tribunal has taken cognizance of the affidavit filed by Respondent No. 4 does not in any way validate its contents or confirm that compliance has been achieved. The Hon'ble Supreme Court in *DDA v. Skipper Construction Co. (P) Ltd.* [(1996) 4 SCC 622] has held that merely placing an affidavit on record does not amount to its acceptance by the court, especially when the affidavit is found to contain misleading, evasive, or contradictory statements. In the present case, Respondent No. 4 has engaged in a systematic attempt to create the illusion of compliance while failing to meet even the basic requirements of afforestation maintenance, tree survival, and financial accountability.

67. The Applicant's Rejoinder Affidavit does not "increase the scope" of the proceedings but rather exposes the fact that Respondent No. 4 has knowingly and deliberately violated the Hon'ble Tribunal's directives, failed to maintain compensatory afforestation, and engaged in procedural manipulation to evade liability. If anyone has attempted to distort the scope of the case, it is Respondent No. 4 itself, which has failed to comply with specific orders and has instead attempted to dilute its obligations through repeated evasive submissions and selective misinterpretation of judicial orders. The Hon'ble Supreme Court in *M.C. Mehta v. Kamal Nath* [(1997) 1 SCC 388] has reaffirmed that government agencies entrusted with environmental obligations must act as trustees of natural resources and that failure to comply with judicial mandates must be met with strict consequences.

68. Additionally, Respondent No. 4 has engaged in deliberate suppression of facts and procedural manipulation to protect its corrupt nexus with the Concessionaire, MBCPNL, and EPC Contractor, Sadbhav Engineering Ltd. (SEL). The complete failure to maintain compensatory afforestation, despite clear judicial mandates and repeated follow-ups by the Applicant, is not due to mere administrative lapses but is a direct result of collusion between MSRD officials, particularly MSRD Executive Engineer Mr. Muktesh Wadkar and Independent Consultant Brig. Kapil, who have facilitated financial and regulatory fraud to shield private contractors from their legal obligations. The Hon'ble Supreme Court in *Centre for Public Interest Litigation v. Union of India* [(2012) 3 SCC 1] has categorically held that public officials who misuse their authority to facilitate regulatory

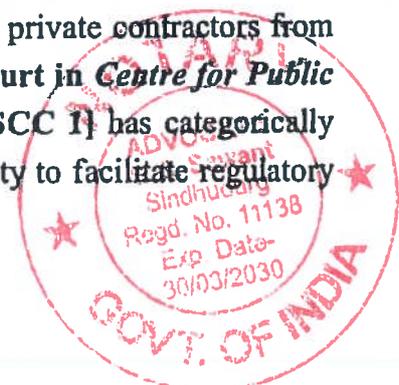
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fraud and financial misconduct must be held personally accountable and subjected to strict legal scrutiny.

69. This Hon'ble Tribunal must also take serious note of the reckless impunity with which Respondent No. 4 has treated judicial directives, ignoring explicit orders regarding afforestation compliance while attempting to deflect blame through procedural misdirection. The judicial system cannot function effectively if state agencies are allowed to evade enforcement of binding judgments through frivolous and misleading procedural submissions. The Hon'ble Supreme Court in *All India Judges' Association v. Union of India* [(2002) 4 SCC 247] has emphasized that court orders are binding and must be implemented in letter and spirit, and non-compliance, particularly by government authorities, must be met with strict penal consequences.

70. The brazen non-compliance by Respondent No. 4, coupled with its repeated attempts to mislead this Hon'ble Tribunal, warrants the strictest possible legal consequences. This Hon'ble Tribunal must ensure that judicial directives are not treated as mere suggestions by state agencies but as binding legal obligations that cannot be circumvented through procedural deception. The officers responsible for violating environmental laws and misusing public funds must be held personally liable, ensuring that such misconduct is met with the full force of law.

71. Reply to Paragraph 6b of the Additional Affidavit Filed by Respondent No. 4:- The submission by Respondent No. 4 that it has complied with Direction No. (iv) of the Hon'ble Tribunal's judgment dated 10th September 2014, as clarified in compliance with the Order dated 18th December 2024, is nothing more than an attempt to mislead this Hon'ble Tribunal with vague and evasive assertions, lacking any verifiable data or independent confirmation. The mere act of stating compliance does not absolve Respondent No. 4 from its legal responsibility to demonstrate actual, tangible, and scientifically verifiable compliance on the ground.

72. Despite multiple directives, Respondent No. 4 has failed to provide conclusive evidence establishing that compensatory afforestation was carried out in the manner prescribed by the Hon'ble Tribunal. The

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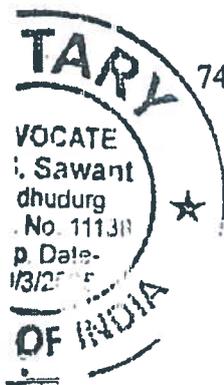
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Applicant's Rejoinder Affidavit categorically exposes that the afforestation carried out is grossly deficient, both in numbers and in the type of plantation, as a significant portion consists of non-qualifying species such as bamboo and lemon grass, which do not meet the mandatory afforestation requirements. The Hon'ble Supreme Court in **Indian Council for Enviro-Legal Action v. Union of India [(1996) 3 SCC 212]** has clearly held that failure to maintain compensatory afforestation in accordance with judicial mandates amounts to an environmental offense, attracting liability under the Environment (Protection) Act, 1986.

73. Moreover, the attempt by Respondent No. 4 to use general and non-specific statements to suggest compliance is a clear violation of the principle laid down in **T.N. Godavarman Thirumulpad v. Union of India [(1997) 2 SCC 267]**, where the Hon'ble Supreme Court categorically held that compliance with afforestation directives cannot be measured in mere numbers but must be assessed based on actual ecological restoration, biodiversity enhancement, and the long-term sustainability of the planted species. In this case, Respondent No. 4's afforestation efforts have been exposed as a farce, with large-scale mortality of trees, failure to plant native forest species, and a deliberate cover-up of these failures through selective misrepresentation of compliance records.



74. Further, Respondent No. 4 has conveniently ignored the fact that the Hon'ble Tribunal had categorically directed afforestation to be carried out on slopes and within the designated area, in consultation with the Agricultural University, Dapoli. However, the execution has been in blatant violation of this requirement, as the plantations have neither been carried out in the designated manner nor monitored effectively to ensure survival. Instead, Respondent No. 4, in collusion with MSRDC Executive Engineer Mr. Muktesh Wadkar and Independent Consultant Brig. Kapil, has deliberately manipulated afforestation data to create a false narrative of compliance while failing to meet the core objectives of the Tribunal's order.

75. The deliberate misreporting, non-compliance, and blatant disregard for judicial directives by Respondent No. 4 necessitate the strictest legal action.

The Hon'ble Tribunal must ensure that government agencies and their

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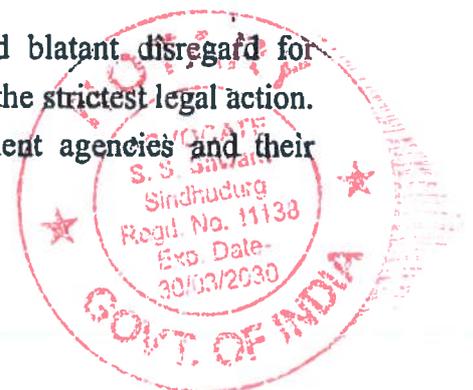
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officials do not treat compensatory afforestation as a procedural formality but as a binding environmental responsibility that must be executed in its true spirit.

76. Reply to Paragraph 7 of the Additional Affidavit Filed by Respondent No. 4:- The claim by Respondent No. 4 that it has "duly complied" with the Hon'ble Tribunal's judgment dated 10th September 2014 is not only factually incorrect but also an attempt to defraud this Hon'ble Tribunal by concealing material facts and presenting misleading assertions. The affidavit submitted by Respondent No. 4 itself contains multiple admissions that expose large-scale non-compliance, negligence, and misrepresentation, proving that the Tribunal's orders have been blatantly violated. The fundamental duty of government servants, as trustees of public resources, is to act with transparency, accountability, and in strict adherence to judicial mandates. However, in this case, MSRDC officials, particularly MSRDC Executive Engineer Mr. Muktesh Wadkar and Independent Consultant Brig. Kapil, have acted with deliberate disregard for their legal responsibilities, instead facilitating corruption and colluding with private contractors to manipulate compliance records.

77. It is a settled principle of law that public officials are not merely administrative functionaries but fiduciaries of public trust, duty-bound to act in furtherance of the public good rather than private interests. The Hon'ble Supreme Court in *M.C. Mehta v. Kamal Nath* [(1997) 1 SCC 388] held that government officials responsible for environmental protection must be held personally liable if their actions result in ecological destruction or the mismanagement of environmental resources. In the present case, Respondent No. 4's conduct amounts to a complete abdication of duty, gross dereliction of responsibility, and active participation in fraudulent misrepresentation. The following undeniable facts establish that there has been no compliance with the Hon'ble Tribunal's judgment:-

A. **Lack of Effective Supervision:** Respondent No. 4, as the implementing body, was duty-bound to ensure strict oversight and monitoring of the afforestation program. However, its own affidavit admits that tree mortality has occurred due to non-maintenance, which conclusively proves that no effective supervision was carried out. This violation is in

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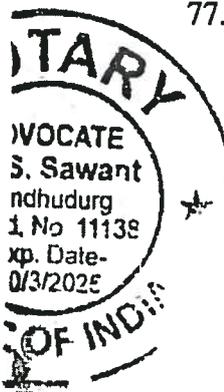
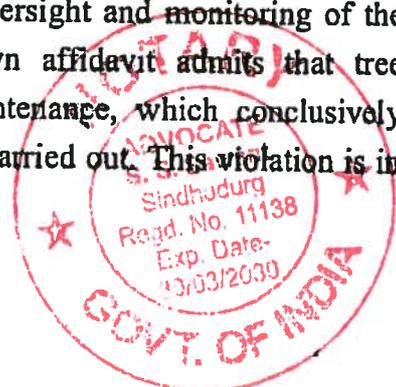
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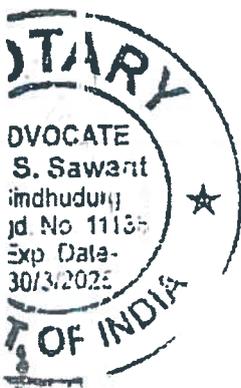
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direct contravention of the Hon'ble Supreme Court's ruling in *T.N. Godavarman Thirumulpad v. Union of India* [(1997) 2 SCC 267], where it was held that afforestation efforts must not only be carried out but also monitored and maintained to ensure long-term ecological benefits. The failure of MSRDC to monitor the afforestation program renders the claim of "due compliance" completely false.

**B. Misrepresentation of Afforestation Species:** The affidavit itself reveals that a significant portion of the plantation consisted of bamboo and lemon grass, which do not qualify as tree species under compensatory afforestation norms. The Hon'ble Tribunal had explicitly directed that 44,000 trees be planted, yet Respondent No. 4 has fraudulently included non-tree species to inflate compliance figures. **The Hon'ble Supreme Court in Indian Council for Enviro-Legal Action v. Union of India** [(1996) 3 SCC 212] has held that failure to conduct afforestation as per judicial directives constitutes an environmental offense under the Environment (Protection) Act, 1986. This deliberate manipulation of compliance data is nothing short of an act of fraud upon this Hon'ble Tribunal.

**C. Non-Maintenance of Afforestation, Leading to Tree Mortality:** The admission that over 28,000 trees have died due to non-maintenance further exposes the complete failure of Respondent No. 4 to fulfill its environmental obligations. The very purpose of compensatory afforestation is to ensure ecological restoration, which is rendered meaningless if the planted trees do not survive. **The Hon'ble Supreme Court in M.C. Mehta v. Kamal Nath** [(1997) 1 SCC 388] has held that failure to protect afforested land amounts to a violation of the public trust doctrine, warranting strict legal action against the responsible authorities. Here, MSRDC's willful inaction and deliberate refusal to maintain afforestation efforts despite having allocated funds amounts to an environmental crime, making its officials personally liable.

**D. Failure to Plant 44,000 Trees as Mandated:** The most fundamental requirement of the Hon'ble Tribunal's judgment was the plantation of 44,000 trees. However, the affidavit itself proves that this requirement was never met, and a substantial number of the alleged plantations were



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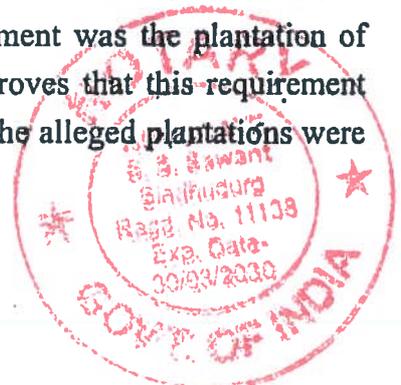
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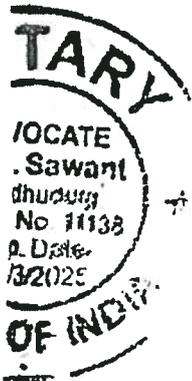


non-qualifying species. This directly contradicts Respondent No. 4's claim of compliance and constitutes a material breach of judicial directives. The Hon'ble Supreme Court in **DDA v. Skipper Construction Co. (P) Ltd. [(1996) 4 SCC 622]** has held that government entities submitting misleading affidavits to evade their legal obligations must be subjected to strict judicial scrutiny and penal action.

**E. Responsibility of Government Officials:-** The actions of MSRDC officials, particularly MSRDC Executive Engineer Mr. Muktesh Wadkar and IC Brig. Kapil, are not only administrative failures but also acts of deliberate corruption and collusion with private contractors to evade legal responsibilities. It is a settled principle that government officials must act in good faith to uphold the rule of law and public accountability. However, in this case, these officials have engaged in:

- Misrepresentation of compliance data to secure wrongful approvals.
- Deliberate neglect of afforestation maintenance despite judicial directives.
- Collusion with MBCPNL and SEL to protect them from financial liability at the cost of public funds.
- Manipulation of regulatory processes to enable the wrongful issuance of the Certificate of Completion (COD).

**F. The Hon'ble Supreme Court in Vineet Narain v. Union of India [(1998) 1 SCC 226]** has categorically held that government officials engaging in corruption, abuse of public office, and dereliction of duty must face strict legal consequences, including criminal prosecution under the Prevention of Corruption Act, 1988. In the present case, the acts of MSRDC Executive Engineer Mr. Muktesh Wadkar and IC Brig. Kapil not only violate environmental laws but also constitute offenses of fraud, criminal breach of trust, and abuse of public office, warranting immediate legal action.



**78. SUBMISSIONS ON THE DELIBERATE NON-COMPLIANCE, CORRUPTION, AND NEGLIGENCE BY MSRDC OFFICIALS**

**A. Gross Dereliction of Duty and Corrupt Practices of MSRDC Officials:-** The Applicant seeks to bring to the urgent attention of this

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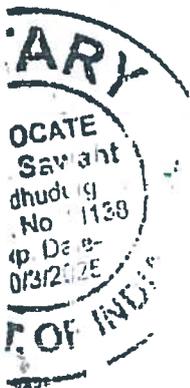
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Hon'ble Tribunal the blatant misconduct, corruption, and deliberate non-compliance of MSRDC Executive Engineer Mr. Muktesh Wadkar and Independent Consultant Brig. Kapil, who were appointed with the specific duty of overseeing the project's financial and environmental compliance. These officials were entrusted with supervisory responsibilities, for which substantial fees were paid from public funds. Instead of ensuring that the environmental and financial obligations under the Concessionaire Agreement were met, they actively facilitated regulatory violations, corruption, and fraudulent documentation. It has been proven beyond doubt that MSRDC Executive Engineer Mr. Muktesh Wadkar and IC Brig. Kapil, under heavy bribery and undue influence, colluded with the Concessionaire MBCPNL to minimize project scope, manipulate afforestation responsibilities, and issue fraudulent certificates, all while ensuring that the financial liability or concession period of MBCPNL remained unaffected. This constitutes a grave breach of fiduciary duty and corruption under the Prevention of Corruption Act, 1988. **The Hon'ble Supreme Court in *Vineet Narain v. Union of India* [(1998) 1 SCC 226]** has held that public officials who misuse their authority for personal gains or to benefit private entities must be subjected to the strictest legal scrutiny and punished accordingly.

**B. Fraudulent Issuance of Royalty Exemption and Completion Certificates:-** It is further submitted that fake Royalty Exemption Certificates and Completion of Work (COD) certificates were issued with the full knowledge and direct involvement of MSRDC Executive Engineer Mr. Muktesh Wadkar and IC Brig. Kapil. These fraudulent acts were committed despite repeated objections by the Applicant and multiple complaints regarding non-compliance with afforestation and financial obligations. The issuance of these fake certificates is not just a breach of contract but an act of regulatory fraud, amounting to forgery and conspiracy under Sections 420, 468, and 471 of the Indian Penal Code, 1860. **The Hon'ble Supreme Court in *DDA v. Skipper Construction Co. (P) Ltd.* [(1996) 4 SCC 622]** has ruled that government agencies and officials cannot escape liability by citing procedural formalities when clear fraud and misrepresentation have been committed. In the present case, MSRDC officials knowingly issued false



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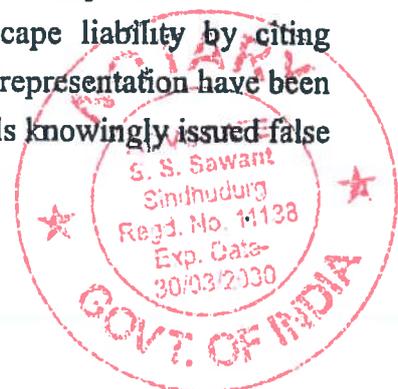
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certificates, which had a direct impact on the project's legal and financial framework, causing severe environmental damage.

**C. Neglect of Post-COD Monitoring and Lack of Supervision:-** The Applicant humbly pray to the Hon'ble Tribunal to seek clarification from MSRDC Executive Engineer Mr. Muktesh Wadkar as to how many times he visited the Insuli site after issuing the COD certificate to inspect the maintenance of afforestation efforts. The COD was issued in October 2022, yet no communication regarding plantation maintenance was made until 02/04/2024, and only later by the RTO on 14/02/2025. This raises serious concerns about the deliberate negligence of responsible authorities who failed to fulfill their legal duty for nearly two years. The complete absence of oversight during this period demonstrates that Respondents had no genuine intention to comply with the Hon'ble Tribunal's directives and merely engaged in procedural formalities to create a facade of compliance. The Hon'ble Supreme Court in *T.N. Godavarman Thirumulpad v. Union of India* [(1997) 2 SCC 267] has emphasized that environmental restoration is not a mere procedural obligation but a substantive legal requirement, and failure to ensure proper monitoring and maintenance attracts strict liability. Further, the Applicant has documentary proof that this Applicant and the subcontractor SBPL had been continuously writing emails regarding non-maintenance of the plantation, and the Applicant had sent numerous letters requesting intervention, all of which were ignored by the Respondents. The fact that no reply was made to any of these communications shows the Respondents' absolute disregard for environmental protection and legal compliance.

**D. Exploitation of Corporate Influence and Suppression of Complaints:-** The Respondents have exploited their association with Adani Enterprises to operate with impunity, behaving as if they are beyond judicial scrutiny. Their conduct reflects an attitude that Government officials and contractors aligned with powerful corporations can manipulate regulatory frameworks, ignore judicial orders, and suppress complaints without facing consequences. The Hon'ble Supreme Court in *State of Gujarat v. Mirzapur Moti Kureshi Kassab* [(2005) 8 SCC 534] has observed that justice cannot be made a

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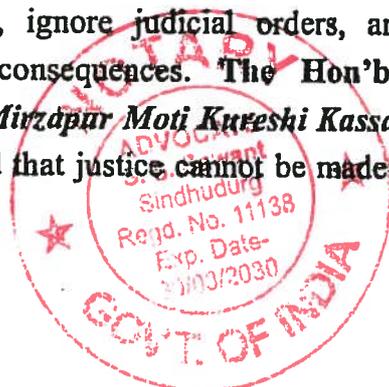
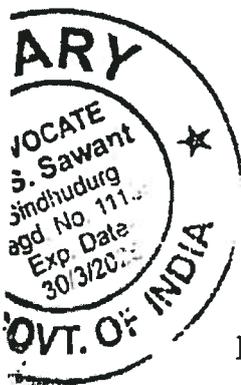
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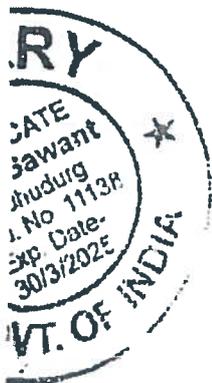


commodity available only to the wealthy and influential, and that regulatory authorities must act with fairness, transparency, and accountability. In the present case, the Respondents have used their corporate affiliations to obstruct environmental compliance, evade financial liabilities, and intimidate those seeking justice. It is respectfully submitted that if government officials continue to abuse their power in this manner, then the very foundation of the judicial system is threatened. The Hon'ble Supreme Court has already underlined that access to justice has become increasingly difficult for the common man, and if judicial institutions do not take a firm stand against such misconduct, it will reinforce the perception that the judiciary serves only the elite and powerful.

**E. Demand for Accountability and Imposition of Strict Penalties:-**

Considering the above facts, the Applicant humbly requests this Hon'ble Tribunal to:

- i. Summon MSRDC Executive Engineer Mr. Muktesh Wadkar and IC Brig. Kapil to provide an official explanation regarding their role in issuing fraudulent COD and royalty exemption certificates, their visits to the Insuli site post-COD, and their failure to monitor afforestation efforts.
- ii. Direct MSRDC Executive Engineer Mr. Muktesh Wadkar and IC Brig. Kapil and other Respondents to submit provisions and present status of the plantation and green area in other 23 border Check Post all over Maharashtra.
- iii. Direct MSRDC Executive Engineer Mr. Muktesh Wadkar and IC Brig. Kapil and other Respondents to produce a single communication related to land availability for tree plantation, demonstrating their actual efforts towards compliance.
- iv. Initiate a high-level departmental inquiry against MSRDC Executive Engineer Mr. Muktesh Wadkar and IC Brig. Kapil for gross ~~misconduct~~; dereliction of duty; and collusion with private contractors to evade environmental and financial obligations.
- v. Impose exemplary penalties on the Respondents for their repeated violations of environmental laws, judicial directives, and ethical governance standards.



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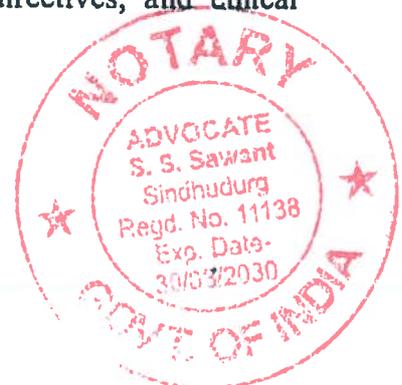
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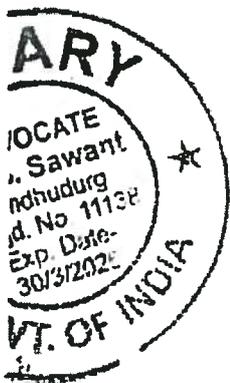
- vi. Mandate an independent forensic audit of the afforestation program and financial transactions to uncover the extent of fund mismanagement, corruption, and regulatory fraud.
- vii. Direct the immediate suspension and criminal prosecution of Muktesh Wadkar and Brig. Kapil under the Prevention of Corruption Act, 1988, for accepting bribes to manipulate regulatory processes.
- g) Refer the matter to the Central Bureau of Investigation (CBI) or an appropriate independent investigative agency to probe into the financial and environmental fraud committed by MSRDC officials in collusion with MBCPNL and SEL.

#### 79. SUBMISSIONS ON THE MISLEADING AND UNETHICAL CONDUCT OF RESPONDENT NO. 4:-

The Applicant seeks to bring to the urgent attention of this Hon'ble Tribunal the highly unethical and unfair practice adopted by Respondent No. 4 (MSRDC), wherein it is deliberately filing misleading and unrelated affidavits just one day before the hearing. This intentional strategy is aimed at denying the Applicant sufficient time to respond effectively, thereby creating an undue advantage for itself while misleading the Hon'ble Tribunal into passing favorable orders based on incomplete and misrepresented facts. This conduct by Respondent No. 4 amounts to an abuse of the legal process and a clear violation of the principles of natural justice. The Hon'ble Supreme Court in *A. K. Kraipak v. Union of India* [(1969) 2 SCC 262] has held that: "*The essence of natural justice is fairness and equal opportunity to present one's case. Any attempt by a party to obstruct or mislead judicial proceedings must be viewed as a serious offense against the rule of law.*"

In this case, Respondent No. 4 is not only engaging in procedural deception but is also exploiting its position as a government entity by misusing public funds to prepare last-minute submissions, fully aware that the Applicant, being an individual, lacks similar financial resources and institutional support. The Applicant is forced to spend his own personal funds, or utilizing relatives, arranging necessary documents, traveling for case hearings, and managing the legal process independently.

Meanwhile, Respondent No. 4, which is a state-run entity funded by taxpayer money, is using public funds to engage legal professionals and draft misleading submissions. This gross disparity in resources and power must not be allowed to create procedural unfairness or deny the Applicant



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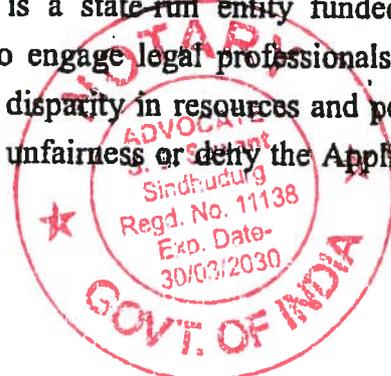
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his fundamental right to a fair hearing. The Hon'ble Supreme Court in *Dattaraj Nathuji Thaware v. State of Maharashtra [(2005) 1 SCC 590]* has emphasized that: "*The justice delivery system must remain accessible and fair to every citizen, irrespective of financial standing or institutional power. Courts and Tribunals must ensure that procedural abuses by well-funded litigants do not undermine the right to a fair trial.*" In light of the above, the Applicant respectfully requests this Hon'ble Tribunal to take serious note of this unethical conduct and issue a strict warning to Respondent No. 4 to immediately curtail such behavior. The Applicant further prays that this Hon'ble Tribunal direct Respondent No. 4 to file all its submissions well in advance, allowing adequate time for the Applicant to review and respond, and to ensure that future hearings are conducted in a fair and just manner, free from procedural manipulation.

**80. SUBMISSIONS CLARIFYING THE APPLICANT'S NEUTRAL STANCE AND LIMITED LEGAL RESOURCES:-** The Applicant unequivocally submits before this Hon'ble Tribunal that he has no vested or personal interest in this matter, nor is he acting on behalf of any third party. The sole motivation behind initiating these proceedings is the protection of the environment, adherence to judicial mandates, and ensuring that powerful entities do not continue to flout legal obligations with impunity. The Applicant is acting entirely at his own cost, without financial backing, legal advisors, or institutional support, solely as a responsible citizen and environmental activist. On the other hand, the Respondents are highly influential, well-funded entities with access to public resources, legal teams, and administrative machinery. They are capable of exploiting every procedural loophole, manipulating compliance records, and using delay tactics to escape liability. The Applicant is fully aware that such entities, when confronted with evidence of their wrongdoing, often resort to diversionary tactics, including making baseless allegations of collusion against those exposing their misconduct. The Applicant, therefore, submits that by bringing all relevant facts to the direct notice of this Hon'ble Tribunal, he has effectively foreclosed any such malicious attempt by the Respondents to mislead the judicial process. The Applicant further states with utmost humility that he is a Chartered Accountant by profession and lacks formal legal training. Unlike the Respondents, who misuse public funds to engage top-tier legal professionals to draft misleading affidavits



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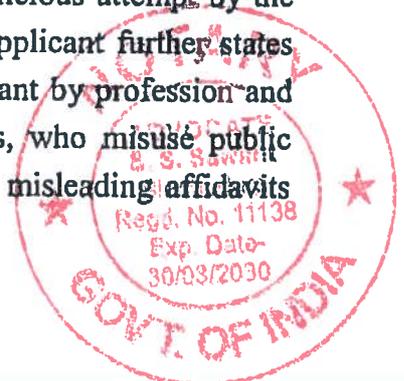
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and arguments, the Applicant has no such privilege. Every representation, affidavit, and submission in this matter has been prepared by the Applicant himself, at his own personal expense, without the assistance of any legal counsel. Given these circumstances, the legal provisions and case laws cited in this submission are based on independent research through publicly available sources such as Google. While the Applicant has made every effort to ensure accuracy, he does not possess the legal expertise to provide an absolute undertaking that each referenced case law is perfectly aligned with the specific legal provisions cited. However, the essence and intent of these submissions are firmly grounded in the principles of environmental justice, accountability, and the rule of law. The Applicant, therefore, prays that this Hon'ble Tribunal take serious note of the stark imbalance between an independent individual pursuing a genuine environmental cause on limited personal resources and a powerful state-run entity using public funds to defend clear violations of environmental laws. The Hon'ble Supreme Court in *Dattaraj Nathuji Thaware v. State of Maharashtra* [(2005) 1 SCC 590] has held that the judiciary must remain accessible and fair to all citizens, and well-funded institutions cannot be allowed to exploit legal procedures to suppress genuine concerns. In light of the above, the Applicant humbly requests this Hon'ble Tribunal to acknowledge that he has acted purely in public interest, without any personal gain or collusion with any party. The Applicant further seeks the Tribunal's intervention to ensure that the Respondents do not misuse their financial and institutional power to suppress or discredit the Applicant's legitimate concerns. Given the stark disparity in resources between the Applicant, who is fighting this case at his own expense, and the Respondents, who are utilizing public funds to defend clear violations, it is imperative that procedural fairness is upheld. The Applicant prays that this Hon'ble Tribunal direct the Respondents to file all submissions and affidavits well in advance, allowing sufficient time for the Applicant to review and respond, thereby preventing procedural manipulation. The Respondents must also be warned against making baseless allegations or attempting to delay the proceedings by filing misleading or unrelated affidavits at the last moment. Such tactics are designed to obstruct justice and place an unfair burden on the Applicant, who lacks the resources to counter legal maneuvers funded by public money. Furthermore, the Applicant respectfully requests that this Hon'ble Tribunal take into consideration his lack of formal legal expertise while



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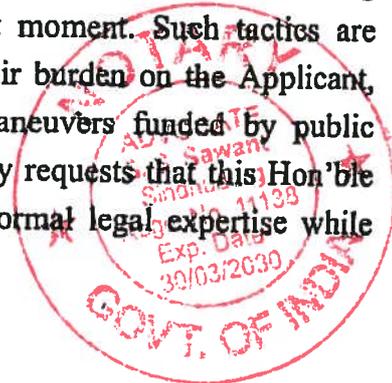
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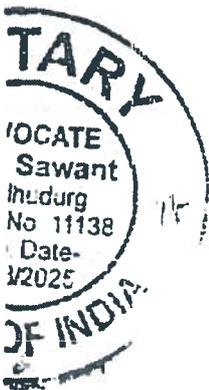


assessing submissions and ensure that procedural technicalities do not become a tool to undermine environmental justice. The Applicant has made sincere efforts to present legally sound arguments but, unlike the Respondents, does not have the luxury of engaging a team of legal experts. Despite overwhelming odds, the Applicant has taken up this fight as a responsible citizen, relying solely on his personal resources and moral obligation to uphold environmental laws. This Hon'ble Tribunal remains the only forum where truth and justice can prevail. The Respondents, despite their financial and institutional power, must not be allowed to evade legal accountability through procedural maneuvering, misrepresentation, or suppression of facts. The Applicant places his utmost faith in this Hon'ble Tribunal to ensure that justice is not dictated by financial might but by the principles of fairness, transparency, and the rule of law.

### 81. Relevant Case Law Supporting the Applicant's Prayer

- a. **A.K. Kraipak v. Union of India (1969) 2 SCC 262** – Principles of Natural Justice:- The Hon'ble Supreme Court in *A.K. Kraipak v. Union of India* [(1969) 2 SCC 262] emphasized that: "*The aim of rules of natural justice is to secure justice or to put it negatively, to prevent miscarriage of justice. These rules operate as implied mandatory requirements and their non-observance results in arbitrariness and unfairness in administrative actions.*" In the present case, Respondent No. 4's actions, filing misleading affidavits at the last moment, suppressing relevant facts, and using procedural tactics to mislead the Hon'ble Tribunal, amount to a clear violation of the principles of natural justice. Such practices deny the Applicant a fair opportunity to respond, leading to an unjust imbalance favoring the Respondents, who are backed by public funds and institutional power.

- b. **Dattaraj Nathuji Thaware v. State of Maharashtra (2005) 1 SCC 590** – Accessibility of Justice :- The Hon'ble Supreme Court in *Dattaraj Nathuji Thaware v. State of Maharashtra* [(2005) 1 SCC 590] held that: "*The justice delivery system must remain accessible and fair to every citizen, irrespective of financial standing or institutional power. Courts and Tribunals must ensure that procedural abuses by well-funded litigants do not undermine the right to a fair trial.*" This



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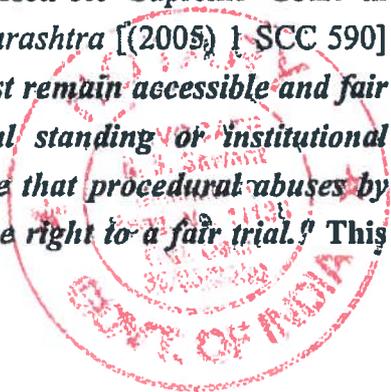
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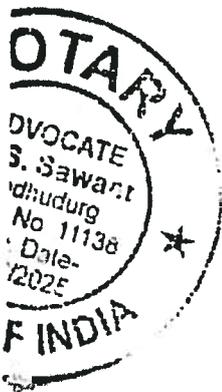
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reinforces the Applicant's contention that the Hon'ble Tribunal must ensure that procedural fairness is not sacrificed simply because the Respondents have superior financial and legal resources. The Tribunal must safeguard the Applicant's right to an equal and fair hearing by ensuring that the Respondents do not engage in last-minute procedural maneuvering.

c. **State of Gujarat v. Mirzapur Moti Kureshi Kassab Jamat (2005) 8 SCC 534 – Rule of Law and Protection Against Corporate Influence:-** The Hon'ble Supreme Court, in *State of Gujarat v. Mirzapur Moti Kureshi Kassab Jamat [(2005) 8 SCC 534]*, laid down the following principle: *"Regulatory bodies and judicial forums must act independently and in the interest of justice, without being influenced by corporate entities or government pressures. No entity, however powerful, can be allowed to bypass legal mandates or manipulate the judicial process to escape accountability."* The Applicant's prayer is directly aligned with this ruling, as he seeks to prevent the Respondents, who are well-funded and institutionally powerful—from manipulating the proceedings by submitting misleading affidavits at the last moment.

d. **Urgent Need for Judicial Safeguards Against Procedural Manipulation:-** The above case laws firmly establish that justice must be accessible, fair, and free from procedural exploitation by powerful litigants. The Respondents must not be allowed to misuse public funds to suppress or discredit the Applicant's legitimate concerns. In light of these precedents, the Applicant respectfully prays that this Hon'ble Tribunal take immediate steps to prevent Respondent No. 4 from engaging in procedural manipulation by filing last-minute affidavits intended to mislead the judicial process. It is imperative that the Applicant is given sufficient time to review and respond to all submissions made by the Respondents, ensuring that justice is not compromised due to procedural unfairness. Furthermore, the Applicant urges this Hon'ble Tribunal to issue a strict warning to the Respondents against the deliberate filing of misleading and irrelevant affidavits with the sole intent of misguiding the Tribunal and obstructing the course of justice. The Applicant has placed his utmost faith in this Hon'ble Tribunal to uphold the principles of fairness, transparency, and the rule



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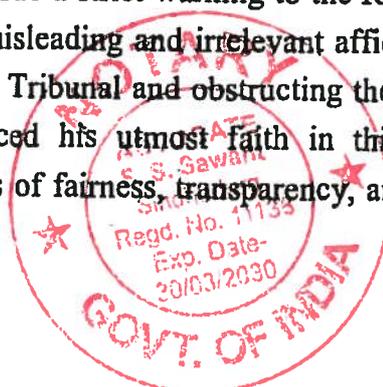
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of law, ensuring that judicial proceedings are not influenced or dictated by financial or institutional power.

82. **PRAYER:-** In light of the brazen defiance of judicial orders, systematic corruption, environmental destruction, deliberate financial fraud, abuse of public office, and the blatant violation of binding legal obligations by Respondent No. 4 (MSRDC) and its officials, the Applicant most respectfully prays that this Hon'ble Tribunal be pleased to:

**I. Reject the False Compliance Claims and Initiate Contempt Proceedings Against MSRDC**

- i. Reject the false and fraudulent claim of compliance made by Respondent No. 4 in its affidavit, as it is contradicted by its own admissions of non-compliance, suppression of material facts, and submission of manipulated data.
- ii. Hold MSRDC guilty of willful contempt of the Hon'ble Tribunal's judgment dated 10th September 2014 in OA No. 28 of 2014, as it has blatantly disregarded judicial orders, failed to fulfill its binding obligations, and engaged in procedural deception to mislead this Hon'ble Tribunal.
- iii. Direct Respondent No. 4 to immediately file a fresh compliance affidavit with independent, third-party forensic verification of the afforestation, explicitly excluding non-qualifying species like bamboo and lemon grass, along with ground-level, geo-tagged photographic and scientific evidence proving compliance.

**★ II. Initiate Criminal Prosecution Against MSRDC Officials for Corruption, Breach of Public Trust, and Abuse of Authority**

- i. Hold MSRDC officials, including Executive Engineer Muktesh Wadkar and Independent Consultant Brig. Kapil, personally liable for their gross dereliction of duty; failure to enforce judicial orders, and active participation in financial mismanagement that led to the destruction of 28,000 trees and irreversible environmental harm.
- ii. Initiate immediate criminal proceedings under the Prevention of Corruption Act, 1988, against Muktesh Wadkar, Brig. Kapil, and other officials responsible for colluding with private contractors

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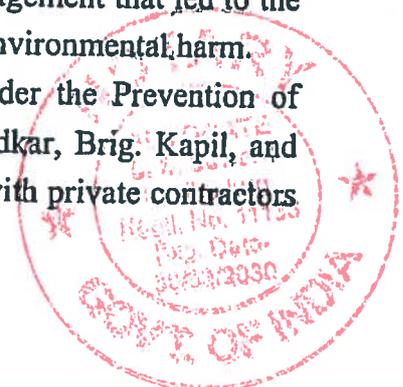
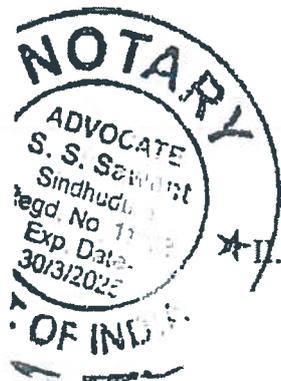
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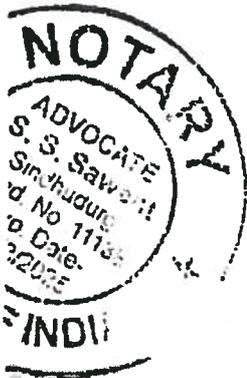
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- (MBCPNL and SEL) to fabricate compliance reports, misappropriate public funds, and manipulate regulatory oversight to shield corporate wrongdoers.
- iii. Direct the immediate recovery of financial losses caused by corruption, regulatory fraud, and deliberate non-compliance from the personal assets, pensions, and benefits of responsible MSRDC officials, ensuring that they are held personally accountable rather than burdening the public exchequer.
  - iv. Blacklist and permanently disqualify Muktesh Wadkar, Brig. Kapil, and any other MSRDC officials found guilty of corruption, fraud, and failure to perform their legal duties, barring them from holding any public office or participating in any government project in the future.

### III. Revoke the Fraudulently Obtained Certificate of Completion (COD) and Mandate Full Compliance

- i. Immediately revoke the Certificate of Completion (COD) issued to MBCPNL, as it was obtained through fraudulent compliance claims, deliberate non-compliance with afforestation obligations, and collusion between MSRDC officials and private contractors.
- ii. Ensure that COD is not reissued until a judicially monitored independent committee verifies full compliance with afforestation obligations, including the plantation of 44,000 trees as mandated by this Hon'ble Tribunal, with independent third-party monitoring and geo-tagged verification.
- iii. Impose the strictest possible financial and legal penalties on MBCPNL and SEL for their role in regulatory fraud, evasion of environmental obligations, and manipulation of government oversight to avoid financial liabilities.



### IV. Conduct a Court-Monitored Forensic Audit and Recover Misappropriated Public Funds

- i. Order a forensic audit of the entire afforestation program to track every rupee allocated for afforestation, maintenance, and supervision, exposing the exact financial misappropriation and fund diversion.

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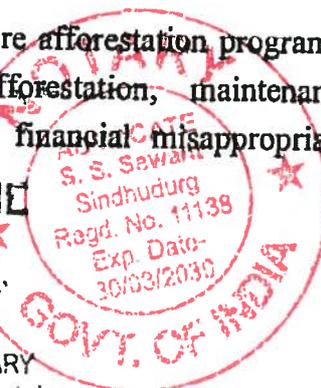
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- ii. Determine whether MSRDC officials and contractors fraudulently diverted public funds meant for afforestation, used them for unauthorized purposes, or channeled them through corrupt transactions, and ensure that all misappropriated funds are recovered.
- iii. Direct that all financial losses due to the fraudulent actions of MSRDC officials and contractors be recovered directly from their personal salaries, pensions, and assets, ensuring that the burden does not fall on taxpayers or government reserves.

#### V. Mandate Immediate Replantation and Long-Term Scientific Monitoring by Independent Experts

- i. Mandate immediate replantation of the 28,000 lost trees at the full financial cost of MSRDC and MBCPNL, under strict third-party monitoring by an independent environmental oversight body, ensuring proper species selection and ecological balance.
- ii. Appoint an independent monitoring committee comprising environmental experts, judicial appointees, and members of reputed environmental organizations, with full authority to inspect, evaluate, and monitor afforestation compliance for a minimum of five years.
- iii. Direct Respondent No. 4 to submit quarterly compliance reports on afforestation efforts, survival rates, and maintenance activities, supported by geo-tagged photographic and third-party verification reports to this Hon'ble Tribunal.

#### VI. Impose the Highest Possible Penalties for Environmental Destruction, Fraud, and Breach of Public Trust

- i. Impose the highest legally permissible financial penalties on MSRDC for willful defiance of judicial directives, falsification of compliance data, and causing irreversible environmental destruction.
- ii. Levy personal financial penalties on Muktesh Wadkar, Brig, Kapil, and other responsible MSRDC officials for their blatant negligence, corruption, and fraudulent collusion with private contractors, ensuring that they bear personal financial liability.

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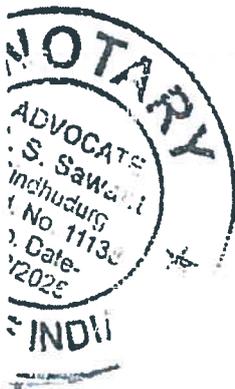
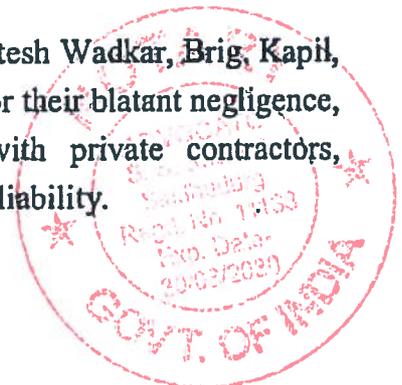
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S.S. SAWANT

B.A.L.L.B.

ADVOCATE & NOTARY

Shivachai, C-242G Near Govind  
Gatra Mandir, Bhilwadi, Sawantwadi  
Tel. Sawantwadi, Dist. Sindhudurg



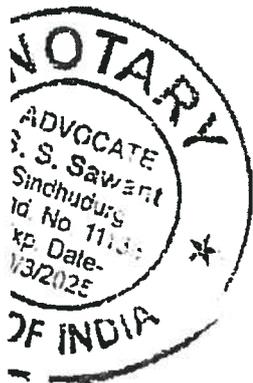
- iii. Ban MSRDC from receiving further government allocations for afforestation or environmental projects unless strict legal safeguards, third-party audits, and court-monitored compliance protocols are established.

#### VII. Investigate the Systemic Corruption Within MSRDC and Initiate High-Level Prosecution

- i. Refer the case to the Central Bureau of Investigation (CBI), the Vigilance Commission, or any other independent high-level investigative agency to uncover the full extent of corruption within MSRDC and its collusion with private contractors.
- ii. Initiate prosecution under the Indian Penal Code (IPC), the Prevention of Corruption Act, 1988, and the Environment (Protection) Act, 1986, against all government officials and corporate entities found guilty of fraud, regulatory manipulation, bribery, and non-compliance.
- iii. Ensure that all responsible officials are subjected to immediate suspension, dismissal, and permanent disqualification from public service, establishing that no government official can evade accountability for corruption and environmental crimes.

#### VIII. Establish a Binding Precedent to Prevent Future Corruption and Environmental Violations

- i. Issue binding judicial guidelines declaring that any government officer found guilty of non-compliance with environmental mandates will be subjected to automatic criminal liability, personal financial penalties, and permanent removal from public service.
- ii. Ensure that all future government-funded afforestation projects include strict real-time digital verification, independent forensic auditing, and legally enforceable financial transparency measures to prevent fraud and corruption.
- iii. Declare that willful non-compliance with environmental directives, falsification of regulatory records, and collusion with private contractors to defraud public funds will lead to the highest levels of criminal liability, including imprisonment under relevant anti-corruption and environmental laws.



*[Handwritten signature]*

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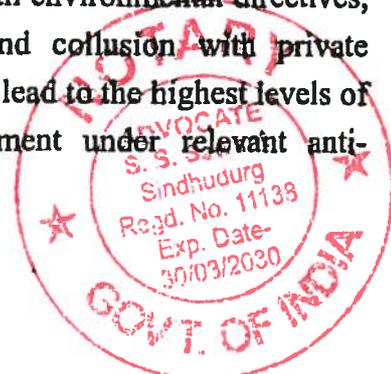
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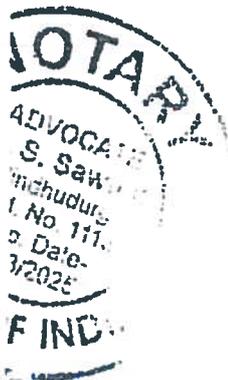
ADVOCATE & NOTARY

Shivatsola: C-242Q Near Govind  
Chitra Mandir Bhatwadi Sawantwadi  
Tel: Sawantwadi Dist. Sindhudurg



**F. DEMAND FOR ACCOUNTABILITY AND IMPOSITION OF STRICT PENALTIES:-** Considering the above facts, the Applicant humbly requests this Hon'ble Tribunal to:-

- i. Summon MSRDC Executive Engineer Mr. Muktesh Wadkar and IC Brig. Kapil to provide an official explanation regarding their role in issuing fraudulent COD and royalty exemption certificates, their visits to the Insuli site post-COD, and their failure to monitor afforestation efforts.
- ii. Direct MSRDC Executive Engineer Mr. Muktesh Wadkar and IC Brig. Kapil and other Respondents to submit provisions and present status of the plantation and green area in other 23 border Check Post all over Maharashtra.
- iii. Direct MSRDC Executive Engineer Mr. Muktesh Wadkar and IC Brig. Kapil and other Respondents to produce a 'single communication related to land availability for tree plantation, demonstrating their actual efforts towards compliance.
- iv. Initiate a high-level departmental inquiry against MSRDC Executive Engineer Mr. Muktesh Wadkar and IC Brig. Kapil for gross misconduct, dereliction of duty, and collusion with private contractors to evade environmental and financial obligations.
- v. Impose exemplary penalties on the Respondents for their repeated violations of environmental laws, judicial directives, and ethical governance standards.
- vi. Mandate an independent forensic audit of the afforestation program and financial transactions to uncover the extent of fund mismanagement, corruption, and regulatory fraud.
- vii. Direct the immediate suspension and criminal prosecution of Muktesh Wadkar and Brig. Kapil under the Prevention of Corruption Act, 1988, for accepting bribes to manipulate regulatory processes.
- viii. Refer the matter to the Central Bureau of Investigation (CBI) or an appropriate independent investigative agency to probe into the financial and environmental fraud committed by MSRDC officials in collusion with MBCPNL and SEL.



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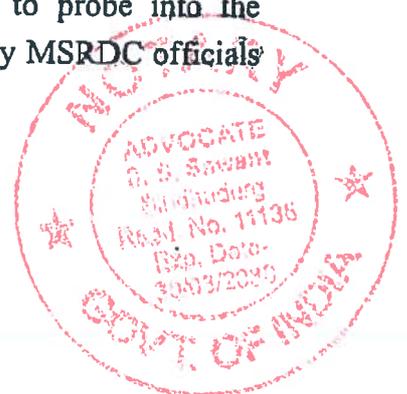
*S. Sawant*

**S.S. SAWANT**

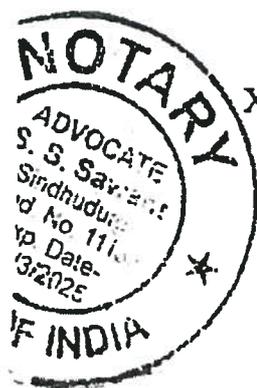
**B.A.L.L.B.**

**ADVOCATE & NOTARY**

Shivajinagar, C-242Q Near Govind  
Chitra Mandir Bhatwadi Sawantwadi  
Tel: Sawantwadi, C-242Q



- IX. The widespread corruption, fraudulent compliance submissions, and deliberate defiance of judicial mandates by MSRDC officials and private contractors constitute one of the most severe violations of environmental laws and public trust. If such acts of institutionalized fraud, regulatory manipulation, and financial misappropriation go unpunished, it will embolden future misconduct, destroying faith in judicial oversight and environmental governance.
- X. This Hon'ble Tribunal must set an unshakable precedent that no government official, corporate entity or public institution can engage in regulatory fraud, evade financial accountability, and manipulate judicial processes without facing the strictest consequences. The full force of the law must be applied to ensure criminal prosecution, personal financial liability, environmental restoration, and the highest possible penalties for this gross abuse of public office and environmental resources.
- XI. Justice demands that no one, whether a public servant, corporate contractor, or government entity—be allowed to defraud the legal system, destroy public resources, and manipulate environmental compliance for financial gain. This Hon'ble Tribunal is therefore urged to impose the strongest legal, financial, and criminal sanctions to ensure irreversible accountability for environmental and financial crimes.



- XII. **QUESTIONING THE NEED FOR THE NGT ACT, 2010, IF ORDERS ARE NOT ENFORCED:-** Finally, the Applicant raises a fundamental question, if the Hon'ble Tribunal's directives are not taken seriously by government authorities, then why does the National Green Tribunal Act, 2010, even exist? If Respondents are allowed to defy judicial orders with impunity and the Hon'ble Tribunal does not enforce its judgments, then the very purpose of the NGT Act, 2010, is defeated. The Applicant urges this Hon'ble Tribunal to reaffirm its commitment to environmental justice by ensuring that its directives are implemented in full and not merely used as procedural formalities by corporations and government entities to evade responsibility. If regulatory authorities continue to favor powerful institutions while

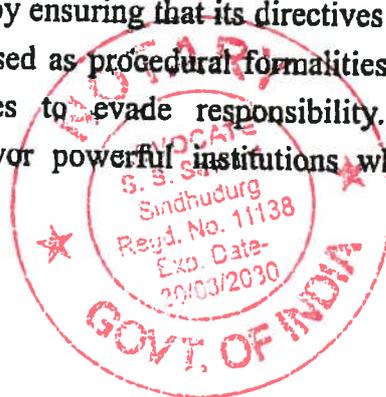
BEFORE ME

Sawant

S.S. SAWANT

B.A.L.L.B.

ADVOCATE &amp; NOTARY

Shivalaya, C-2420 Near Govind  
Chitra Mandir Bhayvad, Sawantwadi  
Tel: Sawantwadi, Dist. Sindhudurg

ignoring judicial mandates, then the credibility of the entire legal framework governing environmental protection will collapse. In light of the above, the Applicant prays that this Hon'ble Tribunal takes the strictest possible action against the Respondents, ensuring that corruption, fraud, and deliberate defiance of judicial orders are met with the full force of the law.

I, Mr. Saiprasad Mangesh Kalyankar, Chartered Accountant, Age 61 years, Indian Inhabitant and active environmentalist residing at House No.1442B at village Banda, Taluka Sawantwadi, District Sindhudurg, State Maharashtra, Pin 416511 state on the solemn affirmation that all information provided in above reply is true and correct to the best of my knowledge and belief. I am signing this affidavit today on 23/02/2025 at Pune/ Sawantwadi.

Date: 23/02/2025

Place: Pune/ Sawantwadi,



*[Signature]*  
Applicant  
CA Saiprasad Mangesh Kalyankar

BEFORE ME

*[Signature]*  
S.S. SAWANT  
B.A.L.L.B.

ADVOCATE & NOTARY  
Shivaleela, C-212Q Near Govind  
Chitra Mandir  
Tel: Sawantwadi, Dist: Sindhudurg  
VERIFICATION

*[Signature]*

I, Mr. Saiprasad Mangesh APPLICANT, Chartered Accountant, Age 61 years, Indian Inhabitant and active environmentalist residing at House No.1442B at village Banda, Taluka Sawantwadi, District Sindhudurg, State Maharashtra, Pin 416511 state on the solemn affirmation that all information provided in above reply is true and correct to the best of my knowledge and belief. I am signing this affidavit today on 23/02/2025 at Pune/ Sawantwadi.

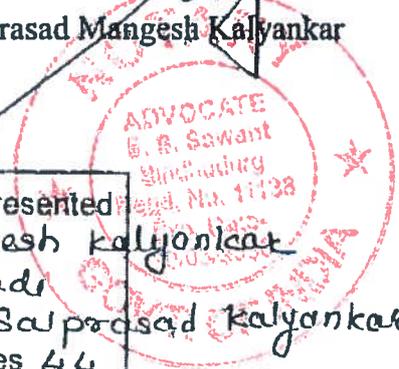
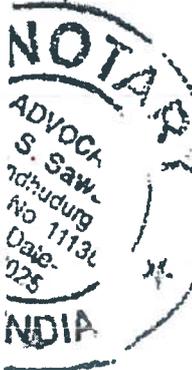
Date: 23/02/2025

Place: Pune/ Sawantwadi

Witness & J.d. by

*[Signature]*  
Applicant  
CA Saiprasad Mangesh Kalyankar

*[Signature]*  
(Mrs Shroaddha Saiprasad Kalyankar)  
- Banda -  
416511



This document has been personally presented & signed by Saiprasad Mangesh Kalyankar R/o Banda, Tal. Sawantwadi who is identified by Shroaddha Saiprasad Kalyankar to whom I personally know No. of pages 44 Notary Regd. No. 258 Dated 23/02/2025

**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

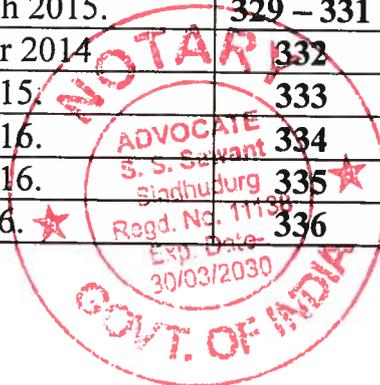
Versus

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

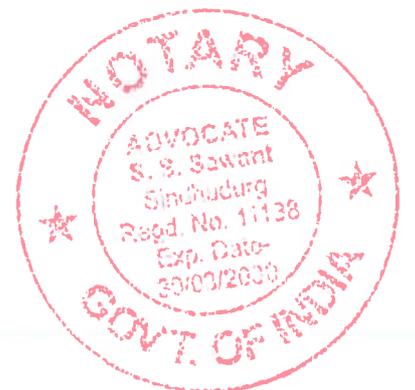
...Respondents

**INDEX**

Sr. No.	Exhibit	Particulars	Page No.
1.		Affidavit in Reply on behalf of Respondent No. 4.	236 – 263
2.	A	Copy of Judgment dated 10 <sup>th</sup> September 2014.	264 – 308
3.	B	Copy of the SLP Order dated 28 <sup>th</sup> January 2015.	309 – 312
4.	C	Copy of Order dated 13 <sup>th</sup> March 2019 passed in EA No. 6 of 2018.	313 – 314
5.	D	Copy of Order dated 1 <sup>st</sup> May 2019 passed in MA No. 5 of 2019.	315 – 316
6.	E	Copy of Order dated 10 <sup>th</sup> June 2021 passed in MA No. 9 of 2020	317 – 318
7.	F	Copy of Order dated 25 <sup>th</sup> May 2015 passed in OA No. 28 of 2014.	319
8.	G-1	Copy of the letter dated 20 <sup>th</sup> January 2015.	320 – 322
9.	G-2	Copy of the letter dated 11 <sup>th</sup> March 2015.	323
10.	H	Copy of NOC of the Water Resource Department dated 2 <sup>nd</sup> July 2015.	324 – 326
11.	I	Copy of letter dated 18 <sup>th</sup> February 2015.	327 – 328
12.	J	Copy of the report dated 18 <sup>th</sup> March 2015.	329 – 331
13.	K-1	Copy of letter dated 28 <sup>th</sup> November 2014.	332
14.	K-2	Copy of letter dated 5 <sup>th</sup> January 2015.	333
15.	K-3	Copy of letter dated 16 <sup>th</sup> March 2016.	334
16.	L-1	Copy of letter dated 29 <sup>th</sup> March 2016.	335
17.	L-2	Copy of letter dated 28 <sup>th</sup> April 2016.	336



18.	M-1	Copy of letter dated 5 <sup>th</sup> April 2016.	337
19.	M-2	Copy of letter dated 10 <sup>th</sup> June 2016.	338
20.	N	Copy of letter dated 12 <sup>th</sup> August 2017.	339 – 340
21.	O	Copy of the Report of the Agricultural University, Dapoli dated 5 <sup>th</sup> July 2019.	341 – 342
22.	P	Copy of the Panchnama dated 29 <sup>th</sup> August 2019 of the Forest Department.	343 – 347
23.	Q	Copy of the Applicant's letters dated 18 <sup>th</sup> May 2022.	348 – 358
24.	R	Copy of the letter dated 27 <sup>th</sup> December 2016.	359
25.	S	Copy of the details of payments made to the Agricultural University, Dapoli.	360 – 362
26.	T	Copy of the Site Visit Report dated 2 <sup>nd</sup> April 2024.	363 – 364
27.	U	Copy of the Order dated 6 <sup>th</sup> June 2022.	365
28.	V	Copy of the Compromise Pursis	366 – 367
29.	W	Copy of the payment receipt.	368 – 369
		<b>Last Page</b>	<b>369</b>



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.

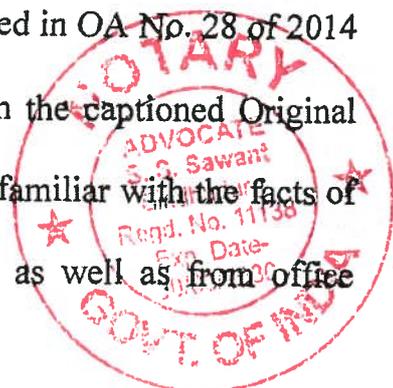
...Respondents

**AFFIDAVIT IN REPLY ON BEHALF OF RESPONDENT**

**NO. 4-MSRDC:**

I, Muktesh Wadkar, aged 44 years, Indian Inhabitant, the Executive Engineer and Authorised Signatory of Respondent No. 4, having my office address at Maharashtra State Road Development Corporation Ltd., Near Lilawati Hospital, Opposite Bandra Reclamation Depot, Bandra (W) – 400 050, do solemnly state on oath and affirm as under:-

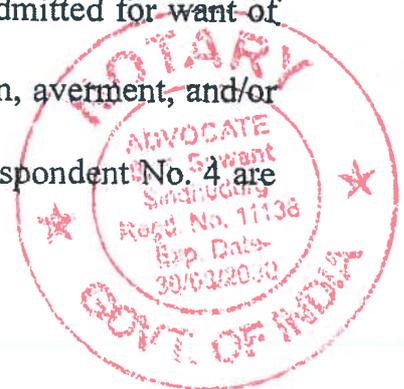
1. I am the Authorised Signatory of Respondent No. 4 having my address as mentioned above. I have gone through the captioned Execution Application filed in OA No. 28 of 2014 and the documents filed along with the captioned Original Application by the Applicant. I am familiar with the facts of the case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



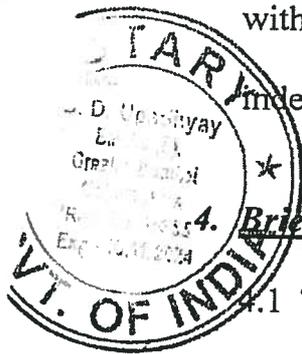


records available with Respondent No. 4 and am competent to depose to the facts in this Affidavit-in-Reply (the "Reply").

2. I am filing the Reply for the limited purpose of opposing the maintainability/admission of the present Execution Application and consequently, the grant of any reliefs in favour of the Applicant. I crave leave of this Hon'ble Tribunal to file a detailed Affidavit in Reply to the captioned Execution Application and/or further detailed affidavit(s) and/or additional Affidavit along with supporting documents, if the circumstances so warrant.
3. At the outset, I deny all allegations, contentions, and submissions made in the Execution Application, which are contrary to or inconsistent with what is stated in the Reply. Further, I oppose the reliefs prayed for in the Execution Application against the present Respondent No. 4. None of the allegations, contentions, or submissions in the Execution Application which have not been specifically dealt with or denied by me, should be deemed to be admitted for want of specific traverse. Each ground, contention, averment, and/or pleading which is being taken by this Respondent No. 4 are



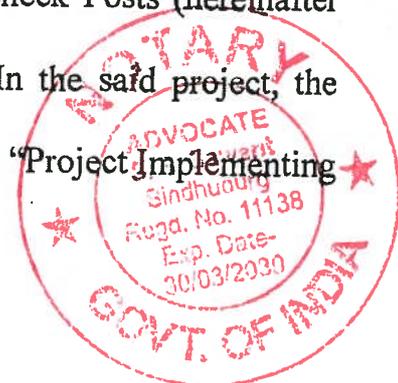
without prejudice to each other and are to be read independently of each other.

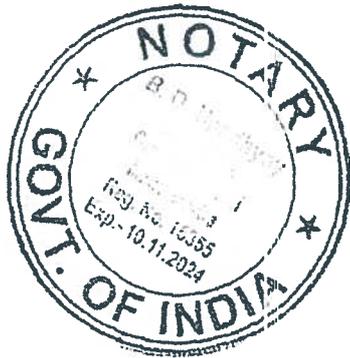


#### 4. Brief Background

4.1 The Maharashtra State Road Development Corporation Limited ("MSRDC") is a Corporation established and fully owned by the Government of Maharashtra through a Resolution dated 9<sup>th</sup> July 1996 and has been incorporated as a Limited Company under the Companies' Act, 1956 on 2<sup>nd</sup> August 1996. Respondent No. 4-MSRDC is charged with responsibility of planning, designing, constructing and managing, select road projects, fly overs, bridges, and water transport projects etc. and integrated road development projects in selected cities of the State. It also provides road site amenities and any other infrastructure tasks assigned to it.

4.2 The Government of Maharashtra *vide* Notification dated 25<sup>th</sup> March 2008 decided to carry out modernization and computerization of 30 Border Check Posts (hereinafter referred to as "said project"). In the said project, the Respondent No. 4 is appointed as "Project Implementing

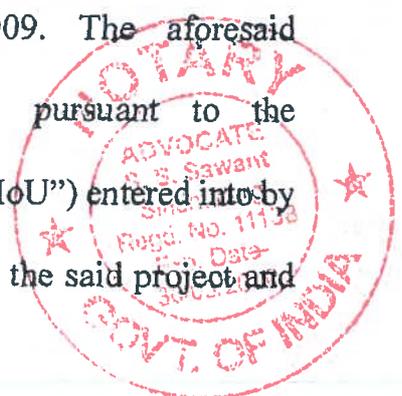




Agency” for the implementation of the said project and the expenditure for carrying out the said project was estimated by Government to the tune of Rs. 1000 crores.



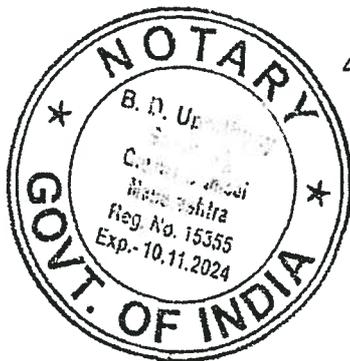
4.3 Respondent No. 4 started with the said project by inviting tenders from eligible persons for implementing the said project for and on behalf of the Government of Maharashtra. Accordingly, Respondent No. 4 invited proposals from the bidders for construction, operation and maintenance of the said project on ‘Build, Operate and Transfer’ (BOT) basis. Respondent No. 4 received bids from several persons for implementing the said project and after evaluating the bids received, Respondent No. 4 accepted the bid submitted by the consortium comprising of M/s. Sadbhav Engineering Limited, M/s. SREI Sahaj e-village Limited (“Consortium”) with M/s. Sadbhav Engineering Limited as its Lead member by issuing the Letter of Acceptance (LOA) dated 27<sup>th</sup> February 2009. The aforesaid consortium was formed/ acting pursuant to the Memorandum of Understanding (“MoU”) entered into by them for the purpose of bidding for the said project and



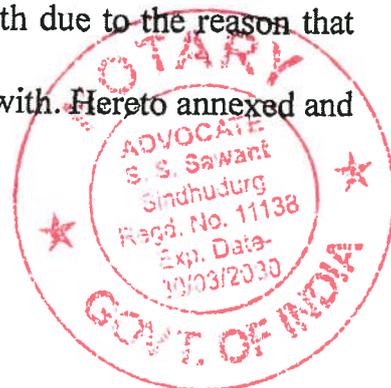


after successful bidding process, accordingly, a Special Purpose Vehicle ("SPV") namely Maharashtra Border Check Post Network Limited (hereinafter referred to as the "Concessionaire" of the project) was formed and incorporated to implement the said project. On 30<sup>th</sup> March 2009, the Government of Maharashtra entered into a Concession Agreement with the Concessionaire for implementation of the said project.

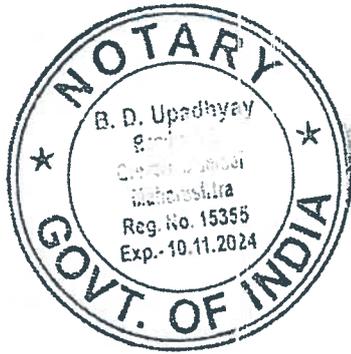
4.4 The present Applicant filed the captioned Original Application in the year 2014 before this Hon'ble Tribunal raising several environmental issues including *inter alia* allegations that the project does not comply with the environmental rules and regulations and therefore, should not be continued with.



4.5 Vide Order and Judgment dated 10<sup>th</sup> September 2014 ("said Judgment"), this Hon'ble Tribunal dismissed the Original Application, and passed directions for all Respondents to be complied with due to the reason that the project has to be proceeded with. Hereto annexed and



marked as "Exhibit-A" is a copy of Judgment dated 10<sup>th</sup> September 2014.

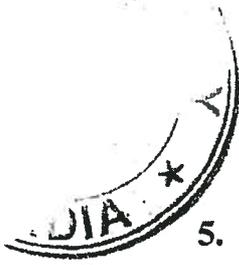


4.6 I say that Respondent No. 4 filed Civil Appeal No. 19806 of 2014 challenging the said Judgment before the Hon'ble Supreme Court. The Hon'ble Supreme Court vide Order dated 28<sup>th</sup> January 2015 directed the deletion of sub paragraphs (i), (ii), (iii), (vi) and (vii) of paragraph 41 from the said Judgment passed by this Hon'ble Tribunal. Hereto annexed and marked as "Exhibit-B" is a copy of the SLP Order dated 28<sup>th</sup> January 2015.

4.7 The present Execution Application has been erroneously and misguidedly filed by the present Applicant *inter alia* alleging that the said Judgment dated 10<sup>th</sup> September 2014 passed by this Hon'ble Tribunal in OA No. 28 of 2014 has not been complied with by the present Respondent No. 4-MSRDC. It is submitted that the present Applicant has filed the present Execution Application which is beyond the scope of the present Execution Application and is in fact, impermissible under



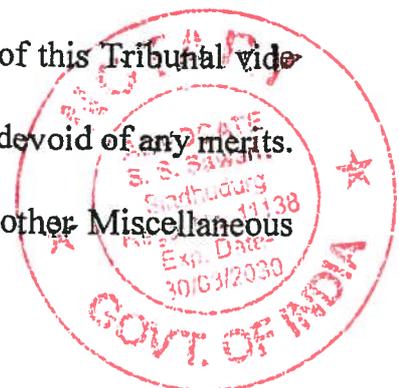
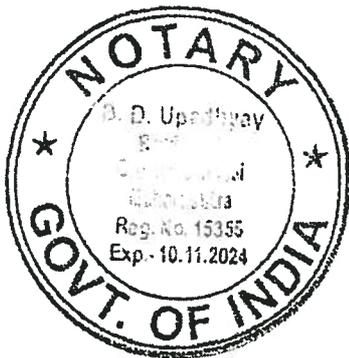
the provisions of the National Green Tribunal Act, 2010 (“NGT Act”) and the extant laws.



## 5. PRELIMINARY OBJECTIONS

### 5.1 *Res Judicata/ Constructive Res Judicata/ Issue Estoppel*

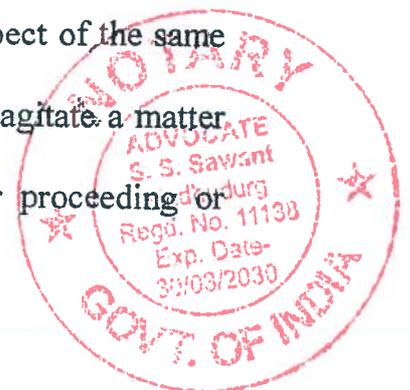
5.1.1 The present Applicant has a chequered history of filing litigations with respect to the subject matter and more specifically has filed a number of applications for the same relief of compliance of said Judgment dated 10<sup>th</sup> September 2014 passed by this Hon’ble Tribunal in Original Application No. 28 of 2014 and which have been consistently dismissed by this Hon’ble Tribunal including Order dated 25<sup>th</sup> May 2015. The Applicant has previously filed an Execution Application No. 6 of 2018 for identical reliefs as the present application, which came to be dismissed by the Principal Bench of this Tribunal on 13<sup>th</sup> March 2019. Thereafter, the Applicant filed a Miscellaneous Application No. 5 of 2019 for similar reliefs before this Tribunal, which was also dismissed by the Principal Bench of this Tribunal vide Order dated 1<sup>st</sup> May 2019 as being devoid of any merits. Thereafter, the Applicant filed another Miscellaneous





Application No. 9 of 2020 in OA No. 28 of 2014 for similar reliefs before the Principal Bench of this Tribunal, which was also dismissed by the Principal Bench of this Tribunal vide Order dated 10<sup>th</sup> June 2021. Hereto annexed and marked as "Exhibit-C" is copy of Order dated 13<sup>th</sup> March 2019 passed in EA No. 6 of 2018, "Exhibit-D" is copy of Order dated 1<sup>st</sup> May 2019 passed in MA No. 5 of 2019, "Exhibit-E" is copy of Order dated 10<sup>th</sup> June 2021 passed in MA No. 9 of 2020 and "Exhibit-F" is copy of Order dated 25<sup>th</sup> May 2015 passed in OA No. 28 of 201.

5.1.2 It is submitted that considering that the same issue has been raised in EA No. 8 of 2018, MA No. 5 of 2019 and MA No. 9 of 2020 in OA No. 28 of 2014 filed by the very same Applicant which came to be dismissed by the Principal Bench of this Tribunal on 13<sup>th</sup> March 2019, 1<sup>st</sup> May 2019 and 10<sup>th</sup> June 2021, respectively, the Applicant is estopped from filing a fresh Execution Application for the same reliefs in respect of the same matter. It is not open to the party to re-agitate a matter that has been determined in a former proceeding or



ought to have been pressed as it would simply be an abuse of the process of this Tribunal. It is also pertinent to note that the same has also been duly noted by this Tribunal in the Judgment dated 10<sup>th</sup> September 2014.

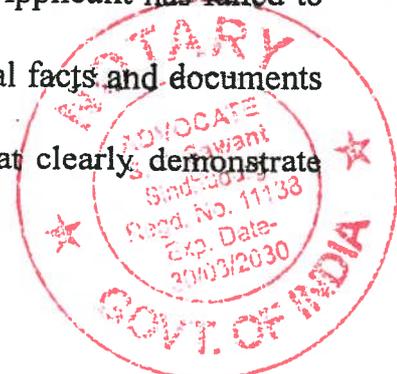
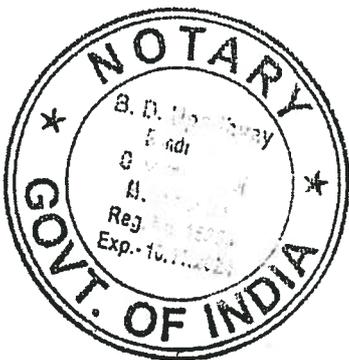


5.1.3 Hence, it is submitted that the present Execution Application would be hit by the principles of Res Judicata, Constructive Res Judicata, Issue Estoppel and principles analogous therewith and would accordingly not be maintainable and hence, liable to be dismissed.

## 5.2 *Suppression of material facts*

5.2.1 It is settled law that when a person approaches the Court for granting reliefs, they are under an obligation to disclose all material and important facts which have a clear bearing on the issues raised in the matter. And if a person approaches the Court with unclean hands, they must be dealt with iron hands.

5.2.2 It is submitted that the present Applicant has failed to place on record vital and material facts and documents before this Hon'ble Tribunal that clearly demonstrate

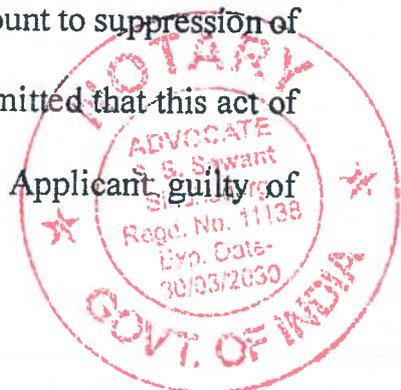


that the captioned Execution Application ought to be dismissed *in limine*.



5.2.3 The present Applicant has failed to disclose the fact that the Applicant has previously filed EA No. 6 of 2018 MA No. 5 of 2019 and MA No. 9 of 2020 in the same Original Application No. 28 of 2014 for identical reliefs and that the same have been dismissed by this Tribunal vide Orders dated 13<sup>th</sup> March 2019, 1<sup>st</sup> May 2019 and 10<sup>th</sup> June 2021 respectively. The Applicant has failed to make any averments giving reasons as to why the same issue has been re-agitated before the same forum over and over again. It is submitted that Respondent No. 4 has duly complied with the directions as given by this Tribunal in the said Judgment dated 10<sup>th</sup> September 2014 and this execution application has been filed by the Applicant only to harass the Respondent Authority.

5.2.4 The Applicant has selectively disclosed facts in the present application which also amount to suppression of material facts. Therefore, it is submitted that this act of the Applicant clearly makes the Applicant guilty of





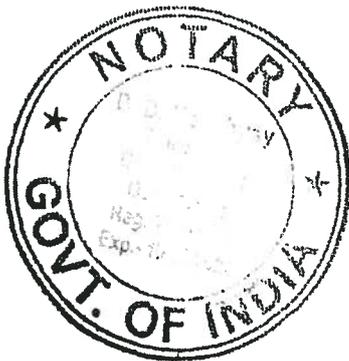
*suppression veri* and *suggestio falsi*. The captioned execution application is not a bonafide application and the Applicant is not a bonafide litigant. The Applicant has actively attempted to mislead this Tribunal and on this ground alone, the present execution application is liable to be dismissed.

## 6. ON MERITS

6.1 It is prayed, on the basis of the preliminary objections set out above, that the present Execution Application be dismissed. However, without prejudice to what is stated above, Respondent No. 4-MSRDC states that even on merits, the Applicant has failed to make out a cogent case that deserves any relief or interference from this Tribunal. Respondent No. 4-MSRDC is limiting its submissions to the compliance of the said Judgement dated 10<sup>th</sup> September 2014 in the present Execution Application.

6.2 **All compliance of the Final Judgment has been duly complied**

6.2.1 On 5<sup>th</sup> September 2009, the project work was awarded to M/s. Maharashtra Border Check Post Network Ltd., the



247



Concessionaire by way of work order on BOT basis by Respondent No. 4. It is now the responsibility of the Concessionaire to operate and maintain the Check Post for the concession period which terminates in the year 2033. Pursuant to passing of the said judgment, Respondent No. 4 proceeded to take the necessary steps in order to comply with the directions of this Tribunal, the same are described in detail hereinbelow:



**A) Compliance of Paragraph No. 39 of the said Judgment**

(a) Paragraph No. 39 of the said Judgment directs Respondent No. 4-MSRDC to take permission of the competent authority for delineation of area from the irrigation command area for completion of the said project.

(b) I say that Respondent No. 4 had applied to the Chief Engineer (Water Resource Department) by way of letters dated 20<sup>th</sup> January 2015 and 11<sup>th</sup> March 2015, requesting for deletion of the acquired land (land i.e., required for the said project) from the command area

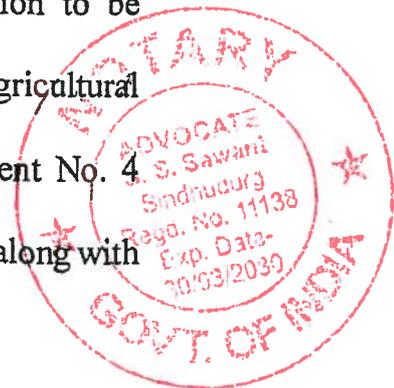


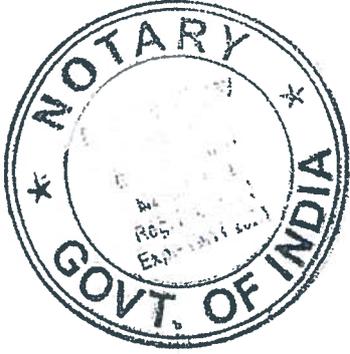
of the Tilari Canal. Hereto and annexed as "Exhibit-G-1" and "Exhibit-G-2" are copies of the letters dated 20<sup>th</sup> January 2015 and 11<sup>th</sup> March 2015 respectively.

(c) After due follow up with the Water Resource Department, the Department was pleased to issue No Objection Certificate for deleting the acquired land (required for the said project) from the command area of Tilari Canal on 2<sup>nd</sup> July 2015. Hereto annexed and marked as "Exhibit-H" is a copy of NOC of the Water Resource Department dated 2<sup>nd</sup> July 2015. Therefore, it is submitted that the compliance of paragraph No. 39 stands complied.

**B) Compliance of Direction No. (iv) of the said Judgment**

(a) The direction No. (iv) of the said Judgment directs Respondent No. 4 to carry out compensatory afforestation of 44,000 trees as per opinion to be obtained from Respondent No. 5, the Agricultural University, Dapoli. Accordingly, Respondent No. 4 addressed a letter dated 18<sup>th</sup> February 2015, along with



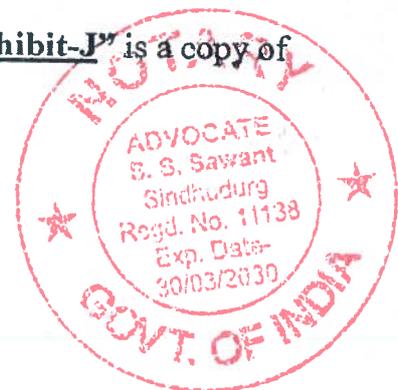


copy of NGT order requesting the Vice Chancellor of the Konkan Krishi Vidyapeeth, Dapoli, (Agricultural University), Dapoli, to conduct a joint site visit along with the officials of Respondent No. 4. Hereto annexed and marked as "Exhibit-I" is a copy of letter dated 18<sup>th</sup> February 2015.

(b) Subsequent thereto, a joint site visit was conducted with the officials of the Agricultural University, Dapoli on 10<sup>th</sup> March 2015, after which the inspection committee submitted a report setting out the details and the parameters to be followed when carrying out a plantation which are enlisted herein below:

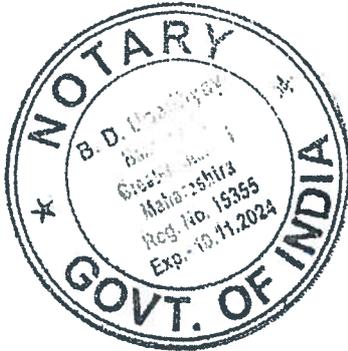
- i. Finalization of land for plantation of trees after finalization of plan of construction;
- ii. Construction of compound wall;
- iii. Excavation and filing of the land;
- iv. Water supply, pump and electric improvement;
- v. Clearing land etc.

Hereto annexed and marked as "Exhibit-J" is a copy of the report dated 18<sup>th</sup> March 2015.



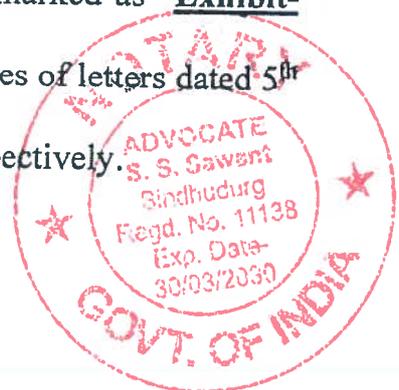


K-1", "Exhibit-K-2" and "Exhibit-K-3" are copies of the letters dated 28<sup>th</sup> November 2014, 5<sup>th</sup> January 2015 and 16<sup>th</sup> March 2016 respectively.

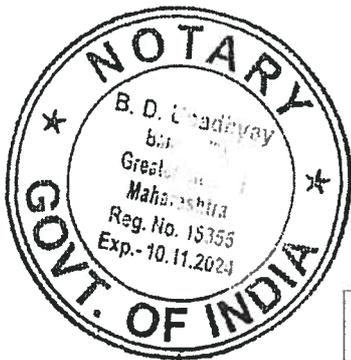


(e) The Transport Department addressed a letter dated 29<sup>th</sup> March 2016 to the District Collector and a letter dated 28<sup>th</sup> April 2016 to the Forest Department, requesting both of them for any additional land to be made available to Respondent No. 4 and/or the Concessionaire for further plantation. Hereto annexed and marked as "Exhibit-L-1" and "Exhibit-L-2" are copies of the letters dated 29<sup>th</sup> March 2016 and 28<sup>th</sup> April 2016 respectively.

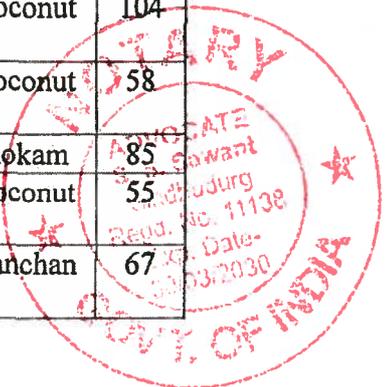
(f) I say that in addition to the above, Respondent No. 4, vide letters dated 5<sup>th</sup> April 2016 and 10<sup>th</sup> June 2016, requested the National Highways Division. PWD, to grant permission to plant trees in the Right of Way of NH No. 17. Hereto annexed and marked as "Exhibit-M-1" and "Exhibit-M-2" are copies of letters dated 5<sup>th</sup> April 2016 and 10<sup>th</sup> June 2016 respectively.



(g) Further, Respondent No. 4 also requested the Chief Executive Officer, Sawantwadi, to grant permission to plant trees on any plot of land situated at Sawantwadi. Thereafter, the Chief Executive Officer, Sawantwadi, permitted afforestation over 12 Location in and around Sawantwadi based on the said request. Accordingly, a site visit was conducted by Respondent No. 5, the Agriculture University, Dapoli to consider the feasibility to plant trees over 14 land pockets admeasuring about 1,785 sq. mtrs. in and around Sawantwadi comprising of 1160 trees and also propose plantation of around 48,757 trees on the acquired land of Border Check Post at Banda. Hence, the land permitted by CEO, Sawantwadi was not used for plantation as it was staggered and the following list of plants were proposed to be planted in the area :



Sr No.	Location	Area	Spacing (Running m)	Plant spacing	No.
1	Pandurang Govind Kadam	262	5 m	Coconut	104
2	Vaman Parashuram Sonsheth	146.6	5 m	Coconut	58
3	Nilopha Gani Beg	128	3 m	Kokam	85
4	Satish Purshotam Vanjari	136	5 m	Coconut	55
5	Aatmaram Bhiva Naik	100	3 m	Kanchan	67

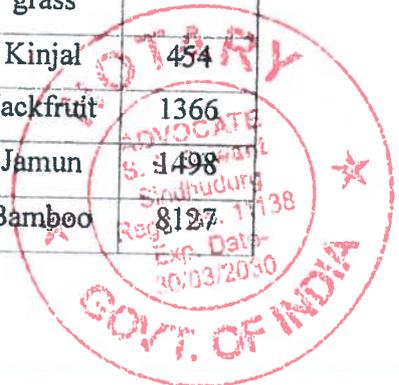




6	Shakil Khan aaslam Khan	105	3 m	Kokam	110
7	Shubhanrao Patankar	170	3 m	Nagakes har	113
8	Sukhadev Bapu Sawant	100	3 m	Jamun	67
9	Vishanu Dattaram Dogare	70	3 m	Nagakes har	46
10	Dileep Lakshuman Girap	112	3 m	Jamun	75
11	Reshma Sagir Shekh	146	2 m	Kavthich afa	46
12	Julekhabee Ebrahim Rakhagi	122	3 m	Tamhan	53
13	Dileep Lakshuman Girap	88	3 m	Tamhan	53
14	Digabar G. Varang	100	2 m	Kavthich afa	100
		1785.6			1160

(h) On 12<sup>th</sup> August 2017, Agricultural University, Dapoli permitted the following schedule of trees to be planted on the acquired land of Border Check Post at Bandacomprising of 48,757 trees:

Sr No.	Location	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	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

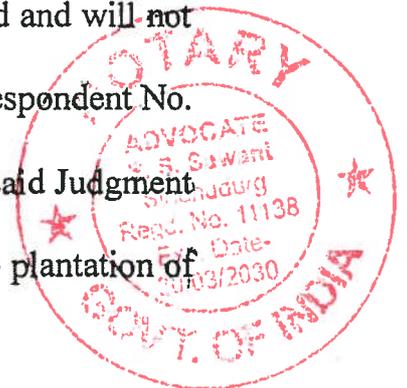
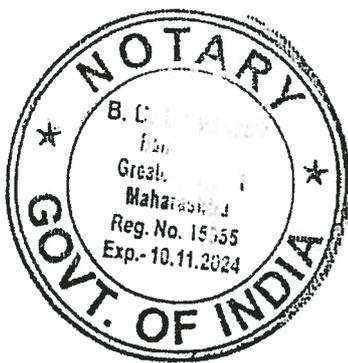


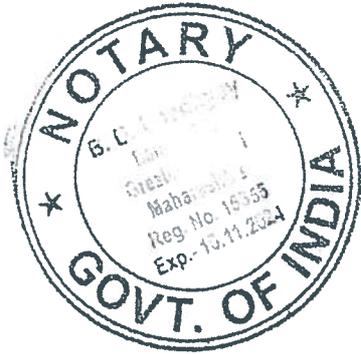
	Total				48757
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Hereto annexed and marked as "Exhibit-N" is a copy of letter dated 12<sup>th</sup> August 2017 of Chief Executive Officer, Sawantwadi.



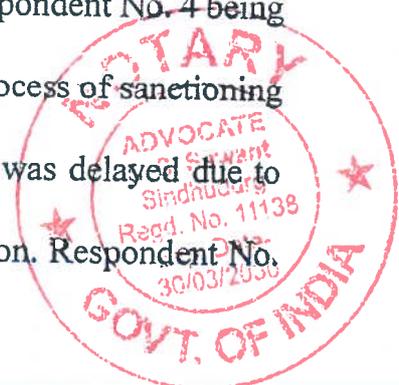
- (i) Thereafter, on 5<sup>th</sup> July 2019, the Agricultural University, Dapoli inspected the plantations in the area wherein it has been duly stated that 49,197 trees have been planted in the BCP area. On 29<sup>th</sup> August 2019, the Forest Department also visited the site and accordingly, prepared a Panchnama wherein it has been categorically recorded that as on date, a total of 70,781 trees are on the available land. It is pertinent to note that the Applicant himself has visited the site and has confirmed in his letter dated 18<sup>th</sup> May 2022 to all the authorities that 70,781 trees have been planted, claims of all of his doubts have been cleared and he doesn't have any complaint in this regard and will not have any in future as well. Therefore, Respondent No. 4 submits that Direction No. (iv) of the said Judgment dated 10<sup>th</sup> September 2014 as regards to plantation of





44,000 trees has been duly complied with. Hereto annexed and marked as "Exhibit-O" is a copy of the Report of the Agricultural University, Dapoli dated 5<sup>th</sup> July 2019, "Exhibit-P" is a copy of the Panchayat dated 29<sup>th</sup> August 2019 of the Forest Department and "Exhibit-Q" is a copy of the Applicant's letters dated 18<sup>th</sup> May 2022.

- (j) It is submitted that Respondent No. 4 was also directed to deposit a sum of Rs.10,00,000/- (Rupees Ten Lakhs only) with the Collector's Office Sindhurg, as a tentative cost for the afforestation programme. In compliance thereof, Respondent No. 4 has duly deposited such amount with the Collector, Sindhurg by way of Cheque No. 238525 dated 11<sup>th</sup> January 2016, enclosed in the covering letter dated 27<sup>th</sup> December 2016. Hereto annexed and marked as "Exhibit-R" is a copy of the letter dated 27<sup>th</sup> December 2016. It is pertinent to point out here that Respondent No. 4 being a public government entity, the process of sanctioning and approval for release of funds was delayed due to the multiple tiers in the organization. Respondent No.



4 tenders its apology for not complying with the directions within the time frame of two months as directed in the said judgment.



(k) The direction No. (iv) of the said Judgment also directed Respondent No. 4-MSRDC to pay an honorarium of Rs. 25,000/- p.m. to the Agricultural University, Dapoli, for carrying out supervision of the plantation. It is submitted that the said payment was made by Respondent No. 4-MSRDC to the Agricultural University, Dapoli from time to time on the basis of the demand from the Agricultural University, Dapoli by way of Cheque No. 002500 and Cheque No. 003001 both dated 04<sup>th</sup> May 2019, enclosed in the covering letter dated 06<sup>th</sup> May 2019 as well as Cheque No. 002932 and Cheque No. 002533 both dated 21<sup>st</sup> September 2019. Hereto annexed and marked as "Exhibit-S" is a copy of the details of payments made to the Agricultural University, Dapoli.



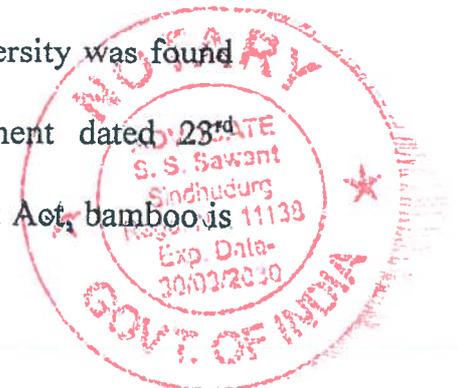
(l) In view thereof, I say that the compliance of direction no. (iv) stands complied with.



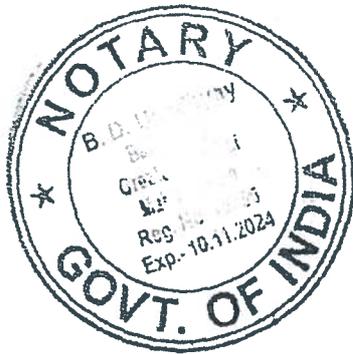
257



(m) Without prejudice to the contentions raised hereinabove, it is submitted that Respondent No. 4 has tried to oversee the maintenance of the said afforestation. Further, it is evident from the Order dated 25<sup>th</sup> May 2015 passed by this Tribunal in OA No. 28 of 2014, Respondent No. 4 has duly complied with the directions of the Judgment dated 10<sup>th</sup> and as regards the plantation of trees/plants, the same has to be carried out by the Concessionaire/Contractor. In lieu thereof, Respondent No. 4 conducted a site visit on 15<sup>th</sup> March 2024 along with Forest officials wherein it was found that certain trees had died due to non-maintenance of the same and at present, 17,279 trees and other 9,386 decorative plant, bamboo and lemon grass are on the said land. During the visit, it was observed that Bamboo trees are growing as a group of 5 to 6 shoots on each bamboo rhizomes totaling to 16,000 and lemon-grass planted as per the direction of Dapoli University was found wilted. However, due to amendment dated 23<sup>rd</sup> November 2017 to the Indian Forest Act, bamboo is





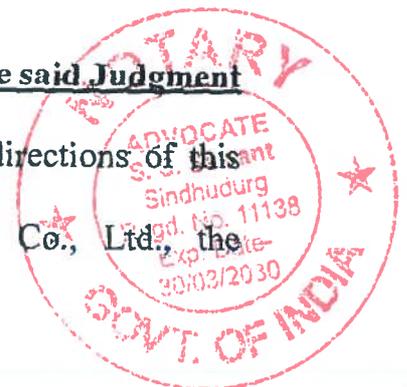


that the Plaintiff, M/s. Suwarna Buildcon Pvt. Ltd. was authorized to continue with the work at the suit property and handover the site on suit property of the Defendant, M/s. Sadbhav Engineer Co., Ltd. after completion of work and it was directed that Defendants therein shall not disturb the actual physical possession of the plaintiff therein over the suit property till the entire work of Banda Border Check Post is completed and possession is handed over to concerned defendants. Hereto annexed and marked as "Exhibit-U" is a copy of the Order dated 6<sup>th</sup> June 2022 and "Exhibit-V" is a copy of the Compromise Pursis.

(o) Respondent No. 4 submits that the Concessionaire is tasked with the maintenance of the afforestation done and thus, has instructed the Concessionaire to replant the required number of trees.

**C) Compliance of Direction No. (v) of the said Judgment**

a) I say that in compliance with the directions of this Tribunal, M/s. Sadbhav Engineer Co., Ltd. the



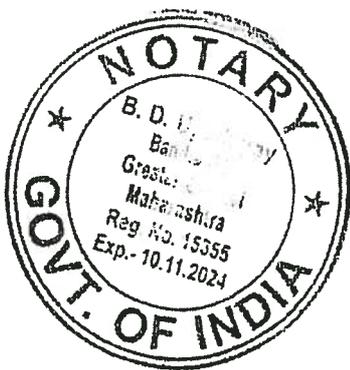
contractor agency of Respondent No. 4 has deposited a sum of Rs. 20,00,000/- (Rupees Twenty Lakhs only) with the office of Respondent No. 4. Hereto annexed and marked as "Exhibit-W" is a copy of the receipt issued by Respondent No. 4 for the said payment.

b) Therefore, I say that direction no. (v) stands complied with by the Concessionaire.

**D) Compliance of directions no. (i), (ii), (iii), (vi) and (vii)**

a) It is reiterated that subsequent to the passing of the said Judgment, Respondent No. 4 had filed Civil Appeal No. 10806 of 2014 wherein the Hon'ble Supreme Court by way of order dated 28<sup>th</sup> January 2015 was pleased to delete the paragraph nos.(i) (ii), (iii), (vi) and (vii) of the said judgment. In view of such deletion, the directions issued by this Tribunal are no longer applicable and considered to be a part of the said judgment.

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 10<sup>th</sup> September 2014.



Therefore, the present Execution Application is devoid of any merits and ought to be dismissed with costs.

Date:

Place:



Deponent

*musk*

Authorised Signatory of  
Respondent No. 4

Executive Engineer  
M.S.R.D.C. Ltd., Mumbai-50

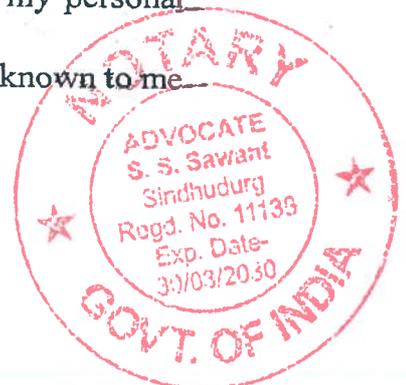


Advocates for Respondent No. 4

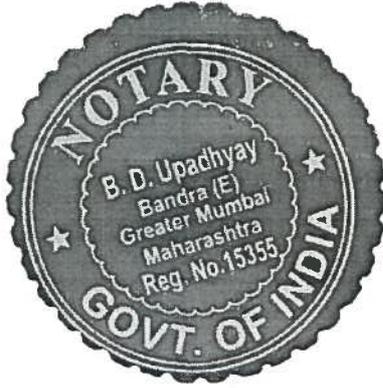
### VERIFICATION

I, Muktesh Wadkar, aged 44 years, Indian Inhabitant, the Executive Engineer and Authorised Signatory of Respondent No. 4, having my office address at Maharashtra State Road Development Corporation Ltd., Near Lilawati Hospital, Opposite Bandra Reclamation Depot, Bandra (W) – 400 050, 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

*[Handwritten signature]*

Authorised Signatory of  
Respondent No. 4

Advocates for Respondent No. 4

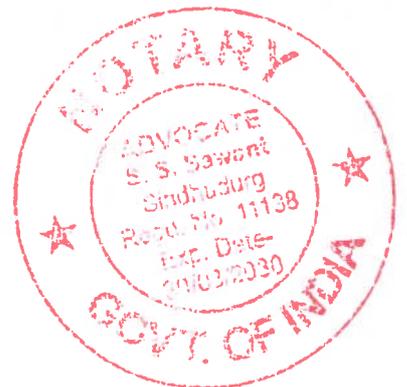
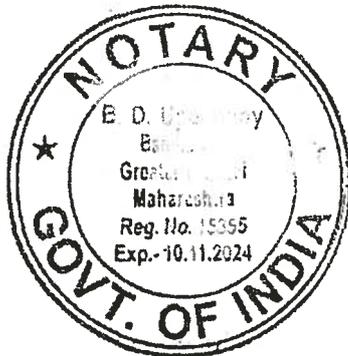
Executive Engineer  
M.S.R.D.C. Ltd., Mumbai-50

BEFORE ME

*[Handwritten signature]*

**B. D. UPADHYAY**  
B.A., LL.B  
NOTARY GR. MUMBAI  
MAHARASHTRA  
(GOVT. OF INDIA)

8 NOV 2024





MAHARASHTRA  
SAMRUDDHI  
MAHARAN

**Maharashtra State  
Road Development  
Corp. Ltd.**

(A Government of Maharashtra Undertaking)

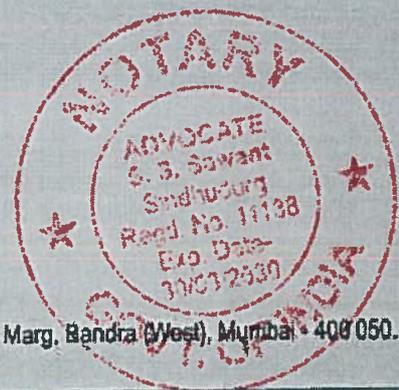
Date : 8<sup>th</sup> November, 2024

**TO WHOMSOEVER IT MAY CONCERN**

Sub: Before the National Green Tribunal  
Western Zone Bench at Pune  
Original Application No. 28 of 2014  
Saiprasad Mangesh Kalyankar ...Applicant  
Versus  
The Regional Transport Officer (R.T.O.) & Ors. ...Respondents

Shri Muktesh Manohar Wadkar, Executive Engineer, is hereby authorized to file pleadings, affidavits, applications and to lead evidence, etc. in the above matter for and on behalf of MSRDC Ltd.

**Manuj Jindal, I.A.S.  
Joint Managing Director  
MSRDC Ltd., Mumbai-50.**



Corporate Office : Opp. Bandra Reclamation Bus Depot, Near Lilavati Hospital, K C Marg, Bandra (West), Mumbai - 400 050.  
Telephone No.: 022-26400190/201, 26558175/76 Fax No.: 022-26417893

Regd. Office : Nepean Sea Road, Besides Priyadarshini Park, Mumbai - 400 036.  
Telephone No.: 022-23685909, 23613789, 23691030  
Website : www.msrdc.org, CIN : U45200MH1996SGC101586

712  
Exhibit - A

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BEFORE THE NATIONAL GREEN TRIBUNAL  
(WESTERN ZONE) BENCH, PUNE  
APPLICATION NO.28/2014

CORAM :

HON'BLE SHRI JUSTICE V.R. KINGAONKAR  
(JUDICIAL MEMBER)

HON'BLE DR. AJAY A.DESHPANDE  
(EXPERT MEMBER)

B E T W E E N:

**SAIPRASAD MANGESH KALYANKAR,**

Age 50 years, Occupation- Chartered  
Accountant, Residing At & Post Banda,  
Tal.Sawantwadi, Dist.Sindhudurg,  
Pin - 416511, Maharashtra.

....APPLICANT

A N D

1. **THE REGIONAL TRANSPORT OFFICER (R.T.O.),**  
Sindhudurg, Sindhudurnagari, Oros,  
Tal.Kudal, Dist.Sindhudurg,
2. **THE REGIONAL FOREST OFFICER**  
(Vanshetrapal), Sawantwadi,  
Tal.Sawantwadi,  
Dist.Sindhudurg, 416510.
3. **THE SUB DIVISIONAL OFFICER (REVENUE)**  
Sawantwadi, Tal.Sawantwadi,  
Dist.Sindhudurg, - 416510.



4. **MAHARASHTRA POLLUTION CONTROL BOARD**  
Through its Member Secretary  
Kalpataru Building, Sion, Mumbai-22.

5. **THE CHIEF CONTROLLER OF MINES,**  
Indian Bureau of Mines,  
Nagpur 440001.

6. **UNION OF INDIA THROUGH THE SECRETARY**  
Ministry of Environment and Forest  
ParyavaranBhavan, Lodi Road,  
New Delhi.

7. **CENTRAL POLLUTION CONTROL BOARD,**  
PariveshBhavan, CBD-Cum Office Complex,  
East Arjun Nagar,  
Delhi-110032, India.

8. **MAHARASHTRA STATE ROAD DEVELOPMENT  
CORPORATION LTD.,**  
Having its address at Nepean Sea Road,  
Priyandarshini Park, Mumbai-400 036.

.....**RESPONDENTS**

**Counsel for Applicant(s):**

**In person**

**Counsel for Respondent(s):**

**MadhuriKharat, Advocate for Respondent No.1.**

**Mr. D.M.Guptea/wSupriyaDangareAdvocates for Respondent  
No.4.**

**FawiaM.Mesquitaholding for Mahesh Amonkar Advocate for  
Respondent No.5.**

**Mr.A.B.Avhad Advocate a/wSaurabh Kulkarni Advocate, for  
Respondent No.7.**

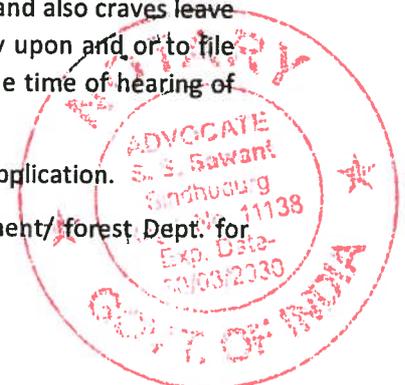
**Mr. SaketMone, Advocates, TejaswiniBhakare Advocate i/b Vidhi  
Partners for Respondent No.8.**



Date: September 10<sup>th</sup>,2014J U D G M E N T

1. By this Application, Applicant – SaiprasadKalyankar, seeks following directions:

- a. To grant the application.
- b. To have a criminal prosecution for all officers who are collusion in this project so that they can make money from illegal mining.
- c. May pass an order issuing directions to the R.T.O. Sindhurg, Oros, Tal. Kudal , Dist.Sindhurg to not to do any further activity in the said land i.e. cutting of remaining trees, levelling of the land, mining of major or minor mineral in any part of total area H.R. 11-95-50.
- d. Pass an order directing the Divisional Forest Officer, Sawantwadi not to give any further permission for cutting of any trees, to make survey of the felling of trees, to have departmental action.
- e. Pass an order direction issuing to the Maharashtra Government Irrigation Department not to delete the land from notified irrigated command area.
- f. Pass an order directing the Respondents to take immediate remedial and effective measures to replant all the trees as in 7/12extracts in entire land and effective measures for restoration of entire ecology of the said area.
- g. Pass an order of directing stringent action to be taken against officers of forest department, Sawantwadi and officers of R.T.O. Sindhurg and his contractors for dereliction of duty .
- h. To pass appropriate orders imposing fine and cost of restoration of the ecology of land under tree plantation.
- i. The applicant craves leave to raise additional pleas and or additional grounds at an appropriate stage and also craves leave of this Hon'ble Tribunal to refer to and rely upon and or to file therelevant and necessary documents at the time of hearing of the instant application if necessary
- j. Pending hearing and final disposal of this Application.
  - I .To cancel all permissions from environment/ forest Dept. for project.



ii. To pass order issuing directions to the Regional Transport Officer (R.T.O.) Sindhudurg, Kudal, Dist.Sindhudurg to stop any further activity of cutting of trees, levelling of mountain, digging of soil, breaking of land, and mining of major / minor minerals in the land.

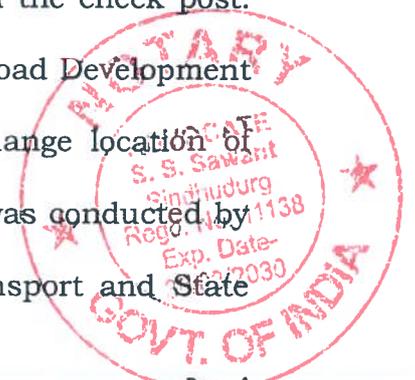
iii. To pass an order issuing direction to the Vankshetrapal (RFO), Sawantwadi not to give any permission for tree cutting and to make survey of illegal tree cutting.

i. To pass any other relief and further reliefs as the circumstances of the case may require.

2. The Application is purportedly filed under Sections 14, 15 and 18 of the National Green Tribunal Act, 2010. For sake of convenience the Applicant will be referred to hereinafter by his name i.e. "SaiprasadKalyankar". He is Chartered Accountant by profession. He claims to be interested in protection of environment.

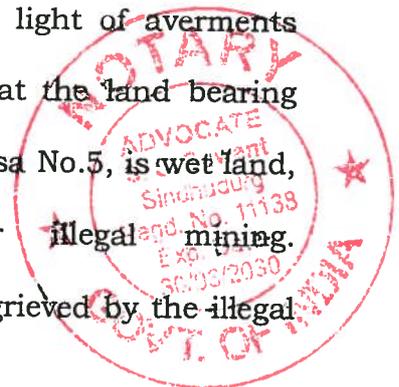
3. Before we proceed to go to the pleadings of SaiprasadKalyankar, it will be appropriate to understand the conspectus of a common project undertaken by Govt. of Maharashtra vide its Resolution dated March 25<sup>th</sup>, 2008, which provides for modernization and computerization of 30 check posts. This Govt. Resolution (G.R) refers to modernization of 22 border check posts in the State of Maharashtra of the transport department as per classification made according to the traffic flow at each of the check post.

Under the said GR, the Maharashtra State Road Development Corporation (MSRDC) was authorized to change location of existing border check posts. A joint survey was conducted by the Experts of MSRDC along with the Transport and State



Excise department officers and a proposal for setting of check posts at suitable locations near Goa border, was submitted to the competent authority. Thereafter by Govt. Resolution dated July 9<sup>th</sup>, 2008, process for acquisition of lands for modernization and setting up of 22 check posts was set in motion. One of such check post existing earlier at the location of village Insuli, was decided to be shifted to village Banda. Certain lands were decided to be acquired for such purpose, including land Survey No.195(New Survey No.189-C), Hissa No.5, of village Banda, of which SaiprasadKalyankar was the owner. He challenged acquisition of that land by filing Writ Petition No.133 of 2011 in the Hon'ble High Court of Judicature at Bombay. He also challenged Govt. decision to shift location of Insuli check post to Banda. The Hon'ble Division Bench by order dated 5<sup>th</sup> April, 2013, dismissed said Writ Petition No.133 of 2011 along with similar Writ Petition No.4961 of 2012. Thus, acquisition of land Survey No.195(New Survey No.189-C), as well as Govt. decision to modernize and establish the check post at Banda, was permitted due to such decision as well as in view of the order passed in PIL No.147 of 2009.

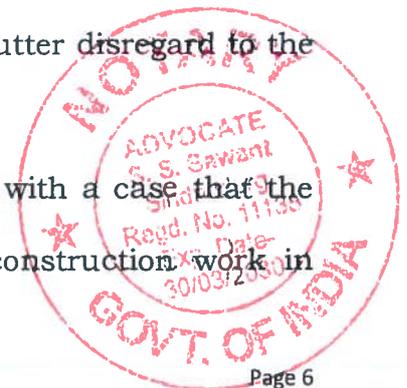
4. This background is set out in the light of averments made in the Application to the effect that the land bearing Survey No.195(New Survey No.189-C), Hissa No.5, is wet land, forest land and being used for illegal mining. SaiprasadKalyankar alleges that he is aggrieved by the illegal



act~~in~~ of the Respondents due to felling of trees, illegal mining and degradation of environment in the area, particularly, on account of modernization project at Banda check post.

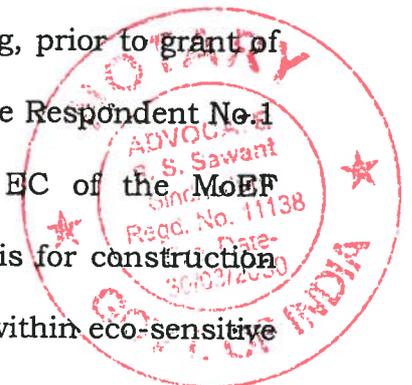
5. According to SaiprasadKalyankar, the Respondent No.1 Road Transport Officer (RTO), acquired land Survey No.195(New Survey No.189-C), at Satwadi/Banda through which a culvert (Nalla) flows. This land is covered under the irrigation command ofTillari canal of Banda Up-kalava. The land is having tree cover of forest trees, fruit trees etc. comprising of about 4400 trees. The said land has immense stock of iron ore  $Fe_2O_3$ , which is a major mineral. Any development in the area of said land, including "winning" will amount to 'mining activity' and therefore, the same cannot be undertaken without prior Environmental Clearance (EC) of the MoEF. In spite of such legal requirement and though the land Survey No.189 that comprises of 11Ha, 95.5R, no EC is obtained by the Respondent No.1 for the project activity. The project work cannot be permitted in view of the fact that such mining activity is of major nature and even for mandatory permission of the Irrigation Department for delineation of the area from the irrigation command area, has not been taken from competent Authority. Modernization of Banda post is being proceeded with by the MSRDC in utter disregard to the legal requirements.

6. SaiprasadKalyankar has come out with a case that the MoEF has restricted the mining and construction work in



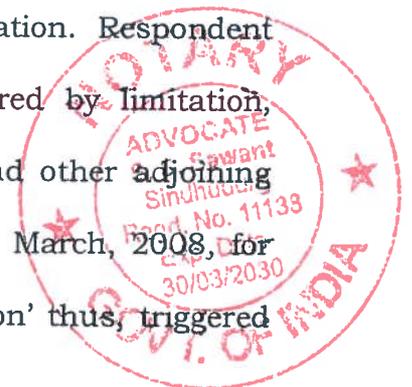
Ecologically Sensitive Area (ESA), and that village Banda is declared by the Govt. of Maharashtra and MoEF as part of such area. Obviously, mining activity, even though, it may be undertaken by the Government Agency in Eco Sensitive area, is impermissible under the Law. He alleges that modernization and installation of Banda check post will cause soil erosion, water logging and immense ecological imbalance in the area. He further alleges that large number of huge trees are already felled/cut down and it is expected that 7400 trees would be sacrificed for completion of the project in question. Thus, according to SaiprasadKalyankar, the project tantamount to denuding of forest area.

7. SaiprasadKalyankar further alleges that modernization and construction of Banda check post involves activity of construction, which in fact, a new project and falls in Schedule-I, of the EIA Notification issued by the MoEF. The construction work area comprises of more than 20000 Sq. mtrs area in HR-11-95-55 and cannot be undertaken without grant of EC by the MoEF. The Respondent No.1, has not followed due procedure of scoping public consultation, environmental impact assessment and appraisal, which are steps to be followed before decision making, prior to grant of EC. Nor any Application is submitted by the Respondent No.1 to the MoEF in the Form -I, to seek EC of the MoEF (competent Authority), though the project is for construction of levelling of 32 acres of land, as well as, within eco-sensitive



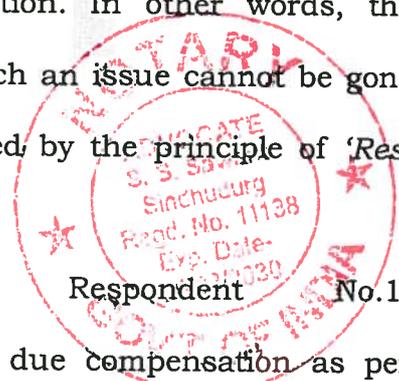
area. The project is near the National Highway No.17, which requires due permission of the National Highway Authority (NHA). Such permission is also not taken before the commencement of the project. The Respondent No.1 has not taken permission for forest clearance (FC) from the competent Authority. Widening of road at the site comprises of 9 lanes, on both the sides, including construction of Godown, Medical Shops, STD Booth, automobile repairing workshop, commercial shops etc. and as such the construction will be of more than 20000 sq. mtrs. It is obvious that the structure is construction activity that falls under Entry No.18 1(a) of EIA Notification dated 14<sup>th</sup> September, 2006 and therefore, without EC issued by the competent Authority, the work cannot be undertaken. The loss of natural tree cover, loss of minerals, loss of available natural resources, would cause an irreparable damage to the environment and ecology of the area, due to implementation of the proposed project activities of the Respondent No.1, namely, road widening, modernization and establishment of check post at Banda (TalukaSawantwadi). Hence the Application.

8. Respondent No.1 (RTO), resisted the Application vide affidavit and thereby resisted the Application. Respondent No.1, alleges that the Application is barred by limitation, inasmuch as the land of the Applicant and other adjoining lands were decided to be acquired on 25<sup>th</sup> March, 2008, for the project in question. The 'cause of action' thus, triggered

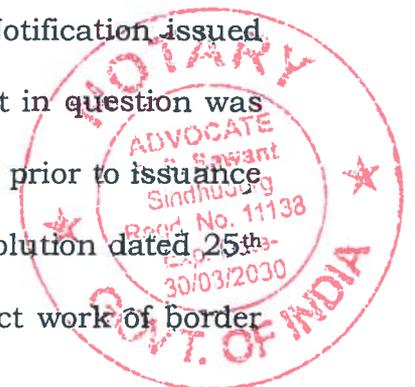


on 25<sup>th</sup> March, 2008 itself. The Application ought to have been filed within a period of six (6) months thereafter. Another limb of contention raised by the Respondent No.1, is that Public Interest Litigation (PIL) No.147 of 2009 along with Civil Application No.159 of 2009, filed in the Hon'ble High Court of Judicature at Bombay, came to be dismissed and therefore, the project in respect of construction, shifting of the check post from Insuli to Banda and modernization thereof, cannot be challenged by SaiprasadKalyankar, inasmuch as, he was party to the earlier round of litigation. It is further pointed out that SaiprasadKalyankar had filed yet another Writ Petition along with one ShivaramDhondugadkari, bearing Writ Petition No.133 of 2011 and Writ Petition No.4961 of 2012, in the Hon'ble High Court of Judicature at Bombay. He had challenged the construction work of check post at Banda check post on the ground that part of acquired land falls in the command area and therefore, acquisition of land for modernization of the border check post at village Banda, was illegal. Those Writ Petitions were dismissed by the Hon'ble High Court, therefore, the same issue cannot be re-agitated by him in the present Application. In other words, the Respondent No.1, alleges that such an issue cannot be gone into because the inquiry is barred by the principle of '*Res-judicata*'.

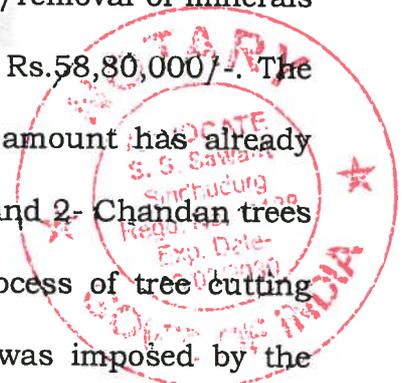
9. According to the Respondent No.1, SaiprasadKalyankar was awarded due compensation as per



the market value, when his land Survey No.195(New Survey No.189-C), was acquired for the purpose of project in question. It is further averred that the main purpose of project is to modernize 22 check posts of the transport department and it has no nexus with any mining activity. It is contended that the earth which will be removed from the area in question will be dumped at the same place for the purpose of closing the pits and that no extraction of ore will be undertaken by the Respondent No.1, nor any mining activity will be done or sale of minerals will be effected. Therefore, the work in question cannot be branded as mining project. The Respondent No.1, further states that MSRDC is appointed as 'Project Implementing Agency' by Government Resolution to modernize the check posts. The service provider will provide Electronic Weigh Bridges, Automatic Vehicle Counters and classifiers, License Plate Readers, Radio Frequency Identification Tags (RFID), Computers, Local Air Network (LAN) and connectivity to Central Control Room at Mumbai (VAN) etc. There are several other facilities, which will give excellent service to the end users. According to the Respondent No.1, though Banda is notified as Environmentally Sensitive Area (ESA), by Notification issued on 13.11.2003, by the MoEF, yet the project in question was approved by the Govt. of Maharashtra much prior to issuance of the said Notification i.e. as per Govt. Resolution dated 25<sup>th</sup> March, 2008. Accordingly, part of the project work of border



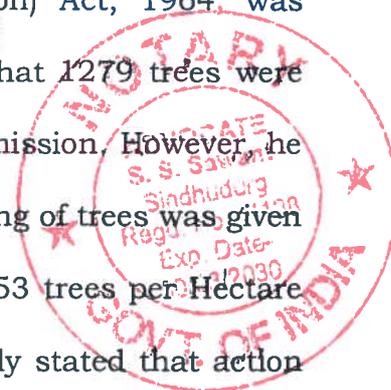
check posts of six (6) of such posts is completed and they are fully operational and other check posts are also under construction except the present check post at Banda. It is stated that due to continuous and various kind of litigations initiated by SaiprasadKalyankar, the construction work of check post at Banda is impeded and delayed, which has resulted into huge loss to the Motor Vehicle Department, Sale-Tax Department, State Excise Department and the Forest Department. According to the Respondent No.1, construction area of the project is only 14043 sq.mtrs, which is much below the outer limits of 20000 sq. mtrs and therefore, Notification issued by the MoEF, on 13.11.2013, is not applicable to modernization project in question. It is further contended that the competent Forest Officer has issued due permission for cutting 1279 scheduled trees, as per office order No.56/2013-14, dated 23.12.2013 and permission is also changed on 27.3.2014. The Village Panchayat Banda has also issued No Objection Certificate (NOC) dated 2.12.2013, in this context. The Director of Miners and Geology, Maharashtra has issued letter dated 23.9.2010, whereby NOC is issued to allow winning/removal of minerals from the land on payment of royalty of Rs.58,80,000/-. The Respondent No.1 alleges that the said amount has already been paid. It is contended that 3-Anjan and 2- Chandan trees were inadvertently felled during the process of tree cutting and for such error, fine of Rs.6000/- was imposed by the



Range Forest Officer, which was paid by the concerned contractor. So also, it is submitted that a separate Application has been submitted on 18<sup>th</sup> January, 2011 to the Principal Secretary, Irrigation (Command Area Development) for delineation of part of command area of Tillari Canal that falls in the project area. It is denied that the project will result into ecological loss, loss of forest cover and soil erosion. It is further submitted that the Application is ill-motivated and liable to be dismissed.

**10.** At this juncture, it may be noted that though the Application was only against seven (7) Respondents, yet subsequently, MSRDC, came forwarded with a request to allow its impleadment as a party. The MSRDC, in fact, is the project implementing agency. What happened before impleadment of MSRDC is rather significant that may be taken into account.

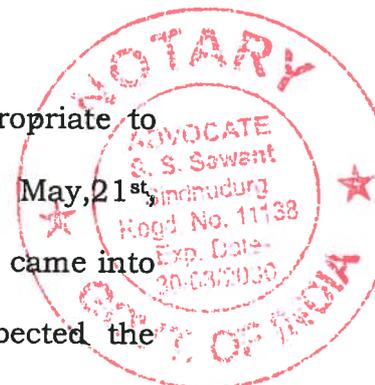
**11.** What appears from the record is that the Range Forest Officer (RFO), Sawantwadi filed an affidavit dated 21<sup>st</sup> May, 2014, wherein RFO Shri. Sanjay Bhausaheb Patil, categorically stated that permission under Section 3 of the Maharashtra Felling of Trees (Regulation) Act, 1964, was granted by him. His affidavit indicated that 1279 trees were permitted to be cut down as per the permission. However, he vaguely stated that the permission of felling of trees was given after ensuring that there are more than 53 trees per Hectare present at the place. Moreover, he vaguely stated that action



was taken against illegal felling of trees by the Tree Officer of Sawantwadi, as required under Section 4 of the Maharashtra Felling of Trees (Regulation) Act, 1964. This affidavit did not show as to how many trees were illegally felled, details of species of the trees, which were proposed to be cut down and whether the area was forest area or that it was non-forest area. This Tribunal passed order dated May 21<sup>st</sup>, 2014, directing the RFO to file detailed affidavit. Intervention Application filed by the MSRDC was permitted on the same day and MSRDC was thus, added as a party – Respondent No.8, on May 21<sup>st</sup>, 2014. It may be noted that the MSRDC came before this Tribunal with a request that it shall be added, because it has key role to play being Implementing Agency.

**12.** We may take note of the fact that the record clearly shows that there was illegal cutting of 5429 trees by the contractor, namely, the Maharashtra Border Check Post Network Limited (MBCPNL) to whom the MSRDC had assigned the project work prior to impleadment of the MSRDC. We, therefore, directed MSRDC to file reply affidavit giving all details and particularly indicating the action taken against the said contractor.

**13.** Before we proceed further, it would be appropriate to reproduce the relevant part of the Order dated May, 21<sup>st</sup>, 2014, so as to comprehend as to how the MSRDC, came into picture, on its own and what this Tribunal expected the

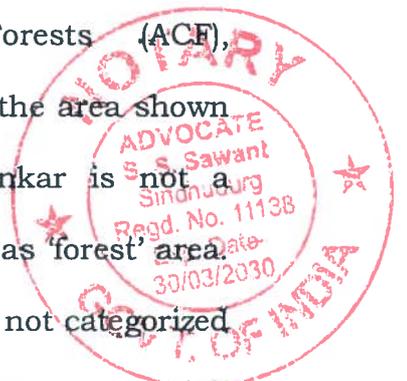


MSRDC to do. As stated before, by Order dated 24<sup>th</sup> February, 2014, we directed first seven (7), Respondents to maintain *status quo* in respect of illegal mining or illegal cutting of any more trees in the area of the land in question until next date. We further had clarified that *status quo* was restricted to the standing trees but had nothing to do with clearance of drains or for water discharge outlets. Against this order, the Respondent Nos. 1 to 7, had never made any grievance. Neither of them applied for vacating of the *status quo* order.

**14.** The text of relevant portion of the order dated May, 21<sup>st</sup> May, 2014, may be reproduced for ready reference:

"It is stated that MSRDC is a necessary party, because MSRDC is the Project Implementing Agency and therefore has key-role to play. It appears that MSRDC gave project work to the Maharashtra Border Check post Network Ltd. The director of MSRDC shall file affidavit reply as to what action was taken against the Maharashtra Border Check post Network Ltd for the alleged illegal cutting of 5429 trees and whether said contractor was removed from the work and whether the contractor was black listed immediately or whether activity of such cutting of the trees itself was permissible one."

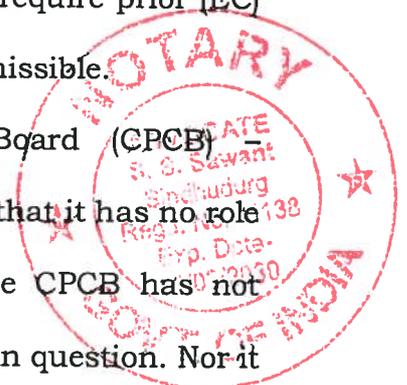
**15.** It appears that another affidavit by Shri. Shirish Kulkarni, Assistant Conservator of Forests (ACF), Sawantwadi, is filed. His affidavit shows that the area shown in the Application filed by Saiprasad Kalyankar is not a notified forest area, nor it has been identified as 'forest' area. It is further stated that the area in question is not categorized as of any type of 'forest' whatsoever. Thus, some error which had crept in the earlier statement in the affidavit filed by RFO



Shri. Sanjay BhausahebPatil, was rectified on the basis of available record.

16. By filing reply affidavit of NageshLohalkar, Sub-regional officer of MPCB, (Respondent No.4), only a status report was submitted. It is stated that on basis of a complaint filed by SaiprasadKalyankar site was visited. The complaint was forwarded to the Respondent No.1. The MPCB observed that no mining activity was being carried out, or any proposal for EC for mining in the area was received. It is stated that by order dated 27.2.2012, the Hon'ble Supreme Court of India, directed all the mines for major minerals to obtain prior EC from the competent Authority, irrespective of the mining area covered thereunder. The report further shows that the development of the site by cutting of the trees, land levelling, lying of 'Kaccha' road, flanking along the National Highway No.17, was noticed. It appears that the MoEF issued directions vide letter dated 13.11.2013, which includes village Banda (talukaSawantwadi, district Sindhudurg), as one of the area under eco-sensitive zone (ESZ). Therefore, any mining activity in the said area, building activity and construction project of 20000 sq. mtrs and above would require prior (EC) and moreover such mining activity is impermissible.

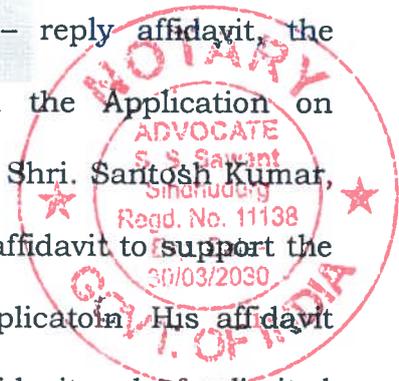
17. The Central Pollution Control Board (CPCB) Respondent No.7, has come out with a case that it has no role in the matter. According to the CPCB, the CPCB has not issued any Consent/NOC/EC to the project in question. Nor it



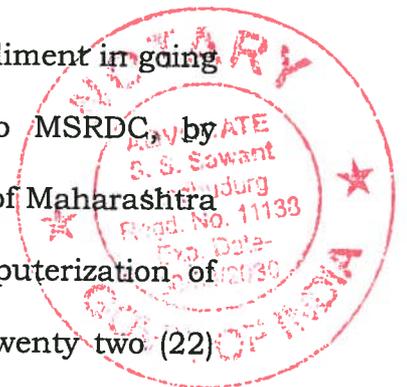
has any control over the consent mechanism in context of such a project for modernization, particularly, involving computerization of the border check posts.

**18.** According to the Respondent No.5, since there is no mining operation in any land in question, it is not the business of the Chief Controller of Mining to look into the work of modernization and construction of the Border Check Posts. It is submitted that there is no prayer in the Application against the Respondent No.5, and therefore, the Respondent No.5, may be deleted from the array of the Respondents. Further, it is stated that the Respondent No.5, through its representatives got inspected site in question and found that no mining operation was going on at the site and therefore, the averment is misconceived. It is the case of the Respondent No.5 that unless the area is proved to be one where mining lease is granted in terms of Rule 22 of Mineral Concession Rules, 1960 by the State Govt. then only provisions of MCDR, 1988, would come into effect. So, it is denied that the Respondent No.1, indulged any mining activity at the site.

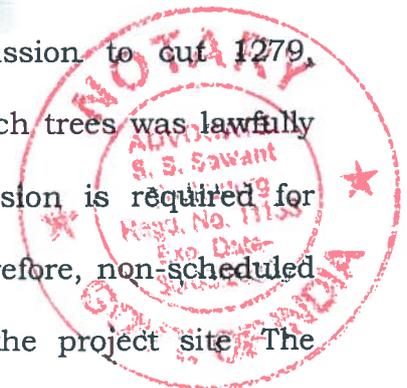
**19.** By filing elaborate response - reply affidavit, the MSRDC (Executing Agency), resisted the Application on various grounds. On behalf of MSRDC, Shri. Santosh Kumar, Joint Managing Director, sworn in his affidavit to support the averments in order to counter the Application. His affidavit purports to show that he filed his affidavit only for limited



purpose of opposing interim relief. His affidavit, however, is quite elaborate in context of the contractual work assigned to the MSRDC. The MSRDC challenges maintainability of the Application on the ground that the Application is barred by Limitation, since the impugned decision to shift the check post from Insuli to Banda, was taken on or about 17<sup>th</sup> June, 2008, and thereafter a public notice for acquisition of lands was issued on 28<sup>th</sup> February, 2009, and as such the Application filed after period of six (6) months, is barred under Section 14(3) of the National Green Tribunal Act, 2010. It is further stated that dismissal of PIL No.147 of 2009, along with Civil Application No.159 of 2010 by the Hon'ble High Court of Bombay, would bar filing of the present Application, inasmuch as the principle of '*Res-judicata*' is applicable in the facts and circumstances of the present case. It is pointed out that in Writ Petition No.133 of 2011 and in Writ Petition No.4961 of 2012, the Hon'ble High Court of Bombay, held that "questions regarding objections pertaining to mines and minerals cannot be gone into". According to MSRDC, the Application is filed with ill-motive of forum hunting. It is stated that this Tribunal should not have passed ad-interim order against the MSRDC, which caused impediment in going ahead with the public project. According to MSRDC, by Notification dated 25<sup>th</sup> March, 2008, the Govt. of Maharashtra decided to carry out modernization and computerization of thirty (30) border check posts, out of which twenty two (22)

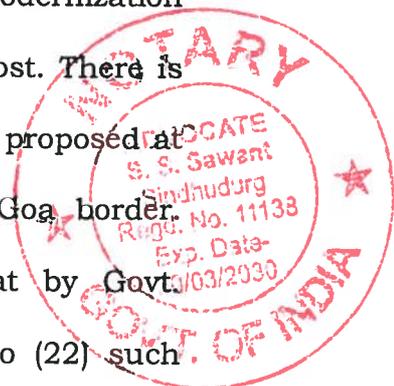


border check posts of the Transport Department were to be modernized and eight (8) enquiry border check posts of the State Excise Department, were to be installed by acquisition of lands, near the boundaries of State of Gujarat, Andhra Pradesh, Karnataka and Madhya Pradesh. These modern check posts were to be inter-connected with each other and with Central Control Room in Mumbai, via internet work. The MSRDC started the work and completed part of project at various locations on Built, Operate and Transfer (BOT) basis. The site of Banda was handed over to concessional (Contractor) M/s Sadbhav Engineering Ltd on or about 23<sup>rd</sup> December, 2013. It is reiterated that the project in question requires 14043 sqmtrs land, which is much below the limit of 20000 sq.mtrs and therefore, does not require EC, as per the directions of MoEF in its communication dated 13<sup>th</sup> November, 2013. It is further reiterated that the Government Notification dated 13<sup>th</sup> November, 2013, is not applicable to the project, because the project was approved five (5) years before such directions were issued. According to MSRDC, the Range Forest Officer (RFO), Sawantwadi, is the competent Authority under the Maharashtra Tree Cutting (Amendment) Act,1988, and lawfully granted permission to cut 1279 scheduled trees. Therefore, felling of such trees was lawfully done. It is contended that no permission is required for cutting of non-scheduled trees and therefore, non-scheduled trees have been cut, as required at the project site. The



MSRDC came forward with a plea that royalty of Rs.58,80,000/- (Rupees Fifty Eight Lakhs and Eighty Thousands) was assessed by the Director of Mining, while granting NOC, which has been credited to the Government account. It is pointed out that the Collector, Sindhudurg, vide communication dated 28<sup>th</sup> March,2014, informed that the project in question, does not come under the provision of Section 25(2) of the Maharashtra Land Revenue Code,1966, and hence, permission is not required for the same. The project in question is, therefore, being implemented within legal parameters and only purpose of SaiprasadKalyankar, is to create hurdles, because of the fact that the land Survey No.195(New Survey No.189-C),is subjected to acquisition for implementation of said project. Consequently, MSRDC, sought dismissal of the Application.

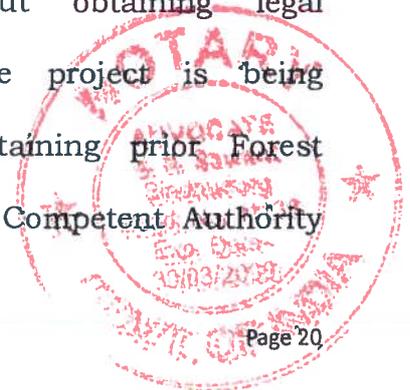
20. We have heard Applicant SaiprasadKalyankar in person and learned Counsel for contesting Respondents in *extenso*. We have also perused the written submissions filed by SaiprasadKalyankar and on behalf of MSRDC. Undisputedly, agricultural land Survey No.195(New Survey No.189-C), situated at Banda, was acquired for modernization and installation of inter-state transport check post. There is no dispute about the fact that the check post is proposed at location of Highway No.17, near Maharashtra-Goa border. There is also no dispute about the fact that by Govt. Resolution, dated 23<sup>rd</sup> March, 2008, twenty two (22) such



check pots were decided to be computerized and interconnected by LAN/WAN, and modernized by providing updated facilities. The agricultural land of SaiprasadKalyankar was acquired for such purpose amongst the lands of other land owners. He challenged acquisition of his land by filing Writ Petition No.133 of 2011. The Hon'ble High Court of Bombay dismissed that Writ Petition. The Hon'ble High Court of Bombay, held that "the objection to the decision of shifting of check post from Insuli to Banda, cannot be entertained". Obviously, the issue regarding shifting of the check post, acquisition of land, impact of such process and other allied questions, are not required to be considered in the present Application. It may be emphasized that only 'substantial question relating to environment' may be entertained, so as to settle the dispute raised vide the present Application.

**21.** Considering the nature of dispute raised by SaiprasadKalyankar, we deem it proper to frame following issues for determination:

- i) Whether the Application is barred by Limitation?
- ii) Whether during course of execution of project in question, the forest cover is illegally removed by felling of trees without obtaining legal permission, or that the project is being implemented without obtaining prior Forest Clearance (FC), from the Competent Authority



and thus, any illegality has been committed by the Respondent Nos.1,2 and 7?

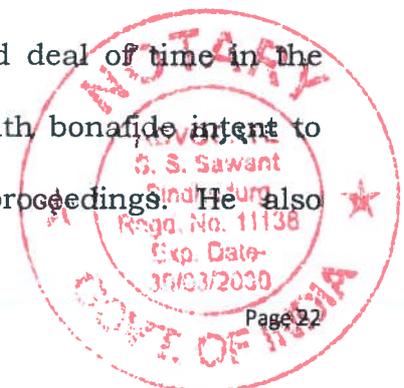
- iii) Whether implementation of the project in question amounts to illegal mining activity and particularly, without obtaining Environmental Clearance (EC), which is absolutely impermissible in the Eco-Sensitive Area (ESA) of 'Western Ghats' because of the Notification dated 13<sup>th</sup> November, 2013, of the MoEF, declaring ESA, in which Banda village is included?
- iv) Whether the project requires prior Environmental Clearance (EC), in accordance with the EIA Notification dated 14<sup>th</sup> September, 2006, or any other EIA Notification issued by the MoEF and for want of such EC, implementation thereof without following due procedure, is bad in Law?
- v) a) Whether part of the project land falls in Command Area of notified Irrigation Project and therefore, proposed work cannot be undertaken without prior permission of the Competent Authority, unless the area is delineated from Command Area?



b) whether otherwise the project suffers from any kind of illegality, and is liable to be struck down?

**Re: Issue (i)**

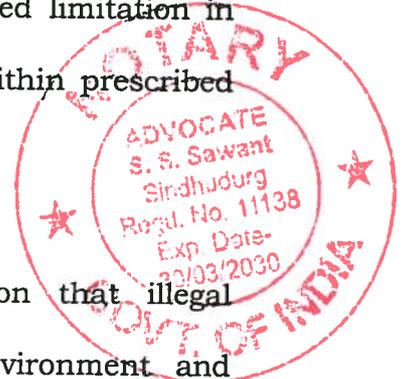
22. So far as question of limitation is concerned, it may be stated that the project activity was approved vide Govt. Resolution dated 25<sup>th</sup> March, 2008. Still, however, that cannot be the first date of 'cause of action' in the context of present Application. The Application is for restitution of environment as well as, for the purpose of settlement of 'such disputes' related to implementation of 'the Environment (Protection) Act, 1986'. On merits, whether the Application would fail or will be granted, is another thing, but when it *prima facie* appears that a large number of trees have been felled without prior approval of the competent authority and moreover, there is probability of extraction of major mineral in the area, it will have to be said that the Application projects 'substantial environmental dispute' relating to implementation of the Environment (Protection) Act, 1986. In our opinion, therefore, the Application falls within ambit of Sections 14(1) (2), 15 and 18 of the National Green Tribunal Act, 2010. The Applicant has spent good deal of time in the Hon'ble High Court and probably with bonafide intent to save the land from acquisition proceedings. He also



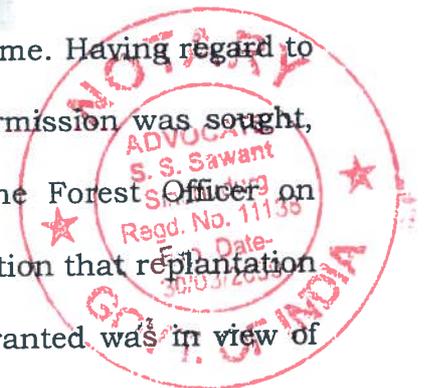
ventilated grievance before the Hon'ble High Court that the lands fall within Irrigation Command Area and therefore, the project should not be undertaken at Banda. He challenged shifting of the check post from Insuli to Banda. His Writ Petitions were dismissed. The time consumed in such a litigation, will have to be considered for the purpose of pinpointing commencement of the relevant period, inasmuch as the 'cause of action' is a bundle of facts. We may point out that the present Application was filed in this Tribunal on 17<sup>th</sup> February, 2014, alleging that felling of trees by the RTO (Respondent No.1) in land bearing new Survey No.189-C, is illegal. SaiprasadKalyankar asserted that RFO, Sawantwadi (Respondent No.2) granted illegal permission for cutting/felling of trees on 23.12.2013. Thus, from such a date, the Application can be said to be within period of limitation, inasmuch as actual work of felling of trees had commenced thereafter. A copy of permission granted under Section 3(1) (b) of the Maharashtra Cutting of Trees (Amendment) Act, 1988 (Ex-D-28) dated 23.12.2013, is placed on record. In our opinion, illegal felling of trees has triggered limitation in this case and hence the Application is within prescribed period of Limitation.

**Re: Issue (i)**

**23.** There cannot be duality of opinion that illegal deforestation would seriously impair environment and

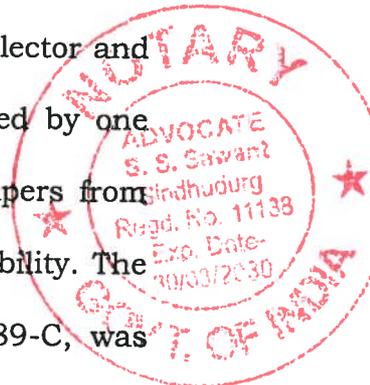


ecology. At the same time, up-gradation of available facilities is also need of the hour. Felling of trees in the area is no doubt, incidental part of the execution activity required for execution of the project in question. Perusal of the record shows that in pursuance to the Application dated 15.1.2013, received from the RTO, Sindhudurg, requesting for permission to fell down scheduled trees, standing in Survey No.189-C, for the purpose of modernization of border check post, the RFO gave permission for cutting down 1279 trees of the forest species. What appears from the record is that though such trees were allowed to be fell down from the land Survey No.189-C, yet that land was not declared as 'private forest' nor it was part of 'Govt. forest'. It is important to note that the order issued under Section 3(1) (b) Maharashtra Felling of Trees (Amendment) Act 1988, reveals that the agricultural land Survey No.189-C, is situated outside the 25 villages proposed to be included in Eco-Sensitive Area (ESA), under the report of Gadgil Committee, nor that land was notified as ESA in Sindhurung district. Thus, the land of Applicant, namely, RTO, bearing Survey No.189-C, was not included in ESA at the relevant time. Having regard to the public purpose for which the permission was sought, such permission was granted by the Forest Officer on payment of royalty and also on condition that replantation of the same trees. The permission granted was in view of



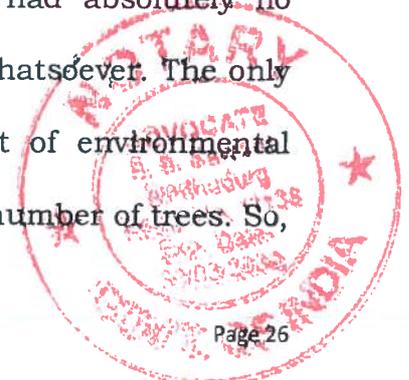
the MoEF Notification dated 13<sup>th</sup> November, 2013. It is pertinent to note that such permission was issued on 23.12.2013, i.e. after declaration of ESA, by the MoEF/Govt. of Maharashtra, for the project which was commissioned in 2008.

**24.** What appears from the record is that a Show-cause-Notice was served on Shri. ManojAbrol, site In-charge of the contractor, when it was found that additional 5429 trees were cut down without permission. His explanation was sought by the RFO, Sawantwadi. Instead of taking further action, the RFO, gave report to the Tehasildar, Sawantwadi, by communication dated 20<sup>th</sup> January, 2014, that suitable action may be taken against said ManojAbrol, because entire area was cleared of all the trees and offence was committed under Section 25 of the Forest Act. Thus, it is conspicuous that the RFO as well as Tehasildar, abdicated their legal responsibility of taking suitable action against the culprit/offender or wrong doer, though the information clearly showed that the area was cleared by the Agency or site in-charge appointed by the Agency, appointed by MSRDC to execute the work in question. SaiprasadKalyankar made complaints to the Collector and other Authorities. His complaints were forwarded by one office to another. There was only shifting of papers from one office to another, perhaps to avoid responsibility. The fact remains, however, that land Survey No.189-C, was



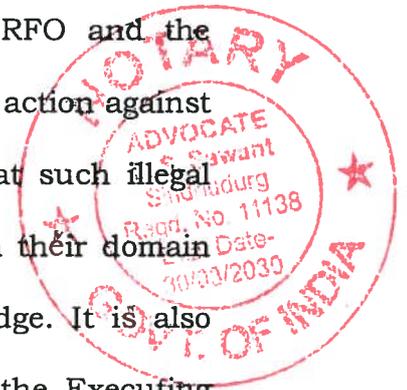
cleared of the trees by the contractor, who was appointed on behalf of Executing Agency nominated by the MSRDC. It is worthwhile to note that land Survey No.189-C, of village Banda was mutated in the name of Sub-Divisional Transport Officer, Sindhudurg, vide Mutation Entry No.1793, after the land acquisition proceedings. The revenue entry do not show that the said land was shown as 'private forest'. No doubt, there were some species of forest trees in the said land. However, majority of trees comprised of non-forest species, such as Kokam, being 1797 in number, Cashew, 1057 in number and Beatle nut, 258 in number.

25. As stated before, the lands, including the land Survey No.195 (New Survey No.189-C), as well as land Survey No.198, were acquired for the Project for modernization of Banda check post etc. Obviously, Award drawn was for payment of compensation. The Award consists of not only market value of the acquired land, but also of the value of standing trees. The acquired land along with trees, thereafter, stood transferred in favour of acquiring body, namely, the Respondent No.1. SaiprasadKalyankar no more had any legal right either in respect of land Survey No.195 (New Survey No.189-C), and had absolutely no concern with land Survey No.197-C, whatsoever. The only concern which he could have is that of environmental degradation due to felling of excessive number of trees. So,



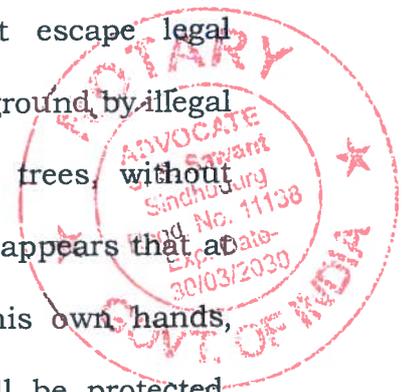
it has to be seen whether due permission was required for felling of trees. There are two (2) categories of trees, which were in land Survey No.189-C. First category comprises of trees of Forest species. Second category comprises of trees of general species (Agricultural species). So far as trees of forest species are concerned, the RTO (Respondent No.1) applied for permission to fell and remove scheduled trees, as per the Application dated 15.10.2013. Such permission was granted under Section 3(1) (b) of the Maharashtra Felling of Trees (Amendment) Act 1988. One cannot be oblivious of the fact that felling of trees was sought for implementation of a public project. Therefore, the RFO, could have considered the Application. It need not be reiterated that land Survey No.189-C, is not declared as 'private forest' nor it is a part of Government Forest and therefore, there is hardly any requirement to seek Forest Clearance (FC) from the Competent Authority.

**26.** Now, it is true that excessive large number of unscheduled trees have been cut down and removed by the contractor engaged by the Executing Agency, so as to clear the site. It is also true that the RFO and the Tehasildar, Sawantwadi, have not taken any action against the contractor inspite of the knowledge that such illegal felling of trees did occur in the area within their domain and the fact was brought to their knowledge. It is also explicit that no explanation was given by the Executing



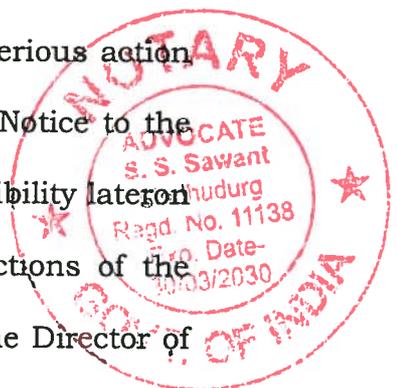
Agency and the site-in-charge for excessive cutting of non-scheduled trees or some of the scheduled trees. It appears from the record that only paper work was done and reports were exchanged by those two (2) offices.

27. It appears that large number of non-scheduled trees were also cut down while clearing the site, apart from trees which were allowed to be cut. Thus, the contractor levelled the area by removing all felled trees under the nose of the RFO and the Tehasildar. It appears that meagre penalty of Rs.6000/- was recovered by the RFO, from the contractor, in respect of illegal felling of three (3) trees of forest species, which allegedly were "inadvertently cut down". In fact, this justification is absolutely without any reason or rhyme. The MSRDC has not filed affidavit of the contractor to justify said "inadvertent" felling of trees. Moreover, the record shows that more than three (3) trees of the forest species were cut down illegally in excess of permission granted in favour of the Respondent No.1 (RTO). This is nothing but highhandedness committed on the part of Executing Agency for which the MSRDC is accountable. The Joint Director of MSRDC cannot escape legal responsibility for illegal act of levelling the ground by illegal cutting of scheduled and non-scheduled trees, without permission of the Competent Authority. It appears that at his behest the contractor took Law in his own hands, under the assumption that such act will be protected.



Needless to say, stern action is required to be taken against the Joint Director of MSRDC, so as to give appropriate signal to such officers of the Government, who do not pay heed to legal provisions, though they are bound to respect the Law.

**28.** The R.F.O, Sawantwai, gave Show-cause Notice to one ManojAbrol, site Incharge of Maharashtra Border Check Post Network Ltd. (Executing Agency engaged by MSRDC), calling him to explain why action be not taken for alleged felling/cutting of 5429 scheduled/non-scheduled trees. The Show-cause Notice dated 30.1.2014, however, does not describe how many scheduled trees were felled and how many non-scheduled trees were felled in that area. It also does not indicate description of nature of the trees, age of the trees, girth of those trees and other details. It is explicit from the record that the MSRDC, Maharashtra Border Check Post Network Ltd, the R.F.O and the then Tehasildar of Sawantwadi, attempted to put all the misdeeds, in this context, under the carpet. They were hand in glove, is very clear from the fact that no serious effort was made to immediately intervene while such tree felling activity was going on. Nor serious action was taken further except giving Show-cause Notice to the site In-charge, who could abdicate legal responsibility later on by saying that he was acting under instructions of the master and bonafidely had done such act. The Director of

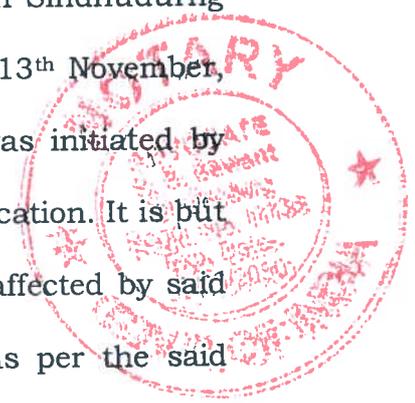


the MSRDC and the Sub-Agency as well as the R.T.O. and other Govt. officials have maintained disquieting silence in this behalf. This a glaring fact which speaks volume against them.

**Re: Issues(iii) &(iv)**

29. Both these issues are interconnected and as such, are being considered together.

30. The Project of Banda check post shifting and modernization thereof, is approved by the Govt. of Maharashtra as part of project of modernization, as per the Govt. Resolution dated 25<sup>th</sup> March, 2008. The land of SaiprasadKalyankar, was acquired by the Competent Authority on 24<sup>th</sup> February, 2009. The Writ Petition filed by him was dismissed by the Hon'ble High Court of Bombay on 5<sup>th</sup> April, 2003. The Govt. of India issued directions under Section 5 of the Environment (Protection) Act, 1986, vide MoEF Notification dated 13<sup>th</sup> November, 2013, whereby High Level Working Group (HLWG) report prepared under the chairmanship of Dr. K.Kasturirangan, was accepted and area of Western Ghats was declared as Eco-Sensitive Zone (ESZ). It appears that in Sindhudurg district, Banda was included in ESA w.e.f. 13<sup>th</sup> November, 2013. However, the project in question, was initiated by the Respondent No.1 prior to the said Notification. It is but natural to examine whether the project is affected by said Notification because it falls within ESZ, as per the said



Notification, declared subsequently. In other words, whether the said Notification, is retrospective in effect or will be prospectively applicable, is the question that needs consideration.

**31.** SaiprasadKalyankar, vehemently argued that the area is enriched with iron-ore on both sides of the National Highway (NH) No.17. He argues that the project require cutting of hills, which tantamount to illegal mining activity. He submits that hill-cutting, levelling of lands, felling of large number of trees, would cause great loss to the environment. The mining activity in the area is illegal, without prior Environmental Clearance (EC). The Respondent No.1 failed to carryout cost benefit study and environment impact, is also not properly assessed before the project was approved. The change of place from Insuli to Banda on 8.3.2008, was effected without considering the environmental impact and therefore, these issues are required to be now examined. As stated earlier, the issue pertaining to change of Insuli check post to Banda check post is already a closed chapter due to dismissal of the Writ Petitions by the Hon'ble High Court. SaiprasadKalyankar cannot be allowed to re-agitate the same issue which must be taken as barred by applying the principle of '*Res-judicata*'. True, it is that the land at the site consists of  $Fe_2 O_3$  minerals. The iron-ore is a major mineral of which mining cannot be allowed without prior

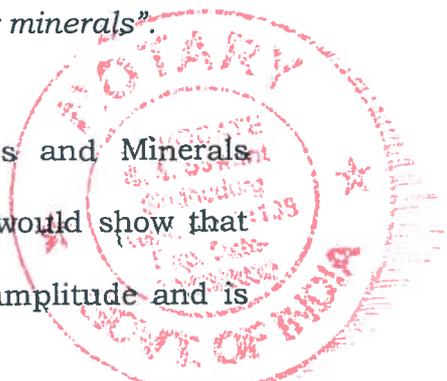


Environmental Clearance. The term 'mining' means extraction of valuable minerals or other geological materials from the earth from an ore body, lode, vein, seam, or reef, which forms the mineralized package of economic interest to the miner. It is of common knowledge that mining means extracting minerals from the earth. Mining is required to obtain any materials that cannot be grown through agricultural process or created artificially in laboratory or factory. In a wider sense, mining includes extraction of any non-renewable resources.

**32.** In any case of mining even activity of winning may be branded as mining. In "**Promoters and Builders Association of Pune and others V. State of Maharashtra**" in **Writ Petition No.785 of 2008**, the Hon'ble High Court of Bombay observed that:

*"The plain language of this provision indicates that any excavation which results in obtaining minerals is covered by this definition. Thus, the activity of excavation of land even for laying foundation of building has the effect of obtaining minerals. Even that activity is covered by the definition of mine. It would make no difference that a person while excavating land was not searching for minerals".*

Perusal of Section (3) (e) of the Mines and Minerals (Development & Regulations) Act, 1957, would show that the term 'mining operation' is of wide amplitude and is



inclusive of not only extraction of minerals, but also well included winning of minerals or any other activity. In **“TarkeshwarSio Thakur Jiuv Bar DassDey& Co. And ors”**(1979 SCC (3) 106) Apex Court held that “Mining operation includes every activity by which mineral extracted or obtained from earth irrespective of such activity is carried out on surface or in the bowels of the earth.”

33. Similarly in **“Bharat Coking Coal Ltd v. State of Bihar”**(1990 SCC (4) 557), it is held that even mere usage of equipment, goods trucks etc. for cutting of soil, would be included in the definition of “mining”.

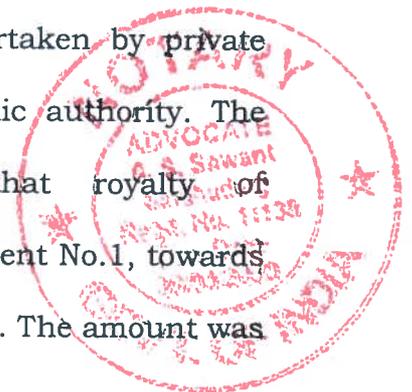
34. There cannot be two opinion about the legal position that mining cannot be allowed in the area declared as forests, wildlife sanctuaries, buffer zones, as held by **Goa Foundation v. Union of India, Writ Petition (Civil) 435 of 2012**, decided on April 21<sup>st</sup>, 2014. The restrictions on mining are of course, either due to location of the mining or nature of mining activity, or nature of mining-lease granted or nature of ore, which is extracted or requirement of EC, under the Environmental Clearance (Regulations), 2006. Obviously, lop sided view cannot be taken in such a matter.

35. The decision in each case would depend upon particular facts of that case, is well settled legal position.

So far as rights of acquired lands in which mineral stocks

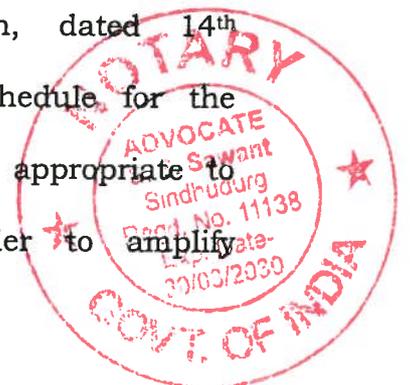


are contained, legal position is explicit from the Dictum in case of "**Monnet Ispat and Energy Ltd v. Union of India**, 212 (11) SCC 1". The Hon'ble Supreme Court, in the given case categorically held that "mining and minerals within its territory vests in the State absolutely". It is held that "the State Government's power as owner of the land and minerals vested in it, is absolute and could not be avoided by MMDR Act, 1957". The view taken by the Apex Court is that "when the land stands vested in the State Government under provision of the special enactment, then consequent of vesting includes absolute right over the minerals, which are part and parcel of the land". In the facts and circumstances of the present case, due to acquisition of lands by Govt. of Maharashtra, it will have to be said that all the rights over the ore of Fe<sub>2</sub>O<sub>3</sub> (Iron ore) stand vested in the State of Govt. inclusive of rights to extract minerals, right to own trees standing in the lands, right to minor minerals etc. Neither Saiprasad Kalyankar, nor any other land owner could have any claim over the same. Of course, Saiprasad Kalyankar has limited right to ventilate grievance about illegal mining, if in fact, there is some illegality of mining activity undertaken by private individual, at the instance of the public authority. The record of present case shows that royalty of Rs. 58,80,000/- was paid by the Respondent No. 1, towards use of minerals from the land in question. The amount was



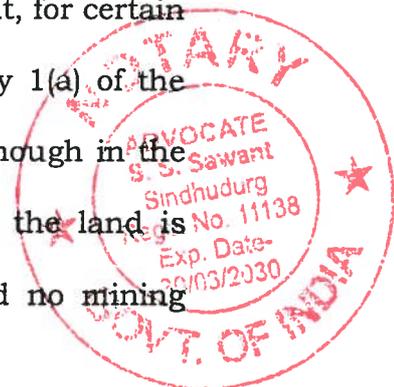
credited to the Government account at the office of Collectorate, Sawantwadi. The affidavit of Respondent No.1, reveals that amount was deposited much before declaration of land falling within Eco-Sensitive Area (ESA), and prior to Dictum of "*Deepak Kumar & Anvs State of Haryana and Ors*," IA Nos.12/13 of 2011 in (c) Nos.19628, 19629 of 2009 etc. (SC). What is observed by the Apex Court in "*Deepak Kumar v. State of Haryana & Ors*" is that "mining lease should be less than 5Ha and preparation of comprehensive mine plan, is required to be prepared". The Apex Court recommended that "the Ministry of Mines along with Indian Bureau of Mines, in consultation with the State Governments, may reexamine the classification of minerals into major and minor categories so that regulatory aspects and environment mitigation measures are appropriately integrated for ensuring sustainable and scientific mining with lease impacts on environment". We may, however, mention here that in "*Deepak Kumar and others*", the Apex Court gave interim directions and particularly in the context of mining leases and area of mines.

**36.** Coming to the EIA Notification, dated 14<sup>th</sup> September, 2006, relevant entry of schedule for the present purpose is "1(a)". It would be appropriate to reproduce the relevant entry, in order to amplify understanding of the subject.



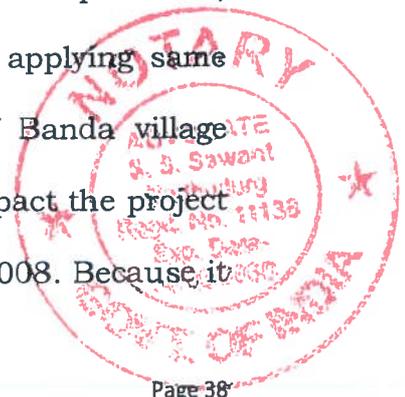


(Regulation and Development) Act, 1957, is to be termed “illegal mining”, because mineral rights vest in the State Government and State Government is the owner of mineral wealth, wherever it is found. Being owner of mineral wealth, the State Government can assign rights of extraction of mineral to anybody under the provisions of MMRD Act, 1957 and the Rules made thereunder. Obviously, the fact that right to utilize the earthen layer extracted after winning of the land area, during course of levelling for the purpose of filling of pits at the site of project, is assignment of work, which the State Govt. can duly perform within its right. As stated before, the Respondent No.1, has paid royalty of Rs.58,80,000/- for such purpose. Secondly, the Respondent No.1, is part of Government Agency, and the project also is for benefit of the members of public. Under the circumstances, if we will consider the ratio of **Monnet Ispat and Energy Ltd**, it is explicit that grant of prospective licence/right to remove iron-ore from a particular site, is within domain of State Government's paramount right and is not affected by MMRD Act, 1957. Secondly, EC may be required if the mining lease is sought by the Project Proponent, for certain areas of more than 5 HA, shown in the entry 1(a) of the schedule appended to the EIA Notification. Though in the present case, the project area is said to be the land is acquired for development of check post, and no mining



lease has been granted, contemplating use of this land for mining purpose than 5 Ha. Apart from this, the project was approved by the State Government in or about in 2008. The Resolution dated 25<sup>th</sup> March, 2008, was passed for acquisition of lands with a view to modernize the border check posts alongside NH No.17. Consequently, the project in question does not require prior EC and is not obviously affected due to absence of EC.

**38.** The declaration of Notification dated 13<sup>th</sup> November, 2013, which includes village Banda within area of 'Western Ghats' declared as ESA, also will not impede the project in question. As stated before, the project triggered in the month of March, 2008. The area was declared as ESA much thereafter. The Notification cannot be applied retrospectively. The project in question must be considered as 'ongoing project activity'. In case of "**Goan Real Estate Construction Ltd. & Anrvs People's Movement for Civil Action**" **(2008) 8 SCC 645**, the Apex Court held that "ongoing construction activity", which was undertaken prior to or during pendency of Dictum in '**Indian Council Environ- Legal Action**' which was decided earlier (reported in "J.T.1996 (4) SC 263") could be protected, inasmuch as it was 'ongoing activity'. By applying same analogy, we may say that declaration of Banda village within ESA in November, 2013, will not impact the project in question, which had already started in 2008. Because it

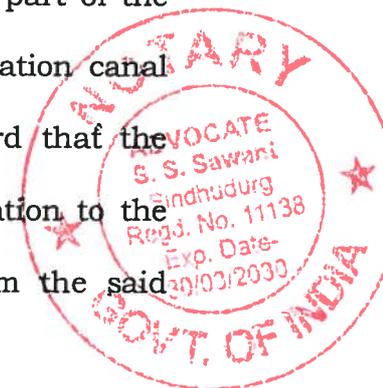


can be treated as 'ongoing activity' notwithstanding the fact that actual construction work is yet not proceeded with due to several obstructions caused by SaiprasadKalyankar, in view of filing of various litigations, including Writ Petitions, present Application etc. SaiprasadKalyankar alleges that the construction activity requires Environmental Clearance (EC), because the area covered thereunder is of more than 20000 sq.mtrs. We do not agree. The reply affidavit of the Respondent No.1 (Paragraph 14) categorically shows that the proposed construction area is 14,043 sq.mtrs, which is much below the prescribed limit of 20000 sq.mtrs. The Project activity below 20000 sq. mtrs of construction does not require any EC and as such, the argument of SaiprasadKalyankar, is unacceptable. Considering these aspects, we are of the opinion that both these issues ought to be answered in negative and they are accordingly so answered.

**Re: Issue (v):**

**(v):(a)**

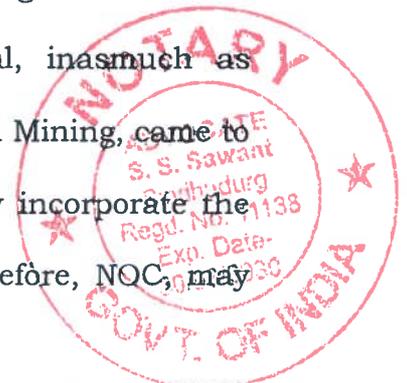
39. There is no dispute about the fact that the part of project land was in command area of Tillari Irrigation Project. It is an admitted fact that only small part of the project falls within command area of the irrigation canal area of Tillari. It has been brought on record that the Respondent No.1, has already filed an Application to the Competent Authority, seeking permission from the said



Authority for delineation of area from the irrigation command area, in order to avoid technical problem. The Competent Authority is dealing with the said Application. The present Application, in fact, should not have impaired the decision of such Application. The Application is moved by the Respondent No.1, and is addressed to the Secretary of Irrigation Department (Command) Mantralaya, Mumbai, by the Chief Land Survey Officer. Tillary canal runs from left side of NH No.17, and therefore, such permission is sought on behalf of the Respondent No.1. The project may be, therefore, allowed to be completed if such permission is granted by the competent Authority or is already granted. Thus, formality shall not detain us from deciding the present Application. Moreover, the Hon'ble High Court has already held that the project may be executed by acquiring the lands from the command area after following due procedure. Needless to say, if due permission is accorded by the competent Irrigation Authority, then there would be no illegality in the process of execution of the project in question.

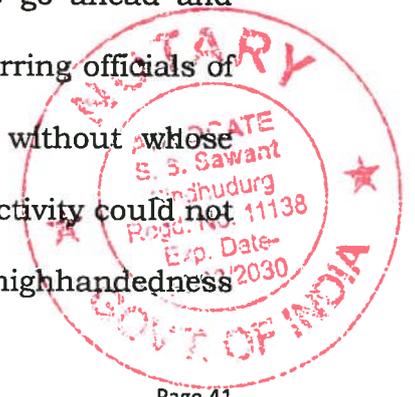
**(v):(b)**

40. Now, SaiprasadKalyankarfurther alleges that entire project activity is erroneous and illegal, inasmuch as Geologist of the Directorate of Geology and Mining, came to the conclusion that the project area may incorporate the substantial quantity of iron ore and therefore, NOC, may



not be issued to the RTO. He relied upon communication dated 11.2.2010 (Ex-I-42). We are of the opinion that the question of NOC is the matter of procedure and it is for the RTO, to get procedural difficulties solved at his end. SaiprasadKalyankar, would submit that the project cannot be allowed, because there is no prior permission granted by the National Highways Authority. This action is procedural requirement, which the Respondent No.1, will have to complete, if so needed, before going ahead with the project in question. At the present, these procedural requirements cannot be regarded as stumbling blocks, which would have enough to set aside the project activity in toto. We, accordingly, hold that the project cannot be held as illegal for other procedural requirements, though the Respondent No.1, will have to obtain certain permissions from the competent Authorities before going ahead with the project in question. This answers both parts of the issue under consideration.

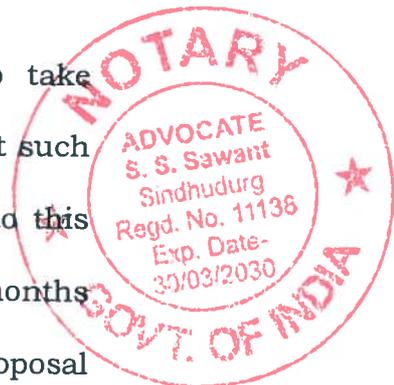
**41.** Cumulative effect of foregoing discussion, is that the Application is without merits and will have to be dismissed. However, we find it necessary to give certain directions before the project is allowed to go ahead and also to deal with highhanded activities of erring officials of the MSRDC, RTO, Tehasildar and RFO, without whose connivance, a large number of tree felling activity could not have been undertaken at the site. The highhandedness



with which they acted and cleared the area by felling of trees and removal of a large number of trees, must be deprecated. They are liable to compensate for loss of trees and also for the act of lack of probity while discharging the public duties.

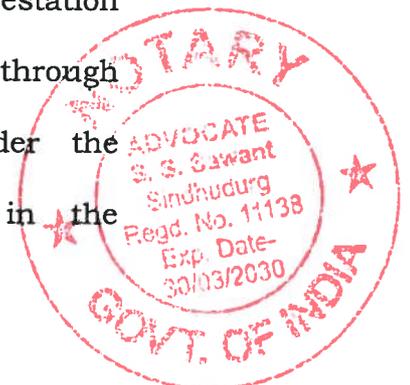
In the result, we dismiss the Application with following directions:

- i) Divisional Commissioner, Kokan Division, is directed to conduct preliminary enquiry through Collector for illegal felling of trees, levelling of site in the area of Gut No.195 (189-C), for the project of Border Check Post at Banda by MSRDC. The report should indicate responsibility for inaction on the part of RTO, RFO, Tehsildar and officers of the MSRDC, including the Joint Director of MSRDC, towards intentional omission by anyact of negligence, or commission or dereliction of duty, or purposeful aiding in felling of trees to facilitate execution of the project.
- ii) Heads of such offices be informed to take appropriate departmental actions against such officers. The report shall be forwarded to this Tribunal within period of six (6) months hereafter, with details of the proposal



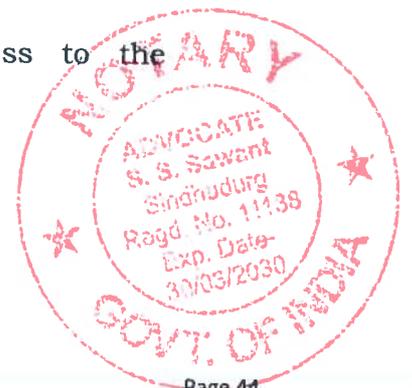
forwarded to the concerned departments for Departmental actions to be taken against the concerned officers/officials.

- iii) The concerned departments like Transport Department, Forest Department and MSRDC, shall take suitable departmental action against the officials, who are found to be guilty of misconduct and shall submit a report to this Tribunal, six (6) months thereafter.
- 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.

- v) The contractor – Agency of MSRDC, be directed by the MSRDC to pay costs of Rs. 10 lakh, being costs of damages caused to environment in the vicinity of village Banda and if the Executing Agency will not pay the same, it shall be paid by the MSRDC, which shall not be included in the cost of the project, but shall be recovered from the personal account of concerned supervisory officers of MSRDC, if found responsible for felling of the trees, as per the report of the Divisional Commissioner, Kokan Division.
- vi) An appropriate departmental action be initiated against Mr. Sanjay Bhausaheb Patil, RFO, by the Chief Conservator of Forests (CCF) concerned, on account of furnishing wrong information to the Tribunal, that the land in question is a part of forest land and for facilitating felling of large number of trees, which could be avoided if he had *prima facie* taken timely action to avoid loss to the environment.



- vii)** The competent Authorities shall report result of such departmental enquiries to this Tribunal within period of eight (8) months hereafter.
- viii)** Non-compliance of above directions may attract section 26 of the NGT Act, 2010.
- ix)** SaiprasadKalyankar, appears to have filed the Application due to his earlier rounds of litigations in respect of acquisition of land or may be at the behest of some external agency. Therefore, we do not impose costs on him, though his Application is found to be without merits.
- x)** The Application is accordingly disposed of.

....., JM  
(Justice V. R. Kingaonkar)

....., EM  
(Dr.Ajay A. Deshpande)

**Date: September 10<sup>th</sup>,2014**



# 757 Exhibit - B

IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 10806 OF 2014

MAHARASHTRA STATE ROAD DEVELOPMENT  
CORP. LTD.

APPELLANT(S)

VERSUS

SAIPRASAD MANGESH KALYANKAR & ORS.

RESPONDENT(S)

O R D E R

1. We have heard learned senior counsel for the appellant.

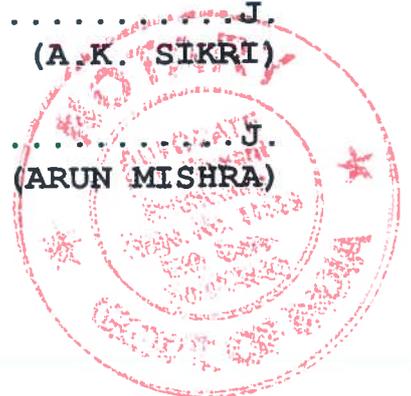
2. We find no merit in the Civil Appeal. Accordingly, the Civil Appeal is dismissed. However, we delete paragraphs 41 (i) (ii) (iii) (vi) and (vii) from the impugned judgment and order passed by the National Green Tribunal, Western Zone Bench, Pune dated 10<sup>th</sup> September, 2014.

Ordered accordingly.

.....CJI.  
(H.L. DATTU)

.....J.  
(A.K. SIKRI)

.....J.  
(ARUN MISHRA)



Signature Not Verified  
Digitally signed by  
Ramana Venkata Ganti  
Date: 2015.01.10  
17:16:00 IST  
Reason:

NEW DELHI;  
JANUARY 28, 2015

IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 10806 OF 2014

MAHARASHTRA STATE ROAD DEVELOPMENT  
CORP. LTD.

APPELLANT(S)

VERSUS

SAIPRASAD MANGESH KALYANKAR & ORS.

RESPONDENT(S)

O R D E R

1. We have heard learned senior counsel for the appellant.

2. We find no merit in the Civil Appeal. Accordingly, the Civil Appeal is dismissed. However, we delete paragraphs 1, 2, 3 and consequential paragraph 6 from the impugned judgment and order passed by the National Green Tribunal, Western Zone Bench, Pune.

Ordered accordingly.

.....CJI.  
(H.L. DATTU)

.....J.  
(A.K. SIKRI)

.....J.  
(ARUN MISHRA)



NEW DELHI;  
JANUARY 28, 2015

ITEM NO.2 COURT NO.1 SECTION XVII Revised

S U P R E M E C O U R T O F I N D I A  
R E C O R D O F P R O C E E D I N G S

Civil Appeal No(s). 10806/2014

MAHARASHTRA STATE ROAD DEVELOPMENT CORP. LTD. Appellant(s)

VERSUS

SAIPRASAD MANGESH KALYANKAR & ORS. Respondent(s)

Date : 28/01/2015 This appeal was called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE  
HON'BLE MR. JUSTICE A.K. SIKRI  
HON'BLE MR. JUSTICE ARUN MISHRA

For Appellant(s) Mr.C.U.Singh, Sr.Adv.  
Mr. A. S. Bhasme, Adv.  
Mr.Pankaj Kr.Mishra, Adv.

For Respondent(s)

UPON hearing the counsel the Court made the following  
O R D E R

The Civil Appeal is dismissed, in terms of the signed  
order.

(G.V.Ramana)  
Court Master

(Signed order is placed on the file)

(Vinod Kulvi)  
Asstt.Registrar



ITEM NO.2

COURT NO.1

SECTION XVII

S U P R E M E C O U R T O F I N D I A  
R E C O R D O F P R O C E E D I N G S

Civil Appeal No(s). 10806/2014

MAHARASHTRA STATE ROAD DEVELOPMENT CORP. LTD.

Appellant(s)

VERSUS

SAIPRASAD MANGESH KALYANKAR &amp; ORS.

Respondent(s)

Date : 28/01/2015 This appeal was called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE  
HON'BLE MR. JUSTICE A.K. SIKRI  
HON'BLE MR. JUSTICE ARUN MISHRAFor Appellant(s) Mr.C.U.Singh, Sr.Adv.  
Mr. A. S. Bhasme,Adv.  
Mr.Pankaj Kr.Mishra, Adv.

For Respondent(s)

UPON hearing the counsel the Court made the following  
O R D E RThe Civil Appeal is dismissed, in terms of the signed  
order.(G.V.Ramana)  
Court Master(Vinod Kulvi)  
Asstt.Registrar

(Signed order is placed on the file)



## Exhibit - C

210

Item No. 01

**BEFORE THE NATIONAL GREEN TRIBUNAL  
PRINCIPAL BENCH, NEW DELHI  
(Through Video Conferencing)**

Execution Application No. 06/2018  
IN  
Original Application No. 28/2014

Shri. CA Saiprasad Mangesh Kalyanakar

Applicant(s)

Versus

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

Respondent(s)

Date of hearing: 13.03.2019

**CORAM: HON'BLE MR. JUSTICE ADARSH KUMAR GOEL, CHAIRPERSON  
HON'BLE MR. JUSTICE S.P. WANGDI, JUDICIAL MEMBER  
HON'BLE MR. JUSTICE K. RAMAKRISHNAN, JUDICIAL MEMBER  
HON'BLE DR. NAGIN NANDA, EXPERT MEMBER**

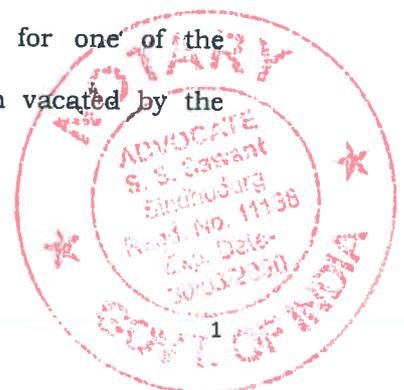
For Applicant(s): Mr. CA Saiprasad Mangesh Kalyanakar applicant  
in person

For Respondent (s): Mr. Subit Chakraborti, Advocate for R-4

**ORDER**

Grievance in this application is that directions of the Tribunal vide order dated 10.09.2014 in Original Application No. 28/2014 have not been carried out. No enquiry has been conducted by the Divisional Commissioner and other Departments nor has afforestation been done, as required.

We are informed by the learned counsel for one of the respondents that order of the Tribunal has been vacated by the



Hon'ble Supreme Court vide order dated 20.01.2015 in Civil Appeal No. 10806/2014. Only direction which remains to be complied is the compensatory afforestation for which steps have already been taken. 12,000 trees have already been planted and the remaining work is in progress.

We direct the Forest Department to expedite the process and complete the same within one year.

The application stands disposed of.

Adarsh Kumar Goel, CP

S.P. Wangdi, JM

K. Ramakrishnan, JM

Dr. Nagin Nanda, EM

March 13, 2019  
Execution Application No. 06/2018 IN  
Original Application No. 28/2014  
A



## Exhibit - D

Item No. 02

**BEFORE THE NATIONAL GREEN TRIBUNAL  
PRINCIPAL BENCH, NEW DELHI  
(Through Video Conferencing)**

M. A. No. 05/2019  
IN  
Original Application No. 28/2014 & E. A. No. 06/2018

Shri CA Saiprasad Mangesh Kalyankar Applicant(s)

Versus

The regional Transport Officer (RTO)  
Sindhudurga & Ors. Respondent(s)

Date of hearing: 01.05.2019

**CORAM: HON'BLE MR. JUSTICE S.P. WANGDI, JUDICIAL MEMBER  
HON'BLE MR. JUSTICE K. RAMAKRISHNAN, JUDICIAL MEMBER  
HON'BLE DR. NAGIN NANDA, EXPERT MEMBER**

For Applicant(s): Mr. Saiprasad Mangesh Kalyankar, applicant in person

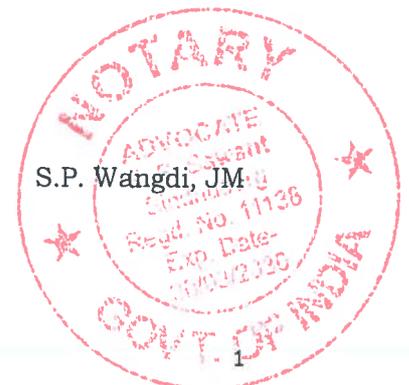
For Respondent(s): Mr. Shiv Shankar Swaminathan, Advocate for R-4

**ORDER**

**M. A. No. 05/2019**

Upon consideration of the application and the submissions of the applicant who appears in person, we do not find any merit in the application specifically in view of the admitted position that the orders of this Tribunal dated 10.09.2014 has since been quashed by the Hon'ble Supreme Court.

Dismissed.



K. Ramakrishnan, JM

Dr. Nagin Nanda, EM

May 01, 2019  
M. A. No. 05/2019 IN Original Application No. 28/2014 & E. A. No.  
06/2018  
A



## Exhibit - E

Item No. 01

(Pune Bench)

**BEFORE THE NATIONAL GREEN TRIBUNAL  
PRINCIPAL BENCH, NEW DELHI**

(By Video Conferencing)

M.A. No. 09/2020

&amp;

I.A. No. 134/2020

In

Original Application No. 28/2014(WZ)

C.A. Shri Saiprasad Mangesh Kalyankar

Applicant

Versus

R.T.O. Sindudurg &amp; Ors.

Respondent(s)

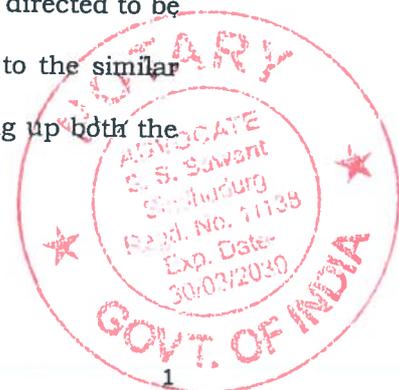
Date of hearing: 10.06.2021

**CORAM: HON'BLE MR. JUSTICE ADARSH KUMAR GOEL, CHAIRPERSON  
HON'BLE MR. JUSTICE SUDHIR AGARWAL, JUDICIAL MEMBER  
HON'BLE MR. JUSTICE M. SATHYANARAYANAN, JUDICIAL MEMBER  
HON'BLE MR. JUSTICE BRIJESH SETHI, JUDICIAL MEMBER  
HON'BLE DR. NAGIN NANDA, EXPERT MEMBER**

**ORDER**

1. M.A. No. 09/2020 has been filed in the decided matter *inter-alia* for orders in terms of penal provisions in terms of Section 26 of the National Green Tribunal Act, 2010 for alleged violation of orders of this Tribunal dated 10.09.2014 in O.A. No. 28/2014(WZ).

2. Vide order dated 13.03.2019 in Execution Application No. 6/2018, the Tribunal found that order of the Tribunal stood set aside by the Hon'ble Supreme Court vide order dated 20.01.2015 in Civil Appeal No. 10806/2014 except on the issue of plantations which were directed to be complied. The applicant has also filed I.A. No. 134/2020 to the similar effect but subsequently a letter has been written for putting up both the



applications together. In view of order dated 13.03.2019, there is no ground to pass any further order.

The applications which will stand disposed of accordingly.

Adarsh Kumar Goel, CP

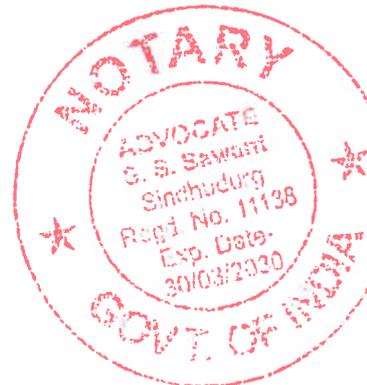
Sudhir Agarwal, JM

M. Sathyanarayanan, JM

Brijesh Sethi, JM

Dr. Nagin Nanda, EM

June 10, 2021  
M.A. No. 09/2020 & I.A. No. 134/2020 In  
O.A. No. 28/2014(WZ)  
A



## Exhibit - F

BEFORE THE NATIONAL GREEN TRIBUNAL, WESTERN ZONE  
BENCH, PUNE

APPLICATION NO.28 /2014 (WZ)

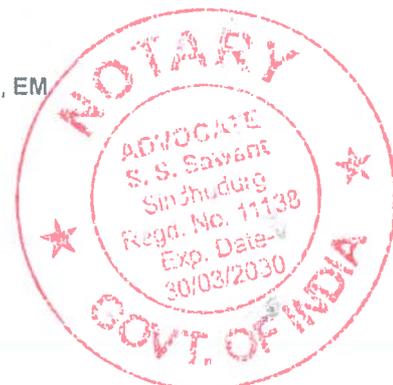
Shri. Saiprasad Kalyankar Vs The Regional Transport Officer (RTO) &amp; Ors.

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	<p>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.</p> <p>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 ensuing 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.</p> <p style="text-align: right;">....., JM (Justice V. R. Kingaonkar)</p> <p style="text-align: right;">....., EM (Dr.Ajay A. Deshpande)</p>



768  
Exhibit - G-1

MSRDC/02/BCP/EE16/Insuli/Tilari / 346  
Date: 20.01.2015



217  
320

Maharashtra State  
Road Development  
Corpn. Ltd.

(A Government of Maharashtra Undertaking)

To,  
The Chief Engineer,  
Water Resource Department,  
4<sup>th</sup> Floor, HongKong Building,  
Fort Mumbai- 400 001

Insuli

**Sub: - Modernization and Computerization of Integrated Border Check Posts in the state of Maharashtra at Insuli Dist Sindhudurgh  
Deletion of BCP land from Command area of Tilari Canal**

- Ref:**
1. MSRDC's letter no 426 dated 03.04.2011 and 1457 dated 18.08.2011 to Secretary, Irrigation Department (copies enclosed.)
  2. MSRDC, s letter no 1955 dated 09.05.2014 addressed to Dy RTO, Sindhudurgh with a copy to EE, Tilari Canal, Sindhudurgh copy enclosed)

Sir

MSRDC has applied the secretary irrigation department to delete about 11.95 Ha land of Border Check Post at Insuli from the Command area of Tilari canal vide above referred letters at reference 1. The application being pending since long, the matter was discussed with you by the undersigned. As per our telephonic discussion, EE MSRDC visited your good office on 17.01.2014 and discussed the subject with Shri R R Pol, AE (Grade1). Pursuant to the discussion, it is submitted as under.

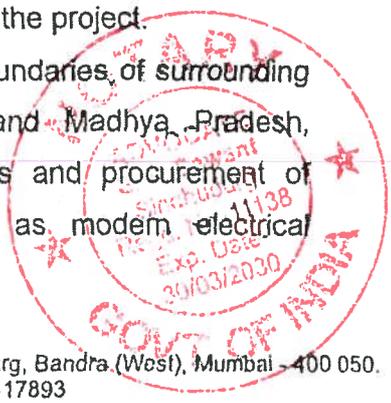
E

The Government had decided to carry out Modernization and Computerization of 22 Border Check Posts of Transport Department, Sales Tax & State Excise Department under a BOT Contract. The Government of Maharashtra has accordingly approved the proposal of Modernization and Computerization of Integrated Interstate Border Check Posts in the State of Maharashtra vide resolution no MVD-1201/CE149/TR-4 Dated 25.03.2008. (Annexure A) Maharashtra State Road Development Corporation Ltd <sup>is</sup> ~~was~~ declared as "Project Implementing Agency" for implementation of the project.

CE (ehal)

Sh. Deshmukh  
Sh. Wankar  
to discuss  
urgently  
and put up

The project consists of acquisition of land near the boundaries of surrounding States i.e. Gujarat, Andhra Pradesh, Karnataka and Madhya Pradesh, Chhattisgarh and Goa, construction of Check Posts and procurement of equipments for these Border Check Posts, such as modern electrical



Corporate Office: Opp. Bandra Reclamation Bus Depot, Near Lilavati Hospital, K.C. Marg, Bandra (West), Mumbai - 400 050.  
Telephone No.: 022-26400190/201, 26558175/76 Fax No.: 022-26417893

Regd. Office : Nepean Sea Road, Besides Priyadarshini Park, Mumbai - 400 036.  
Telephone No.: 022-2368 6112, 2369 6109 / 3671 / 3673, Fax No.: 022-2368 4943,  
Website : www.msrdc.org, CIN : U45200MH1996SGC101586

221

instruments and appliances, weighing Bridges, video cameras etc. The check posts will be connected with Central Control Room in Mumbai via satellite.

The objective behind Modernization and Computerization project is to simplify and smoothen the procedure at the entry point of the States for the tempos, trucks and tractors from whom taxes and/or fees are collected by various departments like Sales Tax, State Excise and Transport Department.

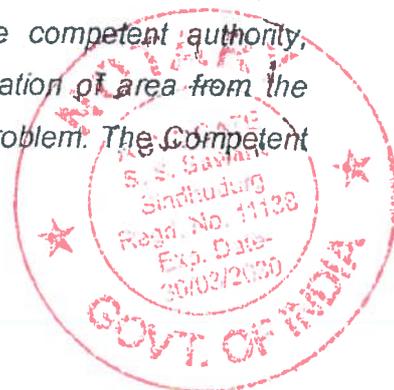
The project will also enable the Government to achieve the following objectives:

- 1.1 All the officers of the above three departments mentioned above will function under one roof simultaneously.
- 1.2 100% checking of the vehicle will be possible.
- 1.3 It will enable the concerned drivers/owners to make the payment of the due amounts within a short time at only one place.

Land admeasuring of 11.95 Ha for the Insuli Check post was acquired vide notification under section 4, dated 24.02.2009 (**Annexure B**). The shifting of the check post was challenged in the High Court at Bombay under PIL no 147 of 2009 and Civil application no 159 of 2010, The Hon High Court has dismissed both these applications on 14.03.2011. A copy of the order is attached herewith (**Annexure C**). Further, the land acquisition was challenged under 2 Writ petitions i.e. 133 of 2011 and 4961 of 2012. Both the Writ petitions have been dismissed by the Hon High court at Bombay vide order dated 05.04.2013. A copy of the order is attached herewith (**Annexure D**).

An application was filed in National Green Tribunal, Pune (NGT) stating that the project of Insuli Border Check Post involves illegal mining, land acquisition and tree cutting. The NGT has dismissed the application stating that the application is without merit by an order dated 10.09.2014. However in pare 39, while dealing with the project land in Command area of Tilari Irrigation project NGT has observed as follows:

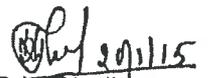
*"There is no dispute about the fact that the part of project land was in command area of Tilari Irrigation Project. It is an admitted fact that only small part of the project falls within command area of the irrigation canal area of Tilari. It has been thought on record that the Respondent no 1 (Transport Department), has already filed an application to the competent authority, seeking permission from the said Authority for delineation of area from the irrigation command area, in order to avoid technical problem. The Competent*



authority is dealing with the said application. The present application, in fact, should not have impaired the decision of such application. The application is moved by the Respondent no 1, and is addressed to the Secretary of Irrigation Department (Command) Mantralaya, Mumbai, by the Chief Land and Survey Officer. Tilari canal runs from left side of NH 17 and therefore, such permission is sought on behalf of the respondent no 1. The project may be, therefore, allowed to be completed if such permission is granted by the competent authority or is already granted. Thus, formality shall not detain us deciding the present application. Moreover the Hon High Court has already held that the project may be executed by acquiring the land from the Command area after following due procedure. Needless to say, if due permission is accorded by the Competent Irrigation Authority, then there would be no illegality in the process of execution of the project in question". A copy of the order is attached herewith. **(Annexure E).**

It may be appreciated that the project of the Border Check post Insuli has been upheld by the court / Tribunal subject to obtaining the permission for deletion of area from Irrigation command area. The land is in possession since 2009. The application is made to delete the Border Check Post area from the Command area of Tilari Canal in 2011 and yet there is no reply received from Irrigation Department. To avoid further loss of revenue of the Government, it is requested to delete the area admeasuring 11.95 Ha land from the Command area of Tilari canal at the earliest to enable MSRDC to commence construction work of Insuli Border Check Post forthwith thereafter.

Encl: As above

  
(B.N. Ohol)  
Chief Engineer

Copy submitted to,  
 VCMD, MSRDC for information please  
 JMD-II for information please  
 Transport Commissioner for information please.



771

Exhibit - G-2

220

323

MSRDC/02/BCP/EE16/Insuli/Tilari /1012  
Date: 11.03.2015

To,  
The Chief Engineer,  
Water Resource Department,  
4<sup>th</sup> Floor, HongKong Building,  
Fort Mumbai- 400 001

महाराष्ट्र राज्य रस्ते विकास  
महामंडळ मर्यादित  
(महाराष्ट्र शासनाचा उपक्रम)

**Sub: - Modernization and Computerization of Integrated Border Check Posts in the State of Maharashtra at Insuli Dist Sindhurgh  
Deletion of BCP land from Command area of Tilari Canal**

**Ref:** 1. MSRDC's letter no 426 dated 03.04.2011 and 1457 dated 18.08.2011 to Secretary, Irrigation Department-copies enclosed.  
2. MSRDC, s letter no 1955 dated 09.05.2014 addressed to Dy. RTO, Sindhurgh with a copy to EE, Tilari Canal, Sindhurgh copy enclosed  
3. MSRDC's letter no MSRDC/02/BCP/EE16/Tilari/346 dated 20.01.2015  
4. National Green Tribunal Order dated 19.02.2015

Sir

Vide above referred letter at serial no 1, MSRDC has applied to Irrigation Department requesting to delete the land Border Check Post, Insuli from the command area. MSRDC again vide letter 20.02.2015 has informed the status of the court cases.

A hearing was kept by National Green Tribunal on 19.02.2015 and has directed Irrigation Department to expedite the proceedings in grant of permission. The copy of the order is attached herewith for your necessary action please.

Encl: As above

*Muktेश वाडकर*  
(Muktेश Wadkar)  
Executive Engineer

Copy submitted to,

VCMD, MSRDC for information please  
JMD-II for information please  
Transport Commissioner for information please  
CE(BNO) for information please  
LO(SG) for information please

निगम कार्यालय : वांद्रे रेवलेमेडन डेपोरामोर, लितावती हॉस्पिटल जवळ, को. री. मार्ग, कोट्रे (प), मुंबई - ४०००६९  
F:\BCP\Insuli\Tilari\Letter to CE for NGT order.docx  
दुरध्वनी : ०२२-२६४००११०/२०१, २६६६८१७६/७६, फॅक्स : ०२२-२६४११७८/१३  
नोंदणीकृत कार्यालय: नोपियनरी रोड, प्रियदर्शिनी पार्क शेजारी, मुंबई - ४०००३६.  
दुरध्वनी : ०२२-२३६८६११२, २३६९६१०९/३६७१/३६७३, फॅक्स : ०२२-२३६८६९४३  
वेबसाईट : www.msrdc.org, सीआयएन : U45200MH1996SGC101586



## Exhibit - H

### Water Resources Department

### NO OBJECTION CERTIFICATE

<b>Subject:-</b>	No-Objection-Certificate for location clearance for the project of Modernisation and Computerisation of Integrated Border Check Posts in the State of Maharashtra at village Banda near Insuli Dist. Sindhudurg by Maharashtra State Road Development Corporation.Ltd being Project Implementation Agency. Deletion of BCP land from Command area of Tiları Canal
<b>Reference:-</b>	1) Maharashtra State Road Development Corporation Ltd. Marathi Letter Dated 18-8-2011. 2) Superintending Engineer, Konkan Irrigation Circle, Ratnagiri's Marathi letter No.KIC/PB/D-17 dt.30-9--2014. 3) Chief Engineer, Maharashtra State Road Development Corporation Ltd. Marathi Letter No.MSRDC/02/BCP/EE16/Insuli/Tillari/346 Dated 20-1-2015. 4) Maharashtra State Road Development Corporation Ltd. English Letter No.MSRDC/02/BCP/EE16/Insuli/Tillari/1012 Dated 11-3-2015. 5) Hon. The national Green Tribunal, Western Zone Bench, Pune's Order Dated 19-2-2015. 6) Superintending Engineer, Konkan Irrigation Circle, Ratnagiri's Marathi letter No.KIC/Administration/D-17/2931 dt.17-6--2015.

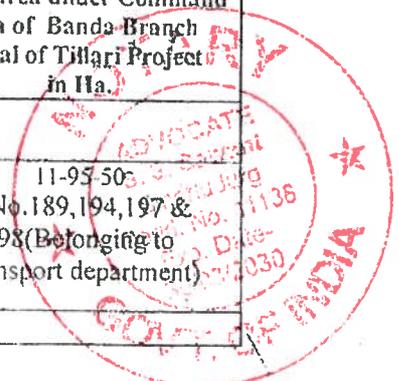
As per Urban Development Department's Notification No. TPS/1205/MMR DCR/CR-48/06/UD-12 dated 10-3-2006, No-Objection-Certificate of Water Resources Department is required for issuing location clearance.

Powers of issuing No-Objection-Certificate of Water Resources Department are delegated to Regional Chief Engineers vide Government of Maharashtra's Marathi Circular No. Miscel.-2007 / ( 170 / 2007 ) / IM (Revenue) dated 8-10-2007.

With reference to consolidated field report submitted by the Superintending Engineer, Konkan Irrigation Circle, Ratnagiri's letter under ref. No.2 ,No-Objection-Certificate is issued to Maharashtra State Road Development Corporation Ltd(Project Implementation Agency) for proposed project of Modernisation and Computerisation of Integrated Border Check Posts in the State of Maharashtra at village Banda Dist. Sindhudurg for specified Survey-Hissa Nos. belonging to Dy Regional Transport officer, Transport Department, Sindhudurg as per the statement attached having total area 119550 sqm i.e. 11-95-50 ha. (as mentioned in Table given below) subject to conditions mentioned below 'Table'.

**Table**

Sr. No.	Name of Village	Area in Ha. for NOC		Total area under Command area of Banda Branch Canal of Tiları Project in Ha.
		Within Command in Ha.	Out of Command in Ha.	
1	Banda Tal. Dist.	11-95-50 S.No.189,194, 197 & 198(Belonging to Transport department)	00-00-00	11-95-50 S.No.189,194,197 & 198(Belonging to Transport department)
Total Area in Ha.		11-95-50		



## CONDITIONS-

1. Violation of Maharashtra Irrigation Act 1976 will lead to cancellation of N.O.C.
2. Violation of Maharashtra Zilla Parishad & Panchayat Samiti Act 1961 will lead to cancellation of N.O.C.
3. Violation of Maharashtra Kharland Development Act 1978 will lead to cancellation of N.O.C.
4. This N.O.C. is subjected to Water Resources Department only. A separate N.O.C. is required from Ministry of Environment & other departments as stated in Urban Development Department's notification dated 10-3-2006.
5. Topographical changes may lead to cancellation of N.O.C.
6. At the time of construction & after development of Check Post waste water, garbage should not be dumped into nearby water bodies like river, nalla, etc.
7. The water flowing in river, nallas of developed area is the property of Water Resources Department & for use of this water approval of this Department is necessary.
8. Water supply to check post is not bounded on GoM & whole responsibility is of developer only.
9. GoM is not responsible for encroachment if any.
10. This No-Objection-Certificate is strictly for said land for the Check Post in the State of Maharashtra at village Banda Dist. Sindhudurg & this N.O.C. is non-transferable.
11. If the development work is not started within two years from issue of N.O.C., the N.O.C. will stand cancelled. NOC is valid only upto two years.

No. 3818 / LC-Banda-Insuli/MSRDCL/ T-1(1)/3500  
 Chief Engineer, Kokan Region,  
 Water Resources Department,  
 Hongkong Bank Building, 4<sup>th</sup> Floor,  
 Hutatma Square, Mumbai- 400 001  
 Date :- 2-07-2015.  
 O.C. Signed by C.E.

  
 (U.L. Pawar)  
 Chief Engineer  
 Water Resources Department  
 Kokan Region  
 Mumbai- 400 001

(1) Copy submitted to the Secretary (WR), Water Resources Department, Mantralaya, Mumbai for information please.

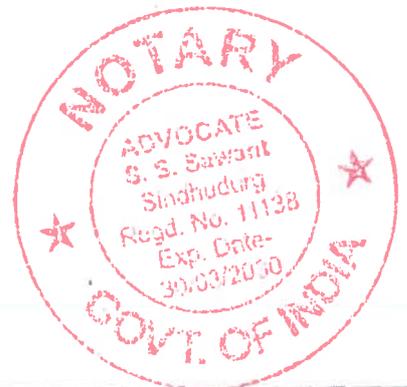
(Attention:- Shri. P.H. Patil, Desk Officer, I&M (R))

(2) Copy submitted to the Secretary, Urban Development Department, Mantralaya, Mumbai for information please.

(Attention:- Shri. Sanjay Pawar, Desk Officer, Town Planning)

(3) Copy forwarded to the Superintending Engineer, Konkan Irrigation Circle, Ratnagiri for information.

✓ (4) Copy forwarded to Maharashtra State Road Development Corporation. Ltd., Opp. Bandra Reclamation Bus Depot, Near Lilavati Hospital, K.C. Marg, Bandra (West), Mumbai-400 050 for information please.





775

Exhibit - I

324

327 Insuli



4184

MSRDC/BCP/EE-16/2015/Insuli/ 737  
Date: 18.02.2015  
To,  
Dr. Shri B. Venkateswarlu  
Vice Chancellor  
Konkan Krishi Vidyapeth  
Taluka-Dapoli Dist- Ratnagiri. -415712  
Phone no-02358-282064

Maharashtra State  
Road Development  
Corpn. Ltd.

(A Government of Maharashtra Undertaking)

Sub: Modernisation & Computerisation of 22 Integrated Border Check Posts in the State of Maharashtra

Regarding compensatory afforestation

- Ref: 1) Government of Maharashtra GR dated 25.03.2008  
2) National Green Tribunal Order dated 10/09/2014

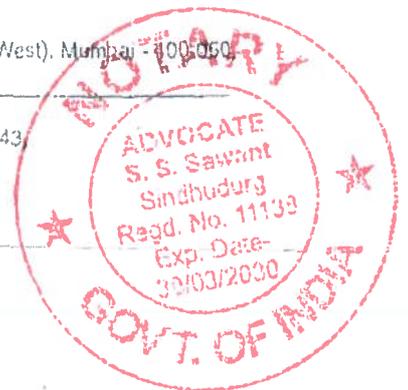
The Government of Maharashtra has decided on Modernisation and Computerisation of 22 Integrated Border Check Posts vide GR dated 25.03.2008 and appointed MSRDC as "Project Implementing Agency" (PIA) for this project. MSRDC has awarded the work to M/s Sadbhav Engineering and to implement the project, Sadbhav has formed special purpose vehicle (SPV) in the name of M/s Maharashtra Border Check Post Network Ltd (MBCPNL). The Concession Agreement has been executed between Transport Department and MBCPNL. Banda (Insuli), Dist Sindhudurg, is one of the check Posts that is to be modernised under the said project of Modernisation and Computerisation of 22 Integrated Check Posts in the State of Maharashtra.

The said project of Modernization of Border Check Post at Insuli was challenged in the National Green Tribunal, Pune. The National Green Tribunal has disposed of the application by order dt. 10.09.2014 and has given certain directions for compliance. Following is one of the directions to be complied with viz "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 the NH-17, as per the opinion of Agricultural University, Dapoli. The work shall be supervised by Head of the Horticultural Department of Agricultural University Dapoli to whom honorarium of Rs 25000/- p.m, be paid by the MSRDC. MSRDC shall deposit an amount of Rs 10 lakhs as tentative cost for such afforestation programme to be executed through Agricultural University, Dapoli, under the supervision of the committee, in the Collectors office, Sindhudurg, within two (2) months hereafter".

The site is located at survey no 185 at village Banda, Taluka Sawantwadi, Dist Sindhudurg on NH-17. 11.95 Ha of land is acquired for this project. As per the directions of NGT, the tree plantation is to be done on the slope of the acquired land or area near on NH-17. The slope area admeasures approximately 2-3 acres as shown on the map attached herewith.

Corporate Office : Opp. Bandra Reclamation Bus Depot, Near Lilavati Hospital, K.C. Marg, Bandra (West), Mumbai - 400 050  
Telephone No.: 022-26400193/201, 26558175/76 Fax No.: 022-26417893

Regional Office : Opp. Sea Road, Besides Priyadarshini Park, Mumbai - 400 036  
Telephone No.: 022-2368 6112, 2369 6109 / 3671 / 3675, Fax No.: 022-2368 4943  
Website : www.msrdc.org, CIN : U45200MH1996SGC101586



For the compliance with the above direction of NGT, a site visit with officers of MSRDC needs to be done. The process for payment of honorarium and deposit of cost will be undertaken in due course.

In view of this, it is requested to give a suitable date and time to jointly visit the site for further course of action.

Encl: As above.

  
(Santosh Kumar)  
Joint Managing Director

Copy submitted to VCMD for information please  
Copy to HOD, Horticultural Department, Dapoli Agricultural University for necessary action  
Copy to CEO, MBCPNL for necessary action



329

777  
Annexure - V

226

# Exhibit - J

No. ACD/ HORT /599/ 15 31 /15  
Department of Horticulture,  
College of Agriculture, Dapoli  
Date: 18.02.2015

To,  
Joint Managing Director,  
Maharashtra State Road Development Corporation Ltd.  
Opp. Bandra Reclamation Bus stand,  
Near Lilavati Hospital  
K.C. Marg Bandra (W),  
Mumbai- 400050

Sub: Modernization and computerization of 22 Integrated Border check post in state of Maharashtra...

Ref: 1) Your letter No. MSRDC/BCP/EE-16/2015 Insul: /377 dated 18.02.2015 addressed to Hon. Vice Chancellor, Dr. B.S. Konkan Krishi Vidyapeeth Dapoli

E.(m.w.)

Sir,

Dapoli

As per the letter under reference, the undersigned alongwith the Executive Engineer Mr. Muktesh Wadkar visited the site at Insuli-Banda check post on 10.3.2015 regarding the afforestation programme to be executed as per the order of National Green Tribunal, Pune (West Zone). The detailed report of visit is enclosed herewith for further needful.

Yours faithfully,

*[Signature]*  
Head

Department of Horticulture  
Dr. B. S. Konkan Krishi Vidyapeeth,  
Dapoli

380  
2015

M. S. R. D. C.  
JEWELRY SITE OFFICE BANDRA

RECEIVED NO. 1028

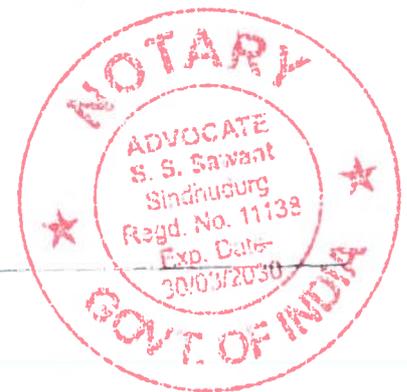
DATE 18/02/15

Copy submitted for information to.

- 1) The Registrar, Dr. B. S. Konkan Krishi Vidyapeeth, Dapoli
- 2) The Associate Dean, College of Forestry.
- 3) P.S. to Hon. Vice Chancellor, Dr. B. S. Konkan Krishi Vidyapeeth, Dapoli

*Discuss if put up separately*

*24/3  
Dr. Wadkar*







780

Exhibit - K-1

229

1922  
332  
7/55



MSRDC/02/BCP/EE-16/14606  
dated 14.11.2014

To,  
28 NOV 2014  
Jt Commissioner Transport  
Transport Department  
3<sup>rd</sup> Floor New Administration Building,  
Near Government Colony, Bandra (Wt),  
Mumbai: 400 051.

महाराष्ट्र राज्य रस्ते विकास  
महामंडळ मर्यादित  
(महाराष्ट्र शासनाचा उपक्रम)

Sub: - Modernization & Computerization of 22 Border Check Posts in the State of Maharashtra

Regarding availability of land for plantation of trees at Banda BCP

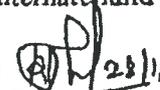
- Ref: -1) This office letter no MSRDC/02/BCP/EE-16/3593 dated 09/09/2014  
2) This office letter no MSRDC/02/BCP/EE-16/1102 dated 10/10/2014  
3) Transport office letter no 18739 dated 29/10/2014

MSRDC is receipt of above letter from Transport department. It is requested to submit the action taken on the orders passed by National Green Tribunal Pune.

RFO Sawantwadi has granted the permission of tree cutting with a condition to plant the same number of trees and of the similar species. But trees could not be planted as land therefor is not yet made available. MSRDC has requested Transport Department to follow up the matter with Forest Department to make land available for plantations of trees vide above referred letter at serial no 1.

MSRDC has decided to challenge the order of NGT in the Hon Supreme Court and action in respect thereof is being taken. MSRDC has requested Transport Department for the same vide letter at serial no 2.

It is again requested to follow up the matter with the Forest Department to make alternate land available for plantation of 1282 trees.

  
(B N Ohol)  
Chief Engineer

Encl-Copy of the letters

Copy submitted to:

- 1) Principal Secretary, Transport for information please
- 2) VCMD, MSRDC for information please
- 3) JMD-II, MSRDC, Mumbai for information please.
- 4) Dy RTO, Sindhudurgh, for information please

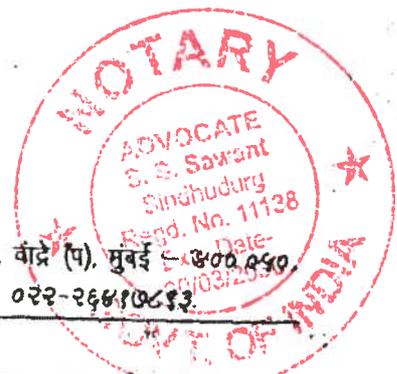
f:\bcp\insuli\ngt\office note for insuli bcp dated 17.11.14 land availability.docx

निमम कार्यालय : वांद्रे रेक्लेमेशन डेपोसमोर, लिलावती हॉस्पिटल जवळ, के. सी. मार्ग, वांद्रे (प), मुंबई - ४०० ०५०.  
दुरध्वनी : ०२२-२६४००१९०/२०१, २६५५८१७५/७६. फॅक्स : ०२२-२६४१७८९३

नोंदणीकृत कार्यालय: नेपियुनसी रोड, प्रियदर्शिनी पार्क शेजारी, मुंबई - ४०० ०३६

दुरध्वनी : ०२२-२३६८६११२, २३६९६१०९/३६७१/३६७३. फॅक्स : ०२२-२३६८४९४३

वेबसाईट : www.msrdc.org, सीआयएन : U45200MH1996SGC101586



781  
Exhibit - K-2

230

4931



323  
ANIL DIGGIKAR, IAS

Vice Chairman & Managing Director

MSRDC/BCP/EE-16/2014/Insuli/043

05 JAN 2015

To,

Transport Commissioner

Transport Department

3<sup>rd</sup> Floor New Administration Building,

Near Government Colony, Bandra (W),

Mumbai: 400 051.

Sub: Modernization & Computerization of 22 Border Check Posts in the state of Maharashtra  
Regarding availability of land for plantation of tree at Banda.

- Ref: 1) This office letter no. MSRDC/02/BCP/EE-16/3593 dated 09.09.2014  
2) This office letter no MSRDC/02/BCP/EE16/1102 dated 10.10.2014  
3) This office letter no. MSRDC/02/BCP/EE-16/4606 dated 28.11.2014  
4) Your letter no. 19628 dated 20.11.2014

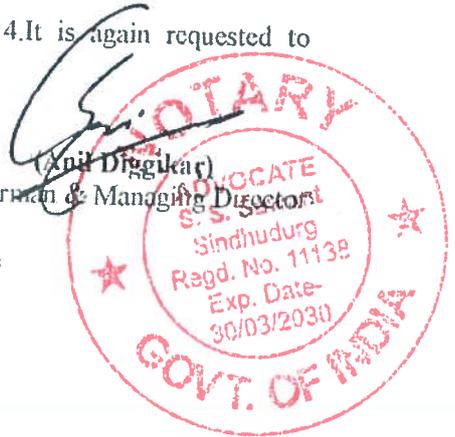
MSRDC is in receipt of above referred letter at serial no.3 above from Transport Department. It is requested therein to take action as per the orders of NGT as mentioned below:

- To obtain permission of Irrigation Dept for deletion of BCP land from command area of Tilari Canal.
- To plant 44,000 trees in the acquired land or nearby on NH 17.
- MSRDC to pay Rs.10 lakhs and Rs.25,000/- per month to Dapoli University for afforestation
- Contractor to pay Rs.10 lakhs, if contractor does not pay, MSRDC shall pay the same.

MSRDC being aggrieved has challenged this order of NGT in Hon. Supreme Court in CA no 10806 of 2014 and also requested Transport Department for challenging the same by letter at sr no 3 above. While dismissing the application, it is held by NGT that the Project cannot be held to be illegal for procedural requirements. To go ahead with the project, it is necessary to obtain permission from the Irrigation Department to delete the BCP land from the command area of Tilari Canal. Action in that respect may be taken at an early date.

It may be noted that Forest Department has permitted cutting of 1279 no. trees with a condition to plant equal number of trees with same species. The acquired land will be used for construction of BCP. After alternate land is made available for plantation of trees, necessary action in that respect will be taken. The same was requested vide letter no. MSRDC/02/BCP/EE-16/3593 dated 09.09.2014 & letter no. MSRDC/02/BCP/EE-16/4606 dated 28.11.2014. It is again requested to comply with the same and make alternate land available at the earliest.

(Anil Diggikar)  
Vice Chairman & Managing Director



Copy Submitted to: - JMD-II MSRDC Bandra for information please

Maharashtra State Road Development Corporation Limited

(Government of Maharashtra Undertaking) 12.14.docx

Priyadarshini Park, Nepean Sea Road, Mumbai - 400 036, India.

Tel.: (D) 2368 5909 • Fax : 2369 1031 • E-mail : vcmd@msrdc.org



## Exhibit - L-1

न्यायालयीन बाब  
महत्त्वाचे

उप प्रापका/सिंधु/आस्था/२०१६/जाक्र. 2164.  
उप प्रादेशिक परिवहन अधिकारी,  
सिंधुदुर्ग यांचे कार्यालय,  
फोन-०२३६२ २२९०५०.  
ई-मेल-mh07@mahatranscom.in  
दिनांक - 29/03/2016

प्राति,  
मा. जिल्हाधिकारी,  
सिंधुदुर्ग.

विषय :- वृक्ष लागवड करण्यासाठी जागा उपलब्ध करण्याबाबत.

संदर्भ :- कार्यकारी अभियंता, महाराष्ट्र राज्य रस्ते विकास महामंडळ, मुंबई यांचे पत्र क्र.  
एम. एस. आर. डी. सी./०२/ वीसीपी/ इड१६/ इन्सुलो/ १४७९ दि. १६/०३/२०१६.

महोदय,

राष्ट्रीय महामार्ग क्र. १७ वर गोवा राज्याच्या सीमेजवळ परिवहन विभागाच्या मालकांच्या जागेवर अत्याधुनिक व संगणकीकृत सीमा तपासणी नाका उभारण्याचे कामकाज सुरू आहे. राज्य शासनाने याकामी महाराष्ट्र राज्य रस्ते विकास महामंडळ, मुंबई यांची प्रकल्प अंमलबजावणी संस्था म्हणून नियुक्ती केलेली आहे. या प्रकल्पासंदर्भात झालेल्या अर्ज क्र. २८/२०१३ च्या अनुषंगाने मा. राष्ट्रीय हरित लवाद, पुणे यांनी महाराष्ट्र राज्य रस्ते विकास महामंडळाला ४४००० वृक्ष लागवड करण्याचे आदेश दिले आहेत. प्रकल्पस्थळी जास्तीत जास्त सुमारे १००० ते २००० वृक्ष लागवड करणे शक्य असून उर्वरित झाडे लावण्यासाठी अतिरिक्त जागेची आवश्यकता असल्याचे उपरोक्त संदर्भात पत्रान्वये कादंकारी अभियंता, महाराष्ट्र राज्य रस्ते विकास महामंडळ, मुंबई यांनी कळविलेले आहे.

तरी सिंधुदुर्ग जिल्ह्यात वृक्ष लागवड करण्यासाठी कृपया जागा उपलब्ध करून देण्यात यावी, ही नम्र विनंती.

प्रत: तहसिलदार (सर्व):  
जिल्हा- सिंधुदुर्ग.

उप प्रादेशिक परिवहन अधिकारी,  
सिंधुदुर्ग.

आपल्या कार्यक्षेत्रात वृक्ष लागवड करण्यासाठी जागा उपलब्ध असल्यास कृपया तात्काळ या कार्यालयास अवगत करण्यात यावे, ही नम्र विनंती.

उप प्रादेशिक परिवहन अधिकारी,  
सिंधुदुर्ग.



प्रत : कार्यकारी अभियंता, महाराष्ट्र राज्य रस्ते विकास महामंडळ, मुंबई यांना माहितीसाठी सादर.

# 784 Exhibit - K-3



233  
334

MSRDC/02/BCP/EE16/Insuli /1479

To, 16 MAR 2016

Shri Bhalchandra  
Dy. Commissioner Transport  
Transport Department  
3<sup>rd</sup> Floor, New Administration Building  
Near Govt Colony, Bandra (W)  
Mumbai - 400 051

Maharashtra State  
Road Development  
Corp. Ltd.

(A Government of Maharashtra Undertaking)

Sub: Modernization and computerization of 22 Border Check Posts in the state of Maharashtra on Build, Operate and Transfer (BOT) basis.

- Regarding availability of land for planting of tree at Banda, Sawantwadi, Sindhudurg - Insuli BCP.

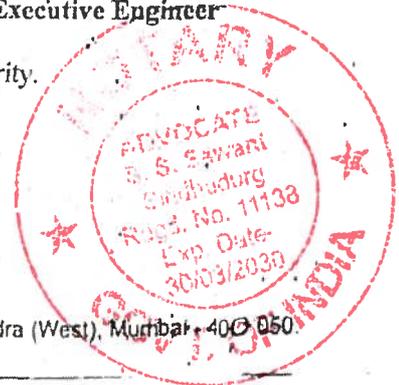
Ref: 1. MSRDC letter no MSRDC/02/BCP/EE16/043 dated 05.01.2015 and 3593 dated 09.09.2014

National Green Tribunal has ordered to plant 44,000 trees on the slopes of acquired land or area on NH17. MBCPNL has planted almost 250 trees in the acquired land. After required construction of BCP, MBCPNL will plant remaining trees in the available land. Maximum of 1000 to 2000 trees may be possibly planted on the balance land. For remaining trees, additional land is required. MSRDC has requested to NHAI for permission to plant trees on RoW of NH17. Further more land space is required to plant remaining trees. Therefore it is requested to make land available from Forest Department or Collector Sindhudurg to plant the trees. The best season for plantation of trees is between June to September during the monsoon season.

MWS/16032016  
(Muktesh Wadkar)  
Executive Engineer

Copy to Dy RTO Sindhudurg for further necessary follow up  
Copy to MBCPNL for further necessary action and follow up the matter on priority.

f/bcp/insuli/lettertodaycomm



Corporate Office : Opp. Bandra Reclamation Bus Depot, Near Lilavati Hospital, K.C. Marg, Bandra (West), Mumbai - 400 050.  
Telephone No.: 022-26400190/201, 26558175/76 Fax No.: 022-26417893

785

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1707

337

No.MSRDC/BCP/EE-16/1947  
Date 15.02.2016

05 APR 2016

Exhibit - M-1



Maharashtra State  
Road Development  
Corp. Ltd.

(A Government of Maharashtra Undertaking)

To,  
Chief Engineer  
National Highway, Division  
Public Works Department  
Kokan Bhavan, Belapur  
Mumbai.

Subject : - Plantation of Trees on N.H. no.17 in Dist.- Sindhudurg

Reference: - National Green Tribunal order dated 10.09.2014.

MSRDC is working as Project Implantation Agency for the Project of Modernisation of Computerisation of Integrated Border Check Post in State of Maharashtra as per Government resolution No. MVD-1208/CR-16/TRA-4 Mantralaya Mumbai 400 032 dated 25.03.2008. Land around 12 Ha land is acquired at village Bandya, Tal. Sawantwadi, Dist. Sindhudurg. M/s. MBCPNL (SPV form by M/s. Sedbhav Engineers Ltd.) has been awarded the work. The National Green Tribunal, Pune vide above referred order at serial no.1 @ direction no.3, has directed to carryout compensatory afforestation of 44,000 trees in same area, on the slop in the acquired land or area near N.H. 17 as per opinion of Agriculture University Dapoli. MBCPNL has already planted around 250 trees on the acquired land MSRDC will utilize all available open spaces for plantation of trees.

However more spaces is required for plantation of remaining trees. It is requested to allow MSRDC Plant trees in the RoW of N.H. 17 to comply with the NGT order. Trees will be planted by keeping in mind the future expansion/widening of N.H. 17. Trees will be planted as per your directions.

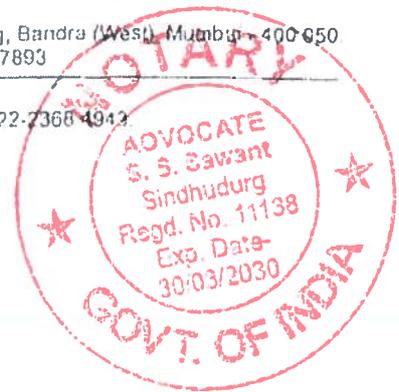
It is requested to Grant Permission at the earliest.

  
16.2.16  
(Muktesh Wadkar)  
Executive Engineer  
M.S.R.D.C. (Ltd), Mumbai

1. Copy submitted to C.E. (D.S. Salunke), M.S.R.D.C.(Ltd), Mumbai for information please.
2. Copy submitted to SE (S.V.Salunke), M.S.R.D.C.(Ltd), Mumbai for information please.
3. Copy to Director Maharashtra Border Check Posts Network Ltd Godrej Coliseum, 602, Wing, Behind Everard Nagar, Sion (East), Mumbai- 400022.

Corporate Office : Opp. Bandra Reclamation Bus Depot, Near Lilavati Hospital, K.C. Marg, Bandra (West), Mumbai - 400 050  
Telephone No.: 022-26400190/201, 26558175/76 Fax No.: 022-26417893

Regd. Office : Nepean Sea Road, Besides Priyadarshini Park, Mumbai - 400 036  
Telephone No.: 022-2368 6112, 2369 6109 / 3671 / 3673, Fax No.: 022-2368 4942  
Website : www.msrdc.org, CIN : U45200MH1996SGC101586



338

Date 10.06.2016

3114

786

Exhibit - M-2

235

To,  
Chief Engineer  
National Highway, Division  
Public Works Department  
KokanBhavan ,Belapur  
Mumbai.



महाराष्ट्र राज्य रस्ते विकास  
महामंडळ पर्यादित  
(महाराष्ट्र शासनाचा उपक्रम)

Sub :- Plantation of Trees on N.H. no.17 in Dist. - Sindhudurg

Ref: - 1 National Green Tribunal order dated 10.09.2014.  
2. This office letter no MSRDC/BCP/EE-16 dated 16.02.2016.

MSRDC is working as Project Implantation Agency for the Project of Modernisation & Computerisation of Integrated Border Check Post in State of Maharashtra as per Government resolution No. MVD-1208/CR-16/TRA-4 Mantralaya Mumbai 400 032 dated 25.03.2008. Land around 12 Ha land is acquired at village Bandra, Tal. Sawantwadi, Dist. Sindhudurg.M/s. MBCPNL (SPV form by M/s. Sadbhav Engineers Ltd.) has been awarded the work The National Green Tribunal, Pune vide above referred order at serial no.1 @ direction no.3, has directed to carryout compensatory afforestation of 44,000 tress in same area, on the slop in the acquired land or area near N.H. 17, as per opinion of Agriculture University Dapoli. MBCPNL has already planted around 250 trees on the acquired land MSRDC will utilize all available open spaces for plantation of trees.

However more spaces is required for plantation of remaining trees. It is requested to allow MSRDC to plant trees in the RoW of N.H. 17 to comply with the NGT order. Trees will be planted by keeping in mind the future expansion/widening of N.H. 17. Accordingly the trees will be planted as per your directions.

Vide above referred letter at serial no-2, MSRDC has requested you to, give permission for plantation of trees in the RoW of N.H.17 to comply NGT order.

In view of above, it is once again requested to grant Permission at the earliest.

(Muktesh Wadkar)  
Executive Engineer  
M.S.R.D.C. (Ltd), Mumbai

1. Copy submitted to C.E. (D.S. Salunke), M.S.R.D.C.(Ltd), Mumbai for information please.
2. Copy to Director Maharashtra Border Check Posts Network Ltd Godrej Coliseum, 602, Wing, Behind Everard Nagar, Sion (East), Mumbai- 400022.
3. Copy to Executive Engineer, PWD (NH Division), Sindhudurg, Office NH-17, Taluka, Kudal, Sindhudurg, Maharashtra, India Pin Code 416520.

निगम कार्यालय : बांद्रे रेकलेमेशन डेपोसगोर, लिलावती हॉस्पिटल जवळ, के. सी. मार्ग, बांद्रे (प), मुंबई - ४०० ०१०  
दुरध्वनी : ०२२-२६४००११०/२०१, २६५५८१७५/७६. फॅक्स : ०२२-२६४१७८९३  
नोदणीकृत कार्यालय: नेपियनवरी रोड प्रियदर्शिनी पार्क शेजासी, मुंबई - ४०० ०३६.  
दुरध्वनी : ०२२-२३६८६११२, २३६९६१०९/३६७१/३६७३. फॅक्स : ०२२-२३६८४९४३  
वेबसाईट : www.msrdc.org. सीआयएन : U45200MH1996SQC101586



339

# 787 Exhibit - N

236

जा. क. कुमवि/उच्चि/1206/2017  
उद्यानविद्या विभाग,  
कृषि महाविद्यालय, राधोली  
दिनांक - 12th AUG 2017

प्रति,

कार्यकारी अभियंता,  
महाराष्ट्र राज्य रस्ते विकास महामंडळ,  
नांदे रेकलॅमेशन डेपोसमेत,  
लिखावटी हॉस्पिटल जवळ,  
के. सी. मार्ग-नांदे (प)- मुंबई-४०० ०१०

विषय : इन्सुली सीमा तपासणी नाका, वाता येथे मा राष्ट्रीय हरित लवाद,  
पुणे याचे आदेशानुसार वृक्ष लागवड करण्याबाबत.

संदर्भ : जा. क. परारविग/०२/०३४ दिनांक ०३/०७/२०१७

वरील विषयास अनुसूचित आपणारा कळविण्यात येत की, इन्सुली सीमा  
तपासणी नाका, नांदे तसेच सावंतवाडी शहरामध्ये विविध टिकारणी उपलब्ध असलेल्या  
जागांमध्ये लागवड करता येण्यासारखी वृक्षांची यादी या पत्रा अंतर्गत जोडण्यात येत  
आहे.

*forward to  
Balwan  
and  
ask to start  
plantation immediately  
under supervision  
of Dnyanesh Agrawal  
University*

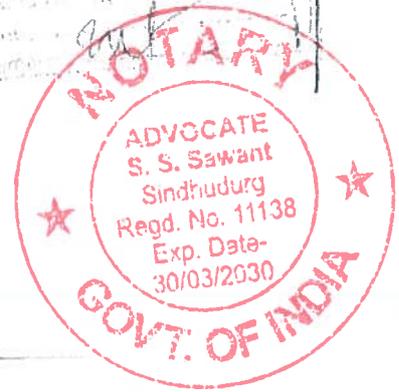
नोंदता - वरील प्रमाणे

*S. S. Sawant*  
प्रमुख,

उद्यानविद्या विभाग,  
कृषि महाविद्यालय, राधोली

*12.08.17*

16/15

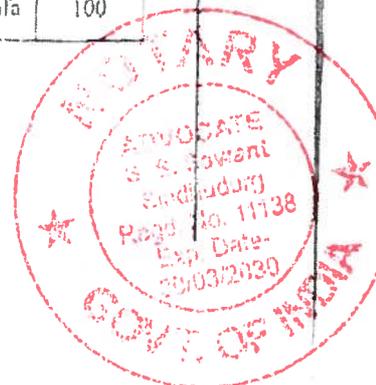


## Open areas available at Insuli cheds post

Sr. No.	Area	Approximate Area	Spacing (m)	Plant spacing	Number
1	Zone 1	1808	2 x 1	Am	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	निलोकर गनी बेग	128	3 m	Kokum	85
4	सतिश पुष्पोत्तम वजारी	136	5 m	Coconut	55
5	आत्माराम भिवा नाईक	100	3 m	Kanchan	67
6	शफीक खान आह्लम खान	105	3 m	Kokum	110
7	सुभानराव पाटणकर	170	3 m	Nagkeshar	113
8	सुखदेव बापू सावत	100	3 m	Jamun	67
9	विष्णू दत्ताराम डोंगरे	70	3 m	Nagkeshar	46
10	दिलीप लक्ष्मण गिरप	112	3 m	Jamun	75
11	रेखा सगौर शेख	146	2 m	Kavthichafa	146
12	जुलैखाबी इब्राहिम रत्नागो	122	3 m	Tamban	81
13	दिलीप लक्ष्मण गिरप	88	3 m	Tamban	53
14	दिगंबर गो. चारंग	100	2 m	Kavthichafa	100



341

# 789 Exhibit - O

238

जा. क्र. कुमविदा/उविवि/१०१०/२०१९  
उद्यानविद्या विभाग,  
कृषि महाविद्यालय, दापोली  
दिनांक:- 5 JUL 2019

प्रति,

श्री. मुवतेश वाडकर  
कार्यकारी अभियंता,  
महाराष्ट्र राज्य रस्ते विकास महामंडळ,  
वांद्रे रेक्लेशन डेपो समोर,  
लिलावती हॉस्पिटल जवळ,  
केंसी मार्ग - वांद्रे (प.) मुंबई ४०० ०५०

विषय:- 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.....

संदर्भ:- 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. परुळेकर, सहाय्यक प्राध्यापक यांनी दिनांक १५/०६/२०१९ रोजी  
बांदा चेकपोस्ट प्रक्षेत्राची प्रत्यक्ष पहाणी केली. सदर पहाणीच्या वेळी सदर  
प्रकल्पासंबंधीत व्यक्ती श्री. एम्. पी. अँब्रॉल, श्री. एम्. एम्. साळुंखे, श्री. रफिक  
अहमद, श्री. धनराज तापसे, श्री. नितीन पोळेकर तसेच त्रिगेडियर श्री. कपिल उपस्थित  
होते. या सर्वासमक्ष पहाणी करून करावयाच्या उपाय योजना संदर्भात सविस्तर माहिती  
देण्यात आली.

आपण प्रत्यक्ष केलेल्या लागवडी पैकी मा. हरित लवाद, पूणे यांनी  
Compensatory afforestation of 44,000 trees (1:8) in the same area असे ते गमूद 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 तेंथे असलेल्या उताराचा विचार करत जमिनीची धूप  
थांबविण्यासाठी लेमन ग्रास लावण्याची ही आवश्यकता होती. मात्र हरित लवादाच्या  
आदेशानुसार त्याठिकाणी असलेल्या ११.९५ हेक्टर क्षेत्रापैकी चेक पोस्ट तयार करण्यासाठी



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,

*S. S. Sawant*

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.

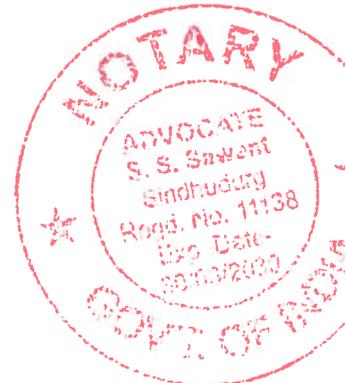


Exhibit - P

ANNEXURE - I

Maharashtra Border Check Post Network Ltd

Corporate Office: 002, T. Wadia, Bandra (West) Mumbai - 400 050  
Phone: 2409 5887, Fax: 2409 5883  
CIN: U45201GJ2009PLC05637

MBCPNL/MSRDC/BCP/19-20/10719

Date: 27/09/2019

To,  
Executive Engineer  
Maharashtra State Road Development Corporation Ltd.,  
Bandra Project Office, Opp. Bandra Reclamation Bus Station,  
Bandra (W), Mumbai - 400 050

Sub: Computerization and Modernization of 22 Border Check Posts in the State of Maharashtra on Build, Operate and Transfer basis  
Insuli BCP - Completion of Plantation to be carried out at Insuli BCP as per directions of the Hon. National Green Tribunal, Pune.

Ref: MSRDC letter no. MSRDC/02/BCP/ITE/2019/4722, dated 22/07/2019.

Dear Sir,

This is with respect to your letter under reference above wherein the Report of Dapoli Agriculture University dated 06/07/2019 had been enclosed.

In this respect we wish to state that the Hon. National Green Tribunal, Pune vide judgement dated 10.09.2014 had directed to plant 40000 trees. We had then received, the letter no. 1206/2017 dated 21.08.2017 from the Chief of Horticulture Department of Dapoli Agricultural University specifying the details of the plantation, vide MSRDC letter no. MSRDC/02/BCP/ITE-17/2018/7610 dated 13/09/2017. We wish to state that we have completed the plantation of the same.

Further as suggested by the Dapoli Agriculture University in the Report dated 06/07/2019, we have done a completed additional plantation of trees.

The Panchanama of the plantation has been carried out by the Forest Officer, Banda on 29/08/2019 which shows numbers of various trees planted and the total number of trees planted is 70,789. The said Panchanama is enclosed herewith.

Submitted for information and records.

Thanking you.

Yours sincerely,

For Maharashtra Border Check Post Network Ltd.

Authorised Signatory

Each Panchanama as above

Copy to:

1. Dy. Transport Commissioner (Inf-2), Transport Dept., Bandra, Mumbai for information please.
2. The Project Head, SAT Consulting Engg. Pvt. Ltd., Mumbai for information please.



Head Office: Sadbhav House, Opp. New Police Station, Lower Parel, Mumbai - 400 010.  
Tel: 9820037883, 9820037884, 9820037885, 9820037886





1)	मूल्य	21000				21000
2)	सुरक्षा	12000				12000
3)	कार्ड	3000				3000
4)	पान	5000				5000
5)	क्याक	1200				1200
6)	ताक	0				0
7)	सोना	11000				11000
8)	सुरक्षा	20000				20000
9)	गुणवत्	2000				2000
10)	काली	1100				1100
11)	सुरक्षा	100				100
12)	माली		माली	20000		20000
13)	निली		निली			0
14)	सुरक्षा		सुरक्षा	10000		10000
15)	सोना		सोना	10000		10000
16)	गुणवत्		गुणवत्	100		100
17)	सुरक्षा		सुरक्षा	100		100
18)	सुरक्षा		सुरक्षा	1000		1000
19)	सुरक्षा		सुरक्षा	1000		1000
20)	सुरक्षा		सुरक्षा	1000		1000
21)	सुरक्षा		सुरक्षा	1000		1000
22)	सुरक्षा		सुरक्षा	1000		1000
23)	सुरक्षा		सुरक्षा	1000		1000
24)	सुरक्षा		सुरक्षा	1000		1000
25)	सुरक्षा		सुरक्षा	1000		1000
26)	सुरक्षा		सुरक्षा	1000		1000
27)	सुरक्षा		सुरक्षा	1000		1000
28)	सुरक्षा		सुरक्षा	1000		1000
29)	सुरक्षा		सुरक्षा	1000		1000
30)	सुरक्षा		सुरक्षा	1000		1000
31)	सुरक्षा		सुरक्षा	1000		1000
32)	सुरक्षा		सुरक्षा	1000		1000
33)	सुरक्षा		सुरक्षा	1000		1000
34)	सुरक्षा		सुरक्षा	1000		1000
35)	सुरक्षा		सुरक्षा	1000		1000
36)	सुरक्षा		सुरक्षा	1000		1000
37)	सुरक्षा		सुरक्षा	1000		1000
38)	सुरक्षा		सुरक्षा	1000		1000
39)	सुरक्षा		सुरक्षा	1000		1000
40)	सुरक्षा		सुरक्षा	1000		1000
41)	सुरक्षा		सुरक्षा	1000		1000
42)	सुरक्षा		सुरक्षा	1000		1000
43)	सुरक्षा		सुरक्षा	1000		1000
44)	सुरक्षा		सुरक्षा	1000		1000
45)	सुरक्षा		सुरक्षा	1000		1000
46)	सुरक्षा		सुरक्षा	1000		1000
47)	सुरक्षा		सुरक्षा	1000		1000
48)	सुरक्षा		सुरक्षा	1000		1000
49)	सुरक्षा		सुरक्षा	1000		1000
50)	सुरक्षा		सुरक्षा	1000		1000


  
 S. S. Sawant
   
 Advocate
   
 Sindhudurg
   
 Regd. No. 11138
   
 Exp. Date-
   
 30/03/2030







**Saiprasad M. Kalyankar**M. Com., F.C.A., I.C.W.A. (Int)  
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Tel. (O) : 02363 - 270355 (R) : 02363 - 270105

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Ref. No. SMK -

Date :

१८/०५/२०२२

प्रती,

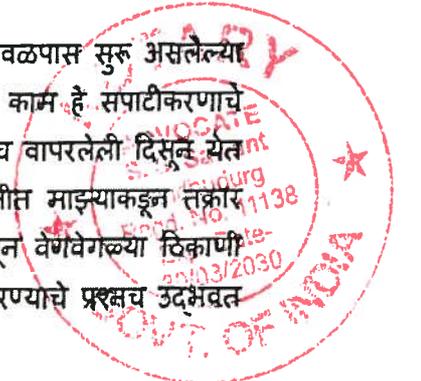
माननीय व्यवस्थापकीय संचालक साहेब,  
महाराष्ट्र राज्य रस्ते विकास महामंडळ,  
बांद्रा, मुंबई, महाराष्ट्र.विषय : बांदा, तालुका: सावंतवाडी जिल्हा: सिंधुदुर्ग येथील सर्वे नंबर १८९क येथे परिवहन  
खात्याकरिता अत्याधुनिक चेकपोस्ट बांधणेबाबत.

संदर्भ : सदरच्या कामात माझ्याकडून आजपर्यंत झालेल्या तक्रारी बाबत खुलासा पत्र.

माननीय महोदय,

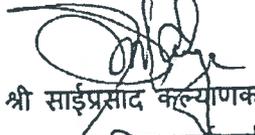
वरील विषयांकित काम सद्भाव इंजिनीरिंग लिमिटेड यांना ह्यांच्या मार्फत केले जात असून बांदा येथील चेकपोस्टचे काम पुर्णत्वावरती आहे. सदरचे काम सुंदर झालेले असून पूर्ण परिसर हिरवेगार दिसून येत आहे. सदर कामात झालेल्या गैरप्रकाराबद्दल बाबतीत मी आपल्याकडे गैरसमजुतीने तक्रार केली होती. त्या संदर्भाने मे. सद्भाव इंजिनीरिंग लिमिटेड तर्फे ऑथोराइज्ड व्यक्ती यांनी माझी भेट घेतली आणि आणि प्रत्यक्ष जागेवरती पाहणी केल्यावरती आणि साईटची योग्य परिस्थिती आणि सर्व कागदपत्रे समक्ष बघितली असता असे लक्षात आले कि माझ्या कडून गैरसमजुतीने तक्रार झालेली होती तरी माझ्या सर्व शंकाचे निरसन झालेले असून ह्या पत्राद्वारे मी माझे म्हणणे आपल्या कार्यालयात सादर करीत आहे.

तसेच बांदा गावाच्या जवळपास जी माती दिसून येत आहे ती बांदा गावाच्या जवळपास सुरू असलेल्या अनेक कामातून निघालेली उत्खननाची अतिरिक्त माती असून बांदा चेकपोस्टचे काम हे सपाटीकरणाचे होते आणि उत्खननातून निघालेली जास्तीची माती सदर गटाचे सपाटीकरणासाठीच वापरलेली दिसून येत आहे. काही तरी गैरसमजुतीने बांदा चेकपोस्टच्या रॉयल्टीबाबतीची व कामाबाबतीत माझ्याकडून तक्रार झालेली असून ह्या पत्राद्वारे मी माझ्या ह्यापूर्वीच्या सर्व तक्रारी मागे घेत असून वेगवेगळ्या ठिकाणी केलेल्या तक्रारी मागे घेत असून ह्या पुढे भविष्यात कुठल्याही प्रकारची तक्रार करण्याचे प्रश्नच उद्भवत



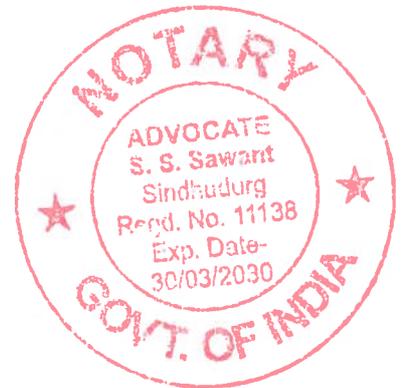
नाही आहे हा विषय मांडताना त्यावेळी प्रथमदर्शनी जे दिसत होते ते आपल्या समोर मांडले होते. सर्व कागदपत्रे बघितल्यावरती मला असे वाटते कि ह्यापूर्वी गैरसमजुतीने माझ्याकडून सदर साईटच्या बाबतीत पत्रव्यवहार झालेला आहे. प्रत्यक्ष पाहणी करिता कुठल्याही प्रकारचा नियमांचा भंग झालेला दिसून आलेला नाही आहे. सर्व परवानग्या आणि रीतसर अर्जकरून कायदाच्या चौकटीत राहूनच सर्व कामे केलेली दिसून येत आहे आणि काम झाल्यावरती पूर्ण परिसर कल्पनाच्या बाहेर सुंदर केलेला आहे . सर्व गोष्टींचा विचार करिता मी ह्यापूर्वी केलेल्या सर्व तक्रारी मागे घेत असून साईटवर्ती केलेल्या प्रशंसनीय वृक्षलागवड केल्यामुळे सर्वांचे आभार मानतो. माझ्या तक्रारीमुळे झालेल्या त्रासाबद्दल आणि गैरसोयींबद्दल दुर्लक्ष करावे हि सविनय विनंती असून तरी माझ्या समाजासाठी असलेल्या जबाबदारीतून मी सदर बाबतीत लक्ष दिला होता आणि आज प्रत्यक्ष साईटवर्ती हिरवेगार झाडे बघून मला अत्यंत आनंद झालेला असून मी सर्वांचे आभार मानतो. तथापि या प्रकरण / विषया बाबत झालेला पत्रव्यवहार, निदर्शनास आणून दिलेली माहिती / तपशिल / पुरावे व समक्ष चर्चा या व्दारे माझ्या सर्व शंकांचे निराकरण झाले आहे. या बाबत माझी कोणतीही तक्रार नाही तसेच भविष्यात तक्रार करणार नाही. तसेच सिमा तपासणी नाक्याचे ठेकेदार मे. सदभाव इंजिनियरिंग कंपनीचे व्यवस्थापनाचे मी संपूर्ण बांदा वासियांच्यावतीने आभार आणि भविष्यासाठी शुभेच्छा देतो.

आपले विनीत,  
प्रकल्पग्रस्त शेतकऱ्यांकरिता,

  
श्री साईप्रसाद कल्याणकर  
(सामाजिक कार्यकर्ता)

प्रती:-

- कार्यकारी अभियंता, महाराष्ट्र राज्य रस्ते विकास महामंडळ, मुंबई.
- उपप्रादेशिक परिवहन अधिकारी, जिल्हा: सिंधुदुर्ग.
- मे. सदभाव इंजिनियरिंग लिमिटेड, बांदा, सिंधुदुर्ग.



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Tel. (O) : 02363 - 270355 (R) : 02363 - 270105**

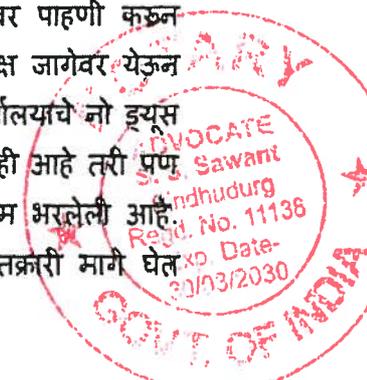
Ref. No. SMK -

Date : १८/०५/२०२२.

पति,  
माननीय तहसीलदार तथा कार्यकारी दंडाधिकारी साहेब,  
ता. सावंतवाडी, जि. सिंधुदुर्ग.

विषय - बांदा येथे परिवहन खात्याकरिता चेकपोस्ट बांधण्याचे काम.  
संदर्भ - वरील विषयांकित कामात झालेल्या उत्खननाची रॉयल्टी बाबतीत माझ्या सर्व तक्रारी.

माननीय तहसीलदार साहेब,  
वरील विषयांकित काम मे. सद्भाव इंजिनिरिंग लिमिटेड यांना मिळालेले असून ते काम मे. सुवर्ण विल्डकॉन प्रायव्हेट लिमिटेड यांना सबलेटबेसिस वरती देण्यात आलेले आहे. सदर कामात झालेल्या उत्खननाच्या रॉयल्टी भरणे बाबत मी आपल्याकडे वेळोवेळी तक्रार केली होती. त्या संदर्भाने मे. सुवर्ण विल्डकॉन प्रायव्हेट लिमिटेड तर्फे ऑथोराइज्ड व्यक्ती यांनी माझी भेट घेतली आणि आणि माझ्या निदर्शनास आणून दिले कि सदर कामासाठी सपाटीकरण करण्यासाठी आवश्यक उत्खनन व त्या संदर्भात लागणारी परवानगी आणि त्यावरील रॉयल्टी भरायची जबाबदारी हि पूर्णपणे मे. सुवर्ण विल्डकॉन प्रायव्हेट लिमिटेड ह्यांची होती व त्याप्रमाणे त्यांनी ते सर्व रक्कम भरलेली आहे. त्याप्रमाणे मे. सुवर्ण विल्डकॉन प्रायव्हेट लिमिटेड ह्यांनी सदर कामासाठी लागणारी सर्व कागदपत्रे मला समक्ष दाखवलेली असून त्याप्रमाणे असे दिसून येते कि मे. सुवर्ण विल्डकॉन प्रायव्हेट लिमिटेड ह्यांनी सदर कामासाठी सपाटीकरण करण्यासाठी आवश्यक उत्खननासाठी लागणारी सर्व परवानग्या घेतल्यानंतर सदरचा काम सुरु करण्यात आलेला होता. सर्व कागदपत्रांची शहनिशा केल्यावरती असे दिसून येते कि उत्खननासाठी माननीय जिल्हाधिकारी कार्यालयात रीतसर अर्ज करून २५०० ब्रासची सुरुवातीची परवानगी मिळाल्यानंतर व परवानगीनुसार चलनाद्वारे रॉयल्टीची रक्कम भरून सदरचा काम सुरु करण्यात आले आणि काम पूर्ण झाल्यावरती खनिकर्म विभागातून प्रत्यक्ष जागेवर पाहणी करून यांत्रिक मापे घेण्यात आली व सदरची मापे माननीय मंडळ अधिकारी ह्यांनी प्रत्यक्ष जागेवर येऊन प्रमाणित केली व त्यानुसार पूर्ण रॉयल्टी रक्कम भरून माननीय जिल्हाधिकारी कार्यालयाचे नो ड्यूस प्रमाणपत्र घेण्यात आले. एकाच गटात सपाटीकरणाकरिता रॉयल्टी भरावी लागत नाही आहे तरी पूर्ण माझ्या तक्रारीमुळे मे. सुवर्ण विल्डकॉन प्रायव्हेट लिमिटेड ह्यांनी रॉयल्टीची रक्कम भरलेली आहे. काही गैरसमजुतीमुळे माझ्याकडून सदरची तक्रार झालेली असून मी माझ्या सर्व तक्रारी मागे घेत असून ह्यापुढे माझ्या कडून कुठल्याही प्रकारची तक्रार होणार नाही.



तसेच बांदा गावाच्या जवळपास जी माती दिसून येत आहे ती बांदा गावाच्या जवळपास सुरू असलेल्या अनेक कामातून निघालेली उत्खननाची अतिरिक्त माती असून बांदा चेकपोस्टचे काम हे सपाटीकरणाचे होते आणि उत्खननातून निघालेली जास्तीची माती सदर गटाचे सपाटीकरणासाठीच वापरलेली दिसून येत आहे. काही तरी गैरसमजुतीने बांदा चेकपोस्टच्या कामाबाबतीत माझ्याकडून तक्रार झालेली असून ह्या पत्राद्वारे मी माझ्या ह्यापूर्वीच्या सर्व तक्रारी मागे घेत असून वेगवेगळ्या ठिकाणी केलेल्या तक्रारी हि मागे घेत असून ह्या पुढे कुठल्याही प्रकारची तक्रार करण्याचे प्रश्नच उद्भवत नाही आहे. तसेच ज्या नवीन झाडांची लागवड करण्यात आलेली होती ज्याचे वनखात्याने दिनांक २९/०८/२०१९ ला केलेल्या सयुक्त पंचनाम्यानुसार झाडे, फळझाडे, बांबू आणि अन्य गवती चहा सारखे सर्व धरून अंदाजे ७०७८१ झाडे लावल्याचे दिसून आले होते. ह्या आडवड्यात मी स्वतः प्रत्यक्ष जागेवरती गेलो असताना प्रत्यक्ष पाहणीत असे दिसून आले कि सर्व झाडे व्यवस्थित जगवलेली आहेत तसेच साईट वरती दोन माळी आणि कामगार दिसून आलेत. पूर्ण परिसरात ड्रीप इरिगेशनचे काम केलेले आहे आणि त्याप्रमाणे अत्यंत उन्हाळ्यात सुद्धा ड्रीप इरिगेशनची व्यवस्थित तरतूद असल्यामुळे सर्व झाडे व्यवस्थित दिसत आहेत. आज प्रत्यक्ष पाहणीत पूर्ण ड्रीप इरिगेशन व्यवस्थित चालू असलेले दिसून आले.

मी प्रथम विषय मांडताना जे त्या परिस्थितीत प्रथमदर्शनी दिसत होते ते आपल्यासमोर मांडले होते व मी माझे काम नेहमीच प्रामाणिकपणे पार पाडत असतो. सदरचा नाका हा शासनाचा महत्वाकांक्षी प्रकल्प आहे व त्यामुळे सीमावरती होणारे गैरवाहतुकीला आला बसणार आहे, हा विचार करून सदर प्रकल्पाच्या पूर्णतेला माझ्या तक्रारीमुळे धक्का लागू नये असे मला वाटत आहे. सदर नाका लवकर पूर्ण व्हावे असे मी नेहमीच म्हटलेले आहे. त्या प्रमाणे मे. सुवर्ण बिल्डकॉन प्रायव्हेट लिमिटेड यांनी सर्व बाबतीत आवश्यक कागदपत्रे खुलाशासोबत मला दाखवलेली असून त्यांचे म्हणणे मला पटत असून तथापि या प्रकरण / विषया बाबत झालेला पत्रव्यवहार, निदर्शनास आणून दिलेली माहिती / तपशिल / पुरावे व समक्ष चर्चा या व्दारे माझ्या सर्व शंकाचे निराकरण झाले आहे. माझी वरील विषयांकित कामाबाबतीत तक्रार नाही आहे आणि भविष्यातही सदर विषयात माझी कुठलीही तक्रार नसणार आहे, तरी आपण आपल्या स्तरावर्ती योग्य तो निर्णय घ्यावा हि विनंती. कळावे,

आपला विश्वासू,

  
श्री साईप्रसाद कल्याणकर  
सामाजिक कार्यकर्ता

प्रत :

- माननीय जिल्हाधिकारी साहेब, जिल्हा सिंधुदुर्ग, महाराष्ट्र.
- माननीय उपविभागीय अधिकारी, ता. सावंतवाडी, जि. सिंधुदुर्ग, महाराष्ट्र.
- माननीय कार्यकारी अभियंता, MSRDC, बांद्रा, मुंबई, महाराष्ट्र.
- माननीय पोलीस निरीक्षक साहेब, बांदा पोलीस स्टेशन, बांदा, जिल्हा सिंधुदुर्ग, महाराष्ट्र.
- माननीय उपप्रादेशिक परिवहन अधिकारी, उपप्रादेशिक परिवहन कार्यालय, जिल्हा सिंधुदुर्ग, महाराष्ट्र.
- माननीय मुख्य अधिकारी, सद्भाव इंजिनरिंग लिमिटेड, बांदा, महाराष्ट्र.



**Saiprasad M. Kalyankar**M. Com., F.C.A., I.C.W.A. (Int)  
Chartered Accountant  
M. No. 43875**M/s. S. Kalyankar & Co.**CHARTERED ACCOUNTANT  
BANDA  
FIRM NO. : 104609 w  
E-mail : salkalyankar@yahoo.com**"Sai Sadan " , Bazar Street, At & post - Banda, Tal. Sawantwadi, Dist. Sindhudurg, Pin - 416 511.  
Tel. (O) : 02363 - 270355 (R) : 02363 - 270105**

Ref. No. SMK -

Date :

१८/०५/२०२२

पति,  
माननीय उपविभागीय अभियंता,  
उपविभागीय अभियंता कार्यालय,  
राष्ट्रीय महामार्ग उपविभाग,  
ता. सावंतवाडी, जि. सिंधुदुर्ग.विषय - बांदा येथे परिवहन खात्याकरिता चेकपोस्ट बांधण्याचे काम.  
संदर्भ - वरील विषयांकित कामात झालेल्या गैरप्रकाराबद्दल बाबतीत माझ्या सर्व तक्रारी.

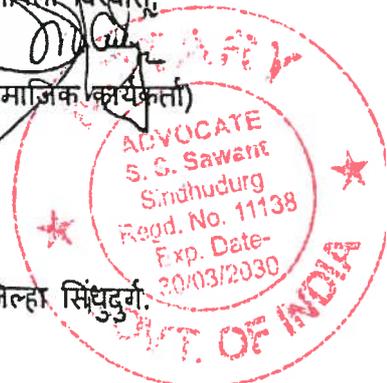
माननीय उपविभागीय अभियंता साहेब,  
वरील विषयांकित काम सद्भाव इंजिनरींग लिमिटेड यांना मिळालेले असून बांदा येथील चेकपोस्टचे काम पूर्णत्वावरती आहे. सदरचे काम सुंदर झालेले असून पूर्ण परिसर हिरवेगार दिसून येत आहे. सदर कामात झालेल्या गैरप्रकाराबद्दल बाबतीत मी आपल्या कार्यालयात गैरसमजुतीने तक्रार केली होती. त्या संदर्भाने मे. सद्भाव इंजिनरींग लिमिटेड तर्फे ऑथोराइज्ड व्यक्ती यांनी माझी भेट घेतली आणि प्रत्यक्ष जागेवरती पाहणी केल्यावरती आणि साईटची योग्य परिस्थिती आणि सर्व कागदपत्रे समक्ष बघितली असता असे लक्षात आले कि माझ्या कडून गैरसमजुतीने तक्रार झालेली होती तरी माझ्या सर्व शंकाचे निराकरण झालेले असून ह्या पत्राद्वारे मी माझे म्हणणे आपल्या कार्यालयात सादर करित आहे.

मी प्रथम विषय मांडताना जे त्या परिस्थितीत प्रथमदर्शनी दिसत होते ते आपल्यासमोर मांडले होते व मी माझे काम नेहमीच प्रामाणिकपणे पार पाडत असतो. सदरचा नाका हा शासनाचा महत्वाकांक्षी प्रकल्प आहे व त्यामुळे सीमावरती होणारे गैरवाहतुकीला आळा बसणार आहे, हा विचार करून सदर प्रकल्पाच्या पूर्णतेला माझ्या तक्रारीमुळे धक्का लागू नये असे मला वाटत आहे. सदर नाका लवकर पूर्ण व्हावे असे मी नेहमीच म्हटलेले आहे. त्या प्रमाणे मे. सद्भाव इंजिनरींग लिमिटेड यांनी सर्व बाबतीत आवश्यक कागदपत्रे खुलाशासोबत मला दाखवलेली असून सर्व कागदपत्रांची शहनिशा केल्यावरती त्यांचे म्हणणे मला पटत असून तथापि या प्रकरण / विषयाबाबत झालेला पत्रव्यवहार, निदर्शनास आणून दिलेली माहिती / तपशिल / पुरावे व समक्ष चर्चा या व्दारे माझ्या सर्व शंकाचे निराकरण झाले आहे. माझी वरील विषयांकित कामाबाबतीत तक्रार नाही आहे आणि भविष्यातही सदर विषयात माझी कुठलीही तक्रार नसणार आहे, तरी आपण आपल्या स्तरावर्ती योग्य तो निर्णय घ्यावा हि विनंती. कळावे.

आपला विश्वास,  
श्री साईप्रसाद कल्याणकर (सामाजिक कार्यकर्ता)

प्रत :

- माननीय कार्यकारी अभियंता, राष्ट्रीय महामार्ग विभाग, जिल्हा सिंधुदुर्ग.
- माननीय कार्यकारी अभियंता, MSRDC, बांद्रा, मुंबई, महाराष्ट्र.
- माननीय उपप्रादेशिक परिवहन अधिकारी, उपप्रादेशिक परिवहन कार्यालय, जिल्हा सिंधुदुर्ग.



**Saiprasad M. Kalyankar**M. Com., F.C.A., I.C.W.A. (Int)  
Chartered Accountant  
M. No. 43875**M/s. S. Kalyankar & Co.**

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Tel. (O) : 02363 - 270355 (R) : 02363 - 270105

Ref. No. SMK -

Date : १८/०५/२०२२.

प्रति,

माननीय कार्यकारी अभियंता,

सिंधुदुर्ग पाटबंधारे प्रकल्प बांधकाम विभाग, चराठे, ता. सावंतवाडी, जि. सिंधुदुर्ग.

विषय - तिलारी आंतरराज्य पाटबंधारे प्रकल्प ता. दोडामार्ग जि. सिंधुदुर्ग.

संदर्भ - वरील विषयांकित कामात झालेल्या वरील विषया संदर्भात दि. 30.07.2019 रोजी मी दिलेली सिव्हिल प्रोसिजर कोड कलम 80 नुसार कारवाई करणे बाबतची माझी तक्रार

माननीय कार्यकारी अभियंता साहेब,

मौजे बांदा ता. सावंतवाडी या गावातील सटमटवाडी या वाडीतून गेलेल्या तिलारी आंतरराज्य पाटबंधारे प्रकल्पातर्गत काढणेत आलेल्या बांदा शाखा कालवा किमी 11 मध्ये कालव्याच्या डाव्या बाजूस कालव्यालगत सिमा तपासणी नाक्याच्या संकुलासाठी खोदकाम व बांधकाम केले आहे. त्यामुळे या ठिकाणच्या कालव्याच्या सेवापथा कडील बाजूस माती भरावामध्ये केलेल्या खोदकामामुळे कालव्यास धोका पोहचून कालव्याचे नुकसान / हाणी होणार असलेने सिमा तपासणी नाक्याचे कामाचे ठेकेदार मे. सदभाव इंजिनिअरींग कंपनी तसेच कार्यकारी अभियंता, महाराष्ट्र राज्य रस्ते विकास महामंडळ, मुंबई यांचेवर महाराष्ट्र इरिगेशन अॅक्ट 1676 चे कलम 93, 94, 95 व 98 प्रमाणे कारवाई करणे बाबत दि. 30.07.2019 रोजी मी सिव्हिल प्रोसिजर कोड कलम 80 ची नोटीस दिली होती.

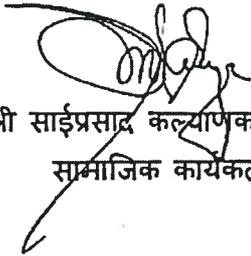
याबाबत आपल्या विभागाकडे मी वेळोवेळी केलेल्या पत्रव्यवहाराच्या अनुषंगाने कळविणेत येते की सन 2019 च्या अतिवृष्टी मध्ये देखिल या ठिकाणचा कालवा सुस्थितीत राहिला आहे. या ठिकाणी सिमा टोल नाका संकुलाच्या बांधकामाच्या ठेकेदारांनी संरक्षक भिंत बांधल्याने व पावसाळ्यात भरावा वर लावलेली झाडे व गवत यांची वाढ झाल्याने भराव सुस्थितीत राहिला आहे. सद्यःस्थितीत या ठिकाणचा कालवा सुरक्षित व सुस्थितीत आहे याची खातरजमा प्रत्यक्ष पहाणी करून केली आहे. प्रत्यक्ष जागेवरील पाहणी केल्यावरती असे दिसून आले कि सदरचा परिसर हिरवेगार झालेला असून सकाळी बांदा वासियांसाठी फिरण्यासाठी सुंदर स्थळ झालेला आहे तसेच काजू आणि आंबा मुळे पक्षी आणि निसर्गाचे संरक्षण झालेले दिसत आहे. मोठा प्रकल्प होउन सुद्धा रिकाम्या जागेची वयवस्थित उपयोग केल्यामुळे पूर्ण परिसर हिरवेगार झालेला असून काम सुरु होण्याच्या अगोदरच्या परिस्थिती पेक्षाही जास्त हिरवेगार दिसत आहे.

ADVOCATE  
S. S. Sawant  
Sindhudurg  
Regd. No. 11138  
Exp. Date-  
30/03/2030

हा विषय मांडताना त्यावेळी प्रथमदर्शनी जे दिसत होते ते आपल्या समोर मांडले होते. तथापि या प्रकरण / विषया बाबत झालेला पत्रव्यवहार, निदर्शनास आणून दिलेली माहिती / तपशिल / पुरावे व समक्ष चर्चा या व्दारे माझ्या सर्व शंकाचे निराकरण झाले आहे. त्यामुळे दि. 30.07.2019 रोजी मी सिव्हिल प्रोसिजर कोड कलम 80 ची नोटीस तसेच महाराष्ट्र इरिगेशन ॲक्ट 1676 चे कलम 93, 94, 95 व 98 प्रमाणे महाराष्ट्र राज्य रस्ते विकास महामंडळ तसेच कंत्राटदारावर कारवाई करण्याचा प्रश्न उदभवत नाही. या बाबत माझी कोणतीही तक्रार नाही तसेच भविष्यात तक्रार करणार नाही.

मी प्रथम विषय मांडताना जे त्या परिस्थितीत प्रथमदर्शनी दिसत होते ते आपल्यासमोर मांडले होते व मी माझे काम नेहमीच प्रामाणिकपणे पार पाडत असतो. सदरचा नाका हा शासनाचा महत्वाकांक्षी प्रकल्प आहे व त्यामुळे सीमावरती होणारे गैरवाहतुकीला आला बसणार आहे, हा विचार करून सदर प्रकल्पाच्या पूर्णतेला माझ्या तक्रारीमुळे धक्का लागू नये असे मला वाटत आहे. सदर नाका लवकर पूर्ण व्हावे असे मी नेहमीच म्हटलेले आहे. त्या प्रमाणे मे. सुवर्ण बिल्डकॉन प्रायव्हेट लिमिटेड यांनी सर्व बाबतीत आवश्यक कागदपत्रे खुलाशासोबत मला दाखवलेली असून त्यांचे म्हणणे मला पटत असून तथापि या प्रकरण / विषया बाबत झालेला पत्रव्यवहार, निदर्शनास आणून दिलेली माहिती / तपशिल / पुरावे व समक्ष चर्चा या व्दारे माझ्या सर्व शंकाचे निराकरण झाले आहे. माझी वरील विषयांकित कामाबाबतीत तक्रार नाही आहे आणि भविष्यातही सदर विषयात माझी कुठलीही तक्रार नसणार आहे, तरी आपण आपल्या स्तरावर्ती योग्य तो निर्णय घ्यावा हि विनंती. कळावे,

आपला विश्वासू,

  
श्री साईप्रसाद कल्याणकर  
सामाजिक कार्यकर्ता

प्रत :

- माननीय जिल्हाधिकारी साहेब, जिल्हा सिंधुदुर्ग, महाराष्ट्र.
- माननीय उपविभागीय अधिकारी, ता. सावंतवाडी, जि. सिंधुदुर्ग, महाराष्ट्र.
- माननीय कार्यकारी अभियंता, MSRDC, बांद्रा, मुंबई, महाराष्ट्र.
- माननीय पोलीस निरीक्षक साहेब, बांदा पोलीस स्टेशन, बांदा, जिल्हा सिंधुदुर्ग, महाराष्ट्र.
- माननीय उपप्रादेशिक परिवहन अधिकारी, उपप्रादेशिक परिवहन कार्यालय, जिल्हा सिंधुदुर्ग.



**Saiprasad M. Kalyankar**M. Com., F.C.A., I.C.W.A. (Int)  
Chartered Accountant  
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Tel. (O) : 02363 - 270355 (R) : 02363 - 270105**

Ref. No. SMK -

Date : १८/०५/२०२२

पति,

माननीय श्री साळवी साहेब,  
विद्यमान विभाग प्रमुख,  
हॉर्टिकल्चर विभाग, दापोली कृषी विद्यापीठ,  
दापोली, महाराष्ट्र.विषय - बांदा येथे परिवहन खात्याकरिता चेकपोस्ट बांधण्याचे काम.  
संदर्भ - NGT. OA. २८/२०१४ मधील आदेश व वृक्ष लागवळ बाबतीत.

माननीय साहेब,

मौजे बांदा ता. सावंतवाडी या गावातील सटमटवाडी येथे बांधण्यात आलेल्या चेकपोस्ट मध्ये NGT मधील OA.२८/२०१४(NGT)(W2) पुणे च्या आदेशाची आपल्याला पूर्ण कल्पना आहे. आपल्या बरोबरच रिफॉरेस्टेशनचे काम वनखाते सावंतवाडी यांचे मार्गदर्शनाखाली पूर्ण करणेचे NGT कोर्टाचे आदेश आहेत.

या बाबत आपल्या विभागाकडे मी वेळोवेळी केलेल्या पत्रव्यवहाराच्या अनुषंगाने कळविणेत येते की डोंगर उतारावरती ज्या नवीन झाडांची लागवड करण्यात आलेली होती ज्याचे वनखात्याने दिनांक २९/०८/२०१९ ला केलेल्या संयुक्त पंचनाम्यानुसार झाडे, फळझाडे, बांबू आणि अन्य गवती चहा सारखे सर्व धरून अंदाजे ७०७८१ झाडे लावल्याचे दिसून आले होते. ह्या आडवड्यात मी स्वतः प्रत्यक्ष जागेवरती गेलो असताना प्रत्यक्ष पाहणीत असे दिसून आले कि सर्व झाडे व्यवस्थित जगवलेली आहेत तसेच साईट वरती दोन माळी आणि कामगार दिसून आलेत. पूर्ण परिसरात ड्रीप इरिगेशनचे काम केलेले आहे आणि त्याप्रमाणे अत्यंत उन्हाळ्यात सुद्धा ड्रीप इरिगेशनची व्यवस्थित तरतूद असल्यामुळे सर्व झाडे व्यवस्थित दिसत आहेत. आज प्रत्यक्ष पाहणीत पूर्ण ड्रीप इरिगेशन व्यवस्थित चालू असलेले दिसून आले. साईट वरती व्यवस्थापनाशी चर्चा केल्यावरती काही रिकाम्या जागेत काजूची अजूम रोपे लावता येतील असे दिसून आले आणि मं. सदभाव इंजिनिअरींग कंपनी यांना विनंती केल्यावरती त्यांनी १०००० काजूची कलमी रोपे आणि फुलझाडे ५००० लावण्यासाठी होकार दिला असून लगेच माझ्यासमोर १३००० काजूची कलमी रोपांची ऑर्डर दिलेली आहे.



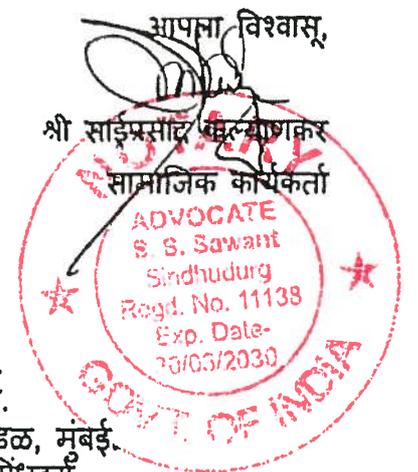
तसेच कार्यकारी अभियंता, महाराष्ट्र राज्य रस्ते विकास महामंडळ, मुंबई व संबंधित सिमा तपासणी नाक्याचे ठेकेदार मे. सदभाव इंजिनिअरींग कंपनी यांचेकडून मिळालेल्या माहितीनुसार सदरचा सिमा तपासणी नाक्याचा प्रकल्प BOT अंतर्गत असून करारानुसार सदर ठेकेदार 24 वर्षे 6 महिने पर्यंत त्या कामास जबाबदार असून सर्व प्रकारच्या कामाबाबत व सुरक्षितते बाबतची जबाबदारी सदर ठेकेदाराची असून त्या बाबतचा करार महाराष्ट्र राज्य रस्ते, विकास महामंडळ व ठेकेदार मे. सदभाव इंजिनिअरींग यांचेमध्ये झाला असल्याचे तसेच लागवळ केलेल्या झाडांची निगा, भविष्यातील देखभाल व सुरक्षिततेची संपूर्ण जबाबदारी संबंधित ठेकेदारानी घेतलेली असल्याचे सांगण्यात आले आहे. त्याप्रमाणे लागवळ केलेल्या झाडांची भविष्यात सुरक्षित राखण्यासाठी आवश्यक उपाययोजना त्या- त्या वेळी महाराष्ट्र राज्य रस्ते विकास महामंडळ व ठेकेदार मे. सदभाव इंजिनिअरींग यांच्या खर्चाने / निधीतून पूर्ण करण्यात येणार आहेत असे त्यांनी सांगितले आहे. परंतु साईट वरती ज्या प्रकारची झाडे लावण्यात आलेली आहे आणि ज्याप्रमाणे सादर झाडांची निगा घेण्यात आलेली आहे त्याप्रमाणे सदरची सर्व झाडे ह्यापुढे जगणारच आहे आणि चांगली काळजी घेतल्यामुळे फळ उत्पादन हि चांगला होणार आहे.

मी आपल्याकडे गवती चहा आणि बांबू लावल्याबद्दल तक्रार केली होती परंतु समक्ष जागेवरती पाहणी करता असे लक्षात आले कि गवती चहा आणि बांबू मुळे उताराच्या जागेवरती मातीची झीज थांबलेली आहे आणि जिथे जिथे गवती चहा लावलेला आहे तिथे अन्य अनेक झाडे सुद्धा लावलेली दिसत आहे. ना. NGT कोर्टाचे आदेश प्रमाणे फक्त ४४००० झाडे लावायची होती परंतु सदर जागेवरती त्यापेक्षा जास्त झाडे लावून सदर जागेचा संपूर्ण उपयोग झालेला दिसत आहे. समाजाने सयुक्त प्रयत्न केल्यामुळे सदरचा परिसर हिरवेगार झालेला असून सकाळी बांदा वासियांसाठी फिरण्यासाठी सुंदर स्थळ झालेला आहे तसेच काजू आणि आंबा मुळे पक्षी आणि निसर्गाचे संरक्षण झालेले दिसत आहे. मोठा प्रकल्प होऊन सुद्धा रिकाम्या जागेची वयवस्थित उपयोग केल्यामुळे पूर्ण परिसर हिरवेगार झालेला असून काम सुरु होण्याच्या अगोदरच्या परिस्थिती पेक्षाही जास्त हिरवेगार दिसत आहे.

हा विषय मांडताना त्यावेळी प्रथमदर्शनी जे दिसत होते ते आपल्या समोर मांडले होते. तथापि या प्रकरण / विषया बाबत झालेला पत्रव्यवहार, निदर्शनास आणून दिलेली माहिती / तपशिल / पुरावे व समक्ष चर्चा या व्दारे माझ्या सर्व शंकाचे निराकरण झाले आहे. या बाबत माझी कोणतीही तक्रार नाही तसेच भविष्यात तक्रार करणार नाही. तसेच सिमा तपासणी नाक्याचे ठेकेदार मे. सदभाव इंजिनिअरींग कंपनीचे वयवस्थापनचे मी संपूर्ण बांदा वासियांच्यावतीने आभार आणि भविष्यासाठी शुभेच्छा देतो.

प्रत :

- माननीय जिल्हाधिकारी साहेब, सिंधुदुर्ग, महाराष्ट्र.
- माननीय प्रांताधिकारी साहेब, सावंतवाडी, सिंधुदुर्ग, महाराष्ट्र.
- माननीय वनसंरक्षक साहेब, सावंतवाडी, जिल्हा सिंधुदुर्ग, महाराष्ट्र.
- माननीय तहसीलदार साहेब, सावंतवाडी, जिल्हा सिंधुदुर्ग, महाराष्ट्र.
- माननीय कार्यकारी अभियंता, महाराष्ट्र राज्य रस्ते विकास महामंडळ, मुंबई.
- माननीय उप परिवहन अधिकारी, प्रादेशिक परिवहन कार्यालय, सिंधुदुर्ग.



**Saiprasad M. Kalyankar**M. Com., F.C.A., I.C.W.A. (Int)  
Chartered Accountant  
M. No. 43875**M/s. S. Kalyankar & Co.**CHARTERED ACCOUNTANT  
BANDA  
FIRM NO. : 104609 w  
E-mail : saikalyankar@yahoo.com**"Sai Sadan " , Bazar Street, At & post - Banda, Tal. Sawantwadi, Dist. Sindhudurg, Pin - 416 511.  
Tel. (O) : 02363 - 270355 (R) : 02363 - 270105**

Ref. No. SMK -

Date : १८/०५/२०२२

प्रति,

माननीय उप वनसंरक्षक साहेब,  
सावंतवाडी, जिल्हा सिंधुदुर्ग, महाराष्ट्र.विषय - बांदा येथे परिवहन खात्याकरिता चेकपोस्ट बांधण्याचे काम.  
संदर्भ - NGT. OA. २८/२०१४ मधील आदेश व वृक्ष लागवड बाबतीत.

माननीय साहेब,

मौजे बांदा ता. सावंतवाडी या गावातील सटमटवाडी येथे बांधण्यात आलेल्या चेकपोस्ट मध्ये NGT मधील OA.२८/२०१४(NGT)(W2) पुणे च्या आदेशाची आपल्याला पूर्ण कल्पना आहे. आपल्या बरोबरच रिफॉरेस्टेशनचे काम वनखाते सावंतवाडी यांचे मार्गदर्शनाखाली पूर्ण करणेचे NGT कोर्टाचे आदेश आहेत.

या बाबत आपल्या विभागाकडे मी वेळोवेळी केलेल्या पत्रव्यवहाराच्या अनुषंगाने कळविणेत येते की डॉंगर उत्तारावरती ज्या नवीन झाडांची लागवड करण्यात आलेली होती ज्याचे वनखात्याने दिनांक २९/०८/२०१९ ला केलेल्या संयुक्त पंचनाम्यानुसार झाडे, फळझाडे, बांबू आणि अन्य गवती चहा सारखे सर्व धरून अंदाजे ७०७८१ झाडे लावल्याचे दिसून आले होते. ह्या आडवड्यात मी स्वतः प्रत्यक्ष जागेवरती गेलो असताना प्रत्यक्ष पाहणीत असे दिसून आले कि सर्व झाडे व्यवस्थित जगवलेली आहेत तसेच साईट वरती दोन माळी आणि कामगार दिसून आलेत. पूर्ण परिसरात ड्रीप इरीगेशनचे काम केलेले आहे आणि त्याप्रमाणे अत्यंत उन्हाळ्यात सुद्धा ड्रीप इरीगेशनची व्यवस्थित तरतूद असल्यामुळे सर्व झाडे व्यवस्थित दिसत आहेत. आज प्रत्यक्ष पाहणीत पूर्ण ड्रीप इरीगेशन व्यवस्थित चालू असलेले दिसून आले.

साईट वरती व्यवस्थापनाशी चर्चा केल्यावरती काही रिकाम्या जागेत काजूची अजून रोपे लावता येतील असे दिसून आले आणि मे. सदभाव इंजिनिअरिंग कंपनी यांना विनंती केल्यावरती त्यांनी १०००० काजूची कलमी रोपे आणि फुलझाडे ५००० लावण्यासाठी होकार दिला असून लगेच माझ्यासमोर १०००० काजूची कलमी रोपांची ऑर्डर दिलेली आहे.



समाजाने सयुंक्त प्रयत्न केल्यामुळे सदरचा परिसर हिरवेगार झालेला असून सकाळी बांदा वासियांसाठी फिरण्यासाठी सुंदर स्थळ झालेला आहे तसेच काजू आणि आंबा मुळे पक्षी आणि निसर्गाचे संरक्षण झालेले दिसत आहे. मोठा प्रकल्प होउन सुद्धा रिकाम्या जागेची वयवस्थित उपयोग केल्यामुळे पूर्ण परिसर हिरवेगार झालेला असून काम सुरु होण्याच्या अगोदरच्या परिस्थिती पेक्षाही जास्त हिरवेगार दिसत आहे. तसेच रीतसर परवानगी घेउन जी झाडे तोडण्यात आलेली होती ती सर्व जागेमालकानी ताब्यात घेतलेली होती. बाकीची लाकडे जागेवरती जमा करण्यात आलेली होती ज्याचे गावकऱ्यांनी तसेच सर्व झाडे मालकी हक्काची होती ती सर्वांनी स्वतः वाहतूक करून नेलेली आहेत त्या कारणाने लाकडाबद्दलची माझी तक्रार ग्राह धरण्यात येउ नये तसेच माझ्या सर्व शंकांचे निरसरण झालेले असून मी आज पर्यंत केलेल्या सर्व तक्रारी मागे घेत आहे.

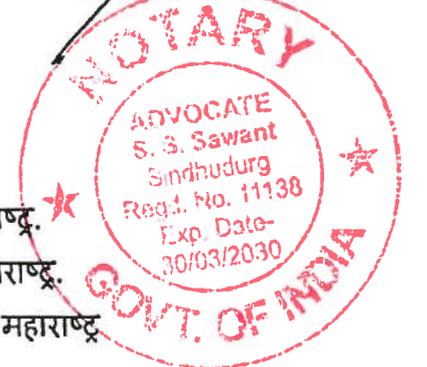
हा विषय मांडताना त्यावेळी प्रथमदर्शनी जे दिसत होते ते आपल्या समोर मांडले होते. सर्व कागदपत्रे बघितल्यावरती मला असे वाटते कि ह्यापूर्वी गैरसमजुतीने माझ्याकडून सदर साईटच्या बाबतीत पत्रव्यवहार झालेला आहे. प्रत्यक्ष पाहणी करिता कुठल्याही प्रकारचा नियमांचा भंग झालेला दिसून आलेला नाही आहे . सर्व परवानग्या आणि रीतसर अर्जकरून कायदाच्या चोकटीत राहूनच सर्व कामे केलेली दिसून येत आहे आणि काम झाल्यावरती पूर्ण परिसर कल्पनाच्या बाहेर सुंदर केलेला आहे . सर्व गोष्टींचा विचार करिता मी ह्यापूर्वी केलेल्या सर्व तक्रारी मागे घेत असून साईटवर्ती केलेल्या प्रशंसनीय वृक्षलागवड केल्यामुळे सर्वांचे आभार मानतो. माझ्या तक्रारीमुळे झालेल्या त्रासाबद्दल आणि गैरसोयींबद्दल दुर्लक्ष करावे हि सविनय विनंती असून तरी माझ्या समाजासाठी असलेल्या जवाबदारीतून मी सदर बाबतीत लक्ष दिला होता आणि आज प्रत्यक्ष साईटवर्ती हिरवेगार झाडे बघून मला अत्यंत आनंद झालेला असून मी सर्वांचे आभार मानतो. तथापि या प्रकरण / विषया बाबत झालेला पत्रव्यवहार, निदर्शनास आणून दिलेली माहिती / तपशिल / पुरावे व समक्ष चर्चा या व्दारे माझ्या सर्व शंकाचे निराकरण झाले आहे. या बाबत माझी कोणतीही तक्रार नाही तसेच भविष्यात तक्रार करणार नाही. तसेच सिमा तपासणी नाक्याचे ठेकेदार मे. सदभाव इंजिनिअरींग कंपनीचे वयवस्थापनचे मी संपूर्ण बांदा वासियांच्यावतीने आभार आणि भविष्यासाठी शुभेच्छा देतो.

आपला विश्वासू,

  
श्री साईप्रसाद कल्याणकर  
सामाजिक कार्यकर्ता

प्रत :

- माननीय जिल्हाधिकारी साहेब, सिंधुदुर्ग, महाराष्ट्र
- माननीय प्रांताधिकारी साहेब, सावंतवाडी, सिंधुदुर्ग, महाराष्ट्र
- माननीय वनसंरक्षक साहेब, सावंतवाडी, जिल्हा सिंधुदुर्ग, महाराष्ट्र.
- माननीय तहसीलदार साहेब, सावंतवाडी, जिल्हा सिंधुदुर्ग, महाराष्ट्र.
- माननीय कार्यकारी अभियंता साहेब, MSRDC, बांद्रा, मुंबई, महाराष्ट्र



## Exhibit - R

256

411  
428

जा.क्र. मराठवि मर्या./०२/सव्यस २/506  
दिनांक : २७.१२.२०१६



प्रति,  
मा.जिल्हाअधिकारी, सिंधुदुर्ग,  
जिल्हा सिंधुदुर्ग - ४१६ ५२०

महाराष्ट्र राज्य रस्ते विकास  
महामंडळ मर्यादित  
(महाराष्ट्र शासनाचा उपक्रम)

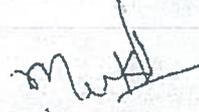
विषय : मौजे बांधा जिल्हा सिंधुदुर्ग येथील सिमा तपासणी नाक्याच्या हद्दीत वृक्षारोपण करण्याबाबत.

संदर्भ : राष्ट्रीय हरितलवाद न्यायालय, पुणे यांचे आदेश.

महोदय,

परिवहन विभागाने सिमा तपासणी नाक्याच्या आधुनिकीकरणासाठी मौजे बांधा येथे एकूण ११.९५ हेक्टर इतकी जमीन संचादीन केली असून महामंडळ या प्रकल्पाची प्रकल्प अंमलबजावणी संस्था म्हणून काम करत आहे. या प्रकल्पामंदर्भात राष्ट्रीय हरित न्यायालय पुणे यांनी महामंडळाने या जागेवरती विभाग प्रमुख, अंग्रोकल्चर विभाग, दापोली कृषी विद्यापीठ यांच्या मार्गदर्शनाखाली ४४.०००/- झाडे लावण्याचे आदेश पारित केले असून याबाबत जिल्हाधिकारी सिंधुदुर्ग यांच्याकडे अनामत रक्कम रु. १०,००,०००/- भरण्याचे आदेश पारित केले होते. महामंडळाने धनादेश क्र. २३८५२८ दिनांक ११.०१.२०१६ रोजी आपले बांधाव्यय रु. १०,००,०००/- जमा केले आहेत. हरीत लवादाच्या निर्णयानुसार ४४.०००/- झाडे लावण्याकरिता सिंधुदुर्ग जिल्ह्यात जागा उपलब्ध करून द्यावी ही विनंती. झाडे लावण्याचा खर्च प्रकल्पाचा उदयाजक करणार आहे. तरी आपणाम विनंती करण्यात येते की झाडे लावणेकरिता जागा उपलब्ध करून द्यावी ही विनंती.

सांबत : १. राष्ट्रीय हरित लवादाचा निर्णय

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

प्रत : मुख्य अभियंता याना माहितीसाठी सादर

निगम कार्यालय वाद्रे रेक्लेमेशन डेपोसभोर तिलावती हॉस्पिटल जवळ के. सी. मार्ग, वाद्रे (मि.) मुंबई ४०००९९  
दुरध्वनी : ०२२-२६४००१९०/२०१, २६५५८१७५/७६, फॅक्स : ०२२-२६४१७८९३



808

Exhibit - S 0/10

257



Maharashtra State  
Road Development  
Corpn. Ltd.

(A Government of Maharashtra Undertaking)

MSRDC/02/BCP/EE/2019/2674  
Date: 06.05.2019

To,  
Dr. B.R. Salvi,  
Head of Department,  
Horticulture,  
Dr. B.S.K.K. Vidyapeeth,  
Dapoli.

Sub: Regarding Plantation Work.

Computerisation and Modernisation of 22 Border Check Posts in  
the State of Maharashtra on Built-Operate-and Transfer Basis

Ref: 1) Your office letter no. ACD/HORT/Check Post/449/2019, dated 14.03.2019

2) This office letter no. MSRDC/02/BCP/EE/2019/2674, dated 16.04.2019

Dear Sir,

Further reference at sr. no. 1, we are submitting herewith cheque no. 002500 dt. 04.05.2019 and cheque no. 003001 dt. 04.05.2019 regarding payment of honorarium amounts respectively (Dr. P.M. Haldankar -first visit dated on 10.03.2015 - (Rs. 25,000 Less TDS 2500 net payable Rs. 22,500/-) and Dr. B.R. Salvi - second visit dated on 16.06.2017- (Rs. 25,000 Less TDS 2500 net payable Rs. 22,500/-). Kindly acknowledge the receipt.

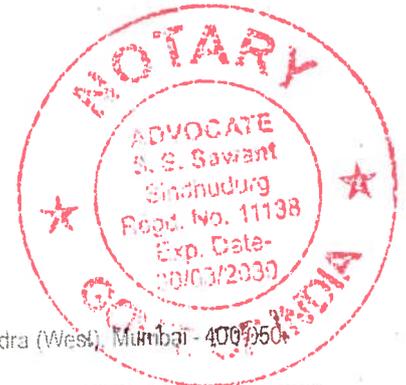
You are requested to supervise the compensatory afforestation work being carried out by the Concessionaire M/s. MBCPNL in accordance with the directives of the NGT, Pune, and provide inspection report to this office.

*M. Wadkar*

(Muktesh Wadkar)  
Executive Engineer,  
MSRDC (Ltd.), Mumbai

Copy Submitted to the S.E. (R.G.), M.S.R.D.C. Mumbai for information please.

Received  
*B.S.K.K. Vidyapeeth*  
15.5.19



809

258

361

**YES BANK LTD.**  
 G-1 Mezzanine Flr, Shop No G-01, 893,  
 Nandan Chambers, Turner Rd, Bandra  
 (W), Mumbai-400050  
 IFS CODE: YESB000134

**YES TRANSACT**  
**CASH MANAGEMENT SERVICES**  
 VALID FOR THREE MONTHS FROM THE DATE OF ISSUE

DD D4 M0 M5 Y2 Y0 Y1 Y9

Pay Parag Haldankar Or Order  
 को या उनके आदेश पर

Rupees Twenty Two Thousand Five Hundred Only  
 अदा करें ₹ **\*\*22,500-00**  
 For MSRDC LTD

CURRENT  
 A/c No. 013481400000444 NOT OVER ₹

*Parag Haldankar*  
**YES BANK**

*[Signature]*  
 Authorised Signatories  
 Please sign above

PAYABLE AT PAR AT ALL YES BANK BRANCHES IN INDIA.

⑈002500⑈ 40053201?⑈ 004857⑈ 29

**YES BANK LTD.**  
 G-1 Mezzanine Flr, Shop No G-01, 893,  
 Nandan Chambers, Turner Rd, Bandra  
 (W), Mumbai-400050  
 IFS CODE: YESB000134

**YES TRANSACT**  
**CASH MANAGEMENT SERVICES**  
 VALID FOR THREE MONTHS FROM THE DATE OF ISSUE

DD D4 M0 M5 Y2 Y0 Y1 Y9

Pay Bharat R Salvi Or Order  
 को या उनके आदेश पर

Rupees Twenty Two Thousand Five Hundred Only  
 अदा करें ₹ **\*\*22,500-00**  
 For MSRDC LTD

CURRENT  
 A/c No. 013481400000444 NOT OVER ₹

*Bharat R Salvi*  
**YES BANK**

*[Signature]*  
 Authorised Signatories  
 Please sign above

PAYABLE AT PAR AT ALL YES BANK BRANCHES IN INDIA.

⑈003001⑈ 40053201?⑈ 004857⑈ 29

Received  
*[Signature]*  
 7.15.19

**NOTARY**  
 ADVOCATE  
 S. S. Sawant  
 Sindhudurg  
 Regd. No. 11138  
 Exp. Date-  
 30/03/2030  
**GOVT. OF INDIA**



Dr. Balasaheb Sawant Konkan Krishi Vidyapeeth, Dapoli

362

**DEPARTMENT OF HORTICULTURE  
COLLEGE OF AGRICULTURE, DAPOLI – 415 712,**

Dist – Ratnagiri (M.S.) India

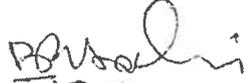
Tel. / Fax (Off.) – (02358) 282412

E-mail : headhortkkv@rediffmail.com / brsalvi@gmail.com

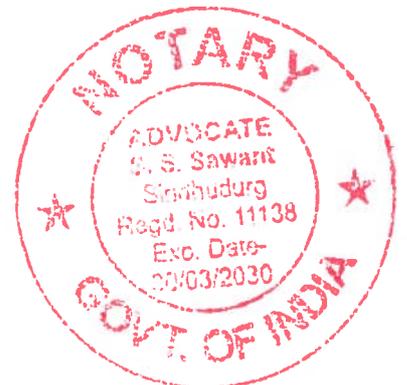
**RECEIPT**

I have receive cheque no. 002500 dated 04.05.2019 Rs. 22,500/- and cheque no. 003001 dated 04.05.2019 Rs. 22,500/- regarding payment of honorarium amounts respectively (Dr. P. M. Haldankar - first visit dated on 10.03.2015 (Rs. 25,500/- less TDS 2500 net payable Rs. 22,500/-) and Dr. B. R. Salvi – second visit dated on 16.06.2017 (Rs. 25,000/- less TDS 2500 net payable Rs. 22,500/-).

Date:- 15.05.2019

  
15.5.19  
Head

Department of Horticulture  
Dr. B. S. Konkan Krishi Vidyapeeth, Dapoli





स्वातंत्र्याचा अमृत महोत्सव

महाराष्ट्र/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 सदरमात 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 मौजदाद करणेस सुरवात केली.

सीआयएन : U45200MH1996SGC101586

जीएसटी : 27AAAGM6837C1ZP

INWARD  
Date: 5/4/24  
Inward No: 83213

नोंदणीकृत कार्यालय : नेपियन्सी रोड,  
प्रियदर्शनी पार्क जवळ, मुंबई - ४०० ०३६

दूरध्वनी : (०२२) २३६८ ५९०९  
दूरध्वनी : (०२२) २३६९ ३७८९  
दूरध्वनी : (०२२) २३६९ १०३०

कार्पोरेट कार्यालय : वांद्रे रेक्लेमेशन  
डेपोसमोर, तिलावती हॉस्पिटलजवळ,  
के.सी.मार्ग, वांद्रे (प), मुंबई - ४०० ०५०

दूरध्वनी : (०२२) २६४० ०१९० / २०१  
दूरध्वनी : (०२२) २६५५ ८१७५ / ७६  
फॅक्स : (०२२) २६४९ ७८९३



811  
Exhibit - T

महाराष्ट्र राज्य रस्ते विकास  
महामंडळ मर्यादित

266



म.रा.र.वि.म.  
(महाराष्ट्र राज्य रस्ते विकास)

दि.१५/०३/२०२४ ते १९/०३/२०२४ पर्यंत सदर क्षेत्रातील लागवड केलेल्या वृक्षांची मोजदाद पूर्ण करून पंचनामा आदी कागदपत्र तयार करणेत आलेले असून पंचनाम्यानुसार सदर क्षेत्रात मोजणी केलेली रोपे संख्या २६६६५ एवढी झाले असून त्यापैकी १७२७९ झाडे ही वृक्ष प्रजाती संवर्गातील असून इतर उर्वरीत ९३८६ एवढ्या प्रजाती शोभिवंत झाडे, बांबू कणक, कंद (गवत) स्वरूपातील असून, पूर्व-पश्चिम दिशेने टेकडीच्या वरच्या भागात प्लॅस्टिकच्या २-२ टाक्या बसवून ठिबक सिंचनद्वारे 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, नुकसान होण्याची शक्यता असलेबाबत, तसेच सदर झाडांचे संरक्षण व सर्वधन करणेकामी उपाययोजना करणेसंबंधी आवश्यक त्या सर्व सुचना वन अधिकारी यांचेकडून पंचासमक्ष 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 पुनःच कळविणेत येते की, मा.राष्ट्रीय हरित लवाद यांचेकडील दि.१०/०९/२०१४ व दि. १३/०३/२०१९ रोजीचे आदेशान्वये सदरचे वृक्ष लागवड उद्दीष्ट येत्या पावसाळ्यात जूलै २०२४ अखेर पुर्ण करून संरक्षण व देखभाल ची कार्यवाही करणेत यावी.

तसेच स्थळ पाहणी अहवालानुसार पुर्वी लावण्यात आलेल्या वृक्ष प्रजातीचे रोपांचे सभोवती सुकलेल्या स्थितीत रानमोडी, गवत, घाणेरी यांचा फैलाव असल्याने सदर क्षेत्रात आग लागून रोपांना इजा, नुकसान 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 करून आपला स्वयंस्पष्ट अहवाल महामंडळास त्वरीत सादर करावा.

*M. R. V.*

(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,



365

# 813

## Exhibit - U

262

Suvarna Buildcom Pvt. Ltd. vs.  
Sadbhav Engineering Ltd. etc.3

1

R.C.S. No.126/2021  
(Order below Exh. 1)

**ORDER BELOW EXH. 1 IN REGULAR CIVIL SUIT NO. 126/2021**  
**CNR-NO-MH-SI-06-001131-202**

The authorize person of plaintiff and defendant No. 1 to 3 are present along with their respective Ld. Counsels. By mediation report vide Exh.64 the Mediator Adv. Shri. G. G. Bandekar informed about the settlement of the dispute between the parties amicably as per the compromise pursis vide Exh.65. In view of same, this suit needs to be disposed of. In the result, I pass the following order.

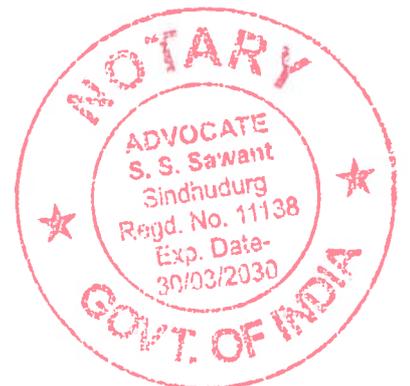
**-: ORDER :-**

1. This suit is disposed of as compromised as per the compromise pursis vide Exh.65 arrived in mediation process.
2. Both the parties bear their own costs.
3. Decree shall be drawn in terms of compromise pursis vide Exh.65.
4. The court fees be refunded as per rules if prayed.
5. Proceeding is closed.

Digitally signed  
by RUPALI  
RAJANIKANT  
BEDAGKAR  
Date:  
2022.06.06  
18:15:22  
+0530

(Smt.R.R.Bedagkar)  
Civil Judge (Jr.Dn.)  
Sawantwadi.

Date : 06-06-2022



814  
Exhibit - V नि. ए. ए.

263

366

संयुक्त तडजोड पुरक्षीस वादी  
व प्रतिवादी क्र १ ते ३ तर्फे  
दाखल दि. ०६/०६/२०२२

In the court of Hon Civil Judge (Jr. Div.) at Sawantwadi

Reg. Civil Suit No. 126/2021

Suvarna Buildcon Pvt. Ltd --- Plaintiff

v/s

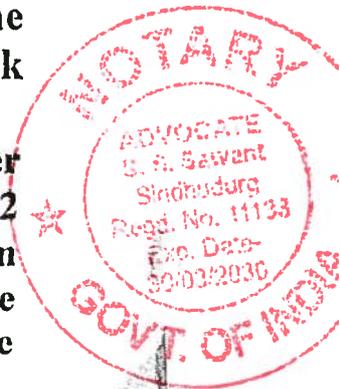
Sadbhav Engineering Ltd, etc --- Defendant

Compramise pursis on behalf of Plaintiff as well as  
Defendant no. 1 to 3.

1. The plaintiff and defendants have series of discussion  
in respect of settelement of the issue. After the prolong  
discussion both the parties have agreed to resolve the  
dispute on following terms and conditions.

Terms and conditions of Compramise

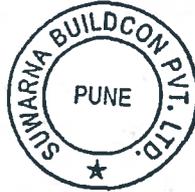
1. The Defendant No. 1 has revoked and withdrawn the  
termination Notice dated 11 October 2021.
2. In view of the settlement taken place by and between  
the parties in Commercial Dispute No. 52/2021  
before the Hon'ble Commercial Court Pune at Pune  
the Plaintiff is authorized to continue with the work  
at the suit property.
3. Only upon receipt of final Balance Payment as per  
Annexure A of the first addendum dated 3/4/2022  
and of the settlement Terms and condition  
submitted in Commercial Suit No. 52/2021, The  
Plaintiff will handover the site on suit property of the  
defendant after completion of work.



- 4. Neither Defendants nor any of their agents, assignees or persons acting on their behalf shall disturb the actual physical possession of the plaintiff over the suit property till the entire work of Banda Border Check Post is completed and possession is handed over to concerned defendants.
- 5. Parties shall bear their own costs.
- 6. Compromise Decree may kindly be passed.

Hence the Compromise pursis on behalf of Plaintiff as well as Defendant no. 1 to 3.

Sawantwadi  
Date 6/6/2022



*[Handwritten signature]*

Athorised signatory on behalf of Plaintiff

*[Handwritten note:]*  
Adv. for Defendants no. 1 to 3  
(Adv. A. K. N. Walekar)

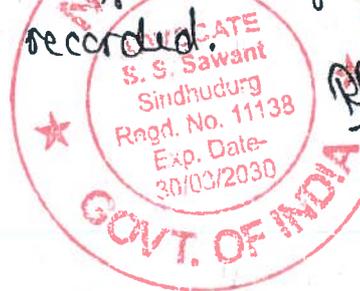
*[Handwritten note:]*  
Adv. V. Mayag, Sawantwadi  
behalf of Plaintiff.

*[Handwritten signature]*  
*[Handwritten name:]* Datta

Athorised signatory on behalf of Defendant No. 1 to 3

ORDER

Both the parties' authorised persons are present with their Id. cards. The terms of compromise deed are read out to the parties. They admitted same as well as their signature thereon. Hence this compromise pursis is read and recorded.



*[Handwritten signature:]* R. B. Bedekar  
6-6-22  
COO-D, Sawantwadi

## Exhibit - W

SAI OLC

368

## Maharashtra Border Check Post Network Ltd

Godrej Coliseum, 602, 'C' wing, Behind Everard Nagar,

Sion (E), Mumbai - 400 022.

T: 022 - 2409 5887, F: 022 - 2409 6883

E-mail : mbc pnl@gmail.com

MBCPNL/MSRDC/BCP/14-15/4674

Date: 25/03/2015

To,  
JMD - II  
Maharashtra State Road Development Corporation Ltd.,  
Bandra Project Office,  
Opp. Bandra Reclamation Bus Station,  
Bandra (W), Mumbai - 400 050

Sub: Modernization and Computerization of 22 Border Check Posts in the state of Maharashtra  
on Build, Operate and Transfer Basis  
- Insuli BCP - Regarding plantation of trees at Insuli BCP - Payment.

Ref:

1. Our letter no. MBCPNL/MSRDC/BCP/14-15/4663, dated 20/03/2015;
2. Your office letter no. MSRDC/02/BCP/EE-16/Insuli/743 dated 18/02/2015.

Dear Sir,

Further reference to above, we are submitting herewith Cheque no. 643639 dated 25/03/2015, regarding payment of Rs. 20 Lakhs with respect to issue of plantation of trees at Insuli BCP.

However we wish to state that we shall be entitled to claim the same as per the provisions of the Concession Agreement.

Thanking you,

Yours faithfully,  
for Maharashtra Border Check Post Network Ltd.

Authorised Signatory

Encl: As above.

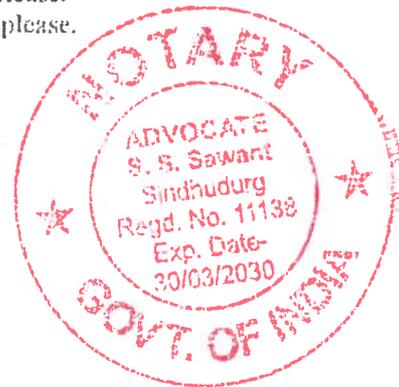
Copy To:

1. The Commissioner, Transport Department, Mumbai - for information please.
2. VC&MD, MSRDC - Bandra, Mumbai, for information please.
3. Executive Engineer, MSRDC - Bandra, Mumbai, for information please.
4. Project Head, SAI Consulting Engineers Pvt. Ltd., for information please.

VENTURE OF


**Sadbhav**

Regd Office, "Sadbhav House", Opp. Law Garden Police Chowki, Ellisbridge, Ahmedabad - 380006.  
T: +91 79 26463384 F: +91 79 26400210 E: set@sadbhaveng.com



पंजाब नैशनल बँक  
punjabnational bank

चेम्बूर रोड, मुम्बई - 400071  
CHEMBUR MAIN, MUMBAI - 400071  
RTGS/NEFT IFS Code : PUNB0007700

सभी शाखाओं पर देय PAYABLE AT ALL BRANCHES

25032015  
D D M M Y Y Y Y

PAY Maharashtra State Road Development Corporation Ltd. या धारक को OR-BEARER

रुपये RUPEES Twenty Lacs Only/-

अदा करें ₹ 20,00,000/-

खाता सं.  
A/c. No. 0077002102300954

वाकू खाता  
CURRENT A/c



MAHARASHTRA BORDER CHECK POST NETWORK LTD  
Please sign above

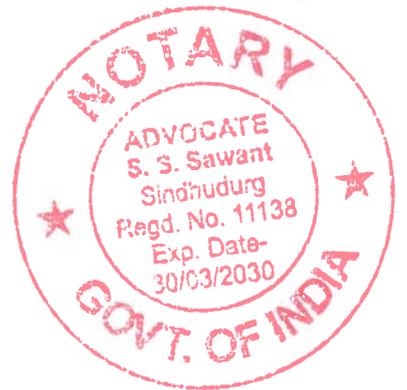
FNX

⑈643639⑈ 400024008⑈

29

643639

VALID FOR THREE MONTHS ONLY



Entered in the Notary Register with Sl. No. 7/2025 Date 17/3/2025



IN THE NATIONAL GREEN TRIBUNAL,  
WESTERN ZONE BENCH, PUNE

EXECUTION APPLICATION NO. 7 OF 2024  
IN  
ORIGINAL APPLICATION NO. 28 OF 2014  
BETWEEN

CA MR. SAIPRASAD MANGESH APPLICANT - APPLICANT

VERSES

THE REGIONAL TRANSPORT OFFICER & ORS -RESPONDENTS

REJOINER AFFIDAVIT BY THE APPLICANT

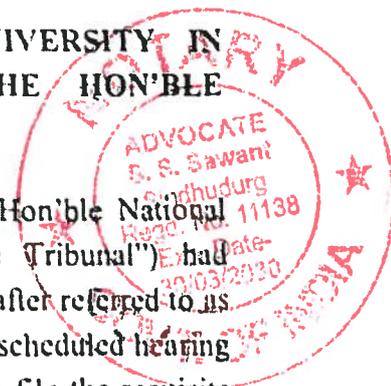
MOST RESPECTFULLY SHOWETH:-

The Applicant respectfully submits this rejoinder and reply to counter the misleading and evasive contentions raised by the various Respondents. It is evident that the Respondents, in collusion with government authorities, have deliberately misrepresented facts before this Hon'ble Tribunal to shield their vested interests. The information placed on record by the Respondents is incomplete, misleading, and intended to suppress material facts, thereby obstructing the course of justice. The Applicant has consistently highlighted the bias and inaction of the concerned authorities, which is evident from the contradictory and selective disclosures made in their submissions. The Additional Affidavit is filed to bring to the Hon'ble Tribunal's attention the continued misrepresentation and the necessity of considering the true facts of the case. In light of the gravity of the issues involved, the Applicant prays for a thorough inquiry into the collusion and deliberate suppression of facts by the Respondents, ensuring a fair and just adjudication in the interest of environmental protection and public welfare.

BEFORE ME

*[Signature]*  
SANDESH A. RANE  
B.A.L.L.B.  
ADVOCATE & NOTARY  
Shri. C-2420, Govind  
Mandir, Bhamburda, Sawantwadi  
Tal. Sawantwadi, Dist. Ratnagiri

LETTER FILED BY DAPOLI AGRICULTURAL UNIVERSITY IN COMPLIANCE WITH THE DIRECTIONS OF THE HON'BLE NATIONAL GREEN TRIBUNAL



1. Failure to Comply with NGT Directives:- That the Hon'ble National Green Tribunal (hereinafter referred to as "Hon'ble Tribunal") had expressly directed Dapoli Agricultural University (hereinafter referred to as "the University") to submit an affidavit on or before the scheduled hearing dated 24/02/2025. However, the University has failed to file the requisite

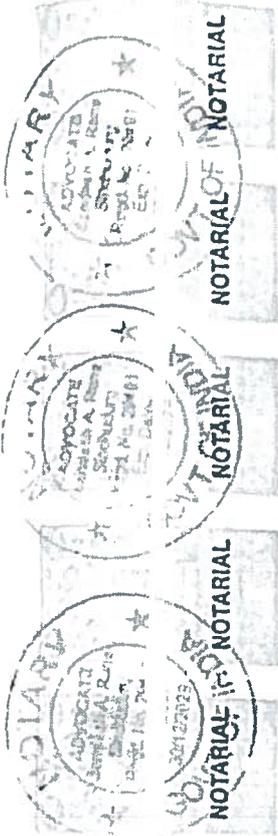
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affidavit in compliance with the said direction and has instead submitted a letter. Such an act of non-compliance demonstrates a willful disregard for the binding judicial mandate of the Hon'ble Tribunal. The submission of a mere letter, as opposed to a legally sworn affidavit, is an apparent attempt to evade accountability and obfuscate the deficiencies in compliance, thereby undermining the sanctity of the orders passed by this Hon'ble Tribunal.

2. **Failure to Discharge Statutory and Supervisory Responsibilities:-** It is further submitted that the University, being a government institution entrusted with statutory responsibilities, was obligated to ensure adherence to the directions of the Hon'ble Tribunal, particularly with respect to afforestation and ecological restoration at Survey No. 189C. However, despite being the designated authority for scientific guidance and supervision over plantation activities, the University has demonstrably failed to exercise due diligence. The absence of proactive measures, coupled with its inaction, has led to a situation where the afforestation program has been reduced to a mere formality rather than a scientifically sound and ecologically beneficial endeavor.

3. **Collusion with Implementing Agencies:-** The conduct of the University indicates a prima facie collusion with Respondent No. 4 and other implementing agencies responsible for executing the Tribunal's directives. The University has neither provided a comprehensive implementation plan nor exercised its supervisory mandate to ensure compliance with the afforestation requirements. This dereliction raises concerns regarding the credibility of the entire execution process, especially when considered in the broader context of similar afforestation obligations across other Border Check Posts (BCPs) established under the Concession Agreement. If such non-compliance is evident in matters directly under the scrutiny of the Hon'ble Tribunal, it raises a legitimate apprehension regarding the execution of afforestation measures at other BCP locations, where no active judicial oversight has been exercised.

4. **Mismanagement of Funds and Haphazard Execution of Plantation Activities:-** It is a matter of record that Respondent No. 4, Maharashtra State Road Development Corporation (MSRDC), had duly deposited an amount of ₹10 lakh, and further, both MSRDC and the subcontractor of the Engineering, Procurement, and Construction (EPC) Contractor had made additional financial disbursements in four installments of ₹25,000 each. Additionally, necessary logistical and travel-related expenses were arranged through the said subcontractor to facilitate implementation. Despite these financial provisions, the plantation activities were executed in an



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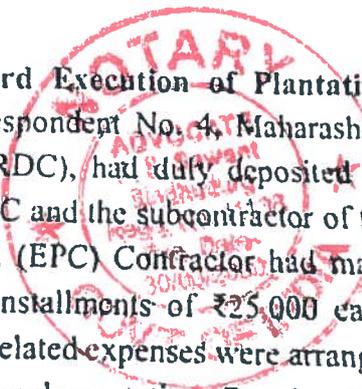
SANDESH A. RANE

B.A.L.B.

ADVOCATE & NOTARY

Shivaleela : C-24, Near Govind  
Chitra Mandir, Bhat : d-Sawantwadi  
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*[Signature]*



unscientific and arbitrary manner, deviating significantly from the prescribed methodologies and established ecological principles. The manner in which the afforestation efforts have been carried out has not only rendered the initiative ineffective but has also resulted in the wastage of public funds allocated for ecological restoration

5. Failure to Conduct Proper Supervision and Scientific Plantation:- The University, which was required to conduct systematic and continuous monitoring of the afforestation project, has only undertaken sporadic site visits on four occasions. Such infrequent inspections fall grossly short of the required standard of monthly monitoring essential for ensuring compliance and proper oversight. Moreover, the selection of plant species, particularly bamboo and lemongrass, has been wrongly projected as part of the reforestation effort. These species, in no manner, meet the criteria for tree plantations as mandated under afforestation norms. The glaring inadequacy of the University's approach is further substantiated by the fact that, despite the passage of eleven years, only approximately 8,000 trees remain at the site, which is an abysmal deviation from the mandated afforestation targets.

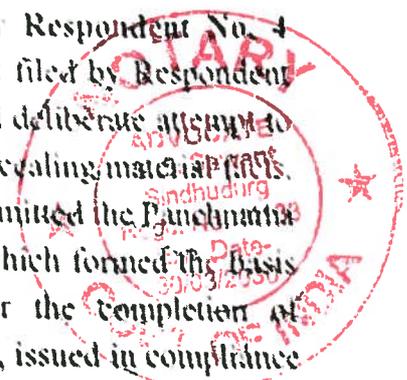
6. Failure of the Forest Department and Persistent Non-Compliance:- It is pertinent to highlight that in 2019, the responsibility for afforestation was transferred to the Upavan Savrakshak, Forest Department, Sawantwadi, with a clear mandate for completion by 2020. However, despite this transfer, the afforestation efforts have remained ineffective, with the Forest Department also failing to ensure implementation. The gross negligence and lack of accountability over the past four years have further compounded the failures in achieving the ecological restoration objectives envisioned by the Hon'ble Tribunal.

ADDITIONAL AFFIDAVIT SUBMITTED BY RESPONDENT NO. 4 (MSRDC) ON 24/02/2025.

ESFOR ME

(12)  
SANDESH RANE  
BALL B.  
ADVOCATE & NOTARY  
Sinhudurg, Dist. Sindhudurg, Near Dapoli  
Chhatrapati Sambhaji Maharaj Road, Sawantwadi  
Tel: 9822012345

Deliberate Suppression and Misrepresentation by Respondent No. 4 (MSRDC):- The Applicant submits that the affidavit filed by Respondent No. 4 (MSRDC) dated 24/02/2025 is a calculated and deliberate attempt to mislead this Hon'ble Tribunal by suppressing and concealing material facts. It is evident that Respondent No. 4 has intentionally omitted the Panchmahal executed by the Forest Department on 13/07/2022, which formed the basis for Dapoli Agricultural University's clearance for the completion of plantation activities as per its letter dated 28/08/2022, issued in compliance with the Hon'ble Tribunal's directions. This omission is not an inadvertent oversight but a deliberate act of obfuscation designed to distort the true



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factual position before this Hon'ble Tribunal. The said Panchnama was a crucial document relied upon by Dapoli Agricultural University to certify compliance with afforestation obligations, which subsequently served as the foundation for the issuance of the Commercial Operations Date (COD) certificate by MSRDC to MBCPNL in collusion with the Independent Consultant, Brig. Kapil. The willful non-disclosure of this vital evidence constitutes material suppression and misrepresentation, amounting to an obstruction of justice and warranting an adverse inference under Section 114(g) of the Indian Evidence Act, 1872. Such selective omission of facts and documents to mislead this Hon'ble Tribunal reflects a blatant disregard for due process and transparency, raising serious concerns about the credibility of Respondent No. 4's submissions. In view of this deliberate misrepresentation, the Applicant prays that this Hon'ble Tribunal reject the affidavit filed by Respondent No. 4 and initiate appropriate legal and penal action, including an independent inquiry into the collusion between MSRDC, MBCPNL, and the Independent Consultant in granting the COD in violation of environmental compliance obligations.

8. **Material Suppression of Evidence and Adverse Inference Against Respondent No. 4 (MSRDC):-** The deliberate exclusion of the Panchnama dated 13/07/2022 from the affidavit filed by Respondent No. 4 (MSRDC) on 24/02/2025 constitutes a grave instance of material suppression of evidence, amounting to a calculated attempt to mislead this Hon'ble Tribunal. Such suppression is not merely an act of omission but borders on perjury, as it involves the conscious concealment of a document that is directly relevant to the adjudication of the present matter. It is a well-established principle of law that the suppression of material evidence vitiates the entire claim of the party engaging in such conduct, thereby warranting an adverse inference under Section 114(g) of the Indian Evidence Act, 1872. The Applicant, therefore, respectfully prays that this Hon'ble Tribunal take cognizance of this deliberate misrepresentation and omission, and accordingly draw an adverse inference against Respondent No. 4 for its mala fide conduct in suppressing crucial evidence essential to the fair and just adjudication of the present case.

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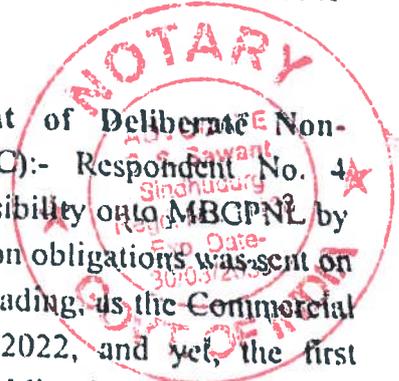
SANDESH A. RANE

B.A.L.B.

ADVOCATE &amp; NOTARY

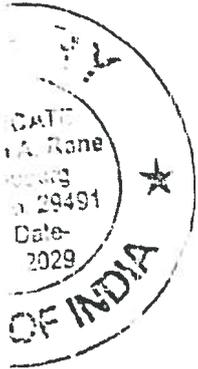
Shivaldele : C-2/20 Near Govind  
Chitra Manir, Bhilwad-Sawantwadi  
Tel. Sawantwadi, Dist. Sindhudurg

**Shifting of Responsibility and Concealment of Deliberate Non-Compliance by Respondent No. 4 (MSRDC):-** Respondent No. 4 (MSRDC) has deliberately sought to shift responsibility onto MBCPNL by asserting that a communication regarding plantation obligations was sent on 02/04/2024. However, this claim is patently misleading, as the Commercial Operations Date (COD) was issued on 20/09/2022, and yet, the first purported communication regarding plantation obligations only emerged nearly two years later, on 02/04/2024, conspicuously after the Applicant

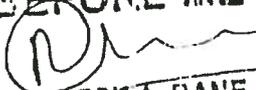


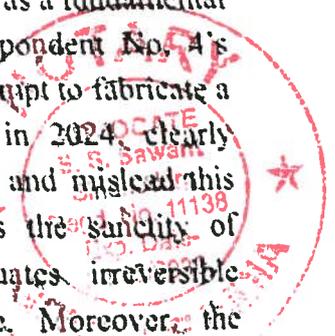

had already initiated the present execution petition. This unexplained and unjustifiable delay, coupled with the fact that the Applicant had made numerous written representations, telephonic appeals, and direct requests to officials, including Mr. Muktesh Wadkar, Executive Engineer, MSRDC, which were blatantly ignored, unequivocally demonstrates a complete dereliction of duty by Respondent No. 4. Such inaction further raises serious concerns regarding the veracity of Respondent No. 4's claims and its attempts to manipulate the record by introducing selective and belated communications to evade accountability. Furthermore, the glaring absence of any formal communication regarding plantation compliance for nearly two years suggests collusion between Respondent No. 4 and the Independent Consultant, aimed at shielding MBCPNL from its obligations and facilitating environmentally detrimental activities in violation of statutory and contractual mandates. It is pertinent to note that, as per the Hon'ble NGT's directives, the plantation was required to be completed before 13/03/2020. However, Respondent No. 4 has deliberately omitted any reference to the Panchnama dated 13/07/2022 in its affidavit, despite the fact that this document was the very basis upon which COD was granted. This constitutes a clear case of selective disclosure intended to mislead the Hon'ble Tribunal and obtain a favorable order through collusion with implementing, executive, and supervisory bodies, all of whom have acted in concert to benefit the concessionaire, MBCPNL, which is now Adani-owned. Such misrepresentation and suppression of material facts warrant immediate intervention and an independent inquiry into the process by which COD was granted, as it stands in flagrant violation of the concession agreement and environmental compliance requirements.

**10. Violation of Environmental Laws and Wilful Disregard for NGT Directives by Respondent No. 4 (MSRDC):-** The actions of Respondent No. 4 (MSRDC) constitute a blatant violation of environmental laws and a deliberate disregard for the explicit directives of this Hon'ble Tribunal. The Environmental Clearance, along with the concession agreement, imposes stringent obligations upon MSRDC to ensure afforestation as a fundamental component of environmental mitigation. However, Respondent No. 4's prolonged inaction for over two years, followed by an attempt to fabricate a misleading narrative through belated communications in 2024, clearly reflects a calculated effort to evade legal responsibility and mislead this Hon'ble Tribunal. Such conduct not only undermines the sanctity of judicial and regulatory oversight but also perpetuates irreversible environmental harm under the guise of compliance. Moreover, the established principles of environmental jurisprudence—particularly the "Polluter Pays" principle, as enshrined under Article 21 of the Constitution and reinforced in landmark judicial precedents, mandate that any entity



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 Dist. Sawantwadi, Dist. Sindhudurg





responsible for environmental degradation must bear the costs of rectification. Additionally, the Precautionary Principle requires proactive measures to prevent environmental damage rather than remedial actions post-facto, a duty that Respondent No. 4 has demonstrably failed to uphold. By neglecting its legal and environmental obligations, MSRDC has not only breached statutory mandates but has also facilitated unchecked violations by the concessionaire, warranting strict scrutiny and necessary punitive measures to ensure accountability.

11. **Attempts to Shift Liability and Suppression of Crucial Evidence by Respondent No. 4 (MSRDC):-** Respondent No. 4's recent attempts to shift its burden onto Dapoli Agricultural University, despite its own blatant non-compliance, further erode the credibility of its submissions before this Hon'ble Tribunal. Instead of fulfilling its legally mandated responsibilities, MSRDC has sought to deflect accountability onto an external entity, despite the clear statutory and contractual obligations placed upon it under the Environmental Clearance and the Concession Agreement. Such evasive tactics not only expose the mala fide intentions of Respondent No. 4 but also highlight a systemic effort to obscure material violation. Furthermore, the complete absence of affidavits from Dapoli Agricultural University, Maharashtra Pollution Control Board (MPCB), Central Pollution Control Board (CPCB), or even MSRDC itself raises grave concerns regarding the authenticity of any potential future submissions. This strategic omission strongly indicates a calculated effort to manipulate the proceedings and mislead this Hon'ble Tribunal. The Applicant specifically draws attention to the documentary evidence contained on pages 63, 64, 105, and 360 of the Execution Application, which irrefutably establishes the multiple violations committed by the respondents. The suppression of these crucial records and the shifting of liability serve as further proof of the orchestrated misrepresentation by Respondent No. 4, necessitating strict judicial scrutiny and corrective measures.

BEFORE ME

SANDESH A. RANE

B.A.L.L.B.

ADVOCATE & NOTARY

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Chitra Mannir, Bratwadi-Sawantwadi  
Tal. Sawantwadi, Dist. Sindhudurg

12. **Contrived Communications by Respondent No. 4 to Misrepresent Compliance:-** The sudden surge in communications and notices from Respondent No. 4, conspicuously initiated only after the Applicant filed the present application before this Hon'ble Tribunal, is nothing more than a calculated facade intended to create an illusion of due diligence. The timing of these belated correspondences, which were conspicuously absent during the critical period of non-compliance, unequivocally demonstrates that they are not genuine efforts at regulatory adherence but rather a reactionary measure aimed at fabricating a defense after the environmental violations had already been committed and exposed. Such afterthought communications issued post facto in an attempt to mask deliberate inaction

and regulatory breaches, serve no legitimate legal purpose and are intended solely to mislead this Hon'ble Tribunal. The issuance of notices at this stage does not absolve Respondent No. 4 of its prior dereliction of duty, nor does it remedy the blatant violations already committed. These contrived efforts must, therefore, be dismissed outright as a disingenuous attempt to obscure the truth and evade accountability for the flagrant breach of environmental and contractual obligations.

13. Prayer for Independent Inquiry, Penalties, and Contempt Proceedings:- In view of the foregoing, the Applicant respectfully prays that this Hon'ble Tribunal take cognizance of the misleading and incomplete affidavit submitted by Respondent No. 4 and direct an independent inquiry into the roles of both MSRDC and the Independent Consultant in the issuance of the COD under conditions of blatant non-compliance. The deliberate suppression of material facts, coupled with the post facto fabrication of compliance efforts, warrants a thorough investigation to ascertain the extent of collusion and regulatory breaches. The Applicant further prays for the imposition of stringent penalties under Section 26 of the National Green Tribunal Act, 2010, and for the initiation of contempt proceedings against Respondent No. 4 for its deliberate attempt to mislead this Hon'ble Tribunal and evade legal accountability. Additionally, it is prayed that MSRDC be directed to immediately deposit a penalty amount commensurate with the cost of afforestation and environmental restoration, as determined by an expert body appointed by this Hon'ble Tribunal. In the interest of justice, it is also prayed that the

BEFORE ME

*(Signature)*

SANDESHA A. RANE

B.A.L.L.B.

Tribunal.

ADVOCATE & NOTARY

Shivaleela : C-242Q Near Govind  
Chitra Mandir, Bhatwadi-Sawantwadi  
Tel. Sawantwadi, Dist: Sindhudurg

14. Prayer for Due Consideration of Applicant's Affidavit and

Rectification of Oversight:- The Applicant respectfully submits that the affidavit filed by the Applicant has not been duly considered in the Tribunal's order dated 24/02/2024, resulting in an unjust and incomplete appreciation of the facts. The order appears to rely solely on the affidavit submitted by Respondent No. 4, which, in itself, comprises selective data intended to mislead this Hon'ble Tribunal and secure a favorable order through suppression of material facts. The failure to take into account the Applicant's affidavit has led to a one-sided assessment, undermining the principles of natural justice. In light of this, the Applicant prays for a rectification of this oversight to ensure that justice is rendered in a fair and comprehensive manner. It is imperative that the Tribunal considers the entirety of the factual matrix, including the Applicant's submissions, to

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S. S. Sawant  
No. 1138

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prevent Respondent No. 4 from escaping accountability through deliberate misrepresentation.

15. **Misuse of Supreme Court Order by Respondent No. 4 Through Selective Disclosure:** The Applicant respectfully brings to the attention of this Hon'ble Tribunal that Respondent No. 4 is attempting to take undue advantage of the Supreme Court's order dated 28/01/2015 in SLP No. 10806 of 2014 to justify the deletion of certain paragraphs. However, Respondent No. 4 has deliberately failed to submit the undertaking it provided while filing the said Special Leave Petition, thereby misrepresenting the true context of the Supreme Court's decision, selectively presenting only portions of the order and suppressing critical facts, Respondent No. 4 is engaging in a calculated effort to mislead this Hon'ble Tribunal and secure a favorable outcome based on incomplete and distorted information. Such an act of concealment and misrepresentation amounts to a gross abuse of process, warranting strict scrutiny by this Hon'ble Tribunal to ensure that Respondent No. 4 does not derive an unfair advantage through selective disclosure while evading its obligations arising from the Supreme Court proceedings.

16. **PRAYER :-** In light of the foregoing, the Applicant most humbly prays that this Hon'ble Tribunal be pleased to:-

A. **Direction for Comprehensive and Truthful Affidavit:** Direct Respondent No. 4 to submit a complete and truthful affidavit, incorporating all material facts, specifically addressing:

- a. The suppression of the Panchnama executed by the Forest Department, which served as the basis for clearance granted by Dapoli Agricultural University;
- b. The unjustified delay of nearly two years in issuing any communication regarding afforestation obligations after the grant of Commercial Operations Date (COD); and
- c. The collusion between Respondent No. 4 and the Independent Consultant in issuing COD to MBCPNI, without ensuring compliance with mandatory environmental conditions.

B. **Consideration of Crucial Documentary Evidence:** Direct this Hon'ble Tribunal to duly consider the communication issued by Dapoli Agricultural University while evaluating the affidavits submitted by Respondent No. 4 and other parties, as this document forms critical evidence regarding the clearance granted for plantation activities.

C. **Evaluation of Applicant's Submissions in the Interest of Natural Justice:** Ensure that all written submissions, representations, and documentary evidence submitted by the Applicant, including records

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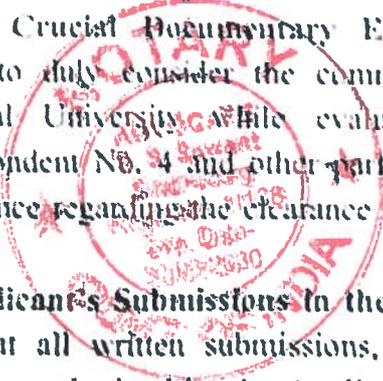
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on pages 63, 64, 105, and 360 of the Execution Application, are duly considered and given appropriate weight in adjudicating the present matter to uphold the principles of fairness and transparency.

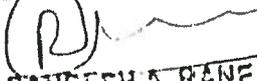
**D. Strict Action Against Misleading and Incomplete Submissions:** Take strict cognizance of the misleading, incomplete, and selective submissions made by Respondent No. 4, and initiate appropriate legal and penal action for the deliberate suppression of material facts, including but not limited to invoking Section 26 of the National Green Tribunal Act, 2010, and considering the initiation of contempt proceedings for the deliberate misrepresentation before this Hon'ble Tribunal.

**E. Investigation into Non-Compliance and Misuse of Supreme Court Orders:** Recognize that Respondent No. 4 has attempted to take undue advantage of the Supreme Court's order dated 28/01/2015 in SLP No. 10806 of 2014 by selectively deleting certain paragraphs while failing to submit its undertaking made before the Supreme Court. Direct an inquiry into such misrepresentation and deliberate suppression of crucial facts.

**F. Accountability for University's Non-Compliance:** Take cognizance of the willful and persistent non-compliance of the University with the orders of this Hon'ble Tribunal, particularly its failure to submit an affidavit and its evasive conduct in merely filing a letter instead. Consequently, the Hon'ble Tribunal may:-

- Issue appropriate directions to ensure strict compliance with its afforestation directives;
- Initiate action against responsible officials for continued non-compliance and dereliction of duty; and
- Direct an independent audit and scientific assessment of the afforestation activities undertaken to identify lapses and recommend corrective measures.

BEFORE ME

  
SANDESH A. RANE

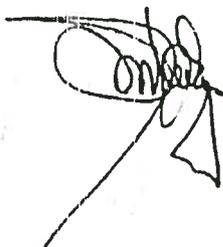
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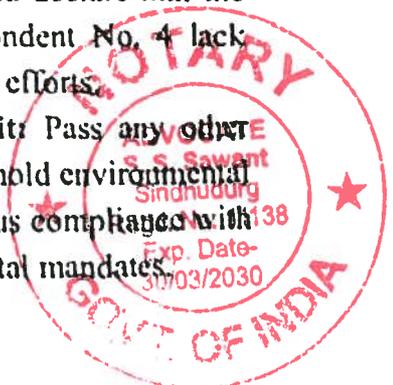
ADVOCATE & NOTARY

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Chitra Mandir, Bhamburda-Sawantwadi  
Tel: Sawantwadi, Dist. Sindhudurg

**G. Deposit of Environmental Compensation and Declaration of Non-Admissibility of Belated Communications:** Direct MSRDC to deposit an environmental compensation amount equivalent to the cost of afforestation and environmental restoration, as determined by an expert body appointed by this Hon'ble Tribunal, and declare that the belated communications of 2024 issued by Respondent No. 4 lack credibility and do not constitute genuine compliance efforts.

**H. Issuance of Any Further Orders as Deemed Fit:** Pass any other order(s) as may be deemed just and necessary to uphold environmental justice, equity, and the rule of law, ensuring rigorous compliance with the concession agreement and statutory environmental mandates.





The Applicant reiterates that the deliberate misrepresentations, suppression of material facts, and continued non-compliance by Respondent No. 4 and other concerned parties have resulted in severe environmental violations. It is imperative that this Hon'ble Tribunal intervenes effectively to ensure strict adherence to environmental norms, prevent any further manipulation of legal proceedings, and impose stringent accountability on those responsible. The Applicant, therefore, humbly prays for such relief as this Hon'ble Tribunal may deem just and proper in the interest of upholding environmental justice and the rule of law.

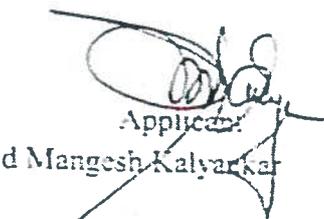
I, Mr. Saiprasad Mangesh Kalyankar, Chartered Accountant, Age 61 years, Indian Inhabitant and active environmentalist residing at House No.1442B at village Banda, Taluka Sawantwadi, District Sindhudurg, State Maharashtra, Pin 416511 state on the solemn affirmation that all information provided in above reply is true and correct to the best of my knowledge and belief. I am signing this affidavit today on 17/03/2025 at Pune/ Sawantwadi.

Date: 17/03/2025

Place: Pune/ Sawantwadi.

BEFORE ME

  
SANDESH A. RANE  
B.A.L.L.B.  
ADVOCATE & NOTARY  
Shivaleela - C-2422 Near Govind  
Chitra Mandir, Bandra - Sawantwadi  
Tal. Sawantwadi, Dist. Sindhudurg

  
Applicant  
CA Saiprasad Mangesh Kalyankar

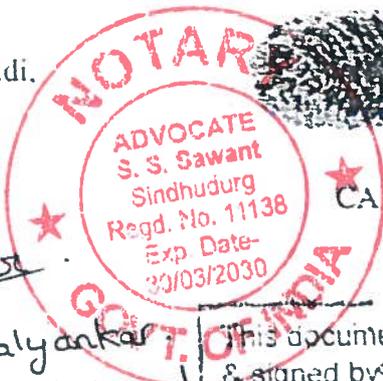
VERIFICATION

Mr. Saiprasad Mangesh APPLICANT, Chartered Accountant, Age 61 years, Indian Inhabitant and active environmentalist residing at House No.1442B at village Banda, Taluka Sawantwadi, District Sindhudurg, State Maharashtra, Pin 416511 state on the solemn affirmation that all information provided in above reply is true and correct to the best of my knowledge and belief. I am signing this affidavit today on 17/03/2025 at Pune/ Sawantwadi.

Date: 17/03/2025

Place: Pune/ Sawantwadi.

Identified by  
→ S. Kalyankar  
Ishwari S. Kalyankar  
At post banda, Vafoli road  
Ishwar house. No. 1442  
Pin - 416511



  
Applicant  
CA Saiprasad Mangesh Kalyankar

This document has been personally presented & signed by CA Saiprasad Mangesh Kalyankar R/o. Banda, Tal. Sawantwadi who is identified by Ishwari S. Kalyankar to whom I personally know No. of pages 10 Notary Regd. No. ....7. Dated...17/3/2025