

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

**O. A. No. 81/ 2022 (WZ)**

Shri Shantinath Devappa Hukkeri

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**Petitioner**

Vs.

Dunung Industries Pvt. Ltd. and Others.

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**Respondents**

**ADDITIONAL REPLY ON  
BEHALF OF RESPONDENT NO.  
1 i.e. Dunung Industries Pvt.  
Ltd. TO DOCUMENTS FILED BY  
PETITIONER AND SAY TO  
DELAY CONDONATION  
APPLICATION**

The Respondent No. 1 humbly submits before this Hon'ble Court as follows:

- 1) That the present Original Application along with documents and Delay Condonation application is filed by the Petitioner on 09/08/2022 before this Hon'ble Court.
- 2) That the Petitioner has served only copy of Original Application to the Respondent No. 1 herein and not served the copy of documents filed with the application and copy of delay condonation application as well.
- 3) That the Respondent No. 1 has submitted its reply affidavit on 01/12/2022 to the original application filed by the Petitioner and asked for the liberty to file additional reply on serving of documents by the petitioner.

- 4) That this Hon'ble Court was pleased to direct the Petitioner to serve copy of annexures to the Respondents vide order dated 02/12/2022 and liberty was granted to the respondents to file additional reply.
- 5) Accordingly, the Petitioner has delivered copies of annexures and delay condonation application to the Respondent No. 1 herein on 10/04/2023.
- 6) Hence, the Respondent no. 1 hereby submit its additional reply as follows.
- a) It is stated that whatever stated in the delay condonation application filed by Petitioner herein is not true and correct and is denied, except whatever is specifically admitted herein. It is stated that mere non-traverse of averments will not amount to admission by Respondent No.1 herein. That unless and until any contention in the application is specifically admitted in this say, the same may kindly be treated as denied.
- b) It is stated by the Petitioner that the cause of action has arose since 2016-2017 and that he could not approach the Hon'ble Tribunal due to Covid-19 Pandemic and thereby claiming condonation of delay for filing this petition and seeking compensation from this Hon'ble court. It is pertinent to note that the Petitioner has not tendered any substantial or conclusive evidence on record showing respondent industry is responsible for the alleged pollution in his farm. The documents submitted along with the application are not the documents that shows respondent industry has caused grave injury to the environment. There is no sufficient cause of action or ground to

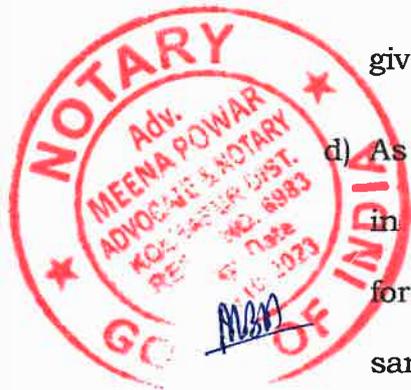


allow the present petition. Hence, it would be inappropriate to allow the delay condonation application in eye of law.

- c) That the revenue records submitted by the petitioner i.e. 7/12 extracts reveals that the Petitioner is trying to mislead this Hon'ble Court. The Petitioner in para 13 of his application states that he is cultivating multiple agricultural products such as curry leaves, drumstic trees/moringa trees, Chickoo, Guvava, Golden Custrad Apple, Banana etc. wherein the revenue records from year 2018-2021 submitted by the petitioner shows that crops such as Sugarcane, Groundnut and Soyabean are the only crops cultivated by the Petitioner in his farm at gat no. 391/2.

The revenue records also show that there are other farmers in the same gat no. 391/2 but they have never complained about the Respondent industry nor has approached any authority against the industry. The Petitioner is thus misleading this Hon'ble Court by giving false information.

- d) As submitted by the Petitioner, it is again false and illegal to say that in order to prove that the Respondent industry is wholly responsible for adversely affecting the agricultural produce, the Petitioner tested samples of soil and samples of curry leaves in F.D.T Laboratory in his own capacity. The reports submitted by the Petitioner of the F.D.T Laboratory dated 29/09/2021 and 19/11/2021 states *that the soil content of iron and copper are well within parameters prescribed by the statutory norms* and the remarks in the curry leaves testing reports



states that *after proper washing and removing the dirt and other foreign particles adhered on leaves and drying to sufficient extent, it can be used or consumed further.*

- 7) That, the committee established by this Hon'ble Court, in compliance of the order dated 30/09/2022 passed by this Hon'ble Court, further has submitted its report.
- 8) However, the documents submitted by the petitioner and report submitted by the Committee doesn't show any substantial evidence on record to show that industry has polluted the agricultural land of the petitioner.
- 9) The Petitioner has suppressed the very severe material fact that there is hot mix plant operating adjacent towards the eastern side of the petitioner's agricultural land and the petitioner has made complaints to the Respondent no. 2 Board. The hot mix plant uses conventional fuel as coal and wood for the combustion of hot mix plant which produces huge amount of ash and black dust.
- 10) By the ulterior motive to extort money from the respondent by threatening of environmental pollution and agricultural loss mere on allegations by abusing of process of law.
- 11) A context of the documents submitted by the petitioner along with the revenue records clearly reveals that the petitioner is suppressing the material fact and the absence of concrete evidence.
- 12) It is therefore prayed that-



- a) The application for condonation of delay may kindly be dismissed;
- b) The reliefs sought for as against the Respondents be dismissed in limine and exemplary costs be granted in favour of the Respondents herein towards malicious allegations, loss of time, loss of effort and tarnishing of good reputation of the Respondent No. 1 herein;
- c) Both the applications may kindly be rejected with heavy compensatory costs;
- d) The present Respondent No. 1 be permitted to add to or to amend say as, if and when necessary.

Place: Kolhapur

Date: 05/07/2023

**DUNUNG INDUSTRIES PVT. LTD.**  
  
**DIRECTOR**

**Respondent No. 1**



**Advocate for Respondent No. 1**

**VERIFICATION**

I Pritam Prafulla Dunung, Age- 43, Occu- Business, Director of Respondent No. 1 R/o. Kolhapur, State on solemn affirmation that the contents of above Say are true and correct to the best of my knowledge and belief and the information which I have relieved and I believe same to be true and correct. Hence the Verification.

Kolhapur



**DUNUNG INDUSTRIES PVT. LTD.**  
  
**DIRECTOR**

Date – 05.07.2023

**AFFIDAVIT**

I Pritam Prafulla Dunung, Age- 43, Occu- Business, Director of Respondent No. 1 R/o. Kolhapur today at Kolhapur State on oath that the contents of above Say are true and correct to the best of my knowledge and belief and I believe them to be true and correct. Hence the Affidavit.

Kolhapur

Date - 05/07/ 2023

I Know the deponent

*G. Prasad*

Advocate

DUNUNG INDUSTRIES PVT. LTD.  
*A. P. Dunung*  
DIRECTOR

Presented on – 05/07/2023

SOLEMNLY affirmed before me  
by Pritam Prafulla Dunung  
Who is identified before me  
by Sachin Chavhan Adv.  
Whom I personally know  
This 5<sup>th</sup> day of July 2023

*Miss Pooja MB*  
5/7/2023

Adv. Meena Balasahab Powar  
NOTARY GOVT. OF INDIA  
1108, E, Near B T College  
Shahapur, KOLHAPUR (M.S)

Notary Regi Sr. No. 1938  
2023

