

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI
ORIGINAL APPLICATION NO. 734 OF 2018

In the Matter Of: -

Rajendra Digambar Aagle

.....Applicant

Vs.

State of Maharashtra

.....Respondent

**AN AFFIDAVIT ON BEHALF OF THE MULA EDUCATIONAL
SOCIETY IN COMPLIANCE OF THE ORDER DATED 23.11.2022
PASSED BY THE HON'BLE SUPREME COURT IN CIVIL
APPEAL NO. 3270 OF 2019.**

**Sangramsingh R. Bhonsle, Samridhi S. Jain
Nrupal A. Dingankar, Pushkara A. Bhonsle & Riway Rai**

Advocates for Mula Educational Society

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New Delhi, 110024

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Sr No. /S.B.D./NT/MH/.....359/2022

[Signature]
Notary





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**Sangramsingh R. Bhonsle, Samridhi S. Jain
Nrupal A. Dingankar, Pushkara A. Bhonsle
&Riwaj Rai**

Advocates for Mula Educational Society
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Email: srb.chambers@gmail.com

Contact No: +91 9545809120

Place: New Delhi
Date: 12.2022

Sangramsingh R. Bhonsle
Notary

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
 PRINCIPAL BENCH, NEW DELHI
 ORIGINAL APPLICATION NO. 734 OF 2018



In the Matter Of: -

Rajendra Digambar AagleApplicant

Vs.

State of MaharashtraRespondent

**AN AFFIDAVIT ON BEHALF OF THE
 MULA EDUCATIONAL SOCIETY IN
 COMPLIANCE OF THE ORDER DATED
 23.11.2022 PASSED BY THE HON'BLE
 SUPREME COURT IN CIVIL APPEAL NO.
 3270 OF 2019.**

TO,
 THE HON'BLE CHAIRPERSON
 AND THE OTHER HON'BLE MEMBERS
 OF THE NATIONAL GREEN TRIBUNAL

I, Uttam Rao s/o MurlidharLonde, Secretary of Mula Educational Society, aged about 76 years, R/o Sonai, Taluka- Newasa, District Ahmednagar, Maharashtra, do hereby state on solemn affirmation as follows:

1. This Hon'ble Tribunal vide the present O. A. No. 734 of 2018 was considering the issue pertaining to alleged illegal activities being undertaken by a Saw Mill on a forest Land as well as the sale of a Forest land to an education society i.e. Mula Educational Society in the property located at Survey No. 519 situated at Sonai, Taluka- Newasa, Ahmednagar, District- Maharashtra.

Uttam Rao
 Notary

2. Vide a Report dated 02.02.2019 received from the Office of the Deputy Conservator of Forest, Ahmednagar, Maharashtra, this Hon'ble Tribunal came to a conclusion that, the lease granted to Mula Education Society was given on a forest land for non-forest activities in violation of the Forest Conservation Act, 1980. In terms thereof, this Hon'ble Tribunal vide an order dated 01.03.2019 was pleased to direct the Collector, Ahmednagar to forthwith take necessary steps in accordance with law without waiting for any further orders from any Authority and furnish an Action Taken Report within one month on the email id of the Hon'ble National Green Tribunal. It was further directed that, the Deputy Conservation of Forest may take over the possession of the forest land in accordance with the prescribed procedure and furnish an Action Taken Report within one month on the email id of the Hon'ble National Green Tribunal. A copy of the Order dated 01.03.2019 passed by the Hon'ble National Green Tribunal, Principal Bench in O. A. No. 734 of 2018 is enclosed herewith as ANNEXURE A-1(Pg. 5-6).

3. Being aggrieved by the directions issued by this Hon'ble Tribunal vide order dated 01.03.2019 in O. A. No. 734 of 2018, the Mula Educational Society approached the Hon'ble Supreme Court under Section 22 of the National Green Tribunal Act, 2010. The main ground raised by the Mula Educational society was that, the Mula Educational Society was neither a party in O. A. No. 734 of 2018 nor had the opportunity of representing themselves, even though Mula Educational Society was the most affect Party due to the directions issued in the order dated 01.03.2019. In terms therefore, the Civil Appeal bearing No. 3270 of 2019 as filed by the Mula Educational Society was listed on 15.03.2019, wherein after hearing the contentions raised by the Mula Educational Society, the Hon'ble Supreme Court was pleased to stay

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Notary



the operations of the Impugned order dated 01.03.2019 and of the further proceedings before this Hon'ble Tribunal. A copy of the Order dated 15.03.2019 passed by the Hon'ble Supreme Court in Civil Appeal No. 3270 of 2019 is enclosed herewith as ANNEXURE A-2(Pg. 7-8).

4. Thereafter, the Hon'ble Supreme Court on having hearing the Civil Appeal No. 3270 of 2019 as filed by the Mula Educational Society vide an order dated 23.11.2022 was pleased to dispose of the Civil Appeal No. 3270 of 2021 by setting aside the order dated 01.03.2019 passed by this Hon'ble Tribunal in O. A. No. 734 of 2018 and remitted the matter to the Hon'ble National Green Tribunal for a fresh decision without being influenced by the order dated 01.03.2019. Also, the Hon'ble Supreme Court granted a period of six weeks from the passing of the order dated 23.11.2022 to the Mula Educational Society to file their reply and documents and directed the Mula Educational Society to appear before the Hon'ble National Green Tribunal on 08.12.2022. A copy of the Order dated 23.11.22 passed by the Hon'ble Supreme Court in Civil Appeal No. 3270 of 2019 is enclosed herewith as ANNEXURE A-3(Pg. 9-13).

5. In these circumstances, the Mula Educational Society viz. the Appellant in the Civil Appeal No. 3270 of 2019 is filing the present Affidavit to bring on record the orders passed by the Hon'ble Supreme Court with regards to the Original Application No. 734 of 2018 filed before the Hon'ble National Green Tribunal. Also, vide the present Affidavit, the Mula Educational Society seeks liberty of this Hon'ble Tribunal to appear in the Original Application No. 734 of 2018 listed before this Hon'ble Tribunal on 08.12.2022 and in the interregnum file their Reply/Documents before this

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Notary



Hon'ble Tribunal in terms of the directions passed by the Hon'ble Supreme Court.



[Signature]

DEPONENT

SECRETARY
Mula Education Society, Sonai
Tal. Newasa, Dist. Ahmednagar

VERIFICATION

I, Uttam Rao s/o MurlidharLonde, Secretary of Mula Educational Society, aged about 76 years, R/o Sonai, Taluka- Newasa, District Ahmednagar, Maharashtra, do hereby solemnly declared that what is stated in the paragraph Nos. 1 to 5 is based on the documents made available to me and are based on the information and belief which I believe the same to be true.

Solemnly declared at Rahuri

Dated this 3rd day of December, 2022)

Sr No. / S.B.D./NT/MH/.....359/2022



[Signature]

DEPONENT

SECRETARY
Mula Education Society, Sonai
Tal. Newasa, Dist. Ahmednagar

AFFIDEVIT

Solemnly affirmed nemaly

Shri Secretary V.M. Londe

who in identified before me

by Shree In person

or Whom personally know

Befor me

[Signature]
S.R. DESHMUKH
Notary, Maharashtra State

3.12.2022

Item No. 05

Court No. 1

**BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI**

Original Application No. 734/2018

Rajendra Digambar Aagale

Applicant(s)

Versus

State of Maharashtra

Respondent(s)

Date of hearing: 01.03.2019

**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. Yogesh S. Thorat, Advocate

For Respondent (s): Mr. Mukesh Verma, Advocate

ORDER

1. Vide order dated 15.11.2018, on receiving a complaint by post, the Tribunal sought a report from the Divisional Forest Officer and the Maharashtra State Pollution Control Board after verifying the allegation of an alleged Saw Mill being run in forest area and land being given to the education department, after cutting the trees.
2. A report has been received vide email dated 02.02.2019 from Deputy Conservator of Forest, Ahmednagar, Maharashtra stating that the land in question was transferred to the Mula Education Society for educational purposes by the Collector. The Deputy Conservator of Forest sought revocation of the lease as the transfer of the said land is in violation of the Forest (Conservation) Act, 1980. The Collector also recommended revocation to the State Government. Further steps are to be

taken by the Revenue and Forest Department of the State of Maharashtra.

3. In view of admitted position stated in the report that the lease has been given on Forest land for non-forest activity in violation of law, we direct the Collector, Ahmednagar to forthwith take necessary steps according to law without waiting for any further orders from any other authority and furnish an action taken report within one month by email at ngt.filing@gmail.com. The Deputy Conservation of Forest may take over the possession of the forest land in accordance with the prescribed procedure and furnish an action taken report within one month by email at ngt.filing@gmail.com.

4. The Collector and the Deputy Conservation of Forest may jointly make an assessment of compensation to be recovered from the beneficiary for the illegality involved.

List for consideration of the reports on 17.05.2019.

Adarsh Kumar Goel, CP

S.P. Wangdi, JM

K. Ramakrishnan, JM

Dr. Nagin Nanda, EM

March 01, 2019
O.A. 734/2018
PA

ITEM NO.22

COURT NO.11

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 Diary No(s). 8571/2019

(Arising out of impugned final judgment and order dated 01-03-2019
in OA No. 734/2018 passed by the National Green Tribunal)

MULA EDUCATIONAL SOCIETY

Petitioner(s)

VERSUS

THE STATE OF MAHARASHTRA & ANR.

Respondent(s)

(FOR ADMISSION and I.R. and IA No.41293/2019-EXEMPTION FROM FILING
C/C OF THE IMPUGNED JUDGMENT and IA No.41292/2019-EX-PARTE STAY and
IA No.41296/2019-EXEMPTION FROM FILING O.T. and IA No.41287/2019-
PERMISSION TO FILE APPEAL and IA No.41290/2019-PERMISSION TO FILE
ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)

Date : 15-03-2019 This appeal was called on for hearing today.

CORAM :

HON'BLE DR. JUSTICE D.Y. CHANDRACHUD

HON'BLE MR. JUSTICE HEMANT GUPTA

For Petitioner(s)

Mr. Kapil Sibal, Sr. Adv.
Dr. A.M. Singhvi, Sr. Adv.
Mr. Siddharth Bhatnagar, Adv.
Mr. R.N. Karanjawala, Adv.
Mr. Debmalya Banerjee, Adv.
Mr. Kartik Bhatnagar, Adv.
Mr. A.S. Aman, Adv.
Mr. Aviral Kapoor, Adv.
Mr. Vardan Vanchoo, Adv.
M/S. Karanjawala & Co., AOR

Mr. Soli Sorabjee, Adv.
Mr. Santosh Paul, Adv.
Mr. Vikrant Yadav, Adv.
Mr. Subhranshu Dash, Adv.

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MANISH SETHI
Date: 2019.03.15
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For Respondent(s)

Mr. Yogesh S. Thorat, Adv.
Mr. Amol B. Karande, AOR

UPON hearing the counsel the Court made the following
O R D E R

Permission to file appeal is granted.

Issue notice, returnable in six weeks.

Mr. Amol B. Karande, learned counsel appears on behalf of the second respondent and accepts notice. Liberty to serve the Standing Counsel for the State of Maharashtra.

In the meantime, there shall be a stay of the operation of the impugned order of the National Green Tribunal dated 1 March 2019, and of further proceedings before the National Green Tribunal.

Counter affidavit be filed within four weeks from today.

List after six weeks.

(MANISH SETHI)
COURT MASTER (SH)

(SAROJ KUMARI GAUR)
BRANCH OFFICER

-TRUE COPY-

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 3270 OF 2019

MULA EDUCATIONAL SOCIETY

APPELLANT(S)

VERSUS

THE STATE OF MAHARASHTRA AND ANR.

RESPONDENT(S)

O R D E R

The learned counsel for the appellant has drawn our attention to the additional documents enclosed with the affidavit dated 30.09.2022. As per the appellant, the land in question was de-reserved as forest land way back in the year 1935 under the Indian Forest Act, 1927. The learned counsel for the State of Maharashtra, however, is unable to guide us on the said aspect as he has not been able to get the instructions. Similar plea is also raised by the learned counsel appearing for Rajendra Digambar Aagale, respondent no.2, on whose complaint/application the impugned order dated 01.03.2019 was passed by the National Green Tribunal, Principal Bench, New Delhi (NGT).

It is also an accepted and agreed position that the impugned order dated 01.03.2019 was passed without giving notice to the appellant, namely, Mula Education Society, which claims that it has been running the educational institution on the said land for over

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Reason: —

30 years. It claims having perpetual lease hold rights on the land.

In view of the aforesaid position, we set aside the impugned order dated 01.03.2019 and remit the matter to the NGT for fresh decision without being influenced by the earlier order. However, the pleadings and the reports received by the NGT can be taken into consideration and will form part of the record. Equally, the appellant before us, namely Mula Education Society, would be entitled to file pleading, reply and documents, including the documents relied upon by them before this court. These, that is, reply and documents, may be filed before the NGT within a period of six weeks from today.

Recording the aforesaid, the appeal is allowed, and the impugned order dated 01.03.2019 is set aside. We clarify that the observations made in this order are for disposal of the present appeal. The NGT will examine the issues and contentions on merits without being influenced by any observation in the present order.

To cut short delay, parties are directed to appear before the NGT on 08.12.2022.

Pending application(s), if any, shall stand disposed of.

.....J.
(SANJIV KHANNA)

.....J.
(J.K. MAHESHWARI)

NEW DELHI;
NOVEMBER 23, 2022.

ITEM NO.105

COURT NO.8

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). 3270/2019

MULA EDUCATIONAL SOCIETY

APPELLANT(S)

VERSUS

THE STATE OF MAHARASHTRA & ANR.

RESPONDENT(S)

(IA No. 107526/2019 - CLARIFICATION/DIRECTION, IA No. 41292/2019 - EX-PARTE STAY, IA No. 41293/2019 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT, IA No. 148606/2022 - EXEMPTION FROM FILING O.T., IA No. 41296/2019 - EXEMPTION FROM FILING O.T., IA No. 41290/2019 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES, IA No. 148601/2022 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES, IA No. 43234/2019 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)

Date : 23-11-2022 This matter was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SANJIV KHANNA
HON'BLE MR. JUSTICE J.K. MAHESHWARI

For Appellant(s)

M/S. Karanjawala & Co., AOR

For Respondent(s)

Mr. Amol B. Karande, AOR
Mr. Nishant Ramakantrao Katneshwarkar, AOR

UPON hearing the counsel the Court made the following
O R D E R

The appeal is allowed in terms of the signed order.

Pending application(s), if any, shall stand disposed of.

(POOJA SHARMA)
COURT MASTER (SH)

(R.S. NARAYANAN)
COURT MASTER (NSH)

(Signed order is placed on the file)