

BEFORE THE NATIONAL GREEN TRIBUNAL
WESTERN ZONE BENCH, PUNE
EXECUTION APPLICATION NO.02 OF 2022 (WZ)
IN
ORIGINAL APPLICATION NO.99 OF 2019 (WZ)

Laxman Dhondiba Thombare Applicant

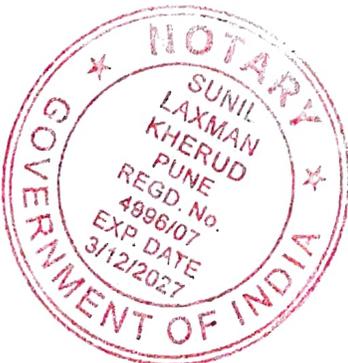
Versus

Chief Secretary, Government of
Maharashtra & ors Respondents

Affidavit on behalf of Respondent No.4 abovenamed:

I, Abhay Chavan, Tahsildar, Mulshi, District Pune, do
hereby state on solemn affirmation as under:-

1. I say that I am filing this Affidavit on behalf of Respondent No.4 pursuant to the order dated 22.11.2022 passed by this Hon'ble Tribunal.
2. I say that the present Execution Application has been filed to execute the order dated 20.12.2021 passed by this Hon'ble Tribunal in Application No.99 of 2019.



3. I state that by letter dated 2.12.2022, the Additional Government Advocate (Standing Counsel) has informed my Joint Secretary Shri Ramesh Chavan that the State Government has filed Civil Appeal No.8074 of 2022 against the judgment and final order dated 20.12.2021 in Original Application No.99 of 2019 (WZ) passed by the National Green Tribunal, Special Bench.
4. On 11.11.2022, the Hon'ble Supreme Court has directed issuance of notice and tagging of Civil Appeal No.8074 of 2022 along with Civil Appeal No.6558 of 2022. Until further orders, operation and execution of the impugned order is to remain stayed so far as the Appellants are concerned. In this particular case, the Appellant is the Chief Secretary, Government of Maharashtra. The said letter of the learned Additional Government Advocate is annexed to this Affidavit and is marked as **Exhibit R-1**. At the same time, I am also annexing to this Affidavit as **Exhibit R-2**, copy of the order dated 11.11.2022 in Civil Appeal No.8074 of 2022 passed by the Hon'ble Supreme Court of India.



5. I am placing on record the entire paper-book of Civil Appeal No.8074 of 2022.

Solemnly affirmed at Pune)

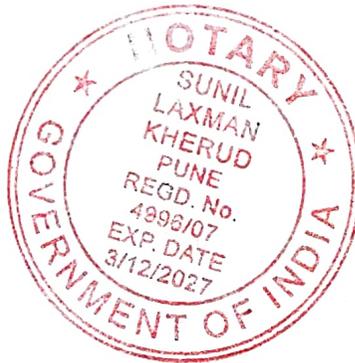
This 20th day of December 2022)

Sunil Laxman Kherud

Before me,

Advocate for Respondent No.4

BEFORE ME



SUNIL LAXMAN KHERUD
NOTARY GOVT OF INDIA
Regd. No. 4996/07
Noted & Register No

SUNIL LAXMAN KHERUD
B/3, Maniratan Society,
Aareneshwar, Pune - 411009
Mob - 9371830361

20 DEC 2022



Dated 02.12.2022

To,
Mr. Ramesh Chavan,
Joint Secretary,
Revenue and Forest
Department, Mantralaya,
Mumbai - 32

Ref: (i) Your office letter dated 28.11.2022 addressed to the Standing Counsel,
Supreme Court of India, State of Maharashtra
(ii) Civil Appeal No. 8074/2022
Chief Secretary, Government of Maharashtra & Ors.
Versus
Laxman Dhondiba Thombare & Ors.

Sir,

The above referred Civil Appeal pertains to the impugned judgment and final order dated 20.12.2021 in Original Application No. 99 of 2019 (WZ) passed by the National Green Tribunal, Special Bench ('Impugned Order'), whereby the Hon'ble Tribunal was pleased to dispose of the application and decided to deal with the issue of Mining and Stone crusher activities in violation of Environment Norms.

The present Civil Appeal was filed by the Appellant - State of Maharashtra on 01.06.2022 bearing Diary No. 17615/2022 challenging the impugned order before the Hon'ble Supreme Court, which later came to be registered as Civil Appeal No. 8074/2022 on 02.11.2022.

Thereafter, this Hon'ble Court vide order dated 11.11.2022 was pleased to pass the following order in the present matter:-

"Issue notice.

Tag with C.A. No. 6558 of 2022.

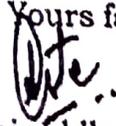
Until further orders, operation and execution of the impugned order shall remain stayed insofar as the appellants are concerned".

A copy of the order dated 11.11.2022 is attached herewith for your ready reference.

This is for your information and necessary action.

Hence, the Letter.

Yours faithfully



(Aaditya Aniruddha Pande)
Additional Government Advocate
(Standing Counsel)

Encl: a/a

Copy to:

The Principal Secretary, Revenue and Forest Department, Mantralaya, Mumbai - 32
The Chief Secretary, Government of Maharashtra, Mantralaya, Mumbai - 32

महाराष्ट्र शासन

महसूल व वन विभाग, मंत्रालय मूल्य उपाय, पहिली मजली.

मादाम काम मार्ग, हुतात्मा राजगुरु चौक, मंत्रालय, मुंबई ४०० ०३२.

E-mail ID : doh@maharashtra.gov.in

क्रमांक: गौखनि-१०/१२२१/प्र.क्र.३१४/२४-२

दिनांक:- २८ नोवेंबर, २०२२

प्रति,

अॅड. श्री. सिद्धार्थ घर्गाधिकारी,

सरकारी वकील,

मा. सर्वोच्च न्यायालय,

महाराष्ट्र सदन, फरतूरवा गांधी मार्ग,

नवी दिल्ली-११०००१

विषय:- मा. राष्ट्रीय हरीत लवाद, पश्चिम विभाग, खंडपीठ पुणे यांनी दि.२२/११/२०२२ रोजी पारीत केलेल्या आदेशाबाबत.

संदर्भ :- ०१. मा. राष्ट्रीय हरीत लवाद, पश्चिम विभाग, खंडपीठ पुणे यांनी मूळ अर्ज क्र.९९/२०१९(WZ) मध्ये दि.२०/१२/२०२१ रोजी पारीत केलेले आदेश.

०२. सहायक सॉलिसिटर तथा उप सचिव, विधि व न्याय विभाग यांचे क्र.२८२-२०२२/ई दि.०९/०५/२०२२ चे पत्र.

०३. शासनाचे समक्रमांकाचे दि.२८/०७/२०२२ चे पत्र.

०४. मा. सर्वोच्च न्यायालयाने सिव्हिल अपील डायरी क्र.(S) १७६१५/२०२२ मध्ये दि.३१/१०/२०२२ रोजी पारीत केलेले आदेश.

०५. मा. सर्वोच्च न्यायालयाने सिव्हिल अपील क्र.(S) ८०७४/२०२२ मध्ये दि.११/११/२०२२ रोजी पारीत केलेले आदेश.

श्री. लक्ष्मण धोंडीवा डोंवरे, पुणे यांनी मा. राष्ट्रीय हरीत लवाद, पश्चिम विभाग, पुणे येथे दाखल केलेल्या मूळ अर्ज क्र.९९/२०१९ मध्ये मा. राष्ट्रीय हरीत लवाद(WZ), पुणे यांनी दि.२०/१२/२०२१ रोजी स्वाक्षील प्रमाणे आदेश पारीत केलेले आहेत:

०१. We direct the Chief Secretary, Maharashtra to enquire about the conduct of the persons responsible for granting consent to operate without EC and permitting mining without EC in violation of directions of the Hon'ble Supreme Court.

०२. A joint Committee of CPCB, SEIAA, Maharashtra, State PCB and Divisional Commissioner, Pune may assess the amount of compensation and oversee recovery, in accordance with law.

०२. रादर आदेशाच्या प्रती मा.मुख्य सचिव, महाराष्ट्र राज्य, CPCB, SEIAA, Maharashtra, State PCB and Divisional Commissioner, Pune यांना पुढील कारणांहीसाठी ई-मेलद्वारे पाठविण्यात आलेल्या आहेत.

०३. मा. राष्ट्रीय हरीत लवाद (WZ), पुणे यांनी पारीत केलेले आदेश मा. सर्वोच्च न्यायालयात अडवित करण्यासाठी विधि व न्याय विभागाने संदर्भ क्र.२ अन्वये आपणास क्र.९९/२०१९ मध्ये पारीत केलेल्या दि.२०/१२/२०२१ च्या आदेशाविरुद्ध मा. मुख्य सचिव महाराष्ट्र राज्य व इतर यांनी सिविल अपील क्र.(S) ८०७४/२०२२ (Civil Appeal Diary No.(S) १७६१५/२०२२) दाखल केले असून त्यामध्ये मा. सर्वोच्च न्यायालयाने दि.११/११/२०२२ रोजी खालील प्रमाणे आदेश पारीत केलेले आहेत :-

- "Issue Notice.
- Tag with CA No.6558/2022
- Until further orders, operation and execution of the impugned order shall remain stayed in so far as the appellants are concerned."

०४. मा. राष्ट्रीय हरीत लवाद (WZ), पुणे यांनी EXECUTION APPLICATION NO. 02/2022 (WZ) IN ORIGINAL APPLICATION NO. 99/2019 (WZ) श्री. लक्ष्मण घोंडीवा लोंबरे विरुद्ध मुख्य सचिव महाराष्ट्र राज्य व इतर या प्रकरणी दि.२३/११/२०२२ रोजी खालील प्रमाणे आदेश पारीत केलेले आहेत:-

- "Mr. Nitin Deshpande, learned counsel for respondent No.4 has stated that he will file an affidavit stating therein that the order dated 11.11.2022 has been passed by the Hon'ble Apex Court with respect to Original Application No.99 of 2019(WZ) whereby the Apex Court has stayed the operation and execution of the order dated 20.12.2021 passed by this Tribunal in the said Original Application. We grant him two weeks' time for filing the affidavit, as prayed for by him.
- By our previous order, we had granted two weeks' time to the learned counsel for respondent Nos.3 and 6 - MPCB for filing the reply-affidavit, but the same has not been filed nor any valid reason therefor has been given. From the side of the said respondents, learned counsel Ms. Manasi Joshi has appeared and prays for grant of further two weeks' time to file the reply-affidavit. We accordingly grant her the time.
- By the order dated 20.12.2021 passed by this Tribunal (Special Bench) in Original Application No.99 of 2019(WZ), execution of which has been prayed in the present proceeding, the Chief Secretary, Maharashtra was directed to enquire about the conduct of the persons responsible for granting consent to operate without EC and permitting mining without EC in violation of directions of the Hon'ble Supreme Court and it was further directed to constitute a Joint Committee of CPCB, SEIAA, Maharashtra, State PCB and Divisional Commissioner,

Time to assess the amount of compensation and oversee recovery, in accordance with law

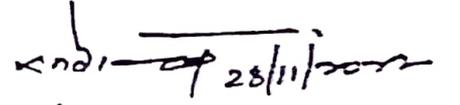
- *We direct the Registry to send a copy of the aforesaid order dated 20.12.2021 passed in Original Application No.99 of 2019 (WZ) along with our present order to the Chief Secretary, Maharashtra directing him to explain as to what steps have been taken in compliance of the said order dated 20.12.2021."*

०५. मा. राष्ट्रीय हरीत लवाद (WZ), पुणे यांनी पारीत केलेल्या आदेशाच्या अनुषंगाने मा. मुख्य सचिव महाराष्ट्र राज्य हे अपथ पत्र दाखल करणार असल्याने मा. राष्ट्रीय हरीत लवाद (WZ), पुणे यांनी मूळ अर्ज क्र.९९/२०१९ मध्ये दि.२०/१२/२०२१ अन्वये पारीत केलेल्या संपूर्ण आदेशास म्हणजेच परिच्छेद १ मध्ये नमुद दोन्ही मुद्याबाबत मा. सर्वोच्च न्यायालयाने दि.११/११/२०२२ रोजीच्या आदेशान्वये स्थगिती दिलेली आहे काय? याबाबत आपले अन्विष्ट शासनास तातडीने सादर करावेत अशी विनंती आहे.

०६. तसेच, मा. सर्वोच्च न्यायालयात दाखल केलेली सिव्हिल अपील क्र.(S) ८०७४/२०२० (Civil Appeal Diary No.(S) १७६१५/२०२२) ची प्रत शासनास पाठवावी, ही विनंती.

सोवत : राष्ट्रीय हरीत लवाद यांचे

दि.२०/१२/२०२१ व दि.२२/११/२२ चे आदेश.



(रमेश चव्हाण)

सह सचिव, महसूल व वन विभाग

त माहितीस्तव,

१.मा. मुख्य सचिव, महाराष्ट्र राज्य यांचे स्वीय सहायक.

२. अ.मु.स. (महसूल) यांचे स्वीय सहायक.

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). 8074/2022

CHIEF SECRETARY GOVT. OF MAHARASHTRA & ORS.

Appellant(s)

VERSUS

LAXMAN DHONDIBA THOMBARE & ORS.

Respondent(s)

IA No. 148324/2022 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT
IA No. 148325/2022 - EXEMPTION FROM FILING O.T.
IA No. 148322/2022 - STAY APPLICATION)

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

CORAM :

HON'BLE MR. JUSTICE S. ABDUL NAZEER
HON'BLE MR. JUSTICE V. RAMASUBRAMANIAN

For the parties:

Mr. Sanjay Kharde, Adv.
Mr. Siddharth Dharmadhikari, Adv.
Mr. Aaditya Aniruddha Pande, AOR

Mr. Mukesh Verma, Adv.
Mr. Kamal Kumar Pandey, Adv.
Mr. Pankaj Kumar Singh, Adv.
Mr. Pawan Kumar Shukla, Adv.

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

Issue notice.

Tag with C.A. No. 6558 of 2022.

Until further orders, operation and execution of the
impugned order shall remain stayed insofar as the appellants are

Signature _____
concerned.

Digitally signed by
Neelam Gulati
Date: 2022.11.18
15:53:31 IST
Reason: _____

(NEELAM GULATI)
ASTT. REGISTRAR-cum-PS

(KAMLESH RAWAT)
COURT MASTER (NSH)