

NATIONAL GREEN TRIBUNAL (WESTERN ZONE BENCH)

Original Application No.59 of 2019(WZ)

Mr. Sakharam Asaram Kale & Anr.

...Applicants

VERSUS

Regional Officer, MPCB & Ors.

... Respondents

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Pune Filed on :29/09/2024


D.M.Gupte

Advocate for the Respondent No.7

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9422317884

BEFORE THE NATIONAL GREEN TRIBUNAL
WESTERN ZONE BENCH, PUNE

ORIGINAL APPLICATION NO. 59 OF 2019 (WZ)

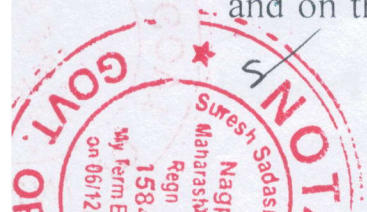
Mr. Sakharam Asaram Kale & Anr. .. Applicants

VERSUS

Regional Officer, MPCB & Ors. .. Respondents

**AFFIDAVIT ON BEHALF OF RESPONDENT NP. 7 i.e.
PRINCIPAL CHIEF CONSERVATOR OF FORESTS (HEAD
OF FOREST FORCE) MAHARASHTRA STATE, NAGPUR**

1. It is submitted that, earlier the present matter was heard at the Principal Bench of this Hon'ble Tribunal at New Delhi.
2. It is submitted that the applicant alleges violation of conditions of the Environmental clearance by the Respondent No. 4 National Highway Authority, while undertaking rehabilitation and upgradation work connected with National Highway 211 from 100 Km. to 290 Km.
3. It is further submitted that the matter was listed on 17/10/2019 and on the date, it was argued on behalf of the Applicant that at least



27,380 trees have been felled illegally which also requires to be looked into and that the Plantation/afforestation work undertaken by the NHAI was inadequate and that the rate of survival of the plantations was a major issue. This Hon'ble Tribunal taking note of the said submissions, has called for a separate report from the Department of Forest, Government of Maharashtra. The Principal Chief Conservator of Forests (HoFF) Maharashtra, was directed to ensure that an effective report is filed after proper verification in the light of the conditions of the Environmental Clearance, one of which, would be to seek Forest Clearance wherever felling of trees in forest areas is involved.

4. It is submitted that the aforementioned directions to Principal Chief Conservator of Forests (HoFF) Maharashtra were not intimated to the Forest Department, hence vide order dated 14/11/2019, the Hon'ble Tribunal directed that a copy of the order dated 17/10/2019 and order dated 14/11/2019 be transmitted to the Principal Chief Conservator of Forests (HoFF) Maharashtra for compliance.

5. It is submitted that a show cause notice was received from the Registrar of this Hon'ble Tribunal to this Respondent i.e. Principal



Chief Conservator of Forests (HoFF) Maharashtra vide its letter dated 12/07/2023 wherein it was communicated -

“The Registrar of this Tribunal is also directed to issue separate show-cause notice to the Principal Chief Conservator of Forests (HoFF) Maharashtra as to why no reply has been filed from their side despite sufficient service as per the directions contained in paragraph No. 6 of our order dated 10/04/2023. The same must be submitted before this Tribunal on the next date positively, failing which personal appearance of the Principal Chief Conservator of Forests (HoFF) Maharashtra shall be ordered.”

6. It is specifically submitted here that, prior to this show cause notice dated 12/07/2023, no communication was received by the Principal Chief Conservator of Forests (HoFF) Maharashtra. On receipt of the show cause notice dated 12/07/2023, the reply to the notice was immediately submitted to the Registrar, NGT (WZ) Pune vide letter dated 25/07/2023, by the Principal Chief Conservator of Forests (HoFF) Maharashtra, wherein it was communicated that **“the user agency applied for rehabilitation and up-gradation of NH**



No. 211 from existing 2 lane to 4 lance from Yedshi to Aurangabad section. The Government of India granted final approval to this project on 23/06/2017 & 10/03/2019. As per "in-principle" approval, permission for felling of 201& 113 trees respectively from forest area was granted. We have sought the information from the concerned Conservator of Forest, Aurangabad regarding total number of trees felled in forest as well as non-forest area and total number of seedling planted. This office shall submit the detailed report before the next hearing." Copy of letter dated 25/07/2023 is annexed as ANNEXURE-I.

7. It is submitted that the Conservator of Forests Aurangabad submitted its report vide letter dated 22/08/2023 and on the basis of this report, the Principal Chief Conservator of Forests (HoFF) Maharashtra communicated the said report to the Registrar of this Hon'ble Tribunal vide letter dated 06/09/2023. Copy of which is annexed as ANNEXURE-II.

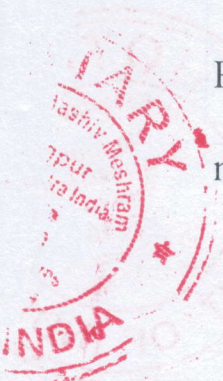
8. It is submitted that, while hearing the said matter on 30/01/2024 the Hon'ble Tribunal issued following directions to the Principal



Chief Conservator of Forests (HoFF) Maharashtra in para 3 of the said order -

“Despite receipt of these letters, since we had impleaded the Principal Chief Conservator of Forests (HoFF) Maharashtra State, Nagpur as Respondent No. 7 in the present Application, it was desirable that he should have filed their reply in the form of reply affidavits either by appearing through a counsel or in-person whatever was suitable to them. But he has chosen not to appear before us, it is not agreeable to us. Therefore, we direct that this information should come on an affidavit to be filed from the side of Respondent No. 7. This information shall be communicated to the Respondent No. 7 by the Registry further directing to put in appearance through one of the modes, which we have already indicated above.”

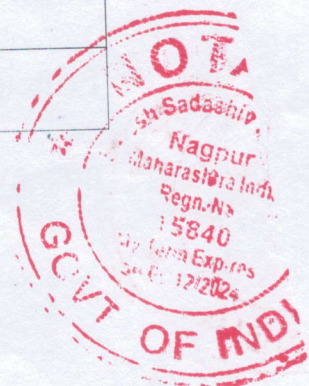
9. It is submitted that, as explained in foregoing paragraphs that this Respondent has not received any correspondence other than the Show Cause notice of Registrar dated 12/07/2023. The office of the Principal Chief Conservator of Forests (HoFF) Maharashtra State has not even received the copy of Original Application wherein the



Principal Chief Conservator of Forests (HoFF) Maharashtra has been impleaded as Respondent No. 7. As I am having highest regard for the judiciary and orders passed time to time by this Hon'ble Tribunal, I am now submitting the aforementioned reply in the form of affidavit as under-

1. Details of trees felled

Sr. No.	Forest Division	Diverted forest area (ha.)	Year of project sanctioned	Remarks	
				Trees felled in Forest Area	
01	Osmanabad	1.041	2018-19 Sage-II, Dt.10/03/2019	113	
02	Beed	0.58	2017-18	201	
03	Aurangabad	-	-	-	A'bad district
					Jalna district
Total				314	



2. Details of Compensatory Afforestation

Sr. No.	Forest Division	Diverted forest area (ha.)	C.A. Plantation Details					
			Range	Village	Sur No/ Gut No.	Comptt. No.	Plantation on Area	No. of trees planted
01	Osmanabad	1.041	Bhoom	Rui	52	44	2.082	2222
	Beed	0.58	Beed	Kol-wadi	179	384	1.16	2900
	Aurangabad	-	-	-	-	-	-	-
Total								5122

10. It is revealed from the above chart that the total 314 trees were felled from Forest Area. Hence this Affidavit.

11. Shri Naresh Zurmure, IFS Additional Principal Chief Conservator of Forests & Nodal Officer, Maharashtra State is filing this affidavit in person on behalf of Principal Chief Conservator of Forests (HoFF) Maharashtra State, Nagpur.

Deponent

(NARESH ZURMURE)
Addl. Principal Chief Conservator of Forests
and Nodal Officer
Maharashtra State, Nagpur

Place: Pune

Dated: 22 th April, 2024.

Handwritten signature and red circular stamp of the Principal Chief Conservator of Forests, Maharashtra State, Nagpur. The stamp contains the text 'Principal Chief Conservator of Forests, Maharashtra State, Nagpur' and the number '411'.

VERIFICATION

I, Shri Naresh A. Zurmure, aged about 52 years, Occ. Additional Principal Chief Conservator of Forests and Nodal Officer, R/o. Nagpur, do hereby verify that the contents of above Para Nos. 1 to 10 are as per office record and believed to be true.

Hence, verified and signed at Nagpur on this 22 day of April, 2024.

NARESH A. ZURMURE

DEPONENT

NOTARIAL REG.
ENTRY NO. 11655
DATE 22.4.2024

Sworn before me on this 22nd dt day of April 2024 at Nagpur by Shri/Smt./ku Naresh A. Zurmure R/o Nagpur who has been identified by Shri/Smt. D.D. Deshpande Advocate Nagpur

**NOTARY
GOVT. OF INDIA
Nagpur (M.S.) INDIA**





**Office of the Principal Chief Conservator of Forests (Head of Forests Force),
Maharashtra State**

Additional Principal Chief Conservator of Forests & Nodal Officer,
1st Floor, B Wing

Van Bhavan, Ramgiri Road, Civil Lines, Nagpur- 440 001

Tel.No.: 0712- 2556916 , E-mail: apccfnodal@mahaforest.gov.in

By-Email/Speed Post.

No. Desk-17/2/Nodal/Aurga/Court-Case/C.R.6/ 1760 /2023-24
Nagpur - 440 001, Date : 6/9/2023

To,

The Registrar
National Green Tribunal
Western Zone Bench, Pune.

Subject :- Submission of facts regarding diversion of 1.041 ha Yedshi to Aurangabad section NH-211 in Original Application No. 59/2019 WZ.

Reference :- 1. Notice regarding OA-59/2019 WZ dated. 12/07/2023.
2. This office Letter No. Desk-17/Nodal/1285, dated. 25/07/2023.
3. The Conservator of Forest (T), Aurangabad Letter No. Desk-5/Land/
C.R.58/700, dated. 22/8/2023

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R/Sir,

This Office has received a notice regarding OA-59/2019 WZ dated 12/07/2023 on 18th July 2023. Hon'ble tribunal has ordered that the Principal Chief Conservator of the Forests (Hoff) to submit the report on tree felling and Plantation of trees by the User Agency. We are humbly sharing the facts regarding project in question. You are kindly requested to bring this to the kind notice of Hon'ble Tribunal.

The User Agency submitted two proposal for diversion of 1.041 ha & 0.58 ha area respectively for rehabilitation and up-gradation of National Highway 211 from existing 2 lane to 4 lane from Yedshi to Aurangabad section. However, for 1.041 ha. area the Government of India granted 'In -Principal' approval on 11/09/2015 and 'Final Approval' on 10/03/2019 and for 0.58 ha. area granted 'In -Principal' approval on 19/11/2015 and 'Final Approval' on 23/06/2017.

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The said proposal passes through 3 forest divisions viz. Osmanabad, Beed and

Aurangabad. In this context, the Conservator of Forest (T), Aurangabad vide letter under reference No.3 has submitted details of tree felling and details of plantation of Compensatory Afforestation, which is as under.

1. Details of tree felled

Sr. No	Forest Division	Diverted Forest area (ha)	Year of project Sanctioned	No of. Trees Felled		Remarks
				Forest Area	Non Forest Area	
1.	Osmanabad	1.041	2018-19 Stage-II. dt. 10/03/2019	113	5150	
2.	Beed	0.58	2017-18	201	4529	
3.	Aurangabad	----	-----	-----	1217	Aurangabad District
					1752	Jalna District
Total				314	12648	

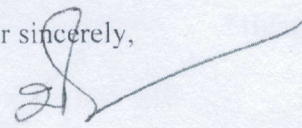
2. Details of Compensatory Afforestation.

Sr. No.	Forest Division	Diverted Forest area (ha)	C.A. Plantation Details					
			Range	Village	Sur.No./ Gut No.	Compt. No	Plantation on Area	Number of trees planted
1.	Osmanabad	1.041	Bhoom	Rui	52	44	2.082	2222
2.	Beed	0.58	Beed	Kolwadi	179	384	1.16	2900
3.	Aurangabad	----	----	----	----	----	----	----
Total								5122

As informed previously vide letter no. 1285, dated 25/07/2023, the above additional information is submitted for perusal & further necessary action.

Encl:- As above

Your sincerely,



(Shailesh Tembhurnikar)
Principal Chief Conservator of Forest (HoFF)
Maharashtra State, Nagpur



**Office of the Principal Chief Conservator of Forests (Head of Forests Force),
Maharashtra State, Nagpur**

Additional Principal Chief Conservator of Forests & Nodal Officer,
1st Floor, B Wing
Van Bhavan, Ramgiri Road, Civil Lines, Nagpur- 440 001
Tel.No.: 0712- 2556916 , E-mail: apccfnodal@mahaforest.gov.in

No.Desk-17/Nodal/1285 / 2023-24

Nagpur - 440 001,

Date 25/07/2023

To,

The Registrar
National Green Tribunal,
Western Zone Bench, Pune.

Subject:- Submission of facts regarding diversion of 1.041 ha Yedshi to Aurangabad section NH-211 in Original Application No.59/2019 WZ.

Reference: Notice regarding OA-59/2019 WZ dated 12.07.2023

R/Sir

This office has received a notice regarding OA-59/2019 WZ dated 12.07.2023 on 18th July 2023. Hon'ble tribunal has ordered that the Principal Chief Conservator of the Forest to submit the report on tree felling and plantation of trees by the User Agency. We are humbly sharing the facts regarding project in question. You are kindly requested to bring this to the kind notice of Hon'ble Tribunal.

The user agency applied for rehabilitation and up-gradation of National Highway-211 from existing 2 lane to 4 lane from Yedshi to Aurangabad section. The Government of India granted 'In-Principal' approval to this project on 11/09/2015 and 'Final Approval' on 10/03/2019. As per 'In-Principal' approval permission for felling of 113 trees from forest area was granted. We have sought the information from the concerned Conservator of Forest, Aurangabad circle regarding total number of trees felled in forest as well as non-forest area and total number of seedling planted. This office shall submit the detailed report before the next hearing.

Yours sincerely,

Principal Chief Conservator of Forest (HoFF)
dc Maharashtra State, Nagpur.

Bohc
25/7