

**BEFORE NATIONAL GREEN TRIBUNAL (WESTERN  
ZONE) BENCH, AT PUNE**

**Application No.72/2020**

**A/W**

**Execution Application No.9/2019**

**In**

**O.A.43/2016**

**Prakash Ravaji Devgirikar & Others .....Applicants**

**V/s.**

**State of Maharashtra and Others .....Respondents**

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On behalf of Applicants :

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**Pune**

Date : 6/12/2021

  
**Advocate for Applicants**

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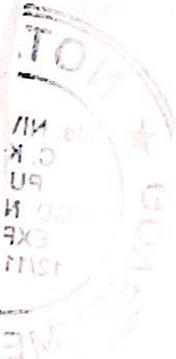
State of Maharashtra and Others .....Respondents

**Affidavit**

Affidavit in rejoinder on behalf of Applicants :

I, Balasaheb Vitthal Devgirikar, Age : 56yrs. Occ : Agriculture, R/at : Bhatti Waghdara, Tal : Velhe, Dist : Pune. do state on solemn affirmation that -

1)I am Project Affected Person of Gunjwani Irrigation Project. I along with other PAP's have filed O.A.No.43/2016 for Rehabilitation of Gunjwani Irrigation Project as per E.C. obtained by Respondent state dated, 29/04/2005. The specific condition in the E.C. is as follows :



The Environment Management Plan submitted has been examined. The Ministry of Environment and Forests hereby accords environmental clearance as per the provisions of Environmental Impact Assessment Notification, 1994, subject to strict compliance of the terms and conditions as per follows :

i) 1330 persons are likely to be affected due to this project in 9 Villages. Out of this four Villages are fully submerged and five Villages are partially affected. The affected persons should be Rehabilitated as per the provisions of Maharashtra Project Affected Persons Rehabilitation Act, 1986.

The said E.C. is obtained by State Govt. by submitting Environment Management Plan. The provisions of Rehabilitation made by State in said Plan are as follows :

#### CURRENT STATUS OF REHABILITATION

**Four villages Chapet, Kanand, Gavande and Bhatti Waghdara come under full submergence** and villages Dhanep, Vihir, Bopalghar, Antroli and Nivi come under partial submergence of dam. The total area to be acquired is 1108.52 ha.

#### Programme of Rehabilitation Work

The Land acquisition proposal for Submergence area was submitted to Collector, Pune 21/04/1997. The joint measurement work for land under submergence for structures is completed. The valuation work of structures coming under submergence is submitted to the revenue department and accordingly payment for some has already been done.



The total numbers of land holders as PAP's is 1330 and the total alternative land to be given to them is 1465.63 ha. Their resettlement has been proposed in Command Areas of Chaskman Project, Khadakwasla Project and also in Command Area of Gunjawani Project. Accordingly programme of showing alternative land to land holders was completed according to their choice. For land selected the Letter of Intent was given to each project affected person through revenue department. The handing over of the alternative land to the project affected person is now in progress.

At present rehabilitation work i.e. establishment of new gaonthan, other civic amenities work is worked out to about Rs.4,836.39 lakhs.

Detailed Plan on Land Acquisition and Rehabilitation

Gunjawani Dam gorge filling has partly been completed in the stipulated time i.e. in the year 1999-2000. Due to partial gorge filling, one village has been submerged. However on the completion of the second stage of the Gunjawani project, the affected people from all 9 villages will have to be resettled immediately.

Rehabilitation of PAP's

1330 affected people from the 9 Villages have been shown alternate land in the command area of Chaskman project viz. Kalus, Jategaon Bk. Mukhai, Ganegaon Khalsa, Sandas and Pimpri Sandas, Perne, Malthan under the Khadakwasla Project on 25/09/1997. The PAP's have accepted the land in Kalus, Jategaon Bk. Mukhai, Ganegaon Khalsa etc. and have given their acceptance letter for the same. A total of 1152 ha. Land from the command area will have to



be made available to 1330 Land Holders from 9 villages. Of these, land has been distributed to 52 Land Holders Village Kanand and Bopalghar.

2) I say that, inspite of specific commitment, undertaking and plan of Rehabilitation is submitted to MOEF for obtaining E.C. State Authorities have not implemented and carried out Rehabilitation process of PAP. Applicants, PAP's have filed O.A. No.43/2016 for Rehabilitation of PAP before submergence of their villages. Initially this Hon'ble Tribunal had directed not to make submergence before completion of Rehabilitation. Subsequently State was allowed to complete the Project on the basis of undertaking that, State Authorities will complete Rehabilitation within 1month i.e. before 16/10/2018. On 7/12/2018 O.A. No.43/2016 was disposed with the direction that **Respondent state and Officers to complete the work of Rehabilitation by 31<sup>st</sup> January, 2019.**

3) I have filed Execution Application No.9/2019 for execution of order of this Hon'ble Tribunal dated 7/12/2018. The said order is annexed as **Exh. A.** It is at page no.11 and 12 of said application.

4) I say that, said orders are not complied with by the Rehabilitation Authorities, Respondent no.1 to 7. Hence, we have filed application no. 72/2020 for compensation till Rehabilitation of PAP is done by State Authorities.

5) The said Applicants have prayed, for immediate Rehabilitation of PAP as per Environment management plan. The said plan is annexed as per **Exh.E** in execution application no.9/2019 As per said Plan rehabilitation is proposed in benefited zone of



Chaskman & Khadakwasla Irrigation Project, where ample land is available.

Present Applicants have also prayed for directions to State for expeditious completion of Rehabilitation process by granting land and Plot for residence. Applicants have filed Execution application on 22/07/2019.

6) Applicants have annexed list of Gunjwani. Project Affected Persons at annexure "B". In the said annexure description i.e. name, village, order & remark, chart is annexed in execution application as Annexure "B" is list of 47 PAP. The said chart is again annexed herewith this rejoinder for ready reference as Annexure **Exh.O.**

7) Applicants have mentioned description of order , description of land grant, compliance to be made by Rehabilitation Authorities in all 47 PAP. Possession of land is to be handed over by Additional Collector and Deputy Collector Rehabilitation.

**Respondents** state Rehabilitation Authorities were directed to complete the Rehabilitation Process within on or before 31<sup>st</sup> January 2019 and to file the compliance report. Respondents are submitting undertaking for last 5 yrs., that they will complete the Rehabilitation of PAP within 1month, 2month etc. However, yet no action is taken for actual Rehabilitation by Respondents.

8) Additional Collector Pune has filed Report in form of affidavit on 28<sup>th</sup> October,2021. I have gone through the contents of said Affidavit. The overall contents of said Affidavit para 7 to 11, it is **stated that, the Rehabilitation process could not be completed due**



**to General Lok Sabha and State Assemble Election 2019.** Further another reason mentioned is out break of Covid 19. It is also stated there was Teachers constituency election from 5-11-2020 to 7-12-2020.

Their after Additional Collector has stated in his Affidavit that, there is no land available for Rehabilitation of Gunjwani Project PAP. It is further avered by Respondent no.3, Additional Collector that, they have submitted proposal to make the Govt. land available for Rehabilitation. Respondent no.6 has also avered regarding direction of Dy.C.M. and Secretary Rehabilitation for submitting information of Govt. land as well as information regarding PAP.

The entire compliance Affidavit is regarding excuses for not granting any land to PAP. Respondent no.6 has only assure process to acquire and allocate Govt. land in near future. This is most unfortunate that, Govt. has submerge entire village, civilization and property in 31<sup>st</sup> January, 2019 of PAP. Now after lapse of more than 2yrs Respondent are saying that, they searching and arranging the land for PAP.

9) I say that, Respondent no.6 has filed Affidavit and documents in order to show compliance of order of this Hon'ble Tribunal. However, if document at Exhibit R-7 Pg no.111 is perused it reveals that, Respondents have arranged meetings of PAP on 25/11/2021. It is submitted that, Villages viz. Chapet, Kanand, Ghavande and Bhatti Waghdera are under full submergence. These villages are totally submerged. There cannot be any meeting or person, PAP where entire area is under water of Gunjwani Project.

It clearly show that, Respondents no. 6 & 7 are only making farce of Rehabilitation Activities and



actually they are doing nothing. I have submitted Google Map of Gunjwani Project. It is download and printed as per picture available on google. I have annexed said Map herewith and is marked as **Exh.D.**

10) Respondent no. 6 & 7 have not produced any documents showing details of land & plot allotted to them for Rehabilitation of PAP. Respondent no. 6 & 7 have admitted that, there is no land for Rehabilitation & they will arrange the same in near future. In view of this admitted fact, applicant's PAP's are entitled for compensation amount Rs.20,000/- per month per family as claimed in Application no.72/2020. Respondents State Authorities were directed and are expected to handle this issue in a sympathetic manner. However, Respondent no.6 & 7 are only pointing excuses for not granting land & plot to PAP's. Applicants are suffering serious injustice due to illegal submergence made before Rehabilitation of PAP.

11) I say that, no submergence is allowed before Rehabilitation as per Rehabilitation Act, 2013 and as per circular of State Govt. resolution no.RPA-2006/Pra/kra.1(6)/R-1, dated 17-03-2006. The said G.R. is filed as Exh. R-4 at page no.155(159) in MISC. 2016/2017. The PAP's are require to be Rehabilitated 6 Months before submergence.

**It is submitted that, Respondent no.7 Dy.Collector Rehabilitation has made wrong submission in his Affidavit that, there is no time limit for Rehabilitation for PAP.**

12) parawise contents in the Affidavit of Respondent no. 6 & 7 are produced for perusal which are as follows :



a) I say that, in paragraph no.14 page 87, it is stated by Additional Collector that, land required for 611 PAP's is 489 Hectors, but acquired land is only 186.34 Hectors. Which is only 38% of required land.

In paragraph no.18 it is stated by Additional collector that, **to rehabilitate the remaining PAP's from Gunjwani Project, there is no acquire land remained in benefited zone in Gunjwani Project.** It is stated by learned Additional Collector that, Secretary Rehabilitation has directed on 6/06/2019 to send Proposal to identify Gairan Lands to be allotted to PAP's to Gunjwani Project. Accordingly on 10-01-2020 DRO has sent proposal to Government to allot land from command area of Chaskman Project.

b) In para 22 page no.19 of said Affidavit Additional Collector has stated that, DRO office has submitted proposal on 26-07-2021 to State Govt. for permission for Rehabilitation of remaining PAP of Gunjwani Project. In paragraph no.23 of said Affidavit it is stated that, meeting was held under Chairmanship of Dy Chief Minister of Maharashtra State for Rehabilitation of Gunjwani Project. Hon'ble Dy. C.M. directed to submit fresh proposal to grant Gairan Land to PAP.

Similar exercise was done and assured by Secretary Rehabilitation by filing Affidavit dated 21/01/2020 which is filed at **Exh.I** page 44 in application no.72/2020.

c) In paragraph no.24 Principle Secretary directed to submit information mentioned in Exh. R6 at page no.108 . Hon'ble Secretary Rehabilitation instructed to submit report regarding :



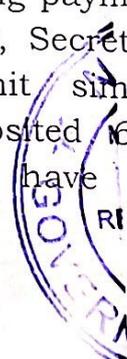
- 1) Total number of PAP's in Gunjwani Project,
- 2) number of PAP's who deposited 65% amount for alternate land,
- 3) number of PAP's who not deposited 65% amount,
- 4) number and name of PAP's to whom alternate land has been allotted.
- 5) Detailed report of total required area should be certified by DRO with self explanatory opinion and submitted to Govt. by Friday 22-10-2021.
- 6) Total land acquired for Rehabilitation in benefited area in Gunjwani Project. As well as total Govt. land out of which total land allotted to PAP.
- 7) Accordingly the total land remaining for allotment at present. The said report was to be sent by Friday 22-10-2021.
- 13) Considering the entire Affidavit learned Additional Collector has not mentioned anything regarding Rehabilitation of PAP done by State authorities. **It was expected that, as per direction of this Hon'ble Tribunal Collector will submit data including name of PAP and description of land and Plot allotted to him. However, inspite of specific chart submitted by Applicant as per Exhibit B. No compliance is made by learned Additional Collector and DRO.**
- 14) Additional Collector and DRO has merely submitted that, they are processing the proposals of Govt. land to be granted to PAP. It is submitted by learned Additional Collector that, there is no acquired land available for Rehabilitation of PAP. Mere information regarding description of meetings and directions is



submitted in the Affidavits of learned Additional Collector and District Rehabilitation .

15) I say that, Dy. Collector Rehabilitation has filed Affidavit. It is at page no.66 in this matter. Details mentioned in Affidavit (page no.69) regarding information of PAP is incorrect. It is mentioned that, 38 PAP's are Rehabilitated by granting alternate land prior to 2017 at Wadgaon Bande, Tal : Daund , Kenjal, Tal : Bhor etc. It is submitted that land grant orders issued in June, 2016 from the land in village Wadgaon Bande. The said allotment was subsequently cancelled by State Authorities. Actually nobody was put in possession. The villagers do not allowed PAP's to enter in Village Wadgaon Bande. Due to strong objection nobody could get land amongs PAP. State Revenue and Police machinery did not render any support and protection to PAP. Similar case happened regarding allotment of land in Village.

16) The issue of 65% amount raised by Additional Collector and DRO is misleading and not correct. The contents in para 16 (page no.87) regarding deposit of 65% amount of compensation by 582 PAP's out of 1345 PAP's is totally wrong. It is submitted that, this is totally wrong information submitted by Learned Additional Collector. It is totally illegal that, 611 PAP's were only illegible. I say that, **learned Additional Collector be directed to submit the list of PAP's who have not deposited 65% of compensation.** It is submitted that, Rehabilitation Authorities are misleading by giving incorrect data regarding payment of 65% compensation. It is submitted that, Secretary Rehabilitation have directed to submit similar information of name of PAP's who have deposited 65% compensation and name of PAP's who have not



deposited 65% compensation, as per Exh.R-6 filed by Respondents.

**Hence, it is prayed that -**

1) State Authorities Respondents no. 1 to 8 may be directed to pay compensation Rs.20,000/- per month per family of PAP till actual Rehabilitation of PAP. Further direction may be issued that, this amount be calculated from the date of submergence i.e .October 2018.

2) Respondent no. 1 to 6 may be further directed to make the residential layout/gaothan sites usable for residential plots of PAP which are excavated by local people, situated at Jategaon Bk. Mukhai, Ganegaon, Tal : Shirur, Dist : Pune.

3) Appropriate action U/s.26 and 28 of NGT Act 2010 may be taken against concerned officer who have neglected and failed to comply order of this Tribunal in present case.

4) Respondents no.6 & 7 may be directed to complete the process and submit the following information :

**MR. NIVEDITA C. KALE**  
**ATTORNEY GENERAL**  
**GOVT. OF INDIA**

a) Total number of PAP's in Gunjwani Project,

b) number of PAP's who deposited 65% amount for alternate land,

c) number of PAP's who not deposited 65% amount,

d) number and name of PAP's to whom alternate land has been allotted.

e) Detailed report of total required area should be certified by DRO with self explanatory opinion and submitted to Govt. by Friday 22-10-2021.



f) Total land acquired for Rehabilitation in benefited area in Gunjwani Project. As well as total Govt. land out of which total land allotted to PAP.

g) Accordingly the total land remaining for allotment at present. The said report was to be sent by Friday 22-10-2021.

5) Any other just and equitable order in the interest of justice be passed and this act of kindness and justice the applicants above name as duty bound shall ever pray.

All the above contents are true and correct to the best of my knowledge and belief. Hence, this Affidavit.

Pune

Date : 06/12/2021

*[Handwritten Signature]*

Affiant

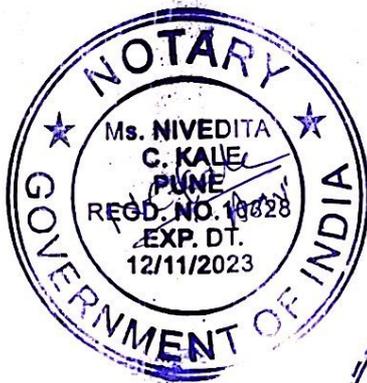
I know Affiant.

*[Handwritten Signature]*  
Advocate  
(Adv. S.S. Ubhe)

**BEFORE ME**  
*[Handwritten Signature]*  
**Ms. NIVEDITA C. KALE**  
**NOTARY, GOVT. OF INDIA**  
**PUNE**

NOTED AND REGISTERED AT  
SERIAL NUMBER 182/0/21

06 DEC 2021



## List of Gunjawani - Project Affected Persons

Sr.No.	Name	Village	Order	Remark
1.	Prakash Ravji Devgirikar	Kanad	Allotment order of Gat No.682, Kenjal issued on 16/08/2017,	Yet possession is not handed over.
2.	Sudam Kondiba Bhikule	Kanad	Allotment order of Gat No.682, Kenjal issued on 16/08/2017,	Yet possession is not handed over.
3.	Motiram Sitaram Raut	Antroli	Allotment order of Gat No.682, Kenjal issued on 16/08/2017,	Yet possession is not handed over.
4.	Shantaram Sitaram Raut	Antroli	Allotment order of Gat No.682, Kenjal issued on 16/08/2017,	Yet possession is not handed over.
5.	Dattatraya Sitaram Raut	Antroli	Allotment order of Gat No.682, Kenjal issued on 16/08/2017,	Yet possession is not handed over.
6.	Dattatrya Damodhar Jagtap	Danep	Allotment order of Gat No.682, Kenjal issued on 16/08/2017,	Land Gat no.682, Kenjal, Tal: Bhor, Dist : Pune allotted in common.No possession is handed over.
7.	Ragini Chandrakant Jagtap	Danep	Allotment order DRO Pune no.Punerv/SR/2005 dated 27/05/2005 Village Mukhai without consent of PAP.	Land Gat no.682, Kenjal, Tal: Bhor, Dist : Pune allotted in common.No possession is handed over.
8.	Raghunath Dagdu Raut	Antroli	SDO Bhor order	Yet possession is not received and

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			/punerv/SR/04/2019 dated 7/01/2019, Gat no.23 Rajapur, Tal_Bhor and Gat No.88 Jategaon Bk	1.60R land yet to be allotted.
9.	Ek Nath Raghunath Maral		Allotment order no.SDO Bhor/Punerv/SR/01/2019 dated 4/01/2019 Gat No.150 and 92 of Rajapur	No possession is handed over.
10.	Bhagu Waghu Gorhe	Nivi	Allotment order no.SDO Bhor/Punerv/SR/60/2010 dated 30/06/2016 Village Wadgaon Bande without consent of PAP.	Wadgaon Bande acquisition lapsed, allotment cancelled by Government. No possession is handed over. Land available in Chaskman and Khadakwasla Irrigation Project.
11.	Shankar Bhagu Gorhe	Nivi	Allotment order no.SDO Bhor/Punerv/SR/79/2010 dated 30/06/2016 Village Wadgaon Bande without consent of PAP.	Wadgaon Bande acquisition lapsed, allotment cancelled by Government. No possession is handed over. Land available in Chaskman and Khadakwasla Irrigation Project.
12.	Baban Sakharan Thakar	Antroli	No order of land and Plot.	
13.	Vishnu Genu Raut	Vihar	No order of land and Plot.	
14.	Shahaji Gauru Jadhav	Bhatti Vaghdara	Allotment order no.SDO Bhor/Punerv/SR/224/2000 dated 18/03/2000 Village Wadgaon Bande without consent of PAP.	Wadgaon Bande acquisition lapsed, allotment cancelled by Government. No possession is handed over. Land available in Chaskman and Khadakwasla Irrigation Project.
15.	Shivaji Gauru Jadhav	Bhatti Vaghdara	Allotment order no.SDO	Wadgaon Bande acquisition

				Bhor/Punerv/SR/224/2000 dated 18/03/2000 Village Wadgaon Bande without consent of PAP.	lapsed, allotment cancelled by Government. No possession is handed over. Land available in Chaskman and Khadawasla Irrigation Project.
16.	Balasaheb Jaywant Jagtap			Allotment order DRO Pune no. Punerv/SR/145/2005 dated 27/05/2005 Village Mukhai without consent of PAP.	Land Gat no.682, Kenjal, Tal: Bhor, Dist : Pune allotted in common.No possession is handed over.
17.	Nikhil Pandurang jagtap			Allotment order DRO Pune no. Punerv/SR/144/2005 dated 27/05/2005 Village Mukhai without consent of PAP.	Land Gat no.682, Kenjal, Tal: Bhor, Dist : Pune allotted in common.No possession is handed over.
18.	Sulochana Dattatraya Jagtap			Allotment order DRO Pune no. Punerv/SR/147/2005 dated 27/05/2005 Village Mukhai without consent of PAP.	Land Gat no.682, Kenjal, Tal: Bhor, Dist : Pune allotted in common.No possession is handed over.
19.	Chandrakant Maruti Jagtap			Allotment order DRO Pune no. Punerv/SR/2005 dated 27/05/2005 Village Mukhai without consent of PAP.	Land Gat no.682, Kenjal, Tal: Bhor, Dist : Pune allotted in common.No possession is handed over.
20.	Balu Vitthal Devgirikar		Bhatti Vaghdara	No order of land and Plot.	
21.	Prakash Raghu Devgirikar		Bhatti Vaghdara	No order of land and Plot.	

22.	Gopal Mahipati Devgirikar	Bhopalgar	No order of land and Plot.	No Possession of Plot. Land not granted.
23.	Taibai Vitthal Devgirikar	Bhatti Vaghdara	No order of land and Plot.	No Possession of Plot. Land not granted.
24.	Balasaheb Shripatrao Maral	Kanad	Plot allotted at Jategaon Bk Assurance Letter/DRO/WS/129/98	No Possession of Plot. Land not granted.
25.	Shripatrao Anandrao Maral	Kanad	Plot allotted at Jategaon Bk Assurance Letter/DRO/WS/129/98	No Possession of Plot. Land not granted.
26.	Haribhau Shripatrao Maral	Kanad	Plot allotted at Jategaon Bk Assurance Letter/DRO/WS/129/98	No Possession of Plot. Land not granted.
27.	Ramesh Raoji Kokate	Nivi	No Land and Plot allotted.	
28.	Chandar Anna Kokate	Nivi	No Land and Plot allotted.	
29.	Dattatraya Raoji Kokate	Nivi	No Land and Plot allotted.	
30.	Suiochana Mohan Katurde	Nivi	No Land and Plot allotted.	
31.	Pandurang Devi Gorhe LR's Sopan Pandurang Gorhe	Nivi	No Land and Plot allotted.	
32.	Nandu Dagadu Gaikwad	Gevhande	No Land and Plot allotted.	
33.	Raghunath Govind Kadu	Gevhande	No Land and Plot allotted.	
34.	Dilip Vitthal Gorhe	Nivi	No Land and Plot allotted.	
35.	Somaji Hari Raut	Chapet	Allotment order no.SDO Bhor/Punerv/SR/10/2016 dated 31/01/2016 Village Wadgaon Bande without consent of PAP.	Wadgaon Bande acquisition lapsed, allotment cancelled by Government. No possession is handed over. Land available in Chaskman and Khadakwasla Irrigation Project.
36.	Datta Govind Raut	Antroli	Allotment order no.SDO Bhor/Punerv/SR/56/2010 dated 30/06/2016 Village	Wadgaon Bande acquisition lapsed, allotment cancelled by Government. No possession is

			Wadgaon Bande without consent of PAP.	handed over. Land Chaskman and Irrigation Project.	available in Khadakwasla
37.	Shankar Ganpat Raut	Antroli	No order of land and Plot		
38.	Kisan Devji Gayakhe	Antroli	No order of land and Plot		
39.	Babubai Bhikaji Bhikule	Antroli	No order of land and Plot		
40.	Kondu Nagu Raut - LR's Ankush & Ananta Kondu Raut	Antroli	No order of land and Plot		
41.	Maruti Kondu Raut	Antroli	No order of land and Plot		
42.	Shripati Genu Raut	Antroli	No order of land and Plot		
43.	Laxman Kondu Raut	Antroli	No order of land and Plot		
44.	Sonabai Devku Bhuruk	Antroli	No order of land and Plot		
45.	Dattu Khandu Raut	Antroli	SDO order	Still no possession handed over.	
46.	Ashok Ganpat Raut	Antroli	no.Punery/SR/1989/18 dated 4/12/2018 Kasari Gat No.1577		
47.	Rambhau Laxman Jogade	Nivi	No order of land and Plot		

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Advocate for Applicants

