

BEFORE THE NATIONAL GREEN TRIBUNAL

WESTERN ZONE BENCH, PUNE

Execution Application No.07 /2024 (WZ)

Original Application No.28/2024(WZ)

Saiprasad Mangesh Kalyankar

...Applicant

VERSUS

The Regional Transport Officer & Ors.

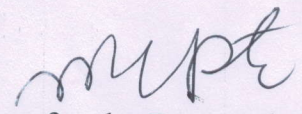
...Respondent

INDEX

S.No.	Exhibit	Particulars	Page Nos.
1	-	Affidavit in reply on behalf Of Respondent Nos.2	380-386

Pune

Date: 17/12/2024


Advocate for the Respondent No.2

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380

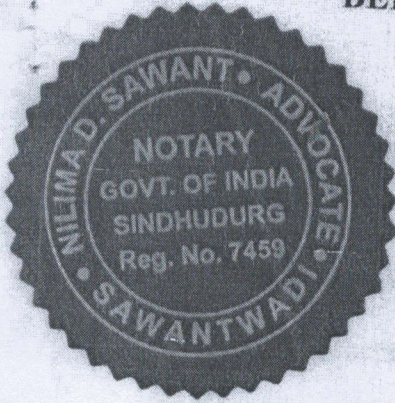
BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
WESTERN ZONE BENCH, PUNE

EXECUTION APPLICATION NO. 07 OF 2024 (WZ)

In Case of O.A. No. 28 of 2014 (WZ) Pune

E.A. No. 06 of 2018 (WZ) Pune

M.A. No. 05 of 2019 (WZ) Pune



Shri. Saiprasad Mangesh Kalyankar ----- Applicant

Versus

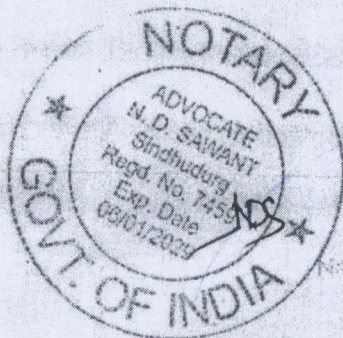
The Regional Transport Officer and Ors. ----- Respondents

AFFIDAVIT ON BEHALF OF RESPONDENT NO. 2

I, Neha Sanjay Wanare, Age - 32 years, working as Range Forest Officer, Sawantwadi state on solemn affirmation as under :-

1. I am authorized on behalf of the Respondent No. 2 to file this Affidavit-in-reply in his behalf in this Execution Application.
2. I say and state that the original application, bearing No. 28/2014, was filed before the Honorable National Green Tribunal (Western Zone), Pune. The Honorable Tribunal disposed of the application and issued an order dated 10th September 2014, directing Respondent No. 8 (Maharashtra State Road Development Corporation (MSRDC) to conduct compensatory afforestation of 44,000 trees at the Banda check post premises under the guidance and supervision of the Agricultural University, Dapoli. Points (iv) and (v) of the order dated 10th September 2014 are reproduced herein below.

N. Wanare



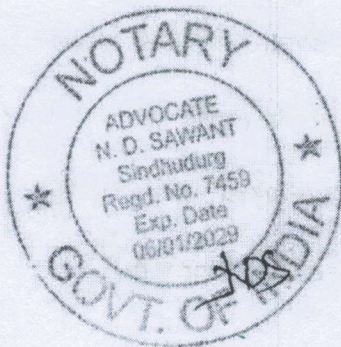
BEFORE ME

N.D. Sawant
N. D. SAWANT
ADVOCATE NOTARY [Page
Rajratna Complex
New Salaiwada Opp. Tahasildar Office
Tal. Sawantwadi, Dist- Sindhudurg
Mob. No. 9422596494

391

(iv). The Respondent No. 9 (MSRDC) shall carry out compensatory afforestation of 44,000 trees (1:8) in the same area, on the slope in the acquired land or area near NH No. 17, as per the opinion of the Agricultural University, Dapoli. The work shall be supervised by the Head of Horticultural Department of Agricultural University, Dapoli, to whom honorarium of Rs. 25,000/- p.m. be paid by the MSRDC, which shall not be included in cost of the project. The Respondent No. 8 (MSRDC), shall deposit an amount of Rs. 10 lakh (Rs. Ten lakhs) as tentative cost for such afforestation programme to be executed through Agricultural University, Dapoli, under the supervision of above Committee, in the Collector's office, Sindhudurg, within two (2) months hereafter.

(v). The contractor - Agency of MSRDC, be directed by the MSRDC to pay costs of Rs. 10 lakh, being costs of damages caused to environment in the vicinity of village Banda and if the Executing Agency will not pay the same, it shall be paid by the MSRDC, which shall not be included in the cost of the project, but shall be recovered from the personal account of concerned supervisory officers of MSRDC, if found responsible for felling of the trees, as per the report of the Divisional Commissioner, Kokan Division.



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382

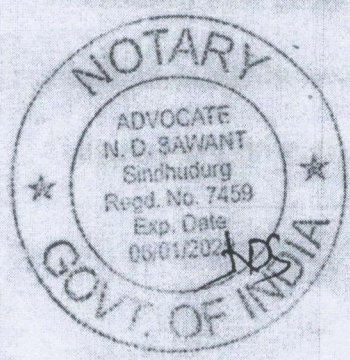
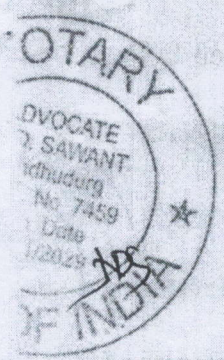
3. The respondents humbly submit that no specific directions were issued to the Forest Department (Respondent No. 2 in OA) concerning afforestation. It is respectfully stated that the subject land does not fall within any designated forest category, nor is it under the jurisdiction or possession of the Forest Department.
4. It is submitted that Execution Application No. 6/2018 was filed by the applicant in OA No. 28/2014 due to non-compliance with the order dated 10th September 2014. Subsequently, this Honorable Court issued an order dated 13th March 2019 with specific directions therein, which are reproduced herein below.

"Grievance in this application is that directions of the Tribunal vide order dated 10.09.2014 in Original Application No. 28/2014 have not been carried out. No enquiry has been conducted by the Divisional Commissioner and other Departments nor has afforestation been done, as required.

We are informed by the learned counsel for one of the respondents that order of the Tribunal has been vacated by the Hon'ble Supreme Court vide order dated 20.01.2015 in Civil Appeal No. 10806/2014. Only direction which remains to be complied is the compensatory afforestation for which steps have already been taken. 12,000 trees have already been planted and the remaining work is in progress.

We direct the Forest Department to expedite the process and complete the same within one year.

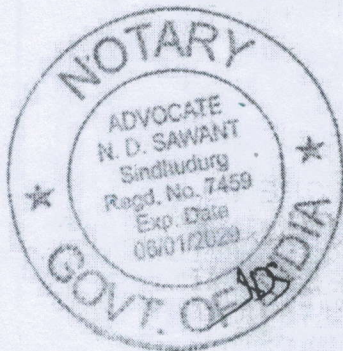
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N. D. SAWANT | Page
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 Mob. No 9422596494



383

The application stands disposed of."

5. In compliance with the aforesaid orders of this Honorable Court, the Forest Department, with assistance from other relevant departments, pursued follow-up actions with MSRDC through various meetings and correspondences to ensure adherence to the Tribunal's directions.
6. A meeting was convened under the chairmanship of the District Collector of Sindhudurg on 7th March 2019, prior to the issuance of the said order, where the Executive Engineer of MSRDC was directed to comply with the Honorable Court's order.
7. In addition, this respondent has convened several meetings to oversee compliance with the aforementioned order. A meeting on 10th December 2019 was conducted to review the status of compliance, attended by Mr. Sanjay Salunke, representing MSRDC and employed with Sadhbav Company, along with the applicant, Mr. Saiprasad Kalyankar.
8. During the meeting, this respondent observed that only 12,800 seedlings had been planted out of the mandated 44,000. The respondent directed MSRDC to complete the remaining plantation, to which Mr. Sanjay Salunke agreed, indicating that the plantation would be completed in the forthcoming monsoon season. The minutes of this meeting were duly communicated to the Executive Engineer, MSRDC, along with instructions for compliance. Additionally, this respondent issued multiple reminder letters to the Executive Engineer, MSRDC, to comply with the Tribunal's order.



BEFORE ME
[Signature]
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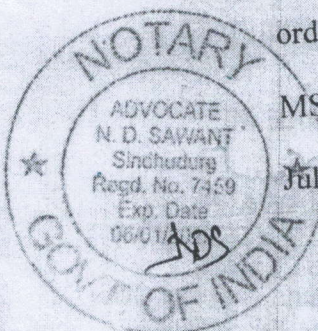
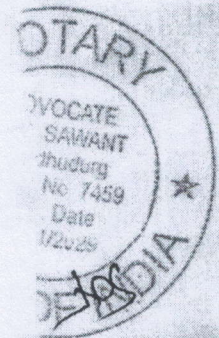
384

9. In the meantime, the Executive Engineer, through a letter dated 12th February 2024, claimed that over 67,000 trees had been planted in the Banda check post area and notified the Director of Maharashtra Border Check Post Network Ltd. to ensure the proper maintenance of the planted trees.

10. Pursuant to a letter dated 27th February 2024, this Respondent directed the Regional Transport Officer (RTO), Sindhudurg; the Executive Engineer, MSRDC; and the Range Forest Officer (RFO), Sawantwadi, to conduct a joint inspection on 29th February 2024 to verify the actual number of plants present at the site. As the Executive Engineer, MSRDC, or his representative failed to be present for the inspection, the inspection was rescheduled to 7th March 2024, and subsequently to 15th March 2024 at the request of the Executive Engineer, MSRDC. Ultimately, the joint inspection was conducted between 15th March 2024 and 19th March 2024, and the inspection report was submitted by the RFO, Sawantwadi, through a letter dated 21st March 2024.

11. The inspection report confirmed that a total of 17,279 tree species and 3192 bamboo species were observed at the site, alongside an additional 9,346 ornamental plants and grass species within the area.

12. This respondent, through letters dated 28th March 2024 and 12th April 2024 to the Executive Engineer, MSRDC, observed that the Honorable Court's order had not been fully complied with to date. The respondent afforded MSRDC a final opportunity to complete the plantation work by the end of July, 2024 during the upcoming monsoon season.



BEFORE ME

N. D. Sawant
N. D. SAWANT
ADVOCATE NOTARY

5 | Page

Rajratna Complex
New Estaiwade Opp. Tahasildar Office
Tal. Sawantwadi Dist- Sindhudurg
Mob. No. 9422596494

385

13. This Respondent, through a letter dated 7th August 2024, requested a compliance report from the Executive Engineer, MSRDC. Subsequently, the Executive Engineer, MSRDC, issued a letter dated 30th August 2024 to this office, asserting that a total of 33,279 trees (including 17,279 tree species and 16,000 bamboo species) were present at the site and indicating that MBCPNL had been informed to undertake the plantation and maintenance of these seedlings.

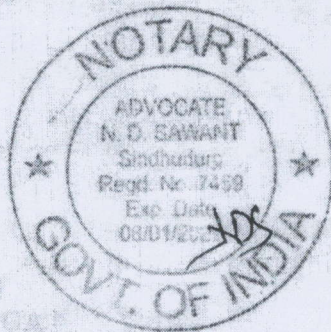
14. In view of the aforementioned facts, it is humbly submitted that as per the joint inspection conducted between 15th March 2024 and 19th March 2024 only 17,279 trees, along with 3192 bamboo plants, were present on the site.

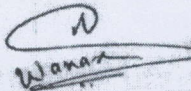
15. Therefore, I respectfully pray that this Honorable Court be pleased to :

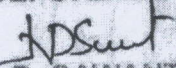
- (a) Issue specific directions to the Executive Engineer, MSRDC, to complete the compensatory afforestation as per the order dated 10th September 2014, or
- (b) Pass any other order as this Honorable Court deems fit and necessary under the circumstances.

Pune.

Date : 17/12/2024




(Neha Sanjay Wanare)
Range Forest Officer, Sawantwadi
and authorized officer
for Respondent No. 2

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Mob. No. 9422596494 6 | Page

396

VERIFICATION

I, Neha Sanjay Wanare, Age - 32 years, working as Range Forest Officer, Sawantwadi and authorized officer for the Respondent No. 2 do hereby solemnly verify above contents of Para Nos. 1 to 15 of the Affidavit as true and correct to the best of my knowledge, belief and information derived from the records and files maintained in the office and I verify the same to be true. I say that I have not suppressed any material fact from this Hon'ble Tribunal.

Solemnly affirmed at Pune.

Pune.

Date : 17/12/2024



(Neha Sanjay Wanare)
Range Forest Officer, Sawantwadi
and authorized officer
for Respondent No. 2

Neha Sanjay Wanare

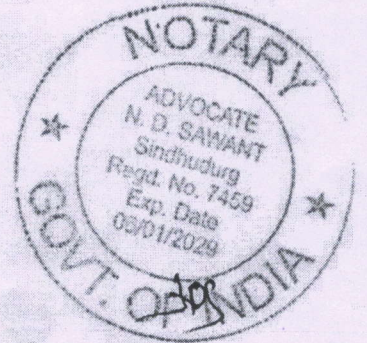
Witness

Pramod Vasant Rane

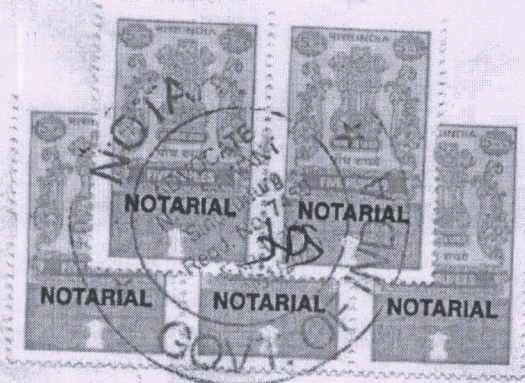
Pramod Vasant Rane

R/o- Majgaon

Tal- Sawantwadi, Dist- Sindhudurg



This document has been personally presented & signed by Shri / Smt / Mrs / Miss Neha S. Wanare residence of Sawantwadi who is identified by Shri / Smt / Mrs / Miss Pramod V. Rane to whom I personally know No. of corrections — No. of pages 7 Notary Regd No. 503/2024 Dated- 17-12-2024



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