

BEFORE THE NATIONAL GREEN TRIBUNAL

WESTERN ZONE BENCH, PUNE

Execution Application 07 of 2024

Saiprasag Mangesh Kalyankar

.... Applicant

Versus

The Regional Transport Officer & others

....Respondents

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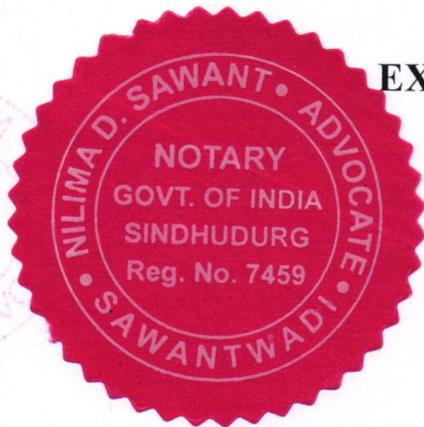
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Pune: 23/04/2025


Advocate for Respondent No.2

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

EXECUTION APPLICATION NO. 07 OF 2024



In Case of O.A. No. 28 of 2014 (WZ)
Pune Letter Petition No. 26 of 2014
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

ADDITIONAL AFFIDAVIT ON BEHALF OF RESPONDENT NO. 2

I, Suhas Balaso Patil, Age - 34, 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 Additional Affidavit in his behalf in this Execution Application No. 07 of 2024.
2. I am submitting this Affidavit in compliance with the order dated 24/02/2025 of this Hon'ble Tribunal especially direction given in Para 12 and 13.

3. I say and state that, the then Range Forest Officer, Sawantwadi and field staff conducted inspection of the plantation made by Respondent No. 4 in the land in question during the period 15/03/2024 to 19/03/2024 and prepared a detailed Inspection Report. He has specifically mentioned in his report the species of the trees observed in



BEFORE ME

N. D. Sawant

**N. D. SAWANT
ADVOCATE NOTARY**

Rajratna Complex

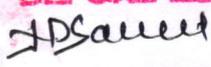
New Salaiwada Opp. Tahasildar Office
Tal. Sawantwadi, Dist- Sindhudurg
Mob. No. 9422596494

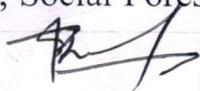
the land in question. List of the observed trees along with its species is hereby attached to this Affidavit for your honors kind information as

EXHIBIT - RA.

4. Inspection Report of the period 15/03/2024 to 19/03/2024 of the then Range Forest Officer, Sawantwadi is also produced along with this Affidavit for your honors kind information as **EXHIBIT - RB.**
5. I humbly state and submit that in Para 13 of the order dated 24/02/2025 Hon'ble Tribunal has asked Respondent No. 2 as to whether Respondent No. 2 in a position to plant remaining number of trees, if directed by this Hon'ble Tribunal and its cost and expenditure. In this regard I humbly state and submit that for planting remaining number of trees we need clear block of 12 hectors with spacing of 2 x 2 meter and 24 hectors with 3 x 3 meter spacing. In this regard I also humbly state and submit that work of plantation on non-forest land is specifically given to Social Forestry Department. For that purpose in Sawantwadi district authorized plantation authority is Divisional Forest Officer, Social Forestry Department, Sindhudurg. I say and submit that Respondent No. 2 wrote a letter dated 27/03/2024 to Divisional Forest Officer, Social Forestry Department, Sindhudurg and asked the possibility of planting the remaining number of trees as per the direction of this Hon'ble Tribunal and its cost and expenditure.
6. Divisional Forest Officer, Social Forestry Department, Sindhudurg in turn by his letter dated 01/04/2025 directed Assistant Conservator of Forests, Social Forestry Department, Sindhudurg to inspect the land in



BEFORE ME

N. D. SAWANT
ADVOCATE NOTARY
 Rajratna Complex
 Sawantwadi Opp. Tahasildar Office
 Sawantwadi, Dist- Sindhudurg
 Mob. No. 9422596494



question and check the possibility of planting the remaining number of trees as per the direction of this Hon'ble Tribunal and to submit its cost and expenditure. Accordingly, Assistant Conservator of Forests, Social Forestry Department, Sindhudurg inspected the land in question and submitted a report of it to the Divisional Forest Officer, Social Forestry Department, Sindhudurg.

7. Then Divisional Forest Officer, Social Forestry Department, Sindhudurg by his letter dated 17/04/2025 informed Respondent No. 2 that major portion of land in question except the stiff slope is already occupied by the earlier plantation. The land remained is having stiff slope and landslides have occurred in two or three places due to the stiff slope. The plantation of trees like Kadamb, Acacia, Indian Fig, Coconut, Cashew, Peepal, Mango, etc. is already taken on major portion of land and now there is no space for new plantation. Also, plantation of big trees is not possible on stiff slope of the land in question because landslides are already occurred on some portion of the stiff slope of the land in question. Therefore, Divisional Forest Officer, Social Forestry Department, Sindhudurg shown his inability to plant remaining number of trees on the land in question. That letter dated 17/04/2025 of Divisional Forest Officer, Social Forestry Department, Sindhudurg is hereby attached along with this Affidavit for your honors kind information as **EXHIBIT - RC**.

BEFORE ME

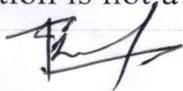
JPS

V. D. SAWANT 8.

VOCATE NOTARY

Rajratna Complex
wada Opp. Tahasildar Office
antwadi, Dist- Sindhudurg
b. No. 0422596494

- I also humbly state and submit that such suitable forest area for plantation is not available in the forest areas of this forest division due



to reasons like undulating terrain, lack of open areas and soil depth. Since required forest area for the plantation is not available in this Forest Division, I pray this Hon'ble Tribunal to pass any other appropriate order in this regard.

Pune.

Date :22/04/2025

(Suhas Balaso Patil)

Range Forest Officer, Sawantwadi
authorized officer
for the Respondent No. 2

VERIFICATION

I, Suhas Balaso Patil, Age - 34, 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 8 of the Additional 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 :22/04/2025

witness.

Premod Vasant Rane.
R/o. Sawantwadi.

This document has been personally presented & signed by Shri / Smt / Mrs / Miss Suhas Balaso Patil residence of Sawantwadi, who is identified by Shri / Smt / Mrs / Miss Premod Vasant Rane to whom I personally know No. of corrections — No. of pages 4 Notary Regd No. 110/2025 Date 22/04/2025



(Suhas Balaso Patil)

Range Forest Officer, Sawantwadi
authorized officer
for the Respondent No. 2



BEFORE ME

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



Sr. No.	Tree Species	Inspection Date				Total number of trees planted
		15.03.2024	16.03.2024	18.03.2024	19.03.2024	
21.	Ritha	-	-	02	-	02
22.	Wild tamarind	-	-	-	18	18
23.	Fhanas	-	-	39	-	39
24.	Teak	-	-	01	-	01
25.	Bhedlamad	-	-	12	02	14
26.	Banyan	-	-	03	06	09
27.	Chadivad	-	-	-	27	27
28.	Kadmba	-	-	-	03	03
29.	Areca Catechu	08	-	-	-	08
30.	Cocount	-	120	86	-	206
31.	Cinnamon	-	34	1	-	35
Total						17279



Office of the Range Forest Officer, Sawantwadi

Mordongri, Sawantwadi

E-mail- rfosawantwadi@gmail.com

No : A/Desk-Court Case/Banda Check post-Plantation/23-24/589

Sawantwadi
Dt. 21/03/2024

To,
Deputy Conservator of Forests (T),
Forest Division, Sawantwadi

Subject : NGT Case No. 28/2014

Shri. Saiprasad Kalyankar Vs The Regional Transport
Officer (RTO) and Others

Regarding plantation taken as per above matter

- Reference :**
- 1) NGT Case Application no.28/2014 Order dated 10/09/2014
 - 2) NGT Case Ex. Application no 06/2018 Order dated 13/03/2019
 - 3) Conservator of Forests (Province) Sawantwadi letter no.
 - 4) Conservator of Forests (Province) Sawantwadi letter no.
 - 5) Shri. Saiprasad Mangesh Kalyankar (CA) A/P. Banda Taluka Sawantwadi Application dated 20/01/2024
 - 6) Conservator of Forests (Province) Sawantwadi letter no. B/Desk-Court case/Banda Check post/23-24/2601 Sawantwadi Dt. 27/02/2024
 - 7) Conservator of Forests (Province) Sawantwadi letter no. B/Desk-Court case/Banda Check post/23-24/2648 Sawantwadi Dt. 29/02/2024
 - 8) Maharashtra State Road Development Corporation letter no. Mararavi/02/Savyans (Abhi)/Athikraman/BCP/2024/1600 dt.06/03/2024
 - 9) Conservator of Forests (Province) Sawantwadi in this regard letter no. B/Desk-Court case/Banda Check post/23-24/2687 Sawantwadi Dt. 06/03/2024
 - 10) Forester Banda's report No. A/C.P.Banda/P.C./314/2023-24, Banda, dated 21/03/2024

In the above-mentioned case, at Mauje Banda, Tal. Sawantwadi, Survey No. 189 C, Area 11.95 ha, tree felling was carried out for the modernization of the border check post. In this regard, as per the order of the Hon'ble National Green Tribunal in Execution Application No. 06/2018 in Original Application No. 28/2014, order was passed on 13/03/2019. According

to this order, instructions were given to complete the tree plantation work before 13/03/2020.

In the matter of Execution Application No. 06/2018 in Original Application No. 28/2014 the Hon'ble National Green Tribunal issued an order dated 13/03/2019. As per the order dated 13/03/2019, a joint site inspection was conducted by 1. The Sub-Regional Transport Office, Sindhudurg, 2. Maharashtra State Road Development Corporation (MSRDC), Banda, Mumbai, and 3. The Forest Range Officer, Sawantwadi, along with subordinate staff. The inspection was carried out in the presence of all concerned parties at Survey No. 189 C, Area 11.95.00 hectares, located at Mauje Banda, Satwadi, to assess the current status of tree plantation in the border check post area. The inspection took place between 15/03/2024 and 19/03/2024. A report in this regard, referred to as Report No. 10, has been submitted by the Forester, Banda.

On 15/03/2024, the Forest Range Officer (Private), Sawantwadi, MSRDC Executive Engineer, RTO Officer, Motor Vehicle Inspector, Assistant Motor Vehicle Inspector, Assistant MSRDC Representative, Complainant Shri Kalyankar's representative, Panch, Gardener, Forester, Banda, and Forest Guard and Vanmujar were present. At Survey No. 189 C, Area 11.95 ha, Mauje Banda, Satwadi, in the border check post area counting of the trees planted started from 15/03/2024 in accordance with the orders of the Hon'ble National Green Tribunal.

From 15/03/2024 to 19/03/2024, the counting of trees planted in the said area was completed and Panchnama and related documents are prepared. According to spot visit and Panchnama on said area total number of 26665 plants counted out of which 17279 plants are of tree species and remaining 9386 plants are of bamboo, grass and ornamental species. It was observed that water supply was arranged through drip irrigation using two plastic tanks installed at the upper part of the hill in an east-west direction. However, the plants did not appear to have been watered. Additionally, it was found that weeds, grass, and dry waste were spread around the plants, which were in a dry condition. In view of the potential risk of injury or damage to the plants due to fire in the area, it is

necessary to take effective protective and conservation measures. Therefore, the Transport Officer and the representative of MSRDC are directed to take all necessary steps to ensure the protection and maintenance of the planted trees.

Instructions have been given before the panel and to the representatives and further necessary action has been suggested. As above

The report of joint inspection conducted during the period 15/03/2024 to 19/03/2024 is being submitted herewith.

(M.A. Kshirsagar)
Range Forest Officer,
Sawantwadi

Abstract of counted trees						
Sr. No.	Tree Species	Inspection Date				Total number of trees planted
		15.03.2024	16.03.2024	18.03.2024	19.03.2024	
1.	Cashew	1313	3005	7176	1484	12978
2.	Gulmohar	60	-	-	48	108
3.	Coral Jasmine	07	-	08	-	15
4.	Peepal	01	-	-	-	01
5.	Palm	279	-	231	26	536
6.	Pentaforam	32	-	17	-	49
7.	Burflower	01	-	-	-	01
8.	Bambo	360	-	344	2488	3192
9.	Oriental Thuja	03	-	06	02	11
10.	Black Ficus	91	-	23	25	139
11.	Carissa carandas	155	-	-	-	155
12.	Java plum	10	-	1256	42	1308
13.	Hibiscus	25	-	30	17	72
14.	Forest Other	17	20	02	-	39
15.	Mango	08	28	238	780	1054
16.	Ber	02	-	-	-	02
17.	Jackfruit	52	-	-	03	55
18.	Guava	08	-	-	05	13
19.	Areca catechu	08	-	-	-	08
20.	Lemon Grass	667	-	-	-	667
21.	Acacia	163	400	307	195	975
22.	Buchanania lanzan	05	01	06	18	30
23.	Shikekai	01	-	61	10	73
24.	Flower Tree	168	-	67	13	248
25.	Indian Fig	04	-	01	01	06
26.	Holy baisl	06	-	-	02	08
27.	Niv	01	-	-	-	01
28.	Cocount	-	120	86	-	206

29.	Kokum	-	19	24	-	43
30.	Other	-	15	-	-	15
31.	Cinnamomum verum	-	34	1	-	35
32.	Acacia mangium	-	-	02	05	07
33.	Portia	-	-	03	02	05
34.	Indian Laurel	-	-	05	-	05
35.	Microcos paniculata	-	-	80	-	80
36.	Bombax	-	-	05	-	05
37.	Ashoka Tree	-	-	49	-	49
38.	Indian soapberry	-	-	02	-	02
39.	Trema orientalis	-	-	11	-	11
40.	Jackfruit	-	-	39	-	39
41.	Teak	-	-	01	-	01
42.	Jiggery palm	-	-	12	02	14
43.	Bottle Floc	-	-	44	-	44
44.	Nerium	-	-	273	-	273
45.	Banyan	-	-	03	06	09
46.	Lemon Grass	-	1752	-	2200	3952
47.	Macaranga peltata	-	-	-	27	27
48.	Burflower	-	-	-	03	03
49.	Kanak tree	-	-	-	01	01
50.	Crown Flower	-	-	-	29	29
51.	Salacia oblonga	-	-	-	33	33
52.	Frangipani	-	-	-	02	02
53.	Leucaena leucocephala	-	-	-	18	18
54.	Ficus exasperatavahl	-	-	-	08	08
55.	Achiote	-	-	-	02	02
56.	Acretia	-	-	-	04	04
	Total					26665



**Office of the Divisional Forest Officer,
Social Forestry Department, Sindhudurg**
Administrative Building, C Block, 2nd Floor, Sindhudurnagari-४१६८१२
Phone/Fax No. (०२३६२) २२८७१६ E-mail- dfosfdsindhudurg@gmail.com

O. No : B/Plan/Court Case Plantation/22/2025-26

Sindhudurg Nagari,
Dated 17.04.2025

To,
Deputy Conservator of Forests,
Sawantwadi Forest Division, Sawantwadi

Subject : NGT Case No. 28/2014

Shri. Saiprasad Kalyankar Vs The Regional Transport
Officer (RTO) and Others
Regarding plantation taken as per above matter

- Reference :** 1) NGT Case Application no.28/2014 dated Order dated 24.02.2025.
2) Your office letter No. A/Court case/Banda Checkpost-Plantation/24-25/4953 dated 27.03.2025
3) This office's letter No. B/Scheme/Court Case Plantation/09/2024-25 dated 01/04/2025
4) Assistant Conservator of Forests, Social Forestry, Sindhudurg's letter no. A/Savsam/ NGT Case /124 dated 17.04.2025

Vide Reference No. 1 order, in accordance with the tree felling done for the modernization of the border check post in survey number 189 area 11.95.00 Hectare R. at Mouje Banda, Taluka Sawantwadi, the Regional Forest Department (Territorial) is not able to plant trees in the said place and it is appropriate for your department to take the tree plantation in the said non-forest area. Is it possible or how to plant the remaining trees as per the order? If so, what will be the cost of planting the said tree? If so, how much will the cost of planting the said tree? A request was made under Reference No. 2 to submit the estimates in this regard to this office immediately.

Vide Reference No. 3, the Assistant Conservator of Forests, Social Forestry Department, Sindhudurg was informed to inspect whether it is possible

or how to plant the remaining trees in the said place as per the Hon'ble Tribunals order? If so, how much will be spent on the said tree plantation? Estimates in this regard should be prepared and submitted to this office.

As per order Assistant Conservator of Forests, Social Forestry Department, Sindhudurg inspected the said area with Range Forest Officer, Social Forestry, Sindhudurg and Forester, Social Forestry, Sindhudurg on 16/04/2025. It was seen that new roads and constructions were built to modernize the border checkpoint and in the remaining area plantation of trees like Mango, Cashew, Peepal, Pam, Jackfruit, Acacia, etc. is already taken and also Cashew seedlings were seen to be planted on a large scale at a spacing of 2 x 2 meter and now in the said area there is no space for new plantation. Assistant Conservator of Forests, Social Forestry Department, Sindhudurg vide Reference No. 4 submitted a report that Major portion of land in question except the stiff slope is already occupied by the earlier plantation and that's why there is no space for new plantation. Copy of this is attached herewith.

So, as per the above report, tree plantation cannot be done in the area of Mouje Banda Survey No. 189 Area 11.95.00 Ha. R. Also, since the Social Forestry Department does not have any non-forest land available in Sindhudurg district, the said tree plantation cannot be done. For information and necessary action.

----Sign----
(Rajendra Magdum)
Divisional Forest Officer,
Social Forestry Division,
Sindhudurg

BEFORE THE NATIONAL GREEN
TRIBUNAL, WESTERN ZONE, PUNE

Execution Application No.07 of 2024 (WZ)

In the matter of :

Saiprasad Mangesh Kalyankar ...Applicant

Versus

The Regional Transport Officer & ors. Respondents

Reply Affidavit of Respondent No.2

DATED 23rd April, 2025

D.M.GUPTE

ADVOCATE FOR RESPONDENT NO.2

3, LAXMAN APARTMENT

25/26, OLD TOPKHAHANA,

S'NAGAR, PUNE – 411 005

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