

BEFORE THE NATIONAL GREEN TRIBUNAL
WESTERN ZONE BENCH AT PUNE
EXECUTION APPLICATION NO. 7 OF 2024
IN
ORIGINAL APPLICATION NO. 28 OF 2014

Saiprasad Mangesh Kalyankar

...Applicant

Versus

The Regional Transport Officer (R.T.O.)

& Ors.

...Respondents

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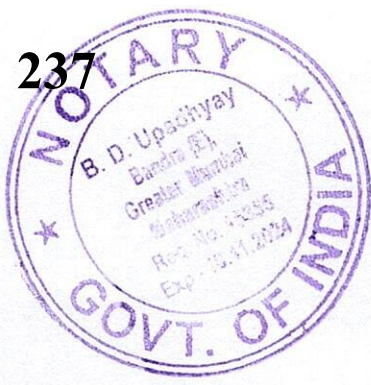
AFFIDAVIT IN REPLY ON BEHALF OF RESPONDENT

NO. 4-MSRDC:

I, Muktesh Wadkar, aged 44 years, Indian Inhabitant, the Executive Engineer and Authorised Signatory of Respondent No. 4, having my office address at Maharashtra State Road Development Corporation Ltd., Near Lilawati Hospital, Opposite Bandra Reclamation Depot, Bandra (W) – 400 050, do solemnly state on oath and affirm as under:-

1. I am the Authorised Signatory of Respondent No. 4 having my address as mentioned above. I have gone through the captioned Execution Application filed in OA No. 28 of 2014 and the documents filed along with the captioned Original Application by the Applicant. I am familiar with the facts of the case from personal knowledge as well as from office



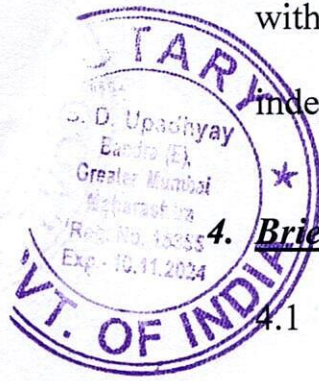


records available with Respondent No. 4 and am competent to depose to the facts in this Affidavit-in-Reply (the "Reply").

2. I am filing the Reply for the limited purpose of opposing the maintainability/admission of the present Execution Application and consequently, the grant of any reliefs in favour of the Applicant. I crave leave of this Hon'ble Tribunal to file a detailed Affidavit in Reply to the captioned Execution Application and/or further detailed affidavit(s) and/or additional Affidavit along with supporting documents, if the circumstances so warrant.

3. At the outset, I deny all allegations, contentions, and submissions made in the Execution Application, which are contrary to or inconsistent with what is stated in the Reply. Further, I oppose the reliefs prayed for in the Execution Application against the present Respondent No. 4. None of the allegations, contentions, or submissions in the Execution Application which have not been specifically dealt with or denied by me, should be deemed to be admitted for want of specific traverse. Each ground, contention, averment, and/or pleading which is being taken by this Respondent No. 4 are

without prejudice to each other and are to be read independently of each other.



4. Brief Background

4.1 The Maharashtra State Road Development Corporation Limited (“MSRDC”) is a Corporation established and fully owned by the Government of Maharashtra through a Resolution dated 9th July 1996 and has been incorporated as a Limited Company under the Companies’ Act, 1956 on 2nd August 1996. Respondent No. 4-MSRDC is charged with responsibility of planning, designing, constructing and managing, select road projects, fly overs, bridges, and water transport projects etc. and integrated road development projects in selected cities of the State. It also provides road site amenities and any other infrastructure tasks assigned to it.

4.2 The Government of Maharashtra *vide* Notification dated 25th March 2008 decided to carry out modernization and computerization of 30 Border Check Posts (hereinafter referred to as “**said project**”). In the said project, the Respondent No. 4 is appointed as “Project Implementing





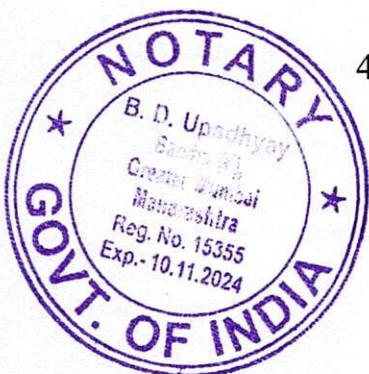
Agency” for the implementation of the said project and the expenditure for carrying out the said project was estimated by Government to the tune of Rs. 1000 crores.

4.3 Respondent No. 4 started with the said project by inviting tenders from eligible persons for implementing the said project for and on behalf of the Government of Maharashtra. Accordingly, Respondent No. 4 invited proposals from the bidders for construction, operation and maintenance of the said project on ‘Build, Operate and Transfer’ (BOT) basis. Respondent No. 4 received bids from several persons for implementing the said project and after evaluating the bids received, Respondent No. 4 accepted the bid submitted by the consortium comprising of M/s. Sadbhav Engineering Limited, M/s. SREI Sahaj e-village Limited (“Consortium”) with M/s. Sadbhav Engineering Limited as its Lead member by issuing the Letter of Acceptance (LOA) dated 27th February 2009. The aforesaid consortium was formed/ acting pursuant to the Memorandum of Understanding (“MoU”) entered into by them for the purpose of bidding for the said project and



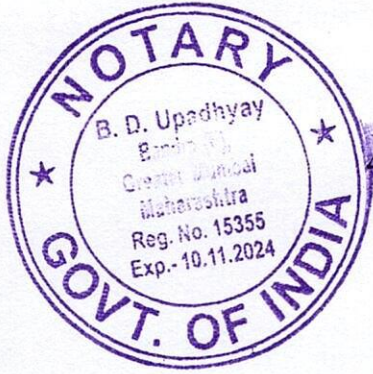
after successful bidding process, accordingly, a Special Purpose Vehicle (“SPV”) namely Maharashtra Border Check Post Network Limited (hereinafter referred to as the “**Concessionaire**” of the project) was formed and incorporated to implement the said project. On 30th March 2009, the Government of Maharashtra entered into a Concession Agreement with the Concessionaire for implementation of the said project.

4.4 The present Applicant filed the captioned Original Application in the year 2014 before this Hon’ble Tribunal raising several environmental issues including *inter alia* allegations that the project does not comply with the environmental rules and regulations and therefore, should not be continued with.



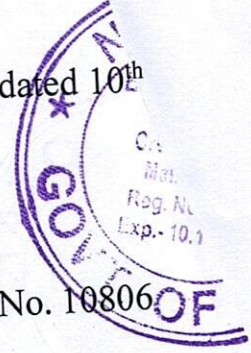
4.5 Vide Order and Judgment dated 10th September 2014 (“**said Judgment**”), this Hon’ble Tribunal dismissed the Original Application, and passed directions for all Respondents to be complied with due to the reason that the project has to be proceeded with. Hereto annexed and

marked as "Exhibit-A" is a copy of Judgment dated 10th September 2014.



4.6 I say that Respondent No. 4 filed Civil Appeal No. 10806 of 2014 challenging the said Judgment before the Hon'ble Supreme Court. The Hon'ble Supreme Court vide Order dated 28th January 2015 directed the deletion of sub paragraphs (i), (ii), (iii), (vi) and (vii) of paragraph 41 from the said Judgment passed by this Hon'ble Tribunal. Hereto annexed and marked as "Exhibit-B" is a copy of the SLP Order dated 28th January 2015.

4.7 The present Execution Application has been erroneously and misguidedly filed by the present Applicant *inter alia* alleging that the said Judgment dated 10th September 2014 passed by this Hon'ble Tribunal in OA No. 28 of 2014 has not been complied with by the present Respondent No. 4-MSRDC. It is submitted that the present Applicant has filed the present Execution Application which is beyond the scope of the present Execution Application and is in fact, impermissible under



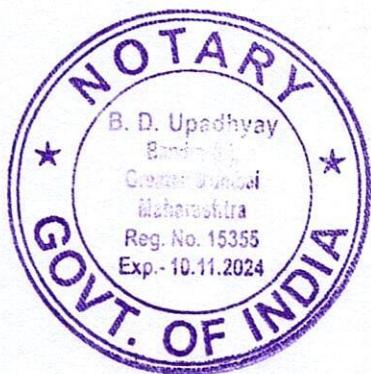
the provisions of the National Green Tribunal Act, 2010 (“NGT Act”) and the extant laws.

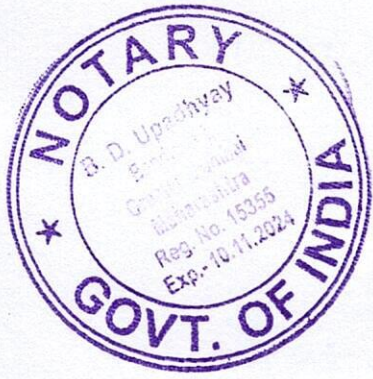


5. PRELIMINARY OBJECTIONS

5.1 *Res Judicata/ Constructive Res Judicata/ Issue Estoppel*

5.1.1 The present Applicant has a chequered history of filing litigations with respect to the subject matter and more specifically has filed a number of applications for the same relief of compliance of said Judgment dated 10th September 2014 passed by this Hon’ble Tribunal in Original Application No. 28 of 2014 and which have been consistently dismissed by this Hon’ble Tribunal including Order dated 25th May 2015. The Applicant has previously filed an Execution Application No. 6 of 2018 for identical reliefs as the present application, which came to be dismissed by the Principal Bench of this Tribunal on 13th March 2019. Thereafter, the Applicant filed a Miscellaneous Application No. 5 of 2019 for similar reliefs before this Tribunal, which was also dismissed by the Principal Bench of this Tribunal vide Order dated 1st May 2019 as being devoid of any merits. Thereafter, the Applicant filed another Miscellaneous





Application No. 9 of 2020 in OA No. 28 of 2014 for similar reliefs before the Principal Bench of this Tribunal, which was also dismissed by the Principal Bench of this Tribunal vide Order dated 10th June 2021. Hereto annexed and marked as "Exhibit-C" is copy of Order dated 13th March 2019 passed in EA No. 6 of 2018, "Exhibit-D" is copy of Order dated 1st May 2019 passed in MA No. 5 of 2019, "Exhibit-E" is copy of Order dated 10th June 2021 passed in MA No. 9 of 2020 and "Exhibit-F" is copy of Order dated 25th May 2015 passed in OA No. 28 of 201.

5.1.2 It is submitted that considering that the same issue has been raised in EA No. 8 of 2018, MA No. 5 of 2019 and MA No. 9 of 2020 in OA No. 28 of 2014 filed by the very same Applicant which came to be dismissed by the Principal Bench of this Tribunal on 13th March 2019, 1st May 2019 and 10th June 2021, respectively, the Applicant is estopped from filing a fresh Execution Application for the same reliefs in respect of the same matter. It is not open to the party to reagitate a matter that has been determined in a former proceeding or

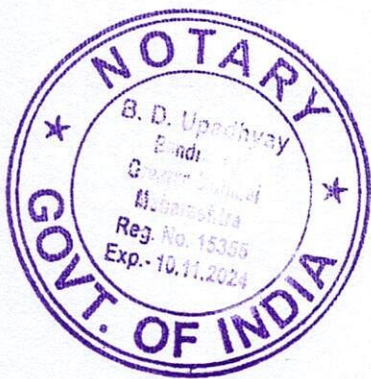
ought to have been pressed as it would simply be an abuse of the process of this Tribunal. It is also pertinent to note that the same has also been duly noted by this Tribunal in the Judgment dated 10th September 2014.



5.1.3 Hence, it is submitted that the present Execution Application would be hit by the principles of Res Judicata, Constructive Res Judicata, Issue Estoppel and principles analogous therewith and would accordingly not be maintainable and hence, liable to be dismissed.

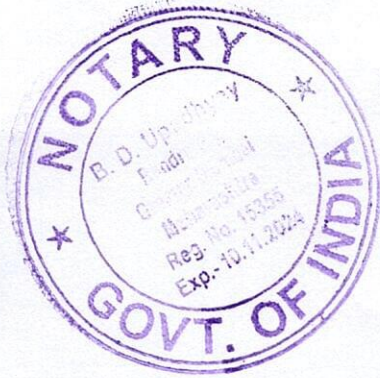
5.2 Suppression of material facts

5.2.1 It is settled law that when a person approaches the Court for granting reliefs, they are under an obligation to disclose all material and important facts which have a clear bearing on the issues raised in the matter. And if a person approaches the Court with unclean hands, they must be dealt with iron hands.



5.2.2 It is submitted that the present Applicant has failed to place on record vital and material facts and documents before this Hon'ble Tribunal that clearly demonstrate

that the captioned Execution Application ought to be dismissed *in limine*.



5.2.3 The present Applicant has failed to disclose the fact that the Applicant has previously filed EA No. 6 of 2018, MA No. 5 of 2019 and MA No. 9 of 2020 in the same Original Application No. 28 of 2014 for identical reliefs and that the same have been dismissed by this Tribunal vide Orders dated 13th March 2019, 1st May 2019 and 10th June 2021 respectively. The Applicant has failed to make any averments giving reasons as to why the same issue has been re-agitated before the same forum over and over again. It is submitted that Respondent No. 4 has duly complied with the directions as given by this Tribunal in the said Judgment dated 10th September 2014 and this execution application has been filed by the Applicant only to harass the Respondent Authority.

5.2.4 The Applicant has selectively disclosed facts in the present application which also amount to suppression of material facts. Therefore, it is submitted that this act of the Applicant clearly makes the Applicant guilty of

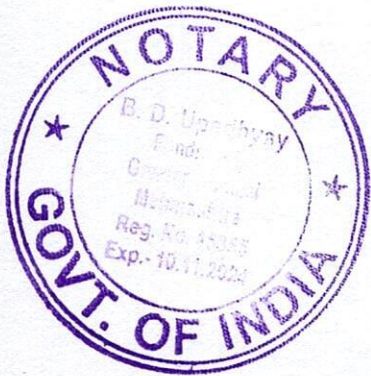
suppression veri and *suggestio falsi*. The captioned execution application is not a bonafide application and the Applicant is not a bonafide litigant. The Applicant has actively attempted to mislead this Tribunal and on this ground alone, the present execution application is liable to be dismissed.

6. ON MERITS

6.1 It is prayed, on the basis of the preliminary objections set out above, that the present Execution Application be dismissed. However, without prejudice to what is stated above, Respondent No. 4-MSRDC states that even on merits, the Applicant has failed to make out a cogent case that deserves any relief or interference from this Tribunal. Respondent No. 4-MSRDC is limiting its submissions to the compliance of the said Judgement dated 10th September 2014 in the present Execution Application.

6.2 **All compliance of the Final Judgment has been duly complied**

6.2.1 On 5th September 2009, the project work was awarded to M/s. Maharashtra Border Check Post Network Ltd., the

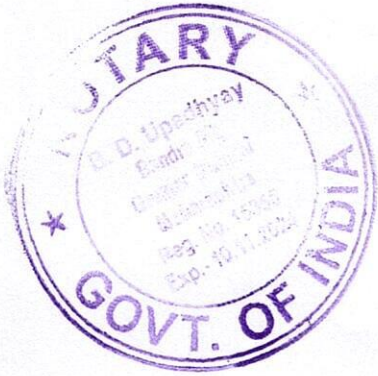


Concessionaire by way of work order on BOT basis by Respondent No. 4. It is now the responsibility of the Concessionaire to operate and maintain the Check Post for the concession period which terminates in the year 2033. Pursuant to passing of the said judgment, Respondent No. 4 proceeded to take the necessary steps in order to comply with the directions of this Tribunal, the same are described in detail hereinbelow:

A) Compliance of Paragraph No. 39 of the said Judgment

(a) Paragraph No. 39 of the said Judgment directs Respondent No. 4-MSRDC to take permission of the competent authority for delineation of area from the irrigation command area for completion of the said project.

(b) I say that Respondent No. 4 had applied to the Chief Engineer (Water Resource Department) by way of letters dated 20th January 2015 and 11th March 2015, requesting for deletion of the acquired land (land i.e., required for the said project) from the command area



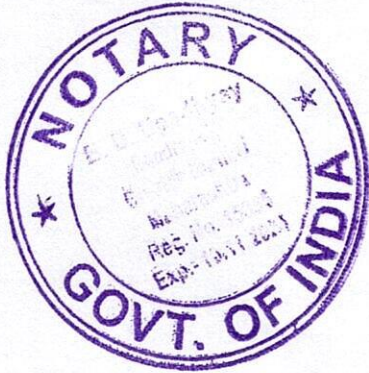
of the Tilari Canal. Hereto and annexed as "**Exhibit-G-1**" and "**Exhibit-G-2**" are copies of the letters dated 20th January 2015 and 11th March 2015 respectively.

(c) After due follow up with the Water Resource Department, the Department was pleased to issue No Objection Certificate for deleting the acquired land (required for the said project) from the command area of Tilari Canal on 2nd July 2015. Hereto annexed and marked as "**Exhibit-H**" is a copy of NOC of the Water Resource Department dated 2nd July 2015. Therefore, it is submitted that the compliance of paragraph No. 39 stands complied.

B) Compliance of Direction No. (iv) of the said Judgment

(a) The direction No. (iv) of the said Judgment directs Respondent No. 4 to carry out compensatory afforestation of 44,000 trees as per opinion to be obtained from Respondent No. 5, the Agricultural University, Dapoli. Accordingly, Respondent No. 4 addressed a letter dated 18th February 2015, along with





copy of NGT order requesting the Vice Chancellor of the Konkan Krishi Vidyapeeth, Dapoli, (Agricultural University), Dapoli, to conduct a joint site visit along with the officials of Respondent No. 4. Hereto annexed and marked as "**Exhibit-I**" is a copy of letter dated 18th February 2015.

(b) Subsequent thereto, a joint site visit was conducted with the officials of the Agricultural University, Dapoli on 10th March 2015, after which the inspection committee submitted a report setting out the details and the parameters to be followed when carrying out a plantation which are enlisted herein below:

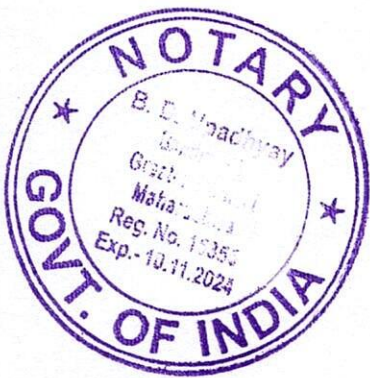
- i. Finalization of land for plantation of trees after finalization of plan of construction;
- ii. Construction of compound wall;
- iii. Excavation and filing of the land;
- iv. Water supply, pump and electric improvement;
- v. Clearing land etc.

Hereto annexed and marked as "**Exhibit-J**" is a copy of the report dated 18th March 2015.



(c) The said Judgment had further ordered Respondent No. 4 to replant 44,000 trees in either the border check post area or acquired area or area near the NH-17. Based upon the information provided by the various concerned authorities as also Respondent No. 4's own appraisals, it is an un-disputable position that the Concessionaire can only plant trees to an extent of area of around 2 to 3 acres of land in the acquired land under the guidance and supervision of Agricultural University, Dapoli. Therefore, there was a need for alternative land for plantation of remaining trees as per the directions of this Tribunal.

(d) As the Concessionaire required more land for carrying out the plantation work, Respondent No. 4 made a request to the Joint Commissioner, Transport Department, vide letters dated 28th November 2014, 5th January 2015 and 16th March 2016, requesting to apply to the Forest Department and/or the Office of the Collector, Sindhudurg for making additional land available to Respondent No. 4 for carrying out further afforestation. Hereto annexed and marked as "Exhibit-



K-1", "**Exhibit-K-2**" and "**Exhibit-K-3**" are copies of the letters dated 28th November 2014, 5th January 2015 and 16th March 2016 respectively.

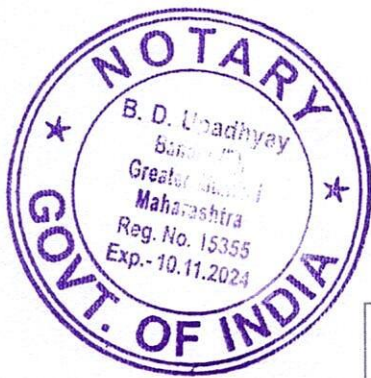


(e) The Transport Department addressed a letter dated 29th March 2016 to the District Collector and a letter dated 28th April 2016 to the Forest Department, requesting both of them for any additional land to be made available to Respondent No. 4 and/or the Concessionaire for further plantation. Hereto annexed and marked as "**Exhibit-L-1**" and "**Exhibit-L-2**" are copies of the letters dated 29th March 2016 and 28th April 2016 respectively.

(f) I say that in addition to the above, Respondent No. 4, vide letters dated 5th April 2016 and 10th June 2016, requested the National Highways Division. PWD, to grant permission to plant trees in the Right of Way of NH No. 17. Hereto annexed and marked as "**Exhibit-M-1**" and "**Exhibit-M-2**" are copies of letters dated 5th April 2016 and 10th June 2016 respectively.



(g) Further, Respondent No. 4 also requested the Chief Executive Officer, Sawantwadi, to grant permission to plant trees on any plot of land situated at Sawantwadi. Thereafter, the Chief Executive Officer, Sawantwadi, permitted afforestation over 12 Location in and around Sawantwadi based on the said request. Accordingly, a site visit was conducted by Respondent No. 5, the Agriculture University, Dapoli to consider the feasibility to plant trees over 14 land pockets admeasuring about 1,785 sq. mtrs. in and around Sawantwadi comprising of 1160 trees and also propose plantation of around 48,757 trees on the acquired land of Border Check Post at Banda. Hence, the land permitted by CEO, Sawantwadi was not used for plantation as it was staggered and the following list of plants were proposed to be planted in the area :



Sr No.	Location	Area	Spacing (Running m)	Plant spacing	No.
1	Pandurang Govind Kadam	262	5 m	Coconut	104
2	Vaman Parashuram Sonsheth	146.6	5 m	Coconut	58
3	Nilopha Gani Beg	128	3 m	Kokam	85
4	Satish Purshotam Vanjari	136	5 m	Coconut	55
5	Aatmaram Bhiva Naik	100	3 m	Kanchan	67



6	Shakil Khan aaslam Khan	105	3 m	Kokam	110
7	Shubhanrao Patankar	170	3 m	Nagakes har	113
8	Sukhadev Bapu Sawant	100	3 m	Jamun	67
9	Vishanu Dattaram Dogare	70	3 m	Nagakes har	46
10	Dileep Lakshuman Girap	112	3 m	Jamun	75
11	Reshma Sagir Shekh	146	2 m	Kavthich afa	146
12	Julekhabee Ebrahim Rakhagi	122	3 m	Tamhan	81
13	Dileep Lakshuman Girap	88	3 m	Tamhan	53
14	Digabar G. Varang	100	2 m	Kavthich afa	100
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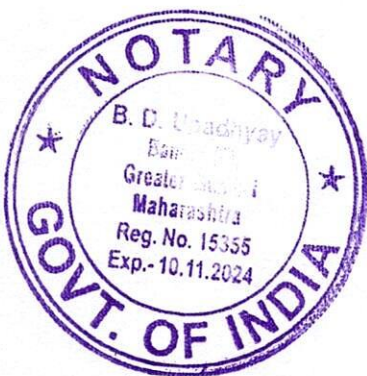
(h) On 12th August 2017, Agricultural University, Dapoli permitted the following schedule of trees to be planted on the acquired land of Border Check Post at Bandacomprising of 48,757 trees:

Sr No.	Location	Area	Spacing (m)	Plant spacing	Number
1	Zone 1	1808	2 x 1	Ain	904
2	Slope 1	8160	0.6 x 0.6	Lemon grass	22667
3	Zone 2	4735	2x2	Cinnamon	116
4	Slope 2	4905	0.6 x 0.6	Lemon grass	13625
5	Zone 3	908	2x1	Kinjal	454
6	Zone 4	5463	2x2	Jackfruit	1366
7	Zone 5	5990	2x2	Jamun	1498
8	Zone 6	3127	1x1	Bamboo	8127

	Total				48757
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Hereto annexed and marked as "**Exhibit-N**" is a copy of letter dated 12th August 2017 of Chief Executive Officer, Sawantwadi.

- (i) Thereafter, on 5th July 2019, the Agricultural University, Dapoli inspected the plantations in the area wherein it has been duly stated that 49,197 trees have been planted in the BCP area. On 29th August 2019, the Forest Department also visited the site and accordingly, prepared a Panchnama wherein it has been categorically recorded that as on date, a total of 70,781 trees are on the available land. It is pertinent to note that the Applicant himself has visited the site and has confirmed in his letter dated 18th May 2022 to all the authorities that 70,781 trees have been planted, claims of all of his doubts have been cleared and he doesn't have any complaint in this regard and will not have any in future as well. Therefore, Respondent No. 4 submits that Direction No. (iv) of the said Judgment dated 10th September 2014 as regards to plantation of





44,000 trees has been duly complied with. Hereto annexed and marked as "**Exhibit-O**" is a copy of the Report of the Agricultural University, Dapoli dated 5th July 2019, "**Exhibit-P**" is a copy of the Panchnama dated 29th August 2019 of the Forest Department and "**Exhibit-Q**" is a copy of the Applicant's letters dated 18th May 2022.

- (j) It is submitted that Respondent No. 4 was also directed to deposit a sum of Rs.10,00,000/- (Rupees Ten Lakhs only) with the Collector's Office Sindhudurg, as a tentative cost for the afforestation programme. In compliance thereof, Respondent No. 4 has duly deposited such amount with the Collector, Sindhudurg by way of Cheque No. 238525 dated 11th January 2016, enclosed in the covering letter dated 27th December 2016. Hereto annexed and marked as "**Exhibit-R**" is a copy of the letter dated 27th December 2016. It is pertinent to point out here that Respondent No. 4 being a public government entity, the process of sanctioning and approval for release of funds was delayed due to the multiple tiers in the organization. Respondent No.

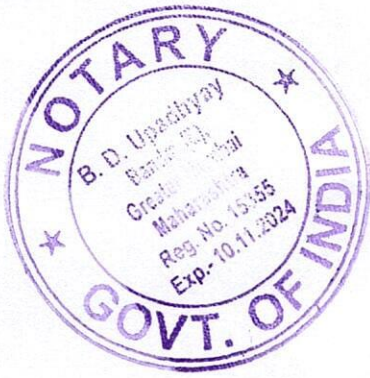
4 tenders its apology for not complying with the directions within the time frame of two months as directed in the said judgment.



(k) The direction No. (iv) of the said Judgment also directed Respondent No. 4-MSRDC to pay an honorarium of Rs. 25,000/- p.m. to the Agricultural University, Dapoli, for carrying out supervision of the plantation. It is submitted that the said payment was made by Respondent No. 4-MSRDC to the Agricultural University, Dapoli from time to time on the basis of the demand from the Agricultural University, Dapoli by way of Cheque No. 002500 and Cheque No. 003001 both dated 04th May 2019, enclosed in the covering letter dated 06th May 2019 as well as Cheque No. 002932 and Cheque No. 002533 both dated 21st September 2019. Hereto annexed and marked as "**Exhibit-S**" is a copy of the details of payments made to the Agricultural University, Dapoli.



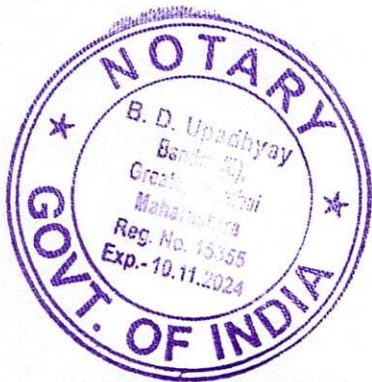
(l) In view thereof, I say that the compliance of direction no. (iv) stands complied with.

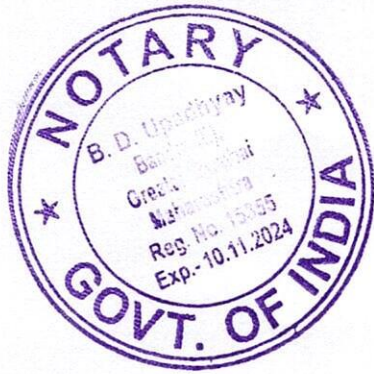


(m) Without prejudice to the contentions raised hereinabove, it is submitted that Respondent No. 4 has tried to oversee the maintenance of the said afforestation. Further, it is evident from the Order dated 25th May 2015 passed by this Tribunal in OA No. 28 of 2014, Respondent No. 4 has duly complied with the directions of the Judgment dated 10th and as regards the plantation of trees/plants, the same has to be carried out by the Concessionaire/Contractor. In lieu thereof, Respondent No. 4 conducted a site visit on 15th March 2024 along with Forest officials wherein it was found that certain trees had died due to non-maintenance of the same and at present, 17,279 trees and other 9,386 decorative plant, bamboo and lemon grass are on the said land. During the visit, it was observed that Bamboo trees are growing as a group of 5 to 6 shoots on each bamboo rhizomes totaling to 16,000 and lemon-grass planted as per the direction of Dapoli University was found wilted. However, due to amendment dated 23rd November 2017 to the Indian Forest Act, bamboo is

now considered as grass. Regardless, it is to be noted that bamboo was planted at the said site before the amendment dated 23rd November 2017 when it was categorized as a 'tree'. Therefore, at present, there are 39,473 trees, including bamboo. Hereto annexed and marked as "Exhibit-T" is a copy of the Site Visit Report dated 2nd April 2024.

(n) The Respondent No. 4 instructed the Concessionaire to plant tree as per the directions of this Tribunal. It was noted by the authority that M/s. Sadbhav Engineer Co., Ltd., the contractor agency of Respondent No. 4, has sublet project work to one M/s. Suwarna Buildcon Pvt. Ltd. However, certain disputes arose between M/s. Sadbhav Engineer Co., Ltd. and M/s. Suwarna Buildcon Pvt. Ltd. due to which a suit being Reg. Civil Suit No. 128/2021 was filed by M/s. Suwarna Buildcon Pvt. Ltd. before the District Court, Sawantwadi. The present Respondent No. 4 was not a party to the suit. Thereafter, a consent decree was passed in the matter on 6th June 2022 in terms of the Compromise Pursis wherein *inter alia* it was decided






that the Plaintiff, M/s. Suwarna Buildcon Pvt. Ltd. was authorized to continue with the work at the suit property and handover the site on suit property of the Defendant, M/s. Sadbhav Engineer Co., Ltd. after completion of work and it was directed that Defendants therein shall not disturb the actual physical possession of the plaintiff therein over the suit property till the entire work of Banda Border Check Post is completed and possession is handed over to concerned defendants. Hereto annexed and marked as "Exhibit-U" is a copy of the Order dated 6th June 2022 and "Exhibit-V" is a copy of the Compromise Pursis.

(o) Respondent No. 4 submits that the Concessionaire is tasked with the maintenance of the afforestation done and thus, has instructed the Concessionaire to replant the required number of trees.

C) Compliance of Direction No. (v) of the said Judgment

a) I say that in compliance with the directions of this Tribunal, M/s. Sadbhav Engineer Co., Ltd., the



contractor agency of Respondent No. 4 has deposited a sum of Rs. 20,00,000/- (Rupees Twenty Lakhs only) with the office of Respondent No. 4. Hereto annexed and marked as "**Exhibit-W**" is a copy of the receipt issued by Respondent No. 4 for the said payment.

b) Therefore, I say that direction no. (v) stands complied with by the Concessionaire.

D) Compliance of directions no. (i), (ii), (iii), (vi) and (vii)

a) It is reiterated that subsequent to the passing of the said Judgment, Respondent No. 4 had filed Civil Appeal No. 10806 of 2014 wherein the Hon'ble Supreme Court by way of order dated 28th January 2015 was pleased to delete the paragraph nos.(i) (ii), (iii), (vi) and (vii) of the said judgment. In view of such deletion, the directions issued by this Tribunal are no longer applicable and considered to be a part of the said judgment.



7. In view of the above facts and circumstances, it is submitted that Respondent No. 4-MSRDC has duly complied with the conditions of the said Judgment dated 10th September 2014.

Therefore, the present Execution Application is devoid of any merits and ought to be dismissed with costs.

Date:

Place:



[Handwritten Signature]

Advocates for Respondent No. 4

Deponent

[Handwritten Signature]

Authorised Signatory of
Respondent No. 4

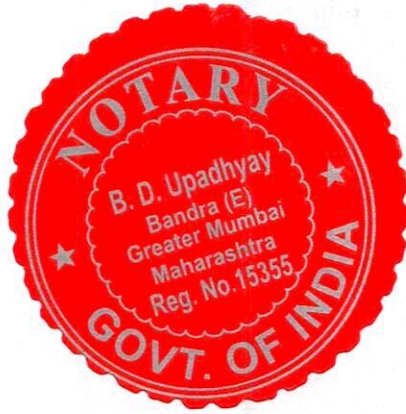
Executive Engineer
M.S.R.D.C. Ltd., Mumbai-50

VERIFICATION

I, Muktesh Wadkar, aged 44 years, Indian Inhabitant, the Executive Engineer and Authorised Signatory of Respondent No. 4, having my office address at Maharashtra State Road Development Corporation Ltd., Near Lilawati Hospital, Opposite Bandra Reclamation Depot, Bandra (W) – 400 050, do hereby state that I have submitted this Affidavit on solemn affirmation and oath. I have verified that the facts are true to my personal knowledge. I have not suppressed any material fact known to me and relevant to this matter.

Date:

Place:



Deponent

Authorised Signatory of
Respondent No. 4

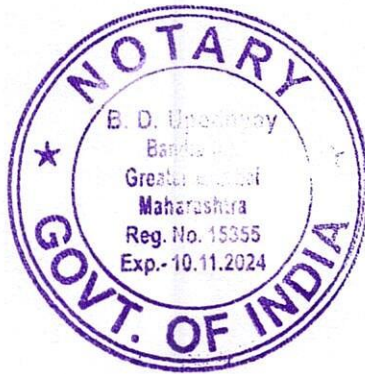
Executive Engineer
M.S.R.D.C. Ltd., Mumbai-50

Advocates for Respondent No. 4

BEFORE ME

B. D. UPADHYAY
B.A., LL.B
NOTARY GR. MUMBAI
MAHARASHTRA
(GOVT. OF INDIA)

8 NOV 2024





**Maharashtra State
Road Development
Corp. Ltd.**

(A Government of Maharashtra Undertaking)

Date : 8th November, 2024

TO WHOMSOEVER IT MAY CONCERN

Sub: Before the National Green Tribunal
Western Zone Bench at Pune
Original Application No. 28 of 2014
Saiprasad Mangesh Kalyankar ...Applicant
Versus
The Regional Transport Officer (R.T.O.) & Ors. ...Respondents

Shri Muktesh Manohar Wadkar, Executive Engineer, is hereby authorized to file pleadings, affidavits, applications and to lead evidence, etc. in the above matter for and on behalf of MSRDC Ltd.

**Manuj Jindal, I.A.S.
Joint Managing Director
MSRDC Ltd., Mumbai-50.**

Corporate Office : Opp. Bandra Reclamation Bus Depot, Near Lilavati Hospital, K C Marg, Bandra (West), Mumbai - 400 050.
Telephone No.: 022-26400190/201, 26558175/76 Fax No.: 022-26417893

Regd. Office : Nepean Sea Road, Besides Priyadarshini Park, Mumbai - 400 036.
Telephone No.: 022-23685909, 23613789, 23691030
Website : www.msrdc.org , CIN : U45200MH1996SGC101586

**BEFORE THE NATIONAL GREEN TRIBUNAL
(WESTERN ZONE) BENCH, PUNE
APPLICATION NO.28/2014**

CORAM :

**HON'BLE SHRI JUSTICE V.R. KINGAONKAR
(JUDICIAL MEMBER)**

**HON'BLE DR. AJAY A.DESHPANDE
(EXPERT MEMBER)**

B E T W E E N:

SAIPRASAD MANGESH KALYANKAR,

Age 50 years, Occupation- Chartered
Accountant, Residing At & Post Banda,
Tal.Sawantwadi, Dist.Sindhudurg,
Pin - 416511, Maharashtra.

....**APPLICANT**

A N D

- 1. THE REGIONAL TRANSPORT OFFICER (R.T.O.),**
Sindhudurg, Sindhudurnagari, Oros,
Tal.Kudal, Dist.Sindhudurg,
- 2. THE REGIONAL FOREST OFFICER**
(Vanshetrapal), Sawantwadi,
Tal.Sawantwadi,
Dist.Sindhudurg, 416510.
- 3. THE SUB DIVISIONAL OFFICER (REVENUE)**
Sawantwadi, Tal.Sawantwadi,
Dist.Sindhudurg,- 416510.

4. MAHARASHTRA POLLUTION CONTROL BOARD

Through its Member Secretary
Kalpataru Building, Sion, Mumbai-22.

5. THE CHIEF CONTROLLER OF MINES,

Indian Bureau of Mines,
Nagpur 440001.

6. UNION OF INDIA THROUGH THE SECRETARY

Ministry of Environment and Forest
Paryavaran Bhavan, Lodi Road,
New Delhi.

7. CENTRAL POLLUTION CONTROL BOARD,

Parivesh Bhavan, CBD-Cum Office Complex,
East Arjun Nagar,
Delhi-110032, India.

8. MAHARASHTRA STATE ROAD DEVELOPMENT CORPORATION LTD.,

Having its address at Nepean Sea Road,
Priyandarshini Park, Mumbai-400 036.

.....RESPONDENTS**Counsel for Applicant(s):**

In person

Counsel for Respondent(s):

Madhuri Kharat, Advocate for Respondent No.1.

Mr. D.M.Guptea/wSupriya Dangare Advocates for Respondent No.4.

Fawia M. Mesquita holding for Mahesh Amonkar Advocate for Respondent No.5.

Mr.A.B.Avhad Advocate a/wSaurabh Kulkarni Advocate, for Respondent No.7.

Mr. Saket Mone, Advocates, Tejaswini Bhakare Advocate i/b Vidhi Partners for Respondent No.8.

Date: September 10th,2014

J U D G M E N T

1. By this Application, Applicant – SaiprasadKalyankar, seeks following directions:

- a. To grant the application.
- b. To have a criminal prosecution for all officers who are collusion in this project so that they can make money from illegal mining.
- c. May pass an order issuing directions to the R.T.O. Sindhudurg, Oros, Tal. Kudal , Dist.Sindhudurg to not to do any further activity in the said land i.e. cutting of remaining trees, levelling of the land, mining of major or minor mineral in any part of total area H.R. 11-95-50.
- d. Pass an order directing the Divisional Forest Officer, Sawantwadi not to give any further permission for cutting of any trees, to make survey of the felling of trees, to have departmental action.
- e. Pass an order direction issuing to the Maharashtra Government Irrigation Department not to delete the land from notified irrigated command area.
- f. Pass an order directing the Respondents to take immediate remedial and effective measures to replant all the trees as in 7/12extracts in entire land and effective measures for restoration of entire ecology of the said area.
- g. Pass an order of directing stringent action to be taken against officers of forest department, Sawantwadi and officers of R.T.O. Sindhudurg and his contractors for dereliction of duty .
- h. To pass appropriate orders imposing fine and cost of restoration of the ecology of land under tree plantation.
- i. The applicant craves leave to raise additional pleas and or additional grounds at an appropriate stage and also craves leave of this Hon'ble Tribunal to refer to and rely upon and or to file therelevant and necessary documents at the time of hearing of the instant application if necessary
- j. Pending hearing and final disposal of this Application.
 - I .To cancel all permissions from environment/ forest Dept. for project.

ii. To pass order issuing directions to the Regional Transport Officer (R.T.O.) Sindhudurg, Kudal, Dist.Sindhudurg to stop any further activity of cutting of trees, levelling of mountain, digging of soil, breaking of land, and mining of major / minor minerals in the land.

iii. To pass an order issuing direction to the Vankshetrapal (RFO), Sawantwadi not to give any permission for tree cutting and to make survey of illegal tree cutting.

i. To pass any other relief and further reliefs as the circumstances of the case may require.

2. The Application is purportedly filed under Sections 14, 15 and 18 of the National Green Tribunal Act, 2010. For sake of convenience the Applicant will be referred to hereinafter by his name i.e. "SaiprasadKalyankar". He is Chartered Accountant by profession. He claims to be interested in protection of environment.

3. Before we proceed to go to the pleadings of SaiprasadKalyankar, it will be appropriate to understand the conspectus of a common project undertaken by Govt. of Maharashtra vide its Resolution dated March 25th, 2008, which provides for modernization and computerization of 30 check posts. This Govt. Resolution (G.R) refers to modernization of 22 border check posts in the State of Maharashtra of the transport department as per classification made according to the traffic flow at each of the check post. Under the said GR, the Maharashtra State Road Development Corporation (MSRDC) was authorized to change location of existing border check posts. A joint survey was conducted by the Experts of MSRDC along with the Transport and State

Excise department officers and a proposal for setting of check posts at suitable locations near Goa border, was submitted to the competent authority. Thereafter by Govt. Resolution dated July 9th, 2008, process for acquisition of lands for modernization and setting up of 22 check posts was set in motion. One of such check post existing earlier at the location of village Insuli, was decided to be shifted to village Banda. Certain lands were decided to be acquired for such purpose, including land Survey No.195(New Survey No.189-C),,Hissa No.5, of village Banda, of which SaiprasadKalyankar was the owner. He challenged acquisition of that land by filing Writ Petition No.133 of 2011 in the Hon'ble High Court of Judicature at Bombay. He also challenged Govt. decision to shift location of Insuli check post to Banda. The Hon'ble Division Bench by order dated 5th April, 2013, dismissed said Writ Petition No.133 of 2011 along with similar Writ Petition No.4961 of 2012. Thus, acquisition of land Survey No.195(New Survey No.189-C), as well as Govt. decision to modernize and establish the check post at Banda, was permitted due to such decision as well as in view of the order passed in PIL No.147 of 2009.

4. This background is set out in the light of averments made in the Application to the effect that the land bearing Survey No.195(New Survey No.189-C),Hissa No.5, is wet land, forest land and being used for illegal mining. SaiprasadKalyankar alleges that he is aggrieved by the illegal

acts of the Respondents due to felling of trees, illegal mining and degradation of environment in the area, particularly, on account of modernization project at Banda check post.

5. According to SaiprasadKalyankar, the Respondent No.1 Road Transport Officer (RTO), acquired land Survey No.195(New Survey No.189-C), at Satwadi/Banda through which a culvert (Nalla) flows. This land is covered under the irrigation command ofTillari canal of Banda Up-kalava. The land is having tree cover of forest trees, fruit trees etc. comprising of about 4400 trees. The said land has immense stock of iron ore Fe_2O_3 , which is a major mineral. Any development in the area of said land, including “winning” will amount to ‘mining activity’ and therefore, the same cannot be undertaken without prior Environmental Clearance (EC) of the MoEF. In spite of such legal requirement and though the land Survey No.189 that comprises of 11Ha, 95.5R, no EC is obtained by the Respondent No.1 for the project activity. The project work cannot be permitted in view of the fact that such mining activity is of major nature and even for mandatory permission of the Irrigation Department for delineation of the area from the irrigation command area, has not been taken from competent Authority. Modernization of Banda post is being proceeded with by the MSRDC in utter disregard to the legal requirements.

6. SaiprasadKalyankar has come out with a case that the MoEF has restricted the mining and construction work in

Ecologically Sensitive Area (ESA), and that village Banda is declared by the Govt. of Maharashtra and MoEF as part of such area. Obviously, mining activity, even though, it may be undertaken by the Government Agency in Eco Sensitive area, is impermissible under the Law. He alleges that modernization and installation of Banda check post will cause soil erosion, water logging and immense ecological imbalance in the area. He further alleges that large number of huge trees are already felled/cut down and it is expected that 7400 trees would be sacrificed for completion of the project in question. Thus, according to SaiprasadKalyankar, the project tantamount to denuding of forest area.

7. SaiprasadKalyankar further alleges that modernization and construction of Banda check post involves activity of construction, which in fact, a new project and falls in Schedule-I, of the EIA Notification issued by the MoEF. The construction work area comprises of more than 20000 Sq. mtrs area in HR-11-95-55 and cannot be undertaken without grant of EC by the MoEF. The Respondent No.1, has not followed due procedure of scoping public consultation, environmental impact assessment and appraisal, which are steps to be followed before decision making, prior to grant of EC. Nor any Application is submitted by the Respondent No.1 to the MoEF in the Form -I, to seek EC of the MoEF (competent Authority), though the project is for construction of levelling of 32 acres of land, as well as, within eco-sensitive

area. The project is near the National Highway No.17, which requires due permission of the National Highway Authority (NHA). Such permission is also not taken before the commencement of the project. The Respondent No.1 has not taken permission for forest clearance (FC) from the competent Authority. Widening of road at the site comprises of 9 lanes, on both the sides, including construction of Godown, Medical Shops, STD Booth, automobile repairing workshop, commercial shops etc. and as such the construction will be of more than 20000 sq. mtrs. It is obvious that the structure is construction activity that falls under Entry No.18 1(a) of EIA Notification dated 14th September, 2006 and therefore, without EC issued by the competent Authority, the work cannot be undertaken. The loss of natural tree cover, loss of minerals, loss of available natural resources, would cause an irreparable damage to the environment and ecology of the area, due to implementation of the proposed project activities of the Respondent No.1, namely, road widening, modernization and establishment of check post at Banda (Taluka Sawantwadi). Hence the Application.

8. Respondent No.1 (RTO), resisted the Application vide affidavit and thereby resisted the Application. Respondent No.1, alleges that the Application is barred by limitation, inasmuch as the land of the Applicant and other adjoining lands were decided to be acquired on 25th March, 2008, for the project in question. The 'cause of action' thus, triggered

on 25th March, 2008 itself. The Application ought to have been filed within a period of six (6) months thereafter. Another limb of contention raised by the Respondent No.1, is that Public Interest Litigation (PIL) No.147 of 2009 along with Civil Application No.159 of 2009, filed in the Hon'ble High Court of Judicature at Bombay, came to be dismissed and therefore, the project in respect of construction, shifting of the check post from Insuli to Banda and modernization thereof, cannot be challenged by SaiprasadKalyankar, inasmuch as, he was party to the earlier round of litigation. It is further pointed out that SaiprasadKalyankar had filed yet another Writ Petition along with one ShivaramDhondugadkari, bearing Writ Petition No.133 of 2011 and Writ Petition No.4961 of 2012, in the Hon'ble High Court of Judicature at Bombay. He had challenged the construction work of check post at Banda check post on the ground that part of acquired land falls in the command area and therefore, acquisition of land for modernization of the border check post at village Banda, was illegal. Those Writ Petitions were dismissed by the Hon'ble High Court, therefore, the same issue cannot be re-agitated by him in the present Application. In other words, the Respondent No.1, alleges that such an issue cannot be gone into because the inquiry is barred by the principle of '*Res-judicata*'.

9. According to the Respondent No.1, SaiprasadKalyankar was awarded due compensation as per

the market value, when his land Survey No.195(New Survey No.189-C), was acquired for the purpose of project in question. It is further averred that the main purpose of project is to modernize 22 check posts of the transport department and it has no nexus with any mining activity. It is contended that the earth which will be removed from the area in question will be dumped at the same place for the purpose of closing the pits and that no extraction of ore will be undertaken by the Respondent No.1, nor any mining activity will be done or sale of minerals will be effected. Therefore, the work in question cannot be branded as mining project. The Respondent No.1, further states that MSRDC is appointed as 'Project Implementing Agency' by Government Resolution to modernize the check posts. The service provider will provide Electronic Weigh Bridges, Automatic Vehicle Counters and classifiers, License Plate Readers, Radio Frequency Identification Tags (RFID), Computers, Local Air Network (LAN) and connectivity to Central Control Room at Mumbai (VAN) etc. There are several other facilities, which will give excellent service to the end users. According to the Respondent No.1, though Banda is notified as Environmentally Sensitive Area (ESA), by Notification issued on 13.11.2003, by the MoEF, yet the project in question was approved by the Govt. of Maharashtra much prior to issuance of the said Notification i.e. as per Govt. Resolution dated 25th March, 2008. Accordingly, part of the project work of border

check posts of six (6) of such posts is completed and they are fully operational and other check posts are also under construction except the present check post at Banda. It is stated that due to continuous and various kind of litigations initiated by SaiprasadKalyankar, the construction work of check post at Banda is impeded and delayed, which has resulted into huge loss to the Motor Vehicle Department, Sale-Tax Department, State Excise Department and the Forest Department. According to the Respondent No.1, construction area of the project is only 14043 sq.mtrs, which is much below the outer limits of 20000 sq. mtrs and therefore, Notification issued by the MoEF, on 13.11.2013, is not applicable to modernization project in question. It is further contended that the competent Forest Officer has issued due permission for cutting 1279 scheduled trees, as per office order No.56/2013-14, dated 23.12.2013 and permission is also changed on 27.3.2014. The Village Panchayat Banda has also issued No Objection Certificate (NOC) dated 2.12.2013, in this context. The Director of Miners and Geology, Maharashtra has issued letter dated 23.9.2010, whereby NOC is issued to allow winning/removal of minerals from the land on payment of royalty of Rs.58,80,000/-. The Respondent No.1 alleges that the said amount has already been paid. It is contended that 3-Anjan and 2- Chandan trees were inadvertently felled during the process of tree cutting and for such error, fine of Rs.6000/- was imposed by the

Range Forest Officer, which was paid by the concerned contractor. So also, it is submitted that a separate Application has been submitted on 18th January, 2011 to the Principal Secretary, Irrigation (Command Area Development) for delineation of part of command area of Tillari Canal that falls in the project area. It is denied that the project will result into ecological loss, loss of forest cover and soil erosion. It is further submitted that the Application is ill-motivated and liable to be dismissed.

10. At this juncture, it may be noted that though the Application was only against seven (7) Respondents, yet subsequently, MSRDC, came forwarded with a request to allow its impleadment as a party. The MSRDC, in fact, is the project implementing agency. What happened before impleadment of MSRDC is rather significant that may be taken into account.

11. What appears from the record is that the Range Forest Officer (RFO), Sawantwadi filed an affidavit dated 21st May, 2014, wherein RFO Shri. Sanjay Bhausahab Patil, categorically stated that permission under Section 3 of the Maharashtra Felling of Trees (Regulation) Act, 1964, was granted by him. His affidavit indicated that 1279 trees were permitted to be cut down as per the permission. However, he vaguely stated that the permission of felling of trees was given after ensuring that there are more than 53 trees per Hectare present at the place. Moreover, he vaguely stated that action

was taken against illegal felling of trees by the Tree Officer of Sawantwadi, as required under Section 4 of the Maharashtra Felling of Trees (Regulation) Act, 1964. This affidavit did not show as to how many trees were illegally felled, details of species of the trees, which were proposed to be cut down and whether the area was forest area or that it was non-forest area. This Tribunal passed order dated May 21st, 2014, directing the RFO to file detailed affidavit. Intervention Application filed by the MSRDC was permitted on the same day and MSRDC was thus, added as a party – Respondent No.8, on May 21st, 2014. It may be noted that the MSRDC came before this Tribunal with a request that it shall be added, because it has key role to play being Implementing Agency.

12. We may take note of the fact that the record clearly shows that there was illegal cutting of 5429 trees by the contractor, namely, the Maharashtra Border Check Post Network Limited (MBCPNL) to whom the MSRDC had assigned the project work prior to impleadment of the MSRDC. We, therefore, directed MSRDC to file reply affidavit giving all details and particularly indicating the action taken against the said contractor.

13. Before we proceed further, it would be appropriate to reproduce the relevant part of the Order dated May, 21st, 2014, so as to comprehend as to how the MSRDC, came into picture, on its own and what this Tribunal expected the

MSRDC to do. As stated before, by Order dated 24th February, 2014, we directed first seven (7), Respondents to maintain *status quo* in respect of illegal mining or illegal cutting of any more trees in the area of the land in question until next date. We further had clarified that *status quo* was restricted to the standing trees but had nothing to do with clearance of drains or for water discharge outlets. Against this order, the Respondent Nos. 1 to 7, had never made any grievance. Neither of them applied for vacating of the *status quo* order.

14. The text of relevant portion of the order dated May, 21st May, 2014, may be reproduced for ready reference:

“It is stated that MSRDC is a necessary party, because MSRDC is the Project Implementing Agency and therefore has key-role to play. It appears that MSRDC gave project work to the Maharashtra Border Check post Network Ltd. The director of MSRDC shall file affidavit reply as to what action was taken against the Maharashtra Border Check post Network Ltd for the alleged illegal cutting of 5429 trees and whether said contractor was removed from the work and whether the contractor was black listed immediately or whether activity of such cutting of the trees itself was permissible one.”

15. It appears that another affidavit by Shri. Shirish Kulkarni, Assistant Conservator of Forests (ACF), Sawantwadi, is filed. His affidavit shows that the area shown in the Application filed by Saiprasad Kalyankar is not a notified forest area, nor it has been identified as ‘forest’ area. It is further stated that the area in question is not categorized as of any type of ‘forest’ whatsoever. Thus, some error which had crept in the earlier statement in the affidavit filed by RFO

Shri. Sanjay BhausahabPatil, was rectified on the basis of available record.

16. By filing reply affidavit of NageshLohalkar, Sub-regional officer of MPCB, (Respondent No.4), only a status report was submitted. It is stated that on basis of a complaint filed by SaiprasadKalyankar site was visited. The complaint was forwarded to the Respondent No.1. The MPCB observed that no mining activity was being carried out, or any proposal for EC for mining in the area was received. It is stated that by order dated 27.2.2012, the Hon'ble Supreme Court of India, directed all the mines for major minerals to obtain prior EC from the competent Authority, irrespective of the mining area covered thereunder. The report further shows that the development of the site by cutting of the trees, land levelling, lying of 'Kaccha' road, flanking along the National Highway No.17, was noticed. It appears that the MoEF issued directions vide letter dated 13.11.2013, which includes village Banda (talukaSawantwadi, district Sindhudurg), as one of the area under eco-sensitive zone (ESZ). Therefore, any mining activity in the said area, building activity and construction project of 20000 sq. mtrs and above would require prior (EC) and moreover such mining activity is impermissible.

17. The Central Pollution Control Board (CPCB) – Respondent No.7, has come out with a case that it has no role in the matter. According to the CPCB, the CPCB has not issued any Consent/NOC/EC to the project in question. Nor it

has any control over the consent mechanism in context of such a project for modernization, particularly, involving computerization of the border check posts.

18. According to the Respondent No.5, since there is no mining operation in any land in question, it is not the business of the Chief Controller of Mining to look into the work of modernization and construction of the Border Check Posts. It is submitted that there is no prayer in the Application against the Respondent No.5, and therefore, the Respondent No.5, may be deleted from the array of the Respondents. Further, it is stated that the Respondent No.5, through its representatives got inspected site in question and found that no mining operation was going on at the site and therefore, the averment is misconceived. It is the case of the Respondent No.5 that unless the area is proved to be one where mining lease is granted in terms of Rule 22 of Mineral Concession Rules, 1960 by the State Govt. then only provisions of MCDR, 1988, would come into effect. So, it is denied that the Respondent No.1, indulged any mining activity at the site.

19. By filing elaborate response – reply affidavit, the MSRDC (Executing Agency), resisted the Application on various grounds. On behalf of MSRDC, Shri. Santosh Kumar, Joint Managing Director, sworn in his affidavit to support the averments in order to counter the Application. His affidavit purports to show that he filed his affidavit only for limited

purpose of opposing interim relief. His affidavit, however, is quite elaborate in context of the contractual work assigned to the MSRDC. The MSRDC challenges maintainability of the Application on the ground that the Application is barred by Limitation, since the impugned decision to shift the check post from Insuli to Banda, was taken on or about 17th June, 2008, and thereafter a public notice for acquisition of lands was issued on 28th February, 2009, and as such the Application filed after period of six (6) months, is barred under Section 14(3) of the National Green Tribunal Act, 2010. It is further stated that dismissal of PIL No.147 of 2009, along with Civil Application No.159 of 2010 by the Hon'ble High Court of Bombay, would bar filing of the present Application, inasmuch as the principle of '*Res-judicata*' is applicable in the facts and circumstances of the present case. It is pointed out that in Writ Petition No.133 of 2011 and in Writ Petition No.4961 of 2012, the Hon'ble High Court of Bombay, held that "questions regarding objections pertaining to mines and minerals cannot be gone into". According to MSRDC, the Application is filed with ill-motive of forum hunting. It is stated that this Tribunal should not have passed ad-interim order against the MSRDC, which caused impediment in going ahead with the public project. According to MSRDC, by Notification dated 25th March, 2008, the Govt. of Maharashtra decided to carry out modernization and computerization of thirty (30) border check posts, out of which twenty two (22)

border check posts of the Transport Department were to be modernized and eight (8) enquiry border check posts of the State Excise Department, were to be installed by acquisition of lands, near the boundaries of State of Gujarat, Andhra Pradesh, Karnataka and Madhya Pradesh. These modern check posts were to be inter-connected with each other and with Central Control Room in Mumbai, via internet work. The MSRDC started the work and completed part of project at various locations on Built, Operate and Transfer (BOT) basis. The site of Banda was handed over to concessional (Contractor) M/s Sadbhav Engineering Ltd on or about 23rd December, 2013. It is reiterated that the project in question requires 14043 sqmtrs land, which is much below the limit of 20000 sq.mtrs and therefore, does not require EC, as per the directions of MoEF in its communication dated 13th November, 2013. It is further reiterated that the Government Notification dated 13th November, 2013, is not applicable to the project, because the project was approved five (5) years before such directions were issued. According to MSRDC, the Range Forest Officer (RFO), Sawantwadi, is the competent Authority under the Maharashtra Tree Cutting (Amendment) Act, 1988, and lawfully granted permission to cut 1279, scheduled trees. Therefore, felling of such trees was lawfully done. It is contended that no permission is required for cutting of non-scheduled trees and therefore, non-scheduled trees have been cut, as required at the project site. The

MSRDC came forward with a plea that royalty of Rs.58,80,000/- (Rupees Fifty Eight Lakhs and Eighty Thousands) was assessed by the Director of Mining, while granting NOC, which has been credited to the Government account. It is pointed out that the Collector, Sindhudurg, vide communication dated 28th March,2014, informed that the project in question, does not come under the provision of Section 25(2) of the Maharashtra Land Revenue Code,1966, and hence, permission is not required for the same. The project in question is, therefore, being implemented within legal parameters and only purpose of SaiprasadKalyankar, is to create hurdles, because of the fact that the land Survey No.195(New Survey No.189-C),is subjected to acquisition for implementation of said project. Consequently, MSRDC, sought dismissal of the Application.

20. We have heard Applicant SaiprasadKalyankar in person and learned Counsel for contesting Respondents in *extenso*. We have also perused the written submissions filed by SaiprasadKalyankar and on behalf of MSRDC. Undisputedly, agricultural land Survey No.195(New Survey No.189-C), situated at Banda, was acquired for modernization and installation of inter-state transport check post. There is no dispute about the fact that the check post is proposed at location of Highway No.17, near Maharashtra-Goa border. There is also no dispute about the fact that by Govt. Resolution, dated 23rd March, 2008, twenty two (22) such

check pots were decided to be computerized and interconnected by LAN/WAN, and modernized by providing updated facilities. The agricultural land of SaiprasadKalyankar was acquired for such purpose amongst the lands of other land owners. He challenged acquisition of his land by filing Writ Petition No.133 of 2011. The Hon'ble High Court of Bombay dismissed that Writ Petition. The Hon'ble High Court of Bombay, held that "the objection to the decision of shifting of check post from Insuli to Banda, cannot be entertained". Obviously, the issue regarding shifting of the check post, acquisition of land, impact of such process and other allied questions, are not required to be considered in the present Application. It may be emphasized that only 'substantial question relating to environment' may be entertained, so as to settle the dispute raised vide the present Application.

21. Considering the nature of dispute raised by SaiprasadKalyankar, we deem it proper to frame following issues for determination:

- i) Whether the Application is barred by Limitation?
- ii) Whether during course of execution of project in question, the forest cover is illegally removed by felling of trees without obtaining legal permission, or that the project is being implemented without obtaining prior Forest Clearance (FC), from the Competent Authority

and thus, any illegality has been committed by the Respondent Nos.1,2 and 7?

- iii) Whether implementation of the project in question amounts to illegal mining activity and particularly, without obtaining Environmental Clearance (EC), which is absolutely impermissible in the Eco-Sensitive Area (ESA) of 'Western Ghats' because of the Notification dated 13th November, 2013, of the MoEF, declaring ESA, in which Banda village is included?
- iv) Whether the project requires prior Environmental Clearance (EC), in accordance with the EIA Notification dated 14th September, 2006, or any other EIA Notification issued by the MoEF and for want of such EC, implementation thereof without following due procedure, is bad in Law?
- v) a) Whether part of the project land falls in Command Area of notified Irrigation Project and therefore, proposed work cannot be undertaken without prior permission of the Competent Authority, unless the area is delineated from Command Area?

b) whether otherwise the project suffers from any kind of illegality, and is liable to be struck down?

Re: Issue (i)

22. So far as question of limitation is concerned, it may be stated that the project activity was approved vide Govt. Resolution dated 25th March, 2008. Still, however, that cannot be the first date of 'cause of action' in the context of present Application. The Application is for restitution of environment as well as, for the purpose of settlement of 'such disputes' related to implementation of 'the Environment (Protection) Act, 1986'. On merits, whether the Application would fail or will be granted, is another thing, but when it *prima facie* appears that a large number of trees have been felled without prior approval of the competent authority and moreover, there is probability of extraction of major mineral in the area, it will have to be said that the Application projects 'substantial environmental dispute' relating to implementation of the Environment (Protection) Act, 1986. In our opinion, therefore, the Application falls within ambit of Sections 14(1) (2), 15 and 18 of the National Green Tribunal Act, 2010. The Applicant has spent good deal of time in the Hon'ble High Court and probably with bonafide intent to save the land from acquisition proceedings. He also

ventilated grievance before the Hon'ble High Court that the lands fall within Irrigation Command Area and therefore, the project should not be undertaken at Banda. He challenged shifting of the check post from Insuli to Banda. His Writ Petitions were dismissed. The time consumed in such a litigation, will have to be considered for the purpose of pinpointing commencement of the relevant period, inasmuch as the 'cause of action' is a bundle of facts. We may point out that the present Application was filed in this Tribunal on 17th February, 2014, alleging that felling of trees by the RTO (Respondent No.1) in land bearing new Survey No.189-C, is illegal. SaiprasadKalyankar asserted that RFO, Sawantwadi (Respondent No.2) granted illegal permission for cutting/felling of trees on 23.12.2013. Thus, from such a date, the Application can be said to be within period of limitation, inasmuch as actual work of felling of trees had commenced thereafter. A copy of permission granted under Section 3(1) (b) of the Maharashtra Cutting of Trees (Amendment) Act, 1988 (Ex-D-28) dated 23.12.2013, is placed on record. In our opinion, illegal felling of trees has triggered limitation in this case and hence the Application is within prescribed period of Limitation.

Re: Issue (i)

23. There cannot be duality of opinion that illegal deforestation would seriously impair environment and

ecology. At the same time, up-gradation of available facilities is also need of the hour. Felling of trees in the area is no doubt, incidental part of the execution activity required for execution of the project in question. Perusal of the record shows that in pursuance to the Application dated 15.1.2013, received from the RTO, Sindhudurg, requesting for permission to fell down scheduled trees, standing in Survey No.189-C, for the purpose of modernization of border check post, the RFO gave permission for cutting down 1279 trees of the forest species. What appears from the record is that though such trees were allowed to be fell down from the land Survey No.189-C, yet that land was not declared as 'private forest' nor it was part of 'Govt. forest'. It is important to note that the order issued under Section 3(1) (b) Maharashtra Felling of Trees (Amendment) Act 1988, reveals that the agricultural land Survey No.189-C, is situated outside the 25 villages proposed to be included in Eco-Sensitive Area (ESA), under the report of Gadgil Committee, nor that land was notified as ESA in Sindhurung district. Thus, the land of Applicant, namely, RTO, bearing Survey No.189-C, was not included in ESA at the relevant time. Having regard to the public purpose for which the permission was sought, such permission was granted by the Forest Officer on payment of royalty and also on condition that replantation of the same trees. The permission granted was in view of

the MoEF Notification dated 13th November, 2013. It is pertinent to note that such permission was issued on 23.12.2013, i.e. after declaration of ESA, by the MoEF/Govt. of Maharashtra, for the project which was commissioned in 2008.

24. What appears from the record is that a Show-cause-Notice was served on Shri. ManojAbrol, site In-charge of the contractor, when it was found that additional 5429 trees were cut down without permission. His explanation was sought by the RFO, Sawantwadi. Instead of taking further action, the RFO, gave report to the Tehasildar, Sawantwadi, by communication dated 20th January, 2014, that suitable action may be taken against said ManojAbrol, because entire area was cleared of all the trees and offence was committed under Section 25 of the Forest Act. Thus, it is conspicuous that the RFO as well as Tehasildar, abdicated their legal responsibility of taking suitable action against the culprit/offender or wrong doer, though the information clearly showed that the area was cleared by the Agency or site in-charge appointed by the Agency, appointed by MSRDC to execute the work in question. SaiprasadKalyankar made complaints to the Collector and other Authorities. His complaints were forwarded by one office to another. There was only shifting of papers from one office to another, perhaps to avoid responsibility. The fact remains, however, that land Survey No.189-C, was

cleared of the trees by the contractor, who was appointed on behalf of Executing Agency nominated by the MSRDC. It is worthwhile to note that land Survey No.189-C, of village Banda was mutated in the name of Sub-Divisional Transport Officer, Sindhudurg, vide Mutation Entry No.1793, after the land acquisition proceedings. The revenue entry do not show that the said land was shown as 'private forest'. No doubt, there were some species of forest trees in the said land. However, majority of trees comprised of non-forest species, such as Kokam, being 1797 in number, Cashew, 1057 in number and Beate nut, 258 in number.

25. As stated before, the lands, including the land Survey No.195 (New Survey No.189-C), as well as land Survey No.198, were acquired for the Project for modernization of Banda check post etc. Obviously, Award drawn was for payment of compensation. The Award consists of not only market value of the acquired land, but also of the value of standing trees. The acquired land along with trees, thereafter, stood transferred in favour of acquiring body, namely, the Respondent No.1. SaiprasadKalyankar no more had any legal right either in respect of land Survey No.195 (New Survey No.189-C), and had absolutely no concern with land Survey No.197-C, whatsoever. The only concern which he could have is that of environmental degradation due to felling of excessive number of trees. So,

it has to be seen whether due permission was required for felling of trees. There are two (2) categories of trees, which were in land Survey No.189-C. First category comprises of trees of Forest species. Second category comprises of trees of general species (Agricultural species). So far as trees of forest species are concerned, the RTO (Respondent No.1) applied for permission to fell and remove scheduled trees, as per the Application dated 15.10.2013. Such permission was granted under Section 3(1) (b) of the Maharashtra Felling of Trees (Amendment) Act 1988. One cannot be oblivious of the fact that felling of trees was sought for implementation of a public project. Therefore, the RFO, could have considered the Application. It need not be reiterated that land Survey No.189-C, is not declared as 'private forest' nor it is a part of Government Forest and therefore, there is hardly any requirement to seek Forest Clearance (FC) from the Competent Authority.

26. Now, it is true that excessive large number of unscheduled trees have been cut down and removed by the contractor engaged by the Executing Agency, so as to clear the site. It is also true that the RFO and the Tehasildar, Sawantwadi, have not taken any action against the contractor inspite of the knowledge that such illegal felling of trees did occur in the area within their domain and the fact was brought to their knowledge. It is also explicit that no explanation was given by the Executing

Agency and the site-in-charge for excessive cutting of non-scheduled trees or some of the scheduled trees. It appears from the record that only paper work was done and reports were exchanged by those two (2) offices.

27. It appears that large number of non-scheduled trees were also cut down while clearing the site, apart from trees which were allowed to be cut. Thus, the contractor levelled the area by removing all felled trees under the nose of the RFO and the Tehasildar. It appears that meagre penalty of Rs.6000/- was recovered by the RFO, from the contractor, in respect of illegal felling of three (3) trees of forest species, which allegedly were “inadvertently cut down”. In fact, this justification is absolutely without any reason or rhyme. The MSRDC has not filed affidavit of the contractor to justify said “inadvertent” felling of trees. Moreover, the record shows that more than three (3) trees of the forest species were cut down illegally in excess of permission granted in favour of the Respondent No.1 (RTO). This is nothing but highhandedness committed on the part of Executing Agency for which the MSRDC is accountable. The Joint Director of MSRDC cannot escape legal responsibility for illegal act of levelling the ground by illegal cutting of scheduled and non-scheduled trees, without permission of the Competent Authority. It appears that at his behest the contractor took Law in his own hands, under the assumption that such act will be protected.

Needless to say, stern action is required to be taken against the Joint Director of MSRDC, so as to give appropriate signal to such officers of the Government, who do not pay heed to legal provisions, though they are bound to respect the Law.

28. The R.F.O, Sawantwadi, gave Show-cause Notice to one Manoj Abrol, site Incharge of Maharashtra Border Check Post Network Ltd. (Executing Agency engaged by MSRDC), calling him to explain why action be not taken for alleged felling/cutting of 5429 scheduled/non-scheduled trees. The Show-cause Notice dated 30.1.2014, however, does not describe how many scheduled trees were felled and how many non-scheduled trees were felled in that area. It also does not indicate description of nature of the trees, age of the trees, girth of those trees and other details. It is explicit from the record that the MSRDC, Maharashtra Border Check Post Network Ltd, the R.F.O and the then Tehasildar of Sawantwadi, attempted to put all the misdeeds, in this context, under the carpet. They were hand in glove, is very clear from the fact that no serious effort was made to immediately intervene while such tree felling activity was going on. Nor serious action was taken further except giving Show-cause Notice to the site In-charge, who could abdicate legal responsibility later on by saying that he was acting under instructions of the master and bonafidely had done such act. The Director of

the MSRDC and the Sub-Agency as well as the R.T.O. and other Govt. officials have maintained disquieting silence in this behalf. This a glaring fact which speaks volume against them.

Re: Issues(iii) &(iv)

29. Both these issues are interconnected and as such, are being considered together.

30. The Project of Banda check post shifting and modernization thereof, is approved by the Govt. of Maharashtra as part of project of modernization, as per the Govt. Resolution dated 25th March, 2008. The land of SaiprasadKalyankar, was acquired by the Competent Authority on 24th February, 2009. The Writ Petition filed by him was dismissed by the Hon'ble High Court of Bombay on 5th April, 2003. The Govt. of India issued directions under Section 5 of the Environment (Protection) Act, 1986, vide MoEF Notification dated 13th November, 2013, whereby High Level Working Group (HLWG) report prepared under the chairmanship of Dr. K.Kasturirangan, was accepted and area of Western Ghats was declared as Eco-Sensitive Zone (ESZ). It appears that in Sindhudurng district, Banda was included in ESA w.e.f. 13th November, 2013. However, the project in question, was initiated by the Respondent No.1 prior to the said Notification. It is but natural to examine whether the project is affected by said Notification because it falls within ESZ, as per the said

Notification, declared subsequently. In other words, whether the said Notification, is retrospective in effect or will be prospectively applicable, is the question that needs consideration.

31. SaiprasadKalyankar, vehemently argued that the area is enriched with iron-ore on both sides of the National Highway (NH) No.17. He argues that the project require cutting of hills, which tantamount to illegal mining activity. He submits that hill-cutting, levelling of lands, felling of large number of trees, would cause great loss to the environment. The mining activity in the area is illegal, without prior Environmental Clearance (EC). The Respondent No.1 failed to carryout cost benefit study and environment impact, is also not properly assessed before the project was approved. The change of place from Insuli to Banda on 8.3.2008, was effected without considering the environmental impact and therefore, these issues are required to be now examined. As stated earlier, the issue pertaining to change of Insuli check post to Banda check post is already a closed chapter due to dismissal of the Writ Petitions by the Hon'ble High Court. SaiprasadKalyankar cannot be allowed to re-agitate the same issue which must be taken as barred by applying the principle of '*Res-judicata*'. True, it is that the land at the site consists of Fe₂ O₃minerals. The iron-ore is a major mineral of which mining cannot be allowed without prior

Environmental Clearance. The term 'mining' means extraction of valuable minerals or other geological materials from the earth from an ore body, lode, vein, seam, or reef, which forms the mineralized package of economic interest to the miner. It is of common knowledge that mining means extracting minerals from the earth. Mining is required to obtain any materials that cannot be grown through agricultural process or created artificially in laboratory or factory. In a wider sense, mining includes extraction of any non-renewable resources.

32. In any case of mining even activity of winning may be branded as mining. In "**Promoters and Builders Association of Pune and others V. State of Maharashtra**" in **Writ Petition No.785 of 2008**, the Hon'ble High Court of Bombay observed that:

"The plain language of this provision indicates that any excavation which results in obtaining minerals is covered by this definition. Thus, the activity of excavation of land even for laying foundation of building has the effect of obtaining minerals. Even that activity is covered by the definition of mine. It would make no difference that a person while excavating land was not searching for minerals".

Perusal of Section (3) (e) of the Mines and Minerals (Development & Regulations) Act, 1957, would show that the term 'mining operation' is of wide amplitude and is

inclusive of not only extraction of minerals, but also well included winning of minerals or any other activity. In **“Tarkeshwar Sio Thakur Jiuv Bar Dass Dey & Co. And ors” (1979 SCC (3) 106)** Apex Court held that “Mining operation includes every activity by which mineral extracted or obtained from earth irrespective of such activity is carried out on surface or in the bowels of the earth.”

33. Similarly in **“Bharat Coking Coal Ltd v. State of Bihar” (1990 SCC (4) 557)**, it is held that even mere usage of equipment, goods trucks etc. for cutting of soil, would be included in the definition of “mining”.

34. There cannot be two opinion about the legal position that mining cannot be allowed in the area declared as forests, wildlife sanctuaries, buffer zones, as held by **Goa Foundation v. Union of India, Writ Petition (Civil) 435 of 2012**, decided on April 21st, 2014. The restrictions on mining are of course, either due to location of the mining or nature of mining activity, or nature of mining-lease granted or nature of ore, which is extracted or requirement of EC, under the Environmental Clearance (Regulations), 2006. Obviously, lop sided view cannot be taken in such a matter.

35. The decision in each case would depend upon particular facts of that case, is well settled legal position. So far as rights of acquired lands in which mineral stocks

are contained, legal position is explicit from the Dictum in case of “**Monnet Ispat and Energy Ltd v. Union of India, 212 (11) SCC 1**”. The Hon’ble Supreme Court, in the given case categorically held that “mining and minerals within its territory vests in the State absolutely”. It is held that “the State Government’s power as owner of the land and minerals vested in it, is absolute and could not be avoided by MMDR Act, 1957”. The view taken by the Apex Court is that “when the land stands vested in the State Government under provision of the special enactment, then consequent of vesting includes absolute right over the minerals, which are part and parcel of the land”. In the facts and circumstances of the present case, due to acquisition of lands by Govt. of Maharashtra, it will have to be said that all the rights over the ore of Fe₂ O₃ (Iron ore) stand vested in the State of Govt. inclusive of rights to extract minerals, right to own trees standing in the lands, right to minor minerals etc. Neither Saiprasad Kalyankar, nor any other land owner could have any claim over the same. Of course, Saiprasad Kalyankar has limited right to ventilate grievance about illegal mining, if in fact, there is some illegality of mining activity undertaken by private individual, at the instance of the public authority. The record of present case shows that royalty of Rs. 58,80,000/- was paid by the Respondent No. 1, towards use of minerals from the land in question. The amount was

credited to the Government account at the office of Collectorate, Sawantwadi. The affidavit of Respondent No.1, reveals that amount was deposited much before declaration of land falling within Eco-Sensitive Area (ESA), and prior to Dictum of “*Deepak Kumar & Anr vs State of Haryana and Ors*,” IA Nos.12/13 of 2011 in (c) Nos.19628, 19629 of 2009 etc. (SC). What is observed by the Apex Court in “*Deepak Kumar v. State of Haryana & Ors*” is that “mining lease should be less than 5Ha and preparation of comprehensive mine plan, is required to be prepared”. The Apex Court recommended that “the Ministry of Mines along with Indian Bureau of Mines, in consultation with the State Governments, may reexamine the classification of minerals into major and minor categories so that regulatory aspects and environment mitigation measures are appropriately integrated for ensuring sustainable and scientific mining with lease impacts on environment”. We may, however, mention here that in “*Deepak Kumar and others*”, the Apex Court gave interim directions and particularly in the context of mining leases and area of mines.

36. Coming to the EIA Notification, dated 14th September, 2006, relevant entry of schedule for the present purpose is “1(a)”. It would be appropriate to reproduce the relevant entry, in order to amplify understanding of the subject.

SCHEDULE**(See Paragraph 2 and 7)****List of Projects or Activities requiring Prior Environmental Clearance**

Project or Activity		Category with threshold limit		Conditions if any
		A	B	
1		Mining, extraction of natural resources and power generation (for a specified production capacity)		
(1)	(2)	(3)	(4)	(5)
18 [1(a)]	(i) Mining of minerals (ii) Slurry pipe-lines (coal lignite and other ores) passing through national parks/sanctuaries/coal reefs, ecologically sensitive areas.	>50 ha of mining lease area in respect of non-coal mine lease >150 ha of mining lease area in respect of coal mine lease Asbestos mining irrespective of mining area All projects	<50 ha >ha of mining lease area in respect of non-coal mine lease <150 ha >50 ha of mining lease area in respect of coalmine lease]	19 [General conditions shall apply Note; (i) Prior environmental clearance is as well required at the stage of renewal of mine lease for which application should be made up to one year prior to date of renewal (ii) Mineral prospecting is exempted.]

37. There cannot be any doubt about the purpose of placing restrictions on certain activities mentioned in the above entry shown in the EIA Notification. All these categories shown under the category 'A' and 'B' relate to "leases of mine areas". Obviously, the entry would be applicable only in case of mining leases. The extraction of minerals will be permitted only on payment of royalty, if permission by private owner is sought from the competent Authority. In legal parlance mining activity without holding reconnaissance permit or prospective licence or as the case may be mining lease, as required under Sub-clause (1) of Section 4, of the Mines and Minerals

(Regulation and Development) Act, 1957, is to be termed “illegal mining”, because mineral rights vest in the State Government and State Government is the owner of mineral wealth, wherever it is found. Being owner of mineral wealth, the State Government can assign rights of extraction of mineral to anybody under the provisions of MMRD Act, 1957 and the Rules made thereunder. Obviously, the fact that right to utilize the earthen layer extracted after winning of the land area, during course of levelling for the purpose of filling of pits at the site of project, is assignment of work, which the State Govt. can duly perform within its right. As stated before, the Respondent No.1, has paid royalty of Rs.58,80,000/- for such purpose. Secondly, the Respondent No.1, is part of Government Agency, and the project also is for benefit of the members of public. Under the circumstances, if we will consider the ratio of **Monnet Ispat and Energy Ltd**, it is explicit that grant of prospective licence/right to remove iron-ore from a particular site, is within domain of State Government’s paramount right and is not affected by MMRD Act, 1957. Secondly, EC may be required if the mining lease is sought by the Project Proponent, for certain areas of more than 5 HA, shown in the entry 1(a) of the schedule appended to the EIA Notification. Though in the present case, the project area is said to be the land is acquired for development of check post, and no mining

lease has been granted, contemplating use of this land for mining purpose than 5 Ha. Apart from this, the project was approved by the State Government in or about in 2008. The Resolution dated 25th March, 2008, was passed for acquisition of lands with a view to modernize the border check posts alongside NH No.17. Consequently, the project in question does not require prior EC and is not obviously affected due to absence of EC.

38. The declaration of Notification dated 13th November, 2013, which includes village Banda within area of 'Western Ghats' declared as ESA, also will not impede the project in question. As stated before, the project triggered in the month of March, 2008. The area was declared as ESA much thereafter. The Notification cannot be applied retrospectively. The project in question must be considered as 'ongoing project activity'. In case of "**Goan Real Estate Construction Ltd. & Anr vs People's Movement for Civil Action**" (2008) 8 SCC 645, the Apex Court held that "ongoing construction activity", which was undertaken prior to or during pendency of Dictum in '**Indian Council Environ- Legal Action**' which was decided earlier (reported in "J.T.1996 (4) SC 263") could be protected, inasmuch as it was 'ongoing activity'. By applying same analogy, we may say that declaration of Banda village within ESA in November, 2013, will not impact the project in question, which had already started in 2008. Because it

can be treated as 'ongoing activity' notwithstanding the fact that actual construction work is yet not proceeded with due to several obstructions caused by SaiprasadKalyankar, in view of filing of various litigations, including Writ Petitions, present Application etc. SaiprasadKalyankar alleges that the construction activity requires Environmental Clearance (EC), because the area covered thereunder is of more than 20000 sq.mtrs. We do not agree. The reply affidavit of the Respondent No.1 (Paragraph 14) categorically shows that the proposed construction area is 14,043 sq.mtrs, which is much below the prescribed limit of 20000 sq.mtrs. The Project activity below 20000 sq. mtrs of construction does not require any EC and as such, the argument of SaiprasadKalyankar, is unacceptable. Considering these aspects, we are of the opinion that both these issues ought to be answered in negative and they are accordingly so answered.

Re: Issue (v):

(v):(a)

39. There is no dispute about the fact that the part of project land was in command area of Tillari Irrigation Project. It is an admitted fact that only small part of the project falls within command area of the irrigation canal area of Tillari. It has been brought on record that the Respondent No.1, has already filed an Application to the Competent Authority, seeking permission from the said

Authority for delineation of area from the irrigation command area, in order to avoid technical problem. The Competent Authority is dealing with the said Application. The present Application, in fact, should not have impaired the decision of such Application. The Application is moved by the Respondent No.1, and is addressed to the Secretary of Irrigation Department (Command) Mantralaya, Mumbai, by the Chief Land Survey Officer. Tillary canal runs from left side of NH No.17, and therefore, such permission is sought on behalf of the Respondent No.1. The project may be, therefore, allowed to be completed if such permission is granted by the competent Authority or is already granted. Thus, formality shall not detain us from deciding the present Application. Moreover, the Hon'ble High Court has already held that the project may be executed by acquiring the lands from the command area after following due procedure. Needless to say, if due permission is accorded by the competent Irrigation Authority, then there would be no illegality in the process of execution of the project in question.

(v):(b)

40. Now, SaiprasadKalyankar further alleges that entire project activity is erroneous and illegal, inasmuch as Geologist of the Directorate of Geology and Mining, came to the conclusion that the project area may incorporate the substantial quantity of iron ore and therefore, NOC, may

not be issued to the RTO. He relied upon communication dated 11.2.2010 (Ex-I-42). We are of the opinion that the question of NOC is the matter of procedure and it is for the RTO, to get procedural difficulties solved at his end. SaiprasadKalyankar, would submit that the project cannot be allowed, because there is no prior permission granted by the National Highways Authority. This action is procedural requirement, which the Respondent No.1, will have to complete, if so needed, before going ahead with the project in question. At the present, these procedural requirements cannot be regarded as stumbling blocks, which would have enough to set aside the project activity in toto. We, accordingly, hold that the project cannot be held as illegal for other procedural requirements, though the Respondent No.1, will have to obtain certain permissions from the competent Authorities before going ahead with the project in question. This answers both parts of the issue under consideration.

41. Cumulative effect of foregoing discussion, is that the Application is without merits and will have to be dismissed. However, we find it necessary to give certain directions before the project is allowed to go ahead and also to deal with highhanded activities of erring officials of the MSRDC, RTO, Tehasildar and RFO, without whose connivance, a large number of tree felling activity could not have been undertaken at the site. The highhandedness

with which they acted and cleared the area by felling of trees and removal of a large number of trees, must be deprecated. They are liable to compensate for loss of trees and also for the act of lack of probity while discharging the public duties.

In the result, we dismiss the Application with following directions:

- i)** Divisional Commissioner, Kokan Division, is directed to conduct preliminary enquiry through Collector for illegal felling of trees, levelling of site in the area of Gut No.195 (189-C), for the project of Border Check Post at Banda by MSRDC. The report should indicate responsibility for inaction on the part of RTO, RFO, Tehsildar and officers of the MSRDC, including the Joint Director of MSRDC, towards intentional omission by anyact of negligence,or commission ordereliction of duty, or purposeful aiding in felling of trees to facilitate execution of the project.
- ii)** Heads of such offices be informed to take appropriate departmental actions against such officers. The report shall be forwarded to this Tribunal within period of six (6) months hereafter, with details of the proposal

forwarded to the concerned departments for Departmental actions to be taken against the concerned officers/officials.

iii) The concerned departments like Transport Department, Forest Department and MSRDC, shall take suitable departmental action against the officials, who are found to be guilty of misconduct and shall submit a report to this Tribunal, six (6) months thereafter.

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.
- vi)** An appropriate departmental action be initiated against Mr. Sanjay BhausahabPatil, RFO, by the Chief Conservator of Forests (CCF) concerned, on account of furnishing wrong information to the Tribunal, that the land in question is a part of forest land and for facilitating felling of large number of trees, which could be avoided if he had *prima facie* taken timely action to avoid loss to the environment.

vii) The competent Authorities shall report result of such departmental enquiries to this Tribunal within period of eight (8) months hereafter.

viii) Non-compliance of above directions may attract section 26 of the NGT Act, 2010.

ix) SaiprasadKalyankar, appears to have filed the Application due to his earlier rounds of litigations in respect of acquisition of land or may be at the behest of some external agency.

Therefore, we do not impose costs on him, though his Application is found to be without merits.

x) The Application is accordingly disposed of.

....., JM
(Justice V. R. Kingaonkar)

....., EM
(Dr.Ajay A. Deshpande)

Date: September 10th,2014

Exhibit - B

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 10806 OF 2014

MAHARASHTRA STATE ROAD DEVELOPMENT
CORP. LTD.

APPELLANT (S)

VERSUS

SAIPRASAD MANGESH KALYANKAR & ORS.

RESPONDENT (S)

O R D E R

1. We have heard learned senior counsel for the appellant.

2. We find no merit in the Civil Appeal. Accordingly, the Civil Appeal is dismissed. However, we delete paragraphs 41 (i) (ii) (iii) (vi) and (vii) from the impugned judgment and order passed by the National Green Tribunal, Western Zone Bench, Pune dated 10th September, 2014.

Ordered accordingly.

.....CJI.
(H.L. DATTU)

.....J.
(A.K. SIKRI)

.....J.
(ARUN MISHRA)

Signature Not Verified
Digitally signed by
Ramana Venkata Ganti
Date: 2015.02.10
17:16:00 IST
Reason: 

NEW DELHI;
JANUARY 28, 2015

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 10806 OF 2014

MAHARASHTRA STATE ROAD DEVELOPMENT
CORP. LTD.

APPELLANT(S)

VERSUS

SAIPRASAD MANGESH KALYANKAR & ORS.

RESPONDENT(S)

O R D E R

1. We have heard learned senior counsel for the appellant.

2. We find no merit in the Civil Appeal. Accordingly, the Civil Appeal is dismissed. However, we delete paragraphs 1, 2, 3 and consequential paragraph 6 from the impugned judgment and order passed by the National Green Tribunal, Western Zone Bench, Pune.

Ordered accordingly.

.....CJI.
(H.L. DATTU)

.....J.
(A.K. SIKRI)

.....J.
(ARUN MISHRA)

NEW DELHI;
JANUARY 28, 2015

ITEM NO.2

COURT NO.1

SECTION XVII

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). 10806/2014

MAHARASHTRA STATE ROAD DEVELOPMENT CORP. LTD.

Appellant(s)

VERSUS

SAIPRASAD MANGESH KALYANKAR & ORS.

Respondent(s)

Date : 28/01/2015 This appeal was called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE A.K. SIKRI
HON'BLE MR. JUSTICE ARUN MISHRA

For Appellant(s)

Mr.C.U.Singh, Sr.Adv.
Mr. A. S. Bhasme,Adv.
Mr.Pankaj Kr.Mishra, Adv.

For Respondent(s)

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

The Civil Appeal is dismissed, in terms of the signed
order.

(G.V.Ramana)
Court Master

(Vinod Kulvi)
Asstt.Registrar

(Signed order is placed on the file)

ITEM NO.2

COURT NO.1

SECTION XVII

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). 10806/2014

MAHARASHTRA STATE ROAD DEVELOPMENT CORP. LTD.

Appellant(s)

VERSUS

SAIPRASAD MANGESH KALYANKAR & ORS.

Respondent(s)

Date : 28/01/2015 This appeal was called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE A.K. SIKRI
HON'BLE MR. JUSTICE ARUN MISHRA

For Appellant(s)

Mr.C.U.Singh, Sr.Adv.
Mr. A. S. Bhasme,Adv.
Mr.Pankaj Kr.Mishra, Adv.

For Respondent(s)

UPON hearing the counsel the Court made the following
O R D E RThe Civil Appeal is dismissed, in terms of the signed
order.(G.V.Ramana)
Court Master(Vinod Kulvi)
Asstt.Registrar

(Signed order is placed on the file)

Exhibit - C

Item No. 01

**BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI
(Through Video Conferencing)**

Execution Application No. 06/2018
IN
Original Application No. 28/2014

Shri. CA Saiprasad Mangesh Kalyanakar

Applicant(s)

Versus

The Regional Transport Officer (R.T.O.),
Sindhudurga & Ors.

Respondent(s)

Date of hearing: 13.03.2019

CORAM: **HON'BLE MR. JUSTICE ADARSH KUMAR GOEL, CHAIRPERSON**
HON'BLE MR. JUSTICE S.P. WANGDI, JUDICIAL MEMBER
HON'BLE MR. JUSTICE K. RAMAKRISHNAN, JUDICIAL MEMBER
HON'BLE DR. NAGIN NANDA, EXPERT MEMBER

For Applicant(s): Mr. CA Saiprasad Mangesh Kalyanekar applicant
in person

For Respondent (s): Mr. Subit Chakraborti, Advocate for R-4

ORDER

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.

The application stands disposed of.

Adarsh Kumar Goel, CP

S.P. Wangdi, JM

K. Ramakrishnan, JM

Dr. Nagin Nanda, EM

March 13, 2019
Execution Application No. 06/2018 IN
Original Application No. 28/2014
A

Exhibit - D

Item No. 02

**BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI
(Through Video Conferencing)**

M. A. No. 05/2019
IN
Original Application No. 28/2014 & E. A. No. 06/2018

Shri CA Saiprasad Mangesh Kalyankar

Applicant(s)

Versus

The regional Transport Officer (RTO)
Sindhudurga & Ors.

Respondent(s)

Date of hearing: 01.05.2019

**CORAM: HON'BLE MR. JUSTICE S.P. WANGDI, JUDICIAL MEMBER
HON'BLE MR. JUSTICE K. RAMAKRISHNAN, JUDICIAL MEMBER
HON'BLE DR. NAGIN NANDA, EXPERT MEMBER**

For Applicant(s):

Mr. Saiprasad Mangesh Kalyankar, applicant in person

For Respondent(s):

Mr. Shiv Shankar Swaminathan, Advocate for R-4

ORDER

M. A. No. 05/2019

Upon consideration of the application and the submissions of the applicant who appears in person, we do not find any merit in the application specifically in view of the admitted position that the orders of this Tribunal dated 10.09.2014 has since been quashed by the Hon'ble Supreme Court.

Dismissed.

S.P. Wangdi, JM

K. Ramakrishnan, JM

Dr. Nagin Nanda, EM

May 01, 2019

M. A. No. 05/2019 IN Original Application No. 28/2014 & E. A. No.
06/2018

A



Exhibit - E

Item No. 01

(Pune Bench)

**BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI**

(By Video Conferencing)

M.A. No. 09/2020

&

I.A. No. 134/2020

In

Original Application No. 28/2014(WZ)

C.A. Shri Saiprasad Mangesh Kalyankar

Applicant

Versus

R.T.O. Sindudurg & Ors.

Respondent(s)

Date of hearing: 10.06.2021

**CORAM: HON'BLE MR. JUSTICE ADARSH KUMAR GOEL, CHAIRPERSON
HON'BLE MR. JUSTICE SUDHIR AGARWAL, JUDICIAL MEMBER
HON'BLE MR. JUSTICE M. SATHYANARAYANAN, JUDICIAL MEMBER
HON'BLE MR. JUSTICE BRIJESH SETHI, JUDICIAL MEMBER
HON'BLE DR. NAGIN NANDA, EXPERT MEMBER**

ORDER

1. M.A. No. 09/2020 has been filed in the decided matter *inter-alia* for orders in terms of penal provisions in terms of Section 26 of the National Green Tribunal Act, 2010 for alleged violation of orders of this Tribunal dated 10.09.2014 in O.A. No. 28/2014(WZ).

2. Vide order dated 13.03.2019 in Execution Application No. 6/2018, the Tribunal found that order of the Tribunal stood set aside by the Hon'ble Supreme Court vide order dated 20.01.2015 in Civil Appeal No. 10806/2014 except on the issue of plantations which were directed to be complied. The applicant has also filed I.A. No. 134/2020 to the similar effect but subsequently a letter has been written for putting up both the

applications together. In view of order dated 13.03.2019, there is no ground to pass any further order.

The applications which will stand disposed of accordingly.

Adarsh Kumar Goel, CP

Sudhir Agarwal, JM

M. Sathyanarayanan, JM

Brijesh Sethi, JM

Dr. Nagin Nanda, EM

June 10, 2021
M.A. No. 09/2020 & I.A. No. 134/2020 In
O.A. No. 28/2014(WZ)
A

Exhibit - F**BEFORE THE NATIONAL GREEN TRIBUNAL, WESTERN ZONE
BENCH, PUNE**

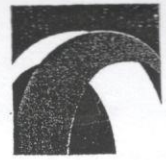
APPLICATION NO.28 /2014 (WZ)

Shri. Saiprasad Kalyankar Vs The Regional Transport Officer (RTO) & Ors.

**CORAM: HON'BLE MR JUSTICE V.R. KINGAONKAR, JUDICIAL MEMBER
HON'BLE DR. AJAY A. DESHPANDE, EXPERT MEMBER****Present: Applicant/ Appellant : None Appeared
Respondent No.8 : Mr Saket Mone Adv i/b Vidhi
Partners**

Date and Remarks	Orders of the Tribunal
Item No.3 May 25, 2015 Order No.14	<p>We have heard learned Advocate Mr. Saket Mone, appearing for Maharashtra State Road Development Corporation (MSRDC). Perusal of communications placed on record go to show that the transport authority has allocated the funds for transfer to the Irrigation Department as directed by NGT. Thus, main part of order of the NGT is complied with and Mr. Sake Mone, makes a statement that said amount will be transferred within a week. We accept the statement of Mr. Saket Mone.</p> <p>Only part which remains is regarding plantation of trees/plants as directed in the final order, which work has to be carried out by the concessionaire/contractor. MSRDC will give due information to the concessionaire/contractor to commence the work at the onset of Monsoon in order to ensure proper growth of plants during ensuring season. He also states that concessionaire/contractor will be informed to put tree-guards in order to avoid any loss of plantation and take due care of the plantation activity by all means. Consequence of failure or non-compliance may also be informed to concessionaire/contractor by the MSRDC in clear terms. He may be informed that failure to comply with directions of the NGT, may entail not only penal action under Section 28 of the NGT Act, 2010, but also recovery of cost of afforestation/ plantation which MSRDC will be compelled to do due to inaction on part of concessionaire/contractor. In view of above statement by learned Advocate Mr. Saket Mone, we deem it proper to hold that directions are complied with and the matter is disposed of.</p> <p style="text-align: right;">....., JM (Justice V. R. Kingaonkar)</p> <p style="text-align: right;">....., EM (Dr.Ajay A. Deshpande)</p>

Exhibit - G-1



320

MSRDC/02/BCP/EE16/Insuli/Tilari / 346
Date: 20.01.2015

**Maharashtra State
Road Development
Corpn. Ltd.**

(A Government of Maharashtra Undertaking)

To,
The Chief Engineer,
Water Resource Department,
4th Floor, HongKong Building,
Fort Mumbai- 400 001

Insuli

**Sub: - Modernization and Computerization of Integrated Border Check Posts in the state of Maharashtra at Insuli Dist Sindhudurgh
Deletion of BCP land from Command area of Tilari Canal**

Ref: 1. MSRDC's letter no 426 dated 03.04.2011 and 1457 dated 18.08.2011 to Secretary, Irrigation Department (copies enclosed.)
2. MSRDC, s letter no 1955 dated 09.05.2014 addressed to Dy RTO, Sindhudurgh with a copy to EE, Tilari Canal, Sindhudurgh (copy enclosed)

Sir

E

MSRDC has applied the secretary irrigation department to delete about 11.95 Ha land of Border Check Post at Insuli from the Command area of Tilari canal vide above referred letters at reference 1. The application being pending since long, the matter was discussed with you by the undersigned. As per our telephonic discussion, EE MSRDC visited your good office on 17.01.2014 and discussed the subject with Shri R R Pol, AE (Grade1). Pursuant to the discussion, it is submitted as under.

CE (ohal)

The Government had decided to carry out Modernization and Computerization of 22 Border Check Posts of Transport Department, Sales Tax & State Excise Department under a BOT Contract. The Government of Maharashtra has accordingly approved the proposal of Modernization and Computerization of Integrated Interstate Border Check Posts in the State of Maharashtra vide resolution no MVD-1201/CE149/TR-4 Dated 25.03.2008. **(Annexure A)** Maharashtra State Road Development Corporation Ltd ^{is} ~~was~~ declared as "Project Implementing Agency" for implementation of the project.

*Sh. Deshmukh
Sh. Wadkar
to discuss
up front
and put up*

The project consists of acquisition of land near the boundaries of surrounding States i.e. Gujarat, Andhra Pradesh, Karnataka and Madhya Pradesh, Chhattisgarh and Goa, construction of Check Posts and procurement of equipments for these Border Check Posts, such as modern electrical

Corporate Office: Opp. Bandra Reclamation Bus Depot, Near Lilavati Hospital, K.C. Marg, Bandra (West), Mumbai - 400 050.
Telephone No.: 022-26400190/201, 26558175/76 Fax No.: 022-26417893

Regd. Office : Nepean Sea Road, Besides Priyadarshini Park, Mumbai - 400 036.
Telephone No.: 022-2368 6112, 2369 6109 / 3671 / 3673, Fax No.: 022-2368 4943,
Website : www.msrdc.org, CIN : U45200MH1996SGC101586

instruments and appliances, weighing Bridges, video cameras etc. The check posts will be connected with Central Control Room in Mumbai via satellite.

The objective behind Modernization and Computerization project is to simplify and smoothen the procedure at the entry point of the States for the tempos, trucks and tractors from whom taxes and/or fees are collected by various departments like Sales Tax, State Excise and Transport Department.

The project will also enable the Government to achieve the following objectives:

- 1.1 All the officers of the above three departments mentioned above will function under one roof simultaneously.
- 1.2 100% checking of the vehicle will be possible.
- 1.3 It will enable the concerned drivers/owners to make the payment of the due amounts within a short time at only one place.

Land admeasuring of 11.95 Ha for the Insuli Check post was acquired vide notification under section 4, dated 24.02.2009 (**Annexure B**). The shifting of the check post was challenged in the High Court at Bombay under PIL no 147 of 2009 and Civil application no 159 of 2010, The Hon High Court has dismissed both these applications on 14.03.2011. A copy of the order is attached herewith (**Annexure C**). Further, the land acquisition was challenged under 2 Writ petitions i.e. 133 of 2011 and 4961 of 2012. Both the Writ petitions have been dismissed by the Hon High court at Bombay vide order dated 05.04.2013. A copy of the order is attached herewith (**Annexure D**).

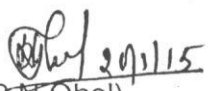
An application was filed in National Green Tribunal, Pune (NGT) stating that the project of Insuli Border Check Post involves illegal mining, land acquisition and tree cutting. The NGT has dismissed the application stating that the application is without merit by an order dated 10.09.2014. However in pare 39, while dealing with the project land in Command area of Tilari Irrigation project NGT has observed as follows:

"There is no dispute about the fact that the part of project land was in command area of Tilari Irrigation Project. It is an admitted fact that only small part of the project falls within command area of the irrigation canal area of Tilari. It has been thought on record that the Respondent no 1 (Transport Department), has already filed an application to the competent authority, seeking permission from the said Authority for delineation of area from the irrigation command area, in order to avoid technical problem. The Competent

authority is dealing with the said application. The present application, in fact, should not have impaired the decision of such application. The application is moved by the Respondent no 1, and is addressed to the Secretary of Irrigation Department (Command) Mantralaya, Mumbai, by the Chief Land and Survey Officer. Tilari canal runs from left side of NH 17 and therefore, such permission is sought on behalf of the respondent no 1. The project may be, therefore, allowed to be completed if such permission is granted by the competent authority or is already granted. Thus, formality shall not detain us deciding the present application. Moreover the Hon High Court has already held that the project may be executed by acquiring the land from the Command area after following due procedure. Needless to say, if due permission is accorded by the Competent Irrigation Authority, then there would be no illegality in the process of execution of the project in question". A copy of the order is attached herewith. **(Annexure E)**.

It may be appreciated that the project of the Border Check post Insuli has been upheld by the court / Tribunal subject to obtaining the permission for deletion of area from Irrigation command area. The land is in possession since 2009. The application is made to delete the Border Check Post area from the Command area of Tilari Canal in 2011 and yet there is no reply received from Irrigation Department. To avoid further loss of revenue of the Government, it is requested to delete the area admeasuring 11.95 Ha land from the Command area of Tilari canal at the earliest to enable MSRDC to commence construction work of Insuli Border Check Post forthwith thereafter.

Encl: As above


(B.N. Ohol)
Chief Engineer

Copy submitted to,

✓ VCMD, MSRDC for information please
JMD-II for information please
Transport Commissioner for information please.



To,
The Chief Engineer,
Water Resource Department,
4th Floor, HongKong Building,
Fort Mumbai- 400 001

महाराष्ट्र राज्य रस्ते विकास
महामंडळ मर्यादित
(महाराष्ट्र शासनाचा उपक्रम)

**Sub: - Modernization and Computerization of Integrated Border Check Posts in the State of Maharashtra at Insuli Dist Sindhudurgh
Deletion of BCP land from Command area of Tilari Canal**

- Ref:**
1. MSRDC's letter no 426 dated 03.04.2011 and 1457 dated 18.08.2011 to Secretary, Irrigation Department-copies enclosed.
 2. MSRDC, s letter no 1955 dated 09.05.2014 addressed to Dy. RTO, Sindhudurgh with a copy to EE, Tilari Canal, Sindhudurgh copy enclosed
 3. MSRDC's letter no MSRDC/02/BCP/EE16/Tilari/346 dated 20.01.2015
 4. National Green Tribunal Order dated 19.02.2015

Sir

Vide above referred letter at serial no 1, MSRDC has applied to Irrigation Department requesting to delete the land Border Check Post, Insuli from the command area. MSRDC again vide letter 20.02.2015 has informed the status of the court cases.

A hearing was kept by National Green Tribunal on 19.02.2015 and has directed Irrigation Department to expedite the proceedings in grant of permission. The copy of the order is attached herewith for your necessary action please.

Encl: As above

Muktesh Wadkar
11.3.15
(MukteshWadkar)
Executive Engineer

Copy submitted to,

VCMD, MSRDC for information please
JMD-II for information please
Transport Commissioner for information please
CE(BNO) for information please
LO(SG) for information please

ofc

निगम कार्यालय : वांद्रे रेक्लेमेशन डेपोसुमोर लिलावती हॉस्पिटल जवळ, के. सी. मार्ग, वांद्रे (प), मुंबई - ४०० ०९०.
F:\BCP\Insuli\Tilari\Letter to CE for NGT order.DOCX
दुरध्वनी : ०२२-२६४००१९०/२०१, २६९९८१७९/७६, फॅक्स : ०२२-२६४१७८९३.

नोंदणीकृत कार्यालय: नेपियनसी रोड, प्रियदर्शिनी पार्क शेजारी, मुंबई - ४०० ०३६.

दुरध्वनी : ०२२-२३६८६११२, २३६९६१०९/३६७१/३६७३, फॅक्स : ०२२-२३६८४९४३.

वेबसाईट : www.msrdc.org, सीआयएन : U45200MH1996SGC101586

Exhibit - H

Water Resources Department

NO OBJECTION CERTIFICATE

Subject:- No-Objection-Certificate for location clearance for the project of Modernisation and Computerisation of Integrated Border Check Posts in the State of Maharashtra at village Banda near Insuli Dist. Sindhurg by Maharashtra State Road Development Corporation.Ltd being Project Implementation Agency.
Deletion of BCP land from Command area of Tilarl Canal

Reference:-

- 1) Maharashtra State Road Development Corporation Ltd. Marathi Letter Dated 18-8-2011.
- 2) Superintending Engineer, Konkan Irrigation Circle, Ratnagiri's Marathi letter No.KIC/PB/D-17 dt.30-9--2014.
- 3) Chief Engineer, Maharashtra State Road Development Corporation Ltd. Marathi Letter No.MSRDC/02/BCP/EE16/Insuli/Tillari/346 Dated 20-1-2015..
- 4) Maharashtra State Road Development Corporation Ltd. English Letter No.MSRDC/02/BCP/EE16/Insuli/Tillari/1012 Dated 11-3-2015.
- 5) Hon. The national Green Tribunal, Western Zone Bench, Pune's Order Dated 19-2-2015.
- 6) Superintending Engineer, Konkan Irrigation Circle, Ratnagiri's Marathi letter No.KIC/Administration/D-17/2931 dt.17-6--2015.

As per Urban Development Department's Notification No. TPS/1205/MMR DCR/CR-48/06/UD-12 dated 10-3-2006, No-Objection-Certificate of Water Resources Department is required for issuing location clearance.

Powers of issuing No-Objection-Certificate of Water Resources Department are delegated to Regional Chief Engineers vide Government of Maharashtra's Marathi Circular No. Miscel.-2007 / (170 / 2007) / IM (Revenue) dated 8-10-2007.

With reference to consolidated field report submitted by the Superintending Engineer, Konkan Irrigation Circle, Ratnagiri's letter under ref. No.2 ,No-Objection-Certificate is issued to Maharashtra State Road Development Corporation Ltd(Project Implementation Agency) for proposed project of Modernisation and Computerisation of Integrated Border Check Posts in the State of Maharashtra at village Banda Dist. Sindhurg for specified Survey-Hissa Nos. belonging to Dy Regional Transport officer, Tansport Department, Sindhurg as per the statement attached having total area 119550 sqm i.e. 11-95-50 ha. (as mentioned in Table given below) subject to conditions mentioned below 'Table'.


Table

Sr. No.	Name of Village	Area in Ha. for NOC		Total area under Command area of Banda Branch Canal of Tilarl Project in Ha.
		Within Command in Ha.	Out of Command in Ha.	
1	Banda Tal. Dist.	11-95-50	00-00-00	11-95-50
		S.No.189,194, 197 & 198(Belonging to Transport department)		S.No.189,194,197 & 198(Belonging to Transport department)
Total Area in Ha.		11-95-50		

CONDITIONS-

1. Violation of Maharashtra Irrigation Act 1976 will lead to cancellation of N.O.C.
2. Violation of Maharashtra Zilla Parishad & Panchayat Samiti Act 1961 will lead to cancellation of N.O.C.
3. Violation of Maharashtra Kharland Development Act 1978 will lead to cancellation of N.O.C.
4. This N.O.C. is subjected to Water Resources Department only. A separate N.O.C. is required from Ministry of Environment & other departments as stated in Urban Development Department's notification dated 10-3-2006.
5. Topographical changes may lead to cancellation of N.O.C.
6. At the time of construction & after development of Check Post waste water, garbage should not be dumped into nearby water bodies like river, nalla, etc.
7. The water flowing in river, nallas of developed area is the property of Water Resources Department & for use of this water approval of this Department is necessary.
8. Water supply to check post is not bounded on GoM & whole responsibility is of developer only.
9. GoM is not responsible for encroachment if any.
10. This No-Objection-Certificate is strictly for said land for the Check Post in the State of Maharashtra at village Banda Dist. Sindhudurg & this N.O.C. is non-transferable.
11. If the development work is not started within two years from issue of N.O.C., the N.O.C. will stand cancelled. N.O.C. is valid only upto two years.

No. 3818 / LC-Banda-Insuli/MSRDCL/ T-1(1)/3500
 Chief Engineer, Kokan Region,
 Water Resources Department,
 Hongkong Bank Building, 4th Floor,
 Hutatma Square, Mumbai- 400 001
 Date :- 2-07-2015.
 O.C. Signed by C.E.


 (U.L. Pawar)
 Chief Engineer
 Water Resources Department
 Kokan Region
 Mumbai- 400 001

(1) Copy submitted to the Secretary (WR), Water Resources Department, Mantralaya, Mumbai for information please.

(Attention:- Shri. P.H. Patil, Desk Officer, I&M (R))

(2) Copy submitted to the Secretary, Urban Development Department, Mantralaya, Mumbai for information please.

(Attention:- Shri. Sanjay Pawar, Desk Officer, Town Planning)

(3) Copy forwarded to the Superintending Engineer, Konkan Irrigation Circle, Ratnagiri for information.

✓ (4) Copy forwarded to Maharashtra State Road Development Corporation. Ltd., Opp. Bandra Reclamation Bus Depot, Near Lilavati Hospital, K.C. Marg, Bandra (West), Mumbai-400 050 for information please.

मुंबई पत्रिका क्र 0013767 दि 3/6/09 म. २६६

[मूळ प्रत] अहस्तांतरणीय शासनास केलेल्या प्रदानाची पावती (अहस्तांतरणीय)

[म. सा. बां. लेखा संहिता, परिच्छेद ६. ३. १ मध्ये निर्दिष्ट केल्याप्रमाणे]

दिनांक २६/६/०९

ठिकाण चरदो सांगव/डो

विभाग निम्नारो कामदार विभाग

श्री./श्रीवती/कुमारी श्री. अ. स. राने

यांच्याकडून २३,३०६५/- या

बाबीसाठी/कारणासाठी रुपये (अंकी) २३,३०६५/-

रुपये (अक्षरी) चाळीस हजार तीनशे सहाशे

फक्त इतकी रक्कम मिळाली. २३,३०६५/-

रोखपाल किंवा लेखापाल

(Signature)
 शासनास केलेल्या प्रदानाची
 पावती
 दि. ३/६/०९
 म. सा. बां. लेखा संहिता

Exhibit - I



Maharashtra State
Road Development
Corp. Ltd.

(A Government of Maharashtra Undertaking)

327
Insuli
MSRDC/BCP/EE-16/2015/Insuli/ 737
Date: 18.02.2015
To,
Dr. Shri B. Venkateswarlu
Vice Chancellor
Konkan Krishi Vidyapeth
Taluka-Dapoli Dist- Ratnagiri. -415712
Phone no-02358-282064

Sub: Modernisation & Computerisation of 22 Integrated Border Check Posts in the State of Maharashtra

Regarding compensatory afforestation

Ref: 1) Government of Maharashtra GR dated 25.03.2008
2) National Green Tribunal Order dated 10/09/2014

The Government of Maharashtra has decided on Modernisation and Computerisation of 22 Integrated Border Check Posts vide GR dated 25.03.2008 and appointed MSRDC as "Project Implementing Agency" (PIA) for this project. MSRDC has awarded the work to M/s Sadbhav Engineering and to implement the project, Sadbhav has formed special purpose vehicle (SPV) in the name of M/s Maharashtra Border Check Post Network Ltd (MBCPNL). The Concession Agreement has been executed between Transport Department and MBCPNL. Banda (Insuli), Dist Sindhudurg, is one of the check Posts that is to be modernised under the said project of Modernisation and Computerisation of 22 Integrated Check Posts in the State of Maharashtra.

The said project of Modernization of Border Check Post at Insuli was challenged in the National Green Tribunal, Pune. The National Green Tribunal has disposed of the application by order dt.10.09.2014 and has given certain directions for compliance. Following is one of the directions to be complied with viz "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 the NH-17, as per the opinion of Agricultural University, Dapoli. The work shall be supervised by Head of the Horticultural Department of Agricultural University Dapoli to whom honorarium of Rs.25000/- p.m, be paid by the MSRDC. MSRDC shall deposit an amount of Rs 10 lakhs as tentative cost for such afforestation programme to be executed through Agricultural University, Dapoli, under the supervision of the committee, in the Collectors office, Sindhudurg, within two (2) months hereafter".

The site is located at survey no 189 at village Banda, Taluka Sawantwadi, Dist Sindhudurg on NH-17. 11.95 Ha of land is acquired for this project. As per the directions of NGT, the tree plantation is to be done on the slope of the acquired land or area near on NH-17. The slope area admeasures approximately 2-3 acres as shown on the map attached herewith.

Corporate Office : Opp. Bandra Reclamation Bus Depot, Near Lilavati Hospital, K.C. Marg, Bandra (West), Mumbai - 400 050.
Telephone No.: 022-26400190/201, 26558175/76 Fax No.: 022-26417893

Regd. Office : Insuli letter head, Opp. Sea Road, Besides Priyadarshini Park, Mumbai - 400 036.
Telephone No.: 022-2368 6112, 2369 6109 / 3671 / 3673, Fax No.: 022-2368 4943,
Website : www.msrdc.org, CIN : U45200MH1996SGC101586

2139328

For the compliance with the above direction of NGT, a site visit with officers of MSRDC needs to be done. The process for payment of honorarium and deposit of cost will be undertaken in due course.

In view of this, it is requested to give a suitable date and time to jointly visit the site for further course of action.

Encl: As above.


(Santosh Kumar)
Joint Managing Director

Copy submitted to VCMD for information please
Copy to HOD, Horticultural Department, Dapoli Agricultural University for necessary action
Copy to CEO, MBCPNL for necessary action

Exhibit - J

No. ACD/ HORT /599/ 1531 /15
 Department of Horticulture,
 College of Agriculture, Dapoli
 Date: 18/02/2015

To,

Joint Managing Director,
 Maharashtra State Road Development Corporation Ltd.
 Opp. Bandra Reclamation Bus stand,
 Near Lilavati Hospital
 K.C. Marg, Bandra (W),
 Mumbai- 400050

Sub: Modernization and computerization of 22 Integrated Border check post in state of Maharashtra...

Ref: 1) Your letter No. MSRDC/BCP/EE-16/2015 Insul: /377 dated 18.02.2015 addressed to Hon. Vice Chancellor, Dr. B.S. Konkan Krishi Vidyapeeth, Dapoli

E(mw)

Sir,

As per the letter under reference, the undersigned alongwith the Executive Engineer Mr. Muktesh Wadkar visited the site at Insuli-Banda check post on 10.3.2015 regarding the afforestation programme to be executed as per the order of National Green Tribunal, Pune (West Zone). The detailed report of visit is enclosed herewith for further needful.

Yours faithfully,

[Signature]
 Head

Department of Horticulture
 Dr. B. S. Konkan Krishi Vidyapeeth,
 Dapoli

866
2013

M. S. R. D. C.
 LEVY/CP/1 SITE OFFICE, BANDRA

RECEIVED NO. _____
 TIME _____
 REPORT _____

Copy submitted for information to.

- 1) The Registrar, Dr. B. S. Konkan Krishi Vidyapeeth, Dapoli
- 2) The Associate Dean, College of Forestry.
- 3) P.S. to Hon. Vice Chancellor, Dr. B. S. Konkan Krishi Vidyapeeth, Dapoli

Discuss if put up urgently

24/3
M. Wadkar

इन्सूली बांदा येथील चेक पोस्ट नजिक करावयाच्या लागवडीसंदर्भात दि. १६.०३.२०१५ रोजी केलेल्या संयुक्त पहाणीचा अहवाल.

सहव्यवस्थापकीय संचालक, महाराष्ट्र रस्ते विकास महामंडळ यांच्याकडून पत्र क्र. MSRDC/ BCP/ EE-16/2015/ Insuli / 737 दि. १८.०२.२०१५ अन्वये मा. कुलगुरु डॉ. बाळासाहेब सावंत कोकण कृषि विद्यापिठ, दापोली यांना राष्ट्रीय हरित लवाद, पूणे (पश्चिम विभाग), यांचा इन्सूली, बांदा येथे सीमा तपासणी नाका (Border check post) येथे करावयाच्या वन लागवडी बाबतचा निर्णय कळविण्यात आला. त्यानुसार प्रस्तावित तपासणी नाक्या नजिकच्या जमिनीमध्ये ४४,००० विविध झाडांची लागवड करावयाची आहे. या लागवडीचे तांत्रिक मार्गदर्शन प्रमुख, उद्यानविद्या विभाग, डॉ. बा. सा. कोकण कृषि विद्यापिठ, दापोली. यांनी करावयाचे असून सदर वन लागवड विद्यापिठाच्या सहकायाने व मार्गदर्शनाखाली करावयाची आहे. सदर लागवड करण्याबाबत दि. १६.०३.२०१५ रोजी विभागप्रमुख, उद्यानविद्या विभाग यांनी इन्सूली बांदा तपासणी नाका नजिकच्या प्रक्षेत्रास प्रत्यक्ष भेट दिली. पहाणीच्यावेळी खालील अधिकारी उपस्थित होते.

अ.क्र	नाव	हुद्दा
१	डॉ. पराग हळदणकर	प्रमुख, उद्यानविद्या विभाग, डॉ. बा. सा. कोकण कृषि विद्यापिठ, दापोली
२	श्री.मुक्तेश वाडकर	कार्यकारी अभियंता, महाराष्ट्र राज्य रस्ते विकास महामंडळ, वांद्रे,मुंबई
३	श्री. योगेश परुळेकर	सहय्यक प्राध्यापक, उद्यानविद्या विभाग, डॉ. बा. सा. कोकण कृषि विद्यापिठ, दापोली
४	श्री. जी. बी. बडवे	शिरस्तेदार, महाराष्ट्र राज्य रस्ते विकास महामंडळ, वांद्रे,मुंबई
५	श्री. नीतिन पोळेकर	प्रतिनिधी, एम्.वी. सी. पी. एन्. एल्.

या भेटीच्या वेळी संपूर्ण प्रक्षेत्राची फिरून पहाणी करण्यात आली. याठिकाणी विविध विकास कामे जसे की वाहन तपासणीसाठीचे रस्ते, इमारती, कर्मचारी निवासस्थाने उभारली जाणार आहेत. या कामांचा संभाव्य आराखडा करण्यात आलेला आहे. मात्र प्रत्यक्ष जागेच्या संरचनेवर आधारित अंतिम आराखडा तयार झालेला नाही. सदर अंतिम आराखडयाशिवाय नेमकी कोणत्या ठिकाणी वन लागवडीसाठी जागा उपलब्ध होणार आहे हे ठरविता येत नाही. तसेच नेमकी कोणत्या प्रकारची झाडे लावावी लागतील, हे देखिल अंतिम आराखडा झाल्यानंतरच ठरविता येईल.

विविध विकास कामे करताना भरावासाठी त्याच परिसरातील माती वापरली जाणार आहे व ही माती उपलब्ध करून घेण्यासाठी प्रक्षेत्रावरील अनेक ठिकाणच्या मातीचे उत्खनन करावे लागणार आहे. या उत्खननाची नेमकी जागा, त्याची खोली इ. बाबतची स्पष्ट माहिती देखिल आवश्यक आहे संबंधित सर्व मंडळींशी चर्चा केली असता, महाराष्ट्र राज्य रस्ते विकास महामंडळाच्या ताब्यातील ऊंचावरील ठिकाणच्या उताराच्या वरच्या बाजूस क्षेत्रावर लागवड केली जाणार आहे, तर या क्षेत्राच्या खालच्या ठिकाणची माती भरावासाठी वापरली जाणार आहे. भरावासाठी माती काढल्यानंतर ऊंचावरील माती धसरून नये म्हणून संरक्षक भिंत बांधण

अत्यावश्यक आहे. म्हणजेच भरावासाठी वापरल्या जाणाऱ्या मातीच्या उत्खननानंतर व भिंत भिंत बांधल्यानंतरच वृक्ष लागवड करता येवू शकेल.

सद्य परिस्थितीत कोणत्याही प्रकारचे कुंपण महामंडळाच्या प्रक्षेत्रासभोवती नाहं प्रत्यक्ष पहाणी करताना मोकट जनावरांची विष्टा जागोजागी आढळली. तद्वत लागव करण्यापूर्वी संपूर्ण प्रक्षेत्रास कुंपण करणे आवश्यक आहे. जेणेकरून भटकी जनावरे लागव केलेली झाडे खावून नुकसान करणार नाहीत.

संपूर्ण प्रक्षेत्रावर गवत, लहान झाडे झुडपे मोठया प्रमाणावर आहेत. लागवडीपूर्व संपूर्ण प्रक्षेत्राची साफसफाई करणे, मुळे काढणे आवश्यक आहे. सदर प्रक्षेत्रावर झाडांना पाण पुरवठा करण्यासाठी कोणतीही सोय नाही. कायमस्वरूपी पाण्याची सोय तसेच विज जोडणी पंप यांची व्यवस्था करणे आवश्यक आहे.

उपरोक्त सर्व वस्तुस्थितीचा सांगोपांग विचार करता खालील बाबीची पूर्तता महाराष्ट्र राज्य रस्ते विकास महामंडळाकडून होणे आवश्यक आहे.

१) क्षेत्राचा विविध विकास कामाचा उल्लेख असलेला अंतिम आराखडा. या आराखडयामध्ये वृक्ष लागवड नेमकी कोणत्या प्रक्षेत्रावर करावयाची आहे याचा उल्लेख तसेच या जागेची मोजमापे

- २) भरावासाठी माती उत्खनन करण्यात येणार त्यासाठी संरक्षक भिंत
- ३) लागवडीच्या प्रक्षेत्राभोवती कुंपण
- ४) पाणी पुरवठ्याची सोय, पंप व विजेचे जोडणी
- ५) लागवडी करावयाच्या प्रक्षेत्राची साफ सफाई

वर उल्लेख केलेल्या क्र.१ च्या माहिती नंतर प्रत्यक्ष कोणत्या प्रकारची झाडे लावता येतील या बाबतचा आराखडा तयार करण्यात येईल. मा. हरित लवाद यांनी या प्रक्षेत्रावरील तोंडल्या गेलेल्या काही वृक्ष प्रजाती या लागवडीमध्ये समाविष्ट करण्याबाबत निर्देश दिले आहेत या प्रजातीची यादी या कामी आवश्यक आहे याबाबतचे पूर्ण नियोजन झाल्यानंतर प्रक्षेत्रास पुन्हा भेट देणे आवश्यक आहे.


प्रमुख,

उद्यान विद्या विभाग,
डॉ. या.सा. कोल्हापूर जिल्हा पिकाभिन्न
कार्येची शाखा, कोल्हापूर

Exhibit - K-1



492
3325

महाराष्ट्र राज्य रस्ते विकास
महामंडळ मर्यादित
(महाराष्ट्र शासनाचा उपक्रम)

MSRDC/02/BCP/EE-16/14606
dated 14.11.2014

To,
28 NOV 2014
Jt Commissioner Transport
Transport Department
3rd Floor New Administration Building,
Near Government Colony, Bandra (Wt),
Mumbai: 400 051.

Sub: - Modernization & Computerization of 22 Border Check Posts in the State of Maharashtra

Regarding availability of land for plantation of trees at Banda BCP

Ref: -1) This office letter no MSRDC/02/BCP/EE-16/3593 dated 09/09/2014
2) This office letter no MSRDC/02/BCP/EE-16/1102 dated 10/10/2014
3) Transport office letter no 18739 dated 29/10/2014

MSRDC is receipt of above letter from Transport department. It is requested to submit the action taken on the orders passed by National Green Tribunal Pune.

RFO Sawantwadi has granted the permission of tree cutting with a condition to plant the same number of trees and of the similar species. But trees could not be planted as land therefor is not yet made available. MSRDC has requested Transport Department to follow up the matter with Forest Department to make land available for plantations of trees vide above referred letter at serial no 1.

MSRDC has decided to challenge the order of NGT in the Hon Supreme Court and action in respect thereof is being taken. MSRDC has requested Transport Department for the same vide letter at serial no 2.

It is again requested to follow up the matter with the Forest Department to make alternate land available for plantation of 1282 trees.

(B N Ohol)
Chief Engineer

Encl-Copy of the letters

Copy submitted to:

- 1) Principal Secretary, Transport for information please
- 2) VCMD, MSRDC for information please
- 3) JMD-II, MSRDC, Mumbai for information please.
- 4) Dy RTO, Sindhudurgh, for information please

f:\bcp\insuli\ngt\office note for insuli bcp dated 17.11.14 land availability.docx

निमम कार्यालय : वांद्रे रेक्लेमेशन डेपोसमोर, लिलावती हॉस्पिटल जवळ, के. सी. मार्ग, वांद्रे (प), मुंबई - ४०० ०५०.
दुरध्वनी : ०२२-२६४००१९०/२०१, २६५५८१७५/७६, फॅक्स : ०२२-२६४१७८९३.

नोंदणीकृत कार्यालय: नेपियनसी रोड, प्रियदर्शिनी पार्क शेजारी, मुंबई - ४०० ०३६.

दुरध्वनी : ०२२-२३६८६११२, २३६९६१०९/३६७१/३६७३, फॅक्स : ०२२-२३६८४९४३.

वेबसाईट : www.msrdc.org, सीआयएन : U45200MH1996SGC101586



ANIL DIGGIKAR, IAS

Vice Chairman & Managing Director

MSRDC/BCP/EE-16/2014/Insuli/043

05 JAN 2015

To,
Transport Commissioner
 Transport Department
 3rd Floor New Administration Building,
 Near Government Colony, Bandra (W),
 Mumbai: 400 051.

Sub: Modernization & Computerization of 22 Border Check Posts in the state of Maharashtra
 Regarding availability of land for plantation of tree at Banda.

- Ref: 1) This office letter no. MSRDC/02/BCP/EE-16/3593 dated 09.09.2014
 2) This office letter no MSRDC/02/BCP/EE16/1102 dated 10.10.2014
 3) This office letter no. MSRDC/02/BCP/EE-16/4606 dated 28.11.2014
 4) Your letter no. 19628 dated 20.11.2014

MSRDC is in receipt of above referred letter at serial no.3 above from Transport Department.

It is requested therein to take action as per the orders of NGT as mentioned below:

- To obtain permission of Irrigation Dept for deletion of BCP land from command area of Tilari Canal.
- To plant 44,000 trees in the acquired land or nearby on NH 17.
- MSRDC to pay Rs.10 lakhs and Rs.25,000/- per month to Dapoli University for afforestation
- Contractor to pay Rs.10 lakhs, if contractor does not pay, MSRDC shall pay the same.

MSRDC being aggrieved has challenged this order of NGT in Hon. Supreme Court in CA no 10806 of 2014 and also requested Transport Department for challenging the same by letter at sr no 3 above. While dismissing the application, it is held by NGT that the Project cannot be held to be illegal for procedural requirements. To go ahead with the project, it is necessary to obtain permission from the Irrigation Department to delete the BCP land from the command area of Tilari Canal. Action in that respect may be taken at an early date.

It may be noted that Forest Department has permitted cutting of 1279 no. trees with a condition to plant equal number of trees with same species. The acquired land will be used for construction of BCP. After alternate land is made available for plantation of trees, necessary action in that respect will be taken. The same was requested vide letter no. MSRDC/02/BCP/EE-16/3593 dated 09.09.2014 & letter no. MSRDC/02/BCP/EE-16/4606 dated 28.11.2014. It is again requested to comply with the same and make alternate land available at the earliest.

(Anil Diggikar)
 Vice Chairman & Managing Director

Copy Submitted to: - JMD-II MSRDC Bandra for information please

Maharashtra State Road Development Corporation Limited

(A Government of Maharashtra Undertaking) 12.14.docx

Priyadarshini Park, Nepean Sea Road, Mumbai - 400 036. India.
 Tel.: (D) 2368 5909 • Fax : 2369 1031 • E-mail : vcmd@msrdc.org

Exhibit - K-3



334

MSRDC/02/BCP/EE16/Insuli /1479

To: 16 MAR 2016

Sri Bhalchandra
Dy. Commissioner Transport
Transport Department
3rd Floor, New Administration Building
Near Govt Colony, Bandra (W)
Mumbai - 400 051

Maharashtra State
Road Development
Corp. Ltd.

(A Government of Maharashtra Undertaking)

Sub: Modernization and computerization of 22 Border Check Posts in the state of Maharashtra on Build, Operate and Transfer (BOT) basis.

- Regarding availability of land for planting of tree at Banda, Sawantwadi, Sindhudurg - Insuli BCP.

Ref: 1. MSRDC letter no MSRDC/02/BCP/EE16/043 dated 05.01.2015 and 3593 dated 09.09.2014

National Green Tribunal has ordered to plant 44,000 trees on the slopes of acquired land or area on NH17. MBCPNL has planted almost 250 trees in the acquired land. After required construction of BCP, MBCPNL will plant remaining trees in the available land. Maximum of 1000 to 2000 trees may be possibly planted on the balance land. For remaining trees, additional land is required. MSRDC has requested to NHAI for permission to plant trees on RoW of NH17. Further more land space is required to plant remaining trees. Therefore it is requested to make land available from Forest Department or Collector Sindhudurg to plant the trees. The best season for plantation of trees is between June to September during the monsoon season.

M. Wadkar
16.03.2016
(Muktesh Wadkar)
Executive Engineer

Copy to: Dy RTO Sindhudurg for further necessary follow up
Copy to MBCPNL for further necessary action and follow up the matter on priority.

f/bcp/insuli/lettertodaycomm

Corporate Office : Opp. Bandra Reclamation Bus Depot, Near Lilavati Hospital, K.C. Marg, Bandra (West), Mumbai - 400 050.
Telephone No.: 022-26400190/201, 26558175/76 Fax No.: 022-26417893

Exhibit - L-1

न्यायालयीन बाब
महत्वाचे

उप प्रापका/सिंधु/आस्था/२०१६/जाक्र. २।६४.
उप प्रादेशिक परिवहन अधिकारी,
सिंधुदुर्ग यांचे कार्यालय,
फोन-०२३६२ २२९०५०.
ई-मेल-mh07@mahatranscom.in
दिनांक - २९/०९/२०१६

प्रति,
मा. जिल्हाधिकारी,
सिंधुदुर्ग.

विषय :- वृक्ष लागवड करण्यासाठी जागा उपलब्ध करण्याबाबत.

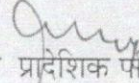
संदर्भ :- कार्यकारी अभियंता, महाराष्ट्र राज्य रस्ते विकास महामंडळ, मुंबई यांचे पत्र क्र.
एम. एस. आर. डी. सी./०२/ बीसीपी/ इइ१६/ इन्सुली/ १४७९ दि. १६/०३/२०१६.

महोदय,

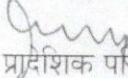
राष्ट्रीय महामार्ग क्र. १७ वर गोवा राज्याच्या सीमेजवळ परिवहन विभागाच्या मालकीच्या जागेवर अत्याधुनिक व संगणकीकृत सीमा तपासणी नाका उभारण्याचे कामकाज सुरू आहे. राज्य शासनाने याकामी महाराष्ट्र राज्य रस्ते विकास महामंडळ, मुंबई यांची प्रकल्प अंमलबजावणी संस्था म्हणून नियुक्ती केलेली आहे. या प्रकल्पासंदर्भात झालेल्या अर्ज क्र. २८/२०१३ च्या अनुषंगाने मा. राष्ट्रीय हरित लवाद, पुणे यांनी महाराष्ट्र राज्य रस्ते विकास महामंडळाला ४४००० वृक्ष लागवड करण्याचे आदेश दिले आहेत. प्रकल्पस्थळी जास्तीत जास्त सुमारे १००० ते २००० वृक्ष लागवड करणे शक्य असून उर्वरित झाडे लावण्यासाठी अतिरिक्त जागेची आवश्यकता असल्याचे उपरोक्त संदर्भीत पत्रान्वये कार्यकारी अभियंता, महाराष्ट्र राज्य रस्ते विकास महामंडळ, मुंबई यांनी कळविलेले आहे.

तरी सिंधुदुर्ग जिल्ह्यात वृक्ष लागवड करण्यासाठी कृपया जागा उपलब्ध करून देण्यात यावी, ही नम्र विनंती.

प्रत: तहसिलदार (सर्व).
जिल्हा- सिंधुदुर्ग.


उप प्रादेशिक परिवहन अधिकारी,
o/c सिंधुदुर्ग.

आपल्या कार्यक्षेत्रात वृक्ष लागवड करण्यासाठी जागा उपलब्ध असल्यास कृपया तात्काळ या कार्यालयास अवगत करण्यात यावे, ही नम्र विनंती.


उप प्रादेशिक परिवहन अधिकारी,
सिंधुदुर्ग.

प्रत : कार्यकारी अभियंता, महाराष्ट्र राज्य रस्ते विकास महामंडळ, मुंबई यांना माहितीसाठी सादर.

Exhibit - L-2

336

न्यायालयीन बाब
महत्वाच

उप प्रापका/सिधु./आस्था/२०१३/जा.क्र.
उप प्रादेशिक परिवहन कार्यालय, सिधुदुर्गनगरी,
ता. कुडाल, जि. सिधुदुर्ग.
फोन क्रमांक - ०२३६२ - २२९०५०.
ई मेल - mh07@mahatranscom.in
दिनांक :- २६-३-२०१६

प्रति.

भा. उप वन संरक्षक
सावतवाडी
जि. सिधुदुर्ग.

विषय :- वृक्ष लागवड करण्यासाठी जागा उपलब्ध करण्याबाबत.
संदर्भ :- कार्यकारी अभियंता, महाराष्ट्र राज्य रस्ते विकास महामंडळ, मुंबई यांचे पत्र क्र. एम. एम.
आर.डी.सा/०२/बीसीपी/इड१६/इन्सुली/१४१०९ दि.१६/०३/२०१६

महोदय,

राष्ट्रीय महामार्ग क्र.१७ वर गोवा राज्याच्या सीमेजवळ परिवहन विभागाच्या मालकीच्या जागेवर
अत्याधुनिक व संगणकीकृत सीमा तपासणी नाका उभारण्याचे कामकाज सुरु आहे. राज्य शासनाने याकामी
महाराष्ट्र राज्य रस्ते विकास महामंडळ, मुंबई यांची प्रकल्प अंमलबजावणी संस्था म्हणून नियुक्ती केली
आहे. या प्रकल्पामंदर्भात झालेल्या अर्ज क्र.२७/२०१६ च्या अनुषंगाने मा.राष्ट्रीय हरित लवाद, पुणे यांनी
महाराष्ट्र राज्य रस्ते विकास महामंडळाला ४४००० वृक्ष लागवड करण्याचे आदेश दिले आहेत. प्रकल्पस्थळा
जागीत जवळ १००० ते २००० वृक्ष लागवड करणे शक्य असून उर्वरित झाडे लागवण्यासाठी अतिरिक्त जागेची
आवश्यकता असल्याचे उपरोक्त संदर्भात पत्रान्वये कार्यकारी अभियंता, महाराष्ट्र राज्य रस्ते विकास
महामंडळ, मुंबई यांनी कळविलेले आहे.

तरी सिधुदुर्ग जिल्ह्यात वृक्ष लागवड करण्यासाठी कृपया जागा उपलब्ध करून देण्यात यावी. ही नम
विनंती.

उप प्रादेशिक परिवहन अधिकारी,
सिधुदुर्ग.

प्रत:- कार्यकारी अभियंता, महाराष्ट्र राज्य रस्ते विकास महामंडळ, मुंबई माहितीसाठी सादर.

05 APR 2016

Exhibit - M-1



337

To,
Chief Engineer
National Highway, Division
Public Works Department
Kokan Bhavan, Belapur
Mumbai.

Maharashtra State
Road Development
Corp. Ltd.

(A Government of Maharashtra Undertaking)

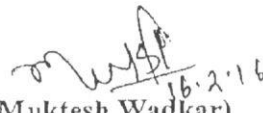
Subject : - Plantation of Trees on N.H. no.17 in Dist.- Sindhudurgh

Reference: - National Green Tribunal order dated 10.09.2014.

MSRDC is working as Project Implantation Agency for the Project of Modernisation of Computerisation of Integrated Border Check Post in State of Maharashtra as per Government resolution No. MVD-1208/CR-16/TRA-4 Mantralaya Mumbai 400 032 dated 25.03.2008. Land around 12 Ha land is acquired at village Bandya, Tal. Sawantwadi, Dist. Sindhudurgh. M/s. MBCPNL (SPV form by M/s. Sadbhav Engineers Ltd.) has been awarded the work. The National Green Tribunal, Pune vide above referred order at serial no.1 @ direction no.3, has directed to carryout compensatory afforestation of 44,000 tress in same area, on the slop in the acquired land or area near N.H. 17 as per opinion of Agriculture University Dapoli. MBCPNI, has already planted around 250 trees on the acquired land MSRDC will utilize all available open spaces for plantation of trees.

However more spaces is required for plantation of remaining trees. It is requested to allow MSRDC Plant trees in the RoW of N.H. 17 to comply with the NGT order. Trees will be planted by keeping in mind the future expansion/widening of N.H. 17. Trees will be planted as per your directions.

It is requested to Grant Permission at the earliest.


(Muktesh Wadkar)
Executive Engineer
M.S.R.D.C. (Ltd), Mumbai

1. Copy submitted to C.E. (D.S. Salunke), M.S.R.D.C.(Ltd), Mumbai for information please.
2. Copy submitted to SE (S.V.Salunkhe), M.S.R.D.C.(Ltd), Mumbai for information please.
3. Copy to Director Maharashtra Border Check Posts Network Ltd Godrej Coliseum, 602, Wing, Behind Everard Nagar,Sion (East), Mumbai- 400022.

Corporate Office : Opp. Bandra Reclamation Bus Depot, Near Lilavali Hospital, K.C. Marg, Bandra (West), Mumbai - 400 050.
Telephone No.: 022-26400190/201, 26558175/76 Fax No.: 022-26417893

Regd. Office : Nepean Sea Road, Besides Priyadarshini Park, Mumbai - 400 036.
Telephone No.: 022-2368 6112, 2369 6109 / 3671 / 3673, Fax No.: 022-2368 4943.
Website : www.msrdc.org, CIN : U45200MH1996SGC101586



महाराष्ट्र राज्य रस्ते विकास
महामंडळ मर्यादित
(महाराष्ट्र शासनाचा उपक्रम)

To,
Chief Engineer
National Highway, Division
Public Works Department
KokanBhavan, Belapur
Mumbai.

Sub : - Plantation of Trees on N.H. no.17 in Dist. - Sindhudurgh

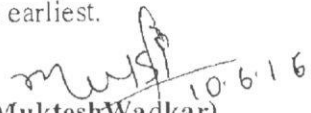
Ref: - 1. National Green Tribunal order dated 10.09.2014.
2. This office letter no MSRDC/BCP/EE-16 dated 16.02.2016.

MSRDC is working as Project Implantation Agency for the Project of Modernisation & Computerisation of Integrated Border Check Post in State of Maharashtra as per Government resolution No. MVD-1208/CR-16/TRA-4 Mantralaya Mumbai 400 032 dated 25.03.2008. Land around 12 Ha land is acquired at village Bandra, Tal. Sawantwadi, Dist. Sindhudurgh. M/s. MBCPNL (SPV form by M/s. Sadbhav Engineers Ltd.) has been awarded the work. The National Green Tribunal, Pune vide above referred order at serial no.1 @ direction no.3, has directed to carryout compensatory afforestation of 44,000 trees in same area, on the slop in the acquired land or area near N.H. 17, as per opinion of Agriculture University Dapoli. MBCPNL has already planted around 250 trees on the acquired land MSRDC will utilize all available open spaces for plantation of trees.

However more spaces is required for plantation of remaining trees. It is requested to allow MSRDC to plant trees in the RoW of N.H. 17 to comply with the NGT order. Trees will be planted by keeping in mind the future expansion/widening of N.H. 17. Accordingly the trees will be planted as per your directions.

Vide above referred letter at serial no-2, MSRDC has requested you to, give permission for plantation of trees in the RoW of N.H.17 to comply NGT order.

In view of above, it is once again requested to grant Permission at the earliest.


(Muktesh Wadkar)
Executive Engineer
M.S.R.D.C. (Ltd), Mumbai

1. Copy submitted to C.E. (D.S. Salunke), M.S.R.D.C.(Ltd), Mumbai for information please.
2. Copy to Director Maharashtra Border Check Posts Network Ltd Godrej Coliseum, 602, Wing, Behind Everard Nagar, Sion (East), Mumbai- 400022.
3. Copy to Executive Engineer, PWD (NH Division), Sindhudurg, Office NH-17, Taluka Kudal, Sindhudurg, Maharashtra, India Pin Code 416520.

निगम कार्यालय : वांद्रे रेक्लेमेशन डेपोसमोर, लिलावती हॉस्पिटल जवळ, के. सी. मार्ग, वांद्रे (प), मुंबई - ४०० ०५०.
दुरध्वनी : ०२२-२६४००१९०/२०१, २६५५८१७५/७६, फॅक्स : ०२२-२६४१७८९३.

नोंदणीकृत कार्यालय: नेपियनसी रोड, प्रियदर्शिनी पार्क शेजारी, मुंबई - ४०० ०३६.
दुरध्वनी : ०२२-२३६८६११२, २३६९६१०९/३६७१/३६७३, फॅक्स : ०२२-२३६८४९४३.
वेबसाईट : www.msrdc.org, सीआयएन : U45200MH1996SGC101586

ANNEXURE - G

महाराष्ट्र राज्य रस्ते विकास महामंडळ ५३६३

जा. क्र. कृमवि/उविवि/१२०६/२०१७

उद्यानविद्या विभाग,

कृषि महाविद्यालय, दापोली

दिनांक:- 12th AUG 2017

प्रति,

कार्यकारी अभियंता,
महाराष्ट्र राज्य रस्ते विकास महामंडळ,
वांद्रे रेक्लेमेशन डेपोसमेर,
लिलावती हॉस्पिटल जवळ,
के. सी. मार्ग-वांद्रे (प)- मुंबई-४०० ०५०

विषय : इन्सुली सीमा तपासणी नाका, बांदा येथे मा. राष्ट्रीय हरित लवाद,
पुणे यांचे आदेशानुसार वृक्ष लागवड करणेबाबत...

संदर्भ : जा. क्र. मरारविम/०२/०६४ दिनांक ०३/०७/२०१७.

वरील विषयास अनुसरून आपणास कळविण्यात येते की, इन्सुली सीमा
तपासणी नाका, वांद्रा तसेच सावंतवाडी शहरामध्ये विविध ठिकाणी उपलब्ध असलेल्या
जागांमध्ये लागवड करता येण्यासारखी वृक्षांची यादी या पत्रा सोबत जोडण्यात येत
आहे.

सोबत:- वरील प्रमाणे

Suman
प्रमुख,

उद्यानविद्या विभाग,
कृषि महाविद्यालय, दापोली

M. S. R. V. C.	
(M. S. R. V. C. DAPOOLI)	
Date	12.08.17
Amount	1645
Class	
Remarks	

*forward to
M. S. R. V. C.*

*and
ask to start
plantation immediately
under supervision
of Dapoli Agricultural
University*

12.08.17

Open areas available at Insuli cheds post

Sr. No.	Area	Approximate Area	Spacing (m)	Plant spacing	Number
1	Zone 1	1808	2 x 1	Ain	904
2	Slope 1	8160	0.6 x 0.6	Lemon grass	22667
3	Zone 2	4735	2 x 2	Cinnamon	116
4	Slope 2	4905	0.6 x 0.6	Lemon grass	13625
5	Zone 3	908	2 x 1	Kinjal	454
6	Zone 4	5463	2 x 2	Jackfruit	1366
7	Zone 5	5990	2 x 2	Jamun	1498
8	Zone 6	3127	1 x 1	Bamboo	8127

Open Areas available in Sawantwadi town

Sr. No.	Area	Approximate Area	Spacing (Running m)	Plant spacing	Number
1	पांडुरंग गोविंद कदम	262	5m	Coconut	104
2	वामन परशुराम सोनशेट	146.4	5 m	Coconut	58
3	निलोफर गनी बेग	128	3 m	Kokum	85
4	सतिश पुरुषोत्तम वजारी	136	5 m	Coconut	55
5	आत्माराम भिवा नाईक	100	3 m	Kanchan	67
6	शकील खान आस्लम खान	105	3 m	Kokum	110
7	सुभानराव पाटणकर	170	3 m	Nagkeshar	113
8	सुखदेव बापू सावंत	100	3 m	Jamun	67
9	विष्णू दत्ताराम डोंगरे	70	3 m	Nagkeshar	46
10	दिलीप लक्ष्मण गिरप	112	3 m	Jamun	75
11	रेरना सगीर शेख	146	2 m	Kavthichafa	146
12	जुळेखाबी इब्राहीम रखांगी	122	3 m	Tamhan	81
13	दिलीप लक्ष्मण गिरप	88	3 m	Tamhan	53
14	दिगंबर गो. वारंग	100	2 m	Kavthichafa	100

जा. क्र. कृमविदा/उविवि/१०१०/२०१९
 उद्यानविद्या विभाग,
 कृषि महाविद्यालय, दापोली
 दिनांक:- 5 JUL 2019

प्रति,

श्री. मुक्तेश वाडकर
 कार्यकारी अभियंता,
 महाराष्ट्र राज्य रस्ते विकास महामंडळ,
 वांद्रे रेकलेमेशन डेपो समोर,
 लिलावती हॉस्पिटल जवळ,
 केसी मार्ग - वांद्रे (प.) मुंबई ४०० ०५०

विषय:- राष्ट्रीय हरित लवाद पश्चिम विभाग, पूणे यांनी दिलेल्या निर्णयानुसार
 बांदा येथील चेक पोस्ट नजिक करावयाच्या लागवडी संदर्भात दिनांक
 १५ जून २०१९ रोजी केलेल्या संयुक्त पहाणीबाबत.....

संदर्भ:- आपले जा. क्र. MSRDC/02/BCP/2019/64 दिनांक ६ मे, २०१९ चे पत्र

महाशय,

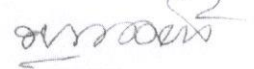
आपल्या उपरोक्त पत्रातील विषयास अनुसरून डॉ. बाळासाहेब सावंत कोकण
 कृषि विद्यापीठ, दापोलीच्या उद्यानविद्या विभागाचे प्रमुख डॉ. बी. आर्. साळवी व
 श्री. वायू. आर्. परुळेकर, सहाय्यक प्राध्यापक यांनी दिनांक १५/०६/२०१९ रोजी
 बांदा चेकपोस्ट प्रक्षेत्राची प्रत्यक्ष पहाणी केली. सदर पहाणीच्या वेळी सदर
 प्रकल्पासंबंधीत व्यक्ती श्री. एम्. पी. अॅब्रॉल, श्री. एस्. एम्. साळुंखे, श्री. रफिक
 अहमद, श्री. धनराज तापसे, श्री. नितीन पोळेकर तसेच ब्रिगेडियर श्री. कपिल उपस्थित
 होते. या सर्वासमक्ष पहाणी करून करावयाच्या उपाय योजनां संदर्भात सविस्तर माहिती
 देण्यात आली.

आपण प्रत्यक्ष केलेल्या लागवडी पैकी मा. हरित लवाद, पूणे यांनी
 Compensatory afforestation of 44,000 trees (1:8) in the same area असे ते नमूद केले
 आहे. ते पहाता आणि वृक्ष लागवड याचा विचार करता त्यापैकी आतापर्यंत ४७७८
 विविध वृक्षांची लागवड करण्यात आली आहे. त्याच बरोबर संबंधीत यंत्रणेने ८,१२७
 बांबू आणि ३६,२९२ लेमन ग्रास यांची लागवड केली आहे. चेकपोस्ट तयार करताना
 झालेल्या डोंगर कापणीचा आणि तेथे असलेल्या उताराचा विचार करता जमिनीची धूप
 थांबविण्यासाठी लेमन ग्रास लावण्याची ही आवश्यकता होतीच. मात्र हरित लवादाच्या
 आदेशानुसार त्याठिकाणी असलेल्या ११.९५ हेक्टर क्षेत्रापैकी चेक पोस्ट विकासासाठी

अत्यावश्यक असलेली जागा सोडून उर्वरीत उपलब्ध होणाऱ्या क्षेत्रामध्ये उरलेल्या ३९२२२ वृक्षांची लागवड करता येणे अशक्य आहे मात्र अजूनही काही प्रमाणामध्ये मोकळी असलेली जागा वृक्ष लागवड करण्यासाठी वापरता येवू शकेल या मध्ये आंबा, काजू, कोकम, जांभूळ, साग, ऐन, किंजळ यासारख्या वृक्षांची लागवड करण्यात यावी. पाहणी दरम्यान सदर ठिकाणी इतर ही शोभेची झाडे लावून इन्सूली चेक पोस्ट चे सुशोभिकरण करण्याचा राबविलेला कार्यक्रम अतिशय चांगला आहे. वरील सुचनांचा अवलंब करण्यात यावा असे वाटते.

कळावे

आपला विश्वासू,


प्रमुख

उद्यानविद्या विभाग,

डॉ. बा. सा. कोकण कृषि विद्यापीठ,
दापोली, जि. रत्नागिरी

प्रत, माहितीसाठी सविनय सादर.

१. मा. संशोधन संचालक, डॉ. बा. सा. कोकण कृषि विद्यापीठ, दापोली.
२. मा. सहयोगी अधिष्ठाता, कृषि महाविद्यालय, दापोली.
३. मा. कुलगुरू यांचे स्वीय सहाय्यक, डॉ. बा. सा. कोकण कृषि विद्यापीठ, दापोली.

Maharashtra Border Check Post Network Ltd

Godrej Coliseum, 602, 'C' wing, Behind Everard Nagar,
Sion (E), Mumbai - 400 022
T: 022 - 2409 5887, F: 022 - 2409 6883
CIN: U45201GJ2009PLC056327

MBCPNL/MSRDC/BCP/19-20/10719

Date: 27/09/2019

To,
Executive Engineer
Maharashtra State Road Development Corporation Ltd.,
Bandra Project Office, Opp. Bandra Reclamation Bus Station,
Bandra (W), Mumbai - 400 050

Sub: Computerization and Modernization of 22 Border Check Posts in the State of Maharashtra on Build, Operate and Transfer basis
Insuli BCP - Completion of Plantation to be carried out at Insuli BCP as per directions of the Hon. National Green Tribunal, Pune.

Ref: MSRDC letter no. MSRDC/02/BCP/EE/2019/4722, dated 22/07/2019.

Dear Sir,

This is with respect to your letter under reference above wherein the Report of Dapoli Agriculture University dated 06/07/2019 had been enclosed.

In this respect we wish to state that the Hon. National Green Tribunal, Pune vide judgement dated 10.09.2014 had directed to plant 44000 trees. We had then received, the letter no. 1206/2017 dated 21.08.2017 from the Chief of Horticulture Department of Dapoli Agricultural University specifying the details of the plantation, vide MSRDC letter no. MSRDC/02/BCP/EE-17/2018/7610 dated 13/09/2017. We wish to state that we have completed the plantation of the same.

Further as suggested by the Dapoli Agriculture University in the Report dated 06/07/2019, we have also completed additional plantation of trees.

The Panchanama of the plantation has been carried out by the Forest Officer, Banda on 29/08/2019 which shows numbers of various trees planted and the total number of trees planted is 70,789. The said Panchanama is enclosed herewith.

Submitted for information and records.

Thanking you.

Yours sincerely,
for Maharashtra Border Check Post Network Ltd.

Authorised Signatory

Encl: Panchanama as above

Copy to:

1. Dy. Transport Commissioner (Enf-2), Transport Dept., Bandra, Mumbai for information please;
2. The Project Head, SAI Consulting Engg. Pvt. Ltd., Mumbai for information please.

VENTURE OF

Sadbhav

Regd Office: "Sadbhav House", Opp. Law Garden Police Chowki, Elusbridge, Ahmednagar - 430006
T: +91 79 26463384 F: +91 79 26420210 E: sales@sadbhaveng.com

पंचनामा:

- पंच १) श्री. रविंद्रनाथ कलिनाथ कवडे या कोठारी या
- २) श्री. उल्हास कनभे जोतिरकर या खास्य वन उ

होणारी वरिष्ठ पंच झाल्या गंगार मा. वनपाल खास्य वनपाल तांबुचे, सरभे, वनपूर तांबुचे, सरभे खांती तरे श्री. सार्वप्रसाद मंगेश कल्याणकर या खांदा, व जयश्याम हांकीनिचे कंपनीचे व्यवस्थापक श्री. शांकुजे खांती जोसाबुत. मंगेश खांदा या सं. नं. १८८ क मच्छिम विभागातपासणी नाफा खांदा मच्छिम येथे खांदा गालत इंग्लंडमध्येगत NBT (W) Pune Bench-Delhi कोठी यांचे कार्यालय क्र. १३१३१२०२० पुणे ४१००० इंग्लंड १०. पुणे येथे कार्यरत श्री. कल्याणकर यांची दिलोप पत्रानुसार वसुंधाळीची पत्राची करुन आगोळीत वसुंधाळीची पंचनाम रचिडुन देणार हांकीनाम करुन. दोकडिंत पंचनाम अंतीची प्रमाणे.

वरिष्ठ प्रमाणे कोठी पंच तरेच हाणा वरिष्ठ वन-कळिचे वनपाली, तरेच इंग्लंड सार्वप्रसाद पंच. कल्याणकर या खांदा तरेच जयश्याम हांकीनिचे कंपनीचे व्यवस्थापक श्री. शांकुजे कवडे या वनपाली कोठी येथे खांदा गालती सं. नं. १८८ क मच्छिम विभागातपासणी नाफा या येथे कामे हांकीत. सार्व प्रसाद मंगेश कल्याणकर या खांदा खांती दिलोप हांकी हांकी पंचाच्या वसुंधाळीत वसुंधाळीचे सदस्य कंपनीचे व्यवस्थापक श्री. शांकुजे खांती विभागातपासणी नाफा खांदा या परिसरात खांदातुन गोपनादि कायदा शक्यपण उजव्या व डाव्या कापूर वसुंधाळीची कोठी हांकीत वसुंधाळीची पत्राची करुन विभागातपासणी नाफा परिसरात यांचे जिनेस हांकीत मंगेश कवडे यांना तपासिडि अंतीची प्रमाणे.

क्र.सं.	शेडी		कुल शेडी		अवत		एकल शेडी
	जात	संख्या	जात	संख्या	जात	संख्या	
१	ब्रेन	४८३	-	-	-	-	४८३
२	कणार	९३८	-	-	-	-	९३८
३	कांफळ	१५२४	-	-	-	-	१५२४

(कु. मंगेशपय)

1	कांडू	2032	-	-	-	2032
2	काकम	926E	-	-	-	926E
3	नारड	303	-	-	-	303
4	पाम	E03	-	-	-	E03
5	काशफ	920	-	-	-	920
6	चाफा	02	-	-	-	02
7	सांका	99E	-	-	-	99E
8	काकरीका	2E9	-	-	-	2E9
9	गुलमोहर	283	-	-	-	283
10	काशी कागद	990	-	-	-	990
11	काकरीका	02	-	-	-	02
12	गणतीचर	-	-	गणतीचर	2E900	2E900
13	वेडेकीका	-	वेडेकीका	9900	-	9900
14	लाकागळ	-	-	लाकागळ	0E99	0E99
15	लांबु	-	-	लांबु	70E	70E
16	प्रागळा	-	प्रागळा	20	-	20
17	मोरपंजी	20	-	-	-	20
18	कांडोका	-	कांडोका	202	-	202
19	-	-	कांडोका	9E3	-	9E3
20	-	-	कांडोका	9E	-	9E
21	-	-	कांडोका	20	-	20
22	-	-	कांडोका	20E	-	20E
23	-	-	कांडोका	E3	-	E3
24	-	-	कांडोका	20E	-	20E
25	-	-	कांडोका	39	-	39
26	-	-	कांडोका	932	-	932
27	-	-	कांडोका	200	-	200
28	-	-	कांडोका	930E	-	930E
29	-	-	कांडोका	3939	-	3939
30	-	-	कांडोका	9E	-	9E
31	-	-	कांडोका	929	-	929
32	-	-	कांडोका	22E	-	22E
33	-	-	कांडोका	23	-	23
		92099	9E000	99E03		00,9E9

[Signatures and stamps]
 [Handwritten notes]
 [Official stamps]

श्री १०७
राज्य शासक
राज्य शासक

वर्षिके प्राप्ते निमित्त कार्यवाही कराने मोकामत कसुत
राज्यकी कमी हुई ही २०२ मिये कंतदार क वकी
हुई २०१ १/२ मिये कंतदार भावनेही दिखत देखाईत. तिसी
बाबु १०७ मिये कंतदार भावनेही दिखत देखाईत. राजकी
सुखना पापी सुखना कसुतकी प्रत्येक सुखनाकी पापनाकी
पापनाकी केकेही दिखत देखाईत. तिसी राजकी मोकामी
बाबुने सुखना पापनाकी राजकी जसुतकीही दिखत देखाईत.
तिसी मोकामी पापनाकी सुखना कसुतकी व राजकी बाबुने
— किं कसुतकी मोकामी मोकामी फन्का ती. सुखना १२, १११, फुल
सुखना १२, १११ कसुत कसुतकी १०, १०० कसुत कसुत
सुखना १०, १०० कसुतकी मोकामी मोकामी मोकामी मोकामी

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मोकामी मोकामी

S.E.L. B.O.P. Dnsur Banda.

मोकामी मोकामी

Saiprasad M. Kalyankar

M. Com., F.C.A., I.C.W.A. (Int)
Chartered Accountant
M. No. 43875

M/s. S. Kalyankar & Co.

CHARTERED ACCOUNTANT
BANDA
FIRM NO. : 104609 w
E-mail : saikalyankar@yahoo.com

"Sai Sadan " , Bazar Street, At & post - Banda, Tal. Sawantwadi, Dist. Sindhudurg, Pin - 416 511.
Tel. (O) : 02363 - 270355 (R) : 02363 - 270105

Ref. No. SMK -

Date :

१८/०५/२०२२

प्रती,

माननीय व्यवस्थापकीय संचालक साहेब,
महाराष्ट्र राज्य रस्ते विकास महामंडळ,
बांद्रा, मुंबई, महाराष्ट्र.

विषय : बांदा, तालुका: सावंतवाडी जिल्हा: सिंधुदुर्ग येथील सर्वे नंबर १८९क येथे परिवहन
खात्याकरिता अत्याधुनिक चेकपोस्ट बांधणेबाबत.

संदर्भ : सदरच्या कामात माझ्याकडून आजपर्यंत झालेल्या तक्रारी बाबत खुलासा पत्र.

माननीय महोदय,

वरील विषयांकित काम सद्भाव इंजिनीरिंग लिमिटेड यांना ह्यांच्या मार्फत केले जात असून असून बांदा येथील चेकपोस्टचे काम पुर्णत्वावरती आहे. सदरचे काम सुंदर झालेले असून पूर्ण परिसर हिरवेगार दिसून येत आहे. सदर कामात झालेल्या गैरप्रकाराबद्दल बाबतीत मी आपल्याकडे गैरसमजुतीने तक्रार केली होती. त्या संदर्भाने मे. सद्भाव इंजिनीरिंग लिमिटेड तर्फे ऑथोराइज्ड व्यक्ती यांनी माझी भेट घेतली आणि आणि प्रत्यक्ष जागेवरती पाहणी केल्यावरती आणि साईटची योग्य परिस्थिती आणि सर्व कागदपत्रे समक्ष बघितली असता असे लक्षात आले कि माझ्या कडून गैरसमजुतीने तक्रार झालेली होती तरी माझ्या सर्व शंकाचे निरसरण झालेले असून ह्या पत्राद्वारे मी माझे म्हणणे आपल्या कार्यालयात सादर करित आहे.

तसेच बांदा गावाच्या जवळपास जी माती दिसून येत आहे ती बांदा गावाच्या जवळपास सुरू असलेल्या अनेक कामातून निघालेली उत्खननाची अतिरिक्त माती असून बांदा चेकपोस्टचे काम हे सपाटीकरणाचे होते आणि उत्खननातून निघालेली जास्तीची माती सदर गटाचे सपाटीकरणासाठीच वापरलेली दिसून येत आहे. काही तरी गैरसमजुतीने बांदा चेकपोस्टच्या रॉयल्टीबाबतीची व कामाबाबतीत माझ्याकडून तक्रार झालेली असून ह्या पत्राद्वारे मी माझ्या ह्यापूर्वीच्या सर्व तक्रारी मागे घेत असून वेगवेगळ्या ठिकाणी केलेल्या तक्रारी मागे घेत असून ह्या पुढे भविष्यात कुठल्याही प्रकारची तक्रार करण्याचे प्रश्नच उद्भवत

नाही आहे हा विषय मांडताना त्यावेळी प्रथमदर्शनी जे दिसत होते ते आपल्या समोर मांडले होते. सर्व कागदपत्रे बघितल्यावरती मला असे वाटते कि ह्यापूर्वी गैरसमजुतीने माझ्याकडून सदर साईटच्या बाबतीत पत्रव्यवहार झालेला आहे. प्रत्यक्ष पाहणी करिता कुठल्याही प्रकारचा नियमांचा भंग झालेला दिसून आलेला नाही आहे. सर्व परवानग्या आणि रीतसर अर्जकरून कायदाच्या चोकटीत राहूनच सर्व कामे केलेली दिसून येत आहे आणि काम झाल्यावरती पूर्ण परिसर कल्पनाच्या बाहेर सुंदर केलेला आहे . सर्व गोष्टींचा विचार करिता मी ह्यापूर्वी केलेल्या सर्व तक्रारी मागे घेत असून साईटवर्ती केलेल्या प्रशंसनीय वृक्षलागवड केल्यामुळे सर्वांचे आभार मानतो. माझ्या तक्रारीमुळे झालेल्या त्रासाबद्दल आणि गैरसोयीबद्दल दुर्लक्ष करावे हि सविनय विनंती असून तरी माझ्या समाजासाठी असलेल्या जवाबदारीतून मी सदर बाबतीत लक्ष दिला होता आणि आज प्रत्यक्ष साईटवर्ती हिरवेगार झाडे बघून मला अत्यंत आनंद झालेला असून मी सर्वांचे आभार मानतो. तथापि या प्रकरण / विषया बाबत झालेला पत्रव्यवहार, निदर्शनास आणून दिलेली माहिती / तपशिल / पुरावे व समक्ष चर्चा या व्दारे माझ्या सर्व शंकाचे निराकरण झाले आहे. या बाबत माझी कोणतीही तक्रार नाही तसेच भविष्यात तक्रार करणार नाही. तसेच सिमा तपासणी नाक्याचे ठेकेदार मे. सदभाव इंजिनिअरींग कंपनीचे व्यवस्थापनाचे मी संपूर्ण बांदा वासियांच्यावतीने आभार आणि भविष्यासाठी शुभेच्छा देतो.

आपले विनीत,

प्रकल्पग्रस्त शेतकऱ्यांकरिता,



श्री साईप्रसाद कल्याणकर
(सामाजिक कार्यकर्ता)

प्रती:-

- कार्यकारी अभियंता, महाराष्ट्र राज्य रस्ते विकास महामंडळ, मुंबई.
- उपप्रादेशिक परिवहन अधिकारी, जिल्हा: सिंधुदुर्ग.
- मे. सदभाव इंजिनीरिंग लिमिटेड, बांदा, सिंधुदुर्ग.

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Ref. No. SMK -

Date : १८/०५/२०२२.

प्रति,
माननीय तहसीलदार तथा कार्यकारी दंडाधिकारी साहेब,
ता. सावंतवाडी, जि. सिंधुदुर्ग.

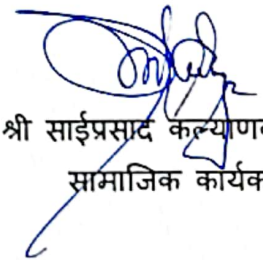
विषय - बांदा येथे परिवहन खात्याकरिता चेकपोस्ट बांधण्याचे काम.
संदर्भ - वरील विषयांकित कामात झालेल्या उत्खननाची रॉयल्टी बाबतीत माझ्या सर्व तक्रारी.

माननीय तहसीलदार साहेब,
वरील विषयांकित काम मे. सद्भाव इंजिनिरिंग लिमिटेड यांना मिळालेले असून ते काम मे. सुवर्ण बिल्डकॉन प्रायव्हेट लिमिटेड यांना सबलेटबेसिस वरती देण्यात आलेले आहे. सदर कामात झालेल्या उत्खननाच्या रॉयल्टी भरणे बाबत मी आपल्याकडे वेळोवेळी तक्रार केली होती. त्या संदर्भाने मे. सुवर्ण बिल्डकॉन प्रायव्हेट लिमिटेड तर्फे ऑथोराइज्ड व्यक्ती यांनी माझी भेट घेतली आणि आणि माझ्या निदर्शनास आणून दिले कि सदर कामासाठी सपाटीकरण करण्यासाठी आवश्यक उत्खनन व त्या संदर्भात लागणारी परवानगी आणि त्यावरील रॉयल्टी भरायची जबाबदारी हि पूर्णपणे मे. सुवर्ण बिल्डकॉन प्रायव्हेट लिमिटेड ह्यांची होती व त्याप्रमाणे त्यांनी ते सर्व रक्कम भरलेली आहे. त्याप्रमाणे मे. सुवर्ण बिल्डकॉन प्रायव्हेट लिमिटेड ह्यांनी सदर कामासाठी लागणारी सर्व कागदपत्रे मला समक्ष दाखवलेली असून त्याप्रमाणे असे दिसून येते कि मे. सुवर्ण बिल्डकॉन प्रायव्हेट लिमिटेड ह्यांनी सदर कामासाठी सपाटीकरण करण्यासाठी आवश्यक उत्खननासाठी लागणारी सर्व परवानग्या घेतल्यानंतर सदरचा काम सुरु करण्यात आलेला होता. सर्व कागदपत्रांची शहनिशा केल्यावरती असे दिसून येते कि उत्खननासाठी माननीय जिल्हाधिकारी कार्यालयात रीतसर अर्ज करून २५०० ब्रासची सुरुवातीची परवानगी मिळाल्यानंतर व परवानगीनुसार चलनाद्वारे रॉयल्टीची रक्कम भरून सदरचा काम सुरु करण्यात आले आणि काम पूर्ण झाल्यावरती खनिकर्म विभागातून प्रत्यक्ष जागेवर पाहणी करून यांत्रिक मापे घेण्यात आली व सदरची मापे माननीय मंडळ अधिकारी ह्यांनी प्रत्यक्ष जागेवर येऊन प्रमाणित केली व त्यानुसार पूर्ण रॉयल्टी रक्कम भरून माननीय जिल्हाधिकारी कार्यालयाचे नो ड्यूस प्रमाणपत्र घेण्यात आले. एकाच गटात सपाटीकरणाकरिता रॉयल्टी भरावी लागत नाही आहे तरी पण माझ्या तक्रारीमुळे मे. सुवर्ण बिल्डकॉन प्रायव्हेट लिमिटेड ह्यांनी रॉयल्टीची रक्कम भरलेली आहे. काही गैरसमजुतीमुळे माझ्याकडून सदरची तक्रार झालेली असून मी माझ्या सर्व तक्रारी मागे घेत असून ह्यापुढे माझ्या कडून कुठल्याही प्रकारची तक्रार होणार नाही.

तसेच बांदा गावाच्या जवळपास जी माती दिसून येत आहे ती बांदा गावाच्या जवळपास सुरू असलेल्या अनेक कामातून निघालेली उत्खननाची अतिरिक्त माती असून बांदा चेकपोस्टचे काम हे सपाटीकरणाचे होते आणि उत्खननातून निघालेली जास्तीची माती सदर गटाचे सपाटीकरणासाठीच वापरलेली दिसून येत आहे. काही तरी गैरसमजुतीने बांदा चेकपोस्टच्या कामाबाबतीत माझ्याकडून तक्रार झालेली असून ह्या पत्राद्वारे मी माझ्या ह्यापूर्वीच्या सर्व तक्रारी मागे घेत असून वेगवेगळ्या ठिकाणी केलेल्या तक्रारी हि मागे घेत असून ह्या पुढे कुठल्याही प्रकारची तक्रार करण्याचे प्रश्नच उद्भवत नाही आहे. तसेच ज्या नवीन झाडांची लागवड करण्यात आलेली होती ज्याचे वनखात्याने दिनांक २९/०८/२०१९ ला केलेल्या सयुक्त पंचनाम्यानुसार झाडे, फळझाडे, बांबू आणि अन्य गवती चहा सारखे सर्व धरून अंदाजे ७०७८१ झाडे लावल्याचे दिसून आले होते. ह्या आडवड्यात मी स्वतः प्रत्यक्ष जागेवरती गेलो असताना प्रत्यक्ष पाहणीत असे दिसून आले कि सर्व झाडे व्यवस्थित जगवलेली आहेत तसेच साईट वरती दोन माळी आणि कामगार दिसून आलेत. पूर्ण परिसरात ड्रीप इरिगेशनचे काम केलेले आहे आणि त्याप्रमाणे अत्यंत उन्हाळ्यात सुद्धा ड्रीप इरिगेशनची वयवस्थित तरतूद असल्यामुळे सर्व झाडे व्यवस्थित दिसत आहेत. आज प्रत्यक्ष पाहणीत पूर्ण ड्रीप इरिगेशन वयवस्थित चालू असलेले दिसून आले.

मी प्रथम विषय मांडताना जे त्या परिस्थितीत प्रथमदर्शनी दिसत होते ते आपल्यासमोर मांडले होते व मी माझे काम नेहमीच प्रामाणिकपणे पार पाडत असतो. सदरचा नाका हा शासनाचा महत्वाकांक्षी प्रकल्प आहे व त्यामुळे सीमावरती होणारे गैरवाहतुकीला आला बसणार आहे, हा विचार करून सदर प्रकल्पाच्या पूर्णतेला माझ्या तक्रारीमुळे धक्का लागू नये असे मला वाटत आहे. सदर नाका लवकर पूर्ण व्हावे असे मी नेहमीच म्हटलेले आहे. त्या प्रमाणे मे. सुवर्ण बिल्डकॉन प्रायव्हेट लिमिटेड यांनी सर्व बाबतीत आवश्यक कागदपत्रे खुलाशासोबत मला दाखवलेली असून त्यांचे म्हणणे मला पटत असून तथापि या प्रकरण / विषया बाबत झालेला पत्रव्यवहार, निदर्शनास आणून दिलेली माहिती / तपशिल / पुरावे व समक्ष चर्चा या व्दारे माझ्या सर्व शंकाचे निराकरण झाले आहे. माझी वरील विषयांकित कामाबाबतीत तक्रार नाही आहे आणि भविष्यातही सदर विषयात माझी कुठलीही तक्रार नसणार आहे, तरी आपण आपल्या स्तरावर्ती योग्य तो निर्णय घ्यावा हि विनंती. कळावे,

आपला विश्वासू,



श्री साईप्रसाद कल्याणकर
सामाजिक कार्यकर्ता

प्रत :

- माननीय जिल्हाधिकारी साहेब, जिल्हा सिंधुदुर्ग, महाराष्ट्र.
- माननीय उपविभागीय अधिकारी, ता. सावंतवाडी, जि. सिंधुदुर्ग, महाराष्ट्र.
- माननीय कार्यकारी अभियंता, MSRDC, बांद्रा, मुंबई, महाराष्ट्र.
- माननीय पोलीस निरीक्षक साहेब, बांदा पोलीस स्टेशन, बांदा, जिल्हा सिंधुदुर्ग, महाराष्ट्र.
- माननीय उपप्रादेशिक परिवहन अधिकारी, उपप्रादेशिक परिवहन कार्यालय, जिल्हा सिंधुदुर्ग.
- माननीय मुख्य अधिकारी, सद्भाव इंजिनीरिंग लिमिटेड, बांदा, महाराष्ट्र.

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Chartered Accountant
M. No. 43875**M/s. S. Kalyankar & Co.**CHARTERED ACCOUNTANT
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FIRM NO. : 104609 w
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Ref. No. SMK -

Date :

१८/०५/२०२२

पति,
माननीय उपविभागीय अभियंता,
उपविभागीय अभियंता कार्यालय,
राष्ट्रीय महामार्ग उपविभाग,
ता. सावंतवाडी, जि. सिंधुदुर्ग.विषय - बांदा येथे परिवहन खात्याकरिता चेकपोस्ट बांधण्याचे काम.
संदर्भ - वरील विषयांकित कामात झालेल्या गैरप्रकाराबद्दल बाबतीत माझ्या सर्व तक्रारी.

माननीय उपविभागीय अभियंता साहेब,
वरील विषयांकित काम सद्भाव इंजिनीरिंग लिमिटेड यांना मिळालेले असून बांदा येथील चेकपोस्टचे काम पुर्णत्वावरती आहे. सदरचे काम सुंदर झालेले असून पूर्ण परिसर हिरवेगार दिसून येत आहे. सदर कामात झालेल्या गैरप्रकाराबद्दल बाबतीत मी आपल्या कार्यालयात गैरसमजुतीने तक्रार केली होती. त्या संदर्भाने मे. सद्भाव इंजिनीरिंग लिमिटेड तर्फे ऑथोराइज्ड व्यक्ती यांनी माझी भेट घेतली आणि प्रत्यक्ष जागेवरती पाहणी केल्यावरती आणि साईटची योग्य परिस्थिती आणि सर्व कागदपत्रे समक्ष बघितली असता असे लक्षात आले कि माझ्या कडून गैरसमजुतीने तक्रार झालेली होती तरी माझ्या सर्व शंकाचे निरसरण झालेले असून ह्या पत्राद्वारे मी माझे म्हणणे आपल्या कार्यालयात सादर करित आहे.

मी प्रथम विषय मांडताना जे त्या परिस्थितीत प्रथमदर्शनी दिसत होते ते आपल्यासमोर मांडले होते व मी माझे काम नेहमीच प्रामाणिकपणे पार पाडत असतो. सदरचा नाका हा शासनाचा महत्वाकांक्षी प्रकल्प आहे व त्यामुळे सीमावरती होणारे गैरवाहतुकीला आळा बसणार आहे, हा विचार करून सदर प्रकल्पाच्या पूर्णतेला माझ्या तक्रारीमुळे धक्का लागू नये असे मला वाटत आहे. सदर नाका लवकर पूर्ण व्हावे असे मी नेहमीच म्हटलेले आहे. त्या प्रमाणे मे. सद्भाव इंजिनीरिंग लिमिटेड यांनी सर्व बाबतीत आवश्यक कागदपत्रे खुलाशासोबत मला दाखवलेली असून सर्व कागदपत्रांची शहनिशा केल्यावरती त्यांचे म्हणणे मला पटत असून तथापि या प्रकरण / विषयाबाबत झालेला पत्रव्यवहार, निदर्शनास आणून दिलेली माहिती / तपशिल / पुरावे व समक्ष चर्चा या द्वारे माझ्या सर्व शंकाचे निराकरण झाले आहे. माझी वरील विषयांकित कामाबाबतीत तक्रार नाही आहे आणि भविष्यातही सदर विषयात माझी कुठलीही तक्रार नसणार आहे, तरी आपण आपल्या स्तरावर्ती योग्य तो निर्णय घ्यावा हि विनंती. कळावे.

आपला विश्वासू,

श्री साईप्रसाद कल्याणकर (सामाजिक कार्यकर्ता)

प्रत :

- माननीय कार्यकारी अभियंता, राष्ट्रीय महामार्ग विभाग, जिल्हा सिंधुदुर्ग.
- माननीय कार्यकारी अभियंता, MSRDC, बांद्रा, मुंबई, महाराष्ट्र.
- माननीय उपप्रादेशिक परिवहन अधिकारी, उपप्रादेशिक परिवहन कार्यालय, जिल्हा सिंधुदुर्ग.

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Ref. No. SMK -

Date : १८/०५/२०२२.

प्रति,

माननीय कार्यकारी अभियंता,

सिंधुदुर्ग पाटबंधारे प्रकल्प बांधकाम विभाग, चराठे, ता. सावंतवाडी, जि. सिंधुदुर्ग.

विषय - तिलारी आंतरराज्य पाटबंधारे प्रकल्प ता. दोडामार्ग जि. सिंधुदुर्ग.

संदर्भ - वरील विषयांकित कामात झालेल्या वरील विषया संदर्भात दि. 30.07.2019 रोजी मी दिलेली सिव्हिल प्रोसिजर कोड कलम 80 नुसार कारवाई करणे बाबतची माझी तक्रार

माननीय कार्यकारी अभियंता साहेब,

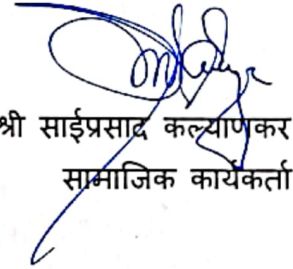
मौजे बांदा ता. सावंतवाडी या गावातील सटमटवाडी या वाडीतून गेलेल्या तिलारी आंतरराज्य पाटबंधारे प्रकल्पातर्गत काढणेत आलेल्या बांदा शाखा कालवा किमी 11 मध्ये कालव्याच्या डाव्या बाजूस कालव्यालगत सिमा तपासणी नाक्याच्या संकुलासाठी खोदकाम व बांधकाम केले आहे. त्यामुळे या ठिकाणच्या कालव्याच्या सेवापथा कडील बाजूस माती भरवामध्ये केलेल्या खोदकामामुळे कालव्यास धोका पोहचून कालव्याचे नुकसान / हाणी होणार असलेने सिमा तपासणी नाक्याचे कामाचे ठेकेदार मे. सदभाव इंजिनिअरींग कंपनी तसेच कार्यकारी अभियंता, महाराष्ट्र राज्य रस्ते विकास महामंडळ, मुंबई यांचेवर महाराष्ट्र इरिगेशन अॅक्ट 1676 चे कलम 93, 94, 95 व 98 प्रमाणे कारवाई करणे बाबत दि. 30.07.2019 रोजी मी सिव्हिल प्रोसिजर कोड कलम 80 ची नोटीस दिली होती.

याबाबत आपल्या विभागाकडे मी वेळोवेळी केलेल्या पत्रव्यवहाराच्या अनुषंगाने कळविणेत येते की सन 2019 च्या अतिवृष्टी मध्ये देखिल या ठिकाणचा कालवा सुस्थितीत राहिला आहे. या ठिकाणी सिमा टोल नाका संकुलाच्या बांधकामाच्या ठेकेदारांनी संरक्षक भिंत बांधल्याने व पावसाळ्यात भरावा वर लावलेली झाडे व गवत यांची वाढ झाल्याने भराव सुस्थितीत राहिला आहे. सद्यःस्थितीत या ठिकाणचा कालवा सुरक्षित व सुस्थितीत आहे याची खातरजमा प्रत्यक्ष पहाणी करून केली आहे. प्रत्यक्ष जागेवरती पाहणी केल्यावरती असे दिसून आले कि सदरचा परिसर हिरवेगार झालेला असून सकाळी बांदा वासियांसाठी फिरण्यासाठी सुंदर स्थळ झालेला आहे तसेच काजू आणि आंबा मुळे पक्षी आणि निसर्गाचे संरक्षण झालेले दिसत आहे. मोठा प्रकल्प होउन सुद्धा रिकाम्या जागेची व्यवस्थित उपयोग केल्यामुळे पूर्ण परिसर हिरवेगार झालेला असून काम सुरू होण्याच्या अगोदरच्या परिस्थिती पेक्षाही जास्त हिरवेगार दिसत आहे.

हा विषय मांडताना त्यावेळी प्रथमदर्शनी जे दिसत होते ते आपल्या समोर मांडले होते. तथापि या प्रकरण / विषया बाबत झालेला पत्रव्यवहार, निदर्शनास आणून दिलेली माहिती / तपशिल / पुरावे व समक्ष चर्चा या व्दारे माझ्या सर्व शंकाचे निराकरण झाले आहे. त्यामुळे दि. 30.07.2019 रोजी मी सिव्हिल प्रोसिजर कोड कलम 80 ची नोटीस तसेच महाराष्ट्र इरिगेशन ॲक्ट 1676 चे कलम 93, 94, 95 व 98 प्रमाणे महाराष्ट्र राज्य रस्ते विकास महामंडळ तसेच कंत्राटदारावर कारवाई करण्याचा प्रश्न उदभवत नाही. या बाबत माझी कोणतीही तक्रार नाही तसेच भविष्यात तक्रार करणार नाही.

मी प्रथम विषय मांडताना जे त्या परिस्थितीत प्रथमदर्शनी दिसत होते ते आपल्यासमोर मांडले होते व मी माझे काम नेहमीच प्रामाणिकपणे पार पाडत असतो. सदरचा नाका हा शासनाचा महत्वाकांक्षी प्रकल्प आहे व त्यामुळे सीमावरती होणारे गैरवाहतुकीला आला बसणार आहे, हा विचार करून सदर प्रकल्पाच्या पूर्णतेला माझ्या तक्रारीमुळे धक्का लागू नये असे मला वाटत आहे. सदर नाका लवकर पूर्ण व्हावे असे मी नेहमीच म्हटलेले आहे. त्या प्रमाणे मे. सुवर्ण बिल्डकॉन प्रायव्हेट लिमिटेड यांनी सर्व बाबतीत आवश्यक कागदपत्रे खुलाशासोबत मला दाखवलेली असून त्यांचे म्हणणे मला पटत असून तथापि या प्रकरण / विषया बाबत झालेला पत्रव्यवहार, निदर्शनास आणून दिलेली माहिती / तपशिल / पुरावे व समक्ष चर्चा या व्दारे माझ्या सर्व शंकाचे निराकरण झाले आहे. माझी वरील विषयांकित कामाबाबतीत तक्रार नाही आहे आणि भविष्यातही सदर विषयात माझी कुठलीही तक्रार नसणार आहे, तरी आपण आपल्या स्तरावर्ती योग्य तो निर्णय घ्यावा हि विनंती. कळावे,

आपला विश्वासू,



श्री साईप्रसाद कल्याणकर
सामाजिक कार्यकर्ता

प्रत :

- माननीय जिल्हाधिकारी साहेब, जिल्हा सिंधुदुर्ग, महाराष्ट्र.
- माननीय उपविभागीय अधिकारी, ता. सावंतवाडी, जि. सिंधुदुर्ग, महाराष्ट्र.
- माननीय कार्यकारी अभियंता, MSRDC, बांद्रा, मुंबई, महाराष्ट्र.
- माननीय पोलीस निरीक्षक साहेब, बांदा पोलीस स्टेशन, बांदा, जिल्हा सिंधुदुर्ग, महाराष्ट्र.
- माननीय उपप्रादेशिक परिवहन अधिकारी, उपप्रादेशिक परिवहन कार्यालय, जिल्हा सिंधुदुर्ग.

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Tel. (O) : 02363 - 270355 (R) : 02363 - 270105

Ref. No. SMK -

Date : १८/०५/२०२२

प्रति,

माननीय श्री साळवी साहेब,
विद्यमान विभाग प्रमुख,
हॉर्टिकल्चर विभाग, दापोली कृषी विद्यापीठ,
दापोली, महाराष्ट्र.

विषय - बांदा येथे परिवहन खात्याकरिता चेकपोस्ट बांधण्याचे काम.

संदर्भ - NGT. OA. २८/२०१४ मधील आदेश व वृक्ष लागवळ बाबतीत.

माननीय साहेब,

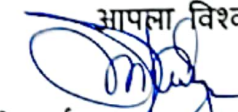
मौजे बांदा ता. सावंतवाडी या गावातील सटमटवाडी येथे बांधण्यात आलेल्या चेकपोस्ट मध्ये NGT मधील OA.२८/२०१४(NGT)(W2) पुणे च्या आदेशाची आपल्याला पूर्ण कल्पना आहे. आपल्या बरोबरच रिफॉरिस्टेशनचे काम वनखाते सावंतवाडी यांचे मार्गदर्शनाखाली पूर्ण करणेचे NGT कोर्टाचे आदेश आहेत.

या बाबत आपल्या विभागाकडे मी वेळोवेळी केलेल्या पत्रव्यवहाराच्या अनुषंगाने कळविणेत येते की डोंगर उतारावरती ज्या नवीन झाडांची लागवड करण्यात आलेली होती ज्याचे वनखात्याने दिनांक २९/०८/२०१९ ला केलेल्या संयुक्त पंचनाम्यानुसार झाडे, फळझाडे, बांबू आणि अन्य गवती चहा सारखे सर्व धरून अंदाजे ७०७८१ झाडे लावल्याचे दिसून आले होते. ह्या आडवड्यात मी स्वतः प्रत्यक्ष जागेवरती गेलो असताना प्रत्यक्ष पाहणीत असे दिसून आले कि सर्व झाडे व्यवस्थित जगवलेली आहेत तसेच साईट वरती दोन माळी आणि कामगार दिसून आलेत. पूर्ण परिसरात ड्रीप इरीगेशनचे काम केलेले आहे आणि त्याप्रमाणे अत्यंत उन्हाळ्यात सुद्धा ड्रीप इरीगेशनची वयवस्थित तरतूद असल्यामुळे सर्व झाडे व्यवस्थित दिसत आहेत. आज प्रत्यक्ष पाहणीत पूर्ण ड्रीप इरीगेशन वयवस्थित चालू असलेले दिसून आले. साईट वरती व्यवस्थापनाशी चर्चा केल्यावरती काही रिकाम्या जागेत काजूची अजून रोपे लावता येतील असे दिसून आले आणि मे. सदभाव इंजिनिअरींग कंपनी यांना विनंती केल्यावरती त्यांनी १०००० काजूची कलमी रोपे आणि फुलझाडे ५००० लावण्यासाठी होकार दिला असून लगेच माझ्यासमोर १०००० काजूची कलमी रोपांची ऑर्डर दिलेली आहे.

तसेच कार्यकारी अभियंता, महाराष्ट्र राज्य रस्ते विकास महामंडळ, मुंबई व संबंधीत सिमा तपासणी नाक्याचे ठेकेदार मे. सदभाव इंजिनिअरींग कंपनी यांचेकडून मिळालेल्या माहितीनुसार सदरचा सिमा तपासणी नाक्याचा प्रकल्प BOT अंतर्गत असून करारानुसार सदर ठेकेदार 24 वर्षे 6 महिने पर्यंत त्या कामास जबाबदार असून सर्व प्रकारच्या कामाबाबत व सुरक्षितते बाबतची जबाबदारी सदर ठेकेदाराची असून त्या बाबतचा करार महाराष्ट्र राज्य रस्ते विकास महामंडळ व ठेकेदार मे. सदभाव इंजिनिअरींग यांचेमध्ये झाला असल्याचे तसेच लागवळ केलेल्या झाडांची निगा, भविष्यातील देखभाल व सुरक्षिततेची संपूर्ण जबाबदारी संबंधीत ठेकेदारानी घेतलेली असल्याचे सांगण्यात आले आहे. त्याप्रमाणे लागवळ केलेल्या झाडांची भविष्यात सुरक्षित राखण्यासाठी आवश्यक उपाययोजना त्या- त्या वेळी महाराष्ट्र राज्य रस्ते विकास महामंडळ व ठेकेदार मे. सदभाव इंजिनिअरींग यांच्या खर्चाने / निधीतून पूर्ण करण्यात येणार आहेत असे त्यांनी सांगितले आहे. परंतु साईट वरती ज्या प्रकारची झाडे लावण्यात आलेली आहे आणि ज्याप्रमाणे सादर झाडांची निगा घेण्यात आलेली आहे त्याप्रमाणे सदरची सर्व झाडे ह्यापुढे जगणारच आहे आणि चांगली काळजी घेतल्यामुळे फळ उत्पादन हि चांगला होणार आहे.

मी आपल्याकडे गवती चहा आणि बांबू लावल्याबद्दल तक्रार केली होती परंतु समक्ष जागेवरती पाहणी करता असे लक्षात आले कि गवती चहा आणि बांबू मुळे उताराच्या जागेवरती मातीची झीज थांबलेली आहे आणि जिथे जिथे गवती चहा लावलेला आहे तिथे अन्य अनेक झाडे सुद्धा लावलेली दिसत आहे. मा. NGT कोर्टाचे आदेश प्रमाणे फक्त ४४००० झाडे लावायची होती परंतु सदर जागेवरती त्यापेक्षा जास्त झाडे लावून सदर जागेचा संपूर्ण उपयोग झालेला दिसत आहे. समाजाने सयुक्त प्रयत्न केल्यामुळे सदरचा परिसर हिरवेगार झालेला असून सकाळी बांदा वासियांसाठी फिरण्यासाठी सुंदर स्थळ झालेला आहे तसेच काजू आणि आंबा मुळे पक्षी आणि निसर्गाचे संरक्षण झालेले दिसत आहे. मोठा प्रकल्प होऊन सुद्धा रिकाम्या जागेची व्यवस्थित उपयोग केल्यामुळे पूर्ण परिसर हिरवेगार झालेला असून काम सुरु होण्याच्या अगोदरच्या परिस्थिती पेक्षाही जास्त हिरवेगार दिसत आहे.

हा विषय मांडताना त्यावेळी प्रथमदर्शनी जे दिसत होते ते आपल्या समोर मांडले होते. तथापि या प्रकरण / विषया बाबत झालेला पत्रव्यवहार, निदर्शनास आणून दिलेली माहिती / तपशिल / पुरावे व समक्ष चर्चा या व्दारे माझ्या सर्व शंकाचे निराकरण झाले आहे. या बाबत माझी कोणतीही तक्रार नाही तसेच भविष्यात तक्रार करणार नाही. तसेच सिमा तपासणी नाक्याचे ठेकेदार मे. सदभाव इंजिनिअरींग कंपनीचे व्यवस्थापनचे मी संपूर्ण बांदा वासियांच्यावतीने आभार आणि भविष्यासाठी शुभेच्छा देतो.

आपला विश्वासू,

 श्री साईप्रसाद कल्याणकर
 सामाजिक कार्यकर्ता

प्रत :

- माननीय जिल्हाधिकारी साहेब, सिंधुदुर्ग, महाराष्ट्र.
- माननीय प्रांताधिकारी साहेब, सावंतवाडी, सिंधुदुर्ग, महाराष्ट्र.
- माननीय वनसंरक्षक साहेब, सावंतवाडी, जिल्हा सिंधुदुर्ग, महाराष्ट्र.
- माननीय तहसीलदार साहेब, सावंतवाडी, जिल्हा सिंधुदुर्ग, महाराष्ट्र.
- माननीय कार्यकारी अभियंता, महाराष्ट्र राज्य रस्ते विकास महामंडळ, मुंबई.
- माननीय उप परिवहन अधिकारी, प्रादेशिक परिवहन कार्यालय, सिंधुदुर्ग.

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Ref. No. SMK -

Date : १८/०५/२०२२

प्रति,

माननीय उप वनसंरक्षक साहेब,
सावंतवाडी, जिल्हा सिंधुदुर्ग, महाराष्ट्र.विषय - बांदा येथे परिवहन खात्याकरिता चेकपोस्ट बांधण्याचे काम.
संदर्भ - NGT. OA. २८/२०१४ मधील आदेश व वृक्ष लागवळ बाबतीत.

माननीय साहेब,

मौजे बांदा ता. सावंतवाडी या गावातील सटमटवाडी येथे बांधण्यात आलेल्या चेकपोस्ट मध्ये NGT मधील OA.२८/२०१४(NGT)(W2) पुणे च्या आदेशाची आपल्याला पूर्ण कल्पना आहे. आपल्या बरोबरच रिफॉरेस्टेशनचे काम वनखाते सावंतवाडी यांचे मार्गदर्शनाखाली पूर्ण करणेचे NGT कोर्टाचे आदेश आहेत.

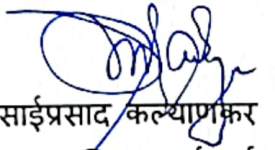
या बाबत आपल्या विभागाकडे मी वेळोवेळी केलेल्या पत्रव्यवहाराच्या अनुषंगाने कळविणेत येते की डोंगर उतारावरती ज्या नवीन झाडांची लागवड करण्यात आलेली होती ज्याचे वनखात्याने दिनांक २५/०८/२०१९ ला केलेल्या संयुक्त पंचनाम्यानुसार झाडे, फळझाडे, बांबू आणि अन्य गवती चहा सारखे सर्व धरून अंदाजे ७०७८१ झाडे लावल्याचे दिसून आले होते. ह्या आडवड्यात मी स्वतः प्रत्यक्ष जागेवरती गेलो असताना प्रत्यक्ष पाहणीत असे दिसून आले कि सर्व झाडे व्यवस्थित जगवलेली आहेत तसेच साईट वरती दोन माळी आणि कामगार दिसून आलेत. पूर्ण परिसरात ड्रीप इरिगेशनचे काम केलेले आहे आणि त्याप्रमाणे अत्यंत उन्हाळ्यात सुद्धा ड्रीप इरिगेशनची वयवस्थित तरतूद असल्यामुळे सर्व झाडे व्यवस्थित दिसत आहेत. आज प्रत्यक्ष पाहणीत पूर्ण ड्रीप इरिगेशन वयवस्थित चालू असलेले दिसून आले.

साईट वरती व्यवस्थापनाशी चर्चा केल्यावरती काही रिकाम्या जागेत काजूची अजून रोपे लावता येतील असे दिसून आले आणि मे. सदभाव इंजिनिअरींग कंपनी यांना विनंती केल्यावरती त्यांनी १०००० काजूची कलमी रोपे आणि फुलझाडे ५००० लावण्यासाठी होकार दिला असून लगेच माझ्यासमोर १०००० काजूची कलमी रोपांची ऑर्डर दिलेली आहे.

समाजाने सयुंक्त प्रयत्न केल्यामुळे सदरचा परिसर हिरवेगार झालेला असून सकाळी बांदा वासियांसाठी फिरण्यासाठी सुंदर स्थळ झालेला आहे तसेच काजू आणि आंबा मुळे पक्षी आणि निसर्गाचे संरक्षण झालेले दिसत आहे. मोठा प्रकल्प होउन सुद्धा रिकाम्या जागेची व्यवस्थित उपयोग केल्यामुळे पूर्ण परिसर हिरवेगार झालेला असून काम सुरू होण्याच्या अगोदरच्या परिस्थिती पेक्षाही जास्त हिरवेगार दिसत आहे. तसेच रीतसर परवानगी घेउन जी झाडे तोडण्यात आलेली होती ती सर्व जागेमालकानी ताब्यात घेतलेली होती. बाकीची लाकडे जागेवरती जमा करण्यात आलेली होती ज्याचे गावकऱ्यांनी तसेच सर्व झाडे मालकी हक्काची होती ती सर्वांनी स्वतः वाहतूक करून नेलेली आहेत त्या कारणाने लाकडाबद्दलची माझी तक्रार ग्राह धरण्यात येउन नये तसेच माझ्या सर्व शंकांचे निरसरण झालेले असून मी आज पर्यंत केलेल्या सर्व तक्रारी मागे घेत आहे.

हा विषय मांडताना त्यावेळी प्रथमदर्शनी जे दिसत होते ते आपल्या समोर मांडले होते. सर्व कागदपत्रे बघितल्यावरती मला असे वाटते कि ह्यापूर्वी गैरसमजुतीने माझ्याकडून सदर साईटच्या बाबतीत पत्रव्यवहार झालेला आहे. प्रत्यक्ष पाहणी करिता कुठल्याही प्रकारचा नियमांचा भंग झालेला दिसून आलेला नाही आहे . सर्व परवानग्या आणि रीतसर अर्जकरून कायदाच्या चोकटीत राहूनच सर्व कामे केलेली दिसून येत आहे आणि काम झाल्यावरती पूर्ण परिसर कल्पनाच्या बाहेर सुंदर केलेला आहे . सर्व गोष्टींचा विचार करिता मी ह्यापूर्वी केलेल्या सर्व तक्रारी मागे घेत असून साईटवर्ती केलेल्या प्रशंसनीय वृक्षलागवड केल्यामुळे सर्वांचे आभार मानतो. माझ्या तक्रारीमुळे झालेल्या त्रासाबद्दल आणि गैरसोयींबद्दल दुर्लक्ष करावे हि सविनय विनंती असून तरी माझ्या समाजासाठी असलेल्या जवाबदारीतून मी सदर बाबतीत लक्ष दिला होता आणि आज प्रत्यक्ष साईटवर्ती हिरवेगार झाडे बघून मला अत्यंत आनंद झालेला असून मी सर्वांचे आभार मानतो. तथापि या प्रकरण / विषया बाबत झालेला पत्रव्यवहार, निदर्शनास आणून दिलेली माहिती / तपशिल / पुरावे व समक्ष चर्चा या व्दारे माझ्या सर्व शंकांचे निराकरण झाले आहे. या बाबत माझी कोणतीही तक्रार नाही तसेच भविष्यात तक्रार करणार नाही. तसेच सिमा तपासणी नाक्याचे ठेकेदार मे. सदभाव इंजिनिअरींग कंपनीचे व्यवस्थापनचे मी संपूर्ण बांदा वासियांच्यावतीने आभार आणि भविष्यासाठी शुभेच्छा देतो.

आपला विश्वासू,


श्री साईप्रसाद कल्याणकर
सामाजिक कार्यकर्ता

प्रत :

- माननीय जिल्हाधिकारी साहेब, सिंधुदुर्ग, महाराष्ट्र
- माननीय प्रांताधिकारी साहेब, सावंतवाडी, सिंधुदुर्ग, महाराष्ट्र
- माननीय वनसंरक्षक साहेब, सावंतवाडी, जिल्हा सिंधुदुर्ग, महाराष्ट्र.
- माननीय तहसीलदार साहेब, सावंतवाडी, जिल्हा सिंधुदुर्ग, महाराष्ट्र.
- माननीय कार्यकारी अभियंता साहेब, MSRDC, बांद्रा, मुंबई, महाराष्ट्र

Exhibit - R

जा.क्र. मरारवि मर्या./०२/सव्यस-२/506
दिनांक : २७.१२.२०१६

प्रति,
मा.जिल्हाअधिकारी, सिंधुदुर्ग,
जिल्हा.सिंधुदुर्ग - ४१६ ५२०.



महाराष्ट्र राज्य रस्ते विकास
महामंडळ मर्यादित
(महाराष्ट्र शासनाचा उपक्रम)

विषय : मौजे बांधा जिल्हा सिंधुदुर्ग येथील सिमा तपासणी नाक्याच्या हद्दीत वृक्षारोपण करण्याबाबत.

संदर्भ : राष्ट्रीय हरितलवाद न्यायालय, पुणे यांचे आदेश.

महोदय,

परिवहन विभागाने सिमा तपासणी नाक्याच्या आधुनिकीकरणासाठी मौजे बांधा येथे एकूण ११.९५ हेक्टर इतकी जमीन संपादीत केली असून महामंडळ या प्रकल्पाची प्रकल्प अंमलबजावणी संस्था म्हणून काम करत आहे. या प्रकल्पासंदर्भात राष्ट्रीय हरित न्यायालय पुणे यांनी महामंडळाम या जागेवरती विभाग प्रमुख, अग्रिकल्चर विभाग, दापोली कृषी विद्यापीठ यांच्या मागदर्शानाखाली ४४,०००/- झाडे लावण्याचे आदेश पारित केले असून याबाबत जिल्हाधिकारी सिंधुदुर्ग यांच्याकडे अनामत रक्कम रु. १०,००,०००/- भरण्याचे आदेश पारित केले होते. महामंडळाने धनादेश क्र. २३८५२८ दिनांक ११.०१.२०१६ रोजी आपले कार्यालयात रु. १०,००,०००/- जमा केल आहेत. हरित लवादाच्या निर्णयानुसार ४४,०००/- झाडे लावण्याकरीता सिंधुदुर्ग जिल्ह्यात जागा उपलब्ध करून द्यावी ही विनंती. झाडे लावण्याचा खर्च प्रकल्पाचा उदयोजक करणार आहे. तरी आपणाम विनंती करण्यात येते की झाडे लावणेकरीता जागा उपलब्ध करून द्यावी ही विनंती.

सांबत : १. राष्ट्रीय हरित लवादाचा निर्णय

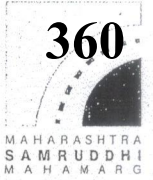
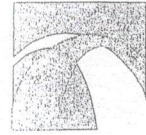
(मुक्तेश वाडकर)
कार्यकारी अभियंता
म.रा.र.वि. (मर्या.), मुंबई

प्रत : मुख्य अभियंता यांना माहितीसाठी सादर

निगम कार्यालय वाद्रे रेवलेमेशन डेपोसमोर, लिलावती हॉस्पिटल जवळ, के. सी. मार्ग, वाद्रे (प), मुंबई - ४०० ०९०.
दुरध्वनी : ०२२-२६४००१९०/२०१, २६५५८१७५/७६. फॅक्स : ०२२-२६४१७८९३

Exhibit - S 0/10

MSRDC/02/BCP/EE/2019/ 64p
Date : 06.05.2019



**Maharashtra State
Road Development
Corp. Ltd.**

(A Government of Maharashtra Undertaking)

To,
Dr. B.R. Salvi,
Head of Department,
Horticulture,
Dr. B S K K Vidyapeeth,
Dapoli.

Sub : Regarding Plantation Work.

Computerisation and Modernisation of 22 Border Check Posts in
the State of Maharashtra on Built-Operate-and Transfer Basis

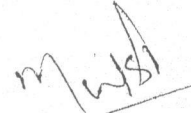
Ref: 1) Your office letter no. ACD/HORT/Check Post/449/2019, dated 14.03.2019

2) This office letter no. MSRDC/02/BCP/EE/2019/2674, dated 16.04.2019

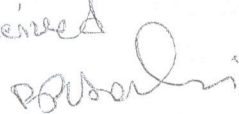
Dear Sir,

Further reference at sr. no. 1, we are submitting herewith cheque no. 002500 dt. 04.05.2019 and cheque no. 003001 dt. 04.05.2019 regarding payment of honorarium amounts respectively (Dr. P.M. Haldankar -first visit dated on 10.03.2015 - (Rs. 25,000 Less TDS 2500 net payable Rs. 22,500/-) and Dr. B.R. Salvi - second visit dated on 16.06.2017- (Rs. 25,000 Less TDS 2500 net payable Rs. 22,500/-). Kindly acknowledge the receipt.

You are requested to supervise the compensatory afforestation work being carried out by the Concessionaire M/s. MBCPNL in accordance with the directives of the NGT, Pune, and provide inspection report to this office.


(Muktesh Wadkar)
Executive Engineer,
MSRDC (Ltd.), Mumbai

Copy Submitted to the S.E. (R.G.), M.S.R.D.C. Mumbai for information please.

Received

15.5.19



YES BANK LTD.
Gr&Mezzanine Flr, Shop No G-01, 893,
Notan Chambers, Turner Rd, Bandra
(W), Mumbai 400050
A/c Payee
IFS CODE: YESB0000134

YES TRANSACT
CASH MANAGEMENT SERVICES
VALID FOR THREE MONTHS FROM THE DATE OF ISSUE

D0D4M0M5Y2Y0Y1Y9

Pay Parag Haldankar

Or Order
को या उनके आदेश पर

Rupees Twenty Two Thousand Five Hundred Only

रुपये

अदा करें

₹

**22,500.00
For MSRDC LTD

CURRENT

A/c No. 013481400000444
खाता क्र.

NOT OVER ₹

Parag Haldankar

YES BANK

Authorised Signatories
Please sign above

PAYABLE AT PAR AT ALL YES BANK BRANCHES IN INDIA.

002500 4005320170 004857 29



YES BANK LTD.
Gr&Mezzanine Flr, Shop No G-01, 893,
Notan Chambers, Turner Rd, Bandra
(W), Mumbai 400050
A/c Payee
IFS CODE: YESB0000134

YES TRANSACT
CASH MANAGEMENT SERVICES
VALID FOR THREE MONTHS FROM THE DATE OF ISSUE

D0D4M0M5Y2Y0Y1Y9

Pay Bharat R Salvi

Or Order
को या उनके आदेश पर

Rupees Twenty Two Thousand Five Hundred Only

रुपये

अदा करें

₹

**22,500.00
For MSRDC LTD

CURRENT

A/c No. 013481400000444
खाता क्र.

NOT OVER ₹

Bharat R Salvi

YES BANK

Authorised Signatories
Please sign above

PAYABLE AT PAR AT ALL YES BANK BRANCHES IN INDIA.

00300 4005320170 004857 29

Received
Bharat R Salvi
31.5.19



Dr. Balasaheb Sawant Konkan Krishi Vidyapeeth, Dapoli

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**DEPARTMENT OF HORTICULTURE
COLLEGE OF AGRICULTURE, DAPOLI – 415 712,**

Dist – Ratnagiri (M.S.) India


Tel. / Fax (Off.) – (02358) 282412

E-mail : headhortkkv@rediffmail.com / brsalvi@gmail.com

RECEIPT

I have receive cheque no. 002500 dated 04.05.2019 Rs. 22,500/- and cheque no. 003001 dated 04.05.2019 Rs. 22,500/- regarding payment of honorarium amounts respectively (Dr. P. M. Haldankar - first visit dated on 10.03.2015 (Rs. 25,500/- less TDS 2500 net payable Rs. 22,500/-) and Dr. B. R. Salvi – second visit dated on 16.06.2017 (Rs. 25,000/- less TDS 2500 net payable Rs. 22,500/-).

Date:- 15.05.2019


15.5.19
Head

Department of Horticulture
Dr. B. S. Konkan Krishi Vidyapeeth, Dapoli

Exhibit - T

महाराष्ट्र राज्य रस्ते विकास
महामंडळ मर्यादित



म.रा.र.वि.म.
(महाराष्ट्र शासनचा उपक्रम)

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स्वातंत्र्याचा अमृत महोत्सव

मरारविम/०२/सव्यसं(अभि)/बीसीपी/२०२४/२१४४

दिनांक : ०२.०४.२०२४.

प्रति,

मे. महाराष्ट्र बार्डर चेक पोस्ट नेटवर्क लि,
गोदरेज कोलस्युम, ६०२, सी विंग,
एकराट नगर जवळ,
सायन (पु), मुंबई ४०००२२.

विषय : NGT Case No. २८/२०१४

Shri Saiprasad Kalyankar Vs. The Regional Transport Officer
(RTO) and Others चे प्रकरण करण्यात आलेल्या वृक्षलागवडीची संयुक्त स्थळ
पाहणी.

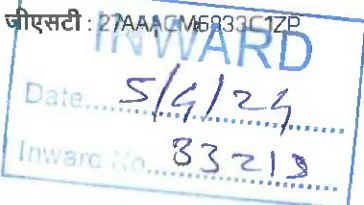
- संदर्भ : १. NGT Case Application no. २८/२०१४ चे दि. १०.०९.२०१४ चे आदेश
२. NGT Case Ex. Application no. ०६/२०१८ चे दि. १३.०३.२०१९ चे आदेश
३. उप वनसंरक्षक, वनविभाग सावंतवाडी यांचे पत्र क्र. अ/कक्ष-कोर्टकेस/बांदा चेकपोस्ट-
वृक्षारोपण/२३-२४/२९७० दि. २८.०३.२०२४.

उपरोक्त विषयांकीत प्रकरणी मौजे बांदा ता. सावंतवाडी येथील सर्वे क्र. १८९ क, क्षेत्र ११.९५.०० हे. आर. मधील सिमा तपासणी नाक्याचे आधूनिकीकरणासाठी करण्यात आलेल्या वृक्षतोडीचे अनुषंगाने सदर ठिकाणी वृक्ष लागवड करणे सदरमात मा. राष्ट्रीय हरित लवादाने Execution Application No.०६/२०१८ in Original Application No.२८/२०१४ मध्ये दि. १३/०३/२०१९ रोजी न्यायालयीन आदेश पारीत केलेले असून विषयांकीत प्रकरणी बेकायदेशीर वृक्षतोडीमुळे कोर्टाने १:८ प्रमाणे ४४००० झाडे लावण्याचे आदेश Reforestation म्हणजे झाडे लावणे व जगवणेचे आदेश दिलेले आहेत. सदर आदेशान्वये सदरची वृक्ष लागवड दि.१३.०३.२०२० पुर्वी करणेबाबतचे निर्देश देण्यात आलेले होते.

दि. १५/०३/२०२४ रोजी वनक्षेत्रपाल (प्रा) सावंतवाडी MSRDC चे कार्यकारी अभियंता, आरटीओ विभागाचे अधिकारी मोटर वाहन निरीक्षक, सहाय्यक मोटर वाहन निरीक्षक त्याचप्रमाणे MSRDC चे सहाय्यक, व तक्रारदार श्री. कल्याणकर यांचे प्रतिनीधी, पंच त्याचप्रमाणे माळी, वनपाल बांदा, वनरक्षक, वनमुजर यांनी उपस्थित राहून दि. १५/०३/२०२४ रोजी पासून मौजे बांदा सटवाडी येथील सर्वे क्र १८९ क क्षेत्र ११.९५.०० हे. आर मधील सिमा तपासणी नाक्याचे क्षेत्रात मा.राष्ट्रीय हरित लवाद यांचेकडील आदेशान्वये MSRDC ने लागवड केलेल्या वृक्षांची मोजदाद करणेस सुरवात केली.

सीआयएन : U45200MH1996SGC101586

जीएसटी : 27AAACM6833C1ZP



नोंदणीकृत कार्यालय : नेपियन्सी रोड,
प्रियदर्शनी पार्क जवळ, मुंबई - ४०० ०३६

दूरध्वनी : (०२२) २३६८ ५९०९
दूरध्वनी : (०२२) २३६१ ३७८९
दूरध्वनी : (०२२) २३६९ १०३०

कार्पोरेट कार्यालय : वांद्रे रेक्लेमेशन
डेपोसमोर, लिलावती हॉस्पिटलजवळ,
के.सी.मार्ग, वांद्रे (प), मुंबई - ४०० ०५०

दूरध्वनी : (०२२) २६४० ०१९० / २०१
दूरध्वनी : (०२२) २६५५ ८१७५ / ७६
फॅक्स : (०२२) २६४१ ७८९३

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दि.१५/०३/२०२४ ते १९/०३/२०२४ पर्यंत सदर क्षेत्रातील लागवड केलेल्या वृक्षांची मोजदाद पूर्ण करून पंचनामा आदी कागदपत्र तयार करणेत आलेले असून पंचनाम्यानुसार सदर क्षेत्रात मोजणी केलेली रोपे संख्या २६६६५ एवढी झाले असून त्यापैकी १७२७९ झाडे ही वृक्ष प्रजाती संवर्गातील असून इतर उर्वरीत ९३८६ एवढ्या प्रजाती शोभिवंत झाडे, बांबू कणक, कंद (गवत) स्वरूपातील असून, पुर्व-पश्चिम दिशेने टेकडीच्या वरच्या भागात प्लॉस्टिकच्या २-२ टाक्या बसवून ठिबक सिचनव्दारे रोपांना पाण्याची व्यवस्था करणेत आलेली असून रोपांना पाणी सोडण्यात आले नसल्याचे नमुद केले आहे. तसेच रोपांचे सभोवताल सुकलेल्या स्थितीत रानमोडी, गवत, घाणेरी यांचा फैलाव असल्याचे निदर्शनास आले. त्यामुळे सदर क्षेत्रात आग लागून रोपांना इजा, नूकसान होण्याची शक्यता असलेबाबत, तसेच सदर झाडांचे संरक्षण व संवर्धन करणेकामी उपाययोजना करणेसंबंधी आवश्यक त्या सर्व सुचना वन अधिकारी यांचेकडून पंचासमक्ष देण्यात आलेल्या आहेत.

उपरोक्त प्रमाणे प्राप्त झालेल्या अहवालानुसार मा. राष्ट्रीय हरित लवाद यांचेकडील दि. १०/०९/२०१४ व १३/०३/२०१९ चे आदेशांचे पूर्ण पालन झालेले दिसून येत नाही. प्रकरणी स्थळ पाहणी अहवालात १७२७९ झाडे ही वृक्ष प्रजाती संवर्गातील लागवड केल्याचे नमुद केले आहे. आपणास पुनच्छ कळविणेत येते की, मा.राष्ट्रीय हरित लवाद यांचेकडील दि.१०/०९/२०१४ व दि. १३/०३/२०१९ रोजीचे आदेशान्वये सदरचे वृक्ष लागवड उद्दीष्ट येत्या पावसाळ्यात जूलै २०२४ अखेर पूर्ण करून संरक्षण व देखभाल ची कार्यवाही करणेत यावी.

तसेच स्थळ पाहणी अहवालानुसार पुर्वी लावण्यात आलेल्या वृक्ष प्रजातीचे रोपांचे सभोवती सुकलेल्या स्थितीत रानमोडी, गवत, घाणेरी यांचा फैलाव असल्याने सदर क्षेत्रात आग लागून रोपांना इजा, नूकसान होण्याची शक्यता असल्याने सदर क्षेत्रात तात्काळ उपाययोजना करून वृक्ष प्रजाती रोपे १००% जिवंत राहतील या दृष्टीने आवश्यक ती संरक्षण व संगोपनाची कार्यवाही आपले स्तरावरून तातडीने करणेत यावी.

वरील सर्व बाबी लक्षात घेता, मा. राष्ट्रीय हरित लवाद यांनी दि.१०/०९/२०१४ व १३/०३/२०१९ अन्वये दिलेल्या आदेशाप्रमाणे व संयुक्त पाहणी दरम्यान वन अधिकारी यांनी दिलेल्या उपरोक्त सुचनेच्या अनुषंगाने आवश्यक ती कार्यवाही करून आपला स्वयंस्पष्ट अहवाल महामंडळास त्वरीत सादर करावा.



(मुक्तेश वाडकर)
कार्यकारी अभियंता
म.रा.र.वि.महामंडळ, मुंबई

प्रत : माहितीसाठी सविनय सादर.

१. मा. उपाध्यक्ष व व्यवस्थापकीय संचालक, म.रा.र.वि.महामंडळ, मुंबई.
२. मुख्य अभियंता (आरपीएन), म.रा.र.वि.महामंडळ, मुंबई.
३. उप प्रादेशिक परिवहन अधिकारी, सिंधुदुर्ग,

ORDER BELOW EXH. 1 IN REGULAR CIVIL SUIT NO. 126/2021
CNR-NO-MH-SI-06-001131-202

The authorize person of plaintiff and defendant No. 1 to 3 are present along with their respective Ld. Counsels. By mediation report vide Exh.64 the Mediator Adv. Shri. G. G. Bandekar informed about the settlement of the dispute between the parties amicably as per the compromise pursis vide Exh.65. In view of same, this suit needs to be disposed of. In the result, I pass the following order.

-: O R D E R :-

1. This suit is disposed of as compromised as per the compromise pursis vide Exh.65 arrived in mediation process.
2. Both the parties bear their own costs.
3. Decree shall be drawn in terms of compromise pursis vide Exh.65.
4. The court fees be refunded as per rules if prayed.
5. Proceeding is closed.

Date : 06-06-2022

Digitally signed
by RUPALI
RAJANIKANT
BEDAGKAR
Date:
2022.06.06
18:15:22
+0530

(Smt.R.R.Bedagkar)
Civil Judge (Jr.Dn.)
Sawantwadi.

संयुक्त तडजोड पुरबीस वादी
व प्रतिवादी क्रं १ ते ३ तक
दाखल दि. ०६/०६/२०२२

In the court of Hon Civil Judge (Jr. Div.) at Sawantwadi

Reg. Civil Suit No. 126/2021

Suvarna Buildcon Pvt. Ltd --- Plaintiff

v/s

Sadbhav Engineering Ltd, etc --- Defendant

Compramise pursis on behalf of Plaintiff as well as
Defendant no. 1 to 3.

1. The plaintiff and defendants have series of discussion in respect of settelement of the issue. After the prolong discussion both the parties have agreed to resolve the dispute on following terms and conditions.

Terms and conditions of Compramise

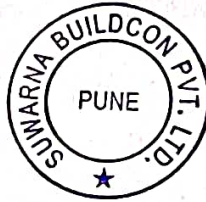
1. The Defendant No. 1 has revoked and withdrawn the termination Notice dated 11 October 2021.
2. In view of the settlement taken place by and between the parties in Commercial Dispute No. 52/2021 before the Hon'ble Commercial Court Pune at Pune the Plaintiff is authorized to continue with the work at the suit property.
3. Only upon receipt of final Balance Payment as per Annexure A of the first addendum dated 3/4/2022 and of the settlement Terms and condition submitted in Commercial Suit No. 52/2021, The Plaintiff will handover the site on suit property of the defendant after completion of work.

- 4. Neither Defendants nor any of their agents, assignees or persons acting on their behalf shall disturb the actual physical possession of the plaintiff over the suit property till the entire work of Banda Border Check Post is completed and possession is handed over to concerned defendants.
- 5. Parties shall bear their own costs.
- 6. Compromise Decree may kindly be passed.

Hence the **Compromise** pursis on behalf of Plaintiff as well as Defendant no. 1 to 3.

Sawantwadi

Date 6/6/2022



[Handwritten signature]

Athorised signatory on behalf of Plaintiff

[Handwritten signature]
 Adv. Defendants no. 1 to 3
 (Adv. A. K. N. Walekar)

[Handwritten signature]
 Adv. J. S. Jadhav

Athorised signatory on behalf of Defendant No. 1 to 3

ORDER

[Handwritten signature]
 Adv. V. M. Jadhav, Sawantwadi
 behalf of Plaintiff.

Both the parties' authorised person or persons with their Id. cards. The terms of compromise deed are read out to the parties. They admitted same as well as their signature thereon. Hence this compromise pursis is read and recorded.

[Handwritten signature]
 6-6-22
 C.D.D., Sawantwadi

MBCPNL/MSRDC/BCP/14-15/4674

Date: 25/03/2015

To,
JMD - II
Maharashtra State Road Development Corporation Ltd.,
Bandra Project Office,
Opp. Bandra Reclamation Bus Station,
Bandra (W), Mumbai - 400 050

Sub: Modernization and Computerization of 22 Border Check Posts in the state of Maharashtra on Build, Operate and Transfer Basis -
- Insuli BCP - Regarding plantation of trees at Insuli BCP - Payment.

Ref:

1. Our letter no. MBCPNL/MSRDC/BCP/14-15/4663, dated 20/03/2015;
2. Your office letter no. MSRDC/02/BCP/EE-16/Insuli/743 dated 18/02/2015.

Dear Sir,

Further reference to above, we are submitting herewith Cheque no. 643639 dated 25/03/2015, regarding payment of Rs. 20 Lakhs with respect to issue of plantation of trees at Insuli BCP.

However we wish to state that we shall be entitled to claim the same as per the provisions of the Concession Agreement.

Thanking you,

Yours faithfully,
for Maharashtra Border Check Post Network Ltd.

Authorised Signatory

Encl: As above.

Copy To:

1. The Commissioner, Transport Department, Mumbai - for information please.
2. VC&MD, MSRDC - Bandra, Mumbai, for information please.
3. Executive Engineer, MSRDC - Bandra, Mumbai, for information please.
4. Project Head, SAI Consulting Engineers Pvt. Ltd., for information please.

Recd
25/3/15



VENTURE OF

Sadbhav

पंजाब नैशनल बैंक
punjab national bank

चेम्बूर मेन, मुम्बई - 400071
CHEMBUR MAIN, MUMBAI - 400071
RTGS/NEFT IFS Code : PUNB0007700

सभी शाखाओं पर देय PAYABLE AT ALL BRANCHES

25.03.2015
D D M M Y Y Y Y

PAY Maharashtra State Road Development Corporation Ltd. या धारक को OR-BEARER

रुपये RUPEES Twenty Lacs Only/-

अदा करें ₹ 20,00,000/-

खाता सं०
A/c. No. 0077002102300954

चालू खाता
CURRENT A/c



MAHARASHTRA BORDER CHECK POST NETWORK LTD
Please sign above

FNX

⑈643639⑈ 400024008⑈

29

01/02/14 643639

कमल तीन माह के लिये वैध है। VALID FOR THREE MONTHS ONLY