

BEFORE THE HON'BLE NATIONAL GREEN
TRIBUNAL,

WESTERN ZONE BENCH AT PUNE

ORIGINAL APPLICATION NO.22 OF 2023 WZ

I.A. NO.65 OF 2023 WZ

1. **Mr. Amol Abhimanyu Shinde**)

Age: 44 years, Occ: Business,)

At Post: Manchar, Taluka, Ambegaon,)

District: Pune – 410503 (MH).)

Email: saioffset1@gmail.com,)

Cell No: 9960442465)

2. **Omkar Residency Co-Op. HSG. Society Ltd.)**

A Housing Society registered under the)

provisions of Maharashtra Co-Operative)

Societies Act, 1966, Having its office at:)

Sr. No.121/9, At Post: Manchar,)

Taluka: Ambegaon, District: Pune – 410503)

Through its Secretary)

Mr. Savleram Baban Bhawari,)

3. **Mr. Dhananjay Sudhakar Thorat,**)

Age: 49 years, Occ: Agriculturist,)

At Post: Manchar, Taluka, Ambegaon,)

District: Pune – 410503 (MH).)

Cell No: 9890688970)



4. **Mr. Kumar Shankar Lohakare**)
Age: 52 years, Occ: Agriculturist,)
At Post: Manchar, Taluka, Ambegaon,)
District: Pune – 410503 (MH).)
Cell No: 8390973535)
5. **Mr. Nandkishor Maruti Pohakar,**)
Age: 66 years, Occ: Agriculturist,)
Residing At: Shivsharda Bungalow,)
at Post: Manchar, Taluka, Ambegaon,)
District: Pune – 410503 (MH).)
Cell No: 9096763433)
6. **Mr. Prabhu Baban Nikam,**)
Age: 74 years, Occ: Agriculturist,)
At Post: Manchar, Taluka, Ambegaon,)
District: Pune – 410503 (MH).)
Cell No: 9822607034)
7. **Mrs. Ujwala Vishal Nehere,**)
Age: 39 years, Occ: Housewife,)
At Post: Manchar, Taluka, Ambegaon,)
District: Pune – 410503 (MH).)
Cell No: 8975760780)
8. **Mr. Vaibhav Vasant Pokharkar,**)
Age: 33 years, Occ: Agriculturist,)
At Post: Manchar, Taluka, Ambegaon,)
District: Pune – 410503 (MH).)
Cell No: 9967352049)



9. **Mr. Namdev Kailash Ganjale,**)
 Age: 40 years, Occ: Agriculturist,)
 At Post: Manchar, Taluka, Ambegaon,)
 District: Pune – 410503 (MH).)
 Cell No: 7028811603)

.....Original Applicants

Versus

1. Maharashtra Pollution Control Board)

Through Regional Officer,)
 Jog Centre, 3rd Floor, Mumbai-Pune)
 Old Highway, Wakadewadi,)
 Pune – 411 003, Maharashtra)
 Email: ropune@mpcb.gov.in)
 Phone No. 020-2581 1694)

2. Central Ground Water Authority)

Through Member Secretary)
 18/11, Jamnagar House, Man Singh Road)
 New Delhi – 110011,)
 Email: cgwa@nic.in)

3. Town Planning Department-Pune)

Through Assistant Director,)
 New Administrative Building, Wing-B)
 Third Floor, Opp. Council Hall,)
 Pune – 411001 (MH))
 Email: adtp.pune@maharashtra.gov.in)
 Phone No: 020-26130435)

4. Sub Divisional Officer-SDO,)

Junnar-Ambegaon, Sub-Division Officer,))
 At Manchar, Taluka, Ambegaon,)
 District: Pune – 410503 (MH).)
 Email: sdojunnar-mh@gov.in)
 Cell No: 02133-223044)



- 5. Manchar Nagar Panchayat**)
Through Chief Executive Officer,)
(Formerly Grampanchayat Manchar))
At Post: Manchar, Taluka, Ambegaon,)
District: Pune – 410503 (MH).)
Email: mancharnagarpanchayat@gmail.com)
- 6. Manchar Police Station, Manchar**)
Through Police Inspector,)
At Post: Manchar, Taluka, Ambegaon,)
District: Pune – 410503 (MH).)
Email: pimanchar.pnr@mahapolice.gov.in)
Phone No. 02133-2231159)
- 7. Collector Of Pune**
Collector Office, Bund Garden, Pune-411001)
Email: collector.pune@maharashtra.gov.in)
Phone No.020-26123370)
- 8. M/s. Akash Dairy Farm**)
(Old Vighanar Dairy))
A Partnership Firm, Having Address:)
Sr. No.122/2, 123/2A, Pimplagaon Road)
At Post: Manchar, Taluka, Ambegaon,)
District: Pune – 410503 (MH).)
Email: akashdairy@gmail.com,)
Through Authorized Persons)
Shri. Sanjay Jijaba @ Jijabhau Thorat)
Sau. Priyanka Sanjay Thorat,)
Shri. Atmaram Shankar Thorat,)
Shri. Prithviraj Shankar Thorat)



9. M/s. Rheansh Food)
 A Proprietor Firm)
 Having Address: Sr. No. 122/2, 123/2A)
 Pimpalgaon Road, At Post: Manchar,)
 Taluka, Ambegaon, District: Pune-410503)
 Email: rheanshfoods@gmail.com)
 Through Authorized Person)
 Sau. Akanksha Rushikesh Chikhale)
 Age: Adult, Occ: Business)
 Address: Satyapuram Co-Op. HSG Society)
 Hadapsar, District: Pune - 412308)

.... Respondents

AFFIDAVIT IN REPLY ON BEHALF OF
RESPONDENT NO.8D

I, Shri. Prithviraj Shankar Thorat, Age: 72 years,
 Occupation Retired, Residing at: B/1401,Dhaiwat,Kalp
 nagri,B.R.Road,Mulund West Mumbai40080.

do hereby state on solemn affirmation as under;

1. I say and submit that I have carefully gone through the contents of the Application and Annexures and I am well conversant with the issues involved in the present Application. I further say that I have filed present affidavit in reply so as to bring on record certain facts which would be necessary for the effective



adjudication of the application. I crave leave of this Hon'ble Tribunal to file an additional reply, as and when required.

2. At the outset, I say that for the purpose of present dispute I am not the authorized person of Respondent no. 8 as is shown in the title of present original application. I say that for the sake of brevity, the authorized persons of Respondent No. 8 as shown in the clause title of the application be referred as 8A to 8D respectively. I say that Respondent No.8A i.e. Sanjay Jijabhau Thorat is the son of my brother viz. Jijabhau Shankar Thorat. Respondent No.8B i.e. Priyanka Sanjay Thorat is the wife of Respondent no. 8A and Respondent No.8C i.e. Atmaram Shankar Thorat is my another brother.

3. I say that my father late Shri Shankar Thorat during his lifetime had appointed my elder brother late Shri Jijabhau Thorat as Karta of our HUF. Therefore, late Shri Jijabhau Thorat in capacity as Karta was managing the affairs of our joint family property. I say that after the demise of my father, all the joint family





assets were inherited by me, my brother Shri Aatmaram Thorat i.e. Respondent no. 8C and my nephew Shri Sanjay Jijabhau Thorat i.e. Respondent no. 8A. In the year 1998 Respondent No.8A after consulting me started business of only milk collection and chilling in the name of Vignahar Dairy. I say that even though I have invested huge money in the said business of milk collection and chilling, the same was always looked after and managed by Respondent no. 8A. The Respondent no. 8A was permitted to start the said business only on a small portion of land admeasuring about 16 gunthe out of Survey No.123/2A and 7000 sq. feet Survey No.122/2 situated at Taluka Ambegaon, Dist. Pune. However, later on, with a mala fide intention to usurp my share in the profits, the Respondent No. 8A changed the name of said business to M/s. Aakash Dairy.

4. I say that somewhere around 2018-2019, the Respondent no. 8A newly started another business by name M/s. Rheansh Food in another portion of joint family property without my consent. In the new

business by name M/s. Rheansh Food, the Respondent no. 8A has commenced manufacturing milk products. I have claimed share in the new business by name M/s. Rheansh Food only because the same is being conducted on the joint family property. Otherwise, I am not involved in any of the decision-making process in the said business by name M/s. Rheansh Food.

5. I say that even though the business of only milk collection is a joint family business, the Respondent No.8A i.e. Sanjay Thorat is the only person who has been taking the profits out of the said businesses and is also exclusively looking after its functioning.

6. I say that Respondent No.8A i.e. Sanjay Thorat always kept me in dark and without taking my consent applied to the Sub-Divisional Officer, Junnar and obtained order bearing No. S J D/BISHE/S.R/132/2005 whereby non-agriculture use of land was permitted, for the land admeasuring 3200 sq. mtrs. situated at Survey No.123/2A, Taluka Ambegaon, Dist. Pune. The Respondent No.8A had never taken consent from me for the same and further



without taking consent and/or permission also submitted layout to Assistant Director of Urban Town Planner, Pune.

7. I say that in the year 2018-2019, the Respondent No.8A i.e. Sanjay Thorat falsely stated that the Respondent No.8A to 8D are the partners and submitted the Application dated 21st November, 2019 with the Sub-Divisional Officer Junnar / Ambegaon, Sub-Division Manchar, which came to be granted on 24th March 2021. I further say that without my consent the Respondent No.8A submitted layout map to Assistant Sub-Divisional Officer, Junnar and obtained order permitting non-agricultural use of land for commercial purposes (Milk Collection and Chilling unit) with respect to portion of land admeasuring 5100 Sq. Mtrs, out land bearing Survey No.122/2 and Survey No.123/2A situated at Taluka Ambegaon, Dist. Pune. I further say that Respondent No.8A falsely and with mala fide intentions prepared and notarized indemnity bond in my name dated 18th November, 2019. I further say that I have never signed the said



indemnity bound. I say that I am not officially one of the partners in any of the said partnership firms.

8. I say that the said businesses i.e. M/s. Aakash Dairy Firm and M/s. Rheansh Foods and Milk Products are being looked after by Respondent no. 8A since inception. I further say that Respondent No. 8A is only one who is looking after the accounts of the said businesses and Respondent No. 8A has never given any account details of the said businesses to me. I have never given any kind of consent to Respondent No.8A for his illegal activities. I seek to emphasize here that I have become aware of the fact that the Respondent no. 8A has not secured any permission from the Maharashtra Pollution Control Board only after the present dispute began. I further seek to emphasize here that the emissions from chimney erected by Respondent no. 8A as well as the noise pollution due to the said business is polluting the nearby environment. Therefore, considering the aforesaid facts I have filed Special Civil Suit No. 249 of 2022 before the Civil Judge, Senior Division, Khed for



partition and possession of 1/3 share / property and mesne profit of the business running in the name of M/s. Aakash Dairy Firm and M/s. Rheansh Foods and Milk Products.

9. Henceforth, considering the aforesaid facts and circumstances appropriate order in the interest of justice may kindly be passed and Applicant be directed to delete and/or remove my name from the Authorized persons of Respondent No. 8 as Respondent No. 8A is the concerned person who looks after the functioning of Respondent No 8 firm.

I say that, whatever stated above in Paragraph No. 1 to 8 are true and correct to the best of my knowledge and believe and in view thereof, I confirm the same as under.

Date:

Place:


Prithviraj Shankar Thorat

Advocate

(Respondent No.8D)

VERIFICATION

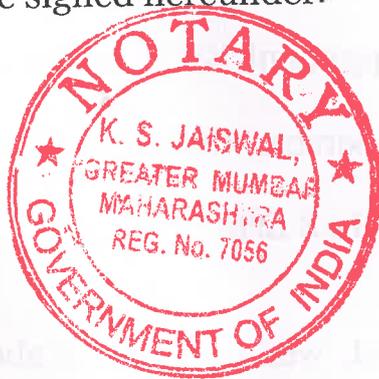
I, Shri. Prithviraj Shankar Thorat, Age: 72 years, Occupation Retired, Residing at: B/1401,Dhaiwat,Kalp nagri,B.R.Road,Mulund West Mumbai40080 do hereby state that the contents of Paragraph Nos.1 to 8 above are true and correct to the best of my knowledge, information and hence I have signed hereunder.

13 MAY 2023

Date :

Place :

Mumbai

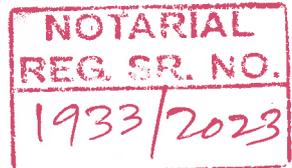


Deponent

[Handwritten signature]

13 MAY 2023

Before me;



Identified by me

As per Pan Card No. AA HPT0069R
BEFORE ME in Mumbai

Advocate



[Handwritten signature]

KAMLESH PRAKASH S. JAISWAL
ADV. & NOTARY Govt. of India
Gr. Mumbai, Maharashtra
Reg. No. 7056

[Handwritten signature]
KEDARE PRAKASH NANA
Reg. No. MAH/1061/2014 B.A., LL.B.
ADVOCATE HIGH COURT
A/8, Asmita Bldg., 3rd Floor, Tembe Nagar, S. N. Road,
Mulund (W), Mumbai - 80. ● Mob.: 9819546401

स्थायी लेखा संख्या /PERMANENT ACCOUNT NUMBER



हस्ताक्षर /SIGNATURE

