

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

**Appeal No.56/2020 (WZ)**

M/s.Shrigonda Stone Crusher

... Appellant

v/s

Maharashtra Pollution Control Board

...Respondent

**Affidavit in Reply on behalf of the Respondent-MPCB**

I, Pravin M. Joshi, Aged Adult, Occupation- Service, the Regional Officer of the Maharashtra Pollution Control Board at Nashik, having my office address at Udyog Bhavan, 1<sup>st</sup> Floor, Trimbak Road, Near ITI Satpur, Nashik, do hereby state on solemn affirmation as under:-

1. I say and submit that present Appeal is filed by the Appellant impugning the order dated 28/02/2020 issued by the Respondent Board to pay an amount of Rs.1,99,25,000/- towards environmental compensation assessed against the Appellant.
2. I say and submit that Dr.Vijaykumar Jathar had filed an Original Application bearing No.53/2019 against District Mining Officer, Ahmednagar & Ors, before this Hon'ble Tribunal, regarding illegal mining and stone crushing activities to detriment of the environment in forest area and in eco-sensitive zone of the Great Indian Bustard Wildlife Sanctuary in District Ahmednagar.

I say that in O.A No. 53/2019 , the Hon'ble Tribunal vide order dated 26/9/2019 constituted the joint committee of the District Collector , Ahmednagar , the Deputy Conservator of Forest , Ahmednagar and the present Respondent directing them to jointly inspect the offending mines and stone crushing unit and submit factual report. I say that the Collector Office (MINING BRANCH ) Ahmednagar filed joint report to this Hon'ble Tribunal dated 13/11/2019 .I say that the joint committee considered the letter dated 24/10/2019 of Deputy Conservator of Forest, Ahmednagar which is also annexed to the present Appeal at page no. 162 in Marathi language and its English translation on page no. 166 . The said letter dated 24/10/2019 specifically mentions the fact that the Gut No. 148 wherein the

  
**RAVINDRA D. TAJANE**  
Advocate & Notary  
District Nashik

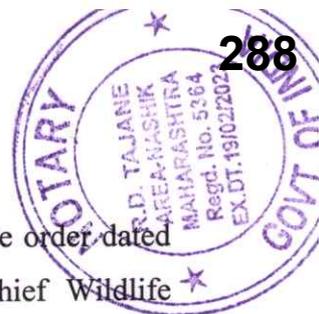


: 2 :

Appellant stone crushing unit is situated is falling 2.0 to 2.5 kms away and as per the Guidelines dated 09/02/2011 issued by the Central Government , the said activity falls within the prohibited activity . I say and submit that on the basis of the observations made by the Joint Committee during their visit on 23/10/2019, the Respondent Board has issued closure directions to the Appellant unit vide letter dated 20/11/2019.

4. I say and submit that this Hon'ble NGT has accepted the report in its order dated 28/11/2019 and stated that *"there is no doubt of the fact that the stone crushing units and stone mines are located in the Notified Eco-Sensitive Zone of the Great Indian Bustard Wildlife Sanctuary against which actions are being taken and also stated that assessment of environment compensation of illegal running of the units in the area, even after declaration of the Notification of the Eco-Sensitive Zone"*.
5. I say and submit that in compliance of this Hon'ble Tribunal Order dated 28/11/2019, the Respondent Board has directed the Appellant to pay environment compensation amounting to Rs.1,99,25,000/- for operating the unit from the Guidelines dated 09/02/2011 for declaration of Eco-Sensitive Zone to the date of issuance of closure directions dated 20/11/2019 (Total 3188 days)
6. I say and submit that the Respondent Board has assessed the environment compensation based on the Joint Committee report dated 13/11/2019 , wherein, the Joint Committee reported that one stone crusher situated in Gat No.148 and stone quarries situated in Gat No.22, 54, 74/2, 81, 108, 109, 110, 123, 160, 270, 294 and 317, Wadali, Tal: Shrigonda, Dist: Ahmednagar , as per the Guidelines issued by Central Government dated 09/02/2011, all the above Gat Nos. fall within the Eco-Sensitive Zone of the Great Indian Bustard Sanctuary.
7. I say and submit that taking into consideration the report of the Joint Committee dated 13/11/2019, which was accepted by this Hon'ble Tribunal vide its Order dated 28/11/2019, the Respondent Board has assessed the environment compensation of Rs.1,99,25,000/- for operating the unit in Eco-Sensitive Zone from the Guidelines dated 09/02/2011 for declaration of Eco-Sensitive Zone to the date of issuance of closure directions dated 20/11/2019 (Total 3188 days).

  
**RAVINDRA D. TAJANE**  
 Advocate & Notary



8. I say and submit that in the aforesaid matter, the Hon'ble NGT vide order dated 2/11/2020, had constituted a Joint Committee comprising of Chief Wildlife Warden(PCCF), Wildlife; the Collector, Ahmednagar, the State PCB and the CPCB to take further action for calculation and recovery of appropriate amount of compensation . Accordingly, Collector , Ahmednagar (Mining Branch ) on behalf of the Joint Committee submitted a report before this Hon'ble Tribunal on 18/3/2021..Hereto annexed and marked **Annexure -1** is the Joint Report dated 18/3/2021 .The Joint Committee observed that as per 09/02/2011 Guidelines of Eco Sensitive Zone and Eco Sensitive Zone Notification dated 11/02/2020 , the rain water harvesting is promoted activity and the excavated lands are useful for environment , agriculture of the surrounding area and economy of the farmers and the Mining Department has imposed penalty on land owners of excavated land at Wadali , Tal.Shrigonda , Dist.Ahmednagar , the details of which are given in the joint report .The Joint Committee concluded its report by observing that the notice for environmental damage compensation is issued to Appellant on 28/02/2020 by invoking polluter pay principal.
  
9. Therefore it is incorrect to say that in absence of any Notification and in absence of any such notified area in the Great Indian Bustard sanctuary , there is no violation committed by the Appellant as Guidelines dated 09/02/2011 issued by the Central Government for declaring the Eco Sensitive Zone were existing.

Solemnly affirmed on this 02<sup>nd</sup> day of September 2021 at Nashik.

For and on behalf of Maharashtra Pollution Control Board,

*(Signature)*  
( Dr. Pravin M. Joshi )

Regional Officer-Nashik

IDENTIFIED BY  
( Adv. Mansi Joshi )

Solemnly affirmed before me  
by *Dr. P.M. Joshi* *MG. Nashik* *2/9/2021*  
Who is identified by *Adv. Mansi Joshi*  
Whom personally know

*(Signature)*

**RAVINDRA D. TAJANE**  
Advocate & Notary

7/1 Manuti Chamber's, District. Nashik



**COLLECTOR OFFICE, AHMEDNAGAR  
(MINING BRANCH)**

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क्र./जोख/४३५/४०१/२०२१  
दिनांक - १४/०३/२०२१.

To,

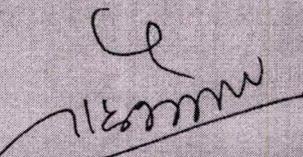
The Registrar,  
Hon'ble National Green Tribunal,  
Principal Bench, New Delhi.

Sub. - Submission of action taken report in OA No. 53/2019 (WZ).

Ref. - Hon'ble NGT Order dtd. 02/11/2020.

Respected Sir,

As per the Order dtd. 02/11/2020 passed by Hon'ble National Green Tribunal in OA No. 53/2019 (WZ), the joint committee of the undersigned, Conservator of Forest (Wildlife), Pune, Additional Director, CPCB, Pune & Sub Regional Officer, MPCB, Ahmednagar visited the site of stone crusher and excavated land on 21/01/2021 for submission of factual report in respect of issues raised in the said order. The joint committee action taken report is enclosed herewith for ready reference and kind perusal, please. As per directions of Hon'ble NGT further action as directed will be taken.



(Dr. Rajendra B. Bhosale)  
Collector, Ahmednagar.

**Action Taken Report as per Hon'ble NGT, Principal Bench,  
New Delhi Order dtd.02/11/2020 in O.A. No. 53/2019 (WZ)**

Hon'ble-NGT, Principal Bench, New Delhi vide Order dtd. 2/11/2020 in O.A. No. 53/2019 (WZ) directed for constitution of a Joint Committee comprising the Chief Wildlife Warden (PCCF), Wildlife, the Collector, Ahmednagar, the State PCB & the CPCB to deal with the matter about fixing the quantum of compensation, preparation of restoration plan and grievances of Respondent in I.A. No. 122/2020.

The Joint Committee constituted to deal with the above matter is as follows.

- 1) Dr. Rajendra Bhosale, Collector, Ahmednagar.
- 2) Shri. Rameshkumar, Conservator of Forest (Wildlife), Pune.
- 3) Shri. Shashikant Lokhande, Additional Director, CPCB, Pune.
- 4) Shri. Sanjeev Redasni, Sub Regional Officer, MPCB, Ahmednagar.

M/s. Shrigonda Stone Crusher is located in Gut No. 148 of Village Wadali, Tal. Shrigonda, Dist. Ahmednagar on 0.8 R land. Maharashtra Pollution Control Board have already taken action against the said Stone Crusher as follows.

- 1) Closure Directions under section 33A of Water (P & CP) Act, 1974 and section 31A of Air (P & CP) Act, 1981 is issued on 20/11/2019. The copy of same is enclosed as Annexure 1.
- 2) Notice for environmental damage compensation of Rs. 1,99,25,000/- issued on 28/02/2020 by invoking pollutant to pay principle for Air pollution control measures non-compliance. The copy of same is enclosed as Annexure 2.
- 3) The said Stone Crusher owner (Respondent No. 15) has preferred an appeal before appellate authority of MPCB & is pending.

The Mining Department imposed the penalty on land owners of excavated land at Wadali, Tal. Shrigonda, Dist. Ahmednagar and its detail are as follows.

Sr. No.	Gut No.	Size of excavated land in Meter	Total Minor Minerals excavated in Brass	Penalty imposed in Rs.	Remarks
1.	160	148x68x3.2	10710	8,03,25,000/-	Illegal excavation
2.	74/2	69x20.5x4.4	2199	1,64,92,500/-	Illegal excavation
3.	108	72x12x6	1832	1,37,40,000/-	Illegal excavation
4.	22	56x38x5	3760	2,82,00,000/-	Illegal excavation
5.	54	60x30x5	3180	2,38,50,000/-	Illegal excavation
6.	109 & 110	140x84x7.2 & 84x50x7.2	10091	7,56,82,500/-	Illegal excavation
7.	270	60x26x2	1102	82,65,000/-	Illegal excavation
8.	123	32x18x3.5	712	Nil	Permitted excavation & paid Royalty by M/s. Shrigonda Stone Crusher owner.
9.	294	72x20x8	4071	Nil	Permitted excavation & paid Royalty by M/s. Shrigonda Stone Crusher owner.
10.	81	42x35x7	3636	Nil	Permitted excavation & paid Royalty by M/s. Shrigonda Stone Crusher owner.
11.	148	---	---	---	No excavation and M/s. Shrigonda Stone Crusher is located in the said land.
12.	317	---	---	---	Govt. land

The Joint Committee visited the site of M/s. Shrigonda Stone Crusher, Gut No. 148, Village Wadali, Tal. Shrigonda, Dist. Ahmednagar and excavated land of Gut No. 109,110 & 81 of Village Wadali on 21/01/2021 and following observations are made.

- 1) The Stone Crusher was not found in operation and it is closed from 16/11/2019.
- 2) At present excavated areas are filled with rain water and farmers are utilising the water for agriculture purpose from these excavated land. The electrical pumps and pipelines for utilisation of water for irrigation purpose from these excavated land by surrounding farmers are noticed during the site visit.
- 3) These excavated land are in natural condition and no any artificial structures are observed in these excavated land during the site visit.

From the above observations, Committee opined that the rain water stored in the excavated area may help to recharge the groundwater level and also helpful for irrigation of surrounding agriculture land. During the site visit, the owners of excavated area to whom penalty imposed for illegal Minor Mineral excavation claimed that they have used the excavated material for the purpose of agriculture land levelling in their own land and they are using the water stored in the excavated area for irrigation of their agriculture land. The Stone Crusher owner informed that he had utilised the excavated material for crushing in his stone crusher from Gut No. 81, 294 & 123 during 2014 - 2019 and for that he has paid Royalty to the Govt.

During the site visit farmers have given the presentation to the Joint Committee and claimed that whatever excavation they have done in their own lands is only for purpose of agriculture and these farm ponds is useful for percolation and preservation of water. It is also claimed that they have done the excavation because of low level land, mostly rocky land and unfertile or low fertility land. All these excavation done for period ranging from 8 to 20 years

old except the excavation done by stone crusher owner. The farmers also claimed that they have not done any commercial mining and had used material for their levelling. It is also stated in the presentation that at present about 334 lakh Ltr. water is stored in these excavated land and about 100 Acre land is getting irrigated by utilising the water stored in these excavated area. The copy of said presentation is enclosed as Annexure 3.

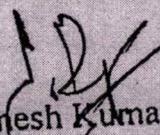
During the site visit, the applicant has given presentation in writing to the Committee. The copy of same is enclosed as Annexure 4. During the visit Collector, Ahmednagar directed to the Tahsildar, Shrigonda for verification of facts as per the said presentation of applicant.

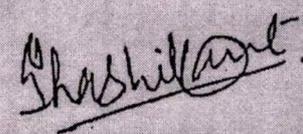
**Conclusion :-**

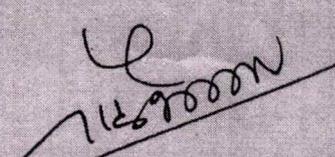
- 1) The water stored in the excavated lands is helpful for recharge of ground level and irrigation of surrounding agriculture area.
- 2) The excavated areas are serving as water holding bodies and contributing for groundwater recharge and irrigation. The restoration of these excavated land by way of refilling will decrease water holding and water recharge capacity. The excavation of material from other areas for refilling these excavated areas may lead to further environmental damage.
- 3) These excavations are old and today no data available about environmental damage occurred in past. However, considering the fact of illegal excavation penalty is already imposed on the land owner.
- 4) As per 2011 guidelines of Eco-sensitive Zone and Eco-sensitive Zone Notification dtd. 11/02/2020, the rain water harvesting is promoted activity.
- 5) Committee is of opinion that no significant environmental damage has been caused due to excavation in these excavated land. The present fact is that these excavated land is useful for environment, agriculture of the surrounding area and economy of the farmers. The environmental damage compensation already imposed by MPCB on the Stone Crusher owner.

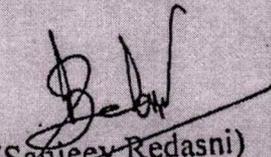
Committee also opined that the existing structure of these excavated land is helpful to the environment and no necessity to take action for restoration of these excavated area.

- 6) Committee also opined that these excavated land can be fenced to avoid any accident                      thick plantation can be undertaken by the land owners.

  
(Ramesh Kumar)  
Conservator of forest (Wildlife), Pune

  
(Shashikant Lokhande)  
Additional Director, CPCB, Pune

  
(Dr. Rajendra Bhosale)  
Collector, Ahmednagar

  
(Sanjeev Redasni)  
Sub Regional Officer, MPCB,  
Ahmednagar