

1

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

ORIGINAL APPLICATION NO. 12 OF 2020 (WZ)

Subhash S/o Mhasuji Gadekar
And another.

..APPLICANTS

AND

The State of Maharashtra
And others.

..RESPONDENTS

**AFFIDAVIT IN REPLY ON BEHALF OF THE
RESPONDENT NO.5.**

(Regional Public Health Laboratory, Aurangabad)

MOST RESPECTFULLY SHOWETH :

I, Smt.Manisha Shivsing Bedwal, Age 48 years,
Occ.Service as Officer Incharge, Regional Public Health
Laboratory, Aurangabad, Tal. & District Aurangabad, do
hereby state on oath that, I have gone through the contents
of the Original Application filed by the applicants and
annexures thereto and on the basis of the authorization given

Bedwal

BEFORE ME

Sunil
SUNIL K. SHINDE
Notary Govt. of India
Reg. No.: 3435

2

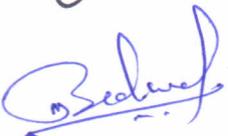
to me by the Deputy Director of Health Services, State Public Health Laboratory, Pune vide its letter dated 24.09.2020, I am filing this affidavit in reply to oppose the same thereby reserving my right to file detail affidavit in reply at the later stage, if necessary. Copy of the authority letter dated 24.09.2020 is annexed herewith and marked as **Exhibit "R-1"**.

2. At the outset, I state that, on going through the entire application filed by the applicants it clearly shows that, though the present respondent is added as respondent no.5 in the array of respondents but in the entire memo, the pleadings are drafted in such a nature that, in entire pleadings, the present respondent is shown to be respondent no.6 and the respondent arrayed as respondent no.6 is shown to be respondent no.5 in the entire pleadings. This culminated into the mistake in the prayer clauses also.

BEFORE ME

SUNIL KANDI TRAO DOUND
Notary Govt. of India
Reg. No.: 3435

3. I state that, it is prayed by the applicant that, "The respondent no.5 be directed to restore the property of these petitioners which was damaged on account of the

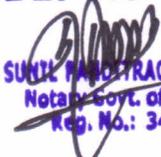


pollution and effluents of respondent no.5.” In fact, this prayer is against the respondent no.6 but it appears that, due to oversight or negligence on the part of the applicants / their advocate, instead of respondent no.6 it is mentioned as respondent no.5 in the prayer clause “b”. So far as other prayers are concerned, the applicants have rightly drafted the same and prayed for reliefs against the respondent nos.1 to 5 and the respondent no.6.

4. I state that, even the name and designation of respondent no.5 is not correctly mentioned in the cause title. There is no post of Deputy Director available with the respondent no.5 and it is the post of Officer Incharge.

5. I state that, considering the entire pleadings of the applicants it clearly shows that, the allegations are made against the respondent no.6 that, the respondent no.6 has damaged the properties of the applicants by dumping the wastage material / effluents on the property of the applicants and thereby caused serious damage to their properties and the applicants are deprived of their properties from its

BEFORE ME


SUNIL MANOJ RAO DOUND
Notary, Govt. of India
Reg. No.: 3435



enjoyment. So far as the present respondent is concerned, it is alleged by the applicants that, the present respondent collected the samples of water from the wells of the applicants as well as from the adjoining fields and in their analysis it is found that, the said water samples were containing the dissolved solids more than desirable limits and such report is issued on 22.03.2018.

At this juncture, it is required to be noted that, the contents raised by the applicants in respect of collection of samples by the present respondent are totally baseless and false and no such samples were ever collected by the present respondent. So far as the report is concerned, the samples were collected by the Medical Officer, Primary Health Centre, Pimpiriraja, Tal. And District Aurangabad and those were forwarded to the present respondent and in due course, the present respondent analysed the said samples and prepared its report on 22.03.2018 which is at page no.19 (Exhibit "E").

On perusal of this report, it clearly shows that, the analytical results of the said samples for drinking purpose are normal, rather say, each and every parameter is within permissible limit. So far as the clause no.9 in the report, which speaks

BEFORE ME


SUNIL K. SHARMA
Notary Public, Govt. of India
Reg. No.: 3435



about the Total Dissolved Solids (TDS) is concerned, there is small typographical error and in the last column instead of "2000" it was inadvertently mentioned as "200". Copy of the letter dated 7.03.2018 issued by the Medical Officer, Primary Health Centre, Pimpirajra, Tal. & District Aurangabad is annexed herewith and marked as **Exhibit "R-2"**.

6. I state that, the analysed parameters by the present respondent are the natural and routine parameters which are naturally found in drinking water purpose. This respondent analyses it according to BIS Specification 10500:2012. For Example, pH, Chloride, Nitrate, Total Hardness, TDS, etc. The commons parameters tested by the present respondent and Maharashtra Pollution Control Board Laboratory both are only, pH, Chloride, TDS and Total Hardness.

BEFORE ME


SUNIL K. PATIL
 Notary Govt. of India
 Reg. No.: 3435

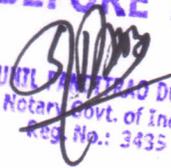

 M. B. Deshpande

7. I state that, considering the nature of allegations made by the applicants about water pollution in their original application, the parameters required to be considered are actually the pollution parameters like, Biological Oxygen

6

Demand (BOD), Chemical Oxygen Demand (COD), Oil and Grease, Phenols, etc. for demo. The above parameters are concerned / related to the pollution created by industries and considering the facts and circumstances of the case, the above parameters are relevant in the case of applicants and so far as the parameters analysed by the present respondent are not at all relevant for considering the damage caused to the properties / lands of the applicants.

8. I state that, the authority to consider the damage caused to the lands of the applicants thereby analyzing the water and soil samples is the Maharashtra Pollution Control Board and its Laboratory and the present respondent has no role to play in the entire case but only because, the Medical Officer, Primary Health Centre, Pimpiriraja, Tal. & District Aurangabad had forwarded the water samples to the present respondent and those were analysed by the present respondent and the report dated 22.03.2018 was issued, the present respondent is added as party respondent no.5 in the present original application.

BEFORE ME

SUNIL PRAKASH DOUND
Notary, Govt. of India
Reg. No.: 3435



7

9. I state that, considering the analytical report dated 22.03.2020 issued by the present respondent and the results thereof, nothing objectional or beyond the permissible limit was found in the water samples which were collected by the Medical Officer, Primary Health Centre, Pimpiriraja, Tal. And District Aurangabad and therefore, such report was issued by the present respondent and therefore, considering the fact that, the present respondent is not an authority to collect, analyse and control the effluents of respondent no.6, the present respondent is not the proper and necessary party to this original application but for the reasons best known to the applicants, the applicants have unnecessarily, arrayed the present respondent as party respondent no.5 to the original application. Hence it is humbly submitted that, name of respondent no.5 (Regional Public Health Laboratory, Aurangabad) may be deleted from the array of the respondents, as no role to play in this petition, except the analysis report regarding only potability and not concerning the pollution standard.

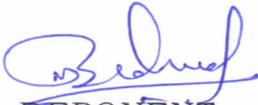
BEFORE ME
SUNIL P. D. D. D. D.
Notary, Govt. of India
Reg. No.: 3435

8

Therefore, considering the above mentioned facts and circumstances of the case, the original application filed by the applicants, to the extent of present respondent no.5 is liable to be dismissed with costs.

Hence this affidavit in reply on behalf of the respondents.

Date : 30.09.2020.
Place : Aurangabad.


DEPONENT

Smt. Manisha Shivsing Bedwal

BEFORE ME

SUNIL K. SHINDE
Notary Govt. of India
Reg. No. 3435

VERIFICATION

I, Smt.Manisha Shivsing Bedwal, Age 48 years, Occ.Service as Incharge Officer, Regional Public Health Laboratory, Aurangabad, Tal. & District Aurangabad, do hereby state on oath and solemn affirmation that, the contents of the Affidavit in Reply from paragraph nos.1 to 9 are explained to me in marathi and same are true and correct to the best of my own knowledge.

Hence verified at Aurangabad on this 30th day of September, 2020.

Identified and Explained by

DEPONENT

Satish Bhandarkar
Advocate

Manisha Bedwal
Smt.Manisha Shivsing Bedwal

AFFIDAVIT

Solemnly affirmed before me
by Shri Smt Manisha Shivsing Bedwal
R/o. Aurebad
Tq. Aurebad Dist. Aurebad
Who identified by Adv Satish Bhandarkar
Whom Her She is personally Known.

NOTED & REGISTERED
AT Sr. No. 12725 2020
THIS DOCUMENT CONTAINS
02 PAGES

BEFORE ME
[Signature]
SUNIL PANDITRAO DOUND
Advocate Notary Govt. of India
AREA-AURANGABAD & BEED DISTRICTS
M: (0240)-2481952 (M)9371603334
Reg. No. 3435

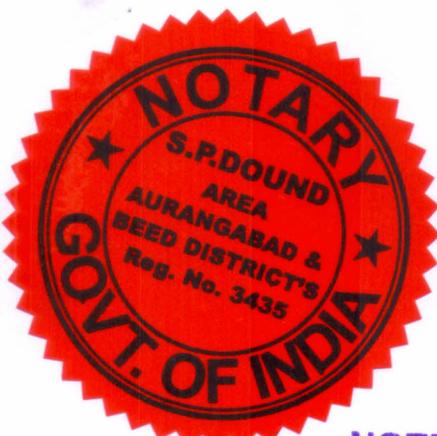


Exhibit "R-1"

 महाराष्ट्र शासन	उपसंचालक आरोग्य सेवा राज्य सार्वजनिक आरोग्य प्रयोगशाळा, पुणे लष्कर पाणी पुरवठा आवार, सेंट मेरी शाळेजवळ, पुलगेट, स्टॅव्हले मार्ग, पुणे ४११००१		 Maharashtra State Health Laboratory
	दूरध्वनी - कार्यालय :- (०२०) २६३३०२२३/२६३३०२२५ Email : statehealthlab@gmail.com	वैयक्तिक व फॅक्स (०२०) २६३३०२२३ hemantsk1965@gmail.com	
आरोग्य सेवा आदेश	जा.क्र.उसंआसे/रासाआप्र/आस्था/हरितल/ओए १२/२०/ दिनांक : १२/९/२०२०.		

विषय : मा.हरितलवाद न्यायाधिकरण (पश्चिम विभाग)

कार्यालय पुणे यांचे तर्फे प्राप्त नोटीस ओ.ए.क्र.१२/२०२०

संदर्भ : आपले पत्र क्र. प्राआशाओ/लेखा/ ३९५९/२०२०, दि.३.९.२०२०

वरील संदर्भित पत्रान्वये मा.हरितलवाद न्यायाधिकरण कार्यालय, पुणे यांचे तर्फे दि.२४.८.२०२० रोजीच्या जावक क्रमांकाने पाठविलेली नोटीस रजिस्टर पोस्टाद्वारे पाठविलेली आहे. त्यामध्ये सहा आठवड्यांच्या आत आपली बाजू इमेलद्वारे मांडण्याचे आदेशित केलेले असल्याचे कळविलेले आहे. सदर मूळ अर्ज क्र.१२/२०२० मध्ये क्र.५ आपणांस प्रतिवादी केलेले आहे.

सदर मूळ अर्ज क्र.१२/२०२० मध्ये आपले म्हणणे न्यायाधिकरणांमध्ये सादर करण्याकरीता या कार्यालयाचेवतीने व आपल्यावतीने शपथपत्र दाखल करण्याकरीता श्रीमती एम.एस.बेडवाल, प्रभारी अधिकारी यांना सादरकर्ता अधिकारी म्हणून प्राधिकृत करण्यांत येत आहे. श्रीमती बेडवाल, प्रभारी अधिकारी यांनी कार्यालयाचेवतीने (www.greentribunal.gov.in) वर शपथ सादर करण्यांत यावे व केलेल्या कार्यवाहीचा अहवाल या कार्यालयास सादर करावा.

(हेमंत शां.कुलकर्णी)

उपसंचालक आरोग्य सेवा,
 राज्य सार्वजनिक आरोग्य प्रयोगशाळा, पुणे

आस्था विभाग

M.S.B.
 25/9/20

प्रति,

श्रीमती एम.एस.बेडवाल, प्रभारी अधिकारी

प्रत व मार्फत : प्रभारी अधिकारी, प्रादेशिक आरोग्य प्रयोगशाळा, औरंगाबाद.

प्रत सादर : मुख्य शासकीय अभियोक्ता, मा.हरितलवाद न्यायाधिकरण कार्यालय, पुणे
 यांना माहितीसाठी.

R.P.H. Lab. Arrangabad

Inword No. 2330

Section. 25-9-2020

प्राति
मा. प्रभार अधिकारी
प्रादेशिक प्रयोगशाला
छावणी, अ.बा.द.

874-79

विषय :- रासायनिक पाणी नमूने लपासणी करणे बाबत.

मधेष्ट्य :- वरिल विषया वि. विंगली की प्रा. आ. के. पिंपरीराजा
अभंगति गावातील खाडगाव शु. गां. क्र. 310 मधील रासायनिक
पाणी नमूने लपासणी करिता पाठवत आहे.

क्र. सं.	गाव	स्त्रोत	संक्रात क्र.	स्त्रोताचे ठिकाण	धर दिनांक	पा दिनांक
1	खाडगाव शु	विहिर	01	सुप्रभाष मंडुगडिकर	6/3/18	7/3/18
2	खाडगाव शु	विहिर	02	रविंद्र भिरराव गडिकर	6/3/18	7/3/18
3	खाडगाव शु	विहिर	03	सुप्रदेव रामभाऊ गडिकर	6/3/18	7/3/18
4	खाडगाव शु	विहिर	02	आळदास रंजुम गडिकर	6/3/18	7/3/18
5	खाडगाव शु	विहिर	03	साहेबराव आसाराम गडिकर	6/3/18	7/3/18
6	खाडगाव शु	विहिर	02	आळदास रंजुम गडिकर मंडु गाव गडिकर (समष्टि)	6/3/18	7/3/18

6/3/18

R.P.H. Lab. Aurangabad

Inword No. 918

Section 2-03-18

MEDICAL OFFICER
Primary Health Center
Pimpri Raja, Tal. & Dist. Aurangabad