

98

BEFORE THE NATIONAL GREEN TRIBUNAL
WESTERN ZONE BENCH, PUNE, AT PUNE
INTERLOCUTORY APPLICATION NO. OF 2021
APPEAL NO.70/2018 (WZ)

Ajay Gangadhar Puntambekar ----- Appellant,

Versus

Chief Conservator of Forsete & Ors, --- Respondent (s)

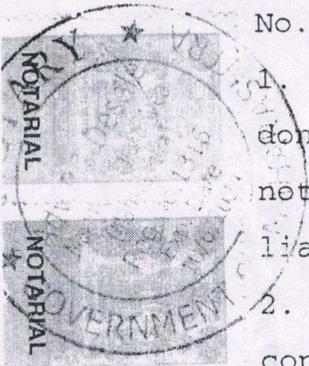
Affidavit in reply on behalf of respondent No.3

I, Mr. J.N.Yedlawar, Sub Divisional Forest Officer Malegaon, Dist. Nashik on behalf of Respondent No. ~~1~~ **3** do hereby state on solemn affirmation that,

1. At the very outset the application for delay condonation is wrong, frivolous and contents therein are not true and correct and hence the said application is liable to be dismissed with costs.

2. That the reasons mentioned in the application for condonation of delay are not trustworthy and reliable and hence the said application is prima facie liable to be dismissed with costs.

3. The contents in para I that, " The Applicant is a law abiding citizen and has till date never violated from to MangiTungi through newspapers and media," .The said contents are not true and not admitted by the respondents.



Prashant Tryambak Rao Desale
PRASHANT TRYAMBAK RAO DESALE
Advocate & Notary, Govt. of Maharashtra

This Document Noted &
Registered at Sr.No. 2046/2021
& Contains 8+10 Pages
on Dated :- 14/09/2021

4. The contents in para II that, "Applicant wishes to protect the MangiTungi Reserved Forests from further degradation.." The said contents are not true and correct and not admitted by the respondents.

5. The contents in para II that, "Applicant wishes to protect the MangiTungi Reserved Forests from further degradation.." The said contents are not true and correct and not admitted by the respondents.

6. The contents in para IV that, "The Applicant has filed an Appeal challenging the Forest Clearance in the form of From to The said GO has been published in the Punya Nagari Newspaper, Nashik edition, a Marathi daily dated 11.07.2018" The said contents are not true and correct and not admitted by the respondents.

7. The contents in para No.1 of the application is that, "The Applicant has been following up with the environmental concerns at MangiTungi..... from to construction of road, electric and water pipeline, parking shade, murti platform etc. The said contents are not true and correct and hence not admitted by these respondents.

8. The contents in para No.2 of the application is that, "The Applicant was further surprised to know that the impuged GO seems to have been granted on 12.02.2018 from to Respondent No.1 in ManguTungi News Paper dated 11.07.2018." The

99



Handwritten mark resembling a stylized '3' or 'E'.

Prashant Tryambakrao Desale
11/9/2018

PRASHANT TRYAMBAKRAO DESALE
Advocate & Notary, Govt. of Maharashtra

said contents are not true and correct and hence not admitted by these respondents.

100

9. The contents in para No.3 of the application is that, "The Applicant is not versed with computer, internet and technology from to Hon'ble NGT at Pune for challenging the said GO." The said contents are not true and correct and hence not admitted by these respondents.

10. The contents in para No.4 of the application is that, "The Applicant contacted a lawyer in Pune who advised from to GO has been published and other documents." The said contents are not true and correct and hence not admitted by these respondents.

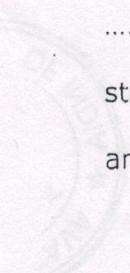
11. The contents in para No.5 of the application is that, "After comparing the GO published in the Newspaper from to in the Punyanagari news paper." The said contents are not true and correct and hence not admitted by these respondents.

12. The contents in para No.6 of the application is that, "A clear reading of the complete GO reveals from to condition No.3 states that." The said contents are not true and correct and hence not admitted by these respondents.

The Contents in sub para...3... "Dr. Pannalal Papdiwal, Secretary.....from to and

[Handwritten signature]

MAHARASHTRA



Sub Divisional Forest Officer, Malegaon." The said contents are not true and correct and not admitted by these respondents.

13. The contents in para No.7 of the application is that, "After comparing the newspaper publication from to have not been reproduced in the newspaper publication ." The said contents are not true and correct and hence not admitted by these respondents.

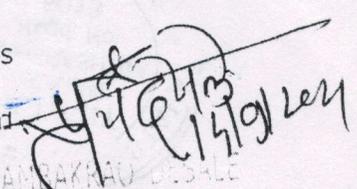
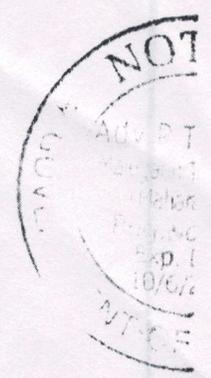
14. The contents in para No.8 of the application is that, "The above mentioned condition No.3 from to condition No.3 states that." The said contents are not true and correct and hence not admitted by these respondents.

15. The contents in para No.9 of the application is that, "On a plain reading of the Newspaper publication from to condition No.3 states that." The said contents are not true and correct and hence not admitted by these respondents.

16. The contents in para No.10 of the application is that, "After comparing the newspaper publication with the website from to the news paper nor have been reproduced in the impugned GO." The said contents are not true and correct and hence not admitted by these respondents.

17. The contents in para No.11 of the application is that, "Applicant got the knowledge of the impugned

101



PRASHANT TRYAMBAK DESALE
Advocate & Notary; Govt. of Maharashtra

102

..... from to the website downloaded copy of the GO." The said contents are not true and correct and hence not admitted by these respondents.

17. The contents in para No.12 of the application is that, "As stated above, Applicant is not well versed with from to to be condoned in the interest of justice and environment." The said contents are not true and correct and hence not admitted by these respondents.

18. The contents in para No.13 of the application is that, "Respondent No.1 and 3 have failed to discharge from to haven't been published in the newspaper." The said contents are not true and correct and hence not admitted by these respondents.

19. The contents in para No.14 of the application is that, "while constructing the law of limitation, from to as in the present case, are allowed to continue unabated." The said contents are not true and correct and hence not admitted by these respondents.

20. The contents in para No.15 of the application is that, "Respondent No.3 has done massive violation, from to to human and animal life and the forest as a whole." The said contents



[Handwritten Signature]
PRASHANT TRYAMBARRAO DESHPANDE
Advocate & Notary, Govt. of Maharashtra

are not true and correct and hence not admitted by these respondents.

103

21. The contents in para No.16 of the application is that, "Read which leads to the Murti site is in existence since, from to and it needs to be heard on merits." The said contents are not true and correct and hence not admitted by these respondents.

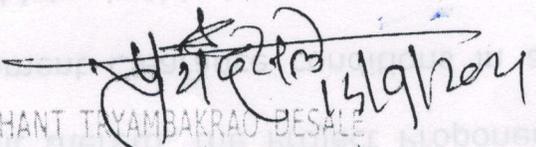
22. The contents in para No.17 of the application is that, "Applicant has sanguine chances of succeeding in his from to and that loss cannot be compensated in any terms." The said contents are not true and correct and hence not admitted by these respondents.



23. The contents in para No.18 of the application is that, "In Hanuman LaxmanArskar V/s Union of India..... from to sustainable development for todeay and tommorrow." The said contents are not true and correct and hence not admitted by these respondents.



24. The contents in para No.19 of the application is that, "An Appeal to NGT in such matters is go ordinary matter, it has from to injury will be caused to the MangiTungi Reserved Forest Area and for future generations." The said contents are not true and correct and hence not admitted by these respondents.


PRASHANT TAYAMBAKRAO DESALE
Advocate & Notary, Govt. of Maharashtra

104.

25. The contents in para No.20 of the application that, the said contents are not true and correct and hence not admitted by these respondents.

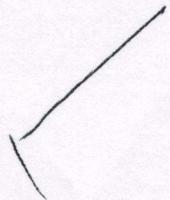
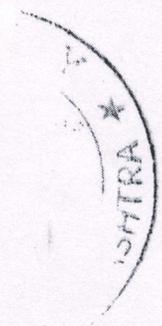
26. That the contents mentioned in prayer of the application by the Applicant is not true and correct and hence the application presented by the present Applicant is liable to be dismissed with costs.

27. **THE TRUE FACT IS AS UNDER :-**

The Applicant is not a person concerned with environment matter. The Appellant is practicing lawyer, the Appellant has no locus standi to challenge the order of the Respondent No.1 Chief Conservator of the Forest Deptt. and therefore the Appellant has no right to challenge the Forest Deptt. and therefore the main appeal is not maintainable and therefore the application for condonation of delay is also not maintainable and hence the said application is liable to be dismissed with costs.

The Appellant has not shown any reasonable cause in the application to condone the delay, the delay caused in filing an appeal is not properly explained by the Appellant and the reasons mentioned in the application is not reliable and trustworthy and therefore the application of the appelleellant for condonation of delay for 2 days is liable to be rejected.

It is pertinent to note that, there is no any congenent ground is shown to challenge the order of Forest Conservator in the appeal therefore the appeal itself is



[Signature]
14/9/2021
PRASHANT R. DESALE
Advocate & Notary, Govt. of Maharashtra

105

not tenable in the eyes of law therefore the application for condonation of delay is also not tenable and hence the application is liable to be rejected.

Hence considering the real facts the application for condonation of delay may please be rejected and oblige.

Pune

Date : 14 .09.2021.

Deponent

I know the deponent who is the same



Adv
Advocate
(Adv. M. P. Pawar)
Malegaon court
Dist. Nashik.

VERIFICATION

I, Mr. J. N. Yedlawar, Sub Divisional Forest Officer

Malegaon, Dist. Nashik on behalf of Respondent No.

3 do hereby state on solemn affirmation that, the entire contents mentioned as hereinabove paras are true and correct to the best of my knowledge and belief and hence I have signed under this verification.

Pune

Date : 14 .09.2021.

Deponent

This Document Noted & Registered at Sr.No. 2046/2021 & Contains 8 + A 2 Pages on Dated :- 14/09/2021

Adv
Signature identified by Adv. M. P. Pawar R/o. Malegaon court. Whom I know Personally.

