

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL, SITTING AT PUNE

MISCELLANEOUS APPLICATION NO. - 06 /2024

IN ORIGINAL APPLICATION NO-131/2017(WZ) & EA - 04/2024

Dr. Prashant Dattatray Patil

...APPLICANT

/VERSUS/

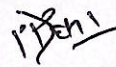
State Of Maharashtra and 7 others

...NON-APPLICANTS

INDEX**List of Annexures**

S.NO	Description	Date	Pages
1	Affidavit	09/09/2024	1 - 3
A	Envior. Com. Respondent No-7	03/09/2024	4
B	Letter from MC ,Malkapur	12/03/2024	5
C	Envior. Com. Respondent No-5	05/09/2024	6

Date- 09/09/2024


Prashant Dattatray Patil

Applicant

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL,**SITTING AT PUNE**

MISCELLANEOUS APPLICATION NO. - 06 /2024

IN ORIGINAL APPLICATION NO-131/2017(WZ) & EA - 4/2024

Dr. Prashant Dattatray Patil

...APPLICANT

/VERSUS/

State Of Maharashtra and 7 others

...NON-APPLICANTS

AFFIDAVIT IN REPLAY ON BEHALF OF APPLICANT

I , Dr Prashant Dattatray Patil, Age 56 Yrs., R/O Shri Hospital, Ganesh Nagar, Malkapur the applicant in this case, do hereby state on solemn affirmation as under –

- 1) In the final order on 11/08/2023 in my Case No 131/2017 , all the three Respondent No- 5, 6, & 7 were ordered to pay environmental compensation of Rs. 45,46, 875 /- for the period from 04/01/20022 to 08/08/2023 . This was reduced to 3898437/- for the period from 04/01/2022 to 17/05/2023 till the date of inspection by the Joint Committee.
- 2) The respondent No -7 Shivaji Mangal Karyalaya had still continued to violate the closure order and was running the hall from 11/08/2023 till the date of permission 26/07/2024. So the environmental compensation calculated from 11/08/2023 to 26/07/2024 is Rs. 24, 53,125/- as given to me by respondent to -2 by E .Mail dated 03/09/2024. (Annexure - A)
- 3) But actually it should be calculated from the last date of previous fine which was 18/05/2023 .
- 4) The hall of Respondent No-6 was in illegal possession .The lease given to them was for 8 years, that is from 19/05/1997 to 18/05/2005 as per Municipal Record. They have submitted the false




document to this court & MPCB - about the lease that it was for 30 years, that is up to 18/05/2027.

After my repeated complaints, now the hall had been taken over by the Respondent No-8, Municipal Council, Malkapur on 06/12/2023 (Annexure - B)

5) The hall of respondent No- 5 Bhatrumandai was also running till they got consent to operate on 24/11/2023, as per letter submitted by MPCB. So the additional environmental compensation is calculated by MPCB from 11/08/2023 to 24/11/2023 as Rs 8,12,500/- as given to me by respondent No- 2 by E .Mail dated 05/09/2024. But actually it should be calculated from the last date of previous fine which was 18/05/2023 . (Annexure - C)

Prayer-

- 1) I request you to stop the consent given to respondent no 5 & 7 till the payment of this additional environmental compensation is done by them.

Solemnly affirmed on 09th day of September 2024

Malkapur.



Dated: 09/09/2024

Applicant



AFFIDAVIT

I, Dr. Prashant Dattatray Patil, Aged: 56 yrs., Occ.: Medical Practice, C/o. Shri Hospital, Ganesh Nager, Malkapur, Tq. Malkapur, Dist. Buldana, the applicant, take an oath and state on solemn affirmation that , the contents of which from Para 1 to Prayer Clause are true to my own knowledge and information, which I received from office record and believed to be true. This is true on oath.

Hence, this Affidavit.

Malkapur.

P. Patil

Dated: 09.09.2024

Deponent

VERIFICATION

I, Dr. Prashant Dattatray Patil, the deponent, on solemn affirmation, state that, the contents of above said Affidavit are true to my own knowledge and information, which I received and believed to be true.

Hence, verified and signed today on this 9th day of September 2024

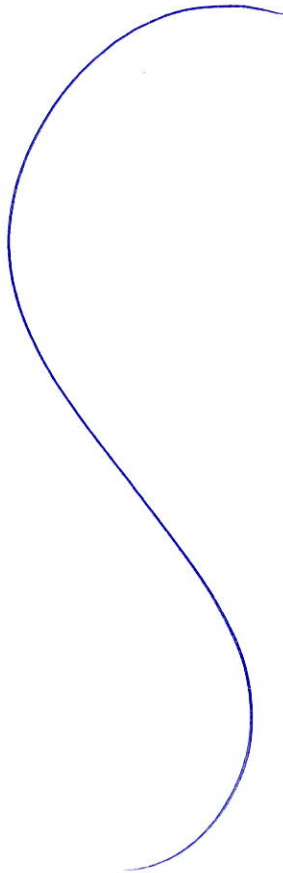
At Malkapur.


P. Patil

Deponent



I know the deponent. He has signed I before me






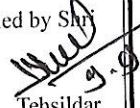

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Affidavit No :
 2450039791268200451554
 Applicant Name : **Prashant Dattatraya Patil**
 Tehsil Name : **Malkapur**

Date : **09/09/2024**
 Signed and Sworn before by **Mr. Prashant Dattatraya Patil** who is personally known to me or who has been identified by **Smt / Smt / Kumari N M Sharma** whose signature is hereby appended.


 Signature Of Identifier
 N M Sharma


 Tehsildar
 Malkapur
 Date : **09/09/2024**

Environmental Compensation in r/o M/s. Shivaji Mangal Karyalaya Telephone Colony, Malapur, Tq. Malkapur, Dist. Buldhana (Marriage Hall) Respondent No. 7 as per the order passed by Hon'ble NGT in the matter Misc. Application No. 06/2024 (WZ) in O.A. No.131/2017 (WZ) & Execution Application No. 04/2024 (WZ) Dr. Prashant Patil V/s The State of Maharashtra & Others and as per report of CPCB in house committee on methodology for assessing Environmental Damage Compensation and action plan to utilize the funds.

The Hon'ble NGT passed an order in the matter Misc. Application No. 06/2024 (WZ) in O.A. No.131/2017 (WZ) & Execution Application No. 04/2024 (WZ) Dr. Prashant Patil V/s The State of Maharashtra & Others dtd. 05/08/2024, wherein the Hon'ble NGT has directed to calculate the number of days for which the said respondent had run the marriage hall without any consent to operate & regarding the same, the EDC amount shall be calculated & disclosed in the affidavit that will be filed. Accordingly, the EDC has been calculated for 314 days, from dtd. 11/08/2023 to 20/06/2024 amounting to Rs. 24,53,125/-. The EDC calculations are as follows:


Sr.No.	Factors	Particulars
1	Pollution Index (PI)	50 (Average pollution index for orange category)
2	Date of Order Passed by Hon'ble NGT in OA No. 131/2017 (WZ).	Date - 11/08/2023.
3	Date of grant of consent i.e. violation up to date.	Date- 20/06/2024.
4	No. of days of violation (N)	314 Days
5	A factor in Rs. for EC (R)	250 (As suggested in the report of CPCB)
6	Factor for scale of operation (S)	0.5
7	Location factor (LF)	1.25 (As the population is less than 1 million)

$$EC = PI \times N \times R \times S \times LF$$

$$EC = 50 \times 314 \times 250 \times 0.5 \times 1.25$$

EC = 24,53,125/- (Rs. Twenty Four lacs, Fifty three Thousands, One hundred twenty five only).

Patil

 माहितीचा अधिकार	नगर परिषद मलकापूर जि.बुलढाणा -४४३ १०१ (महाराष्ट्र) (नियोजन विभाग) e-mail Id : comalkapurmp@gmail.com
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जा.क्र./मनप/निवि/ 1218 /२०२४

दिनांक:- 12/03/२०२४

To,
 Dr.Prashant Dattatray Patil,
 Shri Hospital ,ganesh ngar,
 Malkapur.

Subject : Your letter Under The RTI Act of 2005 due to date of 24/07/2023

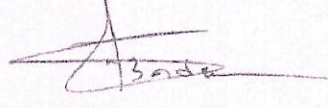
Refrence : प्रथम अपीलिय अधिकारी यांचे अपील क्र.१३/२०२३ मधील आदेशपत्र जा.क्र. :
 नपम/मूअ/प्रअसुनि/१०६/२०२३ दि.०४/०३/२०२४

Above information as to be , You had issued noise pollution NOC to Lions club / Lions sewa samiti, malkapur which they have attached to obtain consent to run marriage hall at MPCB,Akola as per my information i Want following information about this

Sr.no	Information	Explanation
1	Date of possession of land und building from lions club to malkapur council malkapur.	०६/१२/२०२३
2	Any recovery received by municipal council malkapur about this land which is illegally used and rented by lions club malkapur about various function after 8 year lease is over.	We have not recived any rent.
3	Any action taken by you against the lions sewa samiti malkapur for submission of illegal and fraudulent documents of lease of this hall and open space to NGT court MPCB board akola	No.

I require this information in my case no 131/2017(WZ) at NGT pune bench for submission.

MPM


 जन माहिती अधिकारी
 नियोजन विभाग
 नगर परिषद मलकापूर
 (शिंदेवाडी अदालतवाला काठे)

Environmental Damage Compensation in r/o M/s. Bhatrumandal, located at Chalis Bigha, Malkapur, Tq. Malkapur, Dist. Buldhana (Marriage Hall) Respondent No.5 as per the order passed by Hon'ble NGT in the matter Misc. Application No. 06/2024 (WZ) in O.A. No.131/2017 (WZ) & Execution Application No. 04/2024 (WZ) Dr. Prashant Patil V/s The State of Maharashtra & Others and as per report of CPCB in house committee on methodology for assessing Environmental Damage Compensation and action plan to utilize the funds.

With reference to the order passed by Hon'ble NGT in the matter Misc. Application No. 06/2024 (WZ) in O.A. No.131/2017 (WZ) & Execution Application No. 04/2024 (WZ) Dr. Prashant Patil V/s The State of Maharashtra & Others dtd. 05/08/2024 for operating the marriage hall without consent to operate is calculated as below:

Sr.No.	Factors	Particulars
1	Pollution Index (PI)	50 (Average pollution index for orange category)
2	Date of Order Passed by Hon'ble NGT in OA No. 131/2017 (WZ).	Date - 11/08/2023.
3	Date of grant of consent i.e. violation up to date.	Date- 24/11/2023.
4	No. of days of violation (N)	104 Days
5	A factor in Rs. for EC (R)	250 (As suggested in the report of CPCB)
6	Factor for scale of operation (S)	0.5
7	Location factor (LF)	1.25 (As the population is less than 1 million)

$$EC = PI \times N \times R \times S \times LF$$

$$EC = 50 \times 104 \times 250 \times 0.5 \times 1.25$$

$$EC = 8,12,500/- \text{ (Rs. Eight lacs, Twelve Thousands, Five hundred only).}$$

Prashant