

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL (WZ) PUNE

ORIGINAL APPLICATION NO.69/2025 (WZ)

C.A. SHRI. SAIPRASAD MANGESH KALYANKAR --- Applicant

V/s

Sarpanch, Grampanchayat Banda & Others --- Respondents

MOST RESPECTFULLY SHWETH :-

1. Page. 203 to 205 It is respectfully submitted that 7 restricted trees and 16 unrestricted trees were illegally felled. Shockingly, the RFO, Sawantwadi imposed a token penalty of merely Rs. 14,000/-, which is grossly disproportionate and reflects a complete failure to discharge statutory responsibility. Such a nominal penalty, in the face of clear illegality, defeats the very object of environmental regulation and renders the enforcement mechanism illusory. At the established rate of Rs. 2,00,000/- per tree, the compensation ought to have been Rs. 46,00,000/-. The failure to impose proportionate environmental compensation amounts to abdication of duty and is contrary to the Polluter Pays principle consistently upheld in environmental jurisprudence.

2. Page. 261 It is further submitted that the permission granted for felling 30 Jambhul trees was tainted by procedural illegality from its inception. No consent affidavits of co-owners were obtained prior to grant of permission. A blank "Hamipatra" was relied upon. The subsequent claim that compliance was completed later is a clear afterthought and cannot retrospectively cure an order that was void at the time of its issuance. Environmental compliance is a condition precedent, not a post-facto formality. The Applicant has demonstrated, through RTI documents, that mandatory requirements were not fulfilled. The felling of 30 Jambhul trees is therefore illegal ab initio and liable for environmental compensation of Rs. 60,00,000/- at Rs. 2,00,000/- per tree.

BEFORE ME

S. Sawant

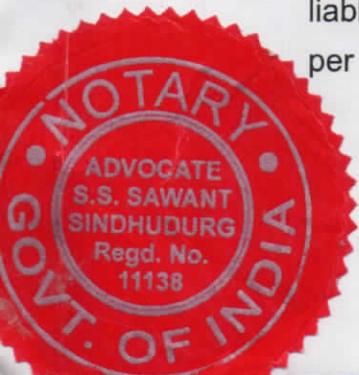
S.S. SAWANT

B.A.L.L.B.

ADVOCATE & NOTARY

Shivaleela, C-242Q Near Govind
Chitra Mandir, Bhatwadi, Sawantwadi,
Tal. Sawantwadi, Dist. Sindhudurg

Page 1 of 5



Page 313, 10316 f 322

3. The documentary record produced by Respondent No. 2 itself, namely the 7/12 extracts of Survey Nos. 218/1, 218/2 and 218/14, shows that 1,955 trees were standing prior to felling. However, the Tahsildar, Sawantwadi has recorded that only **636** trees existed. Such an enormous discrepancy cannot be dismissed as clerical error; it indicates either gross negligence or deliberate understatement. As per the RFO inspection report, only 636 trees now remain. This establishes that 1,319 trees have disappeared. The scale of destruction speaks for itself. The environmental compensation payable, at Rs. 2,00,000/- per tree, amounts to Rs. 2,63,80,000/-. Any lesser assessment would trivialise large-scale ecological devastation.

4. — The Respondents must further be directed to undertake compensatory afforestation at a minimum ratio of 1:10, requiring plantation and survival of 13,190 trees. Mere symbolic plantation cannot substitute for ecological restoration; survival monitoring and accountability must be mandated.

5. Page 313, 10316 Grampanchayat Banda (Respondent No. 1) and Yugen Infra Pvt. Ltd. (Respondent No. 2), being co-owners of the 29.77-acre land, cannot evade responsibility by shifting blame. Environmental liability is strict, absolute, and joint and several. This Hon'ble Tribunal is fully empowered to fix liability upon either or both Respondents.

6. Page 399, 400 It is also submitted that Respondent No. 2 has undertaken soil excavation, hill cutting, and blasting of laterite stone under the guise of internal road construction. Though blasting is denied, the physical condition of the site indicates otherwise. Such activities, undertaken without proper environmental clearance and royalty payment, constitute continuing environmental violations. The Respondent should be immediately restrained from further excavation or hill cutting until full statutory compliance is established.

Page 218, 266 to 285

7. The project is unmistakably an infrastructure plotting project for non-agricultural purposes, specifically for construction of residential bungalows, as N.A. permission has been obtained for residential units. The denial by Respondent No. 2 that it is a plotting project is misleading and amounts to suppression of material facts. Such misrepresentation before



BEFORE ME

S.S. SAWANT
B.A.L.L.B.

ADVOCATE & NOTARY

Plot, C-2 42Q Near Govind
andir, Bhatwadi, Sawantwadi,
Sawantwadi, Dist. Sindhudurg

authorities and this Hon'ble Tribunal warrants strict and exemplary consequences.

8. — Given that the total project area is 29.77 acres and that large-scale tree felling and hill cutting have been undertaken, the project cannot legally proceed without prior Environmental Clearance. Any attempt to continue development without such clearance is illegal and deserves to be restrained forthwith.

9. ^{Page 318 to 322} ~~Page 322~~ As per the RFO inspection report dated 10-11-25, only 636 trees remain in approximately 30 acres, barely meeting the minimum threshold of 600 trees required under forest norms. No further tree felling can be permitted under any circumstances. If even a single additional tree is felled, environmental compensation at Rs. 2,00,000/- per tree must be imposed without exception.

10. The present case reflects not a minor procedural lapse, but a pattern of under-reporting, irregular permissions, administrative inaction, and large-scale ecological damage. Unless this Hon'ble Tribunal intervenes decisively, the regulatory framework will stand reduced to a mere formality, and irreversible environmental harm will continue unchecked.

PRAYERS

11. In view of the facts and circumstances stated hereinabove, it is most respectfully prayed that this Hon'ble Tribunal may be pleased to:

- a) Hold and declare that the felling of 7 restricted trees and 16 unrestricted trees is illegal and impose environmental compensation of Rs. 46,00,000/- calculated at Rs. 2,00,000/- per tree;
- b) Hold and declare that the permission granted for felling of 30 Jambhul trees was illegal, void and granted in violation of mandatory procedure, and consequently impose environmental compensation of Rs. 60,00,000/- at the rate of Rs. 2,00,000/- per tree;
- c) Direct imposition of environmental compensation for illegal felling of 1,319 trees, as established from revenue records and inspection reports, amounting to Rs. 2,63,80,000/- calculated at Rs. 2,00,000/- per tree;





FOR ME
Sawant
SAWANT
ALLE
TE & NOTARY
420 Nr. Govind
Sawantwadi,
Dist. Sindhudurg

- d) Direct the Respondents to undertake compensatory afforestation at a minimum ratio of 1:10, requiring plantation and maintenance of 13,190 trees, with survival audit and monitoring for a minimum period of five years under supervision of the competent Forest Authority;
- e) Hold Respondent No. 1 and Respondent No. 2 jointly and severally liable for the environmental damage caused and direct recovery of compensation accordingly;
- f) Restrain Respondent No. 2 from carrying out any further tree felling, hill cutting, blasting, soil excavation, or development activity on the project site without obtaining prior Environmental Clearance, payment of royalty, and all requisite statutory permissions;
- g) Declare that the project admeasuring 29.77 acres cannot proceed without obtaining prior Environmental Clearance under applicable environmental laws and direct immediate stoppage of all ongoing activities until such clearance is lawfully obtained;
- h) Direct that if any further tree is felled, environmental compensation at the rate of Rs. 2,00,000/- per tree shall be imposed forthwith without exception;
- i) Direct initiation of appropriate action against concerned officials for dereliction of statutory duty and for failure to impose proportionate environmental compensation;
- j) Pass such further orders as this Hon'ble Tribunal may deem fit and proper in the interest of environmental justice, restoration, and protection of ecological balance.

Place :Banda

Date : 23-02-2026

(Saiprasad Mangesh Kalyankar)

Applicant



BEFORE ME

S.S. SAWANT

B.A.L.L.B.

ADVOCATE & NOTARY

Shivibela, C-242Q Near Govind Chitra-Mandir, Bhatwadi, Sawantwadi, Dist. Sindhudurg

BEFORE ME

S.S. SAWANT

B.A.L.L.B.

ADVOCATE & NOTARY

Shivibela, C-242Q Near Govind Chitra-Mandir, Bhatwadi, Sawantwadi, Dist. Sindhudurg

AFFIDAVIT

I Shri. Saiprasad Mangesh Kalyankar, Chartered Accountant, Age 64 years, Indian Inhabitant, an Applicant residing at House No. 1442B at village Banda, Taluka Sawantwadi, District Sindhudurg, State Maharashtra, Pin 416511 state on the solemn affirmation that all information provided in above is true and correct to the best of my knowledge and belief. I am signing this affidavit today on 23rd Feb, 2026 at Sawantwadi

Place : Sawantwadi.

Dated : 23-02-2026



I know the applicant

(Signature)
(Saiprasad Mangesh Kalyankar)
Applicant

Mobile: 9422632825

(Signature)

Shri. Gurudas Mangesh Kalyankar, civil Engineer
At Post. Banda Tal. Sawantwadi
Dist. Sindhudurg. Pin 416511



BEFORE ME
(Signature)
S.S. SAWANT
B.A.L.L.B.
ADVOCATE & NOTARY
Shivteela, C-242Q Near Govind
Chitra Mandir, Bhatwadi, Sawantwadi, Dist. Sindhudurg

This document has been personally presented & signed by Saiprasad mangesh kalyankar R/o Banda Tal. Sawantwadi who is identified by Gurudas mangesh kalyankar to whom I personally know No. of pages 5 Notary Regd. No. 249 Dated 23/2/2026

BEFORE ME
(Signature)
S.S. SAWANT
B.A.L.L.B.
ADVOCATE & NOTARY
Shivteela, C-242Q Near Govind
Chitra Mandir, Bhatwadi, Sawantwadi, Dist. Sindhudurg