

Noted & Registered	
Serial No.	93/2024
Date	03/04/2024

**BEFORE THE NATIONAL GREEN TRIBUNAL
WESTERN ZONE BENCH PUNE**

**EXECUTION APPLICATION No.16 OF 2023
IN
ORIGINAL APPLICATION NO.363 OF 2015**

Dr.Sarvbhoum Bagli & Ors. - Applicant

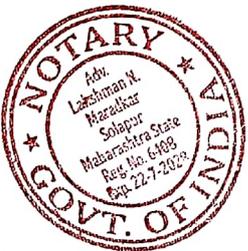
VERSUS

State of Karnataka & Ors. - Respondents

**COMPLIANCE AFFIDAVIT OF RESPONDENT NO.3
COLLECTOR SOLAPUR**

Herein I Shri. Amrut Malakari Natekar, Age – 51 years,
Occupation - Deputy Collector (Revenue), Solapur do hereby state on
solemn affirmation as under -


Adv. Lakshman N. Maradkar
Notary, Solapur.
(Government of India)



- 1) I have gone through the contents of the aforesaid application and I am filing this affidavit in reply on the basis of the record and proceedings maintained by my office in usual course of business. The Collector Solapur has authorized me to file affidavit in the present matter on behalf of Collector Solapur. Hereto annexed and marked as **Exhibit-A** is the copy of authority letter given by Additional Collector Solapur to me on 28/3/2024.
- 2) I have carefully gone through the order passed by Hon'ble National Green Tribunal, Delhi in O.A.No.363 of 2015 on 25/9/2018. I say that in the said order it is specifically ordered that-

"22. Applying a thumb rule, the amount of compensation is held to be Rs.25 Lakhs for each of three girls. The loss is assessed to be Rs.1 Lakh per year. Applying multiplier of 18 and taking into account the interest of conventional heads and penal factor which is attracted in such cases, the entirety of compensation is determined to be Rs.25 Lakhs in respect of each of the teen aged girls who died in the process. The total amount of Rs.75 Lakhs may be paid on or before 31/10/2018 by M/s.K.J.Infrastructure Pvt. Ltd. Pune. If the amount is not paid, as above interest at the rate of 10% p.a. will be payable. We further direct that if the amount is not paid by the M/s.K.J.Infrastructure Project India Pvt. Ltd. within 3 months the state of Maharashtra will pay the amount to the victims and recover the same from

M. Maradkar
 Adv. Lakshman N. Maradkar
 Notary, Solapur.
 (Government of India)
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M/s.K.J.Infrastructure Project India Pvt. Ltd. with accrued interest. The amount may be deposited with the District Legal Services Authority Vijapura for being paid to the victims, on proper identification. "

3) I say that the order passed by Hon'ble National Green Tribunal New Delhi dated 25/9/2018 was challenged by M/s.K.J.Infrastructure Project Pvt. Ltd. in Hon'ble Supreme Court by way of filing Civil Appeal No.11492 of 2018. I say that the record of this office shows that Rs.30 Lakhs has been deposited by the M/s.K.J.Infrastructure Pvt. Ltd. in the Hon'ble Supreme Court. I say that vide order dated 15/11/2022 the Hon'ble Supreme Court directed that balance amount of compensation of Rs.45 Lakhs be deposited with that registry of the tribunal within 3 months from today as prayed for. It is also directed that the balance compensation to be deposited shall carry interest, if the Appellant fails to deposit the same within 3 months.

4) I say that the record of this office shows that as per order passed by Hon'ble National Green Tribunal New Delhi on 25/9/2018 and as per order passed by Hon'ble Supreme Court dated 15/11/2022 the M/s.K.J.Infrastructure Pvt. Ltd. fails to pay deposit Rs.45 Lakhs with interest. Therefore, the Office of the Collector Solapur made several attempts to recover the said amount from M/s.K.J.Infrastructure Pvt. Ltd. but M/s.K.J.Infrastructure Pvt. Ltd. fails to deposit the said amount.

I say that the record of this office shows that the proceedings under

Maharashtra Land Revenue Code 1966 for recovery of above amount as revenue arrears are also initiated against M/s.K.J.Infrastructure Pvt. Ltd.. However, said amount has not been recovered from M/s.K.J.Infrastructure Pvt. Ltd. till today. I say that the record of this office shows that M/s.K.J.Infrastructure Pvt. Ltd. has deposited security amount before signing the contract of sand in the year 2014. I say that the record of this office shows that vide letter dated 27/3/2024, the office of Collectorate Solapur deposited Rs.51,18,966/- including interest to the office of Hon'ble District Legal Service Authority Vijaypura, District Vijaypura, State Karnataka through Cheque No.161085 dated 27/3/2024. Hereto annexed and marked as **Exhibit-B** is the copy of letter issued by Additional Collector Solapur to Hon'ble District Legal Service Authority Vijaypura, District Vijaypura, State Karnataka dated 27/3/2024.

5) I respectfully say and submit that as mentioned in the aforesaid Para's the order dated 25/9/2018 passed by this Hon'ble Tribunal in Original Application No. 363 of 2015 and order passed by Hon'ble Supreme Court on 15/11/2022 in Civil Appeal No.11492 of 2018 has been fully complied with and the delay occurred in compliance of the said orders is neither intentional nor deliberate and action has been taken by the office of Respondents immediately.

PLACE :-PUNE

DATE :-

M. Lakshman N.
Adv. Lakshman N. Maradkar
Notary, Solapur.
(Government of India)
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[Signature]
RESPONDENT

BEFORE NOTARY PUBLIC SOLAPUR AT SOLAPUR
VERIFICATION

I, Shri. Amrut Malakari Natekar, Age – 51 years, Occupation - Deputy Collector (Revenue), Solapur do hereby state on solemn affirmation that whatever stated herein above is based upon the information derived from the official records, which I believe to be true and correct. The contents of the present Affidavit are true and correct.

Solemnly affirmed at Solapur.

This 03rd day of April, 2024

[Signature]

(Amrut Malakari Natekar)
Deputy Collector (Revenue), Solapur
Deponent

I identify the Deponent

Noted & Registered	
Serial No.	73 / 2024
Date	03 / 04 / 2024

Solemnly Affirmed before me by
Shri Amrut Malakari Natekar

Who is identified by Shri Self / Notary
Whom I personally known
Date:- 03 / 04 / 2024

[Signature]
Adv. Lakshman N. Maradkar
Notary, Solapur. (Mah. State)
(Government of India)
Chamber No. 26, Lawyers Chamber
Dist. Court Compound, Solapur.

[Signature]
Adv. Lakshman N. Maradkar
Notary, Solapur.
(Government of India)
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महाराष्ट्र शासन

जिल्हाधिकारी कार्यालय, सोलापूर.

(जिल्हा खनिकर्म शाखा)

सात रस्ता, शासकीय दुध डेअरी जवळ, सोलापूर 413 001.

फोन नं. 0217-2731020

Email ID: miningofficersolapur@gmail.com

क्र.मशा/कार्या-1/गौख/प्र.क्र. 12-22 / आरआर-196 /24

दि. 28/03/2024

प्रति,

उपजिल्हाधिकारी (महसूल)
जिल्हाधिकारी कार्यालय सोलापूर

विषय - NGT Bench Pune - Exucution Application No. १६/२०२३

Dr.Sarvbhoun Bagli & Ors. Vs State of Karnataka & Ors.

संदर्भ - NGT Bench Pune यांचेकडील दिनांक ०१.०२.२०२४ रोजीचे आदेश

उपरोक्त विषयास अनुसरून मौजे कुडल ता. अक्कलकोट येथील सन २०१३-२०१४ मध्ये भीमा नदीपात्रातील वाळूसाठ्याचा लिलाव गेलेला होता. सदर वाळू लिलावाच्या नदीपात्रात दिनांक ०४.०७.२०२१ रोजी मौजे गुब्याड तां.इंडी, जिल्हा विजयपुरा येथील तीन मुली बुडुन मृत्यु झाले आहेत. सदर घटनेस अनुसरून मा. राष्ट्रीय हरित लवाद, नवी दिल्ली येथे श्री. सार्वभौम बगली यांनी दाखल केलेल्या Original Application No. ३६३/२०१५ या दाव्यामध्ये वाळू लिलाव घेतलेले कंत्राटदार मे. के.जे इन्फ्रा.लि. पुणे यांना प्रत्येक मयत मुलीस २५,००,०००/- याप्रमाणे एकूण ७५,००,०००/- रक्कम मयताच्या वारसांना नुकसान भरपाई अदा करण्याचे आदेशीत केले होते. कंत्राटदार यांनी सदर रक्कम न भरल्यास महाराष्ट्र शासनाने सदरची नुकसान भरपाई रक्कम अदा करून, संबंधिताकडून वसुल करण्याची कार्यवाही करावी, अशा सुचना आदेशात दिलेल्या आहेत.

उक्त आदेशाविरुद्ध कंत्राटदार यांचेकडून मा. सर्वोच्च न्यायालयात दाखल अपीलामध्ये प्रकरणांत कंत्राटदार यांचे अपील फेटाळण्यात आले आहे व अपील दाव्यास अनुसरून कंत्राटदार यांनी जमा केलेली रक्कम ३०,००,०००/- रक्कम नुकसान भरपाईच्या स्वरूपात अदा केली आहे. नुकसान भरपाईतील उर्वरीत रक्कम रुपये ४५,००,०००/- कंत्राटदार यांना तातडीने जमा करण्याचे आदेशीत केले आहेत. तथापि सदर उर्वरीत रक्कम अद्याप कंत्राटदाराकडून जमा न झाल्याने प्रकरणांत अपीलार्थी यांचेकडून Exucution Application No. १६/२०२३ हा दावा मा.राष्ट्रीय हरित लावाद बेंच पुणे येथे दाखल केलेला आहे.

उक्त Exucution Application No. १६/२०२३ दाव्यास अनुसरून प्रकरणांतील उर्वरीत नुकसान भरपाईची रक्कम रुपये ४५,००,०००/- यावरील व्याज रक्कम रुपये ६,१८,९६६/-असे एकूण रक्कम रुपये ५१,१८,९६६/- लिलावधारक के.जे.इन्फ्रा यांच्या या कार्यालयातील जमा अनामत रक्कमेतून District Legal Services Authority, Vijapura यांना अदा करण्यात आले आहे. यानुषंगाने दाव्यातील या कार्यालयाचे लेखी म्हणण्याचे प्रतिज्ञापत्र मा.राष्ट्रीय हरित लावाद बेंच पुणे यांचे दाखल करण्याकामी आपणास याद्वारे प्राधिकृत करण्यात येत आहे. तरी प्रकरणांतील सर्व आवश्यक माहिती घेऊन यामधील या कार्यालयाचे म्हणण्याचे प्रारूप अंतिम करून घेऊन त्यानुसार प्रतिज्ञापत्र मुदतीत दाखल करण्याची कार्यवाही करण्यात यावी.

(मो.चिन्मो सिद्ध)

अपर जिल्हाधिकारी सोलापूर

Collector Office Solapur

(District Mining Branch)

Address- Sat Road, Near Government Milk Dalry Solapur 413003

Telephone No. 0217-2731022, EmailID- miningofficersolapur@gmail.com

S.No.Gaukh/karya 1/Cr.No. 12-22/RR²⁷⁶/24

Dated 27.03.2024

To,

Hon.District Legal Services Authority,
Vijayapura, District Vijayapura,
State - Karnataka

Subject - Compensation in regard to the death of three minor girls drowned in riverbed of Village Kudal Taluka Akkalkot of, Solapur in the year 2013-14

Reference - Order dated 25.09.2018 of Hon. National Green Tribunal New Delhi.

With reference to the above mentioned subject it is submitted that In year 2013-2014 auction of sand deposits in Bhima river basin was held at Village Kudal, Taluka Akkalkot Dist Solapur On 04.07.2014, three girls of Village Gubyad , Taluka Indi, District Vijayapura were drowned in the said sand auction riverbed. The names of deceased girls are 1. Ms. Bhagyashree Basraj Sutar, age 15, 2. Ms. Bhagyashree Sidram Dhule, age 14, 3. Ms. Mahananda Appasha Atanur, age 14. In view of the said incident a suit was filed by Sarvabhaum Bagli at Hon' National Green Tribunal, New Delhi, and an order on the same was passed on 25.09.2018.

In the said order, the contractor who got the sand auction, KJ Infra Ltd. Pune was ordered to

"21. Principle of resipsa loquitor applies to such a situation. M/s K.J. Infrastructure Project India Private Ltd, who is the lessee of the area where the incident took place is fully responsible and liable to pay compensation for the death of three girls.

22. Applying a thumb rule, the amount of compensation is held to be Rs. 25 lakhs for each of the three girls. The loss is assessed to be Rs. One lakh per year. Applying multiplier of 18 and taking into account the interest of conventional heads and penal factor which is attracted in such cases, the entirety of compensation is determined to be Rs. 25 lakhs in respect of each of the teenaged girls who died in the process. The total amount of Rs. 75 Lakhs may be paid on or before 31.10.2018 by M/s K.J. Infrastructure Pvt. Ltd., Pune. If the amount is not paid, as above, interest at the rate of 10% p.a. will be payable. We further direct that if the amount is not paid by the M/s K.J. Infrastructure Project India Private Ltd. within three months, the State of Maharashtra will pay the amount to the victims and recover the same from M/s K.J. Infrastructure Project India Private Ltd. with accrued interest. The amount may be deposited with the District Legal Services Authority, Vijapura for being paid to the victims, on proper identification.

23. We make it clear that the plea that the place of occurrence is in front of the area under lease and not area of the lease cannot make any difference, for liability will be that of the mining company, in the totality of facts of the present case."

Against the said order an appeal was filed at Hon' Supreme Court Hon by the contractor and the order of the National Green Tribunal was given stay order. Therefore the said amount was not paid immediately by the contractor. However Hon Supreme Court rejected the appeal of the contractor in this case and upheld the order of Hon' NGT, by mentioning following order dated 15.11.2022.

"The interim compensation of Rs. 30 Lakhs deposited by the appellant in the Registry, pursuant to the order of this Court dated 02.05.2022, shall be transferred to the Registry of National Green Tribunal and the balance amount of compensation of Rs. 45 Lakhs be deposited with the Registry of the Tribunal within three months from today, as prayed for. The balance compensation to be deposited shall carry interest, if the appellant fails to deposit the same within three months."

Proceedings are underway with Maharashtra Government to recover the above mentioned remaining amount as revenue arrears from the contractor. But the said compensation amount has not been recovered from him yet. However, in the said case, the contractor has deposited certain amount as security deposit before signing the contract of sand excavation with Collector Office, Solapur. As per the instructions received in proceedings of meeting dated 28/2/2024 by Hon. Principle Secretary (Environment and Climate Change Department) State Government of Maharashtra it has been decided to pay the compensation amount of remaining rupees 45,00,000/- along with interest there upon from security deposit of KJ infra with this office. Accordingly, the Rs 45,00,000/- and interest from the date of the order of the Hon. Supreme Court Rs.6,18,966/- (in words Rs. six lakh eighteen thousand nine hundred and sixty six) cumulative amount of rupees Rs.51,18,966/- (in words Rs. fifty one lakh eighteen thousand nine hundred and sixty six) cheque no. 161085 dated 27.03.2024 is submitted herewith. You are kindly requested to take necessary steps to handover the said cheque to the concerned victim's family and convey to this office accordingly.



(Monika Singh)

Additional Collector, Solapur

Copy - Hon. Civil submission for information to National Green Arbitrator, Bench Pune.

RD
Letter of cheque
No. 161085
28/3/2024
27/03/2024
Administrative Assistant
District Legal Services Authority,
Vijayapur.



भारतीय स्टेट बैंक
State Bank Of India

(03072) - SOLAPUR TREASURY BRANCH
114, SHELKE CHAMBERS, SIDHESWAR PETH, SOLAPUR
DIST: SOLAPUR, MAHARASHTRA 413001
Tel: 217-2326060 IFS Code : SBIN0003072

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PAY District Legal Services Authority, Vijapur

को या उनके आदेश पर OR ORDER

रुपये RUPEES fifty one lakh eighteen thousand nine
hundred sixty six only

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₹ 51,89,666/-

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D. Verma

DISTRICT MINING OFFICER SOLAPUR

MULTI-CITY CHEQUE Payable at Par at All Branches of SBI

Please sign above

⑈ 161085⑈ 413002003⑈ 000800⑈ 29

mining officer collector office, solapur <miningofficersolapur@gmail.com>

CBSSBI ALERT

1 message

cbsalerts.sbi@alerts.sbi.co.in <cbsalerts.sbi@alerts.sbi.co.in>
To: miningofficersolapur@gmail.com

Sat, Mar 30, 2024 at 12:38 PM

Your AC XXXXX569896 Dbt INR 51,18,966.00 on 30/03/24-Towards transfer to DISTRICT LEGAL SERVI, chq No.161085. Avl Bal INR 15,422.00-SBI Please do not reply to this auto generated email. For any query, please contact our toll free number 18001234 & 18002100.