

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

I.A. NO. 38 of 2026

IN

APPEAL NO. 01 OF 2026

[Appeal u/s 16 (h) read with Section 18 (1) of the National Green Tribunal Act, 2010]

IN THE MATTER OF

Abhishek Vikas Gondane

...Appellant

VERSUS

The State Environment Impact Assessment Authority,
Maharashtra & Ors.

...Respondents

**REJOINDER TO THE REPLY DATED 25.02.2026 FILED BY THE
RESPONDENT NO. 1.**

(FOR INDEX KINDLY SEE INSIDE)

ADVOCATES FOR THE APPELLANT:

Sangramsingh R. Bhonsle, Nrupal A. Dingankar, Pushkara A. Bhonsle,

Sneha Bhonsle, Naman Sherstra & Sanmitra Y. Pol

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**REJOINDER TO THE REPLY DATED 25.02.2026 FILED BY THE
RESPONDENT NO. 1.**

TO,

THE HON'BLE CHAIRPERSON

AND THE HON'BLE COMPANION MEMBERS,

OF THE HON'BLE NATIONAL GREEN TRIBUNAL.

It is most respectfully submitted on behalf of the Appellant as under:

1. The Appellant, vide the present Appeal u/s 16 (h) of the National Green Tribunal Act, 2010 has challenged the Environment Clearance dated 16.12.2025 granted by the Respondent No. 1 for undertaking sand mining at the Pathari Sand Ghat, over an extent of 2.38 ha. at Chulbandh River Bed, Adjoining Gut No. 470, 471,/1, Village Pathari, Tehsil Lakhani, District Bhandara, Maharashtra.
2. The contentions raised by the Respondent No. 1 in the Reply dated 25.02.2026, unless specifically admitted by the Appellant herein shall not be deemed to have been admitted by the Appellant and no contentions raised by the Respondent No.

1 in the Reply dated 25.02.2026, in any case, shall be deemed to be admitted for reasons of non-traverse

3. The contentions in Para 1, 2, 3 and 4 of the Reply are a matter of record and as such, need no Reply from the Appellant and in any case, any contentions contrary to the stand of the Appellant are denied.
4. As far as the contentions raised by the Respondent No. 1 that the Impugned Environment Clearance has been transferred by Respondent No. 1 from Respondent No. 3 to the successful bidders is nothing but a subterfuge between the Government Authorities and the successful bidders. It is pertinent to note that previously, in a batch of Appeals bearing Appeal No. 641 of 2025 (WZ), the said batch of tentatively 86 Appeals was listed on 05.01.2026 before this Hon'ble Tribunal for hearing. At this stage, the Respondent No. 3 had not undertaken the process of transferring the Impugned ECs to successful bidders. Being aware of the fact that the Respondent No. 3 would make every endeavour to make the batch of 86 Appeals infructuous by transferring the ECs to successful bidders, the Appellant, on 05.01.2026 pressed for the grant of ad-interim ex-parte stay before this Hon'ble Tribunal. This Hon'ble Tribunal on 05.01.2026, however, was of the view that the prayer for grant of stay to be passed in the batch of Appeals would be considered only after hearing the other side. Thus, Notices were issued and only the Respondent Authorities were made parties to the said Appeals as the Environment Clearances were not transferred. The said Appeals were thereafter listed for further consideration on 29.01.2026. The Respondent No. 1, however, to jeopardize the hearing of the said Appeals scheduled on 29.01.2026, on 27.01.2026, 29.01.2026, 30.01.2026 and 04.02.2026 was pleased to transfer the ECs to the subsequent successful bidders. On curiously reading the documents of the Respondent No. 1, by which the EC has been transferred to the successful bidders even after Notice being issued to the Respondent Authorities by this

Hon'ble Tribunal on 05.01.2026 and the Ld. Advocate appearing on behalf of the Respondent No. 1 waiving Notice on 05.01.2026, instead of filing a Reply as directed by this Hon'ble Tribunal on 05.01.2026, has maliciously proceeded to transfer the Environment Clearance to successful bidders so as to create a third-party interest, solely with the intention to derail the batch of Appeals, filed before this Hon'ble Tribunal. The Respondent No. 1, having waived Notice on 05.01.2026, while transferring the Environment Clearances to the subsequent bidders, vide the Letters dated 27.01.2026, 29.01.2026, 30.01.2026 and 04.02.2026 has maintained a suspicious silence in informing the successful bidders that the said 86 Appeals were pending adjudication before this Hon'ble Tribunal and also, the prayer for grant of interim stay was also to be considered by this Hon'ble Tribunal and therefore, even if the Impugned Environment Clearances were being transferred to the subsequent successful bidders, no equity in law could be claimed by the successful bidder, especially in circumstances where the Respondents were consciously put to Notice by the Order dated 05.01.2026 by this Hon'ble Tribunal that the prayer for grant of interim stay would be considered by this Hon'ble Tribunal. In such circumstances, it would have been prudent for the Respondent No. 1, 2 & 3 to hold their hands and ought not to have transferred the ECs so as to create third-party interests only with the intention to derail the proceedings before this Hon'ble Tribunal, in a matter of grave importance, with regards to protecting the environment.

5. Another aspect that gains importance at this stage and ought to be considered by this Hon'ble Tribunal is that when Notice was issued on 05.01.2026, the Ld. Advocate appearing on behalf of the Respondent No. 1 had waived Notice and was therefore, aware that when the said Appeals were listed next for further consideration on 29.01.2026, the Appeals would be heard for the grant on interim stay. The Respondent No. 1, 2 & 3, instead of filing a Reply on merits, to the contentions raised by the Appellant and contesting the matter on merits on

29.01.2026, sought an adjournment for the purposes of filing the said Reply. On perusing the records, it is apparent that the Respondent No. 1, 2 & 3 on 29.01.2026 did not want to contest the Appeal on merits before this Hon'ble Tribunal and were seeking an adjournment solely with a malicious intent of transferring the Impugned Environment Clearances to subsequent successful bidders, so as to create third-party interests and derail the entire proceedings. Also, it is pertinent to note that even though the Appeals were listed for hearing before this Hon'ble Tribunal on 29.01.2026, not a single successful bidder to whom the EC was transferred on 27.01.2026 and 29.01.2026 appeared before this Hon'ble Tribunal, making a prayer to be impleaded in the said Appeals. The obvious reason for the same was that on 29.01.2026, this Hon'ble Tribunal was pleased to grant a period of one week to the Respondent Authorities to file their Reply and since, the prayer for interim stay was to be considered only on 05.02.2026, it was convenient for the successful bidders to not be a party in the said Appeals.

6. On perusing the documents filed by the Respondent No. 1 in the present Reply from Pg. No. 612 to 636 of the Appeal Paperbook, it is evident that on 27.01.2026, 29.01.2026, 30.01.2026 and 04.02.2026, the Environment Clearances were already transferred to the successful bidders. However, when the said Appeals came up for hearing on 05.02.2026 before this Hon'ble Tribunal, one more time, none of the successful bidders moved an Application before this Hon'ble Tribunal to be impleaded as a Party Respondent to the said Appeals. As a matter of strategy, the Respondent No. 1 and 3, being a mouthpiece of the successful bidders, once more sought time to file a Reply on merits before this Hon'ble Tribunal. It is at this stage that this Hon'ble Tribunal, though was pleased to grant 2 weeks' time to the Respondents to file their Reply on merits, directed that no mining activity will be permitted under the Impugned ECs till the next date of hearing. The Appeals were accordingly posted for disposal of interim relief on 25.02.2026.

7. In the interregnum, the Respondent Authorities filed their Reply on merits to the said Appeals and sought the preponement of the hearing on interim relief from 25.02.2026. Accordingly, the said Appeals were preponed and the said Appeals were heard by this Hon'ble Tribunal on 18.02.2026. What is pertinent to note that even on the hearing of 18.02.2026, none of the successful bidders moved an Application seeking impleadment in the present Appeals. The said Appeals were heard on merits by this Hon'ble Tribunal, whereby, the Ld. Advocate appearing on behalf of the Respondent No. 2 & 3 admitted that there were some deficiencies in the Affidavit filed by the Respondent No. 2 & 3 and directed the Respondent No. 2 & 3 to file an Additional Affidavit within 2 weeks, as sought by the Respondent No. 2 & 3. In the meantime, the stay of mining operations was to continue. Thus, the successful bidders, even though having an opportunity on 29.01.2026, 05.02.2026 and 18.02.2026 to approach this Hon'ble Tribunal by moving an Application seeking impleadment in the said Appeals, for reasons best known to the minds of the successful bidders, the successful bidders never approached this Hon'ble Tribunal. It was only when this Hon'ble Tribunal, after considering the matter on merits, on 18.02.2026, and after extending the interim stay, did the Respondents start making noise that the present Appeals suffers from non-joinder of necessary parties. No reason from 27.01.2026 to 26.02.2026 has been given by the Respondent Authorities, or the successful bidders for not approaching this Hon'ble Tribunal. Thus, it is more than evident that when the Appeals were initially filed and Notices were issued, the successful bidders were nowhere in the picture. The Respondent No. 1, 2 & 3 have maliciously and with an ulterior motive transferred the Impugned Environment Clearances to subsequent successful bidders, even though there was a *lis pendens*.
8. In any case, when the present Appeals were being heard by this Hon'ble Tribunal on 26.02.2026, having considered the objections raised by the Respondent No. 1 in Paragraph 5 of the present Reply, this Hon'ble Tribunal has already directed

the impleadment of all successful bidders, on whose name the ECs have been transferred. Therefore, in any case, the apprehension raised by the Respondent No. 1 in Para 5 has been taken care of by this Hon'ble Tribunal, vide its Order dated 26.02.2026.

9. As far as the contentions in Para 6 are concerned, it is stated that when the Batch of 86 Appeals in Appeal No. 641 of 2025 (WZ) was being heard by this Hon'ble Tribunal on 18.02.2026, this Hon'ble Tribunal, after having heard the arguments from the Appellant as well as the Respondent No. 1, 2 & 3, it transpired that there were some deficiencies in the Affidavit filed by the Respondent No. 2 & 3 and therefore, the Ld. Advocate appearing on behalf of the said Respondents sought 2 weeks' additional time to file an Additional Affidavit. This Hon'ble Tribunal was pleased to grant the said time. Thus, it is more than evident that the Appellants have established more than a prima facie case before this Hon'ble Tribunal in the challenge raised to the Impugned ECs and therefore, the contentions in Para 6 of the Reply are absolutely false. The Respondents, from the very outset, as is evident from the orders passed by this Hon'ble Tribunal, were trying to prolong the hearing of the Appeals filed by the Appellant on merits, and in the meantime, continue to undertake the mining operations. It was only when this Hon'ble Tribunal, on 05.02.2026 looked beyond to what was shown by the Respondents before this Hon'ble Tribunal, during the course of hearing and granted stay to the mining activity, did the Respondents bother to file a Reply on merits. The said Reply also, during the hearing of 18.02.2026 was found to be defective by this Hon'ble Tribunal. Thus, the Respondents clearly do not intend to contest the present Appeal on merits and only by prolonging the hearing of the present Appeals, were only intending to allow the successful bidders to undertake mining operations illegally, for their own commercial gains, without paying any heed to the protection of environment.

10. The contents of Para 7 of the Reply that the present Appeals have not been filed in the interest of environment and have been filed with the intention for proliferation of illegal mining are absurd and contrary to the facts on record, and are denied by the Appellant. It is submitted that in no case can it be considered that the balance of convenience lies in favour of the authorities, especially considering that the Environment Clearance granted by the Respondent No. 1 has been granted in a manner contrary to law, in circumstances where the documents which are essential to an Application for grant of Environment Clearance, viz. a Pre-Feasibility Report and a Mining Plan have not been submitted by the Respondent No. 3. Further, the Respondent No. 1 ought not to claim that the stay granted by this Hon'ble Court has resulted in illegal sand mining in the District of Bhandara, which is harmful to the environment. Also, the Hon'ble Supreme Court, in the matter of Hanuman Laxman Aroskar v. Union of India reported as *(2019) 15 SCC 401* has categorically held that vague aspersions on the intention of public spirited individuals does not constitute an adequate response to those interested in the protection of environment. In cases concerning environment governance, it is a duty of the Courts to assess the case on merits, based on the material present before it. If at all, the Court comes to the finding that the Appeal before it was lacking *bona fides*, it may issue directions, which it thinks appropriate in that case. In the present case, the Appellants, vide the present Appeals have raised substantial questions of law, which have been reproduced by this Hon'ble Tribunal in its Order dated 05.01.2026, on the basis of which this Hon'ble Tribunal was pleased to admit the said Appeals and issue Notice and therefore, it is just and necessary for this Hon'ble Tribunal to adjudicate the present Appeal on its merits, so as to protect the environment and ensure sustainable development for today and tomorrow. Thus, the contentions in Para 7 are misleading and therefore, denied.

11. The contentions raised by the Respondent No. 1 in its Reply at Para 8 that the Respondent No. 1 grants Environment Clearance on the basis of information and documents provided by the Project Proponent and that the Respondent No. 1 has followed due procedure are denied. It is submitted that it is the responsibility of the Respondent No. 1 to ensure that the grant of Environment Clearance is on the basis of an environmentally sound Application and that the grant of an Environment Clearance will not lead to irreparable damage to the environment. The Respondent No. 1 ought to apply its mind to the Application for grant of Environment Clearance and only after being satisfied that the Project Proponent has complied with the due process for obtaining an Environment Clearance, should the Respondent No. 1 grant Environment Clearance. Further, the contention that irreparable loss shall be caused to the environment due to the stay granted by this Hon'ble Court is utterly baseless and is a statement made to defend the grant of illegal Environment Clearances and is denied.
12. The Para 9 of the Reply is a formal paragraph and as such, requires no reply from the Appellant.



ADVOCATES FOR THE APPELLANT:

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Nrupal A. Dingankar, Pushkara A. Bhonsle,
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IN THE MATTER OF:
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... Appellant

Versus

The State Level Environment Impact Assessment Authority,
Maharashtra & Ors.

... Respondents

AFFIDAVIT

I, Mr. Abhishek Vikas Gondane, Age: 36, Occ: Business, R/o Near Water Tank, Gandhi Nagar, Tumsar, Bhandara, Maharashtra- 441 912 do hereby solemnly affirm and state as under:

1. That I am the Appellant in the above-named Appeal. I am conversant with the facts and circumstances of the case and as such competent to swear the present Affidavit.
2. That the contents of the Paras 1 to ___ of the present Rejoinder are facts true to my knowledge and contains submissions and prayers to this Hon'ble Tribunal based on legal advice and the same is believed to be true and correct.
3. That the Annexures enclosed along with the present Rejoinder, if any are true copies of their respective originals.

[Signature]
DEPONENT

VERIFICATION

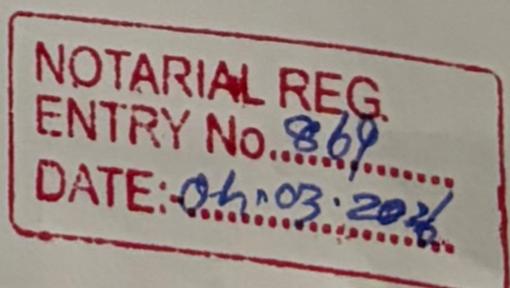
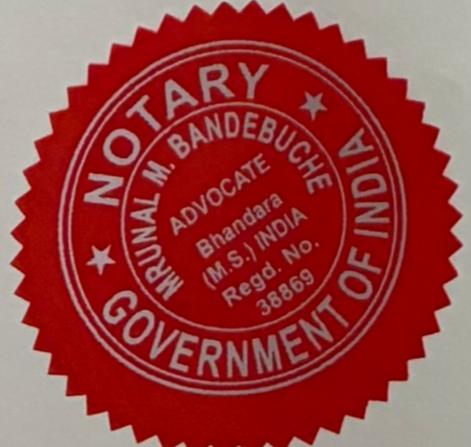
Verified at Bhandara on this 04 day of March, 2026 that the contents of the present Affidavit are true and correct and nothing material has been concealed therefrom.

[Signature]
DEPONENT



THE SIGNATURE OF SHRI/SMT. Abhishek Vikas Gondane
WHO IS/ARE PERSONALLY KNOWN TO ME /IDENTIFIED BY
AND WHO SIGNED BEFORE ME THIS THE 04 DAY OF 03.20.26
AT BHANDARA.

[Signature]
MRUNAL M. BANDEBUCHÉ
NOTARY/ ADVOCATE
DIST. BHANDARA.(M.S.)INDIA



Service: IA No. 38/2026 in Appeal No. 1/2026: Rejoinder to the Reply dated 25.02.2026 filed by the Respondent No. 1

1 message

Adv Sangramsingh R Bhonsle <srb.chambers@gmail.com>

Fri, Mar 6, 2026 at 3:45 PM

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Cc: Adv Sangramsingh Bhonsle <sangramsinghbhonsle@gmail.com>

Sir,

We are the Advocates appearing on behalf of the Appellant in the above mentioned matter. Please find attached herewith a copy of the Rejoinder to the Reply dated 25.02.2026 filed by the Respondent No. 1.

Please consider this email as service of the same on your esteemed office.

Regards,

Sangramsingh R. Bhonsle

Advocate On Record

Supreme Court of India

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 **Rejoinder_IA38.pdf**
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