

BEFORE THE NATIONAL GREEN TRIBUNAL, WESTERN ZONE**BENCH, PUNE, AT PUNE****APPEAL NO. 155 OF 2024 (WZ)**

Mr. Pradip Nanaso Patil

.. **APPELLANT****V/s**

The Tahsildar and Ors.

.. **RESPONDENTS****INDEX**

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PUNE

DATE : 07/05/2024

ADVOCATE FOR THE APPELLANT

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

APPEAL NO. 155 OF 2024 (WZ)

Mr. Pradip Nanaso Patil

... APPELLANT

V/S

The Tahsildar and Ors.

... RESPONDENTS

**REJOINDER ON BEHALF OF APPELLANT
TO THE AFFIDAVIT DATED 21.01.2025 OF THE
RESPONDENT Nos. 1 AND 2**

MAY IT PLEASE THE HON'BLE TRIBUNAL

Rejoinder on behalf of the Appellant to the Affidavit dated 21.01.2025 filed by the Respondent Nos.1 and 2 is as under:-

1. At the outset, the contents of the said Affidavit filed by the Respondent Nos.1 and 2 on 21.01.2025 are not admitted by the Appellant and are denied in except so far as these are expressly admitted herein.
2. The Appellant has filed the present Appeal before the Hon'ble Tribunal to quash and set aside the impugned order dated 30th August 2024 (**Page No. 17 to 21 of paper book**) directing the Appellant to deposit an amount of Rs.4,59,52,577/- (Four Crores Fifty Nine Lakhs Fifty Two Thousand Five Hundred Seventy Seven only) towards the Environment Damage Compensation issued by the Respondent No.1.
3. The Appellant further submits that the Respondent No.01 has imposed Environmental Damage Compensation without any material on record or evidences. The Respondent has not provided any calculation for imposing said compensation. The impugned order has been passed without hearing the Appellant and in complete

contravention to the principles of natural justice, equity and fair play. The impugned order does not specify any of these factors and the conclusion of the Respondent for arriving at the said amount.

4. In the Affidavit, the Respondent No.1 and the Respondent No.2 have stated that the Appellant excavated/mined 40,047 Brass of minor minerals illegally, to which the contention is that the Appellant has all required permissions which were necessary to the Appellant to operate the quarry.
5. The Appellant further submits that the quarry lease was granted to the Appellant on 5th February 2009, which was valid for a period of five years, which was valid and subsisting till 4th February 2014. **(Page No. 22 to 33 of Paper Book)**
6. The Appellant submits that the Respondent No.4 granted the Environmental Clearance to the Collector, Kolhapur on 14th March 2013. **(Page No. 34 to 40 of Paper Book)**. It is submitted that the said Environmental Clearance has not been challenged in Court of law and also that the same was valid and subsisting, when the Appellant was carrying out the operations.
7. The Appellant submits that, after expiry of the mining lease made an application to the Respondent No.2 for renewal of the same. However, vide an order dated 25th August 2014, the Respondent No.2 has refused the application of the Appellant. The Appellant has stopped the mining operations since then. The Appellant has not carried out any mining operations and that the Appellant has paid the entire royalty till date. **(Page No. 41 to 43 of the paper book)**
8. The Appellant further submits that, the Appellant submits that the Appellant herein had also received the Consent to Operate from the

Respondent No.5 on 29th September 2016. The same was valid and subsisting till 31st March 2022. The said Consent to Operate was valid and subsisting till the Appellant was carrying out the operations and it was not challenged before any court of law. (**Page No. 50 to 54 of the paper book**)

9. From all of the above paras, the contention of the Appellant is that the Appellant had taken all the required permissions. The Appellant never had no intentions to conduct any illegal activity. The Appellant from time to time, made applications for permissions, consent or their renewals.
10. The Respondent Nos.1 to 5 granted various consents or permissions to the Appellant when he applied for the same. The Respondent Nos.1 to 5 never stopped the Appellant from making application stating that the said land is 'Reserved Land'. The Appellant submits that when Respondent refused to renewal of the application of mining lease, the Appellant immediately stopped the operation of mining. The Respondents are thus estopped from taking any stand contrary to the permissions granted by them. The Appellant cannot be held liable for the faults committed on the part of the Respondents.
11. The Appellant further contends that, the Appellant had done all the needful and have always shown the intentions to comply with the directions of the Respondent Nos.1 to 5.
12. The Hon'ble Supreme Court of India in the case of Murarilal Jhunjhunwala V/s State of Bihar, 1991 Supp (2) Supreme Court Cases 647 have stated that '*the Appellant no way to be blamed for having done all he could under the Law. It was Licensing Authority*

which was to be blamed for failure to perform its statutory duties.'
Further The Hon'ble Supreme Court of India quashed this case stating the prosecution being arbitrary and unjustified in every aspect.

13. The Appellant further contends that, the Appellant has stopped mining activity and surrendered the mining lease on dated 4th February 2014, this shows that the Appellant never had any intention to carry out operations illegally.
14. The Appellant further submits that the Appellant had sought response from the office of the Chief Secretary, Maharashtra requesting for the information as to what action has been initiated against the officers indicted in the report. However there has been no response in that regard. The Authorities have failed to place it before the Hon'ble Tribunal as to what action has been taken against the erring officials. The Authorities rather than taking action against the officers have proceeded against the Appellant, despite having all permissions under law. Copy of the RTI application and reply thereto is annexed hereto and marked as **ANNEXURE – A-1**.
15. It is thus, submitted the Hon'ble Tribunal be pleased to quash and set aside the impugned order.

PUNE

DATE : 7/05/2025



ADVOCATE FOR THE APPELLANT

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

APPEAL NO. 155 OF 2024 (WZ)

Mr. Pradip Nanaso Patil

... APPELLANT

V/S

The Tahsildar and Ors.

... RESPONDENTS

AFFIDAVIT IN SUPPORT

MAY IT PLEASE THE HON'BLE TRIBUNAL:

I, Mr. Pradip Nanaso Patil, adult, Occu.: business, having lease at Kasarwadi Gat No. 630/1A Residing Post Top Taluka Hatkanangale, District- Kolhapur, do hereby state on solemn affirmation as under: -

1. I am the Appellant and responsible for day to day administration of my business. As such, I have gone through the Rejoinder to the Appeal and the documents being filed today.
2. I find that the contents therein are true and correct to the best of my knowledge and belief and which may be treated as part and parcel of the present affidavit.

WHATEVER STATED ABOVE is true and correct to the best of my knowledge and belief. In witness whereof I have signed hereunder at Kolhapur on 7th day of May 2025.



DEPONENT

Pradip

Notary Regl. Sr. No. 181
2025

BEFORE ME

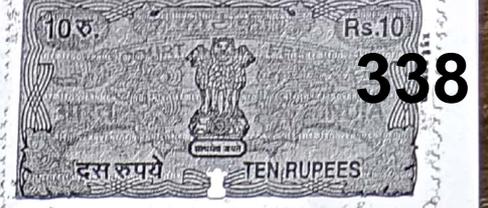
17 MAY 2025

Shivaji

Shivaji Shankar Yadav
Advocate & Notary Public (Govt. of India)
BF 14, Royal Gateway,
Opp. Renuka Temple,
Kasaba Bawada, Kolhapur.

No. of Corrections
on this page. Nil





जोडपत्र "अ"

(नियम ३ पहा)

माहितीचा अधिकार अधिनियम, २००५ अन्वये माहिती मिळविण्यासाठीच्या अर्जाचा नमुना प्रति.

ANNEXURE-A-1

फी मुद्रांक
चिकटवावा

राज्य जन माहिती अधिकारीसो

(कार्यालयाचे नांव व पत्ता) सहस्रम व वन विभाग पाटिला मजला, हुतात्मा

राजभुवन चौक, माहास कामा मार्ग, मंत्रालय, मुंबई-

१: अर्जदाराचे संपुर्ण नांव: श्री प्रदीप नानाला पाटील ४०००३२

२: पत्ता: मु.पो. टी.पु, ता. हातकणंगले, जि. कोल्हापूर - ४९६९२२

३: हव्या असलेल्या माहितीचा तपशील- मा.रा.प.सी.य. हरित न्याय मंडळ अजक्र. ६६
२०२०

च्या अनुषंगाने गाव. कारवारवाडी, ता. हातकणंगले, जि. कोल्हापूर

येथील वनजमिनीवर केलेल्या शासनाच्या परवानगी शिवाय जमिनी

उत्पन्न पयिवरणाची हानी याबाबत मा. न्याय मंडळाने दि. २०/१२/२०२१

रोजी प्रकरणात आदेश पारित केले आहेत. सदर आदेशाच्या अनुषंगाने

प्रश्न प्रकरणे सहस्रम व वन विभागाकडील शासन निर्णय क्रमांक

अफ.अ.न.डी.-२०१७/प्र.क्र.२९५/क्र-१० दि.१२/२०२२ अन्वये प्रस्तुत प्रकरणे प्र.अ.०

(एक) माहितीचा विषय: वन न्याय अधिकारी/कर्मचारी यांचे युवासेवा व त्यांच्या शासन

(दोन) ज्याकालावधी संबंधात माहिती हवी असेल तो कालावधी # २०१२/२०२१ ते २०२३/२०२४ निर्णय

(तिन) हव्या असलेल्या माहितीचे वर्णन \$ वन न्याय कर्मस ३ प्रमाणे

(चार) माहिती टपालद्वारे हवी आहे की व्यक्तीशः हवी आहे. टपालद्वारे

(प्रत्यक्ष टपालखर्च अतिरिक्त फीमध्ये समावीष्ट करण्यात येईल.)

(पाच) टपालाद्वारे हवी असल्यास, नोंदणीकृत (R.P.A.O.)

(सर्वसाधारण, नोंदणीकृत किंवा शिष्ट)

४: अर्जदार दारिद्र्यरेषेखालील आहे किंवा कसे नाही

(असल्यास, त्याबाबतच्या पुराव्याची छायांकित प्रत जोडावी)

ठिकाण: कोल्हापूर

दिनांक: ०१/३/२०२५

Prab
अर्जदाराची सही

* विषयाचा स्थूल प्रवर्ग दर्शविण्यात यावा (शासकीय जमीन देणे/सेवाबाबी/परवाने इत्यादी)

ज्या कालावधीचा संबंधातील माहिती हवी आहे तो कालावधी दर्शविण्यात यावा.

\$ माहितीचा विशेष तपशील दर्शविणे आवश्यक आहे.

मा. राष्ट्रीय हरित लवण खासगी मालकीत विना परवानगी
 उत्खननास परवानगी देणाऱ्या विरुद्ध कारवाई, पर्यावरणाची
 जबाबदारी हानीचा संयुक्त समितीमार्फत बंधू बंधू
 पुनर्स्थापन योजना आखणे व संबंधित व्यक्तींकडून
 रक्कम वसूल करणेबाबत निर्देश दिलेले आहेत.
 त्यानुसार समितीने खासगी नसून जनसामान्यांविना
 परवानगी उत्खननास परवानगी देणाऱ्या अधिकारी/
 कर्मचारी यांचेकडून सुनावना मागितला होता.

- | | | |
|-----------------------------|--------------------------|-----------------|
| 1) श्री. प्रविण वराडे |] जिन्हाधिकारी कोल्हापूर | |
| 2) श्री. दिलीप जाधव | | |
| 3) श्री. लक्ष्मीकांत देशमुख | | |
| 4) श्री. अजित पवार |] अप्पर जिन्हाधिकारी | |
| 5) श्री. कुमार चैत्र | | |
| 6) श्रीमती स्वाती देशमुख |] महसूल उपजिन्हाधिकारी | |
| 7) श्रीमती सुमंदा गायकवाड | | |
| 8) श्री. बा. ग. गुरव |] जिन्हा खनिकरी अधिकारी | |
| 9) श्री. वि. म. लाडवे | | |
| 10) श्री. अक्षय मोरो | | |
| 11) श्री. डी. डम. लनगर |] अखन कारकून खनिकरी शाखा | |
| 12) श्रीमती वैशाली निकम | | |
| 13) श्री. सुभाष भागडे |] तहसिलदार हातकण्ठास | |
| 14) श्री. सतिश बाबल | | |
| 15) श्री. समीर शिंगटे | | |
| 16) श्री. गुरुन विराजदार | | |
| 17) श्री. दिपक शिंदे | | |
| 18) श्री. मनोजकुमार डेतवडे | | |
| 19) श्री. रणजित देशाई | |] नाथन तहसिलदार |
| 20) श्री. प्रकला कोळी | | |
| 21) श्री. गुरुन विराजदार | | |
| 22) श्री. मनोजकुमार डेतवडे | | |

- 23) श्रीमती डब.टी. योरात] अव्वम कारकन.
- 24) श्री. शहाजी कोटके]
- 25) श्री. विनीद वस्ते]
- 26) श्री. विनायक साने] तमिप्रीक
- 27) श्री. अरुण साळगे]
- 28) श्रीमती लुबणी रजपूत]
- 29) श्री. आर. बी. मुल्गणी] मंडळ अधिकारी,
- 30) श्री. डब. डब. कांबळे] पेठवडगांव
- 31) श्री. नारायण पवार]
- 32) श्री. डी. डब. पाटील] गांव कामगार,
- 33) श्री. अश्विजीत पाटील] तलाठी, टोप
- 34) श्रीमती ड. बी. सोमिन]
- 35) श्री. यु. डब. माळी]

वर नमूद अधिकारी/कर्मचारी यांनी दिलेला खुलासा मान्य करण्याचा निर्णय शासन वरत रावत घेण्यात आला आहे. सबब वर नमूद सर्व अधिकारी/कर्मचारी यांनी दिलेला लेखी खुलासा व तो खुलासा मान्य करण्याचा शासन निर्णय यांचा सख्खी, शिक्का वककन साहित्यासाठी

वरील सर्व साहित्य मला मा. राष्ट्रिय हरित लवाद न्यायान्यामध्ये पुणे येथे सादर दाखवण्यामध्ये दाखल करावयाची आहे. तसे लवकरात लवकर मिळावी ही नमूद विनंती.

Prakash

प्रदिप नामाचे पाटील



महाराष्ट्र शासन
महसूल व वन विभाग
पहिला मजला, मादाम कामा मार्ग,
हुतात्मा राजगुरु चौक, मंत्रालय, मुंबई-४०००३२.

क्रमांक : माअअ-२०२५/७१/प्र.क्र.१७/ई-४

दिनांक : २५/०३/२०२५

प्रति,

श्री. प्रदीप नानासो पाटील,
मु.पो. टोप, ता. हातकणंगले,
जि. कोल्हापूर, पिन- ४९६९२२

विषय:- माहितीचा अधिकार अधिनियम, २००५ अन्वये केलेला अर्ज.

महोदय,

- उपरोक्त विषयाबाबत आपला दिनांक ०७/०३/२०२५ रोजीचा माहितीचा अधिकार अर्ज नोंदणी शाखेकडून दिनांक २५/०३/२०२५ रोजी कार्यासन (ई-४), महसूल व वन विभाग यांच्याकडे प्राप्त झाला आहे.
२. उपरोक्त अर्जान्वये आपण मागितलेल्या माहितीच्या अनुषंगाने आपणांस असे कळविण्यात येते की, सामान्य प्रशासन विभाग, शासन परिपत्रक क्र. संकीर्ण-२०१२/९८९/प्र.क्र.४७९/सहा, दि. १७ ऑक्टोबर, २०१४ मधील तरतुदीनुसार आपणांस माहिती उपलब्ध करून देणे शक्य होत नाही. (शासन निर्णय संकेतस्थळावर उपलब्ध आहे.)
३. वरील माहितीने आपले समाधान झाले नसल्यास सह सचिव (ई-४), महसूल व वन विभाग, मंत्रालय, मुंबई यांचेकडे उत्तर प्राप्त झाल्याच्या दिनांकापासून ३० दिवसांच्या आत प्रथम अपिल दाखल करू शकता.

आपला,


(प्रविण पाटील)

जन माहिती अधिकारी तथा अवर सचिव,
महसूल व वन विभाग, मंत्रालय, मुंबई-३२.

Attachment "A"

(See Rule 3)

Form for application to obtain information under the Right to Information Act, 2005

To,

State Public Information Officer,

(Name and address of the office) Revenue and Forest Department, First Floor, Hutatma Rajguru Chowk, Madam Cama Road, Mantralaya, Mumbai - 400032

1: Full name of the applicant: Pradeep Nanaso Patil

Address: Post. Top, Tal. Hatkanangle, Dist. Kolhapur-416122

3: Details of the required information - Regarding the unauthorized excavation on forest land at Gar, Kasarwadi, Tal. Hatkanangle, Dist. Kolhapur, without the permission of the Central Government, in reference to the Hon'ble National Green Tribunal Original Application No. 60/2020, the Hon'ble Tribunal has passed orders on 20/12/2021, and in relation to these orders, Revenue and Forest Department Government Resolution No. DFLD-2017/Pr.Kr.295 KR 10 DATED 8/2/2022

(One) Subject of information: Above mentioned officers and employees and the government decisions regarding it.

(Two) The period for which the information is required: 20/12/2021 to 20/3/2024

(Three) Description of the required information: Above mentioned clause 3

(Four) Whether the information is required by post or in person: By post (Postal charges will be included in the additional fee.)

(Five) If required by post, (Ordinary, Registered or Speed Post): Registered (RPAD)

4: Whether the applicant is below the poverty line or not (If yes, attach a certified copy of the proof) : No...

- Please specify the broad category of the subject (Government land allocation / service matters / permits etc.)

Please specify the period to which the information relates.

It is necessary to provide specific details of the information.

Applicant's signature

As per the order of the Hon'ble National Green Tribunal, regarding the action against those who permitted unauthorized excavation in forest land by forming a joint committee, assessing the environmental damage caused by the joint committee and preparing a restoration plan, and recovering the amount from the concerned person, directions were given.

Accordingly, the committee sought clarification from the following officers / employees who permitted unauthorized excavation in the forest land mentioned below,

1. Shri. Pravin Darade
2. Shri. Dilip Jadhav
3. Shri. Lakshmikant Deshmukh.
4. Ajit Pawar
5. Kumar Khaire
6. Smt. Swati Deshmukh
7. Smt. Sunanda Gaikwad
8. Shri. V.G. Gurav
9. Shri V.B.Salve
10. Shri Akshay Bhoge
11. Shri. D.M. Sangar
12. Smt. Vaishali Nikam
13. Shri. Subhash Bhagade
14. Shri Satish Bagal
15. Shri. Samir Shingate
16. Shri. Guru Birajdar
17. Shri Dipak Shinde
18. Shri. Manojkumar Etwade
19. Shri. Ranjit Desai
20. Shri Prakash Koli
21. Shri Guru Birajdar
22. Shri. Manojkumar Etwade
23. Smt. S.T.Thorat
24. Shri Shahaji Shetake
25. Shri Vinod Vastre
26. Shri Vinayak Mane
27. Shri Arun Malge
28. Smt. Suvarna Rajput
29. Shri. R.B.Mullani
30. Shri S.N.Kamble
31. Shri. Narayan Pawar
32. Shri D.S.Patil
33. Shri. Abhijit Patil
34. Shri A.B.Momin
35. Shri. U.L.Mali

1 to 3 are District Collector Kolhapur

4th is Additional District Collector

5th ,6th and 7th are Revenue Deputy Collector

8th,9th and 10th are District Mining Officer

11th and 12th are Senior Clerk Mining Branch

13th to 18th are Tehsildar Hatkanangle

19th to 22nd are Nayab Tehsildar

23 and 24th are Upper Clerk

25th to 28th are Clerk

29th to 31st are Divisional Officer

32nd to 35th are Village Worker Talathi

The decision to accept the clarification given by the above-mentioned officers / employees has been taken at the government level, hence, for certified copies of the written clarification given by all the above-mentioned officers / employees and the government decision to accept the clarification.

I request to receive all the above information as soon as possible as I have to submit it in my claim at the Hon'ble National Green Tribunal Court, Pune.

Pradip Nanaso Patil

Applicant

ENGLISH TRANSLATION**Government of Maharashtra Revenue and Forest Department**

First Floor, Madam Cama Road, Hutatma Rajguru Chowk, Mantralaya, Mumbai - 400032.

Number: माअअ-२०२५/७१/प्र.क्र.१०/ई-४

To,

Shri. Pradeep Nanasa Patil,
At.Po. Top, Tal. Hatkanangle,
Dist. Kolhapur, Pin - 416122

Date: 25/03/2025

Subject: Application made under the Right to Information Act, 2005.

Sir/Madam,

Regarding the above subject, your Right to Information application dated 07/03/2025 was received by the Desk (E-4), Revenue and Forest Department, Mantralaya on 25/03/2025 from the Registration Branch.

Regarding the information requested in the aforementioned application, you are hereby informed that, according to the provisions in the General Administration Department, Government Circular No. Sankirna-2012/989/Pra.Kra.479/Six, dated October 17, 2014, it is not possible to provide you with the information. (The Government Resolution is available on the website.)

If you are not satisfied with the above information, you can file a first appeal within 30 days from the date of receipt of this reply to the Co-Secretary (E-4), Revenue and Forest Department, Mantralaya, Mumbai.

Yours faithfully,

Sd/-

(Pravin Patil)

Public Information Officer and Under Secretary, Revenue and Forest Department,
Mantralaya, Mumbai-32.

