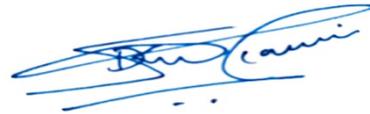


BEFORE THE NATIONAL GREEN TRIBUNAL, WESTERN ZONE**BENCH, PUNE, AT PUNE****APPEAL NO. 156 OF 2024 (WZ)****Mr. Rangrao Baburao Gaikwad ... APPELLANT****V/S****The Tahsildar, Hatkanangale,
Tal. Hatkanangale and Ors. ... RESPONDENTS****INDEX**

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PUNE

DATE : 07/05/2024**ADVOCATE FOR THE APPELLANT**

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. The Respondent No.1 has stated in the impugned order that the Applicant excavated/mined 2,00,963 Brass of minor minerals illegally, to which the contention is that the Appellant has all required permissions which were necessary to the Applicant to operate the quarry.
5. The Appellant further submits that the quarry lease was granted to the Appellant on 21st December 2009, which was valid for a period of five years, which was valid and subsisting till 20th December 2014. **(Page No. 23 to 35 of paper book)**
6. The Appellant submits that the Respondent No.04 granted Environmental Clearance to the Collector, Kolhapur on 14th March 2013. **(Page No. 36 to 42 of paper book)**. 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 24th November 2015, 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. 43 to 49 of paper book)**
8. The Appellant further submits that, the Appellant has paid entire royalty till date and the Respondent No.02 its

Certificate dated 14th July 2017 granted the No Dues Certificate, stating that the Appellant is not required to pay any dues. (**Page No. 61 of 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 Applicant 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 Applicant when he applied for the same. The Respondent Nos. 01 to 05 never stopped the Appellant from making application stating that the said land is 'Reserved Land'. When the Respondent refused to renewal of the application of mining lease, the Appellant stopped the operation of mining.
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 Applicant 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 on dated 12th May 2017, this shows that the Appellant never had any intention to run the mining illegally.

14. The Appellant further submits that, the Appellant has closed its operation in 2017 that is even before filling of O.A 101/2017. The Applicant is not engaged in any type of illegal mining.
15. 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.
16. It is thus, submitted the Hon'ble Tribunal be pleased 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. 156 OF 2024 (WZ)

Mr. Rangrao Baburao Gaikwad ... APPELLANT

V/S

The Tahsildar, Hatkanangale,
Tal. Hatkanangale and Ors. ... RESPONDENTS

AFFIDAVIT IN SUPPORT

MAY IT PLEASE THE HON'BLE TRIBUNAL:

I, Mr. Rangrao Baburao Gaikwad, 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

AB Gaikwad

BEFORE ME

Shivaji

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

Notary Regl. Sr. No.

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2025

7 MAY 2025

No. of Corrections
on this page. Nil

