

# 1547

BEFORE THE NATIONAL GREEN TRIBUNAL  
PUNE  
AMENDED MEMORANDUM OF APPLICATION  
Under Section 18(1) read with Sections 14, 15 of National  
Green Tribunal Act 2010  
Application No. 102 of 2022

Sagar Kantilal Devre

... Applicant

VERSUS

State Of Maharashtra Through Chief Secretary

And Others.

... Respondents

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MUMBAI.

DATE :- 1.02.2024



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BEFORE THE NATIONAL GREEN TRIBUNAL  
PUNE

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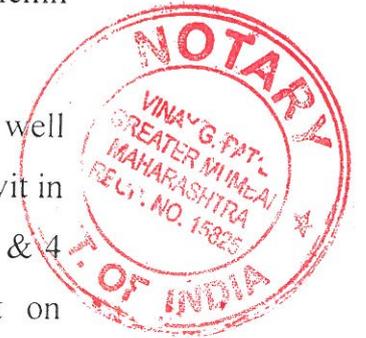
State Of Maharashtra Through Chief Secretary  
And Others.

... Respondents

**“REJOINDER- REPLY AFFIDAVIT OF APPLICANT TO  
THE AFFIDAVIT FILED BY THE RESPONDENT NOS 2 &  
3 Dtd.06.04.2023”**

I, Sagar Kantilal Devre, Age: 36 years, Occ:- Advocate, Applicant  
in above Original Application, do hereby state on solemn  
affirmation as under:-

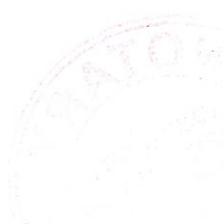
1. I say that I am the Applicant abovenamed as such well  
conversant with the facts of this case. I file this Affidavit in  
reply to the Affidavit filed by the Respondent Nos. 3 & 4  
Respondent Nos. 3 & 4 have filed the Affidavit on  
06.04.2023.
2. Respondent Nos. 3 & 4 i.e. Maharashtra Pollution Control  
Board have filed the Affidavit in compliance of the order of  
this Hon`ble Tribunal, dated 20.02.2023.
3. This Hon`ble Tribunal vide Order dated 20.02.2023  
directed to calculate the Environment Compensation and  
submit the report that how the consent has been granted to  
the company to run in Eco- sensitive zone.
4. In this regard, clarification given by Respondent Nos. 3 &  
4 regarding Respondent No. 14 is misleading and vague. As





per Para 3 of the Affidavit, the Sanjay Gandhi Nation Park Eco Sensitive Notification was published on 22.01.2016 and MPCB had granted the consent prior to that. Though the Sanjay Gandhi Nation Park Eco Sensitive Notification was published on 22.01.2016, the area in which this Respondent No. 14 is situated is dense forest and no commercial activities were allowed prior to 2016.

5. I submit that as per the Affidavit submitted by Respondent No. 2 & 3, MPCB had issued closure directions to Respondent No.14 on 27.03.2019 and thereafter neither issued restart directions nor granted renewal of consent to the unit. As per earlier Affidavit Submitted by Respondent Nos 2 & 3 dtd. 09.01.2023, MPCB visited the Unit on 30.12.2022 and observed that plant is not in operation since last one year. Whereas, as per the Para 4 and Para 23 of Affidavit Submitted by Respondent No. 14, dtd.18.02.2023, the plant is fully functional till the date of affidavit. As per the said affidavit the plant was operational since 20.05.2015. I submit that, Ready Mix Concrete Plants, which are the subject matter of the Original Application, are in 'Green Zone' and in 'Non Development Zone'. Therefore, the compensation should be calculated from the date of operation and not from the date of visit of non-compliance. Respondent No. 2 & 3 has calculated the Environmental Compensation from the date of visit of non-compliance which is totally wrong. As these all RMC plants are situated in NON-DEVELOPMENT ZONE the compensation should be from the date of operation only.
9. This Hon'ble Tribunal vide Order dated 20.02.2023 directed to submit the report that how the consent has been



granted to the company to run in Eco- sensitive zone, no report has been submitted.

10. The contention of the Respondents is malafide because if the Ready-Mix Cement concrete Plants are situated in NON-DEVELOPMENT ZONE they are harming the Environment at large and it is duty of the Board to protect and safeguard the environment.

11. I submit that, in the earlier Affidavit Submitted by Respondent Nos 2 & 3 dtd. 09.01.2023, the Respondent has enclosed the NOCs of the Grampanchayat for all the RMC plants which clearly mentions the date of application and date of NOC. The MPCB should refer those dates for calculating the compensation.

12. In view of the above facts, it is crystal clear that the Environmental Compensation calculated by the Board is totally wrong, with intension to help the pollutant RMC plants the Board has calculated it. Therefore, the Environment compensation submitted by Respondent Nos 2 & 3 needs to be rejected and re-calculation should be done from the date of operations.

Therefore, I respectfully pray before this Hon'ble National Green Tribunal to order the Board to re-calculate the compensation considering the date of operation and submit the report as per order dtd. 20.02.2023.

13. I say that the facts stated above are true to my knowledge and no material is concealed therefrom.

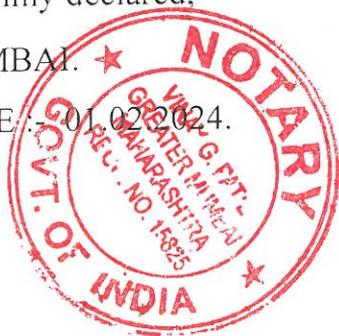
Solemnly declared,

MUMBAI.

DATE: 01.02.2024.

[Sagar Kantilal Devre]

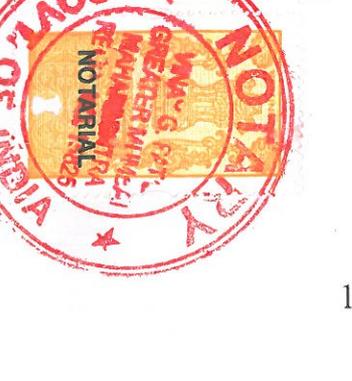
DEPONENT



BEFORE ME

BEFORE ME.

VINAY G. PATIL  
Advocate & Notary  
R. No. 3, Shree Ganesh Niwas, Stripad Chawl,  
Opp. Mulund Court, J. S. D. Road,  
Opp. Mulund (West), Mumbai - 400 080.



**BEFORE THE NATIONAL GREEN  
TRIBUNAL PUNE**

**Application No. O.A. 102 of 2022**

Sagar Kantilal Devre

**... Applicant**

**VERSUS**

State Of Maharashtra Through Chief Secretary  
And Others.

**... Respondents**

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**COUNTER AFFIDAVIT OF  
APPLICANT**

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Mumbai, this 1<sup>st</sup> February 2024

**SAGAR K. DEVRE**

Advocate. Bombay High Court.  
4, TARA DARSHAN, OPP.UNION BANK,  
HUTATMA CHAFEKAR BANDHU MARG,  
MULUND (EAST), MUMBAI -- 400 082

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