

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

EXECUTION APPLICATION NO.02 OF 2022 (WZ)

IN

ORIGINAL APPLICATION NO.99 OF 2019 (WZ)

Laxman Dhondiba ThombareApplicant

Versus



Chief Secretary, Govt. of Maharashtra & Ors.Respondent(s)

Reply-Affidavit on behalf of Maharashtra Pollution Control Board.

I, Nitin Shinde, Age- 56 years, Occupation – Service, the Sub-Regional Officer of the Maharashtra Pollution Control Board at Pune-2, having my office at 2nd floor, Jog Center, Wakdewadi, Pune – 411 003 do hereby state on solemn affirmation as under –

- 1) I say and submit that the Applicant has filed the present Execution Application against the order dated 20/12/2021 passed by this Hon'ble Tribunal in Original Application No. 99/2019.
- 2) I say and submit that being aggrieved by the Order dated 20/12/2021, Chief Secretary, Govt. of Maharashtra and Ors. have preferred a Civil Appeal against the said order dated 20/12/2021 before Hon'ble Supreme Court of India vide Civil Appeal No.

8074/2022. Copies of the first two pages and prayer made in the said Civil Appeal are enclosed and marked as an **Annexure- I**.

3) I say and submit that Hon'ble Supreme Court in its Order dated 11/11/2022 stated that until further orders, operation and execution of the impugned order shall remain stayed in so far as the appellants are concerned. A copy of the Order dated 11/11/2022 passed by Hon'ble Supreme Court of India is enclosed and marked as an **Annexure – II**.

Solemnly affirmed on this ~~19 DEC 2022~~ day of December, 2022 at Pune.

I know the Affiant.

For and on behalf of Maharashtra
Pollution Control Board

Nitin Shinde
19/12/22

ADVOCATE

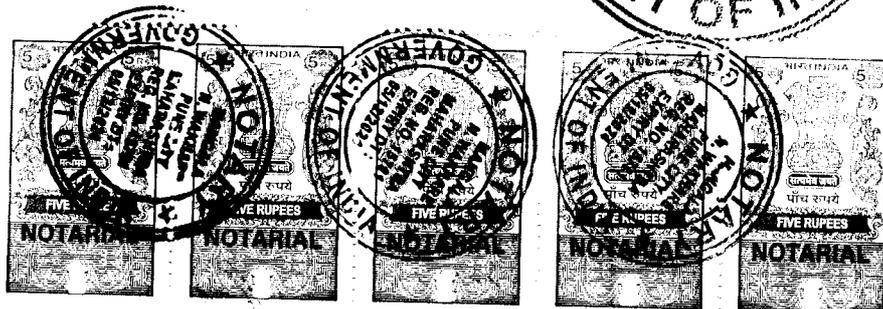
(Nitin Shinde)

Sub-Regional Officer,
MPCB Pune-2

BEFORE ME

Mangala N. Wakhare
MANGALA N. WAKHARE
ADVOCATE & NOTARY
GOVERNMENT OF INDIA

19 DEC 2022



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IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION
CIVIL APPEAL NO. 8074 OF 2022

(Arising from the impugned judgement and final order dated 20.12.2021 in Original Application No.99 of 2019 (WZ) passed by the National Green Tribunal, Special Bench)

IN THE MATTER OF:

Position of Parties

	Before the National Green Tribunal	In this Hon'ble Court
1. Chief Secretary, Govt. of Maharashtra, Mantralaya, Mumbai - 32, Maharashtra	Respondent No. 1	Appellant No. 1
2. Principal Secretary, Environment Department, Room No.20, Annex Building, Mantralaya, Mumbai-32, Maharashtra	Respondent No. 2	Appellant No. 2
3. District Collector, Collector Office Building, Opp. Sasoon Hospital, Station Road, Pune-411 001, Maharashtra	Respondent No. 4	Appellant No. 3
4. Chief Conservator of Forests (Territorial), Vanbhavan, Bhamburda Van Vihar, Gokhle Nagar, Pune-411 016. Maharashtra	Respondent No. 5	Appellant No. 4

Versus

1. Laxman Dhondiba Thombare, Age 62 years, Occu. : Farmer, R/O : Thombre Vasti, Jamgaon, Mulshi, Pune-412 108 Maharashtra	Applicant No. 1	Respondent No. 1
2. Maharashtra Pollution Control Board Through its Member Secretary, 3 rd Floor, Kalptaru Point Building, Mumbai-400 022, Maharashtra	Respondent No. 3	Respondent No. 2



3. Maharashtra Pollution Control Board
Through its Regional officer, Jog Centre,
Mumbai-Pune Wakdewadi, Pune-411
003, Maharashtra

Respondent
No. 6

Respondent
No. 3

4. Roadways Solutions India Pvt. Ltd.
through its Managing Director, Gat
No.266, 274, and number of other Gat
numbers from village Jamgaon , Tal.
Mulshi, Dist. Pune, Maharashtra

Respondent
No. 7

Respondent
No. 4

(All are contesting Respondents)

**AN APPEAL UNDER UNDER SECTION 22 OF THE
NATIONAL GREEN TRIBUNAL ACT. 2010**

TO,
HON'BLE THE CHIEF JUSTICE OF INDIA AND HIS
LORDSHIP'S COMPANION JUDGES OF THE
HON'BLE SUPREME COURT OF INDIA

HUMBLE CIVIL APPEAL OF THE
APPELLANT ABOVE NAMED

MOST RESPECTFULLY SHEWETH:

1. The present Civil Appeal is being filed under Section 22 of the National Green Tribunal Act, 2010 (hereinafter referred to as "the Act") against the impugned judgement and final order dated 20.12.2021 in Original Application No.99 of 2019 (WZ) passed by the National Green Tribunal, Special Bench whereby the Hon'ble Tribunal was pleased to dispose of the application and decided to deal with the issue of Mining and Stone crusher activities in violation of Environment Norms.

1(A). That the Appellant-State Government has taken project of strengthening and widening of Pune-Tamhini Ghat National Highway For this purpose, the State Government has exempted payment of royalty for the excavation that is carried out for the National Highway. It is submitted that under the notification dated 14.09.2006 as amended on 28.03.2020 no EC is required



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Committee namely SEAC (State Level Expert Appraisal Committee) and SEIIAA (State level Environment Impact Assessment Authority) also take time to grant EC, because, both the Authorities are overburdened. Resultantly, development is hampered. Needless to add that, the revenue is badly affected. Under the circumstances, the State Government must have power to grant temporary permits without EC.

L. Because, the Tribunal has committed an error in inferring that the mining activity is carried out in area admeasuring more than 10 Hectares.

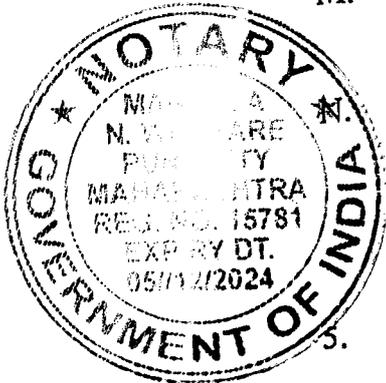
M. Because, the Tribunal failed to appreciate that the proceedings before it were time-barred.

The Appellant further craves leave to add, alter or amend all or any of the aforesaid grounds at the time of hearing of the civil appeal, at any later stage if so advised or as the circumstances may require.

5. That the Appellant herein has not filed any other Appeal in this Hon'ble Court or any other Court of Law for these or similar relief against the impugned judgment and final order dated 20.12.2021 in Original Application No.99 of 2019 (WZ) passed by Special bench of National Green Tribunal, (WZ) and there are no matters pending in any Court with regard to this case.

PRAYER

6. It is most respectfully prayed that this Hon'ble Court may kindly be pleased to:



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- a) Admit and allow the present Civil Appeal and set aside the impugned judgement and final order dated 20.12.2021 in Original Application No.99 of 2019 (WZ) passed by the National Green Tribunal, Special Bench.
- b) Pass such other or further order(s) as this Hon'ble Court deems fit and proper in the facts and circumstances of the present case.

FOR WHICH ACT OF KINDNESS THE APPELLANT
AS IN DUTY BOUND SHALL EVER PRAY

Drawn & Filed by:

(SACHIN PATIL)
ADVOCATE FOR APPELLANT

PLACE: NEW DELHI
FILED ON 01.06.2022



ITEM NO.15

COURT NO.3

SECTION XVII

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Civil Appeal No(s). 8074/2022

CHIEF SECRETARY GOVT. OF MAHARASHTRA & ORS.

Appellant(s)

VERSUS

LAXMAN DHONDIBA THOMBARE & ORS.

Respondent(s)

IA No. 148324/2022 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT

IA No. 148325/2022 - EXEMPTION FROM FILING O.T.

IA No. 148322/2022 - STAY APPLICATION)

Date : 11-11-2022 This matter was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE S. ABDUL NAZEER

HON'BLE MR. JUSTICE V. RAMASUBRAMANIAN

For the parties:

Mr. Sanjay Kharde, Adv.
Mr. Siddharth Dharmadhikari, Adv.
Mr. Aaditya Aniruddha Pande, AOR

Mr. Mukesh Verma, Adv.
Mr. Kamal Kumar Pandey, Adv.
Mr. Pankaj Kumar Singh, Adv.
Mr. Pawan Kumar Shukla, Adv.



UPON hearing the counsel the Court made the following
O R D E R

Issue notice.

Tag with C.A. No. 6558 of 2022.

Until further orders, operation and execution of the
impugned order shall remain stayed insofar as the appellants are

Validity concerned.

Digitally signed by
Neelam Gulati
Date: 2022.11.16
15:53:31 +05'30'

Reason:

(NEELAM GULATI)
ASTT. REGISTRAR-cum-PS

(KAMLESH RAWAT)
COURT MASTER (NSH)