

BEFORE THE NATIONAL GREEN TRIBUNAL WESTERN ZONE

BENCH PUNE.

ORIGINAL APPLICATION NO. 8/2025

HIRWAI PARYAVARAN SANGH

APPLICANT

VS.

M/S ATUL STONE CRUSHER & ORS.

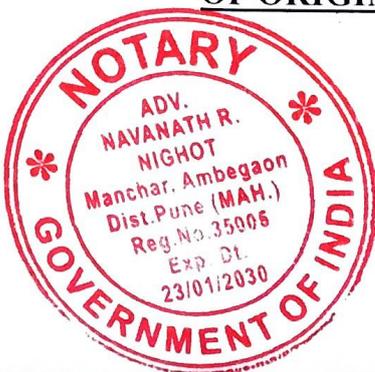
RESPONDENTS

**REPLY AFFIDAVIT OF RESPONDENT NO. 1**

I, Mr. Karale Magan Mhatarba, proprietor of Atul Stone Crusher, Age: Adult  
Occupation: Service, R/At: Gat No. 2307, Mahatma Fulewadi, Mahalunge  
Padwal, Taluka Ambegaon, Pune 410515 do take oath and state as under:

1. At the outset, I state that contents of the Original Application filed by the Applicant are false, incorrect, and misconceived. I state that the Applicant has failed and neglected to plead and sufficiently prove any cause of action against Respondent No. 1 in the Original Application. As such, I state that on these grounds, the Original Application is liable to be dismissed and disposed of *in limine*.

**PRELIMINARY REPLY / SUBMISSIONS AS TO MAINTAINABILITY  
OF ORIGINAL APPLICATION: -**



**2. ORIGINAL APPLICATION BARRED BY LAW OF LIMITATION:**

- 2.1** At the further outset, I state that the Original Application filed by the Applicant is barred by the law of limitation.
- 2.2** I state that the Applicant has alleged in the Original Application that the cause of action for the present Original Application first arose / accrued in July - September 2024.
- 2.3** Without admitting any allegation made by the Applicant and assuming only for the sake of argument, even if it is considered that a cause of action allegedly arose for the first time in July 2024, it is pertinent to note that the Applicant has failed to plead and to sufficiently prove any material facts and specific particulars which substantiate the allegation of the Applicant of a 'continuing cause of action' starting from July 2024 or September 2024 till filing of the Original Application.
- 2.4** I say and submit that the present application has been filed beyond limitation. The same can be seen from the complaints filed by the villagers in the year 2014-2015. Hence the cause of action for filing the present Application first arose as early as in the year 2014-2015. It is further submitted that even it is assumed that the villagers who have filed the complaints to the Sarpanch, the same were initiated long back and merely a complaint filed does not accrue any cause action. Hence the present Application is filed beyond limitation.
- 2.5** Therefore, I state that the present Original Application has been filed by the Applicant beyond the period of limitation prescribed under Section 14(3) of the National Green Tribunal Act, 2010, and on this ground, I state that the Original Application is not maintainable and deserves to be dismissed at the threshold itself.



**REPLY / SUBMISSIONS ON THE MERTIS OF THE ORIGINAL APPLICATION:**

3. I state that the pleadings, averments, allegations, and affirmations made by the Applicant in the Original Application are false, incorrect, uncorroborated and misconceived, and therefore, I for Respondent No. 1 expressly and specifically deny all the contents of the Original Application, except such contents which are expressly and specifically admitted by Respondent No. 1 herein below.
4. I state that no contention or allegation of Applicant made in the Original Application may be deemed to have been admitted, unless it is expressly and specifically admitted in the present Affidavit.

5. The following is the Paragraph - wise Reply / Submissions of Respondent No. 1 to the contents of the Original Application, which may kindly be read without prejudice to one another: -

- 5.1 With respect to the contents of Paragraph Nos. 1 and 2, I state that the same are a part of the record and as such, I for Respondent No. 1 refrain from offering any comment or reply upon the same.
- 5.2 With respect to contents of Para 3, I state that it is not true to say that Respondent No. 1 is deteriorating the wholesomeness of the environment by carrying out stone mining and crushing activity in the vicinity of the area surrounded by humans, animals, crops, flora and fauna and causing damage to the places of worship, temples and shrines of the citizens. The Respondent No. 1 states that the Respondent has duly procured Consent to Operate from the Respondent No. 2 and complying with the conditions



mentioned therein. There is no damage of whatsoever nature caused to the environment by the Respondent No. 1. It is pertinent to note that apart from the activity of Respondent No. 1; there are few more activities carried out in the vicinity which are having pollution potential and it is not the Respondent No. 1 only who is to be blamed for the environmental conditions at site. The Applicant has suppressed the same fact while filing the present Application.

- 5.3 With respect to contents of Para 4, I state that it is not true to say that the Respondent no. 1 is violation various rules and regulations of Environment Protection laws and rules and conditions laid down by Respondent No. 2 and 3 while carrying out stone crusher activity. It is also not true to say that there is in action on the part of Respondent No. 2 to 5 on various complaints made by the Applicant. I say and submit that it is true to say that the Respondent No. 1 carrying out the activity since last 20 years in the area but false allegations are made by the Applicant that the Respondent No.1 is not adhering to the rules and conditions laid down in the Consent. The Respondent is abiding and complying with all the terms and conditions stipulated therein. It is important to note that the Applicant is filing the present Application on the basis of the complaints made by the villagers way back in the year 2004-2005 and there is proof to show that presently there is any damage to the environment. The photographs, complaints annexed by the Application do not prove violation of any law. The Applicant has not substantiated its contention by any substantial scientific proof for the same. The Applicant has merely relied on the documents which are not at all proving any non-compliance/violation and/or damage to environment which can be attributed to the activity of the Respondent No. 1 alone.



5.4 With respect to the contents in Para 5, the same are baseless allegations, the Respondent No. 1 denies the same.

5.5 With respect to contents of Para 6, I state that it is not true to say that The visit of Applicant in the month of August 2023 cannot give rise to cause of action to the Applicant to file the present Application. As admitted by the Applicant that the activity is going on since last 20 years; and complaint has been filed in the year 2004-2005, the cause of action for filing the present Application can be said to be "First" arose in that year and mere visit does not give rise to the cause of action to the Applicant to file the present Application. The Respondent No. 1 specifically denies the following contentions of the Applicant. It is not true to say that following damage is caused due to the activity of the Respondent No. 1:

- 
- i. Huge damage to the environment by polluting the Air and Water.
  - ii. Damage to the quality of the crops due to dust being gathered on them.
  - iii. Due to blasting the walls of the residence of the villagers have developed cracks.
  - iv. The village road adjoining the Stone Crusher site is in a dilapidated condition.
  - v. The ground water levels in the wells are lowering due to the blasts.
  - vi. Due to quality of crops being degraded, the fertile lands of the villagers have started turning barren and the agricultural income of the farmer has decreased significantly.
  - vii. Due to the noise pollution caused by the blasting, the people living in the vicinity of the stone crusher are facing hearing issues.
  - viii. The old age villager and children have started facing from Asthma.
  - ix. Due to pollution created by the stone crusher, the health of the cattle has been affected. The cattle's have started producing less and less milk every passing day.
  - x. The walls of the nearby temple have gotten cracks due to the vibration of blasting.
  - xi. Due to lower yield of crops many farmers are facing difficulties to survive
  - xii. The Applicant is carrying out its mining operations on the hill by cutting the mountain. Therefore, it is very likely that landslides may cause destruction of

flora, fauna, nearby houses, temples and endanger the lives of humans and animals.

All the abovementioned allegations are false and the same are not supported by any cogent evidence.

5.6 With respect to the complaints filed before various Authorities by the villagers, it is submitted that the activity of the Respondent No. 1 is carried out by following all the terms and conditions stipulated. The contention that the Respondent No. 1 does not have permission mining as the permission has expired on 30.04.2024 is not true and correct. The Respondent No. 1; after expiry of the mining permission has applied for renewal of the same and the same was permitted by the Respondent No.4. Copy of the same is annexed herewith and marked as “**Annexure A**”.

5.7 It is not true to say that damage has been caused to the environment and to the residents in the vicinity due to Respondent No. 1

5.8 It is true to say that the Respondent No. 2 has issues a show cause notice dated 29.12.2023 to the Respondent No1. The same has been responded by the present Respondent vide Reply dated 17.03.2025. The reply is annexed herewith as “**Annexure B**”.

5.9 The Respondent submits that presently, the Respondent has provided the following in compliance with the terms and conditions stipulated in the Consent to operate:

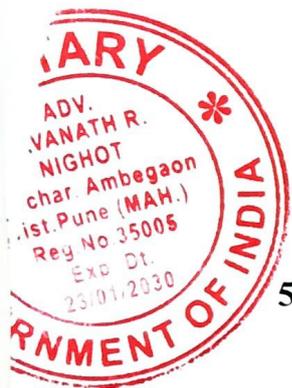
- a. Installation of adequate pollution control measures such as sprinklers,
- b. Around 500-600 trees have been planted surrounding the machinery,
- c. From the west side of the site, there are machinery rooms and workers' rooms which act as wind breaking walls, hence there is no need to install a wind breaking wall,



- d. Regular wetting of roads along with its cleaning is carried out as and when necessary,
- e. Erection of walls surrounding the stone crusher,
- f. Display board is provided at the entrance,
- g. As the east side of the site is on an elevated plane, there is no need for a dust containment cum suppression system, as the dust emissions are automatically limited.

**5.10** With respect to the contents of Paragraph Nos. 18-20 of the Original Application, I state that the same are irrelevant, baseless, and therefore, I for Respondent No. 1 deny the same for want of relevance. I reiterate that Respondent No. 1 has taken all necessary and adequate measures in compliance of the Terms and Conditions under the Consent to Operate dated 11/01/2023 granted to Respondent No. 2, and as such, there is no non-compliance of any conditions of the Consent to Operate on part of Respondent No. 1.

**5.11** With respect to the contents of Paragraph titled 'Limitation' of the Original Application, I state that the same are false, incorrect, and unsubstantiated, and I vehemently dispute and deny the same. Without admitting any allegation made by the Applicant and assuming only for the sake of argument, I reiterate that even if it is considered that a cause of action allegedly arose for the first time in July 2024, it is pertinent to note that the Applicant has failed to plead and to sufficiently prove any material facts and specific particulars which substantiate the allegation of the Applicant of a 'continuing cause of action'. Therefore, I reiterate and reemphasize that the Original Application has been filed by the Applicant beyond period of limitation prescribed under Section 14(3) of the National Green Tribunal



Act, 2010, and therefore, the Original Application is not maintainable and deserves to be dismissed at the threshold itself.

**5.12** With respect to the contents of Paragraphs titled 'Prayers' and 'Interim Reliefs' of the Original Application, I state that the same are false, incorrect, misconceived, and unsubstantiated, and I vehemently dispute and deny the same. On the basis of all factual and legal submissions made hereinabove on behalf of Respondent No. 1, I state that the Applicant is not entitled to grant of any of the prayers or reliefs sought by him in the Original Application. I reiterate that the Original Application is illegal, improper, and untenable, and therefore, the Original Application deserves to be dismissed and disposed of entirely.

6. On the basis of the true and correct facts / circumstances brought on record on behalf of Respondent No. 4 and the legal submissions made hereinabove, I for Respondent No. 4 most respectfully pray that the Original Application may kindly be dismissed and disposed of without any order(s) being passed in favour of the Applicant.
7. I for Respondent No. 1 seek leave of this Hon'ble Tribunal to amend, add, delete, or modify the contents of the present Affidavit in Reply or make any additional submissions before this Hon'ble Tribunal in the present matter, if deemed necessary.
8. I for Respondent No. 1 further seek leave of this Hon'ble Tribunal to produce and furnish relevant documents, data, and/or records in order to substantiate the



contents in the present Submissions / Affidavit in Reply being filed on behalf of Respondent No. 4.

9. Therefore, I for Respondent No. 4 most respectfully pray that: -

- (A) This Hon'ble Tribunal may kindly be pleased to pass appropriate directions, dismissing and disposing of the Original Application No. 8/2025 for want of merits, including on grounds of non-disclosure of cause of action and bar of law of limitation;
- (B) Any other just and equitable order(s) in the interest of justice and equity may kindly be passed.

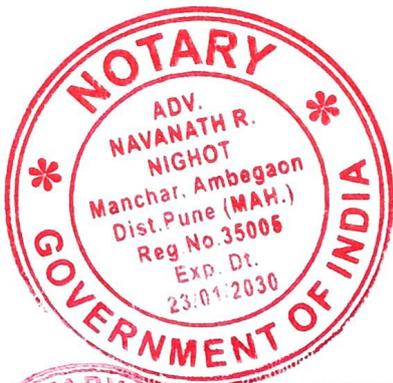
Place: Pune

Date: 25/06/2025

(Respondent No. 1)



Advocate for Respondent No. 1



**AFFIDAVIT**

Solemnly affirmed before me  
 Shri. Magan mhatacaba karale age 64 years  
 R/o. manchar Tal Ambegaon Dist pune  
 whom I know personally.  
 Dt. 25/06/2025

ADV. NAVANATH R. NIGHOT  
NOTARY GOVT. OF INDIA

*(Signature)*



Renewal of mining.

No. STC/446/2019-20/22/ 2683  
Directorate of Geology and Mining,  
Government of Maharashtra,  
"Khanij Bhavan", 27, Shivaji Nagar,  
Cement Road, Nagpur-440010

Dated:- 13 AUG 2024

To,

Shri Magan Mhataraba Karale,  
Dobi Mala Road, Near Market Yard, Manchar Chandoli Budruk,  
Dist-Pune

Sub: - Approval of Mining plan with Progressive Mine Closure Plan of Stone Quarry of Gut No 2307 P. Area of 1.61 Ha. in village-Mhalunge Padwal, Taluka-Ambegaon, District-Pune, Maharashtra.

Ref:- Your RQP Letter dated 06.08.2024

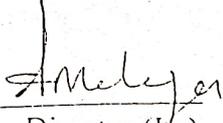
Sir,

In exercise of the power conferred by Government of Maharashtra vide industries, Energy and Labour department, Mumbai, Notification No. MNG/1004/P.K. 610/ Ind-9 dated 16/6/2004 under rule 22(BB) of Mineral Concession Rules 1960 and Directorate of Geology and Mining, Government of Maharashtra, Nagpur Notification No STC/265/2024/1398, dated 02.05.2024, I, the Director hereby approve the said mining plan. This approval is subject to following conditions.

- 1) The mining plan along with PMCP is approved without prejudice to any other laws that applicable to mine / area from time to time whether made by Central or State government or any other authority.
- 2) That this approval of mining plan along with PMCP does not in any way imply the approval of the Government in terms of any other provisions of the Maharashtra Minor Mineral Extraction (Development and Regulation) Rules, 2013 including environment protection Act.-1986 and the Rules made there under.
- 3) Relevant clearances should be obtained as per Environment protection Act.-1986 and EIA notification dated 21/01/1994 and 04/09/2006.
- 4) It is further clarified that the approval of the mining plan along with PMCP is subject to the provisions of forest (conservation) Act-1980, Forest conservation rules, 2003 and other relevant status, order and guidelines as may be applicable to the lease area from time to time.
- 5) The execution of mining plan along with PMCP shall be subject to vacation of prohibitory order/notices, if any.
- 6) This department does not undertake any responsibility regarding correctness of the boundaries of the lease area shown on the ground with reference to lease map and other plans furnished by the lessee.
- 7) That if anything found to be concealed, in the contents of mining Plan and the proposal for rectification has not been made, the approval shall be deemed to have been withdrawn with immediate effect.
- 8) That mining plan along with PMCP is approved without prejudice to any other order or directions for any court of competent jurisdiction.

- 9) The financial assurance should be submitted to District Collectorate before the execution of the said mining lease as per rule 30 of Maharashtra Minor Mineral Extraction (Development and Regulation) Rules, 2013.
- 10) This approval of proposed mining operations and associated activities is restricted to the mining lease area only.
- 11) The approval is without prejudice to any other order or direction from any court of competent jurisdiction.
- 12) This approval is given for the received proposal as applicable from this date onward.
- 13) At any stage, if it is observed that the information furnished in the documents are incorrect or misrepresent facts, the approval of the document shall be revoked with immediate effect.
- 14) The DMO is directed to verify the pit-size vis-à-vis the royalty paid by the lessee. The difference of royalty if any should be recovered from the lessee.
- 15) The approval of the above said mining plan is subject to the compliance and to fulfill the requirement as mentioned in Maharashtra Minor Mineral Extraction (Development and Regulation) Rules, 2013.
- 16) Whatever production capacity of the area in consideration is shown or calculated in the mining plan it is recommended to restrict the annual production as per Environment Department guidance. Hence, you are not permitted to excavated annual production of the material (Stone) beyond prescribed limit by Environment Department and Collector's order.
- 17) Use of blasting, if any, should be with prior permission of the concerned authority.

Encl: - Approved Mining plan (2 Copies)

  
Director (I/c)  
Directorate of Geology and Mining,  
Government of Maharashtra, Nagpur.

Copy to:-

- 1) The Collector, Collector Office, Pune along with the copy of approved mining plan.
- 2) Dy. Director, Directorate of Geology & Mining, Regional Office, Kolhapur
- 3) Smt. Dipali S. Ingale, TQP, Shree Heights, Near Rane Medical, Bondre Nagar, Ring Road, Kolhapur-416010

  
Director (I/c)  
Directorate of Geology and Mining,  
Government of Maharashtra, Nagpur.

॥ श्री गजानन प्रसन्न ॥

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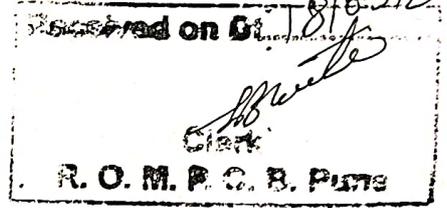
# अतुल स्टीन क्रशर

गट नं. 2307

मु.पो. महल्लुगे पञ्चल ता. आवेगाव, जि. पुणे

जा.क्र.

दिनांक : 17/03/2025



प्रति,

मा. रिजनल ऑफिसर, सो,  
एम. पी. सी. बोर्ड, पुणे

महोदय, (संदर्भ - MPCB/ROP/PD/2503110005)

मी अर्जदार, श्री. कराळे मंगल म्हानारवा, महाकुंगे पडवक यां ठिकाणी सन २०११ पासून क्रशर व्यवसाय करत आहे. सदर व्यवसाय करताना सर्व शासकीय, निमशासकीय, स्थानीक परवाने घेतले जातात. उदा. खाण परवाना, पर्यावरण परवाना, प्रदुषण नियंत्रण मंडळ परवाना, दर सहा महिन्यांचा कम्प्लायन्स रिपोर्ट (पर्यावरण, वनविभाग, हवामान विभाग) नागपूर रिजनल डायरेक्टर यांना अहवाल दिला जातो.

- १) तसेच कामाच्या ठिकाणी काम करताना, पाण्याचा वापर भरपूर केला जातो. खाण जिवकच असल्यामुळे व त्यात भरपूर पाणीसाठा असल्यामुळे अंतर्गत रस्ते, कन्व्हेअर्स (पट्टे), झाडे, आजूबाजूची माककी जागा, क्रशिंग मशीनरी, स्टॉक, यांना गरजेनुसार व भरपूर पाण्याचा वापर होत आहे. त्यामुळे कन्व्हेअर मशीनरी जिवकची जागा, स्टॉक, जां क्रशर यांना शेड किंवा कव्हेअर लावले नाहीत. चाके पूर्णपणे झाकलेले आहेत

- 2) केशरच्या ठिकाणी, रूते पु लाईनमध्ये साडे लावलेली आहेत. जवळपास ५००-६०० इ मशीनरीच्या चारही बाजूने लावलेली आहेत. तसेच पश्चिम बाजूने कामगारांच्या खोल्या मशीनरी खोल्या, पूर्ण लाईनने असल्यामुळे वेगळी वारा प्रतिबंधक भिंत बांधलेली नाही किंवा पन्थ्याचे कुपण केलेले नाही.
- 3) जागेवर कामाच्या ठिकाणी, अंतर्गत जागा, जागा यावर गरजेनुसार पाणी फवारणी केली जाते, तसेच साफसफाई देखील केली जाते.
- 4) कामाच्या ठिकाणी पूर्व बाजूने उंचवटा असल्याने हवा अडली जाते, त्यामुळे धूळ, हवा इ. पुढे जात नाही.
- 5) साईटचे ऑफिस मंचर या ठिकाणी आहे. त्यामुळे सर्व पेपर सुरक्षिततेच्या दृष्टीने मंचर येथे ऑफिसमध्ये असतात, मला पूर्व सूचना मिळाल्यास मी तत्पर आपणास विहीटच्या वेळेत दारखले जाईल याची दक्षता घेतली जाईल. तरी आपुढेची आपल्या सुचनांचे, अटींचे पालन केले जाईल. म्हणून कुपया माझ्या अर्जाचा विचार होवा ही विनंती.

साबत प्रति:

- 1) खाण परवाना
- 2) पर्यावरण परवाना
- 3) दर सहा महिन्यांचे कॅम्प्लायन्स
- 4) प्रदुषण नियंत्रण परवाना.

  
 अनुल शेण कशरसाठे  
 (प्रोग्रा. मगन म्हा. व.  
 17/03/2025)

**ATUL STONE CRUSHERS**

GAT NO. 2307

MP Mahalunge, Padwal, Tal. Ambegaon, Dist. Pune

DATE: 17/03/2025

To,  
Regional Officer,  
MPCB, Pune.

**Reference: MPCB/ROP/PD2503110005****Sir,**

I, the Applicant, Mr. Karale Magan Mhatarba, is in the 'Crusher Business' since 2011 at Padwal, Mahalunge. In the course of the said business, various Governmental, semi-governmental and local licenses/permissions are to be obtained. Example: Mining permit, environment permit, pollution control board permit, six-monthly compliance report (environment, forest and meteorological department) and is reported to the Nagpur Regional Director.

- 1) In the course of the said work, there is water consumption is of large quantity. As the mining site is nearby, having large amount of water stored in it, the said water is used for internal roads, conveyors (belts), trees, surrounding open space, crushing machinery, stock as and when necessary. Therefore, the conveyor, area surrounding the machinery, stock, jaw crushers have not been covered by any shed or covers. The wheels of the same have been completely covered.
- 2) At the work site where the crusher is situated, around 500-600 trees have been planted into 4 to 5 lines on all four sides of the machinery. Further, as there are workmen's rooms and machinery rooms which covers the whole west side of the machinery, there is no need to construct a separate fence and a wind breaking wall.
- 3) At the work site, regular wetting and cleaning of the internal roads is also carried out.

- 4) The eastern area of the work site is situated at an elevated plane which acts as a barrier and as a result dust, wind, etc. is unable to move forward.
- 5) The site office is located in Manchar and therefore, for security purposes, all the work-related documents and papers are kept in the said office. If I receive a prior notice then I shall see to it that the required documents are presented to you during your visit and that all the further instructions and conditions given by you shall be complied with; therefore, it is my humble request to you to accept this Application.

Copy supplied with;

- i. Mining permit
- ii. Environment permit
- iii. Six-monthly compliance report
- iv. Pollution control permit

Sd/-

Atul Stone Crushers

(Through its proprietor Magan M. Karale)

17.03.2025