

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

MISC. APPLICATION NO. 10/2022(WZ)

IN

ORIGINAL APPLICATION NO. 71/2016 (WZ)

Shri Ramdas Vasantao Aanerao

.... APPLICANT

v/s

State of Maharashtra & Ors.

.... RESPONDENTS

**REPLY AFFIDAVIT TO THE MISCELLANEOUS
APPLICATION DATED 30/03/2022 ON BEHALF OF
RESPONDENT NO. 6.**

I, Tanaji Yadav, Age-adult , Occupation -Service , the Sub-Regional Officer of the Maharashtra Pollution Control Board at Mumbai-I , having my office address at Kalpataru Point, 1st Floor, Near Sion Circle, Sion (East), Mumbai-400 022, do hereby state on solemn affirmation as under:-

1. I say and submit that unless specifically admitted, all the contentions of the Applicant in the above mentioned Miscellaneous Application are false and not admitted by this Respondent.
2. I say and submit that it is true that this Hon'ble Tribunal had dismissed the Application filed by the Applicant vide order dated 25/11/2016 and that thereafter the Applicant had filed MA No. 71/2017 for the restoration of the said Application.





Thereafter this Hon'ble tribunal vide order dated 21/12/2017 had allowed the the said MA and imposed a cost of Rs. 5000/- on the Applicant. The Applicant claims to have paid the said cost immediately. However Respondent Nos.7 & 8 denied to have received any such cost. The case was heard on 20/10/2020 however, since again the Applicant did not appear, and the cost had not been paid, the Application was dismissed by an order dated 20/10/2020.

3. I say and submit that the present Misc.Application has been filed for the restoration of the Original Application bearing No. OA 71/2016 and to set aside the order dated 20/10/2020.
4. I submit that it has been pleaded by the Applicant in paragraph 5 that due to heavy workload and due to non-assembling of this Tribunal, the Applicant could not attend the matter till March 2020 and thereafter due to Covid 19 pandemic, again this Hon'ble Tribunal not Assembling and therefore the Applicant was unable to pursue the matter.
5. I say and submit that all these contentions are false, untrue and unreasonable. It is absolutely unacceptable that due to heavy workload, the Applicant did not remain present for almost two years between 2018-2020.
6. I further say regarding the contentions in paragraph 6 that it would be taking undue advantage of the situation by giving excuse of the Covid 19 pandemic for the delay. The Applicant has been very casual and negligent ever since filing of the Original Application in 2016. The pandemic lasted barely for

a period of two years, however, the delay has been for about 6 years now. Also it may be noted that this Hon'ble Tribunal hasn't been non-functional for 6 years.

7. I say and submit that it would be incorrect to say that the Applicant has not been given fair opportunity as pleaded in paragraph 8 of the Application. In fact it is the Applicant who has not taken the opportunity granted to him when the Application was first restored in 2017.
8. I say and submit that regarding the contentions in Paragraph 10 of the Application that it is the Applicant who has trivialized the process of law by taking a very casual approach and wasting the time of this Hon'ble Tribunal as well as other Respondents and should not be allowed to get away with it.

I say and submit that, in light of the facts stated above, Respondent No.6 prays that-

- The Application be dismissed with exemplary costs being imposed on the Applicant.
- Any other just and equitable orders be passed.

Solemnly affirmed on this 11th day of November, 2022 at Mumbai.

BEFORE ME

Sadhana S. Mahashabde
SADHANA S. MAHASHABDE
B.Sc., LL.M., Ph.D
NOTARY, MUMBAI
MAHARASHTRA
(Govt. of India)

11 NOV 2022

SADHANA SUNIL MAHASHABDE
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I know the Affiant,

Advocate for Respondent
Board

For and on behalf of Maharashtra
Pollution Control Board i.e.
Respondent No.6

Tanaji Yadav
(Tanaji Yadav)

Sub-Regional Officer, Mumbai-I

BEFORE ME

Sadhana S. Mahashabde
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B.Sc., LL.M., Ph.D
NOTARY, MUMBAI
MAHARASHTRA

