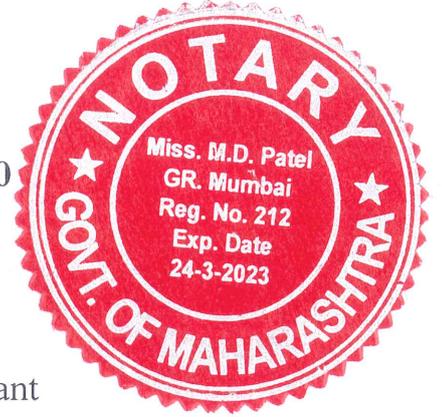




BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL,

WESTERN ZONE BENCH, PUNE

ORIGINAL APPLICATION NO. 15/2020



Krishna Marathe

... Applicant

V/s.

Union of India & Ors.

... Respondents

REPLY AFFIDAVIT BY RESPONDENT NO. 7,

STATE LEVEL ENVIRONMENT IMPACT ASSESSMENT

AUTHORITY

I, Dattatray Suryakant Bhalerao, working as Scientist II & Under Secretary, Environment and Climate Change Department, Government of Maharashtra do hereby state on solemn affirmation as under –

M. D. Patel

I am well conversant with the facts of the present case and I am competent to swear this Affidavit based upon the records available with this office.

1. It is submitted that at the very outset this respondent denies each averment made in the present application which is contrary to and inconsistent with the averments made and the facts stated in the present reply. It is submitted that nothing stated in the application may deemed to have been admitted by this respondent unless and until the same has been admitted by the respondent.
2. SEIAA was not party respondent to the present case initially, but it has been added as Respondent No. 7 vide Hon'ble Tribunal's order dated 25-08-2022.
3. The present case pertains to mining activity of Respondent No. 6, New India Mining Corporation Pvt. Ltd. (NIMCO) of Iron Ore at Redi Village, Vengurla Taluka, District Sindhudurga.
4. MoEF notified the first EIA Notification on 27-01-1994. According to the said notification, prior Environment Clearance was required for mining projects.



M. D. Patel

5. MoEF further notified EIA Notification, 2006, according to which prior Environment Clearance is required for mining projects.
6. It seems that NIMCO has started mining operations in the year 1952. After the EIA Notification 1994, came to be notified, NIMCO should have applied for prior Environment Clearance, it seems, which they have not. They haven't even applied for Environment Clearance after EIA Notification, 2006 got notified. This is serious violation of EIA Notifications, 1994 and 2006.
7. SEIAA never received any application from NIMCO for grant of Environment Clearance nor has any Environment Clearance been granted to NIMCO by SEIAA.
8. Further it is humbly submitted that, applicability of EIA Notification to any project can be decided by MoEF&CC only. SEIAA cannot do it.
9. In light of the above averments, this respondent craves leave to file any additional reply as and when required. It is respectfully prayed that Environment Department shall abide by any orders and directions issued by the Hon'ble Tribunal.



M. D. Patel

Whatever is stated above is true and correct to the best of my knowledge, ability and belief and I affirm it to be true.

(Dattatray Suryakant Bhalerao)  
Scientist II & Under Secretary,  
Environment & CC Department,  
Government of Maharashtra

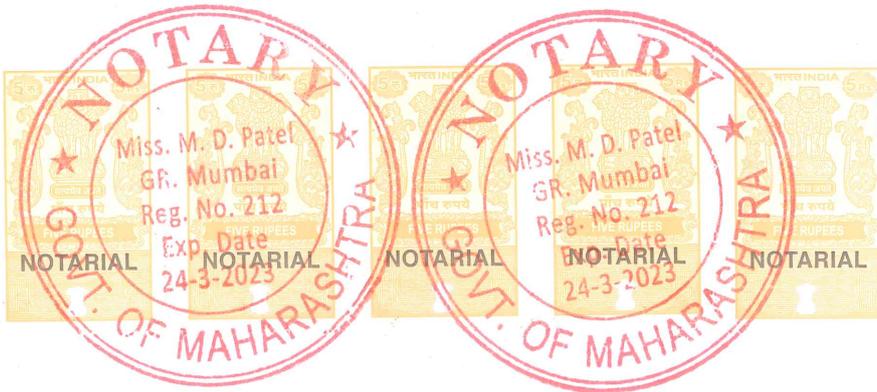
Place: Mumbai

Date: 13/02/2023

**BEFORE ME**

M. D. Patel  
13-2-2023  
Sr. No.  
Bk. No. 1

**MISS M. D. PATEL**  
**ADVOCATE & NOTARY**  
Kohiar House,  
4, Dhuswadi, Dhobitalao,  
MUMBAI - 400 002.



VERIFICATION

I, Dattatray Suryakant Bhalerao, Age- 39, working as Scientist II & Under Secretary, Environment and Climate Change Department, Government of Maharashtra, having my office address at 15<sup>th</sup> floor, New Administrative Building, Mantralaya, Mumbai-400 032, do hereby verify and declare that the statements made in the aforesaid Para's are true and correct to the best of my knowledge and information and I believe the same to be true and that nothing material has been concealed therefrom.

Solemnly affirmed on this 13<sup>th</sup> day of the February, 2023 at Mumbai.

(Dattatray Suryakant Bhalerao)  
Scientist II & Under Secretary,  
Environment & CC Department,  
Government of Maharashtra

Identified by me

**BEFORE ME**

M. D. Patel  
13<sup>th</sup> February, 2023  
Sr. No. 61  
Bk. No. 1

**MISS M. D. PATEL**  
**ADVOCATE & NOTARY**  
Kohiar House,  
4, Dhuswadi, Dhobitalao,  
MUMBAI - 400 002.