

**BEFORE THE NATIONAL GREEN TRIBUNAL
WESTERN ZONE BENCH AT PUNE
ORIGINAL APPLICATION NO. 40 OF 2020**

IN THE MATTER OF:

GANESH SURESH BORHADE

...APPLICANT

VERSUS

UNION OF INDIA AND ORS.

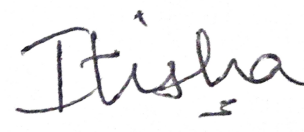
...RESPONDENTS

INDEX

S.NO.	PARTICULARS	INDEX
1.	Reply to Additional Affidavit of NHAI (Respondent No. 4) dated 23.07.2024	1043-1057
2.	<u>ANNEXURE R-1</u> Copy of relevant pages of Order dated 08.06.2021 in Shashikant Vithal Kamble v. M/s. Key Stone Properties & Ors. (Original Application No. 13 of 2021/WZ)	1058-1063
3.	<u>ANNEXURE R-2</u> Copy of Order dated 08.10.2018 of the Hon'ble Supreme Court in <i>Suzuki Parasrampuria Suitings Pvt. Ltd. v. The Official Liquidator Of Mahendra Petrochemicals Ltd. (In Liquidation) And Others</i> (Civil Appeal No. 10322 of 2018)	1064-1074
4.	<u>ANNEXURE R-3</u> Copy of letter dated 05.04.2024 (along with translation) written to R-4 by Social Forestry Department	1075-1091
5.	<u>ANNEXURE R-4</u> Copy of letter dated 20.09.2022 of the Sub-Divisional Officer, Sangamner	1092-1096

Through


RITWICK DUTTA

RAHUL CHOUDHARY

ITISHA AWASTHI**ADVOCATES**

Counsel for the Applicant

N-73, Lower Ground Floor, Greater Kailash-1

New Delhi-110048

Place:- Delhi

Dated:- 22.10.2024

**BEFORE THE NATIONAL GREEN TRIBUNAL
WESTERN ZONE BENCH AT PUNE
ORIGINAL APPLICATION NO. 40 OF 2020**

IN THE MATTER OF:

GANESH SURESH BORHADE

...APPLICANT

VERSUS

UNION OF INDIA AND ORS.

...RESPONDENTS

**REPLY TO ADDITIONAL AFFIDAVIT OF NHAI (RESPONDENT NO.
4) DATED 23.07.2024**

MOST RESPECTFULLY SHOWETH:

1. That the above titled Original Application has been filed before the Hon'ble Tribunal raising substantial question relating to the environment arising out of violation of conditions of Environmental Clearance dated 21.03.2013 and conditions of Forest Clearance dated 16.06.2015 by Respondent No. 4 (National Highway Authority of India) for the project of up gradation of 2-lane carriageway to 4-lane of Khed-Sinnar Section of NH-50 from km 42.00 to km 177.00 in Maharashtra. The Original Application raises the following issues:
 - i. Construction of underpasses and overpasses for safe movement of wildlife;
 - ii. Undertaking compensatory afforestation;
 - iii. Installation of rainwater harvesting structures.
2. That vide Order dated 10.04.2024, this Hon'ble Tribunal had given timelines to R-4 to comply with the conditions given in the Environmental Clearance and Forest Clearance regarding undertaking avenue plantation and construction of rainwater harvesting structures. The Hon'ble Tribunal had also constituted a Joint Committee comprising of R-4, Wildlife Institute of India and Principal Chief Conservator of Forest, Pune to assess whether

giving 5 metres height for underpasses is feasible or not. R-4 was made the nodal authority for the Committee.

3. That R-4 submitted an Affidavit dated 23.07.2024 before this Hon'ble Tribunal. Through the Affidavit, R-4 has specified their reason for non-compliance with the timelines set by this Hon'ble Tribunal and also submitted the Joint Committee Report.

A. Likelihood of bias in the Joint Committee Report as NHAI has been made the nodal authority of the Committee

4. That R-4 (NHA) is the entity that is responsible for compliance with the conditions of Environmental Clearance and Forest Clearance but has been operating in violation of these conditions.
5. That however, R-4 has been made not only a member of the Joint Committee designated to conduct a site visit and ascertain the feasibility of construction of underpasses but has also been designated as the nodal authority for this Committee.
6. That there is a likelihood of bias on the part of NHA, for they are the entity undertaking construction of road. Following two orders stated below also clearly show this act on the part of this Hon'ble Tribunal is in clear violation of the settled principle of law.
7. That Hon'ble Supreme Court in the case of ***Bonani Kakkar vs. Oil India Limited & Ors., Civil Appeal No. 2201/2021*** had observed that no person against whom there are allegations should be allowed to be part of the Joint Committee, as it would result in them becoming a judge in its own cause:

"The NGT was in error in allowing the presence of the Managing Director of OIL as a member of the Committee. The terms of reference to the Committee include assessment of the damage to and restoration of Dibru Saikhowa National Park and Maguri-

*Motapung Wetland. Besides, the Committee is to take over all surviving issues from the earlier Committee. **The presence of a representative of OIL as a Member of the Committee would lead to a conflict of interest and would not contribute to the fairness of the outcome. An entity against whom there are allegations of a dereliction obligations under the law cannot sit in judgment over its own conduct. OIL can be heard by the Committee, but permit the presence of one of its senior officers would make it a judge in its own cause. OIL should not be a member of the Committee.***"

8. That it is a violation of principles of natural justice to allow a person to sit as a judge in their own cause.
9. That this Hon'ble Tribunal, in the past, has also rejected Reports filed by Joint Committees with such conflict of interest. In the case of ***Jheel Sanrakhan Samiti v. State of Rajasthan & Ors (Original Application No. 14 of 2023 (CZ))***, this Hon'ble Tribunal had directed for a fresh Report to be filed by a newly constituted Joint Committee on this ground:

*"1. Learned Counsel appearing for applicant has filed objections to joint Committee report dated 17.04.2023, **stating that Committee included District Collector, Udaipur who is also Vice Chancellor and Member of the Board of Udaipur Smart City Limited, therefore, being interested person, report submitted by such Committee should not be accepted.** Reliance is placed on Supreme Court's judgment dated 23.01.2023 in Civil Appeal No. 2201/2021, Bonani Kakkar vs. Oil India Limited & Ors.*

*2. We are of the view that the issue of substantial question relating to environment, raised in this application, is a serious one. Act of concretization of river bed is involved. **Hence, we should obtain a fresh factual report for which purpose, we constitute a joint Committee** comprising (i) Integrated Regional Office, MoEF&CC, Jaipur, (ii) a nominee of Vice Chancellor, University of Roorkee who is expert in River*

Hydrology, (iii) Central Pollution Control Board (hereinafter referred to as 'CPCB') and (iv) a nominee of Central Water Commission, Government of India, who is expert in the field of River Hydrology."

10. That without prejudice to the above contention, the Applicant submits that the above act reflects the attempt on the part of the respondents to continue work while violating the environmental norms and also to undermine the violations undertaken by them. The Report submitted by the Joint Committee is faulty due to the bias.

B. Environmental Clearance and Forest Clearance were granted in 2013 and 2015, however, NHAI is still seeking time to comply with the conditions

11. That in the Affidavit filed by NHAI, it has been stated that 6 more months are required by them to undertake avenue plantation and time till March 2025 is required to complete construction of all rainwater harvesting structures.
12. It is submitted that undertaking avenue plantation and construction of rainwater harvesting structures were part of conditions imposed on NHAI at the time when the Environmental Clearance and Forest Clearance were granted to the project.
13. That the Environmental Clearance of the project is dated 21.03.2013 and the Forest Clearance was granted on 16.06.2015, both of which were issued a decade back.
14. That, even though more than 10 years have passed since the grant of Environment Clearance and Forest Clearance, NHAI has not been able to fulfil the conditions which were to be mandatorily complied with.
15. That NHAI not only did not comply with the condition in 10 years, but also is seeking more time to undertake plantations and construction of rainwater harvesting structures. Such a lackadaisical approach on the

part of a government authority is reprehensible and strict action may be taken against them by this Hon'ble Tribunal.

16. That the Hon'ble Tribunal, in the past, has imposed heavy compensation on entities that are functioning in violation of the conditions of Environmental Clearance and the Applicant pleads that similar action may be taken in the present case.
17. That in the case of **Shashikant Vithal Kamble v. M/s. Key Stone Properties & Ors. (Original Application No. 13 of 2021/WZ)**, this Hon'ble Tribunal vide Order dated 08.06.2021 had held that conditions of Environmental Clearance should be faithfully complied with and in cases of violation, the restoration should take place at the cost of the project proponent. The Hon'ble Tribunal had directed:

*"EC is not a mechanical exercise. It may be after application of any mind and granted only after evaluation of impact and efficacy of mitigation measures proposed. **Conditions imposed must be faithfully observed and monitored. If there is any violation, steps must be taken for restoration of damage at the cost of the project proponent.** The persons manning SEIAA who have acted illegally need to be made accountable in civil and criminal law. It is further surprising in the present case that inspite of order of State PCB to disconnect water and electricity, it is not clear how the project is functioning. **Present status of compliance of environment norms in the project and remedial action against non-compliances also needs to be ascertained."***

(Emphasis supplied)

Copy of relevant pages of Order dated 08.06.2021 in Shashikant Vithal Kamble v. M/s. Key Stone Properties & Ors. (Original Application No. 13 of 2021/WZ), is annexed herewith as **ANNEXURE R-1**.

18. That this Hon'ble Tribunal may be pleased to pass similar directions in the present case.

C. The Forest Department has given contrary views in the Joint Committee Report and in their Affidavit dated 10.02.2024 and 07.04.2024 regarding dimensions of underpasses

19. That the DCF, Ahmadnagar had filed an Affidavit dated 10.02.2024 on the issue of dimensions of the underpasses to be constructed. Vide this Affidavit, the DCF had clearly stated that the Report titled "Eco-friendly measures to mitigate impacts of linear infrastructure on wildlife" of Wildlife Institute of India has to be followed in all construction of underpasses. Relevant excerpt from the Affidavit is reproduced below for reference (Page 786):

*"4. I say and submit that by strictly adhering to the directions given by this Hon'ble Tribunal vide order dated 21.11.2023 this respondent desire to rely upon "Eco Friendly Measures to Mitigate Impacts of Linear Infrastructure on Wildlife published in 2016" (in short referred as "Wildlife Institute of India's Manual) **for the purpose of specific dimensions of underpasses to be set up at 5 locations i.e. Malwadi, Khandarmalwadi, Dolsane, Velhale and Chandnapuri Taluka Sangamner Dist Ahmednagar.** Accordingly, all underpasses should be made as per the Wildlife Institute of India's manual for linear projects mentioned in chapter no. 7 and 8. I further say and submit that chapter no. 7 and 8 of Wildlife Institute of India's manual are relevant and the same is concerning designing the underpasses, Mitigation Measures*

for Connecting Landscapes and Species. The General rules for maintaining habitat connectivity across the landscape, underpass heights (figure 8.2) as related to animals, and diagrammatic representation of isolated and wall type piers (figure 8.3) along with this sketch have also been given in the Wildlife Institute of India's manual for linear projects. Here to marked and annexed at Exh. R-1 is a copy of chapter no. 7 and 8 (page no. 71 to 78) of Wildlife Institute of India's manual for linear projects.

5. The Wildlife Institute of India's manual for linear projects is mandatory for the Forest department and User Agency. Therefore, all specific dimensions of underpass should be made as per manual. So the user agency follows the said manual while constructing the underpasses."

(Emphasis supplied)

20. That the same information was reiterated by the Forest Department in its Additional Affidavit dated 07.04.2024 (at Page 870) wherein the Forest Department had again stated that the Wildlife Institute of India's manual for linear projects has to be mandatorily followed and dimensions for underpasses given in chapter 7 & 8 of the Manual are to be followed in the present case.
21. That however, as part of the Joint Committee, the Forest Department has taken a completely different stand from the one taken in their Affidavits.
22. That it is a settled principle of law that no party can take contradictory stands in the same proceedings. The Hon'ble Supreme Court, in the case of ***Suzuki Parasrampuriah Suitings Pvt. Ltd. v. The Official Liquidator Of Mahendra Petrochemicals Ltd. (In Liquidation) And Others (Civil Appeal No. 10322 of 2018)*** has held the following vide Order dated 08.10.2018. It held:

"10...After the claim of the appellant of being a secured creditor was rejected by the Company Judge, and the appellant realized the unsustainability of its claim in the law, it made a complete volte face from its earlier stand and surprisingly, contrary to its own pleadings, now contended that it had never sought the status of a secured creditor under the SARFAESI Act.

...

12. A litigant can take different stands at different times but cannot take contradictory stands in the same case. **A party cannot be permitted to approbate and reprobate on the same facts and take inconsistent shifting stands.** The untenability of an inconsistent stand in the same case was considered in *Amar Singh vs. Union of India* (2011) 7 SCC 69, observing as follows:

"50. This Court wants to make it clear that an action at law is not a game of chess. A litigant who comes to Court and invokes its writ jurisdiction must come with clean hands. He cannot prevaricate and take inconsistent positions."

13. A similar view was taken in *Joint Action Committee of Air Line Pilots' Assn. of India vs. DG of Civil Aviation*, (2011) 5 SCC 435, observing:

"12. The doctrine of election is based on the rule of estoppel—the principle that one cannot approbate and reprobate inheres in it. The doctrine of estoppel by election is one of the species of estoppels in pais (or equitable estoppel), which is a rule in equity..... Taking inconsistent pleas by a party makes its conduct far from satisfactory. **Further, the parties should not blow hot and cold by taking inconsistent stands and prolong proceedings unnecessarily."**

(Emphasis supplied)

Copy of Order dated 08.10.2018 of the Hon'ble Supreme Court in *Suzuki Parasrampuriah Suitings Pvt. Ltd. v. The Official Liquidator Of Mahendra Petrochemicals Ltd. (In Liquidation) And Others* (Civil Appeal No. 10322 of 2018) is annexed herewith as **ANNEXURE A-2**.

23. That therefore, the DCF cannot be allowed to take contrary stands with respect to implementation of Wildlife Institute of India's manual.
24. That with respect to Dolsane, the Affidavit of R-4 states that the existing pipe culverts of 2 X 1 m will be retained. These dimensions are not only in violation of the Wildlife Institute of India's Manual but also contrary to the statements made by the Forest Department regarding applicability of the Manual on the dimensions of the underpasses.
25. That R-4 has failed to understand that pipe culverts are constructed for passage of water. Under the circumstances of rains, when water flows from through these pipe culverts, they will become inaccessible for the leopards, resulting in higher animal death.

D. NHAI has issued tenders for undertaking avenue plantation for an amount of Rs. 9 crores, even though the Social Forestry Department had estimated Rs. 23 crores

26. That the Affidavit at Para 3 states that after a detailed deliberation with the Social Forestry Department, decision was made that only Rs. 9 crores would be required for undertaking plantation, instead of Rs. 23 crores.
27. It is the submission of the Applicant that the Social Forestry Department had calculated an amount of approximately Rs. 23 crores for undertaking avenue plantation in the three districts where the project is located and the amount of Rs. 9 crores is abysmally low, as compared to the estimate calculated by the Social Forestry Department.

28. That this is also clear from the Additional Affidavit dated 08.04.2024 filed by the Social Forestry Department, Pune that states that an amount of Rs. 23 crores is required for undertaking avenue plantation, which states as follows (Page 881):

*"6. I say and submit the above mentioned, the first demand for the amount through Social Forestry Department was only for Sangamner, Ahmednagar Division at that time it was required, it was registered with the National **Highway Authority of India**. But it was according to the developments, for the entire length of Khed-Sinnar highway, an amount of Rs. 2312.81 lakhs demand has been registered and the copy of the said letter No. 37 dated 05.04.2024 is submitted along with this Affidavit."*

(Emphasis supplied)

29. That vide letters dated 09.11.2023, 26.10.2023 and 31.10.2023 respectively for Districts Pune, Ahmednagar and Nashik (annexed at Page 750 onwards), the Social Forestry Department had given an estimate of amount required for avenue plantation. the following is the budget requirement for plantation of trees in the three districts of Maharashtra:

- (i) Pune- Rs. 10 crores 90 lakhs
- (i) Ahmadnagar (Sangamner)- Rs. 8 crores 96 lakhs
- (i) Nashik-Rs. 3 crores 54 lakhs

30. That the final amount for undertaking plantation is more than Rs. 23 crores was also reiterated by the Social Forestry Department vide its letter dated 05.04.2024 written to R-4.

Copy of letter dated 05.04.2024 (along with translation) written to R-4 by Social Forestry Department is annexed herewith as **ANNEXURE A-3**.

31. That R-4, in the present Affidavit has only stated that a deliberation was held with the Social Forest Department regarding cutting down budget for avenue plantation from Rs. 23 crores to Rs. 9 crores, however, has not annexed any correspondences showing the same.

32. That the Affidavit of R-4 also states that reliance has been placed on PWD SSR 2023-24 for rate analysis, which has been computed to be totalling Rs. 9.92 crores only (Page 921).

33. It is submitted that it is upon the Social Forestry Department to undertake avenue plantation and not on R-4. Avenue plantation has to be undertaken by the Social Forestry Department *at the cost of user agency* and the same has also been mentioned in the Joint Committee Report at Page 707 in the following manner:

"Further NHAI submitted undertaking to carry put avenue plantation and maintenance of total 27038 trees. It is recommended that for better survival, avenue plantation shall be carried out through State Forest Department at the cost of user agency. In future also for all projects of NHAI the avenue plantation shall be carried out by State Forest Department."

34. That therefore, R-4 has to only provide funds, as per the estimate of the Social Forestry Department and the plantation has to be carried out by the Social Forestry Department only.

35. That to ensure timely compliance, this Hon'ble Tribunal may consider constituting a monitoring committee consisting of the concerned parties, including the Applicant to ensure that the conditions of Environmental Clearance and Forest Clearance are complied with and present a status report before this Hon'ble Tribunal.

E. The Affidavit by R-4 does not make any mention of constructing underpasses/overpasses at Khandarmalwadi, even though it was suggested by the Forest Department and the Joint Committee

36. That the Affidavit states that for Khandarmalawadi, the Joint Committee agreed that the existing culvert at the site is not feasible and will be rendered useless and will result in possibility of a conflict.

37. That however, the Joint Committee annexed with the Affidavit at Page 1039 states that even though the underpass is not feasible, an overpass of 10 metres has to be constructed at the site, which will be exclusively for animal use. The Committee Report reads as follows:

"At chainage 113+500, the earlier committee recommended box culvert of dimension 2m X 3m. The members of the committee discussed the location of the proposed culvert in detail. It was unanimously agreed by all the committee members that the location of the proposed culvert is not feasible for maintain the long term connectivity for the wildlife especially leopards in the landscape. The proposed structure is very close to human habitation and is very flat on both sides. Over the time the structure will be rendered useless and will also result in the possibility of the conflict. The committee members decided to construct an overpass of 10 m width at chainage 113+300. The overpass should be provided with light and sound barrier. The landscapes around the overpass should be managed in such a way which allows easy access to the wildlife. There should be no option of human use."

38. However, the R-4 has not stated the same in their Affidavit and has only recorded that the Joint Committee members did not find the underpass at the site feasible. This shows mala fide intention on the part of R-4 as it is trying to mislead this Hon'ble Tribunal on the recommendations of the Joint Committee.

39. It is also submitted that the suggestion to construct underpasses at Khandadmalwadi was also given by the Sub-Divisional Officer, Sangamner vide letter dated 20.09.2022 clarifying that due to multiple deaths of leopards, underpasses are required at Khandarmalwadi. This letter is annexed at Page 731 and is being annexed again for perusal of this Hon'ble Tribunal as **ANNEXURE R-4**.

F. The recommendation of the Joint Committee to undertake construction of overpass at Karhe Ghat location has not been considered by R-4, without any justification

40. That the Joint Committee Report at Page 1040 has recommended that another overpass at Karhe Ghat should be constructed as it is an excellent opportunity to connect wildlife across the road. The Report reads as follows:

"The committee recommended additional overpass of 10m at chainage 157+150. The location offers an excellent opportunity to connect the wildlife across the road. Considering the topography and the surrounding forest area, this locations is the most feasible to provide overpass for the movement of the animals. The committee discussed this in detail and recommended the structure."

41. That however, the Affidavit filed by R-4 fails to make any mention of this location, as recommended by the Joint Committee and has tried to mislead this Hon'ble Tribunal by not providing any reference to the recommendation of the Joint Committee.

42. That in light of the above facts and circumstances and in the interest of justice, this Hon'ble Tribunal may be pleased to pass appropriate orders and directions.



43) Pass any other order as this Hon'ble Tribunal may deem fit in the facts and circumstances of the present case.

[Signature]
APPLICANT

THROUGH

[Signature]

RITWICK DUTTA

[Signature]

RAHUL CHOUDHARY

[Signature]

ITISHA AWASTHI
ADVOCATES

COUNSELS FOR THE APPLICANTS
N-73, LGF, Greater Kailash - 1,
New Delhi - 110048
Mobile: +91 9312407881
Email: dclaw160@gmail.com

VERIFICATION

Verified by Ganesh Suresh Borhade, S/O Suresh Pandharinath Borhade, R/O Zole, Post Chandnapuri, Taluka Sangamner, District Ahmadnagar, Maharashtra do hereby verify that the contents of Paragraphs 1 to 2 are true to my personal knowledge and nothing material has been concealed therefrom.



[Signature]
APPLICANT

BEFORE ME

[Signature]
P. B. JAGDALE
NOTARY, GOVT. OF INDIA

NOTED AND REGISTERED AT
SERIAL NUMBER 709/2024

20 OCT 2024



BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
WESTERN ZONAL BENCH AT PUNE
ORIGINAL APPLICATION NO. 40 OF 2020

IN THE MATTER OF:

GANESH SURESH BORHADE

...APPLICANT

VERSUS

UNION OF INDIA & ORS.

...RESPONDENTS

AFFIDAVIT

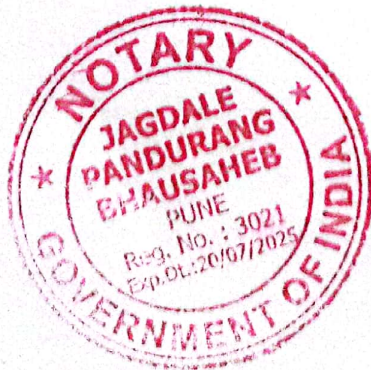
I, Ganesh Suresh Borhade, S/O Suresh Pandharinath Borhade, R/O Zole, Post Chandnapuri, Taluka Sangamner, District Ahmadnagar, Maharashtra, do hereby solemnly affirm and declare as under:

1. That I am the Applicant in the above titled Application, and hence well conversant with the facts and circumstances described in the present case and as such competent to swear this Affidavit.
2. That the contents of the accompanying Reply are true and correct and nothing material has been concealed therefrom.


DEPONENT

VERIFICATION

Verified on this 20th day of oct . 2024 that the contents of the present Affidavit are true and correct to my knowledge and belief and nothing material is concealed therefrom.




DEPONENT

Item No. 02

(Pune Bench)

**BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI**

(By Video Conferencing)

Original Application No. 13/2021 (WZ)

Shashikant Vithal Kamble

Applicant

Versus

M/s. Key Stone Properties & Ors.

Respondent(s)

Date of hearing: 08.06.2021

**CORAM: HON'BLE MR. JUSTICE ADARSH KUMAR GOEL, CHAIRPERSON
HON'BLE MR. JUSTICE SUDHIR AGARWAL, JUDICIAL MEMBER
HON'BLE MR. JUSTICE M. SATHYANARAYANAN, JUDICIAL MEMBER
HON'BLE MR. JUSTICE BRIJESH SETHI, JUDICIAL MEMBER
HON'BLE DR. NAGIN NANDA, EXPERT MEMBER**

Applicant: Mr. Anish Kumar Gupta, Advocate

ORDER

1. Grievance in this application is against illegalities in construction of a housing project by Respondent No. 1, M/s Key Stone Properties, S. No. 16/3 part, At. Punawale, Pune (the project proponent). According to the applicant, Respondent No. 1 has developed a residential building project called "IRA" at S. No. 16/3, Punawale, Pune. The project was started in violation of environmental norms. Maharashtra State PCB issued show cause notice for the violations and thereafter refused the Consent to Establish and directed the Project Proponent (PP) to stop constructions. The State PCB issued a closure order dated 04.09.2019 mentioning following non-compliances:

- "1. You have constructed and handed over the possession of the flat without obtaining Consent to Establish and Operate from the Board & also not obtain Environmental Clearance from Environment Department, GoM.*
- 2. You are not operating sewage treatment plant & directly discharging sewage/domestic effluents without any treatment.*

3. *You are not operating OWC to treat organic waste.”*

2. The said order further directed disconnection of water and electricity connections of the building. Ignoring these developments, the State Level Environment Impact Assessment Authority (SEIAA), Maharashtra issued Environmental Clearance (EC) on 24.01.2020 in violation of mandate of prior EC in terms of EIA Notification dated 14.09.2006 and judgments of the Hon'ble Supreme Court inter alia in *Alembic Chemicals v Rohit Prajapati*¹, *Keystone developers v. Anil Tharthare*², *Goel Ganga Developers India Pvt. Ltd. v UOI*³ and *Bengaluru Development Authority v. Sudhakar Hegde & Ors.*⁴

3. From the above, prima facie it appears that EC has been granted in violation of law and without any application of mind. This is not for the first time we have come across this situation. Such allegations are frequent. In Appeal No. 34/2020(WZ), *Tanaji B. Gambhire v. Chief Secretary Government of Maharashtra & Ors.* which was taken up for hearing on 24.05.2021, we directed SEIAA to review its working of mechanically granting *Ex-post facto* EC, in violation of law. The Tribunal also constituted an expert committee to look into the violations of that particular project and recommend remedial action. The observations therein are:

“ xxx.....xxx.....xxx
 3. *It is submitted that the construction project is illegal being without the mandatory prior EC. Ex-post facto EC is not substitute for prior EC as evaluation of impact on environment cannot be fully gone into as held by the Hon'ble Supreme Court in the case of the same PP viz. Goel Ganga Developers India Pvt. Ltd. v UOI*⁵. There are further judgements of the Hon'ble Supreme Court to the same effect in

¹ 2020 SCC OnLine SC 347

² (2020) 2 SCC 666

³ (2018) 18 SCC 257

⁴ (2020 SCC OnLine SC 328

⁵ (2018) 18 SCC 257

*Alembic Chemicals v Rohit Prajapati*⁶ and *Keystone developers v. Anil Tharthare*⁷. **If the construction project is without prior EC, the project has either to be demolished or if it is found that environmental damage can be restored, the project can be permitted on payment of assessed compensation on polluter pays principle which needs to be spent for restoration of the environment. The authorities have thus failed to follow the binding law.**

4. **Since we are coming across the grievance of continuous violation of environment norms in construction projects being completed without prior EC and the SEIAA, Maharashtra is neither requiring demolition nor payment of assessed compensation to comply with the rule of law and protection of environment, it will be appropriate to require the SEIAA, Maharashtra to review its working in the light of the judgments of the Hon'ble Supreme Court and violations frequently being alleged, including the present case. A proper SOP be laid down for grant of EC in such cases so as to address the gaps in binding law and practice being currently followed. The MoEF may also consider circulating such SOP to all SEIAAs in the country.** In this regard, we may refer to the directions in the earlier order of this Tribunal dated 1.2.2021 in OA 837/2018, *Sandeep Mittal vs. MoEF*, wherein it was inter-alia, directed:

“MoEF&CC may give due attention for proper constitution of SEIAAs in the States to ensure the projects of category ‘B’ and ‘B-1’ are properly scrutinized.”

The MoEF&CC may file its action taken report in the matter before the next date.

5. **We also constitute a joint Committee of MoEF&CC, CPCB, and Maharashtra State PCB to look into the present matter and suggest a remedial action plan for the present case, including the quantum of compensation to be recovered, as far as possible within three months.** The CPCB and State PCB will be nodal agency for coordination and compliance. Another connected matter between same parties for a different project being Appeal No. 32/2020(WZ) is also being dealt with by a separate order today and this direction will also apply to the said case. Infact, to avoid duplication if the SEIAA, Maharashtra itself reviews all such cases, to avoid unnecessary and repeated litigation. The Committee may conduct proceedings online but if possible, visit the site. The Committee may also interact with the concerned parties. The report of the joint Committee may be filed by e-mail at judicial-ngt@gov.in preferably in the form of searchable PDF/ OCR Support PDF and not in the form of Image PDF before the next date. While submitting the report to this Tribunal, a copy of the report thereof be also forwarded to the PP and the applicant who may file their comments, if any, before the next date by e-mail.”

⁶ 2020 SCC OnLine SC 347

⁷ (2020) 2 SCC 666

4. Since the allegations of this nature are frequently being made before this Tribunal and prima facie there appears to be fundamental flaw in working of the SEIAA in question, resulting in defeating the statutory mandate of prior EC and directions of the Hon'ble Supreme Court, we direct constitution of a two-member Committee comprising Additional Secretary, Ministry of Environment, Forest and Climate Change (MoEF&CC), nominated by the Secretary MoEF&CC and the Chairman, Central Pollution Control Board (CPCB) to conduct functional audit of SEIAA, Maharashtra to find out how such frequent blatant violations are taking place and how the situation can be remedied. The Committee will be free to take assistance from any other expert/institution and interact with the stake-holders. This is necessary for protection of environment. If mechanically ex post facto ECs are granted by SEIAA, the purpose of requiring prior EC will be defeated. The 'Precautionary' and 'Sustainable Development' principles considered in the above judgments of the Hon'ble Supreme Court will be rendered nugatory. Precautions during the course of construction and compliance of conditions after constructions will be rendered difficult. EC is not a mechanical exercise. It may be after application of any mind and granted only after evaluation of impact and efficacy of mitigation measures proposed. Conditions imposed must be faithfully observed and monitored. If there is any violation, steps must be taken for restoration of damage at the cost of the project proponent. The persons manning SEIAA who have acted illegally need to be made accountable in civil and criminal law. It is further surprising in the present case that inspite of order of State PCB to disconnect water and electricity, it is not clear how the project is functioning. Present status of compliance of environment norms in the project and remedial action against non-compliances also needs to be ascertained.

5. Accordingly, apart from a Committee for the conduct of functional audit of functioning of SEIAA in the matter of grant of ECs, there is need to conduct audit of compliance of environmental requirements in the project in question by an independent Expert Committee. For this purpose, we constitute a four-member Expert Committee comprising nominees of MoEF&CC, CPCB, IIT Bombay and Member Secretary, State PCB. The Committee will be at liberty to take assistance from any other expert/institution. The CPCB and State PCB will be nodal agency for coordination and compliance. The Committee may visit the site and conduct the proceedings online, wherever necessary and also interact with the stakeholders. The functional audit report as well as the Expert Committee report about status of compliance in the project may be furnished within three months by e-mail at judicial-ngt@gov.in preferably in the form of searchable PDF/ OCR Support PDF and not in the form of Image PDF before the next date with an advance copy to the PP for its response, if any, before the next date. Copy of second report about status of compliance of the project may be furnished to the PP in advance for its comments, if any, before the next date. Copy of the first report about functional audit may be furnished to the MoEF&CC also for its response in terms of action taken before the next date.

6. The first Committee may also consider the orders of this Tribunal dated 24.05.2021 in Appeal No. 32/2020(WZ), *Tanaji B. Gambhire v. Chief Secretary Government of Maharashtra & Ors.* and Appeal No. 34/2020(WZ), *Tanaji B. Gambhire v. Chief Secretary Government of Maharashtra & Ors.* inter alia requiring SEIAA, Maharashtra to review its working in the light of Supreme Court judgements and frequent violations alleged in the grant of EC and also in the gaps in compliance of EC

conditions. The second Committee may also coordinate and work in tandem with the joint Committee constituted in Appeal No. 32/2020(WZ), *Tanaji B. Gambhire v. Chief Secretary Government of Maharashtra & Ors.* and Appeal No. 34/2020(WZ), *Tanaji B. Gambhire v. Chief Secretary Government of Maharashtra & Ors.*

7. The applicant may serve set of papers on the MoEF&CC, CPCB, SEIAA, Maharashtra, IIT Bombay and Maharashtra State PCB to facilitate the compliance of the above order.

A copy of this order be forwarded to the Secretary MoEF&CC, CPCB, SEIAA, Maharashtra, IIT Bombay and Maharashtra State PCB by email for compliance.

List for further consideration on 10.11.2021.

Adarsh Kumar Goel, CP

Sudhir Agarwal, JM

M. Sathyanarayanan, JM

Brijesh Sethi, JM

Dr. Nagin Nanda, EM

June 08, 2021
Original Application No. 13/2021 (WZ)
DV



2018 INSC 937

1064

Annexure R-2

REPORTABLE

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 10322 OF 2018
(arising out of S.L.P.(C)No.12073 of 2017)

SUZUKI PARASRAMPURIA
SUITINGS PVT. LTD.

...APPELLANT(S)

VERSUS

THE OFFICIAL LIQUIDATOR OF
MAHENDRA PETROCHEMICALS LTD.
(IN LIQUIDATION) AND OTHERS

...RESPONDENT(S)

JUDGMENT

NAVIN SINHA, J.

Leave granted.

2. The appellant is an assignee of debt by the Industrial Finance Corporation of India Ltd. (hereinafter called as "IFCI") for the outstandings of M/s. Mahendra Petrochemicals Ltd. (hereinafter referred to as "M/s. MPL"). It is aggrieved by the appellate order dated 02.09.2016 in O.J. Appeal No.4 of 2016, declining to interfere with the orders of the Company Judge dated 31.07.2015 in Company Application

No.248 of 2014, and also the order dated 07.09.2015, in OJMCA No.170 of 2015 declining to recall/review the order dated 31.07.2015.

3. It is not considered necessary to set out and deal with the entirety of the facts and circumstances of the case, except to the extent necessary for the purposes of the present order, in the limited nature of the controversy arising in the present appeal.

4. Company Petition No.150 of 1996 was filed for winding up of M/s. MPL. The company was also referred for rehabilitation to the Board for Industrial and Financial Reconstruction (hereinafter referred to as "BIFR") in Reference No.385 of 2000. During pendency of the same, without permission or knowledge of the BIFR, M/s. MPL entered into an unregistered memorandum of understanding (hereinafter referred to as the 'MOU') with the sister concern of the appellant, M/s. Suzuki Parasrampuriah Suitings Pvt. Ltd. for leasing out its properties to the appellant for 20 years for repayment of its debts. The MOU was also not brought to the attention of the company court till the winding-up order was passed on 19.04.2010. The IFCI, Bank of Baroda – respondent no.3 and the Punjab National Bank – respondent no.4 were secured

creditors, who had filed original applications against M/s. MPL for recovery of their debts before the Debt Recovery Tribunal under the Securitisation and Reconstruction of Financial Assets and Enforcement of Securities Interest Act, 2002 (hereinafter referred to as “SARFAESI Act”). IFCI held first charge over the assets of M/s. MPL for outstandings of Rs.160 crores and the Bank of Baroda with an outstanding of approximately Rs.4,68,00,000/- held second charge. On 28.07.2010 after the winding-up order, IFCI assigned its dues to the appellant for a sum of Rs.85 lacs only and informed the official liquidator thereafter.

5. The appellant then filed Company Application No.248 of 2014 with a prayer for substitution in place of IFCI as a secured creditor of M/s. MPL. The Company Judge rejected the application on 31.07.2015 holding that the appellant was neither a Bank or Banking company or a financial institution or securitization company or reconstruction company and therefore could not be substituted in place of IFCI as a secured creditor for the purpose of the SARFAESI Act. In the nature of the relief sought for substitution as a secured creditor under the

SARFAESI Act, the Company Judge held that the appellant could not draw any benefit for the purpose from Section 130 of the Transfer of Property Act. All other contentions were left open to be raised before the appropriate court/forum in appropriate proceedings. The appellant then filed OJMCA No.170 of 2015 invoking the inherent powers of the Company Court under Rule 9 of the Companies (Court) Rules, 1959 for recall/review of order dated 31.07.2015 contending that the appellant had never sought substitution as a secured creditor and simply desired substitution as a transferee of an actionable claim under Section 130 of the Transfer of the Property Act (hereinafter referred to as “the T.P. Act”). The recall/review application was rejected holding that an entirely new case was sought to be made out in the application. The appeal against the same has been rejected by the impugned order.

6. Shri Harin P. Raval, learned senior counsel for the appellant, assailing the impugned order dated 02.09.2016, contended that the appellant had never sought the status of a secured creditor in lieu of the IFCI. The finding to that effect is erroneous and completely misconceived. The appellant had simply desired to be adjudged a

transferee from IFCI of an actionable claim under Section 130 of the T.P. Act. The rights and claims of the appellant under the latter was the only issue, and has not been considered at all. The deed of assignment dated 28.07.2010 was subsisting and was challenged by none. The lack of any status of the appellant under the SARFAESI Act was a wholly irrelevant consideration to reject its action for transfer of an actionable claim under Section 130 of the T.P. Act. The inherent power of the Company Court under Rule 9 of the Companies (Court) Rules was wrongly declined to be exercised in the facts of the case.

7. Learned counsel for the respondents opposed the application submitting that the appellant cannot be permitted to make a *volte face* after the rejection of its only claim by the Company Judge and take shifting stands at different times according to its convenience in the same proceedings.

8. We have considered the submissions on behalf of the parties. That the unregistered MOU was without permission of the BIFR, it was not disclosed to the Company Court till the winding-up order was passed on

19.04.2010, the assignment of debt of Rs.160 crores by IFCI for Rs.85 lacs are admitted facts. The order dated 31.07.2015 passed by the Company Judge makes it very explicit that the appellant in Company Application No.248 of 2014 had specifically sought substitution in place of IFCI as a secured creditor holding first charge consequent to the deed of assignment in its favour dated 28.07.2010 from IFCI. In support of the relief sought, reliance was also placed on the pursis dated 21.11.2011 filed by IFCI in OA No.452 of 2000 before the Debt Recovery Tribunal, Ahmedabad reaffirming the assignment in favour of the appellant. The submissions made before the Company Judge leaves no doubts that as an assignee of debts from the IFCI, the appellant essentially sought substitution as a secured creditor under the SARFAESI Act and for that purpose sought to draw sustenance from the provisions of Section 130 of the Transfer of Property Act. Therefore, the Company Judge opined that Section 130 of the Transfer of the Property Act was not applicable in the facts of the case leaving it open for the parties to take all available contentions before the appropriate court/forum in appropriate proceedings. In the nature of the controversy sought to be raised by the appellant in the present appeal

we consider it proper to set out the following extracts from the order of the Company Judge:

“23. The only question which is required to be considered in this application is as to whether the applicant can be permitted to be substituted for and in place of IFCI Limited as the secured creditor of the company in liquidation? For deciding this question, certain provisions of the SARFAESI Act are required to be considered.

25. Thus, in view of the aforesaid provisions contained in the SARFAESI Act, I am of the view that when the applicant company is not a bank or banking or financial institution or securitization company or reconstruction company, the applicant cannot be permitted to be substituted in place of IFCI as secured creditor for the purpose of SARFAESI Act.

27. The aforesaid provisions of Section 130 of the Transfer of Property Act are not applicable to the facts of the present case as the IFCI has transferred the debts of the company in liquidation in favour of the applicant by deed of assignment and therefore the case of the applicant is that it may be permitted to proceed against the company in liquidation under the SARFAESI Act as secured creditor. The applicant is not entitled to get any benefit under the SARFAESI Act and cannot be termed as secured creditor. Hence the reliance placed by the learned advocate for the applicant on the provisions of Section 130 of the Transfer of Property Act, is misconceived.”

9. The relevant extract of the pleadings by the appellant in Company Application No.248 of 2014 noticed by the Company Judge in his order dated 07.09.2015 are also noticeable:

“8. I say and submit that earlier, IFCI also filed a purshis dated 21.11.2011 before the Debts Recovery Tribunal, Ahmedabad in Original Application No.452 of 2000 reaffirming that the IFCI Ltd. Has assigned its dues in favour of the applicant. I beg to annex a copy of purshis dated 21.11.2011 filed before the Debts Recovery Tribunal, Ahmedabad in Original Application No.452 of 2000 at Annexure-III.

10. I say and submit that apropos to the Deed of Assignment, the Applicant has become the secured creditor of the Company in Liquidation and all the rights of IFCI Ltd. in relation to the financial facilities extended to the Company in Liquidation and the underlying security interests therein vests in the Applicant vis-à-vis the Company in liquidation.”

10. The appellant initially took a conscious and considered stand before the Company Judge, staking a claim for being substituted as a secured creditor under the SARFAESI Act consequent to the assignment of debt to it by the IFCI. That the claim was not simply with regard to assignment of an actionable claim under Section 130 of the T.P. Act is evident from its own pleadings and the pursis filed by the IFCI before the Debt Recovery Tribunal. No material has been placed before us with regard to the orders that may have been passed by the Tribunal on such application. After the claim of the appellant of being a secured creditor was rejected by the Company Judge, and the appellant realised

the unsustainability of its claim in the law, it made a complete *volte face* from its earlier stand and surprisingly, contrary to its own pleadings, now contended that it had never sought the status of a secured creditor under the SARFAESI Act.

11. The contention of the appellant that it had never sought substitution as a secured creditor under the SARFAESI Act is additionally belied from the recitals contained in the order dated 07.09.2015. Time and again this court has held that the recitals in the order sheet with regard to what transpired before the High Court are sacrosanct. The learned Single Judge, in the review jurisdiction, has reiterated that the arguments addressed before him in Company Application No. 248 of 2014 were made specifically under the SARFAESI Act observing as follows:

“It is also required to be noted that learned advocate for the applicant in the said application, at the time of arguments, submitted that the applicant be substituted as secured creditor and given the benefit under the SARFAESI Act and therefore, learned advocate Mr. Rao appearing for the Bank of Baroda submitted in detail, after relying upon the provisions contained in SARFAESI Act, that the applicant cannot be substituted as secured creditor and permitted to proceed under the provisions of SARFAESI Act.”

12. A litigant can take different stands at different times but cannot take contradictory stands in the same case. A party cannot be permitted to approbate and reprobate on the same facts and take inconsistent shifting stands. The untenability of an inconsistent stand in the same case was considered in ***Amar Singh vs. Union of India***, (2011) 7 SCC 69, observing as follows:

“50. This Court wants to make it clear that an action at law is not a game of chess. A litigant who comes to Court and invokes its writ jurisdiction must come with clean hands. He cannot prevaricate and take inconsistent positions.”

13. A similar view was taken in ***Joint Action Committee of Air Line Pilots' Assn. of India vs. DG of Civil Aviation***, (2011) 5 SCC 435, observing:

“12. The doctrine of election is based on the rule of estoppel—the principle that one cannot approbate and reprobate inheres in it. The doctrine of estoppel by election is one of the species of estoppels in pais (or equitable estoppel), which is a rule in equity..... Taking inconsistent pleas by a party makes its conduct far from satisfactory. Further, the parties should not blow hot and cold by taking inconsistent stands and prolong proceedings unnecessarily.”



14. Resultantly we find no merit in the appeal. The appeal is dismissed.

.....CJI.
[**RANJAN GOGOI**]

.....J.
[**NAVIN SINHA**]

.....J.
[**K.M. JOSEPH**]

NEW DELHI
OCTOBER 08, 2018.

	<p>प्रधान मुख्य वनसंरक्षक सामाजिक वनीकरण म.रा.पुणे. मध्यवर्ती इमारत पुणे- 411001 दुरध्वनी - 020-26126324 E-mail Id-pecfsfm@gmail.com</p>	
---	--	---

जा.क्र.कक्ष-1/प्र.क्र.53/योजना/ 37 /2024-25

पुणे दिनांक- 05 /04/2024

प्रति,

प्रकल्प संचालक,
भारतीय राष्ट्रीय राजमार्ग प्राधिकरण, स.नं.134/1 बायफ कॅम्पस,
डॉ. मणिभाई देसाई नगर, वारजे, पुणे- 411058

विषय : Khed-Sinnar (Km.42/000 to Km. 177/000) Stretch of NH-60-Submission of Cost estimate for tree plantation & cultivation for Approval-NGT Matter-Reg.

- संदर्भ: 1. आपले कार्यालयाचे पत्र क्र.NHAI/PIU/PUNE/Khed-Sinnar/NGT/Forest/2024/539,
Date-13.02.2024
2. वनसंरक्षक, सामाजिक वनीकरण, पुणे यांचे कार्यालयीन पत्र क्रमांक-अ/कक्ष-2/योजना/705,
दिनांक- 31.03.2024
3. वनसंरक्षक, सामाजिक वनीकरण, नाशिक यांचे कार्यालयीन पत्र क्रमांक कक्ष-2/रोहयो/456,
दिनांक-04.03.2024
4. आपले कार्यालयाचे पत्र क्र.NHAI/PIU/PUNE/Khed-Sinnar/NGT/Forest/2024/951,
Date-15.03.2024

विषयांकीत प्रकरणी, खेड-सिन्नर रस्त्याच्या दुतर्फा वृक्ष लागवडीबाबत भारतीय राष्ट्रीय राजमार्ग प्राधिकरण मुख्यालयाच्या हरित महामार्ग विभागाने 5 वर्षांच्या देखरेखीसह ब्लॉक लागवडीसह वृक्षारोपण आणि लागवडीच्या खर्चाच्या अंदाजपत्रकांचे परीक्षण केले आहे आणि वृक्षारोपण प्रस्तावांबद्दल निरीक्षण तथ्य सादर केले असून मुद्दा क्र. 1 ते 5 मुद्द्यांबाबतची माहिती संदर्भीय पत्र क्र.1 अन्वये मागितली आहे.

त्याअनुषंगाने वनसंरक्षक, सामाजिक वनीकरण, पुणे व नाशिक यांची माहिती अनुक्रमे संदर्भीय पत्र क्र.2 व 3 अन्वये या कार्यालयास प्राप्त झाली असून मुद्दा क्र.1 ते 5 बाबतचे उत्तर खालीलप्रमाणे देण्यात येत आहे.

1. Ahmednagar proposal includes 10% allowance i.e.Rs. 81,45,466 over and above the total cost estimates of both linear and block plantation. Such a provision is not a part of the cost estimates of the other 2 proposals. There may be a proper justification for such a allowance in one proposal only, as a part of the SoR of the State Forest Department.

उत्तर- प्रत्येक सहा महिन्यांच्या कालावधीत दैनंदिन मजुरीचे दर हे वाढत असतात. त्यामुळे मजुरीच्या दरातील वाढ गृहित धरून अहमदनगर विभागाच्या प्रस्तावामध्ये 10% वाढीव रक्कम ही समाविष्ट करण्यात आलेली आहे. तथापि, एकदम 10% वाढीव रक्कम प्रस्तावित करणे चुकीचे असले तरीही दैनंदिन मजुरीचे दर हे प्रत्येक सहा महिन्यांच्या कालावधीत जवळपास 3% वाढत असतात ही वस्तुस्थिती आहे. त्यामुळे अंदाजपत्रकात प्रति वर्ष 6% वाढ क्रमप्राप्त आहे. त्यानुसार पुर्वपावसाळी

कामानंतर पुढील प्रत्येक वर्षाकरिता मंजूरीच्या दराल 6% वाढ धरून सुधारित अंदाजपत्रके बनविली आहेत. दरवाढीचा तक्ता खालीलप्रमाणे आहे. त्यानुसार सामाजिक वनीकरण विभाग पुणे, नाशिक व अहमदनगर विभागांच्या अंदाजपत्रकांमध्ये सुधारणा करण्यात आली असून सुधारित अंदाजपत्रकांची प्रत सोबत सहपत्रित करण्यात येत आहे.

अ.क्र.	कामाचे वर्ष	मंजूरीचा 6% वाढीव दर	
1	पूर्वपावसाळी कामे	463.19	चालू दर
2	प्रथम वर्ष	490.98	वाढीव दर
3	द्वितीय वर्ष	520.44	वाढीव दर
4	तृतीय वर्ष	551.67	वाढीव दर
5	चतुर्थ वर्ष	584.77	वाढीव दर
6	पंचम वर्ष	619.85	वाढीव दर

2. The project proposals submitted are for a project period of 6 years from 2023-24 to 2028-29. As per SOP of NHAI, the project period prescribed is for 5 years, the first year remains the year of preparation and planting followed by subsequent 4 years for post planting operations, maintenance and protection.

उत्तर- 2023-24 ते 2028-29 या आर्थिक वर्ष कालावधीसाठी प्रस्ताव सादर करण्यात आलेले आहे. NHAI च्या SOP 5 वर्षांचा कालावधी विहित केला असला तरी वनविभागाने 6 वर्षांच्या प्रकल्प कालावधीला मंजूरी दिली असून ही बाब राज्याच्या वृक्षारोपणाच्या प्रचलित कार्यपध्दतीशी सुसंगत आहे. सन 2023-24 मध्ये फक्त पूर्व पावसाळी कामांचा समावेश आहे. पूर्व पावसाळी कामांमध्ये फक्त खडे खोदण्याचे काम अंतर्भूत करण्यात आलेले आहे. तथापि, पूर्व पावसाळी कामे व प्रथम वर्षीय कामे एकाच आर्थिक वर्षात समाविष्ट होत असल्याने तसेच आर्थिक वर्ष बदलत असल्याने पूर्व पावसाळी ते पंचम वर्षीय कामे असा 6 वर्षांचा प्रस्ताव ऐवजी 5 वर्षांचाच प्रस्ताव सादर करण्यात आलेला आहे.

Year of Operations	Activities
1 st year	Pre-plantation Operation
2 nd year	First Year Operation (Plantation)
3 rd year	Second Year Operation
4 th year	Third Year Operation
5 th year	Fourth Year Operation
6 th year	Fifth Year Operation

3. In linear plantation, the no. of plants to be planted should be as IRC SP 21: 2009 distance specification in available ROW roadside land keeping in account the existing trees and plants. Accordingly, the number of plants may be proposed in the project on the basis of the IRC specifications for complete saturation. In 3 linear proposals, only

Pune Division has made provisions of Rs. 1,60,37,480 for the additional maintenance of existing trees and plants. However, the number of existing plants is not available in this project. In other 2 proposals, no information is available about the existing plants/trees. In proposal under reference the inventory of existing plants/trees may be provided. In addition, the maintenance cost for that in the project period alongwith the new plantation may be provided in Ahmednagar and Nashik proposals if required.

उत्तर- वरिल निरिक्षणांच्या संदर्भात, सामाजिक वनीकरण, पुणे विभागाच्या अखत्यारीत NH-60 खेड-सिन्नरच्या येणा-या क्षेत्रावरील विद्यमान झाडे व वनस्पतींच्या देखभालीसाठी रु.1,60,37,480/- रकमेची तरतूद पूर्वी सादर केलेल्या अंदाजपत्रकांमध्ये करण्यात आलेली होती. परंतु, अस्तित्वात असलेल्या रोपांच्या नक्की माहिती अभावी त्याचा खर्च प्रस्तावित करणे सुसंगत ठरत नाही.

याबाबत पुणे विभागास अवगत करण्यात आलेले असून त्यांनी नव्याने सादर केलेल्या सुधारित अंदाजपत्रकांमध्ये अशा कोणत्याही बाबीसाठी रकमेची तरतूद केलेली नाही. त्यामुळे पूर्वीच्या अंदाजपत्रकातील केलेल्या तरतूदीच्या अनुषंगाने केलेल्या मागणीची रक्कम रु.1,60,37,480/- ही वगळण्यात यावी. तसेच आपणास कळविण्यात येते की, वनविभाग हे IRC SP 21: 2009 अंतराच्या विनिर्देशानुसार वृक्षलागवड करत असून राज्याकरीता प्रचलित आणि मान्यता प्राप्त अंदाजपत्रक वापरण्यात आले आहे.

4. *Regarding block plantation in Pune and Ahmednagar, the area undertaken is 2 Ha. at 2 locations each. But there is wide variation in proposed number of plants as well as the cost estimates. In Pune proposal, the cost estimates is Rs. 1,57,05,916 with 30,000 plants per Ha. which is 11 times more than the Ahmednagar estimate which is Rs. 14,49,829 with 7,500 plants per Ha. The variation may be supported by proper justification on the basis of site specific conditions of the project area.*

उत्तर- मियावाकी पध्दतीने घन लागवडीच्या शासन मंजूर पध्दतीमध्ये प्रति हेक्टर 30,000 रोपांची लागवड करण्यात येते. याकरिता महाराष्ट्र शासनाच्या वनविभागाने शासन परिपत्रक क्रमांक-साववि-2019/प्र.क्र.3/फ-11, दिनांक-25 जून 2019 च्या शासन निर्णयान्वये मान्यता दिलेली आहे. (प्रत संलग्न)

पुणे या वृक्षांतर्गत पुणे विभागातील खेड परिक्षेत्रांतर्गत पानमळा व अवसारी घाट येथे प्रत्येकी 1 हे. च्या रोपवन स्थळावर शासन मंजूर आणि प्रचलित आनंद घन वन लागवडीप्रमाणे प्रत्येकी 30,000 रोपे म्हणजेच 2 रोपवन स्थळांचे एकूण- 2 हे. क्षेत्रावर 60,000 रोपांच्या लागवडीचे अंदाजपत्रके प्रस्तावित करण्यात आलेले आहे. त्याचा तपशिल खालीलप्रमाणे.

अ.क्र.	रोपवन स्थळ	क्षेत्र	रोपांची संख्या	अंदाजपत्रकिय रक्कम	शासन मंजूर मॉडेल क्र.
1.	पानमळा	1 हे.	30,000	101.67	अटल आनंद घन वन
2.	अवसारी घाट	1 हे.	30,000	101.67	योजना वृक्षलागवड अंदाजपत्रक नमुना-4
एकूण-		2 हे.	60,000	203.34	

तसेच, नाशिक वृत्तांतर्गत अहमदनगर विभागातील संगमनेर परिक्षातर्गत शासन मंजूर आणि प्रचलित आनंद घन वन लागवडीप्रमाणे 1 हेक्टर करीता 30,000 रोपांच्या लागवडीचे अंदाजपत्रके प्रस्तावित करण्यात आलेली आहेत. म्हणजेच डोळसणे येथे 0.20 हे. साठी 6000 रोपे व क-हे घाट येथे 0.30 हे. साठी 9000 रोपे दोन्ही रोपवन स्थळ मिळून 0.50 हे. क्षेत्रावर एकूण-15000 च्या रोपांच्या लागवडीचे अंदाजपत्रके प्रस्तावित करण्यात आलेले आहे. त्याचा तपशिल खालीलप्रमाणे.

अ. क्र.	रोपवन स्थळ	क्षेत्र	रोपांची संख्या	अंदाजपत्रकिय रक्कम	शासन मंजूर मॉडेल क्र.
1.	डोळसणे	0.20 हे.	6,000	11.86	अटल आनंद घन वन योजना
2.	क-हे घाट	0.30 हे.	9,000	17.77	वृक्षलागवड अंदाजपत्रक नमुना-3
एकूण-		0.50 हे.	15,000	29.63	

यापूर्वी सामाजिक वनीकरण, पुणे वन विभागाने घनलागवडीसाठी 5 वर्षांचे अंदाजपत्रक प्रस्तावित केले होते. परंतु, त्यांना शासनमान्य अंदाजपत्रकाप्रमाणे अंदाजपत्रक बर्नविण्यास कळविल्यानंतर आता मियावाकी लागवड पूर्वपावसाळी कामे ते तृतीय वर्ष इतक्या कालावधीचे प्रस्तावित केलेले आहे. (सुधारित अंदाजपत्रकांची प्रत संलग्न)

5. The project proposal to submit necessary clarification/ justification compliance report to this office for further necessary action.

उत्तर- सामाजिक वनीकरण, विभाग पुणे, अहमदनगर व नाशिक यांचेकडून प्राप्त अंदाजपत्रकांच्या केलेल्या परिक्षणानुसार आपण उपस्थित केलेल्या मुद्द्यांच्या अनुषंगाने अंदाजपत्रकांमध्ये आवश्यकतेनुसार वर्षनिहाय बदल करण्यात आलेले आहे. उपरोक्तप्रमाणे मुद्दा क्र.1 ते 4 मध्ये सुधारणा करण्यात आलेली असून सुधारित बाबींचा विभागनिहाय तपशिल पुढीलप्रमाणे देण्यात येत आहे.

विभागीय वन अधिकारी, सामाजिक वनीकरण पुणे, अहमदनगर व नाशिक यांच्याकडून रस्ता दुतर्फा वृक्षलागवड करीता पूर्व पावसाळी ते पंचम वर्षीय कामाचे सुधारित अंदाजपत्रके तसेच अहमदनगर व पुणे विभागाकडून गट लागवड (मियावाकी) चे पूर्व पावसाळी ते तृतीय वर्षीय कामाचे सुधारित अंदाजपत्रके प्राप्त झालेली असून त्याचा गोषवारा खालीलप्रमाणे आहे.

पुणे विभाग-

विभाग	प.क्ष	स्थळ	कामाची बाब	क्षेत्र		रोपे संख्या	पूर्व पावसाळी कामे	प्रथम वर्ष	द्वितीय वर्ष	तृतीय वर्ष	चतुर्थ वर्ष	पंचम वर्ष	एकूण
				कि. मी.	हेक्टर								
पुणे	खंड	धाडोली टोलनाका ते पाणमळा रस्ता	रस्ता दुतर्फा	5	0	2500	1.87	42.64	34.25	32.28	34.13	36.09	181.27
		पाणमळा ते हॉटेल मुंबराज मोठे पाणमळा	रस्ता दुतर्फा	5	0	2500	1.87	42.64	34.25	32.28	34.13	36.09	181.27
			गट लागवड	0	1	30000	21.61	42.85	25.57	11.64	0	0	101.67
आंबेगाव		पेठ ते काळेव	रस्ता दुतर्फा	5	0	2500	1.87	42.64	34.25	32.28	34.13	36.09	181.27
		मोठे ओस्सरी घाट	गट लागवड	0	1	30000	21.61	42.85	25.57	11.64	0	0	101.67
पुणे		नारायणगाव ते कांदोळी घाटा	रस्ता दुतर्फा	5	0	2500	1.87	42.64	34.25	32.28	34.13	36.09	181.27
एकूण एकंदर				20	2	70000	50.7	256.26	188.14	152.4	136.52	144.36	928.42

अहमदनगर विभाग-

विभाग	प.क्ष	स्थळ	कामाची बाब	क्षेत्र		रोपे संख्या	पूर्व पावसाळी कामे	प्रथम वर्ष	द्वितीय वर्ष	तृतीय वर्ष	चतुर्थ वर्ष	पंचम वर्ष	एकूण
				कि. मी.	हेक्टर								
अहमदनगर	संगम नगर	क-हे घाट ते पळस खंडे	रस्ता दुतर्फा	1.50	0	1500	1.03	26.68	20.55	19.37	20.48	21.66	109.77
		सापळोडी ते क-हे घाट	रस्ता दुतर्फा	3.50	0	1750	1.31	31.13	23.98	22.59	23.90	25.26	128.17
		घोटा ते करकुंडी	रस्ता दुतर्फा	3.50	0	1750	1.31	31.13	23.98	22.59	23.90	25.26	128.17
		करकुंडी ते आंबो खालचा	रस्ता दुतर्फा	2.00	0	1000	0.74	17.79	13.70	12.91	13.65	14.44	73.24
		खंडरमाळ घाटी ते माहुली घाट	रस्ता दुतर्फा	3.00	0	1500	1.12	26.68	20.55	19.36	20.47	21.65	109.86
		माळघाटी ते बांबोळेवाडी	रस्ता दुतर्फा	3.00	0	1500	1.12	26.68	20.55	19.36	20.47	21.65	109.86
		डांडसणे ते साकुर घाटा	रस्ता दुतर्फा	1.50	0	1500	1.03	26.68	20.55	19.36	20.47	21.65	109.77
		घडनपुरी ते सागधनेर बापगाव	रस्ता दुतर्फा	3.00	0	1500	1.12	26.68	20.55	19.36	20.47	21.65	109.86
		सागधनेर MIDC ते सायबिंडी	रस्ता दुतर्फा	1.50	0	750	0.56	13.34	10.28	9.68	10.24	10.83	54.93
		मोठे होळसणे	गट लागवड	0	0.20	6000	4.37	6.14	0.77	0.58	0	0	11.86
		क-हे घाट	गटलागवड	0	0.30	9000	6.53	9.21	1.16	0.87	0	0	17.77
		एकूण एकंदर				22.5	0.5	27750	19.68	242.14	176.62	166.03	174.05

नाशिक विभाग

विभाग	प.नं.	स्थळ	काभाची बाब	क्षेत्र कि.मी.	रोपे संख्या	पूर्व पावसाळी कामे	प्रथम वर्ष	द्वितीय वर्ष	तृतीय वर्ष	चतुर्थ वर्ष	पंचम वर्ष	एकूण
नाशिक	सादर	पु.तेवाडी शिडी बावपास ते समुध्दी बावपास	रस्ता वृक्ष	2.50	1250	0.93	22.24	17.13	16.14	17.06	18.05	91.55
		समुध्दी बावपास ते फाळसोबा देवस्थान पाटी रोड	रस्ता वृक्ष	2.50	1250	0.93	22.24	17.13	16.14	17.06	18.05	91.55
	फाळसोबा देवस्थान पाटीदोबो/ देवतागरी पार्क/सावतापाळी डांबा	रस्ता वृक्ष	3.00	1500	1.12	26.69	20.55	19.37	20.48	21.66	109.86	
	सावतापाळी डांबा/ देवतागरी पार्क ते हॉटेल बंधु प्रेम	रस्ता वृक्ष	2.00	1000	0.75	17.79	13.70	12.91	13.65	14.44	73.24	
	हॉटेल बंधु प्रेम ते क.हे घाट	रस्ता वृक्ष	1.50	750	0.56	13.34	10.28	9.68	10.24	10.83	54.93	
एकूण एकूण				11.5	5750	4.29	102.3	78.79	74.24	78.49	83.03	421.13

तसेच, सदरभाष्य पत्र क्र. 4 अन्वये सामाजिक वनीकरण विभाग, अहमदनगर मधिल संगमनेर परिक्षेत्रातील बोटा ते फळसखेडा येथिल 22.50 कि.मी. अंतरावर 12750 रोपे लागवड कामांच्या अनुषंगाने 2.71 कोटी रक्कम ही या कार्यालयाकडून सुधारित नमुना अंदाजपत्रक पाठविण्यापूर्वी विभागीय वन अधिकारी, अहमदनगर यांनी पूर्वपावसाळी ते तृतीय वर्षीय कामाचे सादर केलेल्या अंदाजपत्रकानुसार प्राप्त झालेली रक्कम आहे. तथापि, सुधारित अंदाजपत्रके या सोबत सादर करण्यात येत असून सुधारित अंदाजपत्रकांप्रमाणे मागणी करण्यात आलेल्या रकमेचा गोपवारा खालीलप्रमाणे आहे.

अ.क्र.	विभागाचे नाव	मागणी करण्यात आलेली रक्कम रु. लाखात
1.	विभागीय वन अधिकारी, सा.व.वि. पुणे	928.42
2.	विभागीय वन अधिकारी, सा.व.वि. अहमदनगर	963.26
3.	विभागीय वन अधिकारी, सा.व.वि. नाशिक	421.13
एकूण		2312.81

तरी, सुधारित अंदाजपत्रकानुसार वरिलप्रमाणे निधी उपलब्ध करून देण्यात यावी.

(विवेक छांडेकर)

अपर प्रधान मुख्य वनसंरक्षक, (मुख्यालय)
सामाजिक वनीकरण, महाराष्ट्र राज्य, पुणे.

प्रत:- वनसंरक्षक, सामाजिक वनीकरण, पुणे व नाशिक यांना माहिती व आवश्यक त्या कार्यवाहीस्तव रवाना.
2/- वनसंरक्षक, सामाजिक वनीकरण, पुणे यांना फळविण्यात येत की, त्यांनी सादर पत्राची प्रत तात्काळ खास दुतामार्फत प्रकल्प संचालक, भारतीय राष्ट्रीय राजमार्ग प्राधिकरण, स.नं.134/1 बायफ कॅम्पस, डॉ. मणिभाई देसाई नगर, वारजे, पुणे- 411058 यांचे कार्यालयास देवून त्याची दिनांकीत पोच या कार्यालयास सादर करावी.

1081

**PRINCIPAL CHIEF CONSERVATOR OF FOREST SOCIAL
FORESTRY MAHARASHTRA STATE PUNE**

Central Building Pune-411001

Outward No KX-1/PK-53/
Yojana-37/2024-25

Pune Dt. 5/4/2024

To

Project Director
Bharatiya National Highway Authority
S. No 134/1 BAIF Campus,
Dr. Manibhai Desai Nagar, Warje,
Pune-411058

Sub: Khed-Sinnar (Km 42/000 to Km 177/000) stretch of
NH-60 Submission of Cost Estimate for tree
plantation and cultivation for Approval-NGT Matter-
Reg.

- Ref: 1 Your office letter No NHAI/PIU/PUNE/Khed-Sinnar/
NGT/Forest/2024/539 Dt. 13/2/2024
- 2 Letter No A/KX-2/Yojana-705 dated 31/3/2024 of
the office of Forest Ranger, Social Forestation,
Pune
- 3 Letter No A/KX-2/Yojana-456 dated 4/3/2024 of
the office of Forest Ranger, Social Forestation,
Pune
- 4 Your office letter No NHAI/PIU/PUNE/Khed-Sinnar/
NGT/Forest/2024/951 Dt. 15/3/2024

Regarding plantation of trees on both sides of Khed-Sinnar
road in the subject matter Green Highway Department of
National Highways Authority of India HQ has examined the
cost estimate of plantation and plantation along with 5 years
of monitoring along with block planting and has submitted
observation facts regarding tree plantation proposals and

information regarding issue No 1 to 5 issues under reference letter No 1 has asked for.

In view of the same information of Forest Ranger, Social Forestry, Pune and Nasik is received by this office vide reference letter No 2 and 3 and the reply about point No 1 to 5 is being given as under:

1. *Ahmednagar proposal includes 10% allowance i.e. Rs.81,45,466/- over and above the total cost estimates of both linear and block plantation. Such a provision is not a part of the cost estimates of the other 2 proposals. There may be a proper justification for such a allowance in one proposal only, as a part of the SOR of the State Forest Department.*

Answer:

During the period of every six months the rates of daily labour are increasing. Hence presuming the increase in rate of wages in the proposal of Ahmednagar Division 10% increased amount has been included. However, even if it is wrong to propose an outright 10% increase, the fact remains that daily wage rates are increasing by about 3% every six months. Hence in the budget every year 6% increase is bound to be there. Accordingly after the pre-rainy work by way of presuming 6% increase in rate of wages for each year the revised budgets have been prepared. The chart of rate increase is as under. Accordingly in budgets of Social Forestry Department Pune, Nasik and Ahmednagar the modification has been made. The copy of revised budget is being sent herewith:

Sr. No	Year of work	6% increased rate of wages	
1	Pre-rainy works	463.19	Current rate
2	First year	490.98	Increased rate
3	Second year	520.44	Increased rate
4	Third year	551.67	Increased rate
5	Fourth year	584.77	Increased rate
6	Fifth year	619.85	Increased rate

2. *The project proposals submitted are for a project period of 6 years from 2023-24 to 2028-29. As per SOP of NHAI, the project period prescribed is for 5 years, the first year remains the year of preparation and planting followed by subsequent 4 years for post planning operations, maintenance and protection.*

Answer:

For the financial year 2023-24 to 2028-29 the proposal has been submitted. Though period of 5 years of SOP of NHAI is prescribed, the Forest Department has given approval to 6 years project period and this is coherent with the prevailing system of tree planting in the State. In year 2023-24 there is inclusion of only the pre-rainy work. In the pre-rainy work the work of only making pits is involved. However, since pre-monsoon works and first-year works are included in the same financial year and the financial year changes, instead of the 6-year proposal for pre-monsoon to fifth-year works, only a 5-year proposal has been submitted.

<i>Year of operations</i>	<i>Activities</i>
<i>1st year</i>	<i>Pre-plantation operation</i>
<i>2nd year</i>	<i>First year operation (Plantation)</i>

<i>3rd year</i>	<i>Second Year operation</i>
<i>4th year</i>	<i>Third year operation</i>
<i>5th year</i>	<i>Fourth year operation</i>
<i>6th year</i>	<i>Fifth year operation</i>

3. *In liner plantation, the No of plants to be planted should be as IRC SP 21:2009 distance specification in available ROW roadside land keeping in accounts the existing trees and plants. Accordingly, the number of plants may be proposed in the project on the basis of the IRC specifications for complete saturation. In 3 linear proposals, only Pune Division has made provisions of Rs.1,60,37,480/- for the additional maintenance of existing trees and plants. However, the number of existing plants is not available in this project. In other 2 proposals, no information is available about the existing plants/trees. In proposal under reference the inventory of existing plants/trees may be provided. In addition, the maintenance cost for that in the project period along with the new plantation may be provided in Ahmednagar and Nasik proposals if required.*

Answer:

In connection with the above observations, an amount of Rs.1,60,37,480/- has been provided in the previously submitted budget for the maintenance of existing trees and vegetation in the area coming up NH-60 Khed-Sinnar under the jurisdiction of Social Forestry, Pune Department. But due to lack of information of existing saplings to proposal its expenditure does not appear logical.

The Pune department has been informed about this and they have not provided any amount for any such matter in the newly submitted revised budgets. Therefore, the demand amount of Rs.1,60,37,480/- should be excluded as per the provision made in the earlier budget. Similarly you are being informed that the Forest Department is not doing tree planting as per the specifications of the distance of IRC SP 21:2009 and for the State the prevailing and approved budget has been used.

4. *Regarding block plantation in Pune and Ahmednagar, the area undertaken is 2 Ha at 2 locations each. But there is wide variation in proposed number of plants as well as the cost estimates. In Pune proposal, the cost estimates is Rs.1,57,05,016/- with 30000 plants per Ha which is 11 times more than the Ahmednagar estimate which is Rs.14,49,829/- with 7500 plants per Ha. The variation may be supported by proper justification on the basis of site specific conditions of the project area.*

Answer:

The 30000 plants per hectare are planted in the government approved system of Miyawaki method of solid planting. For this, Forest Department, Government of Maharashtra has approved Government Circular No. Savvi-2019/PK-3/F-11 dated 25 June 2019 (copy attached).

According to the government approved and prevalent Anandghan forest planting, 30000 saplings each i.e. 60000 saplings on a total area of 2 ha of 2 sapling sites have been proposed at Panmala and Avasari Ghat

under the village zone of Pune Division. Its details are as follows:

Sr. No	Saplings Jungle place	Area	Nos. of Saplings	Budget amount	Govt approved model No
1	Panmala	1H	30,000	101.67	Atal Anandghan Van Yojana Trees Planting Budget Specimen-4
2	Avsari Ghat	1H	30,000	101.67	
	Total	2H	60,000	203.34	

Also, budgets for planting 30,000 saplings for 1 hectare have been proposed as approved by the government under the Sangamner examination in Ahmednagar division under Nasik news and as per prevailing Anandghan forest plantation. It means 6000 saplings for 0.20 Ha at Dolasne and 9000 saplings for 0.30 Ha at Karhe Ghat have been proposed for plantation of 15000 saplings on an area of 0.50 Ha. Its description is as under:

Sr. No	Saplings Jungle place	Area	Nos. of Saplings	Budget amount	Govt approved model No
1	Dolasane	0.20H	6,000	11.86	Atal Anandghan Van Yojana Trees Planting Budget Specimen-3
2	Karhe Ghat	0.30H	9,000	17.77	
	Total	0.50H	15,000	29.63	

Earlier Social Forestry Pune Forest Department had proposed a 5 year budget for solid plantation. But after informing them to prepare the budget as per the government approved budget, now Miyawaki planting is proposed for the period from pre-monsoon works to third year (copy of revised budget attached).

5. *The project proposal to submit necessary clarification/ justification compliance report to this office for further necessary action.*

Answer:

As per the examination of the budgets received from Social Forestry Department Pune, Ahmednagar and Nasik, annual changes have been made in the budgets as per the need based on the points raised by us. As above, the points No 1 to 4 have been amended and the department wise details of the amended matters are given below.

Revised estimates for pre-monsoon to 5th year work for planting two-way road trees from Divisional Forest Officer Social Forestry Pune, Ahmednagar and Nasik and revised estimate for pre-monsoon to 3rd year work for Group Planting (Miyawadi) from Ahmednagar and Pune Divisions have been received and its summary is as follows:

Pune Division:

Division	Area	Place	Matter of work	Area		Nos. Of Saplings	Pre-rainy works	1 st year	2 nd year	3 rd year	4 th year	5 th year	Total
				KM	H								
Pune	Khed	Chandoli toll booth to Panmala Road	Both sides of road	5	0	2500	1.87	42.64	34.25	32.28	34.13	36.09	181.27
		Panmala to Hotel Yuvaraj	Both sides of road	5	0	2500	1.87	42.64	34.25	32.28	34.13	36.09	181.27
		Village Panmala	Gat Planting	0	1	30000	21.61	42.85	25.57	11.64	0	0	101.67
	Ambe gaon	Peth to Kalamb	Both sides of road	5	0	2500	1.87	42.64	34.25	32.28	34.13	36.09	181.27
		Village Osri Ghat	Gat Planting	0	1	30000	21.61	42.85	25.57	11.64	0	0	101.67
		Narayan gaon to Kandli Phata	Both sides of road	5	0	2500	1.87	42.64	34.25	32.28	34.13	36.09	181.27
		Total		20	2	70 000	50.7	256.26	188.14	152.4	136.52	144.36	928.42

Ahmednagar Division:

Division	Area	Place	Matter of work	Area		Nos. Of Saplings	Pre-rainy works	1 st year	2 nd year	3 rd year	4 th year	5 th year	Total
				KM	H								
A'Nagar	Sangam ner	Karhe Ghat to Palas Khede	Both sides of road	1.50	0	1500	1.03	26.68	20.55	19.37	20.48	21.66	109.77
		Say khind to Karye Ghat	Both sides of road	3.50	0	1760	1.31	31.13	23.98	22.59	23.90	25.26	128.17
		Bota to Karkundi	Both sides of road	3.50	0	1760	1.31	31.13	23.98	22.59	23.90	25.26	128.17

		Karkundi to Ambi Khalchha	Both sides of road	2.00	0	1000	0.74	17.79	13.70	12.91	13.65	14.44	73.24
		Khandar Malwadi to Mahuli Ghat	Both sides of road	3.00	0	1500	1.12	26.68	20.55	19.36	20.47	21.65	109.86
		Malwadi to Bamble wadi	Both sides of road	3.00	0	1500	1.12	26.68	20.55	19.36	20.47	21.65	109.86
		Dolasne to Sakur Phata	Both sides of road	1.50	0	1500	1.03	26.68	20.55	19.37	20.48	21.66	109.77
		Chandanpuri to Sangamner bypass	Both sides of road	3.00	0	1500	1.12	26.68	20.55	19.36	20.47	21.65	109.86
		Sangamner MIDC to Saykhindi	Both sides of road	1.50	0	750	0.56	13.34	10.28	9.68	10.24	10.83	54.93
		Village Dolasane	Gat Planting	0	0.20	6000	4.37	6.14	0.77	0.58	0	0	11.86
		Karhe Ghat	Gat Planting	0	0.30	9000	6.53	9.21	1.16	0.87	0	0	17.77
		Total		22.5	0.5	27750	19.68	242.14	176.62	166.03	174.05	184.05	963.26

Nasik Division:

Division	Area	Place	Matter of work	Area KM H.	Nos. Of Saplings	Pre-rainy works	1 st year	2 nd year	3 rd year	4 th year	5 th year	Total
Nasik		Kurhe wadi Shirdi bypass to Samriddhi bypass	Both sides of road	2.50	1250	0.93	22.24	17.13	16.14	17.06	18.05	91.55
		Samriddhi bypass to Mhal sobha Devsthan Pati Road	Both sides of road	2.50	1250	0.93	22.24	17.13	16.14	17.06	18.05	91.55

		Mhal soba Dev sthan pati kshetr/ Savta mali dhaba	Both sides of road	3.00	1500	1.12	26.69	20.55	19.37	20.48	21.66	109.86
		Savta mali Dhaba Devpoti Park to Hotel Bandhu prem	Both sides of road	2.00	1000	0.75	17.79	13.70	12.91	13.65	14/44	73.24
		Hotel Bandhu prem to Karhe Ghat	Both sides of road	1.50	750	0.56	11.14	10.28	9.68	10.24	10.83	54.93
		Total		11.50	5750	4.29	102.3	78.79	74.24	78.49	83.03	421.10

Similarly under the reference letter No 4, Social Forestry Department has planted 12750 saplings at a distance of 22.50 km from Bot to Palaskheda in Sangamner area of Ahmednagar 2.71 Crores amount is the amount received as per the budget submitted by the Divisional Forest Officer Ahmednagar for pre-monsoon to third year work before sending the revised sample budget from this office. However, revised budgets are being submitted herewith and as per revised budgets the summary of the amount demanded is as under:

Sr. No	Name of the Department	Amount demanded in Rs. Lakh
1	Divisional Forest Officer, Social Forestation Dept Pune	928.42
2	Divisional Forest Officer, Social Forestation Dept Ahmednagar	963.26
3	Divisional Forest Officer, Social Forestation Dept Nasik	421.13
	Total	2,312.81

1091

Hence as per the revised budget the funds are to be made available as stated above.

SD

Vivek Khandekar

Additional Chief Head Forest Ranger

(Headquarter)

Social Forestation, Maharashtra State

Pune

Copy to:

Forest Ranger, Social Forestation, Pune and Nasik for information and for necessary action

The Forest Ranger, Social Forestation, Pune is being informed that the copy of this letter is to sent through special messenger to Project Director, Bharatiya National Highway Authority, S. No 134/1 BAIF Campus, Dr. Manibhai Desai Nagar, Warje, Pune-411058 and its acknowledgement with date is to be sent to this office.

उपविभागीय वन अधिकारी संगमनेर यांचे कार्यालय संगमनेर खुद्द

४२२६०५ ता.संगमनेर जि.अ.नगर.

Email- sdfo.sangamner@gmail.com

Phone/Fax: ०२४२५-२९७५०५

पत्र

जावक.क्र. अ/सर्व्हे/ २९ /सन २०२२-२३

संगमनेर दिनांक २०/०९/२०२२.

प्रति,

मा. मुख्य वनसंरक्षक (प्रा)

- नाशिक

विषय :- Original Application No. ४०/२०२०(WZ) Mr. Ganesh Suresh Borhade
Vrs Union of India & others

- संदर्भ :- १) केंद्र शासन पत्र क्र. Misc-०३/RoN/२०१५-NGP/१०३१५, दि.१९/०९/२०२२
२) आपलेकडील पत्र क्र. कक्ष-२/जमिन/प्र.क्र.१५/२०२०-२१/१३६६, दि.१४/०९/२०२२
३) आपलेकडील दिनांक २०/०९/२०२२ रोजीचा दुरध्वनी संदेश.

उपरोक्त विषयान्वये आपण राष्ट्रीय महामार्ग क्र. ६० वर पहाणी करून सदरील क्षेत्रात वन्यप्राणी वावर व Road Kill बाबतचा (Forest तसेच nonforest land) data व इतर काही वन्यप्राण्यांसाठी Provision करता येईल का याबाबतचा सविस्तर अहवाल सादर करण्याबाबत कळविले आहे.

त्या अनुषंगाने सविनय अहवाल सादर करण्यात येतो की, राष्ट्रीय महामार्ग ओलांडतांना विबट व इतर वन्यजीवांचे अपघाती मृत्यु झालेले आहेत. वन्यजीवांना ये-जा करण्यासाठी भुमिगत मार्ग उपलब्ध नाहीत. प्रस्तावाचे तत्वतः मंजुरीचे आदेशामधील अट क्र. १५ मध्ये नमुद होते की, वन्यजीवांना ये-जा करण्यासाठी वनविभागाच्या देखरेखीखाली भुमिगत मार्ग बांधण्यात यावेत. तसे अटी पूर्तता अहवालमध्ये प्रकल्प यंत्रणेने अट मान्य असल्याचे प्रमाणपत्र दिलेले आहे. परंतु प्रकल्प यंत्रणेने कोठेही तसे भुमिगत मार्ग बांधलेले नाहीत.

मा.अपर प्रधान मुख्य वनसंरक्षक व केंद्रस्थ अधिकारी म.रा.नागपुर यांचे समवेत स्थानिक वनअधिकारी व प्रकल्प यंत्रणेचे अधिकारी यांनी या राष्ट्रीय महामार्गावर चार ठिकाणे निश्चित करून वन्यजीवांना ये-जा करण्यासाठी भुमिगत मार्ग बांधण्याबाबत प्रकल्प यंत्रणेला सुचित केले आहे. अद्यापपावेतो प्रकल्प यंत्रणेने प्रत्यक्ष कामकाजास सुरुवात केलेली नाही. संयुक्त पहाणी दरम्यान सुचविलेल्या भुमिगत मार्ग बांधण्याचे ठिकाणाचे जिपीएस रिडींग खालीलप्रमाणे असे.

अ.क्र	वनक्षेत्र	गावाचे नांव	अक्षांश व रेखांश
१	संगमनेर भाग-१	माळवाडी	N- १९.२२५३८२८१ E- ७४.१२७१८३५८
		खंदरमाळवाडी	N- १९.२२५३२३४८ E -७४.१२७१३१६७
		डोळासणे	N- १९.२२५३१९३९ E- ७४.१२७१४१९२
		चंदनापुरी (जावळेवस्ती)	N- १९.४७६७१२ E- ७४.२०१६०७
२	संगमनेर भाग-२	वेलहाळे	N- १९.६५०९८७ E- ७४.१६०६३१

— प्रकल्प यंत्रणेस प्रस्तावाचे तत्त्वतः मंजूरीचे आदेशामधील अट क्र. १५ मध्ये नमुद केल्याप्रमाणे, वन्यजीवांना ये-जा करण्यासाठी वनविभागाच्या देखरेखीखाली भूमिगत मार्ग बांधण्यात यावेत याबाबत प्रकल्प यंत्रणेस वारंवार कळविण्यात आलेले आहे. तसेच बिबट प्रवण क्षेत्रात ये-जा करणा-या वाहनांसाठी सुचनाफलक लावण्याबाबत प्रकल्प यंत्रणेस आपले स्तरावरून लिहून जाणेस विनंती असे. माहितीसाठी सविनय सादर.

(प्र.स.प. पाटील)
उपविभागीय वनआधिकारी
संगमनेर

**OFFICE OF SUB-DIVISIONAL FOREST OFFICER,
SANGAMNER AT SANGAMNER KHURD-422605,
TALUKA-SANGAMNER, DISTRICT-AHMADNAGAR**

Outward No A/Survey/921/
SN-2022-23

Sangamner Dt. 20/9/2022

To

Chief Forest Conservator (P)
Nasik

Sub: Original Application No 40/2020 (WZ) Mr. Ganesh
Suresh Borhade Vs Union of India & Others

- Ref: 1. Central Government letter No Misc-03/RoN/
2015-NGP/10315 dated 19/9/2022
2. Your letter No KX-2/Jamin-PK-15/2020-21/
1366 dated 14/9/2022
3. Your telephonic message dated 20/9/2022

With reference to the above subject you have done inspection on National Highway No 60 and informed giving us the detailed report in respect of movement of forest animals and road kill on forest as well as non-forest land and inform us whether provision for other certain forest animals can be made.

In view of the same the report is being humbly submitted that while crossing the National Highway the leopards and other forest animals have succumbed to death. For movement of the forest animals any underground ways are not made available. In condition No 15 of sanction in principle it was mentioned that for coming-going of forest animals under the control of Forest Department

underground roads are to be developed. Similarly in condition fulfilment report it has been certified that the project machinery has accepted the condition; but the project machinery has nowhere made such underground ways.

Along with the Additional Chief Forest Conservator & Central Officer Maharashtra State Nagpur the Local Forest Officer & Officer of Project Machinery had notified the project machinery to fix four places and for coming-going of forest animals underground ways are to be made. But so far the project machinery has not commenced the work. The GPS Reading of places of constructing underground roads suggested during joint inspection are as under:

Sr. No	Forest Area	Name of village	Latitude and Longitude
1	Sangamner Part-1	Malwadi	N 19.22538281 E 74.12718358
		Khandarmalwadi	N 19.22532348 E 74.12713167
		Dolasne	N 19.22531939 E 74.12714192
		Chandanapuri (Javle Vasti)	N 19.476712 E 74.201607
2	Sangamner Part-2	Velhale	N 19.650987 E 74.160631

As mentioned in condition No 15 of principle sanction to the proposal to project machinery for movement of the forest animals under maintenance of Forest Department the underground ways are to be constructed about which the project machinery has been informed again and again. Similarly for the vehicles moving in the area where there are lot of leopards about displaying notice board the project machinery is requested to do the same at their level. This is submitted for information.

SD

S.A. Patil

Sub-Divisional Forest Officer

Sangamner