



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

Execution Application No.16/2023(WZ)

I.A. No.21/2024(WZ)

Earlier E.A. No.21/2023(PB)

In

Original Application No.119/2023(WZ)

Earlier O.A. No.363/2015(PB)

Dr. Sarvabhoun Bagali ... Applicant

Versus

State of Karnataka & Ors. ... Respondents

REPLY AFFIDAVIT BY THE CHIEF SECRETARY,
GOVERNMENT OF MAHARASHTRA

I, Dr. Nitin Nandkishor Kareer, Age 60 years, working as Chief Secretary, Government of Maharashtra, Mantralay, Mumbai, 400 032, do hereby state on solemn affirmation as under.

1. I am well conversant with the facts of the present case and I am filing this affidavit based upon the records available in the office.



2. At the outset, I tender my unconditional apology for non appearance in the matter through an authorised counsel during hearing in the matter. There was no intention to dishonour the directions issued by this Hon'ble National Green Tribunal. I take all the orders issued by this Hon'ble Tribunal seriously and duly comply with them.
3. I say and submit that, vide order dated 01.02.2024, this Hon'ble Tribunal observed that, "As per the service affidavit dated 30.11.2023, service of notice upon respondent No.7, State of Maharashtra through its Chief Secretary is sufficient by e-mail as well as by Registered Post. But, none has appeared from their side today." This Hon'ble Tribunal further directed "to submit reply, as to why no one was authorized from their side to represent them and why no reply was submitted in writing, by the next date."
4. Considering the order of this Hon'ble Tribunal dated 01.02.2024, an explanation was called from the Environment Department as to why Chief Secretary was not represented in the instant matter before the Hon'ble Tribunal and why no reply was filed in the matter. It was also directed to appoint advocate to represent the Chief Secretary in this matter. Further, the Principal Secretary, Environment Department was specifically authorised to represent and file affidavit on behalf of Chief Secretary.
5. The Environment Department, vide it's clarificatory note conveyed that, there was a communication gap on part of the Environment Department and due to it, inadvertently no instructions were issued



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by the Department to the advocate appearing in the matter, to appear and represent also on behalf of the Chief Secretary. It has also been conveyed that now a letter has been issued by the Environment Department to the advocate to appear in the matter on behalf of the Chief Secretary. Thus the incidence of non-representation will not happen again.

6. I humbly submit that, in compliance of the Order of the Hon'ble Principal Bench dated 25.09.2028, passed in O.A. No.363/2015(PB) the District Collector Solapur has released the amount of Rs. 51,18,966/- to the District Legal Service Authority, Solapur. Accordingly, the Environment Department is going to file detailed affidavit before this Hon'ble Tribunal.

7. I reiterate my highest respect and regard for this Hon'ble Tribunal and orders passed by this Hon'ble Tribunal. There is no willful intention whatsoever to disobey the orders and directions issued by the Hon'ble Tribunal. I tender my unconditional apology for the inconvenience caused to this Hon'ble Tribunal due to non representation on my behalf during previous hearings in the matter.

Hence this affidavit.

Mumbai

Date 01.04.2024




DEPONENT
(Dr. Nitin N. Kareer)
Chief Secretary,
Government of Maharashtra.

VERIFICATION

I, Dr. Nitin Nandkishor Kareer, Age 60 years, working as Chief Secretary, Government of Maharashtra, Mantralay, Mumbai, 400 032, do hereby verify and declare that the statements made in the aforesaid paras are true and correct to the best of my knowledge and information. I believe the same to be true and that no material has been concealed therefrom.

Solemnly affirmed on this 1st day of April, 2024 at Mumbai.



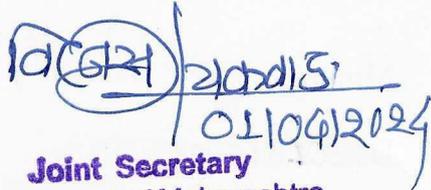

DEPONENT

(Dr. Nitin N. Kareer)
Chief Secretary,
Government of Maharashtra.

Identified by-


01/04/24
(Sagar Bhongade)
Deputy Secretary (Law)
Office of the Chief Secretary
Mantralaya, Mumbai.

SOLEMNLY AFFIRMED
BEFORE ME BY DEPONENT
SHRI N. N. Kareer
WHO IS IDENTIFIED
BY SHRI S. P. Bhongade


01/04/2024
Joint Secretary
Government of Maharashtra
Law and Judiciary Department
Mantralaya, Mumbai 400 032