

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

ORIGINAL APPLICAITON NO. 96 OF 2022

DISTRICT: PUNE

BETWEEN

Sachin Madhavrao Sonawane

.. APPLICANTS

V/S

J.M. Mhatre Infra Pvt. Ltd.

And others

... RESPONDENTS

REPLY ON BEHALF OF RESPONDENT NO.1 TO THE
REPORT DATED 30.12.2022

MAY IT PLEASE THE HON'BLE TRIBUNAL

01. The Respondent No.1 submits that the Respondent No.1 has been granted the permission for the extraction of sealed, soil, Murum at Nakane Lake, Gat No.62/1, village, Morane, Tal. And Dist. Dhule. The said lake provides water for Dhule city and adjoining villages

BEFORE ME

N. Patil
NOTARY



and the said work is being carrying out for increasing the storage capacity of the lake.

02. It is submitted that the present applicant has filed the Original Application alleging that, the Respondent No.1 is indulging in the activity of soil cutting and mining in the area around Nakane Lake. The Respondent No.1 submits that the Respondent No.1 has been given the assignment pertaining to desalination and that no mining or excavation is being carried out in an around Nakane Lake by the Respondent No.1.
03. The Respondent No.1 has filed the detailed reply to the Original Application on 20.12.2022 and it affirms the contents and statements made in the said reply as part and parcel of the present Reply to the Report.
04. The Respondent No.1 has filed the detailed reply to the Original Application on 20-12-2022 and details of the authority granted the permission to the Respondent No.1 for the extraction of sealed, soil, Murum at Nakane Lake, Gat No.62/1, village, Morane, Tal. And Dist. Dhule. On page no. 86-87 and also annex the documents on page no. 121 to 295.



BEFORE ME

Patil

NOTARY



05. The Respondent No.1 has perused the report dated 30.12.2022 and that in the conclusion the Committee has concluded that "in this process the excavation amounting to nearly 98 brass (as per Irrigation Dept. estimate) to 242 Brass (as per M/s. Scantrics LLP estimate) appears to have been done by the Contractor J.M.Mhatre Infra Pvt. Ltd.". The Respondent No.1 submits that, the aforesaid observation is incorrect and that is contrary to the pre-statement on the part of the Committee. In the report, the Tahsildar, Dhule city has recorded that, the Respondent No.1 carried out 98 brass mining during 9.1.2022 and 10.1.2022. it is impossible to carry out to such high quantity in one day and that the Committee has not ascertained or studied the issue in detail and as by way of shortcut has come to this erroneous conclusion.
06. In the observation, submitted by M/s. Scantrics LLP Inventory they had concluded that, old excavation of 242 brass minor mineral was excavated into two parts in the hills adjacent to Nakane lake. It is submitted that, the said Agency has also not concluded that the said excavation was carried out by the Respondent No.1 herein. The Respondent No.1 would like to rely upon the maps and photographs



BEFORE ME



NOTARY



of the M/s. Scantrics LLP, which clearly demonstrate that, the old excavation is observed and no major hill cutting is observed. Copy of the said plans are annexed herewith and marked as ANNEXURE 'R-1' collectively.

07. Be as it may, the Respondent No.1 submits that, there has been incidences of illegal hill cutting in the said area some time to time and that Irrigation Dept. And Tahsildar has taken action against the said violaters from time to time. The Respondent No.1 thus submits that, the Respondent No.1 has not engaged in any sort of violation and the said observation of the committee erroneous and thus, should not be considered by this Hon'ble Tribunal. The entire report demonstrates that, the Respondent No.1 has not engaged in any illegal activity of whatsoever nature and that the Respondent No.1 be discharged from the present proceeding and the original application qua the Respondent No.1 be kindly be dismissed.

Date:

Place:



Respondent No.1

BEFORE ME

@Veli

NOTARY



**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
WESTERN ZONE BENCH, PUNE.
O.A. No. 96 OF 2022 (WZ)**

**IN THE MATTER OF
SACHIN MAHDEVRAO SONAWANE**

...APPELLANT

VERSUS

J.M.MHATRE INFRA PVT.LTD. & 4 ORS

....RESPONDENTS

AFFIDAVIT

I, Jaydeep S. Bhosale S/o S. Bhosale, aged about 37 years, the Authorised Representative of Respondent No.1 Company having its registered Office at Market Yard, Plot No 492, Sahakar Nagar, Panvel-410206. presently at Dhule do hereby state affirmation as under:

- 1) That, I am the authorized representative of the Respondent No. 1 Company above mentioned and am authorized to swear this affidavit vide authority letter dated 13-12-2022 issued in my favour and as such I am acquainted and well conversant with the fact and circumstances of the this case and competent to swear this affidavit on behalf of the Respondent Company.
- 2) That, I have read and understood the accompanying Reply Affidavit in Original Application which has been drafted on my instructions. I say that the fact stated therein are true to my knowledge, belief and legal advice.
- 3) That, the Annexures R1 are true and correct copies of their respective originals.



DEPONENT

BEFORE ME



NOTARY



VERIFICATION:

Verified that the contents of paras 1 to 7 of my above affidavit are true to my knowledge, no part of it is false and nothing material has been concealed therefrom.

Verified on 6th day of Feb, 2023 at Dhule

DEPONENT

Place:- Pune.

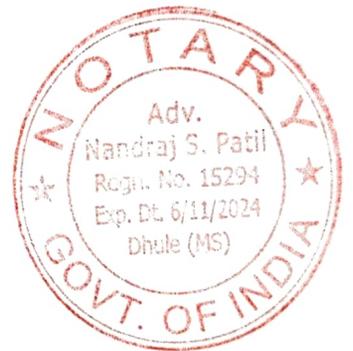
Date:- 06-02-2023

BEFORE ME

NOTARY

Adv. Nandraj S. Patil

Notary Govt. of India
Gandhi Nagar, Parola Road,
Behind Prakash Cinema,
DHULE - 424 004.
Mob.: 9823094805



NOTED & REGISTERED

Page No. **06 FEB 2023** Sr. No. **225/2023**
Dated.....



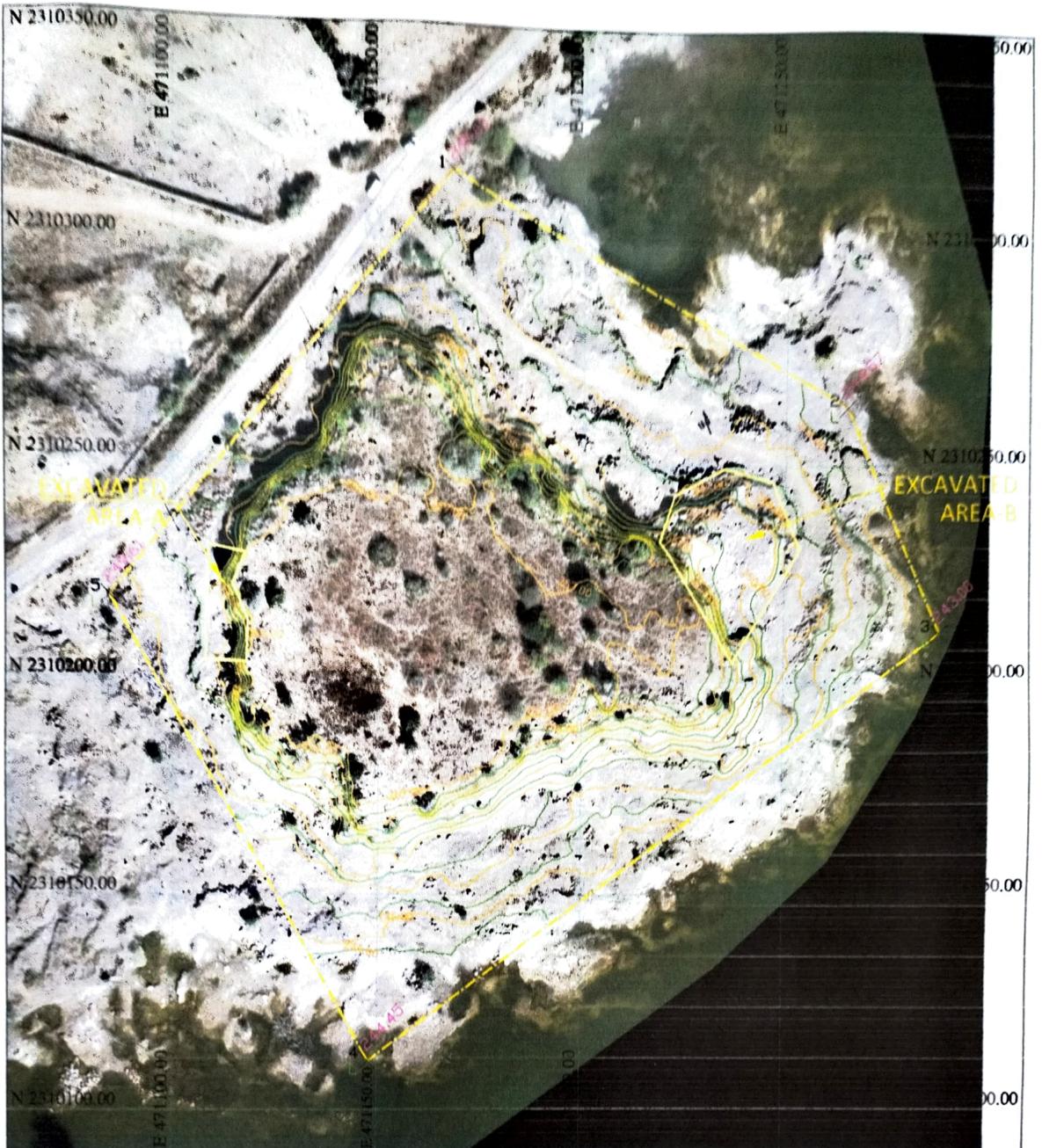
AFFIDAVIT

I, **Soydeep** S/o. **Bhosale**
Aged..... **27**Occ. **serv.**

Do Hereby State on Oath. That the Contents of Documents are True and Correct to the best of the knowledge & belief.

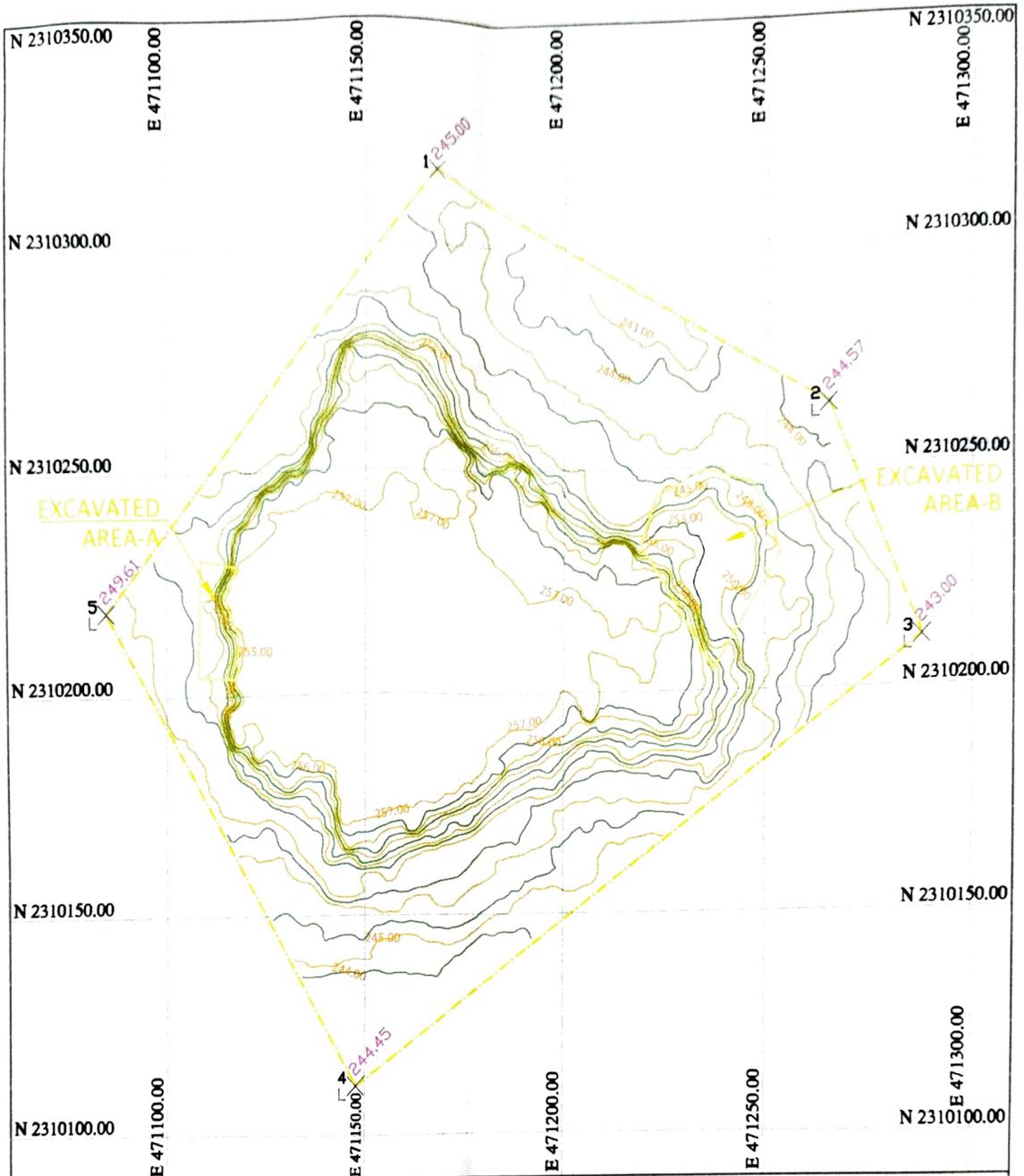
Hence Verified on.... **06 FEB 2023**20
at **Dhule**

Fidelity Filed by Adv. **S.V. Joshi**



INDEX: CONTOUR INTERVAL 1M. MAPPING AREA BOUNDARY GRID INTERVAL 50M.		GUT NO: 62/1(NAKANE TALAV) PLACE: TALUKA-DHULE,DIST-DHULE		
 SCALE 1 : 1000	PART	AREA OF EXCAVATION(SQ.M/H)	AVERAGE DEPTH (M.)	EXCAVATION(B.)
	A	220 SQ.M/0.02H.	1.00M.	78 BRASS.(B)
	B	908 SQ.M/0.09H.	0.51M.	164 BRASS.(B)
		TOTAL AREA OF EXCAVATION AREA=1128 SQ.M/0.11H.	0.60M.	242 BRASS.(B)
REMARK: 1. Top Surface Is Less Damaged Than Bottom Surface. 2. Excavation Is More At Ground Surface Level, Thus Major Hill Cutting Is Not Observed. 3. Old Excavation Can Be Observed At Ground Surface Level.				
			MEASURED BY: SCANTRICS LLP, NASHIK	DATE: 24 DEC 2022





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