

**BEFORE THE NATIONAL GREEN TRIBUNAL**

**WESTERN ZONE BENCH, PUNE**

APPEAL NO. 20 OF 2025

IN THE MATTER OF:

SADANAND GANGARAM KADAM

..... APPELLANT

VERSUS

MINISTRY OF ENVIRONMENT FOREST

AND CLIMATE CHANGE & ORS

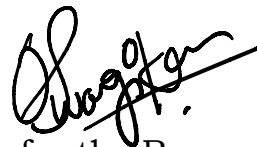
..... RESPONDENTS

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Date: 06.09.2025

Place: Mumbai



(Advocate for the Respondent No. 4)

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**REPLY ON BEHALF OF THE RESPONDENT NO. 4 KIRIT**

**SOMAIYA.**

**MOST RESPECTFULLY SHOWETH: -**

1. That the Appellant has filed the captioned Appeal before the Hon'ble National Green Tribunal however there is clear delay in filing of said Appeal which is beyond limitation period hence the said appeal should be dismissed with cost. That prima facie the captioned Appeal is totally misconceived and is based on false narration. Hence, it is submitted that the averments and allegations mentioned in present Appeal filed by the Appellant are denied in toto unless it is specifically admitted or reiterated hereunder

and no part of the same may be deemed to have been admitted otherwise.

2. At the outset, the Respondent No. 2 denies everything that is contrary to what is stated therein and/or inconsistent therewith as if the same were set out herein in extenso and traversed.
3. That the Respondent No. 4 states that the said Appeal has been filed by suppressing the apparent instances of forgery, cheating and dishonest inducement for illegal conversion of land use, criminal misconduct by public servant and the concomitant construction of a commercial resort in a No Development Zone, thereby violating the provisions of CRZ Notification 2011.
4. That the Respondent No. 4 had filed the Original Application No. 58 of 2021 on dated 20.07.2021 for seeking the Resort of the Appellant by the name "Sai Resort Annexe" in Village Murud, Tehsil: Dapoli, District: Ratnagiri be ordered to be demolished and the land be restored, as the same is located in NDZ of the CRZ area,

where no such Resort could have been constructed. Further during the pendency of the said OA the Respondent No. 1 i.e. MoEF&CC had issued the OM dated 31.01.2022 against the Appellant resort directing that “the unauthorized structure built at Survey No. 446, Sea Shore of Murud, Tehsil: Dapoli, District: Ratnagiri, Maharashtra should be removed in its entirety and the area shall be restored to its original condition”. Further the Respondent No. 1 i.e. MoEF&CC issued a letter addressed to the Member Secretary, Maharashtra Coastal Zone Management Authority (MCZMA) and the Member Secretary, Maharashtra Pollution Control Board (MPCB), where-in it recorded that the Committee recommends Rs. 25,27,500/- be realized as Environmental Compensation from M/s. Sai Resort (which is owned by the Appellant) for the violation of CRZ Notification, 2011 under ‘Polluter Pays Principle’.

5. That the Respondent No. 4 states that, it is important to note that during the pendency of the said OA No. 58 of 2021 and after the limitation period got over to file an Appeal before the Hon’ble Tribunal to challenge the said OM the Appellant intentionally, deliberately challenged the

said OM order dated 31.01.2022 before the Hon'ble Bombay High Court on dated 07.09.2022, by filing Writ Petition No. 11125 of 2022 (Sadanand Gangaram Kadam vs. Union of India, MoEF&CC & Ors.) to just avoid the limitation issue.

6. Further the present Respondent No. 4 had filed an Interim Application No. 18511 of 2022 in Writ Petition No. 11125 of 2022 on dated 23.09.2022 for requesting allow him to participate in the present Writ Petition filed by the Appellant and on dated 17.10.2022 the Hon'ble High Court has permitted present Applicant/ Intervener to participate in Writ Petition No. 11125 of 2022 (Sadanand Gangaram Kadam vs. Union of India, MoEF&CC & Ors.) proceedings.
7. That the Respondent No. 4 states that, on dated 02.05.2023 the Hon'ble Tribunal have considered the view that the grievance of the present Respondent No. 4 has already been redressed and now the OM order dated 31.01.2022 issued by the Respondent No. 1 i.e. MoEF&CC has already been challenged before the Hon'ble High Court, hence the Respondent No. 4 prays that he may be

permitted to withdraw the OA, as of now, with liberty to file fresh, in case he suffers any grievance. Based on such request the Hon'ble Tribunal allowed the prayer and accordingly, dismiss the said OA as withdrawn with liberty to file fresh, if so required. **(The copy of order dated 02.05.2023 issued by the Hon'ble NGT in OA No. 58 of 2021 is annexed and marked as "Annexure R-1")**

8. That the Respondent No. 4 states that, on dated 21.11.2024 the Hon'ble High Court through its order categorically stated that,

*5. "Considering the above provisions, we see no reason to entertain this Petition. The Petitioner has alternate and efficacious remedies available under the Environment (Protection) Act, 1986, read with National Green Tribunal Act, 2010. No reasons exist to bypass these alternate and efficacious remedies. The letters and communications which the Petitioner has challenged, along with the impugned directions are mostly consequential to the directions issued by the Ministry under Section 5 of the Environment (Protection) Act, 1986. Accordingly, we decline to entertain*

*this Petition but relegate the Petitioner to avail of the alternate remedy before the NGT.”*

*6. In this case, we note that this Petition was filed after the limitation period for challenging the same before the NGT had expired. The argument about this being a composite Petition is most misconceived. By simply challenging some consequential letters, this cannot be styled as a composite Petition to avoid the rule of exhaustion of alternate remedies.*

Further the Appellant has withdrawn the said Writ Petition filed before the Hon'ble High Court. **(The copy of order dated 21.11.2024 issued by the Hon'ble High Court in Writ Petition No. 11125 of 2022 is annexed and marked as “Annexure R-2”)**

9. That the Respondent No. 4 states that, further the Appellant has filed the present Appeal before this Hon'ble Tribunal on 18.12.2024 along with various defects. That as per the directions of the Hon'ble High Court the Appellant has deposited an amount of Rs.25,27,500/- (Rupees Twenty Five Lakh Twenty Seven Thousand and Five Hundred Only) on 20.12.2024, as per the report of the Registry of this Tribunal dated 24.01.2025, which shows

that the directions has been issued by the Hon'ble High Court has been complied by the Appellant.

10. That the Respondent No. 4 states that, the during the hearing of the said OA filed by the Respondent No. 4, the present Respondent No. 4 had repetitively informed to the Hon'ble Tribunal that the Appellant has challenge the OM dated 31.01.2022 issued by the Respondent No. 1 intentionally before the Hon'ble High Court just because the limitation period the filing an Appeal u/s 16 of the NGT Act got over, and just avoid the demolition action the said delay tactics are adopted by the Appellant.

11. That following are the table containing the time of the entire issues :-

<b>Sr. No.</b>	<b>Date</b>	<b>Event</b>
1.	20.07.2021	The Respondent No. 4 filed the Original Application No. 58 of 2021 against the Resort of the Appellant by the name "Sai Resort Annexe".

2.	17.12.2021	Respondent No. 1 i.e. MoEF&CC had issued the Show Cause Notice against the Appellant's resort.
3.	31.01.2022	Respondent No. 1 i.e. MoEF&CC had issued the OM against the Appellant's resort.
4.	22.08.2022	Respondent No. 1 i.e. MoEF&CC had issued the letter against the Appellant's resort.
5.	07.09.2022	Appellant challenged the said OM order dated 31.01.2022 before the Hon'ble Bombay High by filing Writ Petition No. 11125 of 2022 (Sadanand Gangaram Kadam vs. Union of India, MoEF&CC & Ors.).
6.	23.09.2022	Respondent No. 4 had filed an Interim Application No. 18511 of 2022 in Writ Petition No. 11125 of 2022 on dated 23.09.2022

7.	17.10.2022	The Hon'ble High Court has permitted present Respondent No. 4 to participate in Writ Petition No. 11125 of 2022 (Sadanand Gangaram Kadam vs. Union of India, MoEF&CC & Ors.)
8.	02.05.2023	The OA No. 58 of 2021 has withdrawn with liberty to file fresh, if so required.
9.	21.11.2024	Appellant has withdrawn the said Writ Petition filed before the Hon'ble High Court.
10.	18.12.2024	Appellant has filed the present Appeal before this Hon'ble Tribunal.

15. That Respondent No. 4 states that, the Respondent No. 1 i.e. MoEF&CC had issued the Show Cause Notice dated 17.12.2021 against the Appellant's resort, was challenged by the Appellant after 1097 days by the Appellant.

## 16. BRIEF FACTS ABOUT THE LAND AND CRZ VOILATION DISPUTES AS FOLLOWS :-

a) As a public-spirited person who has devoted his life to the and socio-economic development of the marginalised downtrodden class, the Respondent No. 4 herein made enquiries from the relevant departments/Authorities and scrutinised the publicly available documents, which led to the establishment of the fact that in collusion with other accomplices, including the present Appellant, Shri Anil Parab (a Shiv Senapolitician and erstwhile Transport Minister of Maharashtra), fraudulently induced the Public Servants to grant permission for the construction of a Three- Storey commercial resort in a No Development Zone (NDZ), as defined under CRZ Notification of 2011. In pursuance thereof, Anil Parab along with his another accomplice Vibhas Ranjan Sathe, entered into criminal conspiracy with the Sub Divisional Officer, Dapoli, whereby the Sub Divisional Officer, a Public Servant, in a purported act of criminal misconduct, brazenly violated the extant norms of the

CRZ Notification of 2011, which proscribes any/all new constructions in the NDZ, i.e. up to 200 meters from High Tide Line on the landward side in case of the seafront, and granted permission for the conversion of aforesaid Agricultural Land into a non-agricultural land thereby allowing it for used for residential and commercial purposes.

b) However, Shri. Anil Parab being a politician with unimaginable influence, the disguised but apparent sale of the aforementioned agricultural land on 02.05.2017 somehow got leaked into public discourse and hence political scrutiny. Hence, in an apparent attempt to cover his Benami Transactions, wherein sale transaction and ownership transfer were not registered inspite of the payment of a considerable amount of Rs. 1 Crore. Anil Parab and his accomplice, Vibhas Ranjan Sathe, — entered into a sale deed dated 19.06.2019, which inter alia, also recorded the conversion of the said land for non-agricultural residential and commercial purposes inspite of the fact that the sale and possession of the

said agricultural land to Anil Parab, pre-dated the land- conversion which was sought and granted into the name of Vibhas Ranjan Sathe.

- c) Thereafter allegedly Anil Parab, vide Letter dated 26.06.2019, informed the Sarpanch, Nirmal Gram Panchayat Murud, Dapoli, regarding the purchase of the aforesaid agricultural land vide Sale Deed 19.06.2019. In the said Letter dated 26.06.2019, it bears mention that Anil Parab falsely stated that Vibhas Ranjan Sathe did the construction on the said agricultural land and that he had purchased the said land along with the construction on the said land. It is submitted that Anil Parab deliberately gave the said sale information about the construction on the said land to the Sarpanch, Nirmal Gram Panchayat Murud, Dapoli, with the clear intent of creating a false and fabricated documental trail and record of an alleged three-storied resort, to circumvent and hence violate the provisions of the CRZ Regulations, 2011.

d) Pursuantly, after getting the aforesaid land and the alleged construction therein, registered as House No. 1074 in the Gram Sabha Records, and payment of requisite Property taxes, Anil Parab brazenly violated the extant norms of the CRZ Notification of 2011, which proscribes any/all new constructions in the NDZ, ie., up to 200 meters from High Tide Line on the landward side R b R L U T in case of the seafront and 100 mts. along tidal influenced water bodies or the width of the creek, whichever is less.

17. The Respondent No. 4 states that, the concise statement of facts leading to and/or necessitating is as under:

a) On 20.06.2011, one Vibhas Ranjan Sathe purchased 42 guntha (around 1 acre) land having Gat No. 446, Murud, from Sh. Ratnakar Janardan Pusalkar and six other people. The land was recorded as agricultural land in Revenue Record No. 7/12.

b) On agricultural land in 20.10.2015, the said Vibhas Ranjan Sathe sought permission from the Gram

Panchayat of Murud temporary to construct structure on the non-permanent said property. Pursuantly, the Gram Panchayat of Murud vide Letter No. G.P.M.335/2016, dated 26.02.2016, granted permission to construct Kaccha House (rough type hut) and laid down several terms and conditions for such construction. It is to be noted that permission was granted for a period of the 11 months from the date of issue. Amongst other conditions, one such relevant condition is reproduced below:

*9. If the building would have to be used for Non-Agricultural use, the advance permissions of Revenue/CRZ etc., will have to be obtained as the acts and rules.*

- c) It bears mention that no construction was ever made on the said agricultural land by the said Vibhas Ranjan Sathe, despite the grant of the aforementioned permission.

d) On 02.05.2017, Anil Parab admittedly purchased agricultural land, vide Survey No. 446 in Village Murud, Dapoli for a total sale consideration of Rs. 1 Crore, paid on 02.05.2017, via NEFT (IDBI Bank, Branch Talegaon Dabhade) and took possession of the said land with absolute erstwhile However, owner, ownership Sh. rights Vibhas from Ranjan despite having completed the Sathe. all transactions related to the sale of said land, having Gat. No. 446, the sale of the said land was executed after the lapse of more than 2 years, i.e. on 19.06.2019.

e) Admittedly, in pursuance of the aforementioned purchase and the concomitant possession of the aforementioned Agricultural Land on 02.05.2017, Anil Parab, by all means, became the beneficial owner of the said property. However, with the clear intention to disguise his actual ownership to park his unaccounted money and avoidance of tax, Anil Parab, inspite of paying an astronomical amount of Rs. 1 Crore, did not enter into any sale deed with the erstwhile owner, i.e. the said Vibhas Ranjan Sathe.

- f) It is submitted that inspite of the fact that Anil Parab was the beneficial owner of the said agricultural land after the payment of Rs. 1 Crore, the aforementioned Vibhas Ranjan Sathe, vide Letter dated 21.07.2017, ie. nearly 3 months after the sale of the aforementioned agricultural land, applied for the conversion of the aforesaid agricultural land for non-agricultural i.e. residential and commercial use.
- g) That the Sub Divisional Officer, Dapoli vide his Letter No. LNA/SR/122/2017 dated 12.09.2017, illegally granted permission to use said land for residential and commercial purposes. Thereby converting the land use from agricultural to non-agricultural. It is submitted that the Sub Divisional Officer, with a Public Servant, in conspiracy with Anil Parab and the aforementioned Vibhas Ranjan Sathe, in a purported act of criminal misconduct, brazenly violated the extant norms of the CRZ Notification of 2011, which proscribes any/all new constructions in the NDZ, ie. upto 200 meters from High Tide Line on the landward

side in case of the seafront and 100 mts along tidal influenced water bodies or width of the creek whichever is less.

h) At this juncture it is apposite to mention that as per the provisions of the CRZ Notification of 2011, all areas upto 200 meters from High Tide Line on the landward side in case of seafront and 100 mts along tidal influenced water bodies or width of the creek whichever is less is to be earmarked as NDZ, wherein all new construction is strictly prohibited, except the repairs or reconstruction of existing authorised structure not exceeding existing Floor Space Index, existing plinth area and existing defisity ) and for notification activities; dwelling permissible including activities facilities under essential Construction/reconstruction units of traditional the for of coastal communities including fisherfolk may be permitted between 100 and 200 metres from the HTL along the seafront in accordance with a comprehensive plan prepared by the State Government consultation communities incorporating

management or with the the including the provision, Union territory traditional in coastal fisherfolk necessary sanitation and disaster and recommended by the concerned State or the Union territory CZMA to NCZMA for approval by MoEF.

- i) Further, as per Paragraphs 3 and 8 of the CRZ Notification, 2011, any new construction is strictly Zéné prohibited within a No Development (NDZ), and construction of flle saidA property in the area is prohibited. The relevant excerpts of CRZ Notification, 2011, Para 8 (1) IIL. CRZ-II A(ii) is reproduced herein below:

***“no construction shall be permitted within NDZ except for repairs or reconstruction of existing authorised structure...”***

- j) It is a settled fact that the said Vibhas Ranjan Sathe never made any construction, including the aforementioned Kaccha House (rough type hut), inspite of being granted such permission by the Gram

Sabha vide Letter No. G.P.M.335/2016, dated 26.02.2016.

- k) However, after taking possession of the said agricultural land from Sh. Vibhas Ranjan Sathe, on 02.05.2017, Anil Parab started construction of the said Resort after getting illegal permission to construct a Ground plus one floor.
- l) It is submitted that when the apparent sale of the aforementioned agricultural land on 02.05.2017 got leaked into public discourse and hence political scrutiny because of the construction of ground plus one-floor Resort by the name of M/s Sai Resorts, Anil Parab, in an apparent attempt Transactions, to wherein cover sale his Benami transaction and ownership transfer was not registered inspite of the payment of a huge amount of Rs. 1 Crore, Anil Parab and his accomplice, Vibhas Ranjan Sathe, entered into a sale deed dated 19.06.2019, which inter alia, also recorded the conversion of the said land for non-agricultural residential and commercial purposes

inspite of the fact that sale and possession of the said agricultural land to Anil Parab, pre-dated the conversion which was sought and granted into the name of Vibhas Ranjan Sathe.

m) However, in his election affidavit filed along with the nomination paper before the returning officer for election to the legislative council from Maharashtra, Anil Parab deposed that he had given a personal loan of Rs. 1,00,00,000/- to one Vibhas Sathe.

n) Thereafter Anil Parab, vide Letter dated 26.06.2019, allegedly informed the Sarpanch, Nirmal regarding Gram the Panchayat purchase Murud, of the Dapoli, aforesaid agricultural land vide Sale Deed 19.06.2019. In the said Letter dated 26.06.2019, it bears mention that Anil Parab falsely stated that Vibhas Ranjan Sathe did the construction on the said agricultural purchased the land said and land that along he with had the construction on the said land. It is submitted that Anil Parab deliberately gave the said sale information about the construction on the

said land to the Sarpanch, Nirmal Gram Panchayat Murud, Dapoli, with the clear intent of creating a false record and of an fabricated documental trail and alleged three-storied resort, to circumvent and hence violate the provisions of the CRZ Regulations, 2011.

o) Pursuantly, after getting the aforesaid land and the falsely stated construction therein, registered as House No. 1074 in the Gram Sabha Records and payment of requisite Property taxes, Anil Parab brazenly violated the extant norms of the CRZ Notification of 2011, which proscribes any/all new constructions in the NDZ, i.e. upto 200 meters from High Tide Line on the landward side in case of the seafront and 100 mts along tidal influenced water bodies or width of the creek whichever is less.

p) It is apposite to mention that the above- mentioned registration of property as House No. 1074 is a de novo registration, and prior to the said registration, there was no existing structure under Vibhas Sathe's name, nor did the records recognise any structure at

the said land. This further fortifies the fact that there was no construction on the said land, and it was Anil Parab, who constructed an illegal Resort through fraud and forgery, has cheated the Gram Panchayat in connivance with some officers of Gram Panchayat and has created a false record of the Resort.

q) Further, in an apparent indication that Anil Parab started the commercial operation of the said illegally constructed Sai Resort in the NDZ Zone, Anil Parab applied and thereafter secured a 3Ph/5.75 KW Connection for the said Sai Resort/H.No. 1074 as Consumer No. 215570011932, vide DYEE/SPL-II/tech/No. 345, dated 05.03.2020, Receipt No. 1956650.

r) It is pertinent to mention that the said illegal Resort is fully functional and operational as a commercial unit in an NDZ, thereby violating the aforementioned provisions of the CRZ-III norms.

s) It is submitted that when the aforementioned criminal conspiracy of Anil Parab to indulge in cheating and dishonest inducement of Gram Sabha for issuance of transfer of M/s Sai Resort/House No. 1074 came into the public domain. Thereafter, questions were raised on the propriety and brazen illegality in constructing the said M/s Sai Resort/House No. 1074. obfuscating Anil Parab, with the sole intent of the aforementioned brazen violation of the CRZ-III norms by means of criminal conspiracy in collusion with other accomplices and public servants, sold the aforementioned land to one Sadanand Kadam (present Appellant) for a total consideration of Rs. 1,10,00,000/-, vide Sale Agreement dated 29.12.2019.

t) It is pertinent to mention that while the commercial operation of the said M/s Sai Resort/House No. 1074 had already started, as is exhibited Connection II/tech/No. aforementioned by the secured 345, said vide dated 3Ph/5.75 KW DYEE/SPL- 05.03.2020, Sale Agreement the dated 29.12.2019 had mere

mention of the transfer of the property for non-agricultural use and the alleged approval of the layout plan of Ground plus 1st Floor, granted to Vibhas Ranjan Sathe.

u) At this juncture, it is relevant to mention that while dated the aforementioned 29.12.2019 Sale mentioned Agreement the sale consideration to be Rs. 1,10,00,000/-, per cc;ntra in a declaration Accountants of made the said by the Chartered Sadanand Kadam (present Appellant), it was specifically stated that the value of the said land on Survey No. 446, was Rs.5,42,24,200/ - and that Mr Sadanand Kadam (present Appellant) had no other property at Murud, Dapoli.

v) The Respondent No. 4 further seeks indulgence of this Hon'ble Court to the fact that despite the aforementioned conversion of the said agricultural land for non-agricultural use was illegally granted by the SDO, the land on survey number 446 version was shown as agricultural land till May 2021. It is further

submitted ~ that to camouflage his aforementioned illegal conversion of the land for non-agricultural residential and commercial use and the concomitant illegal construction of the No. aforementioned M/s Sai Resorts/FHouse 1074, Anil Parab used his influence as a minister of the current government. He further used his clout to manipulate the revenue records, thereby getting the transfer of land on Survey No. 446 directly to Sadanand Kadam (present Appellant) by Vibhas Ranjan Sathe. It is submitted that the manipulation and forging of revenue records were done as a counterblast to the public outcry against the sale and construction of the aforementioned M/s Sai Resorts by Anil Parab.

w) It is further submitted that in order to manipulate the Government records and create an ostensible trail of documents, the said Sadananda Gangaram Kadam, in conspiracy with Anil Parab, paid land revenues for 2017-18, 2018-19 and 2019-20, vide Acknowledgement book No. 1189474, dated 11.05.2021. This was done inspite of the fact that

Anil Parab has admitted that he purchased the aforesaid land at survey number 446 from Vibhas Ranjan Sathe vide the sale deed dated 19.06.2019 and thereafter sold the same land at survey number 446 to the said Sadananda Gangaram Kadam vide Sale Agreement dated 29.12.2019.

x) Based on the above Respondent No. 4, members of circumstances, alongwith Parliaments, made the other scveral representations to the Ministry of Environment, Forest and Climate Change (MoEF&CC) about the aforesaid act of cheating and dishonest inducement for the grant of permission of construction in an NDZ Zone, criminal misconduct by Public Servant and the infractions of the provisions of the Environmental Laws.

y) Based on information received in the Above-mentioned representation, the MoEF&CC sought a report from sustainable Coastal Management (NCSCM) on the matter concerned.

- z) It is submitted as per the documents available in the public domain, the National Centre for Sustainable Coastal Management (NCSCM), after scrutinising the CRZ maps, concluded that the site and survey No. 446 fall within the NDZ in CRZ-III, thereby violating the conditions stipulated in the CRZ Notification, 2011 for construction of beach resorts or hotels in the designated areas of CRZ-III.
- aa) It is further submitted that even the MoEF & CC, in its fact-finding assessment, has concluded that the two resorts by the name of M/s Sai Resort NX and Sea Conch, existing in Gat No. 446, and their respective approach roads are in the gross violation of the provisions of the CRZ Notification 2011.
- bb) As per the documents available in the public domain, the MoEF & CC has also issued Show Cause Notices to the aforesaid M/s Sai Resort, M/s Sea Conch Resort and Anil Parab on the gross violation of the CRZ norms.

- cc) In the interregnum, in pursuance of the Complaint filed by the Respondent No. 4 regarding obtaining NA permissions based on concocted documents, Respondent No. 5 instructed Respondent no. 4, i.e. the District Collector of Ratnagiri, to initiate an inquiry to look into the issue.
- dd) In the said inquiry, it was found that during 2017-18, S.D.O gave several permissions for converting agricultural lands into non-agriculture based on concocted documents.
- ee) Based on the findings arrived in the inquiry, Respondent 5 scrapped/cancelled all the permissions for converting agricultural lands into non-agriculture. Actions were also initiated by Respondent no. 5 against the S.D.O. However, Shri. Sadanand Kadam (present Appellant) approached a local court against the cancellation of permissions for converting agricultural lands into non-agriculture and obtained a stay against further action.

- ff) The Respondent No. 4 states that he also filed a Complaint with the Lokayukta and presented information and evidence about the Resort's fraudulent ownership and illegal construction.
- gg) Pursuant to the proceedings before the Learned Lokayukta, the Additional Collector to inquire about the details provided by the Respondent No. 4. During the inquiry, the Chartered Accountant/Auditor of Shri Sadanand Kadam (present Appellant) appeared before the Additional Collector and informed that Shri Sadanand Kadam (present Appellant) was the owner of the Resort and the agricultural land of Survey No. 446.
- hh) During the inquiry before the Additional Collector, Ratnagiri, the Chartered Accountant, submitted a certificate allegedly certifying that Shri Sadanand Kadam (present Appellant) spent approx. Rs. 42 and 52 lakhs on the construction of the said Resort during the financial year 2017-18 and 2018-19. The Chartered Accountant further certified that Shri Sadanand Kadam (present Appellant) spent more than

Rs. 5 crores towards the Resort's construction in 2021.

- ii) The Respondent No. 4 states that the said statement exposes the fraudulent methodology employed by the Minister, Mr Anil Parab, to launder money. It is pertinent to note that not a single document has been brought on record to show any understanding/agreement between Sadanand Kadam (present Appellant) and Anil Parab, allowing Sadanand Kadam (present Appellant) to spend more than 6 Crores on the construction of the Resort, which he does not even own.
  
- jj) Thus, it is clear that Mr Anil Parab spent cash obtained through corruption on the construction of the said Resort. Later on, when the allegations started pouring in from all quarters, the said Sadanand Kadam (present Appellant) came forward and assumed the responsibility of spending on the construction of a resort which he did not own. This whole activity of the Minister in the ruling government exposes his

involvement in the placement, layering and integration of proceeds of corruption money in the system and requires investigation by the Enforcement Directorate.

kk) The endeavour of Shri Anil Parab to launder the corruption money is evident from the fact that he bought the said land in May 2017 but registered the Agreement on 19th June 2019 to avoid scrutiny by authorities such as Enforcement Directorate and Income Tax.

ll) The fraudulent approach of Shri Anil Parab is further evident from the fact that vide Letter dated 26.06.2019, Shri Parab himself allegedly informed the Sarpanch, Nirmal Gram Panchayat Murud, Dapoli, regarding the purchase of the aforesaid agricultural land vide Sale Deed 19.06.2019 with existing resort structure on land. He further states in subsequent admissions that he sold the said land to Mr Sadanand Kadam (present Appellant) on 29.12.2019. However, contrary to both the afore admissions of Mr Parab, Sadanand Kadam (present Appellant) stated that he

spent more than 6 Crores on the Resort's construction from 2017-18 onwards when he did not even own the property. Thus, it is beyond doubt that Mr Anil Parab executed documents with Vibhas Ranjan Sathe and Sadanand Kadam (present Appellant) to camouflange his benami ownership of the Resort and the said fact requires investigation.

- mm) Shri Anil Parab's falsity is further evident from the fact that during 2020-2021, when the whole country was under a pandemic induced lockdown, Shri Anil Parab applied for 3 phase commercial/ construction power supply to MSEDCL (Maharashtra State Electricity Board). The said connection was sanctioned on payment of Rs. 11000/-, and the same was paid from his bank account. The application made by Mr Anil Parab for an electricity connection for a resort not owned by him raises a serious question as to why a sitting Minister would apply for an electricity connection for land if he does not own the same.

nn) The incongruous chain of events makes it apparent that Anil Parab played fraud by concocting documents in connivance with Sadanand Kadam (present Appellant) for placement, layering, and integration of corruption money in acquiring a benami property. The money for the construction of the Resort ostensibly owned by Shri Anil Parab was spent in cash, and a trail of concocted documents was created to layer the said proceeds of crime.

oo) The Respondent No. 4 states that the acts of the Appellant and erstwhile Minister Mr Anil Parab has cause a grave damage to the environment, details whereof are part of the complaint made by the Respondent No. 4 before the authorities. The Respondent No. 4 craves leave to produce the documents and the complaints filed by him with regards to the environmental damage done by operating the said illegal resort as and when produced.

18. That Respondent No. 4 had filed the Original Application No. 58 of 2021 on dated 20.07.2021 for seeking the Resort of the Appellant by the name "Sai Resort Annexe" in Village

Murud, Tehsil: Dapoli, District: Ratnagiri be ordered to be demolished and the land be restored, as the same is located in NDZ of the CRZ area, where no such Resort could have been constructed.

19. That during the pendency of the said OA the Respondent No. 1 i.e. MoEF&CC had issued the OM dated 31.01.2022 against the Appellant resort directing that “the unauthorized structure built at Survey No. 446, Sea Shore of Murud, Tehsil: Dapoli, District: Ratnagiri, Maharashtra should be removed in its entirety and the area shall be restored to its original condition”.


20. That during the pendency of the said OA the Respondent No. 1 i.e. MoEF&CC issued a letter addressed to the Member Secretary, Maharashtra Coastal Zone Management Authority (MCZMA) and the Member Secretary, Maharashtra Pollution Control Board (MPCB), where-in it recorded that the Committee recommends Rs. 25,27,500/- be realized as Environmental Compensation from M/s. Sai Resort (which is owned by the Appellant) for the violation of CRZ Notification, 2011 under ‘Polluter Pays Principle’.

21. The Respondent No. 4 therefore, prays to this Hon'ble Tribunal:

- a.** The Appeal should be rejected with cost.
- b.** This Hon'ble Tribunal may permission be given to add, alter, or amend the reply and to file additional documents as and when required.
- c.** Such other and further reliefs as this Hon'ble Court may deem fit, proper and reasonable.

Dated: 06.09.2025

Place: Mumbai



(Advocate for the Respondent No. 4)



AFFIDAVIT

I, Dr. Kirit Somaiya, age 68, residing at 9/C, Gavanpada Rd, Gandhi Nagar, Neelam Nagar, Mahakali Nagar, Mulund East, Mumbai 400081, do hereby make an oath to swear as under –

That the contents of para 1 to 21 are true to my personal knowledge information and belief and Para Nos. I to XII of the grounds, which I believe to be true and correct. I have not suppressed any material fact.

VERIFICATION

I, the above named deponent do hereby verify that the contents of Para of the above affidavit are true to my knowledge.

Hence signed and verified at Mumbai on this 06.09.2025

Date: 06.09.2025

Place: Mumbai

Signature of Advocate

Signature of Applicant



BEFORE ME

ADV. S. H. MISHRA  
NOTARY (Govt. of India)  
Sri Gansh Mandir, room No. 1,  
S. T. Road, Deonar Depot,  
Mumbai -88. Mob.: 9969471888



NOTED IN  
Notary Reg. No. 2  
Sr. No. 100

**BEFORE THE NATIONAL GREEN TRIBUNAL  
WESTERN ZONE BENCH, PUNE**

**VAKALATNAMA**

APPEAL NO. 20 OF 2025

IN THE MATTER OF:

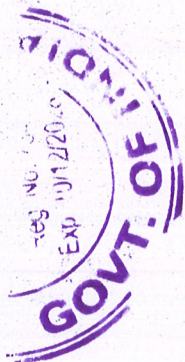
SADANAND GANGARAM KADAM

..... APPELLANT

VERSUS

MINISTRY OF ENVIRONMENT FOREST  
AND CLIMATE CHANGE & ORS

..... RESPONDENT



I, **Dr. Kirit Somaiya**, age 68, residing at 9/C, Gavanpada Rd, Gandhi Nagar, Neelam Nagar, Mahakali Nagar, Mulund East, Mumbai 400081, do hereby appoint - **The Respondent No. 04**

**ADV. OMKAR SHAM WANGIKAR** (MAH/3231/2015),

Office at Office No. 33, Nawab Chamber, Fountain, Fort, Mumbai 400 001

Email-id: adv.omkarwangikar@gmail.com M: 9890419292, 9623911777

To act, appear, plead for me in the above matter and I signed on this 06.09.2025 (This Vakalatnama is only related and limited to the present case)-

Accepted

Signature/s

(I am not a member of Welfare Fund)

Advocate

Dr. Kirit Somaiya



Item No. 7

(Pune Bench)

**BEFORE THE NATIONAL GREEN TRIBUNAL  
WESTERN ZONE BENCH, PUNE**

(WITH HYBRID OPTION)

Original Application No. 58/2021(WZ)  
I.A. No. 73/2021(WZ) & I.A. No. 177/2022(WZ)

Dr. Kirit Somaiya

.....Applicant

Versus

State of Maharashtra &amp; Ors.

....Respondent(s)

Date of hearing: 02.05.2023

**CORAM: HON'BLE MR. JUSTICE DINESH KUMAR SINGH, JUDICIAL MEMBER  
HON'BLE DR. VIJAY KULKARNI, EXPERT MEMBER**

Applicant : Mr. Omkar Wangikar, Advocate  
Respondent(s) : Mr. Aniruddha Kulkarni, Advocate for R-2/Env. Deptt.  
Mrs. S.B. Vaidya Pandit, Advocate for R-3/Dist. Collector  
Rajshree Genba More, Sub-Divisional Officer, Dapoli for R-3  
Ms. Manasi Joshi, Advocate for R-4/MCZMA  
Mr. Rahul Garg, Advocate for R-5/MoEF&CC  
Mr. Prerna Gandhi along-with Mr. S. Swaminathan,  
Advocates for R-6/Pvt. Party  
Mr. Saket Mone, Advocate for R-7/Pvt. Party  
Ms. Aarti Bhosale, Advocate for R-8/Pvt. Party

**ORDER**

1. This application has been filed with the prayers that the Resort of the Applicant by the name "Sai Resort Annexe" in Village Murud, Tehsil: Dapoli, District: Ratnagiri be ordered to be demolished and the land be restored, as the same is located in NDZ of the CRZ area, where no such Resort could have been constructed.

2. From the side of Respondent No. 7/Pvt. Party, learned Counsel Mr. Saket Mone has appeared and has drawn our attention to the *Writ Petition No. 11125 of 2022 (Sadanand Gangaram Kadam vs. Union of India, MoEF&CC & Ors.)*, where-in prayer is made before the Hon'ble High

Court to issue a Writ of Certiorari or any appropriate Writ or Order or direction in the nature of Certiorari under Article 226 of the Constitution of India, 1950 thereby calling for the records and proceedings culminating into the issuance of the impugned OM dated 31.01.2022 issued by the Respondent No. 1 and after going through the legality, validity and propriety thereof be directed to quash and set aside the same; further it is prayed that the letter dated 22.08.2022 be also quashed and set aside.

3. Thereafter, our attention is drawn by the learned Counsel for the Respondent No. 7 to the OM dated 31.01.2022, which is annexed at page nos. 525 to 527 of the paper book, where-in we find that this is an order/direction passed by the MoEF&CC on 31.01.2022 directing that “the unauthorized structure built at Survey No. 446, Sea Shore of Murud, Tehsil: Dapoli, District: Ratnagiri, Maharashtra should be removed in its entirety and the area shall be restored to its original condition”. The learned Counsel for the Respondent No. 7 states that it is this very order, which is being referred in the prayer clause before the Hon’ble High Court to be OM dated 31.01.2022, is prayed to be set aside.

4. Thereafter, the learned Counsel for the Respondent No. 7 has drawn our attention to the letter dated 22.08.2022, which is annexed at page nos. 535 to 537 of the paper book, issued by the MoEF&CC addressed to the Member Secretary, Maharashtra Coastal Zone Management Authority (MCZMA) and the Member Secretary, Maharashtra Pollution Control Board (MPCB), where-in it recorded that the Committee recommends Rs. 25,27,500/- be realized as Environmental Compensation from M/s. Sai Resort (which is owned by the Respondent No. 7) for the violation of CRZ Notification, 2011 under ‘Polluter Pays Principle’. Having drawn our attention to the above

order/letter dated 31.01.2022, it is vehemently argued that the prayer, which has been made by the Applicant before this Tribunal, is with respect to passing an order of demolition of the Resort in question, which has already been directed to be demolished by the MoEF&CC vide order dated 31.01.2022 and also environmental compensation has been ordered to be levied to the tune of Rs. 25,27,500/-, which is under challenge before the Hon'ble High Court in the Writ Petition mentioned above. Therefore, this application should not be heard by this Tribunal, as the grievance which the Applicant suffers, already stands redressed unless the said order of demolition is set aside by the Hon'ble High Court.

5. After having heard the learned Counsel for the Applicant at this stage, he prays that he may be permitted to withdraw this application, as of now, with liberty to file fresh, in case he suffers any grievance. We allow his prayer and accordingly, we dismiss this Original Application as withdrawn with liberty to file fresh, if so required.

Dinesh Kumar Singh, JM

Dr. Vijay Kulkarni, EM

May 02, 2023  
Original Application No. 58/2021(WZ)  
I.A. No. 73/2021(WZ) & I.A. No. 177/2022  
P.Kr



**Annexure R-2**

Pradnya

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIVIL APPELLATE JURISDICTION**

**WRIT PETITION NO. 11125 OF 2022**

Sadanand Gangaram Kadam ...Petitioner  
*Versus*  
Union of India and ors. ...Respondents

**WITH  
INTERIM APPLICATION NO. 52 OF 2023  
IN  
WRIT PETITION NO. 11125 OF 2022**

Dr Kirit Somaiya ...Applicant  
In the matter between  
Sadanand Gangaram Kadam ...Petitioner  
*Versus*  
Union of India and ors. ...Respondents

**WITH  
INTERIM APPLICATION NO. 18398 OF 2023  
IN  
WRIT PETITION NO. 11125 OF 2022**

The District Collector, Ratnagiri and ors. ...Applicants  
In the matter between  
Sadanand Gangaram Kadam ...Petitioner  
*Versus*  
Union of India and ors. ...Respondents

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**Mr Saket Mone**, a/w Mr Devansh Shah i/b. Vidhii Partners, for the Petitioner.

**Smt Neha S. Bhide, GP**, a/w Smt Shruti D. Vyas, Addl.G.P., Smt R. A. Salunkhe, AGP, Smt P. N. Diwan, AGP, for the Respondent-State.

**Adv Rui Rodrigues**, a/w Adv D. P. Singh, for Respondent No.1-UOI.

**Adv Jaya Bagwe**, for Respondent No.3-MCZMA.

**Adv Jitendra Jagtap**, a/w Adv Devendra Avhad, Adv Umesh Iyer, for Respondent No.4-MPCB.

**Adv Akhilesh Dubey**, a/w Adv Vagish Mishra, Adv Shubham Sharma i/b. Law Counsellors, for Respondent No.7.

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**CORAM**    **M.S. Sonak &  
Jitendra Jain, JJ.**  
**DATED:**    **21 November 2024**

**PC:-**

1. Heard learned counsel for the parties.
2. The Petitioner challenges directions under Section 5 of the Environment (Protection) Act, 1986, issued by the Ministry of Environment, Forest and Climate Change on 31 January 2022. The Petitioner also challenges communication dated 22 August 2022, by which the Petitioner is directed to pay environmental compensation of Rs.25,27,500/-. This is in pursuance of the directions dated 31 January 2022. The Petitioner has also challenged the letter dated 25 August 2022 to execute the directions dated 31 January 2022. Thus, the main challenge in this Petition is to the directions dated 31 January 2022 issued by the Ministry under Section 5 of the Environment (Protection) Act, 1986.
3. Section 5A of the Environment (Protection) Act, 1986 provides that any person aggrieved by directions issued under Section 5 on or after the commencement of the National Green Tribunal Act, 2010 may file an appeal to the National

Green Tribunal established under Section 3 of the National Green Tribunal Act, 2010 in accordance with the provisions of that Act.

4. Section 16 of the National Green Tribunal Act, 2010 also provides that any person aggrieved by any direction issued on or after the commencement of the National Green Tribunal Act, 2010 under Section 5 of the Environment (Protection) Act, 1986 shall be appealable to the National Green Tribunal (“NGT”).

5. Considering the above provisions, we see no reason to entertain this Petition. The Petitioner has alternate and efficacious remedies available under the Environment (Protection) Act, 1986, read with National Green Tribunal Act, 2010. No reasons exist to bypass these alternate and efficacious remedies. The letters and communications which the Petitioner has challenged, along with the impugned directions are mostly consequential to the directions issued by the Ministry under Section 5 of the Environment (Protection) Act, 1986. Accordingly, we decline to entertain this Petition but relegate the Petitioner to avail of the alternate remedy before the NGT.

6. In this case, we note that this Petition was filed after the limitation period for challenging the same before the NGT had expired. The argument about this being a composite Petition is most misconceived. By simply challenging some consequential letters, this cannot be styled as a composite Petition to avoid the rule of exhaustion of alternate remedies.

7. Mr Mone however, submitted that this Petition was pending in this Court since August 2022. He pointed out that based on the pendency of this Petition, learned Single Judge has disposed of Writ Petition No.14850 of 2023 by granting the Petitioner some limited protection. In these circumstances, he submitted that the Petitioner may be protected in so far as limitation issues are concerned. On instructions, he offered to deposit the amount of Rs.25,27,500/- before the NGT at the filing stage of the appeal before the NGT. He prayed for leave to withdraw this Petition with liberty to file an appeal before the NGT within four weeks from today.

8. In the peculiar circumstances explained by Mr Mone, we grant leave with liberty as prayed for. Suppose the appeal is indeed instituted within four weeks from today accompanied by a deposit of Rs.25,27,500/-. In that case, the NGT should entertain such an appeal on its merits and dispose of it as expeditiously as possible.

9. We also direct that the impugned directions may not be executed for four weeks from today. However, we clarify that this is only an ad-interim arrangement, and the Petitioner will make a case for interim relief before the NGT. The NGT should decide the application for interim relief entirely uninfluenced by this interim arrangement, which we have now ordered.

10. Suppose no appeal, accompanied by the deposit of Rs.25,27,500/-, is filed within four weeks from today. In that case, this interim arrangement will not operate, and the concerned authorities will implement the directions dated 31 January 2022.

11. Besides, Mr Mone states that the resort is not operational, and the interim relief is prayed for because otherwise, the authorities may demolish the resort. This statement about the Petitioner not operating the resort is accepted.

12. This Petition is allowed to be withdrawn and disposed of with the above liberties and directions. All contentions of all parties are left open.

13. By the Interim Application No.18398 of 2023, the State had requested that the preliminary issue about the exhaustion of alternate remedies be decided. Considering the above order, the reliefs in this Interim Application worked out. The Interim Application No.18398 of 2023 is also disposed of.

14. All pending Interim Applications, if any, are disposed of.

(Jitendra Jain, J)

(M.S. Sonak, J)