BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL

WESTERN ZONE BENCH, PUNE

ORIGINAL APPLICATION NO. 23 OF 2025

Lalitkumar N. Chaudhary … Applicant

Versus

The Chief Secretary, State of Maharashtra & Ors. …Respondents

REPLY ON BEHALF OF THE RESPONDENT NO. 4 TO 6 TO THE REJOINDER OF THE APPLICANT.

(FOR INDEX PLEASE SEE INSIDE)

ADVOCATE FOR THE RESPONDENT NO. 4 TO 6

(SANGRAMSINGH R. BHONSLE)

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL

WESTERN ZONE BENCH, PUNE

ORIGINAL APPLICATION NO. 23 OF 2025

Lalitkumar N. Chaudhary … Applicant

Versus

The Chief Secretary, State of Maharashtra & Ors. …Respondents

INDEX

Pune

Date: 25.11.2025

Advocate for the Respondent No. 4 to 6:
Sangramsingh R. Bhonsle,
Pushkara A. Bhonsle, Sneha Bhonsle & Naman Sherstra
Office at: H-5, Second Floor, Lajpat Nagar III, New Delhi.
Contact: 95458 09120
Email: srb.chambers@gmail.com

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
WESTERN ZONE BENCH, PUNE
ORIGINAL APPLICATION NO. 23 OF 2025

Lalitkumar N. Chaudhary … Applicant

Versus

The Chief Secretary, State of Maharashtra & Ors. …Respondents

REPLY ON BEHALF OF THE RESPONDENT NO. 4 TO 6 TO THE REJOINDER OF THE APPLICANT.

TO,

THE HON'BLE CHAIRPERSON AND

THE HON'BLE COMPANION JUDGES AND THE HON'BLE MEMBERS,

OF THE HON'BLE NATIONAL GREEN TRIBUNAL

THE HUMBLE REPLY OF THE RESPONDENTS ABOVENAMED,

MOST RESPECTFULLY SHOWETH

1. The Applicant herein on 15.02.2025 has filed an application u/s 14 read with Section 15 of the National Green Tribunal Act, 2010 bearing Original Application No. 23 of 2025 before this Hon'ble Tribunal. Vide the said Application, the Applicant has sought to challenge the alleged illegal and environmentally destructive activities undertaken by the Respondents at "Mouje Garkheda, Gat No. 121 (Old), Shingayat

Shivar, Taluka: Jamner, District Jalgaon" (hereinafter referred to as the "***Impugned Project***").

2. This Hon'ble Tribunal vide its order dated 06.03.2025 was also pleased to constitute a Joint Committee comprising of one member each of the Respondent No. 7, the Respondent No. 8 and the Respondent No. 9, who was also nominated to be the Nodal Agency. Thereafter, the matter was heard on 03.06.2025 by which *inter alia,* the Hon'ble Tribunal was pleased to grant time to the present Respondents to file a Reply to the present O.A. No. 23 of 2025. The present matter was again listed before this Hon'ble Tribunal on 08.07.2025, whereby, on a perusal of the Joint Committee Report, this Hon'ble Tribunal was pleased to note that on the basis of the submissions made by the Joint Committee, no violation appeared to have been caused by the Respondent No. 10. Thereafter, the present matter was listed on 21.08.2025, whereby this Hon'ble Tribunal was pleased to grant time to the Respondent to file a reply to the objections raised by the Applicant to the Joint Committee Report. The matter was again listed on 27.10.2025 whereby this Hon'ble Tribunal granted liberty to the Respondents to file a reply/ rejoinder to the objections raise by the Applicant to the Joint Committee Report after receipt of the same. In terms of the liberty granted by this Hon'ble Court vide Order dated 27.10.2025, the Answering Respondents are filing the present Reply to the Rejoinder of the Applicant.

3. At the outset, it is submitted that the objections/ rejoinder to the Joint Committee Report, as submitted by the Applicant is baseless and has no merits which would discredit the Joint Committee Report, hence, no contentions are deemed to be admitted by the Respondent No. 4 to 6 for reasons of non-traverse. The contents of the Reply, Affidavits or any such other documents, already forming a part of the record filed on behalf of the Answering Respondents has been repeated herein for the sake of convenience and brevity. The same may be considered as a part and parcel of the present Reply and the Answering Respondents may be permitted to refer to the documents forming a part of the record during the course of arguments before this Hon'ble Tribunal.

4. This Hon'ble Tribunal was pleased to constitute a Joint Committee, vide Order dated 06.03.2025 to inquire into and report upon the environmental aspects of the "Mouje Garkheda Tourism Development Project, Waghur Dam Island," Taluka Jamner, District Jalgaon. In terms thereof, a Joint Committee comprising conducted on-site inspections and submitted a factual report on 02.06.2025, which was submitted before this Hon'ble Tribunal on 26.06.2025.

5. It is submitted that the findings of the Joint Committee can be briefly concluded as follows:

a) The Joint Committee specifically noted that the Impugned Project would not be affected by Ecologically Sensitive Zone (ESZ), as the Impugned Project area has not been notified as an ESZ.

b) Since, in terms of the EIA Notification, 2006, the threshold for applicability of the requirement of prior EC, i.e. 20,000 sq. m. is not met by the Impugned Project, as the total built-up area is approximately 13,000 sq. m., therefore, prior EC is not required for the Impugned Project. However, the Waghur Dam Project has obtained EC from MoE&F on 27.10.2006.

c) The Construction of an approach road of 1,200 meters length and 3.75 meters width on 0.45 hectares of forest land was carried out after due compliance and in accordance with the prior permission of the Deputy Conservator of Forest, Jalgaon dated 13.02.2023.

d) The project has three 10 KLD STPs operating within its area. The valid Consent to Operate has been granted by MPCB to the said STPs on 19.08.2024.

e) Further, it was observed that all other necessary permissions have been taken and thus, no environmental violations were observed at the site.

6. <u>PARA WISE REPLY:</u>

a) The contents of para 1 of the Rejoinder are a matter of record and thus, need no reply from the Answering Respondents.

b) The contents of para 2 of the Rejoinder have no merit and thus, are denied. It is submitted that the Solid Waste produced at the Impugned Project is being processed and disposed of in accordance with law. The bio-degradable solid waste produced at the Impugned Project is being treated in 2 Compost Pits, having volume of about 80 cubic feet each. It is most respectfully submitted that composting is a viable and efficient method for treating bio-degradable solid waste and is also a recommended method for treating bio-degradable solid waste under the Solid Waste Management Rules, 2016. Further, other solid waste, which cannot be treated by way of pit-compositing is transported to the Local Grampanchayat, which thereafter, processes it in accordance with law.

c) The contents of para 3 of the rejoinder are false and concocted and are thus denied. It is submitted that on perusal of the Letter dated 26.06.2025, addressed by the Respondent No. 9 to the Ld. Registrar of this Hon'ble Tribunal, *(@ Page No. 333 to 335 of the Records of the present case)*, it can be noted that the Applicant had submitted two representations dated 19.05.2025 and 22.05.2025 respectively, to the office of the Respondent No. 9 for taking into consideration the objections of the Applicant during the Inspection by the Joint Committee. Thus, it is clear that the objections raised by the Applicant vide representations dated 19.05.2025 and 22.05.2025 were taken into consideration and duly examined by the Joint Committee.

d) The contents of Para 4 of the Rejoinder do not disclose the truthful factual matrix and are denied. It is submitted that the Impugned Project has three 10 KLD Sewage Treatment Plants operational in the Impugned Project for the treatment of Liquid Waste generated at the Impugned Project. Further, the Project Proponent has obtained Consent to Establish and First Consent to Operate from the Maharashtra Pollution Control Board for the said Sewage Treatment Plants on 19.08.2024, which is valid till 31.07.2026. During the visit of the Joint Committee, it was also observed that the STPs were found in operation during the visit.

e) The contents of para 5 of the Rejoinder regarding the Joint Committee not verifying the facts in the Original Application are misleading and are nothing but an attempt by the Applicant to seek a fishing and roving enquiry through the Joint Committee constituted by this Hon'ble Tribunal and are denied. The Applicant, vide para 5 of the Rejoinder and more specifically, para 5 (a) and (b) is treating the Joint Committee as a fact-finding committee to fill up the lacunae in the Original Application. It is further submitted that the Joint Committee observed that the site of the Impugned Project does not fall within an Ecologically Sensitive Zone as no notification has been issued by the Central Government in that regard. Thus, there exists no question of the Impugned Project falling within a buffer zone. Further, with respect to the authority of the Respondent No. 5 to issue No Objection Certificate, it is submitted that the Answering Respondents are well within their jurisdiction to grant necessary

permissions to develop the Impugned Project in accordance with the relevant State Laws.

f) The contents of Para 6 of the Rejoinder are nothing but the mere assumptions and bald allegations by the Applicant and the same are denied. Further, the contents of Para 6 have been aptly replied hereinabove and are not repeated herein for the sake of brevity.

g) The contents of Para 7 of the Rejoinder are merely bald allegations, which have been repeated. The contents of Para 7 have been aptly replied hereinabove and are not repeated herein for the sake of brevity.

h) The contents of Para 8 & 9 of the Rejoinder, questioning the authority of the Respondent No. 6 to issue any No Objection Certificate and with respect to buffer land are also repetitive and have been replied hereinabove and are not repeated herein for the sake of brevity.

i) The contents of Para 10 of the Rejoinder are against the factual record in the present matter and are denied. It is submitted that the approach road was constructed after obtaining the requisite permissions from the Forest Department and the same already

form a part of the Reply by the present Respondents to the Original Application No. 23 of 2025 *(@Pg. No. 399 of the Records in the present matter)*.

j) The contents of Para 11 are false and vexatious and are thus, denied. It is submitted that the Impugned Project has been granted permission by the Answering Respondents with valid authority in law and the operations of the Impugned Project are being carried out without degrading the environment.

7. From the abovementioned facts and circumstances, it is most submitted that the Applicant has entirely failed to make out a case against the Impugned Project and has failed to demonstrate any cogent damage caused to the environment or any illegality in the operations of the Impugned Project. The Impugned Project is operating with all due permissions and clearances and due process of law has been observed

8. Therefore, in view of the findings in the Joint Committee Report, it is evident that no environmental degradation or violation has taken place at Mouje Garkheda Tourism Development Project, Waghur Dam Island and thus, the Original Application No. 23 of 2025 deserves to be dismissed with costs, being devoid of merit. Further, it is most respectfully submitted that this Hon'ble Tribunal has granted the Applicant, ample opportunities to make out a case or to point out the substantial question relating to the environment, showing the illegality in the Impugned Project. However, till date, the

Applicant has failed to do so and thus, the present Original Application deserves to be dismissed for want of substantial question of law, pertaining to environment.

Date:25.11.2025 Filed by:

Advocate for the Respondent No. 4 to 6:
Sangramsingh R. Bhonsle,
Pushkara A. Bhonsle, Sneha Bhonsle & Naman Sherstra
Office at: H-5, Second Floor, Lajpat Nagar III, New Delhi.
Contact: 95458 09120
Email: srb.chambers@gmail.com

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

ORIGINAL APPLICATION NO. 23 OF 2025

IN THE MATTER OF

Lalitkumar N. Chaudhary ... Applicant

Versus

The Chief Secretary, Maharashtra State & Ors ... Respondents

AFFIDAVIT

I, Mr. Prashant Pitambar Sonawane, Age- 49, Occ: Superintendent Engineer, Public Works Circle, Jalgaon Office at: Infront of Collector Office, Jalgaon do hereby solemnly affirm and state as under:

NOTARY ADVOCATE Dharmendra D.Mali Dist.Jalgaon (M.S.) Reg.No.55292 Expiry Date 14/05/2030 GOVERNMENT OF INDIA

1. That I am the Respondent No. 4 in the above-named Original Application. I am conversant with the facts and circumstances of the case and as such competent to swear the present Affidavit.

2. That the contents of the Paras 1 to 8 of the present Reply are facts true to my knowledge and contains submissions and prayers to this Hon'ble Tribunal based on legal advice and the same is believed to be true and correct.

3. That the annexures filed along with the present Reply are the true copies of their respective originals.

DEPONENT

VERIFICATION

Verified at Jalgaon on this 21st day of November, 2025 that the contents of the present affidavit are true and correct and nothing material has been concealed therefrom.

DEPONENT

ADV. DHARMENDRA D. MALI
NOTARY PUBLIC, GOVT. OF INDIA
(Reg.No.55292)
GAT No.29, PLOT No.38
MUKTAINAGAR, JALGAON

ATTESTED AND REGISTERED
Sr.No. 16/2025
Contains Pages No. 2
Date: 21/11/2025.

SIGN BEFORE ME

AFFIDAVIT
Solemnly affirmed and signed before me by Shri Prashant Pitambar Sonawane of Jalgaon who is identified by Shri my self whom I Know Personally.

NOTARY ADVOCATE Dharmendra D. Mali Dist. Jalgaon (M.S.) Reg. No. 55292 Expiry Date 14/05/2030 GOVERNMENT OF INDIA

NOTARIAL NOTARIAL NOTARIAL NOTARIAL NOTARIAL

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL,
WESTERN ZONE BENCH, PUNE
ORIGINAL APPLICATION NO. 23 OF 2025

IN THE MATTER OF

Lalitkumar N. Chaudhary ... **Applicant**

Versus

The Chief Secretary,
Maharashtra State & Ors. ... **Respondents**

AFFIDAVIT

I, Mr. Rahul Devidas Patil, Age- 53, Occ: Executive Engineer, PWD Jalgaon Division, Office at: Infront of Collector Office, Jalgaon do hereby solemnly affirm and state as under:

NOTARY ADVOCATE Dharmendra D.Mali Dist.Jalgaon (M.S.) Reg.No.55292 Expiry Date 4/05/2030 GOVERNMENT OF

1. That I am the Respondent No. 5 in the above-named Original Application. I am conversant with the facts and circumstances of the case and as such competent to swear the present Affidavit.

2. That the contents of the Paras 1 to 8 of the present Reply are facts true to my knowledge and contains submissions and prayers to this Hon'ble Tribunal based on legal advice and the same is believed to be true and correct.

3. That the annexures filed along with the present Reply are the true copies of their respective originals.

DEPONENT

VERIFICATION

Verified at Jalgaon on this 21 st day of November, 2025 that the contents of the present affidavit are true and correct and nothing material has been concealed therefrom.

DEPONENT

NOTARY ADVOCATE Dharmendra D.Mali Dist.Jalgaon (M.S.) Reg.No.55292 Expiry Date 14/05/2030 GOVERNMENT OF INDIA

NOTARIAL NOTARIAL NOTARIAL NOTARIAL NOTARIAL

NOTED AND REGISTERED
Sr.No.17/2025
Contains Pages No. 2
Date: 21 / 11 /2025

SIGN BEFORE ME

AFFIDAVIT
Solemnly affirmed and signed before me by Shri Rahul Devidas Pohl of Jalgaon who is identified by Shri By self whom I Know Personally.

ADV. DHARMENDRA D. MALI
NOTARY PUBLIC, GOVT. OF INDIA
(Reg.No.55292)
GAT No.29, PLOT No.38
MUKTAINAGAR, JALGAON

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL,

WESTERN ZONE BENCH, PUNE

ORIGINAL APPLICATION NO. 23 OF 2025

IN THE MATTER OF

Lalitkumar N. Chaudhary ...Applicant

Versus

The Chief Secretary, Maharashtra State & Ors. ... Respondents

AFFIDAVIT

I, Mr. Gokul Shrawan Mahajan, Age- 52, Occ: Executive Engineer, Waghur Project Division, Office at: Jalgaon do hereby solemnly affirm and state as under:

1. That I am the Respondent No. 6 in the above-named Original Application. I am conversant with the facts and circumstances of the case and as such competent to swear the present Affidavit.
2. That the contents of the Paras 1 to 8 of the present Reply are facts true to my knowledge and contains submissions and prayers to this Hon'ble Tribunal based on legal advice and the same is believed to be true and correct.
3. That the annexures filed along with the present Reply are the true copies of their respective originals.

DEPONENT

VERIFICATION

Verified at Jalgaon on this 21 day of November, 2025 that the contents of the present affidavit are true and correct and nothing material has been ...aled therefrom.

AFFIDAVIT
Solemnly affirmed and signed before me
by Shri Gokul shrawan mahajan age 52
of Jalgaon who is identified by
Shri Self
whom I Know Personally.

DEPONENT

BEFORE ME
21/11/2025
ADV. R. R. WAGH
NOTARY GOVT OF INDIA

NOTED AND REGISTERED
Sr.No. 89
Contains Pages No. one.
Date: 21 / 11 /2025

NOTARIAL NOTARIAL NOTARIAL NOTARIAL NOTARIAL

NOTARY ADVOCATE Rajendra R. Wagh Dist.Jalgaon(M.S.) Reg.No.54225 Expiry Date 05/05/2030 GOVT. OF INDIA

NOTARY ADVOCATE Rajendra R. Wagh Dist.Jalgaon(M.S.) Reg.No.54225 Expiry Date 05/05/2030 GOVT. OF INDIA

ADV.RAJENDRA R. WAGH
NOTARY PUBLIC,GOVT.OF INDIA
(Reg.No.54225)
Plot No.17B, Jilha Peth
Swatantrya Chowk,Jalgaon-425001

PROOF OF SERVICE ~~592~~

Gmail

Adv Sangramsingh R Bhonsle <srb.chambers@gmail.com>

Service of Reply on behalf of the Respondent Nos. 4 to 6 to the Rejoinder by the Applicant to the Joint Committee Report in O.A. No 23 of 2025 (WZ) in the matter of Lalitkumar Chaudhary v. The Chief Secretary, Maharashtra State & Ors

1 message

Adv Sangramsingh R Bhonsle <srb.chambers@gmail.com> Tue, Nov 25, 2025 at 4:34 PM
To: Lalitkumar Chaudhari <lalitc24@gmail.com>, cs@maharashtra.gov.in, psec@mahapwd.gov.in, psec.tourism@maharashtra.gov.in, pccfhoffngp@mahaforest.gov.in, collector.jalgaon@gmail.com, blackwoodsemerald@gmail.com, pankaj.proportions@gmail.com, "adv.nrupal@gmail.com" <adv.nrupal@gmail.com>, ms@mpcb.gov.in
Cc: Adv Sangramsingh Bhonsle <sangramsinghbhonsle@gmail.com>

Ma'am/ Sir,
I am the Advocate for the Respondent Nos. 4 to 6 in the matter of Lalitkumar Chaudhary v. The Chief Secretary, Maharashtra State & Ors. bearing O.A. No. 23 of 2025 (WZ) pending before the Hon'ble National Green Tribunal, Western Zone Bench, Pune.

Please find attached a copy of the Reply on behalf of the Respondent Nos. 4 to 6 to the Rejoinder by the Applicant to the Joint Committee Report in the present matter. Kindly consider the same as service of the same on your Office.

Regards,
Sangramsingh R. Bhonsle
Advocate On Record
Supreme Court of India
H-5, Second Floor, Lajpat Nagar III,
New Delhi - 110024.
Mob- 9545809120

Final Reply to Objections_R4 to R6.pdf
3081K