

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL,**

**WESTERN ZONE BENCH PUNE**

**AT PUNE**

**ORIGINAL APPLICATION NO. 03 OF 2023**

**SANDEEP SHESHRAO JADHAV**

**APPLICANT**

**V/S**

**STATE OF MAHARASHTRA  
AND OTHERS**

**RESPONDENTS**

**REPLY ON BEHALF OF THE**

**RESPONDENT NOS.6, 16 & 18**

**MAY IT PLEASE THE HON'BLE TRIBUNAL**

1. At the outset, it is submitted that the allegations and submissions made in the aforesaid Original Application are not admitted by these Respondents and are hereby denied in toto. No fact or admission should be deemed to be admitted unless it is specifically traversed by these Respondents in the present Reply.
2. The Applicant herein has failed to make out the substantial question relating to the Environment under the provisions of 2(m) of the National Green Tribunal Act, 2010. The Applicant has failed to substantiate that how he is an aggrieved party in the eyes of law before this Hon'ble tribunal. The bonafides of the Applicant

are to be tested in view of the Judgement of the Hon'ble Supreme Court in the case of Uday Welfare Trust, as the Applicant has past history indulging into crimes and blackmailing.

3. The present Applicant in the present Original Application has claimed personal compensation to the tune of Rs.5 Lacs from the Respondents herein. However, it is pertinent to mention herein that in accordance to the provisions of Sec.15 of the National Green Tribunal Act, 2010, it is submitted that when the compensation is claimed by the Applicant, they are required to submit Form-2 along with material particulars in accordance with Rule-A of the National Green Tribunal (Practice & Procedure) Rules, 2011. Not only that the Applicant is claiming personal compensation are also required to deposit 01% of the compensation claimed before this Hon'ble Tribunal. The Respondents submit that from the proceedings served upon the Respondents, it appears that the Applicant has not made compliance of these requisitions, and hence, the present Original Application is not required to be entertained by this Hon'ble Tribunal until the same has been complied with by the Applicant and the same needs to be dismissed on this ground alone.
4. The present Respondents are residents of village Pathri, Tal. Phulambri, Dist. Aurangabad and are reputed people in the

Educational Society. These Respondents are agriculturists and have been taking bio-compost from one Mr. Ashok Yadavrao Kakde, who has been purchasing the said bio-compost from the Respondent No.5 herein. The said bio-compost is being utilised by the Respondents in their agricultural lands located in the said village.

5. The Hon'ble Tribunal vide its order dated 23.01.2023 had proceeded to admit the present Original Application and constituted a Committee of representatives of MPCB, CPCB and Collector. The direction in the said order dated 23.01.2023 has been that the Committee shall visit the spot and it shall submit its report along with the compensation assessed within a period of four weeks from the date of order. The said direction prima facie shows that, this Hon'ble Tribunal has come to the conclusion that, the Respondents have indulged into the some sort of pollution. However, the provisions of Sec.19 clearly states that the principles of natural justice ought to be followed before coming to any conclusion by the Hon'ble Tribunal prior adjudication. The Respondents have not been heard and the Committee has been directed to assess the compensation.

6. Be that as it may, the Applicant is relying upon the reports of water samples, submitted to the State Laboratory, which are annexed as **Annexure-21, Page 246**. The said report clearly states that, the Laboratory has not collected the samples. The result of Analysis contained in this report related only to the samples submitted by the Party. This observation clearly demonstrates that, the Laboratory has given Analysis Report only on the basis of the sample submitted by the Applicant. It is pertinent to mention herein that the Respondents are not aware at which samples have been collected by the Applicant and submitted to the Laboratory and hence, that report ought not to be considered by the Hon'ble Tribunal and the same be discarded in toto.
7. As stated in the aforementioned paragraphs, the Hon'ble Tribunal has proceeded to constitute the Committee and that the report of the Committee states that there has been spent wash dumped at Gat No.144 by Respondent No.5. It is submitted that there is no relation of the present Respondents with the Respondent No.5. The present Respondents have been purchasing Bio-Compost from the Respondent No.5 and for the same the necessary invoices are generated. The Committee has assessed the damage for land bearing Gat No.144, which belongs to the present Respondents.

However, the present land is being used for educational purposes and not for agricultural purposes. The Respondents have not claimed any compensation as claimed in the Report. The Respondents crave leave to refer to and rely upon the said invoices at the time of hearing of the present application.

8. The Respondents submit that, the Respondents have not indulged into any activities as alleged by the Applicant herein and the Applicant is put to strict proof thereof.

In view of the facts narrated herein above, the present Original Application be rejected by this Hon'ble Tribunal with expletory cost.

Pune

Date: 08/02/2024



Advocate for Respondent Nos.6, 16 & 18





**AFFIDAVIT/VERIFICATION**  
 Dwarkadas S/O. Yashwantrao Bansod.  
 Verified That Me Above Contents of  
 Paras 1 to Are True And Correct to the  
 Best of My Knowledge And Belief, If Any  
 Contents Found False I Will Be Said  
 Responsible U/s. 193,199,200 of Cr. P.C  
 Hence Verified on..... 08/02/2024.

**ATTESTED**

*Sangita Hiwrale*  
 08/02/2024  
**Adv. Sangita G. Hiwrale**  
 Notary Govt. of India  
 Regn. No. 10342/2013  
 Aurangabad (MS)  
**Adv Sangita G. Hiwrale**  
 Notary  
 Govt. of India  
 R No 10342/2013  
 Aurangabad (M.S.)

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

**AT PUNE**

ORIGINAL APPLICATION No.3 OF 2023 (WZ)  
SANDIP S/O SHESHRAO JADHAV APPLICANT

V/s

STATE OF MAHARASHTRA  
& OTHERS

RESPONDENTS

**AFFIDAVIT IN SUPPORT OF REPLY**

**MAY IT PLEASE THE HON'BLE TRIBUNAL**

I, ANKUSH NANA KADAM, adult, occupation: business, residing at village Pathari, Taluka Fulambri, District Aurangabad, do hereby state on solemn affirmation as under: -



1. I say that I am the Respondent No.16 in the present case. I am aware of the facts and circumstances of the present case and hence am able to depose the same on oath.
2. I say that I am filing the reply to oppose the Original Application. I say that the contents of the said reply and the present affidavit are true and correct to the best of my knowledge, information, belief and the legal advice which I believe to be correct.

WHATEVER stated herein above is true and correct to the best of my knowledge and belief and for the same I have signed hereunder at \_\_\_\_\_ on \_\_\_\_\_ day of ~~Feb~~ Feb, 2024

  
Deponent  
(A. N. Kadam)





**AFFIDAVIT/VERIFICATION**

.....S/O..... *Ankush* *Nama Kadam*

Verified That Me Above Contents of  
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Best of My Knowledge And Belief, If Any  
Contents Found False I Will Be Salc  
Responsible U/s. 193,199,200 of Cr. P.C.  
Hence Verified on..... *08/02/2024*

**ATTESTED**

*Sangita G. Hiwrale*  
*08/02/2024*  
**Adv. Sangita G. Hiwrale**  
Notary Govt. of India  
Regn. No. 10342/2013  
Aurangabad (MS)

**Adv. Sangita G. Hiwrale**  
Notary  
Govt of India  
R No 10342/2013  
Aurangabad.(M.S.)





**AFFIDAVIT/VERIFICATION**  
Bhousheb S/O. Nana Saheb Rajale

Verified That Me Above Contents of  
Paras 1 to Are True And Correct to the  
Best of My Knowledge And Belief, If Any  
Contents Found False I Will Be Sald  
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Adv Sangita G Hiwrale  
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08/02/2024