

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

**I.A No. 57 OF 2023**  
**IN**  
**ORIGINAL APPLICATION No.7 OF 2023**

Mr. Dattatraya Phalke & Another      **APPLICANTS**

**VERSUS**

The Union of India Through the Secretary,  
Ministry of Environment, Forest and  
Climate Change & Others

**RESPONDENTS**

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

That the answering Respondent No.9 humbly submits the reply to application for typographical correction and amendment as under :-

1. That, the contents of para No.1 of the application are denied, as there is no document filed to verify the Applicants details mentioned in the Original Application.
2. That, the contents of para No.2 are denied, as the Applicant has not mentioned the correct and complete particulars of the Respondent No.9 as required under the law.
3. That, the contents of para No.3 being mater of record needs no reply.
4. That, the content of para No.4 are denied in totality, as the corrections/amendments sought in the application by the Applicants cannot be said to be typographical errors.
5. The original application filed by the Applicants have mentioned the detail of land bearing survey No. 113 of village Bhosi, Taluka

Kalamunri, Distt. Hingoli- 431701 and now without disclosing any reason of incorporating the said detail, Applicants are seeking deletion of the same, whereas, he has filed the original application alleging huge violation on the aforesaid land by the Respondents and hence it clearly demonstrates that, the Applicants' approach of callousness and casualness in filing the Original Application before the Hon'ble Tribunal without considering the gravity and seriousness of the issues and stature of this Hon'ble Tribunal. It is most humbly submitted that the various corrections sought in the amendment application speaks volume with regard to the insincere and careless approach of the Applicants, in filing the Original Application and such a tendency is required to be curbed at the outset so that no Applicants will submit the Original Application before this Hon'ble Tribunal without reading its fine print and applying its mind to it.

6. The Respondent No.9 submits that the approach of the Applicants in filing the present application shows that the Original Application is filed to harass the Respondent No.9 and to extort money from the Respondent No.9. The stand of the Respondent No.9 that the bonafides of the Applicants need to be adjudicated by this Hon'ble Tribunal stands vindicated.
7. That, the answering Respondent humbly submits that, the correction sought in para No. 31 (ii), whereby the Applicant is trying to change the date of cause of action from 10.01.2022 to 10.01.2023 is also a substantial change and it would be amounting to changing the date of accrual of cause of action which cannot be permitted as it would amount to withdrawing an admission already made by the Applicant.

8. Similarly, the Applicant is also trying to change the Respondent No. 6 to Respondent No. 9 in Para 31 (ii) (a) and (b) which will also make substantial change against which the relief is sought by the Applicant and hence it would be against the interest of justice as the Applicant could not be allowed to alter the relief by introducing amendment in the name of corrections, whereas no reason has been shown in the entire application as to after applying due diligence, they could not make the required changes before filing the original application before this Hon'ble Tribunal.
9. That, the content of para No. 5 is denied as no reason much less necessity is demonstrated in the entire application by the application for allowing such an amendment.
10. That, the content of para No. 6 is denied in totality, as in this paragraph (a) the Applicant is trying to include new details of the permissions, which were granted before filing of the Original Application before this Hon'ble Tribunal and there is no pleading also to demonstrate that such an information of those permissions were not available with the Applicant after applying due diligence before filing of the original application on 23.01.2023 before this Hon'ble Tribunal.
11. That, it also evident that, the Applicant is seeking amendment in para No. 9 (ii), para 14 (ii), para 31 (ii), para 31 (ii) (a) and (b) and page No. 30, which shows, that, the Applicant has neither read the Original Application nor he has applied its mind before filing the same before this Hon'ble Tribunal, whereas, this Hon'ble Tribunal is

exercising the Original Jurisdiction and has already issued notices to the Respondents, but the Applicant without understanding the gravity, sincerity and seriousness of the issue in hand has adopted a cyclostyle and candid approach in filing the original applications before this esteemed tribunal and hence such tendency of the Applicant is required to be dealt strongly, otherwise it will give strength to their approach of callousness.

12. That, the content of para no. 7 is denied in totality as it will not serve any purpose of better adjudication, on the contrary it will give a free way to the persons who prefer original application without applying their mind and without understanding the veracity and truthfulness of their pleading.

13. That, the content of Para 8 is denied and the application preferred by the Applicant seeking amendment / correction deserves to be dismissed with exemplary cost.

### **PRAYER**

Therefore, it is prayed that, the application seeking correction with amendment filed by the Applicant may kindly be dismissed with

exemplary cost in the interest of justice and any other order in favour of the answering Respondent No. 9 may kindly be passed.

Pune

Date: 3<sup>RD</sup> July 2023

A handwritten signature in blue ink, appearing to read 'S. S. Kanani', with a horizontal line underneath.

Advocate for Respondent no. 9

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

**AT PUNE**

**I.A No. 57 OF 2023(WZ)  
IN**

**ORIGINAL APPLICATION No.7 OF 2023**



Mr. Dattatraya Phalke

**APPLICANT**

**VERSUS**

The Union of India Through the Secretary,  
Ministry of Environment, Forest and  
Climate Change & Others

**RESPONDENTS**

**AFFIDAVIT IN SUPPORT**

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

I, Mr. Anil Choudhary, aged about 30 years, Authorised Signatory of the Respondent No 9, having office at 108, First floor, Nilkanth Building, Gandhi Path, Vaishalinagar, Jaipur- 302021, do hereby state on solemn affirmation as under:-

1. I say that I am the authorised signatory of the Respondent No 9 and am well conversant with the facts and circumstances of the case and hence I am able to depose the same on oath.
2. I say that the Applicant herein has filed an Interlocutory Application seeking amendment, to which the present Respondent is filing the reply.

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I have gone through the reply and annexures thereto being filed and find that the contents therein are true and correct to the best of my knowledge and belief and which may be treated as part and parcel of the present affidavit.

WHATEVER STATED ABOVE is true and correct to the best of my knowledge and belief.

In witness whereof I have signed hereunder at Gadhinglaj on 02<sup>nd</sup> day of July, 2023.  
Patil.

IDENTIFIED BY

T. Law  
Adv. R. D. Sawant  
re- Gadhinglaj

I solemnly affirmed before me

by Anil Choudhary re- Jaipur  
Who is identified before me Rajasthan Deponent  
by Adv. R. D. Sawant of Belagat  
whom I personally know Gadhinglaj  
on 02<sup>nd</sup> day of July 2023

Anil



Patil  
Adv

**BALASAHEB B. PATIL**  
Advocate & Notary  
'Krishana' Vakil Colony, Dr. Rajendra  
Prasad Road, GADHINGLAJ  
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- 2 JUL 2023

Notary Regl. Sr. No. 1969/2023

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