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**BEFORE THE HON`BLE NATIONAL GREEN TRIBUNAL
(WESTERN ZONE BENCH), PUNE AT PUNE**

I.A. No. 26/2021

IN

Original Application No. 53 of 2019 (WZ)

BETWEEN

Dr. Vinaykumar Vitthalrao Jathar ----- Applicant

Versus

District Mining Officer- Ahmednagar
and others

----- Respondents

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Pune,

Date : 01/09/2021


Advocate for Applicant

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

I.A. No. 26/2021

IN

Original Application No. 53 of 2019 (WZ)



IN THE MATTER OF:

Dr. Vinaykumar Vitthalrao Jathar ... Applicant

Versus

District Mining Officer- Ahmednagar
and others ... Respondents

Reply on behalf of Original Applicant to the I.A. No. 26 of 2021 filed by
the Respondent Nos. 16, 18, 20, 21, 25, 29 and 30

MOST RESPECTFULLY SHOWETH:

1. I, Dr. Vinaykumar Vitthalrao Jathar, Age: 44, Occu: Profession, Agri & Social Activist, R/O: Bankar Nagar, Shrigonda, Tq: Shrigonada, Dist: Ahmednagar, Maharashtra, do hereby state on solemn affirmation as under,

Background of the Case

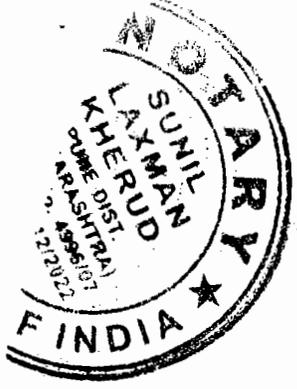
2. Applicant states that, Applicant has filed the present Original Application for grievance of stone crushing and mining units located within Eco Sensitive zone of the Great Indian Bustard Bird Sanctuary and more particularly at Gat Nos. 148, 317, 270, 160, 81, 74/2, 123,

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108, 109, 22, 54 and 110 of village Vadali, Taluka-Shrigonda, District-Ahmednagar, Maharashtra. That the above-mentioned Original Application was listed for admission before Hon'ble Tribunal on 26/09/2019 and the Hon'ble Tribunal after hearing the applicant, was pleased to constitute a Committee comprising of i) District Collector, Ahmednagar, ii) the Deputy Conservator of Forests, Ahmednagar and iii) Maharashtra State Pollution Control Board. The MPCB is the nodal agency. The Committee was directed to jointly visit the offending stone mine and stone crushing units, verify on the factual aspects set out in the Original Application and submit report. That the Committee was also directed to take appropriate action in accordance with the law against respondent, in the event the allegations are found to be correct and action taken report was directed to be submitted on the next date.

3. Applicant states that, then, the Original Application was listed on 28/11/2019 for filing the report in compliance with the order dated 26/09/2019. That the Committee filed the report dated 20/11/2019 through Respondent No.2, The Collector, Ahmednagar and admitted therein that the stone crushing unit and mines are located within Eco Sensitive Zone of the Great Indian Bustard Bird Sanctuary. That said stone crushing unit and mines were directed to be closed.
4. Applicant states that, thereafter on the said date i.e. 28/11/2019, this Hon'ble Tribunal considered the said report dated 20/11/2019 and directions were issued to file final action taken report. The Hon'ble Tribunal directed that the final action taken report shall contain, i)

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Assessment of Environmental Compensation for illegal running of the units in the area ii) fixing responsibility on those responsible for having allowed the activities to continue after publication of notification of the Eco Sensitive Zone. That the Hon`ble Tribunal further directed that, action against forest personnel involved in permitting illegal operation of the unit shall be taken by the PCCF (HoFF), Maharashtra, against the revenue officers by the Secretary, Department of Revenue, Government of Maharashtra and against the personnel of the State PCB by the Chairman, MPCB.

5. That thereafter the OA was listed on 02/11/2020 for consideration of report in compliance of the order dated 28/11/2019 and report dated 28/08/2020, in compliance with the order dated 28/11/2019 was filed.
6. That this Hon`ble Tribunal after perusal of the said report dated 28/08/2020 directed constitution of joint committee comprising of i) State Wildlife Warden (PCCF), Wildlife, ii) The District Collector, Ahmednagar, iii) Maharashtra State Pollution Control Board and CPCB. That the joint committee is directed to deal with the matter in respect of calculation and recovery of appropriate amount of compensation and initiating prosecution.
7. That the Committee filed the report dated 18/03/2021 through Respondent No.2, The Collector, Ahmednagar in compliance of the order dated 02/11/2020.
8. That the Original Respondent Nos. 16,18,20,21,25,29 and 30 have filed the present IA No. 26 of 2021 and had raised preliminary objections in respect of maintainability OA and recall of orders dated

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28/11/2019 and 02/11/2020 in view of the same Applicant is filing the present reply to said IA as follows:-

9. **Para-wise Reply to the Interlocutory Application:**

- a) The contentions raised by the Respondent Nos. 16, 18, 20, 21, 25, 29 and 30 in present IA No.26/2021 are false, baseless, concocted, afterthought, vexatious and misleading and no part thereof is deemed to be admitted by this Original Applicant unless specifically admitted in the present reply for reasons non-traverse.
- b) That the present IA filed by the Respondent Nos. 16, 18, 20, 21, 25, 29 and 30 is devoid of merit and therefore ought to be dismissed in limine.
- c) That the contentions of para 1 of IA does not need any specific reply.
- d) That the contentions of para 2 of IA in respect of "*applicants are using the said land for the purpose of agriculture for last many years and in view of the same has put up a conservation lake for which water is used for agriculture activities.....besides water is water conservation no other activity is being carried out*" is incorrect. That the Respondent Nos. 16, 18, 20, 21, 25, 29 and 30 in collusion with Respondent No.15, the Stone Crusher have excavated the said land firstly, solely for the purposes of stone mining and the stone excavated from the said mines is used by the Respondent No.15 for crushing. That there is absolutely no record available with the Government Authorities in respect of any conservation lakes of Respondent Nos. 16, 18, 20, 21, 25, 29 and 30. That the Applicant



had applied to the Agricultural Department seeking information as to whether permission is granted for excavation for the purposes of agricultural pond to Respondent Nos. 16, 18, 20, 21, 25, 29 and 30 .

The Applicant states that, the Applicant has received information that, no such permissions are issued by the Agricultural Department for carrying out digging work in lands of Respondent Nos. 16, 18, 20, 21, 25, 29 and 30 (*the said Information is annexed with OA at Exh. "U" at Page No. 421*) Applicant states that the said mining is done at the behest of Respondent No. 15 and when the purpose of Respondent No.15 is sufficed, the mines are now shown to be Farm Ponds but as no such excavation is permissible within the ESZ, the mines are illegal *per se*.

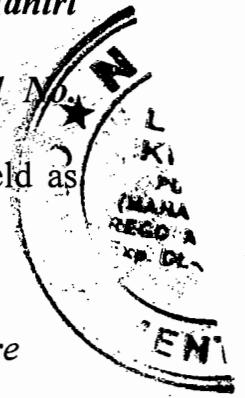
- e) That the contentions of para 3 of IA in respect of "*Bare perusal of the Original Application filed by Applicantrather it does not substantiate that when the cause of action first arose in accordance to the provisions of Section 14 of the NGT Act, 2010 qua the applicants*" is incorrect and misleading. That Original Applicant submits that firstly, the prayer clause "A" of the OA specifically seeks closing of the said quarries and restoration of said property to its original. Secondly, Original Applicant has specifically pleaded how the Respondent Nos. 16, 18, 20, 21, 25, 29 and 30 have excavated the said land in total contravention of Environmental Laws and as the said mines are *per se* illegal being in the Eco- Sensitive Zone of Wildlife Sanctuary, the cause of action is recurring even today. The Respondent Nos. 16, 18, 20, 21, 25, 29 and 30 have not taken any



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permission from any Government Authorities for said excavation.

That the Hon`ble Supreme Court in the case titled as *Mantri Technoze Pvt. Ltd. Vs. Forward Foundation, Civil Appeal No. 5016/2016 reported in (2019) 18 SCC 494* has specifically held as follows-

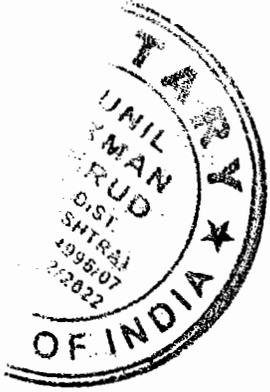


“In fact, in the original application before the Tribunal there was no mention of the provision under which it was being filed. It is well settled principal of law that non-mention of or erroneous mention of the provision of law would not be of any relevance, if the Court had the requisite jurisdiction to pass an order. It would be mere irregularity and would not vitiate the application or the judicial order of the Tribunal”

- f) That the contentions of para 4 of IA in respect of *“Hon`ble Tribunal does not have jurisdiction to try, entertain and dispose off.....within the meaning of provisions of the NGT Act, 2010”* is incorrect. That the OA is perfectly filed within the limitation as per the provisions of Section 15 and 20 the NGT Act, 2010. That the Hon`ble Supreme Court in the case of *Mantri Technoze Pvt. Ltd. Vs. Forward Foundation* mentioned supra as has specifically held as follows-

“The NGT Act being a beneficial legislation, the power bestowed upon the Tribunal would not be read narrowly. An interpretation which furthers the interests of environment must be given a broader reading. (See Kishsore Lal v. Chairman, Employees' State Insurance Corpn. (2007) 4 SCC 579, para 17). The existence of the Tribunal without its broad restorative powers under Section 15(1)(c) read with Section 20 of the Act, would render it ineffective and toothless, and shall betray the

legislative intent in setting up a specialized Tribunal specifically to address environmental concerns. The Tribunal, specially constituted with Judicial Members as well as with Experts in the field of environment, has a legal obligation to provide for preventive and restorative measures in the interest of the environment”



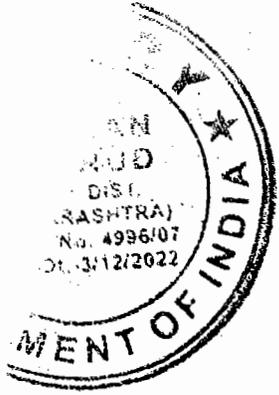
- g) That the contentions of para 5 of IA in respect of *“the settled law requires this Hon`ble Tribunal to fully adjudicate and decide the limitation.....and reserves its rights to deals with the merits of matter upon decision of preliminary issue of jurisdiction”* is not correct and misleading. That the Original Applicant submits that the OA is filed on 10/06/2019 and thereafter time to time this Hon`ble Tribunal has issued various orders, last being passed on 02/11/2020 taking cognizance of the OA and reports filed by authorities for restoration of environment. Even the Respondent No. 15 had filed I.A. No. 122/2020 with similar prayer for stay of reports dated 13/11/2019 and 28/08/2020 and the said IA is disposed off by this Hon`ble Tribunal and now the other respondents have filed the present I.A. with similar prayers and with ulterior motive to get escape from their liability towards environment. That Original Applicant further submits that since the OA is now listed for consideration of the report dated 18/03/2021, the preliminary issue is not maintainable, particularly when gross violations of Environmental laws are brought to the notice of this Hon`ble court and this Tribunal has taken the action on same.

- h) That the contentions of para 6 of IA in respect of “OA is totally misconceived and liable to be dismissed” is also misleading. Original Applicant submits that as already discussed in para 4 of the present reply, the Hon`ble Supreme Court has categorically held that NGT Act being a beneficial legislation, the power bestowed upon Tribunal would not be read narrowly. Further, the Hon`ble Supreme Court is said judgement cited supra has further held as follows-

The Tribunal has also jurisdiction under Section 15(1)(a) of the Act to provide relief and compensation to the victims of pollution and other environmental damage arising under the enactments specified in Schedule I. Further, under Section 15(1)(b) and 15(1)(c) the Tribunal can provide for restitution of property damaged and for restitution of the environment for such area or areas as the Tribunal may think fit. It is noteworthy that Section 15(1)(b) & (c) have not been made relatable to Schedule I enactments of the Act. Rightly so, this grants a glimpse into the wide range of powers that the Tribunal has been cloaked with respect to restoration of the environment.

Section 15(1)(c) of the Act is an entire island of power and jurisdiction read with Section 20 of the Act. The principles of sustainable development, precautionary principle and polluter pays, propounded by this Court by way of multiple judicial pronouncements, have now been embedded as a bedrock of environmental jurisprudence under the NGT Act. Therefore, wherever the environment and ecology are being compromised and jeopardized, the Tribunal can apply Section 20 for taking restorative measures in the interest of the environment.

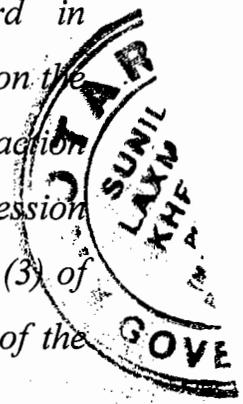
- i) That the contentions of para 7 of IA are in respect of the provisions of Section 14 and 15 of NGT, Act, 2010 requires no reply. That the further contentions of para 7 of IA is in respect of limitation clause of OA which is also mater of record and hence does not require specific reply.



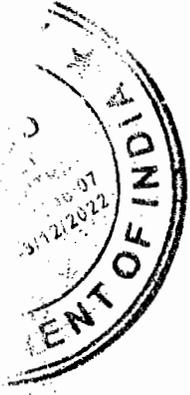
- j) That the contentions of para 8 of IA in respect of “*on bare perusal of Section 14 of said Act.....the present application thus filed, which is way beyond the period of limitation as prescribed in Section 14*” is incorrect and misleading. That the Original Applicant submits that, in the limitation clause at para 1, Original Applicant has specifically pleaded that the application is filed u/s 15(b) of the NGT, Act, 2010. Further, in the said clause it is further specifically pleaded that the OA is also filed u/s 20 of NGT Act. That as stated earlier, the said excavation done by the Respondents is within the ESZ of the Wildlife Sanctuary without taking any permission from any Government Authorities and therefore same is illegal *per se* hence, it is a case of “*recurring cause of action*” relatable to environment issues. That this Hon`ble Tribunal in the matter of **Doaba Paryavaran Samiti vs Union of India and ors, OA No. 327/2015 decided on 10/12/2015** has specifically held as follows-

“It is true that helicopter service has started years back and the applicant has approached the Tribunal in the year, 2015. It is a settled principle of law that every violation of law or every act which constitutes and completes cause of action in itself would be a recurring cause of action and would bring right to an action independently. In other words, a recurring cause of action is an extension to the expression ‘cause of action first arose’. The applicant is contending that the permission or the agreement entered into by the company in 2006-2009 is liable to be quashed. The contention of the applicant is that the helicopters are flying without permission of the Board and in a manner which has serious adverse impacts on flora, fauna and ecosystem, eco sensitive zone of the sanctuary and biodiversity

thereof. If the helicopters are flying at a height which is not permissible or without permission from the Board in accordance with law and are causing adverse impacts upon the above, each flight would be an independent cause of action which will be a recurring cause of action where the expression 'cause of action first arose' appearing under Section 14 (3) of the Act would not be attracted and renders the remedy of the applicant as barred by time".



- k) That the contentions in respect of paragraphs 9, 10, 11, 12, 13, 14 and 15 are in respect of limitation. That the Original Applicant submits that in case of "cause of action first arose" has completely a distinct and different role while computing the period of limitation. Whenever subsequent act or subsequent breach is complete cause in itself and its consequences are different, then such cause of action would enable an applicant to bring action before this Hon`ble Tribunal on strength of subsequent cause of action. Therefore, violation claimed by the original applicant in this application relates to illegal excavation within the Eco-Sensitive Zone of the Sanctuary without taking prior environmental permissions or for that matter any permission from any Government authorities is illegal *per se* and therefore is an independent cause of action, therefore, limitation would have to be counted from each illegal act which recurring, moreover question of limitation does not arise, if no requisite permissions are obtained to undertake the compliance of measures to be taken and it is therefore further submitted that, the contentions raised by applicant essentially an environmental dispute which related to one of the scheduled acts



of National Green Tribunal Act, 2010 and therefore, application is not barred by time and its perfectly within the limitation particularly when this Hon`ble Tribunal has now been reported by the authorities about said violations. That further, as per Section 20 of the Act this Hon`ble Tribunal has wide power and jurisdiction to deal with the issue in hand. The principles of sustainable development, precautionary principle and polluter pays, propounded by this Hon`ble Tribunal by way of multiple judicial pronouncements, have now been embedded as a bedrock of environmental jurisprudence under the NGT Act. Therefore, wherever the environment and ecology are being compromised and jeopardized, this Hon`ble Tribunal can apply Section 20 for taking restorative measures in the interest of the environment. That this Hon`ble Tribunal in the matter of *Forward Foundation, A Charitable Trust and Ors. Vs. State of Karnataka and Ors. (OA No. 222/2014) Judgement dated 7th May, 2015, reported in 2015 SCC Online NGT 5* in dealing with the issue of limitation and cause of action has specifically held as follows-

“24. The expression 'cause of action' as normally understood in civil jurisprudence has to be examined with some distinction, while construing it in relation to the provisions of the NGT Act. Such 'cause of action' should essentially have nexus with the matters relating to environment. It should raise a substantial question of environment relating to the implementation of the statutes specified in Schedule I of the NGT Act. A 'cause of action' might arise during the chain of events, in establishment of a project but would not be construed as a 'cause of action' under the provisions of the Section 14 of

the NGT Act, 2010 unless it has a direct nexus to environment or it gives rise to a substantial environmental dispute. For example, acquisition of land simplicitor or issuance of notification under the provisions of the land acquisition laws, would not be an event that would trigger the period of limitation under the provisions of the NGT Act, 'being cause of action first arose'. A dispute giving rise to a 'cause of action' must essentially be an environmental dispute and should relate to either one or more of the Acts stated in Schedule I to the NGT Act, 2010. If such dispute leading to 'cause of action' is alien to the question of environment or does not raise substantial question relating of environment, it would be incapable of triggering prescribed period of limitation under the NGT Act, 2010. [Ref: Liverpool and London S.P. and I Asson. Ltd. v. M.V. Sea Success I and Anr., (2004) 9 SCC 512, J. Mehta v. Union of India, 2013 ALL (I) NGT REPORTER (2) Delhi, 106, Kehar Singh v. State of Haryana, 2013 ALL (I) NGT REPORTER (DELHI) 556, Goa Foundation v. Union of India, 2013 ALL (I) NGT REPORTER DELHI 234].



25. In contradistinction to 'cause of action first arose', there could be 'continuing cause of action', 'recurring cause of action' or 'successive cause of action'. These diverse connotations with reference to cause of action are not synonymous. They certainly have a distinct and different meaning in law, 'Cause of action first arose' would refer to a definite point of time when requisite ingredients constituting that 'cause of action' were complete, providing applicant right to invoke the jurisdiction of the Court or the Tribunal. The 'Right to Sue' or 'right to take action' would be subsequent to an accrual of such right. The concept of continuing wrong which would be the foundation of continuous cause of action has been accepted by the Hon'ble Supreme Court in the case of Bal Krishna Savalram Pujari & Ors. v. Sh.

Dayaneshwar Maharaj Sansthan & Ors., AIR 1959 SC 798.



- l) That the Original Applicant therefore submits that the issue of limitation and cause of action is well settled by this Hon`ble Tribunal in the matters mentioned supra. That the judgements mentioned by the Respondents in para 11 of IA i.e. Application No. 33 of 2016, Jai Javan Jai kisan and Ors Vs Vidharbha Cricket Association and Ors, OA No 179 of 2016 Graminee Environment Foundation vs. Balaji Infrastructures Ltd. and ors and OA No. 95 of 2014 Mr. Suresh Waman Dhavale ors vs. MOES and Ors are delivered after **Forward Foundation** judgement and the same was not cited before the Hon`ble Tribunal and hence all these judgements are *per incuriam* and therefore with due respect, not applicable to present case. Further the **Forward Foundation** judgement was challenged before the Hon`ble Supreme Court in the matter of **Mantri Technoze Pvt. Ltd. Vs. Forward Foundation, Civil Appeal No. 5016/2016** cited supra and the Hon`ble Supreme Court vide judgement dated 5th March, 2019 has confirmed the said judgement of Forward Foundation and even the Review petition of the same has been dismissed vide order dated 06/08/2019 and has thus become final and binding.
- m) That the contentions of para 16 of IA in respect of "*the applicants humbly point out that whatever digging or excavation they have done in the lands owned by them are for the purpose of agriculture..... As per notification 09/02/2011 the water percolation (rain water harvesting) activity is permitted as per Sr. 12*" are totally incorrect

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and misleading. That the Original Applicant has already stated in para "d" of the present reply that, the Respondent Nos. 16, 18, 20, 21, 25, 29 and 30 in collusion with Respondent No.15, the Stone Crusher have excavated the said land firstly, solely for the purposes of stone mining and the stone excavated from the said mines is used by the Respondent No.15 for crushing. Applicant states that the said mining is done at the behest of Respondent No.15 and when the purpose of Respondent No.15 is sufficed, the mines are now shown to be Farm Ponds but as no such excavation is permissible within the ESZ, the mines are illegal *per se*. Original Applicant further submits that in OA, it is specifically stated at para "36" that the huge quantity of the excavation done by the Respondents. That the chart showing the exact excavation done is annexed at *Exh. "Y" page 543* of the OA and this huge amount of excavation cannot be done for water harvesting.

- n) That the contentions of Paragraph Nos. 17, 18, 19, 20, 21, 22, 23, 24, 25, 26 and 27 of the IA is in respect of *Respondents excavating the land for farm ponds and water stored in the said ponds. It is also contended in the said paragraphs the said lands are beyond ESZ of Wildlife Sanctuary.* That the Original Applicant submits that, at *Exh. "Z", Page 644-609* of the Original Application, Google earth Images of the said mines have been annexed. That the perusal of the said images clearly shows that all these lands are excavated for commercial mining. Huge amount of minor minerals are excavated and used for crushing by the Respondent No.15. That in so far as the

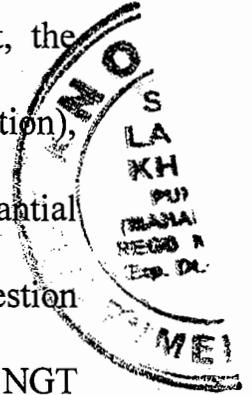
contention of the said lands being beyond the ESZ of Wildlife Sanctuary is concerned, the report dated 20/11/2019 filed before the Hon`ble Tribunal categorically states that the said mines are in existence within the ESZ of Wildlife Sanctuary. Further, Respondents have not stated anywhere in IA, whether they are in possession of any permission for excavation done for farm ponds.

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- o) That the contentions of Paragraph No 28 of IA in respect of "*apart from that due to a natural water storage pond..... there is substantial water percolation to adjoining land*" are incorrect. That the Original Applicant submits that the land at Gat No. 317 belongs to Government and on the said land also mining is done by the respondent No.15 to which the Government authorities have turned their blind eye.
- p) That the contentions of Paragraph No 29 of IA in respect of "*they have not done any commercial miningall excavation are 8 to 10 years or 20 years old and there are no recent excavations*" are misleading. As stated earlier, the excavation is done firstly solely for the purpose of commercial mining. That the excavation is done within ESZ without taking any permission from Government Authorities and hence is illegal per se.
- q) That the contentions of Paragraph No 30 of IA in respect of "*the Applicants submits that the activity carried out by the Respondents is a permissible activity and is not prohibited.....the application cannot be dealt by this Hon`ble Tribunal as it does not fall within the enactments mentioned in Schedule I of NGT Act, 2010*" are incorrect.

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That the Original Applicant submits that as per the guidelines, the mining activity and commercial excavation is prohibited within ESZ.

That no any permission is procured by the Respondents for huge quantity of excavation. It is therefore, further submitted that, the mining is done in total contravention of The Forest (Conservation), Act 1980 and Environmental Protection Act, 1986 is "substantial question relating environment". The word "substantial question relating to environment" is defined under section 2(m) of the NGT Act, 2010 which is reproduced below:



"substantial question relating to environment shall include an instance where,-

- i) there is a direct violation of specific statutory environmental obligation by a person by which,-
 - A) the community at large other than individual or group of individuals is affected or likely to be affected by the environmental consequences; or
 - B) the gravity of damage to the environment or property is substantial; or
 - C) The damage to the public health is broadly measurable;
- ii) the environmental consequences relate to a specific activity or a point source of pollution;

Hence, it is submitted that the, original applicant has raised the "substantial question of environment", as the questions raised in the application related to the violation of the provisions of Forest

(Conservation) Act, 1980 and Environmental Protection Act, 1986 which being one of the scheduled acts of the NGT Act, 2010 this on Hon`ble Tribunal has jurisdiction to decide the same.

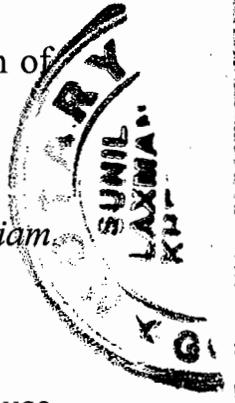
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- r) That the contentions of Paragraph No 31 of IA in respect of the report of Committee dated 18/03/2021. That the said report is biased and original applicant has filed his objections to the same. The said report is contradictory to its earlier reports and has filed in total defiance of the order passed by this Hon`ble Tribunal.

10. Grounds for rejection of this Interlocutory Application:

- A) That, the IA filed by the Respondent Nos. 16, 18, 20, 21, 25, 29 and 30 is nothing but the abuse of process of law and filed only to delay the matter and to escape from their liability.
- B) That, the Original Application is filed under section 15 and 20 of the NGT Act, 2010 and therefore the entire pleadings of the Original Application should be considered together in whole and isolation reading of the pleading by Respondent Polluters is totally bad in law.
- C) That, the limitation & cause of action are the liberal concept and the NGT legislation is the enacted for the beneficial purposes. In this case, the damage of environment and ecology is caused to public at large.
- D) That, the Joint Committee in their reports dated 20.11.2019 & 28.08.2020 has clearly observed the serious violations committed by the Respondents and the IA is filed afterthought to escape from the clutches of laws.

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- E) That, the practises adopted by the Respondents should be dealt with sternly hands.
- F) That, the Respondent Polluters have not obtained mandatory permissions from the competent authorities, therefore the question of limitation does not arrive.
- G) That, the judgments relied upon by the respondents are *per incuriam* and will not be applicable to the case coloured by Respondents.
- H) That, this Hon'ble Tribunal has settled the issues of limitation, cause of action, jurisdiction etc. in *Forward Foundation, A Charitable Trust and Ors. Vs. State of Karnataka and Ors. (OA No. 222/2014) Judgement dated 7th May, 2015, reported in 2015 SCC Online NGT 5* and same is upheld by the Hon'ble Supreme Court in *Mantri Technoze Pvt. Ltd. Vs. Forward Foundation, Civil Appeal No. 5016/2016 reported in (2019) 18 SCC 494*.
- I) That, the cause of action is recurring in the present case as the illegal activities of stone extractions are undertaken by the Respondents in every year after the rain water gets over and mine become dry. Therefore, the imaginary concept of conservation lakes has been brought afterthought and there is no such permission obtained from competent authority. On the contrary, the Stone Crusher Owner is financing this activity and mine owners are doing illegal extraction for the commercial purposes and stone is provided to the stone crusher.
- J) Therefore, the Respondents have filed this Interlocutory Application on behest of the Stone Crusher owner, which previously had filed IA No 122/2020 which is disposed off by this Hon'ble Tribunal.



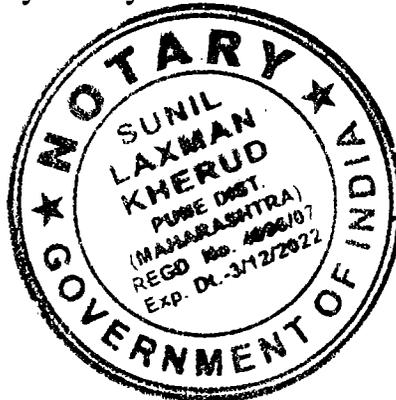
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PRAYER

Under these circumstances, none of the prayers of the Respondent Nos. 16, 18, 20, 21, 25, 29 and 30 are maintainable as per the law and hence the IA may kindly be dismissed with cost.



PLACE: PUNE
DATE: 01/09/2021



V Jathar
DEPONENT

(ORIGINAL APPLICANT)

M. Anole

ADVOCATE FOR ORIGINAL APPLICANT

VERIFICATION:

Verified at Pune on this 1st day of Sept, 2021 that the contents of the aforesaid reply affidavit are true and correct to the best of my knowledge and belief. No part of it is false and nothing material has been concealed therefrom.

V Jathar

DEPONENT

(ORIGINAL APPLICANT)



BEFORE ME

[Signature]
SUNIL LAXMAN KHERUD
NOTARY GOVT OF INDIA
Regd. No. 4996/07

SUNIL LAXMAN KHERUD
NOTARY, GOVT OF INDIA
B-3, Maniratan Society
Aareneshwar, Pune
M-9371830361

1 SEP 2021