

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL  
WESTERN ZONE BENCH, PUNE  
ORIGINAL APPLICATION NO 41 OF 2022**

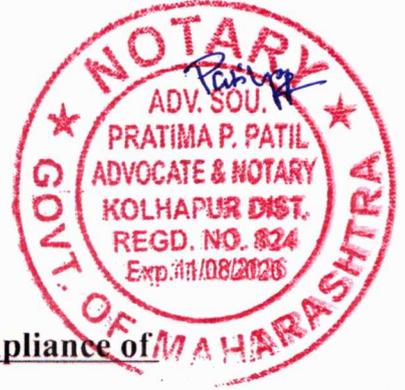
Abhay Pandurang Desai

.... Appellant

Vs

State of Maharashtra and Others

.... Respondent



**Affidavit in reply of behalf of Joint Committee Members in compliance of order dated 05.09.2022**

1. I say and submit that this Hon'ble NGT, Western Zone Bench at Pune matter O.A. No, 41/2022 filed by Abhay Pandurang Desai against State of Maharashtra & Ors regarding Seeking restitution of damage to the agricultural land, Kalane river along with the other water steam located in Village Kalane due to M/s. Minerals and Metals, Sr. No. 57/1 to 57/4 of Village, Kalane, Tal. Dodamarg, Dist. Sindhudurg.
2. I say and submit that this Hon'ble National Green Tribunal (NGT), has passed an order dated 05.09.2022 and constituted a committee comprising of 1) Regional Director, Central Pollution Control Board, Pune 2) District Magistrate, Sindhudurg 3) District Agricultural Officer, Sindhudurg 4) Regional Officer, MPCB Kolhapur. The committee is directed to furnish a factual and action taken report in respect of the Seeking restitution of damage to the agricultural land, Kalane river along with the other water steam. The copy of Hon'ble NGT order dated 05.09.2022 is enclosed at **Annexure-1.**
3. It is submitted that in compliance of order dated 05.09.2022, MPCB has constituted a committee comprising of 1) Regional Director, Central Pollution Control Board, Pune 2) District Magistrate, Sindhudurg 3) District Agricultural Officer, Sindhudurg 4) Regional Officer, MPCB Kolhapur vide its office order dated 26.09.2022. A copy of office order is attached herewith as an **Annexure – 2.**

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Number of Corrections  
on this page. Nil

4. Accordingly Joint Committee has carried out visit to M/s. Minerals and Metals, Sr. No. 57/1 to 57/4 of Village, Kalane, Tal. Dodamarg, Dist. Sindhudurg on 21.10.2022. The joint committee has asked for additional documents & reports from District Mining officer, Sindhudurg, Agricultural officer, Sindhudurg & Tahsildar Dodamarg regarding assessment of damaged agricultural land. These documents are yet to be received from authorities. It is submitted that the necessary follow up with the concern authorities are being taken by my office.

In view of above, on receipt of requisite documents from the concern authorities, the Joint Committee will submit report within a week before this Hon'ble Tribunal. Therefore, it is humbly requested grant six week time for submission of joint committee report.

Solemnly affirmed as on 14<sup>th</sup> day of December 2022

*PR*

For and on behalf of  
Maharashtra Pollution Control Board

*Jaganath S Salunkhe*

(Jaganath Salunkhe)  
Regional Officer Kolhapur

I do solemnly affirm that  
I am my name & I have signed the affidavit  
& put L.H.T.I. & that the contents of my  
affidavit are true

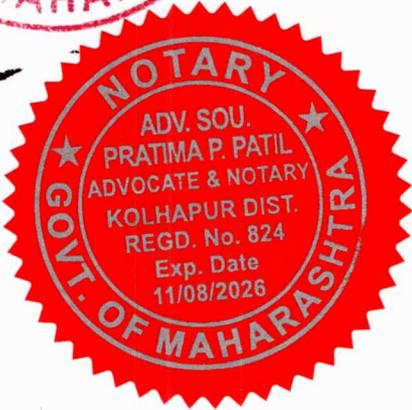
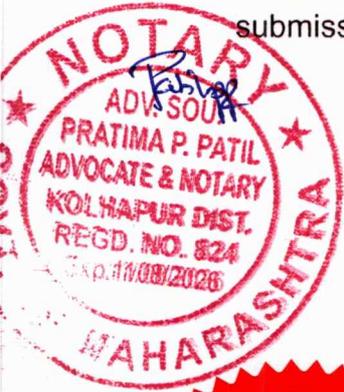
*PR*  
Deponent

*Pratima P Patil*  
Notary

*Pratima P Patil*  
Sou. PRATIMA P. PATIL  
Advocate & Notary  
C.S.No.2335, Narayan Complex,  
Near Shaniwar Post Office, Kolhapur.  
Mob. 9422047545 / 7385157875

Notary Regi. Sr. No. 1839  
14/12/2022

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Item No.03

(Pune Bench)

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

(By Video Conferencing)

Original Application No.41/2022 (WZ)

Abhay Pandurang Desai

.....Applicant(s)

Versus

State of Maharashtra &amp; Ors.

....Respondent(s)

Date of hearing: 05.09.2022

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

Applicant(s) : Mr. Maitreya Ghorpade, Advocate

Respondent(s): : Mr. Aniruddha Kulkarni, Advocate for R-1,  
: Mr. Vilas Jadhav, Advocate for R-2/MPCB

**ORDER**

1. From the side of Applicant Mr. Maitreya Ghorpade, Learned Counsel is present.
2. From the side of Respondent No. 1- Mr. Aniruddha Kulkarni, Learned Counsel has appeared and states that he does not want to file reply affidavit as Respondent No.1 is a formal party.
3. From the side of Respondent No. 2-MPCB, Mr. Vilas Jadhav, Learned Counsel has appeared and prays for two weeks time to file reply affidavit. Permission is granted. Let the same be filed within a period of two weeks from today with advance copy to the Learned Counsel for the Applicant.
4. The Respondent No.2/ Maharashtra Pollution Control Board is further directed to prepare a restoration plan, if it is found that there was damage caused to the environment and submit the same by the next date.

5. No one is present from the side of Respondent No.4 although reply affidavit has already been filed on its behalf.

6. No one is present from the side of Respondent No.5 although reply affidavit has already been filed on its behalf.

7. No one has appeared from the side of Respondent Nos.3 and 6 despite sufficient service. Hence, the proceedings shall go ahead ex-parte against them.

8. Since damage caused to the environment due to the activities of the Respondent is to be assessed, therefore, we deem it just and proper to call a report on the matter in issue in present application, from a Joint Committee consisting of:-

- (i) One Representative from the Central Pollution Control Board (CPCB);
- (ii) One Representative from the Maharashtra State Pollution Control Board (MSPCB);
- (iii) District Magistrate, Sindhudurg, Maharashtra;
- (iv) District Agricultural Officer, Sindhudurg.

8. The Committee shall conduct the joint inspection after informing the parties and submit a factual and action taken report with regard to assessment of damage caused to the environment within two months. The Maharashtra State Pollution Control Board (MSPCB) will be the nodal agency for coordination and logistic support.

9. The report in the matter be filed by the Committee by e-mail at ngt-pune@gov.in preferably in the form of searchable PDF/ OCR Support PDF and not in the form of Image PDF.

10. Applicant is directed to supply the required documents and copy of the application to the members of the Committee within a week.

11. The pleadings shall be exchanged by the parties among themselves before the next date positively so that no adjournment would need to be granted on that count.
12. Put up with the report on 10.11.2022.

Dinesh Kumar Singh, JM

Dr. Vijay Kulkarni, EM

September 05, 2022  
Original Application No.41/2022 (WZ)  
JG

**MAHARASHTRA POLLUTION CONTROL BOARD**

Tel:24010437/24020781

Fax:24023516/24024068

Website: <http://mpcb.gov.in>E-mail: [lo1@mpcb.gov.in](mailto:lo1@mpcb.gov.in)Kalpataru Point, 2<sup>nd</sup> - 4<sup>th</sup> Floor

Opp. Cine Planet Cinema,

Near Sion Circle, Sion (E)

Mumbai- 400 022.

Date: 26/09/2022

NO. MPCB/JD(WPC)/B-220926 fts0094

**OFFICE ORDER**

Sub: Constitution of Committee to ascertain damage caused to the environment due to M/s Minerals and Metals, Sr No 57/1 to 57/4 Village, Kalane, Tal Dodamarg, Dist- Sindhudurg, Maharashtra.

Ref: Order dated 5/9/2022 passed by Hon'ble NGT in Original Application No.41 2022 filed by Abhay Pandurang Desai Vs. State of Maharashtra & Ors.

.....

Abhay Pandurang Desai has filed an Original Application No.41 of 2022 against State of Maharashtra & Ors, seeking restitution of damage to the agricultural land, kalane river alongwith the other water steam located in Village Kalane due to M/s Minerals and Metals, Sr No 57/1 to 57/4 of Village, Kalane, Tal Dodamarg, Dist-Sindhudurg.

In order to assess the damage cause to the environment due to the activities of Respondent No 6, the joint committee has been constituted by Hon'ble NGT vide order dated 5/09/2022 consisting of the following members: -

- |   |        |
|---|--------|
| 1. Regional Director<br>Central Pollution Control Board<br>Pune | Member |
| 2. District Magistrate,<br>Dist- Sindhudurg                     | Member |
| 3. District Agricultural Officer<br>Dist-Sindhudurg             | Member |
| 4. J S Salunke Regional Officer<br>MPCB, Kolhapur               | Member |

**The terms of reference of the Committee are as under:**

1. The Committee shall conduct joint inspection after informing the parties and submit a factual and action taken report with regard to assessment of damage caused to the environment within two months.
2. The report in the matter to be filed by the committee by email at [ngt-pune@gov.in](mailto:ngt-pune@gov.in) in PDF form.
3. Maharashtra State Pollution Control Board is nodal agency for coordination and logistic support.

This is issued with the approval of Member Secretary of the Board.

(Dr. Y. B. Sontakke) *26.9.22*  
Joint Director (WPC)

: 2 :

**Copy submitted to: -**

1. Regional Director, Central Pollution Control Board, Pune
2. District Magistrate Sindhudurg , Maharashtra .
3. District Agricultural Officer, Sindhudurg , Maharashtra.
4. Regional Officer, MPCB, Kolhapur – He is directed to provide logistic and infrastructure support being nodal agency.

**Copy to:** Law officer (P&L Divn.II), MPCB, Mumbai- for information.