

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

**ORIGINAL APPLICATION NO. 69 OF 2022 (WZ)**

Sunil Pharate

.. **APPLICANT**

V/s

State of Maharashtra  
And others

.. **RESPONDENTS**

**REPLY ON BEHALF OF  
RESPONDENT No.10 & 11**

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

**THE ANSWERING RESPONDENTS MOST RESPECTFULLY**

**SUBMIT THAT :-**

1. The Respondents are filing the present Reply in respect to the Affidavit dated 28.11.2023 filed by the Respondent Nos. 4 and 5, computing the Environment Damage Compensation (EDC) before this Hon'ble Tribunal.
  
2. The Respondent No.4 has failed to substantiate that the cause of killing of fish was attributable to the activities of the respondent Nos. 10 and 11. The EDC levied by the Respondent No.4 does not attribute that the activities of the present Respondents led to the killing of fish. These Respondents had already filed the detailed reply before this Hon'ble Tribunal and that the contents of the

same are adopted and affirmed in the present Reply and nothing shall be deemed to be admitted except so far they are expressly mentioned herein under.

3. The Respondent No.4 has undertaken an exercise of alleging that the present Respondents are liable to pay EDC. Without giving the material or without producing the same before this Hon'ble Tribunal has come to the conclusion that these Respondents are liable to pay the EDC. It is submitted that the Respondent No.4 has placed reliance upon the formula written by the In-house Committee of the CPCB and taking into consideration the factors has computed the said EDC. The Respondent No.4 has also failed to demonstrate the damage caused to the environment.
4. It is submitted that no justification has been given in the said formula. The Respondents in the earlier reply has already stated that the location of the Respondent is at distance of 5 km of river Krishna and hence, it is not possible that that the present incident can be attributed to the activities of these Respondents.

5. In view of the facts narrated in the Reply dated 28<sup>th</sup> August 2023 and in the present Reply, the Original Application qua the present Answering Respondents may kindly be dismissed with costs.

PUNE

DATE: 12/02/2024

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

ADVOCATE FOR RESPONDENT NO. 10 & 11

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL**  
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**AT PUNE**

Original Application No.69/2022 (WZ)

SUNIL PHARATE

APPLICANT

V/s

STATE OF MAHARASHTRA

AND OTHERS

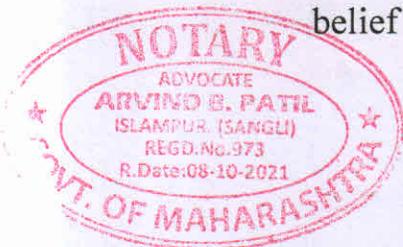
RESPONDENTS

**AFFIDAVIT IN SUPPORT OF REPLY**

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

I, Sameer Bhagwat Salgar, adult, Managing Director of the Respondent No.10, having office at Nagnathanna Nagar, Taluka Walwa, District Sangli, do hereby state on solemn affirmation as under: -

1. I say that I am the Managing Director of the Respondent No.10 and am authorized to file the present Affidavit. I say that 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 the Respondent No.10 herein has filed the present reply to the dated 28<sup>th</sup> November 2023 filed by the Respondent Nos.4 & 5. 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 Islampur on 12 day of February, 2024.



*Deed*

Deponent  
**MANAGING DIRECTOR**

Padmbhushan Krantiveer Dr. Nagnath Anna Nayakwadi  
Hutatma Kisan Ahir Sahakari Sakhar Karkhana Ltd;  
Nagnath Annanagar, Walwe, Tal. Walwe, Dist. Sangli.



*Deed*  
Shri Sameer Bhagant Salgar  
do swear, in the name of God Rohing  
that this is my name & signature  
solemnly affirm that the contents  
of this affidavit are true

*Arv*

**Arvind B. Patil**  
Advocate & Notary

'Laltara', Islampur, Dist. Sangli.  
Mob : 9822051177, 8668487477

*Deed*  
Signature of Deponent  
Identified by

*Arv*  
Signature of Notary  
Page Nos. -



Noted and Listed at  
No. 9 Of Notarial  
Registered Dated 12/2 /2024  
Document Pages 2



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Original Application No.69/2022 (WZ)

SUNIL PHARATE

APPLICANT

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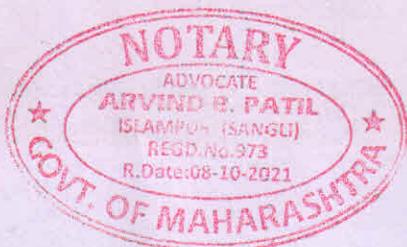
RESPONDENTS

**AFFIDAVIT IN SUPPORT OF REPLY**

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

I, Sameer Bhagwat Salgar, adult, Managing Director of the Respondent No.11, having office at Nagnathanna Nagar, Taluka Walwa, District Sangli, do hereby state on solemn affirmation as under: -

1. I say that I am the Managing Director of the Respondent No.11 and am authorized to file the present Affidavit. I say that 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 the Respondent No.11 herein has filed the present reply to the dated 28<sup>th</sup> November 2023 filed by the Respondent Nos.4 & 5. 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 Islampur on 12 day of February, 2024.

*[Signature]*  
Deponent



**MANAGING DIRECTOR**  
Padmbhushan Krantiveer Dr. Nagnath Anna Nayakwadi  
Hutatma Kisan Ahir Sahakari Sakhar Karkhana Ltd;  
Nagnath Annanagar, Walwe, Tal. Walwe, Dist. Sangli.



*[Signature]*  
**Shri Sameer Bhagwat Salgar**  
Name of God  
is in my name & signature  
I solemnly affirm that the contents  
of this affidavit are true

*[Signature]*  
**Arvind B. Patil**  
Advocate & Notary  
'Laltara', Islampur, Dist. Sangli.  
Mob : 9822051177, 8668487477

*[Signature]* Signature of Deponent  
*[Signature]* Signature of Notary  
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