



Entered in the Notary  
Register with SL No. 258/2025  
Date 22/2/2025

465

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

**EXECUTION APPLICATION NO. 7 OF 2024  
IN  
ORIGINAL APPLICATION NO. 28 OF 2014**

**BETWEEN**

**CA MR. SAIPRASAD MANGESH APPLICANT  
KALYANKAR, - APPLICANT**

**VERSES**

**THE REGIONAL TRANSPORT OFFICER & ORS -RESPONDENTS**

**REPLY AFFIDAVIT BY THE APPLICANT TO THE ADDITIONAL  
AFFIDAVIT SUBMITTED ON 22/02/2025 IN REJOINDER TO THE  
SAY OF RESPONDENT NO. 4**

**MOST RESPECTFULLY SHOWETH:-**

I, Saiprasad Mangesh Applicant, the Applicant herein, do hereby solemnly affirm and respectfully submit this Additional Affidavit in continuation of and in furtherance to my reply dated 04/01/2025 and additional affidavit submitted on 22/02/2025. Through the said reply, I have elaborated upon the economic, ecological, and legal significance of trees, emphasizing their indispensable role in maintaining environmental equilibrium, their contribution to sustainable development, and the broader public interest implications arising from their destruction. In light of the gravity of the matter and the necessity of placing additional material on record to further substantiate the submissions already made, I am filing this Additional Affidavit to ensure a comprehensive and just adjudication of the issues involved.

1. **Preliminary Objections:-** The Applicant vehemently opposes the submissions made in the affidavit filed by Respondent No. 4 (MSRDC), as the same is nothing but an attempt to mislead this Hon'ble Tribunal by

**BEFORE ME** providing selective, contradictory, and self-serving statements. The affidavit, rather than offering any substantive justification for the

**S.S. SAWANT**

**B.A.L.L.B.**

**ADVOCATE & NOTARY**

Shivaleela: C-242Q Near Govind  
Chitra Mandir Bhatwadi Sawantwadi  
Tel: Sawantwadi, Dist: Sindhudurg

environmental violations committed by MSRDC, serves as an explicit admission of its failure to comply with the binding directions issued by this Hon'ble Tribunal in its Judgment dated 10th September 2014 in O.A. No. 28 of 2014. The said judgment had categorically mandated that compensatory afforestation be carried out under strict supervision and in a manner that ensures ecological balance and environmental sustainability. However, the contents of the affidavit reveal that MSRDC has completely abdicated its statutory responsibility, thereby violating not only the judgment of this Hon'ble Tribunal but also fundamental environmental protection laws.

2. The illegal and abrupt cutting of trees in an **Eco-Sensitive Zone (ESZ)** without the necessary environmental clearances, regulatory approvals, and adherence to the due process of law is a grave violation of the Environment Protection Act, 1986, the Forest Conservation Act, 1980, and the National Green Tribunal Act, 2010. The principles of sustainable development and the precautionary principle, which form the bedrock of India's environmental jurisprudence, have been blatantly disregarded by MSRDC. The failure of MSRDC to ensure compliance with compensatory afforestation measures as required by law and its collusion with the Concessionaire in facilitating environmental degradation raises serious concerns about its accountability and commitment to environmental protection. This Hon'ble Tribunal, through various landmark judgments, has consistently held that authorities responsible for public infrastructure projects must ensure that all environmental safeguards are strictly implemented. However, in the present case, MSRDC has demonstrated a complete lack of supervision and control, thereby allowing irreversible damage to the environment.

3. The Hon'ble Supreme Court in *T.N. Godavarman Thirumulpad v. Union of India* [(1997) 2 SCC 267] has unequivocally held that the failure to carry out compensatory afforestation is a gross violation of environmental protection laws and attracts liability under the principle of absolute responsibility. MSRDC's admission in its affidavit that it failed to oversee afforestation activities and its apparent indifference towards the destruction of green cover within the ESZ makes it directly liable under this legal principle. The doctrine of absolute responsibility imposes a non-

BEFORE ME

*S.S. Sawant*

**S.S. SAWANT**

B.A.L.L.B.

ADVOCATE & NOTARY

Shivaleela, C-242Q Near Govind  
Chitra Mandir Bhatwadi Sawantwadi  
Tel: Sawantwadi, Dist: Sindhudurg

delegable duty on public authorities to prevent environmental harm and to ensure strict compliance with regulatory provisions. The absence of any monitoring mechanism, lack of independent environmental assessments, and failure to enforce compensatory afforestation requirements constitute gross negligence on the part of MSRDC.

4. Additionally, under Section 15 of the *National Green Tribunal Act, 2010*, this Hon'ble Tribunal has the power to grant relief, compensation, and restitution for environmental damage caused due to violations of environmental laws. The large-scale and unauthorized felling of trees, particularly in an ESZ, not only constitutes a violation of statutory provisions but also results in severe ecological harm. The impact of such indiscriminate deforestation is far-reaching, leading to biodiversity loss, disruption of local water cycles, soil erosion, increased air pollution, and irreversible damage to the ecological balance. The Applicant submits that such violations, if left unchecked, will set a dangerous precedent wherein public authorities and project proponents will continue to disregard environmental mandates with impunity.



5. Given the gravity of the violations, the Applicant prays for the immediate intervention of this Hon'ble Tribunal by directing MSRDC to submit a comprehensive report detailing the extent of environmental damage, the current status of compensatory afforestation, and the steps undertaken to mitigate the adverse environmental impact. The Applicant further seeks strict action against MSRDC, including the imposition of exemplary costs for its failure to comply with the Tribunal's orders, as well as an immediate stay on any further tree cutting or land-clearing activities within the ESZ. The Hon'ble Tribunal is urged to uphold the principles of environmental justice by ensuring that MSRDC is held accountable for its legal transgressions and that the affected environment is restored in accordance with the law.

*Handwritten signature*

6. Reply to Paragraph 2 of the Additional Affidavit Filed by Respondent No. 4:-The Applicant strongly objects to the misleading and contradictory statements made in Paragraph 2 of the Additional Affidavit filed by Respondent No. 4 (MSRDC). It is evident that the said affidavit has been filed as a mere delaying tactic, without any substantial legal or factual

**BEFORE ME**

*S.S. Sawant*

**S.S. SAWANT**

B.A.L.L.B.

ADVOCATE & NOTARY

Shivaleela, C-242Q Near Govind  
Chitra Mandir Bhatwadi Sawantwadi  
Tel: Sawantwadi, Dist: Sindhudurg

basis, solely to consume the valuable time of this Hon'ble Tribunal. The Respondent has conveniently chosen to file an Additional Affidavit under the garb of placing additional facts on record, whereas in reality, it is an attempt to introduce alternative and contradictory submissions to cover up its gross dereliction of duty and failure to comply with the binding directions of this Hon'ble Tribunal. Such conduct is not only unbecoming of a public authority but also an abuse of the legal process, aimed at frustrating the due course of justice.

7. It is a matter of grave concern that MSRDC, being a publicly funded entity, is engaging in such blatant disregard for accountability, as the costs of such repeated and baseless submissions are being borne by public funds. It is a settled principle of law that government agencies and public sector undertakings must act in a fair, transparent, and responsible manner, particularly when they are dealing with public resources and taxpayer money. However, the conduct of MSRDC in this case, and specifically the reckless and evasive approach of its Executive Engineer, Mr. Muktesh Wadkar, highlights the systemic apathy prevalent among government officials who operate without fear of consequences. **The Hon'ble Supreme Court in *Centre for Public Interest Litigation v. Union of India* [(2012) 3 SCC 1]** has categorically held that public authorities are trustees of public funds and must act in a manner that upholds accountability and public interest. The misuse of public resources for filing frivolous affidavits and delaying compliance with judicial orders is a violation of this fundamental duty.

8. Furthermore, **the Hon'ble Supreme Court in *Common Cause v. Union of India* [(1996) 6 SCC 530]** has emphasized that public servants are bound by the principles of probity and fair play, and their actions must be guided by the public trust doctrine. However, in the present case, the executive officers of MSRDC, who are neither personally liable for the consequences of their actions nor financially affected by the ongoing litigation, have taken the proceedings for granted. This Hon'ble Tribunal must take serious cognizance of the fact that all legal fees, court expenses, and procedural costs for these frivolous submissions are being borne by MSRDC, which in turn is funded by taxpayer money. The officers responsible, including Mr. Muktesh Wadkar, are shielded from any personal liability and thus engage

**BEFORE ME**

*S.S. Sawant*

**S.S. SAWANT**

B.A.L.L.B.

ADVOCATE & NOTARY

Shivaleela: C-242Q Near Govind  
Chitra Mandir Bhatwadi Sawantwadi  
Tel: Sawantwadi, Dist: Sindhudurg

in reckless litigation tactics without any fear of repercussions. This misuse of public office for personal convenience and bureaucratic evasion must be curtailed.

9. Additionally, the Hon'ble Supreme Court in *State of Maharashtra v. Public Concern for Governance Trust* [(2007) 3 SCC 587] has held that public authorities must act in furtherance of the public good and should not resort to procedural manipulations to delay legal proceedings. The present conduct of MSRDC in repeatedly filing affidavits with contradictory statements is a textbook example of how government agencies attempt to evade responsibility by engaging in legal gymnastics. The delay caused by such tactics results in irreparable harm to the environment, frustrates judicial mandates, and weakens public confidence in governance.

10. In light of the above, the Applicant prays that this Hon'ble Tribunal take strict action against MSRDC for filing an Additional Affidavit without any justifiable reason and direct the concerned officials, including Mr. Muktesh Wadkar, to be held personally accountable for such evasive tactics. The Applicant further prays that this Hon'ble Tribunal issue strong directions to ensure that public funds are not misused in such an arbitrary and irresponsible manner, and that legal costs be recovered from the responsible officers personally, rather than being passed on to MSRDC and, consequently, the public exchequer. Such a measure will serve as a deterrent against future misuse of public office and ensure that government officials discharge their duties with the seriousness and accountability that the law demands.

11. **Reply to Paragraph 3 of the Additional Affidavit Filed by Respondent**

**No. 4:-** The Applicant vehemently opposes the statements made in Paragraph 3 of the Additional Affidavit filed by Respondent No. 4, as it is nothing more than a conveniently structured attempt to introduce selective and self-serving facts while deliberately suppressing material information that would expose the glaring deficiencies, omissions, and non-compliance on the part of the Respondent. The Respondent has sought to justify its inaction by selectively placing documents on record, purportedly for aiding the adjudication of the present case, whereas in reality, the intention is to

mislead this Hon'ble Tribunal and divert attention from its blatant failures.

**BEFORE ME**

*S.S. Sawant*

**S.S. SAWANT**

B.A.L.L.B.

**ADVOCATE & NOTARY**

Shivaleela's, C-242Q Near Govind  
Chitra Mandir Bhatwadi Sawantwadi  
Tel: Sawantwadi, Dist: Sindhudurg


12. It is pertinent to highlight that the duty of a public authority, particularly one funded by taxpayer money, is to act with utmost transparency, accountability, and good faith. However, the conduct of MSRDC in the present matter stands in stark contrast to these fundamental principles. Instead of proactively ensuring compliance with the legal and regulatory framework, the Respondent has indulged in a piecemeal and evasive approach by withholding critical records, thereby violating the well-established legal principle that public authorities must place all relevant materials before the adjudicatory forum in a fair and impartial manner. The Hon'ble Supreme Court in *K.K. Baskaran v. State Rep. by its Secretary* [(2011) 3 SCC 793] has unequivocally held that state instrumentalities must function with fairness and reasonableness and must not engage in selective disclosure that serves their interests at the cost of public trust.

13. Furthermore, the very language used by the Respondent—"It is germane to bring on record certain facts and documents"—itself exposes the intent to cherry-pick information while conveniently omitting documents that would establish its dereliction of duty. The Hon'ble Supreme Court in *Reliance Industries Ltd. v. SEBI* [(2022) 10 SCC 1] has categorically held that incomplete disclosure and selective filing of documents by a public entity amounts to an attempt to suppress material facts and mislead the adjudicatory process, warranting strict judicial scrutiny.

14. It is also relevant to note that the manner in which MSRDC has introduced "additional facts" at this belated stage, without any reasonable justification, is a clear violation of the principles laid down in *S.P. Chengalvaraya Naidu v. Jagannath* [(1994) 1 SCC 1], where the Hon'ble Supreme Court held that "suppression of material facts amounts to fraud on the court." The attempt to introduce selective facts and documents at this stage, while crucial records remain undisclosed, is nothing but a manifestation of mala fide intent.

15. In view of the above, the Applicant prays that this Hon'ble Tribunal direct MSRDC to place the complete set of relevant documents on record, including all communications, reports, and internal assessments, rather than a carefully curated selection that serves the Respondent's interest.

BEFORE ME

  
Sawant

**S.S. SAWANT**

B.A.L.L.B.

ADVOCATE & NOTARY

Shivaleela, C-242Q Near Govind  
Chitra Mandir Bhatwadi Sawantwadi  
Tel: Sawantwadi, Dist: Sindhudurg

against the Respondent for its deliberate and strategic suppression of facts, in accordance with the well-settled principle laid down in *Kali Ram v. State of Himachal Pradesh* [(1973) 2 SCC 808], where the Hon'ble Supreme Court held that when a party deliberately withholds material evidence, the presumption is that such evidence would be unfavorable to them.

16. The Applicant, therefore, requests this Hon'ble Tribunal to take strict cognizance of the Respondent's conduct, direct the filing of all necessary documents in a complete and transparent manner, and impose exemplary costs on the Respondent for its deliberate attempts to delay and derail the adjudicatory process through selective and misleading disclosures.

17. **Reply to Paragraph 4 of the Additional Affidavit Filed by Respondent No. 4:-** The Applicant strongly refutes the statements made in Paragraph 4 of the Additional Affidavit filed by Respondent No. 4, as it represents yet another calculated attempt to obfuscate the core issue and evade compliance with the directions of this Hon'ble Tribunal. The Respondent's submission is not only vague and ambiguous but also reflective of a clear intent to mislead this Hon'ble Tribunal through incomplete and selective disclosure.

18. It is pertinent to highlight that MSRDC has selectively quoted the Tribunal's order dated 18th December 2024, attempting to portray compliance when, in reality, it has failed to meet the obligations imposed. The Hon'ble Tribunal had categorically directed the Respondent to file a fresh affidavit clarifying whether 44,000 trees had been planted, explicitly excluding lemon grass and bamboo plantations. However, instead of providing a straightforward and transparent response, the Respondent has resorted to evasive tactics, attempting to mask its non-compliance through convoluted justifications.

19. Furthermore, the acknowledgment that bamboo and lemon grass were included in the plantation scheme is a clear admission of non-compliance, as these species do not qualify as trees under compensatory afforestation norms. As per the provisions of the Compensatory Afforestation Fund Act, 2016, afforestation must include species that contribute to biodiversity and

BEFORE ME

*S.S. Sawant*

S.S. SAWANT

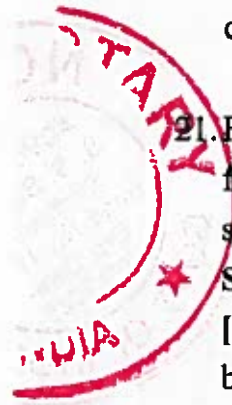
B.A.L.L.B.

ADVOCATE & NOTARY

Sawant: C-2+20 Near Govind  
Chitra Mandir Bhatwadi Sawantwadi  
Tq. Sawantwadi Dist. Sindhgad

ecological balance. Bamboo and lemon grass do not meet these criteria, and their inclusion in the plantation figures demonstrates a deliberate attempt to inflate the data and mislead this Hon'ble Tribunal. The Hon'ble Supreme Court in *Union of India v. Shiv Raj* [(2014) 6 SCC 564] has unequivocally held that non-compliance with judicial directions, coupled with attempts to obfuscate the issue, constitutes contemptuous conduct warranting strict scrutiny.

20. The Respondent, being a public authority, is duty-bound to ensure complete adherence to judicial orders and maintain absolute transparency in its submissions. However, the manner in which the Respondent has framed its affidavit—without directly addressing whether 44,000 actual trees have been planted, excluding non-qualifying species - raises serious concerns regarding its bona fides. The Hon'ble Supreme Court in *DDA v. Skipper Construction Co. (P) Ltd.* [(1996) 4 SCC 622] has reiterated that any attempt to suppress material facts or mislead the court attracts adverse consequences, including legal action for contempt.



21. Furthermore, the selective nature of the Respondent's submission is evident from the absence of verifiable records, field survey reports, plantation status details, and independent verification mechanisms. The Hon'ble Supreme Court in *A.P. Pollution Control Board v. Prof. M.V. Nayudu* [(1999) 2 SCC 718] has held that environmental compliance cannot be based on mere assertions but must be supported by empirical data and independent verification. In the present case, the Respondent's failure to provide a credible and verifiable confirmation regarding tree plantations necessitates judicial intervention to ensure strict compliance with the Tribunal's order.

22. In light of the above, the Applicant prays that this Hon'ble Tribunal direct the Respondent to place on record the complete and verifiable details of the plantations undertaken, including species-wise breakdown, independent verification reports, and photographic evidence duly authenticated by competent authorities. Additionally, the Applicant submits that an adverse inference be drawn against the Respondent for its continued reluctance to furnish a direct and transparent response, in line with the principles laid

down in *S.P. Chengalvaraya Naidu v. Jagannath* [(1994) 1 SCC 1], where

**BEFORE ME**  
Sawant  
**S.S. SAWANT**  
B.A.,LL.B.  
ADVOCATE & NOTARY

Shivajinagar, C-242Q Near Govind  
Chitra Mandir Bhatwadi Sawantwadi  
Tal: Sawantwadi, Dist: Sindhudurg


the Hon'ble Supreme Court held that suppression of material facts amounts to fraud on the court.

23. Accordingly, the Applicant requests this Hon'ble Tribunal to take strict cognizance of the Respondent's non-compliance, direct immediate and verifiable disclosure of plantation data, and impose exemplary costs for deliberate attempts to dilute the Tribunal's directions through evasive and misleading submissions.

**24. Reply to Paragraph 4a of the Additional Affidavit Filed by Respondent**

**No. 4:-** I say that vide Order and Judgment dated 10th September 2014 ("said Judgment") passed in Original Application No. 28 of 2014, this Hon'ble Tribunal had issued clear and binding directions to all Respondents, including the obligation to undertake compensatory afforestation in accordance with established norms. However, the Respondents, particularly MSRDC, have selectively quoted the Tribunal's subsequent order dated 18th December 2024 in an attempt to portray compliance, when in reality, they have failed to meet their obligations. The acknowledgment that bamboo and lemon grass were included in the plantation scheme is a clear admission of non-compliance, as these species do not qualify as trees under compensatory afforestation norms. As per the Compensatory Afforestation Fund Act, 2016, afforestation must consist of species that contribute to biodiversity, ecological balance, and environmental restoration. The plantation of bamboo and lemon grass fails to meet these criteria and constitutes a blatant attempt to circumvent the compensatory afforestation requirements imposed by the said Judgment. Furthermore, compliance under the said Judgment was not limited to mere numerical plantation but mandated the restoration of ecological balance through appropriate tree species. The inclusion of non-tree species is, therefore, a direct violation of both the judicial directives and statutory provisions governing compensatory afforestation. Such misrepresentation amounts to a deliberate attempt to mislead this Hon'ble Tribunal and evade legal obligations. In light of the Respondents' continued non-compliance, I respectfully submit that this Hon'ble Tribunal may direct the Respondents to submit a verifiable and species-wise breakdown of the plantations carried out, excluding non-tree species such as bamboo and lemon grass, along with independent field verification reports. Further, given the

**BEFORE ME**

  
S.S. SAWANT

B.A.L.L.B.

ADVOCATE & NOTARY

Shivaleeta: C-242Q Near Govind  
Chitra Mandir Bhatwadi Sawantwadi  
Tel: Sawantwadi, Dist: Sindhudurg

deliberate evasion of judicial orders and the misleading submissions placed on record, I pray that this Hon'ble Tribunal take strict action against the Respondents for failing to comply with the said Judgment and for their attempt to project a false narrative of compliance. **The Hon'ble Supreme Court in *M.C. Mehta v. Union of India* [(2004) 12 SCC 118]** emphasized the importance of genuine afforestation and the liability of government agencies that fail to execute court-mandated ecological restoration programs. MSRDC's failure to conduct genuine compensatory afforestation is a direct violation of this principle.

**25. Reply to Paragraph 4b of the Additional Affidavit Filed by Respondent No. 4:-** The affidavit acknowledges the Tribunal's direction for compensatory afforestation but fails to demonstrate any concrete compliance. The obligation to deposit Rs. 10 lakh with the Collector's Office, Sindhudurg, has not been properly accounted for, and MSRDC has not produced any verifiable evidence of fund utilization for afforestation purposes. The Respondents have selectively quoted the judgment of the Hon'ble Tribunal dated 10th September 2014 in Original Application No. 28 of 2014 to misrepresent compliance while conveniently omitting critical directives. The relevant portion of the judgment mandates that MSRDC shall carry out compensatory afforestation of 44,000 trees (1:8) in the same area, on the slope in the acquired land or an area near NH No. 17, as per the opinion of the Agricultural University, Dapoli. The judgment further specifies that the work shall be supervised by the Head of the Horticultural Department of Agricultural University, Dapoli, who shall receive an honorarium of Rs. 25,000 per month from MSRDC, which shall not be included in the project cost. Additionally, the MSRDC was directed to deposit Rs. 10 lakh in the Collector's office, Sindhudurg, for executing the afforestation program through the Agricultural University, Dapoli, under the supervision of the designated committee.

**26.** Despite these explicit directives, Respondent No. 4 (MSRDC) has misinterpreted and misrepresented the scope of compliance. Instead of ensuring that the afforestation cost is borne as an independent obligation of MSRDC, they have attempted to shift the financial burden onto the Concessionaire, in direct contravention of the Hon'ble Tribunal's orders. It is imperative to ascertain whether the cost of tree plantation has been

BEFORE ME

Sawant

S.S. SAWANT

B.A.L.L.B.

ADVOCATE & NOTARY

Shivaleela: C-242Q Near Govind  
Chitra Mandir Bhatwadi Sawantwadi  
Tel: Sawantwadi, Dist: Sindhudurg

accounted for under the Change of Scope or any other cost component, as MSRDC has deliberately remained silent on this aspect. The Hon'ble Tribunal is requested to direct Respondent No. 4 to submit a clear affidavit specifying whether the afforestation cost is being covered by MSRDC or if it has been transferred to the Concessionaire in violation of the Tribunal's directives.

27. Moreover, the order required MSRDC to deposit Rs. 10 lakh for afforestation, but to the best knowledge of the Applicant, this amount has been wrongfully paid by the Concessionaire instead of MSRDC. This constitutes a blatant breach of the Hon'ble Tribunal's directives and a contemptuous act, warranting strict penal action against Respondent No. 4. Any attempt to divert financial responsibility onto the Concessionaire not only defeats the purpose of independent afforestation funding but also amounts to misuse of public resources and regulatory fraud. The Hon'ble Tribunal has time and again emphasized that environmental restoration and mitigation measures must be executed in a transparent and accountable manner. In *M.C. Mehta v. Union of India (1987 SCR (1) 819)*, the Hon'ble Supreme Court held that environmental protection measures must not be diluted through administrative manipulation or financial diversions that allow government entities to evade responsibility.

28. The affidavit acknowledges the Tribunal's direction for compensatory afforestation but fails to demonstrate any concrete compliance. The obligation to deposit Rs. 10 lakh with the Collector's Office, Sindhudurg, has not been properly accounted for, and MSRDC has not produced any verifiable evidence of fund utilization for afforestation purposes.

29. Further, the directive regarding afforestation on slopes has been entirely disregarded by Respondent No. 4. Instead of ensuring compliance with scientific and sustainable afforestation techniques, MSRDC Executive Engineer Mr. Muktesh Wadkar and Independent Consultant Brig. Kapil, in collusion with the Concessionaire and EPC Contractor Sadbhav Engineering Ltd., has attempted to present a misleading picture of compliance while deliberately violating clear mandates of the Hon'ble Tribunal. This constitutes a fraudulent misrepresentation of environmental

**BEFORE ME**

*S.S. Sawant*

**S.S. SAWANT**

B.A.L.L.B.

ADVOCATE & NOTARY

Shivalekhi: C-242G Near Govind  
Chitra Mandir Bhatwadi Sawantwadi  
Tq: Sawantwadi, Dist: Sindhudurg

compliance and an attempt to undermine the judicial authority of the Tribunal.

30. It is further submitted that the Applicant's independent inspection of 23 other Border Check Posts (BCPs) has revealed a complete absence of tree plantation or green cover, despite express financial provisions for afforestation within the Concessionaire Agreement. This highlights a systematic and deliberate pattern of environmental neglect and corruption, where funds earmarked for afforestation have been misused or diverted, leading to irreparable environmental damage. **The Hon'ble Tribunal has in T.N. Godavarman Thirumulpad v. Union of India & Ors. [(1997) 2 SCC 267]** emphasized that government agencies are duty-bound to ensure compliance with afforestation and conservation mandates, failing which strict action must be taken against the responsible officers. Given the above facts, it is evident that Respondent No. 4 has wilfully violated the Hon'ble Tribunal's orders and colluded with private contractors to circumvent their obligations. **The Supreme Court in Lafarge Umiam Mining Pvt. Ltd. v. Union of India [(2011) 7 SCC 338]** held that failure to ensure afforestation amounts to environmental degradation and necessitates strict action against the violators. The affidavit does not contain proof that MSRDC took necessary steps to ensure the afforestation was done as per the mandated requirements.

31. The Hon'ble Tribunal has previously demonstrated its commitment to upholding environmental compliance and judicial integrity in cases involving state agencies and large infrastructure projects. The present case presents yet another instance of gross dereliction of duty, collusion, and regulatory fraud, requiring the strictest possible action to uphold the rule of law and ensure environmental justice.

32. **Reply to Paragraph 4c of the Additional Affidavit Filed by Respondent No. 4:-** The reliance placed by Respondent No. 4 on the letter dated 12th August 2017 from Agricultural University, Dapoli, is entirely misleading and does not constitute evidence of compliance with the Hon'ble Tribunal's directives. The said letter merely prescribes a plantation schedule and does not, in any manner, certify that the required afforestation has been executed in accordance with the directives of the Hon'ble Tribunal. It is deliberate

**BEFORE ME**

*S.S. Sawant*

**S.S. SAWANT**

B.A.L.L.B.

**ADVOCATE & NOTARY**

Shivaleela: C-242Q Near Govind  
Chitra Mandir Bhatwadi Sawantwadi

misrepresentation and an attempt to mislead this Hon'ble Tribunal by presenting selective and irrelevant documents that do not establish actual compliance with the binding judgment.

33. It is further submitted that Respondent No. 4, particularly Mr. Muktesh Wadkar, Executive Engineer of MSRDC, has been operating under corrupt practices in collusion with Independent Consultant (IC) Brig. Kapil, to benefit the Concessionaire, MBCPNL, through fraudulent and illegal actions. **The Hon'ble Supreme Court in *Centre for Public Interest Litigation v. Union of India* [(2012) 3 SCC 1]** has held that public officials entrusted with government projects are required to act with the highest standards of integrity and transparency, failing which strict legal action must be taken. However, in the present case, the executive officers have engaged in a systematic collusion to benefit private parties while disregarding the Hon'ble Tribunal's directives.

34. The illegal financial transactions and bribes exchanged between these parties have resulted in the complete non-execution of afforestation works, despite the clear directions of the Hon'ble Tribunal. **The Hon'ble Supreme Court in *Vineet Narain v. Union of India* [(1998) 1 SCC 226]** laid down strict anti-corruption principles, holding that public servants engaging in corrupt practices must face criminal liability. In this case, the actions of MSRDC Executive Engineer Mr. Muktesh Wadkar and Independent Consultant Brig. Kapil have compromised public funds and led to the failure of afforestation efforts, which is not only a violation of environmental laws but also a serious case of public corruption.

35. Furthermore, the Compensatory Afforestation Fund Act, 2016 mandates that funds allocated for afforestation projects must be utilized transparently and effectively for ecological restoration. The failure to plant the required number of trees and the submission of misleading documents is a clear violation of this statutory mandate. **The Hon'ble Supreme Court in *T.N. Godavarman Thirumulpad v. Union of India* [(1997) 2 SCC 267]** has held that compensatory afforestation is an absolute obligation of public authorities, and failure to execute the same attracts strict liability. Therefore, Respondent No. 4's failure to plant trees as directed by the Hon'ble Tribunal, coupled with its reliance on irrelevant documentation,



**BEFORE ME**  
Sawant  
**S.S. SAWANT**  
B.A.L.L.B.  
ADVOCATE & NOTARY  
Shivajinagar C-242Q Near Govind  
Chitra Mandir Chhatwadi Sawantwadi

warrants strict penal action. The deliberate evasion of compliance and corruption in public projects cannot be tolerated, and strict legal action must be initiated to hold the responsible officials accountable.

36. **Reply to Paragraph 4d of the Additional Affidavit Filed by Respondent No. 4:-** The reliance placed by Respondent No. 4 on the letter dated 12th August 2017 from Agricultural University, Dapoli, is misleading and does not establish compliance with the Hon'ble Tribunal's directives. The said letter merely provides a plantation schedule and does not certify that MSRDC has executed compensatory afforestation as mandated by the Tribunal's judgment dated 10th September 2014. However, the subsequent letter dated 5th July 2019 directly contradicts MSRDC's claims, explicitly stating that 49,197 trees were planted, of which a significant portion consists of bamboo and lemon grass. This is a clear deviation from the mandated requirement of 44,000 trees comprising genuine forest species, as per afforestation norms.

37. It is pertinent to note that the Hon'ble Tribunal, in its order dated 18th December 2024, had categorically directed MSRDC to exclude bamboo and lemon grass while reporting afforestation compliance. However, Respondent No. 4 has attempted to mislead this Hon'ble Tribunal by inflating plantation figures using non-qualifying species, thereby creating a false impression of compliance. Such misrepresentation amounts to contempt of court and a blatant violation of the directives issued by this Hon'ble Tribunal. The Hon'ble Supreme Court in *DDA v. Skipper Construction Co. (P) Ltd.* [(1996) 4 SCC 622] has unequivocally held that government authorities engaging in misleading submissions to evade legal obligations must face strict consequences, including personal liability of responsible officials.

38. Furthermore, MSRDC's conduct reflects a pattern of collusion and corrupt practices between its officials and private contractors. The MSRDC Executive Engineer, Mr. Muktesh Wadkar, in collusion with Independent Consultant (IC) Brig. Kapil and the Concessionaire MBCPNL, has deliberately manipulated afforestation data to benefit the contractor while disregarding the Hon'ble Tribunal's clear directives. This fraudulent misrepresentation constitutes a violation of public trust and misuse of

BEFORE ME

S.S. SAWANT

B.A.L.L.B.

ADVOCATE & NOTARY

Shivaleela, C-242Q Near Govind  
Chitra Mandir Bhatiwadi Savantwadi  
Tal: Savantwadi, Dist: Sindhudurg

government authority, warranting strict penal action. The Hon'ble Supreme Court in *Centre for Public Interest Litigation v. Union of India* [(2012) 3 SCC 1] has held that government officers engaging in acts of favoritism, collusion, and financial misappropriation in public projects must be subjected to independent investigation and criminal prosecution.

39. Additionally, the Compensatory Afforestation Fund Act, 2016 mandates that compensatory afforestation must be carried out with ecologically beneficial tree species that restore biodiversity. The inclusion of bamboo and lemon grass not only violates the legal mandate but also defeats the entire purpose of compensatory afforestation, which is intended to compensate for deforestation losses by reintroducing native tree species. The Hon'ble Supreme Court in *T.N. Godavarman Thirumulpad v. Union of India* [(1997) 2 SCC 267] has emphasized that failure to execute compensatory afforestation as per judicial mandates attracts strict liability and penal consequences.

40. The submission of misleading data, financial mismanagement, and outright defiance of the Hon'ble Tribunal's orders must not go unpunished. This Hon'ble Tribunal is requested to take the strictest possible action to uphold the rule of law and prevent further abuse of public resources.

41. **Reply to Paragraph 4e of the Additional Affidavit Filed by Respondent No. 4:-** The admission by Respondent No. 4 that trees have died due to non-maintenance is a direct acknowledgment of its gross negligence and failure to comply with the binding directives of this Hon'ble Tribunal. This admission exposes the lack of supervision, monitoring, and accountability within MSRDC, making it evident that the afforestation was carried out only as a superficial compliance measure without any genuine intention to restore the lost green cover. The compensatory afforestation mandated by the Hon'ble Tribunal was not merely an obligation to plant trees but also to ensure their survival, maintenance, and long-term ecological benefits. However, the Respondent's failure to maintain the afforested areas has rendered the entire afforestation effort meaningless, amounting to deliberate non-compliance and environmental negligence.

**BEFORE ME**

*S.S. Sawant*

**S.S. SAWANT**

**B.A.L.L.B.**

**ADVOCATE & NOTARY**


Shivajinagar, C-242Q Near Govind  
Chitra Mandir Bhutwadi Sawantwadi  
Tel: Sawantwadi, Dist: Sindhudurg

42. The National Forest Policy, 1988, and the Forest Conservation Act, 1980, categorically mandate that compensatory afforestation efforts must not only replace deforested land with new tree cover but also ensure that the afforested land is scientifically maintained and nurtured until it reaches a self-sustaining stage. The principle of absolute responsibility, as laid down by the Hon'ble Supreme Court in **T.N. Godavarman Thirumulpad v. Union of India [(1997) 2 SCC 267]**, imposes a duty upon public authorities to ensure the long-term survival of afforestation efforts. MSRDC's failure to adhere to these fundamental environmental principles, coupled with its admission of tree mortality due to non-maintenance, warrants strict penal action under the NGT Act, 2010, and relevant forest conservation laws.

43. Further, this failure is not an isolated incident but the result of systematic collusion and corrupt practices between MSRDC officials and private entities, including MSRDC Executive Engineer Mr. Muktesh Wadkar and Independent Consultant Brig. Kapil and the Concessionaire MBCPNL, in furtherance of financial gains. Instead of ensuring compliance with the Hon'ble Tribunal's directives, these officials prioritized personal enrichment over environmental responsibility. The complete breakdown of afforestation maintenance indicates not just negligence but a deliberate attempt to defraud the system and siphon off public funds allocated for environmental restoration. The Hon'ble Supreme Court in **Vineet Narain v. Union of India [(1998) 1 SCC 226]** has laid down stringent guidelines for dealing with public corruption, holding that officials misusing their positions for personal gains must be held criminally liable. In the present case, the officials responsible for monitoring afforestation must be subjected to strict legal scrutiny and face personal liability for their actions.

44. Additionally, MSRDC's attempt to deflect responsibility by citing tree mortality due to "non-maintenance" is a feeble excuse designed to evade accountability. The Compensatory Afforestation Fund Act, 2016, places a direct obligation on project proponents and implementing agencies to ensure that afforestation efforts result in sustainable ecological restoration. The failure to maintain afforested land not only violates statutory provisions but also demonstrates a reckless disregard for the public trust doctrine, as recognized by the Hon'ble Supreme Court in **M.C. Mehta v.**

BEFORE ME

  
S.S. SAWANT

B.A.L.L.B.

ADVOCATE & NOTARY

Shivajinagar, C-2-420 Near Govind  
Chitra Manna Bhatwadi Sawantwadi  
Tel: Sawantwadi, Dist: Sindhudurg

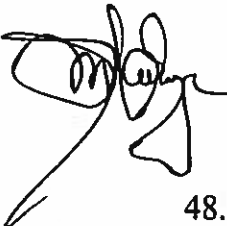
**Kamal Nath [(1997) 1 SCC 388]**, where it was held that natural resources, including forests, are held in trust by the government for the benefit of the people and future generations.

45. Moreover, the contractual obligations placed on the Concessionaire and EPC Contractor Sadbhav Engineering Ltd. to maintain the afforestation efforts have been completely ignored. Instead of ensuring that the afforestation was maintained and scientifically managed, MSRDC, in collusion with these private entities, engaged in a fraudulent cover-up, falsely portraying compliance while allowing afforestation funds to be misused or diverted. **The Hon'ble Supreme Court in *Common Cause v. Union of India* [(1996) 6 SCC 530]** has held that government authorities cannot escape liability by citing procedural lapses when public interest and environmental protection are at stake. In the present case, MSRDC and its officials cannot be permitted to evade their obligations under the guise of mere "non-maintenance."

46. The reckless disregard for afforestation efforts, financial corruption, and fraudulent misrepresentation of compliance must not be allowed to continue unchecked. The principles of environmental justice and public accountability demand that strict penal action be taken against those responsible for this deliberate failure to protect and restore the environment.

47. **Reply to Paragraph 4f of the Additional Affidavit Filed by Respondent No. 4:-** The admission by Respondent No. 4 that only 17,279 trees remain at the site after excluding bamboo and lemon grass exposes the deliberate non-compliance and failure to implement the Hon'ble Tribunal's directives in both letter and spirit. The requirement of compensatory afforestation was not limited to mere plantation but included the obligation to ensure survival, maintenance, and ecological sustainability of the planted trees. The sharp decline in tree count due to neglect and lack of supervision by MSRDC is not just a breach of judicial orders but also a serious environmental offense, warranting strict penal action.

48. **The Supreme Court in *Indian Council for Enviro-Legal Action v. Union of India* [(1996) 3 SCC 212]** unequivocally held that failure to

  
BEFORE ME  
S.S. SAWANT

B.A.L.L.B.

ADVOCATE & NOTARY

Shivajinagar C-2420 Near Govind  
Chitra Market Bhatwadi Sawantwadi  
Tal: Sawantwadi; Dist: Sindhudurg

maintain compensatory afforestation is an environmental offense, attracting liability under the Environment (Protection) Act, 1986. This ruling establishes that compensatory afforestation is not a procedural formality but a legally binding obligation under environmental laws, and any lapse in ensuring the survival of afforested species constitutes an actionable violation of the law. The failure of MSRDC to maintain afforestation efforts despite clear judicial mandates makes it liable under Section 15 of the Environment (Protection) Act, 1986, which prescribes both monetary penalties and imprisonment for non-compliance with environmental directives.

49. Furthermore, the large-scale mortality of trees, resulting in the survival of only 17,279 trees from the mandated 44,000, demonstrates the reckless disregard of MSRDC officials, including MSRDC Executive Engineer Mr. Muktesh Wadkar and Independent Consultant Brig. Kapil. Instead of ensuring compliance, these officials colluded with the Concessionaire MBCPNL and EPC Contractor Sadbhav Engineering Ltd. to fabricate compliance reports while completely ignoring ground-level afforestation requirements. The Supreme Court in *T.N. Godavarman Thirumulpad v. Union of India* [(1997) 2 SCC 267] has held that state authorities and public officials must be held accountable for failures in afforestation programs, as such lapses directly contribute to ecological degradation and loss of biodiversity. In the present case, the dishonesty in reporting and the deliberate attempt to suppress critical afforestation failures constitute a fraud on this Hon'ble Tribunal

50. Additionally, MSRDC's failure to maintain afforestation efforts violates its obligations under the Compensatory Afforestation Fund Act, 2016, which mandates not just plantation but also post-plantation care, monitoring, and survival of compensatory afforestation species. The deliberate omission of survival details, failure to implement replantation programs, and the lack of scientific afforestation measures constitute violations of both statutory and judicial mandates. The Hon'ble Supreme Court in *M.C. Mehta v. Kamal Nath* [(1997) 1 SCC 388] reiterated that environmental resources, including forests, must be protected under the public trust doctrine, and any failure by government agencies in safeguarding afforested lands must be viewed as a direct breach of public duty.

  
BEFORE ME  
S.S. SAWANT

B.A.L.L.B.

ADVOCATE & NOTARY


Shivalgaon: C-2420 Near Govind  
Chitra Mandir Bhatwadi, Sawantwadi  
Tal: Sawantwadi, Dist: Sindhudurg

51. Further, the fact that the surviving trees constitute less than 40% of the mandated afforestation target necessitates a forensic audit of the afforestation funds allocated for the project. The pattern of misreporting, financial irregularities, and failure to ensure afforestation survival suggests that public funds meant for compensatory afforestation have been misappropriated. The Supreme Court in *Centre for Public Interest Litigation v. Union of India* [(2012) 3 SCC 1] has emphasized that public authorities handling environmental projects must ensure complete transparency and must not divert funds allocated for conservation purposes. However, in the present case, MSRDC's failure to maintain afforestation efforts, combined with the large-scale mortality of trees, strongly indicates misuse of funds and regulatory fraud.

52. The failure to maintain compensatory afforestation is a serious environmental crime, and the officials responsible for this large-scale negligence must be held personally accountable. This Hon'ble Tribunal is urged to take the strictest possible action to ensure compliance with environmental mandates and prevent further manipulation of judicial directives.

53. **Reply to Paragraph 4g of the Additional Affidavit Filed by Respondent No. 4:-** The brazen admission by Respondent No. 4 under oath that it has failed to maintain the compensatory afforestation efforts is nothing short of contemptuous conduct, exposing a deep-rooted nexus of corruption between MSRDC officials and private contractors. This failure is not due to unforeseen circumstances or genuine operational constraints but is a deliberate, well-planned conspiracy hatched by Executive Engineer Mr. Muktesh Wadkar, Independent Consultant (IC) Brig. Kapil, Concessionaire MBCPNL, and EPC Contractor Sadbhav Engineering Ltd. (SEL) to manipulate environmental compliance, evade financial liabilities, and defraud public funds.

54. Despite clear opposition from the Applicant, who persistently highlighted non-compliance with afforestation mandates, MSRDC Executive Engineer Mr. Muktesh Wadkar and Independent Consultant Brig. Kapil unlawfully granted the Certificate of Completion (COD) to MBCPNL, knowing fully well that afforestation obligations had not been met. The moment the COD

  
BEFORE ME  
S.S. SAWANT

B.A.LI.B.

ADVOCATE & NOTARY

Shivalceia, C-242Q Near Govind  
Shira Mandir Bhatwadi Sawantwadi  
Tel: Sawantwadi, Dist: Sindhudurg

was secured, all plantation maintenance activities were halted, proving that the afforestation program was never intended to be a genuine ecological initiative but merely procedural eyewash orchestrated to obtain regulatory approvals. This fraudulent scheme amounts to criminal misconduct under the Prevention of Corruption Act, 1988, and necessitates immediate legal action against all responsible officials.

55. What is even more scandalous is the audacity of MSRDC to now propose appointing yet another agency for afforestation while blatantly stating that the monetary compensation for this will be borne by MSRDC, a publicly funded entity. This submission is nothing but an open declaration that MSRDC is willing to misuse taxpayer money to shield private contractors from their rightful liabilities. The Hon'ble Supreme Court in *Centre for Public Interest Litigation v. Union of India* [(2012) 3 SCC 1] has categorically held that government officials who misuse their authority to divert public funds for private gain must be held personally accountable, both financially and criminally. In the present case, MSRDC's willingness to recklessly spend public funds instead of recovering the costs from MBCPNL proves beyond doubt that its officials are acting as facilitators of corruption rather than protectors of public interest.

56. Furthermore, this is a Build-Operate-Transfer (BOT) project, and under no circumstances should the burden of afforestation maintenance fall upon the public exchequer. The Concessionaire, MBCPNL, is contractually obligated to bear these costs, yet due to the corrupt nexus between MSRDC Executive Engineer Mr. Muktesh Wadkar and Independent Consultant Brig. Kapil and MBCPNL, MSRDC is now deliberately ignoring its duty to recover these expenses. The Hon'ble Supreme Court in *Vineet Narain v. Union of India* [(1998) 1 SCC 226] has held that corrupt government officials who collude with private entities to misappropriate public funds must face strict criminal prosecution. Here, there is overwhelming evidence that MSRDC Executive Engineer Mr. Muktesh Wadkar and Independent Consultant Brig. Kapil have abused their official positions, engaged in bribery, and manipulated regulatory processes to benefit MBCPNL and SEL, all at the cost of environmental destruction and financial loss to the state.

**BEFORE ME**

*S.S. Sawant*

**S.S. SAWANT**

B.A.L.L.B.

**ADVOCATE & NOTARY**

Shivalocia: C-242Q Near Govind  
Chitra Mandir Bhatwadi Sawantwadi  
Tel: Sawantwadi, Dist: Sindhudurg

57. The Applicant further submits that this collusion is not limited to the present case but is part of a larger systemic corruption within MSRDC, where government officials routinely act as middlemen for private contractors, ensuring regulatory approvals in exchange for illegal financial gains. The shamelessness of this entire exercise is evident from the fact that despite public outcry, clear judicial directives, and environmental damage, MSRDC officials continue to defend the indefensible by making submissions that openly justify their misuse of public funds. The pattern of corruption, granting COD despite non-compliance, halting maintenance immediately after COD, and now proposing that taxpayers bear the cost of rectification, is a direct violation of the public trust doctrine, as recognized in *M.C. Mehta v. Kamal Nath* [(1997) 1 SCC 388], wherein the Hon'ble Supreme Court held that government officials cannot act as agents of private interests to the detriment of public resources and environmental protection.

58. The scale of corruption, manipulation, and blatant disregard for judicial directives in this case demands nothing less than the strongest legal and financial repercussions. This Hon'ble Tribunal must set an unambiguous precedent that government officials who engage in such fraudulent practices will be held accountable not just administratively but also criminally. Anything less would embolden further corruption and environmental destruction under the guise of regulatory compliance.

59. **Reply to Paragraph 5a of the Additional Affidavit Filed by Respondent No. 4:-** The admission by Respondent No. 4 that only 17,297 trees remain at the site out of the mandated 45,000 trees is a damning acknowledgment of gross negligence, deliberate non-compliance, and reckless disregard for environmental obligations. This means that over 28,000 trees have been lost due to the failure of MSRDC and its officials specifically MSRDC Executive Engineer Mr. Muktesh Wadkar and Independent Consultant Brig. Kapil to fulfill their legal and judicial responsibilities. Such large-scale environmental destruction is not a mere oversight but a criminal act of negligence, warranting severe penal action against the responsible officials, specifically Executive Engineer Muktesh Wadkar and Independent Consultant Brig. Kapil.

**BEFORE ME**

*S.S. Sawant*

**S.S. SAWANT**

B.A.L.L.B.

**ADVOCATE & NOTARY**

Shivaleela, C-242Q Near Govind  
Chitra Mandir Bhalwadi Sawantwadi  
Tel: Sawantwadi, Dist: Sindhudurg

60. The Hon'ble Supreme Court in *T.N. Godavarman Thirumulpad v. Union of India* [(1997) 2 SCC 267] has clearly held that failure to implement and maintain compensatory afforestation amounts to a serious environmental offense, attracting strict liability upon the implementing agencies and individuals responsible. Further, in *Indian Council for Enviro-Legal Action v. Union of India* [(1996) 3 SCC 212], the Supreme Court ruled that deliberate non-compliance with afforestation mandates is punishable under the Environment (Protection) Act, 1986. Here, the death of 28,000 trees is not just an environmental offense but an act of institutionalized negligence, facilitated by a corrupt nexus between MSRDC officials and the Concessionaire.

61. The Applicant has been continuously following up with MSRDC on a weekly basis, raising concerns over the deteriorating condition of the plantations, yet the officials have willfully ignored these warnings with the impression that they are untouchable by any regulatory agency or the judiciary. This arrogant and reckless approach has directly resulted in the destruction of afforested land, making MSRDC Executive Engineer Mr. Muktesh Wadkar and Independent Consultant Brig. Kapil personally liable for the environmental damage. The Hon'ble Supreme Court in *M.C. Mehta v. Kamal Nath* [(1997) 1 SCC 388] has emphasized that public officials cannot treat environmental obligations as a mere formality and that destruction of ecological assets due to negligence amounts to a violation of the public trust doctrine, warranting strict personal liability.

62. Further, the complete disregard for judicial mandates by these officials is reflective of a larger pattern of corruption and mismanagement within MSRDC, where regulatory oversight is manipulated, funds are misappropriated, and judicial directives are ignored with impunity. This Hon'ble Tribunal has issued clear and binding directives on the afforestation program, yet MSRDC specifically MSRDC Executive Engineer Mr. Muktesh Wadkar and Independent Consultant Brig. Kapil has acted as though it is beyond legal accountability. This case is a textbook example of government officials misusing their positions to facilitate environmental violations, favor private contractors, and evade liability.

**BEFORE ME**

*S.S. Sawant*

**S.S. SAWANT**

**B.A.L.L.B.**

**ADVOCATE & NOTARY**

Shivalcaia: C-242Q Near Govind  
Chitra Mandir Bhatwadi Sawantwadi  
Tel: Sawantwadi, Dist: Sindhudurg

63. The deliberate killing of 28,000 trees is an environmental crime of the highest order, and those responsible must be held personally accountable. This Hon'ble Tribunal must ensure that public officials are not allowed to act with impunity and that such reckless destruction of afforested land is met with the strictest legal consequences.

64. **Reply to Paragraph 6a of the Additional Affidavit Filed by Respondent No. 4:-** The assertion by Respondent No. 4 that the Applicant's Rejoinder Affidavit dated 5th February 2025 attempts to "increase the scope" of the present proceedings is a blatant misrepresentation, a desperate attempt to mislead this Hon'ble Tribunal, and an effort to shield its blatant non-compliance with the judgment dated 10th September 2014 in OA No. 28 of 2014. This submission is nothing more than a deliberate diversionary tactic to shift attention away from the irrefutable fact that Respondent No. 4 has failed to meet its binding legal obligations, despite multiple opportunities and explicit directives issued by this Hon'ble Tribunal. The claim that the Applicant is attempting to "increase the scope of proceedings" is baseless. The Applicant is merely ensuring that the Tribunal's order is executed in full compliance. *The Polluter Pays Principle as upheld in Vellore Citizens' Welfare Forum v. Union of India [(1996) 5 SCC 647]* mandates that MSRDC must be held liable for non-compliance with afforestation requirements.



65. The fundamental purpose of an execution application is to ensure that judicial mandates are enforced in their entirety. Respondent No. 4 is now attempting to evade the consequences of its willful disobedience by making baseless claims about the scope of the proceedings, rather than demonstrating substantive compliance with the Hon'ble Tribunal's judgment. The mere act of filing an affidavit does not constitute compliance, nor does it absolve Respondent No. 4 of its obligation to execute the Tribunal's directives in a lawful and transparent manner. The Hon'ble Supreme Court in *K.K. Baskaran v. State Rep. by its Secretary [(2011) 3 SCC 793]* has categorically held that state instrumentalities cannot rely on procedural submissions or technical defenses to escape their substantive legal obligations.

**BEFORE ME**

*S.S. Sawant*

**S.S. SAWANT**

**B.A.L.L.B.**

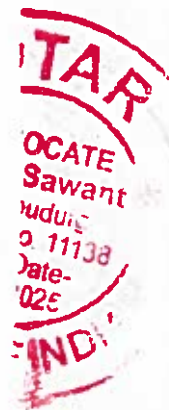
**ADVOCATE & NOTARY**

Shivajinagar, C-242Q Near Govind  
Chitra Mandir Bhatwadi Sawantwadi  
Tel: Sawantwadi, Dist: Sindhudurg

66. Furthermore, the claim that the Tribunal has taken cognizance of the affidavit filed by Respondent No. 4 does not in any way validate its contents or confirm that compliance has been achieved. The Hon'ble Supreme Court in *DDA v. Skipper Construction Co. (P) Ltd.* [(1996) 4 SCC 622] has held that merely placing an affidavit on record does not amount to its acceptance by the court, especially when the affidavit is found to contain misleading, evasive, or contradictory statements. In the present case, Respondent No. 4 has engaged in a systematic attempt to create the illusion of compliance while failing to meet even the basic requirements of afforestation maintenance, tree survival, and financial accountability.

67. The Applicant's Rejoinder Affidavit does not "increase the scope" of the proceedings but rather exposes the fact that Respondent No. 4 has knowingly and deliberately violated the Hon'ble Tribunal's directives, failed to maintain compensatory afforestation, and engaged in procedural manipulation to evade liability. If anyone has attempted to distort the scope of the case, it is Respondent No. 4 itself, which has failed to comply with specific orders and has instead attempted to dilute its obligations through repeated evasive submissions and selective misinterpretation of judicial orders. The Hon'ble Supreme Court in *M.C. Mehta v. Kamal Nath* [(1997) 1 SCC 388] has reaffirmed that government agencies entrusted with environmental obligations must act as trustees of natural resources and that failure to comply with judicial mandates must be met with strict consequences.

68. Additionally, Respondent No. 4 has engaged in deliberate suppression of facts and procedural manipulation to protect its corrupt nexus with the Concessionaire, MBCPNL, and EPC Contractor, Sadbhav Engineering Ltd. (SEL). The complete failure to maintain compensatory afforestation, despite clear judicial mandates and repeated follow-ups by the Applicant, is not due to mere administrative lapses but is a direct result of collusion between MSRDC officials, particularly MSRDC Executive Engineer Mr. Muktesh Wadkar and Independent Consultant Brig. Kapil, who have facilitated financial and regulatory fraud to shield private contractors from their legal obligations. The Hon'ble Supreme Court in *Centre for Public Interest Litigation v. Union of India* [(2012) 3 SCC 1] has categorically held that public officials who misuse their authority to facilitate regulatory



*S.S. Sawant*

**S.S. SAWANT**

B.A.L.L.B.

ADVOCATE & NOTARY

Shivaleela, C-242Q Near Govind  
Chitra Mandir Bhabwadi Sawantwadi  
Tel: Sawantwadi, Dist: Sindhudurg

fraud and financial misconduct must be held personally accountable and subjected to strict legal scrutiny.

69. This Hon'ble Tribunal must also take serious note of the reckless impunity with which Respondent No. 4 has treated judicial directives, ignoring explicit orders regarding afforestation compliance while attempting to deflect blame through procedural misdirection. The judicial system cannot function effectively if state agencies are allowed to evade enforcement of binding judgments through frivolous and misleading procedural submissions. **The Hon'ble Supreme Court in *All India Judges' Association v. Union of India* [(2002) 4 SCC 247]** has emphasized that court orders are binding and must be implemented in letter and spirit, and non-compliance, particularly by government authorities, must be met with strict penal consequences.

70. The brazen non-compliance by Respondent No. 4, coupled with its repeated attempts to mislead this Hon'ble Tribunal, warrants the strictest possible legal consequences. This Hon'ble Tribunal must ensure that judicial directives are not treated as mere suggestions by state agencies but as binding legal obligations that cannot be circumvented through procedural deception. The officers responsible for violating environmental laws and misusing public funds must be held personally liable, ensuring that such misconduct is met with the full force of law.

71. **Reply to Paragraph 6b of the Additional Affidavit Filed by Respondent No. 4:-** The submission by Respondent No. 4 that it has complied with Direction No. (iv) of the Hon'ble Tribunal's judgment dated 10th September 2014, as clarified in compliance with the Order dated 18th December 2024, is nothing more than an attempt to mislead this Hon'ble Tribunal with vague and evasive assertions, lacking any verifiable data or independent confirmation. The mere act of stating compliance does not absolve Respondent No. 4 from its legal responsibility to demonstrate actual, tangible, and scientifically verifiable compliance on the ground.

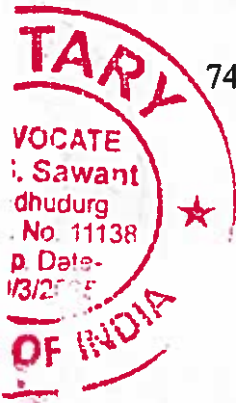
72. Despite multiple directives, Respondent No. 4 has failed to provide conclusive evidence establishing that compensatory afforestation was carried out in the manner prescribed by the Hon'ble Tribunal. The



**BEFORE ME**  
  
**S.S. SAWANT**  
 B.A.L.L.B.  
 ADVOCATE & NOTARY  
 Shivaleela, C-242Q Near Govind  
 Chitra Mandir Bhatwadi Sawantwadi  
 Tel: Sawantwadi Dist. Chhatrapati...

Applicant's Rejoinder Affidavit categorically exposes that the afforestation carried out is grossly deficient, both in numbers and in the type of plantation, as a significant portion consists of non-qualifying species such as bamboo and lemon grass, which do not meet the mandatory afforestation requirements. The Hon'ble Supreme Court in **Indian Council for Enviro-Legal Action v. Union of India [(1996) 3 SCC 212]** has clearly held that failure to maintain compensatory afforestation in accordance with judicial mandates amounts to an environmental offense, attracting liability under the Environment (Protection) Act, 1986.

73. Moreover, the attempt by Respondent No. 4 to use general and non-specific statements to suggest compliance is a clear violation of the principle laid down in **T.N. Godavarman Thirumulpad v. Union of India [(1997) 2 SCC 267]**, where the Hon'ble Supreme Court categorically held that compliance with afforestation directives cannot be measured in mere numbers but must be assessed based on actual ecological restoration, biodiversity enhancement, and the long-term sustainability of the planted species. In this case, Respondent No. 4's afforestation efforts have been exposed as a farce, with large-scale mortality of trees, failure to plant native forest species, and a deliberate cover-up of these failures through selective misrepresentation of compliance records.



74. Further, Respondent No. 4 has conveniently ignored the fact that the Hon'ble Tribunal had categorically directed afforestation to be carried out on slopes and within the designated area, in consultation with the Agricultural University, Dapoli. However, the execution has been in blatant violation of this requirement, as the plantations have neither been carried out in the designated manner nor monitored effectively to ensure survival. Instead, Respondent No. 4, in collusion with MSRDC Executive Engineer Mr. Muktesh Wadkar and Independent Consultant Brig. Kapil, has deliberately manipulated afforestation data to create a false narrative of compliance while failing to meet the core objectives of the Tribunal's order.

75. The deliberate misreporting, non-compliance, and blatant disregard for judicial directives by Respondent No. 4 necessitate the strictest legal action. The Hon'ble Tribunal must ensure that government agencies and their

**BEFORE ME**

*S.S. Sawant*

**S.S. SAWANT**

B.A.L.L.B.

ADVOCATE & NOTARY

Shivateela: C-242Q Near Govind  
Chitra Mandir Bhatwadi Sawantwadi

officials do not treat compensatory afforestation as a procedural formality but as a binding environmental responsibility that must be executed in its true spirit.

76. Reply to Paragraph 7 of the Additional Affidavit Filed by Respondent No. 4:- The claim by Respondent No. 4 that it has "duly complied" with the Hon'ble Tribunal's judgment dated 10th September 2014 is not only factually incorrect but also an attempt to defraud this Hon'ble Tribunal by concealing material facts and presenting misleading assertions. The affidavit submitted by Respondent No. 4 itself contains multiple admissions that expose large-scale non-compliance, negligence, and misrepresentation, proving that the Tribunal's orders have been blatantly violated. The fundamental duty of government servants, as trustees of public resources, is to act with transparency, accountability, and in strict adherence to judicial mandates. However, in this case, MSRDC officials, particularly MSRDC Executive Engineer Mr. Muktesh Wadkar and Independent Consultant Brig. Kapil, have acted with deliberate disregard for their legal responsibilities, instead facilitating corruption and colluding with private contractors to manipulate compliance records.

77. It is a settled principle of law that public officials are not merely administrative functionaries but fiduciaries of public trust, duty-bound to act in furtherance of the public good rather than private interests. The Hon'ble Supreme Court in *M.C. Mehta v. Kamal Nath* [(1997) 1 SCC 388] held that government officials responsible for environmental protection must be held personally liable if their actions result in ecological destruction or the mismanagement of environmental resources. In the present case, Respondent No. 4's conduct amounts to a complete abdication of duty, gross dereliction of responsibility, and active participation in fraudulent misrepresentation. The following undeniable facts establish that there has been no compliance with the Hon'ble Tribunal's judgment:-

NOTARY  
ADVOCATE  
S. Sawant  
Nandhurdurg  
1, No 11138  
xp. Date-  
01/3/2025  
OF INDIA

A. **Lack of Effective Supervision:** Respondent No. 4, as the implementing body, was duty-bound to ensure strict oversight and monitoring of the afforestation program. However, its own affidavit admits that tree mortality has occurred due to non-maintenance, which conclusively proves that no effective supervision was carried out. This violation is in

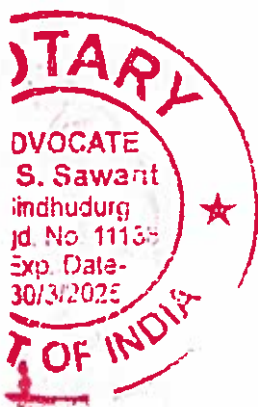
BEFORE ME  
S.S. SAWANT  
B.A.L.L.B.  
ADVOCATE & NOTARY  
Shivaleela, C-242Q Near Govind  
Gutra Mandir Bhatwadi Sawantwadi  
Tal. Sawantwadi Dist. Ratnagiri

direct contravention of the Hon'ble Supreme Court's ruling in *T.N. Godavarman Thirumulpad v. Union of India* [(1997) 2 SCC 267], where it was held that afforestation efforts must not only be carried out but also monitored and maintained to ensure long-term ecological benefits. The failure of MSRDC to monitor the afforestation program renders the claim of "due compliance" completely false.

**B. Misrepresentation of Afforestation Species:** The affidavit itself reveals that a significant portion of the plantation consisted of bamboo and lemon grass, which do not qualify as tree species under compensatory afforestation norms. The Hon'ble Tribunal had explicitly directed that 44,000 trees be planted, yet Respondent No. 4 has fraudulently included non-tree species to inflate compliance figures. **The Hon'ble Supreme Court in Indian Council for Enviro-Legal Action v. Union of India [(1996) 3 SCC 212]** has held that failure to conduct afforestation as per judicial directives constitutes an environmental offense under the Environment (Protection) Act, 1986. This deliberate manipulation of compliance data is nothing short of an act of fraud upon this Hon'ble Tribunal.

**C. Non-Maintenance of Afforestation, Leading to Tree Mortality:** The admission that over 28,000 trees have died due to non-maintenance further exposes the complete failure of Respondent No. 4 to fulfill its environmental obligations. The very purpose of compensatory afforestation is to ensure ecological restoration, which is rendered meaningless if the planted trees do not survive. **The Hon'ble Supreme Court in M.C. Mehta v. Kamal Nath [(1997) 1 SCC 388]** has held that failure to protect afforested land amounts to a violation of the public trust doctrine, warranting strict legal action against the responsible authorities. Here, MSRDC's willful inaction and deliberate refusal to maintain afforestation efforts despite having allocated funds amounts to an environmental crime, making its officials personally liable.

**D. Failure to Plant 44,000 Trees as Mandated:** The most fundamental requirement of the Hon'ble Tribunal's judgment was the plantation of 44,000 trees. However, the affidavit itself proves that this requirement was never met, and a substantial number of the alleged plantations were



**BEFORE ME**

*S.S. Sawant*

**S.S. SAWANT**

B.A.L.L.B.

**ADVOCATE & NOTARY**

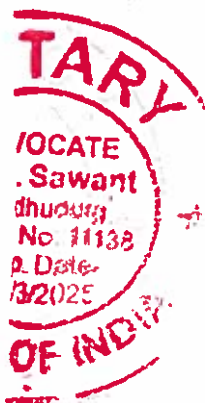
Shriwalela, C-242Q Near Govind  
Chitra Mandir Bhatwadi Sawantwadi

non-qualifying species. This directly contradicts Respondent No. 4's claim of compliance and constitutes a material breach of judicial directives. The Hon'ble Supreme Court in **DDA v. Skipper Construction Co. (P) Ltd.** [(1996) 4 SCC 622] has held that government entities submitting misleading affidavits to evade their legal obligations must be subjected to strict judicial scrutiny and penal action.

**E. Responsibility of Government Officials:-** The actions of MSRDC officials, particularly MSRDC Executive Engineer Mr. Muktesh Wadkar and IC Brig. Kapil, are not only administrative failures but also acts of deliberate corruption and collusion with private contractors to evade legal responsibilities. It is a settled principle that government officials must act in good faith to uphold the rule of law and public accountability. However, in this case, these officials have engaged in:

- Misrepresentation of compliance data to secure wrongful approvals.
- Deliberate neglect of afforestation maintenance despite judicial directives.
- Collusion with MBCPNL and SEL to protect them from financial liability at the cost of public funds.
- Manipulation of regulatory processes to enable the wrongful issuance of the Certificate of Completion (COD).

**F. The Hon'ble Supreme Court in Vineet Narain v. Union of India** [(1998) 1 SCC 226] has categorically held that government officials engaging in corruption, abuse of public office, and dereliction of duty must face strict legal consequences, including criminal prosecution under the Prevention of Corruption Act, 1988. In the present case, the acts of MSRDC Executive Engineer Mr. Muktesh Wadkar and IC Brig. Kapil not only violate environmental laws but also constitute offenses of fraud, criminal breach of trust, and abuse of public office, warranting immediate legal action.



**78. SUBMISSIONS ON THE DELIBERATE NON-COMPLIANCE, CORRUPTION, AND NEGLIGENCE BY MSRDC OFFICIALS**

**A. Gross Dereliction of Duty and Corrupt Practices of MSRDC**

**Officials:-** The Applicant seeks to bring to the urgent attention of this

*S.S. Sawant*

**S.S. SAWANT**

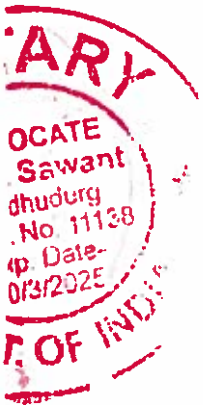
**B.A.L.L.B.**

**ADVOCATE & NOTARY**

Shivajinagar, C-2120 Near Govind  
Chitra Mandir Bhatwadi Sawantwadi  
Tel: Sawantwadi, Dist. Solapur

Hon'ble Tribunal the blatant misconduct, corruption, and deliberate non-compliance of MSRDC Executive Engineer Mr. Muktesh Wadkar and Independent Consultant Brig. Kapil, who were appointed with the specific duty of overseeing the project's financial and environmental compliance. These officials were entrusted with supervisory responsibilities, for which substantial fees were paid from public funds. Instead of ensuring that the environmental and financial obligations under the Concessionaire Agreement were met, they actively facilitated regulatory violations, corruption, and fraudulent documentation. It has been proven beyond doubt that MSRDC Executive Engineer Mr. Muktesh Wadkar and IC Brig. Kapil, under heavy bribery and undue influence, colluded with the Concessionaire MBCPNL to minimize project scope, manipulate afforestation responsibilities, and issue fraudulent certificates, all while ensuring that the financial liability or concession period of MBCPNL remained unaffected. This constitutes a grave breach of fiduciary duty and corruption under the Prevention of Corruption Act, 1988. **The Hon'ble Supreme Court in *Vineet Narain v. Union of India* [(1998) 1 SCC 226]** has held that public officials who misuse their authority for personal gains or to benefit private entities must be subjected to the strictest legal scrutiny and punished accordingly.

**B. Fraudulent Issuance of Royalty Exemption and Completion Certificates:-** It is further submitted that fake Royalty Exemption Certificates and Completion of Work (COD) certificates were issued with the full knowledge and direct involvement of MSRDC Executive Engineer Mr. Muktesh Wadkar and IC Brig. Kapil. These fraudulent acts were committed despite repeated objections by the Applicant and multiple complaints regarding non-compliance with afforestation and financial obligations. The issuance of these fake certificates is not just a breach of contract but an act of regulatory fraud, amounting to forgery and conspiracy under Sections 420, 468, and 471 of the Indian Penal Code, 1860. **The Hon'ble Supreme Court in *DDA v. Skipper Construction Co. (P) Ltd.* [(1996) 4 SCC 622]** has ruled that government agencies and officials cannot escape liability by citing procedural formalities when clear fraud and misrepresentation have been committed. In the present case, MSRDC officials knowingly issued false



**BEFORE ME**

S.S. Sawant

**S.S. SAWANT**

B.A.L.L.B.

ADVOCATE & NOTARY

Shivaleela, C-242Q Near Govind  
Chitra Mandir Bhatwadi Sawantwadi  
Tel: Sawantwadi, Dist: Sindhudurg

certificates, which had a direct impact on the project's legal and financial framework, causing severe environmental damage.

**C. Neglect of Post-COD Monitoring and Lack of Supervision:-** The Applicant humbly pray to the Hon'ble Tribunal to seek clarification from MSRDC Executive Engineer Mr. Muktesh Wadkar as to how many times he visited the Insuli site after issuing the COD certificate to inspect the maintenance of afforestation efforts. The COD was issued in October 2022, yet no communication regarding plantation maintenance was made until 02/04/2024, and only later by the RTO on 14/02/2025. This raises serious concerns about the deliberate negligence of responsible authorities who failed to fulfill their legal duty for nearly two years. The complete absence of oversight during this period demonstrates that Respondents had no genuine intention to comply with the Hon'ble Tribunal's directives and merely engaged in procedural formalities to create a facade of compliance. **The Hon'ble Supreme Court in *T.N. Godavarman Thirumulpad v. Union of India* [(1997) 2 SCC 267]** has emphasized that environmental restoration is not a mere procedural obligation but a substantive legal requirement, and failure to ensure proper monitoring and maintenance attracts strict liability. Further, the Applicant has documentary proof that this Applicant and the subcontractor SBPL had been continuously writing emails regarding non-maintenance of the plantation, and the Applicant had sent numerous letters requesting intervention, all of which were ignored by the Respondents. The fact that no reply was made to any of these communications shows the Respondents' absolute disregard for environmental protection and legal compliance.



**D. Exploitation of Corporate Influence and Suppression of Complaints:-** The Respondents have exploited their association with Adani Enterprises to operate with impunity, behaving as if they are beyond judicial scrutiny. Their conduct reflects an attitude that Government officials and contractors aligned with powerful corporations can manipulate regulatory frameworks, ignore judicial orders, and suppress complaints without facing consequences. **The Hon'ble Supreme Court in *State of Gujarat v. Mirzapur Moti Kureshi Kassab* [(2005) 8 SCC 534]** has observed that justice cannot be made a

**BEFORE ME**

S.S. Sawant

**S.S. SAWANT**

B.A.L.L.B.

**ADVOCATE & NOTARY**

Shivajinagar, C-242Q Near Govind  
Chitra Mandir Bhatwadi Sawantwadi  
Tal: Sawantwadi, Dist: Sindhudurg

commodity available only to the wealthy and influential, and that regulatory authorities must act with fairness, transparency, and accountability. In the present case, the Respondents have used their corporate affiliations to obstruct environmental compliance, evade financial liabilities, and intimidate those seeking justice. It is respectfully submitted that if government officials continue to abuse their power in this manner, then the very foundation of the judicial system is threatened. The Hon'ble Supreme Court has already underlined that access to justice has become increasingly difficult for the common man, and if judicial institutions do not take a firm stand against such misconduct, it will reinforce the perception that the judiciary serves only the elite and powerful.

**E. Demand for Accountability and Imposition of Strict Penalties:-**

Considering the above facts, the Applicant humbly requests this Hon'ble Tribunal to:

- i. Summon MSRDC Executive Engineer Mr. Muktesh Wadkar and IC Brig. Kapil to provide an official explanation regarding their role in issuing fraudulent COD and royalty exemption certificates, their visits to the Insuli site post-COD, and their failure to monitor afforestation efforts.
- ii. Direct MSRDC Executive Engineer Mr. Muktesh Wadkar and IC Brig. Kapil and other Respondents to submit provisions and present status of the plantation and green area in other 23 border Check Post all over Maharashtra.
- iii. Direct MSRDC Executive Engineer Mr. Muktesh Wadkar and IC Brig. Kapil and other Respondents to produce a single communication related to land availability for tree plantation, demonstrating their actual efforts towards compliance.
- iv. Initiate a high-level departmental inquiry against MSRDC Executive Engineer Mr. Muktesh Wadkar and IC Brig. Kapil for gross misconduct, dereliction of duty, and collusion with private contractors to evade environmental and financial obligations.
- v. Impose exemplary penalties on the Respondents for their repeated violations of environmental laws, judicial directives, and ethical governance standards.



**BEFORE ME**

*S.S. Sawant*

**S.S. SAWANT**

B.A.L.L.B.

ADVOCATE & NOTARY

Shivaleela, C-242Q Near Govind  
Chitra Mandir Bhatwadi Sawantwadi  
Tel: Sawantwadi, Dist: Sindhurg

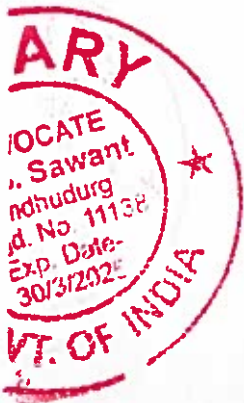
- vi. Mandate an independent forensic audit of the afforestation program and financial transactions to uncover the extent of fund mismanagement, corruption, and regulatory fraud.
- vii. Direct the immediate suspension and criminal prosecution of Muktesh Wadkar and Brig. Kapil under the Prevention of Corruption Act, 1988, for accepting bribes to manipulate regulatory processes.
- g) Refer the matter to the Central Bureau of Investigation (CBI) or an appropriate independent investigative agency to probe into the financial and environmental fraud committed by MSRDC officials in collusion with MBCPNL and SEL.

#### 79. SUBMISSIONS ON THE MISLEADING AND UNETHICAL CONDUCT OF RESPONDENT NO. 4:-

The Applicant seeks to bring to the urgent attention of this Hon'ble Tribunal the highly unethical and unfair practice adopted by Respondent No. 4 (MSRDC), wherein it is deliberately filing misleading and unrelated affidavits just one day before the hearing. This intentional strategy is aimed at denying the Applicant sufficient time to respond effectively, thereby creating an undue advantage for itself while misleading the Hon'ble Tribunal into passing favorable orders based on incomplete and misrepresented facts. This conduct by Respondent No. 4 amounts to an abuse of the legal process and a clear violation of the principles of natural justice. The Hon'ble Supreme Court in *A. K. Kraipak v. Union of India* [(1969) 2 SCC 262] has held that: "*The essence of natural justice is fairness and equal opportunity to present one's case. Any attempt by a party to obstruct or mislead judicial proceedings must be viewed as a serious offense against the rule of law.*"

In this case, Respondent No. 4 is not only engaging in procedural deception but is also exploiting its position as a government entity by misusing public funds to prepare last-minute submissions, fully aware that the Applicant, being an individual, lacks similar financial resources and institutional support. The Applicant is forced to spend his own personal funds for drafting replies, arranging necessary documents, traveling for case hearings, and managing the legal process independently.

Meanwhile, Respondent No. 4, which is a state-run entity funded by taxpayer money, is using public funds to engage legal professionals and draft misleading submissions. This gross disparity in resources and power must not be allowed to create procedural unfairness or deny the Applicant



*[Handwritten signature]*

BEFORE ME

*[Handwritten signature]*

S.S. SAWANT

B.A.L.L.B.

ADVOCATE & NOTARY

Sh. Nisha, C-242G Near Govind  
Cham Mandir Bhatwadi Sawantwadi  
Tal. Sawantwadi, Dist. Sindhudurg

his fundamental right to a fair hearing. The Hon'ble Supreme Court in **Dattaraj Nathuji Thaware v. State of Maharashtra [(2005) 1 SCC 590]** has emphasized that: *"The justice delivery system must remain accessible and fair to every citizen, irrespective of financial standing or institutional power. Courts and Tribunals must ensure that procedural abuses by well-funded litigants do not undermine the right to a fair trial."* In light of the above, the Applicant respectfully requests this Hon'ble Tribunal to take serious note of this unethical conduct and issue a strict warning to Respondent No. 4 to immediately curtail such behavior. The Applicant further prays that this Hon'ble Tribunal direct Respondent No. 4 to file all its submissions well in advance, allowing adequate time for the Applicant to review and respond, and to ensure that future hearings are conducted in a fair and just manner, free from procedural manipulation.

**80. SUBMISSIONS CLARIFYING THE APPLICANT'S NEUTRAL STANCE AND LIMITED LEGAL RESOURCES:-**

The Applicant unequivocally submits before this Hon'ble Tribunal that he has no vested or personal interest in this matter, nor is he acting on behalf of any third party. The sole motivation behind initiating these proceedings is the protection of the environment, adherence to judicial mandates, and ensuring that powerful entities do not continue to flout legal obligations with impunity. The Applicant is acting entirely at his own cost, without financial backing, legal advisors, or institutional support, solely as a responsible citizen and environmental activist. On the other hand, the Respondents are highly influential, well-funded entities with access to public resources, legal teams, and administrative machinery. They are capable of exploiting every procedural loophole, manipulating compliance records, and using delay tactics to escape liability. The Applicant is fully aware that such entities, when confronted with evidence of their wrongdoing, often resort to diversionary tactics, including making baseless allegations of collusion against those exposing their misconduct. The Applicant, therefore, submits that by bringing all relevant facts to the direct notice of this Hon'ble Tribunal, he has effectively foreclosed any such malicious attempt by the Respondents to mislead the judicial process. The Applicant further states with utmost humility that he is a Chartered Accountant by profession and lacks formal legal training. Unlike the Respondents, who misuse public funds to engage top-tier legal professionals to draft misleading affidavits



*[Handwritten signature]*

**BEFORE ME**

*[Handwritten signature]*

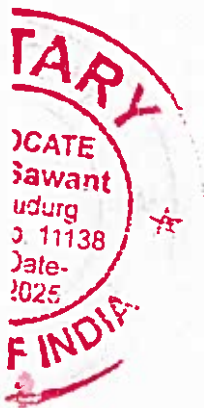
**S.S. SAWANT**

**B.A.LL.B.**

**ADVOCATE & NOTARY**

Shivajinagar, C-2420 Near Govind  
Chitra Mandir Bhamburda Sawantwadi

and arguments, the Applicant has no such privilege. Every representation, affidavit, and submission in this matter has been prepared by the Applicant himself, at his own personal expense, without the assistance of any legal counsel. Given these circumstances, the legal provisions and case laws cited in this submission are based on independent research through publicly available sources such as Google. While the Applicant has made every effort to ensure accuracy, he does not possess the legal expertise to provide an absolute undertaking that each referenced case law is perfectly aligned with the specific legal provisions cited. However, the essence and intent of these submissions are firmly grounded in the principles of environmental justice, accountability, and the rule of law. The Applicant, therefore, prays that this Hon'ble Tribunal take serious note of the stark imbalance between an independent individual pursuing a genuine environmental cause on limited personal resources and a powerful state-run entity using public funds to defend clear violations of environmental laws. The Hon'ble Supreme Court in *Dattaraj Nathuji Thaware v. State of Maharashtra* [(2005) 1 SCC 590] has held that the judiciary must remain accessible and fair to all citizens, and well-funded institutions cannot be allowed to exploit legal procedures to suppress genuine concerns. In light of the above, the Applicant humbly requests this Hon'ble Tribunal to acknowledge that he has acted purely in public interest, without any personal gain or collusion with any party. The Applicant further seeks the Tribunal's intervention to ensure that the Respondents do not misuse their financial and institutional power to suppress or discredit the Applicant's legitimate concerns. Given the stark disparity in resources between the Applicant, who is fighting this case at his own expense, and the Respondents, who are utilizing public funds to defend clear violations, it is imperative that procedural fairness is upheld. The Applicant prays that this Hon'ble Tribunal direct the Respondents to file all submissions and affidavits well in advance, allowing sufficient time for the Applicant to review and respond, thereby preventing procedural manipulation. The Respondents must also be warned against making baseless allegations or attempting to delay the proceedings by filing misleading or unrelated affidavits at the last moment. Such tactics are designed to obstruct justice and place an unfair burden on the Applicant, who lacks the resources to counter legal maneuvers funded by public money. Furthermore, the Applicant respectfully requests that this Hon'ble Tribunal take into consideration his lack of formal legal expertise while



**BEFORE ME**

S.S. Sawant

**S.S. SAWANT**

**B.A.L.L.B.**

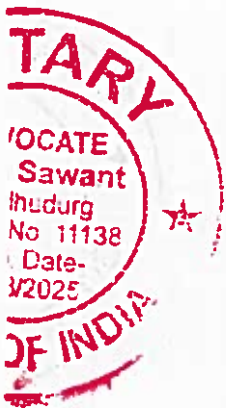
**ADVOCATE & NOTARY**

Silvassa: C-242Q Near Govind  
Chitra Mandir Bhatwadi Sawantwadi  
Tel: Sawantwadi, Dist: Silvassa

assessing submissions and ensure that procedural technicalities do not become a tool to undermine environmental justice. The Applicant has made sincere efforts to present legally sound arguments but, unlike the Respondents, does not have the luxury of engaging a team of legal experts. Despite overwhelming odds, the Applicant has taken up this fight as a responsible citizen, relying solely on his personal resources and moral obligation to uphold environmental laws. This Hon'ble Tribunal remains the only forum where truth and justice can prevail. The Respondents, despite their financial and institutional power, must not be allowed to evade legal accountability through procedural maneuvering, misrepresentation, or suppression of facts. The Applicant places his utmost faith in this Hon'ble Tribunal to ensure that justice is not dictated by financial might but by the principles of fairness, transparency, and the rule of law.

### 81. Relevant Case Law Supporting the Applicant's Prayer

- a. **A.K. Kraipak v. Union of India (1969) 2 SCC 262** – Principles of Natural Justice:- The Hon'ble Supreme Court in *A.K. Kraipak v. Union of India* [(1969) 2 SCC 262] emphasized that: "*The aim of rules of natural justice is to secure justice or to put it negatively, to prevent miscarriage of justice. These rules operate as implied mandatory requirements and their non-observance results in arbitrariness and unfairness in administrative actions.*" In the present case, Respondent No. 4's actions, filing misleading affidavits at the last moment, suppressing relevant facts, and using procedural tactics to mislead the Hon'ble Tribunal, amount to a clear violation of the principles of natural justice. Such practices deny the Applicant a fair opportunity to respond, leading to an unjust imbalance favoring the Respondents, who are backed by public funds and institutional power.
- b. **Dattaraj Nathuji Thaware v. State of Maharashtra (2005) 1 SCC 590** – Accessibility of Justice :- The Hon'ble Supreme Court in *Dattaraj Nathuji Thaware v. State of Maharashtra* [(2005) 1 SCC 590] held that: "*The justice delivery system must remain accessible and fair to every citizen, irrespective of financial standing or institutional power. Courts and Tribunals must ensure that procedural abuses by well-funded litigants do not undermine the right to a fair trial.*" This



*S.S. Sawant*  
**BEFORE ME**  
*S.S. Sawant*

**S.S. SAWANT**

B.A.L.L.B.

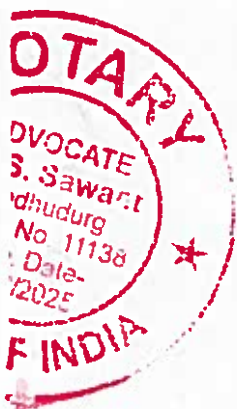
ADVOCATE & NOTARY

Chudurg, C-242Q Near Govind  
 Chitra Mandir Bhatwadi Sawantwadi  
 Tel: 9822820001, Dist: Sindhudurg

reinforces the Applicant's contention that the Hon'ble Tribunal must ensure that procedural fairness is not sacrificed simply because the Respondents have superior financial and legal resources. The Tribunal must safeguard the Applicant's right to an equal and fair hearing by ensuring that the Respondents do not engage in last-minute procedural maneuvering.

- c. **State of Gujarat v. Mirzapur Moti Kureshi Kassab Jamat (2005) 8 SCC 534 – Rule of Law and Protection Against Corporate Influence:-** The Hon'ble Supreme Court, in *State of Gujarat v. Mirzapur Moti Kureshi Kassab Jamat* [(2005) 8 SCC 534], laid down the following principle: "*Regulatory bodies and judicial forums must act independently and in the interest of justice, without being influenced by corporate entities or government pressures. No entity, however powerful, can be allowed to bypass legal mandates or manipulate the judicial process to escape accountability.*" The Applicant's prayer is directly aligned with this ruling, as he seeks to prevent the Respondents, who are well-funded and institutionally powerful—from manipulating the proceedings by submitting misleading affidavits at the last moment.

- d. **Urgent Need for Judicial Safeguards Against Procedural Manipulation:-** The above case laws firmly establish that justice must be accessible, fair, and free from procedural exploitation by powerful litigants. The Respondents must not be allowed to misuse public funds to suppress or discredit the Applicant's legitimate concerns. In light of these precedents, the Applicant respectfully prays that this Hon'ble Tribunal take immediate steps to prevent Respondent No. 4 from engaging in procedural manipulation by filing last-minute affidavits intended to mislead the judicial process. It is imperative that the Applicant is given sufficient time to review and respond to all submissions made by the Respondents, ensuring that justice is not compromised due to procedural unfairness. Furthermore, the Applicant urges this Hon'ble Tribunal to issue a strict warning to the Respondents against the deliberate filing of misleading and irrelevant affidavits with the sole intent of misguiding the Tribunal and obstructing the course of justice. The Applicant has placed his utmost faith in this Hon'ble Tribunal to uphold the principles of fairness, transparency, and the rule



*[Handwritten Signature]*

**BEFORE ME**

*[Handwritten Signature]*

**S.S. SAWANT**

B.A.L.L.B.

ADVOCATE & NOTARY

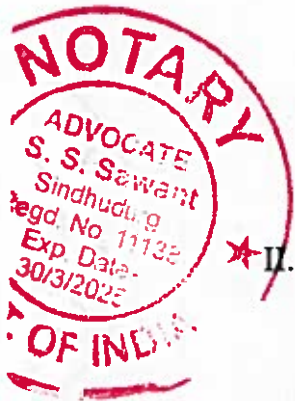
Office: C-2120 Nnar Govind  
 Court: Aandir Bhatwadi Sawantwadi  
 Tal: Sawantwadi, Dist: Sindhudurg

of law, ensuring that judicial proceedings are not influenced or dictated by financial or institutional power.

82. **PRAYER:-** In light of the brazen defiance of judicial orders, systematic corruption, environmental destruction, deliberate financial fraud, abuse of public office, and the blatant violation of binding legal obligations by Respondent No. 4 (MSRDC) and its officials, the Applicant most respectfully prays that this Hon'ble Tribunal be pleased to:

**I. Reject the False Compliance Claims and Initiate Contempt Proceedings Against MSRDC**

- i. Reject the false and fraudulent claim of compliance made by Respondent No. 4 in its affidavit, as it is contradicted by its own admissions of non-compliance, suppression of material facts, and submission of manipulated data.
- ii. Hold MSRDC guilty of willful contempt of the Hon'ble Tribunal's judgment dated 10th September 2014 in OA No. 28 of 2014, as it has blatantly disregarded judicial orders, failed to fulfill its binding obligations, and engaged in procedural deception to mislead this Hon'ble Tribunal.
- iii. Direct Respondent No. 4 to immediately file a fresh compliance affidavit with independent, third-party forensic verification of the afforestation, explicitly excluding non-qualifying species like bamboo and lemon grass, along with ground-level, geo-tagged photographic and scientific evidence proving compliance.



**★ II. Initiate Criminal Prosecution Against MSRDC Officials for Corruption, Breach of Public Trust, and Abuse of Authority**

- i. Hold MSRDC officials, including Executive Engineer Muktesh Wadkar and Independent Consultant Brig. Kapil, personally liable for their gross dereliction of duty, failure to enforce judicial orders, and active participation in financial mismanagement that led to the destruction of 28,000 trees and irreversible environmental harm.
- ii. Initiate immediate criminal proceedings under the Prevention of Corruption Act, 1988, against Muktesh Wadkar, Brig. Kapil, and all other officials responsible for colluding with private contractors

A handwritten signature in black ink, appearing to read 'S.S. Sawant', written over the text of the second point of the prayer.

**BEFORE ME**  
  
**S.S. SAWANT**  
 B.A.L.L.B.  
 ADVOCATE & NOTARY  
 Shivaleela: C-242Q Near Govind  
 Chitra Mandir Bhatwadi Sawantwadi  
 Tel: Sawantwadi, Dist: Sindhurdurg

(MBCPNL and SEL) to fabricate compliance reports, misappropriate public funds, and manipulate regulatory oversight to shield corporate wrongdoers.

- iii. Direct the immediate recovery of financial losses caused by corruption, regulatory fraud, and deliberate non-compliance from the personal assets, pensions, and benefits of responsible MSRDC officials, ensuring that they are held personally accountable rather than burdening the public exchequer.
- iv. Blacklist and permanently disqualify Muktesh Wadkar, Brig. Kapil, and any other MSRDC officials found guilty of corruption, fraud, and failure to perform their legal duties, barring them from holding any public office or participating in any government project in the future.

**III. Revoke the Fraudulently Obtained Certificate of Completion (COD) and Mandate Full Compliance**

- i. Immediately revoke the Certificate of Completion (COD) issued to MBCPNL, as it was obtained through fraudulent compliance claims, deliberate non-compliance with afforestation obligations, and collusion between MSRDC officials and private contractors.
- ii. Ensure that COD is not reissued until a judicially monitored independent committee verifies full compliance with afforestation obligations, including the plantation of 44,000 trees as mandated by this Hon'ble Tribunal, with independent third-party monitoring and geo-tagged verification.
- iii. Impose the strictest possible financial and legal penalties on MBCPNL and SEL for their role in regulatory fraud, evasion of environmental obligations, and manipulation of government oversight to avoid financial liabilities.



**IV. Conduct a Court-Monitored Forensic Audit and Recover Misappropriated Public Funds**

- i. Order a forensic audit of the entire afforestation program to track every rupee allocated for afforestation, maintenance, and supervision, exposing the exact financial misappropriation and fund diversion.

**BEFORE ME**

*S.S. Sawant*

**S.S. SAWANT**

B.A.L.L.B.

ADVOCATE & NOTARY

Shivaleela: C-2422 Near Govind  
Chitra Mandir Bhatwadi Sawantwadi  
Tel: Sawantwadi, Dist: Sindhudurg

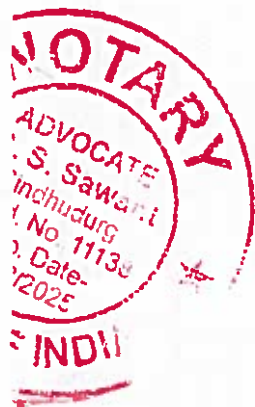
- ii. Determine whether MSRDC officials and contractors fraudulently diverted public funds meant for afforestation, used them for unauthorized purposes, or channeled them through corrupt transactions, and ensure that all misappropriated funds are recovered.
- iii. Direct that all financial losses due to the fraudulent actions of MSRDC officials and contractors be recovered directly from their personal salaries, pensions, and assets, ensuring that the burden does not fall on taxpayers or government reserves.

#### V. Mandate Immediate Replantation and Long-Term Scientific Monitoring by Independent Experts

- i. Mandate immediate replantation of the 28,000 lost trees at the full financial cost of MSRDC and MBCPNL, under strict third-party monitoring by an independent environmental oversight body, ensuring proper species selection and ecological balance.
- ii. Appoint an independent monitoring committee comprising environmental experts, judicial appointees, and members of reputed environmental organizations, with full authority to inspect, evaluate, and monitor afforestation compliance for a minimum of five years.
- iii. Direct Respondent No. 4 to submit quarterly compliance reports on afforestation efforts, survival rates, and maintenance activities, supported by geo-tagged photographic and third-party verification reports to this Hon'ble Tribunal.

#### VI. Impose the Highest Possible Penalties for Environmental Destruction, Fraud, and Breach of Public Trust

- i. Impose the highest legally permissible financial penalties on MSRDC for willful defiance of judicial directives, falsification of compliance data, and causing irreversible environmental destruction.
- ii. Levy personal financial penalties on Muktesh Wadkar, Brig. Kapil, and other responsible MSRDC officials for their blatant negligence, corruption, and fraudulent collusion with private contractors, ensuring that they bear personal financial liability.



*[Handwritten Signature]*

**BEFORE ME**

*[Handwritten Signature]*  
**S.S. SAWANT**

**B.A.L.L.B.**  
**ADVOCATE & NOTARY**  
 Shivaleela: G-2420 Near Govind  
 Chitra Mandir Bhatwadi Sawantwadi  
 Tel: Sawantwadi, Dist: Sindhudurg

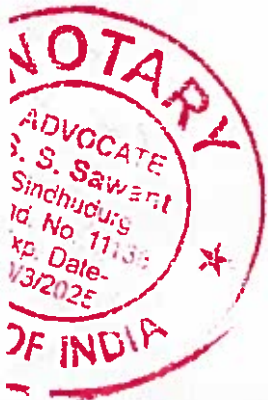
- iii. Ban MSRDC from receiving further government allocations for afforestation or environmental projects unless strict legal safeguards, third-party audits, and court-monitored compliance protocols are established.

#### VII. Investigate the Systemic Corruption Within MSRDC and Initiate High-Level Prosecution

- i. Refer the case to the Central Bureau of Investigation (CBI), the Vigilance Commission, or any other independent high-level investigative agency to uncover the full extent of corruption within MSRDC and its collusion with private contractors.
- ii. Initiate prosecution under the Indian Penal Code (IPC), the Prevention of Corruption Act, 1988, and the Environment (Protection) Act, 1986, against all government officials and corporate entities found guilty of fraud, regulatory manipulation, bribery, and non-compliance.
- iii. Ensure that all responsible officials are subjected to immediate suspension, dismissal, and permanent disqualification from public service, establishing that no government official can evade accountability for corruption and environmental crimes.

#### VIII. Establish a Binding Precedent to Prevent Future Corruption and Environmental Violations

- i. Issue binding judicial guidelines declaring that any government officer found guilty of non-compliance with environmental mandates will be subjected to automatic criminal liability, personal financial penalties, and permanent removal from public service.
- ii. Ensure that all future government-funded afforestation projects include strict real-time digital verification, independent forensic auditing, and legally enforceable financial transparency measures to prevent fraud and corruption.
- iii. Declare that willful non-compliance with environmental directives, falsification of regulatory records, and collusion with private contractors to defraud public funds will lead to the highest levels of criminal liability, including imprisonment under relevant anti-corruption and environmental laws.



*[Handwritten Signature]*

**BEFORE ME**

*[Handwritten Signature]*

**S.S. SAWANT**

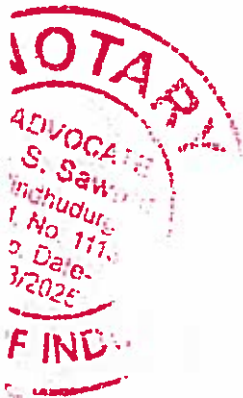
B.A.L.L.B.

ADVOCATE & NOTARY

Shivaleela: C-242Q Near Govind  
Chitra Mandir Bhatwadi Sawantwadi  
Tel: Sawantwadi Dist: Sindhudurg

**F. DEMAND FOR ACCOUNTABILITY AND IMPOSITION OF STRICT PENALTIES:-** Considering the above facts, the Applicant humbly requests this Hon'ble Tribunal to:-

- i. Summon MSRDC Executive Engineer Mr. Muktesh Wadkar and IC Brig. Kapil to provide an official explanation regarding their role in issuing fraudulent COD and royalty exemption certificates, their visits to the Insuli site post-COD, and their failure to monitor afforestation efforts.
- ii. Direct MSRDC Executive Engineer Mr. Muktesh Wadkar and IC Brig. Kapil and other Respondents to submit provisions and present status of the plantation and green area in other 23 border Check Post all over Maharashtra.
- iii. Direct MSRDC Executive Engineer Mr. Muktesh Wadkar and IC Brig. Kapil and other Respondents to produce a 'single communication related to land availability for tree plantation, demonstrating their actual efforts towards compliance.
- iv. Initiate a high-level departmental inquiry against MSRDC Executive Engineer Mr. Muktesh Wadkar and IC Brig. Kapil for gross misconduct, dereliction of duty, and collusion with private contractors to evade environmental and financial obligations.
- v. Impose exemplary penalties on the Respondents for their repeated violations of environmental laws, judicial directives, and ethical governance standards.
- vi. Mandate an independent forensic audit of the afforestation program and financial transactions to uncover the extent of fund mismanagement, corruption, and regulatory fraud.
- vii. Direct the immediate suspension and criminal prosecution of Muktesh Wadkar and Brig. Kapil under the Prevention of Corruption Act, 1988, for accepting bribes to manipulate regulatory processes.
- viii. Refer the matter to the Central Bureau of Investigation (CBI) or an appropriate independent investigative agency to probe into the financial and environmental fraud committed by MSRDC officials in collusion with MBCPNL and SEL.



**BEFORE ME**

*S.S. Sawant*

**S.S. SAWANT**

**B.A.L.L.B.**

**ADVOCATE & NOTARY**

Shivalgaon, C-242Q Near Govind  
Chitra Mandir Bhatwadi Sawantwadi  
Tal. Sawantwadi Dist. Ratnagiri

- IX. The widespread corruption, fraudulent compliance submissions, and deliberate defiance of judicial mandates by MSRDC officials and private contractors constitute one of the most severe violations of environmental laws and public trust. If such acts of institutionalized fraud, regulatory manipulation, and financial misappropriation go unpunished, it will embolden future misconduct, destroying faith in judicial oversight and environmental governance.
- X. This Hon'ble Tribunal must set an unshakable precedent that no government official, corporate entity or public institution can engage in regulatory fraud, evade financial accountability, and manipulate judicial processes without facing the strictest consequences. The full force of the law must be applied to ensure criminal prosecution, personal financial liability, environmental restoration, and the highest possible penalties for this gross abuse of public office and environmental resources.
- XI. Justice demands that no one, whether a public servant, corporate contractor, or government entity—be allowed to defraud the legal system, destroy public resources, and manipulate environmental compliance for financial gain. This Hon'ble Tribunal is therefore urged to impose the strongest legal, financial, and criminal sanctions to ensure irreversible accountability for environmental and financial crimes.



XII. **QUESTIONING THE NEED FOR THE NGT ACT, 2010, IF ORDERS ARE NOT ENFORCED:-** Finally, the Applicant raises a fundamental question, if the Hon'ble Tribunal's directives are not taken seriously by government authorities, then why does the National Green Tribunal Act, 2010, even exist? If Respondents are allowed to defy judicial orders with impunity and the Hon'ble Tribunal does not enforce its judgments, then the very purpose of the NGT Act, 2010, is defeated. The Applicant urges this Hon'ble Tribunal to reaffirm its commitment to environmental justice by ensuring that its directives are implemented in full and not merely used as procedural formalities by corporations and government entities to evade responsibility. If regulatory authorities continue to favor powerful institutions while

*[Handwritten signature]*

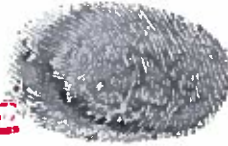
**BEFORE ME**  
*Sawant*  
**S.S. SAWANT**  
 B.A.L.L.B.  
 ADVOCATE & NOTARY  
 Shivaleela, C-242Q Near Govind  
 Chitra Mandir Bhatwadi Sawantwadi  
 Tel: Sawantwadi, Dist. Sindhudurg

ignoring judicial mandates, then the credibility of the entire legal framework governing environmental protection will collapse. In light of the above, the Applicant prays that this Hon'ble Tribunal takes the strictest possible action against the Respondents, ensuring that corruption, fraud, and deliberate defiance of judicial orders are met with the full force of the law.

I, Mr. Saiprasad Mangesh Kalyankar, Chartered Accountant, Age 61 years, Indian Inhabitant and active environmentalist residing at House No.1442B at village Banda, Taluka Sawantwadi, District Sindhudurg, State Maharashtra, Pin 416511 state on the solemn affirmation that all information provided in above reply is true and correct to the best of my knowledge and belief. I am signing this affidavit today on 23/02/2025 at Pune/ Sawantwadi.

Date: 23/02/2025

Place: Pune/ Sawantwadi,



*[Signature]*  
Applicant  
CA Saiprasad Mangesh Kalyankar

**BEFORE ME**

*[Signature]*

**S.S. SAWANT**

B.A.L.L.B.

ADVOCATE & NOTARY

Shivaleela, C-2120 Near Govind

Chitra Mandir

Tel: Sawantwadi, Dist: Sindhudurg

**VERIFICATION**

*[Signature]*

I, Mr. Saiprasad Mangesh APPLICANT, Chartered Accountant, Age 61 years, Indian Inhabitant and active environmentalist residing at House No.1442B at village Banda, Taluka Sawantwadi, District Sindhudurg, State Maharashtra, Pin 416511 state on the solemn affirmation that all information provided in above reply is true and correct to the best of my knowledge and belief. I am signing this affidavit today on 23/02/2025 at Pune/ Sawantwadi.

Date: 23/02/2025

Place: Pune/ Sawantwadi

Witness & J.d. by

*[Signature]*

(Mrs Shradha Saiprasad Kalyankar)  
- Banda -  
416511

*[Signature]*  
Applicant  
CA Saiprasad Mangesh Kalyankar



This document has been personally presented & signed by Saiprasad Mangesh Kalyankar R/o Banda, Tal- Sawantwadi who is identified by Shradha Saiprasad Kalyankar to whom I personally know No. of pages 44 Notary Regd. No. 258 Dated 23/2/2025