

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

(By Video Conferencing)

Original Application No. 12/2023 (WZ)

Anil A. Masurkar

.....Applicant

Versus

Union of India through Secretary MoEF&CC & Ors.

....Respondent(s)

Date of hearing: 05.04.2023

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

Applicant : Mr. Omkar Ajit Keni, Advocate

Respondent(s) : Mr. Raghvendra Kulkarni h/f Mr. Rahul Garg,
Advocate for R-1/MoEF&CC
Mr. Saket Mone, Advocate for R-3/MMB
District Mining Officer, Sindhudurg, in-person for R-4& 5
Geologist, GSDA In-person for R-8

ORDER

1. From the side of Applicant, learned Counsel Mr. Omkar Ajit Keni has appeared. He has filed service affidavit, as per which service of notice upon all the Respondents is found to be sufficient.

2. From the side of Respondent No. 1/MoEF&CC, learned Counsel Mr. Raghvendra Kulkarni holding brief of learned Counsel Mr. Rahul Garg has appeared and apprised that he has not been provided copy of Original Application. In this regard, the learned Counsel for the Applicant has emphatically stated that all the documents, which are annexed with the Application, have been served along-with notice to all the Respondents. We fail to understand as to why it is always happening that parties submit before us that they have not received the copy of Original

Application, though the Applicant always asserts that they have been delivered. By way of precaution, we direct the learned Counsel for the Applicant to provide another set of copies of Original Application along-with annexures through e-mail to the learned Counsel for the Respondent No. 1 today itself and thereafter reply shall be filed within a period of two weeks.

3. None has appeared from the side of Respondent No. 2/State of Maharashtra through Chief Secretary, Respondent No. 6/Sub-Divisional Officer: Kudal, Respondent No. 7/Tahsildar of Malvan despite sufficient service.

4. From the side of Respondent No. 3/Maharashtra Maritime Board, learned Counsel Mr. Saket Mone has appeared and apprised that he has not received all the annexures of the Original Application and he has also pointed out that he has not been provided the copy of G.R. dated 28.01.2022, which finds mention in para 10 of the application. Therefore, we direct the learned Counsel for the Applicant to provide all the remaining documents along-with the said G.R. today itself to the learned Counsel for the Respondent No. 3 and thereafter within two weeks, reply affidavit shall be filed from the side of Respondent No. 3.

5. From the side of Respondent No. 4/District Collector, Sindhudurg and Respondent No. 5/District Mining Officer, Sindhudurg, a reply affidavit dated 03.0.2023 has been filed, where-in it is submitted that Revenue and Forest Department, Government of Maharashtra has framed a Sand Mining Policy dated 21.05.2015 and subsequently on 28.01.2022 for clearing the navigational channels in the creeks. We find that these policies have not been annexed. We direct the Respondent Nos. 4 & 5 to file the same before the next date.

6. Further, it is mentioned in the affidavit that as per the policy framework of the 'Maharashtra Maritime Board/Respondent No. 3', based on their survey, finalization of the sand excavation spots is done in the coastal regulation zones and in the creeks for clearing the navigational channels. The Chief Executive Officer of Respondent No. 3 has authorized the District Collector/Respondent No. 4 to issue the excavation permits in the sand spots to clear the navigational channels, for which Maharashtra Maritime Board/Respondent No. 3 is collecting the royalty and other charges as well. The Maharashtra Maritime Board/Respondent No. 3 has decided the excavation spots in the Kalawal creek vide their letter dated 10.03.2022 for a period up to 09.06.2023 and authorization letter is also issued by the Respondent No. 3 authorizing the Collector, Sindhudurg to grant excavation permissions, which is annexed as Exhibit-1, which is in Marathi language, therefore, we direct the Answering Respondent to file translation of the same before the next date.

7. Pursuant to the said authorization, the District Collector/Respondent No. 4 issued public invitation on 01.12.2022 in local newspaper inviting the mining licenses for excavation through manual method. After receipt of the said application, the decision has been taken by the Committee, formed as per MoEF Office Memorandum dated 08.11.2011, the same has not been annexed with this reply, therefore, we direct the Respondent Nos. 4 & 5 to annex a copy of the same by the next date positively.

8. From the side of Respondent No. 8/Geologist, Groundwater Survey and Development Agency, Pune, a reply affidavit dated 03.04.2023 has been filed, where-in it is submitted that the Applicant has raised objection of drinking water contamination but the chemical analysis of the water samples received from the Grampanchayat in the year 2020-21

and 2021-22 shows that these samples are found fit for drinking purpose.

Put up this matter for further consideration on 03.07.2023

Dinesh Kumar Singh, JM

Dr. Vijay Kulkarni, EM

April 05, 2023
Original Application No. 12/2023 (WZ)
P.Kr