

Item No.6

(Pune Bench)

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

[Through Physical Hearing (With Hybrid Option)]

**EXECUTION APPLICATION NO.16 OF 2023 (WZ)
IN
ORIGINAL APPLICATION NO.119 OF 2023 (WZ)**

Dr. Sarvabhoun Bagali

.... Applicant

Versus

State of Karnataka & Ors.

....Respondents

Date of hearing : 04.04.2024

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

Applicant : Mr. Aagney Sail, Advocate

Respondents : Mr. S.K. Mishra, Senior Advocate with Mr. Aniruddha Kulkarni, Advocate for R-3, R-4 and R-7 along with Deputy Collector
Ms. Surabhi Agrawal, Advocate for R-5

ORDER

1. From the side of the execution applicant, learned counsel Mr. Aagney Sail has appeared.
2. From the side of respondent No.1 – Deputy Commissioner, Chiarman – District Sand Monitoring Committee, none has appeared.
3. From the side of respondent No. 2 – SEIAA, Karnataka, none has appeared.
4. From the side of respondent No.3 – District Collector, Solapur, respondent No.4 – SEIAA, Maharashtra and respondent No.7 – State of Maharashtra through its Chief Secretary, learned senior counsel Mr. S.K. Mishra and learned counsel Mr. Aniruddha Kulkarni have appeared.
5. From the side of respondent No.5 – K.J. Infrastructure Projects India Pvt. Ltd., learned counsel Ms. Surabhi Agrawal has appeared.

6. From the side of respondent No.7 – Chief Secretary, Govt. of Maharashtra, reply-affidavit dated 01.04.2024 has been filed on 03.04.2024 while reply-affidavit dated 03.04.2024 has been filed from the side of respondent No.3 – District Collector, Solapur on 04.04.2024. The contents of both these reply-affidavits are identical. Therefore, for the sake of convenience, we are taking the facts/averments stated/made in the affidavit of respondent No.3 – District Collector, which are as follows:

“3) I say that the order passed by Hon’ble National Green Tribunal New Delhi dated 25/9/2018 was challenged by M/s K.J. Infrastructure Project Pvt. Ltd. in Hon’ble Supreme Court by way of filing Civil Appeal No.11492 of 2018. I say that the record of this office shows that Rs.30 Lakhs has been deposited by M/s K.J. Infrastructures Pvt. Ltd. in the Hon’ble Supreme Court. I say that vide order dated 15/11/2022 the Hon’ble Supreme Court directed that balance amount of compensation of Rs.45 Lakhs be deposited with the registry of the tribunal within 3 months from today as prayed for. It is also directed that the balance compensation to be deposited shall carry interest, if the Appellant fails to deposit the same within 3 months.

4) I say that the record of this office shows that as per order passed by Hon’ble National Green Tribunal New Delhi on 25/9/2018 and as per order passed by Hon’ble Supreme Court dated 15/11/2022 M/s K.J. Infrastructure Pvt. Ltd. fails to pay deposit Rs.45 Lakhs with interest. Therefore, the office of the Collector, Solapur made several attempts to recover the said amount from M/s K.J. Infrastructure Pvt. Ltd but M/s K.J. Infrastructure Pvt. Ltd. fails to deposit the said amount. I say that the record of this office shows that the proceedings under Maharashtra Land Revenue Code 1966 for recovery of above amount as revenue arrears are also initiated against M/s K.J. Infrastructure Pvt. Ltd. However, said amount has not been recovered from M/s K.J. Infrastructure Pvt. Ltd. till today. I say that the record of this office shows that M/s K.J. Infrastructure Pvt. Ltd. has deposited security amount before signing the contract of sand in the yea 2014. I say that the record of this office shows that vide letter dated 27/3/2024, the office of Collectorate Solapur deposited Rs.51,18,966/- including interest to

the office of Hon'ble District Legal Services Authority, Vijayapura, District Vijayapura, State Karnataka through Cheque No.161085 dated 27/3/2024. Hereto annexed and marked as Exhibit-B is the copy of the letter issued by Additional Collector Solapur to Hon'ble District Legal Service Authority Vijayapura, District Vijayapura, State Karnataka dated 27/3/2024.

5) I respectfully say and submit that as mentioned in the aforesaid Paras the order dated 25/9/2018 passed by this Hon'ble Tribunal in Original Application No.363 of 2015 and order passed by Hon'ble Supreme Court on 15/11/2022 in Civil Appeal No.11492 of 2018 has been fully complied with and the delay occurred in compliance of the said orders is neither intentional nor deliberate and action has been taken by the office of Respondents immediately."

7. On perusal of the above affidavit and the affidavit of other authority mentioned above, it is clear that an amount of Rs.51,18,966/- has been deposited along with interest in the office of the District Legal Services Authority, Vijapura through cheque No.161085 dated 27.03.2024. The said amount would be paid to the victims on proper identification as directed in the order dated 25.09.2018, passed by this Tribunal in Original Application No.363/2015, within a period of three weeks from the date of uploading of this order.

8. In view of complete satisfaction of the order passed by this Tribunal, this Execution Application is disposed of.

9. No order as to costs.

Dinesh Kumar Singh, JM

Dr. Vijay Kulkarni, EM

April 04, 2024
E.A. No.16/2023 (WZ)
npj