

**BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI**

EXECUTION APPLICATION NO. 16 OF 2025

**MISCELLANEOUS APPLICATION NO. 12 OF
2025**

IN

ORIGINAL APPLICATION NO. 327 of 2024

HUBTOWN LIMITED

APPLICANT

VS

MOEF &CC

RESPONDENT

**AFFIDAVIT ON BEHALF OF RESPONDENT NO. 4 IN
COMPLAINCE OF ORDER DT. 10.07.2025**

I, Abhay Pimparkar, Member Secretary, Maharashtra Coastal Zone Management Authority 15th Floor, Administrative Building, Mantralaya, Madam Cama Road, Mumbai, Maharashtra do hereby solemnly affirm and declare as under:

2



1. That the deponent working in above capacity fully conversant with the facts of the case and as such is competent and authorized to swear this affidavit on behalf of the Maharashtra Coastal Zone Management Authority.
2. The present matter has been filed by the Applicant seeking compliance of the order passed in Original Application 327 of 2024 and Miscellaneous Application 106 of 2024 to recommend the Applicants proposal to SEIAA. The matter came up for hearing before this Tribunal on 10.07.2025 and direction was issued by this Hon'ble Tribunal as under :

7. Learned counsel for the Applicant has also submitted that even if the Appeal has been filed by the Respondent-MCZMA since there is no stay therefore, it is required to be complied with. He has also submitted that MCZMA has filed the Appeal before the Hon'ble Supreme Court with several defects and delayed the curing of the defects which caused prejudice to him and that, 90 days period was over in March, 2025, thereafter the Respondent-MCZMA should pay the transit rent of Rs. 90 lakhs per month which is being unnecessary borne by the applicant. The MCZMA is granted an opportunity to respond to it.

2



3. I say and submit that the Applicant has come before this Hon'ble court seeking execution of the Order in OA 327/2024 and the prayer with respect to payment of Transit Rent does not arise as the same cannot be said to be the part of Order under execution. It is submitted that the Respondent has not wilfully disobeyed the Order of this Hon'ble Tribunal nor has caused any wilful damage to the Applicant.

4. I say and submit that the present Respondent has preferred Civil Appeal on Diary No.16128-2025 XVII before the Hon'ble Supreme Court. It is further submitted that in view of the subsequent developments in the matter, such as clarification sought from the Urban Development Department and subsequent legal opinions, the present Respondent thought it appropriate to withdraw the above mentioned Civil Appeal and pursue the issue before this Hon'ble Tribunal so as to have a comprehensive consideration of all aspects in the matter. Considering all these aspects, the present Respondent thought it appropriate to withdraw the abovementioned Civil Appeal. I further say and submit that the present Respondent has withdrawn Civil Appeal on Diary No.16128-2025 XVII filed before the Hon'ble Supreme Court. The Order with respect to withdrawal is annexed herewith and marked as "Annexure A"



5. It is further submitted that the time required for filing the Civil Appeal and the administrative part thereof is a part of administrative process. The present Respondent cannot be said to be wilfully delayed the same. Furthermore, this cannot be the reason for the present Respondent to be legally bound to pay the Transit Rent to the Applicant. It is not true to say that the Applicant is unnecessarily bearing the payment of such Transit Rent. The present Respondent is not the *causa causans* for the delay caused as the right to appeal against the order by which the present Respondent felt aggrieved is a constitutional right. Moreover 'payment of transit rent' is a matter of contractual relationship between the applicant and the slum dwellers/stake holders. The present Respondent cannot be held liable as it lacks any privity to the same. Thus the present Respondent has not caused any prejudice to the Applicant and hence is not liable to pay the Transit Rent of RS. 90 lakhs per month which is allegedly unnecessary borne by the Applicant.

6. I say and submit that on the reasons mentioned herein above the plea of the Applicant for payment of Transit Rent may kindly be dismissed. It is submitted that the present Respondent is duty bound to comply with the directions of the

2



Hon'ble tribunal and would make every endeavour to comply with the same.

Hence this Affidavit.



Place: Mumbai

(Abhay Madhukar Pimparkar)

Deponent

Director, Env&CC Department and
Member Secretary, MCZMA

7 AUG 2025

Date: 07.08.2025



VERIFICATION

I, Abhay Madhukar Pimparkar, Age 49 years, Director, Environment and Member Secretary of the Maharashtra Coastal Zone Management Authority, having my office address at 15th Floor, New Administrative Building, Mantralaya Mumbai, do hereby verify & declare that statements made in the aforesaid Paras are true and correct to the best of my knowledge and information and I believe the same to be true and that nothing material has been concealed therefrom.

Verified at Mumbai on this ^{2nd} day of August, 2025

7 AUG 2025

Abhay Madhukar Pimparkar

(Abhay Madhukar Pimparkar)

Director, Environment &CC

and MS, MCZMA

Deponent

Vishal Madane

(Vishal Madane)

Under Secretary, Env&CC, GOM
Identified by



BEFORE ME

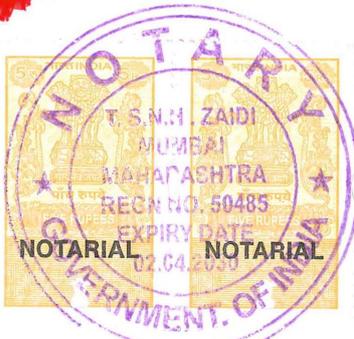
Fresh 7/8/2025

T. S.N.H. ZAIDI
REGD. NO. 51185
ADVOCATE HIGH COURT
NOTARY GOVT. OF INDIA
Bombay Mutual Building, 1st Floor, Shop No. 66
Above Axis Bank, P.M Road Fort, Mumbai 400001

NOTED & REGISTERED

Page No. 111 Sr.No 2357

Dated 7 AUG 2025



IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. _____ OF 2025
[ARISING FROM DIARY NO(S). 16128 OF 2025]



THE MAHARASHTRA COASTAL ZONE
MANAGEMENT AUTHORITY (MCZMA) & ANR. APPELLANT(S)

VERSUS

HUBTOWN LIMITED & ORS. RESPONDENT(S)

ORDER

1. Mr. Mukesh Verma, learned counsel appearing for the appellants, on instructions, seeks permission to withdraw this appeal.
2. Permission granted.
3. The appeal is dismissed as withdrawn.

.....J.
(DIPANKAR DATTA)

.....J.
(AUGUSTINE GEORGE MASIH)

NEW DELHI;
AUGUST 04, 2025.

Signature Not Verified

Digitally signed by
NEETU KHANDEWARIA
Date: 2025.08.05
17:52:17 IST
Reason:

ITEM NO.7

COURT NO.9

SECTION XVII

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

CIVIL APPEAL Diary No(s). 16128/2025

[Arising out of impugned final judgment and order dated 24-10-2024 in OA No. 327/2024 passed by the National Green Tribunal]

THE MAHARASHTRA COASTAL
ZONE MANAGEMENT AUTHORITY (MCZMA) & ANR.

Petitioner(s)

VERSUS

HUBTOWN LIMITED & ORS.

Respondent(s)

(IA No. 162371/2025 - CONDONATION OF DELAY IN FILING, IA No. 162374/2025 - CONDONATION OF DELAY IN REFILEING/CURING THE DEFECTS IA No. 162370/2025 - EX-PARTE STAY, IA No. 162373/2025 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT)

Date : 04-08-2025 This matter was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE DIPANKAR DATTA
HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASHI

For Petitioner(s) : Mr. Mukesh Verma, Adv. (VC)
Mr. G.P. Mahto, Adv.
Mr. Shashank Singh, AOR
Mr. Milind Modi, Adv.

For Respondent(s) : Mr. Karan Bharihoke, Adv.
Mr. Parag Khabadi, Adv.
Mr. Samir Malik, Adv.
Mr. Varun Kalra, Adv.
Ms. Falguni Thakkar, Adv.
Mr. Krishan Kumar, Adv.
Mr. Chandra Prakash, Adv.
M/S. D.S.K. Legal, AOR



UPON hearing the counsel the Court made the following
O R D E R

The appeal is dismissed as withdrawn in terms of the
signed order.

(NEETU KHAJURIA)
ASST.REGISTRAR-CUM-PS

(SUDHIR KUMAR SHARMA)
COURT MASTER

(Signed order is placed on the file.)