

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

APPEAL NO. 40 OF 2022

IN THE MATTER OF:-

Taloja Manufactures Association

...Appellant

Versus

Union of India & Ors.

...Respondents

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THROUGH
Counsel for the Appellant

*Nrapen Shanker
Acharya*

NRAPEN SHANKER ACHARYA, Advocate

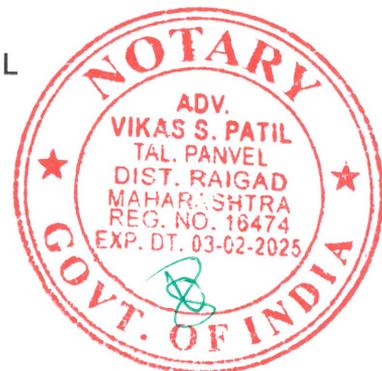
E-mail:- nrapen.acharya@gmail.com.

MOBILE NO. 6376397400

Place : Mumbai

Date :- 09.05.2023

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ADDITIONAL AFFIDAVIT ON BEHALF OF APPELLANT

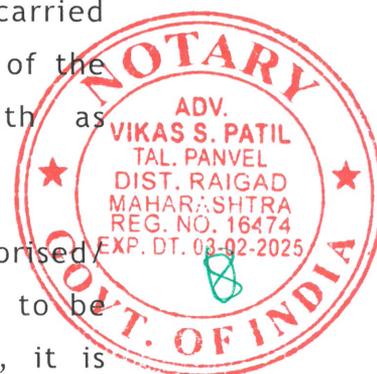
Most respectfully showeth:

I, Shekhar Janardhan Shringare, S/o Shri Janardhan Shringare, aged about 61 years, R/o P-21, MIDC, Taloja, Taluka - Panvel, District - Raigad, Maharashtra, solemnly affirm and declare as under:

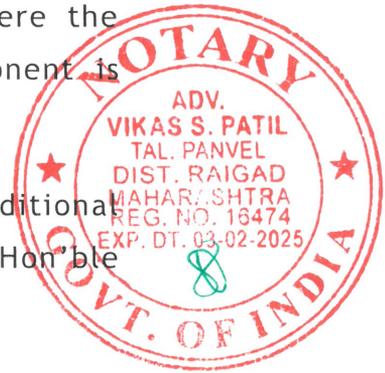
1. That I am the Appellant in the above-named Appeal and thus I am competent to file this present additional affidavit on behalf of the Appellant.
2. That the above-mentioned appeal has been filed challenging the Environmental Clearance i.e. EC Identification No. EC22B038MH161161 dated 25.07.2022 granted by SEIAA, Mumbai to Arihant Superstructures (Respondent 5) for the construction of Residential Building Project, situated at 35/1A, 35/1B, 35/1C and 36/0 Village - Ghot, Taluka - Panvel, District - Raigad.
3. That the present Additional Affidavit is being filed by the Appellant in compliance of the order dated 17.03.2023 of the Hon'ble Tribunal. The Hon'ble Tribunal in Para. No. 8 of the order dated 17.03.2023 tried to know from the Counsel for the Appellant as to "what is the position of spot, particularly, with respect to the surrounding area of the landfill site, as to whether the same is residential area or whether the said area has any vacant land available for the same to be left as buffer

zone to the extent of 500 meters". Along with, "a sketch of the landfill site as well as the area where the construction has been permitted to the Project Proponent." The present Additional Affidavit is being in pursuance of the said directions.

4. That it is humbly submitted that the MIDC after completing necessary legal formalities, vide its notification dated 10.09.2001 had notified the land of survey No. 61(part) to 66 and survey No. 68 to 74 and survey No. 77 to 85 of village - Ghot, Tehsil Panvel, District Raigad of MIDC Taloja Industrial Area to be reserved from development of CHWTSDF. It is stated that from the date of notification till many years the no development buffer zone was maintained around the CHWTSDF and no residential activity was carried within the buffer zone i.e. 500 mtr from the outer boundary of the CHWTSDF, which could be ascertained by a bare perusal of the Google earth image of 2008 wherein no residential activity is being carried out within the said no development buffer zone. Copy of the Google earth image of 2008 is annexed herewith as Annexure- AA/1.
5. That it is stated that in the recent years some unauthorised/illegal habitation have come up in the area so meant to be maintained as no development buffer zone. However, it is stated that there is still sufficient vacant land available in the surrounding area of the CHWTSDF to be maintained as no development buffer zone. Copy of the Google Earth image of 2022 is annexed herewith as Annexure-AA/2.
6. That in the present matter, the project proponent i.e. Arihant Superstructures Limited (Respondent 5) had applied for EC for a residential cum commercial building. The said land is situated approximately within 200 mts. of the outer boundary of notified 70 acre land of CHWTSDF, which clearly falls within the no development buffer zone of the existing operational CHWTSDF.
7. That on a bare perusal of a Google Earth image showing 70 acre landfill site as well as the area where the construction has been permitted to the Project Proponent it is clear the residential cum commercial land of the Project Proponent



(Respondent 5) falls within the no development buffer zone which clearly is in violation of the guidelines of 2001. The EC granted subsequently for a residential project within 500 mtr. of the outer boundary of CHWTSDF is in defiance of the environmental law and norms. Copy of the Google Earth image showing 70 acre landfill site as well as the area where the construction has been permitted to the Project Proponent is annexed herewith as Annexure-AA/3.



- 8. That in pursuance of the order date 17.03.2023, this additional affidavit is being filed under the instructions of the Hon'ble Tribunal.
- 9. That the annexed affidavit has been drafted under my instructions, contents whereof have been read over and explained to me and I have understood the same para wise.
- 10. That the factual submissions of the present Additional Affidavit are true and correct and the legal submissions I believe to be true on the basis of legal advice given to me by my counsel.

For Taloja Manufacturers Association

DEPONENT

VERIFICATION

Verified on this 9th day of May 2023 that the contents of the above mentioned affidavit are true and correct and nothing material has been concealed there from.

For Taloja Manufacturers Association

DEPONENT

BEFORE ME

9/5/2023

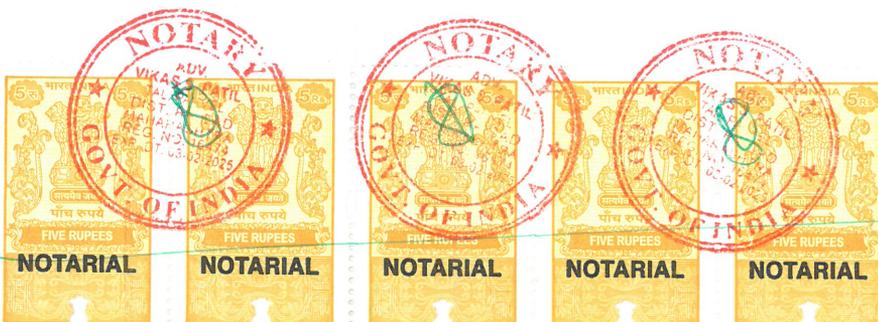
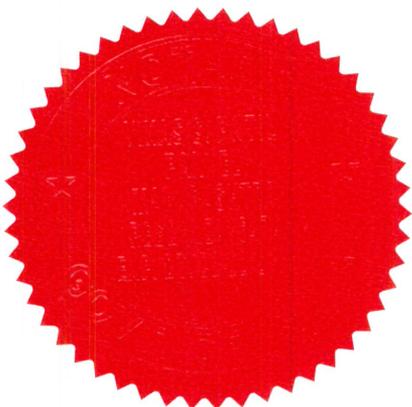
VIKAS S. PATIL
Advocate & Notary
GOVT. OF INDIA

Shop No.123, Municipal Shopping Complex
Near Bhaji Market, Panvel
Dist. Raigad-410206, Maharashtra
Mob. 9867607920 / 9820697921
Reg. No.16474

NOTED & REGD.

Sr. No.....221.....of 20.....

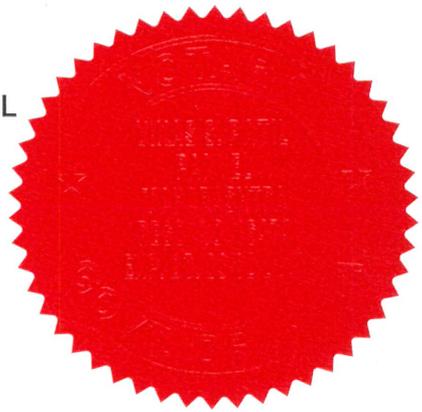
09 MAY 2023





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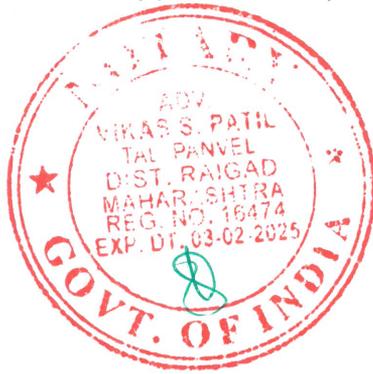
Union of India & Ors.

...Respondents

AFFIDAVIT IN SUPPORT OF DOCUMENTS

I, Shekhar Janardhan Shringare, S/o Shri Janardhan Shringare, aged about 61 years, R/o P-21, MIDC, Taloja, Taluka - Panvel, District - Raigad, Maharashtra, solemnly affirm and declare as under:

1. That I am the applicant in the present appeal and am fully conversant with the facts and circumstances of the case.
2. That the annexed documents Annexure-AA/1 to last are true and correct copy of its respective original documents.



For Taloja Manufacturers Association

Shekhar
Authorised Signatories
DEPONENT

VERIFICATION

I, the above-named deponent do hereby verify that my above affidavit is true and correct, nothing has been concealed and no part of it is false.

SO HELP ME GOD.

BEFORE ME

9/5/2023
VIKAS S. PATIL
Advocate & Notary
GOVT. OF INDIA

Shop No.123, Municipal Shopping Complex
Near Bhaji Market, Panvel
Dist. Raigad-410206. Maharashtra
Mob. 9867607920 / 9820597921
Reg. No.16474

NOTED & REGD.

Sr. No. 222 of 2023

For Taloja Manufacturers Association

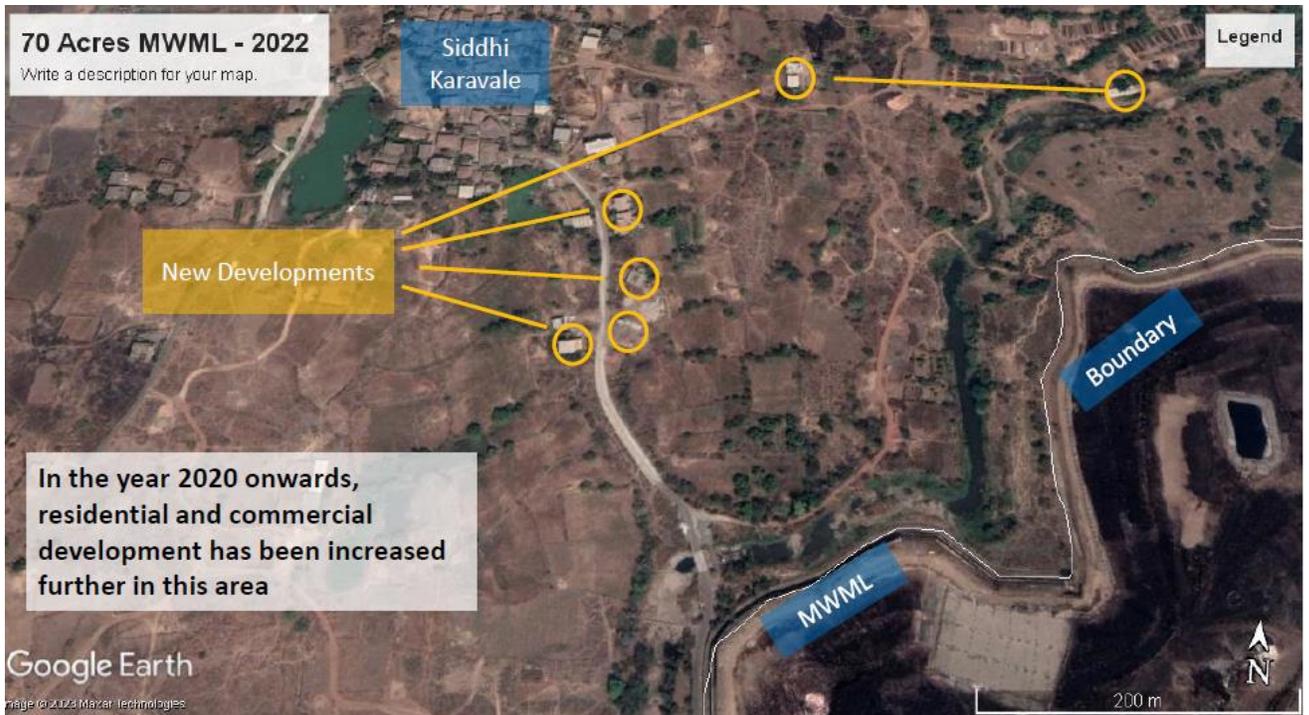
Shekhar
Authorised Signatories
DEPONENT

09 MAY 2023

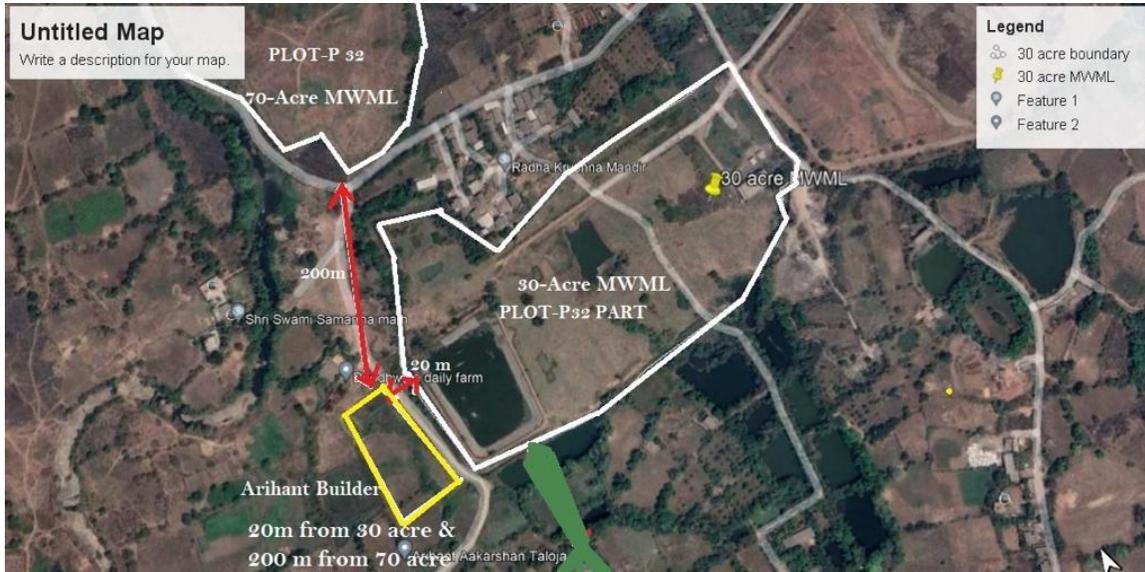
Annexure-AA/1



Annexure-AA/2



Annexure-AA/3





Mudit Nagpal <advmuditnagpal@gmail.com>

Additional Affidavit filed on the behalf of Appellants in Appeal No. 39/2022 and Appeal No.40/2022.

1 message

Mudit Nagpal <advmuditnagpal@gmail.com>

Tue, May 9, 2023 at 3:36 PM

To: secy-moef@nic.in, sanand.cpcb@nic.in, mpcbmbombai@mpcb.gov.in, psec.env@maharashtra.gov.in, nimesh@asi.in, panvelcorporation@gmail.com, "adv.rbmahabal@gmail.com" <adv.rbmahabal@gmail.com>, bksharma.cpcb@nic.in, ms@mpcb.gov.in

Sir/Ma'am

In pursuance of the order dated 17.03.2023 passed by the National Green tribunal Western Zone bench in Appeal No. 39/2022 and Appeal No.40/2022 wherein the Hon'ble Tribunal had directed the appellant to file an Additional Affidavit.

The present Additional Affidavit is being filed. Please find attached the copy of the Additional Affidavit.

The Next date of hearing of the matter is fixed on 15.05.2023.

Thank you

Advocate Mudit Nagpal

Office of Advocate Nrapen Shankar Acharya

Mobile No.:- +91-82890-12747

2 attachments **Additional Affidavit No 40.pdf**
6168K **Additional Affidavit No 39.pdf**
8981K