

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
WESTERN ZONE BENCH, PUNE
MEMORANDUM OF APPLICATION
(UNDER SECTION 14 OF THE NATIONAL GREEN TRIBUNAL ACT
2010)
ORIGINAL APPLICATION NO. 75 OF 2022

BETWEEN:

Rekha Sankhala & Ors.

...Applicants

Versus

City and Industrial Development Corporation
of Maharashtra Ltd. Ors.

... Respondents

ADDITIONAL AFFIDAVIT ON BEHALF OF RESPONDENT NO. 1 IN
COMPLIANCE WITH ORDER DATED DECEMBER 20, 2022

I, Gajendra K Jangam, the authorized Marketing Manager (Commercial) of Respondent No.1 abovenamed, Indian Inhabitant, having my office at Raigad Bhavan, Sector 11, CBD Belapur, Navi Mumbai, do solemnly affirm and state as follows:

1. I refer to order dated December 20, 2022 ("the Order") passed by this Hon'ble Tribunal, a copy whereof is annexed hereto as Annexure "R-11".
2. I say that, by the said Application, the Applicant has *inter-alia* sought for a direction against Respondent No.1 for excluding Plot No. 2A situated in Sector 54-56-58 of Nerul Node admeasuring 25,138.86 sq. meters



('Plot No. 2A') from the E-tender cum E-auction notice initiated by the Respondent No.1 under Scheme No. MM/SCH-28/2022-23 for lease of 16 plots of land (including Plot No.2A) for "*Residential and Residential-cum-Commercial Use*" ("the Tender").

3. I say that the Hon'ble Tribunal vide order dated 20.12.2022 has directed that "the successful awardee would not be disturbing the buffer zone and the same would be maintained by them". The Respondent No. 1 was further directed to file the reply within a period of one week and copy of the same to be provided to the learned counsel for the applicant.
4. I further say that the Tender floated vide Scheme No. MM/SCH-28/2022-23, CIDCO has decided to cancel the bid received for Plot No. 2A, Sector 54-56-58 admeasuring 25,138.86 Sqm as the offer received for the said plot is far below the prevailing market rate considering the development potential and its advantageous location.
5. I further say that while retendering Plot NO. 2A, Sector 54-56-58 the specific condition as directed in the aforesaid Order of the Hon'ble Tribunal, shall be incorporated clarifying that in respect of areas, which fall in 50m Mangrove buffer zone ("the Buffer Zone"), as delineated by the competent authority, the successful bidder / allottee shall not disturb the buffer zone and adhere to the provisions of law as applicable to such buffer areas and that it would be the responsibility of the successful bidder / allottee to maintain the mangrove buffer zone, in accordance with the provisions under the prevailing laws/ rules/ regulations. In addition to the certain conditions which were a part of the earlier



marketing booklet (Scheme No. MM/SCH-28/2022-23), the following disclosure conditions shall also be laid down as under: -

- (i) As per the CZMP of 2011, approved in 2019, the Plot NO. 2A, Sector 54-56-58, Nerul partly falls in CRZ-IA and CRZ-II as is indicated in the Marketing Drawing. The said plot is on the landward side of existing road and there are no mangroves within the said plot. The CRZ-IA area within the plot lies in the mangrove buffer area and not within mangroves area.
 - (ii) That the allottee shall be responsible for obtaining necessary clearance / NOC from respective local authorities as required from time to time, including obtaining prior Environmental Clearance from MoEF, wherever mandated as per EIA Notification 2006 and other applicable laws.
 - (iii) The allottee shall take all necessary permissions prior to obtaining Development Permission from competent authorities for development in the CRZ affected area
6. I further say that CIDCO's decision of cancellation of tender in respect of Plot No. 2A, Sector 54-56-58, Nerul in light of reason mentioned at point (4) above, and further retendering the same plot with conditions mentioned in point no. (5) above with due regard to the Orders of Hon'ble National Green Tribunal be accepted.
7. I further say that the Hon'ble National Green Tribunal may adjudicate the conditions mentioned in the point no (5) for retendering the said plot.



8. In the light of all that is stated hereinabove, the interim order deserves to be vacated and the present OA is liable to be dismissed.

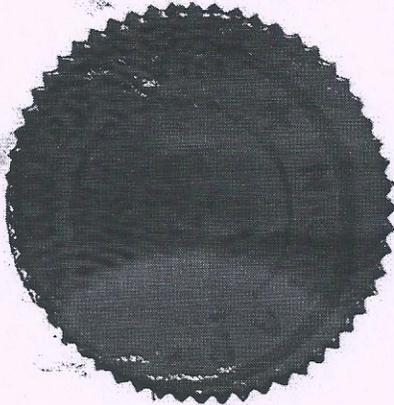
S. Shah
ADVOCATE FOR R-1
SRI VISHANKAR S.

[Signature]
AUTHORIZED SIGNATORY
FOR R-1

Marketing Manager (Commercial)
CIDCO, Navi Mumbai.

Solemnly Affirmed at Mumbai

On this 28th day of December, 2022



BEFORE ME

Dhanage

Adv. . N. Dhanage
Notary Govt Of India
Regd. No. 15376 MUMBAI (MS)
404-405, 4th Floor, Devar House,
197/199, Near Central Camera Bldg.,
D.N. Road Fort, Mumbai - 400001.

NOTED & REGISTERED

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Dated... 09 JAN 2023



Item No. 7

(Pune Bench)

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

(By Video Conferencing)

Original Application No. 75/2022 (WZ)

Rekha Sankhala & Ors.

.....Applicant(s)

Versus

City and Industrial Development Corporation
of Maharashtra & Ors.

....Respondent(s)

Date of hearing: 20.12.2022

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

Applicant : Ms. Meenaz Kakalia, Advocate
Respondent(s) : Shri Subodh Kantak, Senior Advocate along-with
Mr. Abhijit Gosavi, Mr. Samit Shukla,
Mr. Preetam Talavlikar and Mr. Shivshankar Swaminathan,
Advocates for R-1/CIDCO
Mr. D. M. Gupte, Advocate for R-2/MoEF&CC
Mr. Aniruddha Kulkarni, Advocate for R-3 & 4/Envtt. Deptt.

ORDER

1. From the side of Applicant, learned Counsel Ms. Meenaz Kakalia has appeared.
2. From the side of Respondent No. 1/CIDCO, learned Senior Counsel Shri Subodh Kantak along-with learned Counsel Mr. Abhijit Gosavi, Mr. Samit Shukla, Mr. Preetam Talavlikar and Mr. Shivshankar Swaminathan have appeared. They provided us coloured copy of the CZMP Map of 2011 & 2019, depicting there-in the area, which is found to fall in buffer zone, where-in no permission for raising any construction can be granted and he assures that he would be filing an affidavit to the effect that in the e-tendering process, it would be made clear that the successful awardee would not be disturbing the buffer zone and that the same would be maintained by them. We direct the learned Counsel for the Respondent No. 1 to file the same within a period of one week with the direction that a copy of the same shall be provided to the learned

Counsel for the Applicant so that any rebuttal, if required, may be filed from its side.

3. From the side of Respondent No. 2/MoEF&CC, learned Counsel Mr. D. M. Gupte has appeared.
4. From the side of Respondent No. 3/ State of Maharashtra through Environment Department and Respondent No. 4/Maharashtra Coastal Zone Management Authority (MCZMA), learned Counsel Mr. Aniruddha Kulkarni has appeared and apprised that reply affidavit has been filed from the side of Respondent No. 4, which is on record. He says that a letter dated 15.12.2022 is written by Under Secretary, Environment & Climate change, Deptt. addressed to the Director, National Centre for Sustainable Coastal Management, Anna University, Chennai, requesting there-in to provide CRZ map in 1:4000 scale superimposing the subject plot, in accordance with approved CZMP under CRZ Notification, 2011 and it is stated by the learned Counsel that the said information is still to be received and thereafter only, he would be filing the supplementary affidavit in the present matter for which he may be allowed 4 to 6 weeks' time. Accordingly, the said time is allowed.
5. We direct the Registry to fix this matter for hearing on interim relief on 10.01.2023.
6. Parties shall have exchanged the pleadings among themselves before the next date so that no adjournment would be required in this matter.

Dinesh Kumar Singh, JM

Dr. Vijay Kulkarni, EM