

**BEFORE THE NATIONAL GREEN TRIBUNAL
WESTERN ZONAL BENCH AT PUNE**

ORIGINAL APPLICATION NO. 204 OF 2023

IN THE MATTER OF:

SAJAG NAGRIK MANCH & ORS.

...APPLICANTS

VERSUS

STATE OF MAHARASHTRA AND ORS.

...RESPONDENTS

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FILED BY



RITWICK DUTTA



RAHUL CHOUDHARY

ADVOCATES FOR THE APPLICANT

N-73, Lower Ground Floor, Greater Kailash-I,

New Delhi – 110048

Mobile No. 9312407881

Email:- dclaw160@gmail.com

PLACE:- NEW DELHI

DATE: - 22.01.2024

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IN THE MATTER OF:

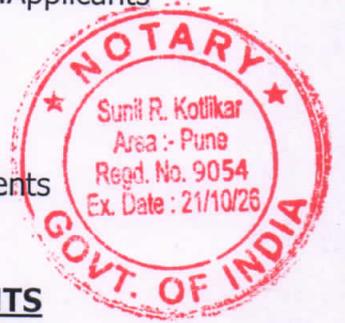
Sajag Nagarik Manch & Ors.

...Applicants

VERSUS

State of Maharashtra & Ors.

...Respondents



ADDITIONAL AFFIDAVIT ON BEHALF OF THE APPLICANTS

I, Sarang Yadwadkar, S/o Vaman Krishna Yadwadkar, aged about 65 years, R/o A-9, Pradnyangad, S. No. 119/3, Sinhagad Road, Pune- 411030, presently at Pune, do hereby solemnly affirm and declare as under:

1. That I am the authorised representative of Applicant No. 1 in the above titled Application and conversant with the facts and circumstances of the case and competent to swear this affidavit.
2. That the above titled Application has been filed before the Hon'ble Tribunal under Section 14 and 15 of the National Green Tribunal Act, 2010 highlighting construction of a 16 storey building named "Bluescapes" at S. No. 13/1A/1(P), Wadgaon (BK) within the Blue Line (Prohibitive Zone) of Mutha River by Tirupati Estates (project proponent). The construction is spread over an area of 1,75,000 sq. ft. and falls entirely within the Blue Line i.e. within the Prohibitive Zone of Mutha River. The construction of Bluescapes building was granted permission by the Pune Municipal Corporation vide Commencement Cert. No.



CC/0711/20 on 05.10.2020 (revised as per Commencement Cert. No. CC/0446/21 dated 02.06.2021).

3. That vide Order dated 11.12.2023, this Hon'ble Tribunal was pleased to admit the Original Application and issued notices to all the Respondents.
4. That the Hon'ble Tribunal also directed the Applicants to file an Affidavit clarifying whether purchasers of the flats in the project in question have started residing there and have formed a Society. This Affidavit is being filed by the Applicants to bring on record facts to show that the Bluescapes building has not been occupied by the owners of the flat and any Order passed by this Hon'ble Tribunal will not have an adverse impact on the owners of the flats.

Relevant excerpt from the Order is reproduced below for reference:

"3. Since the prayer for demolition of the structure is made in this application, we would like to know from the applicants as to whether the purchasers of the flats in the project in question have started residing there and have formed a Society because in case the purchasers have started residing there, they would be adversely affected because of the order that would be passed in this Original Application. The applicants are directed to submit an affidavit in that regard before the next date."

5. That to gather the information sought by this Hon'ble Tribunal, the authorised representative of Applicant No. 1 filed an Application under Right to Information Act, 2006 to the Pune Municipal Corporation seeking information on whether occupancy certificate has been granted to Bluescapes, only subsequent to which can the owners be allowed to take possession and reside in the flats.
6. That the Applicant had sought the following information from Pune Municipal Corporation vide Application dated 20.12.2023:

"Provide us following information with respect to the captioned subject:

1. Copies of all building permission drawings,
2. Commencement Certificates,
3. Plinth Checking Certificates;
4. Part/ Full Completion certificates issued till date
5. Any other correspondence with respect to building permission



And all such other documents dated 01/03/2020 onwards."

Copy of the RTI Application dated 20.12.2023 made by representative of Applicant No. 1 is annexed herewith as **ANNEXURE A-1**.

7. That the Pune Municipal Corporation had provided reply to the RTI Application on 29.12.2023 which stated that no occupancy certificate has been issued to Bluescapes. The lack of grant of occupancy certificate clearly shows that owners of the flat have not been given occupancy/possession of the flats and no person is residing in the Bluescapes building. The reply to RTI Application by Pune Municipal Corporation read as follows:

"An application has been received under the Right to Information Act, 2005 regarding the documents of Vadgaon Budruk Survey No. 13/1A / 1Pa. (Blue Scapes) building. With reference to the application referred to in the subject matter, you are hereby informed that the relevant records (copies of all building permission drawings, Commencement Certificates, plinth Checking Certificates, etc) available with this department have been made available to you. Also, either partial or full Occupancy Certificate for the building in the said residential project has not yet been issued."

8. That it is clear from the above excerpt that no occupancy certificate, either partial or full, has been issued to Bluescapes.

Copy of RTI Reply dated 29.12.2023 is annexed herewith as **ANNEXURE A-2**.

9. That the Applicant is also annexing photographs dated 14.12.2023 taken at night time that clearly show that there is no occupancy at the flats in Bluescapes building.

Copy of photographs dated 14.12.2023 of Bluescapes building is annexed herewith as **ANNEXURE A-3**.

10. That in light of the above stated facts, it is amply clear that there is no occupancy at the Bluescapes building, therefore, any order passed by this Hon'ble Tribunal will not have an adverse impact on the occupants of the flats.



BEFORE ME

Sunil R. Kotlikar
20/11/24

DEPONENT

[Signature]
20/11/24

SUNIL R. KOTLIKAR
NOTARY, GOVT. OF INDIA
PUNE DISTRICT (MAHARASHTRA)
REGD. No. 9054



APPLICATION UNDER THE MAHARASHTRA RIGHT OF INFORMATION ACT

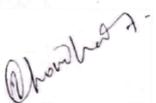
Date: 20/12/2023

Ref: NGT/Bldg inside FL/RTI/1

To,
The Public Information Officer,
 Building Permission Department,
 Pune Municipal Corporation,
 Shivajinagar, Pune 411005.

1	Name of the Applicant	Sarang V. Yadwadkar
2	Address	Email: yadwadkarsarang@gmail.com Mobile No.: 9822094851
3	The period to which the information relates:	2019 onwards
4	Particulars of Information required	
	Subject matter information	Building permission given to building by name "Blue Scapes" at Survey No.13/1A/1(P), Wadgaon (BK), Tal. Haveli, Dist. Pune.
	Description of information Required:	
	<p>Provide us following information with respect to the captioned subject:</p> <ol style="list-style-type: none"> 1. Copies of all building permission drawings, 2. Commencement Certificates 3. Plinth Checking Certificates 4. Part/Full Completion certificates issued till date 5. Any other correspondence with respect to building permission <p>And all such other documents dated 01/03/2020 onwards.</p>	
5	Whether information is required by post or in person	By post

t.c.



Sarang Yadwadkar
 Pune




 21/12/2023
 बांधकाम विकास विभाग
 प्राग क्र. २
 पुणे महानगरपालिका



कार्यकारी अभियंता कार्यालय
बांधकाम विकास विभाग झोन क्र. २
पुणे महानगरपालिका.

जावक क्र. :- झोन २।७५९४
दिनांक :- २९।१।२०२३

श्री.सारंग व्ही यादवडकर

अ-९, प्रज्ञानगड अपा.

स.नं. ११९/३ सिंहगड रोड, पुणे ४११०३०.

विषय :- माहिती अधिकार अधिनियम २००५ अंतर्गत विचारलेली माहिती.

संदर्भ :- आपला बांधकाम विकास विभागाकडील आ.क्र. ९३३२ दि.२१/१२/२०२३ रोजीचा माहिती अधिकार अर्ज.

वडगाव बु. स.नं. १३/१अ/१पा.(ब्ल्यू स्केप्स) या इमारतीचे कागदपत्रे मिळणेबाबत माहिती अधिकार अधिनियम २००५ अन्वये या मिळकती संदर्भाकित अर्ज प्राप्त झालेला आहे. विषयांकित प्रकरणी संदर्भाकित अर्जाच्या अनुषंगाने आपणास कळविण्यात येते की प्रकरणी या विभागाकडील उपलब्ध असलेले संबंधीत (copies of all building permission drawings, Commencement Certificates, plinth Checking Certificates, इत्यादी) अभिलेख आपणांस उपलब्ध करून देण्यात आलेले आहेत. तसेच सदर गृह प्रकल्पातील इमारतीस पार्ट किंवा पूर्ण भोगवटापत्र अद्यापि देण्यात आलेले नाही.

सदरची बाब आपले माहिती अधिकारातील अर्जाच्या अनुषंगाने कळवित आहोत.

कळावे.

(विजय कुमावत)

जन माहिती अधिकारी

तथा उप अभियंता

बांधकाम विकास विभाग झोन क्र. २

पुणे महानगरपालिका

२५
२७/१२

Executive Engineer's Office
Building Development Department Zone No. 2
Pune Municipal Corporation.
Outward No. :- Zone 2/17594
Dt.:- 29/12/2023

Sarang V Yadwadkar
A-9, Pradnyangad Apartments
S.No. 119/3 Sinhgad Road, Pune 411030.

Sub:- Information sought under the Right to Information Act 2005.

Ref:- Your RTI application Dt. 21/12/2023, Outward No. 9332 to the
Building Development Department.

An application has been received under the Right to Information Act, 2005 regarding the documents of Vadgaon Budruk Survey No. 13/1A / 1Pa. (Blue Scapes) building. With reference to the application referred to in the subject matter, you are hereby informed that the relevant records (copies of all building permission drawings, Commencement Certificates, plinth Checking Certificates, etc) available with this department have been made available to you. Also, either partial or full Occupancy Certificate for the building in the said residential project has not yet been issued.

We are informing you about the said matter in accordance with the RTI application.

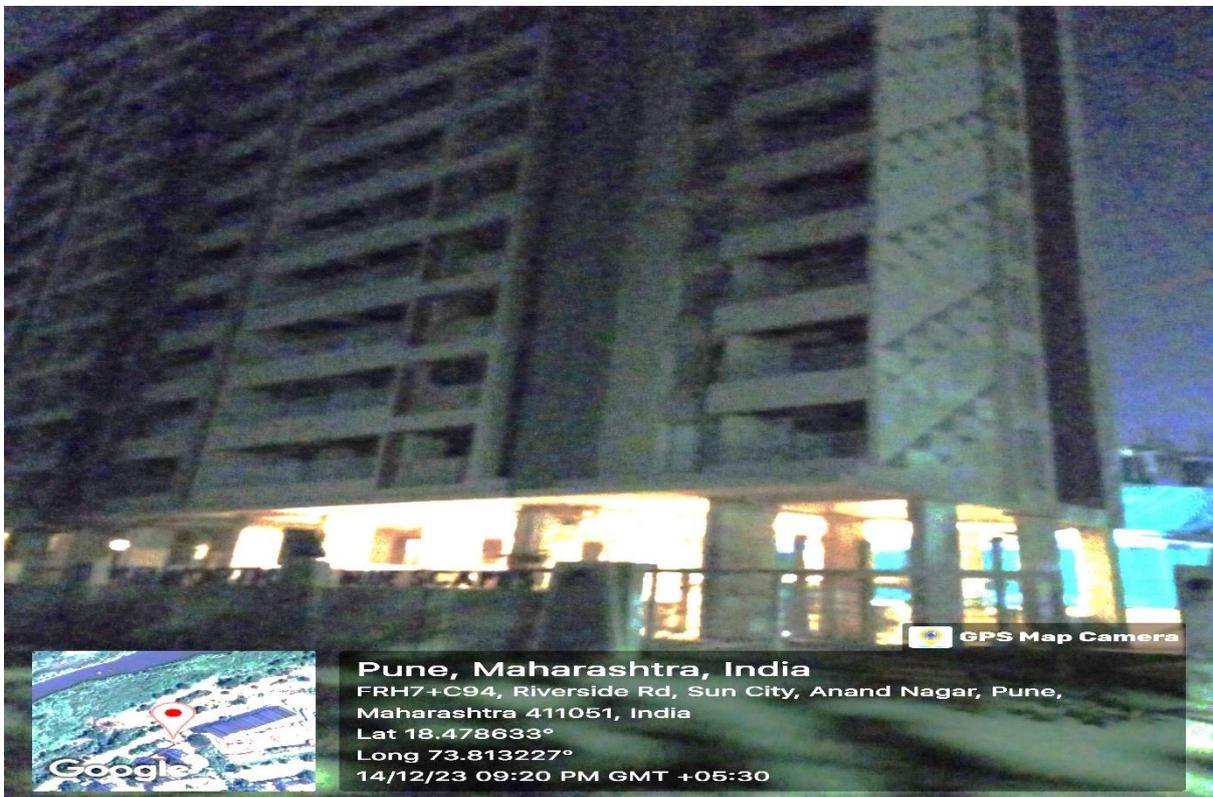
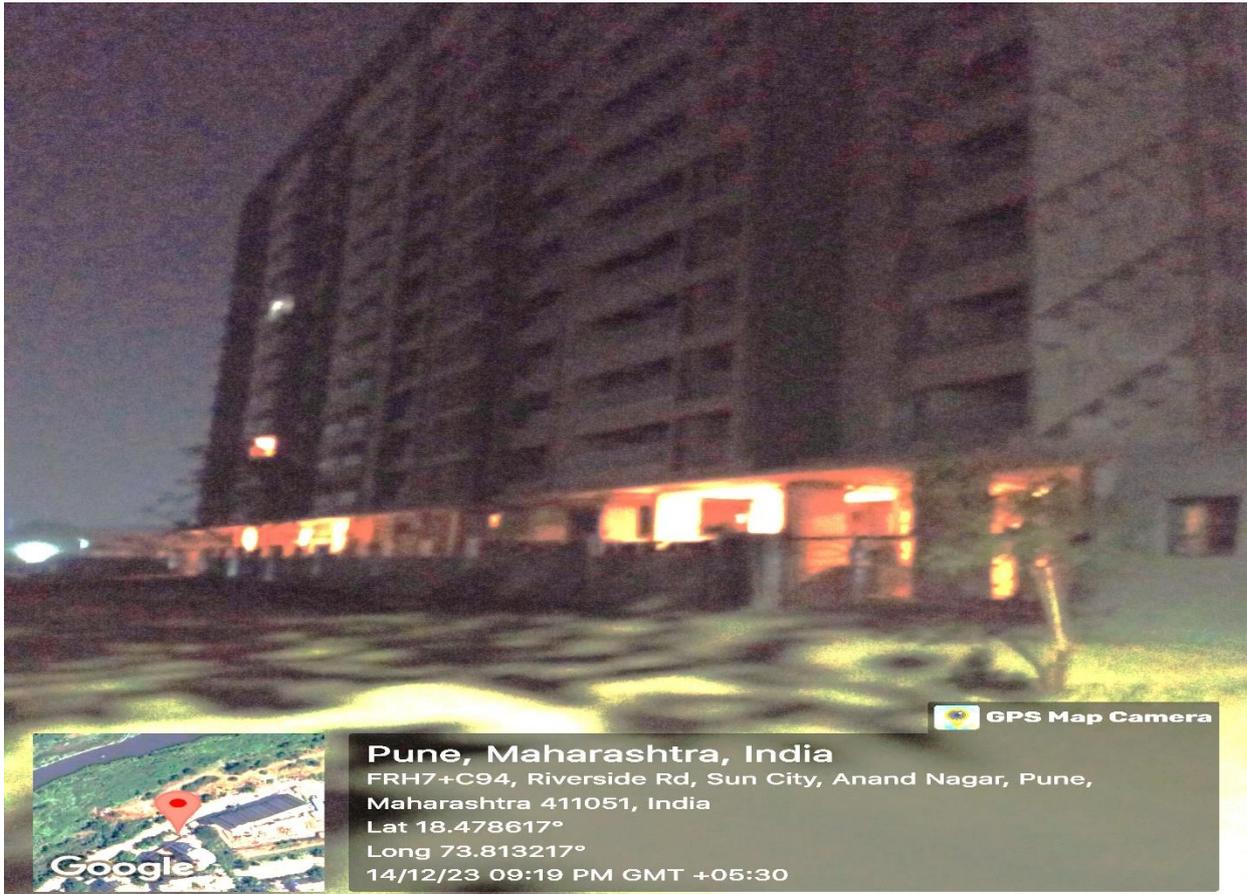
To know.

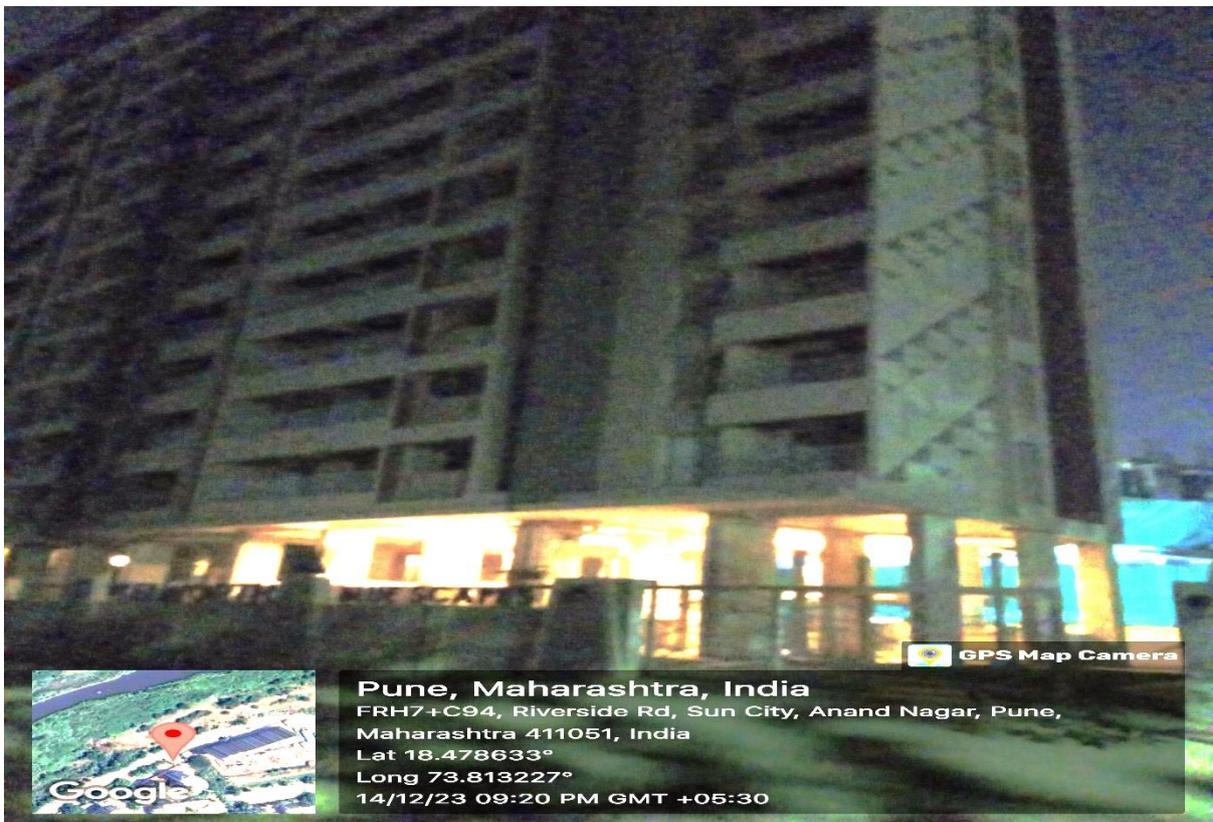
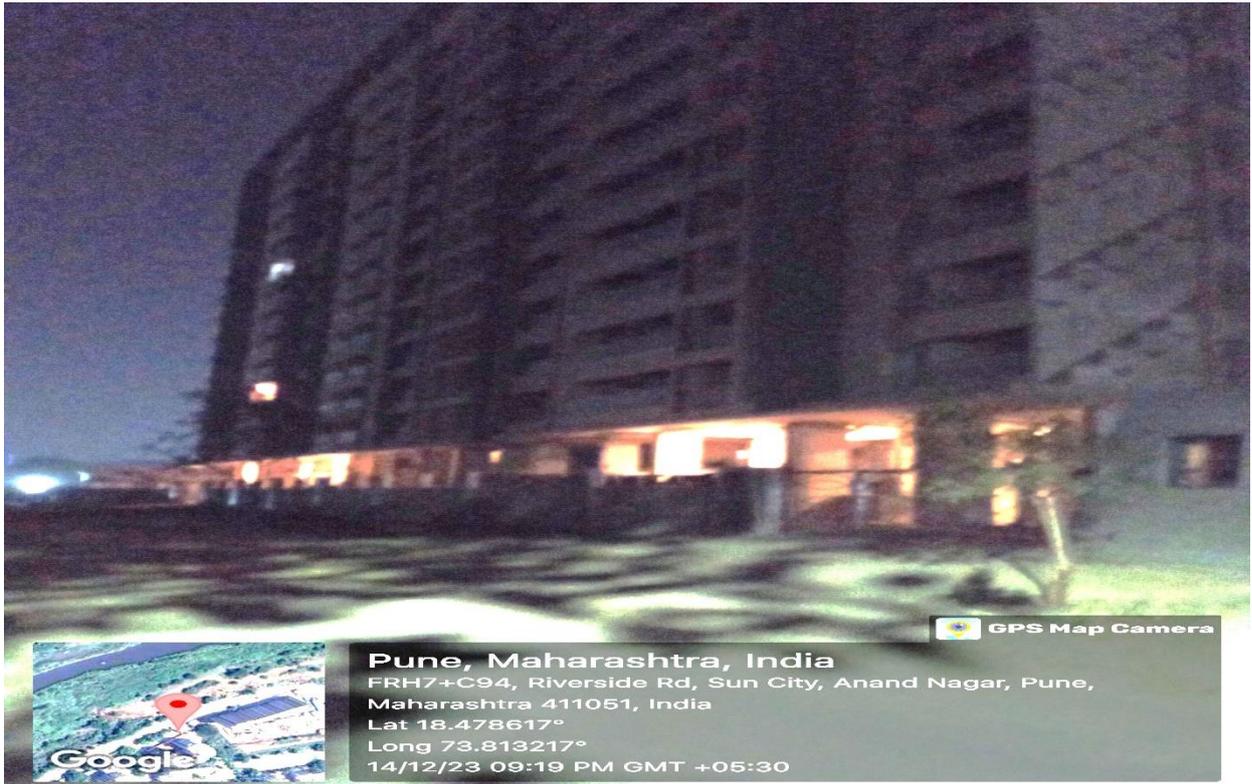
t.t.c.



XXXX
(Vijay Kumavat)
Public Information
Officer and
Sub Executive Engineer
Building Development
Department Zone No. 2
Pune Municipal
Corporation.

Photographs of Bliescapes taken at night to show no occupancy in the building





t.c.

@handhas7