

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
WESTERN ZONE BENCH, PUNE
ORIGINAL APPLICATION NO. 168 OF 2024 (WZ)**

Pratap Lal Teli

... Applicant

Versus

SEIAA, Environment Department

Govt. of Maharashtra & Ors.

... Respondents

**ADDITIONAL AFFIDAVIT IN REPLY ON BEHALF OF RESPONDENT
NO. 6 TO THE CAPTIONED ORIGINAL APPLICATION**

I, Omkar Engineer, an adult, Indian Inhabitant, authorised signatory of the Respondent No.6 and having my office address at Raheja Tower, Plot No.C-30, Block 'G', Bandra Kurla Complex, Bandra (East), Mumbai 400051, do hereby solemnly affirm and state as under:-

1. I am the authorized representative of Respondent No.6. I have read and familiarized myself with the papers and proceedings in the captioned matter. I am conversant with the facts and circumstances of the present case and am able and competent to depose to the same from facts to my personal knowledge and records maintained by Respondent No.6.
2. I repeat and reiterate the contents of the Limited Preliminary Reply Affidavit dated 31.12.2024 and Additional Reply Affidavit dated 01.03.2025 by Respondent No.6 (collectively "said Reply") filed by this Respondent to the captioned Original Application ("OA") and the same shall be treated and read as a part of this Additional Affidavit in Reply. I crave leave to file a further detailed Affidavit(s) as may be required and/ or as may be advised.
3. Without prejudice to the contentions and grounds raised in the said Reply for dismissal of the present OA, in any event, it is respectfully submitted that the issues raised in the present OA are already sub-judice



before this Hon'ble Tribunal in Original Application No. 28 of 2023 filed by one Mr. Santosh Daundkar and also before the Hon'ble Supreme Court of India as detailed in the said Reply. Since the issues in the present OA are also directly, substantially and materially under consideration by the Hon'ble Supreme Court of India in *Sagar Devre & Anr. v. NAREDCO West Foundation & Ors.* [SLP (Civil) Diary No.11843 of 2023] and *CREDAI-MCHI v. State of Maharashtra & Ors.* [Civil Appeal Diary No.19266 of 2024], and also by this Hon'ble Tribunal in OA No.28 of 2023, the adjudication of the captioned OA cannot proceed and is required to be kept in abeyance pending the decision of the Hon'ble Supreme Court in the case of *Sagar Devre* supra and *CREDAI-MCHI* supra. This Hon'ble Tribunal has in OA No.28 of 2023 by its Order dated 13.11.2024 held that the adjudication of OA No.28 of 2023 cannot proceed and is required to be kept in abeyance pending the decision pending the decision of the Hon'ble Supreme Court in the case of *Sagar Devre* supra and *CREDAI-MCHI* supra and a copy of the said Order dated 13.11.2024 is annexed at **EXHIBIT A** hereto.

4. It is respectfully submitted that it is settled law that subordinate courts ought not to continue with proceedings before it when the higher court/ authority is seized of the matter. It is submitted that in the event the present OA is not kept in abeyance, there is every likelihood of there being diverging and conflicting views on the said issue and the same will result in grave prejudice to Respondent No.6.
5. It is respectfully submitted that the Applicant is guilty of *suppressio veri*. Though the Applicant was very well aware the Applicant has deliberately and mischievously suppressed the following from this Hon'ble Tribunal,-
 - (i) Respondent No.6 has pursuant to approvals received from the MCGM and other competent authorities as far back as the year 2012, constructed and completed the construction of residential building (on Plot 1). Respondent No. 6 received occupation



certificates of the residential building on 27.09.2019, 10.06.2020, 18.12.2020 and occupation cum building completion certificate on 27.12.2023 from the MCGM with respect to its residential building (on Plot 1). The Respondent No. 6 has sold all 133 units in the residential wing and pursuant to the sale has handed over possession of all 133 apartments / units in the said residential building to the allottees / purchasers. Purchasers of all 133 units with their respective families are residing in their respective units. A co-operative housing society limited has been formed by all the purchasers of the 133 units in the residential building.

- (ii) Respondent No.6 has pursuant to approvals received from the MCGM and other competent authorities as far back as the year 2012, constructed and completed the construction of public parking lot (on Plot 1). Respondent No.6 has received occupation certificate in respect of the public parking lot which has been constructed by it on 7.09.2016 and handed over to M.C.G.M in the year 2017.
- (iii) Respondent No.6 has pursuant to approvals received from the MCGM and other competent authorities as far back as the year 2018, completed the construction of commercial building (on Plot 2). Respondent No. 6 has received occupation cum building completion certificate for 3 basements plus ground floor plus 1st plus 3rd to 10th upper floors from the MCGM with respect to its commercial building (on Plot 2) on 06.09.2024. Respondent No.6 has handed over possession to its purchasers/lessees and in the process of handing over possession of the balance units to its purchasers/lessees in due course.
- (iv) Respondent No.6 has pursuant to approvals received from the MCGM and other competent authorities as far back as the year 2018, completed the construction of residential building (on Plot



- 2). Respondent No. 6 has received occupation certificate cum building completion for 3 basements + stilt + 5 upper floors from the MCGM with respect to its residential building (on Plot 2) on 06.09.2024.
- (v) The Respondent No. 6 has incurred costs over Rs. 3500 Crore in respect of the project till date.
6. It is respectfully submitted that permitting the present OA would prejudice the rights of the unit purchasers in the buildings on the said Land and also Respondent No.6 and compromise procedural fairness, will cause hardship and irreparable financial loss to Respondent No.6 and also the numerous third party unit purchasers / residents/occupants.
7. It is respectfully submitted that the captioned OA is filed with an oblique motive, after an inordinate, unjustified and gross delay and latches on the part of Applicant and hence the same is barred by limitation and ought not to be entertained by this Hon'ble Tribunal for the reasons as detailed in the said Reply and herein. Under Section 14(3) of the NGT Act, the limitation period for filing the present Application is a period of 6 (six) months from the date on which the cause of action first arose. The said period of 6 (six) months commenced on 14.05.2012 and expired in or around 14.11.2012. Admittedly, the Applicant, without any justification and after an inordinate and unexplained delay, has filed the OA only in or around 29th July 2024, i.e., beyond the applicable limitation period prescribed in Section 14(3) of the NGT Act. As on date of institution of the OA, the construction was already complete and residents had already occupied their residential apartments. The reliefs sought in the OA are whimsical and unrealistic and in any event, the OA itself is infructuous as the vast majority of development in the layout was fully completed prior to institution of the OA.
8. Further the OA, appears to be nothing but a fallacious attempt to create a fresh cause of action, which in the present case, does not exist at all.



- 9. The OA is a roving and fishing expedition that should not be permitted or countenanced. The Applicant has made false allegations against Respondent No.6 that are completely contrary to the factual status.
- 10. For the above reasons and the reasons detailed in the said Reply, it is reiterated that the captioned OA is not maintainable and ought not to be entertained by this Hon'ble Tribunal and ought to be dismissed with exemplary costs.

Solemnly affirmed at Mumbai)
 on this 9th day of July 2025)



Before Me

For Wadia Ghandy & Co.

Bhakti Mehra
 Partner

Advocates for Respondent No. 6

BEFORE ME

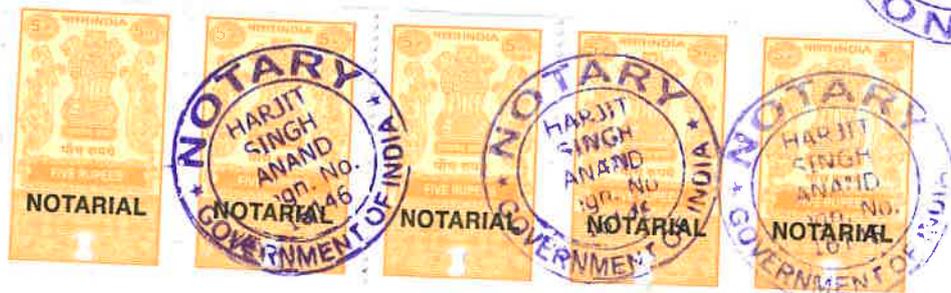
Harjit Singh Anand

**HARJIT SINGH ANAND
 ADVOCATE & NOTARY
 GOVT. OF INDIA**

Sr. No. 5430 Page No. 174
 Dated 09 JUL 2025

**HARJIT SINGH ANAND
 ADVOCATE & NOTARY
 GOVT. OF INDIA
 16/29, Mathuradas Colony, Kalina,
 Santacruz (E), Mumbai - 400 098**

*Seen Adhar No 3225 4956 8265
 Resolution dt 11/11/2024*



Item No.6

(Pune Bench)

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

THROUGH PHYSICAL HEARING (WITH HYBRID OPTION)

Original Application No.28/2023(WZ)

Santosh Daundkar

.....Applicant

Versus

SEIAA, Environment Department, Government of Maharashtra & Ors.

....Respondents

Date of hearing: 13.11.2024

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

Applicant : Mr. Aditya Pratap, Advocate
Respondents : Mr. Aniruddha Kulkarni, Advocate for R-1
Mr. Prakash D. Shejal, Advocate for R-2 & 3
Mr. Samit Shukla, Advocate along-with
Mr. Shivshankar Swaminathan, Advocate and
Ms. Saakshi Saboo, Advocate for R-4 & 10
Mr. Aditya Udeshi, Advocate for R-5
Mr. Saket Mone, Advocate for R-7
Mr. Mayur Khandparkar, Advocate for R-8
Mr. Karan Bhide, Advocate for R-11 & 14
Mr. Rohaan Cama, Advocate for R-12
Mr. Bhakti Mehta, Advocate and
Mr. Siddharth Yadav and Mr. Pheroze Mehta, Advocates
representing Wadia Ghandy & Co., for R-12
Ms. Vaidehi Odhekar, Advocate h/f
Mr. Pankaj Rajmachikar, Advocate for R-13

ORDER

1. From the side of the applicant, learned counsel Mr. Aditya Pratap has appeared.
2. From the side of respondent No.7 – Money Magnum Nest Pvt. Ltd., learned counsel Mr. Saket Mone has appeared before us. He has filed a copy of the Judgment dated 10.05.2024 passed by the Hon'ble Supreme Court in Civil Appeal Diary No(s).19266/2024 (Arising out of impugned final judgment and order dated 13.09.2022 in AN No.22/2016 and AN No.23/2016 passed by this Tribunal), which is taken on record, wherein following order is passed:-



"Issue notice.

Dasti in addition is permitted.

There shall be stay of paragraph 8 of the order impugned till the next date of hearing.

List after service is complete."

3. We find that the prayer made by the applicant in the present Original Application is to the effect that the order/judgment dated 13.09.2022 passed by the Tribunal in Appeal Nos.22 of 2016 and 23 of 2016 be applied in all other projects in Mumbai, where Recreation Ground (RG) has been put either above the concrete slab of podium or above the concrete slab of basement. In the order dated 13.09.2022 passed by the Tribunal in above-mentioned appeals, following is held in para no.8:-

"In the light of above, we hold that RG has to be provided on ground to enable plantation. SEIAA, Maharashtra has thus to ensure availability of space as per above norms. The area has not only to be open to sky but must also enable plantation of trees. If the PP fails to provide RG as per norms, the project may not be allowed to proceed and till compliance, no third-party rights may be created. SEIAA, Maharashtra may verify facts on the ground and take its decision within one month from today."

4. Since through the Judgment dated 10.05.2024, the Hon'ble Supreme Court has stayed the implementation of para no.8 of the above-mentioned order/judgment passed by the Tribunal, we deem it appropriate to place the proceedings in this matter *in abeyance* till the final Judgment is delivered by the Hon'ble Supreme Court in the said Civil Appeal. Registry shall place the present Original Application before this Tribunal thereafter only.

Dinesh Kumar Singh, JM

Dr. Vijay Kulkarni, EM

November 13, 2024
Original Application No.28/2023(WZ)

TRUE COPY

Partner

Wasla Ghandy & Co.
Advocates, Solicitors & Notaries
N. M. Wadia Building,
123, Mahatma Gandhi Road,
Fort, Mumbai - 400 023.



K. Raheja Private Limited



CERTIFIED TRUE COPY OF THE RESOLUTION PASSED AT THE MEETING OF THE BOARD OF DIRECTORS OF K. RAHEJA PRIVATE LIMITED ("COMPANY") HELD ON MONDAY, NOVEMBER 11, 2024, AT THE REGISTERED OFFICE OF THE COMPANY.

Authority to represent / defend / sign / execute / file all documents before the National Green Tribunal or any other competent court:

"RESOLVED THAT the consent of the Board of Directors of K. Raheja Private Limited ("the Company") is hereby accorded to file all and any Vakalatnama, affidavit, reply, application, deeds, documents, consents, in Application No. 168 of 2024, before the National Green Tribunal, Pune and/or adopt, defend, support, appear in any proceedings before any other Tribunal or Courts, including the High Courts, Supreme Court of India and/or any other statutory authorities including quasi-judicial or judicial authorities relating to/in respect of Company's property situated at Plot Nos. 249, 249A, C.S. No. 2/1629 and Plot No. 248, C.S. No. 1A/1629 at Worli, Mumbai - 400025.

RESOLVED FURTHER THAT any one of the Directors of the Company or Mr. Ashish Dhami or Mr. Sudhir Singhvi or Ms. Pragati Mehra or Mr. Ankit Agarwal or Mr. Omkar Engineer or Mr. Vaibhav Samarth or Mr. Mohankumar Deshpande or Mr. Brijesh Sankhe or Mr. Pravin Narkar, Authorised Signatories (hereinafter referred to as "Attorneys"), be and are hereby severally authorised to represent the Company and appear before any forum, Tribunal and to sign, declare, verify, affirm, execute and file necessary Applications, Affidavits, reply, written statement, Caveats, declarations, Plaints, Petitions, Appeals, Revisions, Pleadings, letters, including signing Vakalatnama's and other documents and writings as may be required from time to time, in connection with the subject matter and/or arising out of the said Application No. 168 of 2024 in respect of Company's property situated at Plot Nos. 249, 249A, C.S. No. 2/1629 and Plot No. 248, C.S. No. 1A/1629 at Worli, Mumbai - 400025 and/or adopt, defend, prosecute, contest, settle, support any proceedings viz. any court proceedings / quasi-judicial / incidental proceedings before any Forum, Authority, Tribunal, Court, and to engage any advocates, legal counsels, solicitors, attorneys as may be required from time to time to represent the Company as may be necessary and required for the same and to issue Vakalatnama and other authority letter in their favour as may be necessary for the subject matter, for and on behalf of the Company. .

RESOLVED FURTHER THAT a letter of authorization be issued along with a certified copy of this resolution to Mr. Ashish Dhami, Mr. Sudhir Singhvi, Ms. Pragati Mehra and Mr. Ankit Agarwal or Mr. Omkar Engineer or Mr. Vaibhav Samarth or Mr. Mohankumar Deshpande or Mr. Brijesh Sankhe or Mr. Pravin Narkar, as the Company's Attorneys and the Company does hereby declare that any and all lawful acts, deeds, matters, things and writings which may be done or executed, pursuant to this authorization, by the Attorneys, on behalf of the Company, shall be good, valid and effectual to all intents and purposes as if done and executed by the Company and the Company hereby assures that the same shall be considered as ratified and confirmed by the Company.

RESOLVED FURTHER THAT a certified true copy of this resolution to be provided to such persons/authorities as may be necessary to give effect to aforesaid resolution."

//Certified to be true//
For K. Raheja Private Limited

Sweta Gupta
Company Secretary
Membership No. A24200

Mumbai, November 11, 2024



TRUE COPY

Partner
Wadia Ghosey & Co.
Advocates, Solicitors & Notaries
N. M. Wadia Building,
123, Mahatma Gandhi Road,
Port, Mumbai - 400 023.



TRUE COPY
Wadia Ghosey & Co.
Advocates, Solicitors & Notaries
N. M. Wadia Building,
123, Mahatma Gandhi Road,
Port, Mumbai - 400 023

CIN : U45200MH1973PFC017016

Regd. Off : Raheja Tower, Plot No.C-30, Block 'G', Next to Bank of Baroda, Bandra Kurla Complex, Bandra (E), Mumbai - 400 051.
Phone : +91-22-2656 4000 • Website : www.krahejacorp.com

K. Raheja Private Limited



November 11, 2024

To,
 Mr. Ashish Dharmi
 Mr. Sudhir Singhvi
 Ms. Pragati Mehra
 Mr. Ankit Agarwal
 Mr. Omkar Engineer
 Mr. Vaibhav Samarth
 Mr. Mohankumar Deshpande
 Mr. Brijesh Sankhe
 Mr. Pravin Narkar.



Dear Sirs/Madam,

Sub: Authorization for filings and defending before the National Green Tribunal or any other competent court:

The Board of Directors of the Company at their meeting held on November 11, 2024, has authorized you as Attorneys of the Company severally to do all such necessary acts, deeds, matters and things on behalf of the Company, in connection with filings to represent the Company and appear before any forum, Tribunal and to sign, affirm and file necessary Applications, Affidavits, reply, written statement, Caveats, declarations, Plaints, Petitions, Appeals, Revisions, Pleadings, letters, including signing Vakalatnama/s and other documents and writings as may be required from to time, in connection with and/or arising out of the said Application No. 168 of 2024 in respect of Company's property situate at Plot Nos. 249, 249A, C.S. No. 2/1629 and Plot No. 248, C.S. No. 1A/1629 at Worli, Mumbai - 400025. A certified copy of the said resolution is enclosed herewith.

The Company does hereby declare that any and all lawful acts, deeds, matters, things and writings which may be done or executed pursuant to this authorization by the said Attorneys on behalf of the Company, shall be good, valid and effectual to all intents and purposes as if done and executed by the Company and the Company hereby assures that the same shall be considered as ratified and confirmed by the Company.

This letter is being issued under the signature of any one of the Director or the Company Secretary of the Company.

Yours faithfully,
 For K. Raheja Private Limited



Sweta Gupta
 Company Secretary
 Membership No. A24200

Encl: a/a

TRUE COPY

Partner
 Wadia Ghandy & Co.
 Advocates, Solicitors & Notaries
 N. M. Wadia Building,
 123, Mahatma Gandhi Road,
 Fort, Mumbai - 400 023.

TRUE COPY

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 Phone : +91-22-2656 4000 • Website : www.krahejacorp.com

BEFORE THE HON'BLE NATIONAL GREEN
TRIBUNAL
WESTERN ZONE BENCH, PUNE
ORIGINAL APPLICATION NO. 168 OF 2024 (WZ)

Pratap Lal Teli

... Applicant

Versus

SEIAA, Environment Department
Govt. of Maharashtra & Ors.

... Respondents

**ADDITIONAL AFFIDAVIT IN REPLY ON BEHALF
OF RESPONDENT NO. 6 TO THE CAPTIONED
ORIGINAL APPLICATION**

Dated this 9th day of July, 2025



M/S. WADIA GHANDY & CO.
Advocates for Respondent No. 6
N.M. Wadia Building
123, M.G. Road, Fort
Mumbai 400 001