

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

Appeal No. 48/2019

Tanaji Gambhire

... Applicant

V/s.

Principal Secretary

Environment Department & Ors.

... Respondents

**ADDITIONAL REPLY AFFIDAVIT BY RESPONDENT NO.
2, STATE LEVEL ENVIRONMENT IMPACT ASSESSMENT
AUTHORITY**

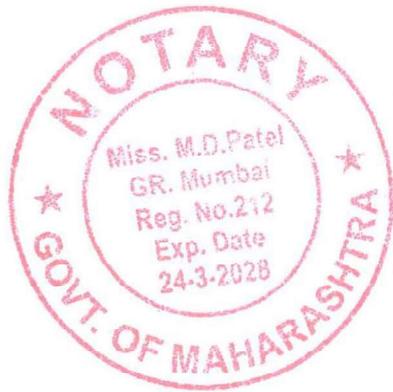
I, Dattatray Suryakant Bhalerao, working as Scientist II & Under Secretary, Environment and Climate Change Department, Government of Maharashtra do hereby state on solemn affirmation as under –

I am well conversant with the facts of the present case and I am competent to swear this Affidavit based upon the records available with this office.

1. SEIAA has already filed reply affidavit, contents of which are reiterated and not reproduced here to avoid repetition.
2. On 27-01-2023 the Tribunal observed and directed as follows –

“ ... 2. From the side of Respondent No. 1/Environment Department- Government of Maharashtra, Respondent No. 2/SEIAA-Maharashtra and Respondent No. 3/SEAC-III, learned Counsel Mr. Aniruddha S. Kulkarni has appeared and apprised that reply affidavit has been filed on behalf of Respondent No. 2/SEIAA-Maharashtra, where-in it is submitted that the application for EC moved by the Respondent No. 9/PP was considered by the SEAC-III in its Meeting held on 15.01.2019 and after appraisal of the proposal, it was recommended for grant of EC to the SEIAA and thereafter in its Meeting held by SEIAA on 25.04.2019, it was decided to grant the EC to the Project Proponent (PP).

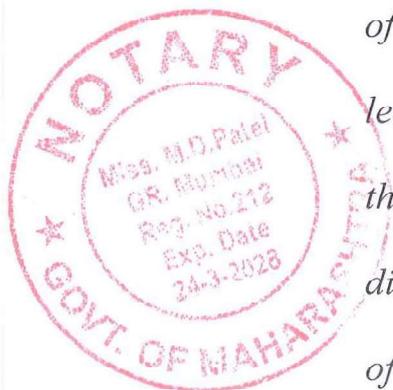
3. *As per the Joint Committee Report dated 08.11.2021 at point no. (d), it has been submitted that the Irrigation Department, Pune (Respondent No. 5) vide letter dated 06.09.2021 informed that the site in question comes under blue line in which construction activity was not permitted.*



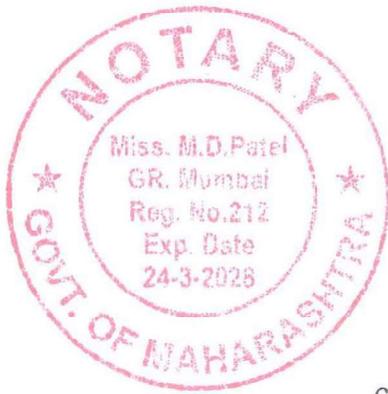
The area in question was falling in blue line, which was determined by the PMC on 02.06.2010. A letter is also annexed to that effect at page no. 488 of the paper book though in the Joint Committee report at page no. 460 of the paper book, it has been wrongly mentioned as 05.01.2010.

4. In view of above fact, we would like to know from the learned Counsel for the Respondent Nos. 1 to 3 as to why the Environmental Clearance (EC) was recommended to be granted and later on finally granted despite the fact that in the year 2010, the said area was identified to fall in blue line of Mula River, particularly, in view of the fact that the learned Counsel for the Respondent No. 9/PP says before us that despite the said information not being required to be disclosed in Form No. 1, this fact was brought to the notice of the Respondent Nos. 1 to 3 at the time of presentation and appraisal. ...”

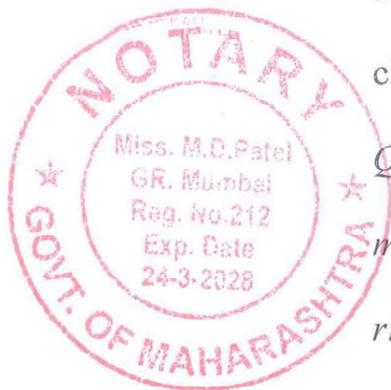
3. SEIAA grants EC based on the information provided by the PP in their application for obtaining EC. In the Form I and IA following points are relevant about pertaining to the issue of whether the project is affected by the Blue Flood Line of the River Mula –



- a. In Item no. 22, Whether there is any government order/ policy relevant/ relating to the site? *PP has mentioned NO in the details column. Whereas, PP should have mentioned the details of Irrigation Department Circular dated 02-09-1989, 21-09-1989 and 09-05-2018, which they haven't.*
- b. Further, In Activity column, 1.Construction, operation or decommissioning of the Project involving actions, which will cause physical changes in the locality (topography, land use, changes in water bodies, etc.), serial no. 1.21 Impoundment, damming, culverting, realignment or other changes to the hydrology of watercourses or aquifers? *PP has answered Not Applicable, whereas PP ought to have mentioned the details of Mula River.*
- c. Further in serial no. 1.24, Changes in water bodies or the land surface affecting drainage or run off ? *PP has answered, No change in the water bodies or the land use surface affecting natural drainage ways, whereas PP ought to have answered the possibility of their activity affecting Mula River.*



d. Further in Form I, (III) Environmental Sensitivity, serial no. 12, Areas susceptible to natural hazard which could cause the project to present environmental problems earthquakes, subsidence, landslides, erosion, flooding or extreme or adverse climatic conditions. *PP has mentioned about Earth Quake Zone III. In addition to that, PP ought to have mentioned about possibility of risks due to flooding of river Mula, which they haven't.*



4. Looking at the above non disclosures / suppression of vital information regarding the project affected due to Blue Flood Line of River Mula, it can be concluded that PP has misled SEIAA while obtaining the impugned EC.
5. SEIAA has granted the EC based on the Form 1,1A and other documents submitted by the PP. SEIAA has granted the Environment Clearance vide dated 07.05.2019 on following General Condition and PP as well as Local Authority have to abide by the same -

“V. The height, Construction built up area of proposed construction shall be in accordance with the existing FSI/FAR norms of the urban local body & it should ensure the same along with survey number before approving layout

plan & before according commencement certificate to proposed work. Plan approving authority should also ensure the zoning permissibility for the proposed project as per the approved development plan of the area."

6. In light of the above averments, this respondent craves leave to file any additional reply as and when required. It is respectfully prayed that Environment Department shall abide by any orders and directions issued by the Hon'ble Tribunal.

Whatever is stated above is true and correct to the best of my knowledge, ability and belief and I affirm it to be true.

Place: Mumbai

Date: 21/04/2023

sho

(Signature)

(Dattatray Suryakant Bhalerao)
Scientist II & Under Secretary,
Environment & CC Department,
Government of Maharashtra



VERIFICATION

I, Dattatray Suryakant Bhalerao, Age- 39, working as Scientist II & Under Secretary, Environment and Climate Change Department, Government of Maharashtra, having my office address at 15th floor, New Administrative Building, Mantralaya, Mumbai-400 032, do hereby verify and declare that the statements made in the aforesaid Para's 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.

Solemnly affirmed on this 21st day of the April, 2023 at 
Mumbai.



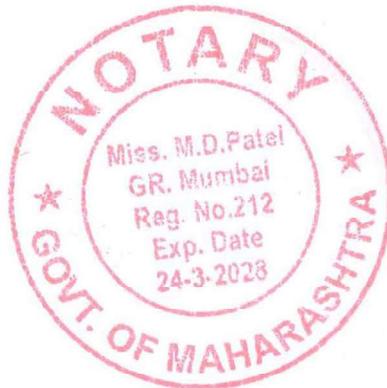
(Dattatray Suryakant Bhalerao)
Scientist II & Under Secretary,
Environment & CC Department,
Government of Maharashtra

Identified by me


(Sanjay Baliram Sandanshiv)
Under Secretary
Environment & C. C. Dept.

BEFORE ME

M. D. Patel
21-4-2023
Sr. No. 227
Blk. No. 2



MISS M. D. PATEL
ADVOCATE & NOTARY
Kohiar House,
4, Dhuswadi, Dhobitalao,
MUMBAI - 400 002.