

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

**ORIGINAL APPLICATION NO. 102/2022 WZ**



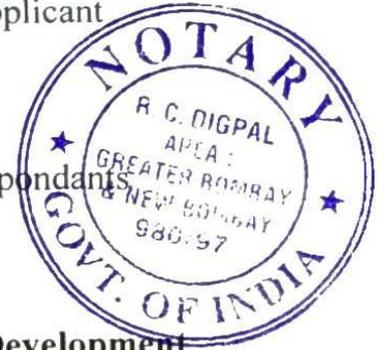
Mr. Sagar K. Devre

..... Applicant

Vs

State of Maharashtra and others

..... Respondents



**Affidavit on behalf of Respondent No. 15 Urban Development**

**Department is as under :**

I, Jitendra Laxman Bhople, Age : 53 years, Occu. : Government Service, Joint Director of Town Planning, Konkan Division, Navi Mumbai, duly authorised on behalf of Respondent No. 15 i.e. Urban Development Department, do hereby state on solemn affirmation as under :

1. I have gone through the above Original Application and documents filed along with the same. I have also duly and fully acquainted with the facts of the case based on records and papers with the office.
2. I am filing this affidavit in reply for the limited purpose of opposing the application and grant any relief to the Respondent No. 15 i.e. Urban

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Development Department. I crave leave of this Hon'ble Court to file further affidavit if necessary or as advised.

3. I say that, as mentioned in the para 9 of order dated May 18, 2023 the fact as to whether the industries as mentioned in it, are lying in green category can be ascertained only from the Urban Development Department, State of Maharashtra as Respondent No. 15. Hence filing this affidavit.

4. I say that, as stated in synopsis of the Application No. 102 of 2022, Dt. 13/12/2022, Petitioner has complaints regarding illegal Ready Mix Plants (RMC) at NH 8, Near Honda Service Centre, Maljipada, Vasai, Palghar - 401208 more than Eight (8) RMC namely, 1) M/s Super RMC 2) M/s Creative RMC, 3) M.E. indra RMC 4) M/s Skyland RMC 5) M/s R&B Infra, 6) M/s Sardar Concrete, 7) M/s New India RMC 8) M/s One Team RMC.

5. I say that, As per the papers attached along with Exhibit - C of the Original Application, the Survey numbers of some Industries which are related to this case are mentioned in the document from Maharashtra Pollution Control Board. Those Survey numbers are from Maljipada Village needs to verified with the Development plan of Vasai-Virar City Municipal Corporation to ascertain the zoning of lands in question.

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6. I say and submit that, the Development Plan of Vasai- Virar Sub-Region. The development plan for Vasai Virar sub-region is partly sanctioned on Dt. 09/02/2007 and has come in effect from Dt. 15/03/2007.

I say that, as per the sanctioned development plan for Vasai Virar sub-region, the village Maljipada was not shown on the DP Plans originally, as the Maljipada village (Wadi Gaothan) is created out of Sasunavaghar Village. According to that, it lies in Green Zone as per the Sanctioned Development plan of Vasai Virar Sub-Region. Mumbai-Ahemdabad National Highway No. 8 passes through this village, similarly the proposed alignment of Mumbai-Vadodara Highway is also passing through it. I say and Submit that, as per Unified Development Control and Promotion Regulation, 2020, Regulation No. 4.11(xviii), Any industry/ industries are permitted in the Green zone.

8. I say and submit that, village Maljipada is partly included in the Eco-Sensitive Zone of Sanjay Gandhi national park. But to ascertain the exact locations, documents submitted along with Original Application are not sufficient. Although, in this regard, in the report submitted to this office by Vasai Virar Municipal corporation i.e. Respondent No. 16 on Dt.11/01/2024, Zone remarks for RMC Plant site are ascertained as per the sanctioned Development Plan. As mentioned in the report, RMC sites are affected by Wetland and Eco sensitive zone of Sanjay Gandhi National Park (SGNP) (the letter is attached as 'EXHIBIT A' Herewith).

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As per that report, these plants do not have legal permissions from Vasai Virar City Municipal Corporation. Therefore, the notices under section 3 of Maharashtra Regional and Town Planning Act 1966, are served by Vasai-Virar Municipal Corporation to them.

9. I say that, as per Government Resolution No. TPS1214/UOR-54/CR-17/15/UD-12 Dt.21.02.2015, Vasai Virar Corporation is empowered as Special Planning Authority for the said village Maljipada as said in Para 5. On receiving any development proposal under section 44 of Maharashtra Regional and Town Planning Act 1966 (here in after referred as "the said act), the planning authority may grant or refuse the permission considering provisions of Unified Development Control and Promotion Regulations under the section 45 of the said act. Any applicant aggrieved by such order, may within forty days from the date of communication of the order, prefer an appeal with the Respondent No. 15 being appellant authority under section 47 of the said act. But, in present matter there is no such permission granted or refused on record available neither an appeal is pending with Respondent No. 15 i.e. Urban development Department, as on today. Further, respondent No. 15 don't have authority to decide or ascertain the category of any industries, these Powers lies with Industries Department.

10. I say that, in the present matter, the RMC Plants are situated in the Municipal Limits of Vasai-Virar Corporation i.e. Respondent No. 16,

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they are the Special Planning Authority as said in para 9 of this affidavit, it is their duty to verify the legal developments going on in the city, also grant the permission to new development and to remove the unauthorised constructions or use in their jurisdiction. Also, Respondent No. 16 is the authority to ascertain the Development Plan Zoning as per section 46 of the said act..

11. In the view of above circumstances, it is humble prayed that the Hon'ble Tribunal to kindly consider the facts mentioned in this affidavit and also the say of Vasai-Virar City Municipal Corporation. Accordingly pass an appropriate order as may deemed fit and proper by considering the facts and circumstances.

Solemnly affirmed at Navi Mumbai

Date: 30/01/2024.



**Jitendra Bhople**

Joint Director, Town Planning,  
Kokan Division, Navi Mumbai.

I know the Deponent

( )

Assistant Government Pleader,  
NGT Western Zone, Pune

**VERIFICATION**

I, Jitendra Laxman Bhople, Age – 53 years, the Joint Director of Town Planning, Konkan Division, Navi Mumbai, duly authorized on behalf of the Respondent No. 15 i.e. Urban Development Department, do hereby state on solemn affirmation that whatever is stated above is true and correct to the best my knowledge and based upon the information derived from the official records available to me. I say that the Affidavit has been drafted as per the instructions given by me to the Government Pleader and the contents therein are as per my information.

Solemnly affirmed at Navi Mumbai )  
Dated 30<sup>th</sup> January, 2024 )

**(Jitendra Laxman Bhople)**  
Joint Director of Town Planning,  
Konkan Division, Navi Mumbai  
**DEPONENT**

I Identify the Deponent

The Government Pleader  
NGT, Western Zone, Bench Pune.

**Before Me**

**R. C. DIGPAL**  
**ADVOCATE & NOTARY**  
**MUMBAI**

<b>REGISTERED VIDE</b>	
SL NO.:	178
DT:	30 JAN 2024



मुख्य कार्यालय, विरार  
विरार (पूर्व),  
ता. वसई, जि. पालघर - ४०१ ३०५.



दुरध्वनी : ०२५० - २५२१०१ / ०२/०३/०४/०५/०६  
फॅक्स : ०२५० - २५२१०३  
ई-मेल : vasairvirarcorporation@yahoo.com

जाचक क्र.: य.वि.श.म/नर/आ/११२४/२०१३-  
दिनांक : ११/०१/२०१४ २५

To  
Jt. Director of Town Planning  
Konkan Bhavan  
Navi Mumbai

Respected Sir,

Zone remarks of the RMC plant site are as under;

Sr. No	Location	Village	Zone	CRZ/ Mangrove	Wetland	Sanjay Gandhi National Park (SGNP)	Notice given U/S 53 of MRTP
1	45	Maljipada	G-Zone	No	Yes	Affected	28/02/2018
2	52	Maljipada	G-Zone	No	Yes	Affected	28/02/2018
3	50	Maljipada	G-Zone	No	Yes	Affected	28/02/2018
4	47	Maljipada	G-Zone	No	Yes	Affected	28/02/2018
5	43	Maljipada	G-Zone/ BBEW	No	Yes	Affected	28/02/2018
6	142	Maljipada	G-Zone	No	Yes	Affected	28/02/2018
7	143	Maljipada	G-Zone	No	Yes	Affected	28/02/2018
8	One site not yet identified						

- For those above sites (1-7) no permission is obtained from VVCMC
- These sites are affected by wetland and Eco sensitive zone of Sanjay Gandhi National Park (SGNP)
- Notice U/S 53 of MRTP Act is given for these 7 sites.
- MPCB NOC is obtained and Grampanchayat NOC are obtained by project proponent.

Submitted for information

  
Dy. Director of Town Planning  
Vasai Virar City Municipal Corporation