

BEFORE NATIONAL GREEN TRIBUNAL

WESTERN ZONE BENCH AT PUNE

O.A. NO. 36 OF 2024

Irba Mashnaji Konapure

Petitioner

v/s

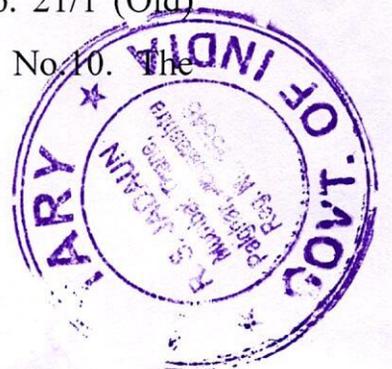
Union of India and ors.

Respondents

**AFFIDAVIT**

I, Purushottam Shinde working as Assistant Director of Town Planning for Respondent No. 6 corporation do hereby solemnly affirm and say as under:-

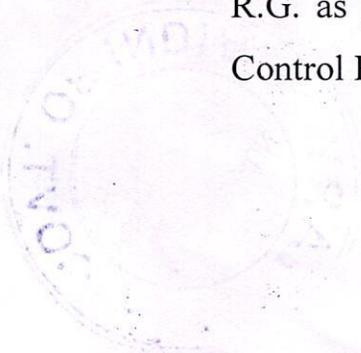
- 1) I say that present petition impugns the construction project of the Respondent No. 10 as violative of environmental norms. I say that Respondent No. 6 Corporation has granted various permissions after scrutinizing proposal as per Development Control Regulations, provisions of Maharashtra Regional and Town Planning Act 1966 and Maharashtra Municipal Corporation Act 1949 Unified Development Control and Promotion Regulations Act – 2020. The Respondent Corporation has granted building permissions (**Annexed herewith as Annexure - A**) on land bearing S.No. 21/1 (Old) 24/2 (New), Mouje Ghodbundar to Respondent No.10. The

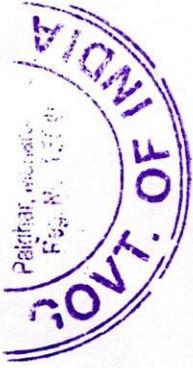


project is complete, and an Occupation Certificate has been issued by Municipal Corporation for buildings A, B, C, D, E, F, G, H, I, J, and K, as well as Row Houses, Club House, and Society Office (**details annexed herewith**). I further state that Respondent No. 10 has submitted the Environmental Clearance, Consent to Establish, and Consent to Operate, as issued from time to time by the Maharashtra Pollution Control Board. In the present case, upon due consideration of the aforesaid compliances, the Revised Permission and Occupation Certificate have been granted, subject to the outcome of the proceedings before the Hon'ble National Green Tribunal and the decision of the Hon'ble Tribunal.



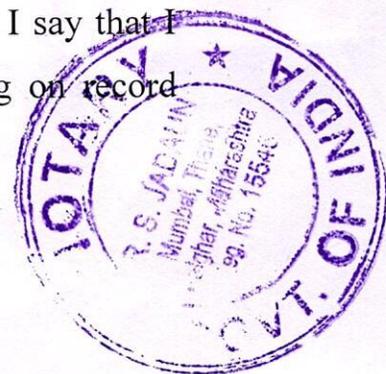
- 2) I say that as per previous approval of layout and building plans sanctioned by Municipal Corporation on the suit property land bearing S.No. 21/1 (Old) 24/2 (New), Mouje Ghodbundar, no Nalla has been shown in the plans and further the Survey Report dated 15/10/2009 also does not show any natural water course on the plot in question, which was allegedly altered or damaged by the construction. I say that Respondent Municipal Corporations have not permitted any such act.
- 3) I say that as per sanctioned plan vide No. MNP/TP/521/2022-23 dtd.18/05/2022 the Respondent No. 10 has directed to maintain R.G. as per the requirement specified in Unified Development Control Regulations. I further say that an Architect M/s. Anish &





Associates vide letter dtd. 25/07/2024 also certified that the Respondent No. 10 has maintained 859.15 sq.m R.G. on ground and 3004.59 sq.m R.G. on Podium.

- 4) I further say that the Respondent No.6 have issued letter no.MNP/TP/1278/2024-25 Dtd.25/07/2024 to Sub-Divisional officer of Maharashtra Pollution Control Board wherein it is clearly mentioned that "As per previous approval of layout & building plans sanctioned by municipal corporation, no Nala was shown in the plans and also clarified that an Architect vide letter dated 25/07/2024 have certified that no nala has been shown on the plot in the private survey report dated 15/10/2009."
- 5) I further say that as per the letter dtd. 25/07/2024 of the Deputy Chief Superintendent, Garden, Ward office No.4, 5, 6 of Mira-Bhayandar Municipal Corporation, the total No. of Trees on site were 668.
- 6) I say that the Fire Department after verifying the availability of sufficient space for the movement of fire tenders, has given its NOC for obtaining Commencement Certificate and Occupancy Certificate.
- 7) I hereby deny the contentions of the present Application not specifically admitted and/or dealt with hereinabove. I say that I am filing this declaration of facts in reply to bring on record

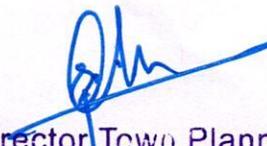


4

relevant facts and circumstances. I crave leave to file additional sworn statement in reply as and when required. Hence pray for suitable orders to be passed in the interest of justice.

I affirm that the above statements are true and correct to the best of my knowledge.

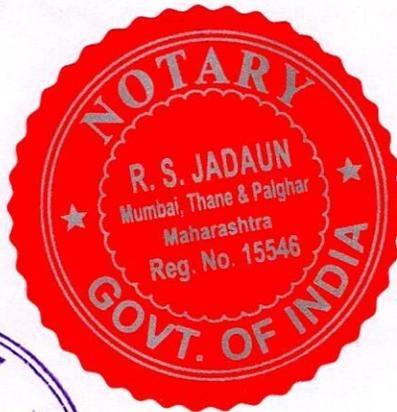
Solemnly affirmed at

  
Assistant Director Town Planning  
Mira Bhandar Municipal Corporation  
Deponent

This 03 day of July, 2025

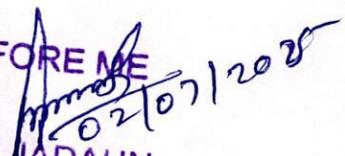
Identified by me

  
For Advocate



Before me



BEFORE ME  
  
R. S. JADAUN  
Advocate & Notary Govt. of India  
G-1, B-Wing, Shri Gajanan Prashana C.H.S.,  
Opp. Police Station, Bhayander (W),  
Dist. Thane-401101. Mobile: 9076149537  
Reg. No. \_\_\_\_\_ Serial No. \_\_\_\_\_



12 JUL 2025

**OCCUPANCY CERTIFICATE**  
**MOUJE GHODBUNDER SURVEY NO. 21/1, 24/1PT.**

| <b>Sr. No.</b> | <b>Layout sanction plan no.</b> | <b>Date</b>    | <b>Name of Building</b> | <b>Permission Type</b> |
|----------------|---------------------------------|----------------|-------------------------|------------------------|
| 1.             | MBMC/MNP/NR/1320/2021-22        | DTD.06/08/2021 | F,G,H                   | Part Occupancy         |
| 2.             | MBMC/MNP/NR/4598/2022-23        | DTD.22/02/2023 | C,D,E                   | Part Occupancy         |
| 3.             | MBMC/PO/2024/APL/00019          | DTD.30/07/2024 | A,B,I                   | Part Occupancy         |
| 4.             | MBMC/PO/2024/APL/00023          | DTD.05/11/2024 | J & Club House          | Part Occupancy         |
| 5.             | MBMC/O/7008/0004/2025/AutoDCR   | DTD.17/02/2025 | K                       | Occupancy              |

**COMMENCEMENT CERTIFICATE**  
**MOUJE GHODBUNDER SURVEY NO. 21/1, 24/1PT.**

| Sr. No. | Layout sanction plan no.             | Date           | Name of Building  | Total Built-up Area (sq.m.) (F.S.I. + Non F.S.I.) |
|---------|--------------------------------------|----------------|---|---|
| 1.      | MBMC/MNP/NR/936/2014-15              | DTD.03/07/2014 | A TO I  | 21983.07  |
| 2.      | MBMC/MNP/NR/577/2015-16              | DTD.11/05/2015 | PLOT B - I  | 1464.58   |
| 3.      | MBMC/MNP/NR/2428/2015-16             | DTD.11/09/2015 | A TO I  | 32980.87  |
| 4.      | MBMC/MNP/NR/2242/2016-17             | DTD.08/08/2016 | C TO H  | 35529.64  |
| 5.      | MBMC/MNP/NR/1670/2018-19             | DTD.03/07/2018 | <ul style="list-style-type: none"> <li>• A TO I</li> <li>• COMMERCIAL BUILDING</li> <li>• CAFATE AREA</li> </ul>                                    | 42268.03  |
| 6.      | MBMC/MNP/NR/3299/2019-20             | DTD.13/09/2019 | <ul style="list-style-type: none"> <li>• A TO E</li> <li>• RO-HOUSE</li> </ul>  | 30048.87  |
| 7.      | MBMC/MNP/NR/5619/2019-20             | DTD.07/02/2020 | A TO E  | 36720.60  |
| 8.      | MBMC/MNP/NR/1467/2020-21             | DTD.29/10/2020 | A TO C  | 25756.52  |
| 9.      | MBMC/MNP/NR/610/2021-22              | DTD.21/05/2021 | <ul style="list-style-type: none"> <li>• A TO E</li> <li>• K &amp; I</li> </ul>   | 78712.71  |
| 10.     | MBMC/MNP/NR/521/2022-23              | DTD.18/05/2022 | <ul style="list-style-type: none"> <li>• A , B, C</li> <li>• ROW HOUSE</li> <li>• SOCIETY OFFICE &amp; DRIVERS ROOM</li> <li>• K &amp; I</li> </ul> | 47267.12  |
| 11.     | MBMCB/7008/2024/APL/0024/<br>AutoDCR | DTD 26-12-2024 | <ul style="list-style-type: none"> <li>• Wing K</li> <li>• ROW HOUSE-1</li> <li>• SOCIETY OFFICE AND DRIVER REST ROOM</li> </ul>                    | 53642.18  |