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BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL,
WESTERN ZONE BENCH, AT PUNE
ORIGINAL APPLICATION NO.: 151/2025

Mr. Suresh Marotrao Yeole

... APPLICANT

VERSUS

The Ministry Of Environment,
Forest and Climate Change and Ors.

... RESPONDENTS

AFFIDAVIT IN REJOINER ON BEHALF OF THE APPLICANT

I, Mr. Suresh Marotrao Yeole, aged 66 years, residing at Flat No. 201, Building No. 5, Narmada Paradise, Evershine Nagar, Near Ganesh Mandir, Mira Road East, Mira-Bhayander, Thane - 401107, the Applicant above-named, do hereby state on solemn affirmation as under:

1. The Applicant is filing the present Affidavit in Rejoinder to put forth the correct factual position before this Hon'ble Tribunal and for denying the contentions raised by in the Affidavit in Reply filed by the Respondents No. 7 and 8, i.e. the Mira Bhayandar Municipal Corporation (MBMC) and the Assistant Director of Town Planning, the Mira Bhayandar Municipal Corporation, dated 14/04/2026 and Respondent No. 16, i.e. the Pratap Sarnaik Infrastructure Pvt. Ltd, dated 14/04/2026.



2. The Applicant states that nothing in the present Affidavit may be deemed as admission of any of the contents of the Affidavit in Reply filed by the Respondents No. 7 and 8, i.e. the Mira Bhayandar Municipal Corporation (MBMC) and the Assistant Director of Town Planning, the Mira Bhayandar Municipal Corporation, dated 14/04/2026 and Respondent No. 16, i.e. the Pratap Sarnaik Infrastructure Pvt. Ltd, dated 14/04/2026, unless the same has been categorically and expressly admitted herein. Further, nothing may be deemed as admitted by the present Applicant on account of lack of specific denials.

**PARAGRAPH WISE REPLY TO THE AFFIDAVIT IN REPLY
FILED BY THE REPENDENTS NO. 7 AND 8:**

3. The Applicant states that, the contents in paragraph No. 1 and 2 are a matter of information provided by the Respondent No. 7 and 8 and therefore the present Applicant does not wish to comment on same.
4. The Applicant states that, the contents in paragraph No. 3 and 4 are a matter of record and therefore the present Applicant does not wish to comment on same.



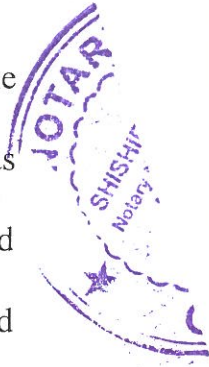


5. The Applicant states that, in respect of paragraph 5 and 6 of the Reply filed by the Respondents No. 7 and 8, the present Applicant is seeking restoration of the land bearing Sr. No. 97 and 98, situated at village Chene and restitution of the environment on account of gross damage caused to the environment, which is a substantial question relating to the environment and therefore the present application squarely fits within the ambit of section 14 and 15 of NGT Act, 2010. Further, the Applicant states that, the cause of action first arose when the Applicant witnessed the ongoing construction work in the Eco-Sensitive Zone of the Sanjay Gandhi National Park and thereafter obtained information under the Right to Information Act, which became the source of the present Applicant's knowledge in respect of the violations of the environmental laws in the Eco-Sensitive Zone of the Sanjay Gandhi National Park.

6. The Applicant states that, the present Applicant does not admit the contents of paragraph No.7 and therefore denies the same in toto. The applicant states that, the present Respondent No. 7 has misinterpreted the contents of the Original Application filed by the present Applicant. The present Original Applicant has been filed challenging the illegal and unauthorized construction raised in the Eco-Sensitive Zone of the Sanjay Gandhi National Park, which has been constructed after obtaining commencement

certificate from the Respondent No. 7, who was required to ensure that the Eco-Sensitive Zone Rules were not violated, environmental clearance was obtained by the project proponent and requisite permissions were granted by the Eco-sensitive Zone committee of Sanjay Gandhi National Park and National Board of Wildlife; before issuing the commencement certificate. Therefore, the Hon'ble Tribunal does have the jurisdiction to direct removal of illegal and unauthorized structure raised in the Eco-Sensitive Zone of Sanjay Gandhi National Park. Further, in lieu of aforesaid this Hon'ble Tribunal has the powers to entertain the present Original Application and order demolition of the illegal and unauthorized structures in the Eco-Sensitive Zone of the Sanjay Gandhi National Park.

7. The Applicant states that, in respect of paragraph No. 8 the present answering Respondents i.e., Respondents No. 7 and 8 have admitted that a mandatory condition of obtaining NOC from Eco-sensitive Zone committee of Sanjay Gandhi National Park was imposed upon the project proponent while granting the commencement certificate dated 23/03/2020, under its condition No. 48. Therefore, it becomes limpid that before granting any further revised permission/ certificate, the Respondent No. 7 and 8 were to ensure that the project proponent has complied with the





conditions that are embarked in the commencement certificated dated 23/03/2020.

8. The Applicant states that, as admitted by Respondents No. 7 and 9 in paragraph No. 9 of the reply the project proponent sought to obtain construction permission in respect of the subject plot of Gross Build-up Area (BUA) of 90,437 Sq. Mtrs. for which a Letter of Intent dated 29/12/2021 was issued by the present answering Respondents; subject to fulfillment of the condition that project proponent i.e., Respondent No. 15 shall obtain Environmental Clearance from the Environment Department, as the construction area exceeded 20,000 Sq. Mtrs. It is pertinent to note that, till date the project proponent has not even applied for the grant of Environmental Clearance let alone obtaining the same.

9. The Applicant states that, the present Applicant does not admit the contents of paragraph No.10 and therefore denies the same in toto. The Applicant states that the, the Eco-Sensitive Zone notification dates 05/12/2016, the present Original Application has been filed on 05/11/2025 and the Zonal Master Plan was issued only on 20/03/2026. Further, the present answering Respondent has failed in interpreting the contents of the Eco-Sensitive Zone notification dated 05/12/2016, in consonance with which the

aforesaid Commencement Certificates were to be issued. Further, the Entry 11 under the Clause 4 of the Notification dated 05/12/2016 provides for Regulated Construction Activities, which include construction/ renovation of commercial buildings including group housing societies, offices and services such as Information Technology/ Information Technology Enabled Services, Parks, Roads, Power Transmission lines and cables, Telecommunication Towers and cables, Sewage lines, civic amenities, etc. and new construction projects such as Mumbai Metro Rail Shed and creation of new civil amenities, commercial redevelopment and reconstruction, repairs of existing structures which include group housing societies, construction activity related to small scale industries not causing pollution; and under no circumstances does the subject project fit under any of the permitted construction activities same. Furthermore, in the 26th meeting of the Eco-Sensitive Zone Committee of the Sanjay Gandhi National Park, the Committee had directed the Project Proponent, i.e. the Respondent No. 15 to seek approval from the National Board of Wildlife and had not granted any approval to proceed further, as has been averred by the Respondents No. 7 and 8. Therefore, from the contentions made by the Respondents No. 7 and 8 it becomes evident that the Respondent No. 7 and 8 have been acting hand-in-glove alongside Respondent No. 15, i.e.

the Project Proponent and have failed to execute their statutory role, duties and obligations.




10. The Applicant states that, the present Applicant does not admit the contents of paragraph No. 11 and therefore denies the same in toto. The applicant states that Respondent No. 7 and 8 have failed to bring on record any such draft Revised Development Plan which classifies the subject plots under restricted residential zone (R-1). Further, the present Respondent No. 7 and 8 has misinterpreted the averments of the present applicant that the subject are is incapable of development. The contention of present applicant is the development undertaken is unauthorized and illegal therefore the present Applicant has not made any incorrect or misleading statements.

11. The Applicant states that, as admitted by Respondent No. 7 and 8 in paragraph No. 12, the Project Proponent had again sought permissions for the construction on the subject plot for area admeasuring 64,095.65 Sq. Mtrs (Gross BUA). Further, the present proponent was again directed that Environmental Clearance be obtained as the proposed construction area exceeded 20,000 Sq. Mtrs. However, the Project Proponent has failed to obtain the same, till date.

12. The Applicant states that, in respect of paragraph No. 13 the answering Respondents No. 7 and 8 have admitted that while issuing a revised commencement certificate dated 18/08/2023, for an area admeasuring 19,896 Sq. Mtrs, for a construction of resort which would consists of 6 guest houses, resort, banquet hall, naturopathy center and toilet block to be constructed in the Eco-sensitive Zone of Sanjay Gandhi National Park; the project proponent was required to comply with in the minutes of the meeting dated 12/04/2023 of the Sanjay Gandhi National Park Eco-Sensitive Zone Committee. However, it is noteworthy that in the minutes of the meeting dated 12/04/2023 of the Sanjay Gandhi National Park Eco-Sensitive Zone Committee, no resolution was passed in respect of grant of any construction permission in favour of the Project Proponent. However, the Project Proponent was directed to seek approval from National Board of Wildlife. Therefore, it is evident that the Respondents No. 7 and 8 granted revised construction permission without ensuring that conditions imposed by the Respondents No. 7 and 8 in their earlier permissions were complied with, in respect of obtaining the permission from the Eco-sensitive Zone Committee of Sanjay Gandhi National Park, obtaining Environmental Clearance from Environment Department and obtaining



permission from the National Board of Wildlife, as directed by the Eco-sensitive Zone Committee of Sanjay Gandhi National Park.



13. The Applicant states that, in respect of paragraph 14 of the reply the Respondent No. 7 and 8 have admitted that Respondent No. 8 had granted a part Occupancy Certificate dated 21/03/2025, in furtherance of aforesaid building permissions, when it was well within the knowledge Respondents No. 7 and 8 that Project Proponent i.e., Respondent No. 15, had failed to comply with the conditions stipulated in the aforesaid building permissions and the direction issued by the Eco-sensitive Zone Committee of Sanjay Gandhi National Park.

14. The Applicant states that, in respect of paragraph 15 of the reply of the Respondents No. 7 and 8, the Water Supply and Sewage Department of the Respondent No. 7 and 8 has issued a NOC dated 15/07/2025 for disposal of sewage water, drainage etc., without first ensuring the requisite compliances by Project Proponent and paying no heed to the fact that the proposed project is not environmentally viable and under no circumstances fits within norms prescribed under the Sanjay Gandhi National Park Eco-Sensitive Zone Notification dated 05/12/2016.

15. The Applicant states that, in respect of paragraph No. 16 of the Reply, the Respondents No. 7 and 8 have admitted that the Respondent No. 15, i.e. the Architect of the project had applied for the construction permission for a gross BUA of 82,167.68 Sq. Mtrs., which was granted by the Respondents No. 7 and 8 on 28/12/2025, i.e. after the filing of the present Application, without paying heed to the fact that the project had no Environmental Clearance and was neither approved by the Eco-Sensitive Zone Committee of the Sanjay Gandhi National Park or the National Board of Wildlife and the fact that the Respondent No. 7 and 8 were well aware and had knowledge that the proposed project does not fit under the Eco-Sensitive Zone Notification dated 05/12/2016. Further, the Respondent No. 7 and 8 had again mandated that the Respondent No. 15, i.e. the Project Proponent ought to seek Environmental Clearance, which has the Project Proponent has failed to do so.

16. The Applicant states that, in respect of the paragraph No. 17, 18 and 19 of the Reply, the Respondent No. 7 and 8 have time and again imposed the mandatory condition of obtaining the Environmental Clearance upon the Respondent No. 15, but not once has it ensured before granting subsequent permissions that if the mandatory condition has been complied with, which amounts to dereliction of duty on the part of the Respondents No. 7 and 8.



Further, contrary to what has been averred by the Respondents No. 7 and 8 that the “Occupancy Certificate shall be granted only upon full and strict adherence to the prescribed environmental safeguard and other legal requirements”, the Respondents No. 7 and 8 have already granted Part Occupancy Certificate dated 21/03/2025. Furthermore, throughout, the Respondents No. 7 and 8 have project highhandedness and gross dereliction from its duty, which has led to enormous environmental damage.

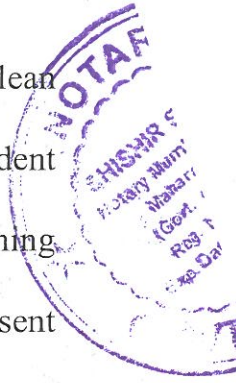
**PARAGRAPH WISE REPLY TO THE AFFIDAVIT IN REPLY
FILED BY THE REPENDENT NO. 16:**


17. The Applicant states that, in respect of paragraph No. 1 and 2 of the reply filed by the Respondent No. 16, i.e. the Project Proponent, the answering Respondent is seeking condonation of delay in filing its Reply, which is a matter of decision of this Hon’ble Tribunal, as the answering Respondent had sufficient opportunity from 20/12/2025 till 12/02/2026, for filing its reply, before the Hon’ble Tribunal granted an opportunity to file its reply within 4 weeks, in its order dated 12/02/2026.

18. The Applicant states that, in respect of the paragraph No. 3 of the reply, the Applicant hereby puts the answering Respondent to the strict proof of

abuse of process of law, providing false data and not coming with clean hands before the Hon'ble Tribunal, as has been alleged by the respondent No. 16, i.e. the Project Proponent. Further, in regarding to joining Respondent No. 15, i.e. Mr. Pratap Sarnaik as a party to the present Original Application, it is pertinent to note that, a Sale Deed was executed between the Respondent No. 15, i.e. Mr. Pratap Sarnaika and the Respondent No. 16, i.e. M/s. Pratap Sarnaik Infrastructure Pvt. Ltd. only on 29/03/2025, i.e. after obtaining part Occupancy Certificate dated 21/03/2025 and also all the other preliminary permissions for the construction of the proposed project were obtained by Mr. Pratap Sarnaik, since 2023, in his personal capacity, thereby making him a necessary party.

19. The Applicant states that, the present Applicant does not admit the contents of paragraph No.4 and therefore denies the same in toto. Further, the Applicant states that, the answering Respondent, i.e., Respondent No. 15, has failed to obtain Environmental Clearance Certificate in respect of the project to be constructed upon the subject plots, consent of the Eco-Sensitive Zone Committee of the Sanjay Gandhi National Park and approval of National Board of Wildlife. Moreover, the Project Proponent had commenced the construction of the proposed project and obtained part Occupancy Certificate dated 21/03/2025 even before the issuance of Zonal



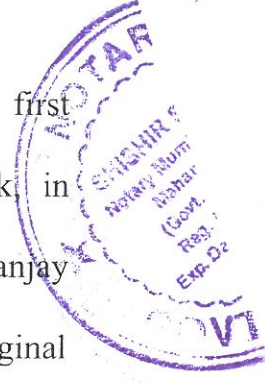


Master Plan for the Eco-Sensitive Zone of the Sanjay Gandhi National Park, which was approved only on 20/03/2026. Therefore, under no circumstances can it be said that Respondent No. 16, i.e., the Project Proponent, has under taken the construction work in the subject plots after obtaining all the necessary permissions and approvals from the concerned authorities.


20. The present Applicant does not admit the contents of paragraphs No. 5 and 6 and therefore denies the same in toto. The Applicant states that, the project consisting of three types of guest houses, wellness center, banquet hall (alleged to be a multi-purposed hall), naturopathy center, club house and a toilet block, in all circumstances amounts to construction of a luxurious resort and not an eco-tourism activity. Further, the generic definition of eco-tourism activities includes activities for the purpose of education, conservation of environment, promotion of local communities, trekking, marine activities, wildlife viewing, educational travel, etc., and it therefore does not include any activity which may utilize a banquet hall/ multi-purpose hall or multiple types of guest houses.

21. The Applicant states that, in respect of paragraphs No. 7, 8 and 9 of the reply, the Zonal Master Plan for Eco-Sensitive Zone of the Sanjay Gandhi

National Park was approved only on 20/03/2026 and the very first permission sought by the Respondent No. 15, i.e., Mr. Pratap Sarnaik, in respect of proposed construction in the Eco-Sensitive Zone of the Sanjay Gandhi National Park was on 23/06/2020 and the present Original Application was filed on 05/11/2025, i.e., before the approval of Zonal Master Plan for the Eco-Sensitive Zone of the Sanjay Gandhi National Park. Furthermore, the aforesaid Zonal Master Plan was not implemented retrospectively and therefore with the approval of the Zonal Master Plan it cannot be said that the project of the Project Proponents, i.e., Respondents No. 15 and 16 becomes authorized and legal.



22. The present Applicant does not admit the contents of paragraph No. 10 and therefore denies the same in toto. The Applicant states that, paragraph No. 8.4.1.2 of the Zonal Master Plan provides for activities regulated within ESZ-1. Further, it states that, “No new commercial hotels and resorts shall be permitted, within one kilometer of the boundary of the Protected Area or the extent of Eco-Sensitive Zone whichever is nearer, except related to eco-friendly activities”. As aforesaid, constructing a luxurious hotel/ resort, with a banquet hall and types of guest houses does not amount to eco-friendly tourism activity and therefore does not fall under the regulated and permissible activities within the ESZ-1.




23. The present Applicant does not admit the contents of paragraph No. 11 and therefore denies the same in toto. The Applicant states that, the present answering Respondent, i.e., the Project Proponent has failed to understand the contents of the present Original Application, as the main bone of contention and the basis of the Original Application is not that the Zonal Master Plan had not been published at the time of filing of present Original Application but that the construction erected by the Project Proponent in the Eco-Sensitive Zone of the Sanjay Gandhi National Park is unauthorized and illegal. Further, the Project Proponent has failed to realize that since the Zonal Master Plan does not have retrospective effect and the erected construction remains unauthorized and illegal till date, the prayer of restoration of environment survives even after the publication of Zonal Master Plan, making the implication of the Original Application becoming infructuous meritless and without any spine. Further, the erected construction is not in compliance of the zonal master plan prepared and published by MCGM and duly approved by State Government, as it was resolved in 81st meeting of the committee of National Board of Wildlife 24/12/2024 that, “15. The User Agency shall not use these properties for commercial activities such as hotels or resorts.”, while discussing the project to be constructed on the subject plot and keeping it in abeyance till

the approval of Zonal Master Plan for the Eco-Sensitive Zone of the Sanjay Gandhi National Park. Furthermore, considering the nature of the proposed project it is limpid that the project is of commercial nature, being a luxurious resort.



24. The present Applicant does not admit the contents of paragraph No. 12 and therefore denies the same in toto. The Applicant states that, the Respondent No. 16, i.e., the Project Proponent has failed to obtain Environmental Clearance, consent from the Eco-Sensitive Zone Committee of the Sanjay Gandhi National Park and approval from the National Board of Wildlife and has implied that mere issuance of the Zonal Master Plan has waived off the pre-requisites of constructing in the Eco-Sensitive Zone of the Sanjay Gandhi National Park, ignoring the fact that the first construction permission was obtained on 23/06/2020, Eco-Sensitive Zone Notification was issued on 05/12/2016 and the Zonal Master Plan was approved on 20/03/2026. Therefore, the construction erected in the Eco-Sensitive Zone of the Sanjay Gandhi National Park continues to be illegal and unauthorized even after the approval and publication of Zonal Master Plan for the Eco-Sensitive Zone of the Sanjay Gandhi National Park.



25. The Applicant states that, in respect of paragraph No. 13 of the reply, the answering Respondent has provided a list of various permissions sought and received by the answering Respondent i.e., Project Proponent, in respect of the unauthorized construction erected in the Eco-Sensitive Zone of Sanjay Gandhi National Park. Further, it is pertinent to note that, it can be deemed from the contents of paragraph No. 13 that the answering Respondent i.e., Project Proponent has admitted of not having obtained Environmental clearance for the proposed project even though the proposed construction area exceeds the threshold of 20,000 Sq. Mtrs. (BUA), that the Project Proponent has continued the construction without the consent of the Eco-Sensitive Zone Committee of Sanjay Gandhi National Park and without the approval of the National Board of Wildlife; even before the approval and publication of the Zonal Master Plan dated 20/03/2026. It is noteworthy that, even if the Chief Wildlife Warden and the Principal Chief Conservator of Forest, State of Maharashtra may have given their go ahead for the proposed project of the Project Proponent vide letter dated 09/04/2026, it does not ratify the unauthorized and illegal commercial construction erected by project proponent in the Eco-Sensitive Zone of Sanjay Gandhi National Park before approval and publication of the Zonal Master Plan.

26. The present Applicant does not admit the contents of paragraph No. 14 and therefore denies the same in toto. The Applicant states that, in lieu of the aforesaid, under no circumstances and in right mind can it be said that the Project Proponent i.e., Respondent No. 16 has carried out the unauthorized and illegal commercial construction in the Eco-Sensitive Zone of Sanjay Gandhi National Park in compliance with the requisite sanctions, approvals and permissions by concerned statutory authorities. Further, mere recommendation by the National Board of Wildlife, subject to approval of Zonal Master Plan, does not amount to approval of project and neither does communication of the Chief Wildlife Warden and the Principal Chief Conservator of Forest, State of Maharashtra, amount to ratification of an unauthorized, illegal and environmentally unviable commercial construction in an Eco-Sensitive Zone.

27. The present Applicant does not admit the contents of paragraphs No. 15 and 16 and therefore denies the same in toto. The Applicant states that, even though the Architect of the proposed project i.e., Respondent No. 17, has issued a letter dated 13/04/2026, stating that all the permissions have been obtained by appropriate authorities, it does not undo the harm caused to the environment by the construction erected before obtaining the





approvals. Further, the answering Respondent has failed to understand that obtaining all the requisite permissions and consents is the preliminary step that needs to be undertaken before commencing the construction and not after partly completing the construction. Moreover, the part Occupancy Certificate that is being justified by the Project Proponent dates 21/03/2025, i.e. an entire year before the approval of Zonal Master Plan, which was approved only on 20/03/2026. Furthermore, the act of the answering Respondent trying to justify its illegal and arbitrary actions itself evidences the mala fide intentions of the Project Proponent and portrayal of the careless, reckless and unapologetic behavior towards environmental protection and lack of fulfillment of its fundamental duties, thereby evidencing bureaucratic nexus and misuse of position, being a sitting minister in Government of Maharashtra. It is pertinent to note that, the grievance of the present applicant was never in respect of the fact that the approval and publication of Zonal Master Plan was pending but that the commercial construction had been erected before the approval and publication of Zonal Master Plan and therefore everything in the original application survives, irrespective of the fact that the Zonal Master Plan has been approved and published.

28. The Applicant therefore most humbly prays that in consideration of the contents of the captioned Original Application and the present Affidavit in Rejoinder, stringent actions be initiated against the Respondent Authorities derelicting from their duties and against the Project Proponent for constructing illegal and unauthorized commercial structure in the Eco-Sensitive Zone of the Sanjay Gandhi National Park and further Environmental Damage Compensation be imposed upon the Project Proponent as per the Polluter Pays Principle.

The Applicant states that, the contents mentioned hereinabove in paragraphs No. 1 to 27 are true and correct to the best of his knowledge, belief and information and the contents mentioned in paragraph No. 28 are his prayers and he believes the same to be true.

Solemnly affirmed at Mira Road)

Dated 10th day of June 2026)


MR. SURESH MAROTRAO YEOLE
DEPONENT



VERIFICATION

I, MR. SURESH MAROTRAO YEOLE, aged 66 years, residing at Flat No. 201, Building No. 5, Narmada Paradise, Evershine Nagar, Near Ganesh Mandir, Mira Road East, Mira-Bhayander, Thane - 401107, the Applicant, do hereby state that the contents stated above are true and correct to the best of my knowledge and belief and for its correctness I have signed and verified on this 10th day of June, 2026.

MR. SURESH MAROTRAO YEOLE
APPLICANT

Lunkad

ADVOCATE FOR THE APPLICANT
CHETAN R. NAGARE
ESHETA S. LUNKAD

BEFORE ME

SHISHIR SINGH
Notary Mumbai/Thane
Maharashtra
(Govt. Of India)
Reg. No. 52919

1 0 JUN 2026

SHISHIR SINGH (Notary Govt. of India)	
NOTARIAL REGISTER	
SR. No. 47	10/6/26

