

BEFORE THE HON' BLE NATIONAL GREEN TRIBUNAL W Z BENCH, PUNE

INTERLOCUTORY APPLICATION NO 120 of 2019

APPLICATION NO 74 of 2019

IN THE MATTER OF

Mr. Tanaji Balasaheb Gambhire

) APPLICANT



VERSUS

The Principal Secretary, Environment Dept. GoM & 10 Ors.) Respondents

Affidavit in Reply to the Interlocutory Application of the Applicant on behalf of the Respondent No - 8

I, Prashant Dagaji Pagar, Dy Metropolitan Planner, PMRDA

hereby filing this affidavit in reply to the Interlocutory Application filed before this Hon'ble Tribunal only with a limited purpose bringing on record the limited role of the Respondent No -8 in the present application in the subject matter of the application etc. I crave leave to file an additional reply or affidavit as & when necessary. I shall not be deemed to admit anything save except whatever specifically stated here-under. I have carefully gone through the Interlocutory Application filed before this Hon'ble Tribunal by the Applicant with the prayers to direct the Respondent No-11 that is the Project -Proponent to stop entire construction activities at it's sight, which is the subject matter of the present application and also to restrain any further third party interest in the completed construction at village-Undri till the application is decided. The Applicant further prays for appointment of third party Court Commissioner to visit, inspect & submit actual status report etc and to strictly monitor the compliance of it by the SEIAA, PMC & MPCB and submission of weekly report thereof. The PMRDA would like to submit its reply thereto as under:

- 1) I would like to submit most respectfully that admittedly comes presently within the limit & jurisdiction of the Pune Municipal Corporation



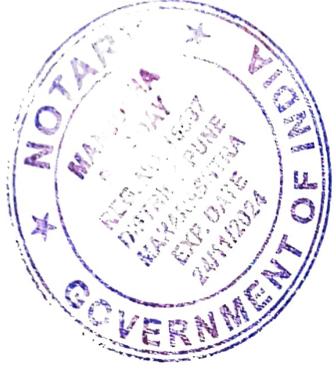
2) I further submit that though the pronouncement of the PMRDA had formed on 15.03.2015 by the Urban Development Department, Government of Maharashtra. The both projects are sanctioned by Hon'ble District collector after recommending from Assistant Director of Town Planning. PMRDA had only given the part completion to Building A1 (P +6). Nyati Ethos I, Survey no. 21 part, Village - Undri, Taluka - Haveli Jiha - Pune on 31.08.2015 (Copy is attached herewith as Annexure - A). Thereafter, The 11 villages including Undri with the subject matter of the present application merged in the Pune Municipal Corporation Area on 04.10.2017. All the record regarding both projects has been transfer to Pune Municipal Corporation.

3) With regard to the prayer clauses, I say and submit that a detailed procedure has been laid down by the Ministry of Environment, Forest and Climate Change, Government of India in the Notification dated 14th March, 2017, to deal strictly with the case of violation of the EIA Notification, 2006 including assessment of permissibility of the project or not for the purpose of assessment of ecological damage, preparation of remediation plan and natural and community resource argumentation plan through an environmental laboratory duly accredited by the MoEF & CC, Gol., for which purposes, the Respondent No-2 to 3 are empowered to initiate appropriate action.

The contents of para 1 to 3 of this affidavit -reply are true and correct to the best of my knowledge and belief as well as documents available with me.

Solemnly affirmed on this 09 day of November, 2020 at Pune.

Identified by



[Signature]
Affiant 9/11/20

BEFORE ME
M. S. Taday
MANJUSHA S. TADAY
ADVOCATE & NOTARY
GOVERNMENT OF INDIA

NOTED & REGISTERED
AT.SR.NO. 736/2020

09 NOV 2020



Before the Hon'ble National Green Tribunal, WZ Bench at Pune

Application No.105/2019

Tanaji B. Gambhire.

} Applicant

Vs

P.S. Environment Department & Others

} Respondents

MAY IT PLEASE YOUR HONOUR

1. The Respondent- PMRRDA would like to submit that the PMRDA being the Respondent No . 8 , it has already affirmed and submitted the Reply- Affidavit through Dy. Metropolitan Planner (Prashant Pagar) dated 9th November,2020 . A copy of the Affidavit along with the Receipt of Online filing thereof are enclosed herewith and marked as an Annexure- ' A ' & ' B ' respectively.
2. The facts and circumstances on the basis of which, the O. A. No.74/2019 with the I. A. No.120 of 2019 filed by Mr. Tanaji Gambhire vs P. S. Environment & Ors are same in the present application bearing no 105/2019 before this Hon'ble Tribunal.
3. The Respondent- PMRRDA therefore has decided to adopt said affidavit dated 09th November,2020 in the present Application No .105/2019.
4. The area which is the subject- matter of the present application is already transferred to the Pune Municipal Corporation with effect from 04th October,2017. The earlier Construction Permissions were given by the District Collector, Pune. The Respondent- PMRRDA has given only Part Completion Certificate dated 31st August,2015 to the Building A1 (P+6), Nyati Ethos, S. N. 21 Part, village -Undri, Taluka - Haveli, District - Pune. Now all the record regarding the project transferred to the PMC on account of transfer of the subject- matter of the application. The Respondent- PMRRDA may therefore kindly be allowed to adopt the said affidavit and having limited role , may kindly be deleted.

Dated this 15th Day of October,2021 at Pune.



For PMRRDA

Authorised Signatory,
Dy. Metropolitan Planner,
PMRDA, Pune