

**BEFORE THE NATIONAL GREEN TRIBUNAL
WESTERN ZONE BENCH, PUNE
INTERIM APPLICATION NO. 38 OF 2023
IN
ORIGINAL APPLICATION NO. 108 OF 2022**

Kalyan-Ambemath Manufacturers Association. ... Applicant

IN THE MATTER BETWEEN

Nandakumar Waman Pawar & Anr. ... Original Applicants

Versus

Maharashtra Industrial Development Corporation

& Ors. ... Respondents

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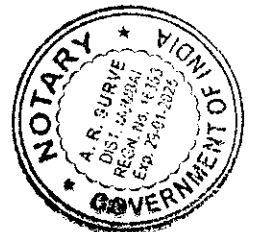
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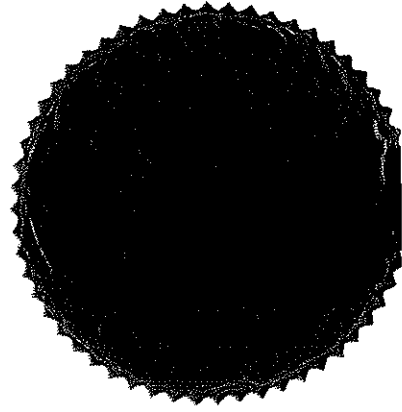
Zaman Ali,

Advocate for the Applicant

21.03.2023



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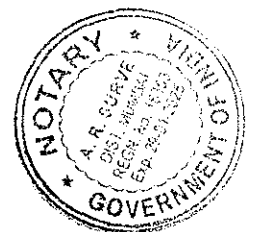
& Ors.

... Respondents

AFFIDAVIT IN REPLY ON BEHALF OF THE ORIGINAL APPLICANT

I, Nandakumar Waman Pawar, aged 62 years, Indian inhabitant, residing at Nandakumar Pawar House, Opp. Jagannath Darshan, MD Keni Rd, Nahur (E), Mumbai - 400 042 and also at Govind Kalan, Salkunj Banglow, Sagarli Road, Near Parvati Mahadev Mandir, Azad Pada, Kalyan, Thane – 421 203, do hereby solemnly state that I am filing this short affidavit-in-reply to the instant application filed by Respondent No. 5.

1. At the outset, I deny each and every allegation, submission and the manner in which such submissions are made in the instant application by R-5 and I shall proceed to reply to all the assertions and contentions of R-5 subject-wise in the same order as followed by R-5 in its application and that nothing should be deemed to have been admitted by me for lack of specific denial unless the same is specifically admitted by me herein.



I. R-5'S CONTENTION ON SUPPRESSION OF MATERIAL FACTS BY APPLICANTS

2. With respect to R-5's frivolous contention that Writ Petition No. 8372 of 2017 filed on the same cause of action as the instant OA, I say that perusal of the prayer clauses of the Writ Petition at Pg. 445 clearly show that the following was sought by the Applicant therein:
 - (a) shut-down of all industries for those industries that are operating "without any completion certificate"
 - (b) sought an enquiry report on a "specific" incident of boiler blast that took place at an industrial unit called Probace Enterprises, which killed 12 people;
 - (c) sought registration of FIRs on all "non-compliant units that do not have completion certificates"

3. The above clearly indicates the cause of action has arisen out of a single incident of boiler blast in May, 2016 alone at the industrial unit known as Probace Industries, which killed 12 people for which it was alleged that there are no "completion certificates" have been issued. I say that that instant OA seeks "demolition of illegally occupied and unlawful industrial structures that have been constructed over open marginal spaces with illegal additions extensions in their industrial premises" on the basis of notices of massive encroachment issued by MIDC in the Dombivali Industrial Area wherein MIDC had detected illegal boilers that store toxic/hazardous gases and unauthorized processing of chemicals and sheds in marginal open spaces and other areas on the plot. That such encroachments have already led to various industrial accidents in the past and have a serious potential to cause even further accidents, which in itself is a violation of Sections 8 & 9 of EPA, 1986, Section 21 of the Air Act, 1981 and Section 25 of The Water Act, 1974.

4. I say that the present cause of action has arisen under the polluter pays principle on account of continuing industrial encroachment in the Dombivali



Industrial Area, which has the potential afflict huge loss of life, property, public health and the air and water environment and in light of the settled legal position that this Hon'ble Tribunal is a *sui generis* body that has the power to take preventative and remedial steps to avoid any further industrial accidents, especially when serious mass violations have been reported by a governmental body. That this Hon'ble Tribunal has been held to be a body to safeguard rights under Article 21 of the Constitution of India having encompassing jurisdiction to handle multi-dimensional environmental issues.

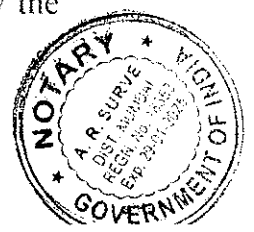
5. Notwithstanding the fact that the earlier Writ Petition was withdrawn with liberty to file an appropriate Public Interest Litigation, I say that the cause of action before the Writ Petition was entirely in the nature of seeking closure of those industries that have not received any completion certificate under the applicable developmental laws at Pg. 436 whereas the instant proceedings are entirely on a different footing whereby what is sought is the demolition/removal of illegal industrial encroachments that are apprehended to cause discharge of environmental pollution and further industrial accidents, which is required to be immediately prevented on the basis of identification of large-scale and serious industrial encroachment by the planning authority (Respondent No. 1 – MIDC).
6. That the cause of action in the instant application has arose on the basis of industrial illegalities and industrial encroachments that have been causing widescale industrial accidents and has further led to a rise in such accidents continuously in the Dombivali Industrial Area, atleast upto 03.05.2022 as per the list provided by the Fire and Emergency services of Kalyan-Dombivali Municipal Corporation. I say that by no stretch of imagination can the two proceedings be equated in light of the above and therefore, there is no suppression of any material facts whatsoever and that the HC proceedings, which stand disposed as withdrawn, have no relevance whatsoever to the instant application.



7. I say that though the provisions of Environment Protection Act, 1986, Air Act, 1981 and Water Act, 1974 are specifically invoked in the instant original application, environment being a multi-dimensional issue, other enactments such as the regulations of MIDC, Boilers Act, 1923 and Maharashtra Regional and Town Planning Act, 1966 are invoked to only collate the data *qua* industrial encroachments prepared by the enforcement and planning authorities, which have a direct relation with the repercussions on the environment and safety of Dombivali for which the umbrella legislation of EPA, 1986 and Article 21 of the Constitution have been invoked under the Precautionary Principle. Further, Air and Water Acts have also been invoked in light of the fact that Respondent No. 1, being the planning authority of the Industrial area, has recorded existence of industrial encroachments and industrial illegalities upon construction of illegal boilers and other risky infrastructure for which the mandatory Consent to Operate and Consent to Establish have not been obtained under Section 21 of the Air Act, 1981 and Section 25 of the Water Act, 1974.

II. QUESTIONING THE CREDIBILITY OF THE APPLICANT

8. I say that the Applicant No. 1 herein seriously objects to the manner in which a perception is sought to be created by R-5 by questioning the credibility of the Applicant by misleading this Hon'ble Tribunal on the basis of an order passed in a pending PIL before the High Court concerning protection of ecologically-significant Panje wetlands. The Hon'ble High Court has sought to enquire with the Applicant whether issues raised in that PIL are distinct from a petition filed by an environmental organization. That the order dated 17.10.2022 clearly provided at Para 5 that adequate explanation was sought concerning the same and that it has been answered by way of an affidavit dated 14.11.2022 in Writ Petition No. 12220 of 2022. Annexed and marked hereto as **ANNEXURE R-1** is a copy of the said affidavit dated 14.11.2022. I say that the after filing of the aforesaid affidavit, the concerned Writ Petition was listed before the Hon'ble High Court on 15.11.2022 on which day the



aforesaid affidavit was filed after which the Hon'ble Court was pleased to list the matter for further directions. I say that the High Court has only sought an explanation and an adequate explanation to that effect has been provided. I say that at no point in time has the High Court questioned the credibility or assassinated the character of the Applicant as a litigant since only a *prima facie* view was stated *vide* order dated 17.10.2022 on the basis of the contentions of the Project proponents alone, after which a detailed explanation has already been provided. Annexed and marked hereto as **ANNEXURE R-2** is a copy of the order dated 15.11.22.

9. I say that the Applicant No. 1 has been relentlessly involved in various environmental causes in the entire State of Maharashtra, particularly in the Mumbai Metropolitan Region for over two decades and has actively pursued the causes of protection of coastal water bodies, mangroves and fishing areas to its logical end in various litigation for public good. Few amongst the numerous initiatives in environmental conservation undertaken by the Applicant includes the following:

- (i) Involved in protection of 434 acres of mangrove forests in Dahisar that was affected by illegal encroachment;
- (ii) Involved in bringing a halt on illegal quarrying at Parsik Hills, Navi Mumbai;
- (iii) Involved in bringing a halt on pollution caused due to stone quarrying in Mahape, Navi Mumbai and Shilphata, Thane;
- (iv) Unlawful excavation of Vadavali hills in Thane District to the notice of the revenue authorities
- (v) Involved in bringing the issues of unregulated mechanical sand mining activities on river banks in Maharashtra that was impacting local fishing communities to the forefront;
- (vi) Involved in raising the issue of providing employment opportunities to traditional fishing communities in tourism associated with the Thane Flamingo Sanctuary;



(vii) Involved in taking action against the menace of widespread air pollution in Uran.

10. I say that the Applicant was also awarded a silver award along with Nat Connect Foundation by the US based 'the Globee Awards' for the campaign towards mangrove preservation in Maharashtra. I say that further details about all such achievements have been provided in the affidavit annexed herewith.

11. I say that the aforesaid bogus submission of R-5 on the credibility of Applicant No. 1 clearly shows that it is using a diversionary tactic, in its usual manner, to deflect from the real issue at hand as it is completely aware of the wrongdoings of its own illegalities and absolutely has no answer on merits. I say that all such submissions

III. JURISDICTION OF THE NGT TO HEAR THE PRESENT OA

12. I say that this Hon'ble Tribunal is a special body equipped with necessary expertise to handle environmental disputes involving multi-disciplinary issues. I say that environment is defined widely under the EPA, 1986 and so is the definition of environmental pollutant and environmental pollution. I say that the EPA, being an umbrella legislation, gets invoked and comes into operation when there is any impact or adverse consequences are met on common public resources such as land, air and water. I say that such adverse consequences may also arise when certain specific development and planning laws are not complied with, which would have a direct bearing on invocation of EPA and the environmental jurisprudence through Polluter Pays Principle or Precautionary Principle, then the EPA, 1986 will have to always be invoked alongwith other provisions of planning, development and technical enactments that are relatable to the environmental pollution being caused or apprehended to occur.

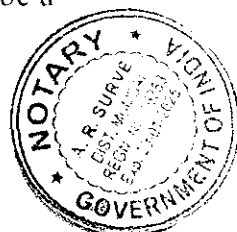


13. I say that it is from this perspective that the legal position is now settled that this Hon'ble Tribunal is a *sui generis* body that can always look into the source of violation of certain provisions, which may not directly come under Schedule-I of the NGT Act, 2010 but its consequences or non-adherence are enough to invoke the provisions of EPA, 1986. In the facts of the present case, I say that the act of industrial encroachment and illegalities inside the Dombivali Industrial Area has its source not only in the DCR Regulations, MRTP Act and the Boilers Act but such violations are in the nature that are directly relatable to EPA, Air Act and Water Act on the basis of which the jurisdiction of this Hon'ble Tribunal is invoked. That such direct relation can be found between non-compliances of DCR Regulations by hundreds of industries constructing boilers on open marginal spaces in violation of the Boilers Act and without the consent to operate and consent to establish under the Air and Water Acts, which places the entire area of Dombivali Industrial Area under a huge safety risk whereby more industrial disasters are apprehended to occur that requires to be mitigated, as provided for under Sections 8 & 9 of EPA, 1986.

14. Therefore, I say that this Hon'ble Tribunal has wide jurisdiction to hear matters pertaining to the environment under Section 14 read with Section 20 of NGT Act, 2010 in light of the fact that the Doctrine of Precautionary Principle r/w provisions of EPA, Air Act and Water Act have been invoked for avoiding any further industrial accidents in Dombivali Industrial Area and that the same can only occur as and when large-scale industrial encroachment on open marginal spaces and illegal construction of boilers that contain toxic and hazardous gases are removed.

IV. LIMITATION

15. As regards the issue of limitation raised by R-5 in the present application, I say that it is a settled position in law that whenever a wrong or offence is committed and ingredients are satisfied and repeated, it evidently would be a

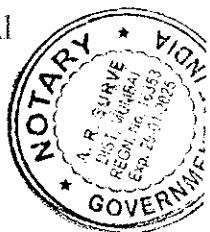


case of 'continuing wrong or offence'. Just as using the factory without registration is an offence every time the premises were used as a factory, if the boilers are being used without any consents or if there is an encroachment in the open marginal spaces under the DCR by setting up sheds that store hazardous chemicals or expand its chemical units without any permission from MPCB and MIDC, then it amounts to an offence every time such illegal boilers or extensions are used.

16. I say that in the facts of the present case, the illegal industrial encroachment by construction of illegal boilers, storages and sheds still stands, which has been extensively been documented and corroborated by MIDC since 2017 subsequent to which industrial accidents have continued to occur till as late as May, 2022 for which R-5 has no answer at all. I say that the wrongs committed by R-5's industries are continuing till date and as per the settled position in law, a fresh period of limitation begins to run at every moment of time during which the breach or the tort, as the case may be, continues. Therefore, continuing the breach, act or wrong would culminate into the 'continuing cause of action'. In light of the above, I say that the present OA is within the limitation period under Section 14 of the NGT Act, 2010.

V. LOCUS STANDI AND NON-JOINDER OF PARTIES

17. I say that Applicant Nos. 1 & 2 have their residences in Kalyan, which adjoins Dombivali Industrial Area. In fact, Applicant No. 2 resides at Manpada Road in Kalyan which borders Dombivali Industrial Area. Therefore, any pollution of any kind that affects or is apprehended to affect the air, water and land surface of the area will have a direct impact on the Applicants herein and therefore, the applicants are affected or aggrieved parties within the ambit of the NGT Act, 2010. I say that irrespective of the above fact that the Applicants are aggrieved parties by virtue of living in extremely close proximity to the Dombivali Industrial area (& will be further affected if any future untoward incident happens in the nature of boiler blasts and chemical



fires), this Hon'ble Tribunal has held a flexible and liberal approach be given to the terms "aggrieved party", which would also apply to persons who live beyond the local area where an environmental wrong is caused or apprehended to occur.

18. As regards the issue of non-joinder of parties raised by R-5, I say that in addition to the fact that R-5 itself admits in the instant application at Para 1 that it is a representative organization of industries in Dombivali Industrial Area and that various violations have been alleged against industries who are members of R-5, the prayers sought in the OA are against Respondent Nos. 1 & 4 to demolish the unlawful industrial structures that have been constructed/erected illegally over open marginal spaces and that nothing has been sought by the Applicant against any legal and lawful structures. I say that the prayers are sought against the enforcement authorities to take action under the requisite law to prevent any further industrial accidents by taking action only against illegal and unlawful structures, under the law. I say that admittedly, there are no mandatory and requisite consents and permissions for the unlawful and illegal structures which in itself is a big safety hazard to the people and environment of Kalyan-Dombivali and that requisite steps in the nature of removal of such illegal structures only lies with the enforcement authorities such as R-1 & R-4, who have to take steps for removal/demolition in accordance with law.

VI. PLURAL REMEDIES

19. As regards the issue on plural remedies, I say that the instant OA has invoked a single cause of action under the Precautionary Principle, which is to seek removal of illegal industrial encroachment/structures/boilers to ensure that safety laws in Dombivali Industrial Area are implemented *in toto* and if not done so, it is apprehended that more industrial disasters will continue to occur. I say that Prayer Clause (iii) follows Prayer Clauses (i) & (ii) to the extent that there was already an earlier order dated 25.06.21 passed by this



Hon'ble Tribunal in OA No. 134 of 2021 seeking industrial safety in general, by submitting a study of the potential for environmental accidents in Maharashtra and therefore, prayer (iii) also constituted a part of the same cause of action. I say that subsequent to the filing of the instant OA, the Applicants have been informed by R-5 that the aforesaid order has been stayed by the Apex Court which the Applicant was not made aware of by any Respondent authorities, despite having sought specific information relating to O.A No. 134 of 2021 through RTIs and made various representations and in light of the same, the applicant, being the *Dominus Litis*, shall not be pressing prayer clause (iii) at this stage.

20. In light of the above, I say that the instant application filed by R-5 is frivolous and baseless with an intention to only delay the present proceedings, which have raised a very serious issue regarding the industrial encroachments in Dombivali Industrial Area that can lead to various industrial accidents in the near future, if all such serious violations are not dealt with immediately.

Solemnly affirmed at Mumbai)

Dated this 21st Day of March, 2023)

Identified by Me



Zaman Ali,

Advocate for Original Applicants

NOTED & REGISTERED

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Date. 21 MAR 2023

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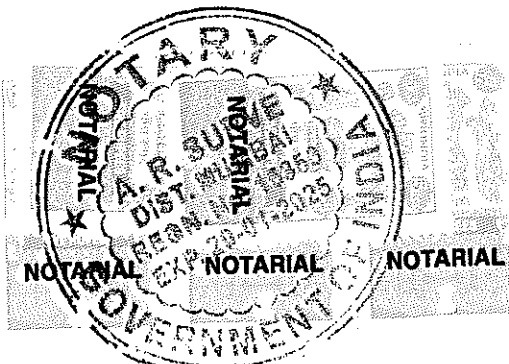
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Bearing No. 26347293276

Dated: 21 MAR 2023

For Verification

A. R. SURVE
ADVOCATE & NOTARY
GOVT. OF INDIA
REG. No. 16353



IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 12220 OF 2022

City Industrial Development Corporation

CIDCO Bhavan

...Petitioner

Versus

State of Maharashtra through the Environment

Department & Ors.

...Respondents

WITH

WRIT PETITION NO. 12225 OF 2022

Navi Mumbai Sez Pvt Ltd

...Petitioner

Versus

The State of Maharashtra & Ors

...Respondents

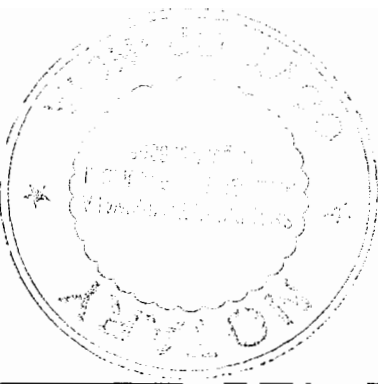
AFFIDAVIT ON BEHALF OF THE RESPONDENT,

NANDKUMAR PAWAR:

I, Nandkumar Pawar, Respondent No.5 in Writ Petition

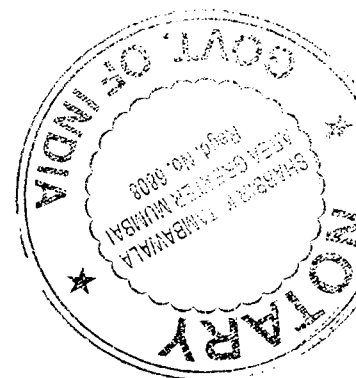
12220 of 2022 and Respondent No.6 in Writ Petition 12225

of 2022, residing at Pawar House, 3rd floor, MD Kini Road,



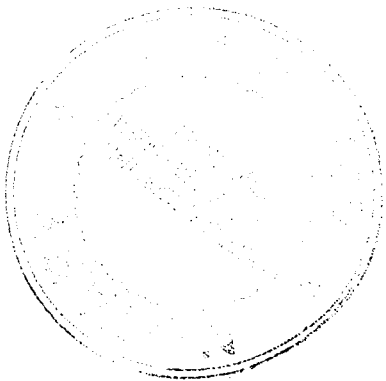
Bhandup Village (East), Mumbai 400 042, do hereby solemnly affirm and state as under:-

1. I am filing this limited Affidavit to refute the unsubstantiated allegation that Original Application No. 25 of 2021 filed by me has been at the behest of an organization called Vanashakti. The preset Affidavit is therefore restricted to this question. I crave leave to file a detailed Affidavit in Reply on merits. Nothing stated in the said Petitions should therefore be considered to be admitted for want of a specific traverse.
2. The Original Application No. 25 of 2021 was filed by me in my individual capacity representing the interests of the traditional fishing community. I am not and have never been involved in the litigation that Vanashakti chooses to undertake, including on the issues related to Panje. While I have collaborated with Vanashakti on various issues in the field of environmental conservation, I work independently through my own organisation, Shree Ekvira Aai Pratishthan, agitating several issues for the protection of the



environment with particular focus on the traditional fishing communities.

3. I seriously object to the impression sought to be created by the Petitioners of my collusion with Vanashakti to raise the same issues in multiple fora. I say that this is nothing but conjecture unsupported by any material evidence and an attempt to deflect from the issue on merits and to create a distraction from their actions which they have not found a way to justify in law.
4. As a member of the traditional fishing community, I have been working towards the protection of coastal biodiversity, particularly mangroves and wetlands and towards the welfare of the traditional fishing community across the Mumbai Metropolitan Region for close to two decades through my own organization, Shree Ekvira Aai Prathishthan.
5. This organization was started in 2005 and works towards the protection of coastal eco-systems from Mulund to Vashi which it does with the assistance of community volunteers,



particularly members of the fishing community and in collaboration with other like-minded organisations. It has consistently brought issues related to the illegal felling of mangroves, encroachments, pollution being caused in the mangroves ecosystems etc. to the notice of the relevant authorities and has ensured that suitable action is taken for the protection of these areas.

6. I have personally, and through my organization, played a crucial role in protecting mangrove forests in the MMR Region.

7. A few of the issues in respect of which my organization has been active in environmental conservation are listed below-
 - Protection of 434 acres of mangrove forests in Dahisar which was affected by illegal encroachments
 - Illegal quarrying at Parsik Hills, Navi Mumbai
 - Pollution caused due to stone quarrying in Mahape, Navi Mumbai and Shilphata, Thane.
 - Unlawful excavation of Vadavali hills in Thane District

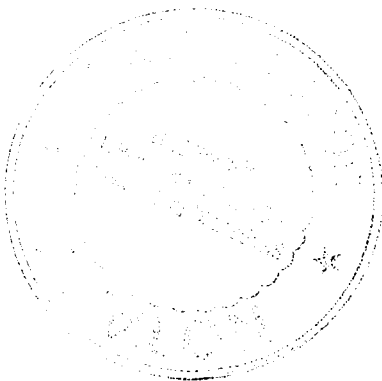


- Unregulated mechanical sand mining activities on river banks in Maharashtra that was impacting local fishing communities
- Raising the issue of providing employment opportunities to traditional fishing communities in tourism associated with the Thane Flamingo Sanctuary

8. The initiatives of my organization for the protection of the environment and traditional fishing communities has been recognized by various institutions. I was awarded a silver award along with Nat Connect Foundation by the US based 'the Globe Awards' for the campaign towards mangrove preservation.

9. I have been privileged enough to represent the traditional fishing community in various fora, as indicated below:-

- Represented the fisherfolk community at the UN Convention in 2012 on the subject of 'impact of sandmining on coastal biodiversity and the status of coastal community'.



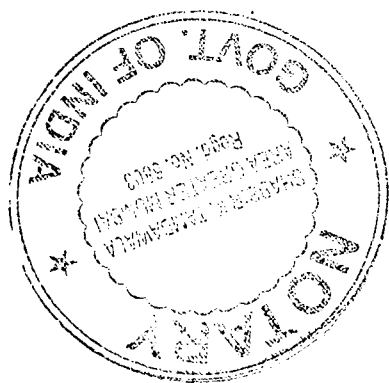
- Participated in the Parliamentary Standing Committee on pollution, urbanization in Maharashtra as a representative of the fishing community
- Invited as a panelist representing the traditional fisherfolk community at various universities including K J Somaiya College

10.I have through my organization, Ekvira Aai Prathisthan, been consistently calling to attention the threat faced to coastal ecosystems in Maharashtra, including Panje, much before the OA came to be filed before the NGT. News articles bearing reference to the work done by me and Shree Ekvira Aai Pratishtan are annexed hereto and marked as **Exhibit-A**.

11. Annexed hereto and marked as **Exhibit-B** is a copy of a list containing details of my involvement in various environmental issues, my achievements and accolades and newspaper reports referencing the work done by me and my organization. It may be noted that in all public interactions and in the media I have always represented Ekvira Aai Pratishtan.

12.As is common in the field of environmental conservation, I have associated with various individuals and organizations apart from Vanashakti, including Awaz Foundation and NatConnect Foundation, on various projects as we share a common goal of protecting the environment. The suggestion by the Petitioners that matters pertaining to Panje filed by me before the NGT and the PIL filed by the Vanashakti before this Hon'ble Court were a deceitful attempt at forum shopping has not merit and deserves to be rejected.

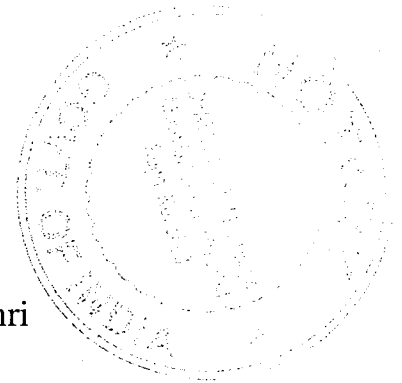
13.As mentioned above, I have, independently and in collaboration with various organisations including Vanashakti, been working in the field of environmental protection focussing on the issues faced by traditional fishing communities. I have previously volunteered with Vanashakti in their efforts towards mangrove conservation. In September 2022 I was appointed by Vanashakti as a consultant for Sagar Shakti, the marine conservation wing of Vanashakti. Needless to say, as a consultant, I do not work *for* Vanashakti but have a working relationship where



my knowledge and experience is provided to the organisation to aid in their conservation efforts, particularly those involving local fishing communities. Notwithstanding the above, it may be noted that my engagement as a consultant with Vanashakti started only from September 2022, long after the matter before the NGT and the PIL before this Hon'ble Court was filed.

14. I will now deal with the allegation that effectively the same substantive allegations have been made by me and Vanashakti before various fora. The Petitioners have referred to 3 Petitions related to Panje – Writ Petition No. 13476 of 2018, Original Application No. 25 of 2021 (both filed by me) and PIL No. 106 of 2021 (filed by Vanashakti). An examination of the substance and prayers in the petitions make it clear that none of them seek to raise the same issues with each having a distinct cause of action and distinct prayers.

15. Writ Petition 13476 of 2018 filed jointly by me, Shri Hanuman Koliwada Macchimar Vikas Sanstha Maryadit (a

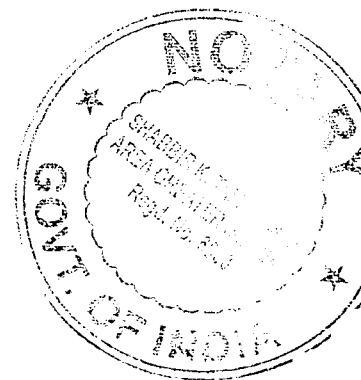


society representing the interests of those engaged in traditional fishing in the area of Uran) and Parmanand Koli (a traditional fisherman) sought the removal of the artificial embankments constructed as part of holding ponds at survey no. 180/ 1(A) in Boriphakadi and Holding Pond No.2 at Dronagiri Node as they were constructed in violation of the provisions of the CRZ Notification and had completely blocked the access of traditional fishing boats to fishing lands. The Petition highlighted the fact that fishing communities in the area were affected by the construction of these holding ponds and further that no CRZ clearance was obtained in spite of these holding ponds falling within CRZ areas. Hereto annexed and marked as **Exhibit-C** is a copy of the satellite image showing the location of the holding pond structures that are the subject matter of this Writ Petition. Pictures of the holding pond structures themselves are annexed hereto and marked as **Exhibit-D**. It may be noted that at the time of filing Writ Petition No. 13476 of 2018, the Western Zone Bench of the NGT was not functional since no members had been appointed upon the retirement of the erstwhile judicial and expert member. The Western Zone Bench in fact remained virtually non-

functional for almost 4 years. As such, since no other alternate efficacious remedy was available, the said Writ Petition came to be filed before this Hon'ble Court.

16. On the other hand, Original Application No. 25 of 2021 was filed on 12th March 2021 by me before the NGT and sought the opening up of the artificial blockages to the pipelines that have been installed in the Panje area, which was leading to the drying up of the wetland. These pipeline structures are not connected to the holding ponds, as admitted by the Petitioners themselves. The position of the said pipelines are annexed hereto and marked as **Exhibit-E**. Pictures of the blocked pipelines are annexed hereto and marked as **Exhibit-F**.

17. The cause of action in the OA filed before the NGT was the blockages to the pipelines which occurred in or around November 2020. Since it fell within the meaning of the phrase "substantial question relating to the environment" as defined under the NGT Act, 2010, the NGT had the



exclusive jurisdiction to entertain the matter under Section 14 of the said Act.

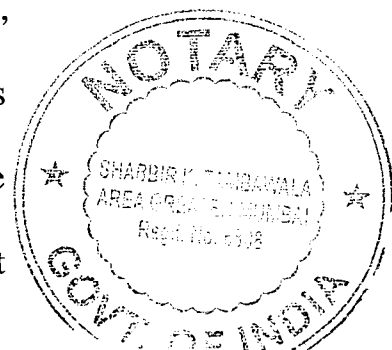
18. As far as PIL 106 of 2021 and OA No. 25 of 2021 are concerned, the prayers sought in both matters are distinct and based on different provisions of law. O.A. 25 of 2021 filed by me before the NGT sought to rely on the clause 3(iv) of the CRZ Notification, 2011 which prohibits the land reclamation, bunding or disturbing the natural course of water. PIL 106 of 2021 filed by Vanashakti sought appropriate directions to conserve the area under the provisions of the Wildlife (Protection) Act, 1974. It would appear that this being the case, the said issue would not be covered by the NGT Act.

19. As far as Writ Petition No.13476 of 2018 is concerned, the issues raised were specifically those affecting the traditional fishing community of the area, and the violation of their constitutional right to livelihood.



20. The nature of working in the field of environmental conservation is that when an ecologically significant area faces an imminent threat of destruction, multiple entities and individuals interested in the protection of the area (that may or may not have worked together before), may file petitions in the forum that they believe is appropriate based on the reliefs sought. As rightly observed by this Hon'ble Court, it is indeed conceivable that two different Petitioners may make similar pleas in two different forums. I say that the present matter is not different.

21. It is therefore respectfully submitted that the proposition that the answering Respondent, who has through his efforts and initiatives gained a reputation of his own, and Vanashakti have colluded by filing multiple petitions on the same subject matter must be rejected. At the cost of repetition, I say that while I have collaborated with numerous organisations in the field of coastal conservation, I have been working independently through his organization, Shree Ekvira Aai Pratishthan representing the interests of traditional fishing communities. The OA/Writ



Petition in question was filed by me in my individual capacity and has nothing to do with the PIL filed by Vanashakti.

Solemnly affirmed at Mumbai)

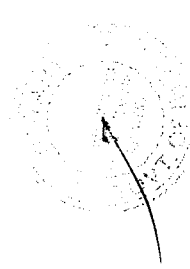
Dated this 14th day of)

November, 2022)

Nandkumar Pawar

Respondent

(Nandkumar Pawar)



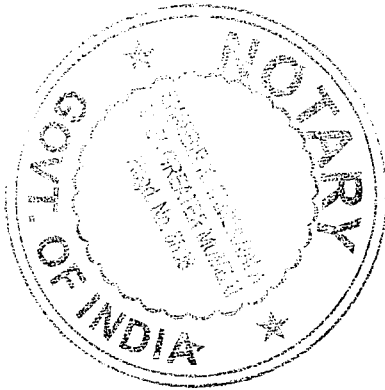
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Meenaz Kakalia

Meenaz Kakalia

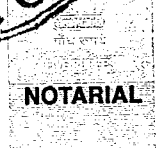
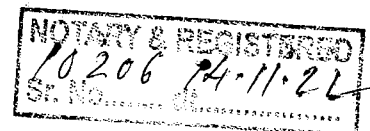
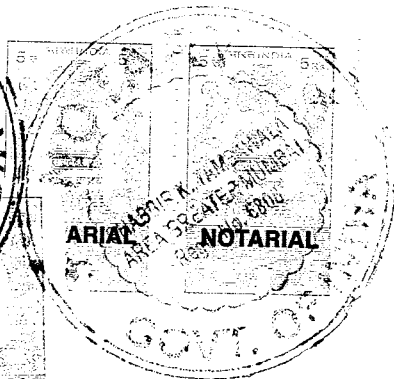
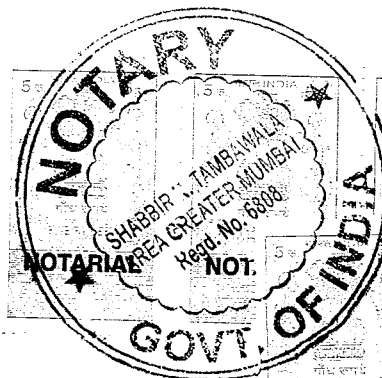
Advocate for the Respondent

Before me

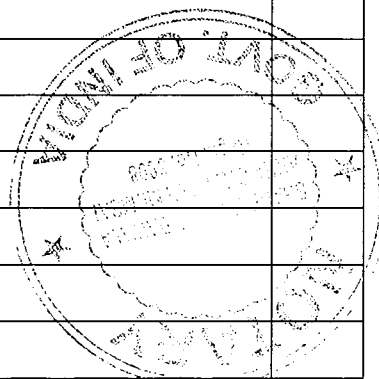


S. K. Tambawalla
BEFORE ME

S. K. TAMBAWALLA
ADVOCATE, HIGH COURT
B-23, Taheri Manzil
Nesbit Road, Mazgaon
Mumbai - 400 010



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ANNEXURE R-2

Shephali

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 12220 OF 2022**

City Industrial Development Corporation ...Petitioner
CIDCO Bhavan
Versus
State of Maharashtra through the Environment ...Respondents
Department & Ors

WITH

PUBLIC INTEREST LITIGATION NO. 106 OF 2021

Vanashakti & Anr ...Petitioner
Versus
Revenue and Forest Department, State of ...Respondents
Maharashtra & Ors

WITH

WRIT PETITION NO. 12225 OF 2022

Navi Mumbai Sez Pvt Ltd ...Petitioner
Versus
The State of Maharashtra & Ors ...Respondents

WITH

WRIT PETITION NO. 13476 OF 2018

Nandkumar Waman Pawar & Ors ...Petitioners
Versus
City Industrial Development Corporation of Mah ...Respondents

Ltd & Ors

Dr Milind Sathe, Senior Advocate, with Saket Mone, Rubin Vakil, Rishit, Bidiani, Ketan Dave & Gaurav H Gangal, i/b AS Dayal & Associates, for the Petitioner in WP/12225/2022 and for Respondent No. 9 in PIL/106/2021.

Mr Zaman Ali, for Petitioner in PIL No. 106/2021.

Mr Akash Rebello, i/b Meenaz Kakalia, for the Petitioner in WP/13476/2018.

Mr Parag Vyas, with Karuna Yadav, i/b AA Ansari, for Union of India.

Mr GS Hegde, with PM Bhansali, for Respondents-CIDCO.

Ms Jaya Bagwe, for MCZMA in all matters.

Mr PN Diwan, AGP, for the Respondent State.

**CORAM G.S. Patel &
Gauri Godse, JJ.**

DATED: 15th November 2022

PC:-

1. List this group of matters on Friday, 18th November 2022 for directions.

(Gauri Godse, J)

(G. S. Patel, J)

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**BEFORE THE NATIONAL GREEN
TRIBUNAL, WESTERN BENCH
SITTING AT PUNE**

IA No. 38 OF 2023

IN

ORIGINAL APPLICATION

NO. 108 OF 2022

Kalyan-Ambarnath Manufacturers Association.
... Applicant

IN THE MATTER BETWEEN

Nandakumar Waman Pawar & Anr.
... Original Applicants

Versus

Maharashtra Industrial Development Corporation
& Ors. ... Respondents



AFFIDAVIT IN REPLY BY APPLICANT

Dated this 21st day of March, 2023

ZAMAN ALI

Advocate for the Applicant

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