

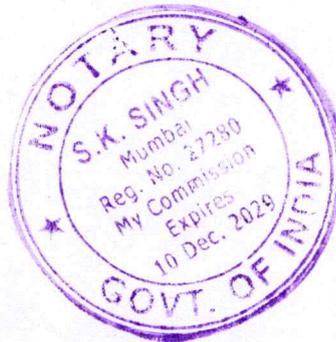
BEFORE NATIONAL GREEN TRIBUNAL
WESTERN ZONE BENCH, PUNE
ORIGINAL APPLICATION NO. 40 OF 2025 (WZ)

INDEX

Sr. No.	Particular	Pg. No.
1	Affidavit in reply on behalf of- Respondent BMC	
2	Exhibit A Colly are the copies of notice under section 354-A, dated 10.06.2026, MPCB letter dated 07.11.2025, notice dated 09.12.2025.	

4/5/25

Advocate for Respondent BMC



**BEFORE NATIONAL GREEN TRIBUNAL
WESTERN ZONE BENCH, PUNE**

ORIGINAL APPLICATION NO. 40 OF 2025 (WZ)

Go Green Foundation Trust And Anr.Applicant

V/s.

Union of India and Ors.Respondent

AFFIDAVIT ON BEHALF OF RESPONDENT NO. 5 BMC

I, Shri. Rajesh SantoshKumar Dholay, Indian Inhabitant working as Executive Engineer (Building Proposal)City-I in the employment of the Respondent BMC having my Office at Office of the Deputy Chief Engineer(Building proposal Department) City, Opposite Hanuman Mandir, near Vidyalankar College Road, Antop hill , Mumbai-400037 do hereby state on solemn affirmation as under:-

1. I say that, Licensed Surveyor Shri. Shashikant Jadhav of M/s. Spaceage Consultants had submitted the proposal under modified D. C. Regulations 33 (7) on behalf of his client M/s. Hilton Infrastructure for redevelopment of property bearing C.S. No. 207, 1/207 & 208, of Tardeo Division situated at Shukhlaji Street, in 'D' Ward Mumbai. Further the proposal was scrutinized and detailed report was submitted to Competent Authority. After the obtaining sanction of competent authority u/no. CR/ESP/277/One dtd. 30.04.2011. IOD with plans was issued on

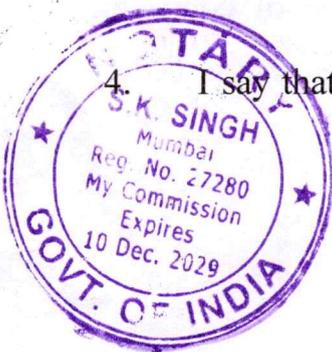


06.05.2011 and C.C. up to plinth level was issued on 26.08.2011.

2. I say that, Licensed Surveyor had submitted amended plans by claiming fungible FSI for Non Residential & Residential Rehab tenants and as well as for Sale Builtup, Area (BUA). The proposal was forwarded for approval of Chief Engineer (D.P.) / Municipal Commissioner and various concessions were approved u/no. MCP/5583 dated 20.02.2014. The Building proposal Department had issued approval letter along with plans on 09.04.2014 by restricting sale fungible FSI due to nonpayment of fungible premium. Thereafter C.C for entire rehab work i.e. wing 'B' & 'C' was issued on 22.10.2014 as per approved plans dated 09.04.2014 and for sale wings 'A-1' & 'A-2' C.C. up to 12th floor was issued on 11.05.2015 as per approved plans 09.04.2014.

3. I say that, Licensed Surveyor (L.S). Shri. Shashikant Jadhav resigned as licensed surveyor for the said proposal and Developer has appointed Licensed Surveyor (L.S). Shri. M.A.Shaikh as a licensed surveyor for continuation of the said proposal. The Building proposal Department accepted supervision memo submitted by licensed surveyor Shri.M.A. Shaikh on 18.10.2016. Thereafter licensed surveyor has submitted proposal for Public Parking Lot (PPL) under DCR 33(24) and Urban Development Department Government of Maharashtra has granted approval u/No. TPB-4316/CR 136/2016/UD-11 dated 29.12.2016. The LOI for PPL is granted u/No. Ch. Eng./601/MC/Rds. & Tr. /MC/C-44 Dated 30.06.2017, further the said letter of intent LOI was revised as per DCPR 2034 u/no. Ch. Eng./3410/Roads & Tr./MC/C-44/PPL Dated 18.03.2019.

4. I say that, after Licensed Surveyor (L.S). has submitted amended plans and



proposed to convert entire proposal under regulation 33 (7) & 33 (18) of DCPR 2034. The proposal was forwarded to competent authority for various necessary concessions and same was approved on 16.10.2020. As per concession plans, the proposed Building comprises of 2 nos. of basements for Public Parking Lot accessible by 9.00 Mt. wide 2 way ramp with separate entry and exit from 18.30 mt. Vide Shuklaji street. Thereafter the proposed building have been divided in wings Wing A1 & Wing A2 Ground floor for N.R. rehab tenants & 1st floor for N.R. rehab and partly for Sale N.R tenement. 2nd to 5th podium for captive parking 6th floor partly for residential users and partly for fitness centre + 7th floor (pt.) Refuge + 8th floor to 13th floor 14th floor (pt) Refuge 15th to 22nd floor for Sale Residential user with total wing height of 69.95 Mt. Wing 'B' (Rehab Resi.) Comprising of Ground floor Entrance lobby, Meter Room, Society office, OWC, 01 NR & Parking spaces + 1st to 7th 8th floor (pt.) Refuge + part Rehab Residential & 9th to 13th floor for Rehab Residential with total wing height of 40.90 Mt. Wing 'C' (Rehab Commercial.) comprising Ground floor Entrance lobby, Meter Room, STP, Parking spaces & 01 N.R. + 1st to 8th floor for Rehab N.R. + 9th floor with total wing height of 42.20 Mt.

5. I say that, the plans were issued on 12.08.2021 by claiming partial fungible built up area i.e. 1210.56 sq. mt. Again L.S. has submitted amended plans and claimed additional 1568.04 sq. mt. fungible built up area, the plans were issued on 19.08.2021.

6. I say that, after Licensed Surveyor L.S. has submitted amended plans by claiming incentive built up area of public parking lot and its fungible built up area. The plans were approved on 31.12.2021. As per approved, amended plans, the



proposed Building Comprises of 2 nos. of basements for Public Parking Lot accessible by 9.00 Mt. wide 2 way ramp with separate entry and exit from 18.30 mt. Vide Shuklaji street. Thereafter the proposed building have been divided in wings Wing A1 & Wing A2 Ground floor for N.R. rehab tenants & 1st floor for N.R. rehab and partly for Fitness Centre + 2nd to 5th podium for captive parking 6th floor 7th floor (pt.) Refuge 8th floor to 13th floor 14th floor (pt.) Refuge 15th to 21st floor for Sale Residential+22nd floor for part fitness center & Sale Residential user with total wing height of 69.95 Mt. Wing 'B' (Rehab Resi.) comprising of Ground floor Entrance lobby, Meter Room, Society office, OWC, 01 NR + 1st to 7th 8th floor (pt.) Refuge + part Rehab and part sale Residential & 9th to 11th floor for Rehab Residential+12th floor for Sale Residential+13th floor for part Rehab & Sale Residential with total wing height of 40.90 Mt. Wing 'C' (Rehab Commercial) comprising of Ground floor Entrance lobby, Meter Room, STP, Parking spaces & 02 N.R.+ 1st to 7th floor for Rehab N.R.+ 8th floor for Rehab N.R. with total wing height of 34.10 Mt.

7. I say that, after Licensed Surveyor (L.S). has requested to issue further C.C. up to the 20th (part) floor, while the remaining work C.C. up to the 22nd floor has been restricted till the handover of the public parking lot to BMC as per regulation 33 (18) of DCPR 2034. L.S. has also requested to allow to grant full core C.C. to wing 'A-1' & 'A-2' for staircase, lift, lift lobby, lift machine room & over head tank as per approved plans dated 31.12.2021. After receiving the requisite premiums C.C. was issued on 13.01.2022.

8. I say that, on 10.06.2023, Designated Officer 'D' Ward has issued Stop Work notice for 21st and 22nd floor u/s 354-A of MMC Act for work carried out beyond Commencement Certificate. Further on receipt of letter from MPCB dated



07.11.2025, another stop work notice was issued by Designated Officer 'D' Ward on 09.12.2025. Hereto annexed and marked as **Exhibit A Colly** are the copies of notice under section 354-A, dated 10.06.2023, MPCB letter dated 07.11.2025, notice dated 09.12.2025. These Respondent BMC further state that they are following due process of Law in the above mention case.

Solemnly Affirmed at Mumbai

26 February, 2026

Sale

Advocate for Respondent No. 5 BMC


Before Me



VERIFICATION

I, Shri. Rajesh SantoshKumar Dholay, Indian Inhabitant working as Executive Engineer (Building Proposal)City-I in the employment of the Respondent BMC having my Office at Office of the Deputy Chief Engineer(Building proposal Department) City, Opposite Hanuman Mandir, near Vidyalankar College Road, Antop hill , Mumbai-400037 do hereby state on solemnly declared that what is stated in foregoing paras of the above Affidavit in Reply is stated from the office files of the Respondent and on information and belief which I believe the same to be true affirmation as under:-

Solemnly Affirmed at Mumbai

26 February, 2026

Sale

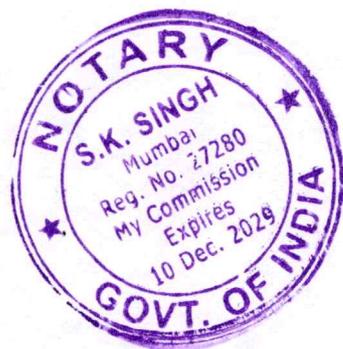
Advocate for Respondent No. 5 BMC

[Signature]
Before Me

BEFORE ME

[Signature]

S.K. SINGH
NOTARY
Government of India
Mumbai
26 FEB 2026



NOTED & REGISTERED
Sr. No. 136 Page No. 104
Book No. 10 Date.....

26 FEB 2026



MUNICIPAL CORPORATION OF GREATER MUMBAI
STOP WORK NOTICE UNDER SECTION 354 (A) OF
MUMBAI MUNICIPAL CORPORATION ACT, 1888

Notice No.: D/DO1D/216/354A-MMC ACT/D143N01/10-06-2023 Date: 10/06/2023

Ref No.: 169875

To,

Owner/Occupier/Developer,

M/s. Hilton Infrastructure Rubberwala House,
 Dr. A. R. Nair Road Agripada Mumbai-400011.

Whereas the undersigned has been appointed as the Designated Officer under section 351(1) of Mumbai Municipal Corporation Act, 1888 (hereinafter for the brevity sake referred as the said Act) to exercise the powers under section 351, 352, 352A and 354A of the said Act.

And whereas I am satisfied that you have unlawfully commenced / are unlawfully carrying on erection of building / execution of work as described in the schedule appended below in contravention of section 337/342 and section 347 of the said Act situated at on plot bearing C.T.S. No. 1/207, 207 & 208, Planning Scheme No. 2034, Shuklaji Street, Mumbai-400008.

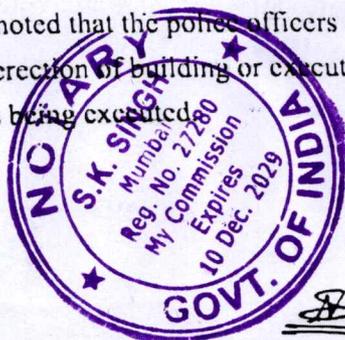
Schedule (Description of work):

Unauthorized ongoing construction beyond Commencement Certificate (C.C.) u/no. EB/5814/D A/FCC/2/Amend dtd. 13-01-2022 i.e. construction of 21st and 22nd Floor at Wing-A1 & Wing-A2 on plot bearing C.T.S. No. 1/207, 207 & 208, Planning Scheme No. 2034, situated at Shuklaji Street, Mumbai-400008.

Therefore, I, in exercise of powers and functions conferred upon me under section 354A of the said Act, hereby direct you to stop the erection of the said building / execution of the said work forthwith and submit permission approved by the competent authority in favour of the erection of the said building or execution of the said work within 24 hours in my office.

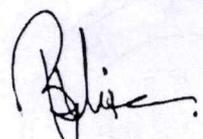
It should be noted that, if the erection of the building or execution of the work is not stopped forthwith or permission approved by the competent authority in favour of the erection of the said building or execution of the said work is not produced within 24 hours from the service of this notice, the said building/work will be removed or pulled down and all the materials, machinery, equipment, devices or articles used in the process of erection of the said building or execution of the said work will be removed from the site, at your risk and cost, without further notice.

It should also be noted that the police officers are being directed to remove all persons directing or carrying out the said erection of building or execution of work from the place where the building is being erected or the work is being executed.



BM
 B0-216

10/06/23


 Shri. Dilip Santosh Ahire
 Executive Engineer (B&E) W
 (Designated Officer)

MMC ACT 354A Police Station copy

Inspector of Police,
Nagpada Police Station,
Nagpada Mumbai-400008.

Whereas the undersigned has been appointed as the Designated Officer under section 351(1) of Mumbai Municipal Corporation Act, 1888 (hereinafter for the brevity sake referred as the said Act) to exercise the powers under section 351, 352, 352A and 354A of the said Act.

And whereas I. am satisfied that Shri./Smt. Owner/Occupier/Developer, has/have unlawfully commenced / are unlawfully carrying on erection of building / execution of work as described in the schedule appended below in contravention of section 337/342 and section 347 of the said Act situated at M/s. Hilton Infrastructure, Rubberwala House, Dr. A. R. Nair Road, Agripada, Mumbai-400011.

Schedule (Description of work):

Unauthorized ongoing construction beyond Commencement Certificate (C.C.) u/no. EB/5814/D/ A/FCC/2/Amend dtd. 13-01-2022 i.e. construction of 21st and 22nd Floor at Wing - A1 & Wing - A2 on plot bearing C.T.S. No. 1/207, 207 & 208, Planning Scheme No. 2034, situated at Shuklaji Street, Mumbai-400008.

And whereas, I. in exercise of powers and functions conferred upon me under section 354A(2) of the said Act, have directed him/her/them to stop the erection of the said building/ execution of the said work forthwith and submit permission approved by the competent authority in favour of the erection of the said building or execution of the said work within 24 hours in my office.

And whereas, there is need to remove all persons directing or carrying out the said erection of building or execution of work from the place where the building is being erected or the work is being executed to ensure compliance of notice.

Therefore, I, in exercise of powers and functions conferred upon me under section 354A(2) of the said Act, hereby direct you to keep a vigil at place where the building is being erected or the work is being executed and to remove all persons directing or carrying out the said erection of building or execution of work from it.

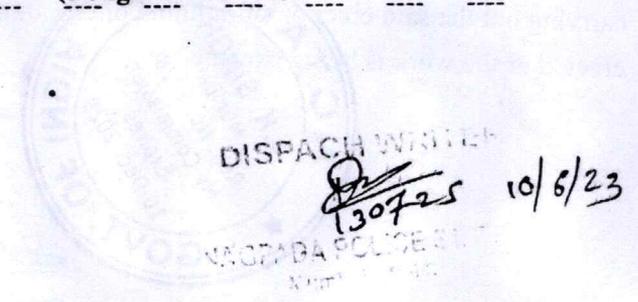
(Signature)
(NARENDRA SAHANT.)
10/6/23. 2.45pm.

Signature: *(Signature)*
Name: **Shri. Dilip Santosh Ahire**
Designation: **Designated Officer, D&W Ward**
(Designated Officer)



(Signature)
20-216

(Signature)
AEL/110



MAHARASHTRA POLLUTION CONTROL BOARD

620

Sub Regional Office, Mumbai-1

Ph. :- (022)- 24015269

Fax Ph. :- (022)- 24016239

Visit us at :- <http://mpcb.gov.in>

e-mail : sromumbai1@mpcb.gov.in



Second Floor, Kalpataru Point,
Sion Circle, Sion(E),
Mumbai- 400 022.

No: MPCB/SROM-1/Comp/TB/251107-FTS-0161

Date :- 07/11/2025

To,

✓ The Deputy Chief Engineer (Building and Proposal)

City New Municipa Building, C. S. No. 355/B,

Bhagwar Walmiki Chowk, Vidyalavihar Marg,

Opp Hanuman Mandir, Antop Hill,

Wadala (East), Mumbai.

Sub:- Directions under section 33A of the Water (Prevention & Control of Pollution) Act 1974 & under Section 31A of the Air (Prevention & Control of Pollution) Act 1981 in respect of M/s. Hillton Infrastructure, CCTS No.207, 1/207,208 of Tardeo Div. Ward No. D-4042-46 and 4039 D ward, situated at 122-138, Shuklaji Street, Mumbai 400008.

Ref:- 1) This office Letter No. MPCB/RO/SO/-2510200002 dated 20/10/2025.
2) Original Application no. 40/2025 filed in Hon'ble National Green Tribunal by Go Green Foundation Trust & Anr. v/s Union of India & Ors.

Sir,

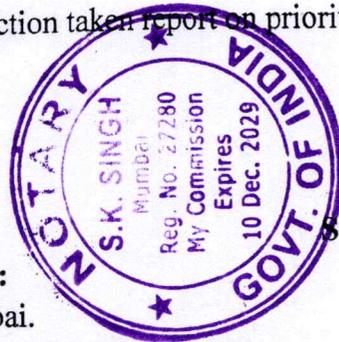
With reference of above subject matter, Board has issued Direction under section 33A of the Water (Prevention & Control of Pollution) Act 1974 & under Section 31A of the Air (Prevention & Control of Pollution) Act 1981 vide ref. 1 to M/s. Hillton Infrastructure, CCTS No.207, 1/207,208 of Tardeo Div. Ward No. D-4042-46 and 4039 D ward, situated at 122-138, Shuklaji Street, Mumbai 400008 on 20/10/2025 and requested you to issue stop work for ongoing construction activity & submit action taken report. In this regards original application no. 40/2025 filed in National Green Tribunal vide ref.2.

Till this office has not received any action taken report from your end.

You are requested to submit action taken report on priority to this office.

Enclosure:- Direction Copy

Copy submitted for information to :
Regional Officer, MPC Board, Mumbai.



(Pratap Jagtap)

Sub Regional Officer, Mumbai-I

बृहन्मुंबई महानगरपालिका
उप. प्र. अभि. (इ. प्र) शहर
कार्यालय
EM 845562878 IN
दिनांक 17 NOV 2025
उप. प्र. अभि. (इ. प्र) शहर
2416
आस्थापना
तक्रार
वेळ १०, ११, १२, १, २, ३, ४, ५

कार्यकारी अभियंता (इमारत प्रस्ताव) शहर 9/2/3

Most Urgent

check & take n/a immediately

उप. प्रमुख अभियंता (इ. प्र.) शहर 8/11/25



621

6/c

BRIHANMUMBAI MUNICIPAL CORPORATION

Office of Assistant Commissioner, 'D' Ward Municipal Office, Jobanputra Compound,
Nana Chowk, Grant Road (West), Mumbai - 400 007.

Notice No.: OACD/ 11007 /B&F dated 09/12/2025.

STOP WORK NOTICE

**FOR NON COMPLIANCE OF DIRECTION OF M.P.C.B. U/S 33A OF THE WATER
(PREVENTION & CONTROL OF POLLUTION) ACT 1974 & U/S 31A OF THE AIR
(PREVENTION & CONTROL OF POLLUTION) ACT 1981**

To,
Project Proponent/ Architect/ License Surveyor/Project Manager,
M/s. Hilton Infrastructure,
CCTS No. 207, 1/207, 208 of Tardeo Div.
Ward No. D-4042-46 and 4039 D Ward,
Situated at 122-138, Shuklaji street, Mumbai- 400 004.

Sub.:- Direction of M.P.C.B. u/s 33A of the Water (prevention & control of pollution) Act 1974 & u/s. 31A of the Air (prevention & control of pollution) Act 1981 in respect of **M/s. Hilton Infrastructure**, CCTS No. 207, 1/207, 208 of Tardeo Div. Ward No. D-4042-46 and 4039 D Ward, Situated at 122-138, Shuklaji Street, Mumbai- 400 004.

Ref.:- 1) Stop Work Notice issued by this office u/s. 354-A of MMC Act u/no. D/DO1D/216/354A-MMC ACT/D143N01/10-06-2023 Date: 10/06/2023.
2) MPCB/SROM-1/Comp/TB/251107-FTS-0161date:07/11/2025.
3) File no.- EB/5814/D/A

Whereas the undersigned has been appointed as the Designated Officer under section 351(1) of Mumbai Municipal Corporation Act, 1888 (hereinafter for the brevity sake referred as the said Act) to exercise the powers of the said Act.

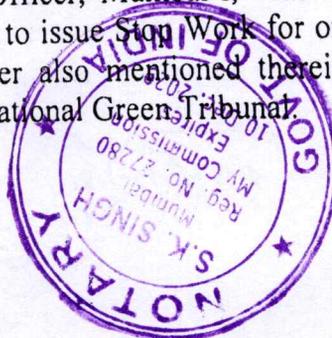
And whereas, this office has issued the Stop Work Notice u/s. 354-A of MMC Act on 10-06-2023 for unauthorized ongoing construction beyond Commencement Certificate (C.C.) u/no. EB/5814/D/ A/FCC/2/Amend dtd. 13-01-2022 i.e. construction of 21st and 22nd Floor at Wing-A1 & Wing-A2 on plot bearing C.T.S. No. 1/207, 207 & 208, Planning Scheme No. 2034, situated at Shuklaji Street, Mumbai-400008.

And whereas, this office has received a letter vide no. MPCB/SROM-1/ Comp/ TB/ 251107-FTS-0161date:07/11/2025 from Sub Regional Officer, Mumbai-I of Maharashtra Pollution Control Board along with the copy of the letter of Regional Officer, Mumbai bearing no. MPCB/RO/SO/2510200002 dtd. 20-10-2025 addressed to M/s. Hilton Infrastructure which is also forwarded to Asstt. Comm. 'D' Ward and Designated Officer / Executive Engineer (B&F) 'D' Ward wherein it is mentioned as follows :-

"And whereas, after examining all the reports and records available with this office, I have concluded that, you are knowingly and willfully violating the provisions of the Water (Prevention & Control of Pollution) Act, 1974 and the Air (Prevention & Control of Pollution) Act, 1981.

Therefore, you are hereby directed to stop your ongoing construction activity forthwith, failing which, the Board will initiate appropriate legal action against you, which please note."

And whereas, Sub Regional Officer, Mumbai-I, vide the above mentioned letter dtd. 07-11-2025 requested the undersigned to issue Stop Work for ongoing construction activity and submit action taken report and further also mentioned therein that, in this regard, Original Application No. 40/2025 filed in the National Green Tribunal.



And whereas, pursuant to the above referred letters received from Sub Regional Officer, Mumbai-I of Maharashtra Pollution Control Board dtd. 07-11-2025, I am satisfied that, you have commenced the following work without compliance of the conditions mentioned in the above referred letter of Regional Officer, Mumbai, Maharashtra Pollution Control Board :-

Schedule (Description of work):

Non compliance of Direction of M.P.C.B. u/s 33A of the Water (prevention & control of pollution) act 1974 & u/s 31A of the Air (prevention & control of pollution) act 1981 in respect of **M/s. Hilton Infrastructure**, CCTS No. 207, 1/207, 208 of Tardeo Div. Ward No. D-4042-46 and 4039 D Ward, Situated at 122-138, Shuklaji street, Mumbai- 400 004.

Therefore, I, in exercise of powers and functions conferred upon me under MMC Act, hereby direct you to stop the erection of the said building / execution of the said work forthwith and submit explanation with proof of compliance of direction given by MPCB u/no. MPCB/RO/SO/2510200002.

It should be noted that, if the ongoing work is not stopped forthwith or compliance of directives issued as above are not done with respect to notice issued the said building within 24 hours from the service of this notice, all the materials, machinery, equipment, devices or articles used in the process of erection of the said building or execution of the said work will be removed from the site, at your risk and cost, without further notice. Also, stringent action such as sealing of work site and legal action due to non compliance of guidelines shall be taken up at your risk, cost, consequences and peril.

Signature:.....
Name : Shri. Dilip Santosh Ahire
Designated Officer- D Ward

O/c to
गिरीश
A.E. (B & F) D
Dilip
JEC(B&F)

C.C. to
Shri. Pratap Jagtap,
Sub Regional Officer, Mumbai-I,
Maharashtra Pollution Control Board,
Sub Regional Office, 2nd Floor, Kalpataru Point,
Sion Circle, Sion (E), Mumbai-400 022.

Submitted for information please.

Designated Officer/ Executive Engineer
(B & F) D Ward

O/c to
गिरीश
A.E. (B & F) D
Dilip
JEC(B&F)D

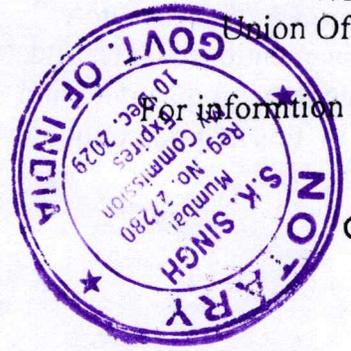
C.C. to
(Adv. Kunal Yeole),
Asstt. Law Officer (DRT)

Ref.:- Before The National Green Tribunal, Western Zone Bench, Pune, Maharashtra
Original Application No. 40 of 2025 (WZ)
Go Green Foundation Trust & Ors. : Applicant
V/s.
Union Of India & Ors. : Respondents.

Submitted for information please.

Designated Officer/ Executive Engineer
(B & F) D Ward

O/c to
गिरीश
A.E. (B & F) D
Dilip
JEC(B&F)D



C.C. to E.E.(B.P.) City-I

Submitted for information necessary action please.

d/c

Designated Officer/ Executive Engineer
(B & F) D Ward

C.C. to A.C. 'D' Ward
Sir,

ABUSK/11/11/10
D'

[Signature]
(SECRET)

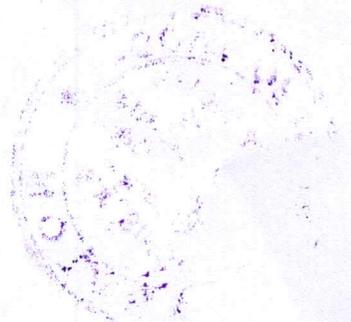
Submitted for information please.

Designated Officer/ Executive Engineer
Executive Engineer (B & F) 'D' Ward
(Designated Officer)

ok

ABUSK/11/11/10
D'

[Signature]
(SECRET)



**BEFORE NATIONAL GREEN
TRIBUNAL WESTERN ZONBENCH,
PUNE ORIGINAL APPLICATION
NO. 40 OF 2025 (WZ)**

Affidavit in Reply on behalf of the
Respondent BMC

Dated this day of



Komal R. Punjabi
Law Officer & Ors.
Advocate for Respondents,
Municipal Corpn. of Gr. Mumbai
Legal Department, 3rd floor,
Mahapalika Marg,
Fort, Mumbai-400 001.