

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL

WESTERN ZONE BENCH

ORIGINAL APPLICATION NO.100 OF 2024 (WZ)

Vanashakti & Anr. ...Applicant

Versus

Municipal Commissioner, MCGM& OrsRespondents

ORIGINAL APPLICATION NO.166 OF 2024 (WZ)

Nusli Neville Wadia ...Applicant

Versus

State of Maharashtra & OrsRespondents

AFFIDAVIT IN REPLY

I, Jitendra Vitthalsing Pardeshi, Adult, Occupation - Service as Superintendent of Gardens and tree officer of Brihanmumbai Municipal Corporation, having office at 2nd Floor, Superintendent Of Gardens Office, Penguin Building ,Veermata Jijabai Bhosale Udyaan, Byculla (East) Mumbai 400027; do state on solemn affirmation as under:

1. I say that, I have made myself conversant with the facts of the case and am able to depose on behalf of the Respondent No 1 to 3 in Application No.100 of 2024 and Respondent No. 3 to 6 in Application No. 166 of 2024. I am filing this common affidavit in reply thereto.



2. The allegations in the application no. 100 of 2024 pertaining to plot bearing CTS No. 827A/4A/1, 827A/4A/2 of Village Malad (East) and the allegations in application no. 166 of 2024 pertaining to plot bearing CTS No. 827A/4A/1 of Village Malad (East) are similar. Both the applications comprise of three averments **i.e. HILL CUTTING, TREE CUTTING AND OBSTRUCTION TO NALLA.**
3. These respondents state that, this Hon'ble Tribunal by an order dated 05.08.2024 has constituted Joint Committee to visit the site in question. The joint committee has already submitted its report to this Hon'ble Tribunal after site inspection. Further as per previous order of this Hon'ble Tribunal dated 10.05.2024 in the application no 100 of 2024. The said committee has also submitted additional report dated 30.11.2024 as directed by Hon'ble Tribunal in addition to the previous report of committee.
4. On perusal of both the applications and the documents submitted by applicants, present respondent state as under -

A. DEVELOPMENT ON PLOT:

- a. These Respondents states that; the plot bearing CTS No. 827A/4A/1 of Village Malad (East) is situated in **NO DEVELOPMENT ZONE** as per prevailing sanctioned D. P i.e. sanctioned D.P 1991 and also as per new sanctioned D.P 2034. The development of IT/ITE along with Residential user is permissible as per regulations no. 60 of the then prevailing regulations i.e. amended DC Regulations 1991. The plot is a single layout in which plans have been approved for IT/ ITE/residential purpose. Five I.T/ITE



buildings have been granted OCC in the past and the balance development of other IT/ ITE/ residential buildings is in progress as per approved plans. The development is permissible as per Clause 3.5 of Regulation No. 34 of DCPR-2034 in No Development Zone.

- b. These Respondents state that; the adjoining plot bearing CTS No. 827A/4A/2 of Village Malad (East) is in the Residential Zone and is reserved for "**Police Housing**". The same is situated between SGNP and the plot being developed by Respondent No 10. The 18.3 m D.P. Road providing access to the police housing plot is in Brihanmumbai Municipal Corporation possession and development of the road is in process by BMC through the contractor.
- c. The plot comprises of number of large platues, Theses respondents submit that the excavation, levelling, filling required for the development of the buildings on the plot including the infrastructure, roads, accesses, compound walls, retaining walls etc is permitted under the MRTP Act and the same cannot be construed as Hill Cutting.
- d. The new Development Plan for Mumbai was sanctioned on 8.5.2018 along with DCPR 2034 after following due process as stipulated under MRTP Act 1966. The ESZ line is distinctly marked on the sanctioned D.P. Plan by BMC so that NOC from Monitoring Committee can be insisted upon from Project Proponent.



e. The plot under reference is private non forest land. However, the plot is affected by 100m ESZ from SGNP on northern and eastern side boundary of the plot. The ESZ NOC has been issued by the Monitoring Committee to Respondent No 10 on 1.11.2018 for the development of plot under ESZ portion from SGNP. Copy annexed to Joint Committee Report as Annexure-'G'. The Construction activity is a regulated activity and not a prohibited activity as per the ESZ notification and is permitted within the Eco-Sensitive Zone as per the provisions of the approved Development Plan and other applicable rules and regulation under the Maharashtra Regional and Town Planning Act.



f. The Respondent submits that; as regards to allegation of hill cutting is concerned, the Development Plan department of the MCGM has informed that, the site was inspected on 07.06.2024 by the staff of this DP Department and it is observed that, The land is open barren land with grass and shrubs which is partially developed. No proposed construction work is observed within 100 m strip of ESZ affecting the plot on its North side and on its east side. No hill cutting/flattening is observed on site. The cutting and levelling for the purpose of development of buildings, roads and infrastructure is permissible The Joint Committee in their additional report also addressed this allegation at

point no. 9. Hereto annexed and marked as EXHIBIT 'A' is the copy DP Department remarks Dated 13.06.2024.

- g. One of the issues raised by applicant in application no. 166 of 2024 is pertaining to power of attorney and development agreement in respect of the plot under reference between applicant in application no. 166 of 2024 and respondent Ferani is not an environmental issue and as such is not within the scope of Hon'ble NGT. However, the respondent Ferani has submitted that the matter is subjudice since it is pending in High Court suit no. 1628 of 2008 and that there are no restraining orders against respondent Ferani. Respondent Ferani has also submitted various orders issued by Court in support of their say.

B. TREE CUTTING/PLANTATION:

- a. The main allegation of the applicant in both the applications is about cutting of trees on plot under reference.
- b. The present respondents state that; the Tree authority of Respondent BMC is the authority and empowered to initiate action for any tree cutting as per provisions of Maharashtra (Urban Areas) protection and preservation of trees Act 1975.
- c. In the year 2016, this Respondent has received letter from the letter Environment Minister of State of Maharashtra regarding the Cutting and burning of trees in Survey No.239. Accordingly, the Officers of MPCB has visited the site on 06.12.2018 and submitted site visit report to the

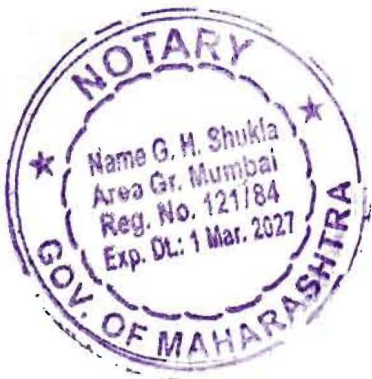


present respondent. Thereafter the NC was lodged under No. 942/19 on 25.03.2019, by Mr. Mayuresh Dattatray Bhoir from the Garden Department, P/North Ward, MCGM, against Ferani Hotels Pvt. Ltd. at Dindoshi Police Station, Mumbai and Further FIR was lodged at Dindoshi Police Station, Mumbai on 01.07.2019 against Ferani Hotels Pvt. Ltd. The case was investigated, and 'A' summary report was submitted by the investigating officer to the competent authority in respect NC was lodged under No. 942/19 on 25.03.2019 as per the copy of the letter from P.I Dindoshi Police Station which is attached with the Joint Committee Report as Annexure 10.

- d. The present respondents state that; on 07.11.2022, the FIR No.1100 dated 07.11.2022 was lodged by Garden department through its Officer Mr. Mayuresh Dattatray Bhoir from the Garden Department, P/North Ward, MCGM, with the at Dindoshi Police Station, Mumbai in respect of alleged tree cutting of 560 Trees. **Hereto annexed and marked as Exhibit 'B' is the copy of FIR No.1100 dated 07.11.2022.** The case was investigated, and 'C' summary report was submitted by the investigating officer to the competent authority in respect NC was lodged under No. No.1100 dated 07.11.2022 as per the copy of the letter dated 13.11.2024 from P.I Dindoshi Police Station which is attached with the Joint Committee additional Report.



- e. These respondent state that; as per the Panchnama dated 13/12/2022 carried out by forest department annexed as **Exhibit 'E'** by the applicant to the application No 166, no tree cutting was observed on the plot under reference by the Panch. It is seen that the said panchnama was carried out on physical site inspection by many members present and cannot be said to be incorrect as alleged by the Applicants.
- f. The respondent states that the tree NOC's dated 29/03/2013, 22/04/2013, 07/05/2013 have been issued by Supdt. of Gardens & Tree officer and subsequent letter for plantation was issued from Deputy Supdt. of Garden department of these respondent certifying new tree plantation of 1003 trees done by the respondent M/s Ferani. The tree NOC dated 29/03/2013 issued by Supdt. of Gardens & Tree officer, states that there were no existing trees on the plot. Thereafter, the respondent Ferani has newly planted about 1003 trees as certified by Deputy Supdt. of Garden department of these respondents vide its letter dated 28/05/2024. The Panchnama carried out on 13/12/2022 after due site inspection also states that no trees cutting are observed.
- g. The new trees planted by respondents Ferani shall have to be preserved by said respondents and no tree cutting shall be carried out without permission of the tree authority as

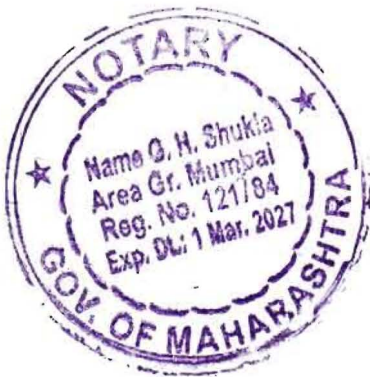


per provision of Maharashtra (Urban Areas) protection and preservation of trees Act 1975.

- h. These respondents state that the ESZ NOC has been issued by Monitoring Committee on 01/11/2018 in respect of development of land affected by ESZ to the respondent Ferani. The ESZ NOC is attached with the Joint Committee Report as annexure G.

C. WALBUT NALLA:

- a. Further it is alleged by the applicant that the river Oshiwara originates from Dindoshi hills, which has been wrongly recorded as Walbut Nallah by MCGM and satellite imagery would show that the river has been illegally reclaimed and the path of the river has been obstructed through the dumping of debris into the same which has reduced its width considerably. The Respondent Submit that, as per BRIMSTOWAD-II Master Plan, the land bearing CTS No. 827A/4A/1 of village Malad (E) is not affected by major nalla. Copy of BRIMSTOWAD-II Master Plan for Catchment No. 217-A enclosed herewith. **Hereto annexed and marked as Exhibit 'C' is the copy of remarks of Executive Engineer Storm Water Drains (P.C) dated 18.07.2024.**



- b. Further, Joint Committee in their additional report also addressed this allegation at point no. 3b. As per the remarks of Executive Engineer Thane Irrigation Division dated 01.8.2024 attached with additional report of joint committee, small streams flowing downstream meet walbut Nalla and are flowing unobstructed.
5. That Respondent state, the Respondent MCGM has taken the appropriate steps as per provisions of law in respect of various issues as detailed hereinabove.
6. This Respondent craves leave to add, alter or amend the aforesaid averments as and when necessary.

Date: 29/1/25

Mumbai



Respondent

Brihanmumbai Municipal Corporation

Supdt. of Garden



VERIFICATION

I, Jitendra Vitthalsing Pardeshi, Adult, Occupation - Service as Superintendent of Gardens and tree officer of Brihanmumbai Municipal Corporation, having office at 2nd Floor, Superintendent Of Gardens Office, Penguin Building ,Veermata Jijabai Bhosale Udyaan, Byculla (East) Mumbai 400027 do hereby state on solemn affirmation that what is stated in above paras are true and correct to my own knowledge and belief.

Solemnly Affirmed at Mumbai

This day th29 of January, 2025

Respondent
Brihanmumbai Municipal Corporation
Supdt. of Garden

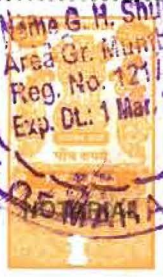
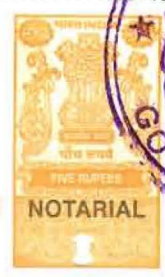
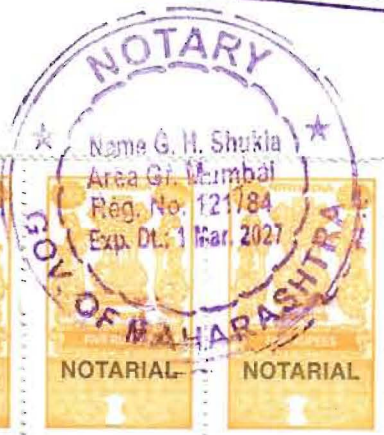
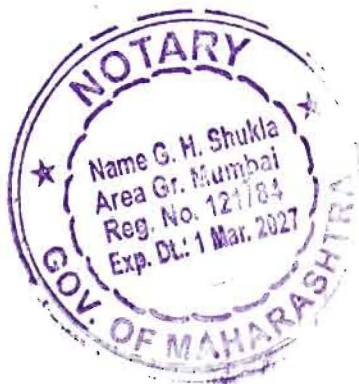
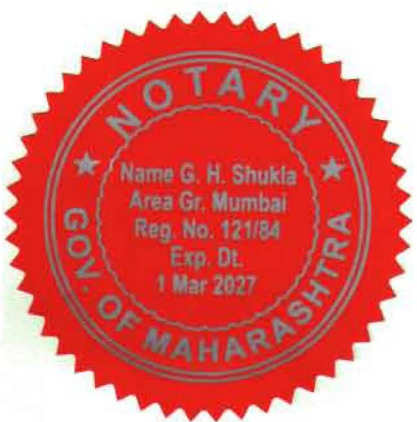
Advocate for Respondent

BEFORE ME

G. H. SHUKLA
NOTARY GREATER MUMBAI
Jagdamba Bhavan, Ground Floor,
Sanpatrao Kadam Marg, Lower Parel,
MUMBAI - 400 013

29 JAN 2025

NOTED & REGISTERED
Sr. No. 74898 Page No. 38
Book No. 30 Date 29 JAN 2025



Brihanmumbai Municipal Corporation :No **Ch.B./D.P./3967/WS** /DtDate **13 JUN 2024**

Sub: Original application has been filed by applicant no. 1 which is public trust working in the field of forest, mangroves and wetland protection and applicant no.2, who is project director of applicant no.1 is an environmentalist raising issue of conservation and protection of the hills located at Dindoshi region of Mumbai particularly the land bearing CTS No. 827A/4A/1 in Malad (East), which also bears S.No.239 and is possession of respondent no. 10, K. Raheja Realty and respondent no. 11 - Ferani Hotels Pvt.Ltd who are evidently burning the nature tree coverage in the region, systematically flattening the hills in the region and obstructing the Oshiwara (Walbut) river with an intention to destroy the natural course of river in such a manner so that the said land may be used for commercial development.

Ref: Note from legal department u.no. LO/LCT/003203/ALO/DRT dated 30/05/2024.

Vanashakti and Anr. Versus Municipal Commissioner and Ors.

Reference is requested to the application under no. 100 of 2024 in National Green Tribunal and the direction of the Hon'ble NGT issued on - 10.05.2024 wherein the Joint Committee is constituted by Hon'ble NGT. The present application No 100 of 2024 comprises of the averments mainly illegal Hill Cutting, and illegal Cutting of trees and Obstruction of river on plot under reference for which the remarks are sought by Hon'ble NGT.

The site has been inspected on 07.06.2024 by the staff of this office and the remarks/observations of this office from D.P point of view is detailed here under:-

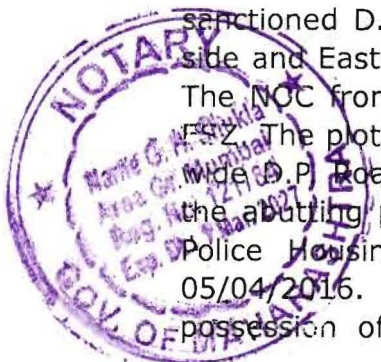
Description of plot: Plot bearing CTS NO 827A/4A/1 of village Malad (E).

General:

The plot u/r is situated in developed locality at Malad East, off A.K.Vaidya Road, near MHADA colony, Nagari Niwara Parishad etc and is accessible by 18.30m wide municipal road. The existing/under construction residential buildings/ complexes are situated on West side. SGNP is abutting on the North side. The reservation of Police Housing on plot bearing CTS NO 827A/4A/2 and SGNP are abutting on East side. MHADA colony is situated on South-West side. The site is touching the boundary of Aarey village on its South side.

D.P. Provision:

The plot u/r is situated in NDZ and is affected by D.P. Roads as per sanctioned D.P.2034. The major portion of the plot is outside ESZ. Only North side and East side portion of 100 m strip along SGNP boundary falls under ESZ. The NOC from ESZ monitoring committee is necessary for the development in ESZ. The plot is affected by nalla. As per sanctioned D.P. 2034, there is 18.30 m wide D.P. Road along the boundary of SGNP on North side providing access to the abutting plot bearing CTS No. 827A/4A/2 of village Malad (E) reserved for Police Housing as per the notification issued by state government dated 05/04/2016. The copy of Govt. notification is annexed hereto. The advance possession of this 18.30 m road is taken over by BMC on 20.07.2019 for



providing access to the said Police Housing plot. The copy of possession receipt in respect of said land under 18.30 m wide road is submitted herewith.

Site Inspection observations :

The land is open barren land with grass and shrubs which is partially developed. No proposed construction work is observed within 100 m strip of ESZ affecting the plot on its North side and on its east side. No hill cutting/flattening is observed on site. The cutting and leveling for the purpose of development of buildings, roads and infrastructure is permissible.

During site inspection, it is observed that leveling work of the land under 18.30m D.P. Road running parallel abutting the SGNP along Northern boundary of the plot is under process. Plot is generally having large platues at different locations. There are five IT/ITE buildings existing on site. Plinths of some of the buildings found existing on site. The leveling for infrastructure work is in progress. The internal roads have been found constructed for providing accesses to existing as well as proposed development. The land u/r is affected by a Nalla which carries storm water which is now in dry state. The sides of access roads are provided with green lawns/grass and are seen provided with storm water drains and Sewers along with chambers and are connected to Municipal drains and municipal sewer. All the services i.e water supply, electricity, SWD, SEWER, internet etc are available on site. The photographs showing aforesaid development are attached herewith. The development is permissible as per provisions of amended DCPR 2034. As per the ESZ notification, construction shall be permitted within the ESZ as per the provisions of the approved Development Plan and other applicable rules and regulations under the M.R.&T.P Act. The compliance of ESZ NOC if obtained by the respondent shall be observed by the planning authority.

Walbut Nalla:

The plot u/r is affected by nalla. As per policy note No. 26 of Govt. Notification dated 08.05.2018, the existing features shown on Development Plan are indicative and stands modified on Development Plan as per actual position. In light of the note printed on D.P. Sheet, the alignment of Nalla shown on plan shall be considered as per remarks given by SWD. Hence remarks may be obtained from SWD department separately in respect of said Wallbut nalla.

As regards other averments in the application, the remarks may be obtained separately from concerned departments.

Submitted please.

[Signature] 12-06-24
Asst. Engineer (Development plan) P/N

Asst. Law officer (DRT)

Prakash Shefal ALO

for n/a, discuss

[Signature]
DY LO DRT 2/7/24

COLLECT/16183/DYLODRT 2/07/2024
8/7/24





N.C.R.B (एन.सी.आर.बी)

I.I.F.-I (एकीकृत अन्वेषण फॉर्म - १)

FIRST INFORMATION REPORT

(Under Section 154 Cr.P.C.)

प्रथम खबर अहवाल

(कलम १५४ फौजदारी प्रक्रिया संहिता)

1. **District (जिल्हा):** बृहनमुंबई शहर **P.S.(ठाणे):** दिंडोशी
FIR No.(प्रथम खबर क्र.): 1100 **Year (वर्ष):** 2022
Date and Time of FIR (प्र. ख. दिनांक आणि वेळ): 07/11/2022 12:26

S.No. (अ.क्र.)	Acts (अधिनियम)	Sections (कलम)
1	महाराष्ट्र (नागरी क्षेत्रे) झाडांचे संरक्षण व जतन अधिनियम, १९७५	8
2	महाराष्ट्र (नागरी क्षेत्रे) झाडांचे संरक्षण व जतन अधिनियम, १९७५	21

3. (a) Occurrence of offence (गुन्ह्याची घटना):

1. **Day(दिवस):** बुधवार **Date From (दिनांक पासून):** 29/06/2022
Time Period (कालावधी): पहर 5 **Date To (दिनांक पर्यंत):** 29/06/2022
Time From (वेळेपासून): 12:59 बजे
Time To (वेळेपर्यंत): 13:00 बजे

(b) Information received at P.S. (माहिती मिळालेले पोलीस ठाणे):

Date (दिनांक): 07/11/2022 **Time (वेळ):** 12:11 बजे

(c) General Diary Reference (रोजनामचा संदर्भ):

Entry No. (नोंद क्र.): 018

Date & Time (दिनांक आणि वेळ): 07/11/2022 12:11 बजे

4. Type of Information (माहितीचा प्रकार): लेखी**5. Place of Occurrence (घटनास्थळ):****1.(a) Direction and distance from P.S.(पोलीस ठाण्यापासून दिशा व अंतर):**

पूर्व, 4 किमी

Beat No. (बिट क्र.):

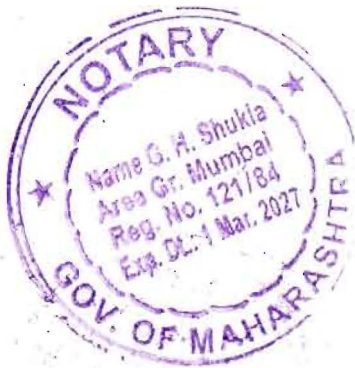
(b) Address (पत्ता): आयटि पार्क दिनशा ट्रस्ट यांच, नागरी निवारा परिषद बाजूला, मालाड पु, मुंबई

(c) In case, outside the limit of this Police Station, then

(या पोलीस ठाण्याच्या हद्दीबाहेर असल्यास):

Name of P.S.(पोलीस ठाण्याचे नाव):

District(State) (जिल्हा(राज्य)):



N.C.R.B. (एन.सी.आर.बी)

I.I.F.-I (एकीकृत अन्वेषण फॉर्म - १)

6. Complainant / Informant (तक्रारदार/माहिती देणारा):

- (a) Name (नाव): मयुरेश दत्तात्रय भोईर
 (b) Father's/Husband's Name (वडील / पती चे नाव) :
 (c) Date/Year of Birth (जन्म तारीख/वर्ष): 1988
 (d) Nationality (राष्ट्रीयत्व): भारत
 (e) UID No. (यु.आय.डी. क्र.):
 (f) Passport No. (पारपत्र क्र.):
 Date of Issue (दिल्याची तारीख):
 Place of Issue (दिल्याचे ठिकाण):
 (g) ID details (Ration Card, Voter ID Card, Passport, UID No., Driving License, PAN) ओळखपत्र विवरण (राशन कार्ड, मतदाता कार्ड, पासपोर्ट, यूआईडी सं., ड्राइविंग लाइसेंस, पॅन कार्ड)

S.No. (अ.क्र.)	ID Type (ओळखपत्राचा प्रकार)	ID Number (ओळखपत्राचा क्रमांक)
1		

(h) Address (पत्ता):

S.No. (अ.क्र.)	Address Type (पत्त्याचा प्रकार)	Address (पत्ता)
1	वर्तमान पता	50/सी, दुमुबाई कोऑर्हीसो, चईस हटेलच्या मागे, दहिसर पूर्व, मुंबई, दिंडोशी बृहनमुंबई शहर, महाराष्ट्र, भारत
2	स्थायी पता	50/सी, दुमुबाई कोऑर्हीसो, चईस हटेलच्या मागे, दहिसर पूर्व, मुंबई, दिंडोशी बृहनमुंबई शहर, महाराष्ट्र, भारत

(i) Occupation (व्यवसाय):**(j) Phone number (फोन नं.):**

Mobile (मोबाइल नं.): 91-9270727075

7. Details of known/suspected/unknown accused with full particulars (माहीत असलेल्या /संशयित/अनोळखी आरोपीचा संपूर्ण पत्ता):

S.No. (अ.क्र.)	Name (नाव)	Alias (उर्फनाव)	Relative's Name (नातेवाईकाचे नाव)	Present Address (वर्तमान पता)
1	अनोळखी 1			

8. Reasons for delay in reporting by the complainant/informant (तक्रारदार/माहिती देणा-याकडून तक्रार करण्यातील विलंबाची कारणे):**9. Particulars of properties of interest (संबंधीत मालमत्तेचा तपशील):**

S.No. (अ.क्र.)	Property Category (मालमत्ता वर्ग)	Property Type (मालमत्ता प्रकार)	Description (वर्णन)	Value (In Rs/-) (मुल्य (रु.





N.C.R.B (एन.सी.आर.बी)

I.I.F.-I (एकीकृत अन्वेषण फॉर्म - १)

10. Total value of property (In Rs/-)
(कुल मालमत्तेचे एकूण मुल्य (रु. मध्ये)):

11. Inquest Report / U.D. case No., if any

(इन्क्वेस्ट अहवाल/ अकस्मात मृत्यू प्रकरण क्र., जर असल्यास):

S.No. (अ.क्र.)	UIDB Number (यु.आय.डी.बी.क्र.)
-------------------	-----------------------------------

12. First Information contents (प्रथम खबर हकीकत):

श्री मयुरेश दत्तात्रय भोईर, वय 34 वर्ष, धंदा-नोकरी (उद्यान विद्या सहाय्यक, पी/उत्तर, मालाड (प.), बृहन्मुंबई महानगरपालीका, मुंबई.), रा.ठि. 50/सी, दुमुबाई को.ऑ.हो.सो., चॉईस हॉटेलच्या मागे, दहिसर (पूर्व), मुंबई. मो. क्र. 9270727075.

मी वरीलप्रमाणे असून वर नमुद पत्त्यावर मागिल वर्षभरापासून भाडेतत्त्वार माझ्या कुटुंबासमवेत रहावयास आहे. मी बृहन्मुंबई महानगरपालीकेच्या पी/उत्तर विभाग, मालाड पश्चिम येथे उद्यान विद्या सहाय्यक या पदावर कार्यरत असून त्यातून मिळणाऱ्या उत्पन्नातून माझा उदरनिर्वाह चालतो.

मी सन 2015 पासून पी/उत्तर विभाग, महानगरपालीका कार्यालय येथे उद्यान विद्या सहाय्यक म्हणून कार्यरत आहे. माझ्या कामाचे स्वरूप असे आहे की, बृहन्मुंबई महानगरपालीका हद्दीत उद्यान विकसीत करणे, व त्याचे परिरक्षण करणे, नविन झाडांची लागवड करणे, तसेच झाडाची छाटणी करणे, तसेच त्यांचे संरक्षण करणे, तसेच मी नोकरी करीत असलेल्या कार्यालयाच्या हद्दीत कोणी अनधिकृत झाडे तोडणार नाही किंवा झाडांना ईजा पोहचविणार नाही याची दक्षता घेणे अशी कामे करतो.

दि. 29/06/2022 रोजी अंदाजे दु. 13.00 वा. च्या दरम्यान मी कर्तव्यावर असताना माझे कार्यालयीन दुरध्वनीवर तक्रारदार नामे भास्कर परब यांनी आय.टि. पार्क, नागरी निवारा परिषद बाजूला, मालाड (पु.), मुंबई याठिकाणी अवैधरित्या, विनापरवाना वृक्षतोड करत असल्याची तक्रार दिली असता तात्काळ सदरठिकाणी जावून प्राप्त तक्रारीची शहनिषा केली असता सर्वे क्र. 239 (हिस्सा क्र. 1 पैकी) येथील मे. दिनशा ट्रस्ट व मे. फेरानी हॉटेलस प्रायव्हेट लिमिटेड कनस्ट्रक्शन कंपनीच्या मालकीच्या भुखंडावरील लहान मोठी विविध जातीची एकूण 560 झाडे बुंध्यापासून कापल्याचे निदर्शनास आले. अशाप्रकारे अनधिकृतपणे झाडे कापणे अथवा झाडास इजा पोहचविणे हा गुन्हा असून सदर ठिकाणचे मालक तथा रखवालदार व्यवस्थापक, मे. दिनशा ट्रस्ट व मे. फेरानी हॉटेलस प्रायव्हेट लिमिटेड कनस्ट्रक्शन कंपनी यांच्या विरुद्ध माझी बृहन्मुंबई महानगर पालीकेतर्फे कायदेशीर तक्रार आहे. माझा वर नमुद जबाब हा मराठीत संगणकावर टंकलिखित केला असून तो मी स्वतः वाचून पाहिला. तो माझे सांगणेप्रमाणे खरा व बरोबर आहे.

13. Action taken: Since the above information reveals commission of

offence(s) u/s as mentioned at Item No. 2. (केलेली कारवाई: बाब क्र.२ मध्ये नमूद केलेल्या कलमान्वये वरील अहवालावरून अपराध घडल्याचे.)

(1) Registered the case and took up the investigation:

(प्रकरण नोंदविले आणि तपासाचे काम हाती घेतले):

JIVAN SHRIRANG KHARAT(I (Inspector)) / PBMAH72875 or (किंवा)

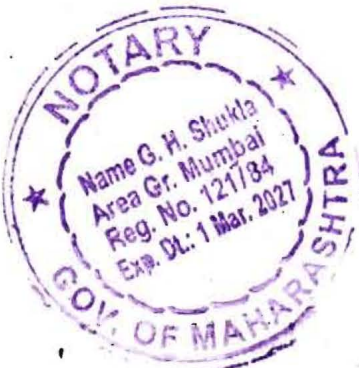
(2) Directed (Name of I.O.) (तपास अधिका-याचे नाव):

Rank (पद):

No.(क्र.):

to take up the Investigation (ला तपास करण्याचे अधिकार दिले) or (किंवा)

(3) Refused investigation due to (ज्या कारणामुळे तपास करण्यास नकार दिला):



N.C.R.B (एन.सी.आर.बी)

I.I.F.-I (एकीकृत अन्वेषण फॉर्म - १)

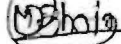
or (ज्या कारणामुळे तपास करण्यास नकार दिला)

(4) Transferred to P.S.

(गुन्हा दुसरीकडे पाठविला असल्यास त्या पोलीस ठाण्याचे नाव):

District (जिल्हा):

on point of jurisdiction (को क्षेत्राधिकार के कारण हस्तांतरित) .

F.I.R. read over to the complainant / informant, admitted to be correctly recorded and a copy given to the complainant / informant free of cost. (प्रथम खबर तक्रारदाराला/खबरीला वाचून दाखविली, बरोबर नोंदविली असल्याचे त्याने मान्य केले आणि तक्रारदाराला/खबरीला खबरीची प्रत मोफत दिली.) 

R.O.A.C.(आर. ओ .ए .सी.)

14 Signature/Thumb impression of the complainant / informant.

(तक्रारदाराची/खबर देणा-याची सही/अंगठा):



15. Date and time of dispatch to the court

(न्यायालयात पाठवल्याची तारीख व वेळ):


Signature of Officer In charge,

Police Station

(ठाणे प्रभारी अधिका-याची स्वाक्षरी)

Name (नाव): JIVAN SHRIRANG KH.

Rank(पद): I (Inspector)

No.(सं.): PBMAH72875





N.C.R.B (एन.सी.आर.बी)

I.I.F.-I (एकीकृत अन्वेषण फॉर्म - १)

Attachment to Item 7 of First Information Report (प्रथम खबरीतील मुद्दा क्र. ७ ला जोडपत्र): Physical features, deformities and other details of the
(If known / seen) (संशयित/आरोपीचे (माहित असलेल्या/पाहिलेल्या) शारीरिक वैशिष्ट्ये, व्यंग आणि इतर तपशील))

S.No.(अ.क्र.)	Sex (लिंग)	Date/Year of Birth (जन्म तारीक/वर्ष)	Build (बांधा)	Height (cms.) (उंची(से.मी.))	Complexion (रंग)	Identification Mark (s) (ओळखीच्या खुणा)
1	2	3	4	5	6	7
1	पुरुष					चेचक के दाग: NO
Deformities/ Peculiarities	Teeth (दात)	Hair (केस)	Eyes (डोळे)		Habit(s) (सवयी)	Dress Habit(s) (पोशाखाच्या सवयी)
8	9	10	11		12	13
			आंखों का रंग: काळेभोर			
Language /Dialect (भाषा / बोलीभाषा)	Place Of (का स्थान)					Others (इतर)
	Burn Mark (भाजल्याच्या खुणा)	Leucoderma (कोड)	Mole (तिल)	Scar (व्रण)	Tattoo (गोदण)	
14	15	16	17	18	19	20

These fields will be entered only if complainant/informant gives any one or more particulars about the suspect/accused.

(जर तक्रारदार/माहिती देणा-याने संशयित/आरोपीविषयी एक किंवा त्यापेक्षा अधिक तपशील दिल्यास फक्त यातील रकान्यांची नोंद घेतली जाईल.)



EXHIBIT - C**BRIHANMUMBAI MUNICIPAL CORPORATION**

Dy. Ch. / 821/Planning Dt. 8 JUL 2024
 SWD / Call

Sub: This Original Application has been filed by application no.1, which is a public trust working in the field of forest, mangroves and wetland protection and applicant no 2., who is a project director of applicant no. 1 is an environmentalist raising issue of conservation and protection of the hills located at Dindoshi region of mumbai, particularly the land bearing CTS 874A/4A/1 in Malad East, which also bears survey no. 239 and is possession of respondent No.10 K.Reheja Realty and respondent no.11-Ferani Hotels Pvt.Ltd, Who are evidently burning the natural tree coverage in the region, systematically flattening the hills in the region and obstructing the oshiwara (Walbut) river with an intention to destroy the natural course of the river in such a manner so that the said land may be used for commercial development.

Ref: No. LO/LCT/3203/ALO/IDRT of DT. 30.05.2024.

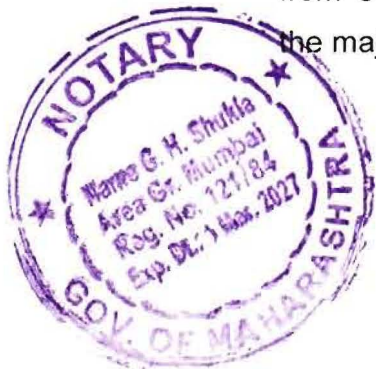
Reference is requested to your note of above subject matter forwarding therewith order from NGT Western Zone Bench, Pune in O.A. No. 100/2024.

On going through the said order, it is to inform you that point no. 6 is related to SWD Department, which is reproduced as below:

"It is further submitted in the application that river Oshiwara originates from Dindoshi hills, which has been wrongly recorded as Walbut Nallah by MCGM and satellite imagery would show that the river has been illegally reclaimed and the path of the river has been obstructed through the dumping of debris into the same which has reduced its width considerably."

The remarks in this respect are as under:

- 1) The land mentioned in the said order bearing CTS No. 827A/4A/1 of village Malad (E) falls in Catchment no. 217-A of OSHIVARA RIVER SYSTEM as per BRIMSTOWAD-II Master Plan.
- 2) Copy of BRIMSTOWAD-II Master Plan for Catchment No. 217-A enclosed herewith.
- 3) As per BRIMSTOWAD-II Master Plan, the land bearing CTS No. 827A/4A/1 of village Malad (E) is not affected by major nalla.
- 4) It is seen from the BRIMSTOWAD Master Plan that the major nalla starts from CH. 1394K which is outside the plot under reference. The width of the major nalla at CH. 1394K is 13.50 M.



- 5) Thus it is seen that the said major nalla is not affected by land under reference as per BRIMSTOWAD-II Master Plan.
- 6) It is to mentioned here that major nalla from Western Express Highway (WEH) to Dindoshi i.e. to the East side of WEH is commonly addressed as Walbhat River and to the downstream side from Western Express Highway i.e. to the West side of WEH it is addressed as Oshivara River.
- 7) As regards, contents mentioned in point 6 that the river has been illegally reclaimed and path of the river is obstructed, the same may please be verified by the constituted joint committee formed as per point no. 11 of the said order.
- 8) The remaining points of the said order are related to other departments; hence the remarks for the same may please be obtained from the respective departments.

Submitted please.

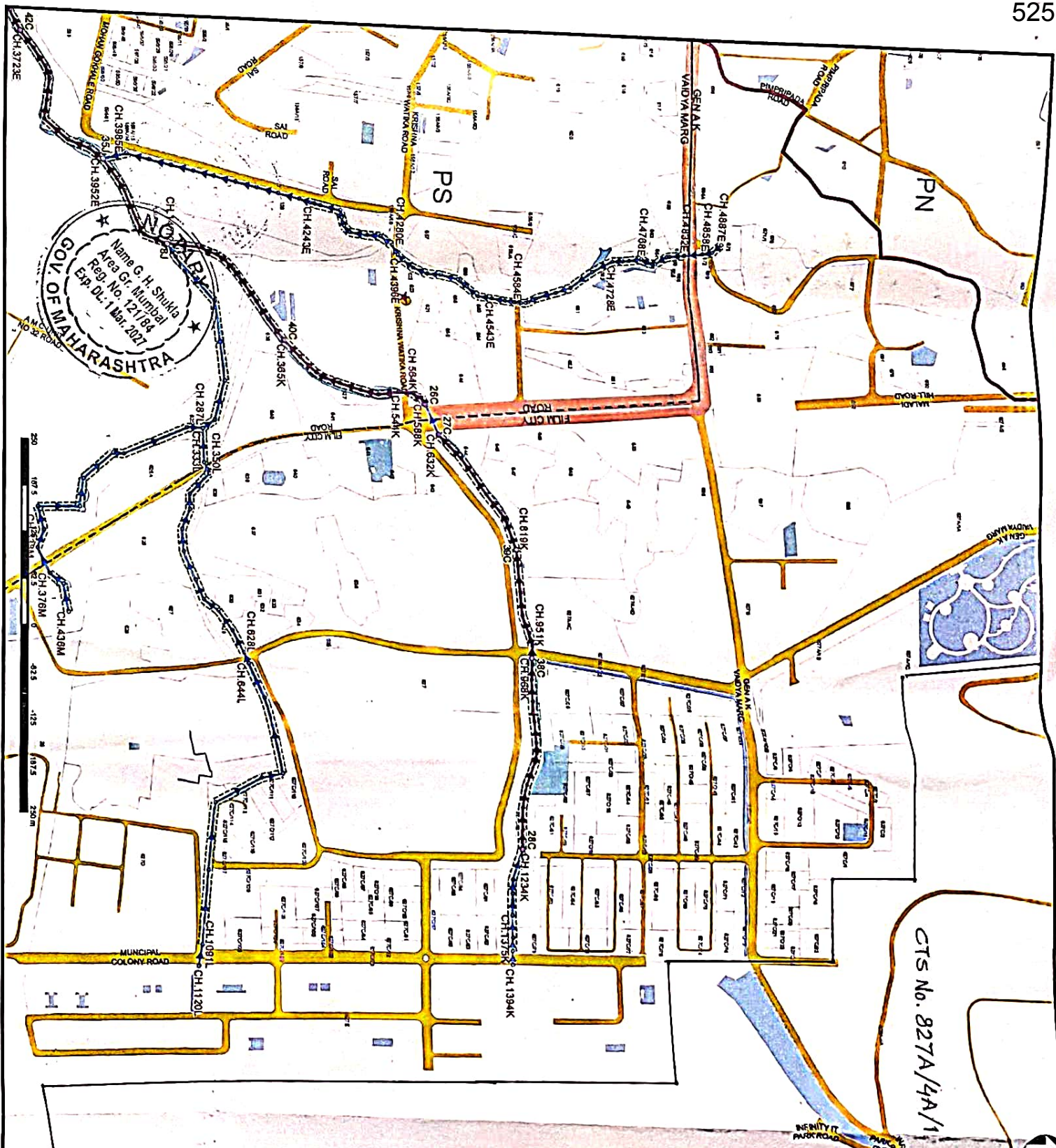
18/7
Ex. Engineer (SWD) P.C. (W.S.)

✓ Shri. Prakash Shejal
Asstt. Law Officer (DRT)



Prakash Shejal, ALO



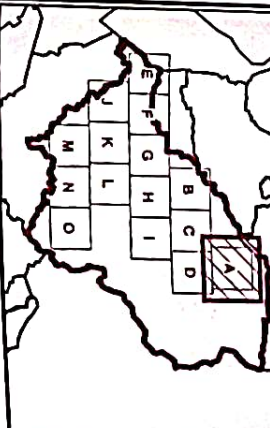


CTS No. 827A/4A/1



CATCHMENT NO.: 217

Wefrom Area and Location of Catchment



LEGEND:

- STORM WATER DRAINAGE SYSTEM**
- Node/Manhole
 - ┌ Outfall
 - ▲ Pumping Station (DPR 2007 works)
 - Drain
 - DPR 2007 works drain
 - Open Drain
 - ▨ Start Encroachment
 - ▤ Catchment Boundary
 - ▥ Ward Boundary
 - ▧ CTS Boundary & Number
- SOLUTIONS**
- ▲ Pumping Station (Proposed)
 - Replacement/Widening/Deepening/Augmentation/Treatment
 - Diversion / New Construction
 - ✕ Disconnection
 - Sealed Conduit
- HISTORICAL FLOODING DATA**
- Year 1983, Master Plan Report
 - Year 2008, MCGM
 - ★ Year 2010, MCGM
 - ✦ Year 2011, MCGM

REFER: INDEX MAP OF WESTERN SUBURBS
MULASH SYSTEMS
DIP. NO. BRIMSTOWAD-I/WESTERN/CAT/01



PROPOSALS FOR
CATCHMENT NO.: 217 - A
OSHIVARA RIVER SYSTEM

THIS DRAWING IS ISSUED BY MWH, SUBJECT TO THE CONDITIONS THAT IT IS NOT COVERED EITHER IN WHOLE OR IN PART OR DISCLOSED TO THIRD PARTIES UNLESS THROUGH WRITTEN AUTHORIZATION IS GIVEN BY MWH.



Drawn By: SS	Checked By: MDN	Approved By: RS	Scale: 1:5,000	Date: 29/04/2018
Drawing No.: BRANSTOWAD-I/WESTERN/CAT/217-A	Revision: B	Print No.: 1		