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O.C. 976

BEFORE THE NATIONAL GREEN TRIBUNAL
(WESTERN ZONE) BENCH, PUNE
APPLICATION NO.71 OF 2016 (WZ)

RamdasVasantrao AaneraoApplicant

V/s

State of Maharashtra &Ors. ...Respondents

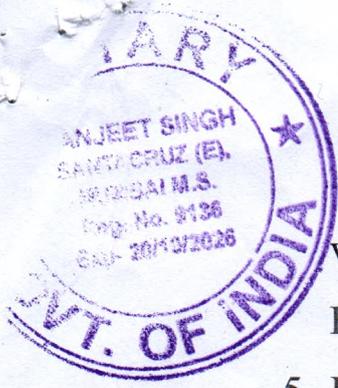
Affidavit in Reply on behalf of Respondent Nos. 1&5

I, D.B.Patil, adult, Indian Inhabitant, resident of Mumbai, working as Executive Engineer, for & on behalf of the Respondent No.1 (State of Maharashtra) and Respondent No.5 (SRA), having office at Administrative Building, Anant Kanekar Marg, Bandra (E), Mumbai-400051, do hereby state on solemn affirmation as under:

1. I say that I have perused the copy of application filed by the Applicant and in reply thereto, I am filing this short Affidavit. I am authorized to file this shot affidavit in reply on behalf of the Respondent No.1 and Respondent No.5 to put up the factual position on record.
2. At the very outset, I respectfully say and submit that the Applicant himself is one of the beneficiary in the slum scheme which is being implemented by the Respondent No.2 Developer on behalf of the Respondent No.3 Society of slum

dwellers. The Applicant having been occupying the rehab tenement free of cost in the rehab building put up by the Developer being eligible encroacher on the Government land is now challenging the entire scheme on flimsy ground by making false statements.

3. I say that the Applicants claim in the present application is that the Respondent No.2 is developing the land admeasuring 65,614.64 sq.meters however the slum scheme which is sanctioned by this Respondent as planning Authority in favor of the Developer Respondent No.2 is 7200 sq. meter. I say that the Applicant himself is unaware about the parameters of the slum scheme sanctioned by the Respondents. The present application is filed by the applicant only for harassment purpose.
4. I say that the Applicant without verifying the factual position of the sanctioned scheme as well as the relevant papers and information as regards the ongoing construction of the building on the site, the Applicant have chosen to make false statement and allegations against the Respondents that the new construction of the residential tower is commenced without obtaining any prior environment clearance from the ministry of environment. The Applicant has also stated that the construction being done by Respondent No.2 is in

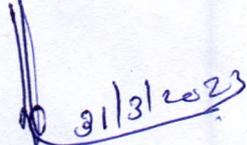


violation of notification which invites action u/s 15 of Environment Protection Act.

5. I say that the answering Respondent being a special planning Authority appointed by the State Government for implementation of slum schemes has issued Letter of Intent dated 30th March 2011 in favor of Respondent No.2 on behalf of Respondent No. 3 for rehabilitation of 236 eligible slum dwellers on the said property bearing C.S. No. 116 (Part) at Salt Pan Division, Antop Hill, Wadala Mumbai 400032 on various terms and conditions set out therein. I say that clause 52 of the said LOI specifically provides as under "The developer shall submit prior environmental clearance from Ministry of Environment & Forest (MOEF) as per the notification No. SO-1533(E) dated 14-09-2006 before obtaining C.C. for the scheme with total actual area to be constructed on site having more than 20,000 sq.mt." I say that as per this condition it is obligatory upon the Respondent No. 2 Developer to obtain environment clearance (EC) as soon as his actual construction on the site touches in all 20,000 sq.mt. I say that till date the actual construction of Respondent No. 2 is almost about 9042 sq.mt. as a result where of the permissions are granted by this Respondent.

6. I say that once the actual construction on the site touches in all 20,000 sq.mt. the answering Respondent shall insist upon obtaining prior EC to grant further sanction and permission in favor of Respondent No. 2 in respect of said ongoing scheme. I say that the present application filed by the applicant is therefore pre mature and hence deserves to be dismissed with cost.
7. In the circumstances I respectfully say and submit that necessary orders be passed in the interest of justice and equity.

Solemnly affirmed at Mumbai)
Dated, this 31st day of March, 2023)


Deponent

(M/s. Utangale & Co.)
Advocate for Respondent No.1 & 5

Before Me



VERIFICATION

I, D.B.Patil, adult, Indian inhabitant working as Executive Engineer, Slum Rehabilitation Authority, for & on behalf of the Respondent No.1 (State of Maharashtra) and Respondent No.5 (SRA), having office at New Administrative Building, Anant Kanekar Marg, Bandra East, Mumbai – 400051; do hereby state on solemn affirmation that what is stated in forgoing paras are correct to the best of my knowledge, information and belief and same are true.

Solemnly affirmed at Mumbai)
Dated, this 31st day of March, 2023)

[Signature]
31/3/2023
Deponent

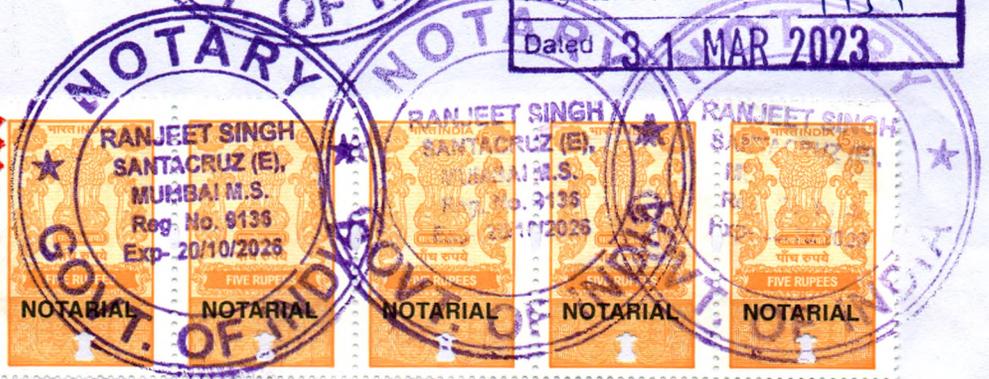
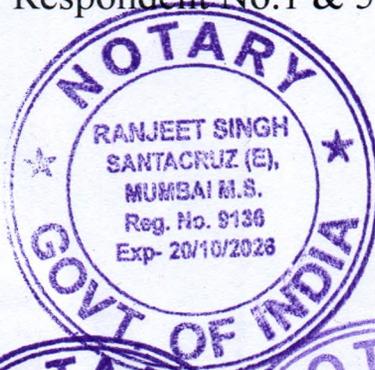
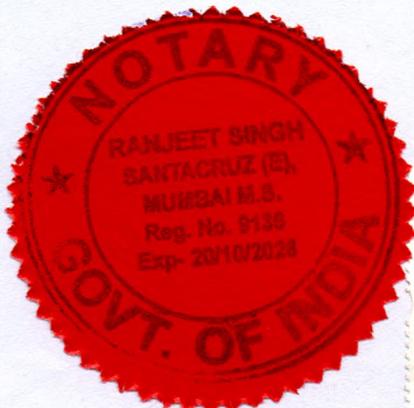
(M/s. Utangale & Co.)
Advocate for Respondent No.1 & 5

Before Me
BEFORE ME

[Signature]

RANJEET SINGH
M.Sc LL.B.
NOTARY
MAHARASHTRA
GOVT OF INDIA

RANJEET SINGH (Notary Govt. of India)
Register No. 1954
Dated 31 MAR 2023



**BEFORE THE NATIONAL GREEN TRIBUNAL
(WESTERN ZONE) BENCH, PUNE**

APPLICATION NO. 71 OF 2016 (WZ)

Ramdas Vastrao Aanerao Applicant

V/s

State Of Maharashtra & Ors Respondents

AFFIDAVIT IN REPLY

Dated this 31st Day of March 2023

**M/s. Utangale & Co.,
Advocate for Respondent No.1 & 5
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Mob. 9821133466**