

**-BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL  
WESTERN ZONE BENCH, PUNE  
AT PUNE**

**INTERIM APPLICATION NO. 35 OF 2024  
APPEAL NO. 13 of 2024**

**IN THE MATTER OF**

**Banda Nagaraja Kumar**

**..... APPLICANT**

**VERSUS**

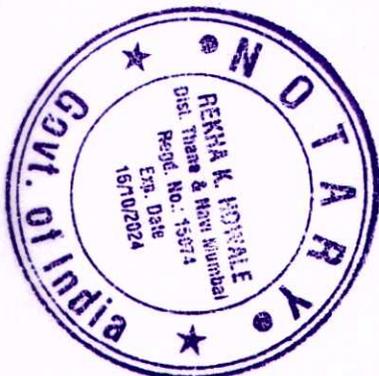
**The City and Industrial Development  
Corporation of Maharashtra and Ors.**

**..... RESPONDENTS**

**AFFIDAVIT IN REPLY OF RESPONDENT NO. 1 - CITY AND  
INDUSTRIAL DEVELOPMENT CORPORATION OF MAHARASHTRA  
LIMITED (CIDCO)**

I, Ravindrakumar Mankar, the authorized representative of Respondent No. 1, Age- 57 Years, Occupation- Service, Chief Planner, Office At – CIDCO Bhavan, CBD Belapur, District Thane - 400614, after verifying all the records do hereby state on the solemn affirmation that –

1. The Respondent No. 1 states that it is a Company duly incorporated on the 17th day of March, 1970, under the Companies Act, 1956 (hereinafter referred to as "the Companies Act"). The Respondent No. 1 is a Government Company as defined under Section 617 of the Companies



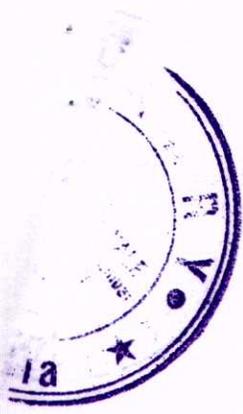
  
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Act, with its entire share capital having been subscribed wholly and exclusively by the State Government and its seven nominees. Furthermore, Respondent No. 1 states that it has been designated as the New Town Development Authority for Navi Mumbai pursuant to sub-section 3A of Section 113 of the Maharashtra Regional & Town Planning Act, 1966 (hereinafter referred to as "**the MR&TP Act**"). By virtue of the foregoing and in accordance with Section 118 of the MR&TP Act, Respondent No. 1 is vested with the power and authority to dispose of, by way of lease, land acquired under Section 113A of the MR&TP Act and vested in it by the State Government, along with its own lands, for development purposes.

2. The Respondent No. 1 submits that to channel and regulate the exercise of its powers under Section 118 of the MR&TP Act, the Board of Directors of the Respondent No. 1, with the prior approval duly obtained from the State Government under Section 159 of the MR&TP Act, has promulgated the New Bombay Disposal of Land Regulations, 1975 (hereinafter referred to as "**the NBDLR**"). These Regulations, by their force (*proprio vigore*), establish the terms and conditions governing any lease of land executed or to be executed by the Respondent No. 1. While Section 118 of the MR&TP Act empowers the Respondent No. 1 to dispose of land '*to such persons and in such manner and subject to such terms and conditions, as it considers expedient for securing development of the new town,*' the Board of Directors of Respondent No. 1 possesses the additional authority to supplement or modify the NBDLR, provided such modifications are conducive to the development of Navi Mumbai.

  
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3. The Respondent No. 1 states that the present Application filed by the Applicant is totally false, misconceived and not maintainable in law.
  4. The present Application is nothing but a baseless attempt on the part of the Applicant and in reply to the present Application, Respondent No. 1 submits that the Applicant is deliberately and maliciously trying to drag Respondent No. 1 in the vexatious litigation. Also, facts put forth by the Applicant in the present Application are misleading. Moreover, the Applicant has not approached this Hon'ble Tribunal with clean hands and therefore does not deserve any equitable consideration from this Hon'ble Tribunal.
  5. **WITHOUT PREJUDICE TO THE AFORESAID, THE PARA-WISE REPLY TO THE SAID APPLICATION OF THE APPLICANT IS AS FOLLOWS-**

At the very outset, it is most respectfully submitted by Respondent No.1 that unless specifically admitted all the contentions of the Applicant in the Application may kindly be treated as specifically denied by Respondent No. 1. The paragraph-wise reply to the Application of the Applicant is as follows:

- i) In reply to Paragraph No. 1 and 2, the contents thereof do not relate to or concern Respondent No. 1 and therefore, Respondent No.1 refrains from replying to the said paragraph. However, any inferences drawn thereof are vehemently and expressly denied by Respondent No. 1 in their entirety.



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- ii) In reply to Paragraph No. 3, Respondent No. 1 states that the contents thereof are false, and baseless and do not state the true nature of the facts and hence are denied to their entirety by Respondent No.1. The Respondent No. 1 states that the allotment letter of Plot no. 3, sector 12, Ulwe Node admeasuring 40400 sq m is issued on 18.05.2022 by Respondent No. 1 with the prior approval duly obtained from the State Government under Section 159 of the MR&TP Act.
- iii) In reply to Paragraph No. 4, Respondent No. 1 states that the contents thereof are false, and baseless and do not state the true nature of the facts and hence are denied to their entirety by Respondent No.1. The Respondent No. 1 states that the Respondent No. 3, approved NOC for CRZ clearance on 20.11.2023.
- iv) In reply to Paragraphs No. 5, 6, 7 and 8, the contents thereof do not relate to or concern Respondent No. 1 and therefore, Respondent No.1 refrains from replying to the said paragraphs. However, any inferences drawn thereof are vehemently and expressly denied by Respondent No. 1 in their entirety.
- v) In reply to Paragraph No. 9, Respondent No. 1 states that the contents thereof do not state the true nature of the facts and hence are denied to their entirety by Respondent No.1. Respondent No. 1 states that Respondent No. 3 has issued CRZ clearance dated 20.11.2023 as per their applicable rules and regulations.
- vi) In reply to Paragraph No. 10, Respondent No. 1 states that the contents thereof are false, and baseless and do not state the true

  
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nature of the facts and hence are denied to their entirety by Respondent No.1. The Respondent No. 1 states the present appeal as well as the application is not filed within the limitation period of 30 days as the CRZ clearance is dated 20/11/2023 and the appeal is filed on 31/01/2024. Also, Respondent No. 1 has received the instant petition on 13.03.2024 and immediately processed for submission of reply on the same.

- vii) In reply to Paragraphs No. 11 and 12, the contents thereof are misleading and therefore are vehemently and expressly denied by Respondent No. 1 in their entirety. The Respondent No. 1 states that the cause of action arose on 20/11/2023 since the CRZ Clearance is dated 20/11/2023 and therefore there is a total delay of 52 days. The Respondent No. 1 further states that the contention of the Applicant that the said delay is well within the discretionary delay period can only be justified if the Appeal under which the present Application is filed was on merits. The Respondent No. 1 states that since the present Appeal is not based on merits, the delay of 52 days should not be condoned.
- viii) In reply to Paragraph No. 13, Respondent No. 1 states that the contents thereof are false, and baseless and do not state the true nature of the facts and hence are denied to their entirety by Respondent No.1. The Respondent No. 1 states that there is no destruction of mangroves, mudflats and wetlands and the disruption of fishing activities of coastal communities. As mentioned in the CRZ clearance issued by Respondent No. 3 dated

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20.11.2023, the construction is proposed in non CRZ area as per approved CZMP 2019.

- ix) In reply to Paragraphs No. 14 and 15 of the Application, Respondent No. 1 states that the contents thereof are false, and baseless and do not state the true nature of the facts and hence are denied to their entirety by Respondent No.1. The land under casting yard is classified as developable pursuant to a sanctioned development plan, that was previously held in a private ownership by villagers for agricultural purposes, as evidenced by the 7/12 extract of the relevant survey numbers. Notably, the historical use did not encompass fishing activity. The Respondent No. 1 NTDA, acting within its lawful mandate under the MR&TP Act, acquired these lands for development objectives and duly compensated the original landowners by the Government of Maharashtra's approved 12.5% scheme policy (dated 06.03.1990 and 28.10.1994). The designated plots for the casting yard and subsequent temple construction were carved out from the acquired survey numbers without causing harm to existing mangroves. Furthermore, Respondent No. 3 permitted construction adheres to Coastal Regulation Zone (CRZ) regulations, ensuring no adverse impact on the protected area. Given Respondent No. 1's core function of developing acquired land, restoring the subject land (Plot No. 3, Sector 12) to its original state is demonstrably not feasible.
- x) In reply to the Prayer Clause, Respondent No. 1 most respectfully prays that –

  
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- a) The Hon'ble Tribunal may be pleased to dismiss the delay condonation application of the Applicant.
- b) The Hon'ble Tribunal may be pleased to pass such order which the Hon'ble Tribunal may deem fit.

Respondent No. 1  
**Chief Planner (Navi Mumbai)**  
**CIDCO Ltd.**

**VERIFICATION**

I, Ravindrakumar Mankar , the authorized representative of Respondent No. 1, Age-57 Years, Occupation Service, Chief Planner, Office At – CIDCO Bhavan, CBD Belapur, District Thane – 400614, after verifying all the records do hereby state on the solemn affirmation that whatever is stated hereinabove is true and correct to the best of my knowledge and information. Affirmed and signed on this \_\_\_\_ Day of March, 2024.

**BEFORE ME**

*Howale*  
*31/4/24*  
**REKHA KISHOR HOWALE**  
 Advocate & Notary Public,  
 Shop No. 13, Prabhat Center,  
 Sector-1, CBD Belapur,  
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 Reg. No. 15074



Respondent No. 1  
**Chief Planner (Navi Mumbai)**  
**CIDCO Ltd.**

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