



**BEFORE THE NATIONAL GREEN TRIBUNAL,
WESTERN ZONE BENCH, PUNE
ORIGINAL APPLICATION NO.153 OF 2023(WZ)**

Ravindra Laxman BarhateApplicant

Versus

Pune Municipal Corporation,
Pune & Anr.

.....Respondents

**AFFIDAVIT IN REPLY ON BEHALF OF
RESPONDENT NO. 1 PUNE MUNICIPAL
CORPORATION (PMC).**

I, Kanhaiyalal Lakhani the Building
Permission Department Zone 5, PMC of the
Respondent Corporation having my office at Pune
Municipal Corporation Building Shivajinagar Pune
do hereby state on solemn affirmation as under:

- (1) I am working in the capacity of the Executive
Engineer in the Pune Municipal Corporation. I
am filing this Affidavit-in-Reply to oppose the
contents of the Application preferred and
reliefs sought by the Applicant in the above



captioned matter. I am filing this present Affidavit-in-Reply to oppose the grant of any reliefs to the Applicant as prayed for in the present Application.

- (2) I say and submit that this application is taken on Letter Petition sent by the applicant, alleging that an illegal construction of 11 storied building has been made on Survey No.87/1A/1 at Parvati Panchgaon forest on a hill top slope without obtaining Environment Clearance from SEIAA Maharashtra.
- (3) I am authorized by the Respondents to file this present Affidavit-in-Reply in my official capacity and as such I disassociate myself from any personal assertions made against me by the Applicant in the present Application, I have perused the documents brought on record by the Applicant and have understood the contents of the Application and based on



the documents and information available in relation to the said issue. I crave leave to file a further Additional Affidavit in Reply as and when sought necessary.

- (4) At the outset, I deny each and every averment and allegation made in the present Application, which is contrary to and/or inconsistent with what has been stated in the present Affidavit-in-reply and nothing stated therein shall be construed as an admission for the want of any specific and para-wise denial or non-traverse unless and until the same is specifically admitted hereinafter.
- (5) I say and submit that the aforementioned project falls under the PMC limits. PMC is the local authority within the definition of the Maharashtra Municipal Corporation Act, 1949 and as such is the Authority granting Building



Permissions under Maharashtra Regional and Town Planning Act, 1966.

- (6) I say and submit the Project Plans are sanctioned on the application made under section 44 of Maharashtra Regional and Town Planning Act, 1966 through a licensed Architect, thereafter proposals are sanctioned under section 45 Maharashtra Regional and Town Planning Act, 1966.
- (7) I say and submit that the Urban Development Department, Government of Maharashtra published the Development Plan of 1987 on 05/01/1987.
- (8) I say and submit that relevant Rules regarding plinth checking, completion certificate and Occupancy certificate in DC Rules, 1987 is reproduced below:-

Rule 7.4 Checking of Plinth/Column up to Plinth Level

– The owner shall give notice in prescribed form given



in Appendix G to the Authority after the completion of work up to plinth level with a view to enable the Authority to 28 ensure that the work is carried out in accordance with the sanctioned plans. The Authority shall carry out inspection within seven days from the receipt of such notice and give permission, for carrying out further construction work as per sanctioned plans in prescribed Pro-Forma given in appendix H. Within the above period if the permission is not refused, the permission shall be deemed to have been given

Rule 7.5 Deviation During Construction – *If during the construction of building any departure which is not of a substantial nature from the sanctioned Plan is intended to be made by way of addition which does not violate any provisions regarding general building requirements structural stability and fire safety requirements of the rules alteration may be made and sanction of the authority shall be obtained immediately and in any case before application for occupation certificate and the*



procedure laid down for original plans shall apply to all such amended plans except the building permission fee. Provided further that if any such alterations are likely to result in increasing the number of tenements, the built-over area/FSI or change in the marginal opens spaces or the height of the building. No such alterations shall be carried unless sanction to the amended plans is first obtained.

Rule 7.6 Completion Certificate –*The owner through the licensed architect, engineer, structural engineer, as the case may be who has supervised the constructions, shall give notice to the Authority regarding completion of work described in the building permission. The completion certificate shall be submitted in the prescribed form by four sets of completion Plan. One of the sets, duly certified as Completion Plan shall be returned to the owner along with the issue of full occupancy certificate (see rule NO.7.7)*



Rule 7.7 Occupancy Certificate –The Authority, on receipt of the completion certificate, shall inspect the work and sanction or refuse an occupancy certificate in the Pro Forma given in Appendix K within 21 days from the date of receipt of completion certificate, after which period it shall be deemed to have been approved by the Authority for occupation provided the building has been constructed as per the sanction plans. Where the occupancy Certificate is refused, the various reasons shall be quoted for rejection, at the first instance itself.

Rule 7.7.1 Part Occupancy Certificate - Upon the request of the holder of the building permission the Authority may issue a part occupancy certificate for a building or part thereof, before completion of the entire work as per building or part thereof, before completion of the entire work as per building permission provided sufficient precautionary measures are taken by the holder of the building permission to ensure public safety and health safety, The part occupancy certificate shall



be given by Authority subject to the owner indemnifying the authority as per the Pro Forma given in Appendix.1

7.7.2 In the case of building identified in rule No. 6.2.6.1 the work shall also be subject to the inspection of the Chief Fire Officer, Pune Fire Brigade and the occupancy certificate shall be issued by the Authority only after the clearance from the Chief Fire officer regarding the completion of the work from the fire protection point of view

- (9) I say and submit that once a construction is completed Licensed Architect submits a Completion Certificate to PMC certifying that all the conditions are fulfilled, and the building is ready for occupation. On receiving the Completion Certificate PMC verifies permissions are in place and grants the Occupancy Certificate there are specific times in the Rules.



(10) I say and submit that the plans for construction of the site in question Project were sanctioned by the on basic recommendation of Building inspector as per norms laid down under DC Rules of Pune Municipal Corporation and only after following the due process of law the Commencement Certificate has been issued.

(11) I say and submit that based on complaint in the of Letter Petition the Officers of the answering respondent visited the site in question i.e. Survey No. 87/1A/1, Plot No.1 Peth Paravati, Pune.

(12) I say and submit that a residential project known as "Kshitij Co-Op Housing Society Ltd" is constructed on Survey No. 87/1A/1, Plot No.1 Peth Paravati, Pune.

(13) I say and submit that the Project consist of 4 wings A, B, C, D following are the details :-



- i. Occupancy Certificate of A wing was issued in the year 1999.
 - ii. Occupancy Certificate of B wing was issued in the year 2001.
 - iii. Occupancy Certificate of D wing was issued in the year 2002
 - iv. C wing consists of Parking + 1 floor.
 - v. Project also consist of Recreation Hall and Swimming Pool.
 - vi. The full Occupancy Certificate to the project was issued in the year 2013.
- (14) I say and submit that FSI area is 10,903.56 sq mtrs and Non FSI area is 5,509.97 sq mtrs, Total Built Up area is 16,413.53 sq mtrs.
- (15) I say and submit that project was started way back before the EIA notification of 2006. The project is below threshold limit of 20,000 sq mtrs. Therefore, EIA notification of 2006 is not

applicable and is exempted from obtaining Environment Clearance.

(16) I say and submit that the project is constructed as per the DC Rules following due process of law.

(17) I say and submit that this application is barred by limitation as the project started almost 30 years back and also the full occupation certificate was issued 12 years back. Therefore, it our humble submission that this application is barred by limitation. Hence may be dismissed with cost.

Pune

Date: 02/07/2025

कार्यवाही अभियंता
Res. No. 1
बांधकाम विकास विभाग झो.क्र.
PMC
पुणे महानगरपालिका



VERIFICATION

I, Kanhaiyalal Lakhani, Age: Adult, Executive Engineer, Building Permission Department Zone 5, PMC authorized signatory for PMC do hereby state on solemn affirmation that what is stated forgoing Para's is true and correct to my own knowledge and belief.

Solemnly affirmed at Pune

This 2nd day of July, 2025



[Handwritten signature]

कार्यकारी अभियंता
बांधकाम विकास विभाग झो.क्र.
Respondents No. 1



[Handwritten signature]

Adv. for Respondents No. 1

Noted and Registered
at Sr.No. 0147/2025
Date: 2 JUL 2025



BEFORE ME
[Signature]
12
PRAKASH M. DONDE
ADVOCATE & NOTARY
NOTARY GOVT OF INDIA