

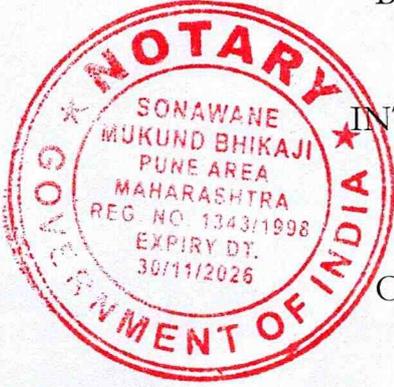
BEFORE THE NATIONAL GREEN TRIBUNAL

WESTERN ZONE BENCH, PUNE

INTERLOCUTORY APPLICATION NO.45 OF 2025

IN

ORIGINAL APPLICATION NO. 100/2024 (WZ)



Vanashakti & Others

.. Applicants

Vs.

Municipal Corporation of Greater

Mumbai & Others

.. Respondents

Affidavit in Reply on behalf of Respondent No. 11

I, Sanjay Shreeniwas Shenolikar, Age - 58 yrs., Occupation – Service, Authorized Representative of Respondent No.11, having registered office at– Construction House, B, 2nd Floor, Opposite to Khar Telephone Exchange, 623 Linking Road, Khar (West), Mumbai 400052 do hereby state on solemn affirmation as under –

1. Applicant has filed I.A.No.45/2025 in the Original Application No. 100/2024. In that application, Applicant has prayed to implead Dindoshi Police Station, Malad (E) through Senior Inspector to be impleaded as Respondent No.13 in Original Application No.100/2024. This Respondent has filed reply affidavit on 15/2/2025 by which opposed the prayer clause (a) in Paragraph 17 of I.A.No.45/2025. Respondent No.11. has further sought

time to file necessary affidavit in reply against prayer (b) by which amendment is sought to O.A.100/2024. I am filing the reply to the Application No.45/2025 so far as prayer (b) is concerned.

2. High Court order dated 14/01/2025:

a. The Applicant has sought permission to file two Annexures to the Original Application No. 100/2024 at Annexure 11 and Annexure 12. At Annexure 11, Applicant wants to produce the order of the Hon'ble Bombay High Court and so far as a copy of the order of the Hon'ble High Court dtd.14/1/2025 is concerned, it can be read and considered by this Hon'ble Tribunal irrespective of whether it is a part of original petition or not. The said petition is mainly for rehabilitation of slum dwellers situated in SGNP. The said petition and the order issued and referred by the Applicant has no relevance with the present application and therefore there is no necessity to allow the Applicant to place the said order as Annexure 11.

b. In the order of Hon'ble High Court dated 14/1/25 as annexed by the Applicant, it can be seen that the Advocate General has made a statement for carrying out construction which is concerned with order passed by the Hon'ble High Court in W.P.No.305/1995. The subject matter of Writ Petition No.305/1995 or Contempt Petition is neither concerned with the present Original Application nor with the issues raised in it.

c. It appears that the Applicant are interpreting the order passed by the Hon'ble High Court as its suits their purpose for getting orders one way or other against the Respondent No. 10 & 11. In fact, order of the Hon'ble High Court was pertaining the Contempt Petition for non-compliance of the order of Writ Petition No.305/1995 which is neither relevant to this petition nor is necessary.

3. ESZ - NOC :

The Applicant further sought permission to file relevant extract of Minutes of Meeting of Standing Committee of National Board for Wild Life dtd.9/1/2025. Without prejudice to the aforesaid contention, the relevant extract is nothing but certain directions, including preparing and approval of Zonal Master Plan for ESZ within six months. This Respondent says that contents of the Extract of the Minutes of Meeting produced by the Applicant is nothing but certain recommendations made by the Standing Committee of National Board for Wild Life to the State Government or concerned Authorities. Thus, it has no conclusive authority / finding of the concerned authority. The recommendation are made to the State Government or concerned authority and unless concerned authority has taken conclusive decision the same will not help / assist this Hon'ble Tribunal to decide any issue in question. The ESZ NOC has already been issued on 01/11/2018 for the development on the plot under reference. The said NOC is on record of this Hon'ble Tribunal.

4. The Respondent says that the amendment sought by the Applicant as Para 39A to 39P are nothing but reproducing the observations of Joint Committee or reproducing certain observations of the Hon'ble Bombay High Court passed in its order dtd.14/1/2025 in PIL No.48/2023 and Contempt Petition (L) No.9327/2023. In fact, this order of 14/1/2025 is itself interim order and not final and conclusive. So far, many points are under consideration in the said PIL and Contempt Petition. Moreover, report of the Joint Committee constituted under the order dated 10/5/2024 is already on record and it can be considered while deciding the subject matter of the original

petition. The Applicant is making all attempts to protract the hearing of the main petition.

5. The prayer of the Applicant to amend and introduce the Clause 'M' to 'S' at Page 47 is also unwarranted. The Applicant is presuming everything against Respondent No. 10 and 11 without any evidence on record against them and asking to add prayers as stated on Page 36 to 38 of the amendment application.

6. In fact, as disclosed by this Respondent in earlier affidavit, it has been made clear that these Respondents have neither carried out any activities of cutting hills or nor concerned with any incidence of occurrence of fire either on 28/12/2024 or 13/1/2025 on the land bearing S.No.239/1 (Part). There are various reasons for the occurrence of fire on the land having dry grass and Applicant are falsely making allegations against this Respondent.

7. The Applicant is making prayer regarding proposed action which is to be taken either under the provisions of Bhartiya Nyaya Sanhita 2023 or under the provisions of Maharashtra (Urban Areas) Protection and Preservation of Trees Act. For taking actions under such act, there are provision and mechanism and the same is not under the jurisdiction of NGT Act. Therefore, the prayer of the Applicant to pass any such direction is not permissible in law.

8. It appears that only intention of the Applicant to keep alive the original petition with oblique motive and harass this Respondent, the application for amendment of O.A. is filed.

9. The amendment sought by the Applicant is beyond scope of Petition and beyond provisions of National Green Tribunal Act.



10. There are provisions under relevant Act for taking action, if, at all incidence occurred as alleged either under provisions of Bhartiya Nyaya Sanhita 2023 or under the provisions of Maharashtra (Urban Areas) Protection and Preservation of Trees Act Applicant cannot seek directions from this Hon'ble Tribunal to take action or can give direction to the authority concerned.

Whatever stated above is true and correct to the best of my knowledge, information and belief and in witness whereof I have signed this Affidavit.

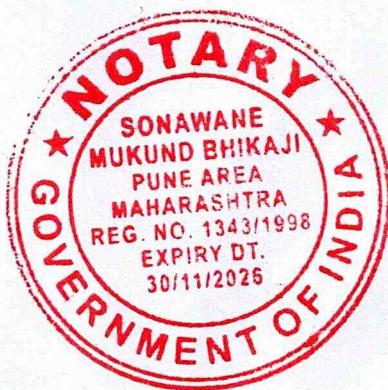
Place: Pune.

Date: 22/4/25

[Signature]
Affiant

I know the Affiant

[Signature]
Advocate



BEFORE ME

[Signature]

M. B. SONAWANE
NOTARY GOVT. OF INDIA
PUNE

NOTED AND REGISTERED AT
SERIAL NUMBER 611/25

22 APR 2025

