

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

ORIGINAL APPLTCATTON NO. 33/ 2018

In the matter of

Sanjay Bhegade & Ors,

...Applicant

VERSUS

The State of Maharashtra & Ors

...Respondents

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

ORIGINAL APPLTCATTON NO. 33/ 2018

- | | | |
|--|--|-----------------------|
| <p>1. Mr. Sanjay alias Bala Bhegade,
MLA Maval Constituency,
Office at 2337/Balaji Chambers,
Talegaon-Chakan Road,
Talegaon-Dabhade. Taluka - Maval
District. Pune, PIN- 410 507.</p> | <p>]
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]
]
]</p> | |
| <p>2. Mr. Sachin Hiranman Mohite.
R/at Village Kale, Post: Pavana Nagar.
Taluka Maval
District: Pune, PIN- 410 406.</p> | <p>]
]
]
]</p> | |
| <p>3. Mr. Baban Bhau Kalekar,
R/at Village Kale, Post Pavana
Nagar, Taluka Maval,
District: Pune, PIN- 410 406.</p> | <p>]
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]
]</p> | <p>]...Applicants</p> |

Versus

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| <p>1. The State of Maharashtra
Through Department of Environment,
Room No.217 (Annex), Madam Kama
Marg. Mumbai-400 032.</p> | <p>]
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]
]</p> | |
| <p>(1-A) The Secretary,
Revenue and Forests Department,
Government of Maharashtra,
Mantralaya, Mumbai-400 032.</p> | <p>]
]
]
]</p> | |
| <p>2. Pune Metropolitan Region
Development Authority (PMRDA)
Survey No. 152-153, Maharaja
Sayajirao Sayaji Gaikwad Bhavan,
Aundhgaon, Aundh, Pune-411007.</p> | <p>]
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]</p> | <p>X</p> |
| <p>3. Maharashtra State Biodiversity Board,
Jaiv- Vividha Bhavan, Civil Lines,
Nagpur, Maharashtra, 440001.</p> | <p>]
]
]</p> | |
| <p>4. Homi Jesia,</p> | <p>]
]</p> | |



- R/at Survey/Gat No.68/3,
Gevanda Khadak, At Pavananagar,
Taluka Maval, Dist.- Pune
Pin- 410 406.]
5. **Surendra Pandurang Naravekar**]
R/at Gat No.148/1, Village Pale, Pama,]
At Pavananagar, Taluka Maval,]
Dist.- Pune, Pin- 410 406.]
6. **Dinesh Dharmachand Patel**]
R/at Survey No.51, Village Shevati,]
At Pavananagar, Taluka Maval,]
Dist.- Pune, Pin- 410 406.]
7. **Vijay Punjabi**]
R/at Gat No. 439, 440, Village Tikona.]
At Pavananagar, Taluka Maval,]
Dist.- Pune, Pin- 410 406.]
8. **Abhay S. Choksy**]
R/at Gat No. 536, Village Tikona,]
At Pavananagar, Taluka Maval,]
Dist.- Pune, Pin- 410 406.]
9. **Linesh Patel**]
R/at Gat No.93, Village Pale,]
Pama, At Pavananagar, Taluka Maval,]
Dist.- Pune, Pin- 410 406.]
10. **Mr. Yazhdi H. Desai,**]
R/at Amarja Hills, Plot No.33/36, Village]
Mahagaon, at Pavanagar, Taluka Maval,]
Dist.- Pune, Pin- 410 406.]
11. **Ravi Khemkar,**]
R/at Gat No. Nil, Village Tilona]
Pavanagar, Taluka Maval,]
Dist.- Pune. Pin- 410 406.]
12. **(a) Manoj Sainani**]
(b) Sumit Chawla]
R/at Amarja Hills, Mahagaon,]
at Pavanagar, Taluka Maval,]
Dist.- Pune. Pin- 410 406.]
13. **Mr. Paresh Harikisan Mehata**]



- R/at Plot No.2/5/8 Mahagaon,]
Amarj Hills, Pavananagar,]
Taluka Maval, District Pune.]
At Pavanagar, Taluka Maval,]
Dist.- Pune. Pin- 410 406.]
14. **Ashish Singh Chawla,**]
R/at Mahagaon,]
Amarja Hills, Pavananagar,]
Taluka Maval, District Pune]
Dist.- Pune, Pin- 410 406.]
15. **Yashwant Shelania (Chourasia)**]
R/at Mahagaon, Amarja Hills,]
Pavananagar, at Pavanagar,]
Taluka Maval, Dist.- Pune.]
Pin- 410 406.]
16. **Radhika Akash Shah,**]
R/at Gat No. Nil, Village Tikona,]
At Pavananagar, At Pavanagar, Taluka]
Maval, Dist.- Pune, Pin- 410 406.]
17. **Anant Mehata**]
R/at Mahagaon,]
Amarja Hills, Plot No.40, Pavananagar.]
Taluka Maval, District Pune.]
18. **D.B. Mowdawala,**]
R/at Survey No. 06/02 Village]
Thakursai Pavananagar, at Pavanagar,]
Taluka Maval. Dist- Pune, Pin- 410 406.]
19. **Dr. Sonawala**]
R/at Gat No. 576/A, 576/B, Village]
Tikona Pavananagar, at Pavanagar,]
Taluka Maval, Dist.- Pune, Pin- 410 406.]
20. **Kalparaj Dharmasing**]
R/at Survey No.34/02,03 Gevande]
Khadak Pavananagar, at Pavanagar,]
Taluka Maval, Dist.- Pune, Pin- 410 406.]
21. **Rastik Hariya**]
R/at Survey No. 64/14 Gevande Khadak]
Pavananagar, Taluka Maval, Dist.- Pune]
Pin- 410 406.]



22. **Calimati D'silva**]
R/at Survey No.39/4, Village Thakursai,]
At Pavananagar, Taluka Maval, Dist.-]
Pune, Pin 410 406.]
23. **Ardeshir Shapur Nariyalwala**]
R/at, Gat No.447 Village Tikona at]
Pavananagar, Taluka Maval,]
Dist. – Pune, Pin- 410 406.]
24. **Firoz Irani**]
Rat, Survey No. Nil, Gat No. Nil, Village]
Shindgaon at Payananagar, Taluka]
Maval, Dist.- Pune, Pin- 410 406.]
25. **Gopal Dinubhai Amin**]
R/at, Survey No.58/1, Village Thakursai]
At Pavananagar, Taluka Maval,]
Dist.-Pune , Pin- 410 406.]
26. **Tinna Madam**]
R/at, Survey No. Nil, Gat No. Nil,]
Village Ambegaon, (Pin 410 406) At]
Pavananagar, Taluka Maval, Dist.- Pune]
27. **Senepi Lobo**]
Rat, Cat No. 534 Village Tikona at]
Payamanagar, Taluka Maval,]
Dist. – Pune, Pin- 410 406.]
28. **Deepak M Mehta**]
R/at. A/2 Sterling Apartment 38 Peddar]
Road Mumbai, Pin 400926.]
29. **Insia Lamak Ijjudin**]
R/at, Gat No. 568 and 569 Village]
Tikona, At Pavananagar, Taluka Maval,]
Dist.- Pune, Pin- 410 406.]
30. **Punit Shetti**]
R/at, Amarja Hills, Survey No. Gat No.]
9 Village Mahagaon at Pavananagar,]
Taluka Maval, Dist.- Pune, Pin- 410 406.]
31. **Mr. Vijay Katariya**]



- R/at, Gat No.537 Village Varu at]
Pavananagar, Taluka Maval,]
Dist.- Pune, Pin- 410 406.]
32. **Shreyas Sankhe**]
R/at. Survey/Gat No.5/1/2/Village]
Gevande Khadak, At Pavananagar,]
Taluka Maval, Dist.- Pune, Pin- 410 406.]
33. **Kumendra S. Chakrawarti**]
R/at. Gat/Survey No.19/1/F Village]
Gevande Khadak, At Pavananagar,]
Taluka Maval, Dist.- Pune, Pin- 410 406.]
34. **J. Rajanikant Shroff**]
R/at, Survey No./Gat No. 50A Village]
Pavana Nagar, At Pavananagar, Taluka]
Maval, Dist.- Pune, Pin- 410 406.]
35. **Pradip Thampi**]
R/at, Survey No Gat No. 29, Amarja]
Hills, Village Mahagaon, At]
Pavananagar, Taluka Maval, Dist.- Pune]
Pin- 410 406.]
36. **Deep Trivedi**]
R/at, Survey No. 147, Village Pale at]
Pavananagar, Taluka Maval, Dist. -Pune]
Pin- 410 406.]
37. **Devdatta Gangawan**]
R/at, Gat No. Nil Village Tikona]
At Pavananagar, Taluka Maval,]
Dist. – Pune, Pin- 410 406.]
38. **Kishore Choudhari**]
R/at, Gat No.31/2, Village Dudhiware at]
Pavananagar, Taluka Maval,]
Dist.- Pune, Pin- 410 406.]
39. **Jitendra Sartandel**]
R/at, Gat No.36/1 Village Dudhiware]
At Pavananagar, Taluka Maval,]
Dist.- Pune, Pin- 410 406.]
40. **Joseph D'Souza**]



- R/at, Survey No.32/8 Village Thakursai]
at Pavananagar, Taluka Maval, Dist. -]
Pune, Pin- 410 406.]
41. **Motilal C. Bijlani**]
R/at, Gat No.577, Village Tikona at]
Pavananagar, Taluka Maval, Dist. -]
Pune, Pin- 410 406.]
42. **Shekhar Dadarkar**]
R/at, Gat. No. Nil, Village]
Thakursai/Gavande Khadak at]
Pavananagar, Taluka Maval, Dist. -]
Pune, Pin- 410 406.]
43. **N.L. Narula**]
R/at, Survey No.114/B Village]
Ambegaon at Pavananagar, Taluka]
Maval, Dist.- Pune, Pin- 410 406.]
44. **M.S. Gilotra**]
R/at, Gat No. 601 and 604 Village]
Tikona at Pavananagar, Taluka Maval,]
Dist.- Pune, Pin- 410 406.]
45. **Vivek Manohar Lutharia**]
R/at, Gat No.601 and 604, Village]
Tikona at Pavananagar, Taluka Maval,]
Dist.- Pune, Pin- 410 406.]
46. **Samir Sariya**]
R/at, Gat No.40/2 A, B, C. D Village]
Shevani at Pavananagar, Taluka Maval,]
Dist.- Pune, Pin- 410 406.]
47. **Atul Dayal**]
R/at, Survey No./Gat No. Nil, Village]
Tikona at Pavananagar, Taluka Maval,]
Dist.- Pune, Pin- 410 406.]
48. **Amol Damodar Mahale**]
R/at, Gat No. 93, Village Pale at]
Pavananagar, Taluka Maval, Dist.- Pune]
Pin 410 406.]
49. **Nahid Nurul Hasan Bhajji**]



- R/at, Gat No. Survey No. Nil, Village-
Shindgaon at Pavananagar,
Taluka Maval, Dist. – Pune
Pin- 410 406.]
50. **Dilip Sanghvi**]
R/at, 801 Abhay Building N.S. 9th Road]
Juhu, Mumbai, Pin- 400049.]
51. **Chandrakant Sajjanlal Choksi**]
R/at, Survey No. Gat No. Nil Village]
Shindgaon at Pavananagar, Taluka Maval,]
Dist. – Pune, Pin- 410 406.]
52. **Imran Attarwala Wela**]
R/at, Gat No.112 Village Ambegaon at]
Pavananagar, Taluka Maval,]
Dist.- Pune, Pin- 410 406.]
53. **Sandhya Chanda Mohan Wadkar**]
R/at, Survey No.113, Village Ambegaon]
at Pavananagar, Taluka Maval,]
Dist.- Pune, Pin- 410 406.]
54. **Haresh Balani**]
R/at, Survey No. Nil, Village Ambegaon]
at Pavananagar, Taluka Maval,]
Dist.- Pune, Pin- 410 406.]
55. **Vishal Dadlani**]
R/at, Survey No. Gat No. Nil, Village]
Tikona at Pavananagar,]
Taluka Maval, Dist.- Pune, Pin- 410 406.]
56. **Anand Shevale**]
R/at, Amarja Hills Bungalow No. 12,]
Village Mahagaon.]
At Pavananagar, Taluka Maval,]
Dist.- Pune, Pin- 410 406.]
57. **Sammy Lalla**]
R/at, Gat No. Nil Village Tikona]
At Pavananagar, Taluka Maval,]
Dist.- Pune, Pin- 410 406.]
58. **Rahulbhai Dholkiya**]



- R/at, Gat No, 144/1 Village Pale, Pama]
At Pavananagar, Taluka Maval, Dist-]
Pune, Pin- 410 406.]
59. **Sunil Aditya Choksi**]
R/at, Gat No.570/A, 570/B Village]
Tikona at Pavananagar, Taluka Maval,]
Dist.- Pune, Pin- 410 406.]
60. **Lashit Lallubhai Sanghavi**]
R/at, Gat No.58/25 Village Thakursai]
At Pavananagar, Taluka Maval,]
Dist.- Pune, Pin- 410 406.]
61. **Mehernosh Daruwalla,**]
R/at 401, Marker Mansion,]
623 Lady Jahangir Road,]
Dadar, Parsi Colony, Mumbai- 400 014.]
62. **Samir Shah**]
R/at, Survey No.112, Village Ambegaon]
At Pavananagar, Taluka Maval,]
Dist.- Pune, Pin- 410 406.]
63. **Rajesh Shendge**]
R/at, Survey No.4/20, Village Gevande]
Khadak at Pavananagar, Taluka Maval,]
Dist.- Pune Pin 410 406.]
64. **Sumit Sunil Chakrawarti**]
R/at, Survey No.17/5, Village]
Sindhgaon Ar Pavananagar, Taluka]
Maval, Dist.- Pune, Pin- 410 406.]
65. **Khurshid Daruwala**]
R/at, Gat No.571, Village Tikona]
At Pavananagar, Taluka Maval,]
Dist.- Pune, Pin- 410 406.]
66. **Jojar Khurakiwala**]
R/at, Ume Kunj Bungalow, Sarvey No.]
Gat No. Nil, Village Thakursai at]
Pavananagar, Taluka Maval,]
Dist.- Pune, Pin 410 406.]
-]..Respondents



AFFIDAVIT-IN-REPLY OF RESPONDENT NO.11 i.e. MR.
RAVI KHEMKA

MOST RESPECTFULLY SUBMITTED:

I, MR. RAVI KHEMKA, aged 46 years, Indian Inhabitant, Resident of Gat No. 539, Village- Tikona, Pavanagar, Taluka Maval, Dist.- Pune, do solemnly state on oath and affirm as under:-

1. I have gone through the above Original Application bearing No. 33/2018 and documents filed along with the same by Mr. Sanjay alias Bala Bhegade & 2 Others. That I am Respondent No.11 in the abovementioned Original Application bearing No. 33/2018 and being familiar with the facts and circumstances of the case, hence am competent to swear this Affidavit.
2. I am filing this Affidavit in reply for the limited purpose of opposing the Original Application and the grant of any reliefs as against Respondent No.11. I crave leave of this Hon'ble Tribunal to file a further affidavit, should the same be necessary, or be advised. I Say that the Answering Respondent is filing the instant Affidavit-in-



reply to Present Original Application to bring on record correct facts and circumstances of the case.

3. At the outset, I deny all allegations, contentions and submissions made in the OA No. 33/2018 against the Respondent No.11, which are contrary or inconsistent with what is stated in this Affidavit. Further, I say that I oppose all the reliefs prayed for in the OA No. 33/2018 against the Respondent No.11. I further state that any allegations, contentions or submissions in the said OA No. 33/2018 which have not been specifically dealt with or denied by me, may not be deemed to be admitted.

4. Respondent No.11 (hereafter called as a Respondent only) has been impleaded by the Applicant as a party to the Original Application No. 33/2018 as Respondent No.11. Respondent hereby prays to allow for the submission of this Affidavit, as otherwise so far, Respondent No.11 was not heard in the matter by this Hon'ble Tribunal. This shall be in accordance with the provision of Section 19 (i) of the NGTA and also in accordance with the principles of natural justice.



5. In this OA No. 33/2018, the Applicant has made various allegations against the Respondent and has sought many reliefs, which, if granted, will affect the Respondent and are, therefore, opposed in this affidavit by Respondent.

**PRELIMINARY SUBMISSIONS/ OBJECTIONS ON THE
GROUNDS OF MAINTAINABILITY**

6. Respondent has serious objections to the maintainability of this present application on the following grounds, without prejudice to each other. Respondent urges that the same should be first heard and decided before entertaining the application and/or before exercising the original jurisdiction under s.14, 15 by the following procedure as per s.17 and 18 of the Act.

7. That the application must pass the test of maintainability and be within the period of the limitation stated in the act must fall under the original jurisdiction of the NGTA, i.e., action should violate the provisions of acts listed categorically in Schedule-I of the NGTA and fall under the definition of 'substantial question related to environment' u/s. 2(m) which states"



2(m) “substantial question relating to environment”

shall include an instance where,—

(i) *there is a direct violation of a specific statutory environment obligation by a person by which, —*

(A) *the community at large other than an individual or group of individuals is affected or likely to be affected by the environmental consequences; or*

(B) *the gravity of damage to the environment or property is substantial; or*

(C) *the damage to public health is broadly measurable;*

(ii) *the environmental consequences relate to a specific activity or a point source of pollution;*

8. To put it in simple words, the law provides that general or minor environmental issues, if any, that do not have **‘substantial question related to the environment’**, should not be brought, dealt with, and adjudicated by this Hon’ble Tribunal. This protects Respondent from frivolous litigation, saving the precious time of the Hon’ble Tribunal, and also prevents unnecessary flooding of the Hon’ble Tribunal with Applications that do not raise any **‘substantial question related to the environment.’**



9. The maintainability, therefore, will have to be tested on the face of it, as a preliminary objection, in respect of each allegation, without going into merit OR adjudication.

Those preliminary tests shall be:

- a) *Which is that one single cause that can be entertained in an application?*
- b) *Is this cause raised within the period of limitation, starting from the day it first arose?*
- c) *Does this cause raise a 'substantial question related to the environment?*
- d) *What relief has been asked in prayers? Is it compensation or restitution?*
- e) *Are all the reliefs sought in the prayer consequential to each other and can be granted under the one single surviving cause of action?*
- f) *Does the applicant have locus standi for the relief and compensation sought in the Application?*

10. Respondent humbly submits that this entire application does not survive this test and the mandatory statutory provisions spelled in detail above. Surviving portion, if any, of the application ought to be determined after trimming off the irrelevant causes that are not maintainable. Only then the remaining application with



the one single cause may be taken up for further adjudication.

FACTS OF THE CASE

11. Respondent No. 11 states that vide order dated 01/10/2010 passed by District Collector, Pune has granted non-agricultural permission to the construction plan of institution (Yoga Institute) under Section 44 of the MLRC, 1966 in respect of area admeasuring 7519.12 sq.mtrs. of land bearing G. No. 539 Pt. at Village Tikona, Tal. Maval for commercial purpose. Hereto annexed and marked as **Annexure-"A"** is the copy of non-agricultural permission/order dated 01/10/2010 passed by District Collector, Pune alongwith English Translation.

12. That Respondent No. 11 applied for the construction of Yoga Institute and vide Commencement Certificate O.No. DP / BMA / V. Tikona / G.No. 539 Paiki / C.No. 1161 / 18-19 dated 07-08-2019 from Pune Metropolitan Regional Development Authority, Pune, Respondent No.11 were granted permission to construct a Yoga institute and accordingly vide Occupancy Certificate dated 02/11/2019 Pune Metropolitan Regional Development Authority, Pune consent were given to



Respondent No.11 to take occupancy of the said Structure namely Yoga Institute's Building. Hereto annexed and marked as **Annexure-2** is the copy of Occupancy Certificate dated 02/11/2019 granted by Pune Metropolitan Regional Development Authority, Pune alongwith English Translation.

REPLY ON MERITS

13. Through this affidavit Respondent wants to submit point wise reply to the allegation made by the applicant in this application and the report filed by the joint committee as per Order dated 30-06-2020 passed by this Hon'ble Tribunal subject to and without prejudice to the preliminary objections mentioned above:

- i) Contents of Point I and II are matters of record and need no reply. Contents of paras hereinabove are reiterated and reaffirmed.
- ii) With respect to contents of Point III, it is denied that Respondent has done any illegal and anti-environment Construction and encroachment on hilltops and hill-slopes.



- iii) With respect to contents of Point IV, Respondent submits that applicant has unnecessarily invoked s.15 only to take advantage of the limitation period of six months corresponding to that section.
- iv) Contents of Point 1 to 5 are matters of record and need no reply. Contents of paras hereinabove are reiterated and reaffirmed.
- v) With respect to contents of Point 6, it is denied that no such illegal activities as contended by applicant is going on at Respondent's plot of land.
- vi) Contents of Point 7 are matters of record and need no reply. Contents of paras hereinabove are reiterated and reaffirmed.
- vii) With respect to contents of Point 8, it is denied that Respondent is politically influential and destroyed the ecology and environment in this area.
- viii) With respect to contents of Point 9, it is denied that Respondent has cut any tree without permission as alleged by applicant, on contrary the Respondent have planted several more trees in his plot of land to



enhance environmental greenery. Further there is no air pollution due to any construction by Respondent. Presently there is no construction activity is going on Respondent's plot area which can contribute to dust formation.

- ix) With respect to contents of Point 10 & 11, it is denied that Respondent has done huge construction in eco-sensitive zone. Infact Applicant has miserably failed to prove that said area is an eco-sensitive zone and had further failed to produce any official gazette or declaration showing the said area is marked as Ecologically sensitive Zone or Western Gaht Eco-Sensitive Zone. Further Respondent states that they have maintained environmental greenery and contributed to cherish the same. It is pertinent to mention that Respondent has not done any environmental destruction and also, he has not put a single brick of his house illegally/ without permission.
- x) With respect to contents of Point 12, it is denied that Respondent has done any huge construction due to



which there is need of soil moistures conservation and nursery development in this area.

- xi) With respect to contents of Point 13, it is specifically denied that animals which used to feed on the grass grew on the hilltops and hill-slopes in Maval Taluka, is getting destroyed due to respondent.
- xii) Contents of Point 14 & 15 is matters of record and need no reply. Contents of paras hereinabove are reiterated and reaffirmed.
- xiii) With respect to contents of Point 16 & 17, it is denied that Respondent has done any illegal encroachment in violation of various provisions of law. Further, it is denied that there are any constructions without valid or legal permission/license as alleged by applicant.
- xiv) With respect to contents of Point 18, it is denied that respondent has done any illegal construction, tree cutting and deforestation at the Pavana Nagar area in Maval taluka due to which said area lost its greenery and its became barren. It is submitted that



the Respondent has maintained the greenery of his plot very well.

- xv) Contents of Point 19 to 26, it is submitted that the cases relied upon by applicant is not applicable in this case.
- xvi) With respect to contents of Point 27, it is denied that said photographs are belonging to Respondents land.
- xvii) Contents of Point 28 is general prayer and hence needs no reply.
- xviii) With respect to contents of Point 29 & 30, Respondent submits that the same is not at all applicable to Respondent's case as this Respondent has constructed the said Yoga Institute well within the four corners of Law.
- xix) With respect to contents of Point 31 & 32, It is denied that there is any such pollution and environment degradation being caused by respondent. Further, it is relevant to submit that Respondent has not contributed any type of pollution load at the time of



construction as well as operating the facility. There is no adverse impact observed by the joint committee at the time of joint inspection.

REPLY TO THE GROUNDS

14. Contents of the petition are misconceived and denied. Para-wise reply to the grounds is as under:

GROUND A TO P:

- Grounds A, B, C, D, E, F, G, H, I, J, K, L, M, N, O & P of Original Application are misconceived, baseless and denied and the averments made in the paras hereinabove are reiterated and reaffirmed. That the contents of the ground under reply have been replied specifically in the above submissions and the same are not repeated herein for the sake of brevity.

GROUND Q:

- Grounds Q(1) & Q(2) of Original Application are misconceived, baseless, wrong and denied and the averments made in the paras hereinabove are reiterated and reaffirmed. It is denied that the respondent has done any illegal construction without permission.
- Grounds Q(3) of Original Application is misconceived, baseless, wrong and denied and the



averments made in the paras hereinabove are reiterated and reaffirmed.

- Grounds Q(4) of Original Application is misconceived, baseless, wrong and denied and the averments made in the paras hereinabove are reiterated and reaffirmed. .
- Grounds Q(5) & Q(6) of Original Application are misconceived, baseless, wrong and denied in toto and the averments made in the paras hereinabove are reiterated and reaffirmed. It is submitted that, for the past more than two decades, there is not a single incident of landslide in and around our property observed or noticed by Respondent or surrounding people. Further, there is no artificial flooring done by Respondent. There is huge land remains after the construction of residential patches and internal roads for natural water percolation in our property. It is pertinent to mention that Respondent has not affected the free-flowing stream in his premises, as there is no free flowing stream in its plot. It is denied that Respondent has affected the habitat of wildlife animals or surrounding creatures.

GROUND R:

- Grounds R of Original Application is misconceived, baseless, wrong and denied and the averments made in the paras hereinabove are reiterated and reaffirmed. It is denied that Respondent has done



any environmental damage. Further, the answering Respondent has good prima-facie case while the original application bearing No. 33/2018 is only speculative in nature.

ON GROUNDS OF LIMITATION

15. Respondent states that the entire application and the causes stated in it are barred by limitation.

16. Respondent submits that letter from PMRDA by itself can't be the cause of action. The cause of action has to raise the substantial question related to the environment. RTI documents or Government authority letter is not under Schedule-I and doesn't raise any **'substantial question related to the environment'**. This phrase has been specifically and substantively defined in the NGT Act u/s.2(m). As such approval of plan can't be the cause contemplated and eligible under s.14 of the NGTA.

17. Respondent submits that applicant has unnecessarily invoked s.15 only to take advantage of the limitation period of six months corresponding to that section. Even under this section, which provides for 'relief,



compensation, and restitution, there are corresponding eligibility criteria as to who can claim that. The applicant is not claiming any relief in respect of the cause of action. Relief or more reliefs that should be consequential to each other. Mere reading of prayers shows that those are not the reliefs consequential to each other. Further, they have no bearing to correct the very cause of action, even assuming but not admitting that the same can be the cause.

18. Those reliefs are not for any environmental 'relief, compensation, and restitution but to threaten the Respondent, terrorize him and create fear in his mind.

19. Admittedly there is a delay beyond six months from the date of cause of action. The delay beyond this time period is not condonable as much as the Hon'ble Tribunal has no such powers to condone the delay.

20. Even the extra period of 60 days beyond limitation, doesn't help in fitting the cause within the period of limitation. Waiver from condonation of the delay also is not a matter of right. The applicant has neither prayed for condonation of any delay nor showed by giving sufficient cause as to how he was 'prevented' from applying in time.



21. The cause of action ought to have first arisen within the stipulated period of limitation of six months only AND that should be the cause which gives rise to '**substantial question related to the environment**'. The Applicant's submission that the cause of action arose on receipt of documents and letter from PMRDA is not acceptable. Also, this act in no way raises 'substantial questions related to the environment'. Therefore, this cause stated by the Applicant in itself is flimsy and untenable under s.14 and s.15 of NGTA.

REPLY TO COMMITTEE REPORT DATED 11.08.2021

Sr. No.	Joint Committee Remark	Reply be Respondent
1.	It is stated that during the site visit, the Record related to land viz. name on the 7/12 extract, Details of building permission, year of construction, Type of Construction and its use, whether the property is located uphill or downhill, distance from Pavana Dam, etc. was checked.	Nothing to say



2.	In the survey, 10 out of 63 constructions were found in the private forest which are deemed to be reserved forest as per the provisions of the Maharashtra Private Forest Acquisition Act, 1975. Such constructions in the reserved forest means encroachment over the reserved forest which is prohibited as per the provisions of the Indian Forest Act 1927	Nothing to say
3.	It is stated that during site visit inspection the area was surveyed in order to find out the unauthorized constructions (illegal) constructions in Pavananagar area.	Nothing to say
4.	After carrying out the site inspection and going through the report filed by the SDM, it can be stated that most of the properties are used for residential purpose. Hence, the pollution potential seems to be low and all properties have provided with septic tanks and soak pit arrangement for	This remark of Maharashtra Pollution Control Board in Joint Committee Report is self-explanatory and sufficient to prove that no pollution/ environmental



<p>treatment of sewage generation from domestic effluent.</p> <p><i>During the visit no direct sewage discharge to the river was observed from any of the property.</i></p>	<p>damage is done by Respondent.</p>
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PRAYER

22. In light of the facts and circumstances stated hereinabove, the Respondent prays and urges that this Hon'ble Tribunal be pleased to:

- a. hear and decide this matter in light of the preliminary objections raised, on the issue of maintainability, including but not limited to the points of a period of limitation, issues that have substantial questions related to the environment, and multiple causes raised in one single application;
- b. adjudicate the matter on merit on whether the constructed house is nothing but the farmhouse/forest house under private property owned by Respondent when constructed before the existence of EIA notification 2006, and there being nothing of the nature of violation or damage to the environment.



decide and direct the additional environmental features to be provided ask the applicant to submit more details based on ground facts or real facts rather than literature supports

- d. Remove the name of the Respondent as a party from this application and non-applicability of judgment/Order passed or going to pass by this Tribunal in this Original Application 33/2018.
- e. Hon'ble Tribunal may ask each applicant to pay the cost of Rs.1 LAKH against the legal fee and documentation for this application to Respondent which is already paid by Respondent No.11.
- f. any other order as deemed fit.

AND for this act of kindness, as duty bound shall ever pray.

Date:

14/02/2023


RAVI KHEMKA

Respondent No.11



AFFIDAVIT AND VERIFICATION

I, MR. RAVI KHEMKA, aged 46 years, Resident of Gat No. 539, Village- Tikona, Pavanagar, Taluka Maval, Dist.- Pune, do hereby state that I have submitted this Affidavit on solemn affirmation and oath. I have verified that the facts are true to my personal knowledge. I have not suppressed any material fact known to me and relevant to this matter. Translation of it has been explained to me in brief in a language that I can understand.

Date: 14/02/2023

RAVI KHEMKA

Respondent No.11

Deponent

Identified by & before me:
Advocate

BEFORE ME

UDAI PRAKASH (M.A.LL.B.,)
ADVOCATE & NOTARY GOVT. OF INDIA
MUMBAI (MAHARASHTRA)
REG. NO. 9972

Room No. 10, S. No. 94, Inshwadi, Kharodi Village,
Marve Road, Malad (W), Mumbai - 400 095.



NOTARIAL REG. NO.	<u>09</u>
Sr. No.	<u>1642</u>
Page No.	<u>1A</u>
Date	<u>14-02-2023</u>



We are not member of Welfare Society Fund therefore stamp of Rs.2/- is not affixed herewith.

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
WESTREN ZONE BENCH, PUNE.**

Application No. 33/2018 (WZ)

Sanjay alias Bala Bhegade & Others) ...Applicants

V/S

The State of Maharashtra & Others) ...Respondents.

VAKALATNAMA

I/We above named Respondent No. 11 i.e. Ravi Khemkha do hereby appoint **HIRANYA PANDEY and MUKESH GUPTA** Advocates to act, appear and plead on my / our behalf in the above matter.

In witness whereof I/we have set my/our hands to this writing at Bombay.

Dated this 14 day of February 2023.

Accepted

[Signature]

[Signature]

HIRANYA PANDEY / MUKESH GUPTA

Advocates for Respondent.

Office No.24/20, 2nd Floor, 105

Abubaker House, Opp. Bharat House,

Apollo Street, Mumbai Samachar Marg,

Fort, Mumbai-400 001.

Mobile:- 9821406824

E-mail:hiranyapandey@yahoo.com

[Signature]

**Ravi Khemkha
Respondent No.11**



Annexure - "A"

- वाचले - १) श्री. मळीराम खेमका फौंडेशन तर्फे ट्रस्टी विजय खेमका, रा. तिकोणा, ता. मावळ यांचा दि.५/१०/२००९ रोजीचा अर्ज.
- २) सहाय्यक संचालक,नगर रचना पुणेशाखा पुणे-३० यांचेकडील अभिप्राय पत्र क्र. एनएबीपी/मौ. तिकोणा/ता.मावळ/ग.नं.५३९पै/ससंपु/४४८४ दि. १५/१२/२००९
- ३) महाराष्ट्र जमीन महसुल अधिनियम १९६६ मधील कलम ४४ व महाराष्ट्र प्रादेशिक नियोजन व नगर रचना अधिनियम १९६६ मधील कलम १८



जिल्हाधिकारी कार्यालय पुणे
महसुल शाखा
क्र.पमअ/एनए/एसआर/१००/१०
पुणे-१ दिनांक १९/१२/२०१०
९१९०१२०९०

विषय:- मौजे तिकोणा, ता. मावळ येथील ग.नं. ५३९ पै. मधील ७५१९.१२ चौ.मी. क्षेत्रावर वाणिज्य प्रयोजनासाठी म.ज.म.अ. १९६६ मधील कलम ४४ नुसार संस्थीय (योगा इन्स्टिट्यूट) या रेखांकन/बांधकाम आराखडयास अकृषिक परवानगी मिळणेबाबत.

आदेश :-

श्री. मळीराम खेमका फौंडेशन तर्फे ट्रस्टी विजय खेमका, रा. तिकोणा, ता. मावळ यांचा दि.५/१०/२००९ रोजीचा अर्ज करून मौजे तिकोणा, ता. मावळ येथील जमीन स. नं ५३९ पै. मधील ८०००.०० चौ. मी. पैकी क्षेत्र ७५१९.१२ चौ.मी. वरील वाणिज्य वापराचे रेखांकन/ बांधकाम नकाशांना मंजूरी मिळणेकामी या कार्यालयाकडे विनंती केलेली आहे.

मौजे तिकोणा, ता. मावळ येथील जमीन स. नं ५३९ पै. मधील ८०००.०० चौ. मी. ही जमीन खालीलप्रमाणे हक्कनोंदणीस दाखल आहे.

अ.क्र	सर्व्हे नंबर	मूळ जमीन मालकाचे नांव	क्षेत्र (चौ मी)
१	५३९ पै	मळीराम विजय कुमार एच यु. एफ विजय खेमका	८०००.००

अर्जदार यांनी अर्जासोबत सादर केलेल्या सर्व हक्कनोंद उतारे,वन विभागाकडील यादी, तहसिलदार मावळ यांचा स्थळपाहणी अहवाल व कार्यालयातील ऑनलाइन रजिस्टर मधील नोंदी यावरून असे दिसून येते की,

१. विषयाधीन जमीन अर्जदार यांचे मालकीहक्काची आहे.



सादर जमिन गट नं. ५३९ चे एकूण क्षेत्रफळ १७३०० चौ. मी. असून त्यापैकी ८००० चौ.मी. क्षेत्र मळीराम खेमका फाउंडेशन या संस्थेतर्फे विजय खेमका यांचे नावे आहे. त्यामुळे ८००० चौ.मी. पैकी ४८० चौ.मी. क्षेत्र रस्तारुंदीसाठी वजा जाता ७५१९.१२ चौ.मी. क्षेत्रफळ नियोजनासाठी गृहीत धरलेले आहे. गांव रस्ता आखणी बाधीत होणारे क्षेत्र वजा जाता उर्वरीत क्षेत्रावर अर्जदार यांनी नियोजित संस्थीय (योगा इन्स्ट्युट) वापर प्रादेशिक योजना तरतुदीनुसार अनुज्ञेय होईल त्यानुसार वाणिज्य वापरासाठी मंजूरीची शिफारस केलेली आहे.

अर्जदार यांनी सादर केलेली हक्कनोंदणीची कागदपत्रे तसेच मा.विभागीय आयुक्त पुणे यांचेकडील परिपत्रक क्रमांक मह-२/जमीन/जनरल/आरआर/७७२/२००३ दिनांक २२/९/२००३ अन्वये सादर केलेले शपथपत्र आणि सहाय्यक संचालक नगर रचना पुणे यांनी दिनांक दि. १५/१२/२००९ अन्वये केलेल्या शिफारशी नुसार अर्जदारास नियोजित संस्थीय (योगा इन्स्ट्युट) या वाणिज्य वापराचे बांधकाम नकाशे मंजूर करुन मिळणेस पात्र आहेत. सबब महाराष्ट्र प्रादेशिक नियोजन व नगर रचना अधिनियम १९६६ मधील कलम १८ नुसार जिल्हाधिकारी पुणे यांना प्रदान करण्यात आलेल्या शक्तीनुसार श्री श्री. मळीराम खेमका फाउंडेशन तर्फे ट्रस्टी विजय खेमका यांना खालील वर्णन केलेल्या जमीनीस खालील अटी व शर्ती बंधनकारक करणेत येवून वाणिज्य वापराचे नकाशांना मंजूरी देणेत येत आहे.

बिनशेती करावयाच्या जमीनीचे वर्णन

गावाचे नांव	तालुका	गट नंबर	क्षेत्र चौ.मी
तिकोणा	मावळ	५३९ पै.	एकूण क्षेत्र अर्जदार यांचे मालकीचे क्षेत्र रेखांकन सादर केलेले क्षेत्र वजा रस्त्यासाठीचे संपादन क्षेत्र परवानगीचे क्षेत्र
			१७३००.०० ८०००.०० ८०००.०० ४८०.०० ७५१९.१२

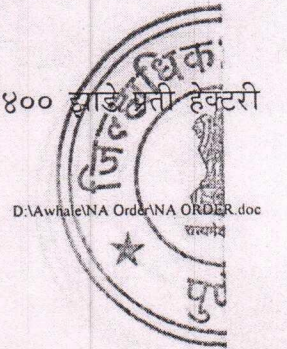
मंजूर करावयाच्या आराखड्याचा तपशील

अ.क्र	प्लॅन क्रमांक	तपशील
१	१/२	साईट प्लॅन व क्षेत्रफळ विवरण तपशिल नकाशा
२	२/२	योगा इन्स्ट्युट इमारत बांधकाम, प्लॅन, इलेव्हेशन व सेक्शन



अटी व शर्ती

१. सदरची परवानगी महाराष्ट्र जमीन महसुल अधिनियम १९६६ व महाराष्ट्र प्रादेशिक नगर रचना अधिनियम १९६६ व त्याखालील नियमान्वये देणेत येत आहे.
२. वरील जागेचा वापर नियोजित इमारतीचा वापर फक्त योगा इन्स्टिट्यूट संस्थीय या वापरासाठी करण्यात यावा व बांधकाम मंजूर नकाशाप्रमाणे असावे.
३. स्थलदर्शक नकाशावर दर्शविल्याप्रमाणे नियोजित बांधकामापासून पुढील मागील व बाजूची अंतरे प्रत्यक्षात जागेवर असली पाहिजेत व त्याखालील जागा कायम खुली कायम ठेवावी.
४. नियोजित बांधकामाचे, भुखंडातील अन्य बांधकाम धरून एकूण क्षेत्र नकाशावर दर्शविल्याप्रमाणे प्रत्यक्ष जागेवर कमाल राहिले पाहिजे.
५. नियोजित बांधकामातील मजल्यांची संख्या नकाशावर दर्शविल्यापेक्षा जास्त असू नये.
६. नियोजित इमारतीसाठी आवश्यक असणाऱ्या पाण्याची सोय व सांडपाण्याची व मैला निर्मुलनाची व्यवस्था नसल्यास प्रत्यक्ष वापरापुर्वी अर्जदाराने केली पाहिजे.
७. नियोजित बांधकामात मंजूरीपेक्षा वेगळे बदल करावयाचे असल्यास किंवा वापरात बदल करावयाचा असल्यास पूर्व परवानगी घेणे आवश्यक आहे.
८. प्रकाश व वायुविजन यासाठी ठेवलेल्या खिडक्यांचे क्षेत्र हे त्या संबंधित खोलीच्या क्षेत्राच्या १/८ पेक्षा कमी असू नये.
९. नियोजित बांधकामामुळे भुखंडावर असलेल्या कोणाच्याही वहिवाटीचे हक्काचा भंग होणार नाही याची जबाबदारी अर्जदार / मालकाने घेतली पाहिजे.
१०. सदरची बांधकाम परवानगी ही वनिकरण विभागामध्ये अनुज्ञेय होणाऱ्या संस्थीय वापरासाठी असून नकाशा प्रमाणे तळमजला मर्यादित बांधकाम करणे आवश्यक आहे.
११. सदरचे बांधकाम हे वनिकरण विभागात असून जलाशयापासून ४४० मी. ते ६४० मी अंतरामध्ये येत असल्याने भुखंड क्षेत्राच्या ३.७५ टक्के बांधकाम मर्यादित अनुज्ञेय आहे. त्यामुळे या मर्यादित बांधकाम करणेत आवश्यक आहे.
१२. संस्थीय वापरासाठीच्या भूखंडामध्ये वन विभागाने मान्य केलेल्या प्रजातीची ४०० झाडे प्रति हेक्टर या प्रमाणे लावून त्याचे संगोपन करणे बंधनकारक आहे.



०. विषयांकित बांधकाम नकाशाची छाननी, अनुज्ञेय चटई क्षेत्र, भुव्याप्त क्षेत्र याबाबतीत केलेली आहे. विषयांकित रेखांकन नकाशातील गणितीय चुका वा जागेवर बांधकाम नकाशावर नमुद केल्या व्यतिरिक्त जादा बांधकाम असल्यास त्यास संबंधीत वास्तुशिल्पी व अर्जदार बंधनकारक राहतील.
१४. जागेतील / जागेलगतच्या नाल्याचा नैसर्गिक प्रवाहास अडथळा येईल असे कोणतेही बांधकाम करता येणार नाही. व नाल्यास सुयोग्य मजबूतीकरण करणे आवश्यक राहिल.
१५. गावरस्त्याने बाधित क्षेत्र सार्वजनिक वापरासाठी कायम स्वरुपी खुले ठेवणे आवश्यक राहिल व समुचित प्राधिकरणाने ही जागा मागणी केल्यानंतर ती विना तक्रार प्राधिकरणाच्या ताब्यात देणे अर्जदारावर बंधनकारक राहिल.
१६. प्रस्तुतची परवानगी मिळणेकामी अर्जदार यांनी सादर केलेली कागदपत्रे व माहिती ही दिशाभूल करणारी अगर चुकीची आढळून आलेस त्यास परवानगी धारकास जबाबदार धरून भारतीय दंड विधान संहिताच्या तरतूदी नुसार फौजदारी कारवाई करणेस पात्र धरणेत येईल.
१७. अर्जदारानी बिनशेती रहिवास प्रयोजनार्थ मंजूरी मिळणेकामी रु ००.१० पै प्रति चौ.मी दराने आगाऊ बिनशेतसारा रु ७५२/-,रुपांतरीत कराची रक्कम रुपये ३७६०/-,जिल्हा परिषद उपकर रुपये ५२६४/- आणि ग्रामपंचायत उपकर रुपये ७५२/- व नजराना रक्कम १०६७२६/- अशी एकुण रक्कम रुपये ११७२५४/- दिनांक ०३/०९/२०१० रोजी कोषागार पुणे यांचे कार्यालयात जमा केलेली आहे.
१८. अर्जदार यांनी अकृषिक परवानगी आदेशाच्या दिनांकापासून ३० दिवसांत मोजणी फी तालुका निरीक्षक भूमी अभिलेख हवेली यांजकडे जमा करावी.
१९. प्रस्तुत जमिनीवर रुपये ०.१०/- प्रति चौ.मी. / प्रति वर्षी या दराने अकृषिक आकारणी करणेत आली असून सदरची आकारणी ही तात्पुरत्या स्वरुपाची आहे. दिनांक १/८/२००६ पासून सुधारित दर अंमलात आल्यानंतर त्यानुसार आकारणी करणेत येईल व सदर आकारणीनुसार रक्कम भरणे अर्जदारांवर बंधनकारक असेल.
२०. प्रस्तुत परवानगी मिळणेकामी अर्जदार यांनी सादर केलेली कागदपत्रे व माहिती ही दिशाभूल करणारी अगर चुकीची आढळून आलेस त्यास परवानगी धारकास जबाबदार धरून भारतीय दंड विधान संहितेच्या तरतूदीनुसार फौजदारी कारवाईस पात्र धरणेत येईल.



२१. वरील अटी व शर्ती पैकी कोणत्याही अटीचा अगर शर्तीचा भंग केल्यास सदरचा आदेश रद्द समजणेत येईल.



(Handwritten Signature)
(चंद्रकांत दळवी)
जिल्हाधिकारी पुणे

प्रति,
श्री. मळीराम खेमका फौंडेशन तर्फे ट्रस्टी विजय खेमका
रा. तिकोणा, ता. मावळ, जि. पुणे



English Translation of Annexure-"A"**Read:-**

1. Application dated 5.10.2009, from Shri Maliram Khema Foundation through Trustee Vijay Khemka, r/at Tikona, Tal. Maval
2. Opinion Letter No. NABP/ Mau. Tikona/ tal. Maval/ G. No. 539 (pt)/SSP/4484 dt. 15.12.2009 from Assistant Director, Town Planning, Pune Branch, Pune - 30
3. Section 44 of Maharashtra Land Revenue code, 1966 and Section 18 of Maharashtra Regional Planning and Town Planning Act, 1966

District Collector Office, Pune
Revenue Department
No. PMH/NA/SR/100/10
Pune-1 Dt. 1/10/2010

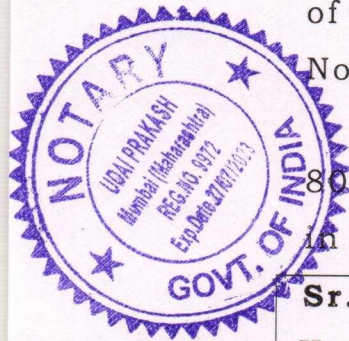
Sub: For giving non-agricultural permission to the construction plan of institution (Yoga Insitute) under Section 44 of the MLRC, 1966 in respect of area admeasuring 7519.12 sq.mtrs. of land bearing G. No. 539 Pt. at Village Tikona, Tal. Maval for commercial purpose;

ORDER

Shri Maliram Khema Foundation through Trustee Vijay Khemka, r/at Tikona, Tal. Maval filed an application in this office for approval of construction plan of commercial user on are admeasuring 7519.12 sq.mtrs. out of area admeasuring 8000.00 sq.mtrs. of land bearing G. No. 539 Pt. at Village Tikona, Tal. Maval.

The land bearing S. No. 539 pt. admeasuring 8000.00 sq.mtrs. at village Tikona, Tal Maval is recorded in the Record of Rights as follows

Sr. No.	Survey No.	Name of original land owner	Area
1	539	MaliramVijaykumar	8000.00



	(pt)	H.U.F. Vijay Khemka	
--	------	---------------------	--

On perusal of all Record of Rights extracts, list of Forest Department, Site Inspection Report of Tehsildar Maval and the entries in Alienation in this office it is noticed that,

1. The present land is owned by Applicant.
2. The subject land is not Vatan land.
3. The subject land is not Forest land.
4. No high voltage electricity line is going from the subject area.
5. No construction done by the Applicant on the said land prior to obtaining permission.
6. Undertaking and Indemnity is executed on stamp paper of Rs.300/- in respect of ULC Act.

Applicant filed the Affidavit and Indemnity Bond in the prescribed _____ as per instructions under Circular _____ No. Mah-2/Zamin/General/RR/772/2003 dated 22/9/2003 of the Divisional Commissioner Pune and the specimen therein and it has been mentioned that, the said land is neither under acquisition nor proposed under acquisition. There is an access road to the said land and the provisions of the Tenancy Act 1948, Maharashtra Land Revenue Act 1966, Agricultural Land Ceiling Act 1976, Inam and Vatan Act 1975, Rehabilitation Act 1975, Rehabilitation Act 1976 have not been violated regarding the said land. Similarly, it is also mentioned that the land is not declared excess as per ULC Act and the said land is not from new condition class - 2.

Pursuant to Opinion Letter No.NABP/Mau.Tikona/Tal.Maval/G.No. 539 Pt/ SSP/ 4484 dated 15/12/2009, the Assistant Director, Town Planning, Pune Branch Pune-30 submitted report. Pursuant to the said Report the proposed land is mentioned in the Sector Maval Zone Plan in the approved Regional Plan of Pune District and falling in Forestry Division and is located at a distance of 200 meters from Gaothan. Also it comes at a



distance of 400 meters to 640 meters from the Pavana Reservoir. It is adjacent to the existing 745 m. wide Pavananagar Jovan Road. For widening, the said road for 15.0 mtr. the applicant has proposed road widening up to 7.5 meters from the center of the existing road. Accordingly an area admeasuring 480 sq.mtrs. is being affected in the said road. Accordingly, the layout of the proposed road is duly shown on the layout plan. It is obligatory on the applicant to keep the said area permanently open and hand it over without complaint to the concerned authority at the appropriate time.

The total area of the said land bearing Gat No. 539 is 17300 sq.mtrs. out of which 8000 sq.m.area is in the name of Maliram Khemka Foundation through Trust Vijay Khemka. Therefore after excluding area admeasuring 480 sq.mtrs. out of area amasuring 8000 sq.m. for road sidening the balance area admeasuring 7519.12 sq.m. is considered for planning. The applicant requested for recommendation for sanction of the balance area after excluding the area of road, for proposed institution (Yoga institute) as may be sanctioned for commercial purpose of under provisions of Regional Scheme.

As per the documents of Record of Rights submitted by the Applicant as well as Affidavit submitted as per Circular No. Mah-2 / Lands / General / RR/772/2003 dated 22/9/2003 of the Divisional Commissioner Pune and recommendation made by the Assistant Director Town Planning Pune dated 15/12/2009, the applicant is eligible for sanction of building plans for commercial use of proposed Institution (yoga institutes). Therefore as per the powers vested unto Collector Pune under Section 18 of Maharashtra Regional Planning and Town Planning Act, 1966, permission is granted to Shri. Maliram Khemka Foundation through Trustee Vijay Khemka for the building plans on the land described herein below for commercial use subject to the following term and conditions.



Description of the land to be converted to N.A. User

Name of Village	Taluka	Gat No.	Area sq.mtrs.
Tikona	Maval	539 pt.	Total area 17300.00
			Area owned by Applicant 8000.00
			Area submitted for layout 8000.00
			Less area acquired for road 480.00
			Permitted area 7519.12

Details of plan to be sanctioned:

Sr. No.	Plan No.	Details
1	1/2	Site Plan and area statement plan
2	2/2	Yoga Institute Building Plan, Elevation and Section

TERMS AND CONDITIONS

1. This permission is granted under provisions of Maharashtra Land Revenue Code, 1966 and Rules thereunder.
2. The aforesaid land and the proposed building should be used only for Yoga Institute and the construction should be as per sanctioned plan.
3. The front, back and side distance from the proposed construction should be actually as shown on the layout plan and the land underneath it should always be kept open.
4. Total area of proposed construction with other construction on the plot should be maximum on the actual site as shown on the plan.
5. The number of floors in the proposed building should not exceed than shown on the plan.
6. If there is no water facility and sewage and sewage disposal system required for the proposed building, the applicant should make such arraignment before the actual user.



7. If the proposed construction is to be altered other than approval or if user is to be changed, prior permission is required.
8. The area of windows provided for light and air ventilation should not be less than 1/8 area of the respective room.
9. The applicant/owner should undertake that the proposed construction will not infringe the occupancy rights of anyone on the plot.
10. The said construction permission is for institutional use permissible under the Forestry Division and the construction must be done within ground floor limits as per plan.
11. The said construction is falling under the forest department and is within 440 mtr. to 640 mtrs. from the reservoir therefore the construction is limited to 3.75 percent of the plot area. So it is necessary to do construction within this limit.
12. 400 trees of the species approved by the Forest Department in plots for institutional use should be planted and maintained.
13. Scrutiny of the subject construction plan, permissible FSI, under-occupation area has been done. The architect and the applicant will be liable for any mathematical errors in the subject layout plan or additional construction on the site other than what is shown on the construction plan.
14. No construction can be done which obstructs the natural flow of drains in the said land/adjacent to the said land and proper strengthening of drains will be necessary.
15. It will be necessary to keep the area affected by the village road permanently open for public use and it will be obligatory on the applicant to hand over the land to the authority without complaint after the appropriate authority demands it.



16. If the documents and information submitted by the applicant seeking permission are found to be misleading or incorrect, the permission holder will be held responsible and liable for criminal action under the provisions of the Indian Penal Code.
17. Applicant for obtaining N.A. permission for residential purpose deposited in the office of Treasury Pune advance N.A. tax of Rs.752/- at Rs.00.10Ps. per Sq.mtrs., Rs.3760/- towards conversion charges, rs.5264/- towards Jilha Parishad Cess and Rs.752/- towards Grampanchayat Cess and Nazrana amount of Rs.106726/- in aggregate Rs.117524 on 3.9.2010.
18. The applicant should deposit the survey fee in the Office of Taluka Inspector Land Records Haveli within 30 days from the date of non-agricultural permission order.
19. Rs.0.10/- per sq.mtr/per year is levied towards N.A on the said land and the said levy is temporary in nature. After the revised rates come into effect from 1/8/2006, the levy will be levied accordingly and it will be mandatory for the applicant to pay the amount as per the levy.
20. If the documents and information submitted by the applicant seeking permission are misleading or wrong, the permission holder will be liable for criminal action under the Indian Penal Code.
21. In case any of the above term or condition out of the aforesaid terms and conditions is breached the said order shall be treated as cancelled.



To,

Shri Maliram Khema Foundation through Trustee Vijay Khemka, r/at Tikona, Tal.Maval. Dist. Pune

Sd/-

Chandrakant Dalavi
Collector, Pune

Annexure - "B"

COMPLETION CERTIFICATE



पुणे महानगर प्रदेश विकास प्राधिकरण, पुणे

Pune Metropolitan Regional Development Authority, Pune

PUNEMETROPOLIS

स.नं. १५२ - १५३, महाराजा सयाजीराव गायकवाड उद्योग भवन, औंध, पुणे - ४११००७

S.No. 152-153, Maharaja Sayajirao Gaikwad Udyog Bhawan, Aundh, Pune - 411 007

Ph No. : 020- 259 33 344 / 356 / 333 / फोन. नं. ०२०- २५९ ३३ ३४४ / ३५६ / ३३३ Email: hqpmrda@gmail.com

भोगवटा प्रमाणपत्र

(मंजूर विकास नियंत्रण व प्रोत्साहन नियमावलीतील नियम क्र.7.6 नुसार)

जा.क्र.:डीपी/बीएमए/मौ.तिकोणा/ग.नं.५३९पैकी/प्र.क्र.११६१

दि.०२/११/२०१९

प्रति

९८-९९

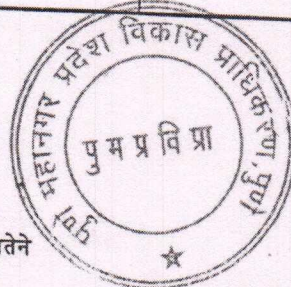
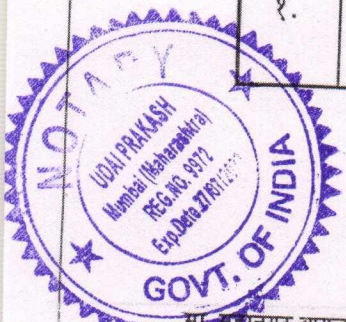
श्री. मळीराम खेमका फाऊंडेशन तर्फे ट्रस्टी विजय खेमका
तर्फे कु.सु.धा. श्री. रवी खेमका,
पत्ता:- मौ. तिकोणा, ता. मावळ, जि. पुणे

मौ. तिकोणा, तालुका मावळ, जिल्हा पुणे, येथील ग.नं. ५३९पैकी, क्षेत्र ८०००.०० चौ.मी. या क्षेत्रावरील योगा इन्स्टिट्यूट प्रस्तावातील बांधकाम नकाशांना जिल्हाधिकारी, पुणे यांचेकडील अकृषिक आदेश क्र. पमअ/एनए/एसआर/१००/१०, दि. ०१/१०/२०१० अन्वये मंजूरी दिली आहे. तसेच पुणे महानगर प्रदेश विकास प्राधिकरण, पुणे यांचेकडील सुधारित विकास परवानगी व प्रारंभ प्रमाणपत्र जा. क्र. DP/बीएमए/मौ.तिकोणा/ग.नं.५३९पैकी/प्र.क्र.११६१/१८-१९, दि. ०७/०८/२०१९ अन्वये बांधकाम परवानगी प्रदान केली आहे.

उपरोक्त परवानगी प्रमाणे आपण विश्वनाथ जगताप, लायसन्स नं. CA/९६/१९६०८, परवानाधारक वास्तुविशारद यांच्या देखरेखीखाली योगा इन्स्टिट्यूटच्या इमारतीचे बांधकाम पूर्ण केले असलेबाबत व या इमारतीस भोगवटा प्रमाणपत्र मिळणेबाबत दि- १६/१०/२०१९ रोजी अर्ज केल्यावरून आपणास खालील इमारतीस सोबतच्या परिशिष्ट 'ब' मध्ये नमूद केलेले अटीस अधिन राहून भोगवटा करणेस संमती देण्यात येत आहे.

उपयोगात आणावयाच्या इमारतीचे वर्णन

अ. क्र.	इमारत क्रमांक	मंजूरीप्रमाणे	प्रत्यक्ष जागेवर	मंजूरीप्रमाणे
१.	योगा इन्स्टिट्यूटची इमारत	तळ मजला	तळ मजला	मेडिटेशन रूम, ऑडिओ-विज्युअल रूम, योगा हॉल, स्टोर, पॅन्ट्री, ऑफिस, टॉयलेट



महानगर आयुक्त
तथा
मुख्य कार्यकारी अधिकारी

पुणे महानगर आयुक्त तथा मुख्य कार्यकारी अधिकारी यांचे मान्यतेने

प्रत: माहिती व आवश्यक कार्यवाहीसाठी.

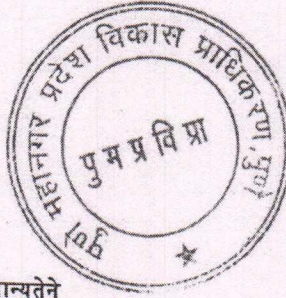
१) ग्रामसेवक, मौजे - तिकोणा, ता- मावळ, जि- पुणे. यांना माहितीसाठी व घरपट्टी आकारणीसाठी.

पुणे महानगर प्रदेश विकास प्राधिकरण पुणेकरीता

पुणे महानगर प्रदेश विकास प्राधिकरण, पुणे यांचेकडील दि.०२/११/२०१९ रोजीचे पत्र क्र. २१६१ सोबतचे
परिशिष्ट 'ब'

२१६१
२१६१

- १) प्रमाणित विकास नियंत्रण आणि प्रोत्साहन नियमावलीमधील नियम क्र. ७.१ नुसार सदर प्रकल्पाचे बांधकाम विकास नियंत्रण नियमावलीनुसार करणेची तसेच भारतीय प्रमाणकानुसार सुरक्षिततेच्या सर्व निकषांचे पालन करून नियोजित बांधकाम करणेची संपूर्ण जबाबदारी जमिनमालक / विकासक यांची असून प्रस्तुत प्रकरणी अर्जदार / जमीन मालक / विकासक यांनी दि. २५/०९/२०१८ रोजी स्टॅम्प पेपरवर तसे नोटरीज्ज हमीपत्र क्र. ९९४० सादर केलेले आहे. त्यास अधिन राहून भोगवटा प्रमाणपत्र देण्यात येत आहे.
- २) बांधकाम मंजूरीच्या आदेशातील तसेच अकृषिक परवानगी आदेशातील सर्व अटी व शर्ती अर्जदार/विकासक/जमीन मालक यांचेवर बंधनकारक राहतील.
- ३) प्रस्तुत योगा इन्स्ट्रुमेंट प्रकल्पाकरिता आपण सादर केलेल्या प्रमाणपत्रात नमूद सक्षम प्राधिकरणाने / ग्रामपंचायतीने पिण्याच्या पाण्याचा पुरवठा न केल्यास या प्रकल्पाचे हस्तांतरणापूर्वी पिण्याच्या पाण्याची आवश्यक ती पूर्तता स्वखर्चाने करणे अर्जदार / जमीन मालक / विकासक यांचेवर बंधनकारक राहिल.



मा. महानगर आयुक्त तथा मुख्य कार्यकारी अधिकारी यांचे मान्यतेने

(सुदीप) सुदीप
महानगर आयुक्त

तथा

मुख्य कार्यकारी अधिकारी

पुणे महानगर प्रदेश विकास प्राधिकरण पुणेकरीता



English Translation of Annexure –“B”**Pune Metropolitan Regional Development
Authority, Pune**

S.No. 152-153, Maharaja Sayajirao Gaikwad
Udhyog Bhawan, Aundh,
Pune – 411007

Ph. No.: 020-259 33 344 / 356 / 333

Email: hqpmrda@gmail.com

OCCUPANCY CERTIFICATE

(As per Rule No. 7.6 in Approved Development
Control and Promotion Regulations)

O.No. DP / BMA / V. Tikona / G.No. 539 Paiki /
C.No. 1161 / 18-19

Date: 02-11-2019

To,

Shri Maliram Khemka Foundation
on behalf of Trustee Vijay Khemka
on behalf of Power of Attorney
Holder Shri Ravi Khemka
Address:- V. Tikona, Taluka –
Mawal, District – Pune

Approval has been given as per Non-
agricultural Order No. PMA / NA / SR / 100 / 10,
dated 01-10-2010 from the Collector, Pune to the
construction plan in proposed Yoga Institute on
G.No. 539 Paiki, Area 8000.00 sq.m. at Village –
Tikona, Taluka – Mawal, District – Pune. Similarly,
cons-truction permission has been given as per
Amended Development Permission and
Commencement Certificate O.No. DP / BMA / V.
Tikona / G.No. 539 Paiki / C.No. 1161 / 18-19
dated 07-08-2019 from Pune Metropolitan Regional
Development Authority, Pune.



Due to giving Application dated 16-10-2019 by you as per above permission regarding completion of construction of building of Yoga Institute under super-vision of Vishwanath Jagtap, License No. CA / 96 / 19608, License Holder Architect and regarding obtaining Occupancy Certificate to this building, consent is given to you to take occupancy under the terms mentioned in Appendix "B" to the following building.

Description of the building to be used

S. No.	Building No.	As per Approval	Directly on the land	As per Approval
1.	Building of Yoga Institute	Ground Floor	Ground Floor	Meditation Room, Audio-Visual Room, Yoga Hall, Store, Pantry, Office, Toilet

SEAL

sd/-

For Metropolitan Commissioner
& Chief Executive Officer Pune
Metropolitan Regional
Development Authority

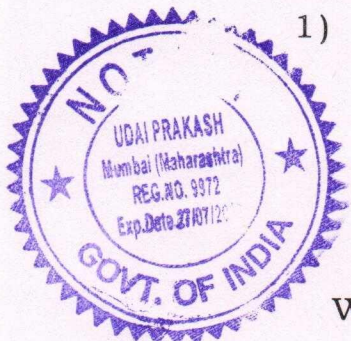
Copy for information and necessary action to:-

- 1) Gram Sevak, Village - Tikona, Taluka - Mawal, District - Pune, for information and house tax assessment.

Appendix "B"

With Letter No. 1161 / 18-19 dated 02-11-2019
from Pune Metropolitan Regional Development
Authority, Pune

- 1) It is responsibility of land owner / developer to complete proposed construction by



complying with all criteria of safety as per Indian Standard and as per Construction Development Control Regulations of said project as per Rule No. 7.1 in Certified Development Control and Promotion Regulations. Notarized Undertaking No. 9940 on stamp paper has been submitted on 25-09-2018 by the Applicant / Land Owner / Developer in the present case. Occupancy Certificate is being given under the same.

- 2) All terms and conditions in the order of construction approval and in non-agricultural permission order will be binding on the Applicant / Developer / Land Owner.
- 3) If supply of drinking water is not done by Competent Authority / Gram Panchayat mentioned in Certificate submitted by you for present Yoga Institute Project, then it will be binding on the Applicant / Land Owner / Developer to fulfill requirement of drinking water with own cost before transfer of this project.

SEAL

sd/-

For Metropolitan Commissioner
& Chief Executive Officer Pune
Metropolitan Regional
Development Authority

By approval of Hon. Metropolitan Commissioner &
Chief Executive Officer.

