

**BEFORE THE NATIONAL GREEN TRIBUNAL,
WESTERN ZONE BENCH AT PUNE.**

[Under section 18(1) read with sections 14, 15, 16 & 17 of
National Green Tribunal Act, 2010]

ORIGINAL APPLICATION NO. 82 OF 2023

Abdul Samad Ismail Maknojia and 60 Ors

...Applicants

V/s

The State of Maharashtra and 9 Ors.

...Respondents

**AFFIDAVIT-IN-REPLY OF RESPONDENT NO. 11 TO
ORIGINAL APPLICATION FILED BY APPLICANTS.**

I, Ramakant Sahani, Member and Authorised Signatory of Respondent No. 11 – Shree Azad SRA Co-op. Housing Society Ltd., age: adult, an Indian Inhabitant, do hereby state on solemn affirmation as under:–

1. I say that, I am well conversant with the facts of the present case from the documents and records present with the Society and as such competent to depose before this Hon'ble Tribunal. I have been read over, explained and interpreted the contents of above Application and other related documents filed by the Applicants and other Respondents in present matter.
2. I say that, the Society is a registered Co-operative Housing Society bearing registration No. MUM / SRA / HSG / (TC) / 11698 / 2009, having its registered address as C.T.S. No. 738/B/1/0, Survey No. 2734, Village – Malad, Taluka – Borivali, MSD, Azad Link Road, Sanjay Nagar, Pathanwadi, Rani Sati Road, Malad (E), Mumbai – 400 097.



3. I say that, the Society was the land owner of the above said property wherein the present Slum Rehabilitation Scheme has been implemented.
4. The Society's term expired on 25.05.2022 and despite application to conduct elections the election was not conducted on time.
5. I say that, the Managing Committee Members of the Society also perused replies filed by Project Proponent and his replies were shared with the other members of Society. Project Proponent has attempted to shrug off and pass his responsibility on the Society.
6. I say that, on 20.11.2024, the Managing Committee Members perused Joint Inspection Report dated 30.04.2024, which illegally purportedly holds the Society / Project Proponent responsible.
7. I say that, in order to bring corrects facts on record of this Hon'ble Tribunal for proper and just adjudication of present matter, I am filing present reply to the Original Application.
8. I say that, pursuant to liberty granted by this Hon'ble Tribunal, I am filing this reply. I am filing this reply for limited purpose and seek leave of this Hon'ble Tribunal to file Reply / Addl. Affidavit, if required.
9. I say that, the brief facts stated in Original Application from para No. 3 (3.12 to 3.23) are true and correct. I further state that, I have also perused the grounds mentioned in the Original Application and exhibits / list



of documents annexed with the Original Application and found that, the Original Application has narrated fair grounds about illegality committed by the Project Proponents which has caused prejudice and harm not only to the Applicants and Society, but also has caused grave impact on the environment, which warrants interference of this Hon'ble Tribunal.

10. In Re parking:-

10.1 I say that, the Respondent (Project Proponents) has mentioned in compliance column that 70 nos. parking is provided, suppressing the fact no parking is provided for occupants of Rehab Wing. Provision for parking is only made for Sale Wing. It is an undisputed fact that, the Sale and Rehab Wings are composite buildings. Thus, the Project Proponents cannot be allowed to apply the Regulation – 36, Table – 15 for Sale Wing and deprive the Rehab Wing (consisting of 194 members of the society). Thus, there is apparent discrimination in law and therefore necessary provision and access for parking can be provided in the existing four wheeler parking.

11. In Re R. G. / Amenity open space:-

11.1 I say that, the R. G. explain as claimed by layout plan 1/10 at the corner of South + East location is actually not provided on site. I say that, Project Proponent has fraudulently shown most of the paved R. G. on 06 meter access / internal road. In law access / internal road should be independent from Amenity open space. Thus, R. G. claimed to be provided by Project Proponent is



meaningless, because it is internal / access Road. Therefore, the Project Proponent have clearly committed breach of its own undertaking and E.C. by not granting required R.G. space on site. This deprivation of R.G. Garden is in violation to right to clean, safe and healthy environment.

Pertinently, near Sale Wing provision for access / internal road is separate to the R. G. open space. Thus, it clearly establishes the manifest discrimination by giving first class treatment to Sale Wing and second class treatment to Rehab Wing.

12. In Re Sewage Treatment Plant [STP]:-

12.1 I say that, the Occupancy Certificate for the Rehab Wing was granted in June, 2021, and possession to members of residential occupants / slum dwellers were provided. Thus, the phase of Project, in so far as Rehab Wing Building / Wing is concerned, because 'operational'. However, the Project Proponent did not start the STP on site. Due to negligent and ignorant act all the untreated sewage, effluent and contaminated water generated from Rehab Wing, was disposed of directly to existing MCGM sewage line. This caused enormous water pollution and environmental degradation.

That the Building is occupied by minimum 900-1000 persons, thus, unwarranted burden is put on the drainage / sewerage of MCGM line. This has caused irreversible water pollution and thus, necessary action is or warranted against the Project Proponents.



12.2 I say that, it is clear from the site visit on 26.10.2023, of MPCB, that STP having capacity of 110 CMD was found non-operational and that Project Proponent had connected its sewage, to sewage network provided by the MCGM. That, if the compliance Report of Project Proponent is juxtaposed, it also shows at page No. 459 that—

“Separate confined sewage system has been proposed which will be connected to STP for the treatment and reuse of treated water...”

Thus, Project Proponent’s own admission concretes the case that, it has not operationalised the STP for Rehab Wing.

13. In Re “Consent to operate”:-

13.1 I say that, from the records i.e. Affidavit filed by Respondent – MPCB, it can be perused that, a Show Cause Notice dtd. 13.04.2023 (pg# 550) for violation of environment provisions was issued. It also shows from the record that, consent to establish was granted on 20.01.2023. That the Project Proponent granted possession to majority of residential occupants (i.e. 164 occupants) in June, 2021, thus, there is an apparent violation of mandatory norms. Project Proponent’s argument that, there was no such condition as per SRA norms, to obtain environmental clearance, cannot be accepted, because, environmental laws are also law of the land, and therefore, ignorance of law cannot be an excuse for Project Proponent.



14. In Re Organic Waste Converter:-

I say that, it is clear from the Show Cause Notice dtd. 13.04.2023 (pg# 550) issued by Respondent – MPCB that, the Project Proponent have not provided Organic Waste Converter itself is evident about the non-compliance of its obligations, thus, its claim that Society is responsible for the violations, is nothing but an allegation without any substance and force.

15. In Re Rainwater Harvesting Storage and Energy Conservation:-

I say that, Project Proponent has not provided any details either of Rain Water Harvesting Storage or of Energy conservation which is clearly recorded in the Notice dtd. 13.04.2023, which shows complete negligence, ignorance and non-compliance of necessary conditions of Environmental Clearance Conditions.

16. In Re Fire Safety and Fire Tender:-

I say that, due to insufficient parking provisions for two-wheeler and four-wheeler, the occupants / slum dwellers (i.e. members of Society) are left with no choice but to park the vehicle either on streets or on internal / access road. This shall cause obstruction for free access to internal access road and also shall hinder the access for fire tender. More so, the fire tender / Fire Brigade vehicle cannot move around the Rehab Wing, thus, if any fire accident happens, there shall be many lives at peril. Till today, no mock drill has been conducted and there are no adequate fire equipments as per National Building Code



Thus, the conduct of Project Proponent shows beyond doubt about the gross violation of environmental laws and EC conditions.

17. I say that, the Project Proponent have also levelled several allegations against the Society which, the Society deny in *toto*. I further say that, the Project Proponent did not even bother to make the Society a necessary party to the Agreement of Service, which is mandatory as per SRA norms. This action on the part of Project Proponent shows that the Project Proponent want to minimize the proactive participation of the Society and its Members and Project Proponent sought to unilaterally decide the fate for service of various components like electromechanical system and fire fighting system / equipment for 10 years. It is also important to consider that, the Electro mechanic work for STP involves the use of electricity supply and power to operate various mechanical equipment used for treatment of sewage, pumps, mixer, blockers, filters, valves etc. which includes installation and commissioning of various connected electrical and mechanical work. These, Agreements were never executed and registered with the Society.
18. I say that, the prayers sought by the Applicants are not adverse to the interest and welfare of Society, it sought to remedy the grievances and to point out the illegality perpetrated by the Project Proponent and endorsed by the Planning authority – SRA. Thus, I pray before this Hon'ble Tribunal to pass appropriate orders, to safeguard the interest of the Applicants and the Society (including



its members) and also protect the environment from any further violation from the hands of Project Proponent.

Place: MUMBAI,
Date: 14.06.2025.



Advocate for Respondent No. 11,
[Nitesh Acharya – MAH/5248/5214].



Shree Azad Co-op. Hsg. Society
Through its Members and
Authorised Signatory –
Ramakant Sahani
[Respondent No. 11]



VERIFICATION

I, Ramakant Sahani, Member and Authorised Signatory of Respondent No. 11 – Shree Azad SRA Co-op. Housing Society Ltd., do hereby, state on solemn affirmation that what is stated in forgone paragraphs are true and correct to the best of my knowledge and belief and no material facts are concealed therefrom. I have been read over and understood the facts and submission made hereinabove in Hindi language.

Solemnly affirmed at Mumbai,
Dated this 14th day of June, 2025.

Identified, explained and interpreted by me,

Acharya

Advocate for Respondent No. 11,
[Nitesh Acharya – MAH/5248/2014].

Ramakant

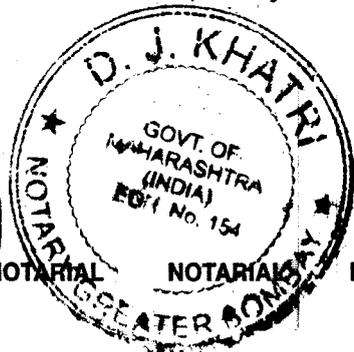
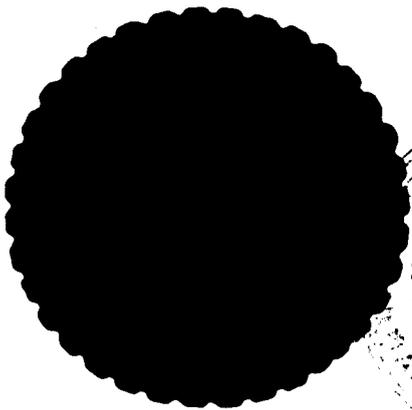
Shree Azad Co-op. Hsg. Society
Through its Members and
Authorised Signatory –
Ramakant Sahani
[DEPONENT]

BEFORE ME

14.6.2025

D. J. KHATRI

B.Com., B.A. LL.B.
NOTARY, GREATER BOMBAY
31, Chitra Apartments, Gokuldas Pasta Road
Dadar, Bombay - 400 014.
Regd. No. 154



NOTED & REGISTERED
Sr. No. *6260/25*
Date *14.6.2025*

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**BEFORE THE NATIONAL GREEN
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[Under section 18(1) read with sections 14, 15, 16
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O. A. NO. 82 OF 2023

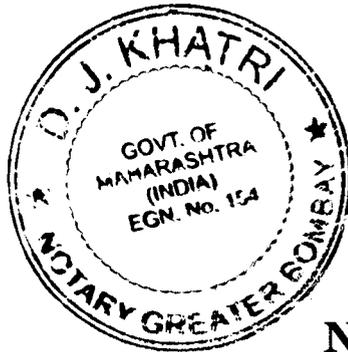
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REPLY OF RESPONDENT NO. 11 TO
ORIGINAL APPLICATION FILED BY
APPLICANTS.

Mumbai dated this 14th day of June, 2025



NITESH ACHARYA

Advocate for Respondent No. 11,
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[MAH/5248/2014]