

BEFORE THE NATIONAL GREEN TRIBUNAL  
WESTERN ZONE BENCH, PUNE  
ORIGINAL APPLICATION NO. 100 OF 2024 (WZ)

Vanshakti & Ors. ... Applicants

Versus

Municipal Corporation of Greater Mumbai & Ors. ... Respondents

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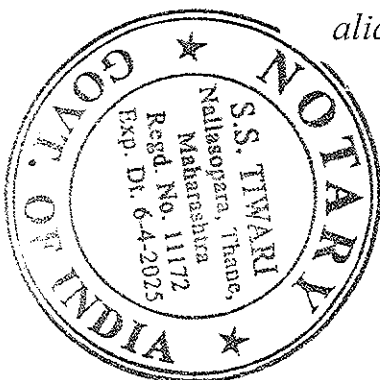
Versus

Municipal Corporation of Greater Mumbai & Ors. ... Respondents

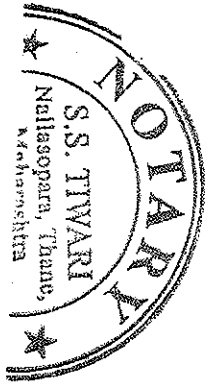
**AFFIDAVIT IN REPLY OF RESPONDENT NO.12**

I, Sumeet Singh aged about 35 years, Authorized Signatory of Respondent No. 12 having registered office at 7<sup>th</sup> Floor, Resham Bhavan, Veer Nariman Road, Churchgate - 400020, do hereby solemnly affirm and state as under:-

1. I say that I am the authorized representative of Respondent No. 12 (formerly known as DB Realty Limited and now known as Valor Estate Limited). I say that I have read and familiarized myself with the papers in the captioned Application. I am conversant with the facts and circumstances of the present case and am able and competent to depose to the same from facts to my personal knowledge and records maintained by Respondent No. 12. Annexed hereto and marked as **Annexure "A"** is a copy of the Board Resolution dated November 08, 2014 (certified on 13.02.2025) passed by the Board of Directors of Respondent No. 12 authorising me to depose to the present Affidavit-in-Reply on behalf of Respondent No. 12.
2. I say that I have perused a copy of the captioned Application filed by the Applicant abovenamed and am filing this Affidavit-in-Reply in response to the captioned Application and the Joint Committee Report dated August 21, 2024 ("**Joint Committee Report**"), *inter alia* raising preliminary objections and opposing the grant of any



interim / ad-interim reliefs against the answering Respondent and to place on record the true and correct facts of the matter.



3. At the outset, I say and submit that the Application filed by the Applicant is against Respondent Nos. 1 to 11, there are no allegations made or reliefs sought against Respondent No. 12 nor does the copy of the Application show any amendment to add any allegations or prayers to that effect. In view thereof, I am advised that I am not required to presently deal with the allegations in the Application. However, I reserve the right to deal with the same when the need arises. Respondent No. 12 has been falsely impleaded on the basis of the observations in the Joint Committee Report which are misconceived, devoid of merit, not maintainable, false, frivolous, vexatious and taken out with a mala fide intention particularly with a view to harass this Respondent. I deny each and every allegation, contention and insinuation made in the Joint Committee Report, which is contrary to and/ or inconsistent with what is set out herein, and nothing contained therein is or should be deemed to be admitted by Respondent No. 12 for want of specific traverse or otherwise. The impleadment of Respondent No. 12 in the Application is therefore liable to be dismissed with costs.
4. I respectfully submit that the Joint Committee Report goes beyond the scope of the Order dated May 10, 2024 passed by the Hon'ble Tribunal.
- a. The Order dated May 10, 2024 constituted the joint committee as follows:

*"We deem it appropriate to constitute a Joint Committee comprising one member each of respondent No.1 – Municipal Commissioner, MCGM, respondent No.5-Principal Secretary, Water Resources Department, State of Maharashtra and respondent No.7-Additional Principal Chief Conservator of Forests, of which the Additional Principal Chief Conservator of Forests will be the nodal agency, with a direction that the Joint Committee shall visit the site in question, after informing*

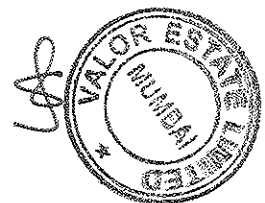
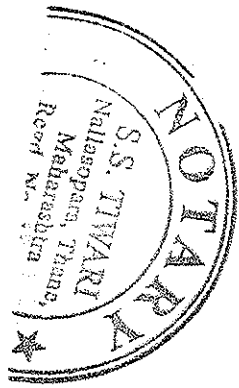


*the applicants about the date of visit, and submit its report before this Tribunal about the truthfulness of the averments made by the applicants in this application and the propose necessary action which may be directed by this Tribunal to be taken. The said report of the Joint Committee shall be submitted before us by respondent No.7 – Additional Principal Chief Conservator of Forests within one month, by e-mail at ngt-pune@gov.in preferably in the form of searchable PDF/OCR Support PDF and not in the form of Image PDF.”* [emphasis supplied]

- b. The Joint Committee Report failed to consider that the Joint Committee was constituted to report on the plot bearing CTS No. 827A/4A/1 vide this Hon’ble Tribunal’s Order dated May 10, 2024, and not to report on any other plot. The Joint Committee has gone out of its way to make observations against Respondent No. 12 and plot CTS No. 827A/4A/2 to the extent that it only provided images and observations in relation to CTS No. 827A/4A/2 instead of inspecting CTS No. 827A/4A/1 for which it was actually constituted. Thus, the Joint Committee has acted beyond the scope of the reference and the Joint Committee Report is to that extent illegal, null and void.

5. The Application is barred by limitation and suffers from delay and laches:

- a. Without prejudice to the above, I say and submit that the captioned Application is barred by limitation and ought not to be entertained by this Hon’ble Tribunal.
- b. I say that a perusal of the prayer sought in the captioned Application demonstrates that the Applicant is seeking reliefs of restitution by alleging that the cause of action about cutting of trees, cutting and destructing of hills & blocking the natural flow of Oshiwara river (Walbut nala) was noticed way back in 2015. The captioned Application was affirmed on April 22, 2024 and was filed on May 3, 2024 and this Respondent was





not impleaded till the aforesaid Order dated December 4, 2024, despite the name of this Respondent being reflected in the revenue records.

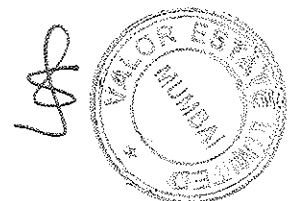
c. Section 15(3) of National Green Tribunal Act, 2010 states that:

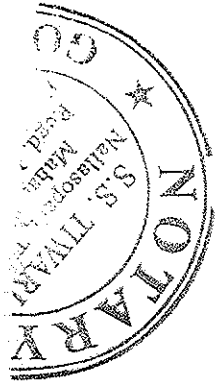
*“No application for grant of any compensation or relief or restitution of property or environment under this section shall be entertained by the Tribunal unless it is made within a period of five years from the date on which the cause for such compensation or relief first arose:*

*Provided that the Tribunal may, if it is satisfied that the applicant was prevented by sufficient cause from filing the application within the said period, allow it to be filed within a further period not exceeding sixty days.” [emphasis supplied]*

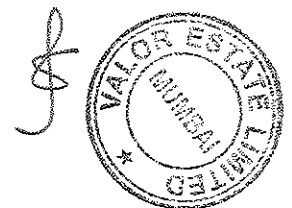
d. Thus, the limitation period for filling application under section 15(3) is of 5 years, with a grace period for condonation of delay of 60 days after that. I say that assuming without admitting that the starting point of limitation would be noticing of the alleged destruction and not the date of destruction, even then there is a delay of more than 4 years in filling this Application. Therefore, any action based on such allegations is clearly barred by limitation and suffers from delay and laches, therefore this Hon'ble Tribunal cannot entertain this Application for want of jurisdiction, due to bar of limitation. I say that limitation is a substantive statutory right and protects all other stake holders. If such applications are entertained subsequently at the leisure of the applicants, there shall be high uncertainty in taking up effective steps for implementation of public projects. The projects undertaken, acts done or omitted to be done, shall be always under fear, risk and uncertainty. Hence on this ground alone, the Application is liable to be dismissed.

6. I say that relevant facts necessary to have a proper appreciation of the facts are detailed hereinafter:





- a. I say that the Respondent No.12 is *inter alia* engaged in the business of development, construction, redevelopment of residential, commercial and industrial projects and other allied businesses. Respondent No. 12's expanding portfolio consists of various projects mostly focusing in and around Mumbai, under various stages of planning and construction. Respondent No.12 partners with best-in-class contractors and master architects for development of its projects and have expert in-house project management and execution process teams to ensure quality and efficient, timely project execution. Respondent No.12 constantly seeks to design aesthetically striking residences, responding to changing needs and evolving lifestyles.
- b. One Mr. Tarashankar Choubey the owner of land bearing Survey No. 239/1 (pt), having CTS No. 827 (pt) of Village Malad (east), Taluka – Borivali, Mumbai Suburban District with area admeasuring 80,934 Sq. Mtrs granted development rights of the said land to Respondent No.12 under a Development Agreement dated April 16, 2007 read with the Deed of Confirmation dated October 27, 2008 registered with the Sub Registrar Borivali 2 under No. BDR-12/10231 of 2008 dated December 17, 2008. While this Respondent was put in possession of the plot bearing CTS No. 827A/4A/2 simultaneously with the execution of the development agreement, this Respondent was granted a right of way to access the land bearing CTS No. 827A/4A/2 only on August 29, 2022.
- c. I say that on July 14, 2008, the Respondent No. 2, permitted sub-division of Survey No. 239/1 (pt) having CTS No. 827A/4A into 2 parts viz. CTS No. 827A/4A/1 with area admeasuring 13,28,621.61 Sq. Mtrs. and CTS No. 827A/4A/2 (S. No.239/1/(pt)/2) with area admeasuring 80,934 Sq. Mtrs.







g. On September 11, 2023, Respondent No. 1 constituted a committee under Home Department, G.R. dated February 3, 2021 for Police Housing proposals under DCPR – 2034 and approved the Police Housing Project proposed by the Respondent No. 12. I say that 40% of the total plot i.e. 32,373.60 sq.mtrs. out of 80,934 sq.mtrs. is to be handed over for Police Housing Project and has been reserved as R.R. 1.2 (Police Staff Quarters with Police Station) under DCPR 2034. I say that as per the above G.R., the balance land can be used by the Respondent No. 12 as free sale for such permissible user as provided under DCPR 2034.

h. Under the Development Plan 2034, the plot bearing CTS No. 827A/4A/2 is shown in Residential Zone with reservation of “Police Housing” and that the development of above land shall be allowed as per provisions of sanctioned DP and DCPR-2034 with the below conditions:

*“(i) There shall be no changes in tenement to be handed over to Police Department. (i.e. No reduction in Built-up area of Police Housing component as per Government Notification dtd. 05.04.2016)*

*“(ii) 18.30 Mt. wide D.P. Road bearing CTS No. 827A/4A/1(part) Village Malad is shown in Residential Zone.”*

7. I say that the Applicants in the captioned Application have *inter alia* raised the issues of hill cutting, tree cutting / tree felling and obstruction of Walbut Nala on Plot bearing CTS No. 827A/4A/1. Without prejudice to the fact that these allegations are not made in respect of CTS No. 827A/4A/2, the same are dealt hereunder in context of CTS No. 827A/4A/2.

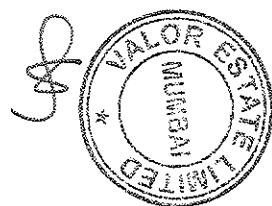
**Hill Cutting:**

a. I say that there has been no hill cutting, razing of hills, burning of vegetation, excavation of mud, and alteration of landscape on land bearing CTS No. 827A/4A/2 in Village Malad (East),



Taluka Borivali, Mumbai Suburban District. I say that the Respondent No.1 is carrying out excavation for the development of 18.30 sq. metres wide D.P. Road. I say that the excavation was carried out to provide access for the Police Housing Project as approved by the Government of Maharashtra u/s 37(1AA) (c) of the MRTP Act. I say that the Police Housing project is already approved under DCPR 2034

- b. I say that CTS No. 827A/4A/2 is not a forest, and the development & construction activities on the said land are permitted as per the provisions of DCPR 2034. I say that the Respondent No. 12 is fully committed to sustainable land management and protecting our forests and natural resources. I say that the Respondent No. 12 will follow all measures to reduce soil erosion, preserve biodiversity, and prevent further degradation of the ecosystem as prescribed in the approvals. I say that the Respondent No. 12 is committed to maintaining a transparent, responsible, and collaborative approach in all future actions. I say that the Respondent No. 12 has not carried out any deforestation and excavation activities.
- c. I say that as per the ESZ Notification 2016 the construction activities in the Eco Sensitive Zone (ESZ) around Sanjay Gandhi National Park are not prohibited activities but are covered under regulated activities. As per the ESZ Notification 2016 construction is permitted within ESZ as per provisions of sanctioned Development Plan and other applicable rules and regulations under the Maharashtra Regional Town Planning Act, 1966. I say that the Respondent No. 12 has obtained permission from Sanjay Gandhi National Park ESZ monitoring committee for proposed development on CTS No. 827A/4A/2. I say that CTS No. 827A/4A/2 is the part of the sanctioned Development Plan, and the development is governed by the sanctioned regulations.



**Tree Cutting / Tree Felling:**

- d. I say that there has been no cutting of trees on land bearing CTS No. 827A/4A/2 in Village Malad (East), Taluka Borivali, Mumbai Suburban District by the Respondent No. 12. I say that on CTS No. 827A/4A/2 there have been only shrubs and grasses in existence and no trees. I say that no disruptions to natural habitat or alterations caused by human activities have been carried out by this Respondent on CTS No. 827A/4A/2. I say that CTS No. 827A/4A/2 is an open land currently without a compound wall, hence this Respondent cannot safeguard or keep an eye on CTS No. 827A/4A/2 at all times. I say that the Joint Committee Report (at page 239) also confirms the same as under:

*“Upon reviewing the police report, it was found that the investigation relied primarily on witness statements. However, incidents such as illegal tree felling and persistent burning cannot be adequately investigated through conventional police investigation methods alone. These types of violations require a more rigorous approach, such as vigilant monitoring of change detection studies, which provide reliable quantitative data.”*

- e. I say that the images on page nos. 275, 276 & 277 of the Joint Committee Report clearly show that there has been no existence of large trees on CTS No. 827A/4A/2.

**Obstruction of Walbut Nala:**

- f. I say that there is no Nala much less the Walbut Nala flowing through or alongside CTS No. 827A/4A/2. Therefore, the question of creation of any obstruction or alteration of the Walbut Nala by the answering Respondent does not arise.
8. Further I say and submit that the satellite images annexed by the Applicants (*Annexure A3 Colly of the Original Application @ Pg. 97*) in the captioned Application does not depict an accurate and clear

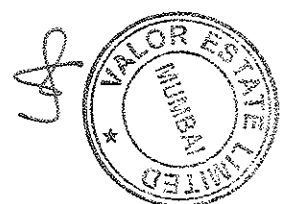
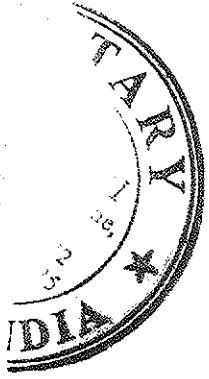
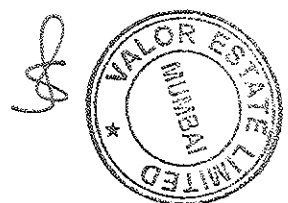

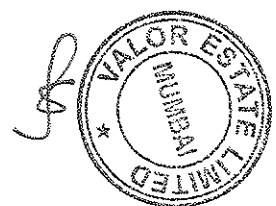


image of plot CTS No. 827A/4A/2. Hereto annexed and marked as **Annexure "B Colly"** are clear copies of the accurate and clear satellite images of plot CTS No. 827A/4A/2 over the years.

9. I have perused the copy of the Joint Committee Report and same is dealt hereunder to the extent that it pertains to the answering Respondent:
- a. With reference to Para 2 @ page 262 of the Joint Committee Report, I say that the Respondent No. 12 shall obtain all necessary approvals / permissions carry out construction activities on CTS No. 827A/4A/2 as required in law.
  - b. With reference to Para 3 @ page 262 - 263 of the Joint Committee Report, I say that it notes that the Police Housing project is proposed to be constructed on CTS No. 827A/4A/2 by the Respondent No. 12. I say that the Respondent No. 12 is in process of obtaining approvals for carrying out construction of the Police Housing Project.
  - c. With reference to Para 4 @ page 263 of the Joint Committee Report, I say that Respondent No.1 is carrying out excavation for the development of 18.30 sq. metres wide D.P. Road. I say that the excavation is not being carried out on forest land. I say that public road access is approved by the Government for the Police Housing Project.
  - d. With reference to Para 6 @ page 263 - 264 of the Joint Committee Report, I say that there were no trees on CTS No. 827A/4A/2. I say that CTS No. 827A/4A/2 is largely barren with only grass and shrubs. I deny that there is any intervention of the answering Respondent with respect to removal of vegetation. The Joint Committee Report states that no root stocks which could allow for natural regrowth were found during inspections, which itself indicates that there were no trees on CTS No. 827A/4A/2.



- 
- e. With reference to Para 7 @ page 265 - 266 of the Joint Committee Report, I say that the Police Housing Project is proposed to be constructed on CTS No. 827A/4A/2 after obtaining required approvals from the authorities. I say that the Respondent No.1 is carrying out work of development to provide access to the Police Housing Project to be constructed on CTS No. 827A/4A/2.
- f. With reference to Para 8 @ page 266 of the Joint Committee Report, I say that the Walbut Nala is not passing through or alongside CTS No. 827A/4A/2 and proposed development of CTS No. 827A/4A/2 would not in any manner hamper or disturb the Walbut Nala. Therefore, this Respondent is not creating any obstruction or altering the Walbut Nala.
- g. With reference to Para 9 @ page 267 of the Joint Committee Report, I deny that there has been any hill cutting being carried out on CTS No. 827A/4A/2. I deny that the images on page nos. 278 & 279 of the Joint Committee Report are images of land bearing CTS No. 827A/4A/2.
- h. With reference to Para 10 @ page 267 of the Joint Committee Report, I say that it is wrongly stated that Respondent No. 12 is the owner of CTS No. 827A/4A/2. The revenue records disclose the names of the landowners of S. No.239/1/(pt)/2 (equivalent to CTS No. 827/4A/2) as Tarashankar Choubey and M/s. Jairaj Developers and the developer as DB Realty Limited. I further say that CTS No. 827A/4A/2 was deleted from "No Development Zone". I reiterate that CTS No. 827A/4A/2 has received permission from SGNP Eco Sensitive Zone Monitoring committee for development of Police Housing project. Thus, the observation in the Joint Committee Report is devoid of any merit. Annexed hereto and marked as **Annexure "C"** is a copy of the 7/12 extract from the revenue records.



10. This Respondent states and submits that as per the Order dated December 12, 2024, the Applicants were required to frame specific issues, on which finding of this Hon'ble Tribunal are required to be rendered along with the relevant documents and their pagination. Respondent No. 12 states and submits that a copy of the same was also to be served upon all parties in advance which has not been provided to this Respondent till date. This Respondent craves leave to deal with the same, once the same are furnished.
11. Lastly, I say that this Respondent craves leave to file detailed reply at later stage, if the Applicants file and serve the amended memo of the Application.
12. I say that the rest of the paragraphs and grounds in the Application are also denied. I am not specifically dealing with the same in details as they do not involve or concern this Respondent or CTS No. 827A/4A/2.
13. I say that the Applicants have not sought any reliefs or directions against Respondent No. 12 and nor are they entitled for any reliefs or directions as prayed for against Respondent No. 12 from this Hon'ble Tribunal.
14. I say and submit that the Application is not maintainable and there is no case on merits or law. I respectfully state and submit that the Application should be dismissed qua Respondent No. 12 with cost.

Solemnly declared at Mumbai )

Dated this 13<sup>th</sup> day of February 2025 )

*S.S.J.*  
Before me 

DSK Legal

*anushka*  


Advocates for Respondent No.12.

VERIFICATION

I, Sumeet Singh, the Authorized Signatory of Respondent No.12 abovenamed having my office at 7<sup>th</sup> Floor, Resham Bhavan, Veer Nariman Road, Churchgate, Mumbai – 400020, do hereby solemnly affirm and state that what is stated herein in the affidavit is based on the information derived from the records of the company which I believe to be true.

Solemnly declared at Mumbai )

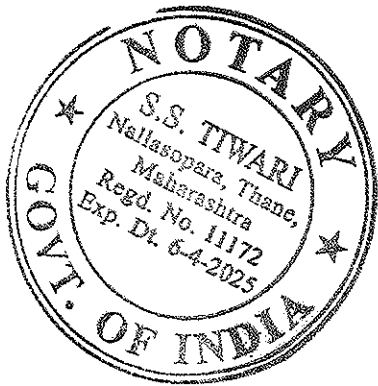
Dated this 13 day of February 2025 )

*S.S.*  
Before me, 

DSK Legal

*anshika*

Advocate for Respondent No.12



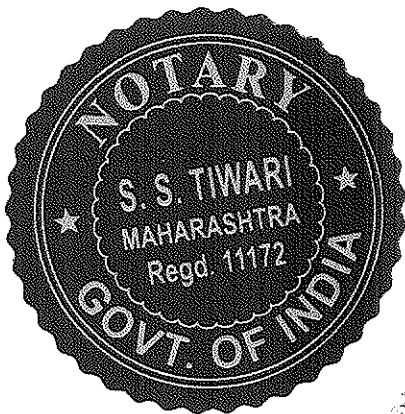
BEFORE ME

*S.S. Tiwari*

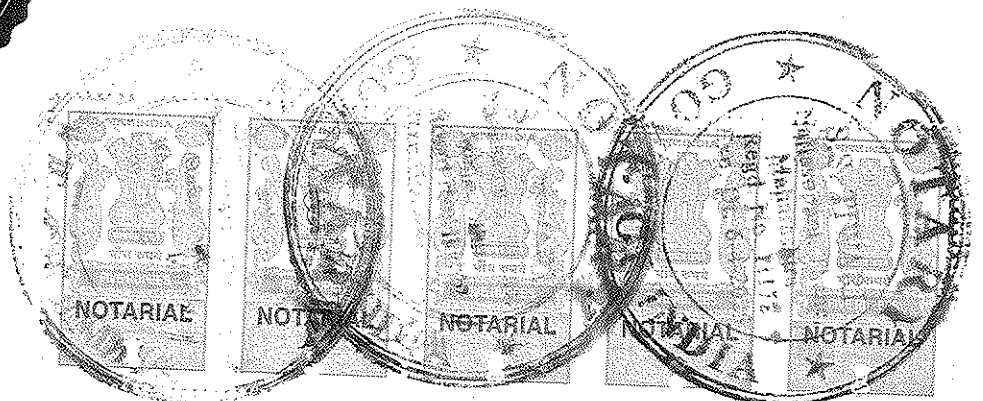
S. S. TIWARI  
B.A.L.L.B.

NOTARY  
Maharashtra  
(Govt. of India)

13 FEB 2025



S. S. TIWARI (Notary Govt. Of India)
Notarial Register Sr. No.:-
13 FEB 2025   235





**EXTRACT OF THE RESOLUTION PASSED BY THE BOARD OF DIRECTORS OF THE COMPANY AT ITS MEETING HELD ON 8<sup>TH</sup> NOVEMBER, 2014 AT THE REGISTERED OFFICE OF THE COMPANY**

**AUTHORITY TO REPRESENT THE COMPANY IN ANY CIVIL AND/OR CRIMINAL SUIT/ COMPLAINT/ PETITION AND/OR ANY LEGAL PROCEEDINGS FILED BY OR AGAINST THE COMPANY IN RESPECT TO THE PROPERTY OF THE COMPANY.**

"RESOLVED THAT the authorised signatories Mr. Laxman Gadade, Mr. Sumeet Singh and Mrs. Vidya Shetty, be and are hereby also severally authorized to sign and file any Criminal and/or Civil suit, complaint, petition, revision, review petitions, suits, applications, appeals, and/or any other legal process / proceedings in respect of the projects/properties of the Company, to send notices, letters etc., give evidence and to appear on our behalf before all Courts, Magistrates and judicial / quasi judicial, or other officers whatsoever and also before any Government, local, public, statutory body or authority, tribunal or under the provisions of any Act, statute and rules made thereunder and to commence and prosecute any action, suit and/or other legal proceedings commenced or to be commenced against us whereunto we are/will be a party and to prosecute and/or discontinue and/or to settle, compromise, refer to arbitration, submit to judgement and/or become non-suited in any such action, suit and/or proceedings and/or file consent terms and/or obtain a consent decree and for the purposes aforesaid to appoint pleaders, Advocates, solicitors and legal advisors and/or any of them and from time to time they and/or any of them to remove and other or others to appoint and substitute in their place and pay them such remuneration and for or any such purpose to sign, execute, deliver, verify, affirm, declare and file all necessary Vakalatnamas, Warrants of Attorneys, plaints, petitions, application, letters, defenses, written statements, accounts, affidavits, interrogatories, and other documents, papers and writings, if it is required to file/defend in our name, in respect of the project/s/properties of the Company."

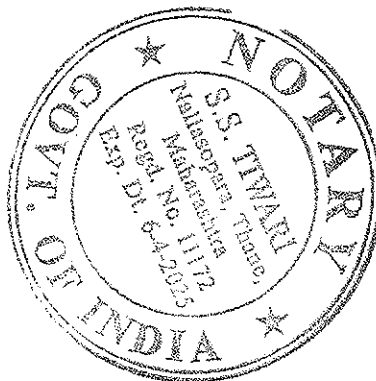
//Certified true copy//

For Valor Estate Limited  
(formerly known as D B Realty Limited)

Jignesh Shah  
Company Secretary

Place: Mumbai

Date: 13.02.2025



**VALOR ESTATE LIMITED**

(Formerly known as D B Realty Limited)

Regd. Office: 7th Floor, Resham Bhavan, Veer Nariman Road, Churchgate, Mumbai-400 020 Tel: 91-22-49742706

Correspondence Add.: 4th Floor, Wing 15, Gate No.2, Ten BKC, off. N. Dharmadhikari Marg, Kalanagar, Bandra (East), Mumbai – 400 051

Website: www.dbrealty.co.in Email: info @dbg.co.in Tel: 91-22-35201670

CIN: L70200MH2007PLC166818

CTS No. 827A/4A/2



CTS No. 827A/4A/2





गाव नमुना सात

अधिकार अभिलेख पत्रक

(महाराष्ट्र जमीन महसूल अधिकार अभिलेख आणि नोंदवहया (तयार करणे व सुस्थितीत ठेवणे) नियम, १९७१ यातील नियम ३, ५, ६ आणि ७)

गाव :- मालाड

तालुका :- बोरीवली

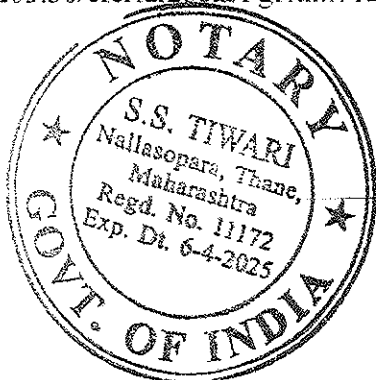
जिल्हा :- मुंबई उपनगर  
जिल्हा

दिनांक:- 06/09/2017 पर्यंत अदयावत

गट क्रमांक व भुधारणा पद्धती उपविभाग 239/1/पै/2		भोगवटदाराचे नांव भोगवटदार वर्ग -1		
शेतीचे स्थानिक नांव	क्षेत्र आकारआणे पै	पो.ख. फे.फा	खाते क्रमांक	
क्षेत्र हे.आर.चौ.मी	ताराशंकर बी चौबे	6.07.0013.27	(2266)	2140, 2562
एकक	मे.जयराज डेव्हलपर्स	2.02.34 4.43	(2266)	कुळाचे नाव इतर अधिकार इतर
जिरायत -				लि. मे. डी. बी. रियल्टीच्यांचे नाव
बागायत -				क्षेत्र 60700.5 चौ. मी. इतक्या
तरी -				क्षेत्रावर विकासक म्हणून दाखल
वरकस -				करण्याकरिता नोंद केली असे.
इतर 8.09.34				(2282)
एकुण 8.09.34				
क्षेत्र				
पोटखराब (लागवडीस अयोग्य)				
वर्ग (अ) -				
वर्ग (ब) -				
एकुण पो 0.00.00				
ख				
आकारणी 17.70				
जुडी किवा- विशेष आकारणी				
	(1754),(1833),(1860),(1920),(1998),(2029)			

<https://10.187.203.30/eferfar2beta/PgHtml712.aspx>

07/09/2017



महाराष्ट्र  
जमीन महसूल  
अधिकार विभाग

BEFORE THE NATIONAL GREEN TRIBUNAL  
WESTERN ZONE BENCH, PUNE  
ORIGINAL APPLICATION NO. 100 OF 2024  
(WZ)

Vanshakti & Ors. ... Applicants

Versus

Municipal Corporation of Greater Mumbai  
& Ors. ... Respondents



**AFFIDAVIT IN REPLY OF RESPONDENT  
NO.12**

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Dated this 13<sup>th</sup> day of February, 2025

DSK Legal  
Advocates for Respondent No.12  
C- 16, C Block Dhanraj Mahal  
3<sup>rd</sup> Floor, Chhatrapati Shivaji Marg  
Apollo Bunder,  
Mumbai 400 001