

IN THE HON'BLE NATIONAL GREEN TRIBUNAL

WESTERN ZONE, PUNE

ORIGINAL APPLICATION NO. 43 OF 2023

Sagar Kantilal Devre)...Applicant

Versus

State of Maharashtra & Ors)...Respondents



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S. H. Chinnappa

Sangram Chinnappa /

Advocate for the Respondents



IN THE HON'BLE NATIONAL GREEN TRIBUNAL

WESTERN ZONE, PUNE

ORIGINAL APPLICATION NO. 43 OF 2023

Sagar Kantilal Devre)...Applicant

Versus

State of Maharashtra & Ors)...Respondents

**AFFIDAVIT IN REPLY ON
BEHALF OF THE RESPONDENT
NO. 12 to 21**

I, Lata Waghela, Age- 37, residing at Room No. 47, Building No. 2, Kopri Colony, Thane (E), Tal & District - Thane - 400 603, do hereby state on solemn affirmation as hereunder;

1. I say that I have received and perused the Original Application of the Applicant as well as other relevant records of the case. I am filing this affidavit in reply on behalf of the Respondent No. 12 to 21. I submit that the contents, which are not specifically admitted, be construed as denied by the answering Respondent.



2. I say that the present reply came to be filed as the present Respondents being the Street Vendors under the Street Vendors (Protection of Livelihood and Regulation of Street Vending) Act, 2014 are evicted and restricted from carrying out street vending and selling their wares at the open land premises situated at CTS No. 1320/ C 1320(pt) at Mulund in Mumbai by the officials of MCGM citing the order of this Hon'ble Tribunal dated 25.04.2023.

Hereto annexed and marked as **Annexure A1** is a copy of the order dated 25.04.2023 in OA No. 43 of 2023 (WZ).

3. That this Hon'ble Tribunal revised and corrected the order passed by this Hon'ble Tribunal on 17.07.2023 which is reproduced herein below:

“ 8. ...

On the next date i.e. on 25.04.2023, it appears that this Tribunal, by mistake, has mentioned that the present Original Application has been moved under Sections 14 and 15 of the National Green Tribunal Act, 2010 with the prayer that the Collector - respondent No.2 (which should be “respondent No.6”) and the Municipal Corporation of Greater Mumbai (MCGM) – respondent No.6 (which should be “respondent No.2”) be directed to remove encroachments at CTS No.1320/C, 1320 (P) of village



Mulund, Taluka Kurla, District Mumbai, which has been made by respondent Nos.7 to 10. We find that till passing of that order, there was no amendment/impleadment application moved for impleadment of any person as respondent Nos.7 to 10. The applicant states that he had contacted the Registry of this Tribunal and he was advised to file amended application. We are not in agreement with such kind of approach on part of the applicant because he appears to be a counsel also though he is appearing in person in this matter, he must know the procedure which is required to be followed in respect of impleadment of any of the respondents. An interlocutory application (I.A.) was required to be moved in this matter seeking impleadment of the persons whose properties were prayed to be ordered to be demolished. Therefore, we direct the applicant to move an appropriate application (I.A.) for impleadment of the additional respondents within a week, by way of last opportunity. Our order dated 25.04.2023 in this regard thus stands corrected.

...

Hereto annexed and marked as **Annexure A2** is a copy of the order passed by the Hon'ble National Green Tribunal, Pune dated 17.07.2023.

4. That averments in paragraph 1.1 to 1.3 are denied as stated. That the Applicant has failed to give clear



indication of the land he is concerned for, it is stated that the area on which the present Respondents are carrying out vending is not part of 1320C, and is not reserved for playground, but is excess land abutting a drain. That the Applicant should be called upon to clearly identify the land on which he is seeking relief from this Hon'ble Tribunal. That the answering respondents seek leave of the Court to rely on documents made available in the public domain through mobile phone Application by the name of "Landreport.in". Hereto annexed and marked as **Annexure A3** is a copy of the Land Report.

5. That contents of paragraph 1.4 are denied as stated. In reply it is stated that it is to be noted that no such illegal or unauthorised construction has taken place by the Respondents in the said premises. The Respondents only engage in reselling of old clothes for their livelihood from 06:00 AM to 09:00 AM only for around 3 hours everyday. That the Respondents are neither aware of nor responsible for any unauthorised permanent constructions that may have been carried out by third parties.
6. That contents of paragraph 1.5 are denied as stated. In reply it is stated that the Respondents being the Street Vendors are protected under the Street Vendors (Protection of Livelihood and Regulation of Street



Vending) Act, 2014 and are belonging to Waghri Community which is a nomadic tribe known for the traditional recycling and reselling of old clothes engaged as local persons operating since century and half, and not engaged in any type of commercial activities as alleged by the Applicant.

7. That averments in paragraph 1.6 are matters of record and require no comment, however whatever is found contrary to records is denied.
8. That contents of paragraph 1.7 are denied as stated. In reply it is stated that on 10.12.2021, the encroachments were removed and the street vendors were evicted by the Deputy Collector of Mulund without any recommendation from the Town Vending Committee and without any prior notice to the Respondents as mandated under Section 18 of the Street Vendors (Protection of Livelihood and Regulation of Street Vending) Act, 2014. Moreover, surprisingly the Applicant in Original Application No. 43 of 2023(WZ) has put up hoardings with his photographs and various claims which he purports arise from the order of this Hon'ble Tribunal dated. 25.04.2023. Hereto annexed and marked as **Annexure A4** is a copy of the poster put up by the Petitioner.



9. That contents of paragraph 1.8 are denied as stated. In reply it is stated that the Respondents being the street vendors are engaging in the traditional recycling and reselling of old clothes engaged as local persons, protected under law and no such illegal activity has been carried on by the Respondents to register an FIR against them. Moreover, the said Respondents were even allowed by BMC to carry the recycling and reselling of old clothes near Mulund Station before relocation to the present premises in 2008. Hereto annexed and marked as **Annexure A5** is a copy of the work order issued by MHADA dated 30/11/2015
10. That averments in paragraph 1.9 are matters of record and require no comment, however whatever is found contrary to records is denied.
11. That averments in paragraph 1.10 is a matter of record however as far as the Order passed by the Hon'ble High Court in Suo Moto Public Interest Litigation No. 1 of 2020 dated 26.02.2022 is concerned, the said Order specifically deals with respect to illegal and unauthorised constructions and it is to be noted that no such illegal or unauthorised construction has taken place by the Respondents at the said premises. The Respondents only



engage in reselling of old clothes for their livelihood from 06:00 AM to 09:00 AM only for around 3 hours everyday.

12. That averments in paragraph 1.11 is a matter of record however as far as the Order passed by the Hon'ble Tribunal in M/s. 108, Super Complex R.W.A. vs. Uttar Pradesh Pollution Control Board & Ors, Original Application No. 419 of 2021 dated 26.07.2022 is concerned, the said Order specifically deals with redevelopment and removal of encroachments of public open spaces, but herein the Respondents have not encroached the said premises illegally but were relocated as well as allowed by BMC lawfully to carry the resale of old clothes. Moreover, no such disturbance or damage has been caused by the Respondents to the said premises.
13. That averments in paragraph 1.12 is a matter of record and require no comment, however whatever is found contrary to records is denied.
14. That averments in paragraph 1.13 is a matter of record however it is to be noted that the concerned authorities have not taken any action against the Respondents as no such illegal encroachment was carried on or no such offence was committed by the street vendors working for their livelihood on the streets of the said premises.



15. That averments in paragraph 2 are denied as stated, and in reply it is stated that the Applicant has without clarifying his grievance with individual Respondents has made general and sweeping statements which are argumentative in nature and will be replied to at the time of arguments. Moreover, one collective representation dated 22.06.2023 was made by persons working with the Applicants to which they have received a reply on 31.08.2023. Hereto attached and marked as **Annexure A6** is a copy of the reply dated 31.08.2023.
16. That averments in paragraph 3 are denied as stated. In reply it is stated that the present proceedings are grossly time barred and hit by limitation, as no new construction has been made by the Applicants or the Respondent Authorities in the present premises.
17. Hence, it is prayed that the Respondents be allowed to carry on the resale of old clothes on the streets of the said premises as the livelihood of the community depends on it and no such eviction to be taken place as neither the street vendors are illegally encroaching nor illegally carrying out any business committing any offence in the said premises.



18. I therefore say that the present Original Application be dismissed for lack of merit.

(-1011)

(Lata Waghela)

Respondent No. 15

S. Chinnappa
Sangram Chinnappa
Advocate for the Respondents



VERIFICATION

I, Lata Waghela, Age- 37, residing at Room No. 47, Building No. 2, Kopri Colony, Thane (E), Tal & District - Thane - 400 603, the Respondent hereinabove, do hereby solemnly declare that what is stated in paragraphs 1 to 18 of the above reply is true to our own knowledge, and is based on information, belief and legal advice, which I believe to be true.

Solemnly declared at Mumbai)

this day of October 2023)

07 OCT 2023

S. Chinnappa
Sangram Chinnappa
Advocate for the Respondents

(-1011)

(Lata Waghela)

Respondent No.15

BEFORE ME

Dhanage

Adv. S. N. Dhanage
Notary Govt Of India
Regd. No. 15376 MUMBAI (MS)
404-405, 4th Floor, Davar House,
197/199, Near Central Camera Bldg.
D.N. Road, Fort, Mumbai - 400001



NOTED & REGISTERED

Page No. 18 Sr. No. 148

Dated. 07 OCT 2023

Item No.1

(Pune Bench)

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

(By Video Conferencing)

ORIGINAL APPLICATION NO.43 OF 2023 (WZ)

Sagar Kantilal Devre

.... Applicant

Versus

State of Maharashtra & Ors.

... Respondents

Date of Hearing : 25.04.2023

**CORAM: HON'BLE MR. JUSTICE DINESH KUMAR SINGH, JUDICIAL MEMBER
HON'BLE DR. VIJAY KULKARNI, EXPERT MEMBER**

Applicant : Applicant-in-person

ORDER

1. This application has been filed under Sections 14 and 15 of the National Green Tribunal Act, 2010 with the prayer that the Collector, Mumbai - respondent No.2 and the Municipal Corporation of Greater Mumbai (MCGM) - respondent No.6 be directed to remove the encroachments on CTS No.1320/C, 1320(pt) of village Mulund, Taluka Kurla, District Mumbai, which has been made by respondent Nos.7 to 10. The said plot, is admeasuring 21,043.7 sq.mtrs., out of which 8496.7 sq.mtrs is reserved for Play Ground (PG) and 1760 sq.mtrs. is reserved for Recreation Ground (RG).

2. Our attention is drawn to a document, annexed at pages 205 to 208 of the paper-book, which is downloaded from the website of office of the Chief Engineer (Development Plan), which relates to the Development Plan of 2034, in which CTS No.1320C/1, area 5075.97 sq.mtrs. is shown reserved for Recreation Ground. Thereafter, our attention is drawn to the letter issued by the Deputy Collector, Mulund dated 07.02.2023



[NPJ]

addressed to the District Planning Officer, District Planning Committee, Mumbai Suburban District, wherein in respect of CTS No.1320C/1 and one another CTS number (unknown), it has been mentioned that unauthorized construction has been raised such as garage, cloth market and cases of fire incidents have happened over there. Even after eviction from the said place, no measures have been taken to protect the environment and there is possibility of new unauthorized construction.

3. When we enquired from the learned counsel for the applicant as to how the grievance is covered under the environment issue, he has drawn our attention to a judgment passed by the Principal Bench of this Tribunal dated 26.07.2022 in Original Application No.419/2021 wherein in paragraph No.5, following is held:

"We have given due consideration to the matter. We first consider the question of jurisdiction. NGT has been constituted to provide remedy to victims of pollution and o9ther environmental damage in the light of Stockholm Conference 1972 and Rio Conference 1992 to enforce sustainable development principle. Under section 15, the Tribunal can issue an order for restitution of environment. Reference may be made to judgements of the Hon'ble Supreme Court in Mantri Techzone Pvt. Ltd. v. Forward Foundation and Ors. (2019)18 SCC 494 and the Director General (Road Development) NHAI v. Aam Aadmi Lok Manch (2020) SCC OnLine 572. It has been held in Bangalore Medical Trust v B.S. Muddappa & others (1991)4 SCC 54 and reiterated in Lal Bahadur v. State of UP & Others (2018)15 SCC 407 that absence of open space in present day when urbanization is on increase, rural exodus is on large scale and congested areas are coming up rapidly, may give rise to health hazard. Protection of the environment and such spaces reduce the ill-effects of urbanization. Thus, it is difficult to accept the objection that this Tribunal has no jurisdiction to deal with the issue of illegal conversion of open public space to private construction. Use of open area for any construction does adversely affect the environment. The issue, thus, falls in the jurisdiction of the Tribunal under Section 15 of the NGT Act, 2010."

4. Considering the above view of the Principal Bench of this Tribunal, we find that prima facie case is made out concerning the adverse impact on environment through encroachment Recreation Ground by respondent Nos.7 to 10, who are named above.



5. In view of above, we admit this Original Application and direct the Registry to issue notice to the respondents, returnable within four weeks.
6. We also deem it appropriate to constitute a Joint Committee consisting of one member each of the Collector, Mumbai Suburban District and Municipal Commissioner, Municipal Corporation of Greater Mumbai. The Collector shall be the nodal agency of the Committee. The members of the Committee will visit the spot/site and submit factual as well as action taken report within four weeks.
7. The applicant is directed to provide copies of the Original Application and annexures thereto for being served to the remaining respondents, within a week.
8. The applicant is also directed to take necessary steps for service upon the respondents by both ways and also through available e-mail.
9. Put up this matter on 17.07.2023.

Dinesh Kumar Singh, JM

Dr. Vijay Kulkarni, EM

April 25, 2023
O.A. NO.43/2023 (WZ)
npj



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ADVOCATE

Item No.5

(Pune Bench)

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

[THROUGH PHYSICAL HEARING (WITH HYBRID OPTION)]

**ORIGINAL APPLICATION NO.43 OF 2023 (WZ)
WITH
I.A. NO.147/2023 IN O.A. NO.43/2023**

Sagar Kantilal Devre

.... Applicant

Versus

State of Maharashtra & Ors.

....Respondents

Date of Hearing : 17.07.2023

**CORAM: HON'BLE MR. JUSTICE DINESH KUMAR SINGH, JUDICIAL MEMBER
HON'BLE DR. VIJAY KULKARNI, EXPERT MEMBER**

Applicant : Applicant-in-person present

Respondents : Mr. Aniruddha Kulkarni, Standing Advocate for R-1
Mr. Prakash Shejal, Advocate for R-2
Mr. Girish Utangale, Advocate for R-3
Ms. Manasi Johi, Advocate for R-4
Mr. Rajeshkumar Patel, Advocate along with
Mr. Jaywant Patil, Advocate for R-8
Ms. Gayatri Singh, Senior Advocate i/b Ms. Madhavi
Gomathieswaran, Advocate for the applicants in
I.A. No.147/2023 (WZ)

ORDER

1. From the side of the applicant, the applicant-in-person has appeared. He has filed service affidavit today, which is taken on record, as per which all the respondents have been served through registered post.

2. In response to the notice issued, from the side of respondent No1. - Environment Department, State of Maharashtra, learned standing counsel Mr. Aniruddha Kulkarni has appeared and seeks two weeks' time to file the reply-affidavit. The same is allowed.



[NPJ]

3. From the side of respondent No.2 – MCGM, learned counsel Mr. Prakash Shejal has appeared and seeks two weeks' time for filing the reply-affidavit. The same is allowed.
4. From the side of respondent No.3 – Principal Secretary (Housing), Govt. of Maharashtra, learned counsel Mr. Girish Utangale has appeared and prays for two weeks' time to file the reply-affidavit. The same is allowed.
5. From the side of respondent No.4 – MHADA, learned counsel Ms. Manasi Joshi has appeared and states that no relief is prayed against respondent No.4. Even then, she submits that she would like to file reply-affidavit, for which two weeks' time is prayed. The same is allowed.
6. From the side of respondent No.5 – Commissioner of Police, Mumbai and respondent No.6 – Collector, Mumbai Suburban District, none has appeared despite sufficient service.
7. By our previous order dated 25.04.2023, we had constituted a Joint Committee, which has submitted its report, which is in Marathi. Respondent No.6 – Collector, Mumbai Suburban District, being nodal agency of the Joint Committee, is directed to file English translation of the said report within a week.
8. The applicant, who is present in person through VC, submits that he had sent notices to nine respondents by registered post and to respondent No.10 by dasti. We find that by our order dated 17.04.2023, which was the first order, the applicant was directed to implead such persons against whom he was seeking relief of demolition and was also directed to give sketch map of the said property, which has been needed to be demolished along with the documentary evidence. On the next date i.e. on 25.04.2023, it appears that this Tribunal, by mistake, has mentioned that the present Original Application has been moved under Sections 14 and 15 of the National Green Tribunal Act, 2010 with the



prayer that the Collector - respondent No.2 (which should be "respondent No.6") and the Municipal Corporation of Greater Mumbai (MCGM) - respondent No.6 (which should be "respondent No.2") be directed to remove encroachments at CTS No.1320/C, 1320 (P) of village Mulund, Taluka Kurla, District Mumbai, which has been made by respondent Nos.7 to 10. We find that till passing of that order, there was no amendment/impleadment application moved for impleadment of any person as respondent Nos.7 to 10. The applicant states that he had contacted the Registry of this Tribunal and he was advised to file amended application. We are not in agreement with such kind of approach on part of the applicant because he appears to be a counsel also though he is appearing in person in this matter, he must know the procedure which is required to be followed in respect of impleadment of any of the respondents. An interlocutory application (I.A.) was required to be moved in this matter seeking impleadment of the persons whose properties were prayed to be ordered to be demolished. Therefore, we direct the applicant to move an appropriate application (I.A.) for impleadment of the additional respondents within a week, by way of last opportunity. Our order dated 25.04.2023 in this regard thus stands corrected. However, on the basis of the service affidavit filed by the applicant, we hold service of notice upon respondent Nos.1 to 6, who are originally impleaded in the array of the respondents, to be sufficient.

9. From the side of respondent No. 8 - Ramdas Gangaram Kadam, who has been wrongly impleaded as no procedure has been followed by the applicant, learned counsel Mr. Rajeshkumar Patel along with learned counsel Mr. Jaywant Patil have appeared and states that he has also filed the reply-affidavit.



ORDER ON I.A. NO.147/2023 (WZ) :

10. This I.A. has been filed by the persons, who are claiming themselves to be the vendors, who are likely to be affected by any order which would be passed in this matter. The names of the persons, who are mentioned as applicants in I.A. No.147/2023, are as follows:

- (i) Jiya Pravin Nindrojiya
- (ii) Savita Kishor Gorava
- (iii) Sonal Sanjay Nindrojiya
- (iv) Lata Waghela
- (v) Rajai Jayanti Nindrojiya
- (vi) Surekha Nitin Nindrojiya
- (vii) Manju Dinesh Sathaliya
- (viii) Ashabai Kisan Chaudhary
- (ix) Dipa Manoj More
- (x) Manda Ramesh More

It is prayed in the I.A. that the above persons may be permitted to be impleaded as party-respondents in the Original Application. We direct the applicant (in O.A.) to file objection, if any against this application, within two weeks.

11. Put up this matter for next consideration on 07.08.2023.

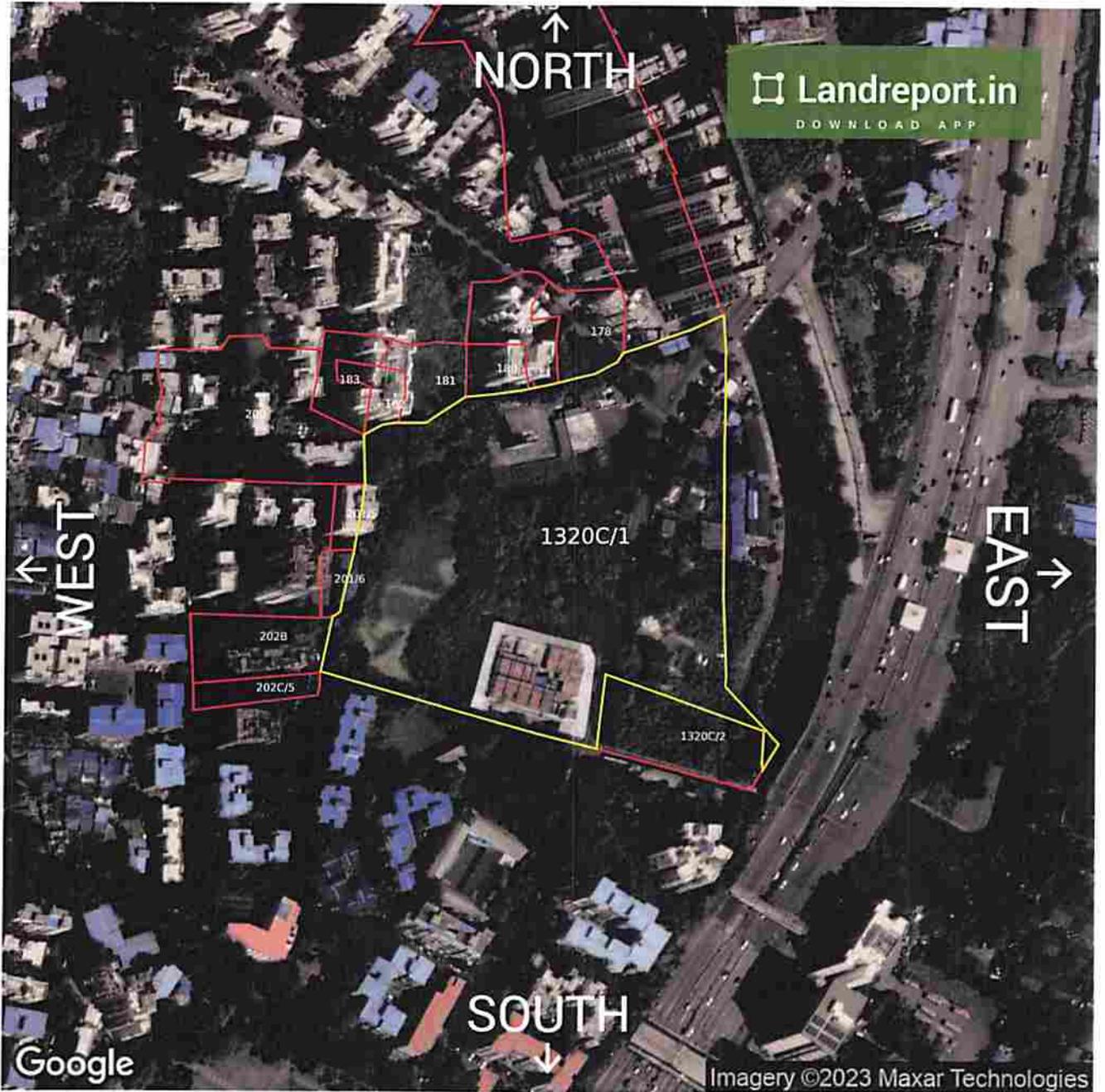
Dinesh Kumar Singh, JM

Dr. Vijay Kulkarni, EM

July 17, 2023
O.A. no.43/2023 (WZ)
npj

TRUE COPY
Ⓢ
ADVOCATE





Survey No.	Village	Taluka	District	State
1320C/1	Mulund East	Mulund	Mumbai Suburban	Maharashtra

Area	Direction	Survey No.	Compound Length	
3 Hector 30 R 43 Sq. Mtr	North	178, 181, 145, 182, 180, 183, 179	868.92 Mtr	
8.1651 Acre	East	1320C/2	Google Map	
33043 Sq. Mtr	South	1320C/2, 202C/5	Latitude	19.1715
330.43 Guntha	West	201/6, 202B, 202C/5, 200, 181, 182, 201/5, 183	Longitude	72.9662

Disclaimer: Area is calculated based on geometry and it may vary from area mentioned in 7/12 document. Landreport.in do not guarantee the correctness of the data. Data provided in this report is sourced from information available in the public domain. This data is to be used for information purposes only and cannot be used for any legal purpose.





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अग्निशमन दल, मुलुंड पूर्व समोरील मनोरंजन मैदानासाठी
आरक्षित भूखंड घेणार मोकळा श्वास.....!

सदर भूखंडावरील सर्वच अनधिकृत बांधकामांवर कारवाई करुन
अहवाल सादर करण्याचे हरित लवादाचे आदेश.

मुलुंडमधील अवैध बांधकामांवर हातोडा

हरित लवादाच्या
आदेशानंतर
पालिकेची कारवाई

म. टा. प्रतिनिधी, मुंबई

मुलुंड पूर्वमधील एक भूखंडावर उधरण्यात आलेला कापड बाजार व काही सरकारी अवैध बांधकामे राष्ट्रीय हरित लवादाच्या आदेशानंतर मुंबई महापालिकेने मंगळवारी हटवली. लवादाने सकारणी कारवाईचे आदेश दिल्यानंतर अवैध बांधकामांवर पालिकेच्या पथकाने घटनास्थळी जाऊन हातोडा चालवला.

मुलुंड पूर्व परिसरात गणपतवाडा अग्निशमन मैदानासाठी आणि मीसमनगर नाणत्यालगत असलेल्या अर्धा एकर भूखंडावर मोठ्या प्रमाणात अतिक्रमण झाले होते. गेली १० ते १२ वर्षे या ठिकाणी कापडबाजार/चिथोबाजार भरत



चार आठवड्यांत
अहवाल

हरित लवादात मंगळवारी झालेल्या सुनावणीत लवादाने या प्रकरणाची गंभीर दखल घेत पालिका आणि निलंबाधिकारी कार्यालयाच्या कारवाईचे आदेश दिले. पालिका आणि निलंबाधिकारी कार्यालयाने याप्रकरणी एक सविती स्थापन करून चार आठवड्यांत कारवाईचा अहवाल सादर करण्याचे निर्देश लवादाने दिले आहेत.

मूल्य
इम्पेक्ट

आहे. सकारण-संध्याकाळ भरणाऱ्या या बाजारामुळे येथील परिसरातील नागरिकांना मोठी गैरसुख सहन करावी

सागत होती. या भूखंडावर अवैधरित्या सरकारी बांधकामेदेखील करण्यात आली होती.

या मैदानावर मनोरंजन उद्यानाचे आरक्षण आहे. मात्र उपनगर निलंबाधिकारी यंत्रणेतील पायले उचलत नसल्याने अखेर या भागातील मनसेचे उपाध्यक्ष सत्यवान दळवी यांनी

पालिका/निलंबाधिकारी कार्यालयात य अॅड. सागर देवरे या यकिलाने राष्ट्रीय हरित लवादाकडे धाव घेतली होती. याबाबतचे मुद्दा एप्रिल तेजी 'महाराष्ट्र टाइम्स'मध्ये प्रसिद्ध झाले होते. पालिकेने कारवाईनंतर येथे पुन्हा अतिक्रमण होऊ नये म्हणून सुरक्षेसाठी बॅरिकेड्स स्थापले आहेत.



अॅड. सागर देवरे

उपाध्यक्ष, महाराष्ट्र राज्य, अध्यक्ष, प्रयास सेवाभावी संस्था

TRUE COPY



ADVOCATE



महाराष्ट्र नवनिर्माण सेना

ENGLISH TRANSLATION

The fire brigade will take a breath of fresh air to take the plot reserved for the entertainment ground in front of Mulund East....!

Order of green arbitrator to take action against all unauthorized constructions on the said plot and submit a report.

Hammer on illegal constructions in Mulund

Municipal action after order of green arbitrator

M. Ta. Representative, Mumbai

The Mumbai Municipal Corporation on Tuesday removed a cloth market and some government illegal constructions set up on a plot in Mulund East following the order of the National Green Tribunal. After the arbitrator ordered the action in the morning, within a few hours, the municipal team went to the spot and hammered.

Gawanpada in Mulund East area, the half acre plot in front of the fire station and adjacent to the Neelannagar drain is heavily encroached upon was done. For the past 10 to 12 years, citizens have been visiting cloth bazaars/rag bazaars at these two places is due to this morning-evening market, the residents of this area have to bear great inconvenience was taking Government constructions were also done illegally on this plot. An amusement park on this ground. There is a reservation.

The Collector took no action, Satyawant Dalvi, the vice president of the MNS in this area, did not pick it up. Municipal/District Magistrate office and Adv. Sagar Deore, a lawyer, had approached the National Green Tribunal. The news about the matter was published in 'Maharashtra Times' on 1st April. After the action, the municipality has put up barricades for security to prevent encroachment again.

In the hearing held on Tuesday in National Green Tribunal, the arbitrator took serious notice of the matter and ordered the municipality and collector's office to take action. The arbitrator has directed the Municipality and the Collector's office to constitute a committee in this matter and submit the action report within four weeks.



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ADVOCATE

2015. Mhada_67454.23

21

Tender Work Order

महाडा
MHADA



No. 117/CP/MSIB/4902 /15
Office of the Executive Engineer (E),
Mumbai Slum Improvement Board,
Mumbai - 400 051.
Ph. No. (022-6640)5251
Date - 30-11-15

To,
M/s. Prajwal Enterprises
103, Rajendra Co-op. Hsg. Soc. Ltd.,
Kokshewadi, Kalyan (East) Thane.

Sub: Const. of Open Shed near Swami Samarth Garden, Gavanpada,
Mulund (E).

Ref: This office letter No. 4647 dated 06-11-15

Sir,

Since you have entered into B-1 Agreement after completing necessary formalities required before starting the work, you are hereby requested to start the aforesaid work strictly as per the terms and conditions of the agreement.

(2.0) Details of work

- | | | |
|----|--|--|
| 1) | Estimated cost put to tender | : -Rs. 768954/- |
| 2) | e Tendered Premium | : -36.52% below |
| 3) | Accepted Tendered Amount | : -Rs. 488132/- (Rupees Four Lacs Eighty Eight Thousand One Hundred Thirty Two Only) |
| 4) | Stipulated date of start | : - 30-11-15 |
| 5) | Stipulated date of Completion | : - 29-08-16 |
| 6) | Time limit for completion of work as mentioned in the agreement. | : - Nine Months |

(3.0) The date of starting the work shall be reckoned from this date of work order i.e. (30-11-15) and therefore you are requested to mobilise all your resources for starting the aforesaid work and start the work immediately. You will have to take out necessary insurance policy to provide adequate insurance cover immediately at your cost.

(4.0) The removal of debris timely is your responsibility, failing which the same will be removed at your risk and cost.

(5.0) You will have to use river sand only in the work.

(6.0) The agency shall submit within 15 days CPM/PERT programme and Bar chart for completing various items of works including networks for all preliminary arrangements for mobilizations of resource such as manpower, plant and machinery. No. B.A. Bill shall be paid without satisfactory submission and acceptance of work completion schedule for (a) procurement of material (b) completion of quantity of items of contract.

(7.0) The work shall be executed under the supervision of Deputy Engineer of Sub Div - I. Please intimate the exact date on which you have started the work. Please quote your B-1 Agreement No. 362 of 2013-16 henceforth for further correspondence with this office.

(8.0) A board, showing the details of work i.e. Name of work & Contractors, time limit & amount of the work along with the name of fund & it's year, shall be displayed on the site & photographs of the same should be submitted for confirmation & record.

(9.0) After completion of work satisfactorily, response letters from local residents in this regard should be sought & submitted alongwith the bill.

Yours faithfully,

Executive Engineer (E),
Mumbai Slum Improvement Board

For and on behalf of the Board, for favour of information please.

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AD - E

2015- MHADA_67454.23
Tender Work Order
MHADA

No. (FYMSI 4902/ 15.
Office of the Executive
Engineer Mumbai 400 051.
Ph. No. 022-66405251
Date: 30-11-15

To,
M/s Prajwal Enterprises
103- Rajmudra Co-op. Hsg. Soc. Ltd
Kolsewadi, Kalyan (East) Thane.

Sub: Const. of Open Shed near Swami Samarth Garden. Gavanpada.
Mulund (E).

Ref:- This office letter No.4647 dated 06-11-15

Sir,

Since you have entered into B-1 Agreement after completing necessary formalities required before starting the work, you are hereby requested to start the aforesaid work strictly, as per the terms and conditions of the agreement

(2.0) Details of work

1. Estimated cost putt to tender :- Rs. 768954/
2. e tendered Premium :-36.52% below
3. Accepted Tendered Amount:- Rs. 488132/-(Rupees Four Lakhs Eighty Eight Thousand

One Hundred Thirty Two Only)

4. Stipulated date of start:- 30-11-15
5. Stipulated date of Completion:-29- 08 - 16
6. Time limit for completion of - Nine Months
work as mentioned in the agreement,

3.0.The date of starting the work shall be reckoned from this date of work order is. (35-11-15 land therefore you are requested to mobilise all your resources for starting the aforesaid work and start the work immediately. You will have to



take out necessary insurance policy to provide adequate insurance cover immediately at your cost.

4.0. The removal of debris timely is your responsibility, failing which the same will be removed at your risk and cost.

5.0. You will have to use river sand only in the work

6.0. The agency shall submit within 15 days CPM/PERT programme and bar chart for completing various items of works including networks for all preliminary arrangement for mobilization of resources such as manpower, plant and machinery, No. H.A. bill shall be paid without satisfactory submission and acceptance of work completion schedule for the procurement of material (B) completion of quantity of items of contract

7.0. The work shall be executed under the supervision of Deputy Engineer of Sub Div -1. Please intimate the exact date on which you we started the work Please quote you B-1 Agreement no.

362 of 2015-16 henceforth for further correspondence with this office

8.0. A board showing the details of work i.e. Name of work & Contractors, time limit & amount of the work along with the name of fund & it's year, shall be displayed on the site & photographs of the same should be submitted for confirmation & record

9.0. After completion of work satisfactorily, response letters from the local residents in this regard should be sought & submitted alongwith the bill.

Yours faithfully.

Executive Engineer (E)

Mumbai Slum Improvement Board



TRUE COPY



ADVOCATE

Annexure - A6
515

BRIHANMUMBAI MAHANAGARPALIKA

(Office of the Asstt. Commissioner 'T' Ward, Lala Devi Dayal Marg, Mulund (W), Mumbai - 400 080.)

Ph No. 022 25648291, 92/93/94

No. A.G.T. 1/2097/A.E.(M.)T

24
Dt. 31 AUG 2023

To,
Shree Vinod M. Nindrojiya,
Mulund Juna Kapada Bazar Union,
Juna Kapad Bazar, in front of Gavanpada Fire Brigade,
Neelam Nagar Nalla, Mulund (East)
Mumbai-400081

Sub: Illegal eviction of hawkers doing business of old clothes at Juna kapad Bazar,
Opposite Gavanpada Fire Brigade Station, Beside Neelam Nagar Nalla,
Mulund (East), Mumbai - 400081, in Violation of street vendor Act 2014.
Ref:- 1. Your letter addressed to Hon' M.C. dt. 22.6.2023

Gentleman,

This has reference to your representation addressed to Hon' Municipal Commissioner vide reference (1), wherein you have raised grievences regarding demolition of Juna Kapda Bazar and further requested to carryout survey as per street Vendor Act and look into setting up of market.

In this regard, it is to mention here that the action of demolition of old Kapda Bazar was initiated by office of Collector (Mumbai Suburban District) as such you may approach their office for the same.

As regards the relocation of Juna Kapda Bazar as per the request of Hon' M.L.A Shri. Mihir Kotecha, Hon' Municipal Commissioner's approval has been obtained u/no. MGC/F/212 dt. 19.07.2023 and permission has been granted to allow the space of Octroi naka export house on plot bearing CTS No. 138 & 139 for the use of Juna Kapada Bazar for a period of three months on temporary basis.

Yours Sincerely,

Dr
30/8/23

Asst. Engineer (Maint.) 'T' Ward



TRUE COPY

SK

ADVOCATE