

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL,
WESTERN ZONE, BENCH AT PUNE
ORIGINAL APPLICATION NO. 50 OF 2020

IN THE MATTER OF

TANAJI BALASAHEB GAMBHIRE

...APPLICANT

V.

CHIEF SECRETART, GOVT. OF
MAHARASHTRA & ORS.

...RESPONDENTS

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APPLICANT

THROUGH



BHAVANA DUHOON

Advocate for Respondent No. 15
Email ID: bhavanaduhoon@gmail.com
Mobile No: +91 7769040463

BEFORE THE NATIONAL GREEN TRIBUNAL WESTERN ZONE
BENCH AT PUNE

ORIGINAL APPLICATION NO 50/2020

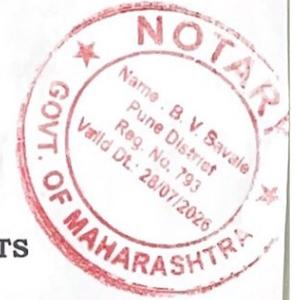
MR TANAJI BALASAHEB GAMBHIRE

APPLICANT

V/S

CHIEF SECRETARY, GOVERNMENT
OF MAHARASHTRA AND OTHER

RESPONDENTS



AFFIDAVIT IN REPLY ON BEHALF OF
RESPONDENT NO 15

I, DILIP MOTILAL CHORDIYA, AGE- ADULT, OCCUPATION-
BUSINESS, ADD: 12/13, SAJJAN PLAZA, CHAPEKAR CHOWK,
CHINCHWAD PUNE 411033 DO HEREBY SOLEMNLY AFFIRM
AND STATE AS UNDER: -

- 1) I say that the application filed by the applicant is not legal, bonafide and barred in law.
- 2) At the outset this respondent no 15 (hereinafter jointly referred to as respondents) respondent state that without prejudice to the submission these respondents submit

that the contents which are not specifically admitted by the Respondents are denied by the Respondent.

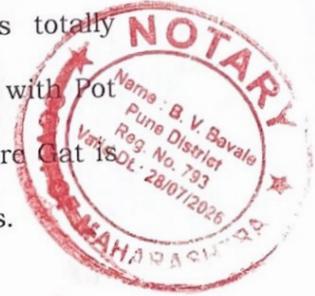
3) I say and submit that the Applicant have not come with clean hands and Applicant have suppressed material facts and made misstatement of facts and therefore his original application along with interlocutory applications are liable to be dismissed.

4) The respondents herewith submit that all the averments as made by Applicant against the respondents are denied by respondents. I say and submit that, the Applicant has intentionally concealed true & material facts in respect of the allegation & has not come with clean hands before this Hon'ble Tribunal & therefore Applicant is not entitled to relief claimed against me.

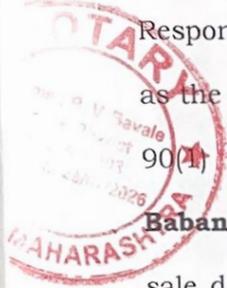
5) I say and submit that contentions in this affidavit in reply are made independent of each other and without prejudice to each other.

6) I say and submit that para no 01,02 are matter of record and fact and hence I do not wish to comment on the same.

7) I say and submit that content para 03 to 20 are false and misleading I further submit that the Gat No 90 situated at village Chikhali Tal- Haveli, Dist Pune is totally admeasuring about 22 Hector and 31 Are along with Pot Kharaba of 00 Hector 79 Are. That the said entire Gat is owned, leased by various landowners and entities.

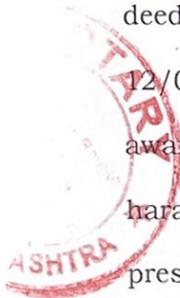
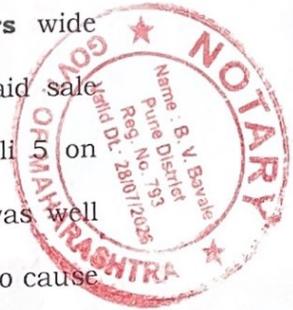


8) I say and submit that applicant is well aware that present Respondent has never violated the environmental norms as the said area admeasuring 05H 77.5 R of Gat number 90(1) is purchased by the Respondent from one **Mr. Babanrao Pandharinath More and others** wide various sale deed bearing no. 821/2009 the said sale deed was duly registered at sub registrar Haveli 5 on 13/2/2009. I further states that area admeasuring 05H 77.5 R of Gat number 90(1) is purchased by the Respondent from one **Mr. Rajaram Kashiba Sane and others** wide various sale deed bearing no. 824/2009 the said sale deed was duly registered at sub registrar Haveli 5 on 13/2/2009. I further states that area admeasuring 05H 77.5 R of Gat number 90(1) is purchased by the Respondent from one **Mrs. Chandrabhaga Dagdu Sane** and others wide various sale deed bearing no. 3621/2010 the said sale deed was



duly registered at sub registrar Haveli 5 on 06/04/2010. I further states that area admeasuring 05H 77.5 R of Gat number 90(1) is purchased by the Respondent from one **Mr. Babanrao Pandharinath More and others** wide various sale deed bearing no. 4320/2010 the said sale deed was duly registered at sub registrar Haveli 5 on 12/05/2010. I say and submit that applicant was well aware of the said fact but with the sole intention to cause harassment the Applicant have made us party in the present Original Application.

- 9) I Say and Submit that I have been served with the demolition notice by PCMC on 20/05/2019 and further again on 25/10/2021 for illegal construction and dumping in the prohibited zone lying within the blue line of River Indrayani which is based on the false background and misleading facts. **I states that the said issue of illegal construction is subjudice before the Hon'ble Civil Court** and so Hon'ble Court cannot come into conclusion when the said issue is pending before the appropriate Court. I states that the Applicant is well aware of the said fact.



- 10) I say and submit that I have not carried out any illegal activity or any construction or dumped any debris as alleged by the applicant in his entire application. I states that the Applicant have not stated anything or claim anything from the present Respondents as Applicant is well as are that the violation is not done by the present Respondent.
- 11) I say and submit that we have purchased the land as stated above and further sold it again to the Respondents no 11, 13 and 14. I further states that there is no single role of the present Respondents in any kind of construction activity on the said land.
- 12) I say and submit that the respondent no 07 and 08 have willfully mentioned our names in the list of illegal construction on the illegal land and necessary demolition notices have already been issue by respondent no 07 and 08. I further state that after the perusal of the said list filed by respondent no 07 and 08 my name has been mentioned in the said list. It is pertinent to note that the said reply is filed by respondent no 07 and 08 on 10/02/2023 and hence it can be made out that in the said span of three year from the filling of the said

application I have not carried out any kind of illegal construction activity in the said Gat no 90(part).

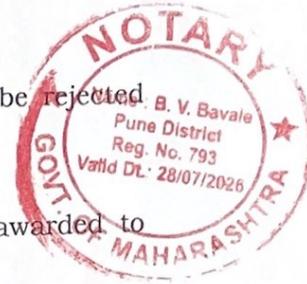
13) I say and submit that the PCMC have issued demolition notice for the illegal construction because the said construction is carried on without any permission from the concern authority of the PCMC The said construction is never constructed by me and so I cannot be held liable for the act which is not done by us.

14) I say and submit that the Applicant have not come with the clean hands and suppressed the various material facts even after having complete knowledge regarding the same from the Hon'ble Tribunal and in such circumstances the Applicant cannot be blessed with the reliefs as prayed in the prayer clause no 21.

15) I say that the I seeks permission to file separate application to delete our names as the allegation made or the contention made is not against us and hence, we cannot face the trial for the act done by others.

16) The Respondents further most humbly prays that,

- i. The Application filed by the Applicant be rejected with heavy cost.
- ii. That the cost of present litigation be awarded to present respondents.
- iii. That respondents be allowed to modify, alter, amend the pleadings if necessary.
- iv. I crave leave to file additional affidavit in future if found necessary.
- v. That any other just and equitable order in the interest of justice be kindly passed.



14 MAY 2024

WHATEVER STATED ABOVE IS TRUE, CORRECT AND BEST OF MY KNOWLEDGE AND BELIEF I HAVE SIGNED THIS TODAY ON THIS 14TH DAY OF MAY 2024 AT PUNE.

Frankly party
B. V. Bavale
 Adv. B. Bavale



[Signature]
 AFFIANT

BEFORE ME
[Signature]
 14/5/2024

B. V. BAVALE
 ADVOCATE & NOTARY
 STATE OF MAHARASHTRA
 PUNE



Noted and Registered
 Sr. No. 6571624
 Date: 14 MAY 2024

VAKALATNAMA

BEFORE THE NATIONAL GREEN TRIBUNAL, WESTERN ZONE, PUNE BENCH

OA 50 2020

TANAJI BALASAHEB GAMBHIRE

Appellants/Applicants/
Complainants/
Petitioners/Plaintiffs

VERSUS

CHIEF SECRETARY, GOVT. OF
MAHARASHTRA & ORS.

Respondents/
Opponents/
Accused/Defendants

* I / We the undersigned Dilip Motilal Chordiya

the Respondent No. 15 above named hereby appoint & authorize:

BHAVANA DUHOON, ADVOCATE
MAH/454/2015
bhavanaduhoon@gmail.com
+91 7769040463

* to appear and plead for me / us as my / our Advocate/s in the matter.

* In witness where of I / We have signed below this _____ day of _____ 20

Witness

Accepted and Filed

On / /20

1 [Signature]
2 _____
3 _____

Bhavana
Signature of Advocate/s



National Green Tribunal Bar Association

Room No. 28, NGT Complex, Faridkot House, Copernicus Marg, New Delhi - 110001
Tel. : +91-9910811802 E-mail : info@ngtba.org Website : www.ngtba.org

Receipt No. : 417

Date : 14/05/2024

Received with thanks from Bhavana Duhon ~~DA/No. 56/2020~~

an amount of Rupees five thousand only/- ~~112/No. 71/2020~~
And 5/2023

through Cash / Cheque / Bank Draft No. 837722 Uco Bank

Dated 14/05/2024 drawn on

on account of N.G.T. Bar Association

Treasurer / Secretary

₹ 5000/-

Caust

National Green Tribunal Bar Association
Room No. 28, NGT Complex,
Faridkot House, Copernicus Marg,
New Delhi-110001
NGT Bar Association

1128



Bhavana Duhoon <bhavanaduhoon@gmail.com>

OA No. 50/2020 (WZ); Tanaji B. Gambhire Vs. CH-GoM & Ors. // Reply on behalf of Respondent No. 15

1 message

Bhavana Duhoon <bhavanaduhoon@gmail.com>

15 May 2024 at 00:16

To: tanaji_9june@yahoo.com, aniruddha1488@gmail.com, adv.manasi.joshi@outlook.com, shivshankar.swaminathan@yutilaw.com, Supriya Dangare <dangaresupriya@gmail.com>, saketmone@gmail.com, rohit jain <adv.rohitjain@gmail.com>, office.ranupurohit@gmail.com

Dear All,

Please find attached reply on behalf of Respondent No. 15 in the captioned matter.

Regards,
Bhavana Duhoon
Advocate
+91 7769040463

**Reply For Respondent No 15.pdf**

4720K