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At. Sr/No./ 25  
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2025

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

Original Application- 42/2022

Shashikant Vitthal Kamble

...Applicant

Versus

Ministry of Environment & Forest & Ors

...Respondents

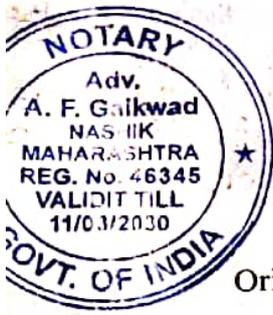
**AFFIDAVIT IN REPLY ON BEHALF OF RESPONDENT NO  
17**

I, Mr Sunil Bagul aged adult holding the post of Chairman 'T' Eka Co-Operative Housing Society LTD having address at Survey No 1/1, 1/2, 1/3, 1/4, 1/5 CTS No 8236, 8237, 8238, 8246, 8247 at Village Pathardi, Taluka Nashik- 422010 do hereby solemnly affirm and state as under.

1. I say that being the, Chairman of the above named housing society, am aware of the facts and circumstances of the above

*S. Bagul*

(1)



Original Application and hence I am competent to swear this Affidavit in Reply. I say that the contents of the O.A. are denied in its entirety save to the extent specifically admitted by me herein. Nothing herein may be deemed to be admitted for lack of a specific traverse.

2. The Answering Respondent is hereby raising certain preliminary objections which ought to be considered by this Hon'ble Tribunal. The Present Original Application is time barred and has not been filed within the prescribed of limitation as per Section 14 of the National Green Tribunal Act Section 14 of the NGT Act reads as follows



***“14. Tribunal to settle disputes.***

*(1)The Tribunal shall have the jurisdiction over all civil cases where a substantial question relating to environment (including enforcement of any legal right relating to environment), is involved and such question arises out of the implementation of the enactments specified in Schedule I.*

*Sr. Adv. A. F. Gaikwad*

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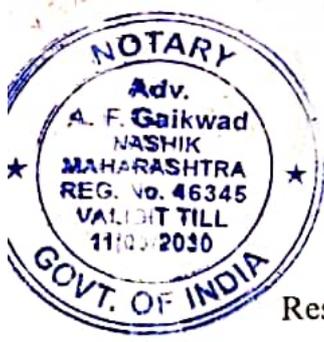


*(2) The Tribunal shall hear the disputes arising from the questions referred to in subsection (1) and settle such disputes and pass order thereon.*

*(3) No application for adjudication of dispute under this section shall be entertained by the Tribunal unless it is made within a period of six months from the date on which the cause of action for such dispute 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.”*

3. Thus it can be clearly that the limitation period shall be a period shall be 6 months from the date on which the cause of action first arose. It is humbly submitted that the cause of action for the present Application (if any) arose in the year 2014 when the Environment Clearance was granted for the said project, it is thus submitted that present be dismissed on this ground itself. Without prejudice to the above contention the Answering

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Respondent shall go on to further raise other objections and shall go on to deal with the merit of the Original Application.

4. The Answering Respondent further submits that, the Applicant does not seem to be a genuine Environmentalist as claimed and further he is a resident of Pune, whereas the present Original Application pertains to the district of Nashik which is over a distance of 200 Kilometers from the place of the residence of the Applicant, as mentioned by him in the cause title of the present Original Application. The humble submission of the Answering Respondent is that the Applicant must satisfy the definition of "Person Aggrieved" as per the provisions of the National Green Tribunal Act, 2010. Failing which the present Original Application may be dismissed by this Hon'ble Tribunal.

5. The Answering Respondent submits that we are a body or an association formed for the purpose of the welfare of the

(4)



residents and are comprised by residents of the Respondent Society. The residents by <sup>small</sup> and large consists of middle class persons who have invested their life savings for the purpose of purchasing the flat, and for most of the persons it is their dwelling house in which they live, thus when the Applicant files such frivolous cases which has potential consequences of denying the Respondents their house, causes tremendous amount of mental agony and stress thus, the present factor ought to be considered by this Hon'ble Tribunal while dealing with the present Original Application.

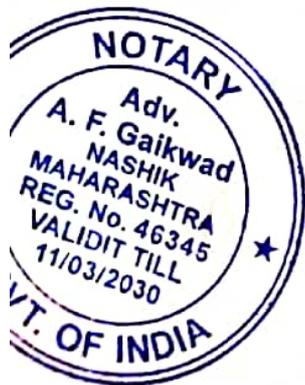
6. The Answering Respondent submits that the Respondent No ~~13~~ <sup>reposed that he <sup>small</sup></sup> i.e. the Project Proponent <sup>small</sup> has obtained all necessary permissions such as Environment Clearance and has obtained necessary sanctions and permissions from the local body. Thus it is wholly false to submit that the P.P. has commenced the construction of the said project without obtaining the necessary permissions, all the permissions including the Environment Clearance are on record before this Hon'ble Tribunal. It is

13 <sup>small</sup>  
~~13~~ <sup>small</sup>

(5)

further submitted that the Applicant is indirectly trying to challenge the Re-validation of the Environment Clearance granted to the Project Proponent on 22.12.2021. The remedy available as per law to the Applicant would have been to challenge the same by way of an Appeal under the provision Section 16 of the National Green Tribunal Act, within the prescribed period of limitation. The Answering Respondent submits that since the Applicant failed to challenge the said Re-validation, the same is being done by way of the present Original Application. Thus law does not permit such indirect malafide attempts and the same deserves to be dismissed by this Hon'ble Tribunal.

7. The allegations as to the STP not being provided by the P.P. is absolutely false, the Answering Respondent submits that the same is being operated and maintained by the Respondent No 13<sup>508</sup> as on date.



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8. It is further submitted that further allegations as to plantations,

*SMB*

or as to the non-installation of the Rain

water harvesting systems are all false. It is submitted that all the

conditions provided in the Environment Clearance have been

fulfilled <sup>as reported *SMB*</sup> by the Project Proponent to the best knowledge of the

Answering Respondent and thus the present Original

Application is frivolous and thus deserves to be dismissed with

costs.

*S. Shankar*

Advocate for Respondent No 17

Authorized Signatory

Solemnly Affirmed at Nashik

On this 14<sup>th</sup> Day of September 2025.

