



BEFORE THE NATIONAL GREEN TRIBUNAL
(WESTERN ZONE) BENCH, PUNE
APPLICATION NO.144 OF 2017 (WZ)

Umarshad Khan S/O Firoz Khan & Ors. ...APPLICANTS

V/s

The State of Maharashtra & Ors. ...RESPONDENTS

AFFIDAVIT IN REPLY OF DEFENDANT NO. 2

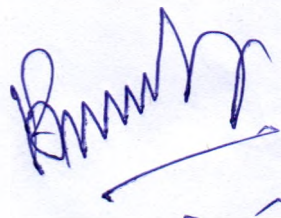
I, Umesh C. Bodkhe, adult, Indian Inhabitant, resident of Mumbai, working as Executive Engineer, for & on behalf of the Respondent No. 2, having office at Administrative Building, Anant Kanekar Marg, Bandra (E), Mumbai-400051, do hereby state on solemn affirmation as under:

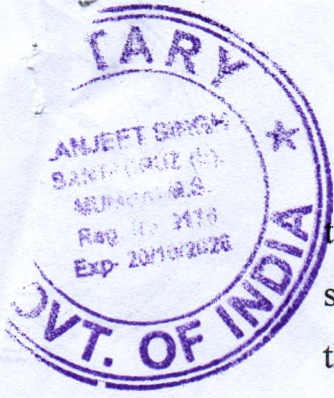
1. I say that this Respondent is special planning Authority appointed by the State Government for sanction of Slum Rehabilitation Schemes under DC Regulation 33(10) applicable for city of Mumbai and which is a subordinate legislation.
2. I say that the project proponent the Respondent No. 7 Developer has obtained EC on 23.01.2012 in respect of S.R. Scheme being implemented and till date the Scheme is ongoing and not yet completed so far. I say that the answering Respondent while considering the proposal of Respondent No. 7 for amalgamation of S.R. Scheme in respect of two slum societies namely New Kalina and Mahatma Phule specifically insisted upon revised NOC from MOEF

Bodkhe

and therefore unless the revised NOC is obtained no further permissions beyond 41027 sq.mt. would be given to the Respondent No. 7 in respect of the S.R.Scheme. I say that as per clause 10 of the notification dated 14th September 2006 post environmental clearance monitoring is being done by the Authorities from time to time.

3. I say that the Applicant is challenging EC and various permissions interalia provisions in DCR 33 (10) enabling the project Proponent for constructing building having density of 500 tenements per hectare be held to be violating and degrading the environment and further the State Government ,Slum Rehabilitation Authority ,Bombay Municipal Corporation and Project Proponent be directed to prepare environment impact assessment of the project site by suitably reducing the tenement density to 300 tenement per hector . I respectfully say and submit that as far as this prayer of the Applicant is concerned as regards for constructing building having density of 500 tenements per hectare be held to be violating and degrading the environment, the said relief does not fall within the purview and jurisdiction of this Hon'ble Tribunal and in any case I say that the constitutional validity of the said provisions of DCR 33 (10) including the ratio of tenement density of 500 per hector is duly upheld by the Hon'ble High Court long back and therefore the Applicant's prayer to that effect is not tenable in the present application and if at all the applicant if so desire may challenge it somewhere else.
4. I say that under the slum policy approved by the State Government the tenement density of 500 per hector was duly considered in order to make the slum scheme viable. I say that the density of the slum is calculated by plot area divided by the slum structures thereon. I say





that as per new DCPR 2034 the tenement density is 650 per hector since the slums are densely populated and in order to accommodate all the slum dwellers in situ this revision in the density is made by the Government.

5. In the circumstances I respectfully say and submit that necessary orders be passed in favor of justice and equity.

Solemnly Affirmed at Mumbai)

Dated this ^{3rd} day of April, 2023)

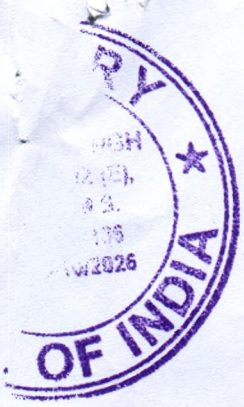
[Signature]
Deponent

[Signature]
(M/s. Utangale & Co.)

Before Me

Advocate for Respondent No. 2





VERIFICATION

I, Umesh C. Bodkhe, adult, Indian inhabitant working as Executive Engineer, Slum Rehabilitation Authority, for & on behalf of the Respondent No.2 having office at New Administrative Building, Anant Kanekar Marg, Bandra East, Mumbai – 400051; do hereby state on solemn affirmation that what is stated in forgoing paras are correct to the best of my knowledge, information and belief and same are true.

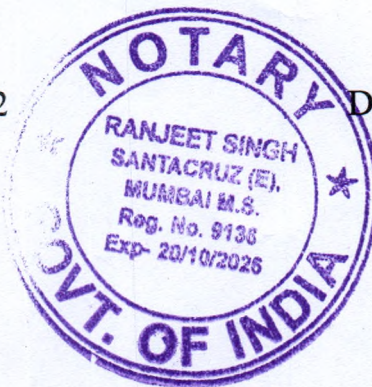
Solemnly Affirmed at Mumbai)

On this ^{3rd} day of April, 2023)

Before me,

[Signature]

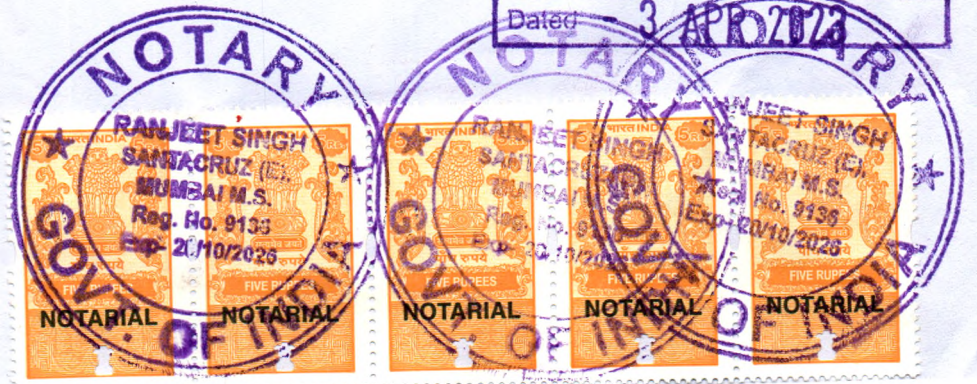
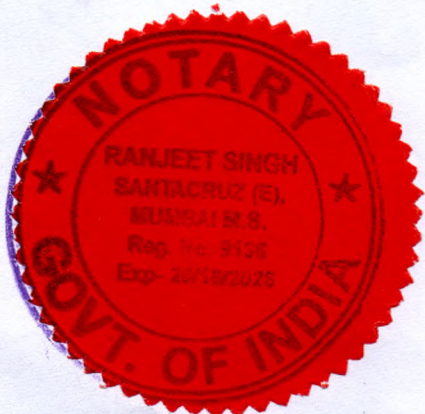
M/s. Utangale & Co.
Advocate for Defendant No.2



[Signature]
Deponent **BEFORE ME**
[Signature]
RANJEET SINGH
M.Sc LL.B.

NOTARY
MAHARASHTRA
GOVT OF INDIA

RANJEET SINGH (Notary Govt. of India)
Register No 1987
Dated 3 APR 2023



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Umarshad Khan S/O Firoz Khan & Ors
...APPLICANTS

AND

The state of Maharashtra & Ors.
...RESPONDENTS

AFFIDAVIT IN REPLY

Dated 10th this day of April, 2023.

M/S. UTANGALE & CO.

Advocates for the Applicant

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