

30 JAN 2024



**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 25**

**I, PRADEEP DAVID MALGE, AGE- ADULT, OCCUPATION-
SERVICE, ADD: "RIVER VILLA" BESIDES RIVER RESIDENCY,
GUT NO 90, VILLAGE: CHIKHALI, TALUKA: HAVELI, DISTRICT:
PUNE, MH-411062 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 25 (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 Respondents
- 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) I say and submit the entire application of the Applicant is misconceived. The respondents herewith submit that all the averments as made by Applicant against the respondents are denied by respondents.

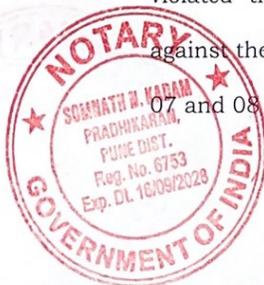
5) I say and submit that, the Applicant has intentionally concealed true & material facts in respect of the allegation & has not come with clean hands before this Hon'ble Tribunal & therefore Applicant is not entitled to relief claimed against me.

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

7) 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.

8) 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. I further state and submit that the said Gat no 90 is within jurisdiction of Pimpri Chinchwad Municipal Corporation and the said PCMC has declared the part of said Gat no as Residential Zone, Part as Green Zone and Blue Zone.

9) I say and submit that applicant is well aware that original owner one Mr Dilip Motilal Chordia who has prima facie violated the environmental norms as FIR was registered against the Mr Dilip Motilal Chordia by PCMC respondent no 07 and 08 bearing no 53/2020 dated 22/01/2020. 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.

- 10) I Say and Submit that Mr Dilip Motilal Chordia was 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 and the said fact was very well within the knowledge of the applicant.
- 11) I say and submit that I have not carried out any illegal activity or any construction as alleged by the applicant in his entire application.
- 12) I say and submit that we have purchased the land as stated above and further obtained the permission for plotted layout on 15/11/2022 as the notification dated 20.01.2022 as the notification dated 20.01.2021 of the government of Maharashtra Urban Development Department in respect to the area admeasuring 3,207.24 sq mtrs located at Survey no 90 (part) of village Chikhali Tal Haveli Dist Pune. The said area of 3207 Sq. mtrs is situated between the Red Line and Blue Line in the restricted zone.
- 13) 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).

- 14) I say that the construction carried on by us is not on the blue line and hence cannot be demolished further as per the contention and allegation of the Applicant regarding the debris thrown on the river belt is of the year 2019 and so we cannot be held liable for the act which is not done by us.
- 15) 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 and it nowhere states that the said construction is carried on blue line the reason is the said construction is carried out outside the blueline area.
- 16) I say and submit that the Applicant have not came 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.
- 17) 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.
- 18) 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.

WHATEVER STATED ABOVE IS TRUE, CORRECT AND BEST OF MY KNOWLEDGE AND BELIEF I HAVE SIGNED THIS TODAY ON THIS 31ST DAY OF JANUARY 2024 AT PUNE.



Ruby R.

Affiant

BEFORE ME

S. N. Kadam

S. N. KADAM
 ADVOCATE & NOTARY
 GOVT. OF INDIA
 Pradhikaran, Nigdi, Pune-411 044

30 JAN 2024

Service: OA No. 50 of 2020- Reply Affidavit on Behalf of Respondent No. 16-44 and 45-48

1 message

Ranu Purohit <office.ranupurohit@gmail.com>

Wed, Jan 31, 2024 at 1:03 PM

To: Aniruddha Kulkarni <aniruddha1488@gmail.com>, Manasi Joshi <adv.manasi.joshi@outlook.com>, Mriya Manasi <mriya_manasi@yahoo.co.in>, Shivshankar Swaminathan <shivshankar.swaminathan@yutilaw.com>, Supriya Dangare <dangaresupriya@gmail.com>, advocatedangare@yahoo.co.in, Chetan Nagare <nagarechetan@gmail.com>, Rohit Jain <adv.rohitjain@gmail.com>, Swapnil pawar <rdslegal.co@gmail.com>, Prasad Jadhav <prasad.jadhav7475@gmail.com>

Dear Madam/ Sir

Kindly find the reply affidavit on behalf of Respondent No. 16-44 and Respondent No. 46-48 attached with this mail.

Please acknowledge receipt of the same.

 Respondent No 42.pdf Respondent No. 16.pdf Respondent No. 17.pdf Respondent No. 18.pdf Respondent No. 19.pdf Respondent No. 20.pdf Respondent No. 21.pdf Respondent No. 22.pdf Respondent No. 23.pdf Respondent No. 24.pdf Respondent No. 25.pdf Respondent No. 26.pdf

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Kind regards,
Ranu Purohit
Advocate-on-Record

Office: S-74, LGF
Greater Kailash-1

New Delhi- 110048
(M) +91-9560457997

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