

**BEFORE THE NATIONAL GREEN TRIBUNAL,
WESTERN ZONE BENCH, PUNE
ORIGINAL APPLICATION NO.61 OF 2025 (WZ)**

Supreme Pallacio Co-operative

Housing SocietyApplicant

Versus

State of Maharashtra & OrsRespondents

**AFFIDAVIT IN REPLY ON BEHALF OF
RESPONDENT NO. 3 PUNE MUNICIPAL
CORPORATION (PMC).**

I, Jaywant Baburao Pawar, Executive Engineer of the Building Permission Zone 3 Department, PMC of the Respondent Corporation having my office at Pune Municipal Corporation Building Shivajinagar Pune do hereby state on solemn affirmation as under:

- (1) I am working in the capacity of the Executive Engineer in the Pune Municipal Corporation. I am filing this Affidavit-in-Reply to oppose the

contents of the Application preferred and reliefs sought by the Applicant in the above captioned matter. I am filing this present Affidavit-in-Reply to oppose the grant of any reliefs to the Applicant as prayed in the present Application. I crave leave to file a further Additional Affidavit in Reply as and when sought necessary.

- (2) I am authorized by the Respondents to file this present Affidavit-in-Reply in my official capacity and as such I disassociate myself from any personal assertions made against me by the Applicant in the present Application, I have perused the documents brought on record by the Applicant and have understood the contents of the Application and based on the documents and information available in relation to the said issue.
- (3) At the outset, I deny each and every averment and allegation made in the present



Application, which is contrary to and/or inconsistent with what has been stated in the present Affidavit-in-reply and nothing stated therein shall be construed as an admission for the want of any specific and para-wise denial or non-traverse unless and until the same is specifically admitted hereinafter.



(4) I say and submit that present application pertains to violation of Air and Noise Pollution and C&D Waste from the residential and commercial building done by the Respondent No. 4-Project Proponent M/s Advik Real Estate LLP at Survey No.291, Village Baner, Taluka Haveli, District Pune within the limits of Answering Respondent.

(5) At the further outset, I say and submit that the Applicant has filed the present Original Application seeking the following reliefs:

1. *Direct the Project Proponent to implement adequate measures for control of noise and*

against the Project Proponent, Respondent No. 4-Project Proponent. However, the Answering Respondent has monitored the compliance of Construction and Demolition Waste.

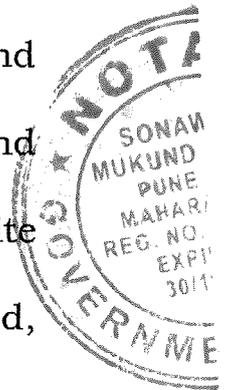
(7) **Preliminary Submission**

I say and submit that the aforementioned project falls under the Answering Respondent limits. Pune Municipal Corporation is the local authority within the definition of the Maharashtra Municipal Corporation Act, 1949 and as such is the Authority granting Building Permissions under Maharashtra Regional and Town Planning Act, 1966.

- (8) I say and submit that the Project Plans are sanctioned on the application made under section 44 of Maharashtra Regional and Town Planning Act, 1966 through a licensed Architect, thereafter proposals are sanctioned under section 45 Maharashtra Regional and Town Planning Act, 1966.



- (9) I say and submit that aforementioned project is sanctioned by the Answering Respondent by the CC/2392/22 dated 09/12/2022.
- (10) I say that the officials of Answering Respondent had visited the site in question on and cautioned the No. 4-Project Proponent to abide the compliance of Construction and Demolition Waste under the Construction and Demolition Waste Management Rules. In spite of Answering Respondent cautioned, Respondent No. 4-Project Proponent continued with the violation of Construction and Demolition Waste under the Construction and Demolition Waste Management Rules. Therefore, Answering Respondent has imposed Rs 1,00,000/- penalty for the non-compliance of Construction and Demolition Waste and has issued Stop Work Notice dated 14/06/2024 to the Respondent No. 4-Project Proponent, U/s 267 (1) of Maharashtra



Municipal Corporations Act, 1949 and U/s 54 of Maharashtra Regional and Town Planning Act, 1966.

Hereto marked and annexed as "**Annexure R3-I**".

(11) I say and submit that on 20/06/2024 the Respondent No. 4-Project Proponent has deposited Rs 1,00,000/- penalty. Moreover, Respondent No. 4-Project Proponent has taken all the necessary precautions/ measures, those are as follows.

- i. An acoustic system has been installed to prevent noise pollution.
- ii. A green net has been installed along the boundary wall to prevent air pollution.
- iii. As per the rules of Maharashtra Pollution Control Board construction work is being carried out between 9.00 am to 7.00 pm.
- iv. The area is being excavated with a breaker without using blasting.



- v. Care has been taken to spray water on the tractor to prevent dust from flying.
- vi. Transporting of Construction and Demolition waste is carried out in the truck, the road is being cleaned daily to prevent any accident due to soil falling on the public road.

Accordingly, in view of above the Answering Respondent has withdrawn the Stop Work Notice dated 14/06/2024.

- (12) In view of above the Answering Respondent has monitored the compliance of Construction and Demolition Waste under the Construction and Demolition Waste Management Rules, 2024.

Pune

Date: 23/09/2025

Respondent No. 3

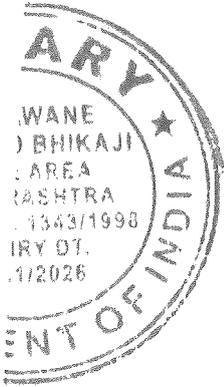
Executive Engineer
Building Development Dept. Zone No. 3
Pune Municipal Corporation



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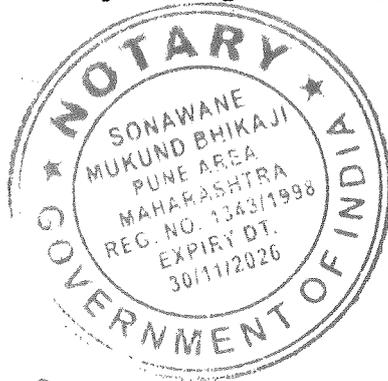
VERIFICATION

I, Jaywant Baburao Pawar, Age: Adult, Executive Engineer, Building Permission Department, authorized signatory for Pune Municipal Corporation do hereby state on solemn affirmation that what is stated forgoing Para's is true and correct to my own knowledge and belief.



Solemnly affirmed at Pune

This 23 SEP 2025 day of September, 2025



Baburao

Respondents No. 3

Executive Engineer
Building Development Dept. Zone No. 3
Pune Municipal Corporation

Rgany

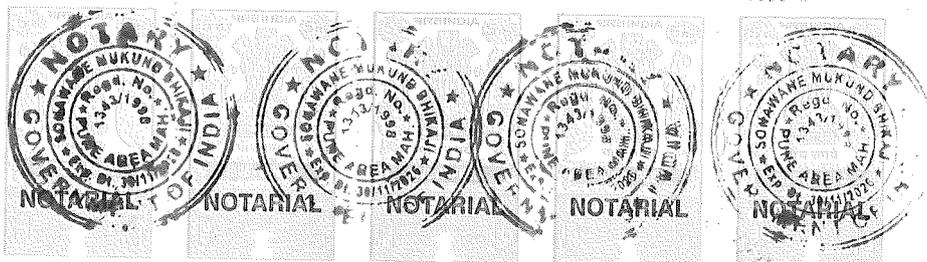
Adv. for Respondents No. 3

BEFORE ME

M.B.

M. B. SONAWANE
NOTARY GOVT. OF INDIA
PUNE

NOTED AND REGISTERED AT
SERIAL NUMBER 1317/25



23 SEP 2025



कार्यकारी अभियंता कार्यालय

बांधकाम विकास विभाग, झोन क्र.३

स्वातंत्र्यवीर सावरकर भवन

पुणे महानगरपालिका

जा.क्र. : 893/1428

दिनांक : 14/06/2024

सूचना

(महाराष्ट्र महानगरपालिका अधिनियम चे कलम २६७(१) अन्वये, व महाराष्ट्र प्रादेशिक व नगररचना अधिनियम १९६६ चे कलम ५४ अन्वये)

प्रति,

Annexure R3-I

- १) विकसक, अॅडव्हिक रिअल इस्टेट एल.एल.पी.तर्फे
यलोस्टोन स्कायक्रापर एल.एल.पी.तर्फे
अधिकृत भागीदार श्री.विनित के.गोयल
पत्ता :- ए-१०२, आय.सी.सी. ट्रेड टॉवर,
सेनापती बापट रोड, पुणे - ४११०१६.
- २) ला.आर्कि. श्री. विश्वास कुलकर्णी
पत्ता :- ७३/२/१, भक्ती मार्ग, लॉ कॉलेज रोड,
एरंडवणा, पुणे - ४११००४.

ज्याअर्थी आपण पुणे, पेठ बाणेर स.नं. २९१/१, २९१/२, २९१/३ येथे तुम्ही अगर तुमच्या देखरेखीखाली इमारतीचे बांधकाम सुरु केले आहे. ज्याअर्थी सदरच्या अधिनियमातील तरतुदी अन्वये मा. महापालिका आयुक्त यांनी आम्हाला महाराष्ट्र महानगरपालिका अधिनियम चे कलम २६७ व महाराष्ट्र प्रादेशिक व नगररचना अधिनियम १९६६ चे कलम ५४ संबंधीचे अधिकार दिले आहेत. त्याअर्थी आपणास या नोटीशीने कळविण्यात येते की, ही नोटीस मिळाल्यावर ताबडतोब सदरचे चालू बांधकाम बंद करण्यात यावे. सदरचे बांधकाम तसेच तुमच्याकडून अगर तुमच्या देखरेखीखाली चालू ठेवण्यात आले तर वर नमूद करण्यात आलेल्या अधिनियमातील तरतूदीनुसार व आम्हांस प्राप्त असलेल्या अधिकारान्वये काम करणाऱ्या इसमास पोलीस अधिकाऱ्यांच्या मदतीने घालविले जाईल व त्याप्रित्यर्थ होणारा खर्च तुमच्याकडून वसूल केला जाईल.

बाणेर स.नं. २९१/१, २९१/२, २९१/३ येथे संमतीपत्र क्र. सीसी/२३९२/२२ दि.९/१२/२०२२ अन्वये बांधकाम परवानगी मान्य आहे. या ठिकाणी बांधकामासाठी खोदाई करीत असताना ध्वनी प्रदुषण व वायू प्रदुषणाचे अनुषंगाने कोणतीही उपाययोजना केलेली नाही. तसेच सदर ठिकाणी सुरु असलेल्या खोदकामामधून निघालेला राडारोडा व माती ही वाहतूक करताना सार्वजनिक रस्त्यावर पडत आहे. त्यामुळे सदर रस्ता खराब व निसरडा होऊन आरोग्य विघातक परिस्थिती निर्माण झालेली आहे. त्यामुळे अपघात होण्याची शक्यता नाकारता येत नाही.

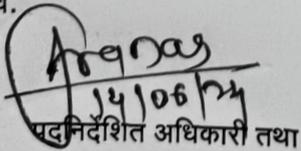
महाराष्ट्र महानगरपालिका अधिनियम चे "कलम ४३३(क) अनुसार या अधिनियमात अन्यथा तरतूद करण्यात आली असेल त्या व्यक्तिरिक्त पदनिर्देशीत अधिकाऱ्याने काढलेली नोटीस, काढलेला कोणताही आदेश किंवा दिलेला कोणताही निदेश, यांना कोणत्याही दाव्यामध्ये किंवा इतर कायदेशीर कार्यवाहीमध्ये हरकत घेता येणार नाही" याची नोंद घ्यावी.

सबब, महाराष्ट्र महानगरपालिका अधिनियमचे कलम क्र. २६७(१) / महाराष्ट्र प्रादेशिक व नगररचना अधिनियम १९६६ चे कलम क्र. ५४ नुसार संमतीपत्र क्र. सीसी/२३९२/२२ दि.९/१२/२०२२ मधील अटीचे व महत्वाच्या सूचनांचे तसेच युडीसीपीआर-२०२० मधील अपॅडिक्स 'सी' (सी-८.१.२, सी-८.३) चे उल्लंघन झाल्याचे निदर्शनास आले आहे. सदर बाब गंभीर स्वरूपाची आहे.

सबब, बाणेर स.नं. २९१/१, २९१/२, २९१/३ या मिळकतीवर चालू असलेले बांधकाम ही नोटीस मिळताच ताबडतोब थांबविण्यात यावे.

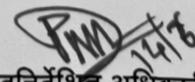
जागेवरील बांधकामाची आजची स्थिती :- बेसमेंट खोदाईचे काम सुरु आहे.

कळावे.


पदनिर्देशित अधिकारी तथा

कनिष्ठ अभियंता

बांधकाम विकास विभाग, झोन क्र. ३
पुणे महानगरपालिका


पदनिर्देशित अधिकारी तथा

उप अभियंता

बांधकाम विकास विभाग, झोन क्र. ३
पुणे महानगरपालिका