

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

INTERLOCUTORY APPLICATION NO. 161 of 2024

IN

APPEAL NO. 117 OF 2024

IN THE MATTER BETWEEN:

MR. TANAJI BALASAHEB GAMBHIRE

...APPELLANT

VERSUS

THE UNION OF INDIA- MOEFCC & ORS.

...RESPONDENTS

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...RESPONDENTS

AND IN THE MATTER OF

INTERLOCUTORY APPLICATION

FOR DELAY CONDONATION

AFFDAVIT IN REPLY ON BEHALF OF



RESPONDENT NO. 4:

I, Pratap Suryakant Nikam, an adult Indian inhabitant, aged: 36 years, the Partner of Respondent No. 4 (i.e. M/s Kedar Ventures) in the captioned matter, having its administrative office at 499, Suryadeep Building, Opp. Patrya Maruti Temple, Narayan Peth, Pune – 411 030, do hereby solemnly declare and state as under:

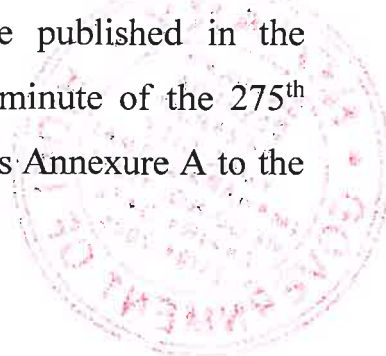
1. I have read the above Application (the “**Application**”) filed by the Appellant. I am familiar with the facts of the case and am competent to depose to the facts in this Affidavit-in-Reply (the “**Reply**”).

2. I vehemently deny all averments, contentions and allegations made in the present Application and the Appeal Memo in the captioned Appeal which are contrary to and / or inconsistent with whatever is stated herein, and nothing stated therein shall be deemed to have been admitted due to want of a specific denial or by non-traverse. I crave leave to produce, refer and rely upon a separate compilation of documents in support of the present Affidavit, if deemed necessary and expedient.
3. M/s Kedar Ventures is a Partnership Firm duly registered under Partnership Act 1932, having its registered address at the address as mentioned in the cause title, carrying on its business relating to redevelopment and development of residential and commercial premises.
4. At the outset, I say that a catena of Judgments delivered by the Hon'ble Supreme Court of India as also several Hon'ble High Courts have categorically held that the Court, Tribunal or Authority should first decide the application for condonation of delay before hearing appeal / revision and should refrain from granting any injunction / interim reliefs before deciding the application for condonation of delay. It is respectfully prayed that in view of the above well settled position of law, the present Application filed by the Appellants herein seeking condonation of delay in filing the captioned Appeal be heard and decided by this Ld. Tribunal, first.



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5. By way of the captioned Appeal preferred under Section 16 of the National Green Tribunal Act, 2010, the Appellant herein challenges the Environment Clearance dated 8th February 2024 granted by the State Level Environment Impact Assessment Authority (“SEIAA”) to M/s Kedar Ventures, to develop proposed Slum Rehabilitation & Redevelopment Project + Residential and Commercial Project Nyati Evania at S. No. 135, Final Plot No. 28 at Sadashiv Peth, Pune.
6. I say that the relevant dates in respect of the Impugned Environment Clearance are as under:
- a. I say that on 11th January 2021, MoEF&CC issued notification constituting SEIAA comprising of Chairman, Member and the Member-Secretary for a period of 3 years, as mandated by the Environmental Impact Assessment Notification dated 14th September 2006 (“EIA Notification”) and the subsequent amendments thereto.
 - b. I say that Respondent No. 4 has applied for grant of Environment Clearance for the proposed Slum Rehabilitation & Redevelopment Project + Residential and Commercial Project Nyati Evania, construction project for FSI 89886.821 m², Non FSI 47432.77 m², total BUA 137319.59 m² comprising of 3 buildings i.e. Building A, B and C.
- 

- c. I say that therefore, on 14th December 2023, Respondent No. 4 made an application bearing No. SIA/MH/INFRA2/455193/2023 for Slum Rehabilitation & Redevelopment Project + Residential and Commercial Project Nyati Evania. Hereto annexed and marked as **Annexure A** is a copy of Environment Clearance Application.
- d. I say that from 8th to 10th January 2024, SEAC III reviewed the proposal during the 189th meeting and after careful deliberation, SEAC III decided to recommend the proposal for Environment Clearance to SEIAA. Accordingly, the minutes of the meeting of 189th were finalized and uploaded. Hereto annexed and marked as **Annexure B** is a copy of the minutes of 189th meeting of SEAC III.
- e. I say that Respondent No. 4 prudently complied with all the conditions which were set out by SEAC III during the 189th meeting.
- f. I say that on 10th January 2024 the SEIAA in its 275th meeting after evaluating the proposal and after careful deliberation, the SEIAA was pleased to grant Environment Clearance in respect of the said project. Accordingly, the minutes were published in the public domain. A copy of the minute of the 275th meeting of SEIAA is annexed as Annexure A to the memo of appeal.





g. I say that on 8th February 2024 a copy of the said impugned Environment Clearance which the Appellant is challenging was published in the public domain.

7. As per Section 16 of the NGT Act, under which provision the captioned Appeal has been preferred, an appeal must be preferred within a period of 30 days from the date on which the order / decision / direction / determination is communicated to the appellant.
8. I say that as per the Proviso to Section 16 of the NGT Act, this Ld. Tribunal may, if it is satisfied that the appellant was prevented by "sufficient cause" from filing the appeal within the said period of 30 days, allow it to be filed within a further period not exceeding 60 days.
9. I say that on a bare perusal of paragraphs 5.1 and 5.2 of the Application, which states that:

"That the Appeal challenging impugned EC dated 08.02.2024 is refiled on 03.05.2024 and the 30 days period of limitation U/s. 16 of NGT act, 2010 ends on 08.03.2024. Therefore, there is unintentional delay of 56 (Fifty-Six) days from 09.03.2024 to 03.05.2024 in refiling of Appeal. Therefore,



the delay of 56 (Fifty-Six) days may kindly be condoned in the interest of justice as the delay caused is unintentional and the Appellant have made out the good case for condonation of unintentional delay in the interest of justice.”

“5.2. That the Appeal challenging impugned EC dated 08.02.2024 was filed on 08.03.2024 and registry of this Hon’ble NGT marked defects on 13.03.2024 to 18.03.2024 through online system. However, Appellant was in personal difficulty of facing serious health issue and priorities in family to be attended on urgent basis.”

10.I say that the dates mentioned in the aforesaid paragraphs are incorrect as mentioned by the Appellant. I say that in the present case the Appeal was filed on 14th March 2024 and the same was registered on 8th May 2024, the same is evident from the website of NGT. However, the Appellant has mentioned that the Appeal in the present case was filed on 8th March 2024 and registered on 3rd May 2024.

11.I say that the dates are clearly contrary to the dates mentioned on the website of the NGT. It is a well settled principle of law that if the Applicant intends delay to be condoned, then the Applicant must aver correct facts and must mention clear and precise dates to enable the Court to consider the Application for delay condonation.





12.I say that in the absence of such clear averments the Application needs to be rejected at the outset. Not only in the present case there is no sufficient cause much less than the Applicant has averred wrong and incorrect facts to disentitle application to delay condonation.

13.I say that the Appellant has erred factually and has made no case to establish the delay in filing the present Application. Considering the aforesaid facts and circumstances, it is concluded that the Appellants have miserably failed to plead and demonstrate the sufficient cause as to why they were prevented from approaching this Ld. Tribunal the Appellant has filed averred wrong dates and facts which are completely contrary to the dates shown on the page of the website of the NGT. For all the aforesaid reasons, it is respectfully submitted that the Application may be dismissed by the Ld. Tribunal. The Appellant are not entitled to any reliefs prayed of whatsoever nature and the present Application, as also the captioned Appeal ought to be dismissed by this Ld. Tribunal *in limine* and with costs.

Noted & Registered
at Sr.No. N-166/2024

02 DEC 2024



Solemnly declared at Pune)
This 2nd day of December 2024)

02 DEC 2024

For Vidhii Partners,
Advocates for Respondent No. 4

For KEDAR VENTURES,

(Pratap Suryakant Nikam)
Partner, Respondent No. 4

BEFORE ME

Shankar D. Marapur
NOTARY
GOVT. OF INDIA

Common Application Form

Project Details

1. Details of Project :

1.1. Name of the Project

Proposed Slum Rehabilitation & Redevelopment Project - Residential and commercial project (Nyati Evania) at S No. 135, Final Plot No. 28 at Sadashiv Peth, Pune By M/s Kedar Ventures

1.2. Project Proposal No.

New

1.3. Project ID (Unique Reference Number)

SW/15-4383/2023

1.4. Description of Project

Proposed Slum Rehabilitation & Redevelopment Project - Residential and commercial project (Nyati Evania) at S No. 135, Final Plot No. 28 at Sadashiv Peth, Pune By M/s Kedar Ventures is a Fresh EC Application

1.5. Name of the Company/Organization/User Agency making application

2.1. Legal status of the Company/Organization/User Agency

Trust/NGO/Partnership

2.2. Name of the Company/Organization/User agency

KEDAR VENTURES

2.3. Registered address

2.3. Address

499, Narayn Peth

2.4. State

MAHARASHTRA

2.5. District

PUNE

2.6. Pin Code

411030

2.7. E-mail address

ecsadashivpeth@gmail.com

2.8. Mobile number

9960423337

3. Details of the person making application

3.1. Name

Pratap Suryakant Nikam

3.2. Designation

Partner

Correspondence address

3.3. Address

499, Narayn Peth

3.4. State

MAHARASHTRA

3.5. District

PUNE

3.6. Pin Code

411030

3.7. E-mail address

ecsadashivpeth@gmail.com

3.8. Mobile number

9960423337

Project Location

4. Location of the Project or Activity

4.1. Upload KML

Nyati Evania, Sadashiv peth kml

4.2. Whether the project/activity falling in the state/UT sharing international borders

NO

5. Shape of the Project

Hybrid

Location Details

Toposheet No	State/UT	District	Sub District	Village	Plot/Survey/khasra No.
E43M14	MAHARASHTRA	Pune	Pune City	URBAN	S No 135, Final plot No 28

Remarks

N/A

6. Land Requirement (in Ha) of the project or activity

6.1. Nature of Land Involved

6.2. Non-Forest Land [A]

15545

6.3. Forest Land [B]

0

6.4. Total Land [A+B]

15545

Project Activity Cost

6. Project/Activity Cost

6.1. Total Cost of the Project at current price level (in Lakhs)

55000

Amount in Words : Fifty Five Thousand Lakh(s) Only

7. Employment likely to be generated

7.1. During construction phase

(One year of employment)

7.1.1. No. of permanent employment (No.s) [A]

7.1.2. Period of employment (No. of days) [B]

825

7.1.3. No. of man-days [X]=[A]*[B]

136875

(Temporary/Contractual)

7.1.4. Temporary / Contractual employment (No. of Man days) [Y]

31250

7.1.5. Total [X] + [Y]

228125

7.2. During operational phase

(Permanent employment)

7.2.1. No. of permanent employment (No.s) [A]

75

7.2.2. Period of employment (No. of days) [B]

1825

7.2.3. No. of man-days [X]=[A]*[B]

136875

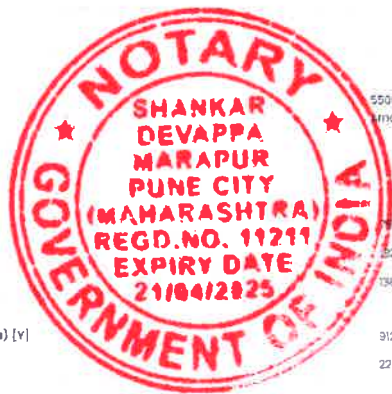
(Temporary/Contractual)

7.2.4. Temporary / Contractual employment (No. of Man days) [Y]

91250

7.2.5. Total [X] + [Y]

228125



- 8. Whether Rehabilitation and Resettlement (R&R) involved? NO
- 9. Whether project area involves shifting of watercourse/road/rail/Transmission line/water pipeline, etc. required? NO
- 10. Whether any alternative site(s) examined or part thereof for the non-site-specific component? Not applicable as the project or activity is site specific
- 11. Whether there is any Government Order or Policy/ Court order relevant or restricting to the site? NO
- 12. Whether there is any litigation pending against the project and/or land in which the project is proposed to be set up? NO
- 13. Whether the proposal involves violation of Act/Rule/Regulation/Notification of Central/State Government? NO



Minutes of 189th SEAC-3 Meeting (Day 01) held on 8th, 9th and 10th January, 2024

4.	SIA/MH/INFRA2/455193/2023	Proposed Slum Rehabilitation & Redevelopment Project + Residential and commercial project (Nyati Evania) at S.No. 135, Final Plot No. 28 at Sadashiv Peth, Pune By M/s Kedar Ventures
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Representative of PP was present during the meeting along with environmental consultant M/s. Srushti Seva Private Limited.

It is noted that, the PP has submitted the application for prior environment clearance for proposed project with total plot area of 15545.00 m², FSI area of 89886.821 m², Non FSI area of 47432.77 m² and total BUA of 137319.59 m².

Brief information of the proposal is as below:

1.	Proposal Number	PARIVESH NO: SIA/MH/INFRA2/455193/2023	
2.	Name of Project	Proposed Slum Rehabilitation & Redevelopment Project + Residential and commercial project (Nyati Evania) at S.No. 135, Final Plot No. 28 at Sadashiv Peth, Pune By M/s Kedar Ventures	
3.	Project category	Schedule 8(a) Category B2	
4.	Type of Institution	Private	
5.	Project Proponent	Name	Mr Pratap Suryakant Nikam, M/s Kedar Ventures
		Regd. Office address	499, Narayan Peth, Pune
		Contact number	9960423337
		e-mail	ccsadashivpeth@gmail.com
6.	Consultant	ACO Name - Srushti Seva Private Limited NABET - NABET/EIA/1821/SA 0107	
7.	Applied for	Fresh EC	
8.	Details of previous EC	NA	
9.	Location of the project	S. No 135, Final plot No 28 at Village- Sadashiv Peth, Taluka- Pune City, Dist- Pune. State- Maharastra, 411030.	
10.	Latitude and Longitude	Latitude- 18°30'12.43 Longitude- 73°50'50.26	
11.	Total Plot Area (m ²)	15545.00	
12.	Deductions (m ²)	530.43	
13.	Net Plot area (m ²)	15014.57	
14.	Proposed FSI area (m ²)	89886.821	
15.	Proposed Non-FSI area (m ²)	47432.77	
16.	Proposed TBUA (m ²)	137319.59	



Member Secretary

Chairman

Minutes of 189th SEAC-3 Meeting (Day 01) held on 8th, 9th and 10th January, 2024

17.	TBUA (m2) approved by Planning Authority till date	137319.59				
18.	Total Project Cost (Rs.)	550 Cr				
19.	CER as per MoEF & CC circular dated 01/05/2018	Activity	Location	Cost (Rs.)	Duration	
		Details in CER activities annexure				
20.	Details of Building Configuration :				Reason for Modification / Change	
	<Please use following legends: Floor = F , Parking = Pk, Podium = Po, Stilt =St, Lower Ground = LG, Upper Ground = UG, Basement = B, Shops = Sh>					
	Previous EC / Existing Building		Proposed Configuration			
	Building Name	Configuration	Height (m)	Building Name	Configuration	Height (m)
	-	-	-	Building A	Basement 2 + Basement 1 + L Ground + U Ground + 1 st Floor (Shops) + 2 nd Parking Floor + 3 rd , 4 th , 5 th & 6 th Commercial Floors + 7 th Amenity Floor + 8 th to 32 nd Residential Floors	117.50
-	-	-	Building B	Basement 2 + Basement 1 + L Ground + U Ground + 1 st Floor (Shops) + 2 nd Parking Floor + 3 rd , 4 th , 5 th & 6 th Commercial Floors + 7 th Amenity Floor + 8 th to 32 nd Residential Floors	117.50	
-	-	-	Building C	Basement + L Ground + U Ground Commercial Floor + 1 st to 14 th Residential Floors	44.90	
21.	Total number of tenements, Commercial Area	944 No. Of Residential tenements and 14132.94 Sqm of Commercial area.				
22.	Water Budget	Dry Season (CMD)		Wet Season (CMD)		
		Fresh Water	563.8	Fresh Water	563.8	
		Recycled	333.62	Recycled	323.62	
		Swimming Pool	1.0	Swimming Pool	1.0	

Member Secretary

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Chairman



Minutes of 189th SEAC-3 Meeting (Day 01) held on 8th, 9th and 10th January, 2024

		Flushing	323.62	Flushing	323.62
		Total	898.41	Total	888.42
		Waste water generation	798.0	Waste water generation	798.0
23.	Water Storage Capacity for Firefighting / UGT	As per NOC			
24.	Source of water	PMC			
25.	Rainwater Harvesting (RWH)	Level of the Ground water table	Pre Monsoon- 15 to 20 M BGL Post Monsoon- 10 TO 15 M BGL		
		Size and no of RWH tank(s) and Quantity	N.A.		
		Quantity and size of recharge pits	Quantity: 9 Nos & Size: 2mX2mX2m		
		Details of UGT tanks if any	Domestic	798	
			Flushing	325	
		Fire	As per NOC		
26.	Sewage and Waste water	Sewage generation in CMD	798.0		
		STP technology	MBBR		
		Capacity of STP (CMD)	800		
27.	Solid Waste Management during Construction Phase	Type	Quantity (kg/d)	Treatment / disposal	
		Dry waste	3	Through authorized agency	
		Wet waste	2	Through authorized agency	
		Construction waste	5	Through authorized agency	
28.	Solid Waste Management during Operation Phase	Type	Quantity (kg/d)	Treatment / disposal	
		Dry waste	1497	Handed over to Authorized Agency	
		Wet waste	1692	In-situ Composting	
		Hazardous waste	Negligible	Negligible	
		Biomedical waste	N.A.	N.A.	
		E-Waste	7886 Kg/year	Handed over to Authorized Dismantler/Recycler	
		STP Sludge (dry)	70	In-situ Composting	
29.	Green Belt Development	Total Required RG area (m ²)	1501.45		
		Number of trees required by rule	188 Nos		
30.	Power requirement	Source of power supply	MSEDCL		
		During Construction	72.15 kVA		

Member Secretary



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Chairman



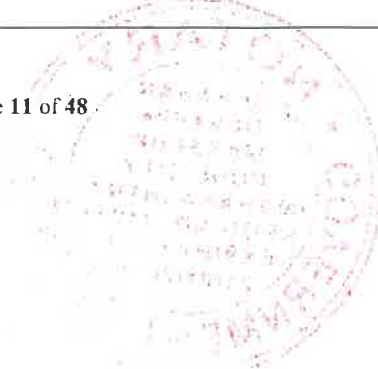
Minutes of 189th SEAC-3 Meeting (Day 01) held on 8th, 9th and 10th January, 2024

		Phase (Demand Load)			
		During Operation phase (Connected load)	9962 KW		
		During Operation phase (Demand load)	4650 KW		
		Transformer	630 kVA X 8 Nos, 315 kVA X 1 Nos,		
		DG set	500 kVA X 3 Nos, 400 kVA X 2 Nos, 250 kVA X 1 Nos,		
		Fuel used	HSD		
31.	Details of Energy saving	Measures to reduce energy consumption: Ø Generally we have proposed high efficiency transformer, motors etc. to reduce losses. Ø Electronic Ballasts and Energy efficient lamp source either triposphere or LED are proposed for common area & general lighting with automatic time-based control to save power by switching ON & OFF the lights at appropriate time. The estimated saving in common lighting consumption is up to 20 % due to adopting above measures.			
32.	Environmental Management plan budget during Construction phase	No.	Details	Cost per annum (Rs. In Lacs)	
		1	Water for Construction, Labour & Dust Suppression	4.0	
		2	Site Sanitation & Health & Safety PPE Kits	3.0	
		3	Environmental Monitoring	4.0	
		4	Disinfection & Health & Safety	3.0	
		5	Health Check up	3.0	
33.	Environmental Management plan Budget during Operation phase	Component	Details	Capital (Rs. In Lacs)	O&M (Rs. In Lacs/Yr)
		Sewage treatment	Waste Water Management	57.50	11.5
		RWH	RWH Pits	3.75	0.75
		Solid Waste	Organic Waste Composting	9.50	3.0
		Green belt development	Tree Plantation	24.24	3.87
		Energy saving	Energy Conservation	186.71	22.31
		Environmental Monitoring	Pollution Control	0	6
		Disaster Management	Fire & LA	323.37	16.17
34.	Traffic Management	Type	Required as per DCR	Actual Provided	Parking Area (m2)
		4-Wheeler	672	672	27070.89
		2-Wheeler	1963	1963	
		Cycles	1288	1288	
35.	Details of Court cases / litigation w.r.t. the project and project location if any				NIL

Member Secretary

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Chairman



Deliberations:

PP stated that, the application is for Proposed Slum Rehabilitation & Redevelopment Project + Residential and commercial project (Nyati Evania) at S.No. 135, Final Plot No. 28 at Sadashiv Peth, Pune.

The proposed configuration is as below:

Building	Configuration	Height (m)
Building A	Basement 2 + Basement 1 + L Ground + U Ground + 1 st Floor (Shops) + 2 nd Parking Floor + 3 rd , 4 th , 5 th & 6 th Commercial Floors + 7 th Amenity Floor + 8 th to 32 nd Residential Floors	117.50
Building B	Basement 2 + Basement 1 + L Ground + U Ground + 1 st Floor (Shops) + 2 nd Parking Floor + 3 rd , 4 th , 5 th & 6 th Commercial Floors + 7 th Amenity Floor + 8 th to 32 nd Residential Floors	117.50
Building C	Basement + L Ground + U Ground Commercial Floor + 1 st to 14 th Residential Floors	44.90

PP clarified that the mandatory RG is provided on ground.

The case was discussed on the basis of the documents submitted and presentation made by the proponent. All issues relating to environment, including air, water, land, soil, ecology, biodiversity and social aspects were examined. The proposal is appraised as category 8(a) b2.

During discussion following points emerged:

1. PP to reshuffle entry-exit or explore to amalgamate entry-exit for ease of traffic movement.
2. PP to increase energy saving by enhancing provision of solar water heating.
3. PP to submit swept path analysis.
4. PP to provide electric charging facility by providing charging points at suitable places as per Maharashtra Electric Vehicle Policy, 2021.
5. PP to ensure that, the water proposed to be used for construction phase should not be drinking water. They can use recycled water or tanker water for proposed construction.

Decision: - After deliberation, Committee decided to recommend the proposal for Environmental Clearance to SEIAA, subject to compliance of above points.

Member Secretary

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Chairman