

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL,  
WESTERN ZONE BENCH , PUNE  
ORIGINAL APPLICATION NO. 2/2023**

Sunil Mulye

.....APPLICANT

V/s

Union of India & Ors.

.....RESPONDENTS

**AFFIDAVIT IN REPLY ON BEHALF OF RESONDENT NO. 4**

I, R. B. Andhale, Age 55 Adult, Occupation-Service, the Sub-Regional Officer of the Maharashtra Pollution Control Board at Thane, having my office at 5th Floor, Office Complex Building, Near Mulund Check Naka, Wagle Estate, Thane-400 604, do hereby state on solemn affirmation as under:-

- (1) I have perused the papers and proceedings in the above matter. I am conversant with the facts of the case and am able to depose the same. I am filing this affidavit in compliance of the Order dated 31/03/2023 passed by this Hon'ble Tribunal.
- (2) I say and submit that the present Application is filed by the Applicant alleged that the permission granted for using the wetland as a burial ground at Survey No.176/A/1/A, 177



: 2 :

and particularly present Survey Nos.176/A/1/B and 177, situated at Village : Diwanman, Tal: Vasai, Dist: Palghar.

- (3) I say and submit that the Respondent No.4-MPCB denies each and every statement, contention and allegation and /or submission contained in the said Application.
- (4) I say and submit that the Applicant No. 1 vide letter dated 10/1/2017 requested the Respondent Board to give the details about permission granted if any to such kind of a construction activity to which the Respondent Board vide letter dated 19/1/2017 informed to the Applicant No. 1 that the Board has not issued any permission to Vasai Virar City Municipal Corporation for construction of the burial ground at the aforesaid site situated at Village: Diwanman, Tal: Vasai, Dist: Palghar. A copy of the said letter is enclosed to the Application as Exhibit-G.
- (5) I say and submit that the Environment Department, Govt. of Maharashtra vide Government Resolution dated 6/2/2018 constituted a Maharashtra State Wetland Authority as per Rule 5(6) of the Wetlands (Conservation and Management) Rules, 2017, for implementation of the said Rules.
- (6) I say and submit that the Respondent Board is not the competent authority to issue permission for the construction





: 3 :

of the burial ground and is an informal party to this Application which may kindly be considered and pass the appropriate orders.

Solemnly affirmed on this <sup>16</sup> day of May, 2023 at <sup>12:30</sup>.

For & on behalf of Respondent No.4-  
Maharashtra Pollution Control Board,

Advocate for  
Respondent No.4.

*Ravi*  
(R. B. Andhale)  
Regional Officer, Thane



NOTARISED

*Sujata V. Joshi*  
Sujata V. JOSHI  
ADVOCATE & NOTARY

101/102, Vishal Bldg., Station Road,  
Kalwa (W), Thane-400 605.

NOTED & REGISTERED

Sr. No. 3358/2023

16 MAY 2023

