

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

ORIGINAL APPLICATION NO. 33/ 2018

In the matter of

Sanjay Bhegade & Ors,

...Applicant

VERSUS

The State of Maharashtra & Ors

...Respondents

INDEX

Sr. No.	Particulars	Annexure	Page
1.	Affidavit in Reply by Respondent No.48 i.e. AMUL DAMODAR MAHALE.		2335 to 2359
2.	Vakalatnama		2360
3.	Copy of electricity bill and property tax receipt.	A	2361 to 2365
4.	Photos of trees plantation by Respondent.	B	2366 to 2367

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

ORIGINAL APPLICATION NO. 33/ 2018

- 1. Mr. Sanjay alias Bala Bhegade,**]
 MLA Maval Constituency,]
 Office at 2337/Balaji Chambers,]
 Talegaon-Chakan Road,]
 Talegaon-Dabhade. Taluka - Maval]
 District. Pune, PIN- 410 507.]
- 2. Mr. Sachin Hiranman Mohite.**]
 R/at Village Kale, Post: Pavana Nagar.]
 Taluka Maval]
 District: Pune, PIN- 410 406.]
- 3. Mr. Baban Bhau Kalekar,**]
 R/at Village Kale, Post Pavana]
 Nagar, Taluka Maval,]
 District: Pune, PIN- 410 406.]...Applicants

Versus

- 1. The State of Maharashtra**]
 Through Department of Environment,]
 Room No.217 (Annex), Madam Kama]
 Marg. Mumbai-400 032.]
- (1-A) The Secretary,**]
 Revenue and Forests Department,]
 Government of Maharashtra,]
 Mantralaya, Mumbai-400 032.]
- 2. Pune Metropolitan Region**]
Development Authority (PMRDA)]
 Survey No. 152-153, Maharaja]
 Sayajirao Sayaji Gaikwad Bhavan,]
 Aundhgaon, Aundh, Pune-411007.]
- 3. Maharashtra State Biodiversity Board,**]
 Jaiv- Vividha Bhavan, Civil Lines,]
 Nagpur, Maharashtra, 440001.]
- 4. Homi Jesia,**]





- R/at Survey/Gat No.68/3,
Gevanda Khadak, At Pavananagar,
Taluka Maval, Dist.- Pune
Pin- 410 406.]
5. **Surendra Pandurang Naravekar**]
R/at Gat No.148/1, Village Pale, Pama,]
At Pavananagar, Taluka Maval,]
Dist.- Pune, Pin- 410 406.]
6. **Dinesh Dharmachand Patel**]
R/at Survey No.51, Village Shevati,]
At Pavananagar, Taluka Maval,]
Dist.- Pune, Pin- 410 406.]
7. **Vijay Punjabi**]
R/at Gat No. 439, 440, Village Tikona.]
At Pavananagar, Taluka Maval,]
Dist.- Pune, Pin- 410 406.]
8. **Abhay S. Choksy**]
R/at Gat No. 536, Village Tikona,]
At Pavananagar, Taluka Maval,]
Dist.- Pune, Pin- 410 406.]
9. **Linesh Patel**]
R/at Gat No.93, Village Pale,]
Pama, At Pavananagar, Taluka Maval,]
Dist.- Pune, Pin- 410 406.]
10. **Mr. Yazhdi H. Desai,**]
R/at Amarja Hills, Plot No.33/36, Village]
Mahagaon, at Pavanagar, Taluka Maval,]
Dist.- Pune, Pin- 410 406.]
11. **Ravi Khemkar,**]
R/at Gat No. Nil, Village Tilona]
Pavanagar, Taluka Maval,]
Dist.- Pune. Pin- 410 406.]
12. **(a) Manoj Sainani**]
(b) Sumit Chawla]
R/at Amarja Hills, Mahagaon,]
at Pavanagar, Taluka Maval,]
Dist.- Pune. Pin- 410 406.]
13. **Mr. Paresh Harikisan Mehata**]





- R/at Plot No.2/5/8 Mahagaon,]
 Amarj Hills, Pavananagar,]
 Taluka Maval, District Pune.]
 At Pavanagar, Taluka Maval,]
 Dist.- Pune. Pin- 410 406.]
14. **Ashish Singh Chawla,**]
 R/at Mahagaon,]
 Amarja Hills, Pavananagar,]
 Taluka Maval, District Pune]
 Dist.- Pune, Pin- 410 406.]
15. **Yashwant Shelania (Chourasia)**]
 R/at Mahagaon, Amarja Hills,]
 Pavananagar, at Pavanagar,]
 Taluka Maval, Dist.- Pune.]
 Pin- 410 406.]
16. **Radhika Akash Shah,**]
 R/at Gat No. Nil, Village Tikona,]
 At Pavananagar, At Pavanagar, Taluka]
 Maval, Dist.- Pune, Pin- 410 406.]
17. **Anant Mehata**]
 R/at Mahagaon,]
 Amarja Hills, Plot No.40, Pavananagar.]
 Taluka Maval, District Pune.]
18. **D.B. Mowdawala,**]
 R/at Survey No. 06/02 Village]
 Thakursai Pavananagar, at Pavanagar,]
 Taluka Maval. Dist- Pune, Pin- 410 406.]
19. **Dr. Sonawala**]
 R/at Gat No. 576/A, 576/B, Village]
 Tikona Pavananagar, at Pavanagar,]
 Taluka Maval, Dist.- Pune, Pin- 410 406.]
20. **Kalparaj Dharmsing**]
 R/at Survey No.34/02,03 Gevande]
 Khadak Pavananagar, at Pavanagar,]
 Taluka Maval, Dist.- Pune, Pin- 410 406.]
21. **Rastik Hariya**]
 R/at Survey No. 64/14 Gevande Khadak]
 Pavananagar, Taluka Maval, Dist.- Pune]
 Pin- 410 406.]



22. **Calimati D'silva**]
R/at Survey No.39/4, Village Thakursai,]
At Pavananagar, Taluka Maval, Dist.-]
Pune, Pin 410 406.]
23. **Ardeshir Shapur Nariyalwala**]
R/at, Gat No.447 Village Tikona at]
Pavananagar, Taluka Maval,]
Dist. - Pune, Pin- 410 406.]
24. **Firoz Irani**]
Rat, Survey No. Nil, Gat No. Nil, Village]
Shindgaon at Payananagar, Taluka]
Maval, Dist.- Pune, Pin- 410 406.]
25. **Gopal Dinubhai Amin**]
R/at, Survey No.58/1, Village Thakursai]
At Pavananagar, Taluka Maval,]
Dist.-Pune , Pin- 410 406.]
26. **Tinna Madam**]
R/at, Survey No. Nil, Gat No. Nil,]
Village Ambegaon, (Pin 410 406) At]
Pavananagar, Taluka Maval, Dist.- Pune]
27. **Senepi Lobo**]
Rat, Cat No. 534 Village Tikona at]
Payamanagar, Taluka Maval,]
Dist. - Pune, Pin- 410 406.]
28. **Deepak M Mehta**]
R/at. A/2 Sterling Apartment 38 Peddar]
Road Mumbai, Pin 400926.]
29. **Insia Lamak Ijjudin**]
R/at, Gat No. 568 and 569 Village]
Tikona, At Pavananagar, Taluka Maval,]
Dist.- Pune, Pin- 410 406.]
30. **Punit Shetti**]
R/at, Amarja Hills, Survey No. Gat No.]
9 Village Mahagaon at Pavananagar,]
Taluka Maval, Dist.- Pune, Pin- 410 406.]
31. **Mr. Vijay Katariya**]



- R/at, Gat No.537 Village Varu at]
Pavanoanagar, Taluka Maval,]
Dist.- Pune, Pin- 410 406.]
32. **Shreyas Sankhe**]
R/at. Survey/Gat No.5/1/2/Village]
Gevande Khadak, At Pavanoanagar,]
Taluka Maval, Dist.- Pune, Pin- 410 406.]
33. **Kumendra S. Chakrawarti**]
R/at. Gat/Survey No.19/1/F Village]
Gevande Khadak, At Pavanoanagar,]
Taluka Maval, Dist.- Pune, Pin- 410 406.]
34. **J. Rajanikant Shroff**]
R/at, Survey No./Gat No. 50A Village]
Pavana Nagar, At Pavanoanagar, Taluka]
Maval, Dist.- Pune, Pin- 410 406.]
35. **Pradip Thampi**]
R/at, Survey No Gat No. 29, Amarja]
Hills, Village Mahagaon, At]
Pavanoanagar, Taluka Maval, Dist.- Pune]
Pin- 410 406.]
36. **Deep Trivedi**]
R/at, Survey No. 147, Village Pale at]
Pavanoanagar, Taluka Maval, Dist. -Pune]
Pin- 410 406.]
37. **Devdatta Gangawan**]
R/at, Gat No. Nil Village Tikona]
At Pavanoanagar, Taluka Maval,]
Dist. – Pune, Pin- 410 406.]
38. **Kishore Choudhari**]
R/at, Gat No.31/2, Village Dudhiware at]
Pavanoanagar, Taluka Maval,]
Dist.- Pune, Pin- 410 406.]
39. **Jitendra Sartandel**]
R/at, Gat No.36/1 Village Dudhiware]
At Pavanoanagar, Taluka Maval,]
Dist.- Pune, Pin- 410 406.]
40. **Joseph D'Souza**]



R/at, Survey No.32/8 Village Thakursai]
at Pavananagar, Taluka Maval, Dist. -]
Pune, Pin- 410 406.]

41. **Motilal C. Bijlani**]

R/at, Gat No.577, Village Tikona at]
Pavananagar, Taluka Maval, Dist. -]
Pune, Pin- 410 406.]

42. **Shekhar Dadarkar**]

R/at, Gat. No. Nil, Village]
Thakursai/Gavande Khadak at]
Pavananagar, Taluka Maval, Dist. -]
Pune, Pin- 410 406.]

43. **N.L. Narula**]

R/at, Survey No.114/B Village]
Ambegaon at Pavananagar, Taluka]
Maval, Dist.- Pune, Pin- 410 406.]

44. **M.S. Gilotra**]

R/at, Gat No. 601 and 604 Village]
Tikona at Pavananagar, Taluka Maval,]
Dist.- Pune, Pin- 410 406.]

45. **Vivek Manohar Lutharia**]

R/at, Gat No.601 and 604, Village]
Tikona at Pavananagar, Taluka Maval,]
Dist.- Pune, Pin- 410 406.]

46. **Samir Sariya**]

R/at, Gat No.40/2 A, B, C. D Village]
Shevani at Pavananagar, Taluka Maval,]
Dist.- Pune, Pin- 410 406.]

47. **Atul Dayal**]

R/at, Survey No./Gat No. Nil, Village]
Tikona at Pavananagar, Taluka Maval,]
Dist.- Pune, Pin- 410 406.]

48. **Amul Damodar Mahale**]

R/at, House No.32, Village Pale-Ambegao]
, Taluka Maval, Dist.- Pune]
Pin 410 406.]

49. **Nahid Nurul Hasan Bhaiji**]



- R/at, Gat No. Survey No. Nil, Village-
Shindgaon at Pavananagar,
Taluka Maval, Dist. – Pune
Pin- 410 406.
50. **Dilip Sanghvi**
R/at, 801 Abhay Building N.S. 9th Road
Juhu, Mumbai, Pin- 400049.
51. **Chandrakant Sajjanlal Choksi**
R/at, Survey No. Gat No. Nil Village
Shindgaon at Pavananagar, Taluka Maval,
Dist. – Pune, Pin- 410 406.
52. **Imran Attarwala Wela**
R/at, Gat No. 112 Village Ambegaon at
Pavananagar, Taluka Maval,
Dist.- Pune, Pin- 410 406.
53. **Sandhya Chanda Mohan Wadkar**
R/at, Survey No. 113, Village Ambegaon
at Pavananagar, Taluka Maval,
Dist.- Pune, Pin- 410 406.
54. **Haresh Balani**
R/at, Survey No. Nil, Village Ambegaon
at Pavananagar, Taluka Maval,
Dist.- Pune, Pin- 410 406.
55. **Vishal Dadlani**
R/at, Survey No. Gat No. Nil, Village
Tikona at Pavananagar,
Taluka Maval, Dist.- Pune, Pin- 410 406.
56. **Anand Shevale**
R/at, Amarja Hills Bungalow No. 12,
Village Mahagaon.
At Pavananagar, Taluka Maval,
Dist.- Pune, Pin- 410 406.
57. **Sammy Lalla**
R/at, Gat No. Nil Village Tikona
At Pavananagar, Taluka Maval,
Dist.- Pune, Pin- 410 406.
58. **Rahulbhai Dholkiya**



R/at, Gat No, 144/1 Village Pale, Pama]
At Pavananagar, Taluka Maval, Dist-]
Pune, Pin- 410 406.]

59. **Sunil Aditya Choksi**]

R/at, Gat No.570/A, 570/B Village]
Tikona at Pavananagar, Taluka Maval,]
Dist.- Pune, Pin- 410 406.]

60. **Lashit Lallubhai Sanghavi**]

R/at, Gat No.58/25 Village Thakursai]
At Pavananagar, Taluka Maval,]
Dist.- Pune, Pin- 410 406.]

61. **Mehernosh Daruwalla,**]

R/at 401, Marker Mansion,]
623 Lady Jahangir Road,]
Dadar, Parsi Colony, Mumbai- 400 014.]

62. **Samir Shah**]

R/at, Survey No.112, Village Ambegaon]
At Pavananagar, Taluka Maval,]
Dist.- Pune, Pin- 410 406.]

63. **Rajesh Shendge**]

R/at, Survey No.4/20, Village Gevande]
Khadak at Pavananagar, Taluka Maval,]
Dist.- Pune Pin 410 406.]

64. **Sumit Sunil Chakrawarti**]

R/at, Survey No.17/5, Village]
Sindhgaon Ar Pavananagar, Taluka]
Maval, Dist.- Pune, Pin- 410 406.]

65. **Khurshid Daruwala**]

R/at, Gat No.571, Village Tikona]
At Pavananagar, Taluka Maval,]
Dist.- Pune, Pin- 410 406.]

66. **Jojar Khurakiwala**]

R/at, Ume Kunj Bungalow, Sarvey No.]
Gat No. Nil, Village Thakursai at]
Pavananagar, Taluka Maval,]
Dist.- Pune, Pin 410 406.]

]..Respondents



AFFIDAVIT-IN-REPLY OF RESPONDENT NO.48 i.e. MR.
AMUL DAMODAR MAHALE

MOST RESPECTFULLY SUBMITTED:

I, MR. AMUL DAMODAR MAHALE, aged 56 years, Indian Inhabitant, Resident of House No 32, Village Pale-Ambegao at, Taluka Maval, Dist.- Pune, Pin 410 406, answering as Respondent No.48, do solemnly state on oath and affirm as under:-

1. I have gone through the above Original Application bearing No. 33/2018 and documents filed along with the same by Mr. Sanjay alias Bala Bhegade & 2 Others. That I am Respondent No.48 in the abovementioned Original Application bearing No. 33/2018 and being familiar with the facts and circumstances of the case, hence I am competent to swear this Affidavit.
2. I am filing this Affidavit in reply for opposing the Original Application and the grant of any reliefs as against Respondent No.48. I crave leave of this Hon'ble Tribunal to file a further affidavit, should the same be necessary, or be advised. I Say that the Answering Respondent is filing the



instant Affidavit-in-reply to Present Original Application to bring on record correct facts and circumstances of the case.

3. At the outset, I deny all allegations, contentions and submissions made in the OA No. 33/2018 against the Respondent No.48, which are contrary or inconsistent with what is stated in this Affidavit. Further, I say that I oppose all the reliefs prayed for in the OA No. 33/2018 against the Respondent No.48. I further state that any allegations, contentions or submissions in the said OA No. 33/2018 which have not been specifically dealt with or denied by me, may not be deemed to be admitted.

4. Respondent No.48 (hereafter called as a Respondent only) has been impleaded by the Applicant as a party to the Original Application No. 33/2018 as Respondent No.48. Respondent hereby prays to allow for the submission of this Affidavit, as otherwise so far, Respondent No.48 was not heard in the matter by this Hon'ble Tribunal. This shall be in accordance with the provision of Section 19 (i) of the NGTA and also in accordance with the principles of natural justice.



5. In this OA No. 33/2018, the Applicant has made various allegations against the Respondent and has sought many reliefs, which, if granted, will affect the Respondent and are, therefore, opposed in this affidavit by Respondent.

**PRELIMINARY SUBMISSIONS/ OBJECTIONS ON THE
GROUNDS OF MAINTAINABILITY**

6. Respondent has serious objections to the maintainability of this present application on the following grounds, without prejudice to each other. Respondent urges that the same should be first heard and decided before entertaining the application and/or before exercising the original jurisdiction under s.14, 15 by the following procedure as per s.17 and 18 of the Act.

7. That the application must pass the test of maintainability and be within the period of the limitation stated in the act must fall under the original jurisdiction of the NGTA, i.e., action should violate the provisions of acts listed categorically in Schedule-I of the NGTA and fall under the definition of 'substantial question related to environment' u/s. 2(m) which states"



2(m) “substantial question relating to environment” shall include an instance where,—

(i) there is a direct violation of a specific statutory environment obligation by a person by which, —

(A) the community at large other than an individual or group of individuals is affected or likely to be affected by the environmental consequences; or

(B) the gravity of damage to the environment or property is substantial; or

(C) the damage to public health is broadly measurable;

(ii) the environmental consequences relate to a specific activity or a point source of pollution;

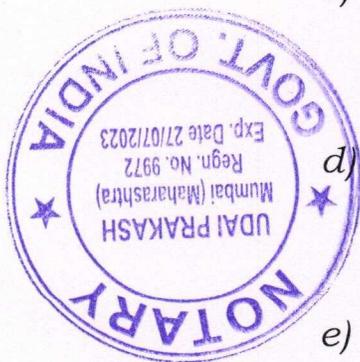
8. Applicant has not shown, or even pleaded to show, as to how the cause of action when first arose, by a grant of permission of Collector Pune is direct violation resulting in an adverse impact on the environment as stated in section 2(m) (i) (A), (B) or (C).

9. To put it in simple words, the law provides that general or minor environmental issues, if any, that do not have **‘substantial question related to the environment’**, should not be brought, dealt with, and adjudicated by this Hon’ble Tribunal. This protects Respondent from frivolous

litigation, saving the precious time of the Hon'ble Tribunal, and also prevents unnecessary flooding of the Hon'ble Tribunal with Applications that do not raise any 'substantial question related to the environment.'

10. The maintainability, therefore, will have to be tested on the face of it, as a preliminary objection, in respect of each allegation, without going into merit OR adjudication. Those preliminary tests shall be:

- a) *Which is that one single cause that can be entertained in an application?*
- b) *Is this cause raised within the period of limitation, starting from the day it first arose?*
- c) *Does this cause raise a 'substantial question related to the environment?'*
- d) *What relief has been asked in prayers? Is it compensation or restitution?*
- e) *Are all the reliefs sought in the prayer consequential to each other and can be granted under the one single surviving cause of action?*
- f) *Does the applicant have locus standi for the relief and compensation sought in the Application?*



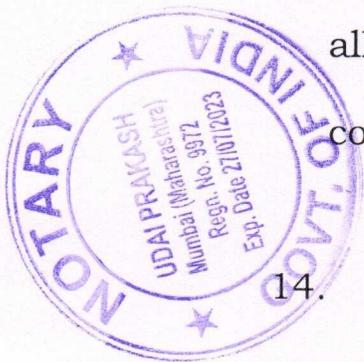
11. Respondent humbly submits that this entire application does not survive this test and the mandatory statutory provisions spelled in detail above. Surviving portion, if any, of the application ought to be determined after trimming off the irrelevant causes that are not maintainable. Only then the remaining application with the one single cause may be taken up for further adjudication.

FACTS OF THE CASE

12. Respondent is an environment friendly and law abiding citizen. Respondent is the owner of the land S.N144/4 village Pale, Tal.Maval. Dist.Pune hereto annexed and marked as **Exhibit -A (colly)** the copy of electricity bill and property tax receipt. He is utilizing his own property for the residential use as farm house.

13. Respondent has constructed house for his own-personal use and not for commercial use. He has followed all the norms, rules applicable to him at the time of construction.

14. Except aforesaid construction there is no other construction is going on.



REPLY ON MERITS

15. Through this affidavit Respondent wants to submit point wise reply to the allegation made by the applicant in this application and the report filed by the joint committee as per Order dated 30-06-2020 passed by this Hon'ble Tribunal subject to and without prejudice to the preliminary objections mentioned above:

- i) Contents of Point I and II are matters of record and need no reply. Contents of paras hereinabove are reiterated and reaffirmed.
- ii) With respect to contents of Point III, it is denied that Respondent has done any illegal and anti-environment Construction and encroachment on hilltops and hill-slopes.
- iii) With respect to contents of Point IV, Respondent submits that applicant has unnecessarily invoked s.15 only to take advantage of the limitation period of six months corresponding to that section.

- iv) Contents of Point 1 to 5 are matters of record and need no reply. Contents of paras hereinabove are reiterated and reaffirmed.
- v) With respect to contents of Point 6, it is denied that no such illegal activities as contended by applicant is going on at Respondent's plot of land.
- vi) Contents of Point 7 are matters of record and need no reply. Contents of paras hereinabove are reiterated and reaffirmed.
- vii) With respect to contents of Point 8, it is denied that Respondent is politically influential and destroyed the ecology and environment in this area.
- viii) With respect to contents of Point 9, it is denied that Respondent has cut any tree without permission as alleged by applicant, on contrary the Respondent has planted several more trees in his plot of land to enhance environmental greenery. Hereto annexed and marked as **Exhibit - B** is the photos of trees plantation by Respondent. Further there is no air pollution due to any construction by Respondent as the house of



Respondent was built long back. since, there is no construction activity is happening upon the Respondent's plot area which can contribute to dust formation.

- i) With respect to contents of Point 10 & 11, it is denied that Respondent has done huge construction in eco-sensitive zone. Infact Applicant has miserably failed to prove that said area is an eco-sensitive zone and had further failed to produce any official gazette or declaration showing the said area is marked as Ecologically sensitive Zone or Western Ghat Eco-Sensitive Zone. Further Respondent states that they have maintained environmental greenery and contributed to cherish the same. It is pertinent to mention that Respondent has not done any environmental destruction and also, he has not put a single brick of his house illegally/ without permission.

- ix) With respect to contents of Point 12, it is denied that Respondent has done any huge construction due to which there is need of soil moistures conservation and nursery development in this area.



- x) With respect to contents of Point 13, it is specifically denied that animals which used to feed on the grass grew on the hilltops and hill-slopes in Maval Taluka, is getting destroyed due to respondent.
- xi) Contents of Point 14 & 15 is matters of record and need no reply. Contents of paras hereinabove are reiterated and reaffirmed.
- xii) With respect to contents of Point 16 & 17, it is denied that Respondent has done any illegal encroachment in violation of various provisions of law. Further, it is denied that there are any constructions without valid or legal permission/license as alleged by applicant.
- xiii) With respect to contents of Point 18, it is denied that respondent has done any illegal construction, tree cutting and deforestation at the Pavana Nagar area in Maval taluka due to which said area lost its greenery and its became barren. It is submitted that the Respondent has maintained the greenery of his plot very well.

- xiv) Contents of Point 19 to 26, it is submitted that the cases relied upon by applicant is not applicable in this case.
- xv) With respect to contents of Point 27, it is denied that said photographs are belonging to Respondents land.
- xvi) Contents of Point 28 is general prayer and hence needs no reply.
- xvii) With respect to contents of Point 29 & 30, Respondent submits that the same is not at all applicable to Respondent's case.
- xviii) With respect to contents of Point 31 & 32, It is denied that there is any such pollution and environment degradation being caused by respondent. Further, it is relevant to submit that Respondent has not contributed any type of pollution load at the time of construction as well as operating the facility. There is no adverse impact observed by the joint committee at the time of joint inspection.



REPLY TO THE GROUNDS

16. Contents of the petition are misconceived and denied.
Para-wise reply to the grounds is as under:

GROUND A TO P:

- Grounds A, B, C, D, E, F, G, H, I, J, K, L, M, N, O & P of Original Application are misconceived, baseless and denied and the averments made in the paras hereinabove are reiterated and reaffirmed. That the contents of the ground under reply have been replied specifically in the above submissions and the same are not repeated herein for the sake of brevity.

GROUND Q:

- Grounds Q(1) & Q(2) of Original Application are misconceived, baseless, wrong and denied and the averments made in the paras hereinabove are reiterated and reaffirmed. It is denied that the respondent has done any illegal construction without permission.
- Grounds Q(3) of Original Application is misconceived, baseless, wrong and denied and the averments made in the paras hereinabove are reiterated and reaffirmed.
- Grounds Q(4) of Original Application is misconceived, baseless, wrong and denied and the averments made in the paras hereinabove are reiterated and reaffirmed.



- Grounds Q(5) & Q(6) of Original Application are misconceived, baseless, wrong and denied in toto and the averments made in the paras hereinabove are reiterated and reaffirmed. It is submitted that, for the past more than two decades, there is not a single incident of landslide in and around our property observed or noticed by Respondent or surrounding people. Further, there is no artificial flooring done by Respondent. There is huge land remains after the construction of residential patches and internal roads for natural water percolation in our property. It is pertinent to mention that Respondent has not affected the free-flowing stream in his premises. It is denied that Respondent has affected the habitat of wildlife animals or surrounding creatures. It is relevant to submit that Respondent uses the said property for residential purposes and not for commercial purpose.

GROUND R:

- Grounds R of Original Application is misconceived, baseless, wrong and denied and the averments made in the paras hereinabove are reiterated and reaffirmed. It is denied that Respondent has done any environmental damage. Further, the answering Respondent has good prima-facie case while the original application bearing No. 33/2018 is only speculative in nature.

REPLY TO COMMITTEE REPORT DATED 11.08.2021

Sr. No.	Joint Committee Remark	Reply be Respondent
1.	It is stated that during the site visit, the Record related to land viz. name on the 7/12 extract, Details of building permission, year of construction, Type of Construction and its use, whether the property is located uphill or downhill, distance from Pavana Dam, etc. was checked.	Nothing to say
2.	In the survey, 10 out of 63 constructions were found in the private forest which are deemed to be reserved forest as per the provisions of the Maharashtra Private Forest Acquisition Act, 1975. Such constructions in the reserved forest means encroachment over the reserved forest which is prohibited as per the provisions of the Indian Forest Act 1927	Nothing to say
3.	It is stated that during site visit inspection the area was surveyed in order to find out the unauthorized	Nothing to say



	constructions (illegal) constructions in Pavananagar area.	
4.	After carrying out the site inspection and going through the report filed by the SDM, it can be stated that most of the properties are used for residential purpose. Hence, the pollution potential seems to be low and all properties have provided with septic tanks and soak pit arrangement for treatment of sewage generation from domestic effluent. During the visit no direct sewage discharge to the river was observed from any of the property.	This remark of Maharashtra Pollution Control Board in Joint Committee Report is self-explanatory and sufficient to prove that no pollution/ environmental damage is done by Respondent.

PRAYER

17. In light of the facts and circumstances stated hereinabove, the Respondent prays and urges that this Hon'ble Tribunal be pleased to:

- a. hear and decide this matter in light of the preliminary objections raised, on the issue of maintainability, including but not limited to the points of a period of limitation, issues that have substantial questions related to the environment, and multiple causes raised in one single application;



- b. adjudicate the matter on merit on whether the constructed house is nothing but the farmhouse under private property owned by Respondent and there being nothing of the nature of violation or damage to the environment.
- c. decide and direct the additional environmental features to be provided ask the applicant to submit more details based on ground facts or real facts rather than literature supports
- d. Remove the name of the Respondent as a party from this application and non-applicability of judgment/Order passed or going to pass by this Tribunal in this Original Application 33/2018.
- e. Hon'ble Tribunal may ask each applicant to pay the cost of Rs.1 LAKH against the legal fee and documentation for this application to Respondent which is already paid by Respondent No.48.

any other order as deemed fit.

AND for this act of kindness, as duty bound shall ever pray.

Date: 18/03/2023

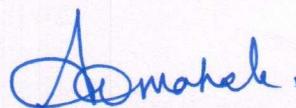



 AMUL DAMODAR MAHALE
 Deponent
 Respondent No.48

AFFIDAVIT AND VERIFICATION

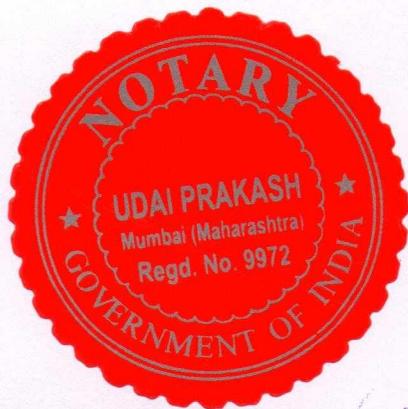
I, MR. AMUL DAMODAR MAHALE, aged 56 years, Resident of House No.32, Village Pale-AmbeGao, Taluka Maval, Dist.- Pune, Pin 410 406, do hereby state that I have submitted this Affidavit on solemn affirmation and oath. I have verified that the facts are true to my personal knowledge. I have not suppressed any material fact known to me and relevant to this matter. Translation of it has been explained to me in brief in a language that I can understand.

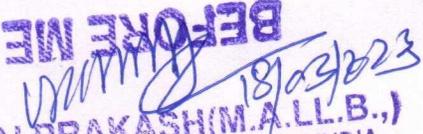
Date: 18/03/2023
 Masjid, Mumbai



AMUL DAMODAR MAHALE
 Deponent
 Respondent No.48

Identified by & before me:
 Advocate



BEFORE ME
 BEFORE ME

 UDAI PRAKASH (M.A.L.L.B.)
 ADVOCATE & NOTARY GOVT. OF INDIA
 MUMBAI (MAHARASHTRA)
 REG. NO. 9972
 Room No. 10, S. No. 94, Inshwadi, Kharodi Village
 Marve Road, Malad (W), Mumbai - 400 035.

NOTARIAL REG. NO. 11
 Sr. No. 3944. Page No. 38
 Date. 18/3/2023



We are not member of Welfare Society Fund therefore stamp of Rs.2/- is not affixed herewith.

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

Application No. 33/2018 (WZ)

Sanjay alias Bala Bhegade & Others) ...Applicants

V/S

The State of Maharashtra & Others)Respondents.

VAKALATNAMA

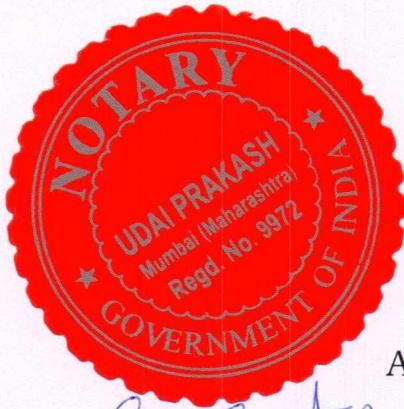
I/We above named Respondent No. 48 i.e. AMUL DAMODAR MAHALE do hereby appoint **HIRANYA PANDEY and MUKESH GUPTA** Advocates to act, appear and plead on my / our behalf in the above matter.

In witness whereof I/we have set my/our hands to this writing at Bombay.

Dated this *18th* day of *March*, 2023.



Accepted



Amahale,
AMUL DAMODAR MAHALE.
Respondent No.48

HIRANYA PANDEY / MUKESH GUPTA

Advocates for Respondent.
Office No.24/20, 2nd Floor, 105
Abubaker House, Opp. Bharat House,
Apollo Street, Mumbai Samachar Marg,
Fort, Mumbai-400 001.
Mobile:- 9821406824
E-mail:hiranyapandey@yahoo.com

BEFORE ME

Udaiprakash
UDAI PRAKASH (M.A.LL.B.,)
ADVOCATE & NOTARY GOVT. OF INDIA
MUMBAI (MAHARASHTRA)
REG. NO. 9972

Room No. 10, S. No. 94, Inshwadi, Kharodi Village,
Marve Road, Malad (W), Mumbai - 400 095.

NOTARIAL REG. NO. 11

Sr. No. *3943* Page No. *38*

Date *18/3/2023*





महाराष्ट्र स्टेट इलेक्ट्रिसिटी डिस्ट्रीब्यूशन कंपनी लि.

वीज पुरवठा देयक माहे: FEB-2023

Website : www.mahadiscom.in
GSTIN of MSEDCL 27AAECM2933K1ZB
BILL NO.(GGN): 000001920188660

HSN code 27160000

ग्राहक क्रमांक: 182630000531

SHRI AMOL DAMODAR MAHALE

32, PALE TAL MAVAL DIST PUNE AMBEGAON 412106

मोबाइल/ ईमेल:

98*****92/amu*@mpcl.in

देयक दिनांक: 28-FEB-23
देयक रक्कम रु: 230.00देय दिनांक: 20-MAR-23
या तारखे नंतर भरल्यास: 280.00

बिलिंग युनिट: 4769 :WADGAON MAVAL S/DN.

दर संकेत: 092 /LT-I (B) Residential 3Ph

पोल नं: 00000000

पी.सी./चक्र+मार्ग-क्रमा/डि.टी.सी.: 6 / 28-0653-0001 /4769425

मिटर क्रमांक: 09014610709

रिडिंग ग्रुप: W6

पुरवठा दिनांक: 11-Nov-2010

मंजूर भार: 2.9 KW

सुरक्षा ठेव जमा(रु): 6,000.00

चालू रिडिंग दिनांक: 26-FEB-23

मागील रिडिंग दिनांक: 24-JAN-23

Scan this QR
Code with
BHIM App for
UPI Payment

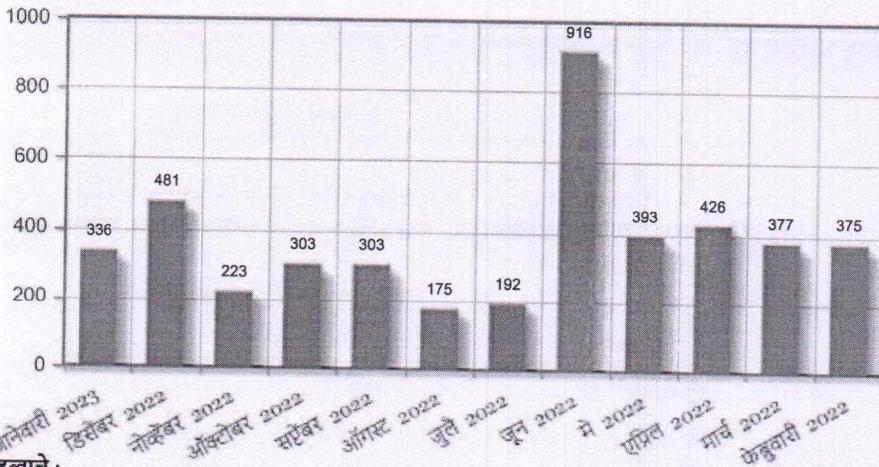
QR कोडद्वारे भरणा केल्यास, भरणा दिनांकानुसार लागू असलेली तत्पर देयक भरणा सूट किंवा विलंब आकार पुढील देयकात समाविष्ट करण्यात येईल.

चालू रिडिंग	मागील रिडिंग	गुणक अवयव	युनिट	समा. युनिट	एकूण
उपलब्ध नाही	41887	01	350	0	350

सरासरी देयक (FAULTY)

Bill Period: 1 Month(s) /

मागील वीज वापर



* मध्यवर्ती तक्रार निवारण केंद्र 24*7

MSEDCL Call Center:

18002333435

18002123435

1912

ग्राहकांच्या तक्रारीचे निवारण करण्यासंबंधीचे नियम व कार्यपद्धति महावितरणच्या संकेत स्थळ:-

www.mahadiscom.in >

ConsumerPortal > CGRF

यावर उपलब्ध आहे.

महत्वाचे :

- छापील बिला ऐवजी ई-बिला साठी नोंदणी करा व प्रत्येक बिलामागे १० रूपयांचा गो-ग्रीन डिस्काउंट मिळवा. नोंदणी करण्यासाठी:-<https://pro.mahadiscom.in/Go-Green/gogreen.jsp> (GGN नंबर तुमच्या छापील बिलावर वरच्या बाजूला डाव्या कोपऱ्यामध्ये उपलब्ध आहे.)
- डिजिटल माध्यमाद्वारे विज बिल भरा व 0.२५% (रु.५००/- पर्यंत) सवलत मिळवा. (टॅक्सेस व ड्यूटीज वगळून)
- तुमचा मोबाइल नंबर व ईमेल पत्ता चुकित असल्यास दुरुस्त करा त्यासाठी -<https://consumerinfo.mahadiscom.in/> येथे भेट द्या.
- पुढील महिन्याची रिडिंग साधारणतः 26-03-2023 ह्या तारखेला होईल.

विशेष संदेश :

- * प्रिय ग्राहक, आपला नोंदणीकृत भ्रमणध्वनी क्र.98*****92 आहे. आपला भ्रमणध्वनी क्रमांक बदलण्यासाठी/नवीन क्रमांक नोंदणीसाठी महावितरण संकेतस्थळ/मोबाईल ॲप वापरा किंवा ९९३०३९९३०३ ह्या क्रमांक वर खालील संदेश पाठवा **MREG 182630000531**
- * महावितरणला कोणत्याही प्रकारच्या रक्कमेचा भरणा करताना संगणकीकृत क्रमांक असलेली संगणकीय पावतीची स्वीकारावी. हस्तलिखित पावती स्वीकारू नये. गैरसोय टाळण्यास ऑनलाइन भरणा सुविधेचा पर्याय वापरावा.

For making Energy Bill Payment through RTGS/NEFT mode, use following details

- Beneficiary Name: **MSEDCL**
- Beneficiary Account Number: **MSEDCL01182630000531**
- IFS Code: **SBIN0008965**
- Name of Bank: **STATE BANK OF INDIA**
- Name of Branch: **IFB BKC**
- Amount: **As per Bill**

Disclaimer: Please use above bank details only for payment against consumer number mentioned in beneficiary account number.

स्थळप्रत बिलिंग युनिट:	4769	ग्राहक क्रमांक:	182630000531	पी.सी.:	W6	दर:	092	या तारखे पर्यंत भरल्यास	09-MAR-23	190.00
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अंतिम तारीख	20-MAR-23	230.00	या तारखे नंतर भरल्यास	20-MAR-23	280.00	
बँकेची स्थळप्रत	डिटीसी क्र.:	4769425	अंतिम तारीख	20-MAR-23	230.00	
स्थळप्रत बिलींग युनिट:	4769	ग्राहक क्रमांक:	182630000531	या तारखे पर्यंत भरल्यास	09-MAR-23	190.00
		पी.सी.:	W6	दर:	092	
				या तारखे नंतर भरल्यास	20-MAR-23	280.00

सूचना व अटी

- वीज शुल्क शासन अधिसूचना क्रं इएलडी/ प्र.क.-273/उर्जा-1 दि.21/10/2016 अन्वये आकारण्यात येईल. वीज विक्रीकर शासन अधिसूचना दि. 21/10/2016 अन्वये आकारण्यात येईल. *वेळेवर आधारित दरासाठी किंवा इतर स्पष्टीकरणासाठी कृपया विद्युत नियामक आयोगाचे आदेश बघावे. **मीटर बसविण्यात येईपर्यंत ठराविक दराने आकारणी करण्यात येईल.
 - 1) देयकातील चुकीबद्दलची कोणतीही तक्रार कंपनीच्या स्थानिक कार्यालयात/कॉल सेंटर/ मोबाइल ॲप/वेब सेल्फ सर्विस मध्ये दाखल करावी लागेल. देयकात काही चूक असली तरी विलंब शुल्क भरावे लागू नये म्हणून देयक तात्पुरत्या स्वरूपात अथवा परत तपासणी करून दुरुस्ती करण्याची हरकत नोंदवून पूर्ण रक्कम भरावी. मात्र अयवादात्मक अगर वाजवीपेक्षा जास्त रकमेचे देयक असेल तर तक्रारीचे निवारण होईपर्यंत ग्राहकास त्याने त्यापूर्वी वापरलेल्या युनिट इतके बिल दिले जाईल व त्यासंबंधी मेळ पूर्ण तपास करून नंतर घालण्यात येईल.
 - 2) देय तारखेच्या नंतर मागील देयकाची रक्कम भरली असेल व ती बाकी म्हणून सध्याच्या चालू देयकात असेल तर सध्याचे देयक भरतांना मागील देयक व त्याची पावती रोखपालास दाखवावी.
 - 3) विद्युत पुरवठ्याच्या अटी, संकीर्ण आकार व दरसूची, आणि महाराष्ट्र शासनाच्या अधिनियमाद्वारे तयार केलेले नियम व आदेशातील तरतुदीनुसार हे देयक पाठविण्यात येत आहे.
- चेक लिहीण्यासाठी सूचना :**
- 4) चेक अकाउंट पेयी असावा * चेक 'MSEDCL' च्या नावे असावा, चेक स्थानिक बँकेचा असावा चेक सोबत पावती स्थळप्रत जोडावी, स्टॅंपल करू नये * चेक पुढील तारखेचा नसावा. चेक/ डीडी ने देयकाचा भरणा केल्यास, महावितरणच्या खात्यात रक्कम जमा होण्याची दिनांक, भरणा दिनांक म्हणून गृहित धरली जाईल.
 - 5) देयक चेक कलेक्शन पेटीत टाकतांना चेकच्या मागे ग्राहक क्रमांक (पी.सी., बि. यु. साहित्य) लिहावा व स्थळप्रतीच्या मागे चेकचा तपशील लिहावा.
 - 6) परक्राम्य संलेख अधिनियम (Negotiable Instrument Act) 1881 कलम 138 प्रमाणे चेक न वठणे हा दंडनीय अपराध असून कायदेशीर कारवाईस पात्र आहे.
 - 7) एम.ई.आर.सी.ऑर्डर 2019 च्या केस क्रमांक 322 नुसार,चेक बाउन्स चार्जेस रुपये 750 किंवा बँक चार्जेस यापैकी जे अधिक असेल ते 01-04-2020 पासून लागू आहेत.

MTR Order ३२२/२०१९ च्या आदेशानुसार विद्युत नियामक आयोगाने दिनांक 01-APR-22 पासून निर्धारित केलेले वीज दर खाली नमूद केल्याप्रमाणे एक महिन्याच्या वीज वापरासाठी आहेत

LT-I (B) Residential 3Ph	युनिट	0-100	101-300	301-500	501-1000	>1000
स्थिर आकार रु. 350	वीज आकार(रु.)	3.36	7.34	10.37	11.86	11.86
	इं.स.आ.(रु.)	0.65	1.45	2.05	2.35	2.35

****दि. ०१.०४.२०२० पासून लागू असलेल्या नवीन वीज दरानुसार महानगरपालिका क्षेत्रातील ग्राहकांना रु.१० प्रती महिना अतिरिक्त स्थिर आकार लागू.**

ग्राहक क्रमांक: 182630000531

	रु. पैसे.
स्थिर आकार	350.00
वीज आकार	2,322.50
वहन आकार @ ₹ 1.35/ युनिट	472.50
इंधन समायोजन आकार	457.50
वीज शुल्क (16 %)	576.40
वीज विक्री कर @ ₹ 0/ युनिट	0.00
व्याज	0.00
इतर आकार	0.00
चालू वीज देयक(रु.)	4,178.90
निव्वळ थकबाकी/जमा	-3,909.22
समायोजित रक्कम	-42.62
व्याजाची थकबाकी	0.00
एकूण थकबाकी/जमा	-3,951.84
देयकाची निव्वळ रक्कम	227.06
पूर्णांक देयक(रु.)	230.00

DPC:52.24
After this date: 20-MAR-23
Pay Rs. 280.00

Prompt Payment Discount: Rs. 36.03 , if bill is paid on or before 09-MAR-23

देयक भरणा 22-FEB-23 पर्यंत विचारात घेतला आहे	
मागील पावतीचा दिनांक	09-FEB-23
मागील पावतीची रक्कम	7,850.00

Payment History:

Receipt Date	Paid Amount
09-Feb-2023	7,850.00
09-Jan-2023	520.00
20-Dec-2022	11,850.00
21-Oct-2022	3,530.00
20-Sep-2022	1,890.00
18-Aug-2022	2,150.00

वीज नसल्याबाबतची तक्रार करण्यासाठी सध्या उपलब्ध असलेल्या सुविधे व्यतिरिक्त नविन पर्याय उपलब्ध.

- 1) नोंदणीकृत मोबाईल वरून ०२२-५०८९७१०० या नंबर वर मिस कॉल द्या
- 2) NOPOWER <ग्राहक क्र> हा संदेश ९९३०३९९३०३ या नंबरवर पाठवा.

३) आपले वीज देयक पाहण्यासाठी व ऑनलाईन भरणा करण्यासाठी <https://wss.mahadiscom.in/wss/wss> या पोर्टल वर उपलब्ध आहे.

डिजिटल माध्यमाने दि. 20-MAR-23 पर्यंत भरणा केल्यास, डिजिटल भरणा सूट 09.01 रू. पुढील देयकात समाविष्ट करण्यात येईल.
Previous Bill Prompt Payment Credit (Rs.): -34.10/
आयकर कलम 269 ST मधील तरतुदीनुसार Rs. 2.00 लाख आणि त्याहून अधिक रोख पावती कोणत्याही प्रकारच्या पेमेंटसाठी महावितरण कडून स्विकारली जाणार नाही.
मा. वीज नियामक आयोग महाराष्ट्र आदेश दिनांक 24/02/2021 नुसार दि.01/11/2021 पासून ग्राहकाचे दरमहा वीज बिल रोखीत स्विकारण्याची कमाल मर्यादा रु. 5000/- इतकी राहिल.

Follow us at:



* For queries related to your online payment transactions, please contact helpdesk_pg@mahadiscom.in
Any unauthorised changes made in this bill will lead to non-acceptance of the bill.

Note: To save/print bill in .PDF format please go to More settings tick Background Graphics option and set Margins to none.





कराबदल पावती (नमुना नं. १०)

(नियम ३२(५)पहा)

(मुंबई ग्रामपंचायत हिशोब व अंदाजपत्रक नियमाप्रमाणे)

श्री. आमूल नमोदर मसले रा. पाले यांचासरपंच, ग्रामपंचायत आंबेगाव ता. मावळ जि. पुणे. यांजकद्वारा ही पावती देण्यात येते की,

तुमच्याकडून बिल नं. _____ तारीख _____

प्रमाणे या ग्रामपंचायत हद्दीतील प्रॉपर्टी नं. ३२१७सन २० २२ / २० २३ करिता कराची रक्कम खालीलप्रमाणे मिळाली

बुक नंबर _____

पावती नंबर ४७

मिळालेल्या रकमांचा तपशील

बाब	मागील बाकी	चालू कर				एकूण वसुल रक्कम
		प्रत्यक्ष कर	सुट र. ५%	दंड र. ५%	वसुल रकम	
१	२	३	४	५	६	७ (२+६)
घरपट्टी		५०३८				५०३८
आरोग्य कर		५०				५०
दिवाबत्ती कर		५०				५०
सर्वसाधारण पाणीपट्टी						
विशेष पाणीपट्टी						
पडसर जागा						
नोटीस फी						
वॉरंट फी						
इतर						
एकूण-						५१३८ = ०

एकूण रक्कम (अक्षरी) पाच हजार आठशे अडोमटि रु. फक्त

वरील प्रमाणे रक्कम रोख/धनादेश क्र. _____

दि. _____ ने प्राप्त

श्री. खोमणे गोपीनाथ संपत

ग्रामसेवक

मुसुला करणाराची सही वाहुदा

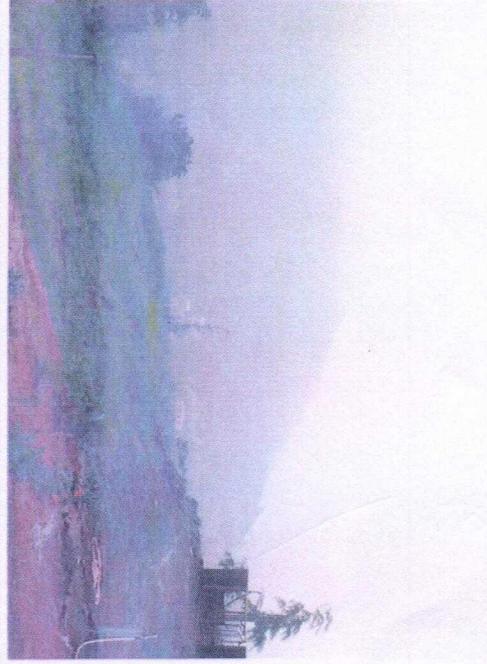
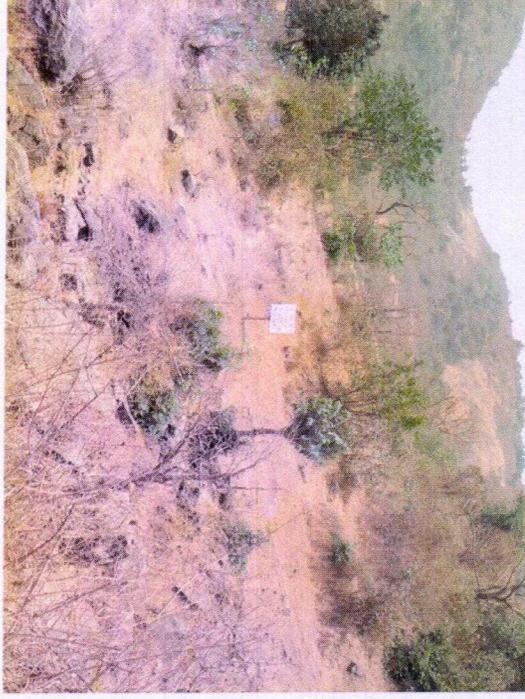
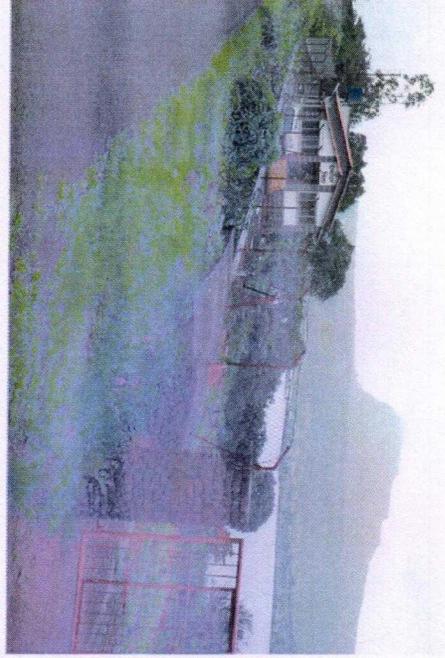
ता. मावळ, जि. पुणे

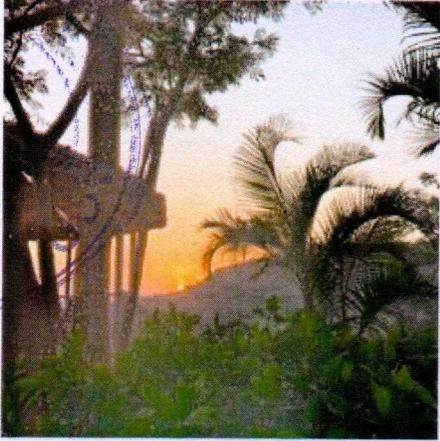
तारीख १६/१२/२०२२

BEFORE

2366

Annexure - B





NOW

