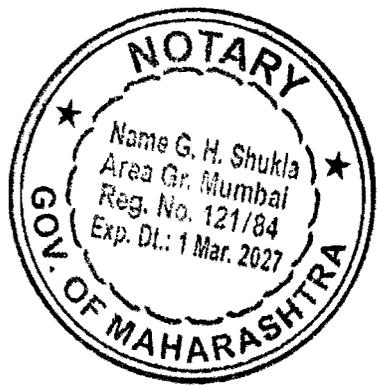


**BEFORE HON'BLE THE NATIONAL GREEN TRIBUNAL
WESTERN ZONE, BENCH PUNE**



Execution Application No. 09/2022 (WZ)

In

I.A. No. 44/2022

In

Appeal No. 76/2017(WZ)

Dileep B. Nevatia

.... Appellant

Versus

Union Of India and Others

.... Respondents

AFFIDAVIT IN REPLY ON BEHALF OF RESPONDENT NO. 5 -

MCGM IS AS UNDER:

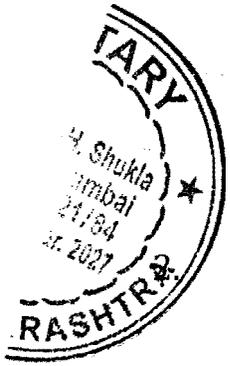
I, Bhupendra V. Rathod, Age - 55 Years, Occupation Service, working as Executive Engineer with Brihanmumbai Municipal Corporation - BMC, the Respondent No. 5, having office at office of Chief Engineer (Coastal Road), 3rd floor, engineering Hub, Dr. E. Mozes Road, Worli, Mumbai 400018; do hereby state on solemn affirmation as under:-

I have made myself conversant with the facts of the case and am able to depose on behalf of the Respondent No.5. I am filing this affidavit in reply thereto.

1. I say that MCGM, has appointed M/s AECOM Asia Company Ltd. as General consultant (GC) for the overall MCRP(S) project and M/s Egis-CGR (JV) is the Project Management Consultant (PMC-II) for Package -II.

I further say that; under the terms of the contract, M/s HCC-HDC (JV) as Design Basic Contractor (DBC-II) for Package -II required to follow certain procedures pertaining to noise pollution during construction activity.

3. I further say that, M/s HCC-HDC (JV) have diligently monitored noise pollution during construction activity and have taken all best possible measures which are possible to minimize the noise level in the area where the Executant Applicant resides. This is apparent from the report of the MPCB submitted on 08.12.2022.
4. The Respondent submits that; DBC-II is already maintaining a noise monitoring register throughout the year for the project activities under reference. In addition to this monitoring the ambient noise levels at the project site, twice a week noise monitoring is done by an impartial third party competent environmental agency (M/s Sky Lab) appointed as per Request for Proposal (RFP) provisions. This agency is NABL accredited & approved by MOEF&CC and MPCB.
5. The Respondent submits that; PMC-II has submitted remarks to General Consultants M/s AECOM Asia Company Ltd. wherein it is mentioned that DBC-II has taken noise



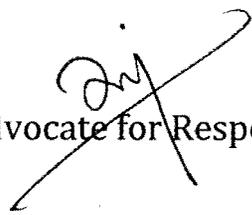
preventive action, as per contract condition. Also it is witnessed in the Internal Environmental Monitoring Plan by External third Party Environmental Monitoring Agency, M/s Sky Lab's report that noise levels are regularly measured.

6. It is respectfully submitted that, as set out in great detail in the application filed by M/s HCC-HDC (JV), the noise pollution caused by the heavy flows of traffic (even on the holidays with no Coastal Road work) is beyond the permissible limit. Also construction activity of school building adjoining the Executant Applicant's property is creating the noise pollution.
7. Under the circumstances on behalf of MCGM; it is respectfully state that Respondent No.5 -MCGM adopts the submissions and contentions of contractor M/s HCC-HDC (JV) as set out in their application Interlocutory Application No.159 of 2022 dated 15.10.2022.

Date: /01/2023

Place: Mumbai


Respondent 5


Advocate for Respondent 5

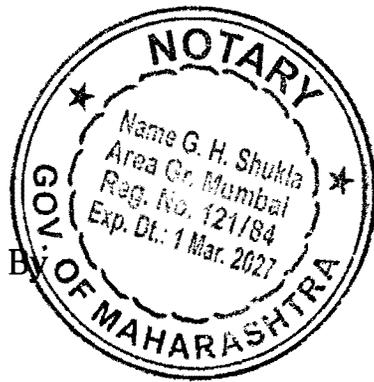
VERIFICATION



Bhupendra V. Rathod Age - 55 Years, Occupation-Service

Working as Executive Engineer with Brihanmumbai Municipal Corporation, do hereby state on oath on behalf of Respondent No. 5 that, the contents of this Affidavit in Reply are true and correct and explained it to me in vernacular language and same is true and correct to the best of my own knowledge and belief.

Hence, verified at Mumbai on 17 JAN 2023 Day of Jan, 2023.



[Signature]

Deponent

Identified & Explained By

BEFORE ME

[Signature]
Advocate for Respondent No.5

G. H. SHUKLA,
NOTARY GREATER MUMBAI
Jagdamba Bhavan, Ground Floor
Ganpatrao Kadam Marg, Lower Panel,
MUMBAI - 400 013

17 JAN 2023

NOTED & REGISTERED
Sr. No 40963/24 2023
Dated 17 JAN 2023

