

BEFORE THE NATIONAL GREEN TRIBUNAL

WESTERN ZONE BENCH, PUNE

Original Application No.42 of 2025 (WZ)

Go Green Foundation Trust & Anr.

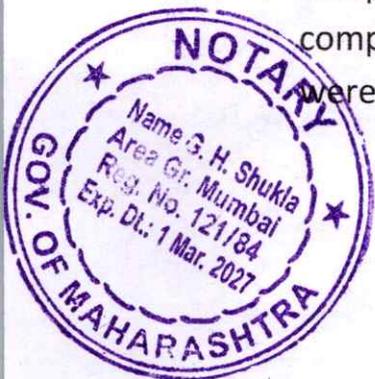
Vs

Union of India-MOEFCC & Ors.

AFFIDAVIT IN REPLY ON BEHALF OF RESPONDENT NO. 5 BMC:

I, Rajesh Dholay, age 54 years, an Adult, Indian Inhabitant of Mumbai, working as the Executive Engineer (Building Proposal) City- I of the Respondent BMC, having my office at Dy.Ch. Engineer, Building Proposal Department 3rd Floor New BMC Building, Bhavan Valimiki Chowk, Vidyalankar Marg, Hanuman Mandir, Salt Pan Road, Antop Hill, Mumbai 400037,, do hereby state on solemn affirmation as under: -

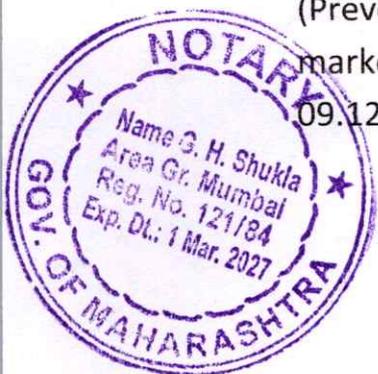
1. The applicant has filed the present application stating that there is gross and intentional violation of the environment and pollution control norms, without prior Environment Clearance, violation of the terms and conditions of their letter and enjoyment without CTO after expiry of the earlier CTO for carrying out construction by the Respondent No. 6 at CTS No. 990, 243G, Patthebapurao Marg (Falkland Road), Girgaon Division, 'D' ward, Mumbai 400 004.
2. In this regards, the plan has been submitted to the Building Proposal Department under modified DC Regulation 33(7) on behalf of Respondent No. 6, namely Rubberwalla Housing and Infrastructure Ltd. for redevelopment of property. The proposal was submitted to the competent authority and on obtaining necessary sanctions from competent authority u/No. MCP/2882 dated 19.10.2013 IOD with plans were issued on 30.12.2014, CC upto plinth was issued on 18.12.2015.



3. Further, a proposal was submitted for PPL (Public Parking Lot) under Regulation 33(24) of DCR, 1991. The Urban Development Department (UDD) has granted its principle approval u/No. TPB-4314/1166 P. No. 158/2014/NEW-11 dated 06/09/2014. Thereafter, Letter of Intent (LOI) for PPL was granted u/no Ch. Eng. /1445/MC/Rds&Tr/C-20 dated 04-10-2014. The License Surveyor has thereafter submitted amended plans by changing planning as per modified DCR 33(7) with DCR 33 (24).
4. Thereafter various concessions, sought in the amended plans were approved by competent authority on 26-05-2017, and plans were issued on 31.08.2018, restricting Sale Fungible FSI and PPL incentive along with fungible thereon.
5. As per approved plans, the building comprises of three (03) basements for captive parking purpose accessible by 7.50 mt. wide two-way ramp with separate entry and exit from front side of plot (i.e. 27.40 mt. Vide Pathe Bapurao Marg.) + Ground Floor with partly rehab existing NR tenants and partly Sale N.R. on Ground floor 1st to 3rd floor NR for sale + 4th floor NR for rehab tenants + 5th floor for parking + 6th to 13th (Pt.) upper floor for rehab & sale residential tenements with total height of the building as 49.60 Mt. The plinth C.C. was endorsed on 01.01.2019 and Further C.C. was extended up to 10th upper floors on 03.01.2019.
6. Further, draft amended plans are submitted on behalf of Respondent No. 3 by converting entire proposal as per 9 (6) (a) of DCPR 2034. Necessary concessions were approved by Ch. Eng. (D.P.) / Hon'ble M.C. Sir on 12.11.2020. On request of developer, amended plans by restricting sale fungible FSI, PPL incentive FSI & its fungible FSI and plans were approved on 29.12.2020.
7. Thereafter on behalf of Respondent No. 6 further draft amended plans were submitted by claiming sale fungible FSI, PPL incentive FSI & its fungible FSI for approval and same was issued on 03.03.2021.
8. Further on behalf of Respondent No. 6 amended plans proposing internal changes on 5th & 6th Floor and minor changes in wing 'D' were approved on 09.08.2021.



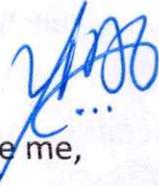
9. As per approved plans, the proposed building Comprises of three (03) of basements for PPL parking purpose accessible by 7.50 Mt. wide two-way ramp with separate entry and exit from front side of plot (ie. 27.40 mt. Vide Patthe Bapurao Marg.). Ground floor having rehab existing NR tenants + 1st to 3rd floor for NR sale tenants + 4th floor NR for rehab tenants & Sale tenants + 5th floor for part parking & part Rehab N.R. & Yogalaya + 6th floor for part parking & part Rehab N.R. The N.R. floors from ground floor to 6th floor and residential floors start from 8th floor and above separated by the Amenity floor ie. 7th Floor proposed for (Fitness Centre for Gents & Ladies), Meter room, R.G etc. and lobby having height of 3.50 mt. Wing A, Wing B & Wing C Comprising of 8th to 20th upper residential floors having total height of building of 69.90 M. Wing D comprising of 8th to 18th (pt) floor having endorsed for entire total height of building of 69.45 m. Accordingly C.C. was re work 03 level basement Ground to 7th upper floors + entire work of Wing 'A', 'B' & 'C' on 10.08.2021 as per approved plans.
10. Thereafter, on behalf of Respondent No. 6 an application was made for part occupation for Part Ground floor (rehab) + 4th (pt.) floor & 5th (pt.) floor for captive parking as per last approved plans dated 09.08.2021. The building proposal department of BMC has issued the same on 27.10.2021.
11. Thereafter on behalf of Respondent No. 6 application was made for occupation of three (03) of basements, which are exclusively used for Public Parking Lot. Part OC is granted in respect of three (03) of basements on 24.11.2021. However has restricted the commencement certificate of wing 'D' due to non-handing over of the public parking lot.
12. Recently, BMC has issued stop work notice dtd. 09.12.2025 to the project Proponent / Licence Surveyor / Project Manager for non compliance with the direction of M.P.C.B U/s 33A of the water (Prevention & Control of Pollution) Act. 1974 & U/s 31A of the Air (Prevention & Control of Pollution) Act, 1981. hereto annexed and marked as Annexure - A is the copy of the said stop work notice dtd. 09.12.2025.



13. These Respondents state that they are taking action in accordance with the prevailing rules, regulations and guidelines in force.

Solemnly affirmed at Mumbai)

Dated this day 6th of , January 2026

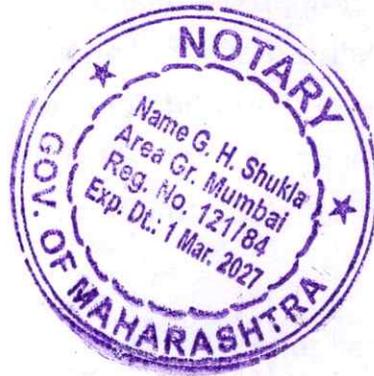

Before me,

Respondents No. 5.



Identified by me ;

Advocates for the Respondents No. 5.



VERIFICATION

I, Rajesh Dholay, age 54 years, an Adult, Indian Inhabitant of Mumbai, working as the Executive Engineer (building Proposal) City- I of the Respondent BMC, having my Office at Dy.Ch. Engineer, Building Proposal Department 3rd Floor New BMC Building, Bhavan Valimiki Chowk, Vidyalankar Marg, Hanuman Mandir, Salt Pan Road, Antop Hill, Mumbai 400037, do hereby state on solemn affirmation as under: -

Solemnly affirmed at Mumbai)

Dated this day of 2026

Yash
13 JAN 2026

Identified by me;

Advocates for the Respondents No. 5.

[Signature]
Before me,

Respondents No. 5.

[Signature]

BEFORE ME

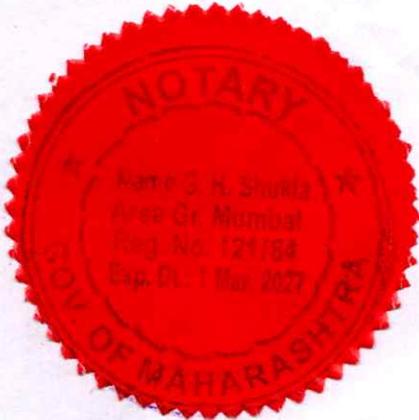
G. H. SHUKLA
NOTARY GREATER MUMBAI
Jagdamba Bhavan, Ground Floor
mpatrao Kadam Marg, Lower Pare.
MUMBAI - 400 013.

13 JAN 2026

NOTED & REGISTERED

Sr. No. 86874 Page No. 44

Book No. 36 Date. 13 JAN 2026





BRIHANMUMBAI MUNICIPAL CORPORATION

Office of Assistant Commissioner, 'D' Ward Municipal Office, Jobanputra Compound,
Nana Chowk, Grant Road (West), Mumbai - 400 007.

Notice No.: OACD/11006 /B&F dated 09/12/2025.

STOP WORK NOTICE

FOR NON COMPLIANCE OF DIRECTION OF M.P.C.B. U/S 33A OF THE WATER
(PREVENTION & CONTROL OF POLLUTION) ACT 1974 & U/S 31A OF THE AIR
(PREVENTION & CONTROL OF POLLUTION) ACT 1981

To,

Project Proponent/ Architect/ License Surveyor/Project Manager,
M/s. Rubberwala Housing & Infrastructure Ltd.,
C.S. No. 990 of Girgaum Div., 243-G, Pathe Bapurao Marg
(Falkland Road), Mumbai-400 004.

M.C.G.M. 'D' Ward
Jobanputra Compound, Nana Chowk
Grant Road Mumbai - 400 007.

Sub.:- Direction of M.P.C.B. u/s 33A of the Water (prevention & control of pollution) Act 1974 & u/s. 31A of the Air (prevention & control of pollution) Act 1981 in respect of M/s. Rubberwala Housing & Infrastructure Ltd., C.S. No. 990 of Girgaum Div., 243-G, Pathe Bapurao Marg (Falkland Road), Mumbai-400 004.

Ref.:- 1) MPCB/SROM-1/Comp/TB/251107-FTS-0162 date:07/11/2025.
3) File no.- EB/3820/D/A

Whereas the undersigned has been appointed as the Designated Officer under section 351(1) of Mumbai Municipal Corporation Act, 1888 (hereinafter for the brevity sake referred as the said Act) to exercise the powers of the said Act.

And whereas, this office has received a letter vide no. MPCB/SROM-1/ Comp/ TB/ 251107-FTS-0162 date:07/11/2025 from Sub Regional Officer, Mumbai-I of Maharashtra Pollution Control Board along with the copy of the letter of Regional Officer, Mumbai bearing no. MPCB/RO/SO/2510200001 dtd. 20-10-2025 addressed to M/s. Rubberwala Housing & Infrastructure Ltd., which is also forwarded to Asstt. Comm. 'D' Ward and Designated Officer / Executive Engineer (B&F) 'D' Ward wherein it is mentioned as follows :-

"And whereas, after examining all the reports and records available with this office, I have concluded that, you are knowingly and willfully violating the provisions of the Water (Prevention & Control of Pollution) Act, 1974 and the Air (Prevention & Control of Pollution) Act, 1981.

Therefore, you are hereby directed to stop your ongoing construction activity forthwith, failing which, the Board will initiate appropriate legal action against you, which please note."

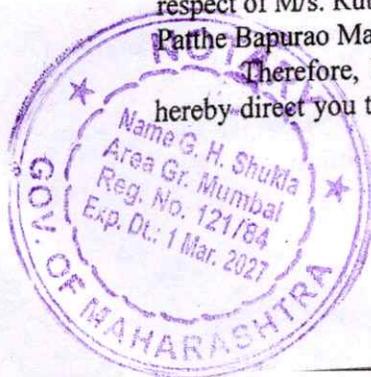
And whereas, Sub Regional Officer, Mumbai-I, vide the above mentioned letter dtd. 07-11-2025 requested the undersigned to issue Stop Work for ongoing construction activity and submit action taken report and further also mentioned therein that, in this regard, Original Application No. 42/2025 filed in the National Green Tribunal.

And whereas, pursuant to the above referred letters received from Sub Regional Officer, Mumbai-I of Maharashtra Pollution Control Board dtd. 07-11-2025, I am satisfied that, you have commenced the following work without compliance of the conditions mentioned in the above referred letter of Regional Officer, Mumbai, Maharashtra Pollution Control Board :-

Schedule (Description of work):

Non compliance of Direction of M.P.C.B. u/s 33A of the Water (prevention & control of pollution) act 1974 & u/s 31A of the Air (prevention & control of pollution) act 1981 in respect of M/s. Rubberwala Housing & Infrastructure Ltd., C.S. No. 990 of Girgaum Div., 243-G, Pathe Bapurao Marg (Falkland Road), Mumbai-400 004.

Therefore, I, in exercise of powers and functions conferred upon me under MMC Act, hereby direct you to stop the erection of the said building / execution of the said work forthwith



and submit explanation with proof of compliance of direction given by MPCB w/no. MPCB/RO/SO/2510200001.

It should be noted that, if the ongoing work is not stopped forthwith or compliance of directives issued as above are not done with respect to notice issued the said building within 24 hours from the service of this notice, all the materials, machinery, equipment, devices or articles used in the process of erection of the said building or execution of the said work will be removed from the site, at your risk and cost, without further notice. Also, stringent action such as sealing of work site and legal action due to non compliance of guidelines shall be taken up at your risk, cost, consequences and peril.

Signature:..... sd/.....
Name : Shri. Dilip Santosh Ahire
Designated Officer- D Ward

C.C. to
Shri. Pratap Jagtap,
Sub Regional Officer, Mumbai-I,
Maharashtra Pollution Control Board,
Sub Regional Office, 2nd Floor, Kalpataru Point,
Sion Circle, Sion (E), Mumbai-400 022.

Submitted for information please.

sd/
Designated Officer/ Executive Engineer
(B & F) D Ward

C.C. to
(Adv. Kunal Yeole),
Asstt. Law Officer (DRT)

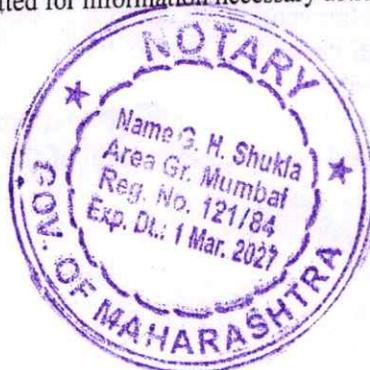
Ref.:- Before The National Green Tribunal, Western Zone Bench, Pune, Maharashtra
Original Application No. 42 of 2025 (WZ)
Go Green Foundation Trust & Ors. : Applicant
V/s.
Union Of India & Ors. : Respondents.

For informtion please.

sd/
Designated Officer/ Executive Engineer
(B & F) D Ward

✓ C.C. to **E.E.(B.P.) City-I**

Submitted for information necessary action please.



sd/
Designated Officer/ Executive Engineer
(B & F) D Ward

Executive Engineer (B & F) 'D' Ward
(Designated Officer)