



BEFORE THE HONBLE NATIONAL GREEN TRIBUNAL
BENCH AT PUNE

ORIGINAL APPLICATION NO. 56 OF 2019

Mr. Mangesh Mahadev Parab

.....APPLICANT

V/S

M/s. New Monarch Builders & Contractors

& Ors

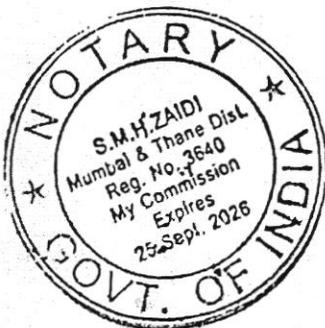
..RESPONDENTS

AFFIDAVIT IN REPLY ON BEHALF OF THE RESPONDENT

No. 5 - MCGM

I, Asif Musa Shaikh, an Inhabitant, working as Assistant Engineer with Municipal Corporation of Greater Mumbai, having office at, Dy. Chief Engineer, (Building Proposal) WS-I 6th -9th Floor, Mumbai Hindu Hriday Samrat Balasaheb Thackeray Market, Poonam Nagar, Jogeshwari(East), Mumbai 400093; hereby state on solemn affirmation as under:-

1. I say that I have perused the copy of the application and compilation filed by the Applicant and I have also perused the office records. 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. At the outset I submit that the application filed against Respondent No. 5 Municipal Corporation of Greater Mumbai (hereinafter referred as MCGM) is not maintainable in view of Section 5 (2) of Mumbai Municipal Corporation Act 1888. MCGM is a Body Corporate duly constituted under the provisions of Mumbai Municipal Corporation Act, 1888 (hereinafter referred to as the MMC Act, 1888).



2. I say that the present application is filed with regard to the applicability of the EIA Notification, 2006, for the constructions being undertaken by Respondent No. 1, M/s. New Monarch Builders and Contractors in respect of Slum Redevelopment Project on CTS Nos. 706, 706/1 to 106/11, 706/14 to 15 and 706/22 of village Marol at Andheri (East), Mumbai-400059; under the Slum Rehabilitation Scheme.
3. I say that present Respondent No. 5 has not approved the plans as the said project developed under the Slum Redevelopment Project.
4. The Slum Rehabilitation Authority is planning authority for the project in question of this application and hence there is no cause of action to file the present application against this Respondent No. 5 and the same is liable to be dismissed against this Respondent No. 5.
5. I say that in view of the above there is no cause of action against this Respondent No. 5. In these circumstances, it is respectfully submitted that the Application of applicant



misconceived and the Applicant is not entitled to any relief claimed and therefore this Respondent No. 5; prays that application be dismissed against this Respondent No. 5.

Solemnly Affirmed at Mumbai

This day of 23rd December 2022

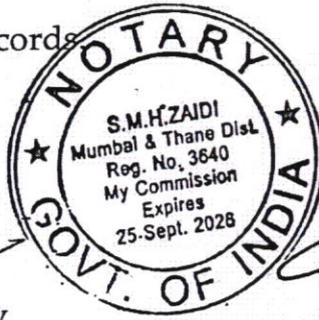
Advocate for Respondent No.5

Signature
23rd DEC 2022
Respondent No.5 A-E(B.P) K/E Ward

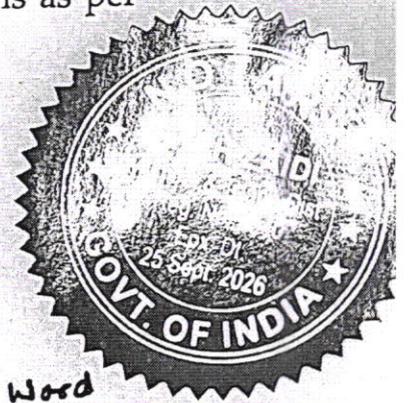
VERIFICATION

I, am Asif Musa Shaikh, Indian Inhabitant, working as Assistant Engineer with Municipal Corporation of Greater Mumbai, having office at Office of Dy.Chief Engineer (Building Proposal)Western Suburb-I, 6th to 9th Floor, Hinduhriday Samrat Balasaheb Thackeray Market, Poonam Nagar Jogeshwari (East), Mumbai 400 093, the deponent herein state that whatever stated in the present affidavit is true and correct and is as per the office records

Identified by Advocate



Signature
23rd DEC 2022
A-E(B.P) K/E Ward



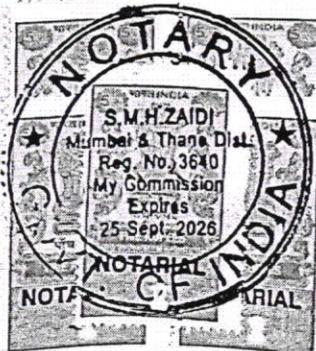
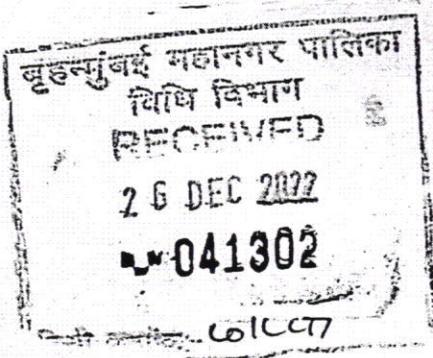
Deponent

BEFORE ME

Signature
S. M. H. ZAIDI
NOTARY
Government of India
Mumbai & Thane Dist.

30 DEC 2022

NOTED & REGISTERED
Sr. No. 1510 Page No. 81
Book No. 30 DEC 2022
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BEFORE THE HON'BLE
NATIONAL GREEN TRIBUNAL,
WESTERN ZONE PUNE, AT PUNE

Original Application No.56 of 2019

Mr. Mangesh Mahadev Parab

.... Applicant

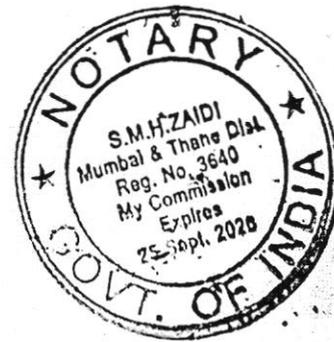
V/s

M/s New Monarch Builders &
Contractors and Ors.

.... Respondents

**AFFIDAVIT-IN-REPLY ON BEHALF
OF RESPONDENT NO.5 i.e. MCGM**

Dated 30st December, 2022



Shri S.K. Sonawane & Ors.
Advocate for Respondents
Legal Department, Municipal Corpn.
of Greater Mumbai, Mahapalika
Marg, Fort, Mumbai - 400 001.