

**BEFORE THE NATIONAL GREEN TRIBUNAL  
WESTERN ZONE BENCH, PUNE**

**ORIGINAL APPLICATION NO. 206 OF 2023 (WZ)**

**Yogesh Pratap Singh**

**...Applicant**

**Versus**

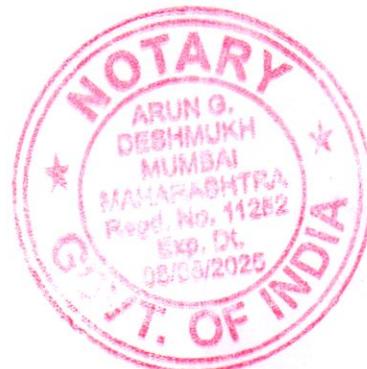
**Member Secretary, NCZMA & Ors....Respondents**

**AFFIDAVIT IN REPLY ON BEHALF OF RESP. NO. 6-MMRDA:**

I, Shri. Sachin Agale, Age- 44, working as Senior Planner (I/C), Town Planning Dept., Mumbai Metropolitan Region Development Authority (MMRDA) Indian Inhabitant, the Respondent No. 6, having my office address at BKC, Bandra ( E ). Mumbai – 400051, do solemnly state on oath and affirm as under:-

1. I am the Senior Planner (I/C), Town Planning Dept. of Respondent No. 6, the Mumbai Metropolitan Region Development Authority (“MMRDA”) and I have gone through the above Original Application and the documents filed along with the said Application by the Applicant. I am familiar with the facts of the case and am competent to depose to the facts in this Reply.

*Sachin Agale*

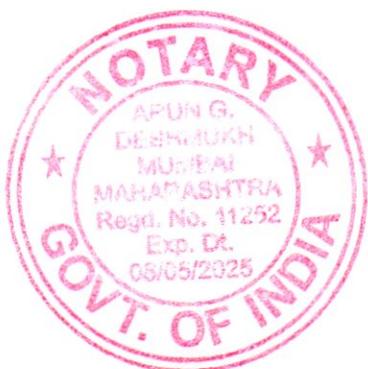


2. I am filing this Reply for the limited purpose of opposing the Original Application and the grant of any reliefs against this Respondent No. 6. I crave leave of this Hon'ble Tribunal to file further affidavit(s), should the need arise.
3. At the outset, I deny all allegations, contentions and submissions made in the Application, which are contrary to or inconsistent with what is stated in this Reply. Further, I oppose the reliefs prayed for in the Original Application in so far as they pertain to Respondent No. 6. None of the allegations, contentions or submissions in the Original Application which have not been specifically dealt with or denied by me, should be deemed to be admitted. I clarify and submit that the averments made herein are in the alternative and without prejudice to one another.
4. ***Original Application is based on vague allegations:***
  - 4.1 The Applicant has filed the present Original Application *inter alia* praying that all constructions taking place in the city of Mumbai that purportedly violate the open spaces stipulation provided in Development Control and Promotion Regulations for Greater Mumbai, 2034 (“DCPR 2034”) and are under the purview of Coastal Regulation Zone (“CRZ”) Notification, ought to be



demolished. The Applicant has annexed layout plans of 10 constructions as examples to substantiate its claim. It is submitted that the entire memo of the original application is vague, ambiguous and gives no concrete particulars of the violating constructions that are alleged is being carried on in the entire city of Mumbai. In fact, the Applicant has himself averred in the original application that he has not made any Developers of the purported illegal constructions as parties as the Applicant is not seeking any specific relief against the said Developers. Merely giving examples of certain constructions with no specific particulars does not amount to substantial challenge that can be adjudicated by this Hon'ble Tribunal.

**4.2** Under Section 14 of the National Green Tribunal ("NGT") Act, 2010, this Hon'ble Tribunal has jurisdiction to resolve all civil cases where substantial question relating to environment is involved. It is submitted that the Applicant is duty bound to put forth a specific challenge that raises the said substantial question relating to environment, which the Applicant in the present matter has failed to establish and the Applicant has attempted to put the onus on the planning authorities to determine the said substantial



questions relating to environment. Therefore, it is submitted that on this ground, the captioned Original Application ought to be dismissed.

**5. *Allegations qua violations of DCR do not come under the purview of NGT:***

5.1 Respondent No. 6-MMRDA submits that the Original Application *inter alia* challenges all construction within CRZ area of Mumbai violating provisions of DCPR 2034, more particularly, open spaces stipulations provided in Regulation 41 of DCPR 2034. It is a well settled principle of law that this Hon'ble Tribunal being a creation of the NGT Act, is bound by the parent Act. The NGT Act, more particularly, Schedule-I of the NGT Act, lists the acts with respect to which this Hon'ble Tribunal has jurisdiction. It is pertinent to note that the allegations of contravention of the DCPR 2034 does not fall within the ambit of Schedule-I of the NGT Act. Therefore, this Hon'ble Tribunal ought not to entertain the Original Application as the Original Applicant ought to have approached an appropriate forum for dealing with the alleged issues as raised in the Original



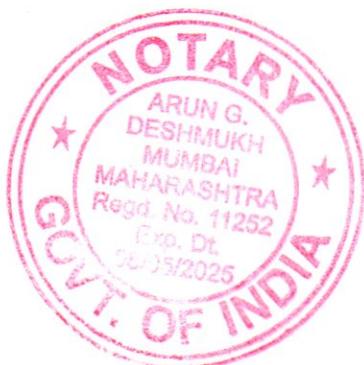
Application. On this ground alone, the Original Application ought to be dismissed.

**6. Plurality of Remedies:**

- 6.1** The present original application is contrary to the provisions of Rule 14 of the NGT (Practice and Procedure) Rules, 2011 (“**NGT Rules**”) which provides that an application filed before this Hon’ble Tribunal shall be based on a single cause of action and may seek more than one relief in the event that such reliefs are consequential to one another in relation to that single cause of action. Rule 14 of the NGT Rules is reproduced hereinbelow for ease of reference:

*“14. Plural remedies – An application or appeal, as the case may, shall be based upon a single cause of action and may seek one or more relief provided that they are consequential to one another.”*

- 6.2** A bare perusal of the Original Application clearly reveals that the Applicant has pleaded multiple causes of action such as alleged constructions in Mumbai city in violation of CRZ Notifications, alleged constructions in violation of DCPR 2034, constructions in Mumbai non-compliant with open space specifications placed in town planning regulations, issue of pollution due to lack of open



*[Handwritten signature]*

spaces, etc., all of which are distinct and plural causes of action which give rise to different and distinct remedies under the relevant law in each case in the event there existed any veracity in such contentions. The reliefs sought by the Applicant through the present original application are based on multiple causes of action which is clearly impermissible under the NGT Act, and the rules framed thereunder. This Hon'ble Tribunal has in various judgments held that an Application or Appeal based on multiple causes of action is not maintainable before this Hon'ble Tribunal in view of the operation of Rule 14 of NGT Rules. Hence, this present original application ought to be dismissed on this ground.

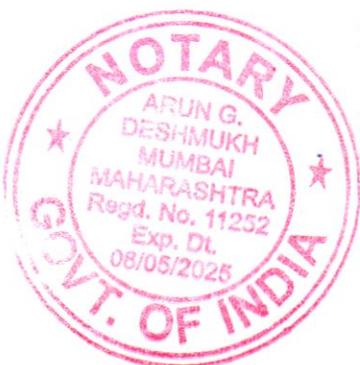
***7. Alleged illegal constructions not under the purview of Respondent No. 6:***

7.1 Respondent No. 6-MMRDA is a statutory body constituted under the Mumbai Metropolitan Region Development Authority Act, 1974. Respondent No. 6 is engaged in long term planning, promoting economic growth, implementation of strategic projects and financing infrastructure projects in the Mumbai Metropolitan Region ("MMR"). The object behind establishing the Respondent No. 6 Authority was to make MMR, a destination of economic



activity and for promoting infrastructure development and improving the quality of life. In particular, the Respondent No. 6, conceives and promotes, monitors and implements key projects for developing new growth centres and to improve sectors like transport, housing, water supply and environment in and around the city of Mumbai.

7.2 The Applicant, by way of the captioned Original Application, has sought directions to the Respondents, including Respondent No. 6 herein, to stop all constructions in CRZ area that are in violation of Regulation 41 of DCPR 2034 and to not grant or approve any permissions for constructions in violation of Regulation 41 of DCPR 2034. The said application does not specify which constructions are in violation of DCPR 2034 and has given 10 examples listing out constructions that are purportedly violating DCPR 2034 norms. The Applicant has stated in the captioned original application that no specific relief is sought against the said developers carrying on the said constructions. It is submitted that all permissions granted by Respondent No. 6 are issued to project proponents with strict adherence and in accordance with the extant laws. In any event, it is submitted that the 10 examples/illustrations mentioned in the original application which are alleged to be in



violation of the provisions of DCPR 2034 are not under the jurisdiction of Respondent No. 6's Special Planning Authority ("SPA") Areas.

8. Respondent No. 6-MMRDA will not be dealing with the Original Application in seriatim more particularly since the entire bogey of allegations and contentions raised in the Original Application have been dealt with and answered in terms of the aforesaid. However, the present Respondent No. 6-MMRDA expressly craves leave to file an Additional Affidavit dealing with the Memo of Application in a paragraph-wise manner, if the circumstances so warrant.

Date: 21/03/2025

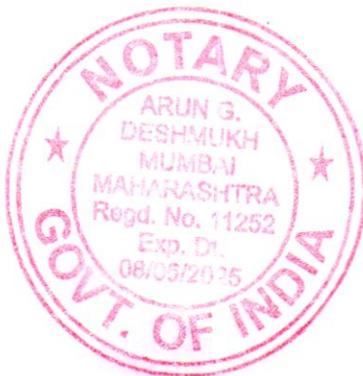
Place: Mumbai



Advocates for Respondent No. 6



For Respondent No. 6



**VERIFICATION**

I, Shri. Sachin Agale, Age- 44, working as Senior Planner (I/C),  
Town Planning Dept., Mumbai Metropolitan Region Development  
Authority (MMRDA), Indian Inhabitant, 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.

Solemnly Affirmed at Mumbai )

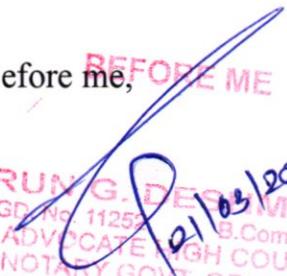
On this 21<sup>st</sup> March, 2025 )

  
Deponent

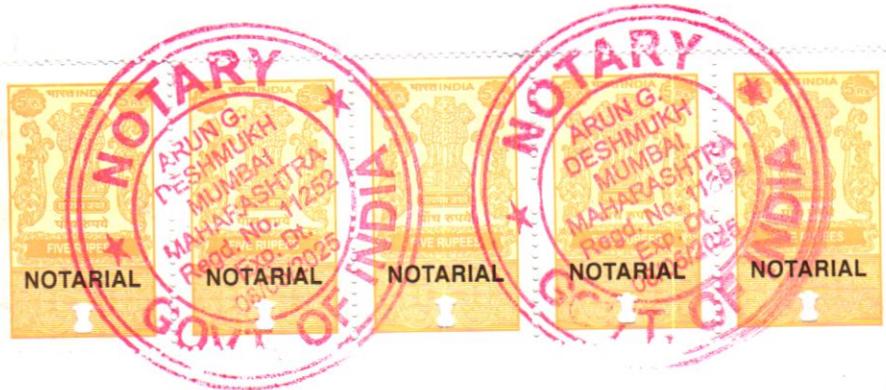
I identify,

  
Advocate for Respondent No. 6



Before me, **BEFORE ME**  
  
**ARUN G. DESHMUKH**  
REGD. No. 11252, B.Com., LL.B.,  
ADVOCATE HIGH COURT  
NOTARY GOVT. OF INDIA  
C/11, Laxmi Xerox, Balarama Bldg.,  
Basement Near Family Court, BKC, Bandra-Est

NOTAR. REGISTER ENTRY  
Sr No. 6490 Page No. 38  
Date 21/03/2025





Date – 20.03.2025

**TO WHOMSOEVER IT MAY CONCERN**

I hereby authorize Mr. Sachin R. Agale, aged 44 years old, working on the designation of Architect/Sr Planner(I/C), in the Town Planning Division of this organization i.e. Mumbai Metropolitan Region Development Authority (MMRDA), to file Affidavit on behalf of Mumbai Metropolitan Region Development Authority (MMRDA) in Original Application No 206/2023, filed before the NGT, Western Zone Bench, Pune (WZ).

Yogesh Pratap Singh

V/s

The Member Secretary, NCZMA & Ors.

The specimen signature of Mr. Sachin R. Agale is as below:

Mr. Sachin R. Agale

(Specimen Signature)



(Shri M G. Sonar)  
 Chief, Town Planning Division,  
 MMRDA

**BEFORE THE NATIONAL GREEN  
TRIBUNAL**

**WESTERN ZONE BENCH, PUNE**

**O. A. NO. 206 OF 2023 (WZ)**

**Yogesh Pratap Singh                      ...Applicant**

**Versus**

**Member Secretary, NCZMA & Ors.**

**...Respondents**

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**AFFIDAVIT IN REPLY ON BEHALF OF**

**RESPONDENT NO. 6-MMRDA:**

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**Dated 21<sup>st</sup> March 2025**

**Vidhii Partners,**

**Advocate for MMRDA-R. No.6**

