

BEFORE THE NATIONAL GREEN TRIBUNAL,
WESTERN ZONE BENCH, PUNE
APPEAL NO. 32 OF 2020 (WZ)

Tanaji Balasaheb Gambhire.Appellant

Versus

The Chief Secretary, Govt.
of Maharashtra & Ors.Respondents

AFFIDAVIT IN REPLY ON BEHALF OF
RESPONDENT NO. 7 PUNE MUNICIPAL
CORPORATION (PMC).

I, Kanaiyalal Hasjlat Lakhani,
Executive Engineer of the Building Permission Zone
5 Department, PMC of the Respondent Corporation having
my office at Pune Municipal Corporation Building
Shivajinagar Pune do hereby state on solemn affirmation as
under:

- (1) I am working in the capacity of the
Executive Engineer and in the Pune Municipal
Corporation. I am filing this Affidavit-in-Reply to
oppose the contents of the Appeal preferred and reliefs





sought by the Appellant in the above captioned matter. I am filing this present Affidavit-in-Reply to oppose the grant of any reliefs to the Appellant as prayed in the present Appeal. I crave leave to file a further Additional Affidavit in Reply as and when sought necessary.

- (2) I am authorized by the Respondents to file this present Affidavit-in-Reply in my official capacity and as such I disassociate myself from any personal assertions made against me by the Appellant in the present Appeal, I have perused the documents brought on record by the Appellant and have understood the contents of the Appeal and based on the documents and information available in relation to the said issue.
- (3) At the outset, I deny each and every averment and allegation made in the present Appeal, which is contrary to and/or inconsistent with what has been stated in the present Affidavit-in-reply and nothing stated therein shall be construed as an admission for the want of any specific and para-wise denial or non-traverse unless and until the same is specifically admitted hereinafter. I crave





to leave of this Hon'ble Tribunal to file copies of the permission granted by Answering Respondent to Respondent No. 10- Project Proponent as and when required by this Hon'ble Tribunal

- (4) I say and submit that present Appeal is against the residential and commercial building project by the name "Ganga Dham Towers" raised by the Respondent No. 10-M/s Goel Ganga-Project Proponent at Survey No. 578/2, Village: Bibvewadi, Taluka: Haveli, District: Pune within the local limit of Answering Respondent.
- (5) At the further outset, I say and submit that the Appellant has filed the present Appeal seeking the following reliefs:

A. Quash and set aside the Environment Clearance granted to the Respondent No. 10-PP-M/s. Goel Ganga India Private Limited for the project "Ganga Dham-IJI" situated at Survey No. 578/2, Village-Bibvewadi, Taluka-Haveli, District-Pune vide No. SEIM-EC-0000002231 dated 25.03.2020.



- B. *Direct the Respondent No. 1, Chief Secretary-GoM to take appropriate legal action against Respondent No. 5-Mr. Anil U. Diggikar, Principal Secretary and Member Secretary- SEIAA for indulging into illegal grant of EC to the project and impose the Fine/Cost & recover it from salary of Respondent No. 5-Mr. Anil U. Diggikar.*
- C. *Direct the Respondent No. 7, PMC-Commissioner to take appropriate legal action against Respondent No. 8-Mr. Prashant M. Waghmare for allowing illegal construction to raise without prior consent & in violation of EC dated 17.10.2016 and impose the Fine/Cost & recover it from salary of Respondent No. 8-Mr. Prashant Waghmare.*
- D. *Appropriate direction may kindly be issue against PP for contravening principle of sustainable development for raising the illegal structure in contraventions of Prohibitory Order dated 02.04.2018 of MS MPCB and in violation of terms and conditions of EC dated 17.10.2016 causing*



damage to Environment, Ecology & Social infrastructure for its restitution and restoration.

E. Appropriate actions may kindly be taken against erring Officers PMC, SEAC-III & SEIAA members for their intentional negligence.

F. Cost of this Appeal may kindly be granted to this Appellant.

G. Pass any other just and equitable orders in the interest of environmental justice.

(6) I say and submit that only two reliefs are sought against the Answering Respondents viz:

C. Direct the Respondent No. 7, PMC-Commissioner to take appropriate legal action against Respondent No. 8-Mr. Prashant M. Waghmare for allowing illegal construction to raise without prior consent & in violation of EC dated 17.10.2016 and impose the Fine/Cost & recover it from salary of Respondent No. 8-Mr. Prashant Waghmare.





E. Appropriate actions may kindly be taken against erring Officers PMC, SEAC-III & SEIAA members for their intentional negligence.

- (7) I say and submit that the aforementioned project falls under the Answering Respondent limits. Pune Municipal Corporation is the local authority within the definition of the Maharashtra Municipal Corporation Act, 1949 and as such is the Authority granting Building Permissions under Maharashtra Regional and Town Planning Act, 1966.
- (8) I say and submit that the Project Plans are sanctioned on the application made under section 44 of Maharashtra Regional and Town Planning Act, 1966 through a licensed Architect, thereafter proposals are sanctioned under section 45 Maharashtra Regional and Town Planning Act, 1966.
- (9) I say and submit that relevant Rules regarding plinth checking, completion certificate and Occupancy certificate:-





Checking of Plinth/Column up to Plinth Level – The owner shall give notice in prescribed form given in Appendix G to the Authority after the completion of work up to plinth level with a view to enable the Authority to ensure that the work is carried out in accordance with the sanctioned plans. The Authority shall carry out inspection within seven days from the receipt of such notice and give permission, for carrying out further construction work as per sanctioned plans in prescribed Pro-Forma given in appendix H. Within the above period if the permission is not refused, the permission shall be deemed to have been given



Deviation During Construction – If during the construction of building any departure which is not of a substantial nature from the sanctioned Plan is intended to be made by way of addition which does not violate any provisions regarding general building requirements structural stability and fire safety requirements of the rules alteration may be made and sanction of the authority shall be obtained immediately and in any case

before application for occupation certificate and the procedure laid down for original plans shall apply to all such amended plans except the building permission fee. Provided further that if any such alterations are likely to result in increasing the number of tenements, the built-over area/FSI or change in the marginal opens spaces or the height of the building. No such alterations shall be carried unless sanction to the amended plans is first obtained.

Completion Certificate—*The owner through the licensed architect, engineer, structural engineer, as the case may be who has supervised the constructions, shall give notice to the Authority regarding completion of work described in the building permission. The completion certificate shall be submitted in the prescribed form by four sets of completion Plan. One of the sets, duly certified as Completion Plan shall be returned to the owner along with the issue of full occupancy certificate (see rule NO.7.7)*



*authority as per the Pro Forma given in Appendix.1 7.7.2
In the case of building identified in rule No. 6.2.6.1 the
work shall also be subject to the inspection of the Chief
Fire Officer, Pune Fire Brigade and the occupancy
certificate shall be issued by the Authority only after the
clearance from the Chief Fire officer regarding the
completion of the work from the fire protection point of
view*

- (10) I say and submit that once a construction is completed Licensed Architect submits a Completion Certificate to Pune Municipal Corporation (Answering Respondent) certifying that all the conditions are fulfilled, and the building is ready for occupation. On receiving the Completion Certificate Pune Municipal Corporation (Answering Respondent) verifies permissions are in place and grants the Occupancy Certificate there are specific times in the Rules.

- (11) I say and submit that the Appellant has sought to raise several baseless allegations against Answering Respondent's Officers. It is submitted that this Hon'ble



Tribunal ought not to entertain any of these allegations as it does not fall under the ambit of this Hon'ble National Green Tribunal ("NGT"). It is well-settled principle of law that the NGT being a creation of the National Green Tribunal Act, 2010 ("NGT Act") is bound by the same. The NGT Act, more particularly, Schedule-I of the NGT Act, lists the acts with respect to which the Hon'ble NGT has jurisdiction. It is pertinent to note that the aforesaid allegations made by the Appellant do not fall within the ambit of Schedule-I of the NGT Act. Therefore, this Hon'ble Tribunal ought not to entertain the prayers against the Answering Respondent's Officers in present Appeal as the Appellant should have approached an appropriate forum for agitating the alleged issued raised in the present Appeal.

- (12) I say and submit that the Appellant has made frivolous, baseless and unsubstantiated allegations against City Engineer in para 13 of Appeal and Prayer clause C. I say and submit that the said assertions are denied by the





answering Respondent. I categorically deny assertions of any wrong doing and states that averments are false and frivolous allegations and shall be discarded. Mr. Prashant M Waghmare retired from the post of the City Engineer, PMC on 31/01/2026.

- (13) I say and submit that on 17/11/2014, Answering Respondent has sanctioned the plan by the CC/2456/14 for proposed Total Built Up Area 21,198.49 Sq Mtrs out which FSI is 16,656.22 Sq. Mtrs. and Non FSI is 4,542.27 Sq. Mtrs for C1, C2, C3, C4, C5, C6, C7, C8, C9 and MHADA A1, B1 i.e. 11 buildings.
- (14) I say and submit that subsequent on 31/03/2015 Answering Respondent has issued Intimation of Disapproval (IOD) for Total permissible FSI 27,355.94 Sq mtrs, Intimation of Disapproval (IOD) for purpose of obtaining Environment Clearance.
- (15) I say and submit that on 02/01/2016 plan was revised by the CC/3404/15 for proposed Total Built Up Area 58,817.64 Sq Mtrs out which FSI is 17,522.99 Sq. Mtrs. and Non FSI is 41,294.65 Sq. Mtrs. with condition that





as per Maharashtra Environment Department order dated 12/12/2012, "*if Total Built Area is above 20,000 Sq Mtrs then prior Environment Clearance is necessary before commencement of construction*", for A, B, C and Mhada i.e. 4 buildings.

(16) I say and submit that on 17/10/2016, Respondent No. 10- Project Proponent has obtained 1st Environment Clearance.

(17) I say and submit that on 21/04/2017 plan was revised by the CC/0149/17 for proposed Total Built Up Area 85,174.58 Sq Mtrs out which FSI is 37,693.55 Sq. Mtrs. and Non FSI is 47,481.03 Sq. Mtrs., with condition that as per Maharashtra Environment Department order dated 12/12/2012, "*if Total Built Area is above 20,000 Sq Mtrs then prior Environment Clearance is necessary before commencement of construction*", for A, B, C and Mhada i.e. 4 buildings.

(18) I say and submit that on 24/04/2017 Respondent No. 10 - Project Proponent intimated about commencement of





work accordingly plinth check dated 18/05/2017 was issued by the Answering Respondent.

- (19) I say and submit that on 03/07/2018 Answering Respondent has issued Intimation of Disapproval (IOD) for proposed for Total Built Up Area 1,24,864.65 Sq Mtrs out which FSI is 50,641.85 Sq. Mtrs. and Non FSI is 74,222.80 Sq. Mtrs, Intimation of Disapproval (IOD) for purpose of obtaining Environment Clearance, for A, B, C, Mediation Hall, Commercial and Mhada i.e. 6 buildings.
- (20) I say and submit that on 14/02/2020 plan was revised by the CC/2866/19 for proposed Total Built Up Area 84,862.66 Sq Mtrs out which FSI is 37,704.11 Sq. Mtrs. and Non FSI is 47,158.55 Sq. Mtrs. for A, B, C and Mediation Hall i.e. 4 buildings.
- (21) I say and submit that on 25/03/2020, Respondent No. 10-Project Proponent has obtained its 2nd Environment Clearance as per the Intimation of Disapproval (IOD) dated 03/07/2018 for proposed for Total Built Up Area



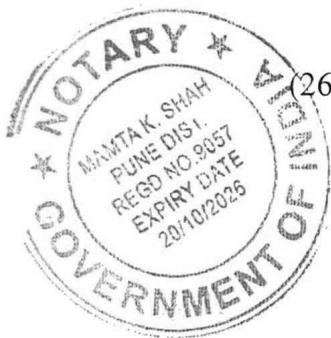
1,24,864.65 Sq Mtrs out which FSI is 50,641.85 Sq. Mtrs. and Non FSI is 74,222.80 Sq. Mtrs.

- (22) I say and submit that on 11/06/2020 plan was revised by the CC/0072/20 for proposed Total Built Up Area 84,704 Sq Mtrs out which FSI is 37,479.61 Sq. Mtrs. and Non FSI is 47,224.39 Sq. Mtrs. for A, B, C and Mediation Hall i.e. 4 buildings.
- (23) I say and submit that on 15/04/2021, Answering Respondent has issued Intimation of Disapproval (IOD) for proposed Total Built Up Area 1,41,754.14 Sq Mtrs out which FSI is 73,625.69 Sq. Mtrs. and Non FSI is 68,128.45 Sq. Mtrs, Intimation of Disapproval (IOD) for purpose of obtaining Environment Clearance, for A, B, C, Mediation Hall, Commercial and Mhada i.e. 6 buildings.
- (24) I say and submit that on 15/04/2021 plan was revised by the CC/0019/21 for proposed Total Built Up Area 1,22,882.49 Sq Mtrs out which FSI is 73,625.69 Sq. Mtrs. and Non FSI is 49,256.8 Sq. Mtrs. for A, B, C, Mediation Hall, Commercial and Mhada i.e. 6 buildings.





(25) I say and submit that on 18/08/2022, Respondent No. 10- Project Proponent has obtained its 3rd Environment Clearance as per the Intimation of Disapproval (IOD) dated 15/04/2021 for proposed for Total Built Up Area 1,41,754.14 Sq Mtrs out which FSI is 73,625.69 Sq. Mtrs. and Non FSI is 68,128.45 Sq. Mtrs.



(26) I say and submit that on 23/02/2023 plan was revised by the CC/3074/22 Total Built Up Area 1,41,726.11 Sq Mtrs out which FSI is 73,625.69 Sq. Mtrs. and Non FSI is 68,128.45 Sq. Mtrs. for A, B, C, Mediation Hall, Commercial and Mhada i.e. 6 buildings.

(27) I say and submit that on 03/02/2025 Answering Respondent has issued Part Occupancy Certificate to Respondent No. 10- Project Proponent .

(28) In view of above it is submitted that Answering Respondent has sanctioned the plan as per the prevailing rules of Development Control and Unified Development Control and Promotion Regulations (UDCPR). Further, it is submitted that in relation to this project in question, Answering Respondent has only role of plan sanctioning

within and observing the compliance as per the Maharashtra Regional Town Planning Act, 1966 and amendment of DC & UDCPR Rules.



[Handwritten Signature]

Pune **06 MAR 2026**
Date: /03/2026

Respondent, No. 7
कार्यकारी अभियंता
बांधकाम विकास विभाग झो.क्र.५
पुणे महानगरपालिका

VERIFICATION

I, K.H. Lakhani, Age: Adult, Executive Engineer, Building Permission Department, authorized signatory for PMC do hereby state on solemn affirmation that what is stated forgoing Para's is true and correct to my own knowledge and belief.

Solemnly affirmed at Pune

This 06 day of March, 2026

NOTED AND REGISTERED
AT SR NO. 2846/2026
DATE .. 06 MAR 2026

[Handwritten Signature]

Adv. for Respondents No. 7

Respondents No. 7
कार्यकारी अभियंता

बांधकाम विकास विभाग झो.क्र.५
पुणे महानगरपालिका

BEFORE ME

[Handwritten Signature]

MAMTA K. SHAH
NOTARY
GOVT. OF INDIA
PUNE DISTRICT