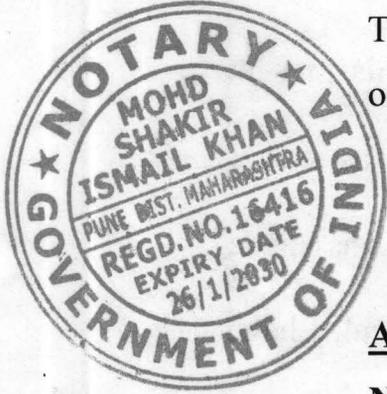


BEFORE THE NATIONAL GREEN TRIBUNAL,
WESTERN ZONE BENCH, PUNE
APPEAL NO. 34 OF 2020 (WZ)

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, Suresh Maruti Sakhale, Executive Engineer, of the Building Permission Zone 1 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 to 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 Altus" raised by the Respondent No. 10-M/s Goel Ganga India Pvt Ltd-Project Proponent at Survey No. 22/2 (P), Village: Kharadi, 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. 22/2 (p), Village: Kharadi, Taluka: Haveli, District: Pune vide No SIA/MH/142595/2020 dated 31.03.2020.*





- 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 19.09.2008 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 19.09.2008 causing*

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

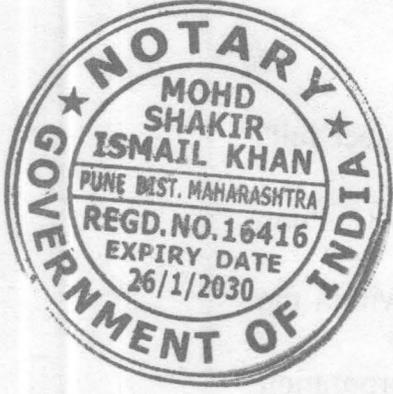
E. Appropriate actions may kindly be taken against erring Officers PMC, SEAC-III & SEIAA members for their intentional negligence.

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 19.09.2008 and impose the Fine/Cost & recover it from salary of Respondent No. 8-Mr. Prashant Waghmare.

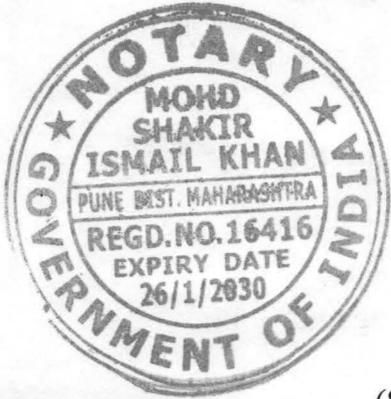


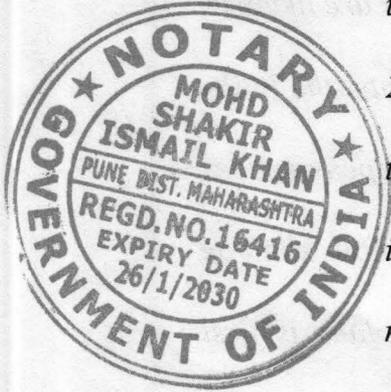
E. Appropriate actions may kindly be taken against erring Officers PMC, SEAC-III & SEIAA members for their intentional negligence.

(7) I say and submit that the aforementioned project falls under the limits of Answering Respondent. 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 are as below:-





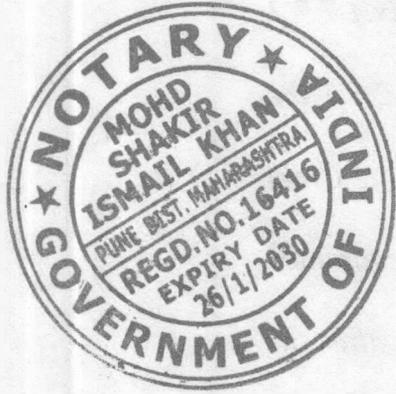
Checking of Plinth/Column up to Plinth Level – The owner shall give notice in prescribed form given in Appendix G to the Authority after the completion of work up to plinth level with a view to enable the Authority to ensure that the work is carried out in accordance with the sanctioned plans. The Authority 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)*



Occupancy Certificate –The Authority, on receipt of the completion certificate, shall inspect the work and sanction or refuse an occupancy certificate in the Pro Forma given in Appendix K within 21 days from the date of receipt of completion certificate, after which period it shall be deemed to have been approved by the Authority for occupation provided the building has been constructed as per the sanction plans. Where the occupancy Certificate is refused, the various reasons shall be quoted for rejection, at the first instance itself.

Part Occupancy Certificate - Upon the request of the holder of the building permission the Authority may issue a part occupancy certificate for a building or part thereof, before completion of the entire work as per building or part thereof, before completion of the entire work as per building permission provided sufficient precautionary measures are taken by the holder of the building permission to ensure public safety and health safety, The part occupancy certificate shall be given by Authority subject to the owner indemnifying the



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.

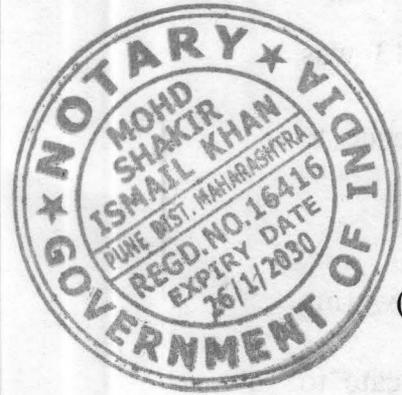
- (13) I say and submit that on 19/09/2008, Respondent No. 10-Project Proponent has obtained 1st Environment Clearance on the conceptual plan for proposed Total Built Up Area 38,686.0 Sq Mtrs for construction of hotel i.e. 1 building. However later on Respondent No. 10-Project Proponent has decided not go ahead with the project.
- (14) I say and submit that Answering Respondent has sanctioned sub division plot on 10/05/2011 and revised subdivision of plot on 27/09/2011 due to proposed 30 m DP road passing through site in question. Accordingly, plot was divided into "A" Plot having area of 11,431.54 Sq. Mtrs and "B" Plot having area of 18,427.87 Sq. Mtrs.
- (15) **Sanctioned on Plot A i.e. Project named as "Ganga Arcadia"**

I say and submit that on 10/05/2011 Answering Respondent has sanctioned the plan of Plot A by DPO/CC/466/11/50 for proposed Total Built Up Area 6,913.57 Sq Mtrs out which FSI is 5,213.54 Sq. Mtrs. and Non FSI is 1,700.03 Sq. Mtrs for A and S1 i.e. 2 buildings.

(16) I say and submit that on 21/09/2011 Answering Respondent has sanctioned the plan of Plot A by DPO/CC/2171/11 for proposed Total Built Up Area 6,913.57 Sq Mtrs out which FSI is 5,213.54 Sq. Mtrs. and Non FSI is 1,700.03 Sq. Mtrs for A and S1 i.e. 2 buildings.

(17) I say and submit that on 07/05/2012 Answering Respondent has sanctioned the plan by the CC/0374/12 for proposed Total Built Up Area 11,457.66 Sq Mtrs out which FSI is 7,965.84 Sq. Mtrs. and Non FSI is 3,491.82 Sq. Mtrs for A and B i.e. 2 buildings.

(18) I say and submit that on 04/07/2013 Respondent No. 10 - Project Proponent intimated about commencement of work accordingly plinth check dated 06/07/2012 was



issued by the Answering Respondent in reference to CC/0374/12.

(19) I say and submit that on 30/07/2013 Answering Respondent has sanctioned the plan by the CC/1388/13 for proposed Total Built Up Area 21,407.28 Sq Mtrs out which FSI is 11,759.02 Sq. Mtrs. and Non FSI is 9,648.26 Sq. Mtrs for B and C i.e. 2 buildings.

(20) I say and submit that on 27/08/2013 Respondent No. 10 - Project Proponent intimated about commencement of work accordingly plinth check dated 03/09/2013 was issued by the Answering Respondent in reference to CC/1388/13.

(21) I say and submit that on 21/08/2015 Answering Respondent has issued Part Occupancy Certificate to Respondent No. 10- Project Proponent for B Building.

(22) I say and submit that on 06/10/2015 Answering Respondent has sanctioned the plan by the CC/2080/15 for proposed Total Built Up Area 20,152.92 Sq Mtrs out which FSI is 10,872.92 Sq. Mtrs. and Non FSI is 9,280.0 Sq. Mtrs for B and C i.e. 2 buildings.

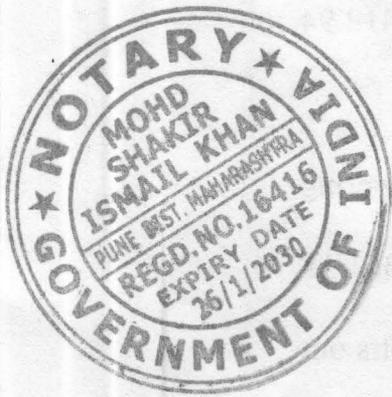


(23) I say and submit that on 31/10/2015 Answering Respondent has issued Part Occupancy Certificate to Respondent No. 10- Project Proponent for B Building.

(24) I say and submit that on 28/06/2017 Answering Respondent has issued Part Occupancy Certificate to Respondent No. 10- Project Proponent for B Building.

(25) I say and submit that on 22/10/2018 Answering Respondent has sanctioned the plan by the DPO/CC/2200/18 for proposed Total Built Up Area 37,974.89 Sq Mtrs out which FSI is Sq. Mtrs. 18,216.88 and Non FSI is 19,758.01 Sq. Mtrs for B and C i.e. 2 buildings.

(26) I say and submit that on 22/10/2018 Answering Respondent has sanctioned the plan by the DPO/CC/2200/18 for proposed Total Built Up Area 37,922.71 Sq Mtrs out which FSI is Sq. Mtrs. 21,573.97 and Non FSI is 16,348.74Sq. Mtrs for B and C i.e. 2 buildings.



(27) I say and submit that said project Answering Respondent has issued final Occupancy Certificate for the above said project.

(28) **Sanctioned on Plot B**

I say and submit that on 11/08/2014 Answering Respondent has sanctioned the plan by the CC/1464/14 for proposed Total Built Up Area 46,587.76 Sq Mtrs out which FSI is 17,174.82 Sq. Mtrs. and Non FSI 29,412.94 Sq. Mtrs for A, B and C i.e. 3 buildings.

(29) I say and submit that on 01/08/2015 Answering Respondent has sanctioned the plan by the CC/1361/15 for proposed Total Built Up Area 43,167.76 Sq Mtrs out which FSI is 14,149.56 Sq. Mtrs. and Non FSI is 29,018.20 Sq. Mtrs for A, B and C i.e. 3 buildings.

(30) However, no construction was carried out by Respondent No. 10- Project Proponent as per the site visit Report of MOEF&CC.

(31) **Subdivision of Plot B**

I say and submit that on 06/08/2019 Answering Respondent has sanctioned the sub division of Plot "B"



in to Plot "B" having area of 4,775.45 Sq. Mtrs and Plot "B1" having area of 13,652.42 Sq. Mtrs.

(32) **Sanctioned on Plot B1 i.e. Project named as "Ganga Altus"**

I say and submit that on 23/12/2019 Answering Respondent has sanctioned the plan by the DPO/CC/2219/19 for proposed Total Built Up Area 54,822.15 Sq Mtrs out which FSI is 24,583.86 Sq. Mtrs. and Non FSI is 30,238.29 Sq. Mtrs with condition that, *"if Total Built Area is above 20,000 Sq Mtrs then prior Environment Clearance is necessary before commencement of construction"*, D, E and F i.e. 3 buildings.

(33) I say and submit that on 23/03/2020 Answering Respondent has sanctioned the plan by the CC/3234/19 for proposed Total Built Up Area 34,094.48 Sq Mtrs out which FSI is 11,342.28 Sq. Mtrs. and Non FSI is 22,752.20 Sq. Mtrs with condition that *"if Total Built Area is above 20,000 Sq Mtrs then prior Environment Clearance is necessary before commencement of*



construction”, for D and E Commercial and F i.e. 3 buildings.

(34) I say and submit that on 31/03/2020, Respondent No. 10- Project Proponent has obtained its 1st Environment Clearance as per the BPO/CC/2219/19 dated 23/12/2019 for proposed Total Built Up Area 54,822.15 Sq Mtrs out which FSI is 24,583.86 Sq. Mtrs. and Non FSI is 30,238.29 Sq. Mtrs for D and E Commercial, F and Club House i.e. 4 buildings.

(35) I say and submit that on 07/01/2021 Respondent No. 10 - Project Proponent intimated about commencement of work accordingly plinth check dated 20/01/2021 was issued by the Answering Respondent.

(36) I say and submit that on 05/04/2021 Answering Respondent has issued Intimation of Disapproval (IOD) for proposed for Total Built Up Area 65,054.78 Sq Mtrs out which FSI is 41,147.64 Sq. Mtrs. and Non FSI is 23,907.14 Sq. Mtrs, Intimation of Disapproval (IOD) for purpose of obtaining Environment Clearance, for D, E, and F i.e. 3 buildings.

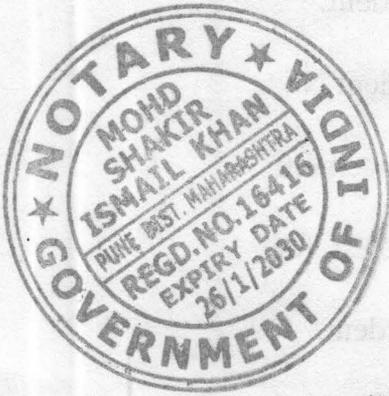


(37) I say and submit that on 05/04/2021 Answering Respondent has sanctioned the plan by the CC/0020/21 for proposed Total Built Up Area 35,015.47 Sq Mtrs out which FSI is 30,978.85 Sq. Mtrs. and Non FSI is 4,036.62 Sq. Mtrs. for D, E and F i.e. 3 buildings.

(38) I say and submit that on 31/12/2021, Answering Respondent has issued Intimation of Disapproval (IOD) for proposed for Total Built Up Area 67,298.78 Sq Mtrs out which FSI is 41,323.38 Sq. Mtrs. and Non FSI is 25,975.40 Sq. Mtrs, Intimation of Disapproval (IOD) for purpose of obtaining Environment.

(39) I say and submit that on 12/08/2021 Answering Respondent has sanctioned the plan by the CC/1271/21 for proposed Total Built Up Area 51,878.79 Sq Mtrs out which FSI is 34,390.86 Sq. Mtrs. and Non FSI is 17,487.93 Sq. Mtrs. for D & E commercial and F i.e. 3 buildings.

(40) I say and submit that on 09/06/2021 Answering Respondent has sanctioned the plan by the CC/1539/21 for proposed Total Built Up Area 58,635.57 Sq Mtrs out



which FSI is 41,147.64 Sq. Mtrs. and Non FSI is 17,487.93 Sq. Mtrs. for D & E commercial and F i.e. 3 buildings.



- (41) I say and submit that on 30/01/2021 Respondent No. 10 - Project Proponent intimated about commencement of work accordingly plinth check dated 11/11/2021 for building F was issued by the Answering Respondent.
- (42) I say and submit that on 02/12/2021 Respondent No. 10 - Project Proponent intimated about commencement of work accordingly plinth check dated 22/12/2021 for building E was issued by the Answering Respondent.
- (43) I say and submit that on 01/04/2022 Answering Respondent has sanctioned the plan by the DPO/CC/0007/22 for proposed Total Built Up Area 67,798.78 Sq Mtrs out which FSI is 41,323.38 Sq. Mtrs. and Non FSI is 25,975.40 Sq. Mtrs. for D and E Commercial, F and Club House i.e. 4 buildings.
- (44) I say and submit that on 30/07/2022, Respondent No. 10- Project Proponent has obtained its 2nd Environment Clearance as per the Intimation of Disapproval (IOD)

dated 31/12/2021 for proposed for Total Built Up Area 67,298.78 Sq Mtrs out which FSI is 41,323.38 Sq. Mtrs. and Non FSI is 25,975.40 Sq. Mtrs for D and E Commercial, F and Club House i.e. 4 buildings.

(45) I say and submit that on 08/08/2023 Answering Respondent has issued Part Occupancy Certificate to Respondent No. 10- Project Proponent.

(46) I say and submit that on 19/12/2023 Answering Respondent has sanctioned the plan by the CC/2332/23 for proposed Total Built Up Area 67,798.78 Sq Mtrs out which FSI is 41,323.38 Sq. Mtrs. and Non FSI is 25,975.40 Sq. Mtrs. for D and E Commercial and F i.e. 3 buildings.

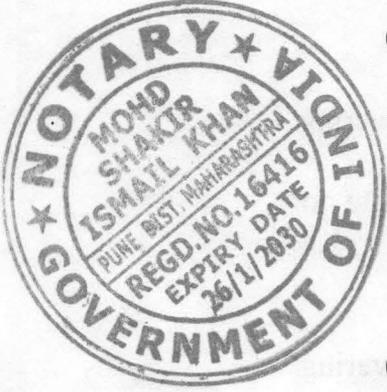
(47) I say and submit that on 28/03/2024 Answering Respondent has sanctioned the plan by the CC/3453/23 for proposed FSI is 204.34 Sq. Mtrs. for Club House i.e. 1 building.

(48) I say and submit that on 19/12/2023 Answering Respondent has sanctioned the plan by the CC/1340/24 for proposed Total Built Up Area 67,798.78 Sq Mtrs out



which FSI is 41,323.38 Sq. Mtrs. and Non FSI is 25,975.40 Sq. Mtrs. for D and E Commercial and F i.e. 3 buildings.

- (49) I say and submit that on Appendix 'F' Respondent No. 10 - Project Proponent intimated about commencement of work accordingly plinth check dated 24/09/2024 for Club House was issued by the Answering Respondent.
- (50) I say and submit that on 24/09/2024 Answering Respondent has issued Part Occupancy Certificate to Respondent No. 10- Project Proponent.
- (51) I say and submit that on 07/02/2025 Answering Respondent has issued Part Occupancy Certificate to Respondent No. 10- Project Proponent.
- (52) I say and submit that on 14/10/2025, Answering Respondent has issued Intimation of Disapproval (IOD) for proposed for Total Built Up Area 68,538.87 Sq Mtrs out which FSI is 42,215.49 Sq. Mtrs. and Non FSI is 26,323.38 Sq. Mtrs, Intimation of Disapproval (IOD) for purpose of obtaining Environment.



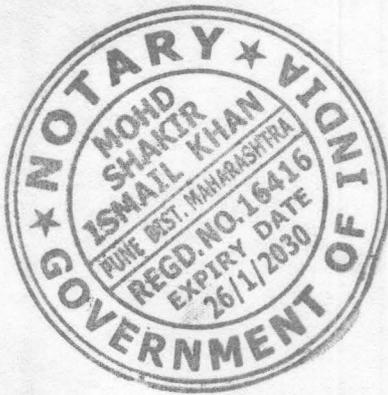
(53) In view of above it is submitted that Answering Respondent has sanctioned the plan as per the prevailing rules of Development Control and Unified Development Control and Promotion Regulations (UDCPR). Further, it is submitted that in relation to this project in question, Answering Respondent has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

Pune

Date: /03/2026

Respondent. No. 7

(*[Signature]*)
कार्यकारी अभियंता
विकास योजना व बांधकाम नियंत्रण (झो.क्र.१)
पुणे महानगरपालिका



1114



VERIFICATION

I, Suresh Maruti Sakhale , Age: 54, Adult, Executive Engineer , Building Permission Department, Zone No. 1, 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.

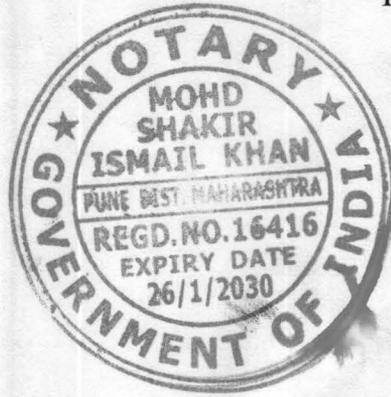
Solemnly affirmed at Pune

This 5th day of March, 2026

Suresh

Adv. for Respondents No. 7

Suresh
कार्यकारी अभियंता
विकास योजना व बांधकाम नियंत्रण (जो.क्र.१)
पुणे महानगरपालिका
Respondents No. 7



BEFORE ME

Shakir
MOHD SHAKIR ISMAIL KHAN
ADVOCATE & NOTARY
GOVERNMENT OF INDIA
= 6 MAR 2026



NOTED & REGISTERED
At Sr.No.- 461/2026
Date- 6 MAR 2026