

BEFORE THE HON'BLE NATIONAL GREEN
TRIBUNAL, NEW DELHI,
WESTERN ZONE, BENCH AT PUNE
ORIGINAL APPLICATION NO. 29 OF 2022

Shashikant Vitthal Kamble ...Applicant

Versus

Ministry of Environment, Forest, New Delhi

and Ors.

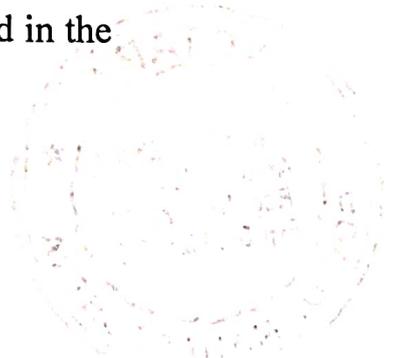
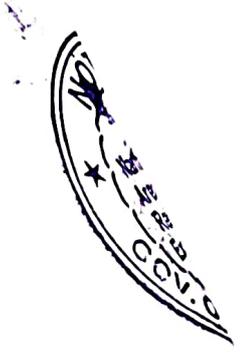
...Respondents

AFFIDAVIT IN REPLY ON BEHALF OF RESPONDENT
NO.7 - MAHARASHTRA WATER RESOURCES
REGULATORY AUTHORITY, MAHARASHTRA.

I, Dr. Ramnath Sonawane, Secretary, Maharashtra Water Resources Regulatory Authority, having address at 9th Floor, Center -1, World Trade Centre, Cuffe Parade, Mumbai -400005 do hereby solemnly affirm and say as under:



1. I say that I am the Secretary of Respondent no. 7 in the instant Original Application, fully conversant with the facts and circumstances of the case and as such competent to swear this affidavit.
2. I say that I have read and understood the contents of the Original Application along with annexures thereto and I have also gone through the available relevant records pertaining to the matter under consideration and I have acquainted myself with the facts and circumstances of the present case and I am able to depose to the same.
3. I say that I am filing the present affidavit for the purpose of opposing the admission and grant of any interim and ad-interim relief against the present Respondent No. 7 in the Original Application.
4. I say that at the very outset, the answering Respondent no. 7, denies each and every averment and contention raised in the



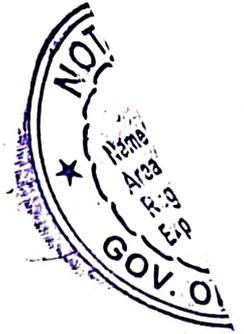


Original Application except those, which have been expressly admitted by the answering respondent in this affidavit. I say that averments made in the Original Application which are not specifically admitted by me shall be deemed to be denied and the Applicant be put to strict proof thereof.

5. I say that the relief prayed in the present Original Application against this Respondent are misconceived and the same proceed on misconception and misrepresentation of law and facts.
6. I say that I am filing this affidavit in reply to the aforesaid Original Application on behalf of The Respondent no. 7 and I crave leave of this Hon'ble Court to further add or amend the affidavit and/or file additional affidavit, if so found necessary.

Without prejudice to the above, I now make further submissions:

7. I say that Respondent no. 7 is an authority viz. Maharashtra Water Resources Regulatory Authority (hereinafter referred to as "MWRRA") which has been established to regulate the water resources within the State, under section 3 of the MWRRA Act, 2005. I submit that mandate of the MWRRA is to regulate water resources within the State of Maharashtra, to facilitate and ensure judicious, equitable and sustainable management, allocation and utilization of water resources and matters connected therewith or incidental thereto.
8. I say that Maharashtra Ground Water (Development & Management) Act 2009, (hereinafter referred to as "State Groundwater Act") was notified on 3rd December 2013 and which came into force on 1st June 2014. I say that under section 3 of the State Groundwater Act, the MWRRA shall be the State Ground Water Authority (hereinafter referred to as "SGWA") for the purposes of State Groundwater Act,





who shall exercise the powers conferred on and discharge such functions and duties as assigned to it, under State Groundwater Act, in the manner as may be prescribed.

9. I say that the said State Groundwater Act provides that the Respondent no. 7 shall act with recommendations and consultation of Groundwater Survey & Development Agency (GSDA), which is an agency under Water Supply and Sanitation Department of the State Government.
10. I say that as submitted above, Respondent no. 7 authority is constituted under MWRRA Act, 2005 and Maharashtra Ground Water (Development & Management) Act 2009 and not under Environment Protection Act, 1986 as is the case with Central Groundwater Authority (CGWA) which is the groundwater regulating authority constituted under Environment Protection Act, 1986.

11. I say that in pursuance of the directions of Hon'ble National Green Tribunal and the powers conferred by sub-section (3) of Section 3 read with Section 5 of the Environment (Protection) Act, 1986 (29 of 1986), the Department of Water Resources, River Development & Ganga Rejuvenation, has issued and notified 'Guidelines To Regulate And Control Groundwater Extraction In India' vide notification of Ministry of Jal Shakti, Union of India, New Delhi dated 24th September, 2020. I say that as mentioned in these guidelines, these guidelines will have pan India applicability and ground water abstraction in States/ UTs (which are not regulating ground water abstraction) shall continue to be regulated by Central Ground Water Authority.

12. I say that under above mentioned guidelines, the CGWA has been regulating ground water development and management by way of issuing 'No Objection Certificates' for ground water extraction to New Infrastructure Projects/

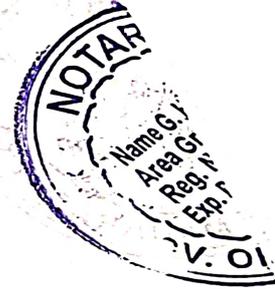




Residential buildings which may require dewatering during construction activity and/or may use ground water for the construction. I say that these guidelines are applicable to State of Maharashtra at present and such applicants shall seek No Objection Certificate from CGWA before commencement of any work to which such guidelines are applicable.

13. I say that these guidelines also state that Central Ground Water Authority has appointed the District Magistrate/ District Collector/ Sub Divisional Magistrate of each Revenue District/Sub division as Authorized Officers, who have been delegated the power to seal illegal wells, disconnect electricity supply to the energized wells, launch prosecution against offenders etc. including grievances redressal related to ground water in their respective jurisdictions.

14. I say that therefore as submitted in above paras, the power of issuing NOC as regards to extraction of groundwater for New Infrastructure Projects/ Residential buildings which may require dewatering during construction activity and/or may use ground water for the construction lies with CGWA.
15. I further submit that answering Respondent i.e. Respondent no. 7 herein is not a necessary party to these present proceedings before Hon'ble Tribunal.
16. **In the Factual background mentioned above, the para wise reply on merits is as under:**
17. With reference to paragraph no. 1 to 4, I submit that whatever stated therein is matter of record and anything contrary thereto and to its true and correct meaning is denied as if set out herein and traversed.





18. With reference to paragraph no. 5, I say that deny the contentions therein and deny that Respondent no. 7 is the Environment sanctioning and permitting authority associated with the conservation environment. I deny that Respondent no. 7 is concerned with the present dispute and is engaged with sanctioning of documents and issuing necessary permission in the present matter to the Respondent No. 15.

19. With reference to paragraph no. 6, I submit that whatever stated therein is matter of record and anything contrary thereto and to its true and correct meaning is denied as if set out herein and traversed.

20. With reference to paragraph no. 7, this Respondent deny that Respondent no. 7 is concerned and responsible for the permission and sanctions related to extraction and use of ground water and is governed by the Water (prevention and control of pollution) Act, 1974. Respondent submit that true

and correct facts have been mentioned in paras above and anything contrary thereto is denied.

21. With reference to paragraph no. 8 to 11, I submit that whatever stated therein is matter of record and anything contrary thereto and to its true and correct meaning is denied as if set out herein and traversed.
22. With reference to paragraph no. 12 to 36, I deny the said contentions and state that I am not aware of whatever stated therein and therefore unable to give any reply in the absence of better particulars. I however say that nothing is admitted and the applicant is put to the strict proof thereof.
23. With reference to paragraph no. 36 (a), I deny the said contentions and I say that, Respondent No. 7 does not have any mandate under Water (Prevention and Control of Pollution) Act, 1974 nor under Environment Protection Act, 1986 in respect of alleged ground water extraction carried



out in the subject project nor in respect of any violations of rules in respect of ground water extraction in the said project. As regards to rest of the contentions I say that I am not aware of whatever stated therein and therefore unable to give any reply in the absence of better particulars. I however say that nothing is admitted and the applicant is put to the strict proof thereof.

24. With reference to paragraph no. 36 (b) to 42, I deny the said contentions and state that I am not aware of whatever stated therein and therefore unable to give any reply in the absence of better particulars. I however say that nothing is admitted and the applicant is put to the strict proof thereof.
25. With reference to paragraph no. 43, I submit that whatever stated therein is matter of record and anything contrary thereto and to its true and correct meaning is denied as if set out herein and traversed.



26. With reference to paragraph no. 44, I say that Respondent no. 7 authority does not have any records nor any proceedings in respect of the said subject project referred under this Original Application, therefore prayer sought by the Applicant against Respondent no. 7 more particularly in para 44(f) of this Original Application is based on misconception and misrepresentation of law & facts and Respondent no. 7 herein is not a necessary party to the present proceedings before this Hon'ble tribunal. And in view of what is submitted by the Respondent no. 7 herein and in paras above of the present affidavit, the rest of the reliefs prayed for in sub paras (a) to (i) of para 44 of the present Original Application against this Respondent are also misconceived and the same proceed on misconception and misrepresentation of law and facts. Therefore, I state that the prayers made and reliefs sought herein against this Respondent ought to be rejected.

27. I say that in view of the aforesaid facts and circumstances, it is clear that the grounds so raised in the instant Original



Application are irrelevant and does not survive against the present Respondent no. 7 and hence the present application against the Respondent no. 7 is devoid of any merit and substance. I say that it is clear that the Applicant is not entitled to claim any relief from this Hon'ble Court against this Respondent No. 7. Hence the same is liable to be dismissed with costs.



[Handwritten Signature]

Advocate for Respondent No.7

[Handwritten Signature]

Respondent No.7

MUMBAI

Dated 06-02-2023

(Dr. Ramnath Sonawane)
 Secretary
 Maharashtra Water Resources
 Regulatory Authority
 9th Floor, Centre-1, World Trade Center,
 Cuffe Parade, Mumbai - 400002



NOTARY PUBLIC
 JAGDISH CHANDRA SONAWANE
 9th Floor, Centre-1, World Trade Center,
 Cuffe Parade, Mumbai - 400002

NOTICE & RECEIPT
 No. _____
 Date _____



VERIFICATION:

I, Dr. Ramnath Sonawane, Secretary, Maharashtra Water Resources Regulatory Authority having office at 9th Floor, Center -1, World Trade Centre, Cuffe Parade, Mumbai -400005, the above named deponent do hereby state on solemn affirmation that the contents of the foregoing paras are true and correct to my knowledge and I believe the same to be true and that nothing material has been concealed therefrom.

Solemnly Affirmed at Mumbai.

This 6th day of February, 2023

Advocate for Respondent No. 7

DEPONENT

(Dr. Ramnath Sonawane)
Secretary
Maharashtra Water Resources
Regulatory Authority,
9th Floor, Center -1, World Trade Center,
Cuffe Parade, Mumbai - 400005.

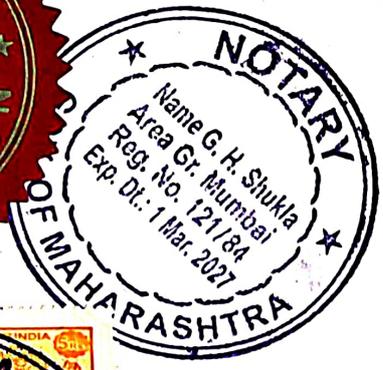
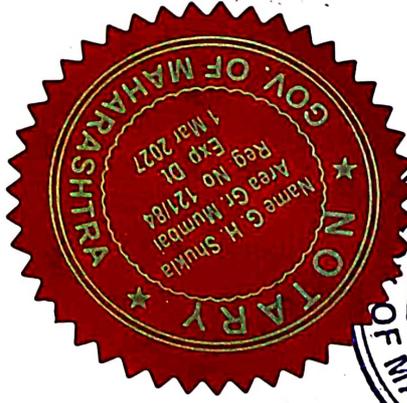


BEFORE ME

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

6 FEB 2023

NOTED & REGISTERED
Sr. No. 41794/79/2023
Dated 6 FEB 2023



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Affidavit in Reply on behalf of

Respondent No.7

Dated 06 day of February, 2023

Advocate for Respondent No.7