

BEFORE THE HON'BLE NATIONAL GREEN  
TRIBUNAL, WESTERN ZONE, BENCH AT PUNE  
ORIGINAL APPLICATION NO. 33 OF 2023

Nagesh Vinayak Dhamale ...Applicant

Versus

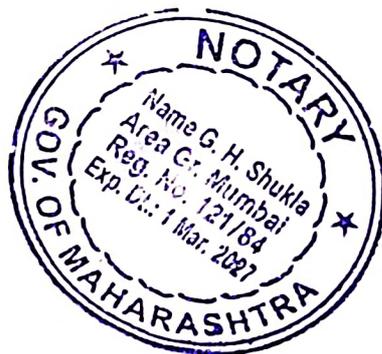
Ministry of Environment, Forest, New Delhi

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.



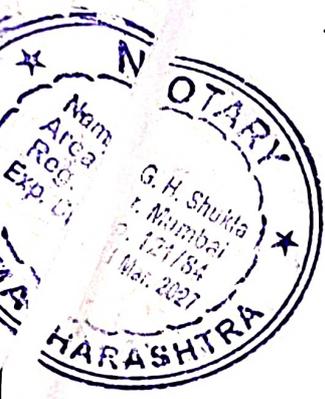
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I say that I have read and understood the contents of the Original Application along with annexures thereto and I have also gone through the available relevant records pertaining to the matter under consideration and I have acquainted myself with the 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.

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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 under section 3 of Maharashtra Water Resources Regulatory Authority Act 2005 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.



I say that Maharashtra Ground Water (Development & Management) Act 2009, (hereinafter referred to as “State Groundwater Act”) was notified on 3rd December 2013 and same came into force on 1st June 2014. I say that under section 3 of the State Groundwater Act, 2009 the Respondent no.7 i.e., MWRRA shall also be the State Ground Water Authority (hereinafter referred to as “SGWA”) for the purposes of State Groundwater Act.

9. I therefore, say that the Respondent no. 7 is not an authority under Environment Protection Act, 1986 nor governed by Water (Prevention and Control of Pollution ) Act , 1974.

10.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’

A handwritten signature in black ink, consisting of a stylized, cursive letter 'K'.

vide notification of Ministry of Jal Shakti, Union of India, New Delhi dated 24th September, 2020 and which are further amended vide notification dated 29<sup>th</sup> March, 2023. I say that as mentioned in the 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 (CGWA). I say that these guidelines, as amended till date 29<sup>th</sup> March 2023, are applicable to State of Maharashtra.

11.I say that Respondent no. 7 authority does not have any records nor have any documents, proceedings in respect of the said subject project of Respondent no. 9 referred under this Original Application.

12.I therefore, submit that answering Respondent i.e. Respondent no. 7 herein is not a necessary party to these present proceedings before Hon'ble Tribunal, and Hon'ble Tribunal be pleased to dismiss/reject the present Original Application as against this Respondent no. 7 at the outset.



13. In the Factual background mentioned above, the para wise reply on merits is as under:

14. 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.

15. 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 I further deny that Respondent no. 7 is engaged in issuing necessary permission in the present matter to the Respondent No. 9.

16. With reference to paragraph no. 6 to 8, 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.

17. With reference to paragraph no. 9, this Respondent deny that Respondent no. 7 is concerned and responsible for the

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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.

18. With reference to paragraph no. 10 and 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.
19. With reference to paragraph no. 12 to 31, 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.
20. With reference to paragraph no. 31 (a) and (b), I deny the said contentions and submit that as regards the allegations/contentions of extraction of ground water and permission for such extraction and use, the true and correct facts concerning the Respondent no. 7 authority have been



mentioned in paras above of this reply and anything contrary thereto is denied. As regards the rest of allegations/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.

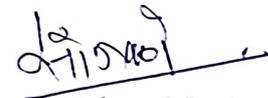
21. With reference to paragraph no. 31 (c) to 35, I deny the said contentions and state that I am not aware of whatever stated therein and therefore unable to give any reply in the absence of better particulars. I however say that nothing is admitted and the applicant is put to the strict proof thereof.
22. With reference to paragraph no. 36, 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.
23. With reference to paragraph no. 37, I say that Respondent no. 7 authority does not have any records nor have any proceedings in respect of the said subject project referred under this Original Application, therefore prayers sought by



the Applicant against Respondent no. 7 are based on misconception and misrepresentation of law & facts. Therefore, I state that the prayers made and reliefs sought herein against this Respondent ought to be rejected.

24. I say that in view of the aforesaid facts and circumstances, it is clear that Respondent no. 7 herein is not a necessary party to the present proceedings before this Hon'ble Tribunal and 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 Tribunal against this Respondent No. 7. Hence the same is liable to be dismissed with costs.

  
Advocate for Respondent No.7

  
Respondent No.7

MUMBAI

Date  01 OCT 2023



(Dr. Ramnath Sonawane)  
Secretary  
Maharashtra Water Resources  
Regulatory Authority,  
9th Floor, Center-1, World Trade Center,  
Chhatrapati Shivaji Maharaj Marg, Colaba, Mumbai - 400005.





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 11<sup>th</sup> day of October, 2023

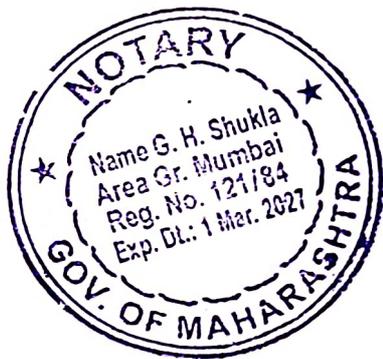
*[Signature]*  
DEPONENT

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

*[Signature]*  
Advocate for Respondent No. 7

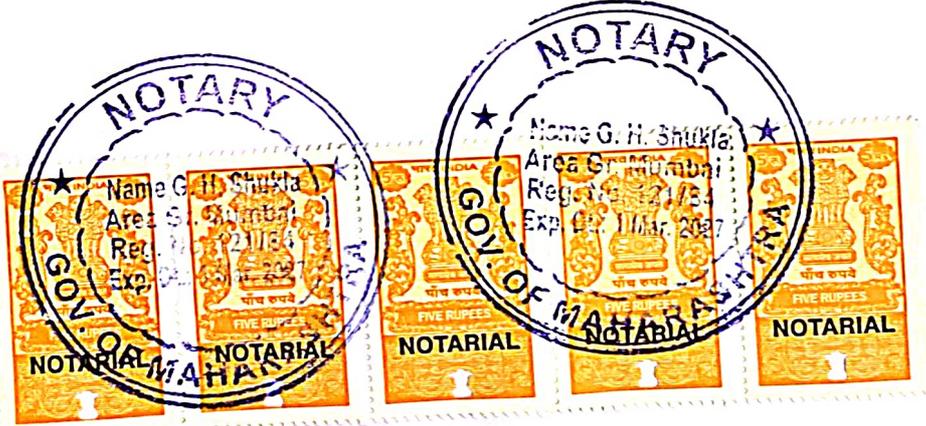


**BEFORE ME**



*[Signature]*  
G. H. SHUKLA,  
NOTARY GREATER MUMBAI  
Jagdamba Bhavan, Ground Floor,  
Banpatrao Kadam Marg, Lower Park,  
MUMBAI 400 013.

**10 OCT 2023**  
**NOTED & REGISTERED**  
Sr. No. 54557/105 2023  
Dated: 10 OCT 2023





**BEFORE THE HON'BLE  
NATIONAL GREEN  
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Nagesh Vinayak Dhamale

...Applicant

Versus

Ministry of Environment, Forest,  
New Delhi and Ors.

...Respondents

**Affidavit in Reply on behalf of  
Respondent No.7**

Dated <sup>19<sup>th</sup></sup> ~~19<sup>th</sup>~~ <sup>OCT</sup> day of October, 2023

**Advocate for Respondent No.7**

