

**BEFORE THE NATIONAL GREEN TRIBUNAL,
WESTERN ZONE BENCH, PUNE
ORIGINAL APPLICATION NO.51 OF 2024 (WZ)**

Mr. Kalpesh Chandrakant

Yadav & Anr.Applicant

Versus

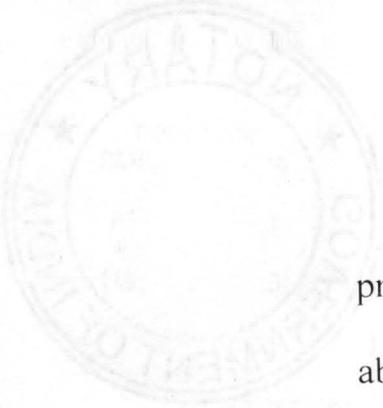
Union of India & Ors.Respondents

**AFFIDAVIT IN REPLY ON BEHALF OF
RESPONDENT NO. 7, 9 & 10 PUNE MUNICIPAL
CORPORATION (PMC).**

I, RAMESH NISHWASRAO KAVADE,

EXECUTIVE ENGINEER, ZONE-4, of the Building Permission
Zone 4 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, ZONE-4 and in the Pune
Municipal Corporation. I am filing this Affidavit-in-
Reply to oppose the contents of the Application



preferred and reliefs sought by the Applicant in the above captioned matter. I am filing this present Affidavit-in-Reply to oppose the grant of any reliefs to the Applicant as prayed in the present Application. 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 Applicant in the present Application, I have perused the documents brought on record by the Applicant and have understood the contents of the Application 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 Application, 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. 17- Project Proponent as and when required by this Hon'ble Tribunal.

(4) I say and submit that application is filed in relation to residential and commercial building project raised by the Respondent No. 17-M/s Venkatesh Landmark-Project Proponent at Survey 214/1/1 and 214/1/4, situated at Village Lohegaon, Taluka Haveli District Pune within the limits of Answering Respondent.

(5) At the further outset, I say and submit that the Applicant has filed the present Original Application seeking the following reliefs:

A. Direct the Respondents to demolish the illegal structures at site in

B. Direct the Respondent no.17 to restore Nalla its original position.



- C. *Having regard to the damage to the public health, property and environment, principles of sustainable development and polluter pays principles, Direct the Respondent No. 17 -PP to deposit a heavy amount of compensation to the environment relief fund.*
- D. *Quash and set aside the Environment Clearance dated 30.04.2021 granted to the Respondent No. 17 -PP-M/s. Venktesh Landmark thr. Rahul Kondiba Satav for the Residential and Commercial Development project situated at Survey No. 214/1/1 and 214/1/4 Village-Lohegaon, Taluka-Haveli, District-Pune.*
- E. *Quash and Set aside CTE dated 18.05.2021 and part CTO dated 28.05.2024 granted to the Respondent No. 17 PP-M/s. Venktesh Landmark thr. Rahul Kondiba Satav for the Residential and Commercial Development project situated at Survey No. 214/1/1 and 214/1/4 Village-Lohegaon, Taluka-Haveli, District-Pune.*



F. Quash and Set Aside all the Revised Commencement Certificates and Sanctioned Layouts, Part Completion Certificate issued by PMC to granted to the Respondent No. 17 -PP-M/s. Venkatesh Landmark thr. Rahul Kondiba Satav for the Residential and Commercial Development project situated at Survey No. 214/1/1 and 214/1/4 Village-Lohegaon, Taluka-Haveli, District-Pune.

G. 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 reuse without prior consent & in violation of EC dated 30.04.2021 and impose the Fine/Cost & recover it from salary of Respondent No. 8-Mr. Prashant Waghmare.

H. Direct the Respondent No. 7, PMC-Commissioner to take appropriate legal action against guilty officers who had issued various illegal permissions for construction of project, Fire NOC etc.



- I. *Direct the Respondent No. 6 Member Secretary-MPCB to take appropriate legal action against Respondent No.7-Regional Officer, Pune and other erring officer of MPCB for illegally revoking stop Work Notice dated 18.12.2025 and impose the Fine/Cost & recover it from salary of those officers.*
- J. *Appropriate actions may kindly be taken against erring Officers PMC, MPCB, SEAC-III & SEIAA members for their intentional negligence.*
- (6) I say and submit that essentially all the reliefs as prayed for in the Original Application are against the Project Proponent, Respondent No. 17-Project Proponent and only two reliefs are sought against the Answering Respondents viz:
- G. *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 reuse without prior consent & in violation of EC dated 30.04.2021 and impose*



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

H. Direct the Respondent No. 7, PMC-Commissioner to take appropriate legal action against guilty officers who had issued various illegal permissions for construction of project, Fire NOC etc.

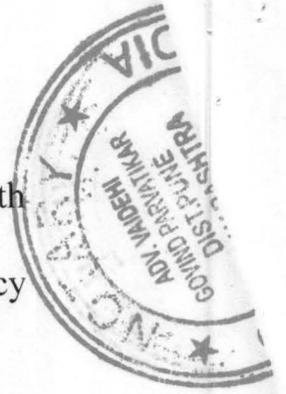
(7) I say and submit that the aforementioned project falls under the limits of Answering Respondent. Pune Municipal Corporation is the local authority within the definition of the Maharashtra Municipal Corporation Act, 1949 and as such is the Authority granting Building Permissions under Maharashtra 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.

- (5) 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

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

(10) I say and submit that the Applicant 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 Applicant 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 Application as the Applicant should have approached an appropriate forum for agitating the alleged issued raised in the present Application.

- (11) I say that the Applicant has made frivolous, baseless and unsubstantiated allegations against City Engineer in para 11 and Prayer clause G. 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.

(12) I say and submit that Nalla is passing through the Project as per the Development Plan of Pune City. Therefore Respondent No. 17 Project Proponent was directly to channelize the Nalla. Accordingly Respondent No. 17 Project Proponent has carried construction and channelization of the nalla work passing through the Project as per the applicable rules.

(13) I say and submit that Ministry of Defense has issued No Objection Certificate to the Respondent No. 17-Project Proponent. Therefore, based on submission of No Objection Certificate of Ministry of Defense, Answering Respondent has Sanctioned the plan.

(14) I say and submit that the Project consist of 7 buildings, out of which wing A, B, C, D, E and G are residential

out which building G is under the scheme of Maharashtra Housing and Area Development Authority (MHADA) and building F is commercial building.



- (15) I say and submit that as per the CC/0461/2021 dated 31/08/2020 Answering Respondent has sanctioned plan for proposed Total Built up Area 63,823.93 Sq Mtrs out which proposed FSI proposed is 32,889.11 Sq Mtrs and proposed Non FSI is 30,934.82 Sq Mtrs for A, B, C, D, E, G and F i.e. 7 buildings. Sanctioned Plan is attached as annexure in paper book at page no. 128.
- (16) I say and submit that as per the part Occupancy Certificate OC/0302/2024 dated 03/06/2024 Total Built up Area is 47,615.53 Sq Mtrs out which FSI is 25,541.38 Sq Mtrs and Non FSI is 22,074.15 Sq Mtrs.
- (17) I say and submit that on 26/09/2025 Answering Respondent has submitted Sanctioned Plan dated 31/08/2020 before this Hon'ble Tribunal showing the Total Built up Area 63,823.93 Sq Mtrs, however, in the Environment Clearance, Total Built up Area is shown

as 37,762.47 Sq Mtrs. Therefore, a clarification was sought from the Respondent No.3-SEIAA.

(18) In view of above it is submitted that as per the CC/0461/2021 dated 31/08/2020, Respondent No. 3 – State Level Environment Impact Assessment Authority (SEIAA) in their Affidavit in Reply dated 05/02/2026 has clarified and has issued a corrigendum dated 05/01/2026 showing Total Built Up Area as 63,823.93 Sq Mtrs.

(19) It is further 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.



NOTED AND REGISTERED
Date: 18/08/2024

RECORDED
18/08/2024

Pune

Adv. for Respondent. No. 7, 9&10

Date: 18 /03/2026

VERIFICATION

I, RAMESH VISHWAS RAO KAKADE, , Age : 57 Adult,
EXECUTIVE ENGINEER, ZONE-4, 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 18 day of March, 2026



Adv. for Respondent. No. 7, 9&10



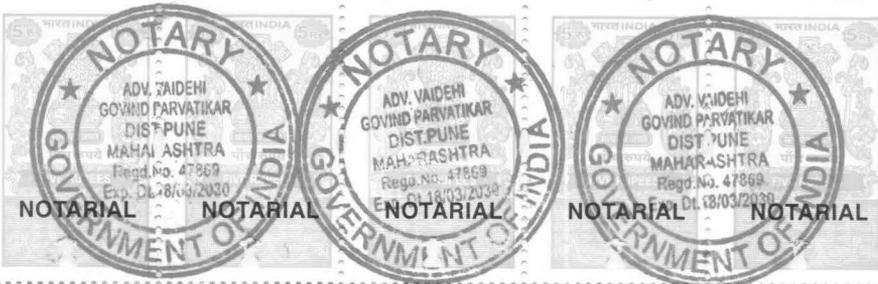
कार्यकारी अभियंता
विकास योजना व बांधकाम निवृत्त (झो.क्र.४)
पुणे महानगरपालिका
Respondent. No. 7, 9&10

BEFORE ME



18/03/2026

ADV. VAIDEHI GOVIND PARVATIKAR
NOTARY GOVT. OF INDIA
PUNE DIST. MAHARASHTRA
REG.NO.47869



THIS DOCUMENTS
CONTAINS 01 / 16 PAGES

NOTED AND REGISTERED
SERIAL NUMBER.....
Date..... 18/03/2026.....