

आलिबाग येथील नॉटरी सल्लेज

**BEFORE THE NATIONAL GREEN TRIBUNAL
WESTERN ZONE BENCH, PUNE
[THROUGH PHYSICAL HEARING (WITH HYBRID
OPTION)]**

Original Application No. 05/2025 (WZ)

The Grampanchayat, Shedashi & Ors ..Applicants

Versus

Kilitch Drugs (INDIA) Ltd. & Ors ..Respondents

**AFFIDAVIT IN REPLY
ON BEHALF OF RESPONDENT NO. 8**

I, Kunal A. Muley, Age 37 years, Occ. Government. Service, presently working as Assistant Director of Town Planning, Raigad-Alibag, do hereby state on solemn affirmation on behalf of Respondent No.8 as follows:.



1. I say that, I have perused the copy of the Application and the annexures thereto. I have also gone through the records, papers and files pertaining to the subject matter of this Application available in my office and therefore, I am able to depose and file this Affidavit-in-Reply. I may not be deemed to have admitted any facts, averments, contentions and submissions of the Petitioners either by implication or otherwise, unless and until specifically admitted by me in this Affidavit. I crave leave of this Hon'ble Court to file such Additional Affidavit in the matter as may be required at the later stage of hearing and/or I am advised.
2. I say and submit that, an application was submitted by Respondent No. 1 seeking conversion of land from agricultural to non-agricultural (industrial) use in respect of Survey No. 24/1 and other lands situated at Mauje Maldev, Taluka Pen, District Raigad. Said application was forwarded by the Hon. Collector, Raigad-Alibag (Respondent No. 4) to this office (Respondent No. 8) for technical remarks, vide Letter No. 16317/7864/2008 dated 03/06/2022. In support of



the aforesaid proposal, the following documents were submitted by Respondent No. 1:

- i. Measurement Sheet issued by the Deputy Superintendent of Land Records, Pen, bearing No. 4732/08-03-2021, dated: 24/08/2021;
- ii. No Objection Certificate issued by the Executive Engineer (Construction), Raigad Zilha Parishad, bearing No. 14516/2022, dated 01/08/2022;
- iii. Letter from the Executive Engineer, Raigad Irrigation Department, Kolad, Taluka Roha, bearing No. 2022
- iv. No Objection Certificate issued by the Maharashtra Pollution Control Board, bearing Letter No. 0000/44803/CE/220900/621, dated 26/09/2022.

3. I say and submit that Survey No. 24/1 and other lands under proposal located at Mauje Maldev, Taluka Pen, fall within the Agricultural Zone as per the sanctioned Raigad Regional Plan. However, as per Clause 4.11(xviii) of the Unified Development Control and Promotion Regulations (UDCPR), industrial use is permissible in agricultural zones, subject to compliance with relevant provisions.

4. I say and submit that As per the Measurement Sheet dated 24/08/2021 issued by the Deputy Superintendent



of Land Records, an Odha (natural stream) is demarcated along the northern boundary of the subject site, and an approach road is shown on the north eastern side.

5. I say and submit that The Executive Engineer, Raigad Irrigation Department, issued a No Objection Certificate (NOC) subject to compliance with certain conditions, Stating That the flood lines of balganga river are not demarcated with respect to village Shedashi or Maldev where in the project unit of Kilitch Drugs is being constructed :
6. I say and submit that The site lies on both sides of the Vakrul connecting road (Village Road No. 63), which runs from chainage 0/300 to 0/500. As per the Road NOC issued by the Executive Engineer (Construction), Raigad Zilha Parishad, the existing road is 3.0 meters wide.
7. I say and submit that As per the Maharashtra Pollution Control Board, the project falls under the Orange Category, in accordance with the NOC dated 26/09/2022.
8. I say and submit that UDCPR Regulation 3.1.3(ii) which is reproduced herein below:



3.1.3 Construction within Blue and Red Flood Line

ii) Where Blue and Red flood line is not marked on the Development Plan / Regional Plan or not received from the Irrigation Department.

Where Blue and Red flood line is not marked on the Development Plan / Regional Plan or not received from the Irrigation Department, the tentative Blue line shall be earmarked taking into consideration maximum observed flood level records available locally and also interacting with the residence in the area. The plan showing such tentative Blue line shall be got approved from Chief Engineer, Irrigation Department. The distance of 50.0 m. on landward side from this tentative Blue line shall be treated as No Construction Zone.

In such cases, provisions of Regulation No.3.1.3(i) (a,b,c,d) shall be applicable to that extent. Till such tentative Blue line is prepared and marked on the plan, the development permission shall be governed by the provisions of Regulation No.3.1.1(ii).

Furthermore, UDCPR Regulation 3.1.1(ii) which is reproduced herein below:



3.1.1 Site not Eligible for Construction of Building

No piece of land shall be used as a site for the construction of building,

If the entire site is within a distance of 6.0 m. from the edge of water mark of a minor water course (like nallah, canal) and 15.0 m. from the edge of water mark of a major water course (like river) shown on Development Plan / Regional Plan or village / city survey map or otherwise;

9. I say and submit that The NOC issued by the Executive Engineer, Raigad Irrigation Department, confirms that the Blue and Red Flood Lines are not delineated on the Regional Plan. Hence, Regulation 3.1.1(ii) applies, which mandates that no building construction shall be permitted within 15.0 meters of the riverbank.

10. I say and submit that ,After considering all relevant documents, regulations, and departmental NOCs, this office issued Recommendation Letter No. 1967 dated 11/11/2022, recommending conversion of Survey No. 24/1 and other lands at Mauje Maldev (Shedashi), Taluka Pen, District Raigad, for industrial use subject to specific conditions.

11. I say and submit that, As per the Road NOC dated 01/08/2022, the 3.0-meter-wide existing village road is proposed to be widened by 7.5 meters on either side of



the center line, in accordance with Clause 3.3.8 (b) of the UDCPR, resulting in a total road width of 15.0 meters.

12. I say and submit that The building plan recommended by this office indicates that the compound wall is proposed :

- At a distance of 10.0 meters from the center line of the existing village road (south-western side), and at a distance of more than 15.0 m from river boundary.
- At 5.5 meters from the river boundary (north-western side).

The compound wall is situated entirely within the land owned by Respondent No. 1.

The building structures proposed in the plan are beyond the mandatory 15.0-meter buffer from the riverbank, in full compliance with applicable regulatory restrictions concerning riverine buffer zones.

13. I say and submit that subsequently, this office issued a Revised Recommendation Letter No. 853 dated 29/04/2024, which reaffirms the earlier recommendation and remains fully consistent with applicable planning and regulatory frame works. As per the revised building plan, the compound wall is proposed on the south-



western side, at a distance of 10.0 meters from the centerline of the existing 3.0-meter-wide village road (At a distance of more than 15.0 m. from river bank) , and at a distance of 6.0 meters on the southern side of the north-western plot boundary, which lies adjacent to the river.

14. I say and submit that, as per the Road No Objection Certificate issued by the Executive Engineer (Construction), Raigad Zilha Parishad, dated 01/08/2022, and the accompanying site measurement plan, an existing 3.0-meter-wide approach road has been depicted for the proposed development. In accordance with Clause 3.3.8(b) of the Unified Development Control and Promotion Regulations (UDCPR), the said road is proposed to be widened by 7.5 meters on either side from the centreline. This results in a total road width of 15.0 meters, which is the standard prescribed for village roads under the said regulation.

15. I say and submit that the allegations made by the Petitioner under Point Nos. (a), (b), and (c) are not reflected in the communication issued by this office (Respondent No. 8) letter No. 1544 dated 26/06/2024, addressed to the Hon. Collector, Raigad-Alibag. This office had issued Letter No. 1544 dated 26/06/2024,



wherein the following clarification was furnished to the Hon'ble Collector:

"The applicant Grampanchayat has stated that the land under proposal is 'Aadiwasi' land. However, as per the 7/12 extract submitted along with the proposal, the ownership of the said land is recorded in the name of Kilitch Drugs (India Pvt. Ltd.), through its Director, Shri Mukund Prataprao Mehta. As the matter pertains to ownership, this office has referred the issue to the Hon'ble Collector for verification of ownership through the concerned revenue department." This office has not offered any comment, opinion, or determination regarding the ownership status of the subject land and has instead referred the same to the competent revenue authority for appropriate verification and decision.

16) I say and submit that, any deviation from the approved layout plan or any construction undertaken inconsistently with the sanctioned development permission shall be deemed unauthorised, and action shall be liable to be taken under Section 18(2A)(i) of the Maharashtra Regional and Town Planning Act, 1966.

17) The paragraph wise reply to the Application is as follows.



- 18) With Respect to the contents of the paragraph No. 1 to 3, no comments are necessary.
- 19) With Respect to the contents of the paragraph No. 4 of the Application that, "The Applicant No. 1 is the Gram Panchayat of Village Shedashi. in the Pen Tehsil of Raigad District in Maharashtra, through its Sarpanch. Shedashi village comprises a total of seven smaller hamlets such as Maldev, Khadki, Mainee, Taldev, Dhen, Fansivad; and Shedashiwadi. The Applicant No. 1 Gram Panchayat is the lawfully constituted Gram Panchayat as per the provisions of the Maharashtra Village Panchayats Act, 1959. A copy of the resolution empowering the Gram Panchayat of Shedashi village authorizing the Sarpanch to file the present Application has been annexed hereto and marked as Annexure A-1. The Applicant No. 2 and Applicant No. 3 are villagers residing in the hamlet of Khadki in Shedashi Village. The Applicant No. 4 is villager residing in the Fansivadi hamlet", is Regarding Various Authorities, therefore No Comments.
- 20) With Respect to the contents of paragraph No. 5 of the Application that, "The Respondent No. 1 is a pharmaceutical company that has started construction of



its industrial plant on the land bearing survey nos. 24/1 to 24/46, 24/48 to 24/56, 24/58 to 24/71 admeasuring a total area of 5.86 Ha in Shedashi village, Raigad. The construction work of the Respondent No.1 partially falls within the prohibitive zone, within two blue flood lines of the Balganga river. The Respondent No. 1 has also illegally reclaimed some portion of the riverbed of the Balanga river by illegally dumping debris on the riverbed to construct an access road. The Respondent No. 2 is the Circle Officer, Karmali. The Respondent No. 3 is the Tehsildar, Pen. The Respondent No. 4 is the Collector. Raigad District. The Respondent No. 5 is the Assistant Engineer, Grade-1, Hetvane Canal. The Respondent No 6 is the Executive Engineer, Irrigation Department, Raigad. The Respondent No. 7 is the Executive Engineer (Construction) Raigad Zilla Parishad. The Respondent No. 8 is the Assistant Town and Country Planning Department, Raigad, Alibaug. The Respondent No. 9 is the Deputy Conservator of Forest, Alibaug. The Respondent No. 10 is the Environment Department, Government of Maharashtra. Each of the Respondent Authorities bearing arraigned as Respondent 2-9 in the present Application were responsible for issuing conditional clearances/permissions No Objection Certificates ("NOCs") subject to which the construction



activities of the Respondent No. 1 had commenced on the land bearing survey nos. 24/1 to 24/46, 24/48 to 24/56, 24/58 to 24/71 admeasuring a total area of 5.86 Ha in Shedashi village, Raigad" is Regarding Various Authorities, therefore No Comments.

- 21) With Respect to the contents of the paragraph No. 6 of the Application that, "Aggrieved by the illegal actions of the Respondent in 1 pertaining to the manner in which it has illegally constructed a compound wall around its industrial, unit in a manner contrary to the provisions of the Unified Development and Control and Promotion Regulations, 2020 ("UDCPR") and the NoCs and permissions granted to it by the Respondent Authorities, as well. due to the illegal reclamation of the Balganga river bed in order to widen the access road to compensate for the portion of access road usurped by the Respondent No. 1 the Applicants have been constrained to approach this Hon'ble Tribunal with prayers to restore and restitute the natural flow of the Batganga river in Shedashi village. It is submitted that that the Respondent No. 1 has not left the requisite space for the villagers to use the existing access road in the area partially passing through the site of its proposed industrial unit, contrary to the conditions of the various NoCs issued to it, but had instead sought



to widen the access road by creating an illegal, kutcha road along the existing road by dumping debris and material on the riverbed of the Balganga river which frequently gets inundated, poses a risk to villagers of the Khadki hamlet who make use of the road and further is obstructing the natural flow of the Balganga river” , it is submitted that same are incorrect in the manner in which they are presented by the applicant in the application therefore the Respondent No. 8 denies the same.

22) With Respect to the contents of paragraph No. 7 of the Application that, “The Shedashi village located in Pen Taluka, Raigad District comprises of seven smaller hamlets named Maldev, Khadki, Maince, Taldev, Dhen, Fansivadi and Shedashiwadi. Amongst these hamlets, the Khadki hamlet has a population almost entirely made of adivasis of agriculturalists and farmers who are members of Scheduled Tribes. It is submitted that the villagers of the Khadki hamlet, who are represented by the Applicant Panchayat, require access to and through the Maldev hamlet, but are presently being precluded from doing so as the Respondent No.1 has reduced the accessible portion of the existing road between the two hamlets and nas instead illegally reclaimed a part of the river bed of the Balganga river to construct an unviable, dangerous



and illegal road as an alternate path to the road illegally obstructed by it", it is submitted that same are incorrect in the manner in which they are presented by the applicant in the application therefore the Respondent No. 8 denies the same.

- 23) With Respect to the contents of paragraph No. 8 of the Application that, "Flood lines are lines reflected in the sanctioned development plan of cities or Regional Plans of rural areas which demarcate the extent to which water level is could rise in the event of a flood. According to the circular dated 21.09.1989 issued by the Irrigation Department, there are two types of flood lines, demarcated in Blue and Red. Blue flood lines show the level of the flood that occurs at the frequency of 25 years. Red flood lines show the level of the flood that occurs at the frequency of 100 years. As per Regulation 3.1.3 of the UDCPR, no development is permissible between two Blue Lines and this portion is called "Prohibitive Zone". The Area between Blue and Red line is called the Restrictive Zone and a minimal number of construction can occur in it. A copy of the circular dated 21.09.1989 issued by the Respondent Irrigation Department has been annexed acreteo and marked as Annexure A-2", being general information no comments.



24) With Respect to the contents of the paragraph No. 9 of the Application that, "The Balganga river passing through Raigad originates from the Patalganga River Basin and joins Arabian sea near Dharmatre creek. In recent years, the construction of a dam for the Balganga river has resulted in severe inundation and flooding of over 13 villages through which the River passes. The Shedashivadi village and its hamlets have also been informed that they will experience flooding due to the construction of the dam. Due to the fact that the rehabilitation of the persons in the affected village has not been completed, the dam is not yet fully operational, but the Applicants have been informed that their village will face further flooding and fluctuations in the water levels of the river once the dam is fully operational. A copy of index map of the Balganga River and its tributaries prepared by the Respondent Irrigation Department has been annexed hereto and marked as Annexure A-3", it is submitted that same are incorrect in the manner in which they are presented by the applicant in the application therefore the Respondent No. 8 denies the same.

25) With Respect to the contents of the paragraph No. 10 of the Application that, "The demarcation of Flood Lines,



which is done as per the instructions of the Irrigation Department, is crucial to preserve rivers by delineating their natural course as well as to demarcate the land which is safe to develop without being affected by potential floods” it is submitted that same are incorrect in the manner in which they are presented by the applicant in the application therefore the Respondent No. 8 denies the same.

- 26) With Respect to the contents of the paragraph No. 11 of the Application that, Rule 3.1.3 (i) of the UDCPR accordingly provides that, 3.1.3. Construction within Blue and Red Flood Line i) Where Blue and Red flood line are marked on the Development Plan / Regional Plan or received from the Irrigation Department. a) The Red Flood Line and Blue Flood Line shall be considered as per the plan prepared by the Irrigation Department. The area between the river bank and blue flood line (Flood line near the river bank) shall be prohibited zone for any construction except parking, open vegetable market, garden, lawns, open space, cremation and burial ground, sewage treatment plant, water / gas / drainage pipe lines, public toilet or like uses, provided the land is feasible for such utilization. Provided that, redevelopment of the existing authorised properties, within river bank and blue



flood line, may be permitted at a plinth height of 0.45 m. above red flood line level. b) Area between blue flood line and red flood line shall be restrictive zone for the purposes of construction. The construction within this area may be permitted at a height of 0.45 m. above the red flood line level. c) If the area between the river bank and blue flood line forms part of the entire plot in Development Zone, then, FSI of such part of land may be allowed to be utilised on the remaining land. d) The red and blue flood line, if shown on the Development/ Regional Plan / Planning Proposal shall stand modified as and when it is modified by the Irrigation Department”, It is submitted that this being a legal provision enumerated in UDCPR, Hence no comments.

- 27) With Respect to the contents of paragraph No. 12 of the Application that, “Demarcating blue and red floodlines is crucial for effective flood management and disaster preparedness. Blue floodlines indicate areas prone to flooding during moderate rainfall or water discharge, while red floodlines mark zones at risk during extreme, high-intensity events. These markers help planners and authorities identify vulnerable regions, guiding urban development, infrastructure planning, and land use to minimize risk. They also serve as vital tools for



community awareness, enabling residents to make informed decisions about construction, insurance, and evacuation planning, By clearly delineating flood-prone zones, the Government and its instrumentalities can implement targeted mitigation measures, such as drainage improvements, and ensure compliance with environmental and safety regulations”, being general Statement. Hence No Comments.

- 28) With Respect to the contents of paragraph No. 13 of the Application that, “The Respondent No. 1 vide a letter dated 10.11.2021 sought a No Objection Certificate ("NoC") from the Assistant Engineer, Grade -1, Hetvate Canal. It is pertinent to note that the said Assistant Engineer is an officer of the Respondent Irrigation Department. The Application for the NoC submitted by the Respondent No. 1 noted that there had been some discrepancy in the survey numbers assigned to the unit/plant of the Respondent No. 1. A copy of the Application of the Respondent No. 1 dated 10.11.2021 to the Assistant Engineer. Grade -1. Hetvate Canal has been annexed hereto and marked is Annexure A-4”, Not related to the Respondent No. 8 Hence No Comments.



29) With Respect to the contents of the paragraph No. 14 of the Application that, "Vide a letter dated 12.11.2021, the Assistant Engineer, Grade-1, Hetvane Canal wrote to the Executive Engineer, Raigad Irrigation Department in relation to the Application of the Respondent No. 1 for the proposed construction of its industrial unit. The letter dated 12.11.2021 of the Assistant Engineer, Grade-1, Hervanc Canal to the Executive Engineer, Raigad Irrigation Department clearly recorded the presence of the Balganga river immediately adjacent to the land upon which the Respondent No. 1 sought to construct its unit and also noted the tendency of the land to get inuncated due to the construction of the Balganga dam. Accordingly, the Assistant Engineer. Grade-I. Hetvane Conal recorded his view that an NoC could be granted to the Respondent No.1 subject to certain necessary conditions in relation to the maximum permissible length of the construction etc. A copy of the letter dated 12.11.2021 of the Assistant Engineer. Grade-I, Hetvane Canal wrote to the Executive Engineer, Raigad Irrigation Department has been annexed hereto and marked as Annexure A-5", it is matter of record Hence No comments.



30) With Respect to the contents of the paragraph No. 15 of the Application that, "During the period of August 2022, the Revenue and Forest Department began processing the application of the Respondent No. 1 to convert a parcel of land in its possession bearing survey nos 24/1 to 24/46, 24/48 to 24/56, 24/58 to 24/71 admeasuring a total area of 5.86 Ha located at the Khadki hamlet from agricultural land to non-agricultural purpose. In the documents processing the Application of the Respondent No. 1, officers of the the Revenue and Forest Department such as the Respondent Tehsildar, Pen and the Respondent Circle Officer Karmali clearly noted the said plot of land was barren, and had no construction on it, but did have an access road passing through providing connectivity between the Shedashivadi and Maldev hamlets. A perusal of the Enquiry Report prepared by the Circle Officer Karmali sometime in August 2022 seemed to indicate that the officers of the Respondent Revenue and Forest Department had no objection to the conversion of the plot of land in question from an agricultural user/zoning to non-agricultural zoning. The said documents of the Respondent Revenue and Forest Department prepared in August 2022 were obtained by the Applicant vide an RTI reply dated 27.06.2024. A copy of the RTI reply dated 27.06.2024 containing the documents of the office of the



Respondent Revenue and Forest Department prepared in August 2022 has been annexed hereto and marked as Annexure A-6”, Not related to the Respondent No. 8 Hence No Comments.

31) With Respect to the contents of the paragraph No. 16 of the Application that, “On 1.08.2022, the Executive Engineer (Construction) Raigad Zilla Parishad also gave its conditional NoC for the conversion of the plot in question possession of the Respondent No. 1 from agricultural to non-agricultural user/zoning on the ground that the plot had the Vakrul Link Road (bearing Rural Road No. 63 and first Chain No: 0/300 and last Chain. 0/500) running through the plot, and further expansion/ widening of the road would be required due to the volume of traffic currently noticed on the road. A copy of the conditional NoC of the Executive Engineer (Construction) Raigad Zilla Parishad dated 01.08.2022 has been annexed hereto and marked as Annexure A-7”, it is matter of record Hence No comments.

32) With Respect to the contents of paragraph No. 17 of the Application that “In response the Application of the Respondent No. 1 dated 10.11.2022, the Executive Engineer, Raigad Irrigation Department issued an NoC



dated 18.01.2022, which noted that the Respondent No. 1 was not the owner of the land bearing survey nos 24/1 to 24/46, 24/48 to 24/56, 24/58 to 24/71 admeasuring a total area of 5.86 Ha located at Khadki hamlet, but had obtained a consent letter from one Mr Radheshyam Shivkishan Rathi, evidently to use the land to construct a plant/industrial unit. The NoC also noted that the plot of land in question did not fall under the command area of any scheme nor is it included in any future scheme. The NoC accordingly imposed the following conditions:

- a. As per a physical inspection of the plot of land concerned, it was observed by the Irrigation Department that Survey Nos 24/1 to 24/12 and 24/34 are adjacent to Balganga river and some parts of this plot is inundated during floods.
- b. A proposed flood line map (demarcation of red and blue lines) had been prepared for the area on the basis of the index map for the Balganga river and had been appended to the NoC and a condition was accordingly imposed that the construction on the plot could not exceed a maximum of 6.50 metres-0.45 metres from the plinth Tavel.
- c. The NoC also required that the natural flow of the water river / canal near the proposed area cannot be



diverted or obstructed and no solid or wet waste could be discharged into the river / canal. d. The NoC further also required a private compound wall be constructed along the river course, but that the provisions of the UDCPR had to be followed during the construction phase of the compound wall. e. The NoC also provided that if there was violation of the terms and conditions stipulated within it, the NoC would stand cancelled and necessary legal action would be pursued. A copy of the NoC dated 18.01.2022 has been annexed hereto and marked is Annexure A-8", it is submitted that same are incorrect in the manner in which they are presented by the applicant in the application therefore the Respondent No. 8 denies the same.

33) With Respect to the contents of the paragraph No. 18 of the Application that, "The Assistant Director, Town Planning Department wrote to the Respondent Collector, Raigad, Alibaug on 11.11.2022 regarding the Application of the Respondent No. 1 for seeking conversion of the subdivided plot bearing survey no 24/1 and others" admeasuring 5860 sq mts from agricultural to non-agricultural user and for obtaining necessary permission to construct an industrial unit on the said plot. Vide the said letter dated 11.11.2022, the



Assistant Director, Town Planning Department had noted that the plot of land in question had a natural stream in it and was located next to the Vakrul Link Road, having Rural Road No. 63 and first Chain No. 0/300 and Last Chain 0/500. A perusal of the letter dated 11.11.2022 makes it evident that the Assistant Director, Town Planning Department consented to allow the conversion of land as sought on several conditions, including that the conditions of the NoC of the Irrigation Department would have to be adhered to as well as the condition that any dispute in relation to access road as ensemetary rights over the property in question would have to be addressed by the Respondent No. 1. A copy of the letter of the Assistant Director, Town Planning Department wrote to the Respondent Collector, Raigad Alibaug on 11.11.2022 has been annexed berele end marked as Annexure A9", it is submitted that same are incorrect in the manner in which they are presented by the applicant in the application therefore the Respondent No. 8 denies the same.

- 34) With Respect to the contents the paragraph No. 19 of the Application that, "On 15.12.2022, the Respondent Collector issued official permission to the Respondent No. 1 to permit the conversion of the plot of land in question from an agricultural



user/zoning to non-agricultural zoning. The conversion permission dated 15.12.2022 noted the various NoCs issued to the Application of the Respondent No. 1 for the change of user/zone of the land. The Respondent Collector also noted the presence of the access road between the Shedashivadi and Maldey hamlets. While it is pertinent to note that the conversion permission issued by the Respondent Collector had several detailed conditions upon which the conversion permission was granted by it, some of the relevant conditions put forth by the Collector in its conversion permission were as follows: 27. It will be binding upon the Applicant/Land Owner to carry out construction and non-agricultural use after leaving distance from the road as per rules. 28. If the roads in already approved demarcation are linked to other roads it will be binding upon the Applicant/Land owner/developer to keep them undisturbed. 29. In case filling will have to be made in the said land during development/construction, it should be ensured by the landowners/ applicants to ensure that no obstruction will be created in natural drainage courses and no complaints will be received from the farmers total to the boundaries. 30. It will be binding upon the Applicant's landowners to keep the access road permanently unobstructed. Any dispute arising in future relating to it, will be the entire responsibility of the Applicants/land owners... 45. All the conditions in the non-agricultural order will be binding upon



the Applicant/Owner/Plot holder. In case of violation of the above condition or the condition in the Sanad, the permission will be automatically stand cancelled and the Applicant will be liable for action and penalty as per the Land Revenue Act and the rules thereunder and Government resolutions. A copy of the conversion permission issued by the Respondent Colletor dated 15.12.2022 has been annexed hereto and marked as Annexure A-10”, it is submitted that same are incorrect in the manner in which they are presented by the applicant in the application therefore the Respondent No. 8 denies the same.

35) With Respect to the contents of paragraph No. 20 of the Application that, “The Applicant submits despite the various conditions imposed on the need maintain the access road for the use of the villagers of the Khadki hamlet, as well as the need to protect and maintain the natural course of the Balganga river and prevent any obstruction to the natural flow of the river, the Respondent No. 1 has evidently illegally reduced the width of the access road by illegally constructing a compound wall on the road, which falls within the floodlines of the Balganga river. It is pertinent that the said road enabled the villagers of the Khadki hamlet to traverse to the Maldev hamlet particularly to the area known as Khadki Adivasi Wadi, where the local adivasis, community is now unable to transport their harvested crops etc. through tractors, or travel by bus, due to the absence



of a sufficiently wide road in the area”, it is submitted that same are incorrect in the manner in which they are presented by the applicant in the application therefore the Respondent No. 8 denies the same.

36) With Respect to the contents of paragraph No. 21 of the Application that, “As an alternate to the public access road which the villagers of the Khadki hamlet have long-standing easementary rights over, the Respondent No. 1 has illegally reclaimed some portions of the Balganga river bed/river bank to partially widen said access road by dumping debris and obstructing the natural flow of the River. As such, this illegally constructed road is completely inundated, particularly every monsoon season thereby posing a risk to the safety of the villagers of the Khadki hamlet, who could suffer serious injury due to the excessive flooding and strong currents present on the unstable, illegally constructed road while it is inundated with flood/river water. The illegal road constructed by the Respondent No. 1 by reclaiming the river bed of the Balganga river is not only destructive to the natural flow of the Balganga river, but due to its frequent inundation, is entirely unsuitable for heavy vehicles like buses or tractors. The Applicant submits that both the construction of the compound wall within the prohibitive zone of the Balganga river and the widening of the access road by dumping of debris by the Respondent both have



resulted in severe obstruction so the natural flow of the Balganga river. The Applicant submits that the Balganga river is already subject to significant strain and obstruction of its natural flow due to the Balganga River Project Dam and already causes extreme flooding in and around the Khadki hamlet. A copy the Project Note for the Balganga River Project prepared by the Executive Engineer, Raigad Irrigation Department has been annexed hereto and marked as Annexure A-11”, it is submitted that same are incorrect in the manner in which they are presented by the applicant in the application therefore the Respondent No. 8 denies the same

37) With Respect to the contents of the paragraph No. 22 of the Application that, “It is submitted that the Village Panchayat first noticed the issue posed by the constructions of the Respondent No. 1 in March 2022. Complaints raised by the Applicant No. 1 Panchayat did temporarily stop the construction going on at the time, however the compound wall construction resumed in March 2023 in such a manner that the existing access road used by the villagers came to be too narrow and therefore unusable by the local villagers. A representation of the Applicant No. 1 Panchayat dated 18.04.2023 to the Tehsildar noting the grievance of the villagers due the construction of the compound wall by the Respondent No. 1



has been annexed hereto and marked as Annexure A-12”, Not related to the Respondent No. 8 Hence No Comments.

38) With Respect to the contents of paragraph No. 23 of the Application that, “Vide a letter dated 16.02.2024, the Circle Officer, Karmali wrote to the Respondent No. 1 about the complaint of the villagers and the Applicant No. 1 Gram Panchayat regarding the manner in which their access road had been reduced by the Respondent No. 1 due to the construction of its compound wall. The Circle Officer, Karmali noted the commitment of the Respondent No. 1 through one of its officers on 18.05.2023 that the Respondent No. 1 would leave space for an access road admeasuring at least 12 feet in width while constructing its compound wall. The Circle Officer, Karmoli further stated in its letter that the villagers and the Applicant No. 1 Gram Panchayat had complained that the space for the access road had evidently not been left by the Respondent No. 1 and therefore site inspection would be done on the basis of the complaints of the villagers and the Gram Panchaynt on 16.02.2024, A copy of the letter dated 16.02.2024 has been innexed hereto and marked as Annexure A – 13”, Not related to the Respondent No. 8 Hence No Comments.

39) With Respect to the contents of the paragraph No. 24 of the Application that, “On 21.02.2024, a punchnama was recorded by the Circle Officer, Kamarli in front of 25 villagers of the



Khadki hamlet village noting that the Respondent No. 1 had constructed a compound wall around its industrial unit in a manner contrary to the NoCs and permissions granted to it, as it had not left the requisite space for the villagers to use the existing access road in the area, but had instead created an illegal, kutchra road by dumping debris and material on the overbed of the Balganga river which would frequently get inundated. The Punchas all noted that the said newly constructed widened access road posed a danger to the lives of the school-going children and women using the road due to the manner in which it would be inundated, particularly during the monsoon season. The punchas therefore called for the dismantling of the new access road illegally constructed on the river bed and also requested that the previous access road in the area be open up again for public use. A copy of the punchnama dated 21.02.2024 has been annexed hereto and marked as Annexure A-14", Not related to the Respondent No. 8 Hence No Comments.

- 40) With Respect to the contents of the paragraph No. 25 of the Application that, "Subsequent to the site inspection, on 26.02.2024, the Circle Officer, Karmali wrote to the Tehsildar Pen that a. The resolution of the dispute regarding the access road between the villagers of the Khadki hamlet and the Respondent No. 1 would fall on the Respondent No. 1. b.



Condition No. 41 of the letter No.RPV/Prasha.-2/NA/237/2022 from Executive Engineer, Raigad Irrigation Department, Kolad, Roha which prescribed the plinth level at the height of 6.50 meters plus 0.45 meters from the red flood line while carrying out the construction is binding on the Respondent no.1. c. Further, at condition No. 19.4 of the same NoC it is stated that in case of road widening work will have to be taken up in future, the space required for the road will have to be made available without any complaint. d. It is also stated in condition No. 19.5 that precaution should be taken to ensure that no loss or damages of any kind will be caused while changing the footways, access road and natural watercourses. e. As per point No. 7 of letter dated 12.02.2024 from Raigad Irrigation Department, Kolad, the company shall have to carry out the construction in survey No.24/1 to 24/46, 24/48, 24/56, 24/58 to 24/71 total area 105.86.00 HK us per Chapter No.III of U.D.CP.R- 2020”, Not related to the Respondent No. 8 Hence No Comments.

41) With Respect to the contents of paragraph No. 26 of the Application that, “The Circle Officer, Karmali further wrote that, "While all these terms and conditions were binding upon the company, they do not appear to have abided by any of these conditions. The construction of a compound wall carried out by the company is adjacent to the river bed and in the middle of



the access road, which ought to have been made beyond the flood line. However, the company has not done so and therefore, appropriate action needs to be taken on the construction carried out by Kilitch Drugs Ltd. A copy of the letter of the Circle Officer, Karmali to the Tehsildar, Pen dated 26.02 2024 has been annexed hereto and marked as Annexure A 15”, Not related to the Respondent No. 8 Hence No Comments.

42) With Respect to the contents of paragraph No. 27 of the Application that, “The Applicant Panchayat wrote to the Respondent Collector on 15.03.2024 forwarding the letter of the Circle Officer, Karmali, calling upon the Respondent Collector to take necessary steps remove the obstructions to the existing road and dismantle constructions within the floodlines of the Baiganga river. A copy of the letter written by the Applicant Panchayat to the Respondent Collector dated 15.03.2024 has been annexed hereto and marked as Annexure A-16”, it is matter of record Hence No comments.

43) With Respect to the contents of paragraph No. 28 of the Application that, “The Respondent Collector addressed a notice to the Respondent No. 1, the Deputy Conservator of Forests, the Tehsildar Pen, the Assistant Director, Town Planning Department, Raigad the Executive Engineer,



Irrigation Department, the Sarpanch of the of the Applicant Gram Panchayat on 18.06.2024. Vide the said notice, the Respondent Collector noted the following issues with the conduct and the construction undertaken by the Respondent No. 1: a. In breach of the terms and conditions put forth by the Irrigation Department, only a narrow portion of the access road through the plot in question and been left open for public access by the Respondent No. 1. due to the construction of the compound wall by The Respondent No. 1. b. Employment to local persons had not been offered by the Respondent No. 1”, it is submitted that same are incorrect in the manner in which they are presented by the applicant in the application therefore the Respondent No. 8 denies the same.

44) With Respect to the contents of paragraph No. 29 of the Application that, “The Respondent Collector accordingly called all the recipients of its notice to be present for a hearing on the aforesaid issued on 03.07.2024 and further called upon the Respondent Government Authorities to submit a written report on the issues raised by the Collector in the notice prior to the scheduled date of hearing. A copy of the notice of the Respondent Collector dated 18.06.2024 has been annexed hereto and marked as Annexure A – 17”, it is matter of record Hence No comments.



- 45) With Respect to the contents of paragraph No. 30 of the Application that, "Vide a letter dated 25.06.2024, the Executive Engineer, Raigad Irrigation Department wrote to the District Collector that it had conducted a site inspection of the industrial unit of the Respondent No. 1 which had confirmed that: a. A portion of the constructions made by the Respondent no. 3 is immediately next to the red line of the Bal Ganga River as per its index map. b. The construction of a compound wall using iron angles and tin sheets fell within the blue line of the Balganga River despite being impermissible under the provisions of the UDCPR", Not related to the Respondent No. 8 Hence No Comments.
- 46) With Respect to the contents of paragraph No. 31 of the Application that, "The Executive Engineer, Raigad Irrigation Department therefore noted that the Respondent No. 1 was evidently in breach of the letter issued by the office of the Executive Engineer, Raigad Department dated 18.02.2022. has been annexed hereto and marked as Annexure A-18", Not related to the Respondent No. 8 Hence No Comments.
- 47) With Respect to the contents of paragraph No. 32 of the Application that, "In response to the request of the Respondent Collector for written reports on the issues raised in the notice of 18.06.2024, the Assistant Director of A copy of the letter of



the Executive Engineer, Raigad Irrigation Department written to the District Collector dated 25.06.2024 the Town Planning Department wrote to the Collector, on 26.06,2024 stating that:

- a) The construction of the plant by the Respondent No. 1 had not commenced within the required period specified in permissions/NoC granted by the Gram Panchayat.
- b) Tribal lands were evidently grabbed by the Respondent No. 1 in order to construct its compound wall, and that 90% of the compound wall had been constructed till date.
- c) A Physical Inspection of the land constituting the site of the plan of the respondent No. 1 was Necessary.

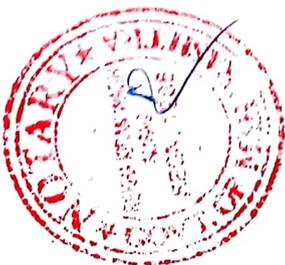
it is submitted that same are incorrect in the manner in which they are presented by the applicant in the application therefore the Respondent No. 8 denies the same.

- 48) With Respect to the contents of paragraph No. 33 of the Application that, "In response to the request of the Respondent Collector for written reports on the issues raised in the notice of 18.06.2024, the Deputy Conservator of Forests, Alibaug wrote to the Respondent Collector on 28.06.2024 that permission to cut 60 trees had previously been granted by its office to the Respondent



No. 1 on the site of its proposed plant under the Maharashtra Felling of Trees (Rules) act 1964. However, the report of the Deputy Conservator of Forests, Alibaug submitted to the Respondent Collector on 28.06.2024 was silent on an allegation made by its own Range Forest Officer dated 07.06.2024 that over 360 trees had been felled on the concerned plot of land and no trees had been grown on the land in over two years. A copy of the report of the Deputy Conservator of Forests, Alibaug submitted to the Respondent Collector on 28.06.2024 has been annexed hereto and marked as Annexure A-20", Not related to the Respondent No. 8 Hence No Comments.

- 49) With Respect to the contents of paragraph No. 34 of the Application that, "On 01.07.2024, the Respondent Tehsildar also submitted its Report to the Respondent Collector as requested in the notice dated 18.06.2024. The Respondent Tehsildar confirmed in his report dated 01.07.2024 that the compound wall of the Respondent No. 1 was evidently constructed within the floodline of the Balganga river, and that the Respondent No. 1 had evidently dumped debris and to widen the access road in the flood area. The Tehsildar accordingly recommended that the view of the Irrigation Department be considered on the of the construction made within the floodline of the Balganga river as well as the illegally, widened/constructed road of the Respondent spondent No. 1 created by dumping debris within the Flood points of the



Balganga river. A copy of the letter/report dated 01.07.2024 has been annexed hereto and marked as Annexure A-21”, Not related to the Respondent No. 8 Hence No Comments.

50) With Respect to the contents of paragraph No. 35 of the Application that, “It is submitted that the Applicant had expected that the Respondent Collector would take appropriate steps against the Respondent No. 1 for very clearly violating the conditions of its own conversion permission dated 15.12.2022 as well as the NoC / permission of the Irrigation Department dated 18.01.2022. However, no such steps appear to have been taken by the Respondent Collector to demolish the constructions made by the Respondent No. 1” Not related to the Respondent No. 8 Hence No Comments.

51) With Respect to the paragraph No. 36 of the Application that, “Aggrieved the illegal actions of the Respondent No. 1 pertaining to the manner in which it has illegally constructed a compound wall around its industrial unit in a manner contrary to the provisions of the UDCPR and the NoCs and permissions granted to it by the Respondent Authorities, and the reclamation of the river bed of the Bal Ganga river to widen the access road in order to compensate for the portion of the access road usurped by the Respondent. The Applicants have been constrained to approach this Hon'ble Tribunal with prayers to restore and restitute the



natural flow of The Balganga river in Shadeshi village. The Applicants have approached this Hon'ble Tribunal on the following, among other, grounds which are without prejudice to each other and are independent of each other", it is submitted that same are incorrect in the manner in which they are presented by the applicant in the application therefore the Respondent No. 8 denies the same.

- 52) With Respect to the contentions stated in Ground A of the Application that, "That on February 21, 2024, the Circle Officer of Kamarli documented a panchnama in the presence of 25 villagers from Khadiki hamlet, highlighting that Respondent No. 1 had constructed compound wall around its industrial unit in violation of the NoCs and permissions granted. The construction failed to leave the required space for the villagers to access the existing road, instead creating an illegally widened kutchra road by dumping debris on the Balganga riverbed, which was prone to frequent inundation. The villagers noted that this newly constructed road posed significant risks, particularly to schoolchildren and women, as it became dangerous and unusable during the monsoon season. Consequently, they demanded the dismantling of the unauthorized road and urged the restoration of the original access road for public use", it is submitted that same are incorrect in the manner in which they are presented by the



applicant in the application therefore the Respondent No. 8 denies the same.

- 53) With Respect to the contentions stated in Ground B of the Application that, "That the Executive Engineer, Raigad Irrigation Department confirmed to the Respondent Collector vide its letter dated 25.06.2024 that the Respondent No. 1 was evidently in breach of the letter issued by the office of the Executive Engineer, Raigad Department dated 18.02.2022", Not related to the Respondent No. 8 Hence No Comments.
- 54) With Respect to the contentions stated in Ground C of the Application that, "That the Respondent Tehsildar confirmed in his report dated 01.07.2024 that the compound wall of the Respondent No. 1 was evidently constructed within the flood line of the Balganga river, and that the Respondent No. 1 had evidently dumped debris and constricted an access road in the flood area", Not related to the Respondent No. 8 Hence No Comments.
- 55) With Respect to the contentions stated in Ground D of the Application that "The Circle Officer, Karmali further wrote to the Tehsildar, Pen on 26.02.2024 that, "While all these terms and conditions were binding upon the company, they do not appear to have abided by carry of these conditions The construction of a



compound wall carried out by the company is adjacent to the river bed and in the middle of the access road, which ought to have been made beyond the flood line. However, the company has not done so and therefore, appropriate action needs to be taken on the construction carried out by Kilitch Drugs Ltd”, Not related to the Respondent No. 8 Hence No Comments.

- 56) With Respect to the contentions stated in Ground E of the Application that, “That the constructions of the Respondent No. 1 within the flood lines of the Balganga are not permissible as per the provisions of the Regulation 3.1.3 of the UDCPR”, it is submitted that same are incorrect in the manner in which they are presented by the applicant in the application therefore the Respondent No. 8 denies the same.
- 57) With Respect to the contentions stated in Ground F of the Application that, “That both the construction of the compound wall within the prohibitive zone of the Balganga river and the illegal construction/widening the access road by dumping of debris by the Respondent both have resulted in severe obstruction to the natural flow of the Balganga river. The Applicant submits that the Balganga river is already subject to significant strain and obstruction of its natural flow due to the Balganga River Project/Dam which has resulted in extreme flooding in and around Khadki hamlet”, it is submitted that same are incorrect in



the manner in which they are presented by the applicant in the application therefore the Respondent No. 8 denies the same.

58) With Respect to the contentions stated in Ground G of the Application that, "The Respondent Collector, in receipt of the complaints submitted by the Applicant Panchayat, evidently initiated proceedings to investigate the illegal constructions of the Respondent No. 1, but has not taken any action or steps against the Respondent No. 1 despite the specific reports of the Executive Engineer, Raigad Department, the Circle Officer, Karmali and the Tehsildar, Pen that the Respondent No. 1 was in breach of the terms and conditions, imposed on it particularly in relation to its illegal constructions in the flood plains of the Balganga river.", Not related to the Respondent No. 8 Hence No Comments.

59) With Respect to the contentions stated in Ground H of the Application that, "That the Deputy Conservator of Forests, Alibaug wrote to the Respondent Collector on 28.06.2024 that permission to cut 60 trees had previously been granted by its office to the Respondent No. 1 on the site of its proposed plant under the Maharashtra Felling of Trees (Rules) act 1964. However, the report of the Deputy Conservator of Forests, Alibaug submitted to the Respondent Collector on 28.06.2024 was silent on an allegation made by its own Range Forest Officer dated 07.06.2024 that over 360 trees had been felled on the



concerned plot of land and no trees had been grown on the land in over two years. The Respondent Collector has not taken any action on the evident illegal felling of trees by the Respondent No. 1”, Not related to the Respondent No. 8 Hence No Comments.

- 60) With Respect to the contentions stated in Ground I of the Application that, “That in the judgment of the Hon'ble NGT in the matter of, Manoj Kumar Misra v Delhi Development Authority OA 6/2012, the Hon'ble NGT held that, "According to the Expert Committee, the proposed activities such as construction of various recreational and public facilities, by effecting topographic changes, will reduce the flood carrying capacity and aggravate flooding, besides contributing to pollution Development of the flood plains has to be strictly done, wattle keeping the biodiversity Intact and ensuring that no major and impermissible construction activity is permitted on the flood plain” the Respondent No. 8 denies the same. As it is irrelevant to the present case.
- 61) With Respect to the contentions stated in Ground J of the Application that, “That this Hon'ble Tribunal has directed the demolition of 29 illegally constructed bungalows within the blue flood line of the Indrayani River in Chikhali as part of its ruling in the Tanaji Balasaheb Gambhire vs. Pimpri Chinchwad



Municipal Corporation ease. This decision was issued on July 1, 2024, in response to concerns raised about unauthorized constructions under the "River Villa project by developers Mis. Jate World and Ms. V. Square", the respondent No. 8 denies the same. As it is irrelevant to the present case.

62) With Respect to g the contentions stated in Ground K of the Application that, "That this Hon'ble Tribunal found that the bungalows violated environmental norms, as they were constructed in a flood-prone area without proper permissions. In addition to mandating the demolition, the NGT instructed the Pimpri Chinchwad Municipal Corporation (PCMC) to collect 5 crores as Environmental Damage Compensation from those responsible. PCMC was given six months to implement the order and submit a compliance report" the Respondent No. 8 denies the same. As it is irrelevant to the present case.

63) Moreover, the contents of the paragraph No. 37 to 39 are also denied.

In view of the above, the Hon'ble Tribunal may pass appropriate order in the interest of justice.



VERIFICATION

I, Kunal A. Muley, Age 37 years, Occ. Government Service, presently working as Assistant Director of Town Planning, Raigad-Alibag, do hereby state on solemn affirmation that the contents of this affidavit are based on office record and information, which I believe to be true and correct.

Solemnly affirmed at Alibag

This 29 Day of May, 2025



(Kunal A. Muley)

Assistant Director of Town Planning, Raigad-Alibag

DEPONENT

I Identify the Deponent



Adv. A. S. Brahme,
Assistant Government Pleader,
District Court Pune.

BEFORE ME



REKHA K. WAGH
NOTARY GOVT. OF
MAHARASHTRA
ALIBAG, DIST. RAIGAD
NOTED & REGISTERED
AT SR. No. 6192 OF 2025
Expiry Date 27/05/2029

29 MAY 2025



BEFORE THE NATIONAL GREEN TRIBUNAL
WESTERN ZONE BENCH, PUNE
[THROUGH PHYSICAL HEARING (WITH HYBRID OPTION)]

Original Application No. 05/2025 (WZ)

The Grampanchayat, Shedashi & Ors

..Applicants

Versus

Kilitch Drugs (INDIA) Ltd. & Ors

..Respondents

VAKALATNAMA

I, the Respondent No. 8, Assistant Director of Town Planning Raigad Alibag hereby appoints and Authorized Mrs. A. S. Brahme Assistant Government Pleader, Adv. District Court Pune to act, appear lead for me in the above mentioned matter.

In Witness whereof, I have Set my hand to this writing on this 29th day of May 2025.

Accepted :


Mrs. A. S. Brahme,
Advocate For Respondent No. 8,
Assistant Government Pleader,
District Court Pune.


Kunal A. Muley
Respondent No. 8
Assistant Director of Town Planning
Raigad Alibag