

**BEFORE THE NATIONAL GREEN TRIBUNAL,
WESTERN ZONE BENCH, PUNE
ORIGINAL APPLICATION NO. 27 OF 2025 (WZ)**

Nagesh Vinayak DhamaleApplicant

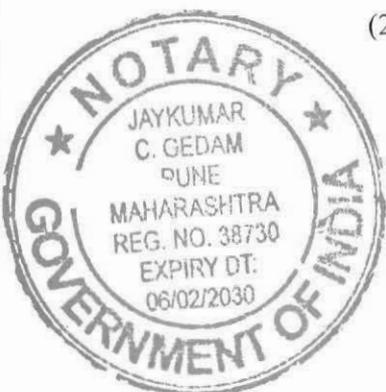
Versus

. MoEF&CC & Ors.Respondents

**AFFIDAVIT IN REPLY ON BEHALF OF RESPONDENT NO. 8
PUNE MUNICIPAL CORPORATION (PMC).**

I, Jaywant Baburao Pawar. of
the Building Permission Zone 3 Department, PMC of the Respondent
Corporation having my office at Pune Municipal Corporation Building
Shivajinagar Pune do hereby state on solemn affirmation as under:

- (1) I am working in the capacity of the Executive Engineer and in
the Pune Municipal Corporation. I am filing this Affidavit-in-
Reply to oppose the contents of the 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

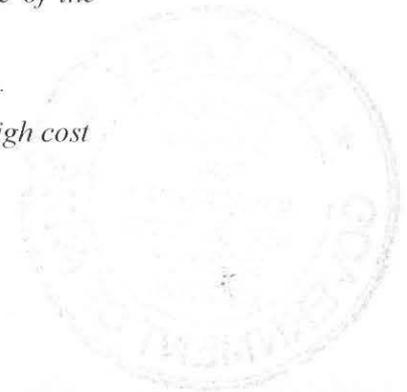


the present Application, I have perused the documents brought on record by the Applicant and have understood the contents of the Application and based on the documents and information available in relation to the said issue.

- (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.
- (4) I say and submit that present application is against project name and titled as "Aditya A Garden City" raised by the Respondent No. 9-M/s. Aditya Construction at Survey No. 109+110, Village Warje, Taluka- Haveli, District-Pune within the local limit and 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. *That kindly directions for stopping the illegal construction which is still continued and carried by the Project Proponent (Respondent No.9) in contravention to the Environment Clearance Permission and the Respondent No. 9, shall not be granted any permission till the disposal of this case of the dispute before this Hon'ble National Green Tribunal.*

B. *That Kindly directions be provided for penalty and high cost*





to the illegal construction and lapse period in consent to operate and consent to establish to be considered while ongoing construction after perusal of factual report and analysis made by Hon'ble Tribunal.

- C. *That kindly impose heavy Environment Damage Compensation for violation environmental laws and illegal constructions carried in lapse period by the Respondent No. 9.*
- D. *That kindly directions be provided to the all the Respondents to submit the entire record and proceeding retained by them with regards to the said project.*
- E. *That kindly directions be provided to the appropriate government authority that no third-party transactions like selling or buying of properties in the said project of the Respondent No. 9 shall be allowed and to stop with immediate effect and shall not be granted till the disposal of this case before this Hon'ble National Green Tribunal.*
- F. *That kindly constitute an eligible, fair and responsible third party committee for the inspection and examination of the illegal construction and environmental damaged caused by the Respondent No. 9 and to submit detailed factual ground report and analysis before this Hon'ble National Green Tribunal.*



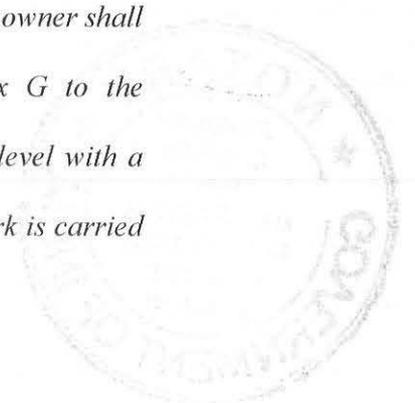
G. *The Applicant with the prior permission of the Hon'ble National Green Tribunal, be allowed and permitted to amend its application upon knowledge of the illegal acts or new crucial fact, if any, are found by the Applicant after filing of this Original Application and which are necessary to be brought on record.*

(6) I say and submit that there are no prayers sought against the Answering Respondent. 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.

(7) 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.

(8) I say and submit that relevant Rules regarding plinth checking, completion certificate and Occupancy certificate.

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.

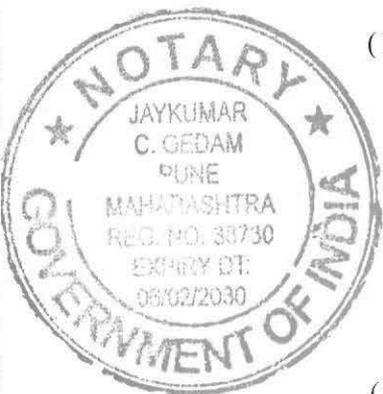
Part Occupancy Certificate - Upon the request of the holder of the building permission the Authority may issue a part occupancy certificate for a building or part thereof, before completion of the entire work as per building or part thereof, before completion of the entire work as per building permission 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 (Answering Respondent) certifying that all the conditions are fulfilled, and the building is ready for occupation. On receiving the Completion Certificate Pune Municipal Corporation (Answering Respondent) verifies permissions are in place and grants the Occupancy Certificate there are specific times in the Rules.
- (10) I say and submit that in first Commencement Certificate was granted in the year 2004. Thereafter, revised Commencement Certificates were granted from time to time for total of 33 buildings.
- (11) I say and submit that Respondent No. 9- Project Proponent has obtained Environment Clearance on 08/04/2008. Answering Respondent granted Occupancy Certificate on 31/03/2009 to the Respondent No. 09 -Project Proponent in relation to 33 buildings which were sanctioned.
- (12) I say and submit that in the year 2011 & 2014, Answering Respondent has again sanctioned plan for expansion of project.



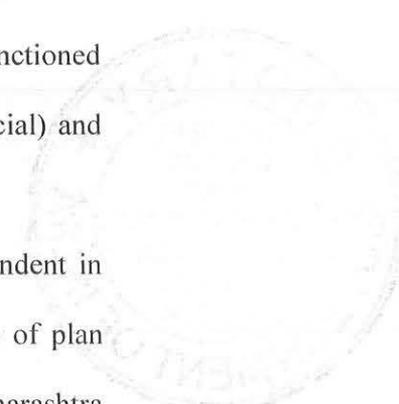
However, no construction was carried out by the Respondent No. 9- Project Proponent between 2009 to 2011, 2011 to 2014 and 2014 till 2019.

- (13) I say and submit, in the year 2019, Respondent No. 9- Project Proponent has obtained Expansion of Environment Clearance dated 07/05/2019. Accordingly, Answering Respondent has revalidated sanctioned plan on 25/09/2020 for commencement of work. Furthermore, as per prevailing rules, Answering Respondent granted Occupancy Certificate on 13/11/2023 to the Respondent No. 09 -Project Proponent for 3 buildings i.e. S, T and U.

- (14) I say and submit that in the year 2024, Answering Respondent issued Intimation of Disapproval (IOD) dated 17/12/2024 that, Intimation of Disapproval (IOD) shall be only for limited purpose of obtaining Environment Clearance.

- (15) I say and submit that in the year 2025, Respondent No. 9- Project Proponent obtained Expansion of Environment Clearance dated 23/12/2025. Accordingly, Answering Respondent has sanctioned Plan on 23/01/2026 for 3 Buildings i.e. A, B (Commercial) and Recreational.

- (16) In view of above it is submitted that Answering Respondent in relation to this project under challenged, has only role of plan sanctioning and observing the compliance as per the Maharashtra Municipal Corporations Act, 1949, the Maharashtra Regional





Town Planning Act, 1966 and Development Control & Unified
Development Control and Promotion Regulations, 2020 Rules.

Pune
Date: 17/02/2026

Respondent No. 8
कार्यकारी अभियंता
बांधकाम विकास विभाग
झोन क्र. 3
पुणे महानगरपालिका

VERIFICATION

I, Jaywant B. Purohit Age: Adult, 57 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 17th day of February, 2025

| | |
|-------------------------|------------|
| Noted And Registered at | |
| Sr No. | A 430 |
| Date. | 17/02/2026 |

Adv. for Respondents No. 8



Respondents No. 8
कार्यकारी अभियंता
बांधकाम विकास विभाग
झोन क्र. 3
पुणे महानगरपालिका

BEFORE ME

JAYKUMAR C. GEDAM
ADVOCATE & NOTARY
GOVT OF INDIA

17 FEB 2026

