

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
WESTERN ZONE BENCH AT PUNE
INTERIM APPLICATION NO. 35 OF 2024**



IN

APPEAL NO. 13 OF 2024

Banda Nagaraj Kumar ...Applicant

IN THE MATTER BETWEEN:

Banda Nagaraj Kumar ...Appellant

Versus

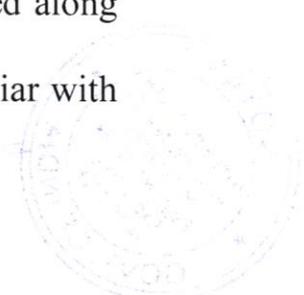
The City and Industrial Development
Corporation of Maharashtra & Ors. ...Respondents

AFFIDAVIT IN REPLY TO CAPTIONED INTERIM APPLICATION

ON BEHALF OF RESPONDENT NO. 2 - MMRDA:

I, Shekhar R. Bhadane, aged 43 years, Indian Inhabitant, the Authorised Signatory of Respondent No. 2, having my office address at 2nd Floor, MMRDA's New Office Building, E Block, BKC, Bandra (E), Mumbai – 400 051, do solemnly state on oath and affirm as under:-

1. I am the Authorised Signatory of Respondent No. 2 having my address as mentioned above. I have gone through the captioned Interim Application and Appeal and the documents filed along with the captioned Appeal by the Appellant. I am familiar with



the facts of the case from personal knowledge as well as from office records available with Respondent No. 2 and am competent to depose to the facts in this Affidavit-in-Reply (the “Reply”).

2. I am filing the Reply for the limited purpose of opposing the captioned Interim Application for condonation of delay as prayed for by the present Applicant, the Original Appellant. I crave leave of this Hon’ble Tribunal to file a detailed Affidavit in Reply to the captioned Appeal and/or further detailed affidavit(s) and/or additional Affidavit along with supporting documents, if the circumstances so warrant.
3. At the outset, I deny all allegations, contentions, and submissions made in the Interim Application as well as the Appeal, which are contrary to or inconsistent with what is stated in the Reply. Further, I oppose the reliefs prayed for in the Appeal against the Respondent No. 2. None of the allegations, contentions, or submissions in the Interim Application or the Appeal which have not been specifically dealt with or denied by me, should be deemed to be admitted for want of specific traverse. Each ground,



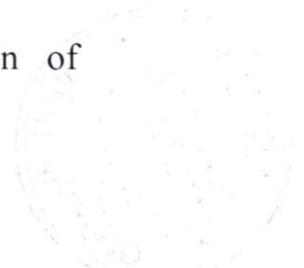
contention, averment, and/or pleading which is being taken by this Respondent No. 2 are without prejudice to each other and are to be read independently of each other.



4. Respondent No. 2 is a statutory body constituted under the Mumbai Metropolitan Region Development Authority (“MMRDA”) Act, 1974. Respondent No. 2 is engaged in long term planning, promoting the economic growth, implementation of strategic projects and financing infrastructure projects. The objective behind establishing the Respondent No. 2 Authority was to plan, co-ordinate and supervise proper, orderly and rapid development of the Region. In particular, Respondent No. 2, conceives and promotes, monitors and implements key projects for developing new growth centres and to improve sectors like transport, housing, water supply and environment in the Mumbai Metropolitan Region (MMR).



5. The captioned Appeal *inter alia* challenges the CRZ Clearance dated 20th November 2023 issued to Respondent No. 8 by Respondent No. 3, Maharashtra Coastal Zone Management Authority (“MCZMA”) for the proposed construction of



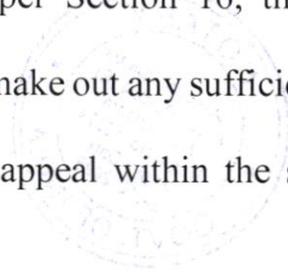
Tirupati Venkateswara Swami Temple at Plot No. 3, Sector 12, Ulwe Node, Tal. Panvel, Dist. Raigad (“**said Project**”). The Respondent No. 2 otherwise has no role to play in the construction of the said Project. However, since a Reply has been warranted on the captioned Interim Application for condonation of delay, the present Reply is being filed for the said limited extent.

6. The Applicant has filed the captioned Interim Application for condonation of delay in filing the captioned Appeal. It is submitted that the captioned Appeal has been filed on 2nd February 2024, 74 days from the date of the impugned CRZ Clearance dated 20th November 2023 and the captioned Interim Application for condonation of delay has been filed on 14th February 2024, 86 days from the date of the impugned CRZ Clearance. This is beyond the period of limitation of 30 days prescribed by Section 16 of the NGT Act.
7. In the present case, the Applicant/ original Appellant has merely averred that the Applicant was made aware of the impugned CRZ



Clearance on 10th January 2023 when the report of Respondent MCZMA prepared for OA No. 189 of 2023 was served on the Applicant/ Original Appellant and that the said impugned CRZ Clearance dated 20th November 2023 was not in public domain. It is also pertinent to note that the Applicant had filed OA No. 189 of 2023 in October 2023 challenging the construction of the same project for which the impugned CRZ Clearance was issued. No reasons have been provided by the Applicant that prevented him from obtaining the impugned CRZ Clearance within the stipulated time period. Respondent No. 2 submits that delay ought to be condoned only when the Appellant gives sufficient and cogent reasons for not filing the appeal under the period of limitation of 30 days and as per Section 16, the Applicant/ original Appellant has failed to make out any sufficient cause that prevented him from filing the appeal within the stipulated 30 days.

8. In the aforesaid facts and circumstances, Respondent No. 2 submits that the Applicant has not made out any grounds or given sufficient cause for condonation of delay and therefore, the



Applicant's prayer for condoning the delay in filing the present Appeal ought to be rejected and in lieu thereof, the captioned Appeal ought to be dismissed for being barred by limitation.

Date: 01/04/2024

Place: Mumbai



Deponent

Authorised Signatory of
Respondent No. 2

Advocates for Respondent No. 2





VERIFICATION

I, Shekhar R. Bhadane, aged 43 years, Indian Inhabitant, the Authorised Signatory of Respondent No. 2, having my office address at 2nd Floor, MMRDA's New Office Building, E Block, BKC, Bandra (E), Mumbai – 400 051, do hereby state that I have submitted this Affidavit on solemn affirmation and oath. I have verified that the facts are true to my personal knowledge. I have not suppressed any material fact known to me and relevant to this matter.

seen original Authorization letter dated 01/04/2024
SB

Date: 01/04/2024

Place: Mumbai

Deponent
Shekhar R. Bhadane

Authorised Signatory of Respondent No. 2



Bidhu Panicker

Advocates for Respondent No. 2

BEFORE ME

Bidhu Panicker

BIDHU PANICKER
B.Com., LL.B.
ADVOCATE HIGH COURT
NOTARY (Govt. of India)
Res: 303, Sandeep Apt., Plot No. A/197,
Sector-20, Near Balaji Temple,
Nerul (W), Navi Mumbai, Maharashtra

Notary Reg. Sr. No. 1709/2024
In Book No. II

- 1 APR 2024



ED/MMRDA/Pkg 2/Casting yard/TTD/

Date: 01.04.2024

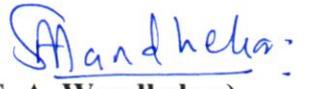
Authorization letter

Name of work: Mumbai Trans Harbour Link Project
Subject: Filing an affidavit – Draft approval and deputing officer to PIL before NGT
Ref: NGT IA no 35 of 2024 in Appeal no 13 of 2024 (Mr. Banda N Kumar)

With reference to Appeal no 13 of 2024 (Mr. Banda N Kumar), Mr. Shekhar Bhadane, Executive Engineer, MMRDA is authorized to affirmed the Affidavit before next scheduled date of hearing which is on 05.04.2024.

Thanking you,

Yours faithfully,


(S. A. Wandhekar)
Engineer-In-Chief
MMRDA

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CIDCO & Ors. ...Respondents

**AFFIDAVIT IN REPLY TO CAPTIONED
INTERIM APPLICATION ON BEHALF
OF RESPONDENT NO. 2-MMRDA**

Dated this day of March 2024.

Vidhii Partners
Advocates for Respondent No. 2
2nd Floor, Darabshaw House
Shoorji Vallabhdas Marg,
Ballard Estate, Mumbai 400 001