

**BEFORE THE NATIONAL GREEN TRIBUNAL
WESTERN ZONE BENCH AT PUNE**

I.A. No. 14 of 2021

IN

ORIGINAL APPLICATION NO. 28 OF 2020

Sarang Yadwakar & Ors.

...Applicants

Versus

Pune Municipal Corporation and Ors.

...Respondents

**AFFIDAVIT-IN-REPLY ON BEHALF OF THE RESPONDENT NO.6 TO THE I.A. IN
O.A. NO. 28/2020**

I, Kumkum Mishra, the Senior AGM-Legal and authorised signatory of the Respondent No.6 – Maharashtra Metro Rail Corporation Limited having my office at Metro Bhawan, Opposite Deeksha Bhoomi, Ramdaspath, Nagpur 440010 do hereby state on solemn affirmation as under :

1. I say that the Applicants have preferred an Interim Application in the present Original Application and I have perused the copy of the said Interim Application and have understood the contents of the Interim Application. In response thereto, on the basis of the documents and information available in relation to the said issue, I am filing this Affidavit-in-Reply to oppose the grant of any reliefs as sought by the Applicants and as prayed for in the present Interim Application.
2. At the outset, I deny each and every averment and allegation made in the present Interim Application, which is contrary to and/or inconsistent with what has been stated in the Affidavit-in-Reply filed to the Original Application No. 28 of 2020 and the present Affidavit-in-Reply and nothing stated in the present Interim Application under Reply 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 leave to refer to and rely upon the pleadings taken by the answering Respondent in the OA and other IAs as a part and parcel of the present Affidavit-in-Reply.



3. In the present Interim Application, the Applicants are basically seeking an early hearing of the Original Application. At the outset it is submitted that the answering Respondent has filed a detailed reply to the Original Application No 28 of 2020. There is no rejoinder filed to it by the Original Applicants. In the said reply the entire sequence of events leading to the filing of the third OA has been set out in detail. The answering Respondent has also filed a reply to IA No 83 of 2020 in OA 28 of 2020 filed by the Applicants seeking a stay to the project. The Hon'ble NGT has also in its order dated 28 September 2020 made it clear that there cannot be a stay on the project.
4. Thereafter, the Original Applicants have preferred another Interim Application No 13 of 2021 in OA 28 of 2020 for stay and to which the answering Respondent has preferred a reply. The answering Respondent submits that it has also brought on record the fact that the Expert Committee recently on 8 March 2021 has considered the impact of the CWPRS Report of January 2021 and has given its recommendations on 12 May 2021. The answering Respondent submits that it is ready and willing to abide by the recommendations given by the Expert Committee on 12 May 2021 which has been formulated in accordance with the judgment of the NGT dated 3 August 2018 and which has been so approved by the Supreme Court. Briefly stated, the Expert Committee has stated that the project work can be continued by the answering Respondent.
5. The answering Respondent submits that the contents of paragraph no 2 of IA 14 of 2021 as regards to constitution of Committee dated 7 July 2020 have already been taken exception to by the answering Respondent by preferring an IA seeking recall of the said appointment. The answering Respondent in that context has preferred IA 126 of 2020 which has deliberately not been referred to by the Original Applicants inspite of being served with the same.
6. The answering Respondent is executing the Pune Metro Project which is going to benefit lakhs of people in the city of Pune. However, the Original Applicants have always taken an adversarial stand against the Metro Project and the alignment and in that context has



complained to even the funding agencies of the answering Respondent. It is therefore requested that necessary orders be passed by this Hon'ble NGT in the present Application.

The other contents of the present Interim Application are denied.

Dated this 16 June 2021

Advocate for the Respondent No.6

Respondent No.6

Mrs. Kumkum Mishra
Sr. AGM (Legal)
Maharashtra Metro Rail Corp. Ltd.

NOTARIAL REG.
ENTRY No. 177
DATE 16/6/2021

SWORN BEFORE ME ON THIS 16 TH
DAY OF June 21 AT NAGPUR BY
SHRI / SMT./ KU. Kumkum Mishra
R/O NAGPUR WHO HAS BEEN IDENTIFIED BY
SHRI / SMT.
ADVOCATE, NAGPUR.

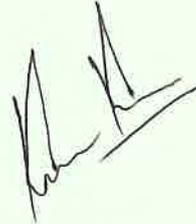
Mrs. S.R. MATTA
ADVOCATE & NOTARY
218-B, Clarke Town, Nagpur 46

VERIFICATION

I, Kumkum Mishra, the Senior AGM- Legal and the authorized signatory of the Respondent No.6 – Maharashtra Metro Rail Corporation Limited do hereby state on solemn affirmation that whatever is stated in the paras 1 to 6 is true and correct to the best of my own knowledge and based upon the documents available with me and which I believe to be true

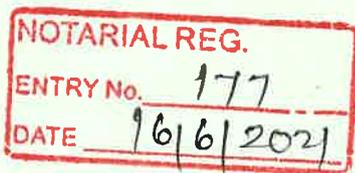
Solemnly affirmed at Nagpur

Dated this 16 day of June 2021



Before me

Mrs. Kumkum Mishra
Sr. AGM (Legal)
Maharashtra Metro Rail Corp. Ltd.



SWORN BEFORE ME ON THIS 16 TH
 DAY OF June 21 AT NAGPUR BY
 SHRI / SMT/ KU... Kumkum Mishra
 R/O NAGPUR WHO HAS BEEN IDENTIFIED BY
 SHRI / SMT.
 ADVOCATE, NAGPUR.



Mrs. S. R. MATTA
 ADVOCATE & NOTARY
 918-B, Clarke Town, Nagpur M.

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TRIBUNAL
WESTERN ZONE BENCH AT PUNE
INTERIM APPLICATION NO. 14 OF 2021
IN
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(WZ)**

Sarang Yadwadkar & Ors ...Applicants
Versus
Pune Municipal Corporation and Ors
...Respondents

**AFFIDAVIT-IN-REPLY OF RESPONDENT
NO.6**

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Dated this 16 day of June 2021

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