

**BEFORE THE NATIONAL GREEN TRIBUNAL, WESTERN ZONE,
PUNE**

APPLICATION NO. 104 OF 2016 (WZ)

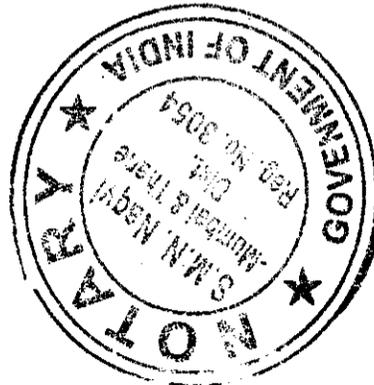
Prakash Agrawal ... Applicant

Versus

Nahar Builders Limited & Ors. ... Respondents

INDEX

Sr. No.	Particular	Page No.
1.	Affidavit in Sur-Rejoinder on behalf of Respondent No.1 in response to rejoinder dated 2 nd August 2023 filed by Applicant.	2777 - 2798
2.	<u>Annexure "A"</u> Copy of the news article pertaining to Crime No. 36 of 2022 by Crime Branch Ribander, Panaji.	2799 - 2802
3.	<u>Annexure "B"</u> Copy of order dated 23 rd April 2022 passed by the Judicial Magistrate, First Class, Panaji-Goa in Bail Application No. 57 of 2022.	2803 - 2814



BEFORE THE NATIONAL GREEN TRIBUNAL, WESTERN ZONE, PUNE

APPLICATION NO. 104 OF 2016 (WZ)

Prakash Agrawal ... Applicant

Versus

Nahar Builders Limited & Ors. ... Respondents

AFFIDAVIT IN SUR-REJOINER ON BEHALF OF RESPONDENT NO. 1
IN RESPONSE TO REJOINER DATED 2ND AUGUST 2023 FILED BY
APPLICANT

I, Mr. Mahesh Pradhan, s/o Mr. Chintamani Pradhan, aged 60 years, an adult, Indian inhabitant, residing at A-1/501 & 502, Raunak Park, Pokharan Road No. 2, Thane (West) – 400 062, being a Director and an authorized signatory of Respondent No. 1, having my office at B-1, Mahalaxmi Chambers, 22, Bhulabhai Desai Road, Mumbai – 400 026, do hereby state on solemn affirmation as under –

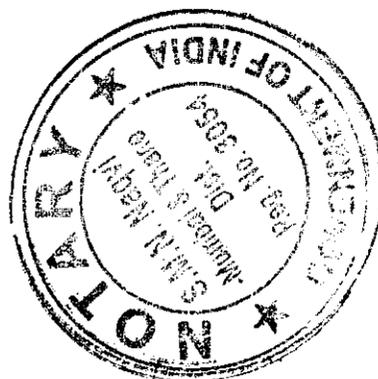
1. I am Vice President: Estate & Legal of Respondent No. 1 abovenamed. I am aware of the facts involved in the present case on the basis of the records maintained by Respondent No. 1 in its ordinary course of business and on the basis of my personal knowledge. I have perused the Rejoinder dated 2nd August 2023 (“the said Rejoinder”) filed by the Applicant and I am filing the present Affidavit in sur-rejoinder thereto. I have been duly authorised by Respondent No. 1 to file the present Affidavit.
2. At the outset, I deny each and every statement, averment, contention and/or submission contained in the said Rejoinder as if the same is set out hereinafter and denied *in seriatim*. I repeat, reiterate and confirm the contents of the



Affidavits filed by Respondent No. 1 in Application No. 104 of 2016 (WZ) and all the Interlocutory/Miscellaneous Applications filed by Respondent No. 1 herein and the Affidavits filed by Respondent No. 1 in the Interlocutory/Miscellaneous Applications filed by the Applicant herein (collectively, "Respondent No. 1's pleadings") and deny anything contrary thereto or inconsistent therewith. Nothing contained in the said Rejoinder shall be deemed to be admitted by me or Respondent No. 1 for want of specific traverse. I hereby reserve Respondent No. 1's right to file a detailed Affidavit in response to said Rejoinder, as and when required.

3. At the outset, I say that the said Rejoinder is wholly misconceived, erroneous and bad in law and deserves to be rejected in *limine* with exemplary costs.
4. At the further outset, it is submitted that the claim of the Applicant in the said Rejoinder (*Para 4.2 @ pg. no. 2369*) that there is no single incident questioning his integrity and that his bonafides cannot be questioned is a false statement, made by the Applicant with knowledge of its falsity. The Applicant is guilty of perjury and Respondent No. 1 reserves its right to initiate appropriate proceedings against the Applicant. I submit that the present Application is not a bonafide application but is an attempt by the Applicant to extort monies from Respondent No. 1. Respondent No. 1 has made these averments even in its previous Affidavits and Applications filed in the present proceedings. This is now substantiated by the fact that the Applicant has been arrested for the offence of extortion in Goa, as more particularly set out herein below, which facts have been deliberately suppressed by the Applicant -

- 4.1 The Applicant i.e., Mr. Prakash Agarwal was arrested on 20th April 2022 in Crime No. 36 of 2022 by Crime Branch, Ribander, Panaji under Section 384 (*Punishment for Extortion*) of Indian Penal Code, 1860



("said F.I.R.") on a Complaint received from one Mr. Joe Mathias, a developer in Panaji, Goa. This has been reported in the media. As per media reports – (i) the said Mr. Mathias claimed that the Applicant approached him and threatened to file complaints in various forums with different authorities, and induced fear that the Applicant and his friend will not let Mr. Mathias complete remaining part of the project in Taleigao; (ii) Mr. Mathias informed police that the Applicant will be visiting his office to collect part of the extortion money of Rs. 20 crores; (iii) on the Complaint of Mr. Mathias, a pre-trap panchanama was conducted and during the trap panchanama, the Applicant was caught red handed accepting the extortion cheque from Mr. Mathias. A copy of the news article pertaining to Crime No. 36 of 2022 by Crime Branch, Ribander, Panaji is hereto annexed and marked as **Annexure – "A"**.

4.2 Subsequently, the Applicant filed Bail Application No. 57 of 2022 before the Court of the Judicial Magistrate, First Class, 'F' Court at Panaji – Goa in said F.I.R. and the Applicant was released on bail on various terms and conditions mentioned in the Order dated 23rd April 2022. In the said Order, an express finding has been recorded that the Applicant was caught red-handed accepting an amount of Rs. 20 crores from a developer (the Complainant). A copy of Order dated 23rd April 2022 passed by the Judicial Magistrate, First Class, Panaji-Goa in Bail Application No. 57 of 2022 is hereto annexed and marked as **Annexure – "B"**.

4.3 Thus, it is clear that the Applicant is in the habit of filing proceedings before various fora to blackmail developers and seek to extort monies from them. This pattern is visible even in the present proceedings. Thus,



the present Application is not bonafide and the present proceedings are liable to be dismissed with costs. It is well settled that the issue of the Applicant's bonafide ought to be determined first, prior to any adjudication on merits.

4.4 It may not be out of context to mention here that in addition to the present Application, the Applicant in the present case has also filed various complaints against the Respondent No. 1 before different forum such as - (i) Consumer Complaint filed by the wife of the Applicant against the Respondent No. 1, (ii) Criminal Complaint filed by the Applicant, (iii) Public Interest Litigation filed by Applicant. Hence, the same clearly shows that the real conduct of the Applicant, which is to ultimately extort money from Respondent No. 1. This Hon'ble Tribunal should dismiss the present Application with costs as litigants like the Applicant are misusing the process of the Hon'ble Tribunal to meet their ulterior motive of making wrongful gains and the same ought not to be entertained by the Hon'ble Tribunal.

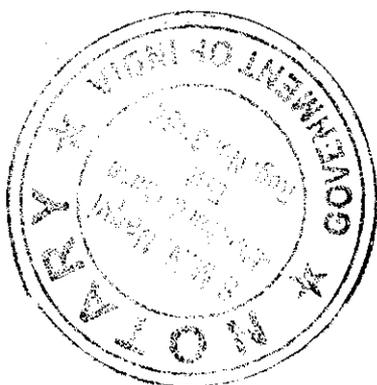
5. At the further outset and without prejudice to aforesaid, it is submitted that State level Environment Impact Assessment Authority, Maharashtra ("SEIAA") has already granted Environmental Clearance Certificate dated 25th September 2019 ("EC") to Respondent No. 1 in respect of the said Project (*as defined below*) which included development in Sector R-12, which is the only subject matter of the present Application.

5.1 I say that in the present Rejoinder, the Applicant has raised issues with respect to development of Sector R-12 of the Project 'Nahar Amrit Shakti', being developed by Respondent No. 1 in Chandivali, Mumbai ("the said Project"). The foundational premise of the present Rejoinder



is that Respondent No. 1 has and is carrying out construction activities without obtaining an Environmental Clearance Certificate from the concerned statutory authorities.

- 5.2 The Ministry of Environment and Forest and Climate Change ("MOEFCC") issued a Notification dated 14th March 2017 under the provisions of the Environment (Protection) Act 1986 ("the Act"), *inter alia*, laying down the procedure for grant of environmental clearance to projects where construction work has already commenced.
- 5.3 Respondent No. 1, without prejudice to its rights and contentions, made an Application dated 12th August 2017 to the Expert Appraisal Committee of the MoEFCC for issuance of environmental clearance for the said Project including construction to be carried out in Sector R-12. The said Application was made under the said Notification dated 14th March 2017.
- 5.4 The said Application was opposed by the Applicant herein, vide his letter dated 21st November 2017 addressed by him to the MoEFCC raising various false and baseless objections.
- 5.5 The said proposal was thereafter duly considered by the State level Expert Appraisal Committee -- II, Maharashtra, in its 106th meeting held on 19th July 2019 and the said proposal was recommended for environmental clearance to the SEIAA.
- 5.6 Thereafter, the said proposal was duly considered by SEIAA at its 174th meeting held on 29th August 2019 and SEIAA decided to accord environmental clearance to the said Project under the provisions of the Environment Impact Assessment Notification 2006.



- 5.7 Accordingly, SEIAA issued EC to Respondent No. 1 in respect of the said Project including the construction / development works in Sector R-12.
- 5.8 Under the said EC, the damage assessment value was determined as Rs. 13,48,00,000/- (Rupees Thirteen Crores Forty Eight Lakhs Only) and SEIAA had directed Respondent No. 1 to carry out environment restoration programme by utilizing remediation costs to the extent of the aforesaid amount.
- 5.9 Pursuant to the issuance of the said Environment Clearance Certificate, Respondent No. 1 published a Public Notice, in the English newspaper - Free Press Journal and in the Marathi newspaper - Nav Shakti, both on 29th September 2019, informing the public at large that SEIAA had accorded environmental clearance to the said Project on 25th September 2019 and that copies of the said Certificate were available with the Maharashtra Pollution Control Board ("MPCB") and may also be accessed on the website, whose URL was set out in the said Notices.
- 5.10 Respondent No. 1 has complied with the condition to incurring expenditure to the extent of Rs. 13,48,00,000/- towards remedial measures as per the said EC. This is evident from the letter dated 13th June 2022 addressed by MoEFCC to SEIAA recording that Respondent No. 1 has carried out works for development of Miyawaki plantation, augmentation of nullah (sewer line) and augmentation of stormwater drainage network and that the aforesaid works were duly completed. This letter was addressed pursuant to an inspection carried out on the site of the said Project on 17th January 2022 for verification of the status of activities under the remediation plan and natural community resource



augmentation plan. In the said letter, it has also been duly recorded that Respondent No. 1 has incurred an expenditure of Rs. 13,62,70,880/- (Rupees Thirteen Crores Sixty Two Lakhs Seventy Thousand Eight Hundred and Eighty Only) towards the aforesaid works. Further, it has also been duly recorded that Respondent No. 1 has made an additional expenditure of Rs. 2,15,00,000/- (Rupees Two Crores Fifteen Lakhs Only) for providing additional amenities.

- 5.11 In light of the aforesaid, it is submitted that the very basis of the present Application has been taken away and that nothing survives to be adjudicated in the said Application. It is a matter of record that the said Environmental Clearance Certificate dated 25th September 2019 is within the knowledge of the Applicant. There is no challenge to the said Environmental Clearance Certificate and the same has attained finality in law.
6. It is further stated that the Applicant has filed said Rejoinder on false premises, *inter alia*, stating that – (i) the captioned Original Application is well within limitation; (ii) the captioned Original Application deals with the entire project and not limited to sector R-12; and (iii) there is admitted case of violation and procurement of EC. The aforesaid contentions of the Applicant are vehemently denied by Respondent No. 1.
- 6.1. So far as the contention of the Applicant that captioned Original Application is within limitation, Respondent No. 1 repeat, reiterate and confirm the contents of the Miscellaneous Application (“MA”) No. 334 of 2016 and Affidavit in Rejoinder dated 13th January 2017 filed by Respondent No. 1 herein and deny anything contrary thereto or inconsistent therewith. The contents of Applicant in the said Rejoinder



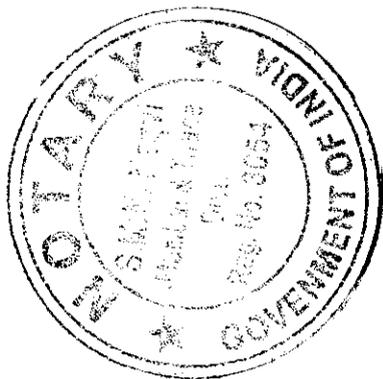
that the captioned Original Application is well within limitation is denied and Applicant is put to strict proof thereof.

6.2. With respect to the scope of the present Application, it is submitted that by an Order dated 3rd May 2023, this Hon'ble Tribunal was pleased to, *inter alia*, dismiss Interim Application No. 70 of 2021(WZ) filed by the Applicant herein, seeking amendments in the captioned Original Application. By the said Order, this Hon'ble Tribunal has held that the scope of the captioned Original Application is limited to Sector R-12 and cannot extend to any other sectors, particularly in view of the earlier order dated 5th July 2017 passed by this Hon'ble Tribunal rejecting the Miscellaneous Application No. 51 of 2017, which was confirmed by the Hon'ble Supreme Court, vide its Order dated 8th December 2017. Thus, by the said Order dated 3rd May 2023, this Hon'ble Tribunal has reiterated that the scope of the captioned Original Application cannot extend beyond Sector R-12. However, a bare perusal of the said Rejoinder shows that the Applicant has raised contentions and claimed damages for all the sectors in the Project, which is impermissible in law and contumacious. The said Rejoinder and the contents thereof traverse beyond the scope of the captioned Original Application and the same is filed by the Applicant in contempt of the said Order dated 5th July 2017 and 3rd May 2023. Respondent No. 1 most humbly requests this Hon'ble Tribunal to take *suo moto* cognizance of contempt committed by the Applicant and initiate proceedings. The desperate attempt of the Applicant to expand the scope of captioned Application despite orders of this Hon'ble Tribunal rejecting the same shows the malafide intent of the Applicant to meet his ulterior motive of extorting money from



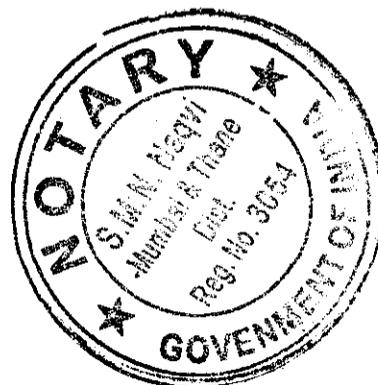
Respondent No. 1. In light of the above, it is submitted that the said Rejoinder and its contents ought not to be countenanced and are liable to be discarded from consideration by this Hon'ble Tribunal.

- 6.3. It is stated that the contention raised by the Applicant in the said Rejoinder that the present case is an admitted case of violation and procurement of EC by Respondent No. 1 is thoroughly misconceived and untenable in view of the grant of environmental clearance. The Application for grant of EC was made under the said Notification dated 14th March 2017 issued by MoEFCC under the provisions of the Environment (Protection) Act 1986 ("the Act"), *inter alia*, laying down the procedure for grant of environmental clearance to projects where construction work has already commenced. Subsequently, EC was granted to Applicant in respect of the said Project including the construction / development works in Sector R-12. In view thereof, there is no question of there being any violation of any applicable laws, as alleged or at all.
7. The Applicant, in the said Rejoinder, has alleged that damage assessment by SEIAA is just penny and the same indicates collusion of SEIAA and Respondent No. 1 and the Applicant has further relied on the purported Affidavit of Damages dated 21st May 2022 ("Affidavit of Damages") filed by him in which Applicant has claimed damages on basis of carbon footprint and CO2 emissions. It is vehemently denied that there is any collusion between SEIAA and Respondent No. 1 as alleged by the Applicant in the said Rejoinder or at all. It is further submitted that the Applicant, in its Affidavit of Damages, has purported to compute the alleged damages for all the Sectors in the Project and thus, evidently, the said Affidavit of Damages and the contents thereof also



traverse beyond the scope of the captioned Original Application. Also, the Affidavit of Damages is not based on or corroborated by any Report of any individual/ body/ institute/ organization having the necessary qualifications or expertise. It is submitted that SEIAA has assessed the environmental damage and Respondent No. 1 has already carried out remediation measures for a value of more than the said assessed damage value. There is no dispute on either the damage assessment value or the value of the remediation measures carried out by Respondent No. 1. The concerned Authorities having adjudicated the damage assessment value, no such claim can or ought to be entertained at the behest of the Applicant. The claim for or any computation of purported damages by the Applicant or any other entity is therefore, misconceived and untenable in law.

8. The Applicant in the said Rejoinder has alleged that Respondent No. 1 has suppressed various facts *inter alia* facts pertaining to obtaining Consent to Establish and Consent to Operate. It is submitted that Consent to Establish and Consent to Operate are documents which are available on public domain and accessible to everyone. Therefore, question of suppressing any facts pertaining to the same does not arise at all. The Applicant is blatantly making allegations against Respondent No. 1 in order to prejudice the Hon'ble Tribunal against the Respondent No. 1.
9. Without prejudice to the above, Respondent No. 1 shall now deal with the contents of the said Rejoinder, paragraph-wise as under -
 - 9.1. With reference to Part A, paragraph no. 1 to 1.4, the contents thereof do not require any comments.

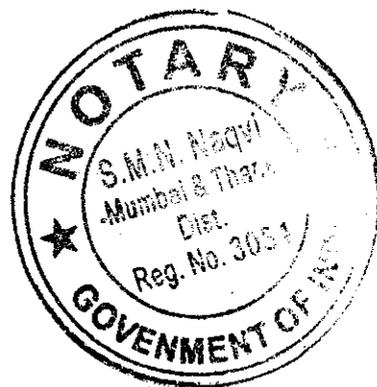


- 9.2. With reference to Part B, paragraph no. 2 and 2.1, the contents thereof are denied. The averments in the paragraph under reply are beyond Sector R-12 and cannot be raised in the present Application.
- 9.3. With reference to Part B, paragraph no. 2.2, the contents thereof are denied. I repeat, reiterate and confirm the contents of the Miscellaneous Application No. 334 of 2016 and the Affidavit in Rejoinder dated 13th January 2017 filed by Respondent No. 1 therein and deny anything contrary thereto or inconsistent therewith. It is denied that the Application is within limitation as alleged or at all. It is well settled that limitation does not begin from date of addressing communication by an individual and purported inaction by authority as alleged therein. Respondent No. 1 further craves leave to refer and rely upon the judgement of Keystone Realtor Vs. Anil Tharthare” and “Tanaji B. Gambhire Vs. UoI & Ors. i.e. Goel Ganga Case for its true meaning and correct interpretation and deny the interpretation sought to be advanced in respect thereof by the Applicant and further states that the same do not have any application to the facts of the present case.
- 9.4. With reference to Part B, paragraph no. 2.3, the contents thereof are denied. I repeat, reiterate and confirm the contents of para 5.1 to 5.11 and para 6.3 of the present Affidavit and deny anything contrary thereto or inconsistent therewith.
- 9.5. With reference to Part C, paragraph no. 3.1, the contents thereof are vehemently denied. It is denied that there is no Consent to Operate (“CTO”). In fact, the Applicant himself has annexed copy of CTO in the said Rejoinder as Annexure R-14 @ page no. 2658. The Applicant, with an intent to prejudice this Hon’ble Tribunal, is himself giving



contradictory statements and is attempting to misrepresent and mislead this Hon'ble Tribunal.

- 9.6. With reference to Part C, paragraph no. 3.2, the contents thereof are vehemently denied. It is submitted that in the present case, by the said Order dated 3rd May 2023, this Hon'ble Tribunal was pleased to, *inter alia*, dismiss Interim Application No. 70 of 2021(WZ) filed by the original Applicant herein seeking amendments in the present Original Application. By the said Order dated 3rd May 2023, the Hon'ble Tribunal has held that the scope of the present original Application is limited to Sector R-12 and cannot extend to any other sectors, particularly in view of the earlier Order dated 5th July 2017 passed by this Hon'ble Tribunal rejecting the Miscellaneous Application No. 51 of 2017, which was confirmed by the Hon'ble Supreme Court, vide its Order dated 8th December 2017. Thus, by the said Order dated 3rd May 2023, this Hon'ble Tribunal has reiterated that the scope of the present original Application cannot extend beyond Sector R-12. The submission of the Applicant that the observations of this Hon'ble Tribunal in the said Order 3rd May 2023 are limited to amendment applications and does not decide the scope of the present Original Application is misconceived and contrary to plain language of the said Order and is an attempt to mislead this Hon'ble Tribunal. Respondent No. 1 further craves leave to refer and rely upon the judgement of MCGM Vs. Ankita Sinha, M.C. Mehta, Sterlite Industry, Goel Ganga Case for their true meaning and correct interpretation and deny the interpretation sought to be advanced in respect thereof by the Applicant and further submit that the same are not applicable in the facts of the present case.

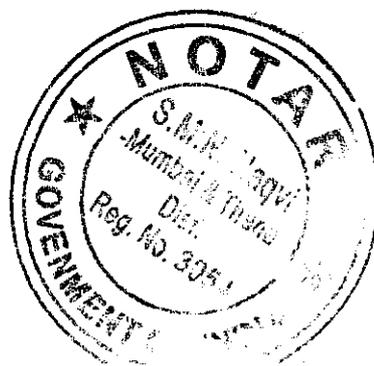


- 9.7. With reference to Part C, paragraph no. 3.3(A), 3.3(B),3.3(C) and Para 4.8, the contents thereof are vehemently denied. I repeat, reiterate and confirm the contents of para 5.1 to 5.11, Para 6.1 to 6.3 and para 9.6 of the present Affidavit and deny anything contrary thereto or inconsistent therewith.
- 9.8. With reference to Part C, paragraph no. 3.4 (A) to 3.4(H), the contents thereof are vehemently denied. I repeat, reiterate and confirm the contents of para 6.1 and Para 9.6 of the present Affidavit and contents of the Miscellaneous Application No. 334 of 2016 and Affidavit in Rejoinder dated 13th January 2017 and deny anything contrary thereto or inconsistent therewith.
- 9.9. With reference to Part C, paragraph no. 3.5(A) to 3.5(J) and Para 4.3, the contents thereof are denied. It is submitted that Applicant is neither qualified nor does he so claim to have any expertise in the field. The contents of the paragraph under reply are not based on or corroborated by any Report of any individual/ body/ institute/ organisation having the necessary qualifications or expertise. It is submitted that SEIAA, which is a statutorily constituted Expert body, has issued EC in respect of the said Project including in respect of the construction / development works in Sector R-12, which is the subject matter of the present proceedings. Under the said EC, the damage assessment value was determined as Rs. 13,48,00,000/- (Rupees Thirteen Crores Forty Eight Lakhs Only) and Respondent No. 1 has complied with the directions of SEIAA and carried out environment restoration programme by utilizing remediation costs to the extent of the aforesaid amount, as more particularly set out hereinabove. The aforesaid has been confirmed by the Ministry of



Environment and Forests and Climate Change (“MoEFCC”) in its letter dated 13th June 2022 to SEIAA. Alongwith the said letter, MoEFCC forwarded a detailed Report prepared by the Scientist-E of MoEFCC, which records the aforesaid conclusions. In fact, the Municipal Corporation of Greater Mumbai has also issued a final utilisation certificate dated 10th April 2023 to Respondent No. 1 certifying that Rs.17,32,96,996.87/- has been utilised by Respondent No. 1 for successfully completing “Miyawaki Forest and SWD/Nalla Works” under the EMP activity under remediation and natural and community resource augmentation plan as recommended in the said EC.

- 9.10. With reference to Part D, paragraph no. 4 and 4.1, the Respondent No. 1 craves leave to refer and rely upon the judgements mentioned at serial nos. 1 to 18 of the table in para 4.1 for their true meaning and correct interpretation and deny the interpretation sought to be advanced in respect thereof by the Applicant. I further submit that the said judgments have no application in the facts of the present case.
- 9.11. With reference to Part D, paragraph no. 4.2, the contents thereof are vehemently denied. I repeat, reiterate, and confirm the contents of para 4, 4.1 to 4.4 of the present Affidavit and deny anything contrary thereto or inconsistent therewith.
- 9.12. With reference to Part D, paragraph no. 4.4, the contents thereof are vehemently denied. It is denied that Applicant has any locus or that Applicant is an aggrieved person, as alleged or at all. Respondent No. 1 craves leave to refer and rely upon the judgement in MCGM Vs. Ankita Sinha & Ors. for its true meaning and correct interpretation and deny the interpretation sought to be advanced in respect thereof by the Applicant



and I further submit that the same is not applicable to facts of the present case.

9.13. With reference to Part D, paragraph no. 4.5, the contents thereof are denied. It is denied that Respondent No. 1 has committed any violation or that the present case is an admitted case of violation, as alleged in the paragraph under reply or at all.

9.14. With reference to Part D, paragraph no. 4.6, the contents thereof are denied. I repeat, reiterate and confirm the contents of para 6.1 and para 9.3 of the present Affidavit and contents of the Miscellaneous Application No. 334 of 2016 and Affidavit in Rejoinder dated 13th January 2017 and deny anything contrary thereto or inconsistent therewith.

9.15. With reference to Part D, paragraph no. 4.7 and 4.9, the contents thereof are denied. It is denied that Applicant has made out any case for seeking modification in final relief. It is denied that the Applicant is entitled to any relief sought in the present Application.

9.16. With reference to Part E, paragraph no. 5, 5.1 to 5.6, 5.10 and 5.15, the Applicant has sought to rely upon the documents in the paragraph under reply to support his case. Respondent No. 1 craves leave to refer and rely upon the documents annexed in the paragraph no. 5.1. to 5.6 and 5.10 for its true meaning and correct interpretation and deny the interpretation sought to be advanced in respect thereof by the Applicant.

9.17. With reference to Part E, paragraph no. 5.7 and 5.8, it is denied that there is any admitted violation as alleged in the paragraph under reply or at all. Respondent No. 1 craves leave to refer and rely upon the document annexed in the paragraph under reply for its true meaning and correct



Forty-Eight Lakhs only) towards remedial measures as per the said EC and the same is evident from the letter dated 13th June 2022 addressed by MOEFCC to SEIAA recording that Respondent No. 1 has carried out works for development of Miyawaki plantation, augmentation of nullah (sewer line) and augmentation of stormwater drainage network and that the aforesaid works were duly completed. Further, it has also been duly recorded that Respondent No. 1 has made an additional expenditure of Rs. 2,15,00,000/- (Rupees Two Crores Fifteen Lakhs only) for providing additional amenities. It is vehemently denied that there is any collusion and deep unholy nexus between MoEF, MCGM, MPCB, SEIAA and Respondent No. 1 as alleged in the paragraph under reply. The Applicant should be saddled with exemplary costs for making such scurrilous allegations against public authorities with an iota of material to substantiate the same.

9.25. With reference to Part F, paragraph no. 6C, the contents thereof are denied. It is denied that reply of Respondent No. 1 dated 02.05.2023 is false or misleading or baseless or unscientific as alleged in the paragraph under reply or at all. It is denied that the Affidavit of damages dated 21.05.2022 of the Applicant is based on scientific study as alleged or at all. I repeat, reiterate and confirm the contents of para 9.9 of the present Affidavit and deny anything contrary thereto or inconsistent therewith.

9.26. With reference to Part F, paragraph no. 6D, the contents thereof are denied. It is denied that entire project can be brought in within the scope of present Application. I repeat, reiterate and confirm the contents of para 6.2 and 9.6 of the present Affidavit and contents of the Affidavit dated



31st July 2023 of Respondent No. 1 and deny anything contrary thereto or inconsistent therewith.

9.27. With reference to Part F, paragraph no. 6E, the contents thereof are denied. It is denied that there is any admitted case of violation as alleged in the paragraph under reply. Respondent No. 1 further reserves its right to deal with the contents of the paragraph under reply at the time of arguments.

9.28. With reference to Part G, paragraph no. 7, the contents thereof are denied. It is denied that there is any admission of violation as alleged or at all. It is denied that Consent to Establish is granted without any recovery of environmental damages or penalty.

9.29. With reference to Part H, paragraph no. 8, it is stated that Respondent No. 1 submitted the calculation in the format prescribed by SEIAA. It is denied that there is any collusion between SEIAA officials and Respondent No. 1 as alleged in the paragraph under reply. It is denied that only bank guarantee of Rs. 13.48 crores was given alleged in the paragraph under reply or at all. It is denied that EC is granted without application of mind as alleged or at all. It is denied that SEIAA did not apply its mind while computing compensation and accepted calculations given by Respondent No. 1, as alleged or at all. It is denied that SEIAA has facilitated and provided their best services to Respondent No. 1 or neglected to perform their duties as alleged or at all. It is denied that Respondent No. 1 has violated any environmental norms as alleged or at all. The Applicant should be saddled with exemplary costs for making such scurrilous allegations against public authorities with an iota of material to substantiate the same.



interpretation and deny the interpretation sought to be advanced in respect thereof by the Applicant.

9.18. With reference to Part E, paragraph no. 5.9, it is denied that the undertaking given by the Respondent No. 1 is an admission of violation by Respondent No. 1 as alleged in the paragraph under reply or at all. Respondent No. 1 craves leave to refer and rely upon the document annexed in the paragraph under reply for its true meaning and correct interpretation and deny the interpretation sought to be advanced in respect thereof by the Applicant.

9.19. With reference to Part E, paragraph no. 5.11, it is denied that SEIAAC has granted EC without any application of mind as alleged in the paragraph under reply. There being no challenge to EC, there is no question of going into the EC or the process of grant of EC or considering any submissions on the EC raised by the Applicant. Respondent No. 1 craves leave to refer and rely upon the document annexed in the paragraph under reply for its true meaning and correct interpretation and deny the interpretation sought to be advanced in respect thereof by the Applicant.

9.20. With reference to Part E, paragraph no. 5.12 and 5.13, it is submitted that Respondent No. 1 applied for EC without prejudice to its rights and contentions and it is denied that there was any non-application of mind by SEIAAC and MPCB as alleged in the paragraph under reply. There being no challenge to EC, there is no question of going into the EC or the process of grant of EC or considering any submissions on the EC raised by the Applicant. Respondent No. 1 craves leave to refer and rely upon the document annexed in the paragraph under reply for its true



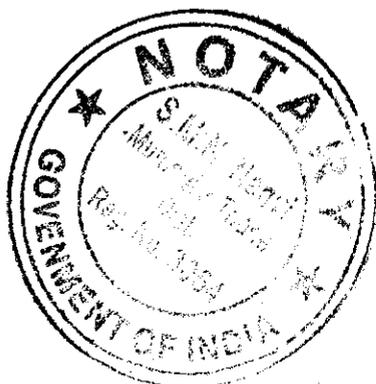
meaning and correct interpretation and deny the interpretation sought to be advanced in respect thereof by the Applicant.

9.21. With reference to Part E, paragraph no. 5.14, it is denied that Respondent No. 1 has no CTO and the averments of paragraph under reply are in beyond Sector R-12 and cannot be raised in the present Application. Respondent No. 1 craves leave to refer and rely upon the document annexed in the paragraph under reply for its true meaning and correct interpretation and deny the interpretation sought to be advanced in respect thereof by the Applicant.

9.22. With reference to Part F, paragraph no. 6, the contents thereof are mere denials.

9.23. With reference to Part F, paragraph no. 6A, the contents thereof are denied *in toto*. It is vehemently denied that the reply of Respondent No. 1 dated 19.01.2017 is vague, false and/or misleading. It is denied that there is any admitted violation by Respondent No. 1 as alleged in the paragraph under reply or at all. It is further submitted that the averments of the Applicant in paragraph under reply are beyond Sector R-12 and cannot be raised in the present Application.

9.24. With reference to Part F, paragraph no. 6B, the contents thereof are denied. It is denied that the reply of Respondent No. 1 dated 10.10.2022 is misleading as alleged or at all. It is denied that the amount of Rs. 13.48 crores plus Rs. 2 crores are only towards Bank Guarantee given under the Notification 14.03.2017 and/or that same cannot be said to be environmental compensation as alleged or at all. It is submitted that, as more particularly set out hereinabove, Respondent No. 1 has incurred an expenditure to the extent of Rs. 13,48,00,000/- (Rupees Thirteen Crores



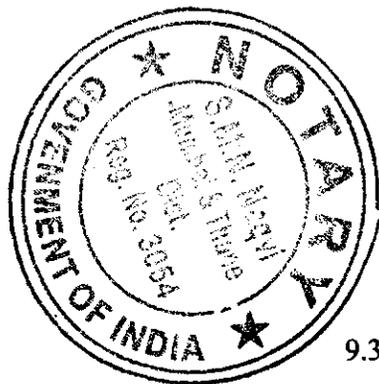
9.30. With reference to Part I, paragraph no. 9, it is denied that the Affidavit of Respondent No.4 i.e. MCGM was prepared by Respondent No.1 as alleged in the paragraph under reply or at all. The Applicant should be saddled with exemplary costs for making such scurrilous allegations against public authorities with an iota of material to substantiate the same.

9.31. With reference to Part J, paragraph no. 10, it is denied that the replies of Respondent No. 6 to Respondent No. 18 are filed at the behest of Respondent No. 1 and that Respondent No. 6 to Respondent No. 18 are sponsored litigants, as alleged in the paragraph under reply or at all.

9.32. With reference to Part K, paragraph no. 11, the contents thereof are denied. Respondent No. 1 repeats, reiterate and confirms the content of the said Miscellaneous Application No. 334 of 2016 and the said Affidavit in Rejoinder dated 13th January 2017 filed by Respondent No. 1 therein and deny anything contrary thereto or inconsistent therewith.

9.33. With reference to Part L, paragraph no. 12, the contents thereof are denied and Respondent No. 1 craves leave to refer and rely upon the Order dated 9th July 2019 passed by the Hon'ble High Court of Bombay in SMPIL No. 1 of 2019 for its true meaning and correct interpretation and deny the interpretation sought to be advanced in respect thereof by the Applicant.

9.34. With reference to Part M, paragraph no. 13, the contents thereof are denied. It is denied that Respondent No. 1 has carried out any illegal construction as alleged in the paragraph under reply. It is denied that Respondent No. 1 procured and Consent to Establish with misdeeds, maneuvered and by manipulating Government Authorities as alleged in



the paragraph under reply or at all. It is also submitted that the averments of the Applicant in paragraph under reply are beyond Sector R-12 and cannot be raised in the present Application. Respondent No. 1 craves leave to refer and rely upon the judgement of Goel Ganga Case, Sterlite Industries Case and MCGM vs. Ankita Sinha case for their true meaning and correct interpretation and deny the interpretation sought to be advanced in respect thereof by the Applicant and further submit that same are not applicable to the facts of the present case.

9.35. With reference to Part M, paragraph no. 14, the same is a formal paragraph, therefore warrants no comment.

10. In the aforesaid circumstances, I most humbly pray and submit that the present Application is not maintainable and is otherwise devoid of merits and is liable to be dismissed with costs.

Date: 26.10.2023



M/s. Dhaval Vussonji & Associates
Advocate for the Respondent No.1



(Authorised Signatory)
Respondent No.1



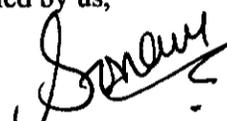
VERIFICATION

I, Mahesh Pradhan s/o Mr. Chintamani Pradhan, aged 61 years, an adult Indian Inhabitant, being authorised signatory of the Respondent No. 1 in the above captioned Application, residing at A-1/501 & 502, Raunak Park, Pokharan Road No. 2, Thane (West) – 400 062, do hereby verify that the contents of the aforesaid paragraphs Nos. 1 to 18 are on the basis of the records maintained by Respondent No. 1 in its ordinary course of business and true to my personal knowledge and I have not suppressed any material fact.

Solemnly declared at Mumbai)

This 26th day of October, 2023)

Identified by us,


M/s. Dhaval Vussonji & Associates

Advocate for the Respondent No.1


(Authorised Signatory)

Respondent No.1

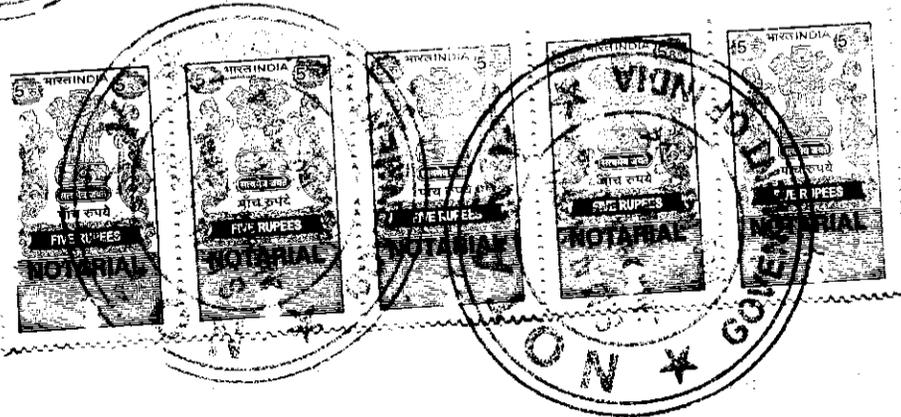
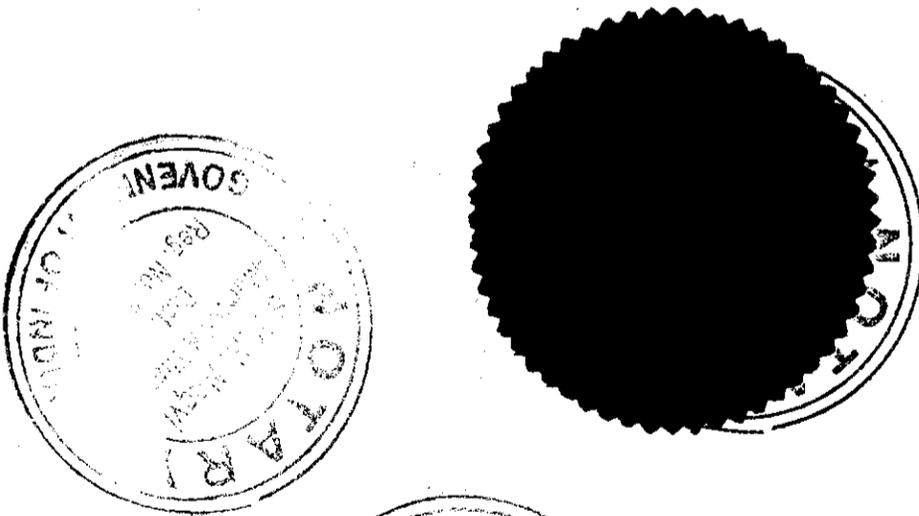
BEFORE ME

Smy
27-10-23

S. M. N. Naqvi
NOTARY
Government of India
Mumbai & Thane Dist

SR No... 958... P No... 79.....

NOTARY Register... 18/23... Date... 27/10/23



THURSDAY 26 OCT 2023

"A"

CONNECTING WITH EVERY GOAN

THE GOAN BIVIERIYIDIAIY



Search



ePAPER



HOME

GOA NEWS

EDITORIAL

GLOBAL GOENKAR

TO LIFE & SUNDAY

SPORTS

FOTASHI

FORGOTTEN FILES

SAXTTI MASALA

CONTACT US

The Goan Home :: Goa News :: Extortionist nabbed accepting Rs 20 cr cheque from builder

Extortionist nabbed accepting Rs 20 cr cheque from builder

THE GOAN NETWORK | APRIL 22, 2022, 12:25 AM IST

PANAJI

In a curious case of extortion, the Goa Police's Crime Branch have arrested a 62-year-old businessman based in Dona Paula allegedly accepting Rs 20 crore by cheque from a Panaji-based builder as 'extortion money'.

Crime Branch claimed that they caught the accused, identified as Prakash Aggarwal, after laying a trap and in the act of accepting the Rs 20 crore he demanded by cheque from prominent Panaji realtor, Joe Mathias.

Mathias, who is managing director of Mathias Construction, had approached the Crime Branch with his complaint that Aggarwal had demanded the extortion money from him.

Mathias had also alleged that Aggarwal was threatening to file complaints against an ongoing project of his in Taleigao before multiple authorities and fora.

Aggarwal had also allegedly warned the builder that his associates will not let him complete the balance works of his project if the Rs 20 crore was not paid and all issues settled.

Curiously, the fact that the alleged extortionist had agreed to accept the money by cheque which is an official mode of payment and the trail can be tracked, has raised several eyebrows.

Share

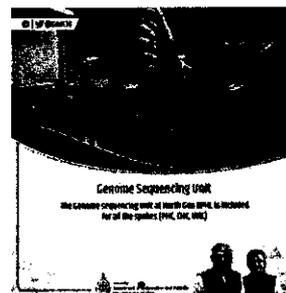
Facebook

Twitter

WhatsApp

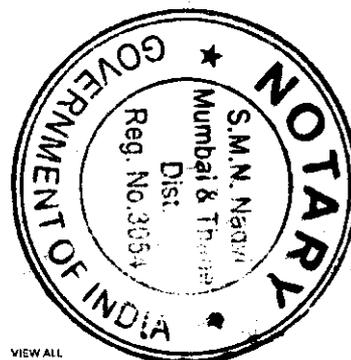
TOP NEWS

- GOA READY TO SET THE BALL ROLLING: PM to open National Games today
- Leaving nothing to chance, Goa put under foolproof security
- Indian sign language in schools from academic year 2024-25
- HC orders sealing of four-storey hotel in NDZ on Arambol beach
- Union IT Minister attempts to put Goa BJP, allies in Lok Sabha election mode
- Marina issue: CM brushes aside query on govt's stand



Best Ayurveda Resort, Kerala

Ad: Sunshoweran Resort



GOA NEWS

VIEW ALL

'Dadagiri' of some SHGs serving mid-day meals won't be tolerated, says CM

Hand detached from body due to decomposition: Police

Aided schools come under close scrutiny of government

NGO educates youth on combating sex trafficking at Margao

Sawant to prioritise identifying land for IIT campus

J'khand native killed in bar fight at Areal

Contact us

The Goan Everyday
Editorial Office: Third Floor,
Fourth Estate (Kamat Metropolis),
St Inez, Panaji 403 001, Goa.

Important Links

About Us Disclaimer
Terms & Conditions Contact Us
Privacy Policy Advertising
Cookies

Subsidiaries

गोवन वार्ता, भंगरभूंय



Get Social



(https://adclick.o.doubleclick.net/pc/click?lat=AKA05aDvRnE6- City Goa Mumbai (https://timesofindia.indiatimes.com/City/Mumbai) Delhi (https://timesofindia.indiatimes.com/City/Delhi) Bengaluru (https://timesofindia.indiatimes.com/City/Bengaluru) ...)

ENG LIVE MATCH 25 - OCT 26 SL 86/5
 on (https://timesofindia.indiatimes.com/city/mumbai/mumbai-turns-a-quiet-construction-site-into-a-5-nariman-points/articleshow/104683977.cms) ENG selected to bat
 on (https://timesofindia.indiatimes.com/city/chennai/tamil-nadu-govt-employees-teachers-and-pensioners-get-4-da-hike/articleshow/104697013.cms)
 on (https://timesofindia.indiatimes.com/city/mumbai/mumbai-turns-a-quiet-construction-site-into-a-5-nariman-points/articleshow/104683977.cms)
 on (https://timesofindia.indiatimes.com/city/chennai/tamil-nadu-govt-employees-teachers-and-pensioners-get-4-da-hike/articleshow/104697013.cms)
 on (https://timesofindia.indiatimes.com/city/delhi/delhi-pollution-photos-mumbai-air-quality-how-to-protect-your-lungs-from-toxic-air/photosstory/104686351.cms)

THIS STORY IS FROM APRIL 21, 2022

Dona Paula resident held for Rs 20 crore extortion bid

TNN (https://timesofindia.indiatimes.com/Toireporter/Author-TNN-479252910.Cms) / TNN / Updated: Apr 22, 2022, 00:20 IST

New For You


 Rohit Sharma or Virat Kohli? Ricky Ponting feels this star is an ideal captain...
<https://timesofindia.indiatimes.com/world-cup/news/rohit-sharma-or-virat-kohli-rickey-ponting-feels-this-star-is-an-ideal-captain-to-lead-india-to-world-cup/articleshow/104496559.cms>




 'Please get me out of here': Video of Israeli woman abducted by Hamas
<https://timesofindia.indiatimes.com/world/middle-east/mia-schem-jarail-french-citizen-held-hostage-by-hamas/articleshow/104485480.cms>

Panaji: Crime branch of Goa police on Thursday arrested Dona Paula resident Prakash Agarwal, 62, for allegedly extorting money to the tune of Rs 20 crore from builder **Joe Mathias** by threatening him to approach various authorities to stop his ongoing project in Taleigao.


 Odisha man missing after boarding flight from UAE
<https://timesofindia.indiatimes.com/city/delhi/odisha-man-missing-after-boarding-flight-from-uae/articleshow/104484651.cms>

Police said as per complainant Mathias, Agarwal approached him and threatened to file complaints in various forums and with different authorities, and induced fear that accused and his friend will not let him complete remaining part of the project in Taleigao.

READ ALSO
 Assign poll duty to professors as per their grade, says official
 'I am fighter for Allah': ISIS-inspired gunman kills 2 Swedes in Brussels

Agarwal demanded a sum of Rs 20 crore to settle the issue, the complaint states, police said.



https://adclick.g.doubleclick.net/adsclk?zai=AKA0082vbnr9- City Goa Mumbai... According to police, Mathias stated that Agarwal will visit his office on April 7 to collect part of the extortion money, which he was not willing to pay.

Based on the complaint, pre-trap panchanama was conducted in presence of two government witnesses and a...



How to increase efficiency in the

"During trap panchanama, Agarwal was caught red-handed accepting the extortion cheque from Mathias," police said.

Police said that after completing all the legal formalities, Agarwal has been taken into the custody along with the seized exhibits, mobile phone and his vehicle.

"Agarwal under the pretext of providing consultancy services extorted hefty sum of money from the complainant by way of cheque," police said.

READ NEXT:

- Gautam Gambhir unhappy with India's domination over...
China-Russia relations: Will Xi Jinping's gamble on Vladimir Putin pay...
Nithari killings: Alahabad high court acquits Surinder Koli...
Best economy rate, most wickets: Indian bowlers on song after...
'Help save Palestine, 1 repost = \$1': UP police constable seeks...
Delhi excise policy 'scam': SC reserves verdict on Manish...

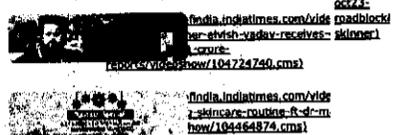
Latest Comment

551 days ago
Something fishy here. How can money being paid and accepted by cheque be called extortion money? Matter should be thoroughly investigated by CBI.

FOLLOW US ON SOCIAL MEDIA
GOOGLE FACEBOOK TWITTER INSTAGRAM KOO YOUTUBE APP

Visual Stories

evious



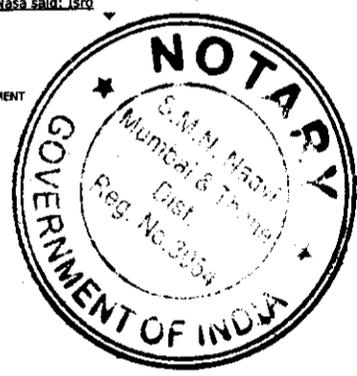
VIEW MORE VIDEOS

ADVERTISEMENT

Trending Stories

- In City Entire Website
Live: Cong releases list of 39 candidates for Mizoram assembly...
Pics | Mum-Nop eway deaths: What causing these accidents?...
Pics | A lot can happen over Koranot coffee...
India among 4 big economies set to meet Paris climate goals...
Sell your tech to us, Nasa said: Isro chief...

ADVERTISEMENT



LATEST FROM BUSINESS NEWS

- 1 Investors get caught in a web of geopolitics and confused central banks
2 Why high duty has not stopped onion exports
3 Israel Hamas War: Israeli troops briefly

ANNEXURE "B"

GANG020007152022



**IN THE COURT OF THE JUDICIAL MAGISTRATE
FIRST CLASS, 'F' COURT AT PANAJI - GOA.**

(Before : Shri. Waseem Hussain Rizvi Judicial Magistrate First
Class, 'F' Court, Panaji, Goa.)

Bail Application No.57/2022/F

Shri Prakash Agarwal,
62 years of age, Married,
Businessman, r/o. F.No.A6,
Ganga Sagar Apts, Canal Road,
83-84, RAmdaspath, Shankar Nagar,
S.o. Nagpur, Maharashtra
(Presently in Police Custody
Crime Branch Ribander, Panjai-Goa)

..... Applicant

V/s

1. STATE,
(Through Crime Branch Ribander
Panaji, North Goa-Goa).

2. The Asst. Public Prosecutor
Panaji-Goa.

..... Respondents

Bail Application No. 57/2022/F

Page 1 of 12



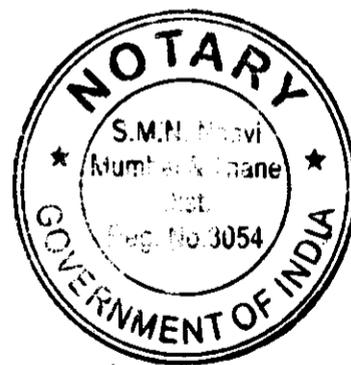
ORDER

(Delivered on this 23rd day in the month of April of the year 2022)

Heard arguments of Ld. Advocate Shri D. M. Dhond for the applicant and Ld. A.P.P. N. Govekar for the respondent and Ld. Advocate N. Sardesai for intervener/respondent. Perused record.

2. It is submitted by the advocate for applicant that the applicant was arrested in Crime No.36/2022 by Crime Branch, Ribander, Panaji under section 384 of Indian Penal Code. It is submitted that the applicant is innocent and is not involved in any criminal activity nor has any criminal antecedents. Further, the applicant is a senior citizen and presently residing at Dona Paula, Goa and has deep roots in society. Therefore, the applicant is not likely to abscond and shall stand trial to vindicate his innocence. The applicant submitted that he is ready and willing to abide by any terms and conditions imposed by the Court.

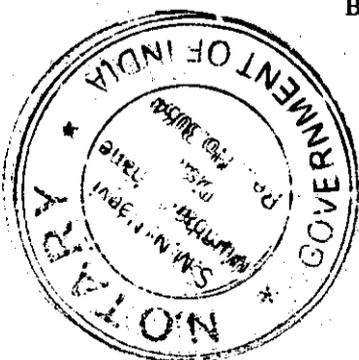
3. Further, that applicant/accused was arrested on 20.04.2022. However, was not produced within 24 hours due to medical reasons as relied by the I.O. in the remand application, therefore, sanction was granted for 01 day, further, on the same



day the intervener/respondent has filed the intervention application which is at exhibit D-5 and same was kept for reply on 22.04.2022 and subsequently on the next day i.e. on 22.04.2022 applicant/accused was produced at 14.30 hrs. whereby, accused was remanded to 01 day police custody and the intervention application at exhibit D-5 was heard and was kept for order on the next day i.e. 23.04.2022. Accordingly, vide order passed on exhibit D-7 intervention application was allowed.

4. The respondent herein i.e., the I.O. filed additional say on 23.04.2022 which is at exhibit D-8 seeking further police custody on the ground that the applicant/accused is not cooperating with the investigation. Applicant/accused filed rejoinder at exhibit D-9 submitting that the accused is a senior citizen and suffering from several ailments, hence, the Court may grant conditional bail to which the applicant/accused is ready and willing to abide with.

5. Heard both sides, learned Advocate for the applicant, submitted that the police custody of the accused/applicant is a not required for investigation purpose as the reason for which the custodial interrogation is sought of the accused, same can be done by way of imposing condition upon

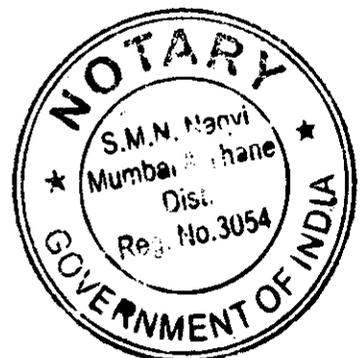


the accused to report before the investigating officer. Further, it is submitted that the offence involved in the present crime is with regard to extortion which is punishable under section 384 of I.P.C. and same as punishable with a punishment which may extend upto 3 years or fine. Therefore, there is no serious gravity involved in the present crime to curtail the liberty of the applicant/accused.

6. Further, it is argued by the learned advocate for applicant/accused that there is no recovery which is to be done at the instance of the accused in the present crime by the investigating officer and the only ground sought for custody is to verify the antecedents of the applicant/accused and his personal details.

7. Learned advocate for the applicant/accused relied upon the case of Gurcharan Singh and Ors. V/s. State, reported in AIR 1978 Supreme Court 179, wherein, the Hon'ble court observed the two paramount considerations for grant of bail i.e., likelihood of the accused fleeing from justice and his tampering with prosecution evidence.

8. Further, it is argued that the applicant/accused is a permanent resident of the address which is mentioned in the



complaint of the informant as well as in the say of the respondent which is filed at exhibit D-3 and D-8 i.e. H.No 301, La Palma Mathias Ocean Park, residency Dona Paula Panaji, therefore the question of the accused absconding from trail if the bail is granted does not arise and further learned advocate for the applicant relied upon the case of Bhagirathsinh Judega v. State of Gujarat in AIR 1984B Supreme Court 372, wherein Hon'ble apex court observed that the approach of the court in the matter of bail is not that the accused should be detained by way of punishment but whether the presence of the accused would be readily available for trial or that he is likely to abuse the discretion granted in his favour by tampering with evidence.

9. It is argued by learned advocate intervener/respondent that the police custody which the investigating officer were granted in the present crime is that of 01 day, out of which the I.O was able to interrogate the accused merely for 05 to 06 Hours. Therefore, the investigation in the same crime is at a very preliminary stage, further, in order to investigate the proper crime the custodial interrogation of accused is very essential to verify the role of other persons who are involved in the present crime. Hence, the bail application deserves to be dismissed.



10. Learned advocate for the applicant/accused relied upon the case of Sanjay Chandra V. Central Bureau Of Investigation reported in (2012) 1 SCC 40 wherein the apex court observed that bail is the rule and committal to jail is an exception. Further, the advocate for the applicant argued that the gravity in the present alleged crime is less severe considering the punishment is of 03 years or fine or both.

11. Further, the advocate for the applicant relied upon the case of Arnesh Kumar V. State of Bihar & anr. Reported in 2014 0 Supreme (SC) 489 wherein the Hon'ble apex court held that where the offence is punishable with punishment of less than 07 years than the police officer shall first investigate the offence and then take the offender in arrest rather than arresting the accused first.

12. It is argued by the learned advocate for the applicant that the accused who is alleged to be involved in the offence of extortion had received the said cheque involved in the present crime from the informant/complainant as a consultant and that the same was after deduction of GST and TDS towards the amount of 20 Crores and was falsely implicated by the pre trap arranged by the informant/complainant therefore, there is no money which was taken by the accused from the



informant/complainant which is to be recovered in the present crime and the said cheque was issued in name of Applicant/Accused's company which is a Private Limited Company and duly registered therefore, for the purpose of verifying the details of the company the custodial interrogation of the accused is not required.

13. Learned APP for the prosecution argued that the custody of the accused is required to verify the way in which the said Company of applicant/accused is operating and the whereabouts of the other persons involved in commission of present crime. Further, the investigation is at preliminary stage hence accused may be remanded to police custody for further interrogation.

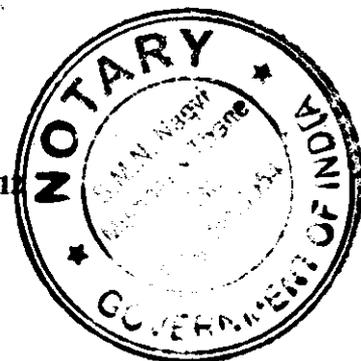
14. Learned advocate for the intervener/respondent argued that the custody of the accused is required for (a) To verify the nature of the company (b) Since the accused has submitted that the said amount was not asked towards the extortion but the same was for the purpose of consultancy therefore, the qualification of the accused has to be ascertain (c) The background of the accused has to verified. Further, from the say of the I.O at exhibit D-7 it is clear that the accused is not co-operating with the investigation. Therefore, the custodial



interrogation is very essential for the present crime. Further relied upon case of P Chidambaram V. Directorate of Enforcement reported in (2019) 9 SCC 24.

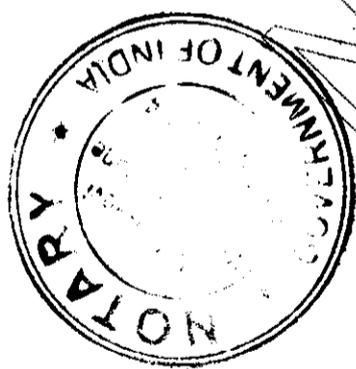
15. At this juncture of argument learned advocate for the accused submitted that the accused who is present in the court has informed that during interrogation of 01 day (police custody) the accused was not interrogated at all and the accused is ready to give all the details and co-operate with the investigation in the manner and the condition as imposed by the court. Further, placed on record 03 bank account details i.e the accounts which is in accused name, same is perused and handed over to the investigation officer to be annexed along with the case papers of investigation. Further, replied upon the case of Jagjeet Singh & Ors V. Ashish Mishra @ Monu & Anr. Arising out SLP (CrI) No. 7848 of 2019, wherein the Hon'ble apex court has dealt with the factors to be borne in mind while considering an application for bail.

16. It is argued by the learned advocate for the intervener/respondent that considering the amount of extortion involved in the present case the present application deserves to be dismissed as the investigation is at a very initial stage.



17. Upon perusal of the records i.e the remand paper, case diary and the citation of the apex court relied by both the sides. Further considering the arguments advanced, it can be clearly seen that the amount of Rs 20 crores which is allegedly involved in the present crime was given to the accused by way of cheque which the complainant/informant alleged to be the extortion amount and the defense of the applicant accused is that the same is towards the consultancy fee. The present application before the court is the bail application of the applicant/accused and at this juncture the details/merit of the transaction cannot be dealt with, however the accused was caught red handed with the cheque which he received from the informant/complainant and the same is attached as a material evidence in the present crime during investigation and apart from the said cheque there is no ground made out in the say which is at exhibit D-8 to suggest that any recovery is pending at the instance of the accused.

18. Further, from the additional say filed by the I.O the ground which is sought for the police custody of the accused is that (a) To verify the bank accounts of the accused, (b) To verify the company account details of the accused, (c) To find out the whereabouts of the associated of the accused in executing the present crime.



19. During the course of arguments accused had furnished the names of his bank account to show that he is willing to co-operate with the investigation further there is no specific ground made out by the I.O that the custodial interrogation of the accused is required and the same cannot be done if the bail is granted.

20. Moreover, the accused is having his residence in the state of Goa and is ready and willing to abide with the conditions imposed by the court to satisfy that neither he would jump the bail by absconding nor he would interfere or tamper with the evidence. Further, the accused in the present case when he was arrested on 20.04.2022 was referred for medical examination and was found unfit for the production of remand and custody by the doctor of Goa Medical College and also the rejoinder of the accused which is at exhibit D to the additional say of the I.O is along with the annexures showing that the accused is suffering from medical ailments and the fact that the accused is a senior citizen of age 62 years and considering the offence involved in the present case is warrant triable and punishable with imprisonment of 03 years or fine or both.

21. In the above circumstances and the facts it would be



just and proper in the interest of justice considering the right of the accused, in absence of any valid ground for custodial interrogation it would be proper to grant the present bail application by imposing certain conditions. Hence, I pass the following.

ORDER

- a) The applicant shall be released on executing a personal bond of Rs. 20,000/- and two surety of 10,000/- each, to the satisfaction of the I.O.
- b) The applicant shall not tamper with evidence or intimidate witnesses therein.
- c) The applicant shall remain present as and when required by the I.O. or the Court.
- d) The applicant shall not abscond or jump the bail.
- e) The applicant shall cooperate with investigation.
- f) The applicant shall give his residential address of Goa as well as his native place along with proof and that of the surety.
- g) The applicant shall not visit the place of offence i.e. the Complainant/informant's office at H.No.C-13/156, Mathias House, Campal, Panaji-Goa, until the chargesheet/police report is filed in the present crime.



- h) Any change in the place of residence of the applicant/accused shall be immediately informed to the investigating officer in writing. The records and proceedings to be tagged with the criminal case which may be filed in the present crime.
- i) The applicant is directed to attend the Crime Branch Office, Ribandar from 10.00 a.m. to 01.00 p.m., for 5 days, commencing from his date of release.
- j) In case the applicant/accused wants to leave the state of Goa same shall intimated in writing to the I.O. prior to leaving the state until the chargesheet/police report is filed in the present crime.
- k) The accused shall be released, if not required in any other crime.

Pronounced in the open Court.

Proceedings closed.

Place: Panaji-Goa.
Date: 23.04.2022.

(Waseem Hussain Rizvi)
Judicial Magistrate First Class,
'F' Court, Panaji-Goa.



**BEFORE THE NATIONAL GREEN TRIBUNAL
(WESTERN ZONE BENCH), PUNE**

APPLICATION NO. 104 OF 2016

Prakash Agrawal ...Applicant

Versus

Nahar Builders Ltd. & ...Respondents

**AFFIDAVIT IN SUR-REJOINDER ON BEHALF OF
RESPONDENT NO. 1**

Dated this 26th day of October 2023



**M/s Dhaval Vussonji & Associates,
Advocates for Respondent No. 1,
113-114, Free Press House,
Nariman Point, Mumbai – 400021.**