

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
WESTERN ZONE BENCH AT PUNE
APPLICATION NO. 29 OF 2019**

Mr. Tanaji Balasaheb Gambhire ...Applicant
Versus
The Principal Secretary- DoE and Ors ...Respondents

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Advocate for the Respondents No.7, 8 and 9

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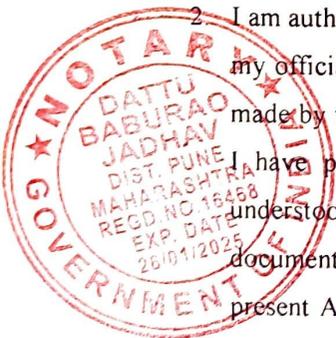
**AFFIDAVIT-IN-SUR-REJOINDER ON BEHALF OF THE RESPONDENT NO.7, 8
AND 9 TO THE AFFIDAVIT-IN-REJOINDER FILED BY THE APPLICANT IN
APPLICATION NO.29/2019**

I, Mr. Rohidas N. Gavhane , the Executive Engineer of the Respondent Corporation having my office at PMC Building Shivajinagar, Pune do hereby state on solemn affirmation as under:

1. I am working in the capacity of an Executive Engineer in the Pune Municipal Corporation. I am filing this Affidavit-in-Sur-Rejoinder to oppose the contents of the Affidavit-in-Rejoinder preferred by the Applicant.

2. I am authorised by the Respondents to file this present Affidavit-in-Sur-Rejoinder in my official capacity and as such I disassociate myself from any personal assertions made by the Applicant in the present Application and in his Affidavit-in-Rejoinder. I have perused the documents brought on record by the Applicant and have understood the contents of the Affidavit-in-Rejoinder and on the basis of the documents and information available in relation to the said issue, I am filing this present Affidavit-in-Sur-Rejoinder to oppose the baseless allegations made against the Respondents and the Respondent No.9 personally. I crave leave to file a further and detailed Affidavit-in-Sur-Rejoinder as and when sought necessary.

3. At the outset, I deny each and every averment and allegation made in the Affidavit-in-Rejoinder filed by the Applicant, which is contrary to and/or inconsistent with what has been stated in the Affidavit-in-Reply filed by the answering Respondent and the present Affidavit-in-Sur-Rejoinder 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.

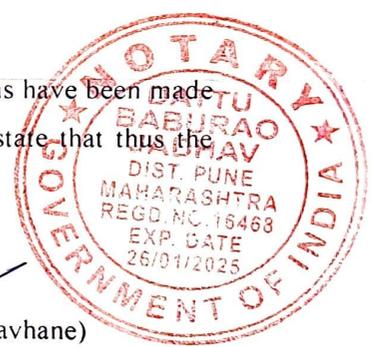


4. I say and submit that the allegations made in the Affidavit-in-Rejoinder are denied as being incorrect and wrong. I say that the repeated contentions of the Applicant against the Respondent No.9 are denied in toto. The answering Respondents state that wild and baseless allegations are made by the Applicant in various paragraphs of the said Affidavit-in-Rejoinder and which are denied.
5. I say that the contention of the Applicant that the Respondents have filed false and misleading affidavit and that the Respondents are habitual offenders are denied. The Applicant is involved in mudslinging on the authorities of the Respondents No.7 to 9 and especially the Respondent No 9 and which ought to be deprecated by this Hon'ble Court.
6. I say that as clarified earlier in the Affidavit-in-Reply filed it is clear that there is no role of the answering Respondents in either granting or refusing of the Environmental Clearance under the Environment Impact Assessment Notification dated 14/9/2006. It is submitted that the Environment Clearance is granted in accordance with the Environment Impact Assessment Notification dated 14/9/2006, which was issued by the Ministry of Environment and Forrest under the Union of India. I say that under the said Notification a State Environment Impact Assessment Authority (hereinafter for the sake of brevity referred to as the "SEAC") has been established/constituted and a State Expert Appraisal Impact Committee (hereinafter for the sake of brevity referred to as the "SEIAA") has also been constituted and both these authorities perform their functions in coordination with and under the supervision of the Maharashtra Pollution and Control Board (hereinafter for the sake of brevity referred to as the "MPCB") which are independent state functionaries. It is stated that the task of granting the Environment Clearance is entrusted to these State Authorities namely SEAC, SEIAA and the co-ordinating authority is the MPCB and that the answering respondents have no role to play in them. I also say that by another Notification dated 4/4/2011 clarification as regards "built up area" was provided and thus the onus on calculating Built up Area for the purpose of obtaining an Environmental Clearance is solely on the Project Proponent.
7. I say that answering Respondents have imposed various conditions on the Respondent No.11. It is submitted that, as a measure of abundant precaution right from 2013, various conditions have been imposed by the Answering Respondents on the Respondent No.11 Project Proponent to obtain Environment Clearance and



other permissions in accordance with the OM/ Notification dated 12/12/2012 issued by the Environment Department. Thus it is for the Respondent No.11 Project Proponent to make the necessary calculations and make the necessary application for obtaining Environment Clearance, Consent to Establish and Consent to Operate from the concerned agencies and authorities and it is upto these agencies and authorities to either grant such permissions or revoke such permissions.

8. I say that answering Respondents merely being a local authority cannot be in any way held responsible for non-performance or negligence of the Project Proponent in obtaining the Environment Clearance, Consent to Establish and Consent to Operate. It is submitted that the plans for construction on the site of the Respondent No.11 were sanctioned by the Deputy Engineer on the basic recommendation of Building Inspector as per norms laid down under D.C. Rules of Pune Municipal Corporation and only after following the due process of law the Commencement Certificate has been issued. I say that thus the allegations against the Respondent No.9 are totally incorrect and wrong. The original applicant is the person who is in a habit of making baseless allegations against these Respondents.
9. The answering respondent states that false and frivolous allegations have been made against the answering respondents. The answering respondents state that thus the present application being devoid of merits ought to be dismissed.



Solemnly affirmed at Pune
Dated this 8th January 2021

) (Rohidas N. Gavhane)
) Executive Engineer
Building Development Zone 4
Pune Municipal Corporation
Respondents No.7,8 and 9.

8 JAN 2021

[Signature]

Advocate for the Respondents No. 7, 8 and 9

कार्यकारी अभियंता
विकास योजना व बांधकाम नियंत्रण (झो.क्र.४)
पुणे महानगरपालिका

BEFORE ME

[Signature] 08/01/2021
DATTU BABURAO JADHAV
ADVOCATE & NOTARY
GOVERNMENT OF INDIA
DIST. PUNE (MAHARASHTRA)
REGD. NO. 16468
EXP. DT. 26/01/2025

NOTED AND REGISTERED
AT SR. NO. 164/2021
DATE **8 JAN 2021**

