

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL

WESTERN ZONE BENCH, PUNE

Original Application No.105/2019 (WZ)

Tanaji Gambhire

....Applicant

V/s

The Principal Secretary Environment Dept. & 10 Ors... Respondents

AFFIDAVIT ON BEHALF OF RESPONDENT NO. 6.

I, Shri. Abhijit Bhaskar Ketkar, Age - 45 years, Assistant Director of Town Planning, Pune Branch, Pune, do hereby state on solemnly affirm of Respondent Nos.6 as under:-

1. I am duly authorized Officer of the Respondent No.6 i.e. Town Planning Department through having gone through all relevant records

of the present subject matter, well conversant with the facts and circumstances of the same and hence competent to swear this affidavit for limited purpose. I have gone through Original Application, list of dates thereto and annexure thereof. I crave leave to file an additional affidavit at a later stage, if need arises, with the kind permission of this Hon'ble Court.

2. With reference to the para No.1 to 6, Applicant stating the facts of the case hence, I have to offer no Comments.

3. With reference to para No. 7 (a to i), I say that, Applicant Stating that the Respondent No.11 have committed illegal activity during the construction phase at land bearing S.No.24/1/2 as phase 1 on land admeasuring of 10900 Sq.mr., 25/1/2, 25/1/4, 25/1/5, 25/1/6 as phase 2 on land area admeasuring of 14200 Sq.mr, 25/1/3 as phase 3 on land area admeasuring of 16000 Sq.mr., 25/1/1 as phase 4 on land area admeasuring of 6000 Sq.mr. and 24/1/2 for the phase 1 commercial situated at village Undri, Tal. Haveli,

Earlier the project was within the Jurisdiction of Collector Pune, before the establishment of PMRDA (Pune Metropolitan Regional Development Authority) on dated 11 July 2016. Thereafter the project was sanctioned and monitored by PMRDA. Hence Respondent No.6 is not authorised to take any action against respondent No.11 for construction of illegal work. Remaining paras, are related to Respondent No.8,9 & 11.

4. With reference to para No. 8 (a & b), I say that, applicant stating that respondent No.11 has not obtained the prior environment clearance from SEIAA and consent from MPCB for commencement of any construction and made major violation while constructing the project building and has not obtain prior permission from the respected departments i.e. SEIAA, MPCB, ADTP, PMC, PMRDA. Applicant also informed to all departments about the illegal activities which have been taking place on construction site but Respondent No.6 is not authorised to take any action against any construction which comes under the PMRDA Jurisdiction right now as the project now falls under the jurisdiction of PMRDA that is Respondent No.8.

· Remaining paras are pertaining to Respondent No.2,3,4,5, 7,8,10, & 11.

5. With reference to para No. 9, it is true that those construction sites have more than 20000 Sq.mr. built up area and it is mandatory to obtain environment clearance certificate as per the EIA notification 2006.

Hence contention made by the applicant are pertaining to Respondent No.2,4,5,7,8,9 & 11.

6. With reference to para No. 10 (a to i), I say that, applicant stating the scenario of the commencement certificates issued by the District Collector Pune and PMRDA hence para are pertaining to Respondent No.7 & 11.



7. With reference to para No. 11, It is true that the Respondent No.6 had issued plinth check certificate, Occupancy Certificate vide dated 18/11/2013, dated 25/04/2014, dated 07/08/2014. That time the Built up area were below 20000 Sq.mr., Hence Respondent No.6 had issued plinth check certificate & Occupancy Certificate.

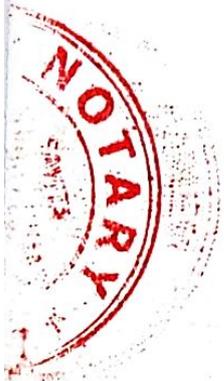
Hence Remaining Para are pertaining to Respondent No.8 & 11.

8. With reference to para No.12, I say that, contention made by the applicant are pertaining to Respondent No.9,11. Hence I have to offer no comments for the same.

9. With reference to para No. 13 to 22, I say that, contention made by the applicant are pertaining to Respondent No.11 hence I have to offer no comments for the same.

10. With reference to para No. 23, I say that, contention made by the applicant are pertaining to Respondent No.2,3,4, & 5 hence I have to offer no comments for the same.

11. With reference to Para 24, On dated 05/08/2018 applicant has issued notice to all Respondents to take appropriate legal action against the Respondent No.11 for irregularity in construction but Respondent No.6 ADTP (Assistant Director of Town Planning) Pune, is having authority to take action against the Respondent No.11 because the project is right now establishment of PMRDA.



12. With reference to Para 25 the contention made by the applicant are pertaining to Respondent No.2 & 11 hence I have to offer no comments for the same.

13. With reference to Para 26, I have to offer no comment.

14. With reference to Para 27,28,29,30,31 I have to offer no comments for the same.

15. With reference to Para 32,33,34,35, I say that, contention made by the applicant with respect to locus, Jurisdiction and limitation hence no comments for the same.

16. With reference to Prayer (a to f)

There is no any prayer made against the Respondent No.6 i.e. Town Planning Department (ADTP, Pune) The applicant has not seeking any relief from the Respondent No.6. The Respondent No.6 is having no any right to take any legal action against the construction on Suit Property.

It is therefore prayed that, appropriate order may be passed in the interest of justice.

VERIFICATION

I, Shri. Abhijit Bhaskar Ketkar, age 45 years, Assistant Director of Town Planning, Pune Branch, Pune do hereby state on solemn affirmation that whatever stated herein above is true to the best of my knowledge and based upon the information derived from the official records available to me.

Solemnly affirmed at Pune)
On 27th day of September, 2021)


(Abhijit B. Ketkar)
Assistant Director of Town Planning,
Pune Branch, Pune,
"DEPONENT"

Identify the Deponent

Clerk to

Drafted and Settled by/-



BEFORE ME

Savita Pradeepkumar Rokade
ADVOCATE & NOTARY
GOVT. OF INDIA



**Noted and Registered
at Serial Number**

2397/2021

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