

Last date : 15.11.2021

Next date : 03.01.2022

**BEFORE HON'BLE NATIONAL GREEN TRIBUNAL
WESTERN ZONE BENCH, PUNE**

ORIGINAL APPLICATION NO. 33 / 2018

Sanjay Bhegade & Ors.

..... **Applicant**

VERSUS

The State of Maharashtra & Ors

.....**Respondents**

**AFFIDAVIT BY RESPONDENT NO. 51
(Chandrakant S. Choksi)**



INDEX ON NEXT PAGE

Date: **27.12.2021**

Place: Pune

Filed by:



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INDEX

Sr.	Particulars	Ax.	Page
1.	Abbreviations used		1159
2.	List of Parties		1160
3.	Diary of Events		1170
4.	Affidavit by Respondent No. 51		1171
5.	Preliminary objections on grounds of Maintainability		1182
6.	Limitation		1186
7.	Facts of the Case		1188
8.	▪ Prayers		1189
9.	Vakalatnama		1192
10.	Pune Collector NOC	R1	1193
11.	Pune Collector approved drawing	R2	1199
12.	Forest Department certificate of tree counting	R3	1200
13.	Hon'ble Supreme Court Status Quo Order	R4	1202-1206

LIST OF ABBREVIATIONS USED

Short-form	Full-form
NA	Non-Agriculture
NOC	No Objection Certificate
NGT	National Green Tribunal
OA	Original Application
NGTA	National Green Tribunal act
HFL	High Flood Level
EIA	Environmental Impact Assessment
PMRDA	Pune Metropolitan Region Development Authority
RTI	Right to Information

LIST OF PARTIES**BETWEEN**

1.	Mr. Sanjay alias Bala Bhegade, MLA Maval Constituency, Office at 2337/Balaji Chambers, Talegaon-Chakan Road, Talegaon-Dabhade. Taluka - Maval District. Pune (pin-410 507)	Applicant
2.	Mr. Sachin Hiranman Mohite. R/at Village Kale, Post: Pavana Nagar. Taluka Maval District: Pune (pin 410 406)	
3.	Mr. Baban Bhau Kalekar, R/at Village Kale, Post Pavana Nagar, Taluka Maval, District: Pune (pin 410 406)	
<u>VERSUS</u>		
1.	The State of Maharashtra Through Department of Environment, Room No.217 (Annex), Madam Kama Marg. Mumbai-400 032 (1-A) The Secretary, Revenue and Forests Department, Government of Maharashtra, Mantralaya, Mumbai-400 032	Respondents
2.	Pune Metropolitan Region Development Authority (PMRDA) Survey No. 152-153, Maharaja Sayajirao Sayaji Gaikwad Bhavan, Aundhgaon, Aundh, Pune-411007.	

	<p>3. Maharashtra State Biodiversity Board, Jaiv- Vividha Bhavan, Civil Lines, Nagpur, Maharashtra, 440001</p>	
	<p>4. Homi Jesia, R/at Survey/Gat No.68/3, Gevanda Khadak, At Pavananagar, Taluka Maval, Dist.- Pune (Pin 410 406)</p>	
	<p>5. Surendra Pandurang Naravekar R/at Gat No.148/1, Village Pale, Pama, At Pavananagar, Taluka Maval, Dist.- Pune. (Pin 410 406)</p>	
	<p>6. Dinesh Dharmachand Patel R/at Survey No.51, Village Shevati, At Pavananagar, (Pin 410 406) Taluka Maval, Dist.- Pune.</p>	
	<p>7. Vijay Punjabi R/at Gat No. 439, 440, Village Tikona. At Pavananagar, (Pin 410 406) Taluka Maval, Dist.- Pune.</p>	
	<p>8. Abhay S. Choksy R/at Gat No. 536, Village Tikona, At Pavananagar, (Pin 410 406) Taluka Maval, Dist.- Pune.</p>	
	<p>9. Linesh Patel R/at Gat No.93, Village Pale, Pama, At Pavananagar, (Pin 410 406) Taluka Maval, Dist.- Pune.</p>	

10	<p>Mr. Desai, R/at Amarja Hills, Plot No.33/36, Village Mahagaon, at Pavanagar, Taluka Maval, Dist. - Pune. (Pin 410 406)</p>	
11	<p>Ravi Khemkar, R/at Gat No. Nil, Village Tilona Pavanagar, Taluka Maval, Dist.- Pune. (Pin 410 406)</p>	
12	<p>(a) Manoj Sainani (b) Sumit Chawla R/at Amarja Hills, Mahagaon, at Pavanagar, Taluka Maval, Dist.- Pune. at Pavanagar, Taluka Maval Dist. – Pune. (Pin 410 406)</p>	
13	<p>Mr. Mehata R/at Plot No.2/5/8 Mahagaon, Amarj Hills, Pavananagar, Taluka Maval, District Pune. At Pavanagar, Taluka Maval, Dist.- Pune. (Pin 410 406)</p>	
14	<p>Ashish Singh Chawla, R/at Mahagaon, Amarja Hills, Pavananagar, Taluka Maval, District Pune Dist.- Pune. (Pin 410 406)</p>	
15	<p>Yashwant Shelania (Chourasia) R/at Mahagaon, Amarja Hills, Pavananagar, at Pavanagar, Taluka Maval, Dist.- Pune. (Pin 410 406)</p>	

16	<p>Radhika Akash Shah, R/at Gat No. Nil, Village Tikona, At Pavananagar, At Pavanagar, Taluka Maval, Dist.- Pune (Pin 410 406)</p>	
17	<p>Anant Mehata R/at Mahagaon, Amarja Hills, Plot No.40, Pavananagar. Taluka Maval, District Pune</p>	
18	<p>D.B. Mowdawala, R/at Survey No. 06/02 Village Thakursai Pavananagar, at Pavanagar, Taluka Maval. Dist- Pune. (Pin 410 406)</p>	
19	<p>Dr. Sonawala R/at Gat No. 576/A, 576/B, Village Tikona Pavananagar, at Pavanagar, Taluka Maval, Dist.- Pune (Pin 410 406)</p>	
20	<p>Kalparaj Dharmasing R/at Survey No.34/02,03 Gevande Khadak Pavananagar, at Pavanagar, Taluka Maval, Dist.- Pune (Pin 410 406)</p>	
21	<p>Rastik Hariya R/at Survey No. 64/14 Gevande Khadak Pavananagar, Taluka Maval, Dist.- Pune (Pin 410 406)</p>	
22	<p>Calimati D'silva R/at Survey No.39/4, Village Thakursai, At Pavananagar, Taluka Maval, Dist. - Pune (Pin 410 406)</p>	

23	Ardeshir Shapur Nariyalwala R/at, Gat No.447 Village Tikona at Pavananagar, Taluka Maval, Dist. - Pune (Pin 410 406)	
24	Firoz Irani Rat, Survey No. Nil, Gat No. Nil Village Shindgaon at Payananagar, Taluka Maval, Dist.- Pune (Pin 410 406)	
25	Gopal Dinubhai Amin R/at, Survey No.58/1, Village Thakursai At Pavananagar, Taluka Maval, Dist. - Pune (Pin 410 406)	
26	Tinna Madam R/at, Survey No. Nil, Gat No. Nil, Village Ambegaon, (Pin 410 406) At Pavananagar, Taluka Maval, Dist.- Pune	
27	Senepi Lobo Rat, Cat No. 534 Village Tikona at Payamanagar, Taluka Maval, Dist. - Pune (Pin 410 406)	
28	Deepak M Mehta R/at. A/2 Sterling Apartment 38 Peddar Road Mumbai (Pin 400926)	
29	Insia Lamak Ijjudin R/at, Gat No. 568 and 569 Village Tikona, At Pavananagar, Taluka Maval, Dist.- Pune (Pin 410 406)	
30	Punit Shetti R/at, Amarja Hills, Survey No. Gat No. 9 Village Mahagaon at Pavananagar, Taluka Maval, Dist.- Pune (Pin 410 406)	

31	<p>Mr. Katariya R/at, Gat No.537 Village Varu at Pavananagar, Taluka Maval, Dist. - Pune (Pin 410 406)</p>	
32	<p>Shreyas Sankhe R/at. Survey/Gat No.5/1/2/Village Gevande Khadak, At Pavananagar, Taluka Maval, Dist.- Pune (Pin 410 406)</p>	
33	<p>Kumendra S. Chakrawarti R/at. Gat/Survey No.19/1/F Village Gevande Khadak, At Pavananagar, Taluka Maval, Dist.- Pune (Pin 410 406)</p>	
34	<p>J. Rajanikant Shroff R/at, Survey No./Gat No. 50A Village Pavana Nagar, At Pavananagar, Taluka Maval, Dist.- Pune (Pin 410 406)</p>	
35	<p>Pradip Thampi R/at, Survey No Gat No. 29, Amarja Hills, Village Mahagaon, At Pavananagar, Taluka Maval, Dist.- Pune (Pin 410 406)</p>	
36	<p>Deep Trivedi R/at, Survey No. 147, Village Pale at Pavananagar, Taluka Maval, Dist. -Pune (Pin 410 406)</p>	
37	<p>Devdatta Gangawan R/at, Gat No. Nil Village Tikona At Pavananagar, Taluka Maval, Dist. - Pune (Pin 410 406)</p>	
38	<p>Kishore Choudhari R/at, Gat No.31/2, Village Dudhiware at Pavananagar, Taluka Maval, Dist.- Pune (Pin 410 406)</p>	

39	<p>Jitendra Sartandel R/at, Gat No.36/1 Village Dudhiware At Pavananagar, Taluka Maval, Dist.- Pune (Pin 410 406)</p>	
40	<p>Joseph D'Souza R/at, Survey No.32/8 Village Thakursai at Pavananagar, Taluka Maval, Dist. - Pune (Pin 410 406)</p>	
41	<p>Motilal C. Bijlani R/at, Gat No.577, Village Tikona at Pavananagar, Taluka Maval, Dist. - Pune (Pin 410 406)</p>	
42	<p>Shekhar Dadarkar R/at, Gat. No. Nil, Village Thakursai/Gavande Khadak at Pavananagar, Taluka Maval, Dist. - Pune (Pin 410 406)</p>	
43	<p>N.L. Narula R/at, Survey No.114/B Village Ambegaon at Pavananagar, Taluka Maval, Dist.- Pune (Pin 410 406)</p>	
44	<p>M.S. Gilotra R/at, Gat No. 601 and 604 Village Tikona at Pavananagar, Taluka Maval, Dist.- Pune (Pin 410 406)</p>	
45	<p>Vivek Manohar Lutharia R/at, Gat No.601 and 604, Village Tikona at Pavananagar, Taluka Maval, Dist.- Pune (Pin 410 406)</p>	
46	<p>Samir Sariya R/at, Gat No.40/2 A, B, C. D Village Shevani at Pavananagar, Taluka Maval, Dist.- Pune (Pin 410 406)</p>	

47	<p>Atul Dayal R/at, Survey No./Gat No. Nil, Village Tikona at Pavananagar, Taluka Maval, Dist.- Pune (Pin 410 406)</p>	
48	<p>Amol Damodar Mahale R/at, Gat No. 93, Village Pale at Pavananagar, Taluka Maval, Dist.- Pune (Pin 410 406)</p>	
49	<p>Nahid Nurul Hasan Bhaiji R/at, Gat No. Survey No. Nil Village Shindgaon at Pavananagar, Taluka Maval, Dist. - Pune (Pin 410 406)</p>	
50	<p>Dilip Sanghvi R/at, 801 Abhay Building N.S. 9th Road Juhu, Mumbai (Pin 400049)</p>	
51	<p>Chandrakant Sajjanlal Choksi R/at, Survey No. Gat No. Nil Village Shindgaon at Pavananagar, Taluka Maval, Dist. - Pune, (Pin 410 406)</p>	
52	<p>Imran Attarwala Wela R/at, Gat No.112 Village Ambegaon at Pavananagar, Taluka Maval, Dist.- Pune (Pin 410 406)</p>	
53	<p>Sandhya Chanda Mohan Wadkar R/at, Survey No.113, Village Ambegaon at Pavananagar, Taluka Maval, Dist.- Pune (Pin 410 406)</p>	

54	<p>Haresh Balani R/at, Survey No. Nil, Village Ambegaon at Pavananagar, Taluka Maval, Dist.- Pune (Pin 410.406)</p>	
55	<p>Vishal Dadlani R/at, Survey No. Gat No. Nil, Village Tikona at Pavananagar, Taluka Maval, Dist.- Pune (Pin 410 406)</p>	
56	<p>Anand Shevale R/at, Amarja Hills Bungalow No. 12, Village Mahagaon. At Pavananagar, Taluka Maval, Dist.- Pune (Pin 410 406)</p>	
57	<p>Sammy Lalla R/at, Gat No. Nil Village Tikona At Pavananagar, Taluka Maval, Dist.- Pune (Pin 410 406)</p>	
58	<p>Rahulbhai Dholkiya R/at, Gat No, 144/1 Village Pale, Pama At Pavananagar, Taluka Maval, Dist- Pune (Pin 410 406)</p>	
59	<p>Sunil Aditya Choksi R/at, Gat No.570/A, 570/B Village Tikona at Pavananagar, Taluka Maval, Dist.- Pune (Pin 410 406)</p>	
60	<p>Lashit Lallubhai Sanghavi R/at, Gat No.58/25 Village Thakursai At Pavananagar, Taluka Maval, Dist.- Pune (Pin 410 406)</p>	

61	<p>Mehernosh Daruwalla, R/at 401, Marker Mansion, 623 Lady Jahangir Road, Dadar, Parsi Colony, Mumabi- 400 014.</p>	
62	<p>Samir Shah R/at, Survey No.112, Village Ambegaon At Pavananagar, Taluka Maval, Dist.- Pune (Pin 410 406)</p>	
63	<p>Rajesh Shendge R/at, Survey No.4/20, Village Gevande Khadak at Pavananagar, Taluka Maval, Dist.- Pune (Pin 410 406)</p>	
64	<p>Sumit Sunil Chakrawarti R/at, Survey No.17/5, Village Sindhgaon Ar Pavananagar, Taluka Maval, Dist.- Pune (Pin 410 406)</p>	
65	<p>Khurshid Daruwala R/at, Gat No.571, Village Tikona At Pavananagar, Taluka Maval, Dist.- Pune (Pin 410 406)</p>	
66	<p>Jojar Khurakiwala R/at, Ume Kunj Bungalow, Sarvey No. Gat No. Nil, Village Thakursai at Pavananagar, Taluka Maval, Dist.- Pune (Pin 410 406)</p>	

DIARY OF EVENTS

Date (y-m-d)	Project development stages
1993-05-31	Purchase of Plot
1999-01-15	Application to the collector for NA permission
1999-01-27	Collector NA permission
1998-12-18	Application to Forest Department for Tree Counting
1999-01-16	Forest Department certificate of tree counting
1999-02-01	Construction work started
2001-01-07	Construction work completed
-	Application to High Court
-	Appeal to Supreme Court
2018-08-16	NGT application OA 33/2018

THE AFFIDAVIT BY RESPONDENT NO. 51
CHANDRAKANT S. CHOKSI

MOST RESPECTFULLY SUBMITTED:

1. I am Chandrakant Sajanlal Choksi having age 81 years answering as Respondent No. 51. I have the knowledge of the facts and authority to file this affidavit, for and on behalf of the respondent, which I hereby do, on solemn affirmation and oath.
2. List of abbreviations used is given at the beginning of the application.
3. Respondent no. 51 (hereafter called as a Respondent only) has been impleaded by the Applicant as a party to the Original Application No. 33/2018 as Respondent No.51. Respondent hereby prays to allow for the submission of this Affidavit, as otherwise so far, Respondent No.51 was not heard in the matter by this Hon'ble Tribunal. This shall be in accordance with the provision of Section 19 (i) of the NGTA and also in accordance with the principles of natural justice.
4. In this Original Application No. 33/2018, the Applicant has made various allegations against the Respondent and has sought many reliefs, which, if granted, will affect the Respondent and are, therefore, opposed in this affidavit by Respondent.
5. Through this affidavit Respondent wants to submit point wise reply to the allegation made by the applicant in this application and the report filed by the joint committee as

per Tribunal Order dated 30-06-2020.

1. Allegation Page No. 1, Point No. 1

Illegal and anti-environment Construction and encroachment made on hilltops and hill-slopes.

REPLY: Incorrect. Office of Collector, Pune granted me permission dated 27-01-1999. The slope is within stipulated norms of 1-5. Collector Permission enclosed [■ **Ax. R1**]

2. Allegation Page No. 1, Point No. 1

Government Authorities though the encroachers have violated various laws rules related to Environment Protection.

REPLY: Not in scope of Respondent

3. Allegation Page No.13, Point No.6

Loosing of the soil of hilltop, changing of land cover pattern, flatterring of a steep slope by removal of top strata, artificial changing of watercourses and natural pathways of streams, development of artificial roads in valleys by dumping enormous soil, etc are illegal activities continuous going on in this area.

REPLY: DENIED. Everything exaggerated. The inner road is strictly made as per drawing approved by the office of Town Planning, Pune, and Office of Collector, Pune. Approved drawing enclosed [■ Ax. R2]

4. Allegation Page No.13, Point No.8

Many influential and economically strong people constructed their houses on the hilltop and hill-slopes under the name as a second home or farmhouse and destroyed the ecology and environment in this area.

REPLY: Respondent is not influential.

5. Allegation Page No.13, Point No. 9.

There are various approach roads created to facilitate transportation of trucks, tractors and huge JCB machines, etc. which is also in violation of the law.

REPLY: Respondent's plot is touching the main road. Did not warrant creating an additional approach road.

6. Allegation Page No.14, Point No.13

In the process of construction, there was tree cutting without permission.

REPLY: DENIED. There was no tree cutting. On the contrary, Respondent has planted more trees. In 1999, Forest Department itself certified 1685 numbers of trees on site. Even the joint committee quickly estimated 1200 trees in Respondent's 4-acre land. Certificate of forest department enclosed. [■ **Ax. R3**]

7. Allegation Page No.13, Point No.9.

There was constant dust being spread during construction and the cumulative effect of all this, the ambient air quality in this area has become below standard.

REPLY: Denied. Construction was carried out between 1999 and 2001. Presently there is no construction activity is going on which can contribute to dust formation.

8. Allegation Page No.14, Point No.11

There cannot be legal and valid permission granted by any of the authorities for such huge construction in the eco-sensitive zone.

REPLY: Irrelevant. Respondent does not have huge construction. He has constructed only **219.77 sq. m** as per the permission received from the collector office. Please refer to Ax.2.

9. Allegation Page No.14, Point No.11.

The constructions are without any valid or legal permission/license. The constructions are without following the provision of the Maharashtra Regional and Town Planning Act 1966.

REPLY: Incorrect. Town Planning Department recommended Respondent's application and forwarded it to collector office on **16-12-1998** and after that collector office granted the permission. Please refer to page no.1 point no.2 of Collector permission dated 27-01-1999.

10. Allegation Page No.14, Point No.11

Such construction allowed in the eco-sensitive zone, unfortunately, such illegal construction on hilltops and hill-slopes in this area extensively making the hill barren.

REPLY: Respondent has fulfilled all conditions imposed by the collector office while granting the Construction permission.

11. Allegation Page No.23, Point No.23

The cumulative environmental impact of all such construction in the hilly area needs to be understood as an impact on

various levels like impact on noise, territorial ecology, and socioeconomic environment.

REPLY: Incorrect. Respondent has not contributed any type of pollution load at the time of construction as well as operating the facility. There is no adverse impact observed by the joint committee at the time of joint inspection.

12. Allegation Page No.28, Point No. G

Construction on Hilltops/Hill-slopes is showing legal permission taken from the Village Panchayat which is definitely not the authority to grant such permission for any construction. The NOCs given by village Panchayat cannot be any legal sanction for such construction in the Eco-Sensitive Zones.

REPLY: Incorrect. Respondent has received proper permission from collector office Pune after the recommendation of the town planning department only.

13. Allegation Page No.30, Point No.3

Individual construction is less than 20,000 sq. m. (which is a prohibitory condition in HLWG repost) the total no. of building construction is coming up as a cluster which is certainly more than 20,000 sq. m.

REPLY: Incorrect. This submission is not at all applicable to Respondent's case. Respondent has the construction of **219.77 sq. m.** only which is much lesser than the prescribed construction area in EIA notification 2006.

14. Allegation Page No.30, Point No.4

As per Govt. of Maharashtra's rules and regulations, there is no permission for construction of any sort of building above 1000 mt. altitude however it making a clear violation of the Hill Development Program also.

REPLY: DENIED. Respondent's farmhouse is much less than 1000 meters altitude from the HFL of Pawana Lake.

15. Allegation Page No.31, Point No.6

Disrupting channels of water rivulets and streams due to haphazard construction patterns. It ultimately forcing streams to change their natural flowing path.

REPLY: DENIED. Respondent has not diverted any stream or natural path of flowing water.

16. Allegation Page No.31, Point No.6

Construction on hilltops increasing the risk of landslides with multiple times due to erroneous digging on hilly parts causing loosening of the soil.

REPLY: DENIED. The fact is that, for the past more than 22 years, there is not a single incident of landslide in and around our property observed or noticed by Respondent or surrounding people.

17. Allegation Page No.31, Point No.6

Creating artificial flooring with cement material disrupting the function of natural water percolations.

REPLY: DENIED. There is no artificial flooring done by Respondent. There is huge land remains after the construction of residential patches and internal roads for natural water percolation in our property.

18. Allegation Page No.32, Point No.6

Development on hills and along their slopes, generating a lot of waste is directly leaving its impact on free-flowing streams in this area. It affecting water sources for all villages in the downstream region.

REPLY: Incorrect. Respondent has not affected the free-flowing stream in his premises.

19. Allegation Page No.32, Point No. 6

Construction activities will break the natural pathway of wild animals and will also displace the habitat of many small creatures.

REPLY: Respondent has not affected the habitat of wildlife animals or surrounding creatures. Respondent uses the said property for residential purposes and not for commercial purpose.

20. Allegation Page No.33, Point No.6

These areas not got permission under the hill development act for the development of any township.

REPLY: Respondent has received permission from collector office Pune.

21. Allegation Page No.1113, Point No.1

Prima Facie, it is stated that only 2 constructions have obtained non-Agriculture permission and the remaining construction is unauthorized.

REPLY: Respondent has received proper non-Agriculture permission from Collector office, Pune

22. Allegation Page No.1114, Point No.4

Some of the property's owner are using the construction for residential purpose while others are using it for commercial purposes.

REPLY: Respondent uses his farmhouse only for residential purposes.

23. Allegation Page No.1114, Point No.2

10 out of 63 constructions were found in the private forest which is deemed to be reserved forest as per the provision of the Maharashtra Private Forest Acquisition Act 1975.

REPLY: Respondent has fulfilled all conditions stipulated by the Office of Collector Pune. Further Respondent wants to submit that Forest Department inserted unilateral remarks related to 7/12 of Respondent in the year 2006 i.e. After 6 years when Respondent completed his farmhouse. Respondent has objected to the insertion of the said remark and matter stands sub judice in Hon'ble Supreme Court of India [■ **Ax. R4**].

**REPLY TO REMARKS OF JOINT
COMMITTEE REPORT DATED
07.01.2021**

Sr.	Joint Committee Remarks	Reply by respondent Industry
1	It is stated that during the site visit, the Record related to land viz. name on the 7/12 extract, Details of building permission, year of construction, Type of Construction and its use, whether the property is located uphill or downhill, distance from Pavana Dam, etc. was checked.	Nothing to say
2	In the survey, 10 out of 63 constructions were found in the private forest which are deemed to be reserved forest as per the provisions of the Maharashtra Private Forest Acquisition Act, 1975. Such constructions in the reserved forest means encroachment over the reserved forest which	This fact was known to the collector office and town planning department therefore they imposed a condition to keep the sufficient numbers tree in our permitted property at the time of permission. That's why they mentioned Respondent's property as a forest

	is prohibited as per the provisions of the Indian Forest Act 1927	house/farmhouse. After due diligence and recommendation of the town planning department collector office granted the permission only.
3	It is stated that during site visit inspection the area was surveyed in order to find out the unauthorized constructions (illegal) constructions in Pavananagar area.	Noting to say

**PRELIMINARY OBJECTIONS ON THE
GROUNDS OF MAINTAINABILITY**

1. The present application was filed by the Applicant on 16.08.2018 with lodging no. 33/2018 whereas Respondent has received the Collector of Pune permission in 1999 and initiated the construction work in the year 1999 and finished it in 2001.
2. The construction in totality was conceived, planned, approved prior to EIA Notification 2006 and work commenced on it. The cause of action mentioned in the application is obtaining the documents and received a

letter from PMRDA in the month of September 2017. The delay in filing the Application is of 17 years OR more than approximate 6205 days from the expiry of even grace period of limitation period of six months, u/s. 14(3) of the NGTA 2010 and five years, u/s 15(3) of NGTA 2010.

3. There is no explanation or application for condonation of delay explaining what PREVENTED the Applicant from filing this application within the period of limitation which actually ends in the year 2006. Whereas Applicant in this application stated that he is the resident of this affected area. On this ground, alone, the Hon'ble Tribunal loses its jurisdiction to entertain the application and go into the merit of the matter.
4. The Applicant created confusion as regards facts, cause of action, remedies, and prayers sought and has led the Hon'ble Tribunal astray by these incoherent details.
5. In light of these facts, Respondent has serious objections to the maintainability of this present application on the following grounds, without prejudice to each other. Respondent urges that the same should be first heard and decided before entertaining the application and/or before exercising the original jurisdiction under s.14, 15 by the following procedure as per s.17 and 18 of the Act.
6. That the application must pass the test of maintainability and be within the period of the limitation stated in the act must fall under the original jurisdiction of the NGTA, i.e., action should violate the provisions of acts listed categorically in Schedule-I of the NGTA and fall under the

definition of 'substantial question related to environment' u/s. 2(m) which states"

2(m) "substantial question relating to environment" shall include an instance where,—

(i) there is a direct violation of a specific statutory environment obligation by a person by which, —

(A) the community at large other than an individual or group of individuals is affected or likely to be affected by the environmental consequences; or

(B) the gravity of damage to the environment or property is substantial; or

(C) the damage to public health is broadly measurable;

(ii) the environmental consequences relate to a specific activity or a point source of pollution;

7. Applicant has not shown, or even pleaded to show, as to how the cause of action when first arose, by a grant of permission of Collector Pune is direct violation resulting in an adverse impact on the environment as stated in s. 2(m) (i) (A), (B) or (C).
8. To put it in simple words, the law provides that general or minor environmental issues, if any, that do not have 'substantial *question related to the environment*, should not be brought, dealt with, and adjudicated by this Hon'ble Tribunal. This protects Respondent from frivolous

litigation, saving the precious time of the Hon'ble Tribunal, and also prevents unnecessary flooding of the Hon'ble Tribunal with Applications that do not raise any '*substantial question related to the environment*'.

9. The maintainability, therefore, will have to be tested on the face of it, as a preliminary objection, in respect of each allegation, without going into merit OR adjudication. Those preliminary tests shall be:

a) Which is that one single cause that can be entertained in an application?

b) Is this cause raised within the period of limitation, starting from the day it first arose?

c) Does this cause raise a '*substantial question related to the environment*'?

d) What relief has been asked in prayers? Is it compensation or restitution?

e) Are all the reliefs sought in the prayer consequential to each other and can be granted under the one single surviving cause of action?

f) Does the applicant have locus standi for the relief and compensation sought in the Application?

10. Respondent humbly submits that this entire application does not survive this test and the mandatory statutory provisions spelled in detail above. Surviving portion, if any, of the application ought to be determined after trimming off the irrelevant causes that are not

maintainable. Only then the remaining application with the one single cause may be taken up for further adjudication.

ON GROUNDS OF LIMITATION

11. Respondent states that the entire application and the causes stated in it are barred by limitation. Even if one goes by the submissions of the applicant, the limitation period was triggered in the year 2001 and ended after six months, or after five years i.e., the year 2006. The application was filed on 16.08.2016.
12. Respondent submits that letter from PMRDA by itself can't be the cause of action. The cause of action has to raise the substantial question related to the environment. RTI documents or Government authority letter is not under Schedule-I and doesn't raise any '*substantial question related to the environment*'. This phrase has been specifically and substantively defined in the NGT Act u/s.2(m). As such approval of plan can't be the cause contemplated and eligible under s.14 of the NGTA.
13. Respondent submits that applicant has unnecessarily invoked s.15 only to take advantage of the limitation period of six months corresponding to that section. Even under this section, which provides for '*relief, compensation, and restitution*', there are corresponding eligibility criteria as to who can claim that. The applicant is not claiming any relief in respect of the cause of action.

Relief or more reliefs that should be consequential to each other. Mere reading of prayers shows that those are not the reliefs consequential to each other. Further, they have no bearing to correct the very cause of action, even assuming but not admitting that the same can be the cause.

14. Those reliefs are not for any environmental 'relief, compensation, and restitution but to threaten the Respondent, terrorize him and create fear in his mind.
15. Admittedly there is a delay beyond six months from the date of cause of action. The delay beyond this time period is not condonable as much as the Hon'ble Tribunal has no such powers to condone the delay.
16. Even the extra period of 60 days beyond limitation, doesn't help in fitting the cause within the period of limitation. Waiver from condonation of the delay also is not a matter of right. The applicant has neither prayed for condonation of any delay nor showed by giving sufficient cause as to how he was 'prevented' from applying in time.
17. The cause of action ought to have first arisen within the stipulated period of limitation of six months only AND that should be the cause which gives rise to '*substantial question related to the environment*'. The Applicant's submission that the cause of action arose on receipt of documents and letter from PMRDA is not acceptable. Also, this act in no way raises '*substantial questions related to the environment*'. Therefore, this cause stated by the Applicant in itself is flimsy and untenable under s.14 and

s.15 of NGTA.

FACTS OF THE CASE

23. Respondent is a senior citizen having age more than 81 years. He is a resident of the above-mentioned address for 23 years. He is utilizing his property for the residential use of his own family.
24. They constructed the house in the year 2001 after receiving permission from the collector office in Pune. At that time PMRDA was not in existence. He submitted all the required and essential documents to the office of the town planning and received approval from the collector office Pune.
25. After receiving permission from the collector, he started the work and completed the construction as per the prescribed norms.
26. He applied for the certification of tree counting from the forest department Government of Maharashtra and received the same on 16-01-1999.
27. Respondent constructed home for his own use and not for commercial use. He followed all the norms applicable to him at the time of construction.
28. Respondent is the appellant in the appeal which is pending in Hon'ble Supreme Court regarding the insertion of private forest in a copy of 7/12 and Hon'ble Supreme Court passed the interim stay order in concern

matter.

29. Respondent completed the construction of his home in the year 2001 and after that, he and his family used the same home for the residential purpose. Presently there is no construction going on or in the future also Respondents not going to construct anything. If required he may apply to the concerned government authority for the revision of the construction area and plan. The application filed by the applicant is in the year 2018 which is near about 17 years after the completion of the construction.

PRAYER

In light of the facts and circumstances stated hereinabove, the Respondent prays and urges that this Hon'ble Tribunal be pleased to:

- A. hear and decide this matter in light of the preliminary objections raised, on the issue of maintainability, including but not limited to the points of a period of limitation, issues that have substantial questions related to the environment, and multiple causes raised in one single application;
- B. adjudicate the matter on merit on whether the constructed house is nothing but the farmhouse/forest house under private property owned by Respondent when constructed before the existence of EIA notification 2006, and there being

nothing of the nature of violation or damage to the environment.

- C. decide and direct the additional environmental features to be provided
- D. ask the applicant to submit more details based on ground facts or real facts rather than literature supports
- E. Remove the name of the Respondent as a party from this application and non-applicability of judgment/Order passed or going to pass by this Tribunal in this Original Application 33/2018
- F. Hon'ble Tribunal may ask each applicant to pay the cost of Rs. 1 lakh against the legal fee and documentation for this application to Respondent which is already paid by Respondent No.51.
- G. any other order as deemed fit.

AND for this act of kindness, as duty bound shall ever pray



Place: Pavananagar

Date: 27.12.2021

DEPONENT

Respondent No. 51 in OA 33/2018

AFFIDAVIT AND VERIFICATION

I Chandrakant Sajanlal Choksi, age about 80 years, resident of Place 114/A, Post Pavananagar, Ambegaon, Taluka Maval, District Pune, Pin Code - 410406 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. Translation of it has been explained to me in brief in a language that I can understand.

 x

Place: Pavananagar
Date: 27.12.2021

DEPONENT
Respondent No. 51 in OA 33/2018

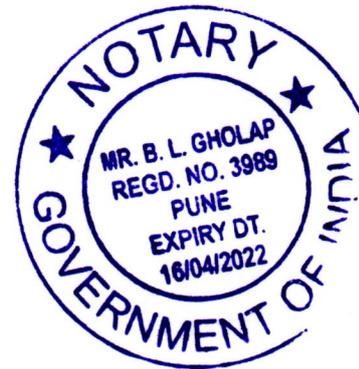
Identified by & before me:
Advocate _____

BEFORE ME



MR. B. L. GHOLAP
NOTARY, GOVT. OF INDIA
PUNE

Noted and Registered
at Serial Number 03 / 2021
Date:- 28 DEC 2021



BEFORE THE HONOURABLE
NATIONAL GREEN TRIBUNAL
 WESTERN ZONE BENCH, PUNE

Original Application No. 33/2018 (WZ)

V A K A L A T N A M A

BETWEEN

Sanjay Bhegade & Ors

.....

Applicant

VERSUS

State of Maharashtra & Ors.

.....

Respondent/s

We/I hereby appoint the following Advocate/s to represent us/me and sign wherever required on our/my behalf.

Sachin Subhash Gore, सचिन सुभाष गोरे,

M.Sc. Environment, LL.B., D.E.M.S. & ISO 14000-14001,

**Address: A2, Kakade Angan, Opposite Talera Hospital,
 Tanajinagar, Chinchwad, Pune-411033.**

E-mail: ssgore2005@gmail.com, Ph. No.: 020-27612357, 7350212877

along with _____

Accepted subject to payment of fees.

Adv. Sachin Subhash Gore

Date: 30th July 2018

Place: Pune



Respondent/s

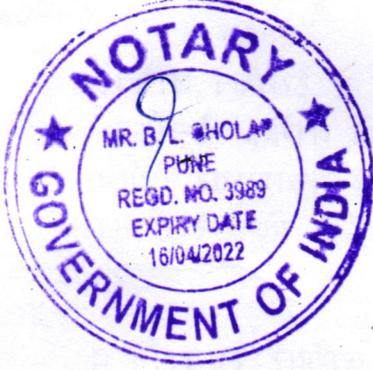
Chandrakant S. Choksi

RESPONDENT NO.51

X I HAVE NO OBJECTION
 by previous Advocate, if applicable.

वाचले:- श्री. चंद्रकान्त सजनलाल चौकसी व इतर यमंया अर्ज दि. १६. १. ९९.
२]सहा. संचालक नगररचना पुणे यमंचेकडील पत्र क्र. रेखांकन-एनएबीपी
-अभियोगनं-स. नं. ११४/१/ससंपु/२५३७ दि. १६. १२. ९८.

-x-x-x-x-x-x-x-x-x-x-x-



जिल्हाधिकारी कार्यालय पुणे,
महसूल शाखा
क्र. बमअ/एनएसआर/ ९ / ९९
पुणे -१. दि. २७ . १. ९९

बिषय :- वनधर / शेतधर परवानगी...

स. नं. ११४/१

मौजे अभियोगनं ता. मावळ जि. पुणे.

आ देखा

=====

१. श्री. चंद्रकान्त सजनलाल चौकसी व इतर यमंनी दि. १६. १. ९९ रोजी या कार्यालयास अर्ज करून मौजे अभियोगनं ता. मावळ येथील जमिन स. नं. ११४/१ एकूण क्षेत्र १हे. ६१आर मधील एकूण २१९. ७७ चौ. मी. क्षेत्रावर शेतधर / वनधर बंधनेस परवानगी मिळणेबाबत विमंती केलेली आहे.
२. अर्जदार यमंनी सादर केलेले नियोजित शेतधर / वनधर बंधकामाचे नकाशे मंजूर करण्यास हरकत नसलेबाबत सहाय्यक संचालक, नगररचना यमंनी त्यांचेकडील दि. १६. १२. ९८ अन्वये या कार्यालयास कळविलेले आहे.
३. उक्त विवेचनावस्तु मी अपर जिल्हाधिकारी, पुणे महाराष्ट्र जमिन महसूल अधिनियम १९६६ मधील कलम ४१ व त्यास दुरुस्ती कायदा १९८६ मधील कलम ४१[ब][३][२] अन्वये प्राप्त असलेल्या अधिकारान्वये अर्जदार यमंना त्यांचे मालकीची जमिन मौजे अभियोगनं ता. मावळ येथील स. नं. ११४/१ मधील २१९. ७७ चौ. मी क्षेत्रावर सोबतचे मंजूर नकाशाप्रमाणे " शेतधर / वनधर " बंधनेस खालील अटी व शर्तीवर परवानगी देत आहे.
 - १] वन/ शेतधराचा वापर फक्त स्वतःचे रहाणेसाठी, शेतीची अवजारे ठेवणेसाठी व बि-बियांची साठवणूक करणेसाठी करावा.
 - २] सडंकाण्याचे निःसारण लगतच्या जलाशयात न होणेची प्रदुषण न होणेची दक्षता घ्यावी लागेल.
 - ३] पुस्तावीत बंधकामाची ठंची ५ मी. पेक्षा जास्त असुनये.
 - ४] प्रति हेक्टरी ८०० या प्रमाणात झाडे जागेवर कायम अस्तीत्वात असणे आवश्यक आहे.
 - ५] १-५ यापेक्षा जास्त तिव्र उतारावर बंधकाम अनुज्ञेय नाही.

T.C.

(Signature)

६] रेखंकनातील भूखंड/इमारती या वनधराचे /शेतधराचे कारणा साठीच वापरणे आवश्यक आहे. व वनधर / शेतधराचे कोणत्याही भूखंडाचे क्षेत्र प्रत्यक्षात ४००० चौ.मी. [०.४०हे.त्रे पेक्षा कमी भरता कामा नये.

७] येथे कोणतेही विकास कार्य सुरु करण्यापूर्वी हे रेखंकन जागेवर आखून भूमि अभिलेख खात्याकडून प्रमाणित करून घ्यावे लागेल. रेखंकन जागेवर आखेवर कोणत्याही भूखंडाचे किमान क्षेत्रफळ नकाशावर दर्शविल्यापेक्षा कमी भरता कामा नये. तसेच रस्त्यांची रूंदी मंजूर रेखंकनात दर्शविल्यापेक्षा कमी भरता उपयोगी नाही.

८] रेखंकनातील रस्ते, इत्यादी अर्जदारानी जागेवर स्वखयानि व समाधानकारक रित्या विकसित करणे आवश्यक आहे.

९] पाणी पुरवठा व सर्वडंपाणी निचरा व्यवस्था अर्जदारानी स्वखयानि व समाधानकारक रित्या करणे आवश्यक राहिल. या सर्वडंपाण्याचे निःसारण लगतच्या जलाशयात होऊन कोणत्याही प्रकारचे प्रदुष्ण होणार नाही. याची दक्षता घ्यावी.

१०] वनधराचे / शेतधराचे प्रस्तावासाठी प्रति हेक्टरी ८०० झाडे १ वर्ष वाढोची झाडे जागेवर प्रत्यक्षात असणे आवश्यक आहे.

११] कोणत्याही भूखंडातील वनधराचे / शेतधराचे बंधकाम हे १५० चौ.मी. पेक्षा जास्त अनुज्ञेय होणार नाही. [रहिवासीपयोगासाठी १०० चौ.मी - अनुसंगिक वापरासाठी ५० चौ.मी. या कमाल मर्यादित].

१२] ~~२५~~ सदरचे बंधकाम लगतच्या परिसराशी सुसंगत असावे. बंधकाम जलाशयाच्या उच्चतम पाणी पातळी पासून १०० मी. अंतराचे पलीकडे असावे.

१३] वरील जागेचा व नियोजित इमारतीचा वापर फक्त वनधर / शेतधराचे वापरासाठी करण्यात यावा व बंधकाम मंजूर नकाशाप्रमाणे असावे.

१४] स्थानदर्शक नकाशावर दर्शविल्याप्रमाणे नियोजित बंधकामापासून पुढील मागील व बाजूची अंतरे प्रत्यक्षात जागेवर असली पाहिजेत व त्याखालील जागा कायम खुली ठेवावी.

१५] नियोजित बंधकामाचे, भूखंडातील अस्तित्वातील अन्य बंधकाम धरून एकूण क्षेत्र १००-५० चौ.मी. इतके प्रत्यक्ष जागेवर कमाल राहिले पाहिजे.

१६] नियोजित इमारतीसाठी आवश्यक असणा-या पाण्याची सोय ।

ब समंडपाण्याची व मैलानिर्मूलनाची व्यवस्था नसल्यास प्रत्यक्षापरापूर्वी अर्जदाराने केली पाहिजे.

१७] नियोजित बंधकामात मंजुरीपेक्षावेगळे बदल करावयाचे असल्यास किंवा वापर बदलावयाचा असल्यास पुर्व परवानगी घेणे आवश्यक आहे.

१८] प्रकाश व वायुविजन यासाठी ठेवलेल्या खिडक्यांचे क्षेत्र हे त्या संबंधित बोलीच्या क्षेत्राच्या १/८ पेक्षा कमी असू नये.

१९] नियोजित बंधकामामुळे भूखंडावर असलेल्या कोणाच्याही वहिवाटीचे हक्काचा भंग होणार नाही याची जबाबदारी अर्जदार/ मालकाने घेतली पाहिजे.

२०] अर्जदाराने सादर केलेली माहिती खोटी अथवा दिशाभूल करणारी आढळल्यास सादरची ^{परवानगी} ~~प्रकार~~ रद्द समजणेत येईल.

२१] वन/शेतधराचे बंधकाम या आदेशाचे दिनांकापासून ६ महिन्यांचे अंत अंत सुरु करावे व तिन वर्षांचे अंत पूर्ण करावे.

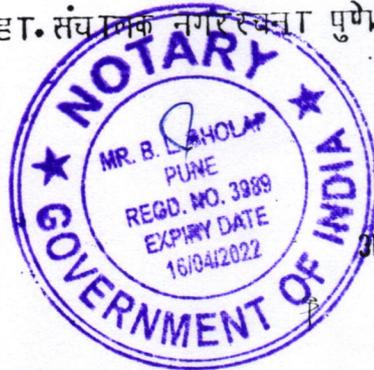
४. वरील कोणत्याही अटीचा व शर्तीचा भंग झालेस दिलेली परवानगी " रद्द " समजणेत येवून महाराष्ट्र जमिन महसुल अधिनियम १९६६ चे कलम ४५ अन्वये कार्यवाही करणेत येईल.

अर्दी - (डी. एच. इतमडे)
अपर जिल्हाधिकारी पुणे.

प्रति,

श्री. चंद्रकान्त समनलाल चोकसी व इतर
रा. एच. २. इडन हॉल. ८ वा माळा,
वरळी मुंबई. १८.

प्रत:- कागदपत्रांसह तहसिलदार मावळ यांस योग्य त्या कार्यवाहीसाठी.
प्रत:- उपविभागीय अधिकारी मावळ उपविभाग पुणे यांस माहितीसाठी.
प्रत:- सहा. संचालक नगररचना पुणे -३० यांस माहितीसाठी.



अपर जिल्हाधिकारी पुणे करिता

TRUE COPY

MR. B. L. GHOLAP
NOTARY, GOVT. OF INDIA
PUNE

09 SEP 2020



Read: - Application of Shri. Chandrakant Sajanlal Choksi & Ors. Dated 16.01.2019
2] Letter from Ast. Director Town planning Pune letter No. Rekhankan-NABP-Ambegaon- S.No. 114/1 P/SSP/2537
Date 16.12.1998.

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Collector Office Pune,
Revenue Department,
No. SMA/NASR/9/99
Pune-1. Date 27.01.1999.

Subject- Forest House / Farm House Permission...
S.No.114/1
Mauje Ambegaon, Tal. Maval. Dist. Pune.

Order

1. Mr. Chandrakant Sajanlal Choksi and others applied to this office on 16.1.1999, requested to get permission to construct a Farm House / Forest House at Mauje Ambegaon Tal. Maval S. No. 114/1 on area 219.77 sq. m. out of 1 hector & 61 R.
2. Assistant Director, Town Planning has submitted no objection to this office on 16.12.1998 regarding the construction maps of Farm House / Forest House submitted by the applicant.
3. In the above discussion, I, the Additional Collector, Pune, under the powers vested under Section 41 of the Maharashtra Land Revenue Act, 1966 and Section 41 [B] [3] [2] of the Amendment Act, 1986, granting the permission to the applicant for the construction of Farmhouse / Forest House on S. No. 114/1 for 219.77 sq. m area as per the enclosed sanctioned maps and with the following terms and conditions.
 - 1] Forests house / Farms house should be used only for their own living, storage of agricultural tools, and storage of seeds.
 - 2] Care should be taken to ensure that sewage is not discharged into the nearby reservoir without any pollution.
 - 3] The height of the construction should not exceed 5 m.
 - 4] 800 no. trees per hector must be present there on site.
 - 5] Construction on steep slopes greater than 1-5 is not permitted.
 - 6] The plot/building in the drawing are must be used for Forest house / Farm house and the area of Forest house / Farm house should not be less than 4000 Sq m. [0.4 hectare]
 - 7] Before starting any development work, the drawing have to draw on place and certified by Department of Land Record. The minimum area of land should not be less than area mentioned in map, as well

as the road width also should not less than the roads shown in drawing.

8] Roads in drawing, etc. applicant need to develop by own expenses and in satisfactory manner.

9] Water supply and sewage drainage system need to do by own expenses and satisfactory manner. Precautions should be taken, that the effluent will not be discharge in nearest water source and pollution will not take place.

10] For proposal of Forest house / Farm house, 800 trees/hectare of 1 year old should be at actual site.

11] In any plot, construction of Forest house / Farm house will not be allowed more than 150 sq. m. [100 sq. m. for residential use + 50 sq. m. for incidental use, these are maximum limits]

12] The construction should be symmetrical to the surrounding area. The construction should be 100 meters beyond from the highest water level of water reservoir.

13] Use of above land and the planned building must be done only for Forest house / Farm house and construction must be as per permitted map.

14] As per topographic map, distance of front, rear and side have to be at actual and its down side always have to be open.

15] At actual site, the total area of planned construction and the actual construction area should be maximum 100+50 sq.m.

16] If there is no any provision of water supply, sewerage and sewage disposal applicant have to do it before actual use.

17] If there are changes in construction other than permission or changes in use, take a prior permission is essential.

18] The area of windows reserved for light and ventilation are should not be less than 1/8 of respective room area.

19] Due to the planned construction, the applicant/owner have to take responsibility that, there are no one's occupation rights will be violated.

20] If the information submitted by the applicant is found to be false or misleading, the respective permission should be considered as cancelled.

21] Construction of forest house / farm house, must be start in 6 months from order date and complete in 3 years.

4. In case of violation of any of the above terms and conditions, the permission given will be consider as 'canceled' and action will be

taken under Section 45 of the Maharashtra Land Revenue Act,
1966.

Additional Collector Pune

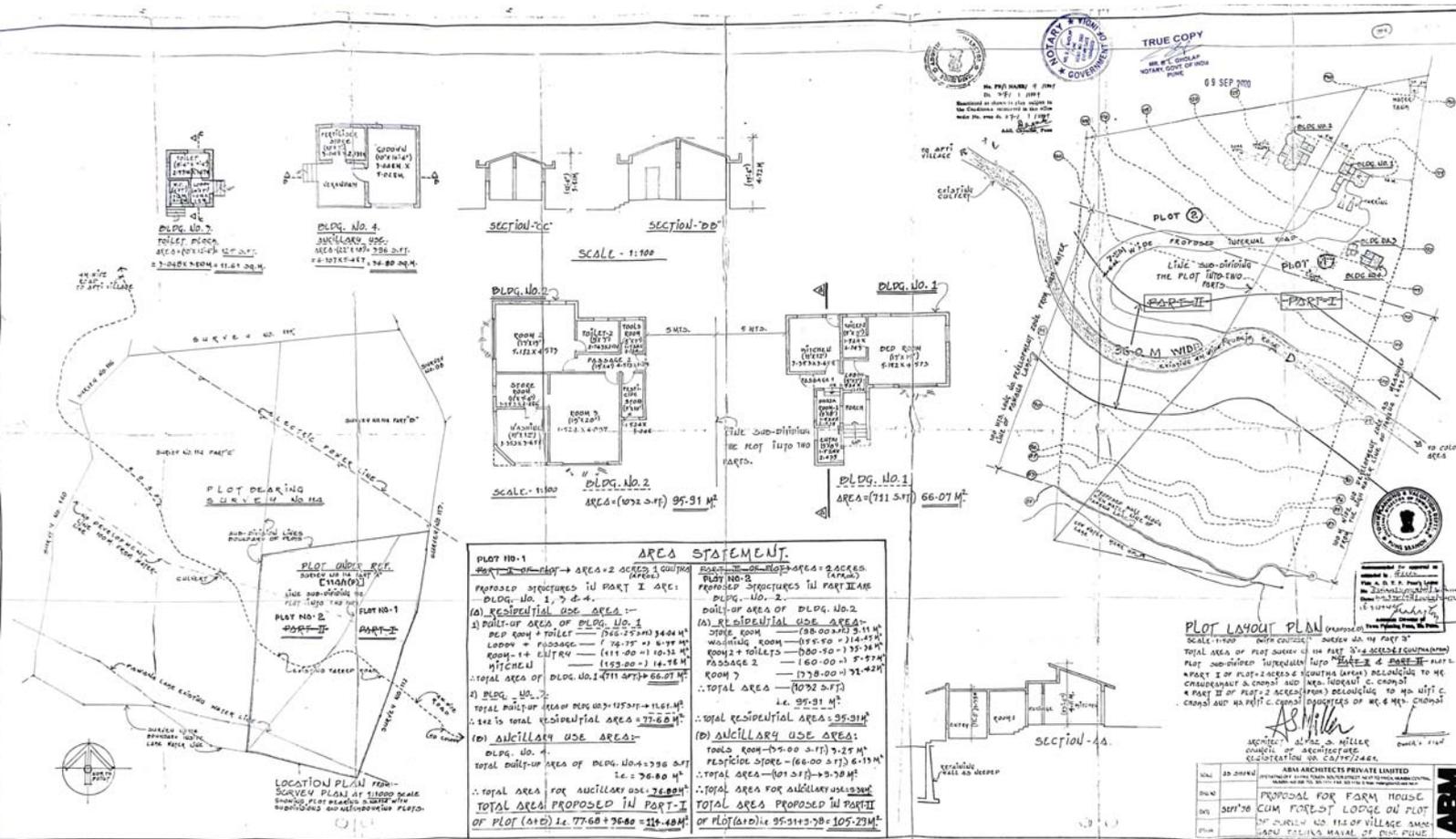
To,
Shri. Chandrakant Sajanlal Choksi
& Ors.
R, H. 2 Eden Hall 8th Floor, Worli
Mumbai-18

Copy- Tahshildar Maval along with document for appropriate action.
Copy- Sub-Divisional Officer, Maval Sub-Division Pune for information
Copy- Assistant Director Town Planning Pune-30 for information.

For Additional Collector Pune

T.C.





AREA STATEMENT

PLOT NO-1
 PART I OF PLOT - AREA 2 ACRES 1 GUNTA (APPROX)
 PROPOSED STRUCTURES IN PART I ARE:
 BLDG. NO. 1, 2 & 4.

(A) RESIDENTIAL USE AREA :-
 1) PULL-UP AREA OF BLDG. NO. 1
 DEP ROOM + TOILET — 265.75 SQ M 344 M²
 LIVING + PASSAGE — 154.75 SQ M 199 M²
 ROOM 2 + ENTRY — 111.00 SQ M 143 M²
 KITCHEN — 122.00 SQ M 157 M²
 :: TOTAL AREA OF BLDG. NO. 1 (PART I) 77.68 M²

2) BLDG. NO. 2
 TOTAL pull-up area of BLDG. NO. 2 116.61 M²
 :: 142 IS TOTAL RESIDENTIAL AREA 177.68 M²

(B) AUXILIARY USE AREA :-
 BLDG. NO. 4
 TOTAL pull-up area of BLDG. NO. 4 28.88 M²
 :: 28.88 IS TOTAL RESIDENTIAL AREA 177.68 M²

TOTAL AREA PROPOSED IN PART I OF PLOT (PART I) IS 177.68 + 28.88 = 206.56 M²

PLOT NO-2
 PART II OF PLOT - AREA 2 ACRES 2 GUNTA (APPROX)
 PROPOSED STRUCTURES IN PART II ARE:
 BLDG. NO. 2

(A) RESIDENTIAL USE AREA :-
 1) BLDG. NO. 2
 DEP ROOM — 58.00 SQ M 75 M²
 LIVING ROOM — 58.00 SQ M 75 M²
 ROOM 2 + TOILETS — 50.00 SQ M 65 M²
 PASSAGE 2 — 160.00 SQ M 208 M²
 ROOM 3 — 178.00 SQ M 229 M²
 :: TOTAL AREA — (1032 SQ M)
 :: 1032 IS TOTAL RESIDENTIAL AREA 1032 M²

(B) AUXILIARY USE AREA :-
 TOILET ROOM — 75.00 SQ M 97 M²
 PASSAGE 1 — 160.00 SQ M 208 M²
 :: TOTAL AREA — (235 SQ M)
 :: 235 IS TOTAL RESIDENTIAL AREA 1267 M²

TOTAL AREA PROPOSED IN PART II OF PLOT (PART II) IS 1032 + 235 = 1267 M²

PLOT LAYOUT PLAN (PART I & II)
 SCALE: 1:1000
 TOTAL AREA OF PLOT SURVEY IS 1032 SQ M (PART I) + 1267 SQ M (PART II) = 2299 SQ M
 PLOT SUB-DIVISION INTO PART I & PART II
 PART I OF PLOT - AREA 2 ACRES 1 GUNTA (APPROX) BELONGING TO THE CHAIRMAN & MEMBERS AND PART II OF PLOT - AREA 2 ACRES 2 GUNTA (APPROX) BELONGING TO THE CHAIRMAN & MEMBERS AND NO PUBLIC COMMON PASSENGER OF THE CHAIRMAN

A. Miller
 ARCHITECT
 ALAN S. MILLER
 COUNCIL OF ARCHITECTS
 REGISTRATION NO. 00117/2004

ABM ARCHITECTS PRIVATE LIMITED
 PROPOSAL FOR FARM HOUSE
 CUM PORTLET LODGE ON PLOT
 OF SURVEY NO. 115 OF VILLAGE ANNA
 SARAI TALUKA, MANDAL OF DIST. PRAGATI

T.C.

Shyama

विषय:- मौ. आंबेगांव ता. मावळ
गट नं. ११४/१ मधील
वृक्षा बाबत....

क्र. ब/कक्षा-३/जमिन/ ३७८५ /१८, १९
पुणे दिनांक २४/१/१९

✓ प्रति,

श्री. चंद्रकांत एत. चोक्ती
पुनम चेंबर
६ मजला ब्लॉक ६०१ ए- बी
शिवसागर इस्टेट वरळी
मुंबई ४०००१८

संदर्भ:- आपला दि. १८/१२/१९९८.

- १] मुख्य वनसंरक्षक म. रा. नागपूर [संबंधित] x [संधारण] पत्र क्र. सी.सी.एफ. [सी] कक्षा-१२ /१०३/ दि. १.१०.९८.
- २] वनसंरक्षक पुणे वनवृत्त पुणे पत्र क्र. कक्षा-२ जमिन/ २२९१ /दि. २५.८.९८
- ३] वनक्षेत्रपाल वडगांव यांचे पत्र क्र. ६९५/९८ दि. ८/१/९९
- ४] जिल्हाअधिकारी पुणे यांचे पत्र क्रमांक ४ अ/८७२३/९८ /तीन दिनांक २४.१२.९८

वरील विषयांकित संदर्भानुसार मौ. आंबेगाव ता. मावळ मा. ग. नं. ११४/१ क्षेत्र १.६१ हे. मध्ये मोका पाहणी करून कळविण्यांत येते की, सदर क्षेत्रात १ वर्षापेक्षा अधिक वयाची १६८७ रोपे अस्थित्वात आहेत त्याची उंची ६० से.मी. ते १२० से.मी. आहे.

[राजेंद्र मंगळकर]
उप वनसंरक्षक,
पुणे वन विभाग, पुणे.

प्रतिक्षिपी : अप्पर जिल्हाधिकारी
माहिती तथा उचित कार्यवाहीसाठी तसेच अज्ञेय.

प्रतिलिपी : वनसंरक्षक, पुणे वृत्त, पुणे यांना माहितीसाठी तसेच सादर.
५० ०१८१२५५.६ ०२०/१०

Translation of Page 1200

Translated on Google Translator

1201

Deputy Conservator of Forests, Pune Forest Department, Pune Pushpa Heights, Pune Satara Road.

Subject- About Trees in Mauje Ambegaon, Tal. Maval, Gat No. 114/1.
K.B/Kaksh-3/Jamin/3185/98,99
Pune, Date- 16/01/1999

To,
Shri. Chandrakant S. Choksi
Punam Chamber,
6th floor, Block 601, A-B,
Shivsagar Estate Worli,
Mumbai-400018.

Ref.- Yours Dated 18/12/1998.

1. Chief Conservator of Forests M.R. Nagpur (Conservation) Letter No. CCF. (C) Kaksh-12/103/ Date- 09.10.1998.
2. Pune Conservator Pune Forest News Letter No. Kaksh-2 Jamin/2291/Date-25.08.1998
3. Letter No. 695/98 of Forest Ranger Wadgaon Date- 08/01/1999
4. Letter No. 4 A/8723/98/Tin of District Collector Pune Date- 24.12.1998

As per reference to the above subject, in Mauje Ambegaon Tal. Maval, MGN 114/1 area 1.61 hectare, it is reported that there are 1687 trees are more than 1 year old and the height is 60 cm to 190 cm.

[Rajendra Mangrulkar]
Deputy Conservator of Forest,
Pune Forest Department, Pune

Copy: Additional Collector, For information and proper action

Copy: Forest Conservator, Pune News, Pune, Submission for information.

Copy: Forest Ranger, Wadgaon.

T.C.

ITEM NO.19 + 48

COURT NO.2

SECTION IX

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (C) No(s). 33691/2018
(Arising out of impugned final judgment and order dated 27-09-2018
in WP No. 6417/2015 passed by the High Court of Judicature At
Bombay)

ROHAN VIJAY NAHAR & ORS.

Petitioner(s)

VERSUS

THE STATE OF MAHARASHTRA & ORS. Respondent(s)
(FOR ADMISSION and I.R. and IA No.184673/2018-EXEMPTION FROM FILING
O.T.)
WITH

SLP(C) No. 2306/2019 (IX)
(FOR ADMISSION and I.R. and IA No.4581/2019-EXEMPTION FROM FILING
O.T. and IA No.4580/2019-CONDONATION OF DELAY IN REFILING)

SLP(C) No. 50/2019 (IX)
(FOR ADMISSION and I.R. and IA No.661/2019-EXEMPTION FROM FILING
O.T.)

SLP(C) No. 33783/2018 (IX)
(FOR ADMISSION and I.R. and IA No.185198/2018-EXEMPTION FROM FILING
C/C OF THE IMPUGNED JUDGMENT and IA No.185200/2018-EXEMPTION FROM
FILING O.T.)

SLP(C) No. 1806/2019 (IX)
(FOR ADMISSION and I.R. and IA No.9518/2019-EXEMPTION FROM FILING
C/C OF THE IMPUGNED JUDGMENT and IA No.9522/2019-EXEMPTION FROM
FILING O.T.)

SLP(C) No. 33905/2018 (IX)
(FOR ADMISSION and I.R. and IA No.186020/2018-EXEMPTION FROM FILING
C/C OF THE IMPUGNED JUDGMENT and IA No.186022/2018-EXEMPTION FROM
FILING O.T. and IA No.186024/2018-PERMISSION TO FILE LENGTHY LIST
OF DATES)

SLP(C) No. 33927/2018 (IX)
(FOR ADMISSION and IA No.186208/2018-EXEMPTION FROM FILING O.T. and
IA No.186209/2018-PERMISSION TO FILE ADDITIONAL
DOCUMENTS/FACTS/ANNEXURES)

SLP(C) No. 573/2019 (IX)
(FOR ADMISSION and I.R. and IA No.3293/2019-EXEMPTION FROM FILING
O.T.)

SLP(C) No. 1283/2019 (IX)

T.C.



(FOR ADMISSION and I.R. and IA No.6882/2019-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.6884/2019-EXEMPTION FROM FILING O.T.)

SLP(C) No. 1487/2019 (IX)
(FOR ADMISSION and I.R. and IA No.8147/2019-EXEMPTION FROM FILING O.T.)

SLP(C) No. 546/2019 (IX)
(FOR ADMISSION and I.R. and IA No.3087/2019-EXEMPTION FROM FILING O.T. and IA No.3084/2019-PERMISSION TO PLACE ADDITIONAL FACTS AND GROUNDS)

SLP(C) No. 885/2019 (IX)
(FOR ADMISSION and I.R. and IA No.5118/2019-EXEMPTION FROM FILING O.T. and IA No.6391/2019-EXEMPTION FROM FILING O.T. and IA No.5117/2019-PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES and IA No.6389/2019-PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES

SLP(C) No. 1986/2019 (IX)
(FOR ADMISSION and I.R. and IA No.11508/2019-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.11507/2019-EXEMPTION FROM FILING O.T.)

SLP(C) No. 1290/2019 (IX)
(FOR ADMISSION and I.R. and IA No.6987/2019-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.6990/2019-EXEMPTION FROM FILING O.T.)

SLP(C) No. 1400/2019 (IX)
(FOR ADMISSION and I.R. and IA No.7487/2019-EXEMPTION FROM FILING O.T.)

Diary No(s). 151/2019 (IX)
(FOR ADMISSION and I.R. and IA No.3691/2019-EXEMPTION FROM FILING O.T. and IA No.6378/2019-EXEMPTION FROM FILING O.T. and IA No.3688/2019-PERMISSION TO FILE PETITION (SLP/TP/WP/..) and IA No.6376/2019-PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES and IA No.3689/2019-PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)

Diary No(s). 2548/2019
(IA No.13414/2019-CONDONATION OF DELAY IN FILING and IA No.13416/2019-EXEMPTION FROM FILING O.T.)

SLP(C) No. 2314/2019 (IX)
(FOR ADMISSION and I.R. and IA No.13456/2019-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT)

SLP(C) No. 2699/2019 (IX)
(FOR ADMISSION and I.R.)

**SLP(C) No. 2696/2019 (IX)
(FOR ADMISSION and I.R.)**

**Diary No(s). 1397/2019 (IX)
(FOR ADMISSION and I.R. and IA No.14041/2019-CONDONATION OF DELAY
IN FILING and IA No.14042/2019-EXEMPTION FROM FILING O.T.)**

**Diary No(s). 1509/2019 (IX)
(FOR ADMISSION and I.R. and IA No.14679/2019-CONDONATION OF DELAY
IN FILING and IA No.14680/2019-EXEMPTION FROM FILING O.T.)**

**Diary No(s). 1514/2019 (IX)
(FOR ADMISSION and I.R. and IA No.12644/2019-CONDONATION OF DELAY
IN FILING and IA No.12645/2019-EXEMPTION FROM FILING O.T.)**

**Diary No(s). 1523/2019 (IX)
(FOR ADMISSION and I.R. and IA No.13470/2019-CONDONATION OF DELAY
IN FILING and IA No.13472/2019-EXEMPTION FROM FILING O.T.)**

**Diary No(s). 2417/2019 (IX)
(FOR ADMISSION and I.R. and IA No.15369/2019-CONDONATION OF DELAY
IN FILING)**

**Diary No(s). 2419/2019 (IX)
(FOR ADMISSION and I.R. and IA No.13460/2019-CONDONATION OF DELAY
IN FILING)**

**Diary No(s). 2502/2019 (IX)
(FOR ADMISSION and I.R. and IA No.13455/2019-CONDONATION OF DELAY
IN FILING)**

**Diary No(s). 2503/2019 (IX)
(FOR ADMISSION and I.R. and IA No.14251/2019-CONDONATION OF DELAY
IN FILING)**

Diary No(s). 2552/2019 (IX)

**Diary No(s). 2829/2019 (IX)
(FOR ADMISSION and I.R. and IA No.15184/2019-CONDONATION OF DELAY
IN FILING and IA No.15189/2019-EXEMPTION FROM FILING C/C OF THE
IMPUGNED JUDGMENT and IA No.15192/2019-EXEMPTION FROM FILING O.T.)**

**Diary No(s). 2632/2019 (IX)
(FOR ADMISSION and I.R. and IA No.14310/2019-CONDONATION OF DELAY
IN FILING and IA No.14311/2019-EXEMPTION FROM FILING O.T.)**

**Diary No(s). 2630/2019 (IX)
(FOR ADMISSION and I.R. and IA No.14413/2019-CONDONATION OF DELAY
IN FILING and IA No.14414/2019-EXEMPTION FROM FILING O.T.)**

Date : 28-01-2019 These petitions were called on for hearing today.

**CORAM : HON'BLE MR. JUSTICE A.K. SIKRI
HON'BLE MR. JUSTICE S. ABDUL NAZEER**

For Petitioner(s) Mr. C.U. Singh, Sr. Adv.
Mr. Santosh Krishnan, AOR

Mr. Anirudha Joshi, Adv.
Mr. Shashibhushan P. Adgaonkar, AOR

Mr. Mukul Rohatgi, Sr. Adv.
Mr. Prasenjit Keswani, Adv.
Mr. Satyajit Saha, Adv.
Mr. Raghvendra Pratap Singh, Adv.
Mrs. V. D. Khanna, AOR

Mr. Mehul M. Gupta, Adv.
Mr. R. P. Gupta, AOR

Mr. Maninder Singh, Sr. Adv.
Mr. Chirag Balsara, Adv.
Mr. Jaiyesh Bakhshi, Adv.
Mr. Ravi Tyagi, Adv.
Mr. Ambaaz Hussain, Adv.
Mr. Animesh Sinha, Adv.
Ms. Ashita Chawla, Adv.
Mr. P. V. Yogeswaran, AOR

Mr. Neeraj Kishan Kaul, Sr. Adv.
Mr. Ravindra Keshavrao Adsure, AOR
Mr. Sagar N. Pahune Pail, Adv.

Mr. Raghav Shankar, Adv.
Mr. R. Chandrachud, AOR

Mr. Krishnan Venugopal, Sr. Adv.
Mr. Ranjit Kumar, Sr. Adv.
Mr. Tapesk Kumar Singh, AOR
Mr. Aditya Pratap Singh, Adv.

Mr. Vinay Navare, Adv.
Ms. Gwen Kartika, Adv.
Ms. Abha R. Sharma, AOR

Mr. Ajit Kumar sinha, Sr. Adv.
Mr. Ashwarya Sinha, AOR
Ms. Mohini Priya, Adv.

Mr. C.U. Singh, Sr. Adv.
Mr. Nitin Mishra, Adv.
Ms. Mitali Gupta, Adv.
Mr. Rajat Sehgal, AOR

Ms. Abha R. Sharma, AOR

Mr. Vineet Naik, Sr. Adv.
Mr. Kunal Vajani, Adv.
Mr. Ashish Tiwari, Adv.
Mr. Varun Ahuja, Adv.
Mr. Tushar Kumar, Adv.
Mr. Sumeer Sodhi, AOR
Mr. Sarthak Sharma, Adv.
Mr. Junaid Qureshi, Adv.
Mr. Sukand Kulkarni, Adv.
Ms. Swati Mittal, Adv.

Mr. Vineet B. Naik, Sr. Adv.
Mr. Sukand R. Kulkarni, Adv.
Mr. Shivaji M. Jadhav, AOR
Mr. Brij Kishor Sah, Adv.

Mr. Prasenjit Keswani, Adv.
Mr. Satyajit Saha, Adv.
Mr. Raghvendra Pratap Singh, Adv.
Ms. Devika Khanna, Adv.
Mrs. V. D. Khanna, AOR

Mr. V.A. Gangal, Adv.
Mr. Anup Deshmukh, Adv.
Mr. Shivaji M. Jadhav, Adv.
Mr. Brij Kishor Sah, Adv.
Mr. Nicholas Chaudhary, Adv.
Ms. Q. Maini, Adv.

For Respondent(s)

UPON hearing the counsel the Court made the following
O R D E R

Permission to file Special Leave Petition(s) is granted.

Delay condoned.

Issue notice, returnable in four weeks. Permitted to serve the
standing counsel for the respondent.

There shall be status quo in the meantime.

(SUSHIL KUMAR RAKHEJA)
AR-CUM-PS

(RAJINDER KAUR)
BRANCH OFFICER

T.C.

