



**BEFORE THE NATIONAL GREEN TRIBUNAL,  
WESTERN BENCH, PUNE, AT PUNE  
ORIGINAL APPLICATION NO. 66 OF 2024 (WZ)**

Bharat Mithalal Nagori

.....Applicant

**Versus**

Maharashtra Pollution Control Board and Others

....Respondents

**COUNTER AFFIDAVIT IN REPLY ON BEHALF OF THE  
RESPONDENT NOS. 12 TO 17 TO THE ADDITIONAL AFFIDAVIT IN  
REPLY DATED 28/11/2024 FILED BY THE RESPONDENT  
NOS. 1 AND 2**

We, Mr. Vilas Nivrutti Kodre, Age: 73, Occupation: Agriculture, Mrs. Jayashree Vilas Kodre, Age: 65, Occupation: Agriculture, Mr. Amol Vilas Kodre, Age: 47, Occupation: Agriculture, Mrs. Harshada Amol Kodre, Age: 44, Occupation: House-wife, Mr. Nikit Vilas Kodre, Age: 45, Occupation: Agriculture, and Mrs. Sonal Nikit Kodre, Age: 40, Occupation: House-wife, hereby solemnly affirm and swear as under:

- 1) At the outset, we deny all the statements and averments made by the Respondent Nos. 01 and 02 in the Additional Affidavit-in-Reply dated 28/11/2024, save and except those specifically admitted hereunder and nothing in the said Additional Affidavit-in-Reply shall be deemed to be admitted by us or on our behalf for want of specific traverse. Further, the contents of our Affidavit-in-Reply be read as part and parcel of the present Counter-Affidavit. The various objections and contentions are not reiterated so as to avoid repetition.
- 2) We state that the contents of Para 1 are matters of record and hence, do not deserve any comments.
- 3) We state that the contents of Para 2 are generally true and correct, except that the opportunity of personal hearing was not given to the Respondent No. 5, but to the Respondent Nos. 12 to 17. As stated in our Affidavit-in-Reply, the present Respondent Nos. 12 to 17 were carrying out activities such as playground, sports ground, social gathering, etc., on certain portion of the Survey No. 27/1/1 owned



by the Respondent No. 12. The Respondent No. 05 is not concerned with the said activities and hence, the Respondent No. 05 is not the Project Proponent for the said activities. On account of the same, the Respondent Nos. 16 and 17, on behalf of the present Respondents, attended the hearing held on 12/09/2024 by the Respondent Nos. 01 and 02.

- 4) We state that the contents of Para 3 are true and correct. However, as stated in our Affidavit-in-Reply, since the area utilized for the said activities was less than 1 Acre and the capacity being much less than 1,000 people, the present Respondents were not required to obtain 'Consent to Establish' as well as 'Consent to Operate' from the Respondent No. 01 as per the guidelines set down by the Respondent No. 01 in the Circular dated 24/11/2016. As for the guidelines dated 07/09/2020 formulated by the Respondent No. 03, i.e. the Central Pollution Control Board, there is great ambiguity as regards when the said Guidelines dated 07/09/2020 were made applicable to the State of Maharashtra by the Respondent No. 01. The same has been elaborately stated in our Affidavit-in-Reply. Hence, the present Respondents have not deliberately refrained from obtaining the necessary consents, since the present Respondents were not aware of the new guidelines of 2020 and hence, were not aware that they were required to obtain 'Consent to Establish' as well as 'Consent to Operate' from the Respondent No. 01.

It is pertinent to note that during the period from 30/04/2019 till 31/03/2020, the present Respondents never let out the temporary shed or the open ground for any event since the same were being utilized only for sports activities. Thereafter, on account of Covid-19, the Government had prohibited any sort of gatherings until 31/01/2022 and the temporary shed was not even utilized for any sports activities or gatherings. Even post Covid-19, only a few events were held on the said Reserved Lands. Hence, it would not be fair if



the present Respondents are penalized for the entire term since 30/04/2019.

5) We state that in view of the reasons stated herein above as well as our Affidavit-in-Reply, the amount of Rs. 1,34,06,250/- calculated by the Respondent Nos. 01 and 02 as the Environmental Damage Compensation is vehemently denied as inaccurate and incorrect. It is vehemently denied that the present Respondents are liable to pay the said amount of Rs.1,34,06,250/-. It is further denied that the total number of days of violation is 1716.

Solemnly affirmed by Vilas Nivrutti Kodre, Jayashree Vilas Kodre, Amol Vilas Kodre, Harshada Amol Kodre, Nikit Vilas Kodre and Sonal Nikit Kodre, at Pune on this 27<sup>th</sup> day of January, 2025

21.1.2025

Mr. Vilas Nivrutti Kodre

*[Signature]*

Mr. Amol Vilas Kodre

*[Signature]*

Mr. Nikit Vilas Kodre

श्री. जयश्री वि. कोद्रे

Mrs. Jayashree Vilas Kodre

*[Signature]*

Mrs. Harshada Amol Kodre

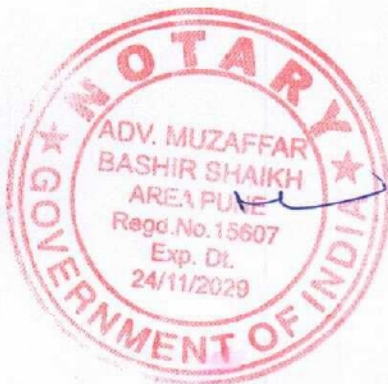
*[Signature]*

Mrs. Sonal Nikit Kodre

Before me

*[Signature]*

Advocate for Respondent Nos. 12 to 17



BEFORE ME

*[Signature]*  
MUZAFFAR B. SHAIKH  
ADVOCATE & NOTARY  
GOVT OF INDIA  
NOTATED & REGISTERED  
SERIAL NUMBER 434/2025

27 JAN 2025

