

BEFORE THE NATIONAL GREEN TRIBUNAL

(WESTERN ZONE BENCH), PUNE

APPLICATION NO. 104 OF 2016

Prakash Agrawal ...Applicant

Versus

Nahar Builders Ltd. & Ors. ...Respondents

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BEFORE THE NATIONAL GREEN TRIBUNAL

(WESTERN ZONE BENCH), PUNE

APPLICATION NO. 104 OF 2016

Prakash Agrawal

...Applicant

Versus

Nahar Builders Ltd. & Ors.

...Respondents



**FURTHER AFFIDAVIT ON BEHALF OF THE RESPONDENT NO. 1 IN
RESPONSE TO THE AFFIDAVIT ON COMPUTATION OF DAMAGES
DATED 21ST MAY 2022**

I, Mahesh Pradhan s/o Mr. Chintamani Pradhan, aged 61 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 the 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 present Affidavit on

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computation of damages dated 21st May 2022 ("**the said Affidavit**") filed by the Applicant.

2. At the further outset, I deny each and every statement, averment, contention and/or submission contained in the Application No. 104 of 2016 and all the Interim/Interlocutory/Miscellaneous Applications filed by the Applicant. Nothing contained in the aforementioned Applications filed by the Applicant shall be deemed to be admitted by me. I also hereby repeat, reiterate and confirm the contents of the Affidavits filed by Respondent No. 1 till date in the present proceedings and deny anything contrary thereto or inconsistent therewith.

3. Respondent No. 1 has filed a Limited Affidavit in Reply dated 2nd May 2023 ("**the said Limited Affidavit in Reply**") to the said Affidavit. I repeat, reiterate and confirm the contents of the said Limited Affidavit in Reply and am filing the present Affidavit to supplement the said Limited Affidavit in Reply, in the circumstances more particularly set out herein after.

4. In this present case, on the last date of hearing, 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



Handwritten signature or initials.

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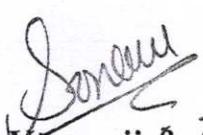
said Order dated 3rd May 2023, this Hon'ble Tribunal has reiterated that the scope of the present original Application cannot extend beyond Sector R-12.

5. A bare perusal of the said Affidavit shows that the original Applicant has purported to compute the alleged damages for all the sectors in the project and thus, evidently, the said Affidavit and the content thereof also traverse beyond the scope of the present original Application. In light of the above, it is submitted that the said Affidavit and its contents ought not to be countenanced and are liable to be discarded from consideration by this Hon'ble Tribunal.
6. I further say that as per the sanctioned Development Plan for Greater Mumbai, Sector R-12 has been categorized as a residential zone since 1991, whereby the development is permissible under the applicable law. This fundamental aspect has not even been factored in the said Affidavit by the original Applicant.
7. In the aforesaid circumstances, I, therefore, respectfully say and submit that the present Application be dismissed with costs.

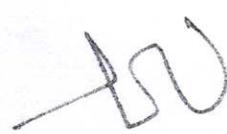
Solemnly affirmed at Mumbai)

On this 31st day of July 2023)




Dhaval Vussonji & Associates

Advocate for the Respondent No.1


(Authorised Signatory)

Respondent No.1



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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 paragraphs Nos. 1 to 7 are true to my personal knowledge and I have not suppressed any material fact.

Solemnly declared at Mumbai

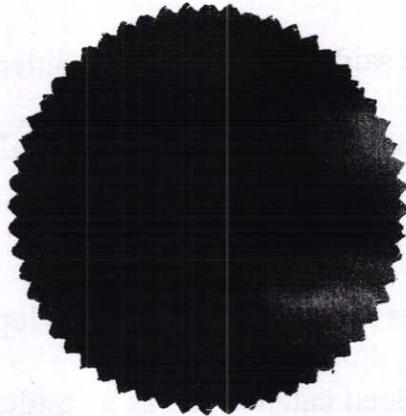
This 31st day of July, 2023

Identified by us,

[Signature]

Dhaval Vussonji & Associates

Advocate for the Respondent No.1



[Signature]

(Authorised Signatory)

Respondent No.1



NOTED & REGISTERED

Sr. No. 1135 Page No. 63
Book No. Free Date: 31/7/2023

BEFORE ME

[Signature] 31/07/2023

DR. T. G. KAUSHIK
ADVOCATE HIGH COURT &
NOTARY, GOVT. OF INDIA
REGD. NO. 309

FLAT NO. 904, BLDG. NO. 11,
WONNE BUILDING, NAHAR AMRIT SHAKTI,
NEAR JAIN TEMPLE, CHANDIVALI,
ANDHERI (E), MUMBAI - 400 072.

Seen
ID/ Aadhar / PAN / DL / EID
No. 259744386462



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**FURTHER AFFIDAVIT ON BEHALF OF THE
RESPONDENT NO. 1 IN RESPONSE TO THE
AFFIDAVIT ON COMPUTATION OF
DAMAMGES DATED 21ST MAY 2022**

Dated this 31st day of July, 2023

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