

**BEFORE THE NATIONAL GREEN TRIBUNAL,
WESTERN ZONE BENCH AT PUNE.**

[Under section 18(1) read with sections 14, 15, 16 & 17 of
National Green Tribunal Act, 2010]

ORIGINAL APPLICATION NO. 82 OF 2023

Abdul Samad Ismail Maknojia and 60 Ors

...Applicants

V/s

The State of Maharashtra and 9 Ors.

...Respondents

OBJECTIONS ON BEHALF OF RESPONDENT NO. 11

[SOCIETY] TO JOINT COMMITTEE REPORT DTD

30.04.2024.

I, Ramakant Sahani, Member and Authorised Signatory of Respondent No. 11 – Shree Azad SRA Co-op. Housing Society Ltd., age: adult, an Indian Inhabitant, do hereby on behalf of Respondent [Society] place objections to the Joint Committee Report dtd. 30.04.2024 as under:–

1. I say that, by Order dtd. 20.03.2024, this Hon'ble Tribunal has constituted a Joint Committee comprising one member each of MPCB, SRA and MCGM to visit the site and conduct inspection therein. A true and correct copy of Order dtd. 20.03.2024 passed by this Hon'ble Tribunal in O.A. No. 82 of 2023 is **EXHIBIT – A.**
2. I say that, though the Society was not functional in April, 2024, the Members of Society observed that, on 23.04.2024, officers viz. Mr. A. S. Nandvate, SRO for MPCB [Respondent No. 4], Mr. Pradip Pawar, Executive Engineer, for SRA [Respondent No. 5], Mr. Sagar Rane, AE, (B&F) for MCGM [Respondent No.7] accompanied



with Project Proponent – Hayat Ansari (Respondent No. 9) visited the site, however, did not inspect the site, as per allegations made in the Original Application.

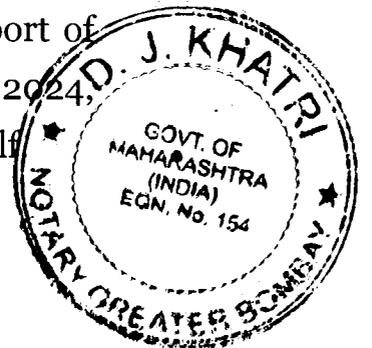
3. I say that, on 24.04.2024, the Executive Engineer, SRA (Mr. Pradip Pawar) for Respondent Nos. 5 and 6, filed an Affidavit [Pg Nos. 648 to 650 of Paper Book], on oath, and uploaded on official website of this Hon'ble Tribunal. Said Affidavit *inter-alia* states as under para nos. 6 which is reproduced as under:–

“6.I say that as per Order dated 20.03.2024 of Hon'ble National Green Tribunal a joint site inspection carried out on dated 22.04.2024 by Joint Committee members of MPCB, SRA and MCGM. As per said joint site inspect, a report is being prepared by joint committee and same will be submitted to Hon'ble NGT.”

A true and correct copy of Affidavit dtd. 24.04.2024 filed by Mr. Pradip Pawar, Executive Engineer of SRA [Respondent Nos. 5 and 6] is marked as **EXHIBIT – B**.

4. I say that, on 30.04.2024, the Joint Inspection was again carried out, wherein, endorsement of respective parties were taken on 'Joint Inspection Report Attendance Sheet' with the assurance that comprehensive report including say by SRA, MCGM and MPCB will be prepared in due course of time and shall be submitted before this Hon'ble Tribunal. A true and correct copy of the Joint Inspection Report Attendance Sheet duly signed on 30.04.2024 is **EXHIBIT – C**.

It is pertinent to note that, through the Report of Joint Inspection Committee is dated 30.04.2024, however, the same was not prepared at the site itself



5. **PRELIMINARY OBJECTION TO JOINT COMMITTEE REPORT:-**

Respondent [Society] raise point-wise preliminary objection in regard to the conduct and working of Joint Committee and its members:-

- a) Pertinently, Respondent [Society] have learnt about letter dtd. 25.04.2024, of Respondent No. 4 [MPCB] – Mr. A. S. Nandvate, SRO. By this letter Respondent No. 4 [MPCB] have claimed that a primary meeting of Committee members was done at site on 23.04.2024. Respondent [Society] say that, the following officers and representatives were present at this alleged primary meeting, on 23.04.2024 are demonstrated in the tabulated chart below:-

A. S. Nandvate	Sub-regional Officer, MPCB	Resp. No.4 [MPCB]	Joint Committee
Pradip Pawar	Executive Engineer, SRA	Resp. No.S [SRA]	
Sagar Rane	Asst.Engineer, (B&F)	Resp. No.7 [MCGM]	
Hayat Ansari	Developer/ co-developer	Resp. No.9	Developer

Members of Respondent [Society] have video-recorded clip showing that the members, and other members the above mentioned persons were present at the site. A true and correct copy of the Photographs (extracted from video) showing the above officers present at site is marked as **EXHIBIT – D.**



- i. Firstly, there was no direction by this Hon'ble Tribunal to have primary meeting at site by the Joint Committee with the

Respondent No. 9 [Developer]. Thus, this ought not to have been done by Joint Committee.

- ii. Secondly, the meeting could have been conducted at a neutral place amongst the Ld. Joint Committee members before actual site inspection, however, Ld. Joint Committee chose to have meeting along with Project Proponent [Developer] at site, despite, the fact there are serious allegations of illegality and irregularity against the Project Proponent [Developer] in the redevelopment. Respondent No. 11 [Society] prays before this Hon'ble Tribunal to direct the Joint Committee to produce minutes of primary meeting of 23.04.2024 alleged to be conducted, by Committee.
- iii. Without prejudice to above contentions, this was not a primary meeting on 23.04.2024, as claimed by Respondent No. 4 [MPCB], because, the Joint Committee half-heartedly visited and inspected the site and building. This, obviously gave ample time to Respondent No. 9 [Developer] to cover-up and camouflage some illegalities till 30.04.2024.

Accordingly, the Project Proponent succeeded to bring OWC in the Rehab Building before 30.04.2024 to cover up his illegality. Project Proponent also did cement plastering near the STP and overflowing



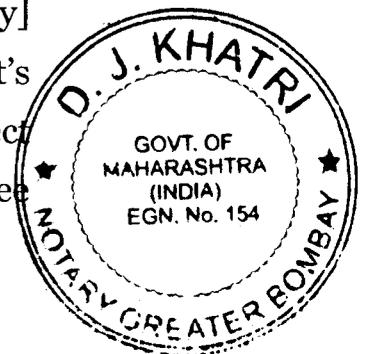
drainage / sewage Tank to cover-up his illegalities. True and correct copies of photographs of showing OWC and Cement plastering at site done by Project Proponent is **EXHIBIT – E**.

- b) It is important to note that, one of the Joint Committee member i.e. Mr. Pradip Pawar, Executive Engineer, SRA (Respondent No. 5 – SRA), filed an Affidavit dtd. 24.04.2024 on oath and uploaded on the official website of this Hon'ble Tribunal, stating that, site inspection is already carried out on 22.04.2024. Executive Engineer further stated that "the site inspection report is prepared by the Joint Committee and shall be submitted before this Hon'ble Tribunal". Respondent No. 11 [Society] preliminary objections are as below :-

- i. Pertinently, the version of Committee member i.e. Mr. Pradip Pawar, Executive Engineer, Slum Rehabilitation Authority (Respondent No. 5 – SRA) is a complete contrast to the version of Nodal agency and Committee Member i.e. Mr. A. S. Nandvate, SRO [Respondent No. 4 – MPCB]. Respondent No. 5 – SRA in clear terms states that, the "Joint inspection" was carried out on 22.04.2024 contrary to the stand of Respondent No. 4 [MPCB] that it was a 'primary meeting'. Respondent No. 11 [Society] prays before this Hon'ble Tribunal to direct the Executive Engineer, SRA (Mr.



- Pradip Pawar) and / or Joint Committee to produce joint inspection report carried out on 22.04.2024, before this Hon'ble Tribunal.
- ii. That, either Respondent No. 4 [MPCB] or Respondent No. 5 [SRA] version given on oath is false and thereby, a fit case for perjury is made out and thus, *suo-moto* action may be taken by initiating enquiry under the provisions of BNSS, 2023.
- iii. Respondent No. 4 [MPCB] claims the date of meeting as 23.04.2024 and Respondent No. 5 [SRA] claims the date of site inspection as 22.04.2024. These are complete contradictory versions of members of Joint Committee.
- iv. That the half-hearted site inspection and filing of Affidavit dtd. 24.04.2024 by Respondent No. 5 – SRA in a hasty manner shows that there is a pre-determined mindset. Respondent No. 5 – SRA as a committee member has defied and over reach the directions of this Hon'ble Tribunal.
- c) On the date of second site inspection carried on 30.04.2024, one member of the Joint Committee i.e. Mr. Pradip Pawar, Executive Engineer, SRA [the engineer who filed Affidavit dtd. 24.04.2024] was replaced with a Junior Cadre Officer – Mr. Sanjeevan Bhosle, A.E., SRA. Respondent [Society] states that, members of society, Applicant's Advocate, Respondent No. 8 and 9 [Project Proponents] and following Joint Committee



members were present on 30.04.2024, which are demonstrated in the tabulated chart below:-

A.S.Nandvate	Sub-regional Officer, MPCB	R-4 [MPCB]	Joint Committee
Sanjeeven Bhosle	Asst. Engineer, SRA	R-5 [SRA]	
SagarRane	Asst. Engineer, (R&F)	R-7 [MCGM]	

- i. This replacement of Committee member of Respondent No. 5 [SRA], was done in order to bypass and overcome the grave blunder and illegality committed in Affidavit dtd. 24.04.2024 filed by Mr. Pradip Pawar, Executive Engineer, SRA (Respondent No.5 – SRA), with shows pre-determined mindset of one of the erstwhile committee member.
- ii. Secondly, the version of Respondent No. 5 – SRA in Affidavit dtd. 24.04.2024 demonstrates that site inspection was already carried out on 22.04.2024. Thus, the subsequent and second site inspection on 30.04.2024 was nothing but a chicanery and facade to allow the Project Proponent to cover up many illegalities and to assist the Project Proponent to run away from its liability and responsibility.

6. **THE RESPONDENT [SOCIETY] HEREBY RAISES PARAWISE OBJECTION TO JOINT COMMITTEE REPORT DTD. 30.04.2024:-**

SEWAGE TREATMENT PLANT [STP]:

- a) That the contents of para No. 1 of the said report



are incorrect and misleading for the following reasons-

- i) During inspection, the Sewage Treatment Plant [STP] was observed to be inoperative. The Committee recorded the submission of the PP that the responsibility to maintain STP lies with Rehab Society. The PP's submissions have been deliberately recorded to shield from the responsibility of operation of STP.
- ii) Infact, the sewage tank was overflowing due to faulty connection due to which enormous water and air pollution happened. This which was rectified / covered up by the PP before second inspection, and thus, there was no breakage and leakage found. True and correct copies of photographs showing overflowing STP tank is marked as **EXHIBIT – F**.
- iii) That the PP was bound to provide duly installed and functional STP in all manner, alongwith proper setup. In factum, there was no electricity connection at STP Plant and other wire connection therein are loose. Hence, the developer has miserably failed to provide operational and safe STP plant, which has not recorded in the said Joint Committee Report.
- iv) In so far as leakage of sewage is concerned, that is found on the site. This need not to be investigated at the whims and fancies of the PP.



6.2 ORGANIC WASTE CONVERTER [OWC]:

That the contents of para to.2 of the said report are incorrect and misleading for the following reasons:-

The report has claimed the capacity of Organic Waste Converter (OWC) to be 208 kg/day. However, the size of OWC is too small and its actual capacity far less than claimed. However, again the Joint Committee has relied upon the incorrect submission of PP pertaining to responsibility of Society for maintenance and operation of OWC by Society.

It is correct to state that said OWC was found non-operational while inspection. However, it is the duty of P to get it operationalised.

6.3 PROVISION OF STP DURING CONSTRUCTION PHASE:

That, for the report at para No. 3, the Respondent [Society], put the Joint committee into strict proof anti evidence in regard to green toilets for the use of workers.

6.4 RAIN WATER HARVESTING:

That the contents of para No. 4 of the said Report are incorrect and misleading because, the PP has provided the Rain Water Harvesting system only on paper and no such system exists on site. However, the Joint Committee has recorded completely false and blatantly incorrect observations, in said Joint Inspection Report.

6.5 PARKING:

That the contents of para No. 5 of the said report are incorrect because, by virtue of Amendment dtd. 12.08.2009, in Regulation No. 36 [Table-15] Development Control Regulation of Greater Mumbai, 1991, it is contemplated, that the benefit of 01 [one]



parking facility for every 08 [eight] occupant in the Slum Rehabilitation Scheme under regulation 33 (10) of DCR, 1991 shall be provided. However, the Joint Committee has wrongfully mentioned inapplicable Circular No. 104 dtd. 10.11.2009. And accordingly recorded that there is no need of Parking in Rehab Building, without application of mind. Be as it may, this is point of involving facts as well as law, thus, the Respondent [Society] shall make submissions before this Hon'ble Tribunal.

6.6 RECREATIONAL R. G. / PHYSICAL R. G.:

That, the contents of para No. 6 of the said Report are correct that, only 8% of R. G. is required to be provided on not plot area in the present S. R. Scheme of Regulation 33(10) of DCR, 1991. In a very vague manner, it is mentioned that part physical R. G. is provided on site without mentioning the area of R. G., however, the fact remains that no physical R. G. had been provided on site, because internal / access road cannot be counted / considered as R. G. / paved R. G. As claimed by PP. The Joint Committee has wrongly recorded the observations of non-existing aspects.

6.7 ISSUANCE OF O.C. AFTER NECESSARY OF SGNP:

That, the contents of para No. 7 of the said Report are incorrect because, the SEIAA condition does not prescribe that the SGNP NoC shall be insisted before granting final O.C. to Sale Wing - A / B. Thus, joint committee cannot import or interpret which is absent in the conditions of SEIAA.



6.8 FIRE SAFETY:

That, the contents of para No. 8 of the said Report are incorrect because —

- (a) The said report has only recorded about the grant of CFO's Completion Certificate for Rehab Wing C. By this observation, the factual position at site cannot be ascertained.
- (b) The factual position at site has not been recorded about inspection for access /space for effective and smooth fire tender movement. The factual position is such that, the fire Brigade Vehicle cannot even move around the Rehab Wing. Thus, a demo or a Mock Drill ought to have been recommended by Joint Committee.
- (c) It also did not record about the adequate fire-fighting equipment as per National Building Code. That the allegations in relation to illegalities and lapses by PP is concerned that could have been dealt with the joint committee. Ascertaining the feasibility / access for fire tender / fire engine could have been done by the joint committee which consist of engineers and experts.

6.9 SOCIO ECONOMIC IMPACT – PROVISION OF MANDIR:

In respect the contents of para No. 9 of the said Report, the Respondent [Society] state that, the religious place [Mandir] has been under the management of occupants of Rehab Building for many decades. Once the Sale Building is completed and boundaries are finally defined in all aspects, the access to the Mandir for the Rehab Occupants shall be impossible. Thus, the provision of



Mandir in Sale Wing A / B is illegal anti ought not have been done without taking the consent of the Rehab occupant members. A true and correct copy of Annexure – II showing Mandir as Eligible is **EXHIBIT – G**.

More so, the alternative solution could be that, the Mandir location must be retained at the same place, and should not be relocated in Sale Wing.

6.10 FORM 1, FORM 1A:

In respect the contents of para No.10 of the said Report, the Respondent [Society] states that, the Joint committee has denied to offer any in respect of allegation made by Applicant *qua* Form 1 and Form 1A submitted by PP before SIEAA and SEAC Authorities thus, appropriate directions may be given in this regard.

6.11 RE-COMMITTEES OPINION:

In so far, as committee opinion is concerned, that the appropriate action has to be taken by MPCB board against PP / Society, for non-operation of STP and OWC, is incorrect because the PP is solely and absolutely responsible for installation and to operationalised the STP and OWC. Notices were sent to PP by MPCB pointing out the said, illegalities, therefore, at this stage Respondent [Society] cannot be dragged and held and negligence committed by PP.

That the opinion by joint committee provides a kind of safety value to the PP to wriggle out from its mandatory duties and responsibility, therefore, necessary direction in the interest of justice may be given keeping in the mind, the life and safety of the Respondent [Society] and its member of the Society.



7. I say that, the facts and circumstances stated hereinabove are true and correct to the best of my knowledge and belief and no material facts are concealed therefrom.

AND FOR SUCH ACTS OF KINDNESS THE RESPONDENT [SOCIETY] SHALL DUTY BOUND EVER PRAY.

Place: MUMBAI,
Date: 14.06.2025.

Acharya

Advocate for Respondent No. 11,
[Nitesh Acharya – MAH/5248/5214].

Ramakant.

Shree Azad Co-op. Hsg. Society
Through its Members and
Authorised Signatory –
Ramakant Sahani
[Respondent No. 11]



[Signature]
Before me *14/6/2025*
D. J. KHATRI
B.Com., B.A., LL.B.
NOTARY, GREATER BOMBAY
31, Chitra Apartments, Gokuldas Pata Road,
Dadar, Mumbai - 400 014
EGN. No. 154

NOTED & REGISTERED
Sr. No. *6239/25*
Date *14/6/2025*

VERIFICATION

I, Ramakant Sahani, Member and Authorised Signatory of Respondent No. 11 – Shree Azad SRA Co-op. Housing Society Ltd., do hereby, state on solemn affirmation that what is stated in forgone paragraphs are true and correct to the best of my knowledge and belief and no material facts are concealed therefrom. I have been read over and understood the facts and submission made hereinabove in Hindi language.

Solemnly affirmed at Mumbai,
Dated this 14th day of June, 2025.

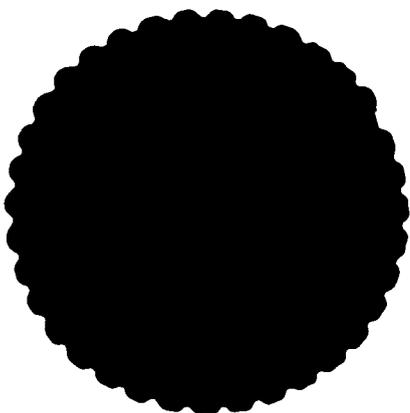
Identified, explained and interpreted by me,

Acharya

Advocate for Respondent No. 11,
[Nitesh Acharya – MAH/5248/2014].

Ramakant

Shree Azad Co-op. Hsg. Society
Through its Members and
Authorised Signatory –
Ramakant Sahani
[DEPONENT]



BEFORE ME
[Signature]
14/6/2025

D. J. KHATRI
B.Com., B.A. LL.B
NOTARY, GREATER BOMBAY
31, Chitra Apartments, Gokuldas Pasta Road
Dadar, Bombay - 400 014.
Regd. No. 154



NOTED & REGISTERED
Sr. No. 6239/25
Date 14/6/2025

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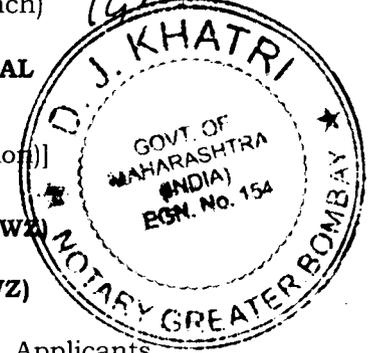
Item No.6

(Pune Bench)

**BEFORE THE NATIONAL GREEN TRIBUNAL
WESTERN ZONE BENCH, PUNE**

[Through Physical Hearing (With Hybrid Option)]

**ORIGINAL APPLICATION NO.82 OF 2023 (WZ)
WITH
I.A.NO.141/2023 IN O.A. NO.82/2023 (WZ)**



Abdul Samad Ismil Maknoja & ors.

.... Applicants

Versus

The State of Maharashtra & Ors.

.... Respondents

Date of hearing : 20.03.2024

**CORAM: HON'BLE MR. JUSTICE DINESH KUMAR SINGH, JUDICIAL MEMBER
HON'BLE DR. VIJAY KULKARNI, EXPERT MEMBER**

Applicant : Mr. Akaash Bhogil, Advocate

Respondents : Mr. Aniruddha Kulkarni, Advocate for R-1 to R-4
Mr. Vedant Joshi, Advocate holding for Mr. Girish
Utangale, Advocate for R-5 and R-6
Mr. Prakash Shejal, Advocate for R-7
Mr. Annuj N. Narula, Advocate for R-8 and R-9

ORDER

1. In compliance with our previous order dated 12.01.2024, respondent Nos.8 and 9, being represented by learned counsel Mr. Annuj N. Narula, has served copy of the reply-affidavit dated 10.01.2024 on all parties and pursuant thereto, the affidavit-in-rejoinder dated 18.03.2024 has been filed by the learned counsel for the applicants, copy of which has been served on all the respondents.

2. The learned counsel for respondent Nos.8 and 9 submits that since after perusal of the rejoinder, it is apparent that there are several allegations made against respondent Nos.8 and 9 and specifically it is pointed out in paragraph No.22 that these respondents have not entered into registered tripartite agreement, which is mandated to be done. He

states that in fact, that tripartite agreement has been entered into and he will file a copy of the same on record. Therefore, he seeks time for filing rejoinder. We allow two weeks' time by way of last opportunity.

3. From the side of respondent Nos.1 to 4, learned counsel Mr. Aniruddha Kulkarni has filed reply-affidavit on behalf of respondent No.1 – Environment and Climate Change Department, Govt. of Maharashtra today and states that copy of the same has been served on all the parties, but the learned counsel for respondent Nos.8 and 9 states that he has not received the same. We direct learned counsel for respondent Nos.1 to 4 to serve a copy of the said reply-affidavit upon the learned counsel for respondent Nos.8 and 9 today by e-mail.

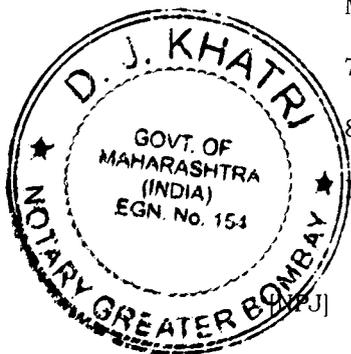
4. In compliance of our directions in paragraph No.3 of order dated 12.01.2024, learned counsel for the applicants states that he has served copy of the amended O.A. upon respondent Nos.5 and 6 - SRA.

5. From the side of respondent Nos.5 and 6 - SRA, learned counsel Mr. Vedant Joshi, holding for Mr. Girish Utangale, learned counsel seeks time to file reply-affidavit. We grant two weeks' time to him to file the reply-affidavit, by way of last opportunity, subject to cost of Rs.5000/- (Rupees Five Thousand) to be deposited with the NGT Bar Association (WZB), Pune within a week, with a direction that copy of the same shall be served upon the applicants, who may file rejoinder thereto within two weeks thereafter.

6. On the previous date, the learned counsel for respondent No.7 – MCGM had sought a week's time to file reply-affidavit. Today, he says that no reply-affidavit is required to be filed as no prayer is made against MCGM.

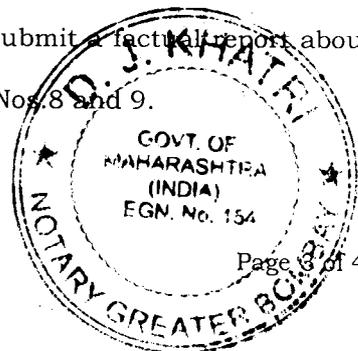
7. Today, from the side of respondent No.10, none has appeared.

8. Learned counsel for the applicants prays for adjudication of I.A. No.141/2023, wherein following prayers have been made:



- "A) Pending the hearing and final disposal of this Application, this Hon'ble National Green Tribunal be pleased to appoint a Court Commissioner and be further pleased to direct such Court Commissioner to hold site inspection of the property/project and to submit factual report about various violations by Respondent No.8 (Nirman) and/or its partner Respondent No.9 (Mass), [vis-à-vis the grounds stated in Para Nos.4.1 to 4.29 of OA No.82 of 2023]
- B) Pending the hearing and final disposal of this Application, this Hon'ble National Green Tribunal be pleased to direct the Respondent No.8 (Nirman) and/or its partner Respondent no.9 (Mass) and Respondents – SEIAA and SRA to make immediate provision, and to temporarily grant the Applicants/slum dwellers obstruction free and uninterrupted access, use and benefit of –
- a) R.G./amenity open space shown and indicated in the Sale Wing;
- b) Parking area constructed in the Sale Wing.
- C) Pending the hearing and final disposal of this Application, this Hon'ble National Green Tribunal be pleased to direct is done by Respondent No.8 (Nirman) and/or its partner Respondent No.9 (Mass), Respondents – SEAC, SEIAA and SRA to make all the disclosure, and provide and upload on the website –
- a) all relevant sanctioned plans submitted, permissions sought and NoCs obtained for the present project, including but not less than Applications for NoC and NoC from SGNP and NBWL;
- b) Deed of Modification dtd. 28.02.2020 executed between Respondent No.8 (Nirman) and/or its partner Respondent No.9 (Mass)
- D) Cost of this Application be provided for."

9. By prayer (A) above, the applicants want this Tribunal to appoint a Court Commissioner with a direction to such Court Commissioner to hold site inspection of the property/project and submit a factual report about various violations committed by respondent Nos.8 and 9.

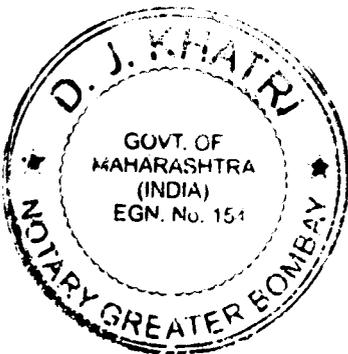


10. We partly allow this application (I.A. No.141/2023) and instead of appointing a counsel or individual person as Court Commissioner to visit the site, we deem it appropriate to constitute a Joint Committee comprising one member each of respondent No.4 – MPCB, respondent No. 5 – Slum Rehabilitation Authority and respondent No.7 – MCGM and MPCB would be the nodal agency of the Joint Committee, with a direction that the Committee shall visit the site in question, inspect it in respect of the allegations made in this application and note all the violations and submit its report within one month from the date of uploading of this order, after issuing a notice about visit to the site to the learned counsel for the applicants as well as learned counsel for respondent Nos.8 and 9.
11. I.A. No.141 of 2023 is disposed of.
12. Put up this matter for next consideration on 13.05.2024.

Dinesh Kumar Singh, JM

Dr. Vijay Kulkarni, EM

March 20, 2024
O.A. No.82/2024 (WZ)
npj



[NPJ]

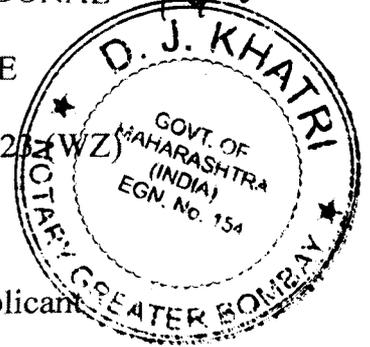
EXHIBIT - B



BEFORE THE NATIONAL GREEN TRIBUNAL

(WESTERN ZONE) BENCH, PUNE

ORIGINAL APPLICATION NO. 82 OF 2023 (WZ)



Abdul Samad Ismail Kaknoja & Ors

....Applicant

Verses

State of Maharashtra & Ors.

...Respondents

I Pradip Pawar, an adult, Indian inhabitant working as Executive Engineer, Slum Rehabilitation Authority the Respondent No. 5 & 6 (SRA) herein do hereby solemnly affirm and state as under :-

1. I say that I have perused the copy of an application filed by the Applicant and in reply thereto I have to state as under
2. At the very outset, I respectfully say and submit that the contents of the said Application are false, vexatious and suppression of facts & hence ought to be dismissed with heavy costs.
3. At the further outset, I respectfully say and submit that admittedly the Applicants who are slum dwellers and encroachers on the said property

Pradip



have already got the benefits under the slum policy of Government of Maharashtra and have been rehabilitated free of costs on ownership basis in the rehab buildings constructed on site and therefore having received the benefit under the slum scheme chooses to challenge the same.

4. I say that the slum scheme on land bearing, CTS No.738/B/1A of village Malad for Shree Azad SRA CHS was accepted on 17/01/2006 by the SRA. The LOI was issued on 10/08/2009 and revised LOI's were issued on 28/12/2011,03/02/2018,14/02/2020 and 18/05/2021 and land is private land .There are 192 slum dwellers on the said property admeasuring 4219.80 sq.mtrs. The part OC to ground (pt) plus stilt (part) plus 1st to 15th Floor excluding school reservation portion was issued to Respondent No.9 on 16.06.2021.
5. I say that as per the then prevailing DCR Rules there was no requirement for providing parking spaces to the rehab building C wing . I say that RG has been provided as paved RG admeasuring 339.56 sq.mtr which is now being used by applicants for parking .
6. I say that this respondent shall ensure that the project proponent shall comply with the EC conditions strictly. I say that as per order dated 20.03.2024 of Hon'ble National Green Tribunal a joint site inspection



[Handwritten signature]



carried out on dated 22.04.2024 by joint committee of members from MPCB, SRA & MCGM. As per said joint site inspection, a report is being prepared by joint committee and same will be submitted to Hon'ble NGT.

7. In the circumstances I say and submit that necessary orders be passed as this Hon'ble Tribunal may deem fit and proper.

Solemnly affirmed at Mumbai)
This ^{24th} Day of April 2024)

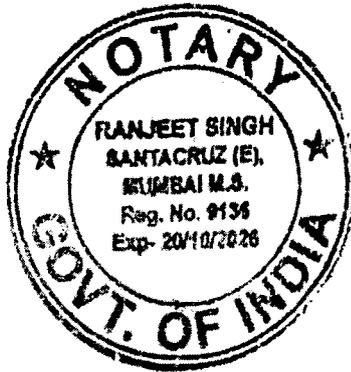
Panand
24/04/2024
Deponent

Advocate for Respondent No. 5 and 6

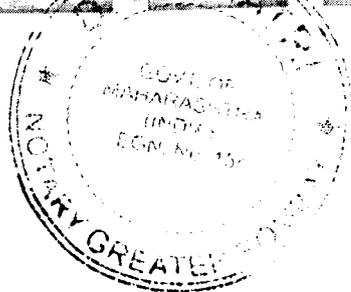
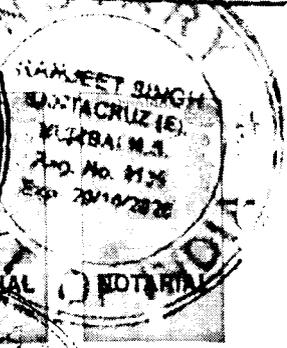
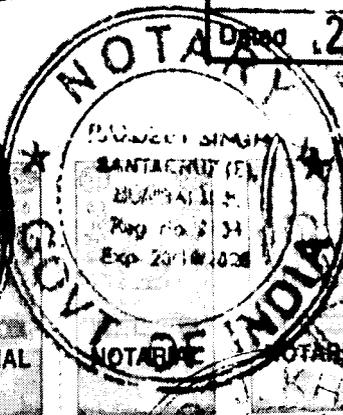
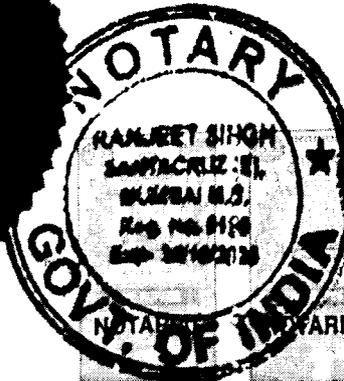
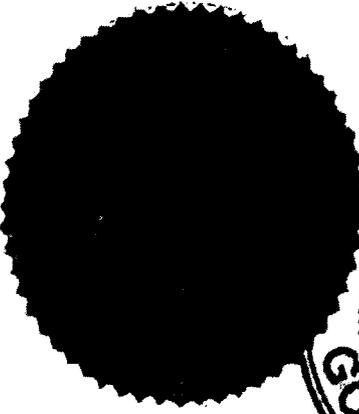
BEFORE ME

[Signature]

RANJEET SINGH
M.Sc LLB.
NOTARY
MAHARASHTRA
GOVT OF INDIA

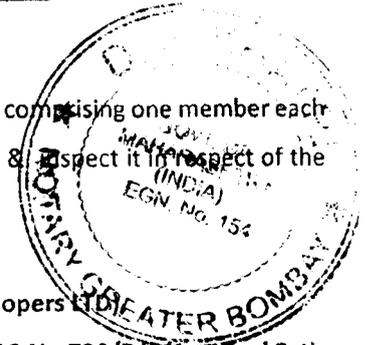


RANJEET SINGH (Notary Govt. of India)
Register No 2162
Dated 24 APR 2024



Joint Inspection Report Attendance Sheet

The Hon'ble NGT vide order dated 20/3/2024 has constituted a Joint Committee comprising one member each from MPCB, SRA and MCGM to carryout joint inspection of the site in question & inspect it in respect of the allegations made by applicant.



1. Name of Project :

M/s. Nirman Constructions

(Alias M/s Nirman Realtors and Developers)
"Shree Azad Co. Op. HSG Society" ,C.T.S.No.738/B/I/A at Rani Sati Marg, Azad Link Road, Sanjay Nagar, Pathan Wadi, Malad (E), Mumbai.

2. Date of inspection :

30/04/2024

3. Officials Present

for inspections & signatures

1. Mr. Aakash Bhogil
(Representative of Applicant)

2. Mr. Samath Makhnoji
(Applicant)

3. Mr. Sagar Rane
(AE, MCGM) (BFP)

4. Mr. Sanjivan Bhosale
(AE, SRA)

5. Mr. AJIT MARATHE
M/s. Nirman Constructions

6. Mr. Hayat Ahmed Ansari
M/s. BAACHA MASS ENCLAVE

7. Mr. A.S. NANDYATE
SRO, MPCB.

Handwritten signatures and dates for items 1-7:
1. 30/04/2024
2. 30/4/2024
3. 30/04/2024
4. 30/04/24
5. 30/4
6. 30/04/2024
7. 30/04/2024

4. Specific comments

- Joint inspection carried out by above representatives of as per orders issued by Hon'ble NGT.
- The comprehensive report including say by SRA, MCGM and MPCB will be prepared in due course of time and will be submitted to Hon'ble NGT.

(Ajit Marathe) Developer
(Mr. Hayat Ansari) Developer
(Sagar Rane) AE MCGM

(Mr. Samath M) Representative of Applicant
(Sanjivan Bhosale) AE SRA

(Mr. Aakash Bhogil)
(A.S. Nandyate) SRO MPCB



April, 23, 2024





Mar 16, 2024, 10:57

NOTARY
 GOVT. OF
 MAHARASHTRA
 (INDIA)
 EGN. NO. 154
 D. J. KHATRI

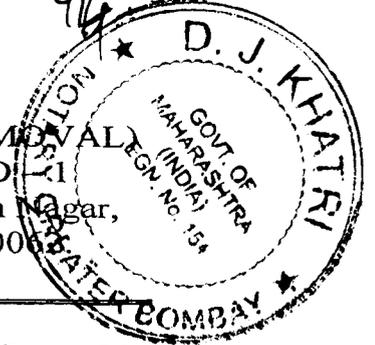




EXHIBIT - G

True translated copy from Marathi to English

DY. COLLECTOR (ENCROACHMENT/REMOVAL)
& COMPETENT AUTHORITY, MALAD
M.H.B. Building No. 34, First Floor, Sidharth Nagar,
S.V. Road, Goregaon (West), Mumbai 400066
Telephone No, 28721303



No. DC(Enc/Rem)/Malad/R 62/541
Date: 17 FEB 2021

To
Dy. Collector (Western Suburbs),
Slum Rehabilitation Authority,
Vasant Kanekar Marg, Bandra (E),
Mumbai 400 051.

Subject: Slum Rehabilitation Scheme
C.S. No. 738/B-1 A Pt. village Malad, Tal.
Borivali. Shri Azad Co-operative Housing
Society (Prop).

- Ref.** 1) Government Resolution No. SRA 810/P.No.
96/2018/SRS-1 dtd. 16th May 2018.
2) Shri Azad Co-operative Housing Society Ltd.
Schedule – 2 dtd. 6.7.2007 passed by the....

As per the referred Government Resolution, by
determining eligibility/non-eligibility of slum dweller of
the subject society for rehabilitation with cost in respect
of following society, the supplementary schedule 2 is
being sent to you.

Sr.No.	Schedule- 2 Sr.No.	Name of slum holder	Use	Decision
1	191	Om Jai Ambe Shiv Hanuman Mandir Trust	Temple	Eligible for paid rehabilitation

Three copies of supplementary schedule 2 are submitted herewith.

Sd/-
Dy. Collector (Encr./Rem)
& Competent Authority, Malad-1

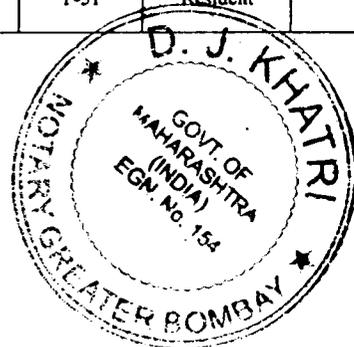
Copy to:

- 1) Om Jai Ambe Shiv Hanuman Mandir Trust, Shri Azad Co-op. Hsg. Society, village – Malad, Tal. Borivali.
- 2) Secretary/Chairman, Shri Azad Co-op. Hsg. Soc. Village – Malad, Tal. Borivali.
- 3) Developer, Shri Azad Co-op. Hsg. Society, village Malad, Tal. Borivali.
- 4) Office File.

Sd/-
Dy. Collector (Encr/Rem)
& Competent Officer, Malad-1



	Jadyar									Eligible	led
184.	Madhukar Sakharam Raut	-	-	-	Resident			R.C. No. 330097 dt. 05.06.94 Ele. Bill No. 1 K. 01077702 dt. 15.06.94		Eligible	
185.	Mohammad Imran Jamil Khan	-	-	-	Resident			R.C. No. 520097 dt. 06.03.94 Ele. Bill No. 1 K. 01011320 dt. 15.01.93	Yes	Sd/-	Eligible
186.	Ramesh Nahata	-	-	-	Non-Resident	28 x 18		Gumasta No. PN I 4095 dt. 21.4.94 LF 2- 0109999 Dt. 15.2.94			Eligible
187.	Safadar Ali (Closed)	-	-	-	Non-Resident	28 x 18		Gumasta No. PN I 2590 dt. 20.8.94 LF 2 K 044432 Dt. 15.10.93			Eligible
188.	Abdul Samad	-	-	-	Non-Resident	34 x 20		Gumasta No. PN I 4041 dt. 20.9.94 LF 2 K 01011102 Dt. 17.10.1994			Eligible
189.	Shivam Pandey (Closed)	-	-	-	Closed			R.C. No. 510094 dt. 19.04.94 Ele. Bill No. 1 K. 01000110 dt. 17.12.93			Non-Eligible No evidence led
190.	Tabela	-	-	-	Tabela						Non-Eligible No evidence led
191.	Jay Ambe Shivhanuman Mandir Trust	-	-	-	Temple	17 x 16.6		LF -2 K 01077702 Dt. 18.03.93			Non-Eligible Temple
192.	Premkumar Varnwal	-	-	-	Non-Resident	22 x 8		Gumasta No. PN I 4459 dt. 08.11.93 LF 2 K 6524341 Dt. 06.05 LF 2 01066607 Dt. 15.4.94			Eligible
193.	Ramnik Meghaji Vora	-	-	-	Non-Resident	20 x 8		Gumasta No. PN I 8119 dt. 21.11.91			Eligible
194.	Ramnik Meghaji Vora	1995	75/140	T-5I	Resident						Eligible



**BEFORE THE NATIONAL GREEN
TRIBUNAL,
WESTERN ZONE BENCH AT PUNE.**

[Under section 18(1) read with sections 14, 15, 16
& 17 of National Green Tribunal Act, 2010]

O. A. NO. 82 OF 2023

Abdul Samad Ismail Maknojia and 60 Ors
...**Applicants**

V/s

The State of Maharashtra.
...**Respondents**

OBJECTIONS ON BEHALF OF
RESPONDENT NO. 11 [SOCIETY] TO
JOINT COMMITTEE REPORT DTD
30.04.2024.

Mumbai dated this 14th day of June, 2025



NITESH ACHARYA

Advocate for Respondent No. 11,
Flat No. 1102, Regent Orchid
(Hema Niwas), Hardevibai Society,
Caves Road, Jogeshwari (E),
Mumbai – 400 060.

Mob. No.: 9773253962.

nitesh.s.acharya@gmail.com

[MAH/5248/2014]