(1)

Regi. Sr. No. 462
4644/2024

BEFORE THE NATIONAL GREEN TRIBUNAL

WESTERN ZONE BENCH, PUNE

Original Application NO. 104 OF 2023 (WZ)

IN THE MATTER OF:-

Charan Bhatt **.....Applicant**

Versus

Environment & Climate Change Dept. & Ors. **....Respondent(s)**

OBJECTION TO THE JOINT COMMITTEE REPORT

I, Charan Bhatt, the applicant of OA 104/2023, am filing an objection to the Joint Committee report submitted by the committee appointed by the Hon'ble NGT on 01/01/2023. The Joint Committee was directed to visit the site in question, verify the contents of the allegations made in this Original Application, and submit an action taken report. The Joint Committee has submitted the report along with supporting documents.

The joint committee report is incomplete, and the committee itself is confused about understanding the documents submitted by the respondents and applicant grievance. In the report, the committee attached the information it received from the respondents, but whether the information is valid or constitutes a violation is not clearly mentioned. The committee collected the documents and presented their information in the report. However, this report cannot be considered valid, as it itself violates the orders as no action taken report is submitted.

Objection

GOVERNMENT OF INDIA NOTARY A.S. YADAV Reg. No. 5042 Mumbai Thane Maharashtra

(2)

1. **Information was not obtained from the respondent, nor were they called for the on-site inspection.**

1.1. The committee visited the site on 12.02.2024. The committee members present were Shri Nischal C from CPCB, Shri Kiran Hasabnis from MPCB, and Shri Anand Katole from MPCB. Also present on-site were Respondent No. 4, Y. S. Reddy; Respondent No. 6, Mitali Dhangar; Respondent No. 5, Mohammed Yusuf Latif Qureshi; and Respondent No. 12, Sanjay Narang Architect. The applicant, Charan Bhatt, was also present. However, Respondent No. 2 District Collector Respondent No. 5 Tehsildar and Respondent No. 7 Mandal Adhikari of Mandvi, who are officers from the Revenue Department and have an information regarding the lands, were absent. Despite this, the joint committee proceeded with the site visit without any correspondence with the Revenue Department. I raised an objection during the visit, questioning how an inspection could be conducted without the involvement of the Revenue Department. However, I received no satisfactory reply from the committee members.

1.2. Respondent No. 8, Mona Atul Patel, the landowner, was not called for the site visit. She had acknowledged the presence of the pond and obtained development permission from CIDCO, and taken NA permission from District Collector of Thane, The said N.A permission expressly prohibited any development in the pond area. Respondent No. 11, Shah Gattani, the consultant architect and engineer for Mona Atul Patel, was also absent on site visit, with no correspondence. Shah Gattani had included the pond in the layout and received approval from CIDCO in 2009. Additionally, Respondent No. 10, Ajay Wade & Associates, the architect for

Mona Atul Patel, was also absent from the site visit, with no correspondence. This architect had in the approach plan similarly noted the presence of the pond and obtained development permission from VVCMC in 2015.

A critical question raised regarding the joint committee's report is: Why was there no correspondence or documentation with the Revenue Department, CIDCO, the landowner, or the previous architects involved?

[Please refer section 2.0 of joint committee report]

2. The presence of the pond was acknowledged, but the proper chronology of its approval, restrictions, violations, and changes on the site was not clearly mentioned in the joint committee report.

2.1. The joint committee report acknowledges the presence of the pond and references various official orders and documents. Annexure 3 CIDCO order for NA permission, and Annexure 4 includes the NA order from the Thane District Collector. Respondents 8 and 9, the landowner and developer, respectively, submitted the pond location and area, included it in the layout plan, and obtained development permission from CIDCO, VVCMC and Thane Collector before 2019. However, in 2022, a revised development permission was issued by VVCMC, stating that there was no pond existence on that date according to the documents. Despite respondents acknowledging the presence of the pond prior to 2022, the joint committee did not clearly address or verify these changes in the pond area before and after this years.

Joint Committee Submitted Incomplete and Misleading Waliv Village Map to Tribunal.

2.2. The Joint Committee attached an incomplete map of Waliv village as Annexure 17, attempting to suggest that no pond is present.

However, this map is clearly incomplete, not mentioned or marking of trees, structures, wells, overhead wires, stones, hills, temples, churches, schools, industries, homes, hospitals, and offices. The reference for marking these structures is included in the bottom corner, but none of the actual features are correctly identified, rendering the map inaccurate. Furthermore, the map was taken under the name Salman Qureshi and certified as being from the Revenue Department, yet the Joint Committee failed to properly verify it with the Revenue Department before presenting this incomplete and misleading map to the Hon'ble National Tribunal.

[Please refer S. no. X 3.1 of section 3.1 joint committee report]

2.3. The joint committee attached Annexure 18, which includes a letter from Respondent No. 3, the Commissioner of Vasai Virar Municipal Corporation, dated 27.03.2023. However, the joint committee did not verify this letter, which was addressed to the Additional Secretary of the Urban Department. The letter claimed that the pond in the Development Plan was a drafting error and referenced clearance from the Urban Department under Clause 2.5 of the UDCPR.

Point	Description	Details
1. Commissioner's Letter	The letter from Respondent No. 3, the Commissioner of Vasai Virar Municipal Corporation, was addressed to the Chief Secretary of	The letter claimed that the pond in the Vasai Virar Development Plan was a drafting error. The Commissioner is misleading and misrepresenting the

	the Urban Department	facts about the existence of pond.
2. Google Images (Bullet Point 1)	The letter stated that Google images from 2004 to 2022 showed the presence of the pond.	This claim is false. The presence of pond google images, attached in the original application (Exhibit F), google images show the pond existing before 2019.
3. Village Form of Waliv (Bullet Point 2	The letter referenced a village form from Waliv, indicating the existence of the no pond.	The specific document referred to is not clear.
4. Circle Inspector Officer's Letter (Bullet Point 3)	The Circle Inspector Officer from Mandvi, in a letter dated 16/06/2022, stated that no pond exists at the site	This letter describes the present-day status of the land. There was nothing is written there no pond existing in the past. The report letter was misused. The letter is attached in the original application (Exhibit M).
5. Tahsildar's Letter (Bullet Point 4)	The Tahsildar, in a letter dated 22/06/2022, also stated that no pond exists at the site.	This letter reflects the current status of the land and is alleged to be misleading. The letter is attached in the original application (Exhibit N)

(6)

6. TILR M.R No. 464/96 (12/04/1996, C/2111)	This document indicates that no pond exists.	There are suspicions that this map might be forged or fabricated. CIDCO granted development permission based on this TILR, which mentioned the pond. The landowner agreed to it obtained development permission as well as got constructed the building and got OC from the department. TILR and FROM 14 was not produced in the report.

The development plan of the Vasai Virar Municipal Corporation, prepared by the CIDCO authority, clearly indicates the presence of a pond, marked in blue with bounders. Google images from 2004 to 2022 confirm the existence of the pond. The applicant obtained development permission based on the TILR, layout, and relevant orders. Additionally, the District Collector of Thane explicitly mentioned the pond, its area, and a nala(water channel) in the Non-Agricultural (NA) Revenue Department order. However, Respondent No. 3 appears to have misused or possibly forged documents without verifying the presence of the pond in their development plan. Despite the District Collector order, property card revenue records, Google images, and the development plan (DP) all indicating the presence of the pond, Respondent No. 3 ignored these factors, favouring the developer. Regarding this letter

(7)

(Annexure 18), the Joint Committee has not verified the information and facts submitted this latter on the report.

[Please refer S. no. XI 3.1 of section 3.1 joint committee report]

3. **Joint committee ignores evidence of filled pond during site visit, omits key details in report**

3.1. During the site visit, I pointed out to the Joint Committee that the pond had been filled in. The area was clearly identifiable as the former pond site, as it was visibly lower than the surrounding land and debris has been dumped, which is evident in the photographs attached as Annexure 19. However, the Joint Committee failed to mention this violation and land details in their report.

4. The Joint Committee did not perform its duties properly. They failed to study and verify the documents thoroughly and did not correspond with CIDCO, which created the development plan for Vasai Virar showing the pond area and boundaries marked in blue. Respondents 3 and 4 violated the District Collector order based on the Tahasildar letter, but this violation was not mentioned. The Committee did not correspond with or document anything with the Revenue Department, Architects or the landowner Mona Atul Patel. Instead, the Joint Committee only reviewed documents and correspondence that claimed there was no pond, ignoring the facts that the Revenue Department, Architects, CIDCO, and the landowner all confirmed the existence of the pond. Additionally, the Committee did not address violations of the UDCPR, MRTP Act, and environmental rules, nor did they identify how Respondents misled and violated these regulations.

5. The conclusions of the Joint Committee report are invalid as they did not thoroughly study the issues or follow the Hon'ble NGT's order regarding the existence of the pond on the suvery no. 48/6, 48/10 & 48/11

Village Waliv , violation permission, and the filled pond area. The report lacks proper research and raises questions about its accuracy and reliability.

Prayers

6. The applicant respectfully requests that the Hon'ble National Tribunal accept this objection application to the Joint Committee report.

7. The Applicant, therefore, respectfully prays that the Hon'ble National Green Tribunal may be pleased to: (i) quash and set aside the Joint Committee report due to its inaccuracies, omissions, and non-compliance with NGT orders; (ii) reconstitute the Joint Committee with qualified and impartial members to conduct a thorough and accurate review; (iii) direct the new committee to properly examine all relevant documents, violation, misuse of power, damage of pond and evidence; (iv) address and rectify any violations of the UDCPR, MRTP Act, and environmental regulations by the respondents; (v) take appropriate action against the members of the current Joint Committee for their failure to perform their duties properly; and (vi) ensure that the findings of the new committee are transparent and based on accurate information.

8. The Applicant prays for such other and further reliefs as this Hon'ble Nation Green Tribunal may deem fit and proper in the circumstances of the case.

Place: Nallasopara

Date: 12/09/2024

Charan Bhatt

Applicant In Person

(9)

VERIFICATION & AFFIDAVIT

I, Charan Bhatt, adult, do hereby state that I have verified the contents of the above submissions. I affirm that the facts stated therein are true and correct to the best of my knowledge and belief.

This affidavit is field on solemn affirmation and oath.

Charan. B

Place: Nallasopara

Date: 12/09/2024

Person

Charan Bhatt

Applicant In

GOVERNMENT OF INDIA NOTARY A.S. YADAV Reg. No. 5042 Gr. Mumbai Thane Maharashtra

Regi. Sr. No.
4844 | 2024

NOTARY Ajeet Yadav Gr. BOMBAY & THANE State of Maharashtra Regn. No. 5042 GOVERNMENT OF INDIA

NOTARIAL NOTARIAL NOTARIAL NOTARIAL NOTARIAL

BEFORE ME
12/9/24
AJEET S. YADAV
ADVOCATE & NOTARY
GOVT. OF INDIA