

BEFORE THE NATIONAL GREEN TRIBUNAL  
NEW DELHI

OA. No. 595 OF 2018

IN THE MATTER OF: -

SRI. B. RAGHUPATHY

... APPELLANT(S)

VERSUS

UNION Of INDIA & ORS.

... RESPONDENT(S)

REPLY AFFIDAVIT ON BEHALF ON THE  
RESPONDENT NO. 3 (BDA)

PAPER BOOK  
(FOR INDEX KINDLY SEE INSIDE)

Filed by:



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Place: New Delhi  
Date: 19/11/2025

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**NEXT DATE : 09/12/2025****INDEX**

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Place: New Delhi

Date: 20/11/2025

**BEFORE THE NATIONAL GREEN TRIBUNAL, PRINCIPAL  
BENCH, NEW DELHI  
O.A. No. 595/2018**

In the matter of:

B. Raghupathy

... Petitioner(s)

Versus

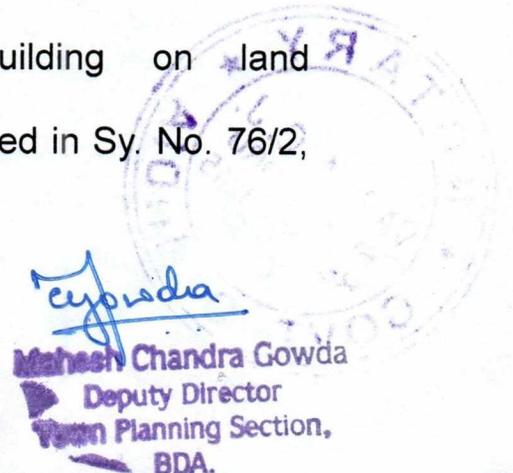
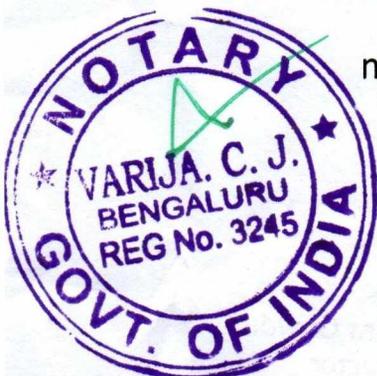
Union of India & Ors.

... Respondent(s)

**REPLY AFFIDAVIT ON BEHALF OF THE  
RESPONDENT NO. 3 (BDA)**

I, Mahesh Chandra Gowda S/o Bhadraiah aged about 45 years, Bangalore Development Authority, Bangalore, do hereby solemnly affirm and state on oath as follows:

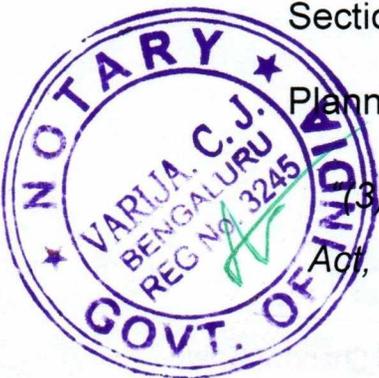
1. I submit that I am working as Deputy Director, Town Planning in Bangalore Development Authority (hereinafter referred to as "BDA") and I know the facts of the above case as per the records maintained by the office of the BDA.
2. The present reply is filed on behalf of the Respondent no.3 (BDA) in response to the averments made in the Original Application No. 595/2018, which pertains to the development/construction of a building on land measuring 1 Acre and 4 Guntas situated in Sy. No. 76/2,



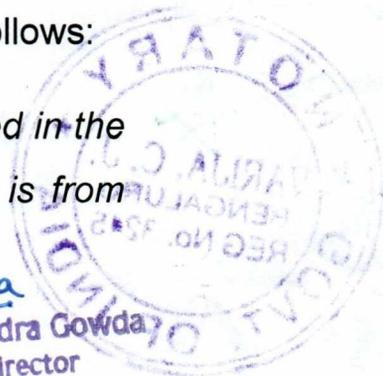
Kasavanahalli Village, Varthur Hobli, Bangalore East Taluk.

3. At the outset the averments in the OA are denied save and except what are matters of record or have been specifically traversed hereinafter.
4. The OA applicant has not claimed any specific relief against BDA and the only allegation pertaining to BDA is with regard to grant of conversion from Industrial use to commercial use. The same has been made in accordance with law.
5. That with respect to paragraphs 1 to 21, 23 to 29 and paragraphs 32 to 34, 36 to 38 and 40 to 77 of the Original Application does not pertain to BDA and needs no reply by BDA as the same relates to other respondents.
6. That with respect to paragraph 22, it is respectfully submitted that the change in land use from Industrial (Hi-Tech) to Commercial has been approved by the Bangalore Development Authority under the provisions of Section 14A(3) of the Karnataka Town and Country Planning Act, 1961. The said provision reads as follows:

*Notwithstanding anything contrary contained in the Act, if the change in land use or development is from*



*Mahesh*  
**Mahesh Chandra Gowda**  
 Deputy Director  
 Planning Section.



*Commercial or Industrial to Residential or from Industrial to Commercial and the stipulated fee is paid and the Local Planning Authority is informed prior to effecting the change, the permission for such change of land use or development shall be deemed to have been given."*

True copy of Section 14A (3) of the Karnataka Town and Country Planning Act, 1961 is produced herewith and marked as **Annexure R/1**. [Pg. 6 to 7]

7. That in the present case, the subject land was designated for Industrial (Hi-Tech) use under the Revised Master Plan - 2015 (RMP-2015). Based on the application filed by the landowner and upon payment of the prescribed statutory fees, BDA issued a Commencement Certificate dated 28.05.2010 approving the change of land use from Industrial (Hi-Tech) to Commercial, in accordance with the provisions of Section 14A(3) of the KTCP Act. True copy of Commencement Certificate Letter dated 28/05/2010 is produced herewith and marked as **Annexure R/2**. [Pg. 8 to 9]

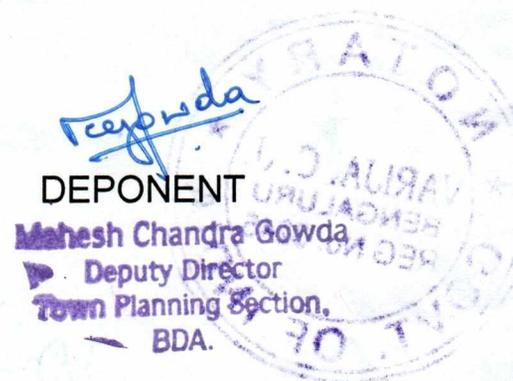
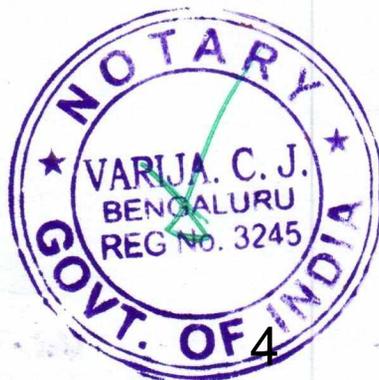
8. That the permission for change of land use is a statutory and independent function of the BDA, carried out in accordance with the procedure laid down under the law. The applicant has complied with the prescribed process



noc: 5

and has paid the Betterment Charges and Scrutiny Fees totalling Rs. 3,36,200/-, as confirmed by the Finance Department of BDA. This payment was made through Canara Bank Challan No. 19346 dated 30.04.2010. The BDA has acted strictly in accordance with the provisions of the Karnataka Town and Country Planning Act, 1961 and all actions taken have been in good faith and in the public interest.

9. That the responsibility of compliance with the terms and conditions stipulated in the Commencement Certificate, including obtaining necessary environmental and statutory clearances from other authorities, rests with the project proponent. If any non-compliance is found, the responsibility shall lie with the respective party and not with the BDA.
10. In view of the aforesaid facts and circumstances of the case, it is humbly prayed that the accompanying original application filed by the Petitioner may be dismissed.
11. The annexures are the true copies of the original.



**VERIFICATION**

I, the above-named deponent, do hereby verify that the contents of the above paragraphs of the Affidavit are true and correct to the best of my knowledge and belief as derived from records. Nothing material has been concealed or withheld there from.

Verified at Bengaluru on this the 22 day of Sept 2025.



*Mahesh Chandra Gowda*  
 DEPONENT  
 Mahesh Chandra Gowda  
 Deputy Director  
 Town Planning Section,  
 BDA.

**SWORN TO BEFORE ME**

*Varija C.J.*  
 VARIJA C.J.  
 ADVOCATE & NOTARY PUBLIC  
 No.811, 4th Block, BEL Layout  
 Adyaranyapura Main Road  
 Bangalore-560 087

Annexure R-1

(b) the following operations or uses of land shall not be deemed to involve a development of any building or land, namely:—

(i) the carrying out of works for maintenance, improvement or other alteration of any building, being works which affect only the interior of the building or which do not materially affect the external appearance of the building;

<sup>1</sup>[XXX]<sup>1</sup>

1. (ii) and (iii) omitted by Act 23 of 2004 w.e.f. 3.06.2004

(iv) the use of any building or other land within the curtilage of a dwelling house for any purpose incidental to the enjoyment of the dwelling house as such;

(v) when the normal use of land which was being temporarily used for any other purpose on the day on which the declaration of intention to prepare the outline development plan is published under sub-section (1) of section 10 is resumed;

(vi) when land was normally used for one purpose and also on occasions for any other purpose, the use of the land for that other purpose on similar occasions.

(3) Every application for permission under sub-section (2) shall be accompanied by a plan, drawn to scale showing the actual dimensions of the plot of land in respect of which permission is asked, the size of the building to be erected and the position of the building upon the plot and such other information as may be required in this behalf by the Planning Authority.

<sup>1</sup>[14A. Change of land use from the outline development plan.—(1) At any time after the date on which the outline development plan for an area comes into operation, the Planning Authority may, with the previous approval of the State Government, allow such changes in the land use or development from the outline development plan as may be necessitated by topographical cartographical or other errors and omissions, or due to failure to fully indicate the details in the plan or changes arising out of the implementation of the proposals in outline development plan or the

circumstances prevailing at any particular time, by the enforcement of the plan:

1. Inserted by Act 17 of 1991 w.e.f. 19.04.1991.

Provided that,—

- (a) all changes are in public interest;
- (b) the changes proposed do not contravene any of the provisions of this Act or any other law governing planning, development or use of land within the local planning area; and
- (c) the proposal for all such changes are published in one or more daily newspapers, having circulation in the area, inviting objections from the public within a period of not less than fifteen days from the date of publication as may be specified by the Planning Authority.

(2) The provisions of sub-section (2) and (3) of section 14 shall apply *mutatis mutandis* to the change in land use or development from the outline development plan.<sup>1</sup>

<sup>1</sup>[(3) Notwithstanding anything contrary contained in the Act, if the change in land use or development is from commercial or industrial to residential or from industrial to commercial and the stipulated fee is paid and the Local Planning Authority is informed prior to effecting the change, the permission for such change of land use or development shall be deemed to have been given.]<sup>1</sup>

1. Sub-section (3) Inserted by Act 1 of 2005 w.e.f. 14.2.2005.

<sup>1</sup>[**14B. Benefit of development rights.**- Where any area within a local planning area is required by a Planning Authority or local authority for a public purpose and the owner of any site or land which comprises such area surrenders it free of cost and hands over possession of the same to the Planning Authority or the local authority free of encumbrances, the planning authority or the local authority, as the case may be, may notwithstanding anything contained in this Act or the regulations but subject to such restrictions or conditions as may be specified by notification by the State Government, permit development rights in the form of additional floor area

  
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*Annexure R-2*

## BANGALORE DEVELOPMENT AUTHORITY

No.BDA/TPM/CLU.135/09-10/699/2010-11 Date: 28.5.10

## COMMENCEMENT CERTIFICATE LETTER

Sub: Request for change of land use of the land measuring 01 acre 04 guntas or 4452.80 Sq.m in Sy.No.76/2 of Kasavanahalli Village, Varthur Hobli, Bangalore East Taluk from Industrial (Hitech) Use to Commercial Use by Sri K.S.Sathish- reg.

- Ref:
1. Application of the Applicant dated 24.11.2009.
  2. Govt. Order No.PASD 55 Statute 2002(p), Bangalore dated 14.02.2005.
  3. Order of the Commissioner, Bangalore Development Authority dated 21.01.2010.
  4. The Finance Department of BDA have confirmed the payment of Rs.3,33,960/- towards Betterment Charges, Rs.2,226/- Rounded off Rs.14/- towards Scrutiny Fee total amounting to Rs.3,36,200/0 made by the Applicant on 30.04.2010 vide Canara Bank Challan No.19346 as per this Office Letter No.BDA/TPM/CLU.135/09-10/3803/2009-10, dated 01.02.2010.

The proposal submitted by the applicant vide Ref (1) requesting for change of land use from Industrial (Hitech) use to Commercial Use has been perused. As per the order cited at Ref (3), the applicant has been informed to pay the total amount of Rs.3,36,200/0- towards Betterment Charges and Scrutiny Fee, the applicant has paid the prescribed fees. The same has been confirmed by the Finance Department of the Bangalore Development Authority.

T.Chowdaiah Road, Kumara Park West, Bangalore-560020  
Fascimile: 23345799, E-mail:bda@vsnl.com

-2-

Therefore, under Sub-Section (3) of Section 14-A of the Karnataka Town & Country Planning Act, 1961, permission is hereby accorded for change of land use of the land measuring 01 acre 04 guntas or 4452.80 Sq.m in Sy.No.76/2 of Kasavanahalli Village, Varthur Hobli, Bangalore East Taluk from Industrial (Hitech) Use to Commercial Use subject to the following conditions.

1. As per RMP-2015 by reserving the land for road widening, the building plan may be got sanctioned from the competent authority as per the Zonal Regulations.
2. Space has to be provided on the land of the applicant itself for vehicle parking in accordance with the rules for the said proposed commercial building.
3. Other conditions that may be imposed by the Bangalore Development Authority/ Competent Authority are to be complied.
4. No Objections Certificate has to be obtained from the KSPCB in accordance with the necessity.

(Draft letter approved by the Commissioner)

Sd/-28/5/10  
For Commissioner,  
BDA, Bangalore.

To,  
Sri.K.S.Satish,  
No.43, Kasavanahalli,  
Carmelaram Post,  
Bangalore - 560 035.

  
//TRUE COPY//

A.T.C



Ankur S. Kulkarni Advocate &lt;ankurskulkarni1685@gmail.com&gt;

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**Advance Service in OA No. 595/2018 [B. Raghupathy Versus Union of India & Ors]**

1 message

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**Ankur S. Kulkarni, Advocate** <ankurskulkarni1685@gmail.com>  
To: Eeshan Chaturvedi <eeshanchtr@gmail.com>

Thu, Nov 20, 2025 at 2:06 PM

Madam/Sir,

Please find attached by way of advance service, the copy of Reply on behalf of the Respondent No. 3, being filed in the above subject matter. Kindly acknowledge the receipt.

Regards  
Anil Kumar  
Clerk

--

Ankur S. Kulkarni  
Advocate  
103 M. C. Setalvad Chambers  
Supreme Court of India  
Bhagwandas Road  
New Delhi 110001

Tel: +91 11 23070103

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