



BEFORE NATIONAL GREEN TRIBUNAL
WESTERN ZONE BENCH, PUNE

ORIGINAL APPLICATION NO. 23 OF 2024 (WZ) along with OA No. 64 of 2024 (WZ)

MR. NARESH CHHETIJA AND OTHERS ...APPLICANTS

VS

MAHARASHTRA STATE BIODIVERSITY BOARD AND
OTHERS RESPONDENTS

REJOINDER AFFIDAVIT ON BEHALF OF THE APPLICANT FOR THE REPLY IN AFFIDAVIT
FILED BY THE RESPONDENT NO 2 i.e. THE COLLECTOR, PUNE

I, Naresh Chhetija, age 51 years, residing at Naren Hills, Survey No. 58/8, Azad Nagar, Wanawadi, Pune 411022, do hereby solemnly affirm and state on oath as under:

1. That I am the applicant in the above-mentioned matter and as such I am well conversant with the facts and the circumstances of the case and in that capacity I am duly competent to swear the present affidavit.
2. That after carefully going through the reply in affidavit, in OA No.64 of 2024 along with OA 23/2024, filed by respondent No.2 the Collector, Pune, the funds of Rs 60 lacs has been distributed to the office of Respondent no 2, The Collector, Pune, for the so-called Eco-tourism Park/ Nature Education Center/ Nature Interpretation Center/Bio-diversity Park/Urban Forest Park.
3. After going through the reply affidavit filed by the respondent no 2 the Collector, Pune, a very casual and superficial approach was seen when the damage to the eco-system was taking place in his jurisdiction. In spite of the residents along with the applicants personally visiting the office and requesting immediate intervention in this matter the respondent no 2 failed to perform his duties. The respondent no 2, The Collector, Pune could have restrained the felling of trees and halted the additional related damage in his jurisdiction, however the Respondent no 2 preferred to be mere spectator.

4. It is further noticed in the reply affidavit filed by the respondent no 2 that all the facts related to the subject matter are based on the news paper article. But the respondent no 2, the Collector has not bothered to ascertain the actual ground reality. And on the basis of the news article respondent no 2 has given the present affidavit without thorough knowledge of the contents in OA no 23/2024. This itself shows a certain amount of carelessness in submitting the reply affidavit on oath.

It is observed in the reply affidavit that respondent no 2, The Collector, Pune states "...the said fund is withdrawn from the treasury as per the directions given in the Government Resolution. However, the same has not been distributed yet to the Forest Department" On the other hand, annexure R11 of page 189 in reply affidavit of OA 23/2024 and OA 64/2024, filed by Respondents No. 2, 6 and 7 is titled "Work proposed at Wanavadi Van Udyan from fund disbursed under Regional Tourism Plan year 2023-24 is Rs. 60 lacs." These statements are contradictory, that cause further ambiguity about the source of funds already spent for the Wanavadi Van Udyan as mentioned on page 189 (Annexure R11). This shows no corroboration among the various authorities. It is evident that the money has been spent for the said project, the so-called Eco-tourism Park/ Nature Education Center/ Nature Interpretation Center/Bio-diversity Park/Urban Forest Park. (Expenses incurred on JCB's for Tree removal and felling, Construction of Water Tank & Compound wall, truckloads of soil, alleged 446 trees, Digging of Borewell, Ready Mix Concrete, Transportation of Felled Trees, Labour Charges et al).

6. It is pertinent to note that the submission made by Respondent Mo. 2 in para 6.0 is "the site in question falls under the forest department..." However, since the forest land is being used specifically for development work in his jurisdiction, and the amount has been allocated from the collectors office, such a statement or stand is neither acceptable nor justifiable. The Collector, Pune has sole responsibility, to control, supervise and monitor all Development Projects which fall under his jurisdiction. Further, when the applicants along with other residents approached the Collectors office on 25/01/2024 and requested an urgent intervention, the election dates were yet to be announced. Therefore, the contention that the Collectors office and all staff were busy with election duty seems irrelevant since appropriate action was sought and expected in January, not in April, after issuance of show cause notice on 18th April 2024 by the Hon'ble NGT. At the same time, Respondent No.2, being the collector should be vigilant in tackling matters





that are time sensitive and extremely critical to an accelerating environmental crisis. It is sole responsibility of the respondent no 2, to ensure whether the said project Eco-tourism Park/ Nature Education Center/ Nature Interpretation Center/Bio-diversity Park/Urban Forest Park is indeed essential in the area at the cost of cutting massive number of trees.

- 7. It is also important to take into consideration, that the mere tendering of an apology for non-compliance for filing the affidavit by the respondent No.2 is not enough, and a detailed explanation/clarification regarding the damage caused by the concerned officers of the Forest Department as well a clear and transparent line of future actions are expected from the Respondent No.2. The entire affidavit is silent on these issues.

Considering the above-mentioned submissions in the rejoinder, we request the Hon'ble Tribunal to take strict and necessary action on Respondent No. 2 for his lack of timely action to protect and conserve the trees and the surrounding bio-diversity for the overall benefit and health of society and the environment at large. And other necessary and equitable orders may be passed in the interest of justice to protect the environment.

Whatever stated in above mentioned paragraphs in the rejoinder I have read and understood the contents which are true and correct to the best of my knowledge and belief and nothing material has been concealed therefrom.

BEFORE ME

Place :- Pune

Date :- 21/05/2024

Attyal

Naresh Chhetija

Ulka Babasaheb Ingawale
NOTARY GOVT. OF INDIA
Shivajinagar, Pune-05

1. Mr Naresh Chhetija

Swati Chhetija

2. Mrs Swati Chhetija



Deponents

M. M. M. M. M.

Advocate for Deponent

[Adv. Kshitija V. M. M.]



21 MAY 2024