



470

BEFORE THE NATIONAL GREEN TRIBUNAL  
WESTERN ZONE BENCH AT PUNE  
ORIGINAL APPLICATION NO. 56/2019

(Application under Section 14 and 20 of the National Green Tribunal act, 2010)

Mangesh M. Parab

... Petitioner

Versus

M/s. New Monarch Builders & Contractors & Ors.

... Respondent

**REJOINER AFFIDAVIT ON BEHALF OF RESPONDENT NO.1 TO THE  
AFFIDAVIT OF THE APPLICANT DATED 21<sup>ST</sup> JULY 2023**

I, Mr. Mahendra Jagdish Agarwal, aged 64 years, an adult Indian Inhabitant, the Partner of the Respondent No.1, having my address at B-701, Raylon Arcade, Ramkrishna Mandir Road, Kondivita, Andheri East, Mumbai- 400059, do hereby solemnly affirm and state as under:-

1. I am the Partner of the Respondent No.1, having my address as mentioned above, and I am competent, authorised and able to depose the present Affidavit. I am conversant with the contents and records pertaining to the present Original Application, and I am even otherwise well aware of the facts and circumstances of the present case from the personal knowledge as also the office records and thus, I am able to depose to the same.
2. I say that I am filing the present Affidavit pursuant to the order dated 24<sup>th</sup> July 2023, passed in the present proceedings by this Hon'ble Tribunal, for a limited purpose of rejoining to the additional plea of the Applicant that the subject project is situated in Coastal Regulation Zone ("CRZ"), as permitted vide the above mentioned order. By way of abundant precaution, I repeat and reiterate the contents of the Affidavit in Reply affirmed on 17<sup>th</sup> February 2020 and filed on 18<sup>th</sup> February 2020 by the Respondent No.1 (*at page 94 to 231 of the paper book*).
3. I say that the Applicant in his Affidavit dated 21<sup>st</sup> July 2023, at paragraphs 6 to 8, has introduced for the first time, at a belated stage when pleadings have been completed, the submission that the subject project falls under CRZ, more

MMA

particularly alleged to be falling under CRZ-II, purportedly as per the Coastal Zone Management Plan ("CZMP"), and on the strength of such assertion (which the Respondent No.1 states to be patently and demonstrably erroneous), the Applicant has contended that such location of the land would apparently necessitate requirement of environment clearance. The Respondent No.1 submits that the said plea has not been taken in the Original Application as filed and in any event is completely erroneous and without basis. No evidence has been submitted by the Applicant in support of such assertion, despite pleading in the Affidavit dated 21<sup>st</sup> July 2023 that he has "recently received one document" which apparently supports such contention. Such document has not been placed on record by the Applicant in the present proceeding and is yet another incident of the Applicant making unsubstantiated claims bereft of any documentary evidence in respect of the subject project.



4. An application dated 25<sup>th</sup> July 2023 was made, on behalf of the Respondent No. 1, for land bearing CTS No. 706/1 to 22 of Village Marol, Andheri (E), Mumbai for CRZ remarks *qua* such land. The subject project is a slum rehabilitation scheme being implemented by the Respondent No.1 on the portion of such land being portion bearing CTS Nos. 706, 706/1 to 10 of Village Marol. Pursuant to such application, remarks dated 2<sup>nd</sup> August 2023 have been issued as per the Coastal Zone Management Plan dated 29<sup>th</sup> September 2021 in the scale 1:25000, as published on the website of the Maharashtra Coastal Zone Management Authority, as superimposed on the Development Plan 2034 of city of Mumbai to scale 1:4000. As per such CZMP, categorical and unambiguous remarks have been issued by the competent authority that the land in respect of which the application was made does not fall under CRZ. Annexed hereto and marked as **Annexure-R1-1** is a copy of the remarks dated 2<sup>nd</sup> August 2023 issued from CRZ point of view.
5. As such, it is evident that the land on which the subject project is being implemented does not fall under CRZ, much less, classified as CRZ-II. WMA

- 6. As and by way of abundant precaution, I dispute and deny the contents of the Affidavit dated 21<sup>st</sup> July 2023, except that which is a matter of record and admitted by the Respondent No.1 either in the reply Affidavit dated 18<sup>th</sup> February 2020 and/or the present Affidavit and nothing should be deemed to have been admitted by the Respondent No.1 for want of specific traverse.
- 7. In the premises aforesaid, and in view of the specific remarks from CRZ point of view dated 2<sup>nd</sup> August 2023, it is most respectfully submitted that this Hon'ble Tribunal ought to reject the bogey of CRZ raised in the Affidavit dated 21<sup>st</sup> July 2023 and for the reasons stated in the Affidavit dated 18<sup>th</sup> February 2020 filed by the Respondent No.1 and the present Affidavit, the present application ought to be dismissed with costs.



Solemnly affirmed at Mumbai )  
 This 30<sup>th</sup> day of August 2023 )

For New Monarch Builders & Contractors

Identified by me

Advocate

*Handwritten signature and date: 30.8.2023*  
**ANIL KUMAR PANDAY**  
 B.COM.LL.B.  
 ADVOCATE HIGH COURT  
 Chawl, Jan Shakti Nagar,  
 Malpa Dongari No. 2,  
 Vashi (E), Mumbai-93.

*Handwritten signature: M. K. Kulkarni*  
 (Authorised Signatory)  
 Respondent No.1

**BEFORE ME**

*Handwritten signature and date: 30/8/2023*

**S. B. MUSTARI**  
 ADVOCATE & NOTARY  
 GOVT. OF INDIA  
 No. B/4, Sai Dham Hsg. Soc.  
 Tilak Nagar, Sakinaka,  
 Mumbai - 400 072



Sr No.: *415*  
 Date *30/08/23*



To,  
**SHRI. MANISHKUMAR V. BAGSARIYA**  
802, 8<sup>th</sup> floor, Shiv Mudra CHSL,  
Nanda Patkar Road,  
Vile Parle (E),  
Mumbai-400 057.

ANNEXURE - R1-1

**Sub:** C.R.Z. Remarks for land bearing CTS No.706/1, 706/2, 706/3, 706/4, 706/5, 706/6, 706/7, 706/8, 706/9, 706/10, 706/11, 706/12, 706/13, 706/14, 706/15, 706/16, 706/17, 706/18, 706/19, 706/20, 706/21 and 706/22 of Village Marol in K/E Ward.

**Ref:** Your application under Sr.no.10970 & payment made towards CRZ remarks vide SAP receipt No.1004668125 dated. 25.07.2023.

Gentleman,

The Addl. Director and Member Secretary CRZ vide letter dated 29.09.2021 addressed to Member Secretary (MCZMA) informed that MoEFCC approved CZMP for Mumbai City and Mumbai Suburban.

The CRZ remarks as per approved CZMP 2019 for land bearing CTS No. 706/1, 706/2, 706/3, 706/4, 706/5, 706/6, 706/7, 706/8, 706/9, 706/10, 706/11, 706/12, 706/13, 706/14, 706/15, 706/16, 706/17, 706/18, 706/19, 706/20, 706/21 and 706/22 of Village Marol in K/E Ward are as under-

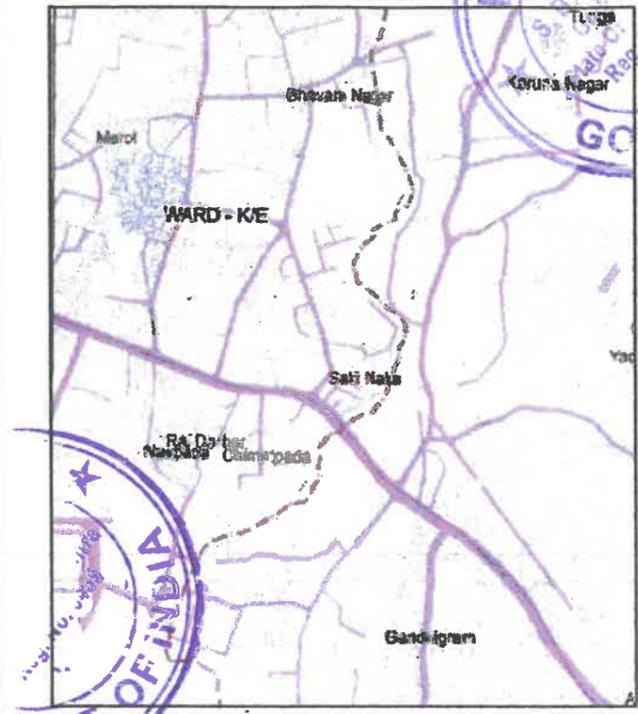
As per provision of section 4(ii) of Annexure IV of CRZ Notification-2019, CZMP to scale 1:4000 is not made available. Hence, HTL as per approved CZMP dated 29.09.2021 to scale 1:25000 published on website of MCZMA is superimposed on D.P.-2034 to scale 1:4000.

As per approved CZMP 2019, the land bearing CTS No. 706/1, 706/2, 706/3, 706/4, 706/5, 706/6, 706/7, 706/8, 706/9, 706/10, 706/11, 706/12, 706/13, 706/14, 706/15, 706/16, 706/17, 706/18, 706/19, 706/20, 706/21 and 706/22 of Village Marol as shown bounded blue on the accompanying plan does not fall under CRZ.

The above remarks are offered only from the CRZ point of view without reference to ownership and without verification of the status of the structure if any on the land under reference.

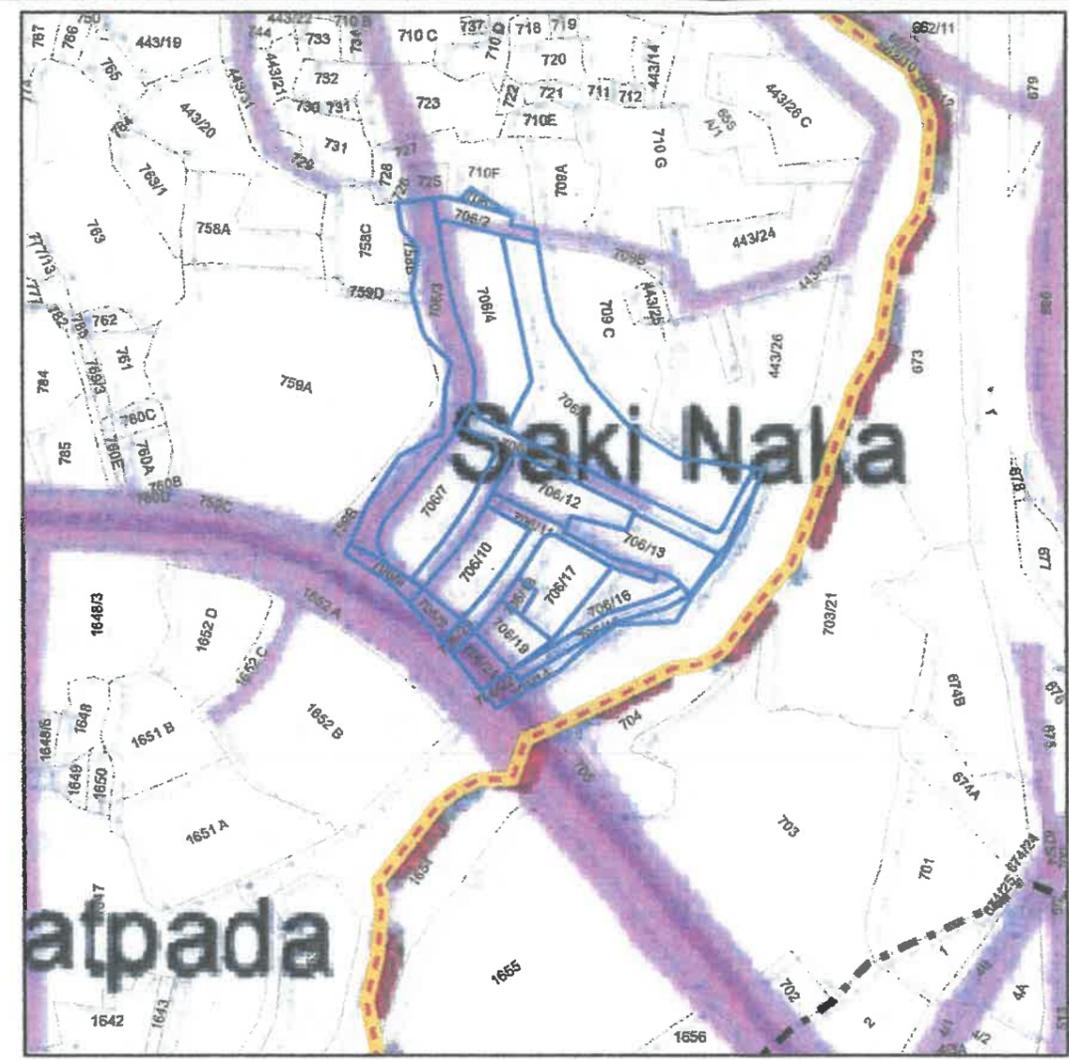
Your's faithfully

Assistant Engineer (DP) K/E-WARD



1:25,000

CZMP PLAN, PREPARED AS PER CRZ NOTIFICATION- 2019 APPROVED U/NO.MoEF & CC Let No,F No. 12.10/2021-IA III Dt. 29.09.2021.



1:4,000

SUPERIMPOSED IMAGE OF CZMP 2021 ON D.P. 2034

Legend		
	Lighthouse	
	High Tide Line	
	Low Tide Line	
	Bund	
	Ferry	
	Road	
	Railway Line	
	Sluice	
	Seawall	
	Survey Plots	
	Ward Boundary	
	Municipal or Corporation Boundary	
	District Boundary	
	Breakwater or Jetty	
<b>CRZ LINES &amp; BOUNDARY</b>		
	Hazard Line	
	20m CRZ Line for Islands	
	50m CRZ Line - CRZ IIA, NDZ	
	200m CRZ Line - CRZ IIB, NDZ	
<b>CRZ CATEGORY</b>		
	CRZ - I	
	CRZ - IIA	
	CRZ - IIB	
	CRZ - II	
	CRZ - III	
	CRZ - IV	

- 1) CRZ I area are further classified on land Use map and CZMP map shall be used along with Coastal Land Use map.
- 2) 50m Mangrove Buffer Zone is provided for both Government land and Private land.
- 3) ISLAND : 20 m CRZ Line from HTL is valid only after approval of IIMP of the particular island. IIMPs of the particular island shall be prepared by concerned States/UTs and got approved by MoEF & CC.
- 4) The reclaimed basins of Prince's and Victoria Docks of Mumbai Port Trust have been demarcated on the CZMP and Land use maps.

**ABBREVIATIONS**  
CRZ : Coastal Regulation Zone.  
NDZ : No Development Zone  
CVCA : Critically Vulnerable Coastal Zone Area.

PLOT BEARING C.T.S. NO. 706/1,706/2,706/3,706/4,706/5,706/6,706/7,706/8, 706/9,706/10,706/11,706/12,706/13,706/14,706/15,706/16,706/17,706/18, 706/19,706/20,706/21AND706/22 OF VILLAGE MAROL IN K/E -WARD