

**BEFORE THE NATIONAL GREEN TRIBUNAL,
WESTERN ZONE BENCH, PUNE
ORIGINAL APPLICATION NO.37/2023 (WZ)**

Sushant Subhash More

...Applicant

Versus

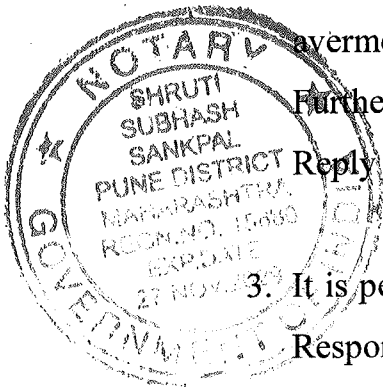
M/s Hotel Sahyadri Puspa & Ors.

...Respondents

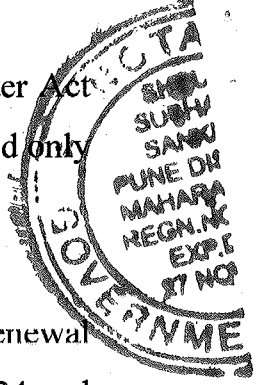
**REJOINER AFFIDAVIT ON BEHALF OF THE APPLICANT
TO THE AFFIDAVIT-IN-REPLY FILED BY RESPONDENT
NO. 1**

I, Sushant Subhash More, do hereby solemnly affirm and state as under:

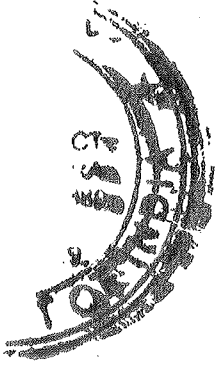
1. I am filing this present Rejoinder Affidavit to oppose the contentions made in the Affidavit-in-Reply dated 06/08/2025, filed by Respondent No. 1.
2. At the outset, the I hereby reiterate and affirm the averments made in the Original Application and denies all statements, contentions, and averments made by the Respondent No. 1 that are contrary to the same. Further I denies each and every averment made in the Affidavit-in-Reply save and except to the extent specifically admitted herein.
3. It is pertinent to note that, the Affidavit-in-Reply filed by the present Respondent has deliberately placed reliance on the Joint Committee Report dated 02/03/2024 in a very selective and convenient manner.
4. In the Committee Report, under detailed list of findings at Serial No. 1 it is clearly mentioned that the present Respondent has obtained



consent from the MPCB as mandated under Section 26 of Water Act 1974 and 21 of Air Act. However the said permissions were valid only up to 31/12/2024, which have been now expired.



5. However the Joint Committee Report is silent as to whether a renewal was granted to the present Respondent post expiry on 31/12/2024 and as to how the present Respondent is functioning with a valid 'Consent to Operate' as of today.
6. It is important to note that the validity and legality of the permission granted by the Maharashtra Pollution Control Board (MPCB) is itself questionable, as the same appears to have been granted in the absence of any prior approval or sanction from the competent Planning Authority.
7. All the above facts as mentioned in the Joint Committee Report at Page No. 69 have been deliberately avoided and not commented upon by the present Respondent. Further I state that, the averments made by the Respondent in para 5 and 6 of his Reply are false and misleading.
8. The Respondent had stated that, as the construction is below 20,000sq.m, an Environmental Clearance is not required. Yet, the fact remains that the construction is unauthorised and illegal in the absence of prior approvals from the competent authorities as mandated by law. It is pertinent to note that, compliance with one law does not absolve violation of the others.



9. The Committee report ascertains in para no. 3 (c), that all the structures, which includes Respondent No. 1, fall in the buffer zone.

10. The claim that Respondent has applied for regularization cannot justify the ongoing illegality. Mere application for regularization does not confer any legality on the unauthorised construction, the structure continues to remain unauthorized.

11. It is pertinent to note that the Doctrine of Sustainable Development and Precautionary Principle are squarely attracted in the instant case. Unchecked spread of commercial establishments in ecologically sensitive areas such as the Kaas Plateau region poses a serious threat to biodiversity and must be scrutinized rigorously.

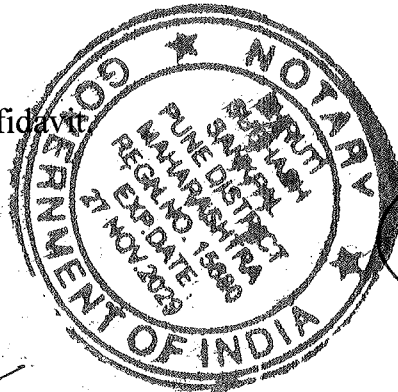
12. In view of the above, the Applicant respectfully submits that the Affidavit-in-Reply filed by Respondent No. 1 is devoid of merit and does not disclose any valid defence to the illegal and unauthorised nature of the construction in question and warrants strict punitive action of the Hon'ble NGT.

13. Hence, this Rejoinder Affidavit

Pune

Date: 17/10/2025


Advocate For the Applicant




Applicant

VERIFICATION

I, **Sushant Subhash More**, do hereby state on solemn affirmation that what is stated forgoing Para's is true and correct to my own knowledge and belief.

Solemnly affirmed at Pune

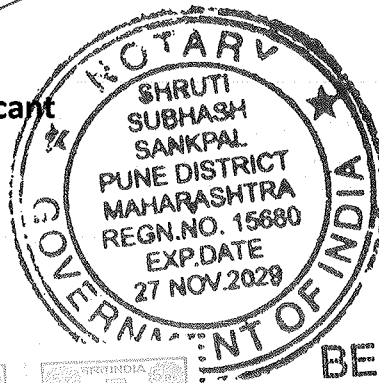
This 17th day of October 2025

S. R. Wale

Advocate For the Applicant

[Handwritten Signature]

Applicant



BEFORE ME

[Handwritten Signature]

**SHRUTI SUBHASH SANKPAL
ADVOCATE & NOTARY
GOVT. OF INDIA**

18 OCT 2025

