

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

Sushant Subhash More

...Applicant

Versus

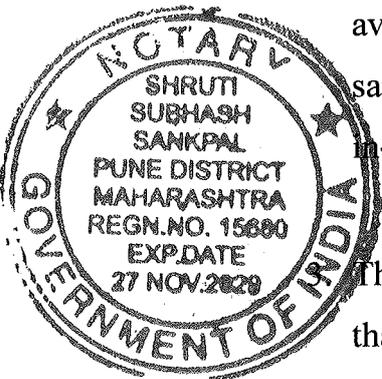
M/s Hotel Sahyadri Puspa & Ors.

...Respondents

**REJOINDER AFFIDAVIT ON BEHALF OF THE APPLICANT
TO THE AFFIDAVIT-IN-REPLY FILED BY RESPONDENT
NO. 21**

I, Sushant Subhash More, aged- years, 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. 21.
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. 21 that are contrary to the same. Further I deny each and every averment made in the Affidavit-in-Reply save and except to the extent specifically admitted herein.



The close perusal of Joint Committee Report stipulates in Para No. 3(c) that, none of the objected structures have obtained the prior permission of the Planning Authority to carry out constructions as required U/s. 44 r/w 45 of the MRTP Act of 1996.

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GOVERNMENT

4. 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.
5. The Committee report ascertains in para no. 3 (c), that all the structures, which includes Respondent No. 21, fall in the buffer zone as well as in the conservation zone.
6. The R-21 places reliance on the permission issued by the Gram Panchayat but the said permit prohibits encroachment and at the same time mandates NOC from the Collector. It is pertinent to note that, as per the 'Record of Rights' permission to construct farm house is granted for 7500 sq mtrs and encroachment notice is for encroachment of 1.8912 sq mtrs out of 3H 4R which is the total area of the property.
7. That, the R-21 has not specifically pleaded as to for how much area of land the Gram Panchayat has granted its approval for construction of Farm House. It is also to be noted that, the R-21 has annexed a letter addressed to it by the Gram Sevak which categorically states that, the construction being unauthorized the tap and water connection is disconnected by the Gram Panchayat Samiti. The letter further states that the construction of the R-21 is in conservation zone.
8. The reliance placed by the Respondent No. 21 on the Joint Committee Report dated 02/03/2024 is misplaced. The report is merely recommendatory and not conclusive as held in Kantha Vibhag Yuva

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.

14.Hence, this Rejoinder Affidavit.

Pune

Date: 17/10/2025

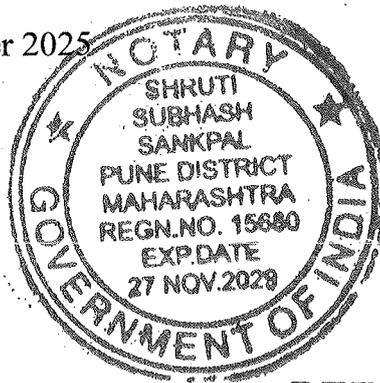
Advocate for the Applicant

VERIFICATION

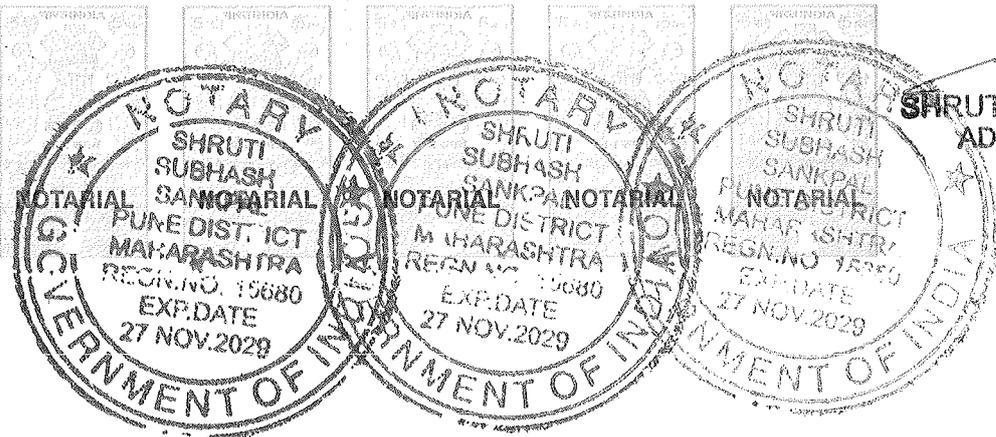
I, **Sushant Subhash More**, do hereby state on solemn affirmation that what is stated forgoing Para's is true and correct to my own knowledge and belief.

Solemnly affirmed at Pune

This 17th day of October 2025


Applicant

BEFORE ME



SHRUTI SUBHASH SANKPAL
ADVOCATE & NOTARY
GOVT. OF INDIA

18 OCT 2025