

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.

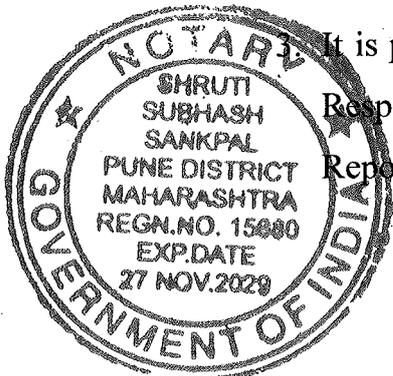
...Respondents

REJOINDER AFFIDAVIT ON BEHALF OF THE APPLICANT
TO THE AFFIDAVIT-IN-REPLY FILED BY RESPONDENT
NO. 71

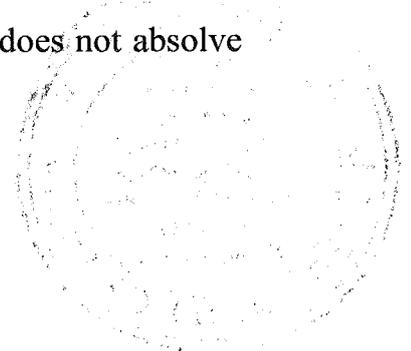
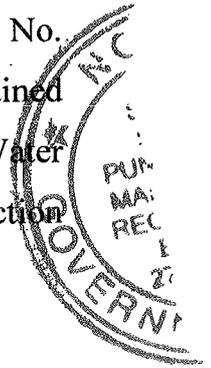
I, Sushant Subhash More, do hereby solemnly affirm and state as under:

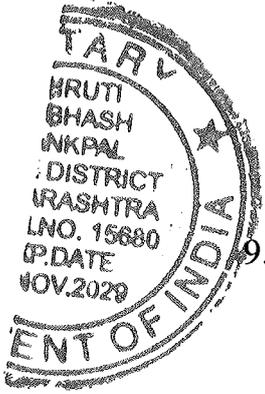
1. I am filing this present Rejoinder Affidavit to oppose the contentions made in the Affidavit-in-Reply dated 06/08/2025, filed by Respondent No. 71.
2. At the outset, the I hereby reiterate and affirm the averments made in the Original Application and denies all statements, contentions, and averments made by the Respondent No. 71 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.

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. 21 it is clearly mentioned that the present Respondent has not obtained any consent from the MPCB as mandated under Section 26 of Water Act 1974. This is a violation and a punishable offence as per Section 44 of the Water Act.
5. Additionally it has also been mentioned that no STP (Systematic Transfer Plan) facility for sewage is installed by said Respondent for waste-water treatment. The said Report further states that, the said Respondent has not installed OWC (Organic Waste Converter) for kitchen waste.
6. The said Joint Committee Report further asserts that, the Respondent has violated the provisions under Section 21 of the Air Act, 1981 which mandates prior consent of the MPCB before building a structure. This is also a punishable offence as per Section 37 of the Air Act.
7. All the above facts as mentioned in the Joint Committee Report at Page No. 72 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. 71, 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. 71 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

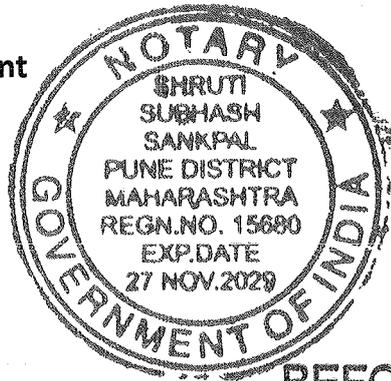
I, **Sushant Subhash More**, do hereby state on solemn affirmation that what is stated forgoing Para's is true and correct to my own knowledge and belief.

Solemnly affirmed at Pune

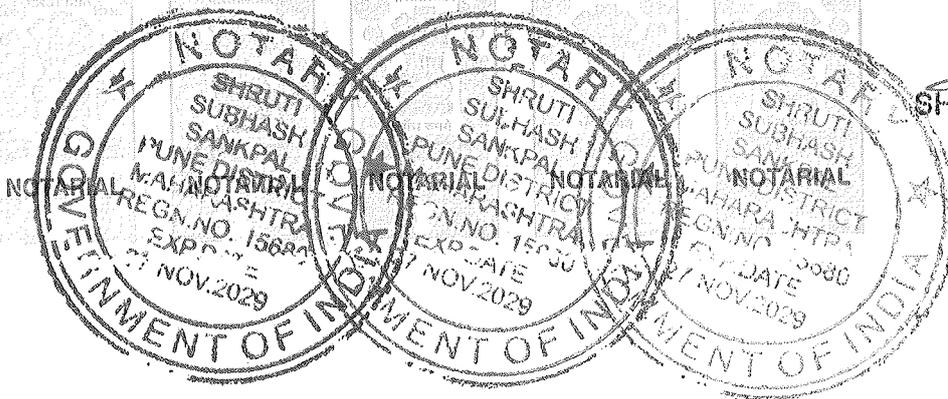
This 17th day of October 2025

Advocate For the Applicant

Applicant



BEFORE ME


SHRUTI SUBHASH SANKPAL
ADVOCATE & NOTARY
GOVT. OF INDIA

18 OCT 2025