

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL,
WESTERN ZONE BENCH AT PUNE
ORIGINAL APPLICATION NO. 50 /2020

IN THE MATTER OF:

MR. TANAJI BALASAHEB GAMBHIRE ... APPLICANT

VERSUS

THE CHIEF SECRETARY-GoM & ORS. ... RESPONDENTS

FILE-A
[VOLUME-____]

REJOINDER TO THE REPLY OF RESPONDENT NO. 12 & 13-PP,
RESPONDENT NO. 11-M/S. RIVER RESIDENCY, RESPONDENT
NO. 7 & 8-PCMC AND RESPONDENT NO. 3-SEIAA

(FOR PAPERBOOK INDEX KINDLY SEE INSIDE)

[REJOINDER: _____ To _____]

APPELLANT IN-PERSON

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL,
WESTERN ZONE BENCH AT PUNE
ORIGINAL APPLICATION NO. 50 /2020

IN THE MATTER OF:

MR. TANAJI BALASAHEB GAMBHIRE ... APPLICANT

VERSUS

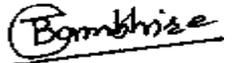
THE CHIEF SECRETARY-GoM & ORS. ... RESPONDENTS

FILE-A:

VOLUME-__

SR.	DESCRIPTION	PAGE NO.
1.	Rejoinder to the Reply of Respondent No. 12 & 13-PP, Respondent No. 11-M/S. River Residency, Respondent No. 7 & 8-PCMC And Respondent No. 3-SEIAA	_____ - _____

Date: 01.03.2023


APPLICANT

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL,
WESTERN ZONE BENCH AT PUNE

ORIGINAL APPLICATION NO. 50/2020

IN THE MATTER OF:

MR. TANAJI BALASAHEB GAMBHIRE ... APPLICANT

VERSUS

THE CHIEF SECRETARY-GOM & ORS. ... RESPONDENTS

REJOINDER TO REPLY OF RESPONDENT NO. 12 & 13-PP,
RESPONDENT NO. 11-M/S. RIVER RESIDENCY, RESPONDENT
NO. 7 & 8-PCMC AND RESPONDENT NO. 3-SEIAA ON BEHALF
OF ORIGINAL APPLICANT

I, Mr. Tanaji Gambhire S/o Shri. Balasaheb Gambhire Age: 39 Years, Profession: Advocate, R/o: CTS No. 296, Shukrawar Peth, Laxmi Apartment, Near Shivaji Maratha High School, White House Lane, Pune-411002 (MH), do hereby solemnly affirm and state on oath as follows:

1. I state that, this rejoinder is filed to the reply of Respondent No. 12 & 13-PP vide dated 14.02.2023, Respondent No. 11-M/S. River Residency vide dated 07.02.2023, Respondent No. 7 & 8-PCMC vide dated 10.02.2023 And Respondent No. 3-SEIAA vide dated 13.02.2023 and in continuation with the earlier rejoinder dated 02.02.2023

2. STATUS OF THE ILLEGAL BUNGALOW CONSTRUCTION:

I state that, the following table show the careless & reckless conduct of the Respondent No. 12-PP & 13-PP in carrying out the illegal bungalow construction in prohibited zone of blue flood line of Indrayani River without any permission from any department i.e. PCMC, Irrigation Department, Collector Pune, MPCB, SEIAA etc. and this is admitted position. Therefore, this entire construction shall be

demolition without any lenience to any party or occupier as held in by Hon'ble Supreme Court in various cases.

Description	On filing of OA	On JC Report	On MPCB Affidavit	On PCMC Affidavit
	10.08.2020	18.12.2021	17.10.2022	10.02.2023
No. of Bungalows	1- Under construction	1- Completed 4- in progress	16- Completed	29- Completed
Reference	Para-8(c), P@8	Para-(ii) P@300	Para-4(ii) P@349	Para-12 P@

3. REJOINDER TO THE REPLY OF R-12 & R-13-PP DATED 14.02.2023

- A) I state that the reply affidavit of the Respondents No. 12 & 13 is totally baseless, false, misleading, vexatious, and with full of misleading fact with multiple suppressions.
- B) I state that the R-12 & R-13-PP have raised following principal contentions in their reply affidavit
- A) Original Applicant have not come with clean hands as there is suppression & concealment of material & true facts and made misstatements and OA is misconceived. {Para-3, 4 & 5}
- B) R-12 & R-13 have purchased an area admeasuring of **11200 M²** out of 22 Ha & 31 Are from Gat No. 90 vide registered sale deed Document No. **14253/2020** dated **25.12.2020** registered in the Office of Sub-Registrar Office **Haveli-14**. From Shri. Dilip Motilal Chordia and Indrayani Promoters & Developers. {Para-9}
- C) R-12 & R-13 have also purchased an area admeasuring of **3038 M²** out of 22 Ha & 31 Are from Gat No. 90 vide registered sale deed Document No. **14334/2020** dated **25.12.2020** registered in the Office of Sub-Registrar Office **Haveli-14**. From Shri.

- Dilip Motilal Chordia and Indrayani Promoters & Developers. {Para-9}
- D) Original Applicant have projected the R-12 & R-13 as owner before becoming the owner of said suit land and OA is filed on 10.08.2020. {Para-10}
- E) Original Applicant have not made party to Mr. Dilip Motilal Chordia purposefully against whom PCMC have registered FIR No. 53/2020 vide dated 22.01.2020, who have violated the Environmental Norms. {Para-11}
- F) It was well within the knowledge of Applicant, that the demolition notice issued by PCMC vide dated 20.05.2019 & 25.10.2021 are served upon Mr. Dilip Motilal Chordia for illegal construction and dumping in the prohibited zone. {Para-12}
- G) R-12 & R-13 have not carried out any illegal construction. {Para-13}
- H) R-12 & R-13 have obtained the permission for plotted layout from PCMC vide dated 15.11.2022 for an area of 3207 M² which is situated in Blue Line & Red Line in restricted zone as per notification dated 20.01.2021 issued by UDD-GoM. {Para-14}
- I) As per the Affidavit of PCMC dated 10.02.2023, list provided thereto does not disclose the name of R-12 & 13 for carrying out illegal construction and since filing of OA to till dated i.e. Three year span, R-12 & R-13 have not carried out any illegal construction. {Para-15}
- J) Therefore, OA be rejected with cost. {Para-17}
- C) In reply to the above issue raised by the R-12-PP & R-13-PP, I state that the allegations made in the Original

Application No. 50/2020(WZ) are true and correct and supported by the Joint Committee Report, SEIAA, MPCB, PCMC Affidavit.

- a) I state that, the allegations of the R-12-PP & R-13-PP in respect of integrity of this Original Applicant are totally false and R-12-PP & R-13-PP have made these allegation out of frustration and got exposed of his illegal construction in prohibited zone. R-12-PP & R-13-PP have place single evidence in this respect of allegation of that the original Applicant have not approached with clean hand. On the contrary, R-12-PP & R-13-PP are the habitual offenders, careless and adopting most reckless practices in protecting environment in collusion with the PCMC.
- b) I state that, the R-12-PP & R-13-PP have suppressed the document of land purchase from these Hon'ble NBT intentionally, for purchase an area admeasuring of **11200 M²** out of 22 Ha & 31 Are from Gat No. 90 vide registered sale deed Document No. **14253/2020** dated **25.12.2020** registered in the Office of Sub-Registrar Office **Haveli-14**. From Shri. Dilip Motilal Chordia and Indrayani Promoters & Developers and also for purchase an area admeasuring of **3038 M²** out of 22 Ha & 31 Are from Gat No. 90 vide registered sale deed Document No. **14334/2020** dated **25.12.2020** registered in the Office of Sub-Registrar Office **Haveli-14**. From Shri. Dilip Motilal Chordia and Indrayani Promoters & Developers. Therefore, this R-12-PP & R-13-PP are responsible for supresso vari suggetio falsi.
- c) I state that, the R-12-PP & R-13-PP willingly, knowingly and in collusion with the Shri. Dilip Motilal

Chordia and Indrayani Promoters & Developers have purchased the prohibited land for its project to carry out the illegal construction and it was well within the knowledge of the R-12-PP & R-13-PP that the said land is prohibited land and that the transaction with the land owner is old, but only the registration is done latter and taken the possession of land in defective situation and pushed their illegal development causing substantial damage to the environment and ecology.

- d) I state that, the Original Applicant was not holding copy of any demolition notice issued by the PCMC nor PCMC have provided such copy to the Original Applicant till date except putting such notices along with their reply. It is important to note here, that the PCMC lodged the FIR No. 53/2020 vide dated 22.01.2020, demolition notice issued by PCMC vide dated 20.05.2019 & 25.10.2021 against the Land Owner one who Mr. Chordia. Even though, R-12-PP & R-13-PP have carried out the registration of land purchase on **25.12.2020** and this conduct itself shows the, R-12-PP & R-13-PP knowingly, deliberately and intentionally in collusion with Mr. Chordia have completed this transaction and cause damage to the environment & ecology. Moreover, after filing of OA No. 50/2020 on 10.08.2020 and serving the notice to the R-12-PP & R-13-PP on 21.07.2021 & 21.12.2021, these R-12-PP & R-13-PP have not taken any legal action against the Mr. Dilip Motilal Chordia & Mr. Rahul Tukaram Saste for cancellation of transaction and carrying out the illegal development without

remorse. Therefore, R-12-PP & R-13-PP are the responsible for actions taken by this Hon'ble NGT.

- e) I state that, the R-12-PP & R-13-PP are the only responsible for illegal dumping of waste and illegal construction carried out in prohibited blue flood line causing environmental degradation on the land parcel under subject matter of OA No. 50/2020 and for the illegal dumping of waste by Mr. Chordia has been arrayed the party Respondent in OA No. 56/2020(WZ).
- f) I state that, it is not the business of this Original Applicant to see, what is the internal role & business transaction of Mr. Dilip Motilal Chordia & Mr. Rahul Tukaram Saste with R-12-PP & R-13-PP for their disposing, developing, sharing of financial benefits etc. amongst them. That the R-12-PP & R-13-PP are the only responsible for the illegal activity as alleged in OA No. 50/2020 as the R-12-PP & R-13-PP are the profit making entity out of the said development.
- g) I state that, the R-12-PP & R-13-PP is carrying ou the illegal development of bungalows on the entire land admeasure more than 22000 M2. However, PP have disclosed only land parcel of 14280 M² (**11200 M² +3038 M²**) which is entirely affected by prohibited zone of blue flood line of Indrayani River and therefore, permission for plotted layout procured from PCMC vide dated 15.11.2022 for an area of 3207 M² is illegal viod, null and same is non-development zone due to green belt reservation and stone quarry.
- h) I state that, the R-12-PP & R-13-PP are responsible for the entire illegal development carried out on land falls between "*Nature Park & Sr. No. 89*" from Sr. No. 90(P)

of the village Chikhali as disclosed in this OA and other independent OA No. 56/2020 is filed for the illegal dumping & construction on the land falls between “Sr. No. 91, STP & Nature Park and River to remaining part of Sr. No. 90” wherein this Mr. Chordia is added as party Respondent and appropriate relief are sought against him therein. Therefore, the blame of R-12-PP & R-13-PP is baseless to pass his burden on others and this Hon’ble NGT may kindly pass strict order against the notorious, careless, reckless Polluters R-12-PP & R-13-PP.

- i) I state that, this Hon’ble NGT may kindly impose the damage of Rs. 100 Crores on R-12-PP & R-13-PP for restoration & restitution of the area with demolition of the illegal construction at site.

4. REJOINDER TO THE REPLY OF R-11-M/S. RIVER RESIDENCY DEVELOPERS DATED 07.02.2023:

- a) I state that, the reply of the Respondent No. 11-M/s. River Residency Developer is totally false, misleading, baseless, casual, cursory, concocted and therefore, denied by this Original Applicant. I state that, the Respondent No. 11 has been put under specific allegation of dumping of construction waste & excavated material from his project and R-11 have not specifically not replied the **Para-8(f) at Page-8 of OA, Para-10(B) (iii), 9iv), (v), (vii) of OA at Page:15-17, Para-10(E) (a), (b), (c), (d), (e), (f), (h), (i), (j) of OA at Page:23-26.**
- b) I state that, this Respondent No. 11-M/s. River Residency Developer has to be put under legal directions to restoration and restitution of the Area due to his illegal dumping of

construction waste on the prohibited zone of blue flood line of Indrayani River and on which, the R-12-PP & R-13-PP are carrying out illegal bungalow plotting and promoting the bungalow construction in illegal manner without any permission.

- c) Therefore, I state that, this Hon'ble NGT may kindly put this Respondent No. 11-M/s. River Residency Developer under legal burden for environmental protection.

5. REJOINDER TO THE REPLY OF R-7-COMM-PCMC & R-8-CITY ENGINEER-PCMC DATED 10.02.2023:

- a) I state that, the Reply of Respondent No. 7-Comm-PCMC & Respondent No. 8-City Engineer-PCMC is partly true and partly misleading, casual, cursory.
- b) I state that, the PCMC in Para-2 of their reply affidavit have given clean chit to the Respondent No. 11-M/s. River Residency Developers and its clearly show the collusion of this Respondent No. 11 and PCMC officers. In actual, construction waste generated from the R-11 project is dumped on the disputed land area.
- c) I state that, the PCMC in Para-3 of their reply affidavit have admitted that the illegal development is carried out by the R-12-PP & R-13-PP and said project is situated to the north site of 18 Mtrs. DP Road.
- d) I state that, the PCMC in Para-4 of their reply affidavit have admitted that the majority of the project in question is falls within the prohibited Blue line of the River Indrayani for which no permission has been obtained by PP.
- e) I state that, the PCMC in Para-5 of their reply affidavit have admitted that the R-12-PP & R-13-PP along with one Mr. Dilip Motilal Chordia and Mr. Rahul Tukaram Saste have

carried out illegal plotting and illegal construction of erecting bungalow in the said survey number without obtaining any permission from the PP. I state that, this Original Applicant do not have any idea of the role of Mr. Dilip Motilal Chordia and Mr. Rahul Tukaram Saste in the illegal business of R-12-PP & R-13-PP of carrying out illegal construction in prohibited zone.

- f) I state that, the PCMC in Para-6 of their reply affidavit have admitted that PCMC have registered an FIR Number 0053/2020 dated 22.01.2020 at MIDC Bhosari Police Station against the owner of plot Mr. Dilip Motilal Chordia for carrying out illegal plotting/ illegal dumping of debris on the premises laying in the green belt within the blue line of the river Indrayani.
- g) I state that, the PCMC in Para-7 of their reply affidavit have admitted that PCMC have issued demolition notices to Mr. Dilip Motilal Chordia vide dated 20.05.2019 & 25.10.2021 for carrying out illegal Construction/ dumping in the prohibited zone laying within the blue line of River Indrayani
- h) I state that, the PCMC in Para-8 of their reply affidavit have admitted that the government of Maharashtra have permitted the construction within blue flood line and red flood line vide its notification dated 20.01.2021.
- i) I state that, the PCMC in Para-9 of their reply affidavit have admitted that the PP have obtained permission vide dated 15.11.2022 for plotted layout in respect of the an area admeasuring 3207.24 M² and said area is located between blue flood line and red flood line in restricted zone and this permission is issued subject to the final outcome of this Application.

- j) I state that, the PCMC in Para-10 of their reply affidavit have admitted that the PP have paid 50% of Rupees 681000/- to ADTP and remaining 50% to the PCMC for as premium for converting of said area into residential zone and permission is granted under Rule 3.13 under UDCPR.
- k) I state that, the PCMC in Para-11 of their reply affidavit have admitted that PCMC have informed the IGR vide its letter dated 05.04.2021 for unlock the area of 3207.24 M² of said project, as the larger area falling under blue flood line is locked for registration and transfer vide PCMC letter dated 10.03.2020. I state that the conduct of the PCMC is totally illegal as on hand PCMC is issued notice for demolition of the illegal construction and removal of illegal dumping in the prohibited zone and without getting compliance of the said notices, PCMC is issuing the permission and unlocking the area for registration & transfer by the PP providing him financial benefits at the cost of mother nature, is the shocking & surprising conduct of the PCMC and conduct shows the out most misdeeds of PCMC officers.
- l) I state that, the PCMC in Para-12 & 13 of their reply affidavit have admitted that there are 29 bungalows have been illegally constructed in the area falling within the Blue line of the River Indrayani at Survey No. 90 (P) of village-Chikhali and said persons have not obtained any permission from PCMC and therefore, till dated there is notice of demolition issued to 13 owners of bungalow.
- m) I state that, the PCMC in their reply affidavit have admitted that the notice dated 25.10.2021 was issued for removal of illegal dumping having measurement of “100 Mtrs. X 120 Mtrs X 2 Mtrs” i.e. **24000 Cu. Mtrs.** However, Same is not yet removed.

- n) I state that, the PCMC have provided the List of illegal construction occupiers of bungalows. In fact, PCMC officers are involved in this illegal construction as ever after the COVID-19 pandemic restrictions are over on 01.04.2022, there is no action for demolition and removal of the debris.
- o) Therefore, I state that the PCMC officers which have given sanction vide dated 15.11.2022 for plotted layout in respect of the an area admeasuring 3207.24 M² must be held liable and shall be ordered accordingly and judicial note of such conduct may kindly be taken.

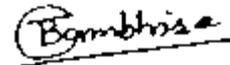
6. REJOINDER TO THE REPLY OF R-3-SEIAA DATED 13.02.2023:

I state that, the reply affidavit of the R-3-SEIAA vide dated 13.02.2023 is supporting the contention of the Original Applicant at stated in Para-3 of the affidavit and SEIAA have admitted that, there is no application for EC for the said project has been received from the R-12-PP & R-13-PP and SEIAA has not granted any EC to the said project.

7. Hence this rejoinder.

Whatever stated above is true and correct to the best of my knowledge, belief and information, hence, to verify the same I have signed hereunder at Pune.

Date: 01.03.2023



(TANAJI BALASAHEB GAMBHIRE)
AFFIANT

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL,
WESTERN ZONE BENCH AT PUNE
ORIGINAL APPLICATION NO. 50/2020

IN THE MATTER OF:

MR. TANAJI BALASAHEB GAMBHIREAPPLICANT

VERSUS

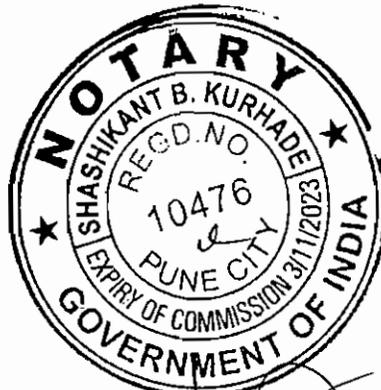
THE CHIEF SECRETARY, GOM & ORS.RESPONDENTS

AFFIDAVIT IN SUPPORT OF REJOINER

I, Adv. Tanaji Gambhire S/o Balasaheb Gambhire Age: 39 Years, Occupation: Advocate, R/o: CTS-296, Shukrawar Peth, Laxmi Apartment, Near Shivaji Maratha High School, White House Lane, Pune-411002, do hereby solemnly affirm and state on oath as follows:

1. I state that I am Applicant in the aforesaid matter and I am well aware with the facts and circumstances of the case and in such capacity competent to depose by way of this affidavit.
2. I have read the contents of the accompanying Rejoinder to the Respondents Reply & Objections to the Joint Committee Report, the same has been drafted by my advocate under my instruction and that the Para-1 to of the reply are true facts in my personal knowledge.
3. I state that, the annexures attached with the Rejoinder to the Respondents Reply & Objections to the Joint Committee Report are true copies of their respective and content of this affidavit are true and correct to the best of my knowledge and belief.
4. Hence this Affidavit

Bombhise
DEPONENT



BEFORE ME

Shashikant B. Kurhade
Shashikant B. Kurhade
Notary Govt. of India,

Noted and Registered
at Sr. No. 104/2023
Date:- 01 MAR 2023



NOTARIAL



NOTARIAL



NOTARIAL



NOTARIAL