

BEFORE THE NATIONAL GREEN TRIBUNAL  
WESTERN ZONE BENCH, PUNE  
(Under Section 18 (1) read with Section 14 and 15 of the  
National Green Tribunal Act 2010)

Original Application No. 72/2022(WZ)

Mr. Vivek Sheshrao Dhakane,  
And 1 other

...Applicants

VERSUS

Maharashtra Tourism and Development  
Corporation, Principal Secretary,  
And 5 others

...Respondents

REJOINDER ON BEHALF OF THE APPLICANT IS AS  
FOLLOWS:

1. The Respondent are misguiding Hon'ble Court on very vital fact and a proven aspects of the case.
2. It is on the record of the Hon'ble National Green Tribunal (NGT) that the distance between the MTDC Resort (Holiday Camp) and 'Nutan Vidyalaya' is 60 meters. If the Hon'ble NGT may kindly see the copy of Annexure-'I' annexed with the Application. It is a copy of a judgment passed by Hon'ble NGT in O.A. No. 53/2015. It can see Paragraph No. 9 on page No. 260, it mentions as follows-

BEFORE ME

S.W. SOLUNKE

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*"The map placed on record is an authenticated Municipal Corporation map. The communication accompanied by the map shows that the education institute by the name Nutan Vidyalaya is of 60 meters from the Holiday Camp. It follows that the area of MTDC is within the Silence Zone and naturally it must fall within domain of Noise Pollution (Regulation and Control) Rules, 2000 as stated above. The MTDC cannot disregard the Rules under Schedule appended to the Noise Pollution Regulation and Control Rules, 2000."*

3. It is clearly mentioned that, a map is submitted by the Municipal Corporation and it shows that the education institute by name 'Nutan Vidyalaya' is in area of 60 meters from Holiday Camp and hence, it was held that the area of MTDC is in the 'Silence Zone' and it must fall within the domain of Noise Pollution (Regulation and Control) Rules, 2000.
4. If the MTDC Resort is the silent zone then no programs with the use of loudspeakers, drum beats, amplifiers can be conducted at the MTDC Resort and it cannot be rented for any such programs.
5. The two pages Marathi document along with the map is attached with this Affidavit on which the Respondent No.4 Aurangabad Municipal Corporation has clearly stated that, the Holiday Camp ranges 60 meters from the 'Nutan Vidyalaya'. Judicial note may kindly be taken by the Hon'ble NGT of such criminal mischief being played by the Respondents and action may be taken accordingly.

BEFORE ME

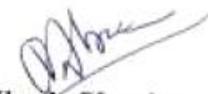
S.N. SOLUNKE

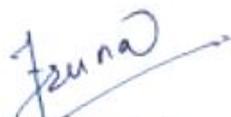
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6. It is surprising that the Respondent No.1 and 2 have manipulated the facts and managed to take a letter in writing from the Nutan Vidyalaya saying that they don't have any problem of any noise pollution from the MTDC Resort.

7. Considering the clear picture which shows that the MTDC Resort is a declared silence zone the matter gets decided here. Hence, all the prayers of the Applicants can be accepted and order may be passed accordingly.

Hence this affidavit is being submitted on oath by the Applicants.

  
Mr. Vivek Sheshrao Dhakane  
Applicant No.1

  
I know the Affiant

(Advocate) 

**AFFIDAVIT**

Solemnly affirmed before me  
by Shri / Smt. Vivek S/o Sheshrao Dhakane  
R/o Bareilly Nagar Station Rd  
Tq. Had Dist. Aurangabad age 43 years  
Who identified by Adv Zeena Sarode o/c Service  
with whom He/ She is personally known.

NOTED & REGISTERED  
AT Sr. No. 11764/2022  
THIS DOCUMENT CONTAINS  
9/13 PAGES

28 DEC 2022

BEFORE ME

  
S.N. SOLUNKE  
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