

**756.A**



**BEFORE NATIONAL GREEN TRIBUNAL WESTERN ZONE BENCH PUNE**

**ORIGINAL APPLICATION NO. 50/2020**

**TANAJI GAMBHIRE**

**.....APPLICANT**

**VERSUS**

**THE CHIEF SECRETARY GOVERNMENT  
OF MAHARASHTRA AND OTHERS**

**.....RESPONDENTS**

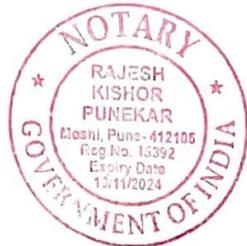
**REJOINER TO THE REPLY OF  
RESPONDENT NO. 2 STATE LEVEL  
ENVIRONMENT IMPACT ASSESSMENT  
AUTHORITY, RESPONDENT NO. 4 AND 5  
MAHARASHTRA POLLUTION CONTROL  
BOARD, RESPONDENT NO. 7 & 8-PCMC  
AND RESPONDENT NO. 11-M/S. RIVER  
RESIDENCY.**

**AFFIDAVIT**

**I, MR VISHWANATH VASANT JARE AGE 36 YEARS, OCC.  
BUSINESS, R/AT. MOREWASTI, MANISHA HOUSING SOCIETY,  
CHIKHALI, TAL HAVELI, DIST PUNE-412114 STATE ON  
SOLEMNLY AFFIRMATION THAT,**

- 1. That I am the Respondent no 13 in the above titled original  
Application and I have filed rejoinder to the reply filed by the  
Respondent no. 2,4,5,7,8,11**
- 2. That I state that the reply filed by the Respondent no 2 is false  
devoid of merits and baseless. I state that the Respondent have**

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nothing but just enter the shoes of the Applicant. The Respondent no 2 is unaware of the actual fact of the present case. I further states that collusion can be seen of the Applicant and Respondent no 2 as Respondent no 2 have failed to find out the true fact of the said property, I further states that I have not done any construction on the said property.

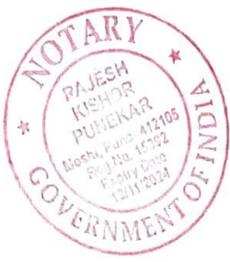
3. That I state that the content of para 1 is not admitted by my, I further states that I have purchased the part of Survey No 90 (P) from Dilip Motilal Chordia which is now added in the present original Application on 25/12/2020 vide 2 registered sale deed bearing no. 14253/2020 and 14334/2020 registered at Sub Registrar Haveli no 14 and so Respondent no 2 was duty bound to investigate who is the actual culprit for the damage of the Environment.
4. That I state that the contents of para 2 is false and misleading and hence denied by me. I state that we have received NA order from the concern department for the part of the said survey No 90 (P) which is been owned by the Respondent no 13. I further state that Respondent no 12 is no were related to the present property.
5. That I state that the contents of para 3 is the matter of record and does not wish to comment on same. I further states that the Land is owned by Respondent no 13 the said land does not need Environment Certificate.



6. That I state that the reply filed by the Respondent no 2 is false and cannot be consider.

**REJOINDER TO THE REPLY OF RESPONDENT NO 4 AND 5 BY MAHARASHTRA POLLUTION CONTROL BOARD.**

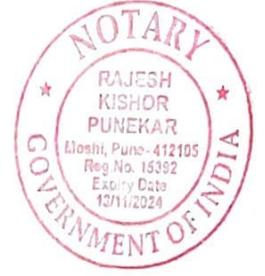
1. That I state that the reply filed by the Respondent no 4 and 5 is false devoid of merits and baseless.
2. I state that Respondent no 4 and 5 have failed to thoroughly investigate the land and the culprits behind the damage to the environment.
3. I state that the contents of para 1, 2 and 3 are the matter of records and does not wishes to comment on same. The committee have failed to show the realty in the report the committee have not investigated as per the order of the Hon'ble Tribunal. I state that committee have failed to bring the real person who is culprit for the damage to the environment.
4. I state that the contents of para 4 is misleading and further failed to disclose as to who have done the construction and who is primary responsible for the damage to the environment.
5. I state that the reply filed by the Respondent no 4 and 5 is false and cannot be consider as Respondent no 4 and 5 have not investigated and submitted the report as per the instruction of the Hon'ble Tribunal.



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**REJOINDER TO THE REPLY OF RESPONDENT NO 7 AND 8 BY  
PIMPRI CHINCHWAD MUNICIPAL CORPORATION.**

1. That I state that the reply filed by the Respondent no 7 and 8 is false devoid of merits and baseless.
2. I state that Respondent no 7 and 8 have failed to thoroughly investigate the land and find the culprits behind the damage to the environment.
3. I state that the contents of para 1 and 2 are the matter of records and does not wishes to comment on same.
4. I state that the contents of para 3 is false and present Respondent is trying to mislead the Hon'ble Tribunal. I state that Respondent no 12 and 13 have purchased the said land wide registered sale deed on 25/12/2020. I state that Respondent no 12 and 13 have purchase the land and the development activity have not been done by us.
5. I state that the contents of para 4 is false and denied by me. I further state that necessary permission regarding the NA order have been obtained by the Respondent no 12 and 13, It is pertinent to note that as the development activity have not been carried by the Respondent no 12 and 13 so no permission to that effect have been obtained by the Respondent no 12 and 13.
6. I state that the contents of para 5 and 6 is false and misleading. I state that it is true that Respondent no 13 have purchased the said land from one Mr. Dilip Madam Chordia in the year 2020



and the development activity had been carried before the said plot was purchased by the Respondent no 13. It is pertinent to note that the Respondent no 7 and 8 have filed FIR against the Dilip Chordia for illegal construction and in the said FIR Respondent no 12 and 13 are not name so which is clear that Respondent no 12 and 13 are not involved in any type of the construction or development of the said plot.

7. I state that the contents of para 7 and 8 is the matter of record and does not wish to comment on same.
8. I state that the contents of para 9 and 10 is true and correct. It is pertinent to note that as the said construction activity is never carried by the Respondent no 12 and 13 so no permission has been obtained from the concern department.
9. I state that the contents of para 11 and 12 is the matter of record. I further states that as per the record furnish by the Respondent no 7 and 8 relating to the illegal construction the name of the present Respondent no 12 and 13 have not been mentioned in the same.
10. I state that the contents of para 13 is matter of record of record and so does not wishes to comment on same.

**REJOINDER TO THE REPLY OF RESPONDENT NO 11 BY M/S.  
RIVER RESIDENCY DEVELOPERS.**

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1. That I state that the reply filed by the Respondent no 11 is false devoid of merits and baseless. I state that Respondent no 11 have tried to blame Respondent 12 and 13 for the act done by the Respondent no 11.
2. That I state that Respondent no 11 have constructed the River residency which have deliberately caused damaged to the environment specially river Indranyani. The debris which have been seen at the river belt are of the construction activity carried out by the Respondent no 11 and not by the Respondent no 12 and 13, it is pertinent to note that the Respondent no 12 and 13 have not done any construction on the said land bearing survey no 90 (P).
3. I state that the contents of para 1 if false and misleading. I state that the prayers in the application are vague and against all the Respondents and so Respondent no 11 cannot deny that there are no prayer against him.
4. I state that the contents of para 2 to 11 are the matter of record and does not wishes to comment on same.
5. I state that the contents of para 12 is false and misleading and hence denied by me. I state that we have not done any construction on the bank of river Indrayani nor constructed on any prohibited area as per the PCMC. I have only sold the empty land and the construction are done by the individual owner of the said land, it is pertinent to note that the debris at the bank



of the river Indrayani have been dump by the Respondent no 11 as Respondent no 11 have carried out construction activity on the Survey no 90 (P). I further states that the debris or other pollutant which have been seen on the bank of the River Indrayani are way prior to the survey no 90(p) which was purchased by the Respondent no 12 and 13 and so we are not responsible for any construction of dumping or illegal activity for causing pollution of the river Indrayani.

6. I state that the reply filed by the Respondent no 11 is false and cannot be consider as Respondent no 11 have blindly blamed Respondent no 12 and 13 and wherein Respondent no 11 is aware that the said land is purchased after the said illegal activity is carried out.

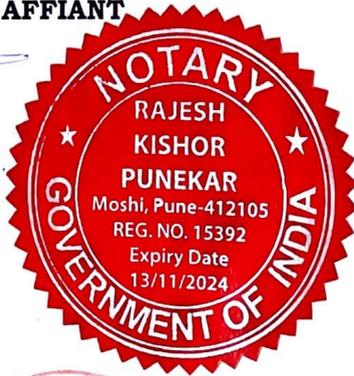
**HENCE THIS REJOINER**

**WHATEVER STATES ABOVE IS TRUE AND CORRECT TO BEST OF MY KNOWLEDGE AND BELIEF AND I HAVE SIGNED THIS TODAY ON 18<sup>TH</sup> DAY OF APRIL 2023 AT PUNE**

**I KNOW THE AFFIANT**

*[Signature]*  
**ADVOCATE**  
*Adv. S. P. Kumar*

*[Signature]*  
**AFFIANT**



*[Signature]*  
**BEFORE ME**

**RAJESH KISHOR PUNEKAR  
ADVOCATE & NOTARY  
GOVERNMENT OF INDIA  
MOSHI, PUNE - 412105**

**NOTED & REGISTERED at**  
Serial No 275/2023  
Date 19/04/2023

