

**BEFORE THE NATIONAL GREEN TRIBUNAL SITTING  
AT PUNE**

**Original Application No. 168 of 2023 (WZ)**

(Under Sections 14 & 15 read with section of the 18 National  
Green Tribunal Act, 2010)

Pratap Lal Teli ... APPLICANT

**AND**

Member-Secretary, State Level Environment Impact Assessment  
Authority and others ... RESPONDENTS

**REJOINDER TO THE AFFIDAVIT-IN-REPLY GIVEN BY  
RESPONDENT NO. 5 (Tree Officer)**

I, Pratap Lal Teli, residing at Mumbai, the Applicant above-named, do hereby solemnly affirm and state as under:

1. The Applicant has gone through the copy of the Affidavit-in-Reply of ***Respondent No. 5, i.e. the Tree Officer.***
2. This reply is based on wrong facts and hence ought to be rejected.
3. As to what are the false facts vis-à-vis the true facts are stated hereunder.

**4. WRONG FACTS vs. TRUE FACTS  
(as apparent from approved layout plan)**

<b>WRONG FACT STATED BY TREE OFFICER</b>	<b>TRUE FACT AS APPROVED FROM THE “APPROVED PLAN”</b>
The maximum front open space of 12 mtr and side/rear open	The true fact is that almost the entire plot, leaving aside small

<p>space of 20.00 Mantralaya as per DCR 1991 and DCR 1991 and DCPR 2034 is provided for Residential Tower and tree are planted on site.</p>	<p>open spaces has been covered by a SIX-FLOOR high, Podium building. From the edge of this building, as per the layout plan (cropped with supplied illustrations) annexed and marked as ANNEXURE-‘A-1’, the open spaces are as under:  FRONT SIDE: 3 metres  WEST SIDE: 6 metres  EAST SIDE: 4 metres  SOUTH SIDE: 4 metres.</p>
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5. The Applicant further submits that the Tree Officer has completely ignored to reckon the fact that there is a large podium building of 7 floors bearing the height of 24metres. The Tree Officer has concealed the relevant fact that the measurements he took was from the roof of the 7 floor building and not from the ground level where Mother Earth exists.

6. A section map, showing the height of the podium building is hereto annexed and marked as ANNEXURE-‘A-2’ (with supplied illustrations). Needless to add that the distance for the purpose of trees has to be reckoned from the Ground Floor outer walls to the edge of the boundary wall.

7. Thus, if measurements are done at the ground levels, open spaces shall only be as has been stated above and further apparent from the “Approved Plan”.

8. It is further seen that as per the EC condition No. (VIII) the Project Proponent was to abide by the following conditions:

**“Green Belt Development shall be carried out considering CPCB guidelines including selection of plant species and in consultation with the local DFO/Agriculture Dept.”**

9. Since for the city of Mumbai, there is no DFO having territorial jurisdiction, nor is there any Agriculture Department, therefore, the equivalent to this would be the Tree Officer.

However, surprisingly, the Tree Officer in this Affidavit-in-Reply is completely silent on the fact whether the plantation has been done on mother earth leaving 1 m space around the trunk of the tree free of concrete.

**10.** The Applicant further submits that as per the Affidavit-in-Reply of the Tree Officer, the Project Proponent has planted only 70 trees in the layout. **However, as per the Environment Clearance condition placed at Entry No. 31, it has been stipulated a total of 291 trees have to be planted at the ground level besides retaining 28 existing trees. Accordingly, the Affidavit-in-Reply of the Tree Officer is incorrect.**

**11.** It is thus reiterated that the Tree Officer has refrained to state that whether required 291 trees have been planted at the ground level or have been planted on the top of the podium slab. He ought to have further stated it indigenous trees could grow upto to optimum biological height of about 70 to 100 feet bearing a large canopy. Needless to add that the Tree Officer in this way, has been conspicuous in his silence.

**12.** What is further critical to note is that a Tree Officer is a Horticultural Specialist and is a technical person. He could not have been so naïve that he would not know such fundamental facts, which even a lay person would be knowing. Therefore, it is apparent that this Affidavit-in-Reply made by a public official is nepotistic in nature and seeks to make an effort to confer impunity of the Project Proponent from action of demolition so as to make space for plantation.

**13.** Further, being a technically qualified person, the Tree Officer ought to have clearly stated if the said 291 indigenous trees, i.e. the evergreen tall tropical trees, had been been planted in the manner, which would get adequate sunlight and further whether the conditions are propitious enough for these trees to assume their optimum biological height of about 70 to 100 feet under such constrained conditions.

14. Accordingly, the Petitioner submits that Affidavit-in-Reply of the Tree Officer be rejected and that the Project Proponent be directed to create enough space on Mother Earth to plant 291 indigenous trees, and after leaving 1 m space around the trunk of the tree free of concrete and after leaving adequate space above for the spread of the canopy of the trees so planted.

*Pratap*

APPLICANT

24 OCT 2025

DATE: 24 October, 2025

PLACE: Mumbai

VERIFICATION

I Pratap Lal Teli, the Applicant in this Original Application, do hereby verify that the contents of aforesaid paras of this Rejoinder which are true to the best of my knowledge and that I have not suppressed any material fact.

*Pratap*

APPLICANT

BEFORE ME

BEFORE ME

*S. Cardoz*

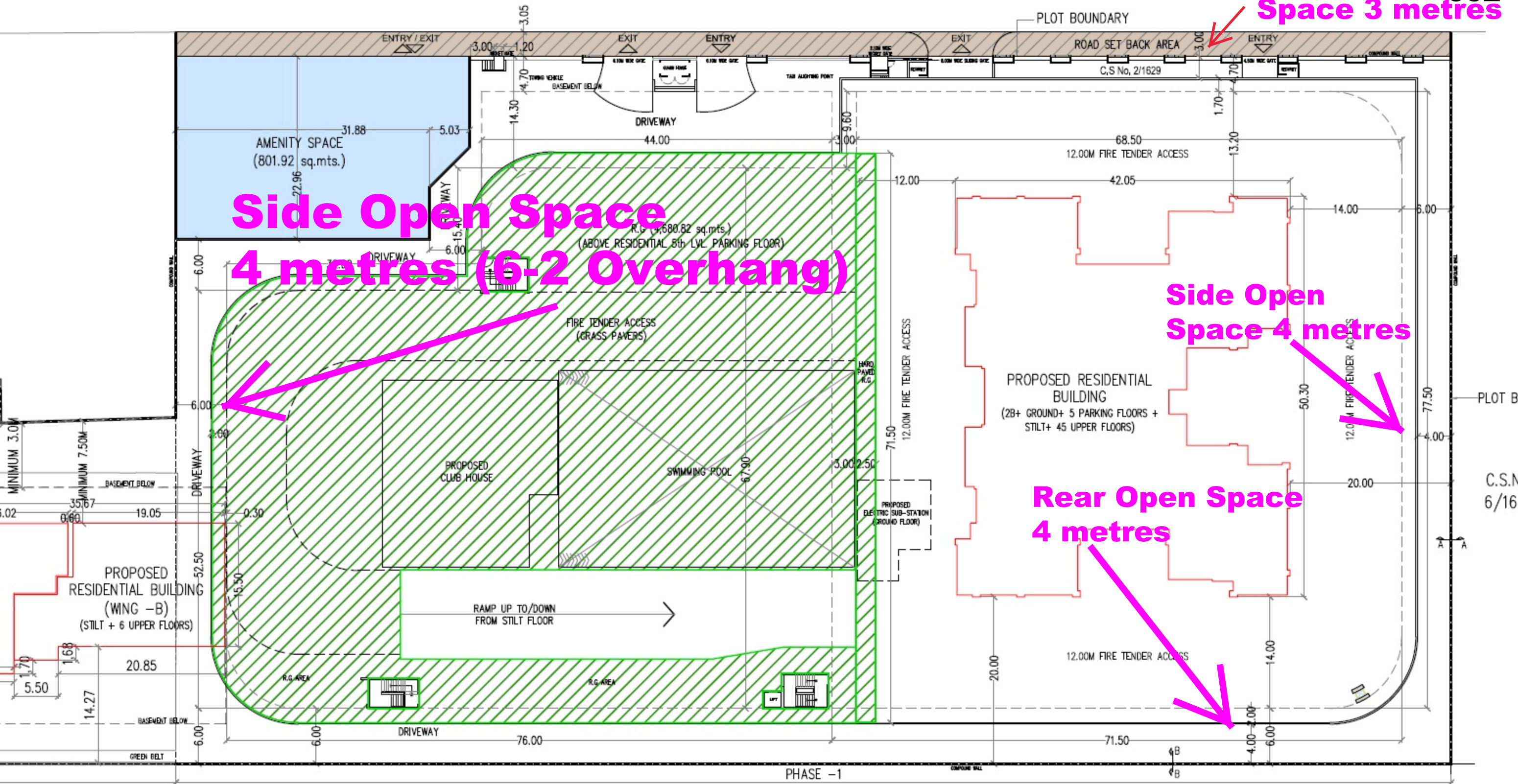
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Notary Register Serial No.	10601C/25
Date:	24 OCT 2025

ORIGINAL SEEN & VERIFIED

ADHAR	PAN	ELECTION ID	DRNG. LICENSE	PASSPORT	POA	RESOLUTION
2965 1874 3320						





Side Open Space 4 metres (6-2 Overhang)

Side Open Space 4 metres

Rear Open Space 4 metres

BLOCK PLAN

SCALE = 1:500

