

614

**NEXT DATE:
10/02/2026**

**HON'BLE NATIONAL GREEN TRIBUNAL
WESTERN ZONE BENCH, PUNE**

ORIGINAL APPLICATION NO. 76 / 2025 (WZ)

B E T W E E N

Kalpesh Yadav

.....

Applicant

V E R S U S

Union of India & Ors

.....

Respondents

REJOINDER ON BEHALF OF
RESPONDENT NO. 10
GROW INDIA REALCON LLP
PROJECT PROPONENT TO REPLY FILED BY
R-8 (PMRDA) AND R-3 (SEIAA)

Date : **30/01/2026**

Place : Pune

Filed by :



Advocate Raghunath Mahabal
mahabal60@gmail.com +91-7400116222

MOST RESPECTFULLY SUBMITTED

1. I, **Jaideep Modak**, adult, am working as the Partner of the **Respondent No. 10, M/s. Grow India Realcon LLP** (hereafter referred to as "Respondent" in this reply), having changed registered address at S.No. 282/2 M/S Grow India Realcon LLP, Mulshi Pune Man, Infotech Park (Hinjawadi), Pune, Haveli, Maharashtra, India, 411057, do hereby solemnly affirm and state as under: I have sufficient knowledge of the facts and have gathered the required information from the records.

2. **PRELIMINARY OBJECTION: THE OA HAS BECOME INFRACTUOUS:** The Respondent submits that the primary grievance of the Applicant, the alleged lack of Environmental Clearance (EC), no longer survives. The State Level Environment Impact Assessment Authority (SEIAA) has explicitly stated in its reply that the Project Proponent has been granted a valid EC dated **09/07/2025**. This EC was granted following a rigorous appraisal by SEAC-III in its 193rd meeting and subsequent approval by SEIAA in its 292nd meeting. As the project now possesses a valid EC, **the allegations regarding the lack of prior environmental clearance are infructuous**, and the OA deserves to be dismissed.

3. **APPEAL HAS BEEN FILED:** An appeal has been

filed for this very same project before very this Hon'ble National Green Tribunal, WZ Pune No. 600/2025, against the EC granted to this project.

4. VALIDITY OF INITIAL CONSTRUCTION WITHOUT EC: The Respondent denies the allegation of "illegal construction."

a) Threshold Limit: Under the EIA Notification 2006, construction 'project / activity' Item 8(a) requires prior EC only if the Built-Up Area (BUA) exceeds 20,000 sq. m.

b) Permitted Area: The initial Commencement Certificate (CC) dated **17/11/2021** and the revised CC dated **08/12/2022** were for a total BUA of **17,236.69 sq. m.**

c) Legal Position: As the sanctioned area was below the 20,000 sq.m threshold, no EC was legally required at the commencement of work, a position supported by the Bombay High Court in ***Glomore Constructions v. UOI***. PMRDA's own reply confirms that at the time of the 08/12/2022 permission, EC was not required. [PMRDA Affidavit dated **19/12/2025** ■ Ax. R-III, Page No. 597, Point No. 35].

5. COMPLIANCE AND DUE PROCESS: The Respondent has acted in total transparency:

- a) Application for Expansion:** Before proceeding with construction beyond the 20,000 sq.m mark, the Respondent applied for a Revised Development Permission for **25,738.08 sq. m.**
- b) Conditional Permission:** PMRDA's Revised Commence Certificate (CC) dated **28/02/2024** explicitly mandated that no construction beyond the already permitted 17,236.69 sq.m be carried out until the EC was obtained. Thereafter EC was granted and only after that the further construction was carried out.
- SEAC and SEIAA specifically do the appraisal for the project as applied for but grant the EC only for the project BUA for which building plans are sanctioned OR IOD has been granted OR some kind of confirmation has been granted for the applied plans submitted and the area mentioned in it.
- c) Status of Construction:** As per settled law in similar kinds of matters, construction below threshold limits (i.e., 20,000 sq.m) does not constitute a violation. The current BUA of **26,460.48 sq.m** has valid EC dated 09/07/2025 from SEIAA-Maharashtra. The SEIAA also admits this fact in its affidavit dated 26/11/2025. Also, the constructed area of 17,236.69 sq.m was known to the SEAC and

SEIAA both through the EC application made by the Respondent. SEAC has considered this fact and recorded this fact, which was reproduced by the SEIAA in its 292nd MOM dated 08/05/2025. [**SEIAA's Affidavit ■ Ax. 2, Page No. 115, Para No. 2**].

6. REGARDING THE REVOCATION BY PMRDA:

The Respondent notes the Revocation Order dated **26/06/2025** issued by PMRDA. **This was never communicated to the Project Proponent OR its Architect.** It is submitted that this revocation was "*in principle*" due to the pending EC. Now that SEIAA, through its affidavit dated, has admitted that EC has granted on 09/07/2025 for a total BUA of 26,460.48 sq.m (FSI: 23,327.47 + Non-FSI: 3,133.01 = **26,460.48 sq.m**). PMRDA has not taken cognisance of the SEIAA's reply dated 26/11/2025 and submitted its reply on 19/12/2025 without applying its mind. **Therefore, the grounds for revocation no longer exist.** But to rectify this miscommunication and wrong action of the PMRDA, the Respondent is in the process of filing a fresh proposal for the restoration of the Commencement Certificate as directed by the PMRDA.

7. The Respondent states that PMRDA grants the approval under MRTTP Act and as per the UDCPR applicable to the region. It has nothing to do with the EC or the area mentioned in it. Building Plans are sanctioned once they are in conformity with the above

Act and Rules framed under it. However, the Project Proponent has to obtain all permission that are necessary for the construction, and can construct which ever is the minimum amongst all such permissions. The Respondent PP has followed this golden rule and PP has not exceeded the BUA area sanctioned by PMRDA and SEIAA-Maharashtra Vide EC.

8. ADHERENCE TO STATUTORY CONDITIONS:

The Respondent has already complied with the conditions imposed under the EC. Respondent also undertakes to strictly comply with all conditions of the EC, including guidelines and conditions imposed by the MPCB through the consent to establish and operate.

Place : **Pune**
Date : **30/01/2026**



DEPONENT
Respondent No. 10

31/3/4/2026

NOTED AND REGISTERED
AT SERIAL NO.

BEFORE ME

ADV. SATISHCHANDRA L. PITALE
ADVOCATE & NOTARY
MAHARASHTRA STATE
30/1/2026

IDENTIFIED BY

30 JAN 2026

ADVOCATE



VERIFICATION

I, Jaideep Modak, Partner of M/s. Grow India Realcon LLP, do hereby verify that the contents of the above Reply Affidavit are true and correct to my knowledge and belief. Nothing material has been concealed.

Modak ×

Place : **Pune**
Date : **30/01/2026**

Jaideep Modak
DEPONENT

ei 13/4/2026
NOTED AND REGISTERED
AT SERIAL NO.



[Signature]
BEFORE ME
ADV. SA. SHYCHANDRA L. PITALE
ADVOCATE & NOTARY
MAHARASHTRA STATE
30/1/2026

30 JAN 2026

IDENTIFIED BY
ADVOCATE

