

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

1st floor, Opp. Council Hall, Pune – 411 001

ORIGINAL APPLICATION NO. 144 OF 2017 (WZ)

In the matter of:

Umarshad Khan & Ors.

... Applicants

Versus

State of Maharashtra & Ors.

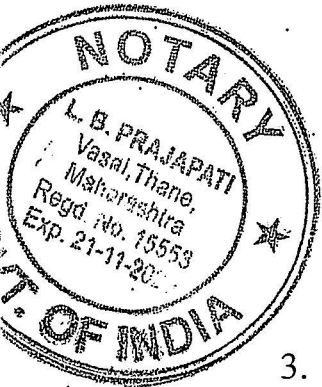
... Respondents

AFFIDAVIT-IN-REJOINDER OF THE APPLICANT NO. 11

[SHAFIKULLAH HAKIKULLAH CHOUDHARY]

I, Shafikullah Hakikullah Choudhary, adult, Indian Inhabitant, residing at Flat No. 110, B-Wing, Rizvi Hq, Akruti Residency, Behind Kalina Church, Santacruz (E), Mumbai – 400 029, do hereby solemnly affirm and state as under:

1. I am the Applicant No. 11 in the above Application and am conversant with the facts of the case. I am filing this Affidavit-in-Rejoinder in response to the Affidavit-in-Reply filed by Respondent No. 2, Slum Rehabilitation Authority (SRA), and the contents of the Inspection Report dated 08.03.2023.
2. At the outset, I respectfully submit that the Affidavit-in-Reply filed by Respondent No. 2 is replete with vague assertions and does not adequately address the substantive non-compliances of environmental clearance (EC) conditions, as observed in the Inspection Report and detailed in the Application filed by the Applicants. I deny each and every allegation, submission, and statement made therein unless specifically admitted by me in this Rejoinder.
3. Response to Specific Claims in the Affidavit-in-Reply:-



Shafikullah Choudhary

Regarding Compliance with Environmental Clearance Conditions: -

a. Respondent No. 2 has stated that the project proponent (Respondent No. 7) obtained EC on 23.01.2012. However, the Inspection Report categorically highlights multiple non-compliances, including:

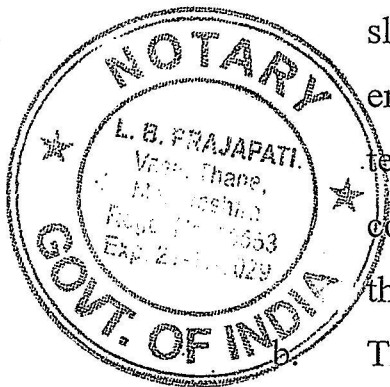
- Failure to operate the Sewage Treatment Plants (STPs) due to objections by residents and odour issues.
- Direct discharge of sewage from sale buildings into municipal sewer lines without treatment.
- Absence of operational Organic Waste Converters (OWCs) for wet waste management.
- Non-development of the green belt, as required under the EC conditions.
- Lack of dual plumbing systems for separation of grey and black water.
- Inadequate measures for noise and air pollution control during construction.

b. These findings directly contradict the claims of compliance made by Respondent No. 2 in their Affidavit-in-Reply.

4. Regarding Tenement Density under DCR 33(10): -

a. Respondent No. 2's assertion that the density of 500 tenements per hectare is necessary for the viability of the slum rehabilitation scheme is irrelevant to the environmental issues raised in this Application. The tenement density has led to overcrowding and has compounded environmental degradation, as documented in the Inspection Report.

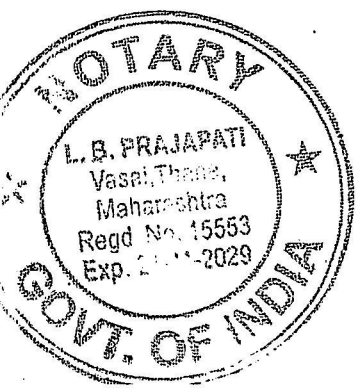
b. The Inspection Report further notes the absence of adequate parking facilities, stormwater drainage systems, and open



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spaces for the current density, exacerbating the environmental impact.

- c. Project Proponent has illegally constructed 8th and 9th floor in the Sale Building without any assessment of the Environment Impact. This unauthorized construction has to be removed at the cost of the Developer.
 - d. Damage to the Environment has not been assessed. The Developer is liable to pay the cost on the principle of 'Polluter Pays'.
5. Regarding Post-Environmental Clearance Monitoring:
- a. Respondent No. 2 has claimed that monitoring of the project is being conducted as per the provisions of the EC and DCR. However, the Inspection Report unequivocally demonstrates a lack of periodic monitoring and submission of compliance reports by Respondent No. 7. It specifically notes the failure to:
 - Submit six-monthly compliance reports to the Ministry of Environment, Forest and Climate Change (MoEF&CC).
 - Obtain certification from independent experts for the installation of STPs and other environmental infrastructure.
 - Ensure the timely implementation of corrective actions for non-compliances.
6. I respectfully submit that Respondent No. 2's attempt to deflect responsibility by citing procedural compliance does not absolve them of their statutory duty to ensure adherence to EC conditions and to safeguard the environment in the implementation of the slum rehabilitation scheme.



[Handwritten Signature]

7. I state that this Affidavit-in-Rejoinder is filed in the interest of justice and to bring to the attention of this Hon'ble Tribunal the continued environmental violations at the project site.
8. In light of the above, I humbly reiterate the prayers made in the original Application and seek the following additional reliefs:


-: PRAYERS :-

- a. Direct Respondent No. 2 to take immediate and effective action against Respondent No. 7 for the observed non-compliances of EC conditions.
- b. Direct Respondent No. 2 to ensure that Respondent No. 7 submits all pending compliance reports and certifications to the concerned authorities within a stipulated timeframe.
- c. Direct an independent agency to conduct regular inspections of the project site and submit periodic reports to this Hon'ble Tribunal.

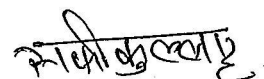
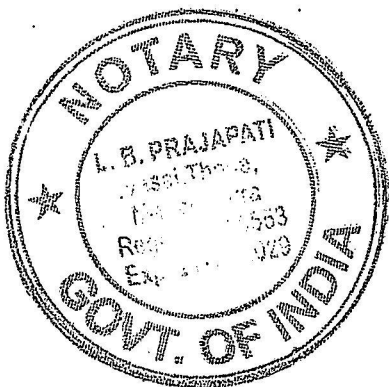
Solemnly affirmed,

Mumbai

Date: 27.01.2025



Advocate for the Applicants



VERIFICATION

I, Shafikullah Hakikullah Choudhary, Applicant No. 11 above-named, do hereby verify that the contents of this affidavit are true and correct to the best of my knowledge and belief, and nothing material has been concealed therein.

Verified at Mumbai on this 27th day of January, 2025.

Identified, Explained and interpreted by,

[Signature]

Advocate for the Applicants

[Signature]

(Shafikullah Hakikullah Choudhary)

Applicant No. 11

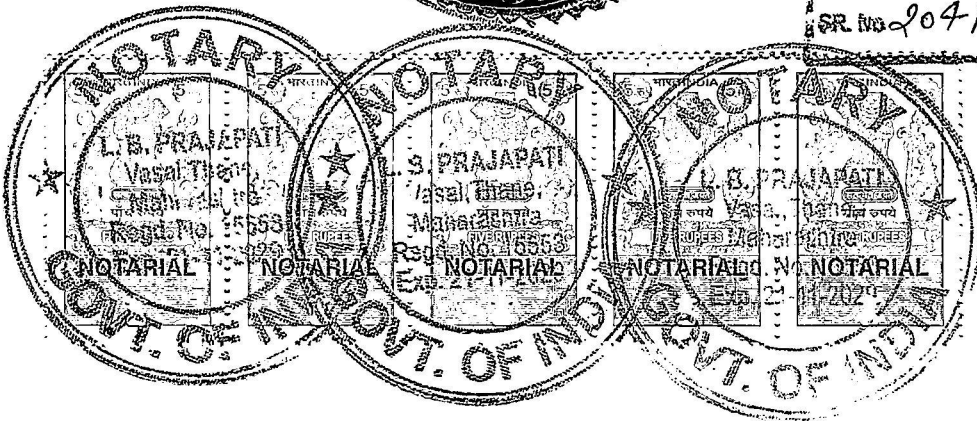
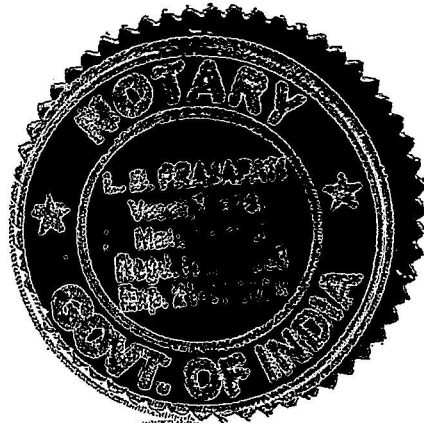
BEFORE ME

[Signature] 27/01/25

L. B. PRAJAPATI
M.A. LL.B
NOTARY, VASAI, THANE
MAHARASHTRA
GOVT OF INDIA

12.7 JAN. 2025

L. B. PRAJAPATI (Notary Govt. of India)
NOTARIAL REGISTER
SR. No. 204/27/01 2025



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APPLICANT NO. 11 [SHAFIKULLAH
HAKIKULLAH CHOUDHARY]**

Dated this 27th day of January, 2025

PRIYANKA GHOSH,

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