

BEFORE NATIONAL GREEN TRIBUNAL
WESTERN ZONE BENCH, PUNE

ORIGINAL APPLICATION NO. 23 OF 2024 (WZ)

MR. NARESH CHHETIJA AND OTHERS ...APPLICANTS

VS

MAHARASHTRA STATE BIODIVERSITY BOARD AND

OTHERS ... RESPONDENTS

Rejoinder of the applicants for the Additional Affidavit on the behalf of Respondent no 1 in OA 64/2024 and Respondents no 2, 4, 6 & 7 in OA 23/2024 dated 21st June 2024 and received on 25th June 2024

We, Applicants Nos., 1 & 2 have gone through the copy of the Additional Affidavit as per the directions of The Honorable Tribunal order dated 22nd May 2024 in Para no 14, and are filing this short Rejoinder to seek more clarity on the following points:

1. In regards to Para no 1, 2, 3 & 4 of the additional affidavit are the part & parcel of the proceedings hence do not merit a rejoinder.

2. We further put forth on record regarding the contention in para no 5 of the Additional Affidavit with regards to

S.no1: Removing Gliricidia and planting tall plantations

Objections: The work of removing Gliricidia is done by the respondents based on the working plan, which in fact is a mere draft and the applicants have already raised their separate objections with regard to this. Hence removing of Gliricidia based on a draft working plan is not as per the law.

S.no 11: Water Supply (water tank with water supply from tanker)



Objections: Diverting water tankers for newly planted saplings will result in fewer water tankers available for residents in an area where water scarcity is already an issue.

S.no 13: Pathway:

Objections: The presence of the pathway raises questions and the applicants are concerned that the said plot will be open to public as the additional affidavit is silent on the aspect of public access.

S.no. 18: Water storage tank:

Objections: Applicants see this concrete structure as an opportunity for mosquitoes to breed and create health challenges for the local residents.

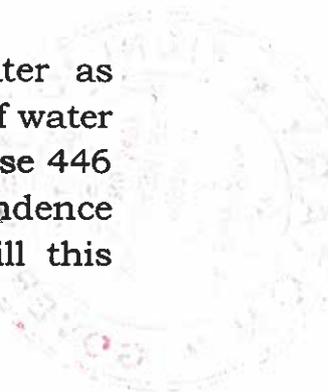
S.no. 19: Pipeline along with borewell:

Objections: The borewell and the drip irrigation lines will access precious and diminishing ground water reserves, on which a significant number of local residents depend.

The original 4-acre woodlot with 25-year-old adult, carbon absorbing trees that needed no human care and which hosted a thriving bio-diversity of flora and fauna, has now been replaced with saplings that will need to be cared for, protected, watered and nurtured till they are safely mature. Respondents have created an uncertain dependency in place of a guaranteed asset.

Applicants further put forth on record their concerns in regard to the newly planted sapling as there is no clarity and specifications in their Additional Affidavit about:

1. Water management: Saplings need lot more water as compared to fully grown trees. How many tankers of water per day will be required to nourish and sustain these 446 saplings? How will this be funded? How much dependence will there be on borewell/ground water? How will this impact local area residents vis-à-vis water scarcity?



2. Public Access: The Respondents Additional Affidavit is silent on the issue of public access for recreation and the construction of an eco-tourism park, which in fact were the two primary reasons for the evident public discontent and the cause of action for filing the complaints OA 64/2024 and OA 23/2024.

It is further noted that the local community is aggrieved and dissatisfied about the plans for the Eco-Tourism Park originally presented in the GR dated 28th November 2023 (**TDS No. 2023/08/P.No.346 (Part1)/Tourism**) - **page no 174 of the affidavit by Respondents 2, 6 and 7 in OA No. 23/2024** the copy of which was shared with the Counsel of the Applicants under the RTI Act. However, the Respondents affidavit is silent on the said GR and the Applicants are concerned that the Respondents may execute the GR at a future date. Considering the above, it is requested of the Hon'ble Tribunal to give directions to the Respondents to provide an undertaking regarding the same. We further state that the Respondents mention on page 193 of the Reply in Affidavit by Respondent No. 2, 6 and 7 dated 23rd Apr 2024 that 446 saplings have been planted in place of the 88 Gliricidia which were felled. It is necessary that directions be given to provide a periodic **survival report** for the newly planted saplings and a frequent care and management plan be presented for review. Both these reports should be available to the public via publication on the Forest Department website as well as a submission to the Hon'ble Tribunal.

The Respondents have variously used terms such as Eco-Tourism Park, Bio-Diversity Park, Nature Interpretation Centre, Nature Education Centre, Urban Forest Park etc. However, the additional Affidavit stresses only on the term "Recreational Activities" The Respondents should abide by their own undertaking and not carry out any development or alteration activity on the Reserve Forest land Survey No 49 Wanawadi Pune which includes any of the above-mentioned terms or public access in any form.



The Applicants, as well as the larger community that has come forward to express their concern have only one intention – to preserve this precious green lung and carbon sink of the locality, which will absorb and dampen noise and traffic pollution and help replenish ground water table. This is in the interest of the health and well-being of the people living in the area as guaranteed by the Constitution of India.

The Hon'ble Tribunal is requested to consider these grievances of the applicants and the larger local community and allow the complaint No. OA 64/2024 and OA 23/2024 and pass necessary order in the Interest of Justice.

I have read and understood whatever is stated in the above-mentioned paragraphs in the rejoinder, the contents of which are true and correct to the best of my knowledge and belief and nothing material has been concealed therefrom.

And today I am deposing the said rejoinder on behalf of Applicant no 2 and myself.

Place: Pune

Date 15th July 2024

M. Moreshwar

Advocate for Deponents

Adv Kshitija Sarangi Moreshwar

N. Chhetija

Mr. Naresh Chhetija

Deponent 1

BEFORE ME

Vijay K. Raut
VIJAY K. RAUT

NOTARY, GOVT OF INDIA
PUNE

Noted and Registered
at Serial Number.....

244/24

15 JUL 2024

