

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

**MEMORANDUM OF APPLICATION
APPLICATION NO. 232 OF 2024**

Banda Nagaraj Kumar)...Applicants
VERSUS

Maharashtra Industrial Development)
Corporation and Ors)...Respondents

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The index is filed on this day of 24th June 2025

Through Applicants

RP

RONITA BHATTACHARYA

Advocates for the Applicants

17,1st Floor, Rohit Chambers,

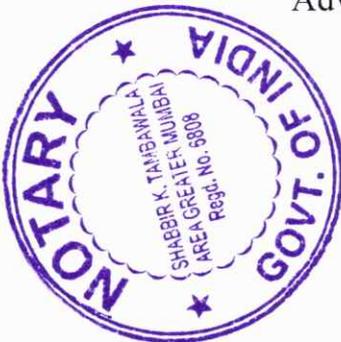
Janmabhoomi Marg,

Fort, Mumbai -400023

Email: ronita.b6@gmail.com

Mobile No. 9920097464

Advocate Code No. I20386



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I, B.N. Kumar, Indian adult residing at 501-Am, Neelkanth Arcade,
Plot 94, Sector-17, Kopar Khairane, Navi Mumbai 400709, the
Applicant herein do hereby solemnly affirm and declare as under:

1. I say that I have read the contents of the Original Application and have understood its contents. I have also read the Affidavit in Reply of the Respondent No. 1 dated 06.03.2025 and am therefore competent to file the present Affidavit in Rejoinder as a response to the Affidavit of the Respondent No. 1.



2. At the outset, I deny each and every averment, contention, allegation and/or submission made by the Respondent No. 1 in the said Affidavit in Reply. I say nothing should be deemed to have been admitted by me for lack of specific denial unless the same is specifically admitted by me hereinafter.

3. I say that most of the Affidavit in Reply of the Respondent No. 1 provides an explanation of the statutory scheme of the Maharashtra Industrial Development Act, 1961, the Maharashtra Regional Town and Country Planning Act, 1966 and the powers vested in the Respondent No. 1 as a Special Planning Authority under the said Acts. I say these averments from para 2-5 of the Affidavit in Reply of the Respondent No. 1 do not warrant any specific response from the Applicant as they are matters of record.

4. The Respondent No.1 has also clarified that it has constituted a Tree Authority as is required under the provisions of the Maharashtra (Urban Area)



Protection and Preservation of Trees Act, 1975 (the Tree Act), and has detailed various circulars issued by the said Tree Authority. I say these averments from para 6-12 of the Affidavit in Reply of the Respondent No. 1 do not warrant any specific response from the Applicant as they are matters of record.

5. I say that at para 13 of its Affidavit in Reply, the Respondent No. 1 has confirmed that the site regarding which the Applicant had sought information on RTI still remains an Open Space, namely Open Space No. 7.

6. At para 14, the Respondent No. 1 has confirmed that it intended to “carve” out space from within the Open Space No. 7 and allot the same to a PAP, but the Respondent No. 1 has not confirmed any enabling provision under law which would allow the Open Space to be used for allotment to a PAP, and has conspicuously not addressed the averments raised in the present Original Application regarding



Regulation 3.4.3. of the Comprehensive Development Control and Promotion Regulations (“CDCPR”) of 2023. I further deny the statement that the portion of land within Open Space No. 7 to be allotted to a PAP does not contain any trees. I repeat and reiterate my statement at paras 11 of the Original Application regarding the number of trees affected as well as the statements at paras 18-20 of the Original Application stating that the use of the Open Space No. 7 for a PAP project is not permissible in law.

7. I say that the statement at para 15 of the Affidavit in Reply of the Respondent No. 1 directly contradicts the contents of para 4.4 of the Affidavit in Reply filed by the Respondent No.1 to the Intervention Application No 74 of 2025 filed in the present Original Application. I say that the statement made at para 15 of the Affidavit in Reply of the Respondent no.1 to the present Original Application that the Open Space No. 7 has not been allotted for industrial or commercial use, but at para 4.4 of the Affidavit in Reply filed by the Respondent No.1 to the



Intervention Application No 74 of 2025, the Respondent No. 1 has confirmed that the PAP allotment has been made to one *M/s. Shiv Hospitality for setting up "Hotel Lodging & Boarding"*.

8. I further say the contents para 16 and 18 are demonstrably false as the trees on the plots that fall within the portion to be allotted to the PAP have various poles installed by their roots, digging deep into the mud, harming the roots of the trees and certainly making it evident that trees will, in fact be cut for the project. Photographs attached at page 36-40 of the Original Application show that the white boundaries and areas demarcating the PAP allotment includes trees. Photographs of poles installed by the roots of trees have been annexed hereto and marked as **Annexure A-1**.

9. I deny the contents of para 19 and state that the Respondents have failed to answer or address the averments raised by the Applicant in the present Original Application challenging the construction of



a commercial PAP structure in an earmarked Open Space despite the fact that such use of an Open Space is impermissible in law and would result in the destruction of several trees. I therefore say that the Application deserves to be allowed.

Solemnly affirmed at Mumbai
On this 24th day of JUNE, 2025

) *Bum*
) APPLICANT NO.1
(*B. N. Kumar*)



IDENTIFIED BY ME

RP

RONITA BHATTACHARYA BECTOR,

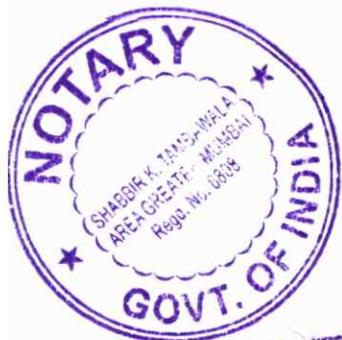
Advocates for the Applicant

Office No. 17, 1st Floor, Rohit Chambers,

Janmabhoomi Marg, Fort,

Mumbai – 400 001

Email: ronita.b6@gmail.com



BEFORE ME
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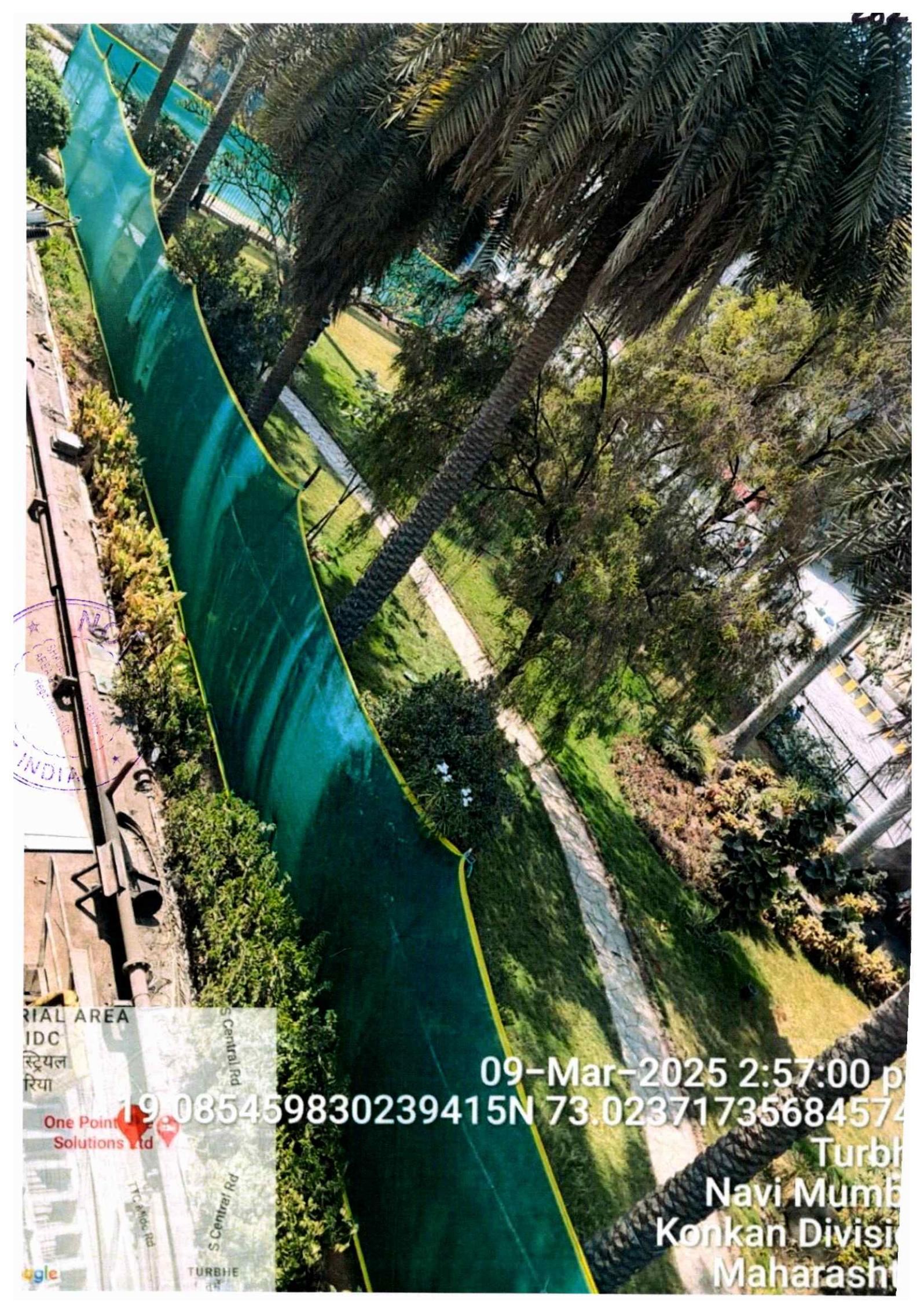
S. K. Tambawalla
S. K. TAMBAWALLA
ADVOCATE, HIGH COURT
B-23, Taheri Manzil
Nesbit Road, Mazgaon
Mumbai - 400 010

24/6/25

NOTARY & REGISTERED
22731/24/6/25
Sr. No. dt.

EXP. Dt.
29.09.2029





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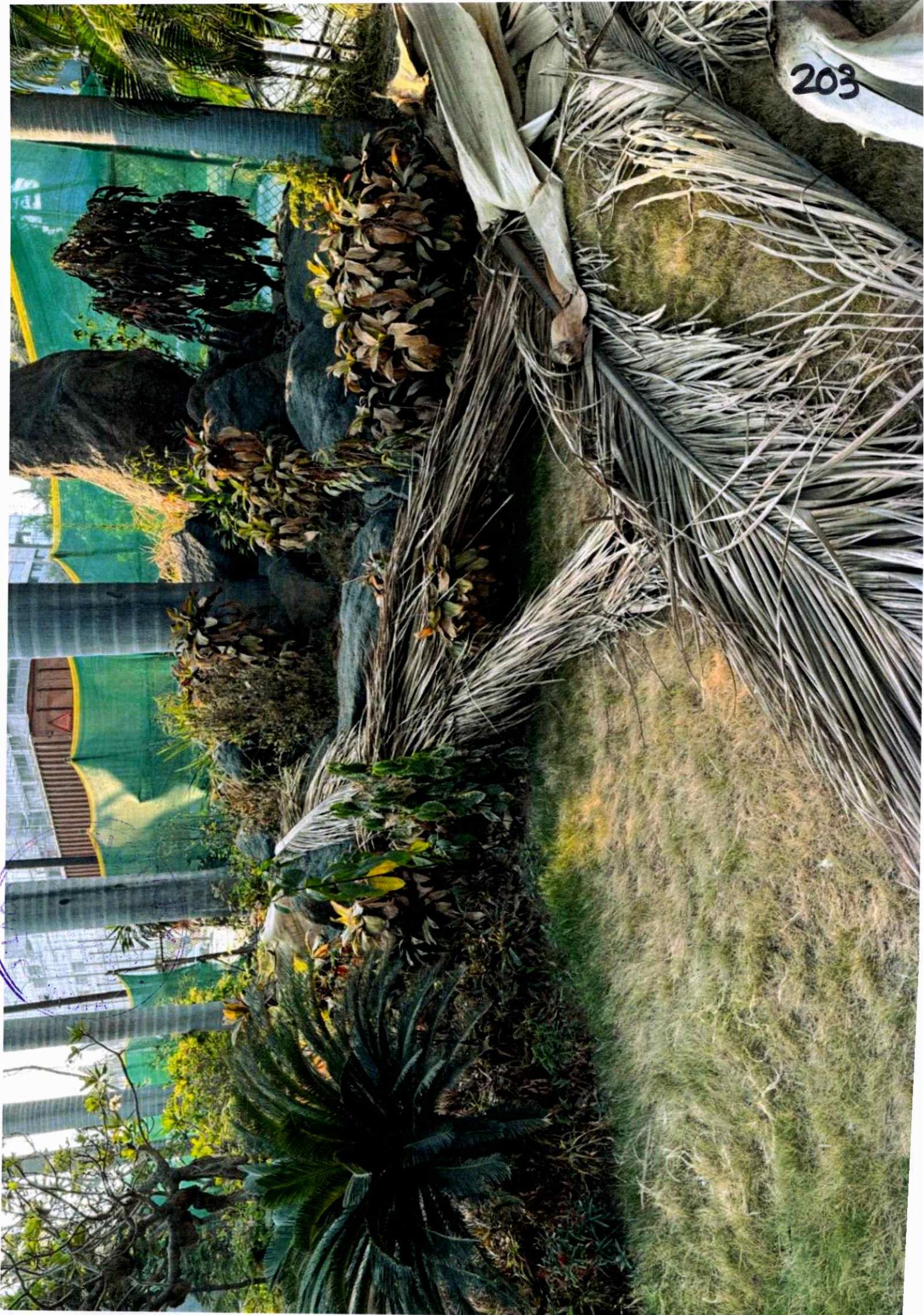


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Navi Mumbai
Konkan Division
Maharashtra

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AFFIDAVIT IN REJOINER

RONITA BHATTACHARYA BECTOR,

Advocates for the Applicant

Office No. 17, 1st Floor, Rohit Chambers,

Janmabhoomi Marg, Fort,

Mumbai – 400 001

Email: ronita.b6@gmail.com

