

BEFORE THE NATIONAL GREEN TRIBUNAL
WESTERN ZONE BENCH, PUNE
Original Application No. 37/2023 (WZ)

Sushant Subhash More

...Applicant

Versus

M/s Hotel Sayadri Puspa & Ors.

...Respondents

Rejoinder to the Joint Committee Report dated 09/03/2026

It is submitted as under-

1. That, the Joint Committee has filed a fresh Report in compliance with the order dated 25/11/2025 passed by this Hon'ble Tribunal.
2. The Applicant is grateful to the Hon'ble Tribunal as its intervention has proved helpful and after filing of the fresh Report now the facts have come before the Tribunal with clarity.
3. There was no clarity as to how many establishments fall within the purview of the MPCB and the MSRDC but a detailed site inspection carried out has cleared the air.
4. Previously, only 32 establishments were brought under the consent regime of this Hon'ble Tribunal but after the site inspection it can be seen that out of 100 establishments 40 fall under the purview of the Hon'ble Tribunal.
5. That, a chart mentioned at Page No 76 Annexure IV of the Joint Committee makes it clear that, 40 establishments fall within the consent regime of MPCB and within the purview of the Hon'ble Tribunal.

6. Accordingly, a Site Inspection Report is also filed by the Joint Committee. It is to note that, R-96 provides Hotel and Lodging services and comes within the consent regime of MPCB. But, there exists no Site Inspection Report of R-96 and the same may kindly be directed to be submitted on the record of the Hon'ble Tribunal.
7. It is pertinent to note that, out of these 40 establishments 3 are closed down which are Respondents No 68, 77 and 99. But, the Site Inspection Report shows that the R-68 establishment is standing since 12 years as per Panchnama at Page No 782, and as per Panchnama at Page No 1169 the R-99 establishment is standing since 15 years. So also no details as to since when structure of R-77 is standing at S. No 101/3 is mentioned and hence, clarity is to be brought as to since when the above-mentioned hotels are non-operational so as to calculate the EDC appropriately.
8. So also, the MPCB has granted CTO to Respondents No 1, 31 and 69 while the matter was sub-judice before the Hon'ble Tribunal and the copies of the same are not placed on the record of the Hon'ble Court. It is pertinent to note that, the establishments of R-1 (Hotel) and R-69 (Hotel, Lodging and Marriage Hall) continued its operation for 13 and 9 years respectively without any valid CTO or CTE.
9. In light of the said fact allowing CTO and CTE to these Respondents without securing EDC for the period which they were operating without valid permission is not acceptable. The said CTO was granted by the MPCB when the establishments had no valid building permission as mentioned at Page 3 and Page 789 of the Site Inspection Report. Hence, it was expected that the Joint Committee would have calculated the EDC as per the methodology introduced by the CPCB.

10. It is to note that, the R-31's application seeking building permission was rejected by the Revenue Department, Satara as stated by the R-105 in the chart at Page No 1880. But, it can be seen that in spite of the fact that no building permission exists the MPCB has granted CTO to R-31 as per the data mentioned in the Site Inspection Report at Page No 341.
11. Furthermore, the EDC has to be calculated for the remaining 37 establishments constantly standing in the buffer zone without CTO and CTE which is neither assessed nor calculated by the Joint Committee. Hence, the Hon'ble Tribunal may kindly direct the Joint Committee to assess the EDC as per the methodology introduced by the CPCB.
12. It is alleged that, since the MPCB has failed to carry out the mandatory duty to ensure that the hotels, lodgings, resorts are operating with a valid CTO and CTE. It was after the filing of the present O.A that the MPCB has issued notices to all the establishments that fall under its regime.
13. In the light of the above-mentioned failure of the MPCB the Applicant requests the Hon'ble Tribunal to grant the EDC so calculated to various NGO's like Biome Conservation Foundation, Pune who are striving to protect the rich bio-diversity of the Kas Plateau including the Kaas Management Committee, Forest Department and the Bio-diversity Committee of the Gram Panchayats.
14. The Hon'ble Tribunal may kindly direct the Joint Committee-
 - a. To place on record Site Inspection Report of Respondent No 96.

- b. To calculate the EDC for the 37 establishments that fall under the purview of MPCB.
- c. To grant the EDC so calculated to various NGO's like Biome Conservation Foundation, Pune who are striving to protect the rich bio-diversity of the Kas Plateau including the Kaas Management Committee, Forest Department and the Bio-diversity Committee of the Gram Panchayats.
- d. To file a copy of the Consent To Operate granted to Respondents No 1, 31 and 69.
- e. To file the details of the time line since when the Respondents No 68, 77 and 99 (hotels and lodging services) are non-operational.
- f. To provide explanation as to how R-31 was granted CTO when its application seeking building permission was rejected by the Revenue Department, Satara.

Hence, this Rejoinder.

Date- 06/06/2026

Place- Pune



Advocate for the Applicant

Asim Sarode and Associates