

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL, WESTERN
ZONE BENCH PUNE AT PUNE .**

ORIGINAL APPLICATION NO.41 OF 2020

M/s HARMONY CHS
AND OTHERS

.. APPLICANTS

V/S

PCMC & ORS

... RESPONDENTS

INDEX

SR NO	ANNE XURE	PARTICULARS	PAGE NOS.	
			From	To
1.		Index	-	259
2.		Rejoinder Application	260	263
3.		Affidavit in Support	264	278
4.	A-1	Copy of the order dated 12.03.2024	-	279
		LAST PAGE NO.		

PUNE

DATE: 16/04/2024



ADVOCATE FOR THE APPLICANTS

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL,
WESTERN ZONE BENCH PUNE AT PUNE .

ORIGINAL APPLICATION NO.41 OF 2020

M/s HARMONY CHS
AND OTHERS

.. APPLICANTS

V/S

PCMC & ORS

... RESPONDENTS

REJOINDER ON BEHALF OF APPLICANT TO THE
ADDITIONAL AFFIDAVIT DATED 22.08.2023 OF THE
RESPONDENT NO.1

MAY IT PLEASE THE HON'BLE TRIBUNAL

The Rejoinder on behalf of the Applicant to the Additional Affidavit dated 22.08.2023 filed by the Respondent No.1 is as under:-

1. At the outset, the contents of the said Additional Affidavit filed by the Respondent No.1 are not admitted to the Applicants and are denied in toto except so far as these are expressly admitted herein.
2. The Applicants had filed a Writ Petition before the Hon'ble High Court of Judicature at Bombay bearing Writ Petition No.4707 of 2023, challenging the reservation of Plot situated at Sector 32-A village Ravet, Dist. Pune. The said Writ Petition came to be withdrawn by the present Applicants as it was overlapping with the

cause, which has been dealt with by this Hon'ble Tribunal in the present Original Application. Copy of the order dated 12.03.2024 is annexed hereto and marked as **ANNEXURE – A-1**.

3. The Applicants further submit that the contents of Para 3 of the said Affidavit deals with the Unified Development Control and Promotion Regulations for Maharashtra State (UDCPR). It is submitted that Section 33 of the NGT Act, 2010 clearly states that it will have them overriding effect over the other statute and hence, the UDCPR will not be applicable in the present case and hence, the said statement of Respondent No.1 may not be considered by this Hon'ble Tribunal. Also, under rule 24 of the National Green Tribunal (Practice and Procedure) Rules, 2011, empowers the Tribunal to pass orders that will secure the ends of justice. The present application has been filed under Section 20 of the NGT Act, 2010, as a precautionary measure.
4. In Para 5 of the said Affidavit, the Respondent No.1 states that the Applicants were well aware of the Crematorium coming at the said site as far as on 28.11.1995. It is submitted that the said statement is made without due application of mind as it has been made across the bar without verifying the true and correct facts.

5. It is submitted that the Applicants Societies have been constructed after securing the requisite permissions from the Respondent No.1 Authority and the Applicant Societies were completed in the year 2012 or thereafter. The Completion dates of each of the applicants are given in the following table.

Sr No	Name of the Society	Date of Completion as per completion certificate issued by Respondent No.1 (PCMC)
1.	Harmony CHS	15.11.2014
2.	Lacasita CHS	18.04.2015
3	Pawani Pride CHS	27.03.2016
4	Bhumi Sidhi CHS	19.06.2018
5	Dhurv Siddhi CHS	29.07.2017

6. It is further submitted that after the construction of the said Societies, these have been registered as Cooperative Societies under the provisions of the Maharashtra Cooperative Societies Act, 1960, and that their date of registration are as under:-

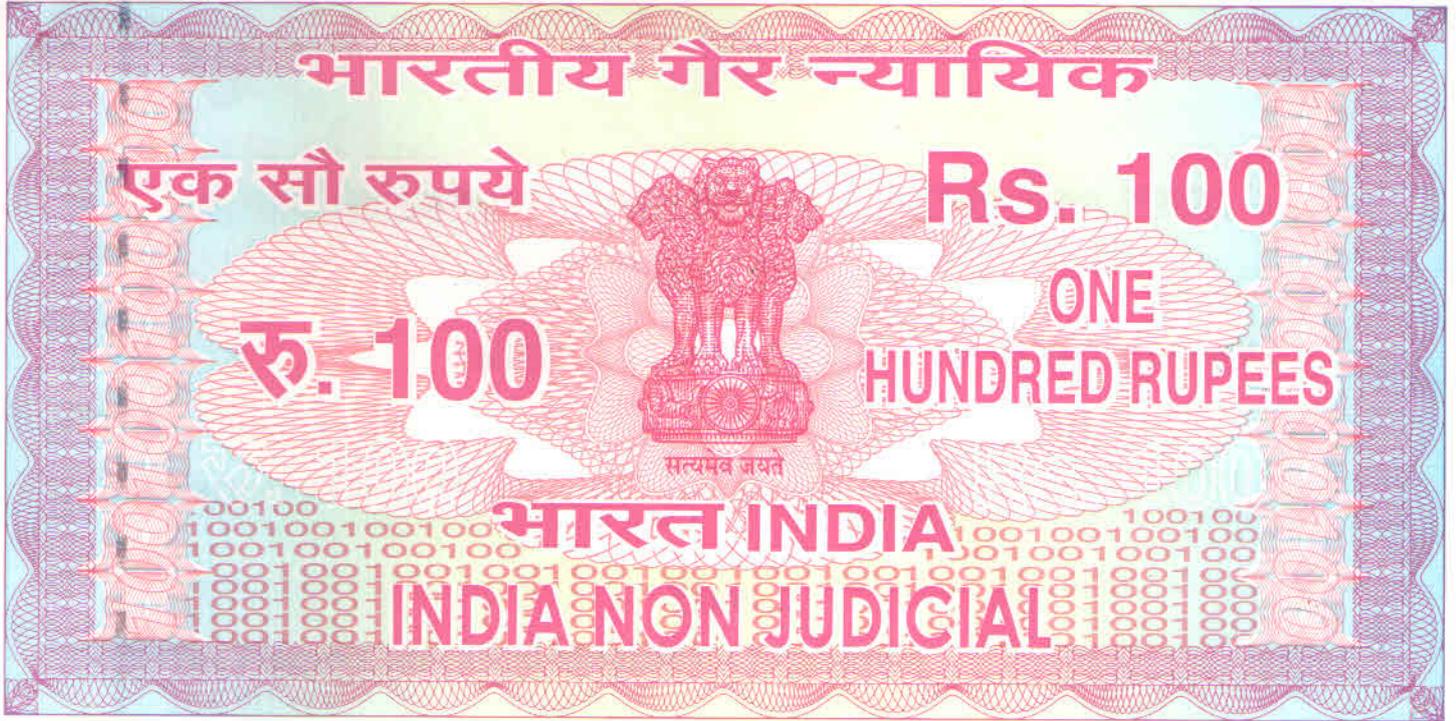
Sr No	Name of the Society	Date of Registration as CHS
1.	Harmony CHS	15.02.2013
2.	Lacasita CHS	08.07.2015
3	Pawani Pride CHS	17.06.2016
4	Bhumi Sidhi CHS	17.12.2018
5	Dhurv Siddhi CHS	05.04.2016

7. It is thus, evidently clear that Applicants have come into existence lately. It is further submitted that it is a logical conclusion that, when a litigant approaches any Court of law, he has to first assert the facts and mention the same in its pleadings. It is in that context, at the time of filing of Writ Petition before the Hon'ble Bombay High Court, the Applicants have researched the facts and then the submissions in accordance with the documents made available to it by the Authority. That is how the statement of reservation for the crematorium on 28.11.1995 has been stated in the said Writ Petition. By no stretch of the imagination, it can be pointed out that the Applicants were aware of the reservation of the crematorium on 28.11.1995 as they were not in existence at that time.
8. In view of the facts narrated above, it is crystal clear that Respondent No.1 is harassing the residents of the Applicant Societies, the construction of the crematorium is very close to their residences and that the Applicants have already made out the case for grant of the relief as prayed for before this Hon'ble Tribunal.

PUNE
DATE 16 / 03 /2024



ADVOCATE FOR THE APPLICANTS



महाराष्ट्र MAHARASHTRA

2024

02AB 810765

अनु.क्र. 3066 फक्त प्रतिज्ञापत्रासाठी दि. 23/01/24 मु.शु.रकम. 900
मुद्रांक विकत घेणाऱ्याचे नांव पियूष सुरान
पत्ता रावेत पुणे
हस्तक्षेप नांव रावेत पुणे

[Handwritten Signature]

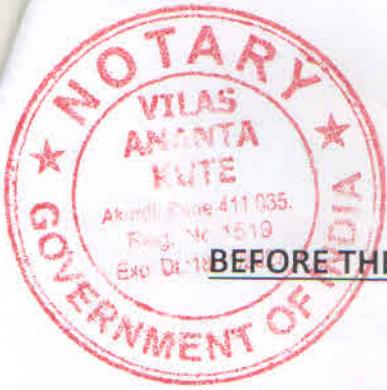
सौ. विलास वि. शिंदे
पत्ता नं. 22/11/24
वि. नं. 1519

मुद्रांक विकत घेणाऱ्याची जाणी
शासकीय कामकाजासाठी/न्यायालयामध्ये दाखल करण्यासाठी
मुद्रांक कागदाची आवश्यकता नाही. (शासन परिपत्र दि. 17/12/2008 मुंबई)
ज्या कारणासाठी ज्यांनी मुद्रांक खरेदी केला त्यांनी त्याच कारणासाठी
मुद्रांक खरेदी केल्याबाबत 6 महिन्यात वापरणे बंधनकारक आहे.

विलास कोषागार अधिकारी
पुणे
03 APR 2024
प्रथम मुद्रांक लिपीक
कोषागार पुणे करिता

NOTARY
VILAS ANANTA KUTE
Akurdi, Pune-411 035.
Reg. No 1519
Exp. Dt: 18/11/2027
GOVERNMENT OF INDIA

AFFIDAVIT



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

ORIGINAL APPLICATION NO. 41 OF 2020 (WZ)

Harmony Co-op Housing Society and ors. ... APPLICANT

Versus

**The Pimpri Chinchwad Municipal Corporation
and others**

... RESPONDENTS

AFFIDAVIT IN SUPPORT OF ORIGINAL APPLICATION

I, Piyush Surana S/o Jagdish Surana age 39 the Secretary of Applicant No. 1, resident of Sector 32-A, Ravet – Pradhikaran, Pune – 412101 hereinabove, do hereby state on the solemn affirmation that: -

1. I say that I am the resident and Secretary of the Applicant no. 1 Housing Society. I am duly authorised to file the present Affidavit. I am aware of the facts and circumstances of the present case and hence I am able to depose the same on oath.
2. That the Applicants are filing the Rejoinder. The facts and circumstances are well set out in the main body of the Rejoinder. The Applicants adopts, confirms, maintains, repeats and reiterates whatever has been stated in the main body of the Rejoinder and for the sake of brevity, convenience, and in order to avoid repetition,



craves leave of this Hon'ble Tribunal to treat the statements, averments and submissions in the main body of the Rejoinder as part and parcel of this Affidavit as if the same are reproduced herein ad-seriatim, with a view to avoid repetition and for the sake of brevity.

- 3. I say that whatever stated in the Rejoinder and the present Affidavit is true and correct to the best of my knowledge, information and belief and the legal advice, which I believe to be true.

Solemnly Affirmed at Pune on this 12th day of April, 2024.

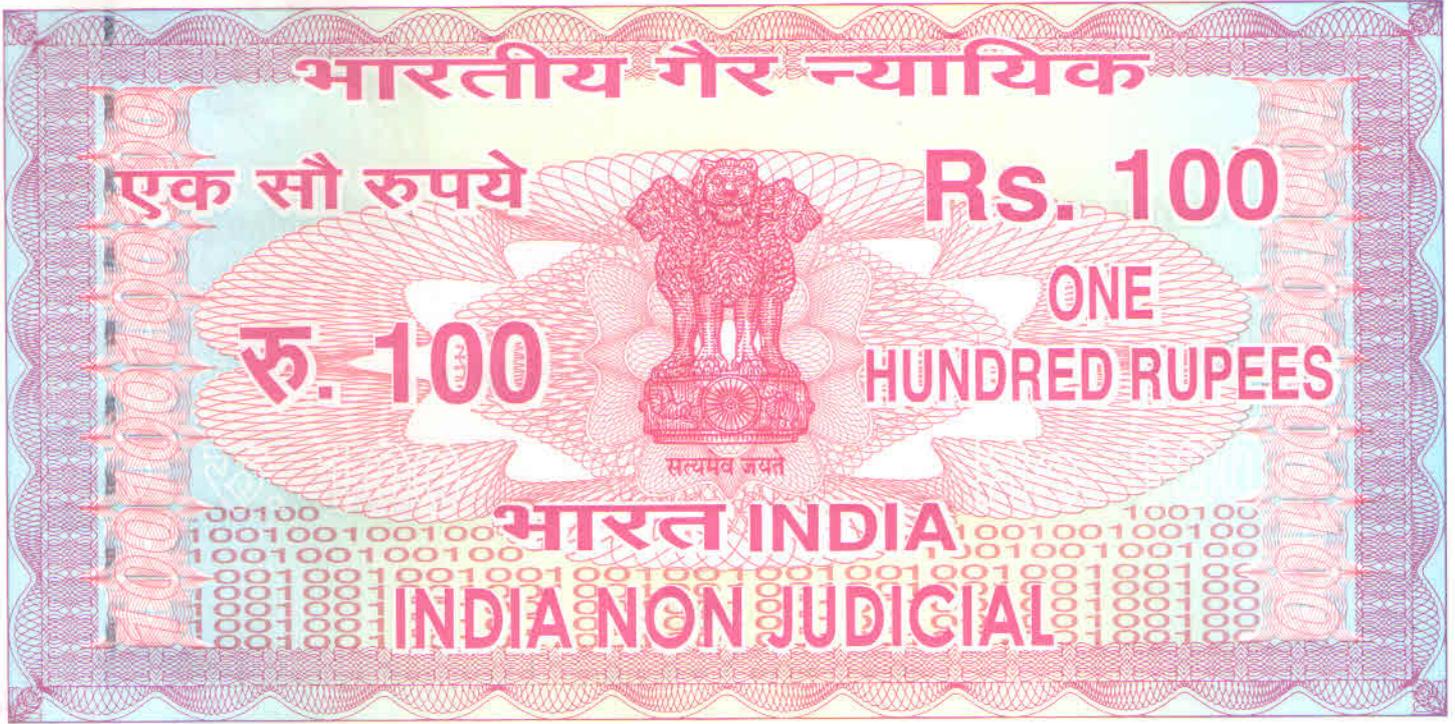
[Handwritten Signature]

Affiant



Noted And Registered
at Serial Number 1920/2024

BEFORE ME
[Handwritten Signature]
 12/11/2024
 VILAS ANANTA KUTE
 NOTARY
 UNION OF INDIA
 Vitthalwadi, Akurdi, Pune-35.



महाराष्ट्र MAHARASHTRA

2024

02AB 810768

फक्त प्रतिज्ञापत्रासाठी
मु.क्र. 3662 दि. 22/8/24 मु.शु.रकम. 700

दंड विकत घेण्यासाठी नांव गोकुळ कौतीलाल गुवाळे
ता रावेत पुणे
रतेचे नांव स्वतः

(M)

ज्येष्ठ न्यायाधीश, पुणे-34
शासकिये वकील, पुणे-34
मुद्रांक कळवणो आवरणकला मंडळ, (शासन जाहीश दि. 3/10/2008 मुदतार)
ज्या कारणासाठी ज्यांनी मुद्रांक खरेदी केला त्यांनी त्याच कारणासाठी
बदांक खरेदी केल्यापासुन 6 महिन्यात घापरणे बंधनकारक आहे

वसिष्ठ कोषागार अधिकारी
पुणे
03 APR 2024
प्रथम मुद्रांक लिपीक
करदातार पुणे करिता

NOTARY
VILAS ANANTA FUTE
Ahud: Pune-411 035.
Reg. No 1519
Exp. Dt. 18/11/2027
GOVERNMENT OF INDIA

AFFIDAVIT



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

ORIGINAL APPLICATION NO. 41 OF 2020 (WZ)

La Casita Co-op Housing Society and ors. ... APPLICANT

Versus

**The Pimpri Chinchwad Municipal Corporation
and others**

... RESPONDENTS

AFFIDAVIT IN SUPPORT OF ORIGINAL APPLICATION

I, Gokul Gugale S/o Kantilal Gugale age 63 the Secretary of **Applicant No. 2**, resident of Sector 32-A, Ravet – Pradhikaran, Pune – 412101 hereinabove, do hereby state on the solemn affirmation that: -

1. I say that I am the resident and Secretary of the Applicant no. 2 Housing Society. I am duly authorised to file the present Affidavit. I am aware of the facts and circumstances of the present case and hence I am able to depose the same on oath.
2. That the Applicants are filing the Rejoinder. The facts and circumstances are well set out in the main body of the Rejoinder. The Applicants adopts, confirms, maintains, repeats and reiterates whatever has been stated in the main body of the Rejoinder and for the sake of brevity, convenience, and in order to avoid repetition,



craves leave of this Hon'ble Tribunal to treat the statements, averments and submissions in the main body of the Rejoinder as part and parcel of this Affidavit as if the same are reproduced herein ad-seriatim, with a view to avoid repetition and for the sake of brevity.

3. I say that whatever stated in the Rejoinder and the present Affidavit is true and correct to the best of my knowledge, information and belief and the legal advice, which I believe to be true.

Solemnly Affirmed at Pune on this 12th day of April, 2024.

Affiant



Noted And Registered
at Serial Number 1919/2024

BEFORE ME
Vilas Ananta Kute
12/4/2024
VILAS ANANTA KUTE
NOTARY
UNION OF INDIA
Vitthalwadi, Akurdi, Pune-35.



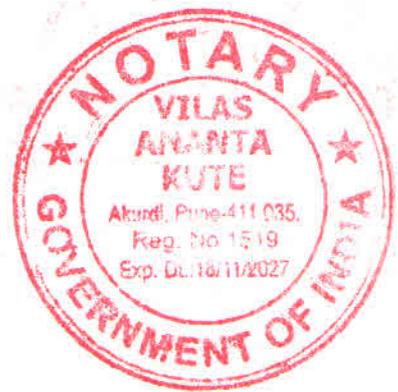
महाराष्ट्र MAHARASHTRA

2024

02AB 810766

अनु.क्र. 3660 फक्त प्रतिज्ञापत्रासाठी 900
दि. 21/2/24 मु.शु.रकम.
मुद्रांक विकत घेणाऱ्याचे नांव विजय कुमार सोनार
पत्ता रावेत पुणे
हरतेचे नांव स्वतः

Bhorar. सौ. वसु. श्री. शिंदे
18/04/2024
मुद्रांक विकत घेणाऱ्याची पत्ती
शासकीय वनसंरक्षण/ वनसंरक्षण/ वनसंरक्षण कार्यासाठी
मुद्रांक विकत घेणाऱ्याचे नाव (आमन दाखला दि. 1/8/2008 मुद्रांक)
नया कारणासाठी ज्यांनी मुद्रांक खरेदी केला त्यांनी त्याच कारणासाठी
मुद्रांक खरेदी केला आहे. नव्याने वापरणे दंडकारणक आहे.



AFFIDAVIT



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

ORIGINAL APPLICATION NO. 41 OF 2020 (WZ)

Pawani Pride Co-op Housing Society and ors.... APPLICANT

Versus

**The Pimpri Chinchwad Municipal Corporation
and others**

... RESPONDENTS

AFFIDAVIT IN SUPPORT OF ORIGINAL APPLICATION

I, Bijoy Kumar Sonar S/o L B Sonar age 44 the Secretary of **Applicant No. 3**, resident of Sector 32-A, Ravet – Pradhikaran, Pune – 412101 hereinabove, do hereby state on the solemn affirmation that: -

1. I say that I am the resident and Secretary of the Applicant no. 3 Housing Society. I am duly authorised to file the present Affidavit. I am aware of the facts and circumstances of the present case and hence I am able to depose the same on oath.
2. That the Applicants are filing the Rejoinder. The facts and circumstances are well set out in the main body of the Rejoinder. The Applicants adopts, confirms, maintains, repeats and reiterates whatever has been stated in the main body of the Rejoinder and for the sake of brevity, convenience, and in order to avoid repetition,

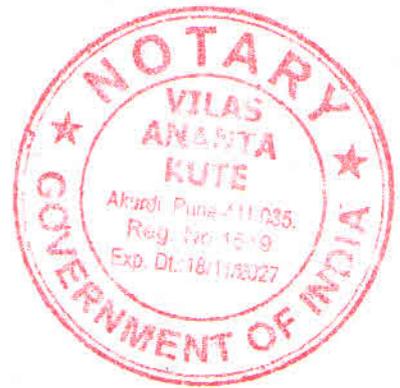


craves leave of this Hon'ble Tribunal to treat the statements, averments and submissions in the main body of the Rejoinder as part and parcel of this Affidavit as if the same are reproduced herein ad-seriatim, with a view to avoid repetition and for the sake of brevity.

- 3. I say that whatever stated in the Rejoinder and the present Affidavit is true and correct to the best of my knowledge, information and belief and the legal advice, which I believe to be true.

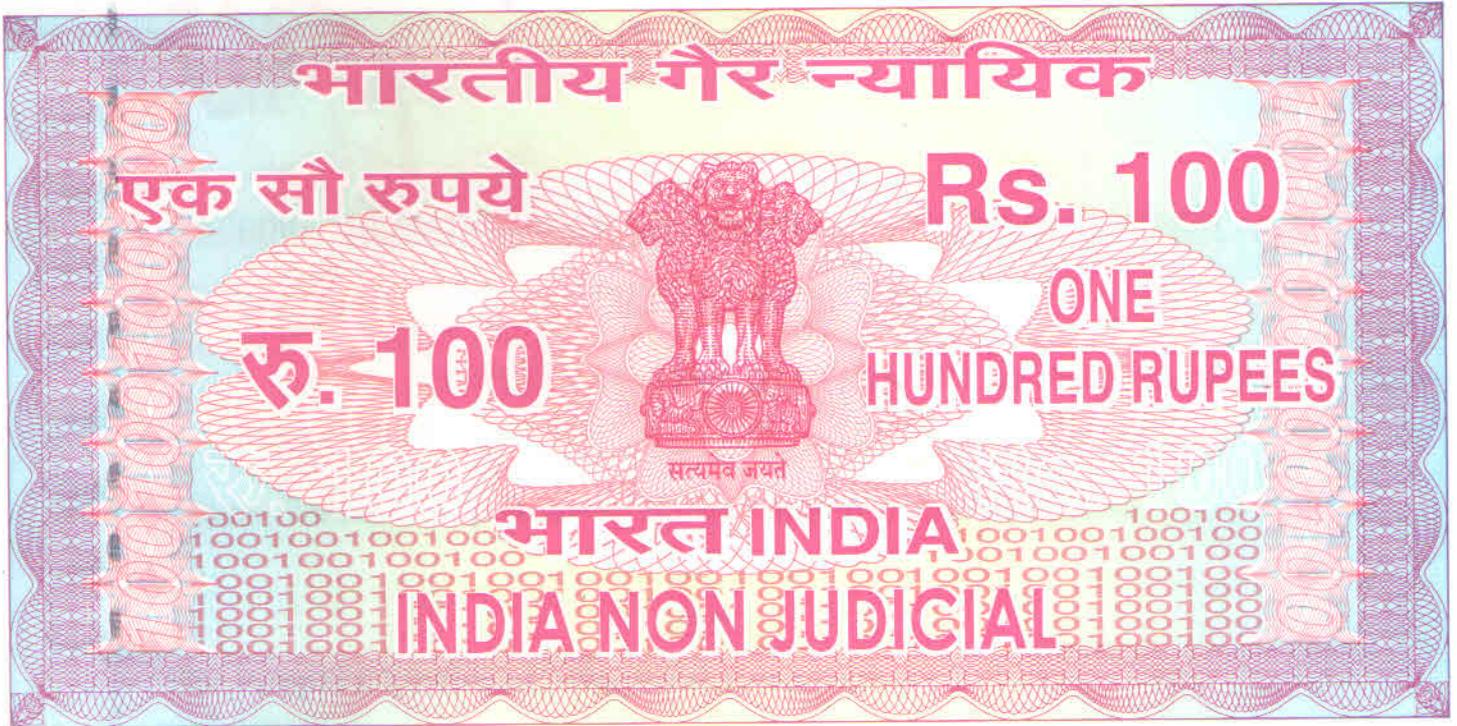
Solemnly Affirmed at Pune on this 12th day of April, 2024.

Bevar.
Affiant



Noted And Registered
at Serial Number 1921/2024

BEFORE ME
Vilas
 12/4/2024
 VILAS ANANTA KUTE
 NOTARY
 UNION OF INDIA
 Vitthalwadi, Akurdi, Pune-35.



महाराष्ट्र MAHARASHTRA

2024

02AB 810767

मनु.क्र. 3009 फक्त प्रतिज्ञापनासाठी 900
 दि. 9/4/24 मु.शु.रकम.

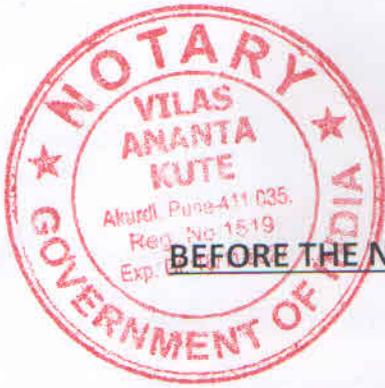
मुद्रांक विकत घेणाऱ्याचे नांव अमेय काणीकर
 पत्ता शिवेत पुणे
 वस्तुचे नांव स्वतः

Koth
 मुद्रांक विकत घेणाऱ्याची स्वाक्षरी
 शासकीय मुद्रांक कार्यालय, न्याय विभाग, मुद्रांक विभाग, वाघर कारणासाठी
 मुद्रांक कायदाची अखत्ययता नसा. (शासन वापरा दि. 1/10/2008 नुसार)
 ज्या कारणासाठी ज्यांनी मुद्रांक खरेदी केला त्यांनी त्याच कारणासाठी
 मुद्रांक खरेदी केल्यापासून 6 महिन्यात वापरणे बंधनकारक आहे

गैर न्यायिक अधिकारी
 पुणे
 03 APR 2024
 मुद्रांक निधीक
 मुद्रांक विभाग, पुणे

NOTARY
 VILAS
 ANANTA
 KUTE
 Ahmed, Pune-411 035.
 Reg. No. 1619
 Exp. DL. 16/11/2027
 GOVERNMENT OF INDIA

AFFIDAVIT



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

ORIGINAL APPLICATION NO. 41 OF 2020 (WZ)

Bhumi Siddhi Co-op Housing Society and ors.... APPLICANT

Versus

**The Pimpri Chinchwad Municipal Corporation
and others**

... RESPONDENTS

AFFIDAVIT IN SUPPORT OF ORIGINAL APPLICATION

I, Amey Kanitkar S/o Vishwanath Kanitkar age 38 the Secretary of Applicant No.4, resident of Sector 32-A, Ravet – Pradhikaran, Pune – 412101 hereinabove, do hereby state on the solemn affirmation that: -

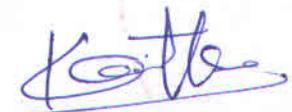
1. I say that I am the resident and Secretary of the Applicant no. 4 Housing Society. I am duly authorised to file the present Affidavit. I am aware of the facts and circumstances of the present case and hence I am able to depose the same on oath.
2. That the Applicants are filing the Rejoinder. The facts and circumstances are well set out in the main body of the Rejoinder. The Applicants adopts, confirms, maintains, repeats and reiterates whatever has been stated in the main body of the Rejoinder and for the sake of brevity, convenience, and in order to avoid repetition,

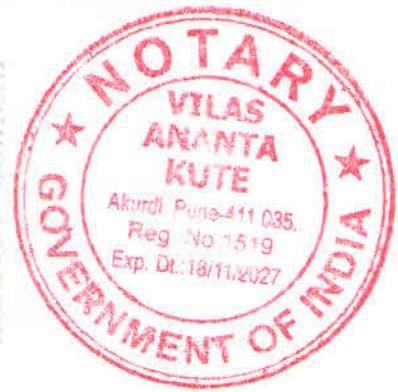


craves leave of this Hon'ble Tribunal to treat the statements, averments and submissions in the main body of the Rejoinder as part and parcel of this Affidavit as if the same are reproduced herein ad-seriatim, with a view to avoid repetition and for the sake of brevity.

3. I say that whatever stated in the Rejoinder and the present Affidavit is true and correct to the best of my knowledge, information and belief and the legal advice, which I believe to be true.

Solemnly Affirmed at Pune on this 12th day of April, 2024.

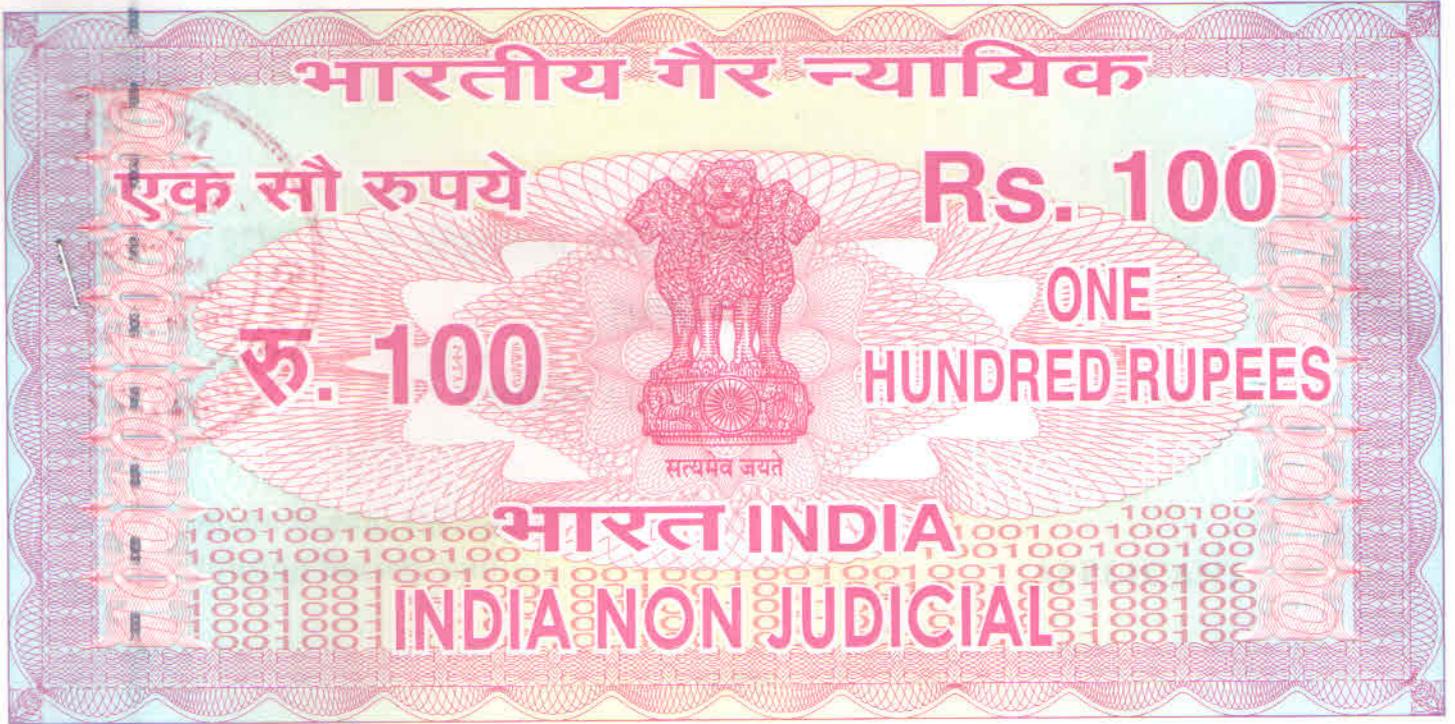

Affiant



Noted And Registered
at Serial Number 1922/2024

BEFORE ME

VILAS ANANTA KUTE
NOTARY
UNION OF INDIA
Vitthalwadi, Akurdi, Pune-35.



महाराष्ट्र MAHARASHTRA

2024

02AB 027789

सो स्टॅम्प ६ पंक्तिपाठक अन्तः प्रत्येक पंक्तिपाठक अन्तः

कार्यालय/अनुच्छेद संख्या : ५५५

दस्तावेजाचा प्रकार/कारण :

संदिग्धी कारणात असावेना, पुढील विवरण कार्यालयीन आहे :

सिद्धांतीचे कार्य :

कारणाचे प्रकार :

कारणाचे विवरण/कार्यालयीन/गैरकार्यालयीन :

दस्तावेजाचे मूल्य : २०००

दस्तावेजाचे प्रकार : १००२

दस्तावेजाचे मूल्य : ५३०

दस्तावेजाचे प्रकार : १० APR २०२४

दस्तावेजाचे मूल्य :

दस्तावेजाचे प्रकार :

दस्तावेजाचे मूल्य :

दस्तावेजाचे प्रकार :



वरिष्ठ कोषागार अधिकारी

पुणे

22 MAR 2024

प्रथम मुद्रांक लिपीक कोषागार पुणे करिता

The Pune Lawyers Consumers
co-op Society Ltd Pune 5
LIC No. 2291111

AFFIDAVIT



BEFORE THE NATIONAL GREEN TRIBUNAL, WESTERN ZONE BENCH,

PUNE, AT PUNE

ORIGINAL APPLICATION NO. 41 OF 2020 (WZ)

**Dhruv Siddhi Co-op
Housing Society and ors.**

... **APPLICANT**

Versus

**The Pimpri Chinchwad Municipal Corporation
and others**

... **RESPONDENTS**

AFFIDAVIT IN SUPPORT OF ORIGINAL APPLICATION

I, Hemant Gaidhani S/o Haribhau age 42 the Secretary of **Applicant No. 5**, resident of Sector 32-A, Ravet – Pradhikaran, Pune – 412101 hereinabove, do hereby state on the solemn affirmation that: -

1. I say that I am the resident and Secretary of the Applicant no. 5 Housing Society. I am duly authorised to file the present Affidavit. I am aware of the facts and circumstances of the present case and hence I am able to depose the same on oath.
2. That the Applicants are filing the Rejoinder. The facts and circumstances are well set out in the main body of the Rejoinder. The Applicants adopts, confirms, maintains, repeats and reiterates whatever has been stated in the main body of the Rejoinder and for the sake of brevity, convenience, and in order to avoid repetition,



craves leave of this Hon'ble Tribunal to treat the statements, averments and submissions in the main body of the Rejoinder as part and parcel of this Affidavit as if the same are reproduced herein ad-seriatim, with a view to avoid repetition and for the sake of brevity.

3. I say that whatever stated in the Rejoinder and the present Affidavit is true and correct to the best of my knowledge, information and belief and the legal advice, which I believe to be true.

Solemnly Affirmed at Pune on this 10th day of April, 2024.

Mumtaz R. Shaikh
Affiant



BEFORE ME

Mumtaz R. Shaikh
Mrs. Mumtaz R. Shaikh
NOTARY GOVT. OF INDIA
PUNE
Reg.No.16021

NOTED AND REGISTERED
SERIAL NUMBER 189/2024



Sumedh

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 4707 OF 2023

Harmony Cooperative Housing Society Ltd &
Ors

...Petitioners

Versus

Pimpri Chinchwad New Town Development
Authority & Ors

...Respondents

Mr Sugandh B Deshmukh, for the Petitioner.

Mr AA Alaspurkar, AGP, for the Respondent-State.

Mr Gurunath B Walwalkar, i/b SP Thorat, for Respondent No 3-
PCMC.

CORAM G.S. Patel &
Kamal Khata, JJ.
DATED: 12th March 2024

PC:-

1. At the request of the learned counsel for the Petitioners, and on instructions, the Petition is dismissed as unconditionally withdrawn.
2. All interim and ad interim orders, if any, stand vacated forthwith.

(Kamal Khata, J)



(G. S. Patel, J)

SUMEDH
NAMDEO
SONAWANE

Digitally signed by
SUMEDH NAMDEO
SONAWANE
Date: 2024.03.13
16:09:48 +0530