

BEFORE THE NATIONAL GREEN TRIBUNAL SITTING AT  
PUNE

EXECUTION APPLICATION No. 2 of 2023

IN

ORIGINAL APPLICATION NO. 05 OF 2021

**BETWEEN:**

Santosh Patil and Another ... **APPLICANTS**

**VERSUS**

Member-Secretary, State Level Environment Impact Assessment  
Authority, and Others ... **RESPONDENTS**

**REJOINDER TO FURTHER AFFIDAVIT-IN-REPLY  
RESPONDENT NO. 4 - MSSRS. SKYLARK BUILDCON PVT.  
LTD. (DEVELOPER) Dated 11 January, 2025**

I, Santosh Patil, the Applicant above-named, residing at Mumbai, on behalf of the Applicants, do hereby solemnly affirm and state as under:

1. The Appellant has gone through the copy of the Further Affidavit-in-Reply of the abovementioned Respondent.
2. From the tedious narration of contrived facts, this Respondent is seeking to evolve a justification of to evade compliance to the Orders of this Hon'ble Tribunal when the words were express and clear – ***That the Developer has to provide parking immediately and till the time he does do he cannot sell the flats.***
3. To buttress his untenable strategy, the Developer is putting up several intricate questions of facts, bear no relevance to the Orders of the Hon'ble Tribunal, which the Developer has contemptuously evaded till now.
4. In fact, what this Developer is doing is to seek and Appeal to the Final Orders of this Hon'ble Tribunal, by putting up unverifiable and irrelevant question of facts. If the Developer was seeking a revision of



*Patil*

the Final Order of this Hon'ble Tribunal, then he ought to have filed an Appeal in the Hon'ble Supreme Court as per the provisions of The National Green Tribunal Act, 2010, which the Project Proponent has not done.

5. The core of the issue is to implement the Final Order of this Hon'ble Tribunal, whose operational part states as under:

“9. We have duly considered the rival submissions and find that the stand taken by the PP cannot be accepted. Once it is undisputed that free sale component flats have been sold, **CONDITION FOR PROVIDING PARKING IN REHAB COMPONENT CANNOT BE DEFERRED.** The joint Committee has categorically found violation of the EC condition. Remedial action needs to be taken by a joint Committee of statutory regulators.

10. Accordingly, we direct the Slum Rehabilitation Authority in coordination with SEIAA and SPCB, Maharashtra to hold joint meeting within one month and take remedial action inter-alia by **RESTRAINING THE PP FROM ANY FURTHER ALIENATION TILL EC CONDITION IS COMPLIED** with or till the joint Committee finds compliance.

The application is disposed of.” (Emphasis supplied).

6. The Petitioner submits that the Project Proponent has defied the Orders of this Hon'ble Tribunal. He did not provide parking and kept selling flats worth several thousand crores. Accordingly, such tediously erected reasoning of an unverifiable nature by the Project Proponent who does not have clean hands, if this is accepted, then it would be a mockery of the law.

7. Accordingly, such tediously erected factual pretexts, of an unverifiable nature, have got not relevance to the clear and specific Final Order of this Hon'ble Tribunal. What the Project Proponent is seeking is to Appeal an Order of this Hon'ble Tribunal, before this Hon'ble Tribunal itself, which cannot be countenanced under any circumstances.



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8. Therefore, the Applicant submits that the pretexts put up by the Project Proponent be rejected and thus the Prayers made in the execution application be made absolute.

9. The Appellant also submits that the Developer cannot keep seeking extension of time have been elaborately traversed through in the Execution Application as well as in the Rejoinders linked thereto. Therefore, this Rejoinder be considered to be in addition to the ones also submitted before this Hon'ble Tribunal.

APPLICANT

VERIFICATION

I, Santosh Patil, Flat No. 1208, Rehab Bldg no. 04, Shree Sai Sundar Nagar CHS, Sadanand Hasu Tandel Marg, Prabhadevi, Mumbai – 400025, on behalf of the Applicants do hereby verify that the contents of aforesaid paras in this Rejoinder to the Affidavit-in-Reply of above referred Respondent, are true to my personal knowledge and belief and that I have not suppressed any material fact.

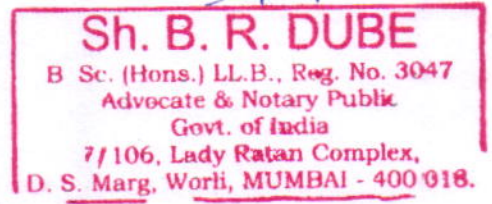
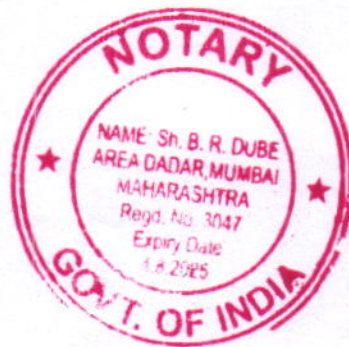
APPLICANT

BEFORE ME

30/01/2025

DATE: 29 January, 2025

PLACE: Mumbai



Notary Regi No. 113  
Sr. No 13472 Date 30/01/2025

