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Regi. Sr. No.

2529/2025

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

ORIGINAL APPLICATION No.201 of 2023(WZ)

**IN THE MATTER OF
CHARAN BHATT**

... APPLICANT

Versus

**WETLAND DIVISION, MoEF & CC
& OTHERS**

... RESPONDENTS

**REJOINDER AFFIDAVIT IN RESPONSE TO THE SUBMISSIONS
MADE BY RESPONDENT NO. 10, RAJESH NANDA.**

MAY IT PLEASE THE HON'BLE TRIBUNAL

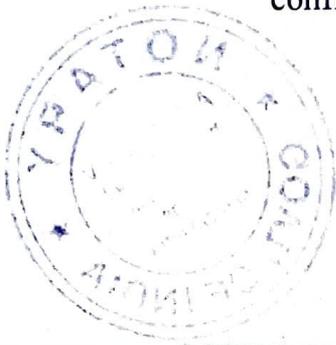
1. I, Charan Bhatt, the Applicant in the present matter, respectfully submit this rejoinder affidavit in response to the affidavit of Respondent No. 10, Mr. Rajesh Nanda, and humbly seek the indulgence of this Hon'ble Tribunal to condone the delay in filing the same in the interest of environmental justice and fair adjudication. The submissions made by Respondent No. 10 have deliberately misled this Hon'ble Tribunal by suppressing material facts and presenting false and misleading statements, and the Respondent is actively engaged in anti-environmental activities that





have caused severe and irreversible damage to the ecology and environment.

2. The Respondent no.10 Rajesh Nanada and partners has been directly involved in the unlawful conversion of ecologically sensitive wetlands, as identified in the ISRO-SAC Wetland Atlas, into non-wetland areas, in contravention of the Wetlands (Conservation and Management) Rules, 2017, the Environment (Protection) Act, 1986, the Air (Prevention and Control of Pollution) Act, 1981, the Water (Prevention and Control of Pollution) Act, 1974, and in violation of binding orders of the Hon'ble Supreme Court of India. Such acts constitute willful degradation of a protected ecological wetland zone, amounting to eco-terrorism, and demonstrate clear *mens rea* in undermining statutory environmental safeguards, thereby posing a substantial and continuing threat to the ecological balance, biodiversity, and public trust doctrine obligations under Articles 48A and 51A(g) of the Constitution of India.
3. The Applicant says that the lands of Respondent No. 10, bearing Survey Nos. 99, 100, 101, 104, 105, 192, and 193, fall within a designated wetland area, as confirmed by the land zone confirmation certificate issued by Respondent No. 4, VVCMC. A





copy of the said certificate is annexed as *Exhibit C-2*, at pages 162 to 173.

4. The applicant says that the Joint Committee, in its report, has submitted that Respondent No. 10, Rajesh Nanda, and his partners have illegally filled the wetland area with soil and construction debris amounting to thousands of brass (lakhs of tonnes). The Palghar District Revenue Department has imposed a fine of approximately ₹15 crore, with further pending investigation. The Joint Committee report categorically confirms that Rajesh Nanda and his partners have converted the wetland into a non-wetland area by dumping construction debris, soil, and other materials in quantities running into lakhs of tonnes and thousands of brass.
5. The applicant states that Respondent No. 10, Rajesh Nanda, and his partners have carried out large-scale illegal landfilling, which has caused irreversible damage to wetland features, destroyed wildlife, and bird habitats, and severely disrupted the ecological balance. These acts constitute blatant violations of the Wetlands (Conservation and Management) Rules, 2017 Rule 3 and Rule 4, the Environment (Protection) Act, 1986 Section 3 and Section 15, and the Water Prevention and Control of Pollution Act, 1974 Section 24 and Section 26. Moreover, these actions are deliberate,



premeditated, and constitute large-scale anti-environmental activities.

6. The applicant states that Respondent No. 10, Rajesh Nanda, through his company, filed *WP No. 1716 OF 2024, Lotus Growth Spaces v/s. Vasai-Virar City Municipal Corporation and Ors.*, seeking development permission in the wetland area. The Hon'ble High Court did not allow any development permission on the wetland area and disposed of the writ petition on 07.07.2025, issuing the following directions in the order:

We have considered the submissions canvassed by both the sides and perused the record. Since a fresh exercise about preparation of a brief documents is being undertaken by the State Wetlands Authority and the matter is subjudice before the Supreme Court, we refrain from expressing any opinion on merits. However, in the facts and circumstances of the case, we are inclined to issue the following directions:

i) The Petitioners shall be permitted to raise all such contentions as may be permissible in law before NCSCM/State Wetlands Authority. The NCSCM/State Wetlands Authority shall consider the objections prepared by the Petitioners while preparation of a brief documents.

ii) As undertaken by the State Wetlands Authority before the Supreme Court, the brief documents shall be prepared on or before 30 April 2026.

iii) In case any of the grievances of the Petitioners survive for consideration, it will be open for them to approach the Supreme Court.



iv) *If Petitioners are aggrieved by the decision of the State Wetlands Authority and their lands continue to be reflected in the new brief documents, they would be at liberty to challenge the decision before the appropriate forum in accordance with law.*

10. *With the aforesaid directions, the Writ Petitions are disposed of.*

11. *In view of the disposal of the Writ Petitions, nothing would survive in the Interim Application and the same is also disposed of.*

A copy of the order has been annexed and marked as Annexure 1.

7. The applicant states that the land of Respondent No. 10, Rajesh Nanda, falls within the wetland area as per the ISRO-notified Wetland Atlas. Such wetlands are ecologically sensitive and must be strictly protected. In this regard, the Hon'ble Supreme Court, in the matter of M.K. Balakrishnan vs. Union of India & Ors., in its order dated 10.10.2023, observed as follows:

"Mr Gopal Sankaranarayanan, senior counsel submits that since the orders of this Court dated 8 February 2017 and 4 October 2017, there has been a material change in the extent of wetlands identified under the Indian Wetlands Atlas 2021 prepared by ISRO which has increased from 2.01 lakh hectares to 2.31 lakh hectares. Hence, it has been submitted that the protection which was granted by this Court may be extended to the expanded area as well."

8. The applicant respectfully requests this Hon'ble Tribunal to pass an order directing the immediate restoration and rehabilitation of the damaged wetland area to its original ecological condition. Further, the applicant urges that stringent penalties be imposed on all

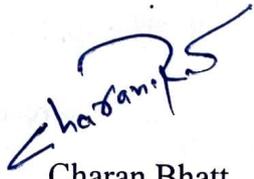
violators responsible for the unlawful activities causing such damage. Hon'ble National Green Tribunal pass an order strict action be taken against the offenders in accordance with the well-established precautionary principle and the polluter pays principle, which mandate preventive and compensatory measures to protect and preserve the environmental sensitive wetland zone. Such measures are essential to uphold environmental justice, deter future violations, and ensure the sustainable management of fragile wetland ecosystems.

9. The applicant submits that Respondent No. 10, Rajesh Nanda, in collusion with officials, has caused intentional damage to the wetland area, including low-lying zones, water bodies, and mangrove habitats. These actions have been carried out with deliberate intent, resulting in severe degradation of ecologically sensitive and protected environments.

10. The applicant most respectfully submits and humbly prays that this Hon'ble Tribunal may graciously allow the delay in filing this rejoinder affidavit and kindly condone the same.

Date: 11/08/2025

Place: Nallasopara


Charan Bhatt
(Applicant-In-Person)



Verification

I, Charan Bhatt, do hereby state on solemn affirmation that the contents of the aforesaid paragraphs are true and correct to the best of knowledge, belief and information, thus I verify the same and sign over the present petition application on this day of August ,2025

Charan Bhatt

Verified at this 11th day of August, 2025



BEFORE ME
Ajeet S. Yadav
11-8-25
AJEET S. YADAV
ADVOCATE & NOTARY
GOVT. OF INDIA

Regi. Sr. No.
2529/2025

2025:BHC-AS:27683-DB



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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE CIVIL JURISDICTION**

WRIT PETITION NO.7333 OF 2023

Ramnik Hothibhai Faria and Ors. *...Petitioners*

V/s.

State of Maharashtra
Environment Department and Ors. *...Respondents*

**WITH
WRIT PETITION NO.1716 OF 2024**

Lotus Growth Spaces *...Petitioner*

V/s.

Vasai-Virar City Municipal
Corporation and Ors. *...Respondents*

**WITH
INTERIM APPLICATION NO.4110 OF 2025
IN
WRIT PETITION NO.1716 OF 2024**

Charan Bhatt *...Applicant*

In the matter between

Lotus Growth Spaces *...Petitioner*

V/s.

Vasai-Virar City Municipal
Corporation and Ors. *...Respondents*

**WITH
WRIT PETITION NO.780 OF 2024**

Hemant Padman Patil

...Petitioner

V/s.

State of Maharashtra
Environment Dept. and Ors.

...Respondents

**WITH
WRIT PETITION NO.1683 OF 2024**

Jayashri Harish Patil

...Petitioner

V/s.

Vasai-Virar City Municipal
Corporation and Ors.

...Respondents

**WITH
WRIT PETITION NO.4389 OF 2024**

Conceptual Advisory Services LLP
and Ors.

...Petitioners

V/s.

State of Maharashtra
through its Principal Secretary and
Ors.

...Respondents

**WITH
WRIT PETITION NO.5428 OF 2025**

Pregna International Ltd.

...Petitioner

V/s.

The State of Maharashtra
through the Principal Secretary,
Urban Development Department
and Ors.

...Respondents

**WITH
WRIT PETITION NO.5836 OF 2024**

Chouthiprasad Shivbhinath Gupta
and Anr.

...Petitioners

V/s.

Vasai-Virar City Municipal
Corporation and Ors.

...Respondents

**WITH
WRIT PETITION NO.5829 OF 2024**

Agarwal Infratech Limited

...Petitioner

V/s.

Vasai-Virar City Municipal
Corporation and Ors.

...Respondents

**WITH
WRIT PETITION NO.5875 OF 2024**

Paras Construction

...Petitioner

V/s.

Vasai-Virar City Municipal
Corporation and Ors.

...Respondents

**WITH
WRIT PETITION NO.6371 OF 2024**

Narendra Ramanlal Shah

...Petitioners

V/s.

Union of India
through the Secretary and Anr.

...Respondents

**WITH
WRIT PETITION NO.6559 OF 2024**

M/s. Super Impex
through its representative Mukesh
Kantilal Mehta *...Petitioner*

V/s.

The State of Maharashtra
Environmental Department through
Principal Secretary and Ors. *...Respondents*

**WITH
WRIT PETITION NO.8268 OF 2024**

Mukesh Kantilal Mehta *...Petitioner*

V/s.

State of Maharashtra
through its Principal Secretary and
Ors. *...Respondents*

**WITH
WRIT PETITION NO.8270 OF 2024**

Permanent Magnets Limited *...Petitioner*

V/s.

State of Maharashtra
Environment Department and Ors. *...Respondents*

**WITH
WRIT PETITION NO.12401 OF 2023**

Sonotone Audio LLP *...Petitioner*

V/s.

The State of Maharashtra
Environment Department and Ors. *...Respondents*

**WITH
WRIT PETITION NO.680 OF 2025**

Nelson Simon Rebello

...Petitioner

V/s.

State of Maharashtra and Ors.

...Respondents

**WITH
WRIT PETITION NO.4452 OF 2024**

M/s. Thim Construction Pvt. Ltd.

...Petitioner

V/s.

Vasai-Virar City Municipal
Corporation and Ors.

...Respondents

**WITH
WRIT PETITION NO.14398 OF 2024**

Madhubhai Kanjibhai Dudhat and
Ors.

...Petitioners

V/s.

Vasai-Virar City Municipal
Corporation and Ors.

...Respondents

**WITH
WRIT PETITION NO.16344 OF 2024**

Prakash Hotibhai Faria and Ors.

...Petitioners

V/s.

Vasai-Virar City Municipal
Corporation and Ors.

...Respondents

**WITH
WRIT PETITION NO.14386 OF 2024**

Naresh Jagganath Mhatre and Ors. *...Petitioners*
V/s.

Vasai-Virar City Municipal
Corporation and Ors. *...Respondents*

**WITH
WRIT PETITION NO.679 OF 2025**

Rashmi Shelter Pvt. Ltd. *...Petitioner*
V/s.

The State of Maharashtra
through the Secretary and Ors. *...Respondents*

**WITH
WRIT PETITION NO.18327 OF 2024**

Yusuf Ismail Agwan and Ors. *...Petitioners*
V/s.

Vasai-Virar City Municipal
Corporation and Ors. *...Respondents*

**WITH
WRIT PETITION NO.14443 OF 2024**

Rambabu Prabhudayal Agarwal
and Ors. *...Petitioners*
V/s.

Vasai-Virar City Municipal
Corporation and Ors. *...Respondents*

Mr. Atul Damle, Senior Advocate with Mr. Shambhu Jha, Mr. Suraj Pandey, Mr. Afsar Ansari and Mr. Aaditya Thakur for the Petitioners in WP 7333/2023, WP 1716/2024, WP 780/2024 and WP 4389/2024.

Mr. Shambhu Jha with Mr. Suraj Pandey, Mr. Afsar Ansari and Mr. Aaditya Thakur for the Petitioners in WP 679/2025, WP 680/2025 and WP 8270/2024.

Mr. Sandeep Mishra with Ms. Madhura Mulay i/b. Mr. Ashish Mishra for the Petitioner in WP 6371/2024.

Mr. Aamir Aarsiwala with Mr. Shambhu Jha, Mr. Yash Jariwala, Mr. Suraj Pandey, Mr. Afsar Ansari and Mr. Aaditya Thakur for the Petitioners in WP 6559/2024.

Mr. Sainand Choughule for the Petitioner in WP 4452/2024.

Mr. Yash Dewal for the Petitioners in WP 14398/2024, WP 14386/2024, WP/16344/2024, WP/5836/2024 and WP 18327/2024.

Mr. Saurabh K. Raut for the Petitioners in WP 5829/2024 and WP 5875/2024.

Mr. Murtuza Najmi with Mr. Shambhu Jha and Mr. Suraj Pandey for the Petitioner in WP 8268/2024.

Mr. Chirag Mody with Mr. Samit Shukla, Ms. Saloni Shah and Mr. Anuj Savla i/b. M/s. Trilegal for the Petitioner in WP 1683/2024.

Mr. Chirag Mody with Mr. Samit Shukla, Ms. Saloni Shah, Mr. Anuj Savla i/b. M/s. Trilegal for the Petitioners in WP 14443/2024.

Mr. Vinduprakash Pandey with Mr. Chandrakant Yadav for Petitioner in WP 5428/2025.

Mr. Zaman Ali for the Applicant in IA 4110/2025 in WP 1716/2024.

Mr. Narayan Bubna for Respondent No.1 in WP 6371/2024.

Ms. Swati Sagvekar for Respondent - Vasai-Virar City Municipal Corporation.

Mr. Dashrath A. Dube with Mr. Rupesh D. Dubey for Respondent No.6 in WP/14443/2024.

Mr. Manish Kelkar for Respondent- Maharashtra State Wetlands Authority in all the Petitions.

Mr. O.A. Chandurkar, Addl. GP with Mrs. G.R. Raghuwanshi, AGP for Respondent Nos.3 and 4 in WP 14443/2024.

Mr. S.K. Mishra, Senior Advocate (Special Counsel) with Mrs. Neha S. Bhide, GP, Mr. O.A. Chandurkar, Addl. GP with Mrs. G.R. Raghuwanshi, AGP for Respondent Nos.1 and 2 in WP/7333/2023, WP/780/2024, WP/6559/2024, WP/8268/2024, WP/8270/2024, WP/680/2024, for Respondent Nos.3 and 4 in WP/1716/2024, WP/1683/2024, WP/5836/2024, WP/4452/2024, WP/16344/2024, WP/14386/2024, WP/18327/2024, for Respondent Nos. 1 to 3 in WP/4389/2024 and WP/12401/2024, for Respondent Nos.1, 3 & 4 in WP/5428/2025, for Respondent Nos.2 to 4 in WP/5829/2024 & WP/5875/2024, for Respondent No.2 in WP/6371/2024, for Respondent Nos.3 to 5 in WP/14398/2024 and for Respondent-State in WP/679/2025.

CORAM: ALOK ARADHE, CJ. &

SANDEEP V. MARNE, J.

Dated: 7 JULY 2025.

P.C.:

1. In this bunch of Writ Petitions, a similar issue with regard to inclusion of the lands of the Petitioners in wetlands arise for consideration. All these Petitions were therefore heard finally and are being decided by this common order.

2. For being facility of reference facts of Writ Petition No.7333 of 2023 are being referred.

3. The Ministry of Environment, Forests and Climate Change, prepared National Wetland Atlas for Maharashtra. A Division Bench of this Court on 14 October 2013 passed an order in Public Interest Litigation No.87 of 2023 directing the State Government to take a decision either to adopt the Wetland Atlas prepared by the Central Government or to prepare a brief document in respect of Wetland Atlas for the State of Maharashtra. Therefore the Urban Development Department of Government of Maharashtra issued the Circular on 18 December 2013 in which a direction was issued to the Municipal Corporations not to allow land reclamation for any form of construction in areas identified as wetlands in the National Wetlands Atlas prepared by the Central Government unless the same was permitted by this Court. The District Collector on 22 August 2016 prepared a brief document identifying the wetlands in Palghar District.

4. The State Government by an order dated 6 February 2018 constituted State Wetlands Authority and directed all the District Collectors in the State of Maharashtra to prepare a brief document identifying wetlands in their Districts and directed them to submit the same before the State Wetlands Authority. The Deputy Director, Town Planning on 4 April 2018 identified the wetlands which were situated within the boundaries of the

Vasai-Virar City Municipal Corporation. The Petitioners submitted an Application on 12 March 2023 with a view to develop the land to Deputy Director, Town Planning, Vasai, Virar and Palghar. The Deputy Director thereupon issued a Zone Confirmation Certificate on 26 April 2023 stating that the lands of the Petitioners were reserved as wetlands as per the Wetland Atlas and sought NOC from the State Wetlands Authority. Thereupon being aggrieved, the Petitioners have filed these Petitions.

5. In these Petitions, the challenge is made to the decision taken by the Deputy Director, Town Planning *inter alia* on the ground that while issuing the Zone Confirmation Certificate, the Deputy Director, Town Planning Authority has not taken into account the brief document prepared by the State Wetlands Authority.

6. The learned Senior Counsel as well as Counsel for the Petitioners fairly submitted that the brief documents in relation to wetlands were reviewed by the State of Maharashtra and it was found that the same were not as per the Wetland (Conservation and Management) Rules 2017. Thereupon on 30 August 2023 the State Government has appointed National Centre for Sustainable Coastal Management (NCSCM) for preparation of these documents for the entire State of Maharashtra.

7. It is further submitted that the process for initiation of fresh brief documents has been undertaken and Petitioners be granted the liberty to submit their representations before the NCSCM/State Wetlands Authority and the NCSCM/State Wetlands Authority be directed to consider the representations which may be submitted by the Petitioners. It is further submitted that in case the Petitioners approach the State Wetlands Authority, suitable action on their representations be directed to be taken. It is also submitted that the State Government be directed to prepare the brief documents expeditiously in a time bound manner.

8. On the other hand, learned counsel for the State Wetland Authority has pointed out that the Supreme Court in **Anand Arya vs. Union of India**¹ has directed each of the States/Union Territory Wetlands Authorities to complete the ground truthing within a period of three months. The State Wetlands Authority on 15 January 2025 has informed the Supreme Court about the status of ground truthing and had stated before the Supreme Court that ground work exercise for the entire State of Maharashtra will be completed by 31 March 2025 and the NCSCM has completed the boundary demarcation of 4,129 wetlands as per the National Wetlands Atlas status. It is further submitted that the matter is subjudice before the Supreme Court and the Director, NCSCM vide letter has submitted revised report for boundary delineation and ground truthing of wetlands

¹ Writ Petition (Civil) No.304 of 2018, order dated 11 December 2024.

and has informed that boundary delineation for all wetlands (23,415) is complete and ground truthing is complete for 12,916 wetlands as per SAC Wetland Atlas 2021 and the ground truthing is planned to be completed by 30 November 2025 and brief documents will be prepared by 30 April 2026.

9. We have considered the submissions canvassed by both the sides and perused the record. Since a fresh exercise about preparation of a brief documents is being undertaken by the State Wetlands Authority and the matter is subjudice before the Supreme Court, we refrain from expressing any opinion on merits. However, in the facts and circumstances of the case, we are inclined to issue the following directions:

i) The Petitioners shall be permitted to raise all such contentions as may be permissible in law before NCSCM/State Wetlands Authority. The NCSCM/State Wetlands Authority shall consider the objections prepared by the Petitioners while preparation of a brief documents.

ii) As undertaken by the State Wetlands Authority before the Supreme Court, the brief documents shall be prepared on or before 30 April 2026.

iii) In case any of the grievances of the Petitioners survive for consideration, it will be open for them to approach the Supreme Court.

iv) If Petitioners are aggrieved by the decision of the State Wetlands Authority and their lands continue to be reflected in the new brief documents, they would be at liberty to challenge the decision before the appropriate forum in accordance with law.

10. With the aforesaid directions, the Writ Petitions are **disposed of.**

11. In view of the disposal of the Writ Petitions, nothing would survive in the Interim Application and the same is also **disposed of.**

[SANDEEP V. MARNE, J.]

[CHIEF JUSTICE]