

BEFORE THE NATIONAL GREEN TRIBUNAL WESTERN  
ZONE BENCH, PUNE

1<sup>st</sup> floor, Opp. Council Hall, Pune – 411 001

**ORIGINAL APPLICATION NO. 144 OF 2017 (WZ)**

**In the matter of:**

Umarshad Khan & Ors.

... Applicants

Versus

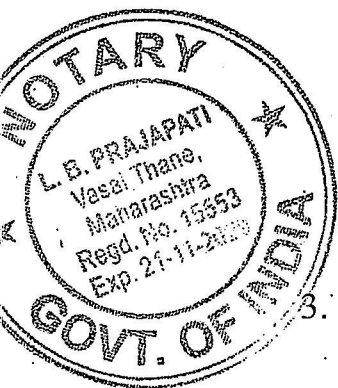
State of Maharashtra & Ors.

... Respondents

**AFFIDAVIT-IN-REJOINDER ON BEHALF OF THE  
APPLICANT IN REPOSE TO AFFIDAVIT IN REPLY OF  
RESPONDENT NO. 7 [Rizvi Land and Developer Pvt. Ltd.].**

I, Shafikullah Hakikullah Choudhary, Applicant No. 11 in the above matter, do hereby solemnly affirm and state as follows:

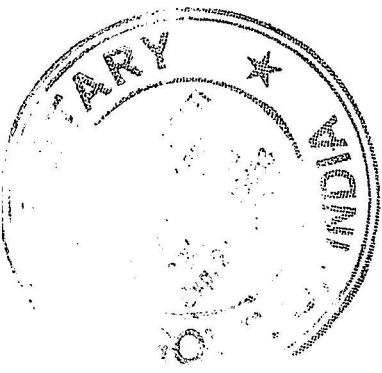
1. I have been read over, explained and interpreted the contents of the affidavit in reply filed by Respondent no. 7 herein. I file this rejoinder affidavit in response to the reply affidavit dated 09.05.2023 filed by Respondent No. 7 – Rizvi Land and Developer Pvt. Ltd. (hereinafter referred to as "Respondent No. 7"). The said reply contains various denials and statements that are contrary to the pleadings in the original application and are refuted herein.
2. I deny all the Claims made by Respondent No. 7 those are Contrary to my Application. The Respondent No. 7's assertion that all permissions and compliances have been adhered to is categorically denied. The original application clearly demonstrates significant non-compliance with environmental laws and procedural requirements under the applicable regulations.
3. I say that the Respondent No. 7 has badly failed to stablish the Compliance with Environmental Clearance (EC) Conditions. Contrary to the claims made by Respondent No.



*Shafikullah Choudhary*

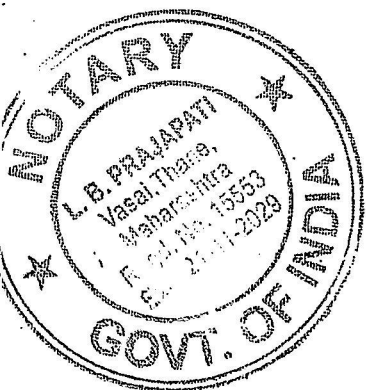
7, the following issues indicate clear non-compliance with EC conditions:

- Insufficient and non-operational sewage treatment plants (STPs), as acknowledged in their reply, which admit that STPs are non-operational due to alleged objections by residents.
  - Absence of a functional Organic Waste Digester (OWD) and adequate waste management measures, despite completion certificates purportedly submitted by the Respondent.
  - Failure to ensure proper stormwater drainage systems, as alleged discrepancies and lack of functioning systems have been identified by the Applicants.
4. I say that the Respondent No. 7 has failed to address the grievances of the affected persons. The Respondent No. 7 has not adequately addressed the concerns including incomplete rehabilitation measures and improper allocation of facilities such as parking, potable water, and community spaces.
5. The contention/ allegations that the tree plantations have been damaged by the residents is a clear abdication of responsibility on the part of Respondent No. 7 to ensure long-term maintenance and compliance.
6. I say that the Affidavit of Respondent No. 7 is full of self-Contradictions in the Respondent's own Statements. Respondent No. 7's claim regarding proper dual plumbing and rainwater harvesting systems is contradicted by the residents' grievances about potable water contamination and lack of functional greywater reuse mechanisms.



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7. Assertions of compliance with built-up area approvals are contradicted by the discrepancies observed in the on-site construction and corresponding approvals.
8. I say that pending approvals and irregularities are self-explanatory. The revalidation of Consent to Establish (C2E) obtained in year 2022 is insufficient to demonstrate full compliance, given that the earlier consents expired without timely renewal.
9. Approvals for several additional expansions and related permissions remain pending, as acknowledged in the Respondent's submissions.
10. Respondent No. 7 has badly failed to mitigate the Environmental and Social Impacts. The Respondent No. 7's affidavit fails to provide evidence of mitigation measures for environmental degradation, including the destruction and non-provisions of green spaces, and pollution caused during the construction phase.
11. The adverse impacts on the local communities, including inadequate safety measures, are left unaddressed by the Respondent No. 7 about which no explanation is stated.
12. I say that the Respondent No. 7 has failed to Specifically Refute the Claims in his Reply about the following: -
  - a) **Parking Facilities:** The denial of parking facilities for rehabilitation buildings highlights discrimination and violates the principles of equality.
  - b) **Stormwater Drainage:** Completion certificates attached by the Respondent fail to reflect the on-ground reality of non-functional or incomplete systems.
  - c) **Tree Plantation and Greenery:** The purported tree plantation certificates do not negate the lack of maintenance and the current absence of greenery on the site.
  - d) **STP and OWD Operations:** The inability of Respondent No. 7 to ensure operational STPs and



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OWDs due to objections from residents indicates their lack of proper planning and execution.


- e) Illegal Inclusion of access way in counting the RG open space;
- f) Fire Engine Pathways do not exist;
- g) Trees as per EC are not planted;
- h) There is no green layout land provided in the project,
- i) SRA has granted OC without insisting compliance of EC conditions by the Project Proponent.
- j) Firefighting equipment are not installed. No mechanism for firefighting exists;
- k) Two wheelers are parked on the access way;
- l) DG Sets are not installed, nor functional,
- m) RG Area is illegally paved.
- n) Daily wet food waste in quintals is generated and thrown in the garbage.
- o) Project Monitoring Room is not provided and six monthly Reports are never submitted since inception.
- p) EC is not revalidated and it stands lapsed.

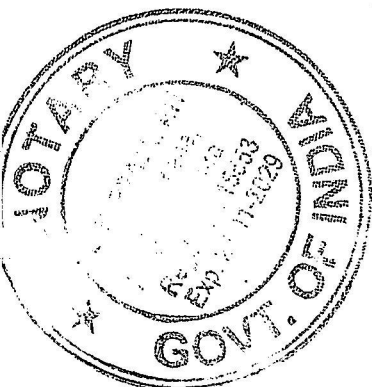
13. In light of the above, I respectfully pray that this Hon'ble Tribunal be pleased to:

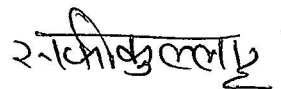
- a) Reject the claims made in the reply affidavit dated 09.05.2023 filed by Respondent No. 7.
- b) Direct Respondent No. 7 to ensure full compliance with all statutory and procedural requirements under the applicable environmental and rehabilitation laws.
- c) Direct Respondent No. 7 to implement remedial measures for all identified deficiencies, including functional STPs, proper waste management, and rehabilitation facilities.
- d) Pass such further orders as this Hon'ble Tribunal may deem fit and proper in the interest of justice.

Mumbai

Date: 27.01.2025

  
Advocate for the Applicants





VERIFICATION

I, Shafikullah Hakikullah Choudhary, Applicant No. 11 above-named, do hereby verify that the contents of this affidavit are true and correct to the best of my knowledge and belief, and nothing material has been concealed therein.

Verified at Mumbai on this 27th day of January, 2025.

Identified, Explained and interpreted by,

Advocate for the Applicants

(Shafikullah Hakikullah Choudhary)

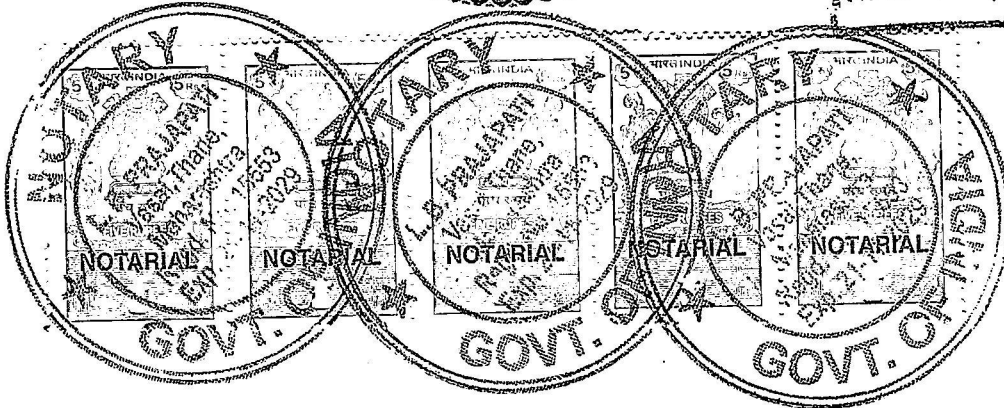
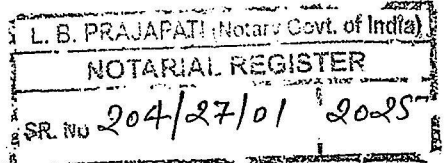
Applicant No. 11



BEFORE ME

L. B. PRAJAPATI  
M.A. LL.B  
NOTARY, VASAI, THANE  
MAHARASHTRA  
GOVT OF INDIA

27 JAN 2025



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TRIBUNAL  
WESTERN ZONE BENCH, PUNE**  
1<sup>st</sup> floor, Opp. Council Hall, Pune – 411 001  
**ORIG. APPLICATION NO. 144 OF 2017**  
**DISTRICT: MUMBAI**

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OF THE APPLICANT IN REPOSE TO  
AFFIDAVIT IN REPLY OF RESPONDENT  
NO. 7 [Rizvi Land and Developer Pvt. Ltd.]**

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**Dated this 27<sup>th</sup> day of January, 2025**

***PRIYANKA GHOSH,***

Advocate, High Court, Mumbai

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