

BEFORE THE NATIONAL GREEN TRIBUNAL WESTERN
ZONE BENCH, PUNE

1st floor, Opp. Council Hall, Pune – 411 001

ORIGINAL APPLICATION NO. 144 OF 2017 (WZ)

In the matter of:

Umarshad Khan & Ors.

... Applicants

Versus

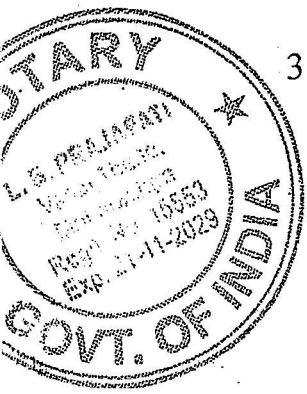
State of Maharashtra & Ors.

... Respondents

**REJOINDER AFFIDAVIT ON BEHALF OF THE
APPLICANT IN RESPONSE TO AFFIDAVIT IN REPLY
FILED BY RESPONDENT NO. 8 (STATE ENVIRONMENT
IMPACT ASSESSMENTS AUTHORITY)**

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

1. I file this rejoinder affidavit in response to the reply affidavit dated 09.05.2023 filed by the Respondent No. 8 – State Environment Impact Assessments Authority (SEIAA). 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 the SEIAA contrary to the Application. The Respondent's assertion that the SEIAA has complied with all statutory and procedural requirements is denied. The application clearly highlights non-compliance with environmental regulations, irregularities in the project approvals, and violations of the conditions of Environmental Clearance (EC).
3. The Respondent's contention that no violations have occurred under the Slum Rehabilitation Scheme is devoid of



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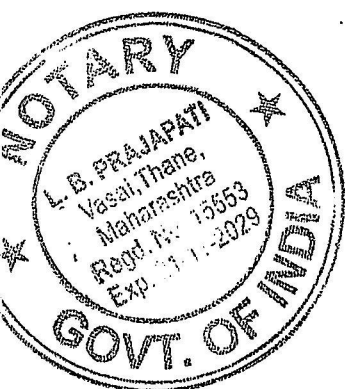
merit and is inconsistent with the factual matrix presented in the application.

4. I say that the Non-Compliance with the Environmental Clearance Conditions is amply clear and the Affidavit of SEIAA makes it clear that the present Application deserves to be allowed. Contrary to the assertions made in the reply affidavit, the Respondent No. 8 has failed to address the material non-compliances with the EC conditions. Specific instances of such non-compliance include: -

- Lack of proper assessment of the environmental impact due to the amalgamation of additional slum rehabilitation projects.
- Failure to implement mitigation measures to address the impact on local biodiversity and water resources.
- Absence of periodic monitoring reports mandated under the EC.

5. I say that the SEIAA has badly failed to address the grievances of affected persons and has violated sec 17 of the Environment [Protection] Act, 1988. The reply affidavit fails to address the grievances of affected persons, including the lack of adequate consultation with the slum dwellers and other stakeholders. The process of declaring eligible slum dwellers and their rehabilitation has been opaque and inconsistent with the principles of natural justice.

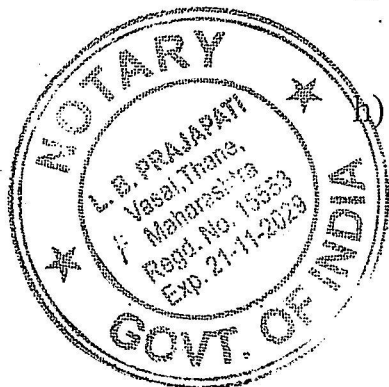
6. I say that the Reply Affidavit of the SEIAA establishes the Contradictions in the Project Execution Details. The SEIAA claim about the project's adherence to approved layouts and plans are false. Unauthorized deviations from the approved plans have been documented, including changes in the plot



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utilization and increased density without requisite approvals.

7. I say that the SEIAA has failed to produce the records of any pending Approvals. The Irregularities and illegalities in the Project have not been dealt with by the SEIAA. The Respondent SEIAA's assertion that all necessary approvals have been obtained is misleading. Several approvals, including those related to land use conversion and environmental permissions, remain pending or have been irregularly obtained.
8. I say that the SEIAA badly failed to mitigate the Social and Environmental Impact in the instant Project which is its primary duty. The Respondent SEIAA's reply neglects to address the adverse social and environmental impacts of the project, including the degradation of the natural environment, including encroachment on reserved green spaces. The SEIAA has failed to address about the issues particularly:-
- a) Illegal Inclusion of access way in counting the RG open space;
 - b) Fire Engine Pathways do not exist;
 - c) STP is non-functional;
 - d) Trees as per EC are not planted;
 - e) There is no green layout land provided in the project,
 - f) OWC is not installed,
 - g) SEIAA has granted OC without insisting compliance of EC conditions.
 - h) Firefighting equipment are not installed. No mechanism for firefighting exists;



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- i) Parking areas not provided. Two wheelers are parked on the access way;
- j) DG Sets are not installed, nor functional,
- k) RG Area is illegally paved.
- l) Daily wet food waste in quintals is generated and thrown in the garbage.
- m) Project Monitoring Room is not provided and six monthly Reports are never submitted since inception.
- n) EC is not revalidated and it stands lapsed.

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

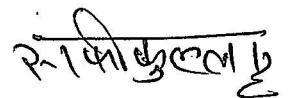
- a) Reject the claims made in the reply affidavit dated 09.05.2023 filed by Respondent No. 8.
- b) Direct Respondent No. 8 to comply with all statutory and procedural requirements under the applicable laws.
- c) Pass such further orders as this Hon'ble Tribunal may deem fit and proper in the interest of justice.

Mumbai

Date: 27.01.2025



Advocate for the Applicant



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,

[Handwritten Signature]

Advocate for the Applicants

[Handwritten Signature]

(Shafikullah Hakikullah Choudhary)

Applicant No. 11

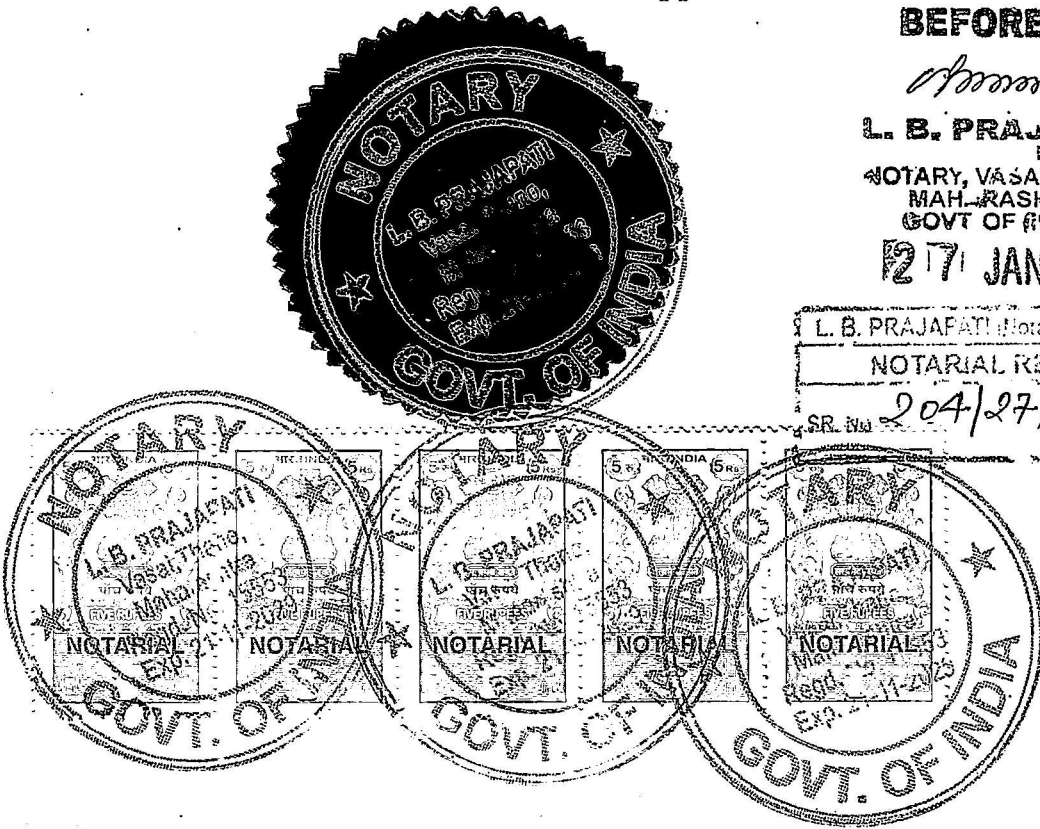
BEFORE ME

[Handwritten Signature] 27/01/25

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

27 JAN 2025

L. B. PRAJAPATI (Notary Govt. of India)
NOTARIAL REGISTER
SR. No. 204/27/01 2025



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AFFIDAVIT IN REPLY FILED BY
RESPONDENT NO. 8 (STATE
ENVIRONMENT IMPACT ASSESSMENTS
AUTHORITY)**

Dated this 27th day of January, 2025

PRIYANKA GHOSH,

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