

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

Application No. 56 /2019

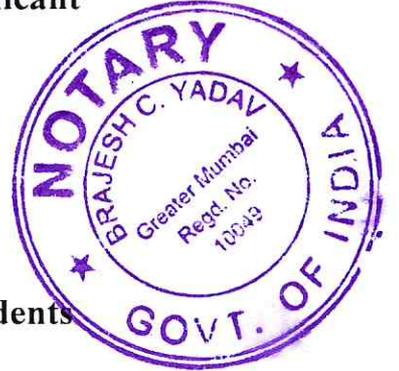
Mr. Mangesh Mahadev ParabApplicant

Versus

1. M/s. New Monarch Builders and Contractors

And others

... Respondents



Reply Affidavit on behalf of Applicant is as under:

1. The Application filed by the Applicant is regarding the construction of Plot CTS No.706,706/1 to 10, 106/11, 706/14 to 15 and 706/22of Village Marol at Andheri (East), Mumbai-400059 under Slum Rehabilitation Scheme. The contention on the applicant is that the Respondent No.1 M/S New Monarch Builders has not opted Environment Clearance (EC) for the Slum Rehabilitation Authority.
2. The 8 Multistoried Buildings are being constructed in Phase wise manner and the construction is being done by the Respondent No.1 falls under the legal term continuous action which gives 'Retro-activeness' to the construction being done.

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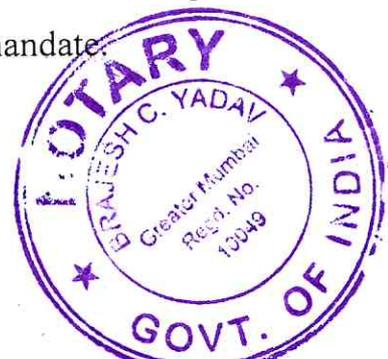
3. After various complaints filed with the Environment Department then it obtained legal opinion on this point from the Law and Judiciary Department and by its letter dated 17/06/2017 informed the Respondent No.1 that for the specific SRA project under reference, Environment Clearance is not required to the extent of area approved in Letter of Intent (LOI) issued by the Slum Rehabilitation Authority prior to publication of Environment Impact Assessment Notification dated 14/09/2006.
4. It is pertinent to note that the Respondent No.3 MPCB in its affidavit dated 14/11/2022 clearly mentioned in its Paragraph No.4 that the total Plot area is 26,588.3 sq. mtrs. and total sanctioned BUA is 74,422.48 sq. mtrs. without obtaining EC and consent to establish and operate from the Respondent Board.
5. I say that the other observation like the Respondent No.1 has not provided STP for treatment of domestic sewage and also not provided OCC for treatment of disposal of biodegradable Waste and hence, the direction U/s 33(a) of The Water (Prevention and Control) Act, 1974 and U/s 31(a) of The Air (Prevention and Control of Pollution) Act of 1981 has been issued against the Respondent No.1.
6. Regarding the same SRA scheme, the Petitioner has recently received one document in which it can be seen specially mentioned that the project is under the CRZ Category. That as per the Survey remarks the Plot under reference is situated within 500m distance from the Mithi River. It was shown to be situated in CRZ II as per the CZMP. It is important to note that when according to the CZMP which was in force, the project



comes under the category of CRZ-II it is surprising that not only the architect of the project hide the fact by not submitted the Remark from EEDP of MCGM from CRZ point of view, but the R-5 has also opted to keep silence on the same. Judicial note of such corrupt behavior may kindly be taken by the NGT.

7. The document says- 'As such while, approving last LOI development in 40.00 mtr wide belt along bank of Mithi River was restricted for want of proper remarks from CRZ point of view. As such, the restriction laid down earlier will not be continued and dev. Will be allowed without keeping aside any land area open from CRZ point of view is agreed by CEO(SRA).'
8. On this background it is surprising that, the Respondent No.5 MCGM has filed very vague and irresponsible affidavit in reply on 23rd December,2022. The Respondent No.5 MCGM needs to ask clarification on whether the project area of the Respondent No.1 falls within 500mtr distance from Mithi River as per the CZMP and whether it is situated in CRZ II Zone, and the intervention by the NGT is very crucial.
9. I am of the firm view on the basis of the above facts, documents that the R-1 has constructed the buildings without EC and without due permissions required under law and by manipulating various facts, it is a clear case of environmental violation.
10. The R-1 has filed a very lengthy reply which is misleading and I am ready and willing to file detailed reply after consulting with some expert in the field of building construction norms and EC as a mandate.

[Handwritten signature]



Hence this affidavit in reply.

AFFIDAVIT-

I, **Mr. Mangesh Mahadev Parab**, Aged 51 Years, Occ : Business R/at 4B/103, Snehsagar Co-op. Housing Society, Sag Baug, Mithi River, Marol Naka, Andheri (East), Mumbai-400 059, the Applicant herein do hereby solemnly affirm that the contents of Para Nos 1 to 10 are true to my personal knowledge, information and belief and are correct based on legal advice. I have not suppressed any material fact. In witness whereof I have signed here at Mumbai, on 21st day of July 2023.

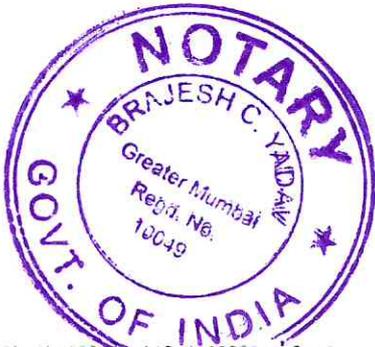
[Handwritten Signature]
 Advocate

[Handwritten Signature]

Mr. Mangesh Mahadev Parab

K. R. TIWARI

Adv. High Court
 Plot No. 26-A,
 Hawa Hira Park, Kurar Village,
 Malad (E), Mumbai - 400 097.
 M:- 9920981579



BEFORE ME
[Handwritten Signature]
BRAJESH C. YADAV
 ADVOCATE & NOTARY
 GOVT. OF INDIA
 Flat No. 505, Bldg. No.21-G, Laxmi C.H.S.
 Sangharsh Nagar, Chandivali Farm Road,
 Andheri (E), Mumbai - 400 072.

Reg. No :	3
Sr. No :	2668
DATE :	21/07/23

