

BEFORE THE NATIONAL GREEN TRIBUNAL

WESTERN ZONE BENCH PUNE

ORIGINAL APPLICATION NO. 23/2024

NARESH CHHETIJA

...APPLICANT

VS.

MAHARASHTRA STATE BIODIVERSITY BOARD AND ORS.

...RESPONDENTS.

REPLY AFFIDAVIT OF RESPONDENT NO. 1

I, Prajyot Devba Palave, Age 38 years, Occupation In Charge & Assistant Conservator of forests (Biodiversity) Sub Office, Maharashtra State Biodiversity Board, Pune on behalf of Principal Chief Conservator of Forests and Member Secretary, Maharashtra State Biodiversity Board do state on solemn affirmation as under:-

1. I have carefully gone through the Application and hereby submit the reply to the Original Application mentioned above.
2. I say and submit that the Applicant has approached this Hon'ble Tribunal for directions to the authorities to reconsider the recommendations and directions of the Government decision approved by the Government of Maharashtra, Department of Tourism and Cultural Affairs, Mumbai dated 28th November, 2023 for the development work related to the Tourism to be carried on reserve forest land Survey No. 49 Wanawadi, Pune -411048, the land situated opposite Naren hills Society which is covered with abundant number of trees and the trees were

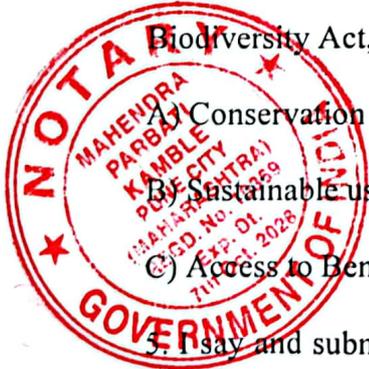
allegedly cut down for the implementation of said project of park "related to Tourism" and particularly for the directions not to cut down the existing trees for the purpose of Tourism on the reserve land of Forest and to prohibit the construction and other activities related to the said park project and direct the concern forest authorities to replant the forest area without any further human activities on the said construction of Tourism Park in Reserve Forest Survey No. 49 around in one Ha. Area, sanctioned by department of Tourism and Cultural Affair, Maharashtra State, Mumbai.

3. The applicant has relied on the provisions of the Forest Conservation Act, 1980, Environment Protection Act, 1986 and Constitution of India and thereby praying to take penal action against the erring officer, to stop the developing activities and to grant an interim stay for further works.

4. I say and submit that the Government of Maharashtra has constituted Maharashtra State Biodiversity Board vide Notification No. WLP-1009/C.R.15/F-1 dt. 02/01/2012, u/s 22 of Biodiversity Act, 2002, to implement Biodiversity Act, 2002 and Rules thereunder, through Maharashtra State. The basic objectives of the Biodiversity Act, 2002 are as follows:

- A) Conservation of Biodiversity
- B) Sustainable use of Biological Resources.
- C) Access to Benefit Sharing to Local Self Government.

5. I say and submit that the subject matter in issue i.e. Survey No. 49, Wanawadi, Pune 411048 is within the purview and jurisdiction of the Deputy Conservator of Forests, Pune i.e. Respondent No. 2 and Range Forest Officer, Wanwadi, Pune i.e. Respondent No. 7. All the development activities carried out by Respondent no.2 and 7. The Maharashtra State Biodiversity Board i.e. Respondent No. 1 do not



have any role for construction and development activities. The land does not belong to the present Respondent.

6. It is further submitted that neither the Applicant has raised any grievance against the present Respondent nor any violations of the Biodiversity Act 2002 are pleaded in the Application. In view of the same the present Respondent is a formal party to the present Application. Hence the present Respondent is filing the present Affidavit with a limited purpose and praying the Hon'ble Tribunal to kindly delete its name from the array of the party.

Hence this Affidavit.

Solemnly affirmed on this the 03rd day of June 2024.


On Behalf of Respondent No.1



BEFORE ME


**MAHENDRA PARBATI KAMBLE
NOTARY, GOVT. OF INDIA
PUNE CITY (MAHARASHTRA)
REGD. No. 10369**

03 JUN 2024

