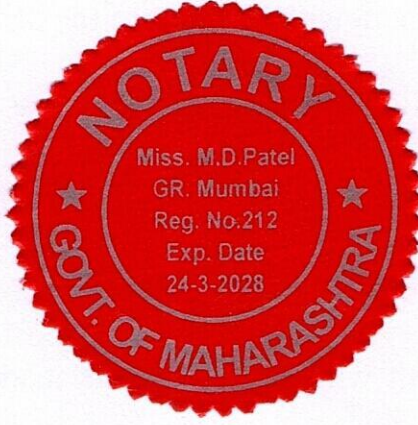


2083



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

OA No. 105/2019

Tanaji Gambhire

... Applicant

V/s.

Principal Secretary

Environment Department & Ors.

... Respondents

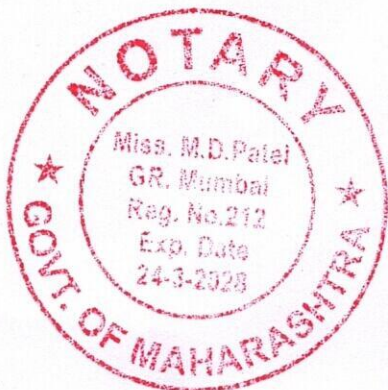
**REPLY AFFIDAVIT BY RESPONDENT NO. 2,
STATE ENVIRONMENT IMPACT ASSESSMENT AUTHORITY**

I, Dattatray Suryakant Bhalerao, working as Scientist II & Under Secretary, Environment and Climate Change Department, Government of Maharashtra do hereby state on solemn affirmation as under –

I am well conversant with the facts of the present case and I am competent to swear this Affidavit based upon the records available with this office.

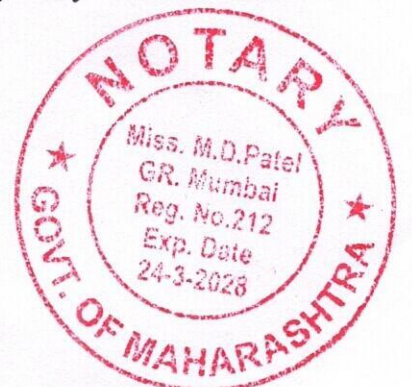
1. It is submitted that at the very outset this respondent denies each averment made in the present appeal which is contrary to and inconsistent with the averments made and the facts stated in the present reply. It is submitted that nothing stated in the appeal may deemed to have been admitted by this respondent unless and until the same has been admitted by the respondent.
2. The present case pertains to project named and styled as “Nyati Eternity” undertaken by the Respondent no. 11 PP, project situated at survey no. 24/1/2, 25/1/1, 25/1/2, 25/1/3, 25/1/4, 25/1/5 and 25/1/6 at Village Undri, Haveli, Pune – 411 060 within PMC limits. It is alleged that the said project is being undertaken by the PP without any prior EC, Consent to operate and other environmental non compliances.
3. Vide order dated 05-01-2021, this Hon’ble Tribunal constituted a Joint Committee of SEIAA, PMC and MPCB. The committee visited the site on 09-08-2021 and has submitted their report.
4. As per the visit it was found out that –
 - a) Nyati Eternity-I is developed on land bearing S.No. 24/1/2/1, total plot area is 9,327.22 m2.



[Handwritten signature] *[Handwritten mark]*

- b) A Commercial building is being developed on S. No. 24/1/2/2, TBUA is 2,667.90 m².
- c) Nyati Eternity-II is being developed on land bearing S.No. 25/1/1/2/4/5/6, total plot area is 14,200 m².
- d) Nyati Eternity-III / Embrace is a project proposed on land bearing, S.No. 25/1/3, total plot area is 16,000 m².
- e) Nyati Eternity-IV is developed on land bearing, S.No. 25/1/1, total plot area is 6,000 m².
5. After verification of the Architect's Certificate and the report submitted by Executive Engineer, PMC, it can be concluded that Nyati Eternity I, Nyati Eternity II, Nyati Embrace and Nyati Eternity IV are four different projects having independent 7/12 extracts and construction of each individual project has not gone beyond 20,000 m² and therefore do not attract provisions of EIA Notification, 2006.
6. As per the PARIVESH portal, the PP has not submitted any application for obtaining prior EC for the said 4 projects.
7. In light of the above averments, this respondent craves leave to file any additional reply as and when required. It is respectfully prayed that Environment Department shall abide by any orders and directions issued by the Hon'ble Tribunal.

 (M)



Whatever is stated above is true and correct to the best of my knowledge, ability and belief and I affirm it to be true.

Mumbai
Date 30-8-2023





Dattatray Suryakant Bhalerao
Scientist II & Under Secretary,
Environment & CC Department,
Government of Maharashtra

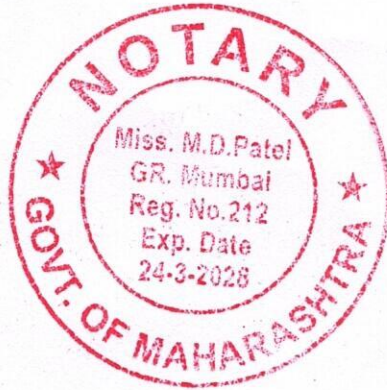


VERIFICATION

I, Dattatray Suryakant Bhalerao, Age-40, working as Scientist II & Under Secretary, Environment and Climate Change Department, Government of Maharashtra, having my office address at 15th Floor, New Administrative Building, Mantralaya, Mumbai – 400 032 do hereby verify and declare that the statements made in the aforesaid paras are true and correct to the best of my knowledge and information and I believe the same to be true and that no material is has been concealed therefrom.

Solemnly affirmed on this 30th day of August, 2023 at Mumbai.

Ans (A)



Dattatray Suryakant Bhalerao
Scientist II & Under Secretary,
Environment & CC Department,
Government of Maharashtra

BEFORE ME

M. D. Patel
30-8-2023
Sr. No. 583
Bk. No. 4

MISS M. D. PATEL
ADVOCATE & NOTARY
Kohiar House,
4, Dhuswadi, Dhobitalao,
MUMBAI - 400 002.