



**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL,
WESTERN ZONE BENCH, PUNE
ORIGINAL APPLICATION NO. 74/2019**

Tanaji Gambhire

... Appellant

v/s.

Principal Secretary,

Environment Department & Ors.

... Respondents

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

I, Dattatray Suryakant Bhalerao, working as Scientist I & Deputy 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 application which is contrary to and inconsistent with the averments made and facts states in the present reply. It is submitted that nothing stated in the application 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 the construction undertaken by M/s. Nyati Builders at two separate residential construction projects which are adjacent to each other by the name M/s. Nyati Ethos I at Survey No. 21/1A+1B+3A/1+3A/2+3A/3+3A/4, and M/s. Nyati Ethos II at Su. No. 19/5, Village-Undri, Tal. Haveli, Dist.-Pune. Allegation is that construction has taken place without taking prior EC.
3. The total plot area of M/s. Nyati Ethos I is- 16150 SQM and M/s. Nyati Ethos II is — 10100 SQM. Nyati Ethos I and Nyati Ethos II are two separate and distinct projects constructed on different lands pieces situated opposite each other. The said land pieces



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have different 7/12 extracts and government demarcations. Both the projects have separate open space, and separate amenity space.

4. PP made application on 4th June, 2019 which was considered by SEAC-III in their 95th Meeting dated October 4, 2019. SEAC observed the following –

- a) PP had submitted application for prior Environmental clearance for total plot area of 16,150 m², FSI area of 17,234.48 m², Non FSI area of 13,461.29 m² and total BUA of 30695.77 m².
- b) **The PP informed that they have carried out 23,316.59 m² construction work amounting to violation of Environment (Protection) Act, 1986 r.w. EIA Notification 2006, amended till date.**
- c) The Committee noted that the PP has not applied within the prescribed period as per the MoEF&CC Notification dated 14/03/2017, 8/03/2018 and concerned office memoranda issued from time to time.
- d) PP also concealed the information that Proposed Directions u/s 5 of Environment (Protection) Act, 1986 were issued to him by Environment Department vide No.Comp-2019/CR-

AO.



17/SEIAA dt. 15.06.2019 based on the Complaint/Notice of Mr.Tanaji B. Gambhire through Advocate Nilesh Bhandari.

In view of above, the Committee decided to refer the proposal to SEIAA for further decision. Copy of SEAC Minutes annexed as **Annexure 1.**

5. SEIAA considered the proposal in their 183rd Meeting dated December 12, 2019, wherein as the PP remained absent, SEIAA decided to defer the proposal. Copy of SEIAA Minutes annexed as **Annexure 2.**
6. Later on 8th February, 2022, PP submitted fresh proposal under violation category under the MoEF&CC SoP notification dated 07-07-2021. SEAC considered the proposal in their 183rd Meeting, 17th – 20th October, 2023. SEAC noted that the PP has submitted application under violation category for expansion in residential development of Nyati Ethos I for total plot area of 16,150 m², FSI area of 17,234.48 m², Non FSI area of 13,461.29 m² and total BUA of 30695.77 m².
7. SEAC noted that –
 - a) As per the OM dated 07-07-2021, the penalty cost is arrived

at Rs. 99,84,000/-.



b) Damage assessment value is arrive at Rs. 2,46,64,573.50/-.

After deliberation, SEAC decided to recommend the proposal for EC to SEIAA, subject to compliance of above points.

8. SEIAA considered the proposal in their 272nd Meeting dated 14th December, 2023. It was noted the ecological damage assessment and the economic benefits accruing as a result of the violation and also the penalty amount as appraised by SEAC. Authority also noted the corresponding EMP stipulated by SEAC costing Rs. 2,46,64,573.50 taking into consideration the remediation plan and natural and community resource augmentation plan. The Authority accepted the recommendations of the SEAC and decided to grant EC subject to submission of the Bank Guarantee of Rs. 2,46,64,573.50 towards effective implementation of remediation plan and natural and community resource augmentation plan and submission of penalty of Rs. 99,84,000/-.
9. Further SEIAA directed SEIAA cell to confirm with MPCB whether action has been initiated against the PP u/s. 15 r/w. Sec. 19 of the EP Act, 1986.
10. SEIAA asked PP regarding the provision of RG. PP submitted that they have provided 1615.00 m² of mandatory RG on mother earth



without any construction. SEIAA noted the same and asked PP to submit area undertaking to that effect. PP submitted the same on 12-12-2023.

11. SEIAA asked PP to submit undertaking regarding compliance of the SEAC conditions. PP submitted the same on 13-12-2023.

12. SEIAA after deliberation decided to grant EC for FS : 17,234.48 m², Non – FSI : 13,461.29 m², total BUA : 30,695.77 m². Copy of SEIAA MoM dated 14th December, 2023 is annexed as **Annexure 3**.


Copy of EC dated 10-09-2024 is annexed as **Annexure 4**.

13. This respondent craves leave to file any additional reply as and when required. In light of the above submissions, it is respectfully prayed that Environment Department shall abide by any orders and directions issued by the Hon'ble Tribunal.

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 17-01-2025


Dattatray Suryakant Bhalerao
Scientist-I & Deputy Secretary,
Environment & CC Department,
Government of Maharashtra



VERIFICATION

I, Dattatray Suryakant Bhalerao, Scientist-I & Deputy Secretary, Environment and Climate Change Department, Government of Maharashtra, having my office address at room no. 217, 2nd floor, 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 17th day of January, 2025 at Mumbai.



Dattatray Suryakant Bhalerao
Scientist-I & Deputy Secretary,
Environment & CC Department,
Government of Maharashtra

BEFORE ME

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NOTED & REGISTERED
Page No. 182 Sr. No. 1714
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