



**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL,
WESTERN ZONE BENCH, PUNE
ORIGINAL APPLICATION NO. 01/2024**

Vishal Shantaram Darwatkar ... Appellant

v/s.

Union of India & Ors. ... Respondents

REPLY AFFIDAVIT BY RESPONDENT NO. 3, SEIAA

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 –

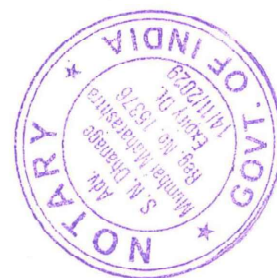
I am well conversant with the facts of the present case and I am competent to swear this Affidavit based upon the records available with this office.

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 alleges illegal construction of residential and commercial building project by the name "Ganga Ishanya & Ganga Nakshatra" raised by the respondent No.10-M/s. Mahanagar Reality/Project Proponent at Survey Nos.19A/3A(P) [CTS No.373 (P), 375, 376, 377(P) & 378(P)] on Pune- Satara Road behind Shri Shankar Maharaj Math, Village: Dhankawadi, Taluka: Haveli, District: Pune. It prays for demolition of illegal structures constructed in prohibited zone of 6 mtrs. from natural water body- Ambil Odha Nallah. Further, prayer to recover the EDC for violations of CTE & CTO & gaps in obtaining the same; and praying further direction to be issued to the Central Ground Water Authority to impose appropriate damages upon the Project Proponent for ground water extraction from bore-well & open well and to prepare a plan for the restoration of open water well.



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3. SEIAA has granted first Environmental Clearance on 22nd March, 2013 for a total built-up area of 71,476.68 m².
4. SEIAA has granted second Environmental Clearance, for a total built up area of 1,15,406 m² on 14th September, 2019. However, the IOD received by Respondent No. 10 was limited to 94945.38 m² and therefore the Environmental Clearance was issued for a total built up area 94945.38 m² although SEAC has apprised the project for total built up area of 1,15,406 m² as per the application.
5. SEIAA has granted third Environmental Clearance for expansion of existing construction on 12-05-2022 for TBUA of 1,15,073.96 m². SEIAA noted that PP has received earlier EC on 14-09-2019 for total 94,945.38 m², there is no change in the project and construction done on site is as per the earlier EC. It was further noted that there is only internal change in the approved area i.e., conversion of part of Non FSI into FSI area due to UDCPR. SEIAA asked PP to submit architect's certificate regarding construction initiated on site is within the BUA as per configuration of earlier EC. PP submitted the same on 05-05-2022, as per which PP has constructed 94,447.30 m² as per earlier EC. SEIAA accordingly granted EC on 12-05-2022.



6. Applicant has not challenged any of the above ECs. Applicant is also not alleging that construction is done in violation of any of the ECs or without obtaining the said ECs.
7. SEIAA Maharashtra has come out with a Standard Operating Procedure (SOP) dated 12-04-2023 for identification of violation of the EIA Notification, 2006 and for effective implementation of the EIA Notification, 2006. The said SOP is based on the directions issued by the Hon'ble NGT in OA No. 13/2014, Shashikant Vitthal Kamble v. M/s. Keystone Properties & Ors. The said SOP outlines the responsibilities of various stakeholders with regards to identification of violation and the methodology to be adopted to take action against such violation.
8. According to the said SOP, the primary responsibility of detection of violation on ground is of the Local Planning Authority, which is the PMC in the present case. Therefore, if there is any violation as alleged by the Applicant, PMC can take appropriate action, if necessary as per law. Copy of the SOP dated 12-04-2023 is attached as **Annexure 1**.
9. This respondent craves leave to file any additional reply as and when required. In light of the above submissions, it is respectfully



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prayed that Environment Department shall abide by any orders and directions issued by the Hon'ble Tribunal.

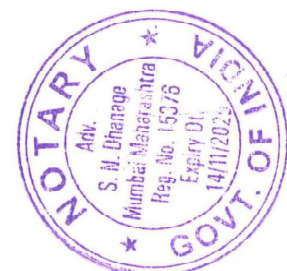
Whatever is stated above is true and correct to the best of my knowledge, ability and belief and I affirm it to be true.

Mumbai

Date

30 JAN 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 _____ day of _____, 2025 at Mumbai.

30 JAN 2025

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



BEFORE ME

Adv. S. N. Dhanage
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NOTED & REGISTERED
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