

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

**ORIGINAL APPLICATION NO. 76/2021 (WZ)**

IN THE MATTER OF: -



SHASHIKANT VITTHAL KAMBLE

APPLICANT

VERSUS

MINISTRY OF ENVIRONMENT, FOREST  
AND CLIMATE CHANGE & ORS.

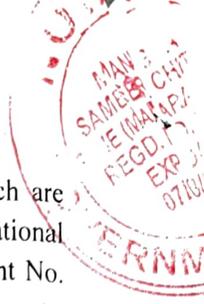
RESPONDENT(S)

**REPLY AFFIDAVIT ON BEHALF OF RESPONDENT NO. 3,  
CENTRAL POLLUTION CONTROL BOARD (CPCB)**

I, Bharat Kumar Sharma, S/o Shri. D.P Vishwakarma, aged 49 years, working as Scientist 'F' and Regional Director in the Regional Directorate, Central Pollution Control Board, Pune, do hereby solemnly affirm and declare as under:

That I, in the capacity of Scientist 'F' of the Central Pollution Control Board (hereinafter referred as CPCB) am fully conversant with the facts of the case and competent to swear this reply affidavit on behalf of this Answering Respondent No. 3.

1. That the averments made in Para 1 to 4 are about address of Applicant and Respondent(s), and need no comments from this Answering Respondent.
2. That the averments made in Para 5 to 14 are about details of various government authorities and statutory bodies which are party Respondent Nos. 1 to 14 and, details of



Respondent No.15 i.e. the Project Proponent (herein after referred as PP); which are matter of records. Further the averments are about jurisdiction of the Hon'ble National Green Tribunal, construction of commercial and residential scheme by Respondent No. 15 "Urban Nest" wherein they have carried out total construction beyond 20,000 sq. mts. Also, the PP has not valid Consent to Establish (CTE), Consent to Operate (CTO) and Environmental Clearance (EC). It is humbly submitted that violations, if any, under Acts/Rules are to be dealt by the respective Agency as per provisions stipulated under such Acts/Rules.

3. That the averments made in Para 15 to 21 under the heading "FACT IN BRIEF" are about Commencement Certificate dated 05/06/2017 issued to Respondent No. 15, Completion Certificate dated 27/08/2020 issued by Respondent No. 11 i.e. Pune Municipal Corporation ( hereinafter referred as 'PMC') to Respondent No. 15, Completion certificate dated 30/06/2021, Environmental Clearance (EC) permission dated 21/09/2016 obtained by Respondent No. 15, Completion Certificate dated 30/08/2021 issued to Respondent No. 15, complaint by Applicant to Respondent No. 6, application dated 25/08/2021 under Right to Information Act (RTI Act) made by Applicant to Respondent No. 11 (PMC), which are matter of records and need no comments from this Answering Respondent.
4. That the averments made in the Para 22 are about notice dated 28/08/2021 sent by the Applicant through its Advocate to the Respondent No. 15. Further, the averments are also about notices sent to all Respondents. It is humbly submitted that violations, if any, under the concerned Acts/Rules are to be dealt by the respective agency as per provisions stipulated under such Acts/Rules.
5. That the averments made in Para 23 to 34 under the heading "GROUNDS" are about construction by Respondent No. 15 by violating EC permission; Completion Certificates issued by Respondent No. 11 (PMC) to Respondent No. 15; Application dated 18/08/2021 for Amendment in EC Permission proposed by Respondent No. 15; letter drafted to Respondent No.11, 12 and 13 (various departments of PMC); additional construction by Respondent No. 15 without amending EC; application dated 25/08/2021 under the RTI Act from Applicant to Respondent No. 11 (PMC); minutes of 228<sup>th</sup> meeting dated 18/08/2021 of SEIAA; consideration of the project & subsequent grant of EC to Respondent No. 15 and he further approached two different planning authorities, and obtaining Commencement/Completion certificates issued by Respondent No. 11, 12, and 13. It is humbly submitted that these averments may be suitably answered by the respective Respondents. Further, it is humbly submitted that violations, if any, under the concerned Acts/Rules are to be dealt by the respective agency as per provisions stipulated under such Acts/Rules.

4. That the averments made in Para 35 (a to e) to Para 42 are about site visit made by Applicant and his on-site observations, legal notice dated 28/08/21 issued by Applicant through its advocate to all Respondents, Revised Commencement Certificate issued to Respondent No. 15, and other allegations by the Applicant. It is humbly submitted that violations, if any, under the concerned Acts/Rules are to be dealt by the respective agency as per provisions stipulated under such Acts/Rules.
5. That the averments made in Para 43 to 44 are about jurisdiction of the Hon'ble NGT, limitation for filing present application by the Applicant, and hence need no comments from Answering Respondent.

That in light of the above submissions, it is respectfully prayed that this Answering Respondent No. 3 i.e. CPCB shall abide by any order or directions passed by this Hon'ble Tribunal.



  
DEPONENT

**VERIFICATION**

Verified at Pune on this ..... day of January, 2023 that the contents of the above affidavit are true and correct to the best of my knowledge and belief and nothing has been concealed therein.

भरत कुमार शर्मा/Bharat Kumar Sharma  
क्षेत्रीय निदेशक / Regional Director  
केंद्रीय प्रदूषण नियंत्रण बोर्ड  
Central Pollution Control Board  
क्षेत्रीय निदेशालय, पुणे/Regional Directorate, Pune  
पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय, भारत सरकार  
Min. of Env't. Forest & Climate Change, Govt. of India  
प्लॉट नंबर-1, संजीवनी निसर्ग, बालेवाडी, पुणे-411045  
Plot No. 1, Sanjivani Nisarg, Balewadi, Pune-411045

  
DEPONENT – Respondent no. 3

**COUNSEL for Respondent No. 3**



**ATTESTED**

  
**MANISHA SAMEER CHITNIS**  
NOTARY  
GOVERNMENT OF INDIA  
16 JAN 2023