

BEFORE THE NATIONAL GREEN TRIBUNAL WESTERN ZONE  
BENCH, PUNE, AT PUNE

APPEAL NO104/2024

I.A. NO. 170/2024

Mr. Tanaji B. Gambhire,  
V/s

Appellant

Union of India and others

Respondent

REPLY AFFIDAVIT-RESPONDENT NO. 4

Reply Affidavit /Objection filed on behalf of the Respondent No.4 M/s,  
Shivdan constructions is as under:-

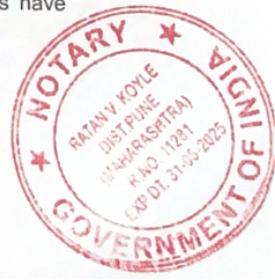
I, Mukesh Shivandas Jethwani, Age:- 58 Years, Occupation :- Business, being the partner of M/s Shivdan Constructions, a Partnership Firm, having its Office at:- 722, Moti Heights, New Tapkir Lane, Budhwar Peth, Pune-411002, do hereby state on solemn affirmation that:-

1. I state that the Appellant has filed the present Appeal with dishonest and malafied intention. The Appellant has not made out any case and hence the Appeal filed by the Appellant is not maintainable.
2. I state that the Appellant has no any locus-standi to file the present Appeal and he is not affected by the Order/EC under challenge in the present Appeal. As such Appeal filed by the Appellant is not maintainable.



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3. The Appellant states that the EC was originally granted to the project of the Respondent on 13<sup>th</sup> March 2022. Thereafter, there was expansion of the project and therefore for such expansion, this Respondent applied for EC, which is challenged in the present Appeal.
4. The Respondent states that in the meeting held on 4<sup>th</sup> January 2024 the proposal of this respondent for EC ( for expansion) was considered. The proposal was considered by the Committee and after considering all the documents the clearance was given and the EC was granted legally as per the procedure.
5. Thus, contention of the Appellant that 'since the EC Certificate came to be issued on 8<sup>th</sup> February 2024, being after the tenure of the Respondent No. 2 is over', holds no water. Thus, an Appeal itself is based on false presumption of the Appellant and hence, the same is legally not maintainable.
6. In view of this, the above mentioned facts , the appeal is not tenable on the grounds raised by the Appellant in Para No.5 of Appeal. As already mentioned hereinabove, an appellant has no locus standi to file the present Appeal. In view of the above mentioned aspects, the Appeal filed by the Appellant and the application for Interim Reliefs is not maintainable and the same requires to be rejected summarily. The Appellant has failed to make out any prima facie case and balance of convenience does not lie in favour of the Appellant. On the contrary if the injunction is granted, this respondent will suffer an irreparable loss which cannot be compensated in terms of money. The project of this respondent is registered under Maha RERA. The respondent has invested huge amounts in the project. Moreover various third parties have



booked Units/ Apartments in the said project. All of them will be affected in case injunction as prayed for by the Appellant is granted. The Appellant is not at all affected person and as already mentioned above, the appellant has no locus standi to file the present case.

7. This Respondent therefore prays that :-

- a. An Appeal and the Application for Interim Reliefs filed by the Appellant may kindly be rejected with heavy costs;
- b. Any other just and equitable Orders may kindly be passed in the interest of justice.

Whatever stated above in para nos. 3 to 6 are the facts which are true and correct to the best my knowledge. The rest of the paragraphs are the legal contentions raised on the legal advice. In witness whereof I have signed hereunder on this date, at Pune.

Affiant/ Respondent No. 4.

I know the Affiant

Advocate

20 AUG 2024

SWORN TO BEFORE ME

**RATAN V. KOYLE**

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**RATAN V. KOYLE**  
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