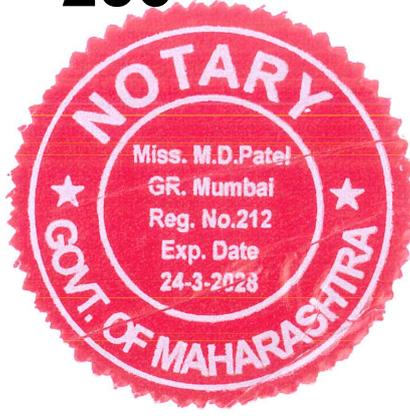


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BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL,

WESTERN ZONE BENCH, PUNE

EXECUTION APPPLICATION NO.16 OF 2017 (WZ)

IN

ORIGINAL APPLICATION NO.54 OF 2016 (WZ)

Mr. Gaurav Nevatia & Anr.

... Applicants

V.

Madhuli CHS Ltd. & Ors.

... Respondents

REPLY AFFIDAVIT BY RESPONDENT NO. 4,

MAHARASHTRA COASTAL ZONE MANAGEMENT AUTHORITY

I, Abhay Madhukar Pimparkar, Member Secretary & Director, 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. MCZMA has already filed a reply affidavit dated 31-01-2024 which is on record. The present affidavit is being filed in pursuance to order dated 02-02-2024 passed by this Hon'ble Tribunal.

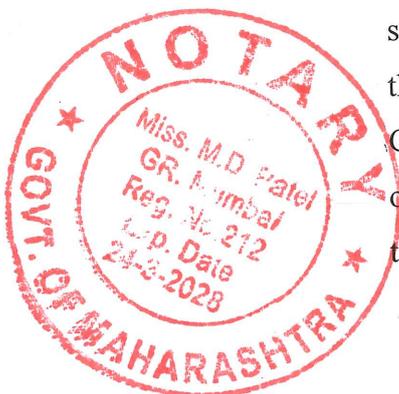
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1. The present application pertains to the alleged CRZ violation at Madhuli Co-op Housing Ltd & Ors. located at C.S. no. 1C/2 and C.S. No. 996 of Worli Division, Dr. Annie Besant Road, Worli, Mumbai – 400 018.
2. The MCGM vide letter dated 19.12.2023 (received at MCZMA on 26.12.2023) has mentioned that, However, relying upon the records available with this department it cannot be confirmed whether the unauthorized work are carried out prior to 1991 or not.

Hence, the information regarding existence of the notice structures are on the basis of information provided by Society. The necessary action against pending notices will be initiated in due course of time by following due process of law.

3. Considering the CRZ norms and observations made by the Hon'ble Bombay High Court vide their order dated July 11, 2006 in WP No. 1274/2006 (Harakchand Gada & Ors. v. State of Maharashtra), the Environment Department, Government of Maharashtra has issued a circular dated 27-04-2017, wherein it has been stated that, proposals of alterations / minor repairs to existing authorised structures within existing FSI in CRZ area, requires to be dealt at local Planning Authority Level. Accordingly MCGM at their end can take action regarding the violation, if any, in the present case.
4. MCGM being the concerned local planning authority is competent to determine if there is any FSI violation. Considering the Environment Department circular dated 27-04-2017, it will be appropriate from MCGM to examine the FSI violation, if any, and take action at their level accordingly.
5. As far as the compliance of the order under execution is concerned, as stated above, MCZMA did everything possible to ascertain whether there is any construction in violation of CRZ Rules 1991. Occupancy Certificate was granted to the building in year 1988. As the construction or the changes if any, which have been made are not discernible whether they have been made before or after the CRZ Notification, 1991. Even



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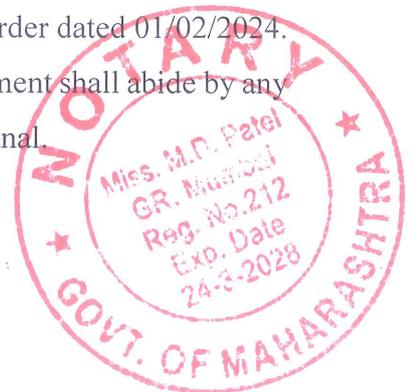
②

after joint meeting of all respondents, enquiry with MCGM, MCZMA submits that there are no facts OR evidence has come before MCZMA to show that any addition / alterations has been carried out in violation of CRZ Rules 1991 and its effective period of implementation through MCZMA from February 2002.

6. Applicant has now withdrawn the complaint, stating that there was misunderstanding on his part. MCGM has submitted that they can't ascertain any violation of construction under CRZ Rules 1991, and in respect of repairs/alterations, they have initiated action under MMC. MCZMA always ask the records from concern urban local bodies to identify any construction, post 1991-2002 in violation of CRZ Rules 1991 as MCZMA is not the Authority to give permission under DCR of Mumbai Municipal Corporation and no record is available with MCZMA. All the records as far as building permissins are concerned are with MCGM.
7. As such in absence of any conclusive report from MCGM. The MCZMA can not take any credible action against the Respondent and hence no action is proposed to be taken by MCZMA, in light of the present facts.
8. As regards the violations under the MRTP Act are concerned, if any, are within the domain of MCGM, and they can take it to it's logical end. It is further respectfully submitted, MRTP Act is not under Schedule I of the NGT Act, this Hon'ble Tribunal has no jurisdiction to enter into violations under MRTP Act and therefore it will be safe to say that this execution application can be disposed as the Applicant has failed to prove beyond reasonable doubt to bring out any CRZ violation in the present case.
9. This status is being most respectfully submitted expeditiously before Hon'ble Tribunal as per the directions in Daily Order dated 01/02/2024.
10. It is respectfully prayed that Environment Department shall abide by any orders and directions issued by the Hon'ble Tribunal.

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

(Abhay Madhukar Pimparkar)

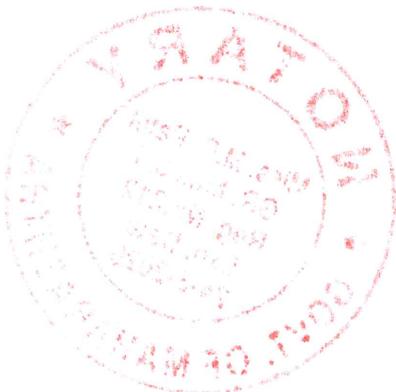
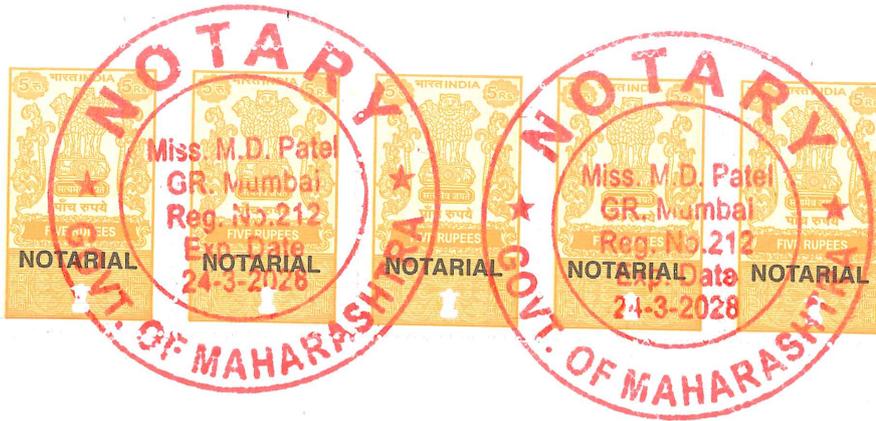
Place: Mumbai

Deponent

Director, Env&CC Department and

Member Secretary, MCZMA

Date: 6-2-2024



VERIFICATION

I, Abhay Madhukar Pimparkar, Age 49 years, Director, Environment and Member Secretary of the Maharashtra Coastal Zone Management Authority, having my office address at 15<sup>th</sup> Floor, New Administrative Building, Mantralaya Mumbai, do hereby verify & declare that 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 nothing material has been concealed therefrom.

Verified at Mumbai on this 6<sup>th</sup> day of January, 2024

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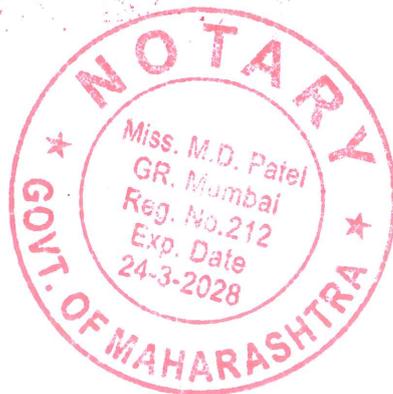
( Abhay Madhukar Pimparkar)

Director, Environment &CC and

MS, MCZMA

Deponent

Identified by



**BEFORE ME**  
M. D. Patel  
6-2-2024  
Sr. No. 27  
Blk. No. 1  
**MISS M. D. PATEL**  
**ADVOCATE & NOTARY**  
Kohiar House,  
4, Dhuswadi, Dhobitalao,  
MUMBAI - 400 002.

