



**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL,
WESTERN ZONE BENCH, PUNE
ORIGINAL APPLICATION NO. 29/2019**

Tanaji Gambhire

... Applicant

v/s.

Union of India & Ors.

... Respondents

**REPLY AFFIDAVIT BY RESPONDENT NO. 4,
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. SEIAA has filed their first affidavit dated 19-11-2019.
2. On 30-11-2023, upon the allegations of the Applicant, the Hon'ble Tribunal had passed a detailed order requiring information about the way in which SEIAA will assess the remediation work which will be done by the PP and how will SEIAA ensure that the remediation work is being properly or not. Further, the Hon'ble Tribunal also observed that there is discrepancy regarding the project cost and the total BUA of the project.
3. At the outset, unconditional apology is extended on behalf of the SEIAA for not submitting the information in time. During the period from 10th January, 2024 till 10th June, 2024, SEIAA was not functional as the validity of the term of SEIAA had ended. There was no reason to not provide the information as sought by the Hon'ble Tribunal and there is no intentional disregard of the directions of the Hon'ble Tribunal. Inadvertently due to the heavy workload, this information remained to be submitted. Therefore this affidavit may kindly be treated as compliance of the directions issued on 30-11-2023 and 28-11-2024 and the show cause notice issued against MS, SEIAA may kindly be withdrawn and humble apology may be accepted.



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4. Regarding the assessment and monitoring of the remediation work it is submitted – EC in the present case has been issued under the SoP dated 07-07-2021 issued by the MoEF&CC. SEIAA is bound to follow the said procedure as laid down. As per the said procedure, there is no mandate cast upon SEIAA to decide the areas or activities which the PP has to undertake under the remediation plan and natural and community resource augmentation plan. Further, there is no mandate cast upon SEIAA to physically monitor the implementation of and progress of the plan.
5. The said activities are proposed by the PP which are considered by SEAC and approved by SEIAA subject to submission of the bank guarantee. Quantification of such plan is recommended by SEAC and finalised by SEIAA. The bank guarantee is to be deposited prior to the grant of environmental clearance and is released after successful implementation of the remediation plan corresponding to the ecological damage assessed and economic benefit derived due to violation as a condition of environmental clearance.

Ans.



6. The PP will have to submit the progress achieved through implementation of the plan and then apply to the SEAC for release of the bank guarantee. SEAC after verification of the same if found satisfactory compliance / implementation of the remediation plan recommends for release of bank guarantee to the SEIAA.
7. The SEIAA takes the decision on the recommendations of the SEAC and removes the condition of bank guarantee from the environment clearance.

Invariably in all violation cases this process is followed by the SEAC and SEIAA.

8. Regarding the alleged discrepancy in the cost of the project it is submitted that, as per the project cost submitted by the PP in the 262nd day Meeting of SEIAA held on 10th July 2023 under the head "Assessment of Environmental Damages" at Sr. No. 6 :-

- a) Cost of Project Constructed Rs. 174.63 Cr
- b) Cost for proposed area expansion Rs. 32.13 Cr

As per submission by the PP, **Rs. 174.63 Cr includes Land Cost of Rs. 44.76 Cr**, therefore remaining Construction/Development Cost incurred is **Rs. 129.87 Cr** appearing in Sr. No. 10 of the table on page 50 of the Minutes.



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Thus Rs. 162 Cr is the aggregate of Rs. 129.87 Cr (Cost incurred for existing project excluding land cost) and Rs. 32.13 Cr (Cost for expansion).

9. Damage Costing appearing on page 60 of the Minutes is according to Cost of Rs. 174.63 Cr which is cost of existing project including its land cost.

10. Regarding the alleged discrepancy with respect to the TBUA, mentioned Sr. No. 16 & 17 of EC Letter dated 11/10/2023, it is submitted that the details of FSI approved by Local Planning Authority is mentioned at Sr. No. 17 and total BUA proposed by project proponent is mentioned Sr. No. 16 of EC Letter dated 11/10/2023. It is also submitted that the details of total Built Up Area including existing and proposed FSI and Non FSI areas are appearing as Sr. No. 4, 5 and 6 of the table on page 50 of the Minutes which is as follows –

4	FSI	10663.50 Sq.m	18,084.10 sq.mt. (Existing: 10,663.50 sq.mt + Proposed: 7,420.60 sq.mt)	Increased by 7420.6 Sq.m
5	Non FSI	18154.90 Sq.m	20143.21 sq.mt. (Existing: 18154.90 sq.mt + Proposed: 1,988.31 sq.mt)	Increased by 1988.31 Sq.m
6	Built up Area	28,818.4 sq.mt	38227.31 sq.mt.	Increased by 9,408.91 sq.mt



11. Based on this it is stated that there is no discrepancy in the cost of project and TBUA as alleged by the Applicant. Details and information provided as above is as per the information submitted by the PP. SEIAA has granted the EC based on the information submitted by the PP.

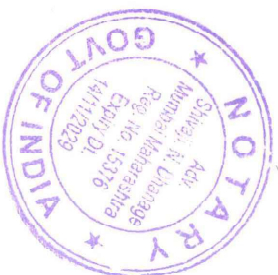
12. This respondent craves leave to file any additional reply as and when required. In light of the above submissions, it is respectfully prayed that Environment Department shall abide by any orders and directions issued by the Hon'ble Tribunal.

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 10/12/2024.

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



VERIFICATION

I, Dattatray Surayakant 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 10th day of December, 2024 at Mumbai.

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

BEFORE ME

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NOTED & REGISTERED

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Dated 10 DEC 2024

