



**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL,
WESTERN ZONE BENCH, PUNE
REVIEW APPLICATION NO. 09/2023
IN
APPEAL NO. 68/2019**

M/s. Grenesiis Constro Pvt. Ltd. ... Applicant

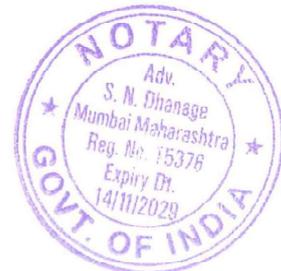
v/s.

Vishal Arinjay Shah & Ors. ... Respondents

REPLY AFFIDAVIT BY RESPONDENT NO. 5, 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.



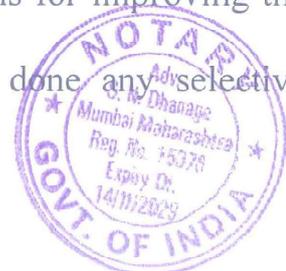
1. SEIAA has already filed a detailed affidavit in the present case. Via separate compilation dated 25-02-2025, Environment Management Plan, the Natural Resource and Community Resource Plan, Remediation and Augmentation Plan and the Ecological Damage Assessment Report has been filed by SEIAA. It is kindly requested to peruse the said plans. The review applicant needs to submit the status of the implementation of the said plans. Review applicant is conveniently silent on that aspect.

2. The present Affidavit is being filed in compliance to the order dated 29-01-2025. The Hon'ble Tribunal had observed the following –

We may also note here that in another case, which has been placed before us, on different occasions, timeline of six months has been given. Therefore, we want a clear affidavit in this regard from the SEIAA, for which learned counsel for respondent No.5-SEIAA seeks one week's time, although he submits that the order, against which the review application has been filed, is an appealable order. Instead of filing the appeal, review applicant has wrongly approached this Tribunal, which has also an alternate remedy available to approach this Tribunal with respect to the grievance, which has been raised by it before this Tribunal.



3. In response it is stated that the present case pertains to review of the judgment dated 09-08-2023 initiated by the project proponent. Vide the said judgment, this Hon'ble Tribunal quashed and set aside the impugned EC dated 09-08-2019. PP had initiated construction at site without obtaining prior EC and hence had committed violation of the EIA Notification, 2006. The said EC was granted under the violation category by SEIAA, ex-post facto, under the Amnesty Scheme declared by the MoEF&CC dated 14-03-2017.
4. In the year 2022, in OA No. 14/2021, the Hon'ble Tribunal had directed the MoEF&CC and the CPCB to do a functional audit of Maharashtra SEIAA. Subsequent to that, SEIAA Maharashtra for improving their functioning came out with an SoP for Effective Implementation of the EIA Notification, 2006. SEIAA realised that as no time limit was granted to the Project Proponents for effective implementation of the Natural and Community Resource Augmentation Plan and Damage Assessment Plan, SEIAA started fixing average time line of months for implementation of the said plans. By doing so, SEIAA only wanted effective implementation of the NCRAP and Damage Assessment Plans for improving the environment. In doing so, SEIAA has not done any selective



favouritism to any of the projects. It is uniform policy followed in all cases of violation.

5. In the present case, if the Hon'ble Tribunal thinks necessary, then they may kindly issue a timeline within which the damage assessment plan be implemented by the PP.
6. Further, in the said case, SEIAA informed that, Maharashtra Pollution Control Board is the agency for monitoring the Status of Remedial Action Plan. Maharashtra Pollution Control Board has now been directed to monitor the Status of Remedial Action Plan on six monthly basis and submit the report of the same to SEIAA.
7. Further, in the judgment under review in the present case, in para no. 28 and 29 –

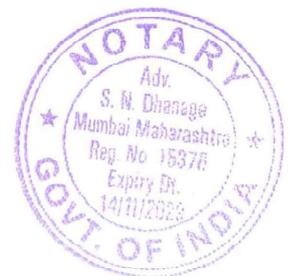
... Therefore, we decide this issue holding that the lacuna in the consideration for grant of EC compels us to think of remanding the matter to be decided again by the SEIAA afresh after giving opportunity of hearing to the parties. The said plan must be reproduced in EC letter to ensure that the same is implemented in letter & spirit. ...

28. In view of above finding at issue no. (ii), we are of the view that this appeal deserved to be allowed and ex-post-facto EC granted is set aside with the direction to the SEIAA to consider its issuance



again after giving opportunity of hearing to the parties concerned, in the light of the observations made by us, within a period of two months from the date of uploading of the Judgment. ...

8. Subsequent to the above directions, the project proponent has not applied to SEIAA for getting an amended EC and rather than doing so, they are misguiding the Hon'ble Tribunal and SEIAA. Instead of implementing the damage assessment plan, they are seeking review of the judgment. It seems that rather than getting a valid environmental clearance, the review applicant wants to proceed with the project without any environmental clearance. This is nothing but wilful disobedience of the orders of the Hon'ble Tribunal and therefore this review needs to be rejected.
9. SEIAA has followed the due procedure under EIA Notification, 2006 and the Office Memos and Circulars issued by MoEF&CC from time to time while granting of the impugned EC. There are no procedural lapses on part of the SEIAA while granting the EC. SEIAA grants the EC on the basis of the documents submitted by the PP.
10. 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

21 APR 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 15th Floor, New Administrative Building, Hutatma Rajguru Chowk, Madam Cama Road, Mantralaya, Mumbai-400032 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 21 day of April, 2025 at Mumbai.



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



BEFORE ME

Dhanage

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NOTED & REGISTERED
Page No. 121 Sr. No. 1057
Date 21 APR 2025



