

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
WESTERN ZONE BENCH, PUNE AT PUNE
MISCELLANEOUS APPLICATION NO. 11/2023 (WZ)

IN

ORIGINAL APPLICATION NO. 194 of 2018 (PB)
(DISPOSED OF ON 16.12.2020)

Ashish Rohidas Shinde & Another

Applicant

V/s

Lonavala Municipal Council and Others.

Respondents

REPLY AFFIDAVIT

ON BEHALF OF THE RESPONDENT NO.6

PAPER BOOK

(KINDLY SEE INSIDE FOR INDEX)

ADVOCATE FOR THE RESPONDENT NO.6



BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
WESTERN ZONE BENCH, PUNE AT PUNE
MISCELLANEOUS APPLICATION NO. 13/2023 (WZ)
IN
ORIGINAL APPLICATION NO. 194 of 2018 (PB)
(DISPOSED OF ON 16.12.2020)

Ashish Rohidas Shinde & Another Applicant

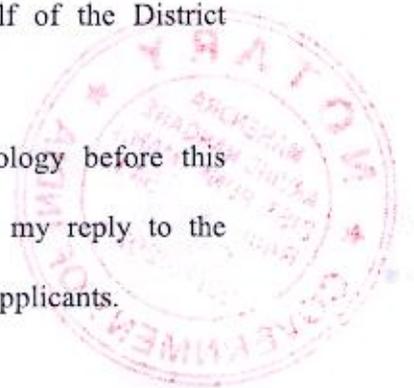
V/s

Lonavala Municipal Council and Others. Respondents

REPLY AFFIDAVIT
ON BEHALF OF THE RESPONDENT NO.6

I Dr. Rajesh Bhagwatrao Deshmukh, District Collector, Collector Office, Dist. Pune, do hereby state on solemn affirmation as under:-

1. I say that, the applicants have filed the present Miscellaneous Application No. 13 of 2023 (WZ) before this Hon. Tribunal. This Hon'ble Tribunal on 27.09.2023 passed an order directing the Respondent No. 6 – Collector, Pune to appear in person before the Hon. Tribunal through VC to show cause as to why no- one was present before the Hon'ble Tribunal on behalf of the District Collector, Pune nor any reply was filed till date.
2. I sincerely and unconditionally place my apology before this Hon'ble Tribunal for the delay in submitting my reply to the present Miscellaneous Application filed by the Applicants.
3. I say that, I have perused the,



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- a. Final order passed by this Hon'ble Tribunal in the O. A. No. 194 of 2018, dated 16.12.2020.
 - b. Final order passed by this Hon'ble Tribunal in Execution Application 11/2022 (WZ)
 - c. The Order passed by the Hon'ble Supreme Court in Civil Appeal Dairy No. 5020 of 2023,

4. I say that, while disposing the O.A. No. 194 of 2018 filed by the applicants, this Hon. Tribunal had specifically mentioned as follows: *"6..... There is also no merit in the objections of the Respondent No. 5. Demarcation has been done by a committee of competent authorities under the directions of this Tribunal. The said report has to be acted upon. 7. Accordingly, we dispose of this application directing the Committee to take further remedial action in terms of its report. In case of any dispute, the Collector who is the statutory authority under the relevant law may issue further directions."*
5. I further say that the order of this Hon. Tribunal was challenged by the Respondent No. 5 before the Hon. Supreme Court of India vide civil Appeal Diary no. 5020 of 2023. The Hon. Supreme Court of India has upheld the final order passed by this Hon'ble Tribunal in O. A. 194 of 2018, and the Hon'ble Supreme Court in its last paragraph of the order dated 20.02.2023 stated as under, *"we make it clear that now **the recommendations of the said Committee has to be enforced** and action has to be taken in accordance with law. The dispute which shall now arise, if at all, on the implementation of the report of the committee and to that limited extent alone, the*

appellant will always be at liberty to approach the District Collector.

6. I say that, thus the Collector Pune was only to be approached in case of dispute in implementing the final orders of this Honble Tribunal. I say that, the Respondent No. 5 has submitted a letter to my office dated 11.04.2023 disputing the final Joint Committee report submitted in the O.A. No. 194 of 2018. The Respondent No. 5 has alleged various allegations on various individuals, applicants and Govt. authorities and is seeking to send the matter to Economic Offence Wing, Pune.
7. I say that, this Hon. Tribunal as well as the Hon. Supreme Court of India vide their orders have asked the District Collector to only intervene in case of dispute in implementing the Order of the Hon. Tribunal dated 16.12.2020. My office has no rights to again conduct an enquiry in the matter already decided by this Hon. Tribunal and further upheld by the Hon. Supreme Court. And hence the said application of the Respondent No. 5 cannot be adjudicated in my capacity.
8. I say that, there is no other communication received from the Local authority i.e. Respondent No. 1 or any other respondent regarding a dispute in implementing the orders of this Hon. Tribunal.
9. I say that, the Respondent No. 1 i.e. the Lonavala Municipal Council is the Local authority in the present matter. The said Respondent No. 1 is a Local body having its jurisdiction and Power over the said impugned land, which ought to have implemented the orders of this Hon. Tribunal. And in case the

Local Authority was incapable of doing so, the respondent no. 1 should have approached us.

10. I say that, this office has no role to play in execution of the final orders of this Hon'ble Tribunal until and unless there is a dispute in implementation of the orders. This office assures the Hon'ble Tribunal that the collector office is ready to provide every support in any manner the Local Authority may require for implementing the final Orders of this Hon. Tribunal.

11. I say that there is no any deliberate and wilful delay for not filing reply affidavit earlier in the present matter. Due to the above-mentioned circumstances reply could not be filed in time. Hence it is respectfully said and submits that the personal appearance of the collector may be exempted and this affidavit may be taken on record.

Considering the above mentioned facts appropriate orders may be passed.

Hence this Affidavit.

Verification

I Dr. Rajesh Bhagwatrao Deshmukh, District Collector, Pune, do hereby state that I have read the above content of the aforesaid Affidavit in Para No.1 to 11 and that it is true to the best of my knowledge and belief.

Hence, verified this at Pune
on 4th day of October, 2023

[Signature]
(Dr. Rajesh Deshmukh)

Affiant

I know Affiant



NOTED AND REGISTERED
AT SR. NO. 1431/2023
DATE 04 OCT 2023



BEFORE ME

[Signature]
MAHENDRA ARVIND NANGARE
NOTARY, GOVT. OF INDIA
PUNE DIST. MAHARASHTRA
Regd. No 15432 Exp Dt 09/10/2024