

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
WESTERN ZONE BENCH PUNE AT PUNE

I.A. NO. 26 OF 2026

IN

APPEAL NO. 600/ 2025

IN THE MATTER OF:

MR. NARENDRA SURESH GADADEAPPELLANT

VERSUS

UNION OF INDIA THR. MOEF & CC

& ORS

.....RESPONDENTS

REPLY ON BEHALF OF APPELLANT TO I.A. NO. 26 OF 2026 FILED
BY THE RESPONDENT NO.11

NITIN LONKAR
ADVOCATE FOR APPELLANT
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**REPLY ON BEHALF OF APPELLANT TO I.A. FILED BY THE
RESPONDENT NO.11**

Most Respectfully Showeth:

1. That the Appellant has filed present Appeal is filed against the for granting ex post facto Environmental Clearance dated 09.07.2025 to Respondent No. 10 PP i.e. M/s. Grow India Realcon LLP for carrying out illegal construction of residential building construction project at Sr. No. 282/2 on plot admeasuring 8080.00M², Village Maan, Taluka Mulshi District Pune within the local limit and jurisdiction of Pune Metropolitan Region development Authority (PMRDA) (hereinafter referred to as "Said Project"). In regard of the said project the information is received on various governmental website i.e. Maharashtra Real Estate Regulatory authority (Maha RERA), Maharashtra Pollution control Board (MPCB), SEIAA, Maharashtra etc. These violations have given rise to substantial questions relating to implementation of the environment protection & improvement enactment.
2. It is submitted that the present Reply is filed in response to the Interlocutory Application filed by Respondent No. 11 (M/S VK Designs and Project private Limited, hereinafter "the Architecture") or deletion of its name from the Appeal. The contents of the said IA are denied as inconsistent with the facts, law, and the material on record, except those specifically admitted herein.

3. That the Respondent no.11 is the Architecture company who have prepared sanctioned layout and issued Architect certificate of percentage of work completed for the said project of PP from time to time. Ar. Hrishikesh Kulkarni (Reg. No. CA/2002/29235) is a Director (Partner) at VK:a architecture. Also on the website of the Respondent no.11 it is stated that Hrishikesh is also the Director (Partner) in VK:e an environmental consultancy Company he has formed with his friends in 2009. **(Annexure R-1)**

4. That the Respondent no.12 is the LLP accredited by NABET for EIA Origination for the sector of Building and Construction projects and Township and Area Development projects. The Respondent no.12 prepared the draft of the Conceptual Plan for the said project to submit before the SEAC- Infra 2 and it is important to note here that the signatory of the abovementioned Architect Certificate is partner in the same LLP. Therefore, it can be said that the PP is in collusion with Respondent no.11 and 12 intentionally suppressed the potential of the project in the conceptual plan despite having knowledge that the potential of the project is more than 20,000M² TBUA and required EC since the inception of the project and the steps towards the construction of TBUA more than 20,000M² is already taken by PP. **(Annexure R-2)**

5. It is respectfully submitted that, the Regulation 2(1) (i) of the Architects (Professional Conduct) Regulations, 1989 is as under
 2. (1) *Every architect, either in practice or employment, subject to the provisions of the Central Civil Services (Conduct) Rules, 1964 or any other similar rules applicable to an Architect, he shall :-*
 - i. *ensure that his professional activities do not conflict with his general responsibility to contribute to the quality of the environment and future welfare of society,*

It shows that it is responsibility of the Architect to contribute to the quality of the environment. **(Annexure R-3)**

6. It is respectfully submitted that, the Respondent no.11 is the Architecture company who have prepared sanctioned layout dated 17.06.2021 for P+9 floors of the said project of PP (Annexure A-3, Pg. no. 76-95).

7. It is submitted that, meanwhile the PP had also obtained revised PP obtained revised Commencement Certificate and Sanctioned plan no. BMU/CRNO. 378/21-22 in the year 2021 for P+10 floors. Further the PP obtained revised Commencement Certificate and Sanctioned plan no. BMU/CRNO. 1174/21-22 on 08.12.2022 for P+13 floors (for FSI 12,347.75 M² + Non FSI 4899.71 M² TBUA 17236.69 M²). The copy of these Commencement Certificate is not available with Appellant and these Commencement Certificates were mentioned in the minutes of meeting of SEIAA dated 19.11.2024.
8. It is respectfully submitted that, the Respondent no.11 is the Architecture company who have prepared revised sanctioned layout dated 28.02.2024 is for FSI of 23,327.47M² and Non FSI 3,299.87 M², Total Built Up area 26,627.34 M² and as per condition no. 35 mandates the PP to obtain the EC before commencing construction beyond TBUA of 17236.69 M². (Annexure A-7, Pg. no. 105-134).
9. Further it is submitted that, this company have issued Architect certificate of percentage of work completed for the said project of PP from time to time under the provisions of Real Estate (Regulation and Development) Act, 2016 and MahaRERA General Regulations 2017 the which are annexed with the present Application. There are major discrepancies in the Architect Certificate about percentage of work completed of the said project of PP. the details of the Architect certificate are as follow:

Date	Particulars	Annexure No. (pg. no.)
19.12.2022	It is stated that 52 % work of the 23 number of slabs of super structure is done and as stated above the PP at the relevant time have obtained the CC to the extent of P+13 floors	A-4 (96-98)
06.04.2023	It is stated that 60 % work of the 23 number of slabs of super structure is done and as stated above the PP at the	A-5 (99-101)

	relevant time have obtained the CC to the extent of P+13 floors.	
05.07.2023	It is stated that 100 % work of the 23 number of slabs of super structure is done and as stated above the PP at the relevant time have obtained the CC to the extent of P+13 floors.	A-6 (102-104)
17.07.2024	It is stated that 100 % work of the 23 number of slabs of super structure is done and as stated above the PP at the relevant time have obtained the CC to the extent of P+13 floors	A-9 (221-223)
30.09.2024	It is stated that 100 % work of the 23 number of slabs of super structure is done which shows that the PP have carried out construction as per Commencement Certificate dated 28.02.2024.	A-11 (232-234)
03.01.2025	It is stated that 78% work of the 23 number of slabs of super structure is done which shows that the PP have carried out construction as per Commencement Certificate dated 28.02.2024 whereas the earlier architect Certificate clearly mentioned that the 23 slabs of super structure are 100 % done.	A-14 (260-262)
31.03.2025	stated that 91% work of the 23 number of slabs of super structure is done which shows that the PP have carried out construction as per Commencement Certificate dated 28.02.2024 whereas the earlier architect Certificate clearly mentioned that the 23 slabs of super structure are 100 % done.	A-16 (265-267)

It is clear from the above chart that the Respondent No.11 has issued the Architect Certificate of percentage is not in accordance with the Commencement Certificate issued at that relevant time. It is important to note here that all the abovementioned certificates have recorded that they are issued after site inspection.

10. Parawise Reply to the IA No.

- A. That the contents of the Para 1 and 2 pertain to address of the address of the communication for the Appellant and the respondents in the Interlocutory Application. Hence, need no reply.
- B. That the contents of the Para 3 & 4 are not true and correct. All the abovementioned Architect Certificates are issued under sign of Mr. Hrishikesh Kulkarni after site inspection, therefore it cannot be said that these Architect Certificates are merely issued on the record provided by the PP- Respondent No.10. If anything stated in the Architect Certificate is false, then necessary action need to be taken against the Respondent no.11.
- C. That the contents of the Para 5 are true and correct. However, in the present case the signatory of the abovementioned Architect Certificates is Director/partner of the EIA consultant i.e. Respondent no.12, who represented the PP before the SEAC-1 in its meeting on 25.07.2024 wherein it is decided to recommend the proposal for EC to SEIAA on the some conditions therefore, the Respondent No.11 can be said to suppressed the fact. It is important to note here that the fact of the excess construction more than 20,000M² is already carried out has been suppressed by the PP in its proposal. As stated above all the Architect Certificates are issued after site inspection, therefore it cannot be said that Respondent no.11 is not having knowledge of the completed construction without prior Environmental Clearance. Further the Para 6 states the architect's role is to ensure the regulatory requirements. The Prior Environmental Clearance is statutory requirement as per the notification S.O. 1533 dated 14.09.2006 issued by the MoEF & CC which mandates prior environmental clearance for the building

construction activities for new projects environmental clearance for the building construction activity for new projects as well as any expansion there under schedule item (8) of the notification having total built up area (total covered area) more than 20000 M².

D. That the contents of the Para 6 are not true and correct. As the Respondent no.11 issued sanctioned layout and Architect Certificate for percentage of the work completed after due site inspection therefore the Respondent No.11 after considering the above facts shows that is involved for intentional violation of EIA Notification-2006 r/w Environment (Protection) Act 1986 along with Water (Prevention and Pollution control) Act, 1971 and Air (Prevention and Pollution Control) Act, 1984 by Respondent No. 10 Project Proponent, therefore action need to taken by this Hon'ble Tribunal against the Respondent No.11.

In view of above facts, which indicates that the Respondent no.111 is also in collusion with the PP suppressed the material facts and mislead the Authorities, therefore, present Interlocutory Application filed by the Respondent no.11 need to rejected.

AND FOR THIS ACT OF KINDNESS THE PETITIONER AS IN DUTY BOUND SHALL EVER PRAY.

Dated :16.04.2026

Place: Delhi

FILED BY



Nitin Lonkar

Advocate for the Appellant

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AFFIDAVIT IN SUPPORT OF REPLY TO IA

I, Mr. Narendra Suresh Gadade Age: 29, Occupation: Social work,
R/o: Shikrapur, Tal. Shirur, Dist. Pune, Maharashtra - 412208, do
hereby solemnly affirm and state on oath as follows:

1. I state that I am the Appellant in the aforesaid matter and I am well aware with the facts and circumstances of the case and in such capacity competent to depose by way of this affidavit.
2. I state that the Reply to the Interlocutory Application have been drafted under my instructions and that the facts stated therein are true to the best of my knowledge and belief.
3. I state that the Annexures to the said Reply are true copies of their respective originals.

[Handwritten Signature]

DEPONENT

VERIFICATION

I, the abovenamed deponent, do hereby state on solemn affirmation that the contents of the above affidavit in paragraph Nos.1 to 3 are true and correct to the best of my knowledge and belief.

Hence, verified at Shikrapur on this on this 16th day of April, 2026

[Handwritten Signature]

DEPONENT



ADV. PRADIP MOHAN TEMGIRE
NOTARY, GOVT. OF INDIA
AT. POST-BURUNJWADI,
TAL. SHIRUR, DIST. PUNE,
(MAHARASHTRA)

NOTED AND REGISTERED
SERIAL NUMBER: 114/2026
DATE: 16/4/2026



BEFORE ME

[Handwritten Signature]
ADV. PRADIP MOHAN TEMGIRE
NOTARY, GOVT. OF INDIA
PUNE DIST.
REG. No. 28713

ANNEXURE R-1

Hrishikesh Kulkarni

GD Arch, MA Environment & Energy, Architectural Association, London,
BREEAM QA



Partner at VK:a architecture



**Diploma in Architecture at the Academy of Architecture,
Mumbai India**



**MA (Masters) in Environment & energy at the Architectural
Association (AA) in London**

Ar. Hrishikesh Kulkarni is a Director (Partner) at VK:a architecture. As a Lead Director for various projects he looks after design, delivery and providing expert technical guidance for making each project special.

Hrishikesh studied Diploma in Architecture at the Academy of Architecture, Mumbai India. Later on did his MA (Masters) in Environment & energy at the Architectural Association (AA) in London 2002-03.

He specialises in performative architecture, energy efficient design, human comfort studies and built environmental simulations. He is a





for Green Building, established in the UK by Building Research Establishment (BRE). The standard covers main building types Office, Retail, education, Healthcare, Industrial, Multi-Residential). He has lectured at the London Metropolitan University in the same subject.

After completing his Master in London, he worked with Stubbs Rich Architects, Bath, UK for 4 years, where he worked on many large-scale projects in UK and Europe. He was later instrumental in forming a collaborative company VKOPEN with OPENArch Ltd, in 2007.

With his unique style he has brought in new methods of working in VK:a. His research oriented approach, collaborative thinking with consultant and client interaction leads in the shaping of any project.

Apart from his professional involvements, Hrishi is passionate about the new trends and techniques being developed worldwide, so to keep himself updated he lectures at Dr. B. N. College of Architecture for M.Arch course in Environmental Architecture and Planning, delivers lectures for Energy Conservative Methods, was invited by Maharashtra Energy Development Agency (MEDA) for training on “BEE Certified Energy Managers / Energy Auditors in Maharashtra State, for presentation on “Energy Conservation Building Codes (ECBC) and Green Building Rating System” and by Confederation of Engineering Institutes, Jalgaon – Maharashtra on the topic “Building Envelope Design & Energy Conservation Building Codes (ECBC).

Engineers & Surveyors Association (A.E.S.A) and Indian Green Building Council (IGBC) With his involvement he advocates better policies at the government level for changes in rules and regulations.

As a Member of CREDAI, he has been instrumental in arranging 'Study Tours' to various countries for bringing in awareness about new Architecture methodologies and materials in the local Developers and Engineers.

Hrishikesh is also the Director (Partner) in VK:e an environmental consultancy Company he has formed with his friends- Ar Poorva Keskar and Ar. Anagha Paranjape Purohit in 2009. Similarly he has also started VK:i interiors a interior designing consultancy in 2010. His passion for research and change in the development planning policies has made him start a NGO – Sustainability Initiatives.

Pune

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ANNEXURE R-2

Ar. Hrishikesh Kulkarni

B.Arch. M.A (Environmental Design)



Diploma in Architecture at the Academy of Architecture, Mumbai India and MA Environment & Energy at the Architectural Association (AA), London.



Partner at VK:e environmental and has a specific focus on Building Physics & Micro-climate Simulations for built environment projects.



Hrishikesh completed his Diploma in Architecture at the Academy of Architecture, Mumbai India and MA Environment & Energy at the Architectural Association (AA), London. He specializes in Performative Architecture, Energy Efficient designs, Human comfort studies and Built Environment simulations. He is a Qualified Assessor of BREEAM, UK (Building Research Establishment Environmental Assessment. He has lectured at the London Metropolitan University, for the post-graduate programme at the BNCA, Pune in this subject. Hrishi has also presented at many seminars and conferences on the subject.

After completing his Master in London, he worked with Stubbs Rich Architects, Bath, UK for 4 years, where he worked on many large-scale projects in UK and Europe. In this role, Hrishi was instrumental in forming the International Environmental Policy for IKEA, the world’s biggest furniture company. He was also involved in performative design simulations for masterplan projects in India. In 2007, Hrishi and David Rhodes formed OPEN Arch Ltd. In UK and worked on energy efficient housing and public buildings.

Hrishi is active member with professional bodies, such as Council of Architecture (CA), Indian Institute of Architects (IIA), Architects, Engineers & Surveyors Association (AESAs) and Indian Green Building Council (IGBC). With his involvement he advocates better policies at the government level for changes in rules and regulations.

ABOUT VK:e

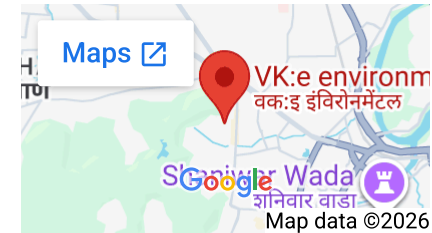
VK:e environmental is a consulting practice that believes in and passionately promotes Sustainability.

We are a group of professionals, assisting other professionals and businesses achieve their first step towards Sustainability. We ensure that Sustainability becomes everyone’s business!

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 environmental.com

LOCATE US




//True Copy//

Professional Conduct - 1989**COUNCIL OF ARCHITECTURE
(Incorporated under the Architects Act, 1972)****ARCHITECTS (PROFESSIONAL CONDUCT) REGULATIONS, 1989 ***

New Delhi, the 11th May, 1989

F.No. CA/1/89.- In exercise of the powers conferred by sub-section (1) read with clause (i) of sub-section (2) of Section 45 of the Architects Act, 1972 (Act No. 20 of 1972), the Council of Architecture, with the approval of the Central Government, hereby makes the following regulations to promote the standard of professional conduct/ self-discipline required of an Architect, namely :-

1. Short Title and Commencement :

1. These regulations may be called with Architects (Professional Conduct) Regulations, 1989.
2. They shall come into force on the date of their publication in the Official Gazette.*

2. ******(1) Every architect, either in practice or employment, subject to the provisions of the Central Civil Services (Conduct) Rules, 1964 or any other similar rules applicable to an Architect, he shall :-

- i. ensure that his professional activities do not conflict with his general responsibility to contribute to the quality of the environment and future welfare of society,
- ii. apply his skill to the creative, responsible and economic development of his country,
- iii. provide professional services of a high standard, to the best of his ability,
- iv. if in private practice, inform his Client of the conditions of engagement and scale of charges and agree that these conditions shall be the basis of the appointment,
- v. not sub-commission to another Architect or Architects the work for which he has been commissioned without prior agreement of his Client,
- vi. not give or take discounts, commissions, gifts or other inducements for the introduction of Clients or of work,
- vii. act with fairness and impartiality when administering a building contract,
- viii. maintain a high standard of integrity,
- ix. promote the advancement of Architecture, standards of Architectural education, research, training and practice,
- x. conduct himself in a manner which is not derogatory to his professional character, nor likely to lessen the confidence of the public in the profession, nor bring Architects into disrepute,
- xi. compete fairly with other Architects,
- xii. observe and uphold the Council's conditions of engagement and scale of charges,
- xiii. not supplant or attempt to supplant another Architect,
- xiv. not prepare designs in competition with other Architects for a Client without payment or for a reduced fee (except in a competition conducted in accordance with the Architectural competition guidelines approved by the Council),
- xv. not attempt to obtain, offer to undertake or accept a commission for which he knows another Architect has been selected or employed until he has evidence that the selection, employment or agreement has been

terminated and he has given the previous Architect written notice that he is so doing :
 provided that in the preliminary stages of works, the Client may consult, in order to select the Architect, as many Architects as he wants, provided he makes payment of charges to each of the Architects so consulted,

- xvi. comply with Council's guidelines for Architectural competitions and inform the Council of his appointment as assessor for an Architectural competition ,
- xvii. when working in other countries, observe the requirements of codes of conduct applicable to the place where he is working ,
- xviii. not have or take as partner in his firm any person who is disqualified for registration by reason of the fact that his name has been removed from the Register under Section 29 or 30 of the Architects Act, 1972 ,
- xix. provide their employees with suitable working environment, compensate them fairly and facilitate their professional development,
- xx. recognize and respect the professional contribution of his employees,
- xxi. provide their associates with suitable working environment, compensate them fairly and facilitate their professional development,
- xxii. recognize and respect the professional contribution of his associates,
- xxiii. recognize and respect the professional contribution of the consultants,
- xxiv. enter into agreement with them defining their scope of work, responsibilities, functions, fees and mode of payment ,
- xxv. shall not advertise his professional services nor shall he allow his name to be included in advertisement or to be used for publicity purposes save the following exceptions :-
 - (a) a notice of change of address may be published on three occasions and correspondents may be informed by post,
 - (b) an Architect may exhibit his name outside his office and on a building, either under construction or completed, for which he is or was an Architect, provided the lettering does not exceed 10 cm. in height ,
 - (c) advertisements including the name and address of an Architect may be published in connection with calling of tenders, staff requirements and similar matters,
 - (d) may allow his name to be associated with illustrations and descriptions of his work in the press or other public media but he shall not give or accept any consideration for such appearances,
 - (e) may allow his name to appear in advertisements inserted in the press by suppliers or manufacturers of materials used in a building he has designed, provided his name is included in an unostentatious manner and he does not accept any consideration for its use,
 - (f) may allow his name to appear in brochure prepared by Clients for the purpose of advertising or promoting projects for which he has been commissioned,
 - (g) may produce or publish brochures, pamphlets describing his experience and capabilities for distribution to those potential Clients whom he can identify by name and position ,
 - ** (h) may allow his name to appear in the classified columns of the trade / professional directory and/or telephone directory/ website.

** (2) In a partnership firm of architects, every partner shall ensure that such partnership firm complies with the provisions of the sub-regulation (1).

(3) Violation of any of the provisions of sub-regulation (1) shall constitute a professional mis-conduct.

K. V. Narayana Iyengar
Registrar

* Published in the Gazette of India [Part III - Section IV] PP 562-564 and 566 - 567 on May 27, 1989.

** Published in the Gazette of India [Part III - Section IV] PP 7108 on 3.05.2003 and PP 7594 on 21.06.2003.

निमित्त लिखक

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