

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

ORIGINAL APPLICATION NO.13 OF 2025

IN THE MATTER OF

Vanashakti & Anr.

..... Applicants

Versus

City and Industrial Development Corporation
of Maharashtra (CIDCO) & Ors.

..... Respondents

**REPLY TO ORIGINAL APPLICATION ON BEHALF OF
RESPONDENT NO. 1 – CITY AND INDUSTRIAL DEVELOPMENT
CORPORATION OF MAHARASHTRA LIMITED (CIDCO):**

I, **Sandeep V. Nichit**, the Chief Lands and Survey Officer, the authorised representative of Respondent No.1, Age- 43. Occupation- Service, Office at Ground Floor, CIDCO Bhavan, CBD Belapur, Navi Mumbai- 400614, after verifying all the records, do hereby state on the solemn affirmation that:

- A. Respondent No. 1 states that it is a company duly incorporated on the 17th day of March 1970, under the Companies Act, 1956. Respondent No. 1 is a Government Company as defined under Section 617 of the Companies Act, with its entire share capital subscribed wholly and exclusively by the State Government and its seven nominees. Further, Respondent No. 1 states that it has been designated as the New Town

Development Authority for Navi Mumbai pursuant to sub-section 3A of Section 113 of the Maharashtra Regional and Town Planning Act, 1966 (hereinafter referred to as the MRTP Act). Thus, by virtue of the foregoing and in accordance with Section 118 of the MR and TP Act, Respondent No.1 is vested with the power and authority to dispose of, by way of lease, land acquired under Section 113A of the MRTP Act and vested in it by the State Government, along with its own lands, for development purposes.

- B. Respondent No. 1 states that the present Application filed by the Applicants is totally false, misconceived and not maintainable in law.
- C. The present Application is nothing but a baseless attempt on the part of the Applicants, and Respondent No. 1 submits that the Applicants are deliberately and maliciously trying to drag Respondent No. 1 into the vexatious litigation. Also, facts put forth by the Applicants in the present Application are misleading. Moreover, the Applicants have not approached this Hon'ble Tribunal with clean hands and therefore do not deserve any equitable consideration from this Hon'ble Tribunal.
- D. **WITHOUT PREJUDICE TO THE AFORESAID, THE PARAWISE REPLY TO THE SAID APPLICATION OF THE APPLICANTS IS AS FOLLOWS-**

At the very outset, it is most respectfully submitted by Respondent No.1 that unless specifically admitted, all the contentions of the Applicants in the present Application may kindly be treated as

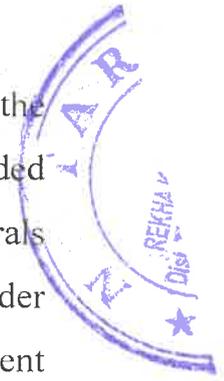
specifically denied by Respondent No.1. The paragraph-wise reply to the Application of the Applicants is as follows:

1. In reply to the contents of paragraphs no. 1 to 5 of the Application, Respondent No.1 states that the contents thereof are a matter of record and hence need no reply. However, any adverse inferences drawn therefrom are denied in their entirety by Respondent No.1.
2. In reply to the allegations raised in paragraphs no. 6 to 8 of the Application, Respondent No.1 states that the allegations thereof are false and do not state the true nature of the facts and hence are denied to their entirety by Respondent No.1.
3. In reply to the allegations raised in paragraphs no. 9 to 12 of the Application, Respondent No.1 states that the allegations thereof are not admitted and are denied in their entirety by Respondent No.1. It is respectfully submitted that, by Government Order No. FLD/1271/220218-W dated 01/07/1972, the Government of Maharashtra transferred a total of 932.130 hectares of land to Respondent No.1 for the purpose of developing the Navi Mumbai Project and its ancillary works. Possession of the said land was handed over to Respondent No.1 by Respondent No.7. Since then, Respondent No.1 has been in continuous possession of the land and has commenced development activities accordingly.

Subsequently, based on the recommendations of the Government of Maharashtra, Respondent No.1; was granted Diversion



Approval for an area of 138.07 hectares out of the aforementioned 932.130 hectares. This approval, which included the renewal of the lease for the extraction of minor minerals (stones), was granted for development and ancillary works under the Navi Mumbai Development Project, as per Government Order dated 05/10/2006. A copy of the said Diversion Approval Order dated 05/10/2006 is annexed hereto and marked as **ANNEXURE- 1.**



Furthermore, a joint survey was conducted on 02/07/2018 by officers of Respondent No.1 and the Forest Department. Following this survey, a detailed map was prepared by the survey officers, identifying the exact areas of stone quarries, stone crushers, and other land usage. This survey map was subsequently submitted by the Chief Land and Survey Officer, Thane (Respondent No.1), to the office of Respondent No.6, Thane Region, under letter No. 2018/22251 dated 03/07/2018. The land use details as per the said map are presented below.

Sr. No.	Use of Land	Area of Land (Ha)
1.	Area under total proposal	258.859
2.	Area Under Crusher	33.448
3.	Area Under Quarry	81.826
4.	Area Under Road	21.73
5.	Total area of 2+3+4	137.004
6.	Area not included in proposal (1-5)	121.855
7.	Encroachment	2.397



Respondent No.1 further submits that, as per the table referred to above, a total of 138.07 hectares of land was allotted for stone quarrying and crusher-related activities. Out of this, 33.448 hectares were specifically allocated for crusher plants and 81.826 hectares were designated for stone quarries. Additionally, an area of 21.73 hectares is used for road infrastructure.

This indicates that a remaining area of 121.855 hectares, situated between the crushers and quarries and 2.397 hectares area of encroachment. Total 124.252 hectares area has not been utilized for any excavation-related activity. In this regard, it is submitted that a joint survey was conducted on 02/07/2018, and pursuant to that, a report was submitted to Respondent No.3 via letter dated 20/05/2025. The report explicitly confirms that the aforementioned 124.252 hectares of land remains unused for excavation purposes.

It is further submitted that the joint survey conducted on 02/07/2018 was carried out in the presence of representatives from the Forest Department, and the measurement records were duly signed by their representatives. This clearly establishes that no illegal or excess quarrying has taken place in the area under the possession of Respondent No.1.

Therefore, the allegations made by the Petitioners regarding illegal or excessive mining are unequivocally denied by Respondent No.1. A copy of the Joint Survey Map dated 02/07/2018 is annexed hereto and marked as ANNEXURE- 2.

4. In reply to the contents of paragraphs no.13 to 20 of the Application, Respondent No.1 states that the contents thereof do not relate to or concern Respondent No. 1 and therefore, Respondent No.1 refrains from replying to the said paragraphs. However, any adverse inferences drawn thereof are vehemently and expressly denied by Respondent No.1 in their entirety.
5. In reply to the allegations raised in paragraphs no. 21 to 23 of the Application, Respondent No.1 states that the allegations thereof are not admitted and are denied in their entirety by Respondent No.1. Furthermore, Respondent No.1 categorically denies the allegations of excess mining. It is submitted that a joint survey was conducted on 02/07/2018, and also a report dated 20/05/2025 was forwarded to Respondent No.3. This report clearly states that a total area of 124.252 hectares has not been used for excavation, thereby establishing that no excess or unauthorized quarrying has taken place within the area under the jurisdiction of Respondent No.1. In furtherance of responsible mining practices, Respondent No.1 has also issued a letter dated 19/06/2025 to the District Mining Officer, Respondent No.3, requesting a detailed reclamation plan. This is to ensure that all mining activities are conducted in an environmentally responsible manner and that the land is suitably restored for beneficial use upon completion of mining operations. As of the date of this response, the report from the District Mining Officer has not yet been received. Upon its receipt, Respondent No.1 will undertake all necessary actions in accordance with the recommendations and requirements outlined therein. A copy of



the Factual Report dated 20/05/2025, submitted to Respondent No.3, is annexed hereto and marked as ANNEXURE- 3.

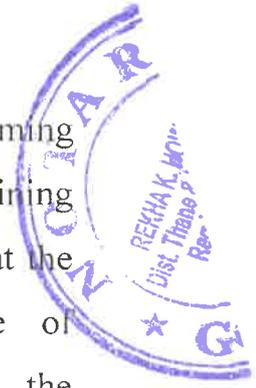
6. In reply to the allegations raised in paragraphs no. 24 to 27 of the Application, Respondent No.1 states that the allegations thereof are not admitted and are denied in their entirety by Respondent No.1. It is submitted that a joint survey was conducted on 02/07/2018 by officers of Respondent No.1 in coordination with officials from the Forest Department. Pursuant to this survey, a detailed map was prepared by the survey officers, indicating the precise demarcation of areas allocated for stone quarries, stone crushers, and other land usage.

This map was subsequently submitted by the Chief Land and Survey Officer, Thane (Respondent No.1), to the office of Respondent No.6 under letter No. 2018/22251 dated 03/07/2018. As per the said map, the land use areas are depicted as above.

Furthermore, Respondent No.1 states that, as reflected in the above table, a total area of 138.07 hectares was allotted for stone quarrying and crusher operations. Out of this, 33.448 hectares were specifically allotted for crusher plants and 81.826 hectares for stone quarries. Additionally, 21.73 hectares of land have been impacted by the construction of roads. This implies that an area of 124.252 hectares, located between the crushers and quarries, remains unused and has not been subjected to any excavation activity. In this regard, it is submitted that a joint survey was conducted on 02/07/2018, and a report was forwarded to



Respondent No.3 under a letter dated 20/05/2025, confirming that the 124.252 hectares of land have not been used for mining or excavation purposes. It is also pertinent to mention that the said joint survey was conducted in the presence of representatives from the Forest Department, and the measurements recorded during the survey were duly signed by those representatives. This clearly establishes that no excess or illegal quarrying has been carried out on the land under the control of Respondent No.1. Accordingly, the allegations raised by the Petitioners regarding excess mining are strongly denied in their entirety by Respondent No.1.



7. In reply to the allegations raised in paragraphs no. 28 to 31 of the Application, Respondent No.1 states that the allegations thereof are not admitted and are denied in their entirety by Respondent No.1. Respondent No.1 submits that the allegations regarding excess mining are categorically denied. It is respectfully stated that a joint survey was conducted on 02/07/2018, and pursuant to this, a report was forwarded to Respondent No.3 under a letter dated 20/05/2025. The report confirms that a total area of 124.252 hectares has not been used for excavation, thereby establishing that no excess or illegal quarrying has been carried out on the land under the jurisdiction of Respondent No.1. It is further submitted that the detailed plan/report from the District Mining Officer, Respondent No.3, has not yet been received. Upon receipt of the said plan, Respondent No.1 shall take all necessary and appropriate steps in accordance with the

applicable legal and environmental guidelines. A copy of the letter issued by Respondent No.1 to Respondent No.3 is annexed hereto and marked as ANNEXURE- 4.

8. In reply to the prayers in paragraph no. 32 of the Application, Respondent No.1 respectfully submitted that the present Application is misconceived and the Applicant is not entitled to any relief claimed. Therefore, Respondent No.1 prays that the present Application be dismissed with costs against Respondent No.1

Handwritten signature in blue ink

Advocate for Respondent No. 1

For, J S WAD F CO.

Respondent No. 1

Handwritten signature in blue ink
Chief Land & Survey Officer
CIDCO Ltd., CIDCO Bhavan,
CBD-Belapur, Navi Mumbai-400614.

VERIFICATION

I, **Sandeep V. Nichit**, the Chief Lands and Survey Officer, the authorised representative of Respondent No.1, Age- 43 Years, Occupation- Service, Office at Ground Floor, CIDCO Bhavan, CBD Belapur, Navi Mumbai-400614, after verifying all the records, do hereby state on the solemn affirmation that whatever is stated hereinabove is true and correct to the best of my knowledge and information.

Affirmed and signed on this _____ Day of July, 2025.

Advocate for Respondent No. 1
Mr. J. S. WADHAWAN & CO.

Respondent No. 1

Chief Land & Survey Officer
CIDCO Ltd., CIDCO Bhavan,
CBD-Belapur, Navi Mumbai-400614.



BEFORE ME

REKHA KISHOR HOWALE
ADVOCATE & NOTARY
GOVT. OF INDIA

Serial No... 5330/25
Page No... 044

10 JUL 2025

Paryavaran Bhawan,
CGO Complex, Lodhi Road,
New Delhi - 110003
Date: 05.10.2006

To

The Secretary (Forests)
Government of Maharashtra
Mumbai.

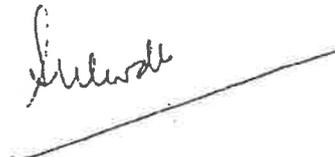
Sub: Diversion of 138.07 ha. of forest land for renewal of lease for extraction of minor mineral (stones) in favour of M/s CIDCO in Navi Mumbai in Thane district, Maharashtra.

Sir,

I am directed to refer to your No. FLD.1203/CR.165/F.10 dated 28.07.2006 whereunder the above proposal was forwarded to this office seeking prior approval of the Central Government in accordance with the Section-2 of the Forest (Conservation) Act, 1980, and to say that the above proposal was examined by the Forest Advisory Committee constituted under Section-3 of the Forest (Conservation) Act, 1980.

After careful consideration of the proposal of the State Government and on the basis of the recommendation of the above mentioned Advisory Committee, the Central Government granted in-principle approval vide letter of even number dated 19.09.2006 subject to certain conditions. The compliance of these conditions was submitted by the State Government vide letter No. FLD-1206/CR-165/F-10 dated 29.09.2006. After consideration of the proposal and compliance of various conditions by the State Government, the Central Government hereby conveys its approval under Section-2 of the Forest (Conservation) Act, 1980 for diversion of 138.07 ha. of forest land for renewal of lease for extraction of minor mineral (stones) in favour of M/s CIDCO in Navi Mumbai in Thane district, Maharashtra for 20 years subject to fulfilment of following conditions: -

1. Legal status of the forest land shall remain unchanged.
2. No labour camps shall be established on the forest land.
3. The Reclamation plan as approved by District Mining Officer shall be implemented at the cost of User Agency.
4. Other standard conditions as applicable to open cast mining shall be applicable in instant case also.
5. The forest land shall not be used for any purpose other than that specified in the proposal.



6. Any other condition that the CCF (Central), Regional Office, Bhopal, may impose from time to time for protection and improvement of flora and fauna in the forest area, shall also be applicable.

Yours faithfully,

(S.K.Chadha)
Assistant Inspector General (FC)
Telefax: 24360627

Copy to:

1. The Principal Chief Conservator of Forests, Government of Maharashtra, Nagpur
2. Nodal Officer, Forest Department, Government of Maharashtra, Nagpur
3. The CCF (Central), Regional Office, Bhopal
4. User Agency
5. RO (HQ)/Monitoring Cell, MoEF, New Delhi
6. Guard file

(S.K.Chadha) 5/1/06
Assistant Inspector General of Forests

क्र. सिडको/भूमापन/सभुअ/दगडखाण/२०२५/E-396827

दिनांक:- २०/०५/२०२५

प्रति,

मा. जिल्हाधिकारी ठाणे.
जिल्हाधिकारी कार्यालय (रेतीगट शाखा),
४था मजला, ठाणे - ४००६०१.

विषय :- मा. हरित न्यायाधिकरण, पुणे यांचेकडील दाखल दावा क्र. १३/२०२५ (WZ).

संदर्भ :- मा. जिल्हाधिकारी ठाणे यांच्या कडील पत्र क्र. रेतीगट/गौ.ख/टे-२/ह.न्या.पुणे/कावि-०५/२०२५ दि. २१/०४/२०२५.

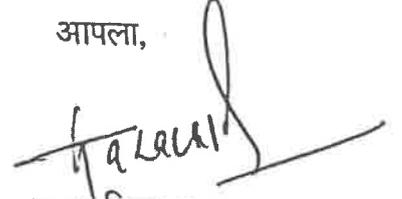
महोदय,

मौजे शिरवणे, कुकशेत, बोनसरी, तुर्भे, पावणे व शहाबाज ता. जि. ठाणे येथील जमिनीमध्ये करण्यात आलेल्या उत्खननाबाबत अनुषंगाने मा. राष्ट्रीय हरित न्यायाधिकरण, पुणे यांचे समोर दाखल दावा क्र. - १३/२०२५ (WZ) मध्ये मा. न्यायाधिकरणाने दि. २९/०१/२०२५ रोजी पारीत केलेल्या आदेशाच्या अनुषंगाने आपले संदर्भातील पत्रानुसार प्रकरणाची सद्यस्थिती खाणपट्टा व इतर बाबत अभिप्राय अपेक्षिलेले आहे. प्रस्तुत प्रकरणी खालील प्रमाणे वस्तुस्थिती सादर करण्यात येत आहे.

- १) सदर क्षेत्राची संयुक्त मोजणी दि. ०२/०७/२०१८ रोजी करण्यात आली असून, सदर मोजणी नकाशा मुख्य भूमि व भूमापन अधिकारी (ठाणे), सिडको यांचेकडून पत्र क्र. सिडको/भूमि/साटयो/२०१८/२२२५१ दि. ०३/०७/२०१८ अन्वये उपसंरक्षक ठाणे कार्यालयास सादर केलेला आहे. सदर मोजणी नकाशावर दर्शविलेनुसार अतिक्रमण क्षेत्र २.३९७ हे.आर. व दगडखाण व क्रशर यांच्या दरम्यानचे क्षेत्र १२१.८५५ हे.आर. असे एकूण १२४.२५२ हे.आर क्षेत्राचा प्रत्यक्षात उत्खननासाठी वापर झाला नसल्याचे दिसून येते.
- २) दगडखाणीसाठी वाटप केल्या १३८.०७ हे.आर. क्षेत्रापैकी ३३.४४ हे.आर. हे क्रशर प्लांटसाठी, ८१.९२ हे.आर. क्षेत्र दगडखाणीसाठी तर २१.७१ हे.आर. क्षेत्र रस्त्याने बाधीत आहे, म्हणजेच अतिरिक्त वापरण्यात आलेले १२४.२५२ हे.आर क्षेत्र हे क्रशर व दगडखाण यांचे दरम्यानचे क्षेत्र आहे.
- ३) सदर क्षेत्रावर मंजूर करण्यात आलेल्या सर्व ९४ दगडखाणी सद्यस्थितीत बंद आहेत. आपल्या पत्रासोबत जोडपत्र क्र. ४ वर सिडको व वन विभागाचे अधिकारी व कर्मचारी यांच्या संयुक्त सही असलेल्या नकाशात खाणधारकांची माहिती व उत्खनन केलेले क्षेत्र नमूद केलेले आहे.

- ४) सध्दस्थितीत दगडखाण व क्रशर बंद असल्याकारणाने ३६ दगडखाण धारकांनी या दगडखाणीच्या ठिकाणी RMC प्लांट उभारण्यास परवानगी दयावी अशी सिडकोकडे मागणी केलेली आहे. सदर RMC प्लांट उभारणीकरिता महाराष्ट्र प्रदूषण नियंत्रण मंडळ (MPCB) मार्गदर्शक तत्वांवर आधारित शासनाचे सर्व नियम आणि अटीची पूर्तता करण्यास तयार असल्याचे नमूद केले आहे. प्रदूषण मंडळाची नाहरकत मिळविण्यासाठी जमीन मालक म्हणून सिडकोची प्रवेश अनुमती आवश्यक आहे. परंतु मा. राष्ट्रीय हरित लवादाने याचिका क्र. ०८/२०१७ मध्ये दिलेले निर्देश विचारात घेवून प्रदूषण मंडळाचा दाखला (EC) आवश्यक असल्याने सिडकोकडून RMC प्लांट करिता प्रवेश अनुमती देण्यात आलेली नाही.

आपला,



उप सचिव तथा

मुख्य भूमि व भूमापन अधिकारी (रा/ठा)



012

Translation

No. CIDCO/City Survey/SBA/Stone mine/2025/E-396827

Date 20/05/2025

To,
Hon'ble Collector Thane,
Collector office (sand group branch)
4th floor, Thane – 400601

Sub:- Case No 13/2025 (wz) filed before Hon'ble Green Tribunal Pune

Ref- Letter No Sand group/G.Kh.(rare minerals) Table-2/Green Tribunal Pune/Kavi-
05/2025 date 21/04/2025

Sir,

Case filed with respect to excavation done on the land of village Shirvane, Kukshet, Bonsari, Turbhe, Pavne and Shahbaj Taluka Thane before Hon'ble National Green Tribunal, Pune bearing Case No. 13/2025 (WZ), Hon'ble Tribunal passed the order on 29/1/2025 and in accordance to the same as per reference letter what is the current status of the matter with respect to mining belt and other your opinion is expected. In the present matter the facts are as under-

- 1) Joint demarcation of the said area had been done on 02/07/2018, as per said demarcation plan vide letter No CIDCO/Land/STY/2018/22251 dtd 03/07/2018 of Chief land and City Survey officer (Thane) CIDCO to deputy Inspector Thane office. As shown on the demarcation plan the encroachment area 2.397 H R and area between Stone Mine and Crusher is 121.855 H R total area 124.252 H R area has not been actually used for excavation.
- 2) 138.07 H R area distributed for stone mining out of which area 33.44 H R is used for crusher plant, 81.92 H R area for Stone mining and 21.71 H R area is affected by road, hence additional area used admeasuring 124.252 H R is the area between Crusher and Stone Mine.
- 3) 94 stone mines are currently closed which are sanctioned for the said area. Along with your letter list of mine holder's information and excavation done by them is at the annexure No. 4 and same is signed by CIDCO and Forest officer and staff.

- 4) At present all the stone crushers are stone mines are closed hence 36 stone mine holders had submitted their request to CIDCO to erect the RMC plant at the place of stone mine. In order to erect the RMC Plant Maharashtra Pollution Control Board (MPCB) on the basis on guide line they are ready to follow all the government's rules and regulations. In order to secure the NOC of Pollution board it is necessary to have the permission of CIDCO being land owners. But by taking into consideration order passed in the matter bearing No 8/2017 it is necessary to have the NOC of Pollution board and hence permission is not given by CIDCO for RMC Plant.

Your,

Deputy Secretary and
Chief land and city Survey officer (R/TH)

Annexure - 4

351

सिडको/मु.भू.व भू.अ./भूमापन/२०२५/५१५०३३

दिनांक: १९/०६/२०२५

प्रति,

जिल्हा खनिकर्म अधिकारी,
जिल्हाधिकारी कार्यालय,
ठाणे ४०० ६०१.

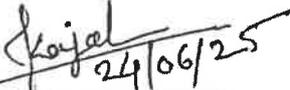
विषय :- मौजे पावणे, स.नं.१६३, तुर्भे, स.नं.३८७, शिरवणे, स.नं.३२३, बोनसरी, स.नं.२०३ व कुकशेत, स.नं.१८३, ता.जि.ठाणे येथील दगडखार्णीच्या जमिनीवरील Reclamation Plan चे आराखडे मिळणेबाबत.

- संदर्भ :- १) पर्यावरण व वने विभाग (केंद्रशासन) यांचे दिनांक ०५/१०/२००६ रोजीचे मंजूरीपत्र.
२) मा.राष्ट्रीय हरित न्यायाधिकरण, पुणे यांचे न्यायालयात दाखल दावा क्र.१३/२०२५

महोदय,

उपरोक्त नमुद विषयाच्या अनुषंगाने कळविण्यात येते की, मा.राष्ट्रीय हरित न्यायाधिकरण, पुणे यांचेकडे सिडको व इतर यांचे विरुद्ध वनशक्ती व इतर यांनी दावा क्र.१३/२०२५ दाखल केला आहे.

सदर जमिनीची मालकी सिडकोकडे असल्याने याबाबत न्यायालयात प्रतिज्ञापत्र सादर करावयाचे आहे. वर नमुद संदर्भ क्र.१ चे पत्रातील अट क्र.३ नुसार (प्रत जोडली आहे) आपल्या विभागाने उपरोक्त ठिकाणी दगडखार्णीच्या जमिनीवर मंजूर केलेले Reclamation Plan चे आराखडे या कार्यालयास पुरवावेत जेणेकरून पुढील कार्यवाही करणे शक्य होईल.


24/06/25
आदक महसुल सहायक
जिल्हाधिकारी कार्यालय, ठाणे

o/c 
अपर जिल्हाधिकारी तथा
मुख्य भूमी व भूमापन अधिकारी


342

Translation

CIDCO/M.B.H.U.V. and Bhumapan/2025/414039

Date 19/6/2025

To,
District Mining Officer,
Collector Office,
Thane 400 601.

Subject: Regarding obtaining Reclamation Plan layouts for the stone quarry lands at village Pawane, S.No. 163, Tumbhe, S.No. 387, Shiravane, S.No. 323, Bonsari, S.No. 203, and Kukshet, S.No. 183, Taluka & District Thane.

Reference:- 1) Approval letter from the Ministry of Environment and Forests (Central Government) dated 05/10/2006.
2) Application No. 13/2025 filed in the Hon'ble National Green Tribunal, Pune.

Sir,

With reference to the above-mentioned subject, it is to inform you that Vanashakti and others have filed application No. 13/2025 against CIDCO and others before the Hon'ble National Green Tribunal, Pune.

As the ownership of the said land lies with CIDCO, an affidavit needs to be submitted in the court regarding this matter.

As per condition no. 3 of the letter mentioned in reference no. 1 above (copy enclosed), your department is requested to provide the approved Reclamation Plan layouts for the stone quarry lands at the aforementioned locations to this office, so that further action can be taken.

Sd/- 24/06/25
Inward Revenue Assistant
Collector Office, Thane

Additional Collector and
Chief Land and Survey
Officer