

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

ORIGINAL APPLICATION NO. 05/2025 (WZ)

IN THE MATTER OF:

THE GRAMPANCHAYAT, SHEDASHI AND ORS.

...APPLICANTS

VERSUS

KILITCH DRUGS (INDIA) LTD. AND ORS.

...RESPONDENTS

REPLY ON BEHALF OF THE RESPONDENT NO. 1

This reply on behalf of the Respondent No. 1 begs to state most respectfully as under:

- 1) The Respondent No. 1 says and submits that the Respondent No. 1 is a public limited company duly incorporated under the provisions of the Companies Act, 1956 and continues to be in force under the provisions of Companies Act, 2013. Ms. Pushpa Nyoupane is the Company Secretary associated with the Respondent No. 1. She has been authorized to represent the Respondent No. 1. She is aware about the facts and circumstances regarding the subject matter of the present proceeding. The copy of board resolution is annexed herewith and marked as "Annexure R1".

- 2) The Respondent No. 1 says and submits that the present application filed by the Applicants is not legal, not valid and not tenable in the eyes of law and thereby liable to be rejected and dismissed in toto. It is further submitted that the present application has been filed on the basis of concocted, vague, false and frivolous averments and allegations and thus it deserves to be rejected in toto.
- 3) The Respondent No. 1 says and submits that on careful perusal of the averments of the Application, it becomes apparent that the Applicants have suppressed multiple crucial and material facts from this Hon'ble Tribunal and have in fact presented a twisted and distorted version of alleged facts before this Hon'ble Tribunal and on this ground as well the present Application deserves to be rejected *in limine*.
- 4) The Respondent No. 1 says and submits that the Applicants have also twisted legal provisions to suit their alleged version of concocted story and thus, on this ground also the present Application deserves to be rejected.
- 5) The Respondent No. 1 says and submits that the Applicants' entire Application is surrounded around a purported allegation that allegedly the Respondent No. 1 has constructed a compound wall around its industrial unit within the blue flood lines of Balganga river. However, it is imperative to underscore that the Balganga river (*odha*) is a tributary stream of Patalganga river and is a non-perennial stream and the flood



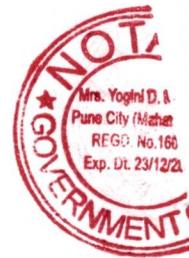


lines for Balganga river have not been demarcated yet. This fact is clearly established through multiple documents on record, particularly the Report dated 12/11/2021 issued by the Assistant Engineer, Grade I, Irrigation Department, which has been filed by the Applicants themselves as Annexure A-5 [hereinafter, referred to as "**Report dated 12/11/2021**"]. Despite this, the Applicants have deliberately suppressed this crucial fact in their pleadings and have attempted to create a misleading impression before this Hon'ble Tribunal that the flood lines have already been demarcated and approved. By doing so, Applicants have wrongfully portrayed Respondent No. 1 as having carried out construction within the said blue flood lines, when in reality, no such officially recognized flood lines exist. The said conduct of the Applicants speak volumes of their deliberate attempt to mislead this Hon'ble Tribunal with inaccurate and incomplete information.

- 6) The Respondent No. 1 says and submits that upon perusal of the Application it can be seen that the Applicants have raised alleged dispute about the access road and easementary right. The Applicants will have to establish through cogent evidence about the easementary rights before the Competent Court. Thus, Hon'ble Tribunal does not have jurisdiction to decide / adjudicate upon the said aspect. On this ground as well, the Application deserves to be dismissed.
- 7) The Respondent No. 1 says and submits that the Applicants have alleged that there is violation of Rule 3.1.3 of the Unified Development and Control and Promotion Regulations, 2020

[hereinafter, referred to as "UDCPR"]. However, to decide any alleged violation of the UDCPR, the appropriate grievance / complaint shall be raised with the competent authority pertaining thereto and this Hon'ble Tribunal does not have jurisdiction for the same.

- 8) The Respondent No. 1 says and submits that upon coming from the highway and crossing the bridge there are two roads, one on the left side and other on the right side. Both the said roads pass through the land of Respondent No. 1. The road on the left side is tar road and goes towards Maldev and Khadki Village. On the right side, there is a road which is also used for going toward Khadki village. Relating to the road going towards Maldev and further to Khadki, it is the government authorities who have laid tar thereon. The said information has been suppressed by the Applicants. On this ground as well, the Application deserves to be dismissed.
- 9) The Respondent No. 1 says and submits that without prejudice to the rights and contentions of the Respondent No. 1 and without admitting any portion of the Application, even otherwise, the fact that the Applicants who are the local residents as well as the local government body have not been able to point out any specific incident of any accident / threat / risk to the villagers using the access road itself shows that the allegations made by the Applicants are nothing but a figment of their imagination and such vague allegations cannot in any manner be said to be true and correct and on this ground as well, the Application deserves to be dismissed.



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- 10) The Respondent No. 1 says and submits that the vague allegations, without any specific details made by the Applicants are motivated and an arm twisting mechanism. On this ground as well, the Application deserves to be dismissed.
- 11) The Respondent No. 1 says and submits that at the outset, the Respondent No. 1 specifically denies all the averments, allegations and contents of the application filed by the Applicant and the annexures attached, and nothing contained therein shall be deemed to be admitted by Respondent No. 1, for want of traverse, unless admitted in writing hereinafter.
- 12) The Respondent No. 1 says and submits that without prejudice to the aforesaid, the true and correct facts pertaining to the present proceeding are as follows.
- 13) The Respondent No. 1 says and submits that the Respondent No. 1 is a pharmaceutical manufacturing company, engaged in the activities ranging from manufacturing to marketing a host of formulations in all dosage forms with more than 3 decades of successful pharmaceuticals solutions. It works with a vision to improve quality of life through simple and innovative products.
- 14) The Respondent No. 1 says and submits that the Respondent No. 1 owns all the piece and parcel of land bearing Survey No. 24/1 to 24/46, 24/48 to 24/56, 24/58 to 24/71 totally admeasuring 5 H 86 Ares in Village Maldev, Taluka Pen,

District Raigad [hereinafter, referred to as the “**said Entire Land**”]. Certain parts of the said Entire Land, are adjacent to Balganga River. The Respondent No. 1, with an intent to establish its manufacturing unit on the Entire Land, has diligently undertaken all necessary steps to ensure complete regulatory compliance. It has secured all the requisite permissions, clearances, and approvals from the relevant Government Authorities, such as MPCB NOC, Fire NOC, construction approvals, etc. Furthermore, the Respondent No. 1 has meticulously adhered to all prescribed guidelines and conditions laid out by these authorities during the construction process. The construction of the manufacturing unit has been carried out in full conformity with these approvals, ensuring that all legal, safety, and structural requirements have been met.

- 15) The Respondent No. 1 says and submits that the Respondent No. 1 has *inter alia* obtained NOC dated 18/01/2022 from Irrigation Department, Permission dated 27/12/2022 from Forest Department to fell 60 trees as stated therein, etc. Initially *vide* Non Agricultural Order dated 15/12/2022, the Respondent No. 1 had obtained the permission from the office of Collector, Raigad District to establish the said unit at the said Entire Land. Thereafter, on an application made by the Respondent No. 1, the Collector has also issued approval dated 23/12/2024 by sanctioning revised plans of the said unit [“hereinafter, referred to as “**Revised NA Order**”]. The Applicants have suppressed the fact that the Respondent No. 1 has received Revised NA Order, from this Hon’ble Tribunal.



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- 16) The Respondent No. 1 says and submits that the Respondent No. 1 with an intent to establish its unit on the said Entire Land have commenced the work as per the approved plans and permissions. The establishment of this unit is expected to contribute significantly to the local economy by generating employment opportunities. The said unit once functional, will provide an employment opportunity for approximately 400 nos. of people residing in the vicinity of the said unit, will help to grow small entrepreneur surrounding to the village and nearby areas, thereby fostering economic growth and enhancing livelihoods in the region. The said unit also falls under the category of green project.
- 17) The Respondent No. 1 says and submits that the Applicants' have alleged that the Respondent No. 1 has illegally constructed a compound wall around its unit within the blue flood lines of the Balganga river contrary to the UDCPR, and the NOCs and permissions granted to it by various Government Authorities. However, the said allegation of the Applicants is completely false, frivolous, and concocted. As mentioned above, the flood lines for the Balganga River have not yet been demarcated. This fact is well-documented through multiple records, particularly the Report dated 12/11/2021. However, despite being aware of this, the Applicants have intentionally withheld this crucial information in their pleadings and have attempted to create a false impression before this Hon'ble Tribunal that the flood lines have already been demarcated and approved.

- 18) The Respondent No. 1 says and submits that there is a bridge across Balganga river, which river is situated adjacent to the said Entire Land. The said bridge on Right side of the river connects to the National Highway No. 166 D and on left it opens to the said Entire Land and joins the road connecting the other occupants in the vicinity. In the said Report dated 12/11/2021, it has also been recorded that the height of the said bridge is 6.50 Meters. Furthermore, it is also recorded that, as per the statements of villagers – (i) Mr. Devji Babu Sawant and (ii) Mr. Keshav Janu Sawant, during the last 20 years, the said bridge has never been submerged in the event of flood. Moreover, as per the inquiries conducted by the representatives of the Respondent No. 1 with the local residents in the vicinity, it has come to the knowledge of the Respondent No. 1, that even during heavy rains, the water has never flown over the said bridge and has always been far below the bridge level. The position of the said bridge, its height, its distance from the said unit, etc. can be properly assessed from the photographs annexed herewith and marked as **Annexure R- 2**.
- 19) The Respondent No. 1 says and submits that on collective perusal of the aforesaid, it can be clearly seen that the topography of the area is such that the said bridge and the compound wall, significantly elevated above the Balganga river flowing beneath. Moreover, as documented in the Report dated 12/11/2021, the bridge has remained unaffected by rising water levels over the past two decades, even during periods of flooding. Also, it is not the contention of the Applicants that during the flooding events, the water has flown over the bridge.





This historical evidence further confirms the fact that, even under flood conditions, the river water does not have the capacity to reach the level of the compound wall or the access road. The said aspect pertaining to topography and elevation which plays a crucial role in determining various aspects of the present proceeding has been deliberately suppressed by the Applicants from this Hon'ble Tribunal. The Applicants are aware that all the said aspects can be seen through naked eyes as well. Furthermore, the Respondent No. 1 is also not in violation of Rule 3.1.3 of the UDCPR.

- 20) The Respondent No. 1 says and submits that the Applicants have further alleged that the Respondent No. 1 has sought to widen the access road by creating an illegal, kutcha road by dumping debris and material on the riverbed of Balganga river which frequently gets inundated, poses risk to villagers of Khadki hamlet who make use of the road and obstructing the natural flow of Balganga river. However, the said contention of the Applicants is completely false, frivolous, vague and far from reality. The Respondent No. 1 has not sought to widen the access road by creating an illegal, kutcha road by dumping debris and material on the riverbed of Balganga river. The Applicants have portrayed a completely wrong picture before this Hon'ble Tribunal. Furthermore, upon perusal of the Application, it is evident that the Applicants have taken inconsistent stands. From the same it can be observed that the Applicants have made vague pleadings and are trying to somehow fit the case to attract the jurisdiction of this Hon'ble Tribunal. The Respondent No. 1 has not reduced any portion of

the access road to Maldev hamlet and Khadki hamlet, nor has it reclaimed any part of river bed of Balganga river.

- 21) The Respondent No. 1 says and submits that Respondent No. 1 has not disturbed the said Access Road in any manner. Neither it has illegally claimed any part of the said Access Road, nor has it sought to widen the said Access Road by illegally dumping debris in the riverbed of Balganga river.
- 22) The Respondent No. 1 says and submits that the said Access Road is situated outside the Compound Wall. Without prejudice to any of the rights and contentions of the Respondent No. 1 and without admitting purported contentions of the Applicants, even if it is assumed merely for the sake of arguments that the Compound Wall is situated within the blue flood lines, then applying the same logic, even the said Access Road is situated within the blue flood lines and not in the riverbed as falsely alleged by the Applicants. The Respondent No. 1 further submits that as per Rule 3.1.3 of the UDCPR, between river bank and blue flood line of the river, the activities such as parking (which implicitly mean road), open vegetable market, garden, lawns, open space, cremation and burial ground, sewage treatment plant, water/gas/drainage pipe lines, public toilet or like uses are permissible activities, provided that they are permitted at plinth height at 0.45 Mtrs. above the red flood line level. If the said provision is applied, in the case in hand, the construction of road should be treated to be of public utility because the same would be used not only by the Respondent No. 1 but also by the local



residents/villagers in the vicinity. It is imperative to underscore that while making the allegations pertaining to the said Access Road, the Applicants have malafidely suppressed the said fact that it is situated outside the Compound Wall.



- 23) The Respondent No. 1 says and submits that on receipt of the alleged complaint letter dated 15/03/2024 (Annexure A-16) submitted by Applicant No. 1 to the Collector, the office of Collector issued notices to the Deputy Conservator of Forests, Tehsildar Pen, Town Planning Department, Irrigation Department, etc. and called upon them to submit their reports pertaining to the alleged violations of Respondent No. 1 complained of and stated in the said notice, and to appear for the hearing scheduled on 03/07/2024. In its application, the Applicants have referred to the alleged report dated 25/06/2024 issued by Irrigation Department, report dated 26/06/2024 issued by Town Planning Department and alleged report dated 01/07/2024 of Tehsildar and have in fact misquoted all the said reports. However, the Applicants have malafidely stayed mum about the proceedings of hearing dated 03/07/2024. Furthermore, the Revised NA order was issued by Office of Collector, Raigad.
- 24) The Respondent No. 1 says and submits that with respect to the allegation pertaining to alleged illegal felling of trees it is humbly submitted that, the Respondent No. 1 has duly obtained permission from the Forest Department to cut 60 trees. However, till date it has cut only 44 trees. Moreover, the Respondent No. 1 has decided to plant double the number of

trees cut by it once the construction of the said unit is completed and the Respondent No. 1 is in the process of making landscaping and plantation plans regarding the same. The Applicants have not produced on record the alleged allegation / complaint dated 07/06/2024 allegedly made by the Range Forest Officer.



- 25) The Respondent No. 1 says and submits that the paragraph wise reply to the Application filed by the Applicants is as follows:
- 26) The Respondent No. 1 says and submits that the contents of the paragraph No. 1 to 3 of the Application that are denied by the Respondent No. 1.
- 27) The Respondent No. 1 says and submits that the contents of the paragraph No. 4 of the Application that, *“The Applicant No. 1 is the Gram Panchayat of Village Shedashi. in the Pen Tehsil of Raigad District in Maharashtra, through its Sarpanch. Shedashi village comprises 8 (018) of seven smaller hamlets such as Maldev, Khadki, Mainee, Taldev, Dhen, Fansivad; and Shedashiwadi. The Applicant No. 1 Gram Panchayat is the lawfully constituted Gram Panchayat as per the provisions of the Maharashtra Village Panchayats Act, 1959. A copy of the resolution empowering the Gram Panchayat of Shedashi village authorizing the Sarpanch to file the present Application has been annexed hereto and marked as Annexure A-1. The Applicant No. 2 and Applicant No. 3 are villagers residing in the hamlet of Khadki in Shedashi Village. The Applicant No. 4*

is villager residing in the Fansivadi hamlet” are not true, not correct and hence denied by the Respondent No. 1. The Applicants shall be put to strict proof with regards to the same.

- 28) The Respondent No. 1 says and submits that the contents of the paragraph No. 5 of the Application that, *“The Respondent No. 1 is a pharmaceutical company that has started construction of its industrial plant on the land bearing survey nos. 24/1 to 24/46, 24/48 to 24/56, 24/58 to 24/71 admeasuring a total area of 5.86 Ha in Shedashi village, Raigad. The construction work of the Respondent No.1 partially falls within the prohibitive zone, within two blue flood lines of the Balganga river. The Respondent No. 1 has also illegally reclaimed some portion of the riverbed of the Balanga river by illegally dumping debris on the riverbed to construct an access road. The Respondent No. 2 is the Circle Officer, Karmali. The Respondent No. 3 is the Tehsildar, Pen. The Respondent No. 4 is the Collector, Raigad District. The Respondent No. 5 is the Assistant Engineer, Grade-1, Hetvane Canal The Respondent No 6 is the Executive Engineer, Irrigation Department, Raigad. The Respondent No. 7 is the Executive Engineer (Construction) Raigad Zilla Parishad. The Respondent No. 8 is the Assistant Town and Country Planning Department, Raigad, Alibaug. The Respondent No. 9 is the Deputy Conservator of Forest, Alibaug. The Respondent No. 10 is the Environment Department, Government of Maharashtra. Each of the Respondent Authorities bearing arraigned as Respondent 2-9 in the present Application were responsible for issuing conditional clearances/permissions No Objection Certificates*

("NoCs) subject to which the construction activities of the Respondent No. 1 had commenced on the land bearing survey nos 24/1 to 24/46, 24/48 to 24/56, 24/58 to 24/71 admeasuring a total area of 5.86 Ha in Shedashi village, Raigad" are not true, not correct and hence denied by the Respondent No. 1.



- 29) The Respondent No. 1 says and submits that the contents of the paragraph No. 6 of the Application that, “ *Aggrieved by the illegal actions of the Respondent in 1 pertaining to the manner in which it has illegally constructed a compound wall around its industrial, unit in a manner contrary to the provisions of the Unified Development and Control and Promotion Regulations, 2020 ("UDCPR") and the NoCs and permissions granted to it by the Respondent Authorities, as well. due to the illegal reclamation of the Balganga river bed in order to widen the access road to compensate for the portion of access road usurped by the Respondent No. 1 the Applicants have been constrained to approach this Hon'ble Tribunal with prayers to restore and restitute the natural flow of the Batganga river in Shedashi village. It is submitted that that the Respondent No. 1 has not left the requisite space for the villagers to use the existing access road in the area partially passing through the site of its proposed industrial unit, contrary to the conditions of the various NoCs issued to it, but had instead sought to widen the access road by creating an illegal, kutchra road along the existing road by dumping debris and material on the riverbed of the Balganga river which frequently gets inundated, poses a risk to villagers of the Khadki hamlet who make use of the road and further is obstructing the natural flow of the Balganaga*

river” are not true, not correct and hence denied by the Respondent No. 1.

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- 30) The Respondent No. 1 says and submits that the contents of the paragraph No. 7 of the Application that, “*The Shedashi village located in Pen Taluka, Raigad District comprises of seven smaller hamlets named Maldev, Khadki, Maince, Taldev, Dhen, Fansivadi and Shedashiwadi. Amongst these hamlets, the Khadki hamlet has a population almost entirely made of adivasis of agriculturalists and farmers who are members of Scheduled Tribes. It is submitted that the villagers of the Khadki hamlet, who are represented by the Applicant Panchayat, require access to and through the Maldev hamlet, but are presently being precluded from doing so as the Respondent No.1 has reduced the accessible portion of the existing road between the two hamlets and has instead illegally reclaimed a part of the river bed of the Balganga river to construct an unviable, dangerous and illegal road as an alternate path to the road illegally obstructed by it*” are not true, not correct and hence denied by the Respondent No. 1. The Applicants shall be put to strict proof with regards the same.

- 31) The Respondent No. 1 says and submits that the contents of the paragraph No. 8 of the Application that, “*Flood lines are lines reflected in the sanctioned development plan of cities or Regional Plans of rural areas which demarcate the extent to which water level is could rise in the event of a flood. According to the circular dated 21.09.1989 issued by the*

Irrigation Department, there are two types of flood lines, demarcated in Blue and Red. Blue flood lines show the level of the flood that occurs at the frequency of 25 years. Red flood lines show the level of the flood that occurs at the frequency of 100 years. As per Regulation 3.1.3 of the UDCPR, no development is permissible between two Blue Lines and this portion is called "Prohibitive Zone". The Area between Blue and Red line is called the Restrictive Zone and a minimal number of construction can occur in it. A copy of the circular dated 21.09.1989 issued by the Respondent Irrigation Department has been annexed acreto and marked as Annexure A-2" are not true, not correct and hence denied by the Respondent No. 1.

- 32) *The Respondent No. 1 says and submits that the contents of the paragraph No. 9 of the Application that, "The Balganga river passing through Raigad originates from the Patalganga River Basin and joins Arabian sea near Dharmatre creek. In recent years, the construction of a dam for the Balganga river has resulted in severe inundation and flooding of over 13 villages through which the River passes. The Shedashivadi village and its hamlets have also been informed that they will experience flooding due to the construction of the dam. Due to the fact that the rehabilitation of the persons in the affected village has not been completed, the dam is not yet fully operational, but the Applicants have been informed that their village will face further flooding and fluctuations in the water levels of the river once the dam is fully operational. A copy of index map of the Balganga River and its tributaries prepared by the Respondent*





Irrigation Department has been annexed hereto and marked as Annexure A-3 are not true, not correct and hence denied by the Respondent No. 1. It is evident from the record that the blue and red flood line are not demarcated. In such an event the reliance on the alleged Index Map which is merely a layout showing the flow of Balganga river cannot be relied upon and furthermore, it cannot be used for demarcating any red flood line or blue flood line for specific micro level points. Such Index Map provides only a broader overview of the area without any specific details, appropriate scaling, geographic coordinates and measurements. Even a view of the alleged Index Map with a naked eye, it is observed that at many places the red flood line and blue flood line are overlapping and merged into each other. Therefore, from this also the alleged Index Map cannot be relied upon. Moreover, if the alleged Index Map is perused specifically for Village Shedashi, it is observed that the alleged blue flood line and alleged red flood line are completely merged and overlapping each other and it cannot be made out that at which position, and distance are the said flood lines. Furthermore, it cannot be made out that how does it affect the land of the Respondent No. 1. In any case, there is no specific map demarcating the red flood line and blue flood line for Village Shedashi. Furthermore, the said alleged Index Map is not even approved by Chief Engineer, Irrigation Department, it is undated and does not mention drawing number and it cannot be said to have been appropriately sanctioned, and even on this ground it cannot be relied on to assess the veracity of alleged violation. Furthermore, on basis of such alleged, non-approved plan, no allegations of violations ought to have been made.

- 33) The Respondent No. 1 says and submits that the contents of the paragraph No. 10 of the Application that, "*The demarcation of Flood Lines, which is done as per the instructions of the Irrigation Department, is crucial to preserve rivers by delineating their natural course as well as to demarcate the land which is safe to develop without being affected by potential floods*" are not true, not correct and hence denied by the Respondent No. 1.
- 34) The Respondent No. 1 says and submits that the contents of the paragraph No. 11 of the Application is the Rule 3.1.3 (i) under the UDCPR which is a legal provision and hence requires no comment.
- 35) The Respondent No. 1 says and submits that the contents of the paragraph No. 12 of the Application that, "*Demarcating blue and red floodlines is crucial for effective flood management and disaster preparedness. Blue floodlines indicate areas prone to flooding during moderate rainfall or water discharge, while red floodlines mark zones at risk during extreme, high-intensity events. These markers help planners and authorities identify vulnerable regions, guiding urban development, infrastructure planning, and land use to minimize risk. They also serve as vital tools for community awareness, enabling residents to make informed decisions about construction, insurance, and evacuation planning. By clearly delineating flood-prone zones, the Government and its instrumentalities can implement targeted mitigation measures, such as drainage*



improvements, and ensure compliance with environmental and safety regulations” are not true, not correct and hence denied by the Respondent No. 1.

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- 36) The Respondent No. 1 says and submits that the contents of the paragraph No. 13 of the Application that, “*The Respondent No. I vide a letter dated 10.11.2021 sought a No Objection Certificate ("NoC") from the Assistant Engineer, Grade -1, Hetvale Canal. It is pertinent to note that the said Assistant Engineer is an officer of the Respondent Irrigation Department. The Application for the NoC submitted by the Respondent No. I noted that there had been some discrepancy in the survey numbers assigned to the unit/plant of the Respondent No. 1. A copy of the Application of the Respondent No I dated 10.11.2021 to the Assistant Engineer. Grade -1. Hervale Canal has been annexed hereto and marked as Annexure A-4”* are not true, not correct and hence denied by the Respondent No. 1.
- 37) The Respondent No. 1 says and submits that the contents of the paragraph No. 14 of the Application that, “*Vide a letter dated 12.11.2021, the Assistant Engineer, Grade-1, Hetvane Canal wrote to the Executive Engineer, Raigad Irrigation Department in relation to the Application of the Respondent No. 1 for the proposed construction of its industrial unit. The letter dated 12.11.2021 of the Assistant Engineer, Grade-1, Hervanc Canal to the Executive Engineer, Raigad Irrigation Department clearly recorded the presence of the Balganga river immediately adjacent to the land upon which the Respondent*

No. I sought to construct its unit and also noted the tendency of the land to get inundated due to the construction of the Balganga dam. Accordingly, the Assistant Engineer, Grade-I, Hetvane Canal recorded his view that an NoC could be granted to the Respondent No. subject to certain necessary conditions in relation to the maximum permissible length of the construction etc. A copy of the letter dated 12.11.2021, of the Assistant Engineer, Grade-I, Hetvane Canal wrote to the Executive Engineer, Raigad Irrigation Department has been annexed hereto and marked as Annexure A-5” are not true, not correct and hence denied by the Respondent No. 1. The Applicants have completely misquoted the said Report dated 12/11/2021. The said Report dated 12/11/2021 clearly mentions that, the flood lines of Balganga river have not been demarcated. It also further confirms that the bridge across the said river has never been submerged in last 20 years in flood situations. However, while referencing to the said Report dated 12/11/2021, the Applicants have completely suppressed the said portion from their Application, creating a false picture before this Hon’ble Tribunal as to the contents of the Report dated 12/11/2021.

- 38) The Respondent No. 1 says and submits that the contents of the paragraph No. 15 of the Application that, “During the period of August 2022, the Revenue and Forest Department began processing the application of the Respondent No. 1 to convert a parcel of land in its possession bearing survey nos 24/1 to 24/46, 24/48 to 24/56, 24/58 to 24/71 admeasuring a total area of 5.86 Ha located at the Khadki hamlet from agricultural land





to non-agricultural purpose. In the documents processing the Application of the Respondent No. 1, officers of the the Revenue and Forest Department such as the Respondent Tehsildar, Pen and the Respondent Circle Officer Karmali clearly noted the said plot of land was barren, and had no construction on it, but did have an access road passing through providing connectivity between the Shedashivadi and Maldev hamlets. A perusal of the Enquiry Report prepared by the Circle Officer Karmali sometime in August 2022 seemed to indicate that the officers of the Respondent Revenue and Forest Department had no objection to the conversion of the plot of land in question from an agricultural user/zoning to non-agricultural zoning. The said documents of the Respondent Revenue and Forest Department prepared in August 2022 were obtained by the Applicant vide an RTI reply dated 27.06.2024. A copy of the RTI reply dated 27.06.2024 containing the documents of the office of the Respondent Revenue and Forest Department prepared in August 2022 has been annexed hereto and marked as Annexure A-6” are not true, not correct and hence denied by the Respondent No. 1.

- 39) The Respondent No. 1 says and submits that the contents of the paragraph No. 16 of the Application that, “On 1.08.2022, the Executive Engineer (Construction) Raigad Zilla Parishad also gave its conditional NoC for the conversion of the plot in question possession of the Respondent No. 1 from agricultural to non-agricultural user/zoning on the ground that the plot had the Vakrul Link Road (bearing Rural Road No. 63 and first Chain No: 0/300 and last Chain. 0/500) running through the

plot, and further expansion/widening of the road would be required due to the volume of traffic currently noticed on the road. A copy of the conditional NoC of the Executive Engineer (Construction) Raigad Zilla Parishad dated 01.08.2022 has been annexed hereto and marked as Annexure A-7" are not true, not correct and hence denied by the Respondent No. 1.



- 40) The Respondent No. 1 says and submits that the contents of the paragraph No. 17 of the Application that, "In response the Application of the Respondent No. 1 dated 10.11.2022, the Executive Engineer, Raigad Irrigation Department issued an NoC dated 18.01.2022, which noted that the Respondent No. 1 was not the owner of the land bearing survey nos 24/1 to 24/46, 24/48 to 24/56, 24/58 to 24/71 admeasuring a total area of 5.86 Ha located at Khadki hamlet, but had obtained a consent letter from one Mr Radheshyam Shivkishan Rathi, evidently to use the land to construct a plant/industrial unit. The NoC also noted that the plot of land in question did not fall under the command area of any scheme nor is it included in any future scheme. The NoC accordingly imposed the following conditions:

- a. As per a physical inspection of the plot of land concerned, it was observed by the Irrigation Department that Survey Nos 24/1 to 24/12 and 24/34 are adjacent to Balganga river and some parts of this plot is inundated during floods
- b. A proposed flood line map (demarcation of red and blue lines) had been prepared for the area on the basis of the index map for the Balganga river and had been appended to the NoC and a condition. was accordingly unposed that the construction

on the plot could not exceed a maximum of 6,50 metres-0.45 metres from the plinth Tavel

c. The NoC also required that the natural flow of the water rivericanat neat the proposed area cannot be diverted or obstructed and no solid on wet wiiate could be discharged into the rivet canal

d. The NoC further also required a private compound wall be constructed along the river course, but that the provisions of the UDCPR had to be followed during the construction plase of the compound wall

e. The NoC also provided that if there was violation of the terms and conditions stipulated within it, the NoC would stand cancelled and necessary legal action would be pursued. A copy of the NoC dated 18.01.2022 has been annexed hereto and marked is Annexure A-8" are not true, not correct and hence denied by the Respondent No. 1.

- 41) The Respondent No. 1 says and submits that the contents of the paragraph No. 18 of the Application that, "*The Assistant Director, Town Planning Department wrote to the Respondent Collector, Raigad, Alibaug on 11.11.2022 regarding the Application of the Respondent No. 1 for seeking conversion of the subdivided plot bearing survey no 24/1 and others" admeasuring 5860 sq mis from agricultural to non-agricultural user and for obtaining necessary permission to construct un industrial unit on the sand plot. Vide the said letter dated 11.11 2022, the Assistant Director, Town Planning Department had noted that the plot of land in question had a natural stream in it and was located next to the Vakad Lan, Rood, having Rural*

Road No. 63 and first Chain No. 0/300 and Last Chain 0/500. A perusal of the letter dated 11.11 2022 makes it evident that the Assistant Director, Town Planning Department consented to allow the conversion of land as sought on several conditions, including that the conditions of the NoC of the Irrigation Department would have to be adhered to as well as the condition that any dispute in relation access could as ensemetary rights over the property in question would have to be adkirussed by the Respondent No. 1. A copy of the letter of the Assistant Director, Town Planning Department wrote to the Respondent Collector, Raigad Alitqug on 11.11.2022 has been annexed berele end marked as Annexure A9” are not true, not correct and hence denied by the Respondent No. 1.



- 42) The Respondent No. 1 says and submits that the contents of the paragraph No. 19 of the Application that, “On 15.12.2022, the Respondent Collector issued official permission to the Respondent No. 1 to permit the conversion of the plot of land in question from an agricultural user/zoning to non-agricultural zoning. The conversion permission dated 15.12.2022 noted the various NoCs issued to the Application of the Respondent No 1 for the change of user/zone of the land. The Respondent Collector also noted the presence of the access road between the Shedashivadi and Maldey hamlets. While it is pertinent to note that the conversion permission issued by the Respondent Collector had several detailed conditions upon which the conversion permission was granted by it, some of the relevant conditions put forth by the Collector in its conversion permission were as follows:

27. *It will be binding upon the Applicant/Land Owner to carry out construction and non-agricultural use after leaving distance from the road as per rules.*

28. *if the roads in already approved demarcation are linked to other roads it will be binding upon the Applicant/Land owner/developer to keep them undisturbed.*

29. *In case filling will have to be made in the said land during development/construction, it should be ensured by the landowners/applicants to ensure that no obstruction will be created in natural drainage courses and no complaints will be received from the farmers total to the boundaries*

30. *It will be binding upon the Applicant's landowners to keep the access road permanently unobstructed. Any dispute arising in future relating to it, will be the entire responsibility of the Applicants/land owners...*

45. *All the conditions in the non-agricultural order will be binding upon the Applicant/Owner/Plot holder. In case of violation of the above condition or the condition in the Sanad, the permission will be automatically stand cancelled and the Applicant will be liable for action and penalty as per the Land Revenue Act and the rules thereunder and Government resolutions.*

A copy of the conversion permission issued by the Respondent Collector dated 15.12.2022 has been annexed hereto and marked as Annexure A-10" are not true, not correct and hence denied by the Respondent No. 1.

- 43) The Respondent No. 1 says and submits that the contents of the paragraph No. 20 of the Application that, “ *The Applicant*

submits despite the various conditions imposed on the need maintain the access road for the use of the villagers of the Khadki hamlet, as well as the need to protect and maintain the natural course of the Balganga river and prevent any obstruction to the natural flow of the river, the Respondent No. 1 has evidently illegally reduced the width of the access road by illegally constructing a compound wall on the road, which falls within the floodlines of the Balganga river. It is pertinent that the said road enabled the villagers of the Khadki hamlet to traverse to the Maldev hamlet particularly to the area known as Khadki Adivasi Wadi, where the local adivasis, community is now unable to transport their harvested crops etc through tractors, or travel by bus, due to the absence of a sufficiently wide road in the area” are not true, not correct and hence denied by the Respondent No. 1.



- 44) The Respondent No. 1 says and submits that the contents of the paragraph No. 21 of the Application that, *“As an alternate to the public access road which the villagers of the Khadki hamlet have long-standing easementary rights over, the Respondent No. 1 has illegally reclaimed some portions of the Balganga river bed/river bank to partially widen said access road by dumping debris and obstructing the natural flow of the River. As such, this illegally constructed road is completely inundated, particularly every monsoon season thereby posing a risk to the safety of the villagers of the Khadki hamlet, who could suffer serious injury due to the excessive flooding and strong currents present on the unstable, illegally constructed road while it is inundated with flood/river water. The illegal*



road constructed by the Respondent No. 1 by reclaiming the river bed of the Balganga river is not only destructive to the natural flow of the Balganga river, but due to its frequent inundation, is entirely unsuitable for barvy vehicles like buses or tractors. The Applicant submits that both the construction of the compound wall within the prohibitive zone of the Balgange river and the widening of the necess road by dumping of debris by the Respondent both have resulted in severe obstruction so the natural flow of the Balganga river. The Applicant submits that the Baignaga river is already subject to significant strain and obstruction of its natural flow due to the Balganga River Project Dam and already causes extreme flooding in and around the Khadki hamlet. A copy the Project Note for the Balganga River Project prepared by the Executive Engineer, Raigad Irrigation Department has been annexed hereto and marked as Annexure A-11” are not true, not correct and hence denied by the Respondent No. 1.

- 45) The Respondent No. 1 says and submits that the contents of the paragraph No. 22 of the Application that, “*It is submitted that the Village Panchayat first noticed the issue posed by the constructions of the Respondent No. 1 in March 2022. Complaints raised by the Applicant No. 1 Panchayat did temporarily stop the construction going on at the time, however the compound wall construction resumed in March 2023 in such a manner that the existing access road used by the villagers came to be too narrow and therefore unusable by the local villagers. A representation of the Applicant No. 1 Panchayat dated 18.04.2023 to the Tehsildar noting the*

grievance of the villagers due the construction of the compound wall by the Respondent No. 1 has been annexed hereto and marked as Annexure A-12” are not true, not correct and hence denied by the Respondent No. 1.

- 46) The Respondent No. 1 says and submits that the contents of the paragraph No. 23 of the Application that, “*Vide a letter dated 16.02.2024, the Circle Officer, Karmali wrote to the Respondent No. 1 about the complaint of the villagers and the Applicant No. 1 Gram Panchayat regarding the manner in which their access road had been reduced by the Respondent No. 1 due to the construction of s compound wall. The Circle Officer, Karmali noted the commitment of the Respondent No. 1 through one of its officers on 18.05.2023 that the Respondent No. 1 would leave space for an access road admeasuring at least 12 feet in width while constructing its compound wall. The Circle Officer, Karmoli further stated in its letter that the villagers and the Applicant No. 1 Gram Panchayat had complained that the space for the access road had evidently not been left by the Respondent No. 1 and therefore site inspection would be done on the basis of the complaints of the villagers and the Gram Panchaynt on 16.02.2024, A copy of the letter darco 16.02.2024 has been innexed hereto and marked as Annexure A – 13” are not true, not correct and hence denied by the Respondent No. 1.*
- 47) The Respondent No. 1 says and submits that the contents of the paragraph No. 24 of the Application that, “*On 21.02.2024, a punchnama was recorded by the Circle Officer, Kamarli in*





front of 25 villagers of the Khadki hamlet village noting that the Respondent No. 1 had constructed a compound wall around its industrial unit in a manner contrary to the NoCs and permissions granted to it, as it had not left the requisite space for the villagers to use the existing access road in the area, but had instead created an illegal, kutchra road by dumping debris and material on the overbed of the Balganga river which would frequently get inundated. The Panchas all noted that the said newly constructed widened access road posed a danger to the lives of the school-going children and women using the road due to the manner in which it would be inundated, particularly during the monsoon season. The panchas therefore called for the dismantling of the new access road illegally constructed on the river bed and also requested that the previous access road in the area be open up again for public use. A copy of the panchnama dated 21.02.2024 has been annexed hereto and marked as Annexure A-14” are not true, not correct and hence denied by the Respondent No. 1. it is pertinent to note that the Applicants’ have misled this Hon’ble Tribunal by stating that 21/02/2024, Circle Officer of Karmali documented a panchnama in the presence of 25 villagers from Khadki Hamlet. However, upon perusal of the alleged Panchnama dated 21/02/2024, it is evident that it was prepared by 25 villagers, while the Circle Officer, Karmali, merely signed it because it was created in his presence. This is clearly reflected in the signature of the Circle Officer, Karmali. By falsely portraying that the Panchnama was documented or prepared by the Circle Officer himself, the Applicants are attempting to create a misleading impression that a government officer i.e.,

the Circle Officer, Karmali personally recorded all the notings in the Panchnama as per his own will and that it has been officially approved by a government authority.

- 48) The Respondent No. 1 says and submits that the contents of the paragraph No. 25 of the Application that, *“Subsequent to the site inspection, on 26.02.2024, the Circle Officer, Karmali wrote to the Tehsildar Pen that*
- a. The resolution of the dispute regarding the access road between the villagers of the Khadki hamlet and the Respondent No. 1 would fall on the Respondent No. 1.*
 - b. Condition No. 41 of the letter No.RPV/Prasha.-2/NA/237/2022 from Executive Engineer, Raigad Irrigation Department, Kolad, Roha which prescribed the plinth level at the height of 6.50 meters plus 0.45 meters from the red flood line while carrying out the construction is binding on the Respondent no.1*
 - c. Further, at condition No. 19.4 of the same NoC it is stated that in case of road widening work will have to be taken up in future, the space required for the road will have to be made available without any complaint*
 - d. It is also stated in condition No. 19.5 that precaution should be taken to ensure that no loss or damages of any kind will be caused while changing the footways. access road and natural watercourses.*
 - e. As per point No. 7 of leuer dated 12.02.2024 from Raigad Irrigation Departmem, Kolad, the company shall have to carry out the construction in survey No.24/1 to 24/46, 24/48, 24/56, 24/58 to 24/71 total area 105.86.00 HK us per Chapter No.III*



of U.D.CP.R- 2020” are not true, not correct and hence denied by the Respondent No. 1.

- 49) The Respondent No. 1 says and submits that the contents of paragraph No. 26 that, *“The Circle Officer, Karmali further wrote that, “While all these terms and conanions were binding upon the company, they do not appear to have abided by any of these conditions. The construction of a compound wall carried out by the company is adjacent to the river bed and in the middle of the access road, which ought to have been made beyond the flood line. However, the company has not done so and therefore, appropriate action needs to be taken on the construction carried out by Kilitch Drugs Ltd. A copy of the letter of the Circle Officer, Karmali to the Tehsildar, Pen dated 26.02 2024 has been annexed hereto and marked as Annexure A 15”* are not true, not correct and hence denied by the Respondent No. 1.
- 50) The Respondent No. 1 says and submits that the contents of paragraph No. 27 that, *“The Applicant Panchayat wrote to the Respondent Collector on 15.03.2024 forwarding the letter of the Circle Officer, Karmali, calling upon the Respondent Collector to take necessary steps remove the obstructions to the existing road and dismantle constructions within the floodlines of the Baiganga river. A copy of the letter written by the Applicant Panchayat to the Respondent Collector dated 15.03.2024 has been annexed hereto and marked as Annexure A-16”* are not true, not correct and hence denied by the Respondent No. 1.



- 51) The Respondent No. 1 says and submits that the contents of paragraph No. 28 that, *“The Respondent Collector addressed a notice to the Respondent No. 1, the Deputy Conservator of Forests, the Tehsildar Pen, the Assistant Director, Town Planning Department, Raigad the Executive Engineer, Irrigation Department, the Sarpanch of the of the Applicant Gram Panchayat on 18.06.2024. Vide the said notice, the Respondent Collector noted the following issues with the conduct and the construction undertaken by the Respondent No. 1:*
- a. in breach of the terms and conditions put forth by the Irrigation Department, only a narrow portion of the access road through the plot in question and been left open for public access by the Respondent No. 1 due to the construction of the compound wall by The Respondent No. 1*
- b. Employment to local persons had not been offered by the Respondent No. 1”* are not true, not correct and hence denied by the Respondent No. 1.
- 52) The Respondent No. 1 says and submits that the contents of paragraph No. 29 that, *“The Respondent Collector accordingly called all the recipients of its notice to be present for a hearing on the aforesaid issued on 03.07.2024 and further called upon the Respondent Government Authorities to submit a written report on the issues raised by the Collector in the notice prior to the scheduled date of hearing. A copy of the notice of the Respondent Collector dated 18.06.2024 has been annexed hereto and marked as Annexure A – 17”* are not true, not



correct in the sense they have been portrayed by the Applicants and hence denied by the Respondent No. 1.

53) The Respondent No. 1 says and submits that the contents of paragraph No. 30 that, "*Vide a letter dated 25.06.2024, the Executive Engineer, Raigad Irrigation Department wrote to the District Collector that it had conducted a site inspection of the industrial unit of the Respondent No. 1 which had confirmed that:*

a. A portion of the constructions made by the Respondent no. 3 is immediately next to the red line of the Bal Ganga River as per its index map

b. The construction of a compound wall using iron angles and tin sheets fell within the blue line of the Balganga River despite being impermissible under the provisions of the UDCPR" are not true, not correct and hence denied by the Respondent No. 1.

54) The Respondent No. 1 says and submits that the contents of paragraph No. 31 that, "*The Executive Engineer, Raigad Irrigation Department therefore noted that the Respondent No. I was evidently in breach of the letter issued by the office of the Executive Engineer, Raigad Department dated 18.02.2022. has been annexed hereto and marked as Annexure A-18" are not true, not correct and hence denied by the Respondent No. 1.*

55) The Respondent No. 1 says and submits that the contents of paragraph No. 32 that, "*In response to the request of the Respondent Collector for written reports on the issues raised in the notice of 18.06.2024, the Assistant Director of A copy of the*

letter of the Executive Engineer, Raigad Irrigation Department written to the District Collector dated 25.06.2024 the Town Planning Department wrote to the Collector, on 26.06,2024 stating that:

- a. The construction of the plant by the Respondent No. I had not commenced within the required period specified in permissions/NoC granted by the Gram Panchayat
- b. Tribal lands were evidently grabbed by the Respondent No. I in order to construct its compound wall, and that 90% of the compound wall had been constructed till date.
- c. A physical inspection of the land constituting the site of the plant of the Respondent No. I was necessary
- d. As per the observations of the Town and Country Planning Department, the Respondent Ne was not in breach of the conditinis imposed by the Town and Country Planning Department. A copy of the report of the Town and Country Plaaning Department dated 26.06.2024 submitted to the office of the Collector has been nexed hereto and marked as Annexure A-19” are not true, not correct and hence denied by the Respondent No. 1.

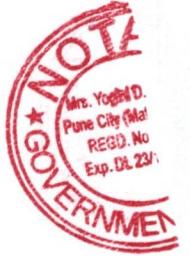
It is imperative to underscore that, the Applicants have malafidely quoted the part of the Report dated 26/06/2024, which only records the alleged allegations of the villagers. The said allegations have been pleaded in a manner to portray that those are the notings / allegations by the Town Planning Authority itself and have purposely suppressed the part, wherein the Town Planning Department had in fact given its own analysis and report. It has been specifically recorded in the said Report dated 26/06/2024 that there is no violation of the



provisions of UDCPR by the Respondent No. 1. Furthermore, the Town Planning Authority has also commented on the aspect that Gram Panchayat is not the authority under Maharashtra Regional Town Planning Act, 1966 to grant permission for development and the said power is only vested with the District Collector and the Gram Sevak, Gram Panchayat shall be made aware of this.

- 56) The Respondent No. 1 says and submits that the contents of paragraph No. 33 that, *“In response to the request of the Respondent Collector for written reports on the issues raised in the notice of 18.06.2024, the Deputy Conservator of Forests, Alibaug wrote to the Respondent Collector on 28.06.2024 that permission to cut 60 trees had previously been granted by its office to the Respondent No. 1 on the site of its proposed plant under the Maharashtra Felling of Trees (Rules) act 1964. However, the report of the Deputy Conservator of Forests, Alibaug submitted to the Respondent Collector on 28.06.2024 was silent on an allegation made by its own Range Forest Officer dated 07.06.2024 that over 360 trees had been felled on the concerned plot of land and no trees had been grown on the land in over two years. A copy of the report of the Deputy Conservator of Forests, Alibaug submitted to the Respondent Collector on 28.06.2024 has been annexed hereto and marked as Annexure A-20”* are not true, not correct and hence denied by the Respondent No. 1.
- 57) The Respondent No. 1 says and submits that the contents of paragraph No. 34 that, *“On 01.07.2024, the Respondent*

Tehsildar also submitted its Report to the Respondent Collector as requested in the notice dated 18.06.2024. The Respondent Tehsildar confirmed in his report dated 01.07.2024 that the compound wall of the Respondent No. 1 was evidently constructed within the floodline of the Balganga river, and that the Respondent No. 1 had evidently dumped debris and to widen the access road in the flood area. The Tehsildar accordingly recommended that the view of the Irrigation Department be considered on the of the construction made within the floodline of the Balganga river as well as the illegally, widened/constructed road of the Respondent spondent No. 1 created by dumping debris within the Flood points of the Balganaga river. A copy of the letter/report dated 01:07 2024 has been annexed hereto and marked as Annexure A-21” are not true, not correct and hence denied by the Respondent No. 1.



- 58) *The Respondent No. 1 says and submits that the contents of paragraph No. 35 that, “It is submitted that the Applicant had expected that the Respondent Collector would take appropriate steps against the Respondent No. 1 for very clearly violating the conditions of its own conversion permission dated 15.12.2022 as well as the NoC / permission of the Irrigation Department dated 18.01.2022. However, no such steps appear to have been taken by the Respondent Collector to demolish the constructions made by the Respondent No. 1” are not true, not correct and hence denied by the Respondent No. 1*
- 59) *The Respondent No. 1 says and submits that the contents of paragraph No. 36 that, “Aggrieved the illegal actions of the*



Respondent No. 1 pertaining to the manner in which it has illegally constructed a compound wall around its industrial unit in a manner contrary to the provisions of the UDCPR and the NoCs and permissions granted to it by the Respondent Authorities, and the reclamation of the river bed of the Bal Ganga river to widen the access road in order to compensate for the portion of the access road usurped by the Respondent. The Applicants have been constrained to approach this Hon'ble Tribunal with prayers to restore and retribute the natural flow of The Balganga river in Shadeshhi village. The Applicants have approached” are not true, not correct and hence denied by the Respondent No. 1.

- 60) The Respondent No. 1 says and submits that ground wise reply to the Application filed by the Applicants is as follows:
- 61) The Respondent No. 1 says and submits that the contents of Ground A that, *“That on February 21, 2024, the Circle Officer of Kamarli documented a panchnama in the presence of 25 villagers from Khadiki hamlet, highlighting that Respondent No. 1 had constructed compound wall around its industrial unit in violation of the NoCs and permissions granted. The construction failed to leave the required space for the villagers to access the existing road, instead creating an illegally widened kutchra road by dumping debris on the Balganga riverbed, which was prone to frequent inundation. The villagers noted that this newly constructed road posed significant risks, particularly to schoolchildren and women, as it became dangerous and unusable during the monsoon season.*

Consequently they demanded the dismantling of the unauthorized road and urged the restoration of the original access road for public use” are not true, not correct and hence denied by the Respondent No. 1. With respect to the said Ground A, it is pertinent to note that the Applicants’ have misled this Hon’ble Tribunal by stating that on 21/02/2024, Circle Officer of Karmali documented a panchnama in the presence of 25 villagers from Khadki Hamlet. However, upon perusal of the alleged Panchnama dated 21/02/2024, it is evident that it was prepared by 25 villagers, while the Circle Officer, Karmali, merely signed it because it was created in his presence. This is clearly reflected in the signature of the Circle Officer, Karmali. By falsely portraying that the Panchnama was documented or prepared by the Circle Officer himself, the Applicants are attempting to create a misleading impression that a government officer i.e., the Circle Officer, Karmali personally recorded all the noting’s in the Panchnama as per his own will and that it has been officially approved by a government authority.

- 62) The Respondent No. 1 says and submits that the contents of Ground B that, *“That the Executive Engineer, Raigad Irrigation Department confirmed to the Respondent Collector vide its letter dated 25.06.2024 that the Respondent No. I was evidently in breach of the letter issued by the office of the Executive Engineer, Raigad Department dated 18.02.2022”* are not true, not correct and hence denied by the Respondent No. 1.

- 63) The Respondent No. 1 says and submits that the contents of Ground C that, *“That the Respondent Tehsildar confirmed in his report dated 01.07.2024 that the compound wall of the Respondent No. 1 was evidently constructed within the flood line of the Balganga river, and that the Respondent No. 1 had evidently dumped debris and constricted an access road in the flood area”* are not true, not correct and hence denied by the Respondent No. 1. It is imperative to emphasize that the alleged report of the Tehsildar dated 01/07/2024 has not been prepared based on any independent inspection, analysis, or site visit conducted by the office of the Tehsildar. Instead, the said report merely reiterates the alleged claims and averments made by the villagers in the alleged Panchnama dated 21/02/2024 and the alleged report dated 26/02/2024 issued by the Circle Officer, Karmali. Notably, the alleged report dated 01/07/2024 does not present any independent findings or verification of facts by the Tehsildar’s office. The only independent observation recorded in the said alleged report dated 01/07/2024 pertains to the necessity of obtaining an opinion from the Water Resources Department to ascertain whether the alleged construction allegedly undertaken by Respondent No. 1 falls within the flood line or not. The itself shows that the said report dated 01/07/2024 is not conclusive and not based on any independent analysis or opinion.
- 64) The Respondent No. 1 says and submits that the contents of Ground D that, *“The Circle Officer, Karmali further wrote to the Tehsildar, Pen on 26.02.2024 that, “While all these terms and conditions were binding upon the company, they do not*

appear to have abided by carry of these conditions The construction of a compound wall carried out by the company is adjacent to the river bed and in the middle of the access road, which ought to have been made beyond the flood line However, the company has not done so and therefore, appropriate action needs to be taken on the construction carried carried out by Kilich Drugs Ltd” are not true, not correct and hence denied by the Respondent No. 1. It is submitted that the alleged report dated 26/02/2024, issued by the Circle Officer, Karmali to the office of Tehsildar, Pen is yet again nothing, but a reiteration of the alleged averments made by the villagers in the alleged Panchnama dated 21/02/2024. Furthermore, the Circle Officer has denoted certain terms and conditions of the NA Order dated 15/12/2022 and blindly stated that the Respondent No. 1 has not followed the said conditions. However, nowhere in the said alleged report dated 26/02/2024 the Circle Officer has mentioned that exactly which alleged act of the Respondent No. 1 has violated which condition and in what manner. The Circle Officer has completely failed to establish any correlation whatsoever in the alleged complaints of the villagers and the terms and conditions it claims to have been violated by the Respondent No. 1. Furthermore, the Circle Officer has entirely failed to substantiate the allegations with any independent verification, assessment, or analysis. The alleged report dated 26/02/2024 merely appears to echo the alleged grievances of the complainants without conducting a thorough examination or presenting any concrete evidence to support its claims. The said alleged report dated 26/02/2024 issued by Circle Officer, Karmali cannot be relied upon.



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- 65) The Respondent No. 1 says and submits that the contents of Ground E that, *“That the constructions of the Respondent No. 1 within the flood lines of the Balganga are not permissible as per the provisions of the Regulation 3.1,3 of the UDCPR”* are not true, not correct and hence denied by the Respondent No. 1.
- 66) The Respondent No. 1 says and submits that the contents of Ground F that, *“That both the construction of the compound wall within the prohibitive zone of the Balganga river and the illegal construction/widening the access road by dumping of debris by the Respondent both have resulted in severe obstruction to the natural low of the Balganga river. The Applicant submits that the Balganga river is already subject to significant strain and obstruction of its natural flow due to the Balganga River Project/Dam which has resulted in extreme flooding in and around Khadki hamlet.”* are not true, not correct and hence denied by the Respondent No. 1. The Applicants have alleged that the alleged acts of the Respondent No. 1 have resulted in severe obstruction to the natural flow of Balganga river. However, the Applicants have failed to bring on record any scientific report, assessment report or any other material to justify its alleged speculative claims that the alleged acts of Respondent No. 1 have in fact resulted in obstruction to the natural flow of Balganga river.
- 67) The Respondent No. 1 says and submits that the contents of Ground G that, *“The Respondent Collector, in receipt of the complaints submitted by the Applicant Panchayat, evidently*

initiated proceedings to investigate the illegal constructions of the Respondent no. 1, but has not taken any action or steps against the Respondent No. 1 despite the specific reports of the Executive Engineer, Raigad Department, the Circle Officer, Karmuli and the Tehsildar, Pen that the Respondent No. 1 was in breach of the terms and conditions, imposed on it particularly in relation to its illegal constructions in the flood plains of the Balganga river.” are not true, not correct and hence denied by the Respondent No. 1.

- 68) The Respondent No. 1 says and submits that the contents of Ground H that, *“That the Deputy Conservator of Forests, Alibaug wrote to the Respondent Collector on 28.06.2024 that permission to cut 60 trees had previously been granted by its office to the Respondent No. 1 on the sue of its proposed plant under the Maharashtra Felling of Trees (Rules) act 1964. However, the report of the Deputy Conservator of Forests, Alibaug submitted to the Respondent Collector on 28.06.2024 was silent on an allegation made by its own Range Forest Officer dated 07.06.2024 that over 360 trees had been felled on the concerned plot of land and no trees had been grown on the land in over two years. The Respondent Collector has not taken any action on the evident illegal felling of trees by the Respondent No. 1”* are not true, not correct and hence denied by the Respondent No. 1. The Respondent No. 1 has duly obtained permission from the Forest Department to cut 60 trees. However, till date it has cut only 44 trees. Moreover, the Respondent No. 1 has also decided to plant double the number of trees cut by it once the construction of the said unit is



completed and is in the process of making landscape and plantation plans. The Applicants have not produced on record the alleged allegation / complaint dated 07/06/2024 allegedly made by the Range Forest Officer.

- 69) The Respondent No. 1 says and submits that the contents of Ground I that, *"That in the judgment of the Hon'ble NGT in the matter of, Manoj Kumar Misra v Delhi Development Authority OA 6/2012, the Hon'ble NGT held that, "According to the Expert Committee, the proposed activities such as construction of various recreational and public facilities, by effecting topographic changes, will reduce the flood carrying capacity and aggravate flooding, besides contributing to pollution Development of the flood plains has to be strictly done, wattle keeping the biodiversity Intact and ensuring that no major and impermissible construction activity is permitted on the flood plain"* are not true, not correct and hence denied by the Respondent No. 1.

- 70) The Respondent No. 1 says and submits that the contents of Ground J that, *"That this Hon'ble Tribunal has directed the demolition of 29 illegally constructed bungalows within the blue floodline of the Indrayani River in Chikhali as part of its ruling in the Tanaji Balasaheb Gambhire vs. Pumpri Chinchwad Municipal Corporation ease. This decision was issued on July 1, 2024, in response to concerns raised about unauthorized constructions under the "River Villa project by developers Mis. Jate World and Ms. V. Square"* are not true, not correct and hence denied by the Respondent No. 1. The

said judgment of this Hon'ble Tribunal is not applicable to the present case, as the facts and circumstances involved in the said judgment are completely different from the case at hand.



- 71) The Respondent No. 1 says and submits that the contents of Ground K that, *“That this Hon'ble Tribunal found that the bungalows violated environmental norms, as they were constructed in a flood-prone area without proper permissions. In addition to mandating the demolition, the NOT instructed the Pimpri Chinchwad Municipal Corporation (PCMC) to collect 25 crores as Environmental Damage Compensation from those responsible. PCMC was given six months to implement the order and submit a compliance report”* are not true, not correct and hence denied by the Respondent No. 1.
- 72) The Respondent No. 1 says and submits that in view of the aforesaid, the Applicants are not entitled to any reliefs as prayed by them in the present Application, thus the present Application may kindly be dismissed with exemplary costs.

Pune

Date: 03/04/2025



Respondent No. 1 through its
Authorized Representative

Advocate for Respondent No. 1

VERIFICATION

I, Ms. Pushpa Nyoupane, Age: 31 years, Occupation: Service, having office at: 37, Ujagar Industrial Estate, W. T. Patil Marg, Deonar, Mumbai, 400088, the Authorized Signatory of the Respondent No. 1, do hereby state on solemn affirmation that the contents of the forgoing paragraphs are true and correct to the best of my knowledge, belief and information in pursuance of which I have signed on this 3rd day of April 2025 at Pune.

Pushpa

Ms. Pushpa Nyoupane



03 APR 2025



BEFORE ME

Yogini D. Kanade

**Mrs. Yogini D. Kanade
NOTARY GOVT. OF INDIA
PUNE CITY (MAHARASHTRA)
REGD. No. 16004**

NOTED AND REGISTERED AT

SERIAL NUMBER- 168/25

DATE- 3/4/25

03 APR 2025

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

ORIGINAL APPLICATION NO. 05/2025 (WZ)

IN THE MATTER OF:

THE GRAMPANCHAYAT, SHEDASHI AND ORS.

...APPLICANTS

VERSUS

KILITCH DRUGS (INDIA) LTD. AND ORS.

...RESPONDENTS

AFFIDAVIT

I, Ms. Pushpa Nyoupane, Age: 31 years, Occupation: Service, having office at: 37, Ujagar Industrial Estate, W. T. Patil Marg, Deonar, Mumbai, 400088, the Authorized Signatory of the Respondent No. 1, do hereby state on solemn affirmation that:

- 1) I say that I have been authorized to represent the Respondent No. 1 in the present proceeding, and I am aware about the facts and circumstances regarding the subject matter of the present proceeding, and I have obtained and perused the records of Respondent No. 1. I am competent to execute the present affidavit.



03 APR 2025

2) I say that the accompanying reply is filed on behalf of the Respondent No. 1 has been prepared as per my instructions. I have read the contents of the same. I say that the contents of the said reply are true and correct to the best of my knowledge, information and belief and I have not suppressed any material fact. I say that all annexures attached with the said reply of filed on behalf of Respondent No. 1 are true and correct to the best of my knowledge, information and belief.

Whatever stated in the foregoing paragraphs is true and correct to the best of my information, knowledge and belief in pursuance of which I have signed and solemnly affirmed at Pune, today on this 3rd day of April 2025.

I know Affiant

Advocate



[Handwritten Signature]

Affiant



BEFORE ME

[Handwritten Signature]

**Mrs. Yogini D. Kanade
NOTARY GOVT. OF INDIA
PUNE CITY (MAHARASHTRA)
REGD. No. 16004**

03 APR 2025

NOTED AND REGISTERED AT

SERIAL NUMBER- 167/25

DATE- 3/4/25

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LIST OF DOCUMENTS

The List of Documents on behalf of the Respondent No. 1 is as below:

Sr. No.	Annexure	Documents	Remark
1	Annexure R-1	Board Resolution	True Copy
2	Annexure R-2	Photographs	Printouts

Pune

Date: 03.04.2025

P. K. K.

Respondent No.1 through
Authorized Representative



Advocate for Respondent No. 1

Kilitch Drugs (India) Ltd.

CERTIFIED TRUE COPY OF THE RESOLUTION PASSED BY THE BOARD OF DIRECTORS OF KILITCH DRUGS (INDIA) LIMITED AT ITS MEETING HELD AT CORPORATE OFFICE OF THE COMPANY AT MUMBAI ON 21ST JANUARY, 2025

“RESOLVED FURTHER THAT the consent of the Board of Directors of the Company be and is hereby accorded to authorize any of the Directors and Ms. Pushpa Nyoupane, Company Secretary of the Company, severally, to (a) appear, sign, verify, declare, affirm, make, present, submit and file all necessary notices, complaints, petitions, written statements, affidavits, undertakings, vakalatnamas, declarations, Appeals, Revisions, applications, withdrawal applications, renewals, reply to examination reports, statements, complaints, papers and documents and all proceedings and matters in connection with any suit(s) or proceeding(s) filed by or against the Company before any court of law or any tribunal or any quasi-judicial or statutory or public or administrative authority including Trademark Registry, Registrar of Trademark; and (b) nominate, appoint and engage advocates, solicitors, agent, counsel or other professionals and retainers; and to do all such acts, things, deeds as may be necessary or proper to carry out the purposes mentioned hereinbefore.”

CERTIFIED TRUE COPY

For KILITCH DRUGS (INDIA) LIMITED

MUKUND MEHTA
MANAGING DIRECTOR







