

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

ORIGINAL APPLICATION NO. 27/2025 (WZ)

IN THE MATTER OF: -

NAGESH VINAYAK DHAMALE

APPLICANT

VERSUS

MOEF&CC & ORS.

RESPONDENT(S)

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Pratik D. Bharne

(Pratik D. Bharne)

Scientist 'F' & Regional Director

Place: Pune

Date: 03/12/2025

प्रतिक भरणे / Pratik Bharne
क्षेत्रीय निदेशक / Regional Director
केन्द्रीय प्रदूषण नियंत्रण बोर्ड
Central Pollution Control Board
क्षेत्रीय निदेशालय, पुणे / Regional Directorate, Pune
पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय, भारत सरकार
M/o Env't. Forest & Climate Change, Govt. Of India
सर्वे नं. ११०, हीराबाई धनकुटे हॉल, बानेर रोड, बानेर, पुणे - ४११ ०४५
Sr No 110, Hirabai Dhankude Hall, Baner Road, Baner, Pune - 411 045



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WESTERN ZONE BENCH, PUNE

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NAGESH VINAYAK DHAMALE

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REPLY ON BEHALF OF RESPONDENT NO. 02,
CENTRAL POLLUTION CONTROL BOARD (CPCB)

1. That, the Hon'ble National Green Tribunal, Western Zone Bench (hereinafter referred to as "Hon'ble NGT") vide its order dated 08/08/2025 in Original Application (hereinafter referred to as "OA") No. 27/2025 (WZ) has sought the reply of Central Pollution Control Board (hereinafter referred to as "CPCB") in the instant matter. Thereby, the reply is made in succeeding paragraphs.
2. That, at the outset, the Answering Respondent (CPCB) deny all claims, contentions, allegations and averments against the Answering Respondent i.e. CPCB in the above OA contrary to anything stated or submitted in this reply. Nothing in the OA may be deemed to have been accepted or admitted by the Answering Respondent for want of a specific denial or on the ground of non-traverse, save and except any averment which has been expressly admitted hereinafter.
3. That, CPCB is constituted under Section 3 of the Water (Prevention and Control of Pollution) Act, 1974 (hereinafter referred to as "Water Act, 1974"). It performs the functions under the Water Act, 1974, The Air



(Prevention and Control of Pollution) Act, 1981 (hereinafter referred to as "Air Act, 1981"), and The Environment (Protection) Act, 1986 (hereinafter referred to as "E(P) Act, 1986"). State Pollution Control Boards (SPCBs)/Pollution Control Committees (PC:Cs) in every State/Union Territory have been constituted under the Water (Prevention and Control of Pollution) Act, 1974 and the Air (Prevention and Control of Pollution) Act, 1981 and are responsible for implementation of the provisions of both the Acts in respect of territories falling in their respective territorial jurisdiction.

4. That, the matter is related to alleged construction of residential & commercial building project 'Adityas A Garden City' located at Survey Nos. 109-110, Village Warje, Taluka Haveli, District Pune, Maharashtra by the Respondent No. 9 i.e. M/s Aditya Construction, Pune without valid Environmental Clearance (hereinafter referred to as "EC"), Consent to Establish (hereinafter referred to as "CE") and Consent to Operate (hereinafter referred to as "CTO"). It is further alleged that Respondent No. 9 commenced construction activities before obtaining the EC, continued construction even after the expiry of the first EC, and altered the building configuration of the project, which is in contravention to the terms & conditions stipulated in the second EC (expansion EC).

PRELIMINARY SUBMISSION

5. That, in context of requirement of Environmental Clearance (hereinafter referred to as "EC"), it is submitted that, the Clause 2 of the Environmental Impact Assessment Notification, 2006 (hereinafter referred to as EIA Notification, 2006) provides for the requirements of prior EC and as per the above mentioned clause, the projects or activities which are falling under the category 'A' of the Schedule of the EIA Notification, 2006; the project proponent shall obtain the EC from the Ministry of Environment, Forest and Climate Change (hereinafter referred to as 'MoEF&CC') and



the projects which are falling under the 'B' category of the Schedule of the EIA Notification, 2006; the project proponent shall obtain EC from the State Environment Impact Assessment Authority (hereinafter referred to as 'SEIAA') before commencement of any construction work, or before start of land preparation, or before start of any expansion and modernization, as stipulated therein.

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6. That, in context of consent required to be obtained by the project, it is also humbly submitted that, SPCBs/PCCs are the concerned authorities to grant Consent (Consent to Establish/Consent to Operate) under the Water Act, 1974 and the Air Act, 1981 in their respective jurisdiction of State/Union Territory and to ensure the compliance of conditions of consent and prescribed environmental standards.

PARA-WISE SUBMISSION

7. That, the averments made in Para nos. 1 to 14 are about the details of the Applicant, Respondents and cause for filing the present OA. The same are matter of records and need no comments from this Answering Respondent.
8. That, the averments made in Para nos. 15 to 54 and Para nos. 56 to 58 under the heading "FACTS IN BRIEF", are about various communication regarding the project under reference from project proponent, concerned Departments and Applicant which are not related to this Answering Respondent and hence, need no comments from this Answering Respondent. However, it is humbly submitted that the submissions made in Para nos. 5 and 6 of this reply are re-iterated and not repeated for the sake of brevity.
9. That, the averments made in Para nos. 55 under the heading "FACTS IN BRIEF" are about the legal notice, dated 29/02/2024 served by the

Applicant's Advocate to the Respondents regarding the alleged violations of the terms & conditions of the EC by the Respondent No. 9 while constructing the residential & commercial building project 'Adityas A Garden City' located at Survey Nos. 109-110, Village Warje, Taluka Haveli, District Pune, Maharashtra. It is humbly submitted that, CPCB has communicated the said legal notice to Maharashtra State Pollution Control Board vide email dated 15/03/2024 for necessary action. Copy of the said Communication is annexed as **Annexure-R2-1**.



10. That, the averments made in Para nos. 59 to 98, 100 to 101 and 103 to 114 under heading "GROUNDS" are about the various Grounds for filing the present OA by the Applicant, which are not related to this Answering Respondent. However, it is humbly submitted that the submissions made in Para nos. 5 and 6 of this reply are re-iterated and not repeated for the sake of brevity.
11. That, the averments made in Para no. 99 under heading "GROUNDS" are about the legal notice, dated 29/02/2024 served by the Applicant's Advocate to the Respondents regarding the alleged violations of the terms & conditions of the EC by the Respondent No. 9 while constructing the residential & commercial building project 'Adityas A Garden City' located at Survey Nos. 109-110, Village Warje, Taluka Haveli, District Pune, Maharashtra. It is humbly submitted that, CPCB has communicated the said legal notice to Maharashtra State Pollution Control Board vide email dated 15/03/2024 for necessary action. Copy of the said Communication is annexed as **Annexure-R2-1**.
12. That, the averments made in Para no. 102 under heading "GROUNDS" are about the complaint, dated 06/02/2025 addressed by the Applicant to the Respondent No. 3 regarding the alleged construction of the residential & commercial building project 'Adityas A Garden City' located at Survey Nos. 109- 110, Village Warje, Taluka Haveli, District Pune,

Maharashtra by the Respondent No. 9, without amending the EC. It is humbly submitted that, the Applicant has not addressed the said complaint to this Answering Respondent and this may suitably be replied by the respective Respondent(s). However, submissions made at Paragraph No. 5 of this instant reply affidavit are reiterated and not repeated for the sake pf brevity.



13. That, no comments are offered by the answering respondent herein over the averments made in Para no. 115 under the heading "LIMITATION" in the present OA and Para No. 116 under the heading "PRAYER" (a to h).

14. That, an Affidavit in support of this reply is being filed herewith in light of the above submissions, this Answering Respondent No. 2 i.e. CPCB shall abide by any order(s) or direction(s) passed by this Hon'ble NGT in the present OA.

Noted & Registered
At.Sr.No. 724 / 2025

Pratik D. Bharne

(Pratik D. Bharne)

Scientist 'F' & Regional Director
Central Pollution Control Board



प्रतिक भरणे / Pratik Bharne
क्षेत्रीय निदेशक / Regional Director
केन्द्रीय प्रदूषण नियंत्रण बोर्ड
Central Pollution Control Board
क्षेत्रीय निदेशालय, पुणे / Regional Directorate, Pune
पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय, भारत सरकार
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Sr. No. 110, Hirabai Dhankude Hall, Baner Road, Baner, Pune - 411 045



BEFORE ME

Manisha Sameer Chitnis

MANISHA SAMEER CHITNIS
NOTARY
GOVERNMENT OF INDIA

03 DEC 2025

अप्रति / Pratik Bharne
क्षेत्रीय निदेशक / Regional Director
केन्द्रीय प्रदूषण नियंत्रण बोर्ड
Central Pollution Control Board
क्षेत्रीय निदेशालय, पुणे / Regional Directorate, Pune
पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय, भारत सरकार
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NAGESH VINAYAK DHAMALE

APPLICANT

VERSUS

MOEF&CC & ORS.

RESPONDENT(S)

AFFIDAVIT

I, Pratik D. Bharne, working as Scientist 'F' & Regional Director in Central Pollution Control Board, Regional Directorate, Survey No. 110, Hirabai Dhankude Multipurpose Hall, Baner Road, Baner, Pune, do hereby solemnly affirm, declare on oath and state as under:

1. That the deponent is authorized representative to represent the Respondent CPCB in the present case, and as such, I am well conversant with the facts and circumstances of the present case on the basis of the information derived from the official records, and hence, I am competent and authorized to verify, sign and swear this affidavit on behalf of the Respondent CPCB.

2. That the accompanying reply may be read part and parcel of the present affidavit as I am competent to swear this affidavit.

3. That the contents there of are true and correct on the basis of the record maintained during ordinary course of business of CPCB and available records and documents and the contents of the same are read over and explained to me and are not repeated herein for the sake of brevity.

प्रतिक भरणे / Pratik Bharne

क्षेत्रीय निदेशक / Regional Director

केन्द्रीय प्रदूषण नियंत्रण बोर्ड

Central Pollution Control Board

क्षेत्रीय निदेशालय, पुणे / Regional Directorate, Pune

पर्यावरण, वन एवं जलवायु परिवर्तन विभाग, भारत सरकार

M/o Env't. Forest & Climate Change, Govt. Of India

सर्वे नं. ११०, हीराबाई धनकुटे हॉल, बानेर रोड, बानेर, पुणे - ४११ ०४५

सं. नं. ११०, हीराबाई धनकुटे हॉल, बानेर रोड, बानेर, पुणे - ४११ ०४५

Pratiks
DEPONENT



VERIFICATION

Verified at Pune on this day.....of November, 2025 that the contents of the above reply are correct and true on the basis of the record of the cases as mentioned in the day to day affairs of the CPCB. Nothing has been concealed there from or mis- stated.



Pratik B.

DEPONENT – Respondent No. 2

प्रतिक भरणे / Pratik Bharne
क्षेत्रीय निदेशक / Regional Director
केन्द्रीय प्रदूषण नियंत्रण बोर्ड
Central Pollution Control Board
क्षेत्रीय निदेशालय, पुणे / Regional Directorate, Pune
पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय, भारत सरकार
M/o Env't. Forest & Climate Change, Govt. Of India
सर्वे नं. ११०, हीराबाई धनकुटे हॉल, बाणेर रोड, बाणेर, पुणे - ४११ ०४५
Sr. No. 110, Hirabai Dhankude Hall, Baner Road, Baner, Pune - 411 045

COUNSEL for Respondent No. 2



Noted & Registered
At. Sr. No. 725/2025
BEFORE ME

Manisha

MANISHA SAMEER CHITNIS
NOTARY
GOVERNMENT OF INDIA
03 JULY 2025



Fwd: Public Complaints

Public Complaints <prc.cpcb@nic.in >

Wed, 12 Nov 2025 11:58:54 AM +0530

To "SHARANDEEP SINGH"<sharandeep.cpcb@nic.in>

Cc "Danish Meena"<danish.cpcb@nic.in>

Sir,

For information, please. (File No. 16490)

==== Forwarded message =====
From: Public Complaints <prc.cpcb@nic.in>
To: <ms@mpcb.gov.in>
Cc: CPCB, RD Pune<rdpune.cpcb@nic.in>
Date: Fri, 15 Mar 2024 10:32:05 +0000
Subject: Public Complaints
==== Forwarded message =====

महोदय/महोदया

केंद्रीय प्रदूषण नियंत्रण बोर्ड में प्राप्त शिकायत को जांच एवं आवश्यक कार्रवाई हेतु अग्रसारित किया जाता है। शिकायत की जांच तथा कार्रवाई की सूचना प्रेषित करने का कष्ट करे।

सादर,

लोक शिकायत प्रकोष्ठ
सदस्य सचिव कार्यालय
केंद्रीय प्रदूषण नियंत्रण बोर्ड
दिल्ली**4 Attachment(s)**unnamed.png
68.3 KBMPCB 16545.pdf
394.9 KBMPCB 16293.pdf
2.2 MBMPCB 16490.pdf
3.9 MB



VIRAJ UDDHAV PAWAR
ADVOCATE
BBA, LL.B., LL.M., D.T.L, PGD.IB.

Contact : +91 89838 68386
E-mail : adv.virajpawar@gmail.com

NOTICE / COMPLAINT

(R.P.A.D)

Date: 29/02/2024

1. Ministry of Environment and Forest and Climate Change (MOEF & CC), New Delhi.

Through its Secretary,

having office at :

Indira Paryavaran Bhawan,
JorBagh Road, New Delhi - 110 003

2. Central Pollution Control Board (CPCB), New Delhi.

✓ **Through its Member Secretary,**

having office at :

Parivesh Bhawan, CBD-cum-Office Complex
East Arjun Nagar, Delhi - 110 032.

3. State Environment Impact Assessment Authority (SEIAA), Maharashtra.

Through its Member Secretary,

having office at :

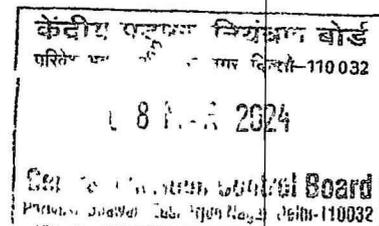
15th floor, Environment Department,
Mantralaya, Mumbai-400 032

4. State Expert Appraisal Committee (SEAC - III), Maharashtra.

Through its Chairman,

having office at :

15th floor, Environment Department,
Mantralaya, Mumbai-400 032



5. Maharashtra Pollution Control Board (MPCB), Mumbai.

Through its Member Secretary,

having office at :

Kalpataru Point, 3rd and 4th floor,
Road No. 8, Sion Cir, opp. PVR Theater,
Mumbai - 400022

6. Maharashtra Pollution Control Board (MPCB), Pune.

Through its Regional Officer

having office at :

Jog Center, 3rd Floor, Mumbai Pune Road,
Wakdewadi, Pune - 411 003.

**7. Maharashtra Water Resources Regulatory Authority
(MWRRA)**

Through its Chairman,

having office at :

9th floor, centre -1,
World Trade Centre, Cuffe Parade
Mumbai - 400005

8. The Commissioner, Pune Municipal Corporation (PMC)

Through its Municipal Commissioner

having office at :

Main Building, Pune Municipal Corporation,
Congress House Road, Near Mangla Theater,
Shivajinagar, Pune - 411 005

9. M/s. ADITYA CONSTRUCTION

Through its Project Proponent,

Mr. S. B. Kataria

Having office address at: 619, Mayanagari Society,
Bajirao Road, Sadashiv Peth, Opp Bank Of
Maharashtra Pune-411030

Having site address at: **"ADITYAS A GARDEN
CITY"** at Survey No. 109+110, Village Warje,
Taluka Haveli, District Pune 411058.





ADV. VIRAJ UDDHAV PAWAR

SUBJECT:- EIA Notification - 2006 i.e. Environment (Protection) Act-1986 along with Water (Prevention and Pollution Control) Act-1971 and Air (Prevention and Pollution Control) Act-1984 for carrying out illegal building construction in project "**ADITYAS A GARDEN CITY**" Violating the Terms and Conditions Environmental Clearance and further enjoyment of completed premises by **M/s. ADITYA CONSTRUCTION** in their Residential and Commercial project situated at Survey No.109+110, Village Warje, Taluka Haveli, District Pune -411058

Sir / Madam,

Under the instructions and authority from my Client **Mr. Nagesh Vinayak Dhamale**, residing at: S No.82/18 Sagar Colony, Shastri nagar, Near Ashish Garden, Kothrud Pune – 411 038., do hereby address and serve upon you the following notice:

1. My Client is a Social and Environmentalist Activist.
2. As informed by my client that No. 9 of you is a Private Limited Company, having its registered office on the address as mentioned above. The said No. 9 of you is into the business of Civil Construction and Architectural Work, carrying out its business in Pune and operating the same from Pune. (hereinafter jointly referred to as the "**Project Proponent**")
3. This notice is addressed to Company about one of its projects known as "**ADITYAS A GARDEN CITY**". The Project Proponent has violated the Environmental Norms



has carried out the construction, without Environment Clearance Permission, and has not obtained the other necessary & essential permissions from various State government authorities.

4. The said Project Proponent has constructed over beyond 20000.00 Sq. mtrs. without amending the existing Environmental Clearance, for the both commercial and residential units, constructed by the Project Proponent, in the said project. Permission upon changes carried out by the Company in its structural layout and building plan, in the said scheme. The Project Proponent has constructed a different profile than mentioned and beyond the permissible limit of Total BUA than that of approved Environment Clearance Permission.
5. My client proposed an application to the various public authorities, in the interest of the Environment Protection, at large. My client is not having any vested or personal interest in the project nor is my client having any hostility towards the Project Proponent or its partners. Thereafter, it was conveyed by the appropriate government authorities that the said project does not have any necessary permissions and also has changed the profile of construction been carried out by the Project Proponent, complete different than the approved Environment Clearance Permission. There are several Office Memorandum and rules set by Ministry of Environment, Forest and Climate Change which states particular violation cases must be considered in such change in profile of construction which needs the amendment first and then the construction shall be carried out accordingly after approved amended Environment Clearance Permission.
6. **CONSTRUCTION BEING CARRIED VIOLATING THE TERMS AND CONDITION OF THE ENVIRONMENTAL CLEARANCE AND CONSENT TO ESTABLISH IN BLATANT VIOLATION OF THE ENVIRONMENTAL LAWS, POLLUTION CONTROL ACT AND EIA NOTIFICATION, 2006.**





ADV. VIRAJ UDDHAV PAWAR

- Aditya Garden City residential and commercial project construction work of some buildings has been completed on site and excavation work of building A is in progress on site. The environmental clearance permit does not mention the configuration of the commercial building. Pune Municipal Corporation has issued a notice to the project proponent on 1/8/2022 for having done RCC beam work in the drain. Construction work of commercial and residential building has been completed by suppressing facts, manipulating, misleading and misinforming concerned authority and giving them environmental clearance. Construction has been completed on the site in excess of the Total BUA area given in the environmental clearance. Illegality and suppression of facts will be held responsible for stopping work on violation terms and deliberately disregarding law and order with intent to harm the environment and for making huge profits by manipulating, misleading and misrepresenting the authority concerned.
7. My client says that it was found that the Project Proponent has violated and has carried out construction without Environment Clearance and other necessary permission. The Project Proponent has constructed the illegal structure, without any fear of litigations, government actions, which would arise in the future. The Project Proponent without the amending its Environment Clearance Permission has continued and is carrying on its Civil Construction activity, till today. The Project Proponent has violated the directions given by the government authorities and further is showing disrespect towards the authorities and the directions issued, by the government authorities, which were essential for the environment.
8. My client says that the Project Proponent has constructed buildings, in contrary to the plans approved and sanctioned by the sanctioning of the planning authorities. The Project Proponent has not complied with the directions



as required by law, which are essential for the Environment and its guidelines which safeguards the Environment. The Project Proponent is a grave environment polluter and the Project Proponent is doing these illegal acts, intentionally, with all the Knowledge of process and has violated the Environmental Law and Construction Laws of the concerned government authority. The on-site observations made by my client are as follows:

- a. The Project Proponent has extracted ground water through drilling bore in the ground. While doing so the Project Proponent has not taken any prior permission nor as has applied before appropriate authority. The Project Proponent has overlooked upon the norms laid down by the water authorities, which are essential and critical for the extraction of Ground Water. It was directed by the government authorities to the Project Proponent to submit NOC, but the Project Proponent in order to save time, the Project Proponent has chosen to extract ground water. The Project Proponent has also violated the rules, which are laid down by the authority for extraction of ground water. The Project Proponent has acted beyond the law and has crossed all the limit and has gone up to the extent of extracting ground water without the permission of the State and Local water authorities. The best example of the violation of permissions rules, norms and regulations, in the said project. This activity of the Project Proponent has resulted in excessive and extreme use of groundwater resource, by the Project Proponent, which can have serious concern, such as uplifting and seismic activities, ecological environment deterioration, and Land subsidence. Similarly, the nearby rural areas where there is a shortage of water, the livelihood for the rural people and food security will have large implications.
- b. The Project Proponent has to carryout plantation and the details of which are to be shared by the Project Proponent to the appropriate State government authority but the Project Proponent has not planted trees and is misleading the appropriate State Government authorities. Thereafter the Project Proponent is also directed to submit the exact location of the plantation of tress. The Project Proponent has utilized all the possible area and has used the remaining areas construction of amenities in the said





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project Similarly, the water authorities also have not granted the water extraction or the water use permission. The best example of the violation of the permissions rules, norms and regulations, very well presented by the Project Proponent where it has carried out illegal construction in the said project. The Project Proponent has acted beyond its capacity and in order to attract more and more customers for its scheme and sale of its flats and shops, the Company is illegally providing facilities to innocent people. The amenities will unnecessary consume humongous metric tons of water and extracting the water from the ground will result in nearby rural areas where there is a shortage of water, the livelihood for the rural people and food security will have large implications.

- c. Considering the shortage and limited resources available to the Project Proponent for the water, the Project Proponent has failed installing Rain Water Harvesting System. The Project Proponent is only focusing on carrying out illegal construction in the said project and thereafter the Project Proponent is building towers after towers but is lacking with basic water facility. It was found that the Project Proponent is directed to build a proper water-harvesting unit. The authorities have provided all the necessary dimensions in the minutes and thereafter the Project Proponent has failed implementing the same, in the said project. The Project Proponent is having destructive approach towards the environment. In the minutes, it also clearly directs the Project Proponent for making provisions for Underground Water Tank. The Project Proponent providing no heed to the permissions and direction of the authorities, the Project Proponent has utilized the said area for expansion of its parking area. The connected storage for the accumulation of water is the storm water drainages. No outlets have been designed or compartments have been made available for the drains. Instead, the areas and the compartments had been



- utilized in the development of internal roads and footpaths in the premises in order to increase the reach ability.
- d. In the said project, the Project Proponent does not have the Sewage, Waste Water Management Systems and Pollution Monitoring Systems. In the Minutes, the technology to be used for the Sewage Treatment is mentioned but the Project Proponent violating the stipulated direction of the authorities have acted in contravention and have overlooked upon the implementation of the facility. In addition, it is observed the Project Proponent has not made any setup for the segregation. Similarly, the Solid Waste Management is also not organized by the Project Proponent. The Solid waste is not segregated and is not bifurcated into Biodegradable waste, Non-Biodegradable waste, E-waste, etc. All types of solid wastes are dumped together without segregation. The waste if not separated it will affect the Environment and the wastes can affect the health and well-being in many ways. In addition, for the removal of the derbies the Project Proponent was directed to submit the details of the plot where excess derbies are to be removed along with the area of the plot, its capacity to absorb the quantity and the ownership documents, were to be submitted to the government authority for the Environment Clearance Permission.
- e. Further the Common Areas and Facilities and the Amenities area, as per the Environment Clearance Permission, the Project Proponent was supposed to plant several trees in its surroundings. But the Project Proponent has not-considered tree plantation as important. The Project Proponent and cut-down many trees which were there on the project site in order to start the construction work, in the said project. The Project Proponent as per law was to plant the trees against the tress, which were cut-down by the Project Proponent. The Project Proponent, until date has not planted any trees for the trees, which are cut-down by the Project Proponent. The Project Proponent has given priority to its profit margins and has overlooked upon the Environment Hazardous.
- f. The Project Proponent for setting up Electricity Generator Sets / Units has utilized the reserve areas for tree





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plantation. The Project Proponent has installed the higher loads of power supply than prescribed in the Environment Clearance Permission. The government authorities prescribed thereafter Solar PV Panels, but the Project Proponent has thereafter failed installing the panels. Further, the Project Proponent is not following the rules and regulations of Environment Clearance Permission and guidelines laid by the authorities. The Project Proponent has not installed any Solar Panels, in the said project. As per the guidelines from the appropriate government authorities, it is mandatory to install the solar units with the project premises to conserve maximum energy and to increase the use of renewable energy. The Project Proponent has installed the Electricity Units more than the approved capacity, as prescribed in the Environment Clearance Permission. This can lead to environmental damage.

9. My client says that from such a massive violation of the illegal construction, without Environment Clearance and other necessary permission, it can be anticipated that the Project Proponent is grave offender of the environmental laws and has the unjustified interest in violating the laws, laid down by the authorities, for the welfare of the people. The amended Environment Clearance is not being issued to the Project Proponent, for any Civil Works. The Project Proponent is a repeated offender and is deliberately not acted beyond law.
10. My Client further says that the Project Proponent has not complied with all the compulsory conditions and directions as per law, for obtaining the amended Environment Clearance and other necessary permission. The Project Proponent has committed a serious offense and knowing the offenses; the Project Proponent has continued to commit the same, repeatedly and regularly and further through its actions has showed disrespect and has insulted the authorities. From the actions of the Project Proponent,



is not following the principles of Sustainable Development, therefore, it is right to say that the Project Proponent is a Hard-core Environment Polluter.

11. The disputed illegal construction is being carried out, by the Project Proponent without any mention and in contravention to the Environment Clearance Permission. The Project Proponent is not having a valid Environment Clearance Permission, the construction of the same is neither recorded in the sanctioned layout plan, issued by the planning authority, and thereafter the Project Proponent in order to wind-up the work, the Project Proponent did wait for the Environment Clearance Permission. The Project Proponent has continued the construction and completion of the work in the said scheme without having a valid Environment Clearance Permission.
12. My client being an active Environmentalist and Right to Information Activist, summons the Project Proponent to immediately stop all its illegal activities which are harmful to the Environment. My client requests all Authorities who are addressed in this notice to take proper and legal action against the Project Proponent for Violation of Environmental Norms and not implementing prescribed terms and conditions in the Environment Clearance and other necessary permission, authorities shall direct the Project Proponent to demolish the illegal structure. Further, my client says that the Project Proponent should be heavily charged with Environmental Damages / Compensation, by the addressed authority for causing damage to the Environment and disrespecting and insulting the authorities. My client further submits that the authorities should direct the Project Proponent to demolish the illegally construction and non-permissible contraction, with immediate effect. Also direct the Project Proponent to fulfil the terms and conditions as directed by the government authorities for obtaining the amendment in the Environment Clearance.
13. My client further appeals to all the addressed concerned government authorities to give directions for demolishing





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the illegal construction and impose heavy environmental compensation, on the Project Proponent and do not give any permission to the said illegal project and avoid any third-party interest creation in the said project. Thereafter, the Project Proponent has failed to obtain the NOC from the appropriate government authorities and has carried out constructions without the NOC's, sanctions and permission.

14. My client further appeals to the appropriate authorities that directions may be given to the concerned authorities to not register any documents, which create third-party interest in the said project as the Environmental Polluters, get the advantage of the third-party interest.
15. My client further says that the Project Proponent is bound to fulfil the terms and conditions as directed by the government authorities for obtaining the Environment Clearance Permission / Government and other necessary permission, like tree plantation, etc. and should be heavily charged for its grave offense of harming the environment and acting without the Environment Clearance Permission.
16. My client says that it is also requested that not further sanctions to be provided or granted in favour of the Project Proponent, as the Project Proponent is a repeated, brutal, and a rootless Environment Polluter. If the concerned government authorities take no action then my client with a Public Interest & Environment Interest, at large, will have to forcefully file a legal proceeding before the concerned government and judicial authorities.
17. My client says based on the information available and the documents procured, from the various authorities, it is seen that the Project Proponent has violated the Environmental Laws, caused damage to the Environment and risking the life of innocent people.



18. Take further note that any delinquency in the duty would certainly invite suitable legal action and the responsible officers would be made by name parties on their failure to take appropriate legal action despite having brought the violations to notice, if you fail to stop the construction activity, within 15 days from the receipt of this notice, after which, I, have definite instructions from my client to proceed against you all before appropriate tribunal and or court of law to initiate civil and criminal proceedings against you all.

Note: Copy retained in my office for further use.



Mr. Nagesh Vinayak Dhamale



**Mr. Viraj U. Pawar
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