

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

APPEAL NO. 112/2024 WZ

TANAJI B. GAMBHIRE

...APPELLANT

V/s

UNION OF INDIA & ORS.

...RESPONDENTS

I, Mr. Jatin Dhansukhlal Suratwala, Director of Suratwala Business Group Limited, (Respondent No.4) having its office at 4/38 Sumangal Bunglow, Sahakar Colony, Eranwane, Pune 411004 do on solemn affirmation state as under :-

(1) At the outset, it is submitted that, the contents of the Appeal are not admitted by the Respondent No.4 and that the contents therein are false and incorrect. The Respondent No.4 submits that the statements and averments made in the said Appeal are not admitted by the Respondent No.4 except so far they are expressly admitted herein under. It is further submitted that, the Respondent No.4 craves leave of this Hon'ble Tribunal to file a detailed Reply, if necessary, in the present proceedings. At the outset, the Appeal filed by the Appellant is devoid of any merit and is liable to be dismissed in limine with the compensatory cost. The Appellant herein is neither resident of the concerned area nor an aggrieved party and thus has no locus standi and has filed the present proceedings only to harass the Respondents. The Applicant herein is claiming relief, which is beyond the jurisdiction of this Hon'ble Tribunal.

(2) The allegations are exaggerated, baseless, and lacking substantive evidence and thus are denied in toto. The appellant has failed to demonstrate how the alleged lapses, if any, have resulted in any prejudice, harm, or injury to the environment or compromised the validity of the granted Environmental Clearance (EC). This response addresses the points of maintainability, limitation, and merits, while reserving the right to file additional documents if required during proceedings.



- (3) The Respondent No.4 submits that no substantial issue has been made out for adjudication of this Hon'ble Tribunal. The statutory authorities are already performing their statutory duties. The Respondent No.4 further submits that the Appellant herein has no locus standi to file the present Appeal and he is also not an aggrieved party to the present proceedings. The Hon'ble Supreme Court has clearly held that the bonafides of the litigant are to be tested before proceeding with the proceedings for adjudication.
- (4) The present Appeal is filed by the Appellant whereby he has sought quashing and setting aside of Environment Clearance (EC) dated 8th February 2024 issued by the Respondent No.2.
- (5) The present Appeal is clearly abuse of process of law and has been wrongfully filed by the Appellant, lacking any merit in its assertions against the Respondent No.4. The present Appeal is entirely founded on baseless assumptions, speculation, conjectures and thus holds no substance.
- (6) The Respondent No.4 are in process of collating necessary documents including but not limited to the notifications, circulars of MOEFCC, SEIAA, SEAC etc. and thus crave leave to file all the documents under a separate list as may be required during the proceedings OR in response to replies filed by other Respondents in future.



I. PRELIMINARY OBJECTIONS:

I.I That the appeal has been delayed beyond the period of 30 days as provided u/s. 16 of NGT Act 2010. The respondent hereby strongly opposes the admission of the appeal itself. The Appellant has not even stated, or prima facie shown any reason as to how this would affect the environment, justice or the interests of the public at large. As such, respondent opposes the condonation of this inordinate delay much beyond the limitation period provided of 30 days. The discretionary power of the condonation of the delay needs to be exercised with caution, liberally but by not burying the provision itself as if the period of limitation in a statute is non-existent.

I.II- NO ALLEGATION ON MERIT:

- a) That the allegation of false information, and suppression of facts are vague, without any specific pinpointed single incidence



supported with the substantive tangible evidence to that effect. The entire procedure for obtaining EC has been followed as stipulated in Clause 7 of the EIA Notification "7. Stages in the Prior Environmental Clearance (EC) Process". As specified in the APPENDIX-V PROCEDURE FOR APPRAISAL as stipulated in Clause 7 was also completed within the validity period of the SEAC and SEIAA. There is no allegation on this point against the respondents, on merit of the appraisal procedure. This was done in time and during the valid tenure of SEAC. The MoM of the SEAC and SEIAA, both, are enclosed. As it can be seen both meetings were conducted during the period of validity of SEAC and SEIAA up to 10/01/2024, as per MoEFCC Gazette Notification 11/01/2021. The minutes of the same were also recorded and published. There is nothing to show in the appeal that this was not done in time.

- b) At the most the only surviving alleged allegation in the appeal can be said to be the EC was issued on the date when the tenure of the SEIAA Maharashtra had expired on 10/01/2024, which is also hit by the **Doctrine of De-Facto** settled by the Hon'ble Apex Court of the land and thus this ground also falls flat on face. There is no other point whatsoever in the appeal on merit of the EC issued which is substantiated even with any kind of prima facie evidence.
- c) That there is no 'substantial question related to environment' OR dispute made out. There is no specific procedural allegation made out with prima facie evidence based on factual documentary support. The basic burden of proof will always lie on the appellant. The onus can't be shifted to Respondent without giving prima facie evidence. There is not even an iota of credible substantive relevant evidence, forget about the proof, to shift the onus on Respondent

I.III- NOTIFICATION REGIME:

- Appeal Not Maintainable Due to MoEFCC's 2nd AUGUST 2023 Notification Allowing SEIAA Members to Grant EC Post-Tenure:
 - a) The sole ground for the Appellant's challenge in the present appeal is the unsubstantiated claim that the EC, granted to Respondent No.4 by SEIAA, was issued during the period when the SEIAA was allegedly not operational. However, this assertion is wholly unfounded and misleading as Ministry of Environment, Forest, and Climate Change Impact Assessment Division vide its notification/office memorandum dated 2nd August 2023 explicitly grants authority to Member of SEIAAs to issue/grant Environment Clearance letter for category B proposals even after expiry of its tenure for certain period where after approval to grant EC the SEIAA has become non-functional.

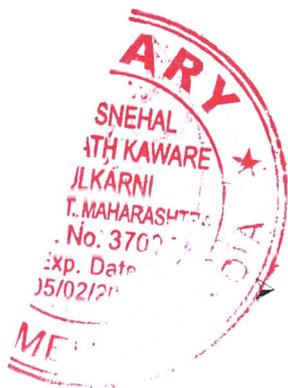
b) The Respondent No.4 submits that the present case is clearly covered by the **de-facto doctrine** as the decision was taken in good faith & on merits and the law on the said aspect is clear.

➤ Appellant's Wrongful Suppression of MoEFCC Notification Clarifying Procedure:

- a) The Appellant has not come with clean hands and has conveniently suppressed the material fact that the Ministry of Environment, Forest, and Climate Change (MOEFCC) issued a notification/office memorandum dated 2nd August 2023, titled "Procedure for consideration of Category 'B' proposals at Central level due to the non-functionality or delay in constitution of SEIAA/SEAC." This notification explicitly outlines the procedures for handling EC proposals when SEIAAs or SEACs are non-functional or delayed in their constitution. The said notification categorizes various scenarios where EC proposals might be delayed.
- b) The Respondent No.4 submits that whereas point VI of the said notification specifically addresses the scenario where proposals have already been approved by the SEIAA but the official minutes or approval letters have not yet been uploaded to the PARIVESH system (*an online platform used for environmental clearances and monitoring*). Pertinently, the proposal of Respondent No.4 was considered in 274th Meeting held on 08.01.2024, after which SEIAA's tenure had expired on 10th January 2024. However, official minutes of meetings and EC letter has been uploaded on the site of PARIVESH on 8th February 2024. It is thus submitted as stated earlier, the present scenario would be covered by the de-facto doctrine.
- c) Furthermore, it is stated that the MOEFCC has granted a "window period" of fifteen (15) days, for the Member Secretary of the SEIAA, extendable with another fifteen (15) days, to upload the minutes or approval letters related for the proposals covered under point VI, i.e., proposal which was duly approved by SEIAA before it became non-functional.
- d) In the case of Respondent No. 4, the SEIAA clearly operated within this time frame, ensuring that the EC approval was formalized and recorded in due compliance with the procedure laid out by the MOEFCC.

➤ **Gazette Notification, generally referred to as, EIA Notification 14/09/2006:** This has laid down the need of EC, Schedule of various activities and projects covered, procedure for appraisal, forming of Committee (SEAC) and Authority (SEIAA) in each state, qualifications of the Members, powers, functions of SEAC & SEIAA,





etc. **There is no expiry date or period of validity to the "AUTHORITY" formed under this. The Authority is and has to be perpetual.**

Gazette Notification 11/01/2021 and the current one 10/06/2024: This is to formally Notify the names of the Members of the SEAC and SEIAA. The tenure of the Members is three years and after that, those persons are not the Members though AUTHORITY shall be always there, which is established under the first EIA Notification of 14/09/2006. The "AUTHORITY" has the perpetuality and it doesn't expire, due lapse of tenure of the Members of SEAC or SEIAA. SEIAA continues to operate as "Authority" through its office under the "Member Secretary".

A Copy of Ministry of Environment, Forest, and Climate Change (MOEFCC) notification/office memorandum dated 2nd August 2023, titled "Procedure for consideration of Category 'B' proposals at Central level due to the non-functionality or delay in constitution of SEIAA/SEAC" and above referred Gazette Notifications is filed under a separate list.

I.IV- Compliance of Due Process by Respondent No. 4:

a. Respondent No.4 has scrupulously followed the due process prescribed for seeking Environmental Clearance (EC) for its project categorized under Category B as per the EIA Notification, 2006. Environmental Clearance has been granted to Respondent No. 4 in absolute compliance with the provisions of the EIA Rules and Regulations and after a thorough and proper appraisal process.

b. Both SEAC III and SEIAA have granted approvals to the proposal of Respondent No.4 in all their meetings whenever the proposal was listed for appraisal. The said approvals were granted by the competent authorities within their tenure, following due deliberation and careful consideration. Thus, there has been no deviation from the prescribed procedures at any stage of the process.

c. The Respondent. No.4 submits that the Respondent No.4 has rigorously complied with all rules/regulations/procedures prevailing at that period of time. The Respondent No.4 thus cannot be denied the due benefits of the EC which has been obtained in accordance with the law.

I.V- Baseless Allegations of Misrepresentation and Non-Compliance by Appellant:



a. The Appellant's claims that Respondent No. 4 submitted a false, defective and misleading application for the grant of Environmental Clearance (EC) and failed to comply with the conditions imposed by SEAC III and SEIAA, are entirely false, baseless and without merit & with malicious intent.

b. Respondent No.4 has meticulously adhered to all regulatory requirements under the Environmental Impact Assessment (EIA) framework and has acted in full compliance with the stipulated procedures. Respondent No. 4 has not only submitted its application in strict accordance with the provisions of the EIA but has also responded comprehensively to every query and concern raised by the SEAC III and SEIAA, from time to time.

c. The Respondent No.4 submits that the Respondent No.4 vide its letter submitted the application for grant of Environmental Clearance along with other necessary forms. The Respondent No.4 vide its undertaking undertook to provide and implement facilities at the concerned project.

d. It is stated that the EC was granted to Respondent No.4 by the competent authorities after carefully considering all the aforementioned submissions and ensuring that Respondent No.4 had fully complied with all procedural and regulatory requirements. The SEIAA's decision was based on a thorough appraisal of the application, the responses to queries, and the supporting documentation provided by Respondent No.4. Thus, the Appellant's allegations of non-compliance and misrepresentation are devoid of any factual basis and are simply an attempt to mislead and prejudice the mind of this Hon'ble Tribunal.

I.V- No Prejudice to Environmental Safeguards:

a. The Appellant has entirely failed to demonstrate any harm or prejudice to environmental safeguards as a result of the Environmental Clearance (EC) granted to Respondent No.4. There is no specific assertion in the appeal that the project in question will cause any environmental damage or degradation, rendering the allegations of appellant baseless.

b. Respondent No.4 has adhered to all environmental regulations and requirements as mandated by law. The EC was granted after a thorough and lawful appraisal process conducted by the appropriate authorities, ensuring that all environmental conditions were met. The Appellant's allegations lack any factual basis and do not provide any evidence of non-compliance with environmental safeguards. The absence of any concrete assertion regarding potential environmental harm demonstrates that the appeal is unfounded and serves no legitimate purpose other than to obstruct Respondent No.4's lawful activities and are done with a view to harass the Respondent No. 4.



II. BRIEF FACTS OF THE PRESENT CASE:

The brief facts of the present case are enumerated as under: -

- (1) Respondent No.4, is a public limited company under the laws of India, having its registered office at 4/38, Sumangal Sahakar Colony, Erandwane, Karve Road, Pune-411004.
- (2) The Respondent No.4 filed an application with the Ministry of Environment, Forest and Climate Change seeking Environment Clearance (EC) for proposed commercial building located at Survey No.27/1, 27/5, 28/1(P), 28/B/1, 28/B/2, 28/B/3, 28/B/4, Hinjewadi, Mulshi, Pune. The application of Respondent No.4 has been registered in "**Category B**" projects vide proposal SIA/MH/INFRA2/450700/2023. Copy of Respondent No.4's application no. SIA/MH/INFRA2/450700/2023 is filed under a separate list. The said application has been considered and the EC has been granted to the Respondent No.4.
- (3) In the background of the Doctrine of De-Facto, the following submissions is made without prejudice to other grounds:
 - a) That all the meetings and proceedings of SEAC and SEIAA, were conducted during the valid tenure of SEAC and SEIAA, which was till 10th January 2024.
 - b) That the consideration, application of mind, questioning during presentation, deliberation, findings and decisions were recorded by SEAC and SEIAA, both, during the valid tenure period, then and there.
 - c) That there was nothing to be further examined by SEAC or SEIAA, both, thereafter, after the expiry of their validity period of tenure which was up to 10/01/2024.
 - d) That all the paperwork also was completed in all respects during the validity period itself. It is to be particularly noted that the Minutes of Meeting (MoM) of the SEAC were documented and recorded during the validity period of SEAC.
 - e) That thereafter formal typed copy of the MoM of SEAC meeting was finalized and issued which is already on the website in the public domain all the time.
 - f) That the MoM were recorded during the meetings which was within the validity period of SEIAA.
 - g) That no further compliance was pending from the Project Proponent in terms of recommendations by SEAC or SEIAA, after the last meeting of SEIAA was completed and MoM were recorded during the validity period of SEIAA.

- h) That no further checking of the documents was to be done by SEAC and SEIAA, both, through their Members, as none of these matters were remanded back to SEAC or re-appraisal or clarification was sought from SEAC in these matters, to whom these EC were granted.
- i) That there were no points of reconsideration, checking, or affirmation pending at the SEIAA level as well where any application of mind was to be done but was not done, or consideration of any point was pending before the SEIAA or its Hon'ble Members. **The procedure as laid down in Clause No. 7 of the EIA Notification was complete in all respect during the validity period of SEAC and SEIAA, both.**
- j) That only formal EC document was to be + typed and issued by manifesting the details already on record as appraised by SEAC and recommended by SEIAA, which all were recorded (written down) during the valid period of tenure.



III. PARAWISE REPLY:

- A) The Respondent No.4 submits that the contents of Para 1 of the appeal are a matter of record and hence needs no reply.
- B) The Respondent No.4 submits that the contents of Para 2 of the Appeal to an extent are a matter of record and needs no response. Rest of the contents of the said para are denied being ill-motivated, false and incorrect. It is stated that the present appeal at the outset is not maintainable as the same wrongly challenges the issuance of EC to the answering Respondent by Respondent Nos.2 & 3. It is further stated that the contention of the Appellant that SEIAA was non-functional and hence cannot grant EC is misconceived. The Respondent's proposal was approved by SEIAA when the SEIAA was operational and was uploaded on online portal (PARIVESH) on 8th February 2024, exercising the power/authority given by MOEFCC vide its notification dated 02.08.2023 whereby, MOEFCC has categorically granted a "window period" of fifteen (15) days, for the Member Secretary of the SEIAA, extendable with another fifteen (15) days to upload the minutes or approval letters related for the proposals which was duly approved by SEIAA before it became non-functional
- C) The Respondent No.4 submits that the contents of Para 3 of the appeal are denied on grounds of being false and incorrect as the appeal filed by the Appellant is misconceived, without merit, and lacks any cause of action. The issues raised by the Appellant as mixed questions of law and facts are wholly untenable and do not

warrant consideration by this Hon'ble Tribunal. The appeal is not maintainable and should be dismissed at the outset.

D) Rebuttal to Issues Raised by the Appellant:

D.1. Whether the impugned EC can be granted when SEIAA is not in operation & functioning due to its expiry of tenure since 10.01.2024?

➤ The Appellant's contention regarding the invalidity of the Environmental Clearance (EC) due to the alleged non-operation of SEIAA is fundamentally flawed. Even in instances where SEIAA's tenure has expired, MOEFCC vide its notification dated 2nd August 2023 has ensured the continuity of administrative functions. The impugned EC was issued by authorized officials within the authority granted to it under MOEFCC notification dated 2nd August 2023, ensuring that all necessary legal and procedural requirements were met. Therefore, this issue raised by the Appellant is misconceived and does not affect the validity of the EC.

D.2. Whether the SEIAA have followed the due process of law and also, the procedures under EIA Notification, 2006, law laid down by Hon'ble Supreme Court and by Hon'ble NGT Rulings?

➤ Respondent No.4 submits that the SEIAA, through its authorized representatives, followed due process and adhered to the procedures prescribed under the EIA Notification, 2006, as well as the precedents set by the Hon'ble Supreme Court and the Hon'ble NGT. The granting of the impugned EC was conducted in strict compliance with all applicable legal requirements, leaving no room for questioning its validity. The Appellant's suggestion that due process was not followed is speculative and baseless in view of the notification of MOEFCC dated 2nd August 2023.

D.3. Whether the Conduct of Member Secretary of SEIAA, Respondent No.4 is in collusion and needs strict Legal action?

➤ The allegation of collusion between the Member Secretary of SEIAA and the Respondent No.4 is not only false, entirely unfounded and unsupported by any credible evidence but purely



defamatory in nature. Respondent No.4 strongly denies any collusion or wrongdoing in the process of granting the EC so also reserves its right to invoke adversarial action including for Defamation. The entire process was conducted with transparency and in accordance with the law. The Appellant's baseless allegations are an attempt to jeopardize the authority vested in SEIAA and SEAC.



D.4. Whether the impugned EC is tenable in the eyes of law being granted by ex-officio in absence of any powers and without authority?

➤ The impugned EC was granted by officials who were vested with the necessary powers and authority to act on behalf of SEIAA. The delegation of authority in such circumstances is well within the legal framework and ensures the uninterrupted functioning of administrative duties. The Appellant's challenge to the authority of these officials is without merit, and the EC remains fully tenable in the eyes of the law.

D.5. Whether there is compliance to the conditions imposed in SEAC & SEIAA minutes and who have verified the same in the absence of SEIAA?

➤ The compliance with the conditions imposed by SEAC and SEIAA was duly verified by competent authorities acting within their legal mandate. The Appellant's doubts regarding verification are unfounded. It is stated that Respondent No. 4 has duly replied to each, and every concern raised by both SEIAA and SEAC

D.6. Whether the Respondent No. 3-Shri. Pravin C. Darade has powers in personal capacity to grant impugned EC? And is there any abuse of process of law by Respondent No. 3-Shri. Pravin C. Darade?

➤ The said question as framed is mischievous and reeks of ulterior motives of the appellant. The appellant's personal grudges if any against Shri Pravin Darade, are leading the Appellant to file vexatious proceedings against one and all. The EC has been issued in compliance with the applicable law and authority vested by law There has been no abuse of the process of law, and the EC was granted in full compliance with the applicable legal provisions



- E) The Respondent No.4 submits that the contents of Para 4.1. of the appeal is denied, on grounds of being false and incorrect. The Appellant appears to be indulging in extortive acts by abusing legal process. It is stated that the present appeal is without any merit as the EC has been granted to Respondent No.4 in absolute compliance of the provisions of EIA Rules and Regulation.
- F) The Respondent No.4 submits that the contents of Para 4.2 of the appeal is a matter record and needs no response. The Respondent No. 4 denies that it is Illegally developing the said plot of land mentioned therein. The Respondent No. 4 denies that there is an abuse of process of law by it or by Respondent No. 3.
- G) The Respondent No.4 submits that the contents of Para 4.3 of the appeal are denied, on grounds of being false and incorrect. It is denied that Respondent No.4 has procured the subject EC from SEIAA with false, baseless and misleading information without following the due process. Respondent No.4 states that it has taken part in each and every meeting of both SEAC III and SEIAA and provided all the information/documents as sought by both the authorities. The Respondent No. 4 states that the EC granted to Respondent No. 4 is valid, legal and good in the eyes of the law.
- H) The Respondent No.4 submits that the contents of Para 4.4, 4.5 and 4.6 of the appeal is assumed to be matter of record and needs no response.
- I) The Respondent No.4 submits that the contents of Para 4.7 to the extent is assumed to be matter of record and needs no response. Rest of the contents thereof are denied on grounds of being false and incorrect. It is denied that Respondent No.4 has not complied with any condition proposed by SEAC III. Respondent No.4 after the 186th meeting of SEAC III.
- J) The Respondent No.4 submits that the contents of Para 4.8 seems derogatory to the other grounds and by accepting the date mentioned therei on the face of it nullifies the present appeal.
- K) The Respondent No.4 submits that the contents of Para 4.9 of the appeal are denied, on grounds of being false, incorrect and an afterthought. The present appeal is without any substantive basis and are an attempt to misconstrue the facts and the law. The appeal itself is misconceived, lacking in any cause of action, and is therefore not maintainable.



**REPLY TO GROUNDS TO BE TAKEN IN ADDITION TO ABOVE
AVERMENTS:**

- L) Ground 5.1 of the appeal is denied, on ground of being misconceived and ill-informed. It is stated that Respondent No.3 in terms of MOEFCC notification dated 2nd August 2023 (along-with other notifications) is lawfully authorized to grant EC for the proposals which was duly approved by SEIAA before it became non-functional for a period of one month after the expiry of the tenure of SEIAA Committee.
- M) Ground 5.2 of the appeal is denied, on grounds of being false, incorrect and misconceived. It is denied that the EC granted to Respondent No.4 has been approved in an illegal manner and in abuse of process of law.
- N) Ground 5.3 of the appeal is denied, on grounds of being false and incorrect. It is stated that subject EC has been granted to Respondent No.4 after following due process and procedure by both Respondent Nos.2 & 3.
- O) Ground 5.4 and 5.5 of the appeal is categorically denied being false and incorrect. Respondent No.4 at no point of time submitted any false and baseless information before SEIAA. Respondent No.4 has time and again provided the required documents and information as sought by SEAC III and SEIAA in its meetings. The Appellant's allegation that false, baseless, or misleading information was submitted to the SEIAA during the process of obtaining EC is utterly wrong and suffers from malice. It is stated that all information provided by Respondent No. 4 was accurate, truthful, and in compliance with the applicable regulations and guidelines. The accusation of "*Suppressio Veri Suggestio Falsi*" is without any basis in fact or law. The process of obtaining the EC involved a thorough scrutiny by SEIAA, which included multiple levels of review and in-depth verification of the information provided by Respondent No.4. The SEIAA, being a diligent and competent authority, would not have granted the EC if any discrepancies or falsehoods had been detected in the application submitted by Respondent No. 4.
- P) Ground 5.6 of the appeal is denied, on grounds of being false, incorrect and untenable in the eye of law. The Respondent No.4 states that EC granted to Respondent No.4 by SEIAA is valid; correct, legally sacrosanct and issued in due compliance of the relevant rules and regulations.

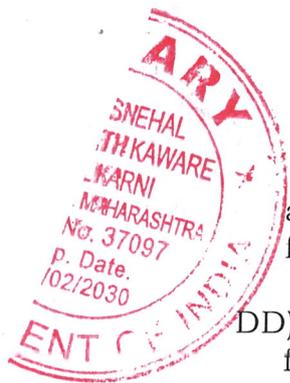


- Q) Ground 5.7 of the appeal is denied on grounds of being false incorrect and untenable in the eye of law. It is denied that the EC granted is illegal or that it warrants quashing along with any legal action or costs. The EC was granted following all due processes under the law, including proper evaluation at every stage and compliance with all applicable norms and guidelines. The Appellant's demand for quashing the EC is baseless and devoid of merit, and the prayer for legal action against Respondent No.4 is entirely unwarranted.
- R) Ground 6(a) of the appeal is denied on grounds of being false and incorrect. It is stated that there is no basis to the claim that there was a lack of coordination between MOEFCC and SEIAA during the grant of the EC. The entire process of grant of EC to Respondent No.4 was conducted in accordance with the law, with due regard to environmental protection and MOEFCC notification dated 2nd August 2023. Respondent No. 4 has strictly followed all required environmental regulations, and the EC was granted only after careful consideration of all relevant factors.
- S) Ground 6(b) of the appeal is denied on grounds of being false and incorrect. clearly, the Appellant has failed to establish any prima-facie case that justifies the quashing of the EC or the imposition of a stay on its operation. The EC was granted in compliance with all legal requirements, and Respondent No. 4 is not engaged in any illegal construction activity. The demand for a stay is entirely without merit and would unjustly halt a legally approved project, causing irreparable harm to Respondent No.4 and other stakeholders. There is no basis for any prohibition or stay, and the Hon'ble Tribunal is urged to dismiss this request.
- T) Ground 6(c) of the appeal is denied on grounds of being false and incorrect. Respondent No. 4 firmly denies the baseless and defamatory characterization as a "*white-collar defaulter*" or "*violator*". The EC was obtained through a lawful and transparent process, with all due diligence exercised. The insinuation of corruption or impropriety is wholly unfounded and intended to malign Respondent No. 4 without any supporting evidence. Respondent No. 4 maintains that the EC process was conducted with full integrity and in accordance with the law.
- U) Ground 6(d) of the appeal is denied on grounds of being false and incorrect. Respondent No. 4 states that the Appellant's allegations of "*intentional violations of laws*" are entirely unfounded and such malicious insinuations are meant to prejudice the mind of this Tribunal in a calculated manner. The Appellant has not made out any specific legal violation by Respondent No.4. The Respondent No.4 reiterates as



that the EC was granted following the due legal procedures established under the NGT Act, 2010, and related rules. The Appellant's invocation of this Hon'ble Tribunal's jurisdiction is an attempt to obstruct a legally compliant project, with a view to extort money from the Respondent No.4 and the appeal clearly lacks merit.

- V) Ground 6(e) of the appeal is denied by the Respondent No. 4 and appellant is hereby put to strict proof in support of his averments as the same are within his knowledge alone.
- W) Ground 6(f) is denied on grounds of being false and incorrect. It is stated that the Appellant's actions are not based on any genuine public interest concern. Instead, the appeal appears to be driven by malicious desire to obstruct a legally compliant project without any legal grounds for fulfilling his own ulterior motives.
- X) Contents of Para 6(g) and 6(h) of the appeal is not maintainable and is illegal without prejudice thereto the Respondent No. 4 reserves the right to respond to any such additional grounds or documents as per the directions of this Hon'ble Tribunal.
- Y) Contents of Para 6(i) of the appeal calls for no reply.
- Z) Contents of Para 6(j) of the appeal denied, on grounds of being incorrect. It is stated that there is no prima facie case in favour of the appellant and the present appeal does not call for any relief as sought by appellant. as the appeal lacks in making out a prima facie case there is no balance of convenience in favour of Appellant and no loss will be caused to the Appellant.
- AA) Contents of para 7 of the appeal are denied, on grounds of being false and incorrect. It is specifically denied that the present appeals consist question of public importance. Appellant is not an aggrieved person and most definitely not a vigilant citizen. The appellant is merely an abuser of the process of law. The Respondent No.4 states that the present appeal smacks of mala fide and ulterior motives of the appellant.
- BB) Contents of para 8 of the appeal are denied, on grounds of being false and incorrect. It is, however, submitted that the present appeal is not maintainable and without jurisdiction as the same is without any cause of action.
- CC) Contents of para 9 of the appeal are denied, on grounds of being false and incorrect. It is stated that there is no cause of action in favour of the Appellant and against the Respondent No.4. The Appellant has



attempted to create an illusory cause of action to create a base for his false case.

DD) Contents of para 10 of the appeal are denied, on grounds of being false and incorrect. Respondent No.4 asserts that the Appellant has deliberately attempted to mislead this Hon'ble Tribunal by inaccurately presenting the delay as 56 days. The period of delay is non-condonable.

EE) Contents of para 11 of the appeal, i.e., Prayer clause is incorrect and vehemently denied and should not be granted. The Appellant is by instituting this appeal only trying to harass the Respondent No.4 and waste the precious time of this Hon'ble Tribunal.

IV. The Appellant has not provided any concrete evidence to support the allegations of misrepresentation, non-compliance, or submission of a defective application by Respondent No. 4 and has simply attempted to mislead this Tribunal by way of his prejudiced wordings. The claims made by the Appellant are speculative, unsupported by facts, and appear to be an attempt to obstruct question the lawful grant of EC. It is stated that in the absence of any substantive evidence, the appeal lacks merit in its entirety and deserves to be dismissed with costs.

V. It is stated that Respondent No. 4 has followed the due process prescribed for seeking EC in respect of projects categorized under Category B. The EC has been validly granted to Respondent No.4 in absolute compliance of the provisions of EIA Rules and Regulation.

VI. The Appellant has failed to demonstrate any actual harm or prejudice to environmental safeguards resulting from the grant of EC to Respondent No.4. On the contrary, Respondent No.4 has complied with all environmental conditions and requirements imposed by SEAC III and SEIAA, thereby ensuring that the environmental integrity of the project is maintained. The appellant's appeal is thus not only baseless but also an abuse of the legal process.

VII. The present appeal is a vexatious attempt to delay and hinder the lawful operations of Respondent No.4, despite the latter's compliance with all legal and procedural requirements. The appellant's continued pursuit of this appeal, despite the lack of any substantive grounds, constitutes an abuse of process.

VIII. Given the baseless nature of the Appellant's claims, it is evident that the appeal is an abuse of the judicial process, aimed at causing undue delay, harassment and prejudice to Respondent No.4. The Appellant's conduct warrants the imposition of heavy costs to deter such frivolous and malicious litigation in the future.

PRAYER

In the aforesaid premise, it is most humbly prayed that this Hon'ble Tribunal may graciously be pleased to:

A. Dismiss the appeal filed by the appellant with exemplary costs;

And/or

B. Pass any such other further orders as this Hon'ble Tribunal may deem fit and proper in the facts and circumstances of the present case and in the interests of justice.

That the contents above mentioned in the Reply are true and correct to the best of my knowledge and belief and hence I have signed this below.

Pune

Date: 11/06/2025

[Handwritten Signature]
Affiant

I know the Affiant

[Handwritten Signature]
Advocate

AFFIDAVIT

Solemnly Affirmed before me by
Mr. Jatin Dhansukhlal Suratwala

Age.....Yes Occ. Business

R/o. 4/38, Sumangal, Sahakar colony
Pune - 411 004

Who is Identified by Shri.....
Adv. Rahul A. Kulkarni

Whom he/she is personally known

SK

Snehal Kashinath Kaware Kulkarni
NOTARY, GOVT. OF INDIA
Reg. No. 37097 (Govt. of India)



NOTED AND REGISTERED

SERIAL NO. 10

DATE 11 JUN 2025

