

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

Appeal No. 40 of 2024

In the matter of;

Sayyed Mohammed Sabir Usman ----- Appellant

VERSUS

Union of India & Ors. ----- Respondents

Reply on behalf of Respondent No. 4, M/s. Tulsi Homemaker LLP

1. That, the Appellant's contentions are legally and factually misplaced. This reply addresses the same and clarifies the position of Respondent No. 4 regarding the appointment, tenure, and powers of government authorities such as SEIAA, as well as the allegations made by the Appellant.
2. M/s. Tulsi Homemaker LLP is a lawful entity that applied for the Environment Clearance (EC) for its project situated at Plot No. 14/1, Sector-14, Khanda Colony, New Panvel, Dist. Raigad, Maharashtra. The EC was granted by the SEIAA, Maharashtra after a thorough review process conducted by SEAC (State Environment Appraisal Committee) and SEIAA. The Appellant's allegations are unfounded and do not relate to the conduct or responsibility of M/s. Tulsi Homemaker LLP.
3. POINT WISE REPLY TO THE GROUNDS RAISED IN THE APPEAL:
 - a. SEIAA WAS NOT IN OPERATION ON THE DATE OF GRANT OF IMPUGNED EC:
The Appellant asserts that the SEIAA was not operational at the time the EC was granted, on the grounds that the tenure of the SEIAA had expired on 10.01.2024. However, M/s. Tulsi Homemaker LLP respectfully submits that it is not the responsibility or authority of the Project Proponent (Respondent No. 4) to decide on the tenure, continuation, or functioning of any government body such as the SEIAA or its officials, including Shri. Pravin C. Darade.

The tenure of SEIAA and the appointment or continuation of its members

are solely within the purview of the Union Ministry of Environment, Forest & Climate Change (MoEFCC) and the Government of Maharashtra, and not the Project Proponent. The Appellant's attempt to hold M/s. Tulsi Homemaker LLP accountable for alleged administrative or procedural failures related to SEIAA's tenure is wholly misplaced and legally unfounded.

The Project Proponent followed all due processes and complied with the requisite environmental laws and regulations when applying for and receiving the Environment Clearance. The Appellant's claim that SEIAA was non-operational is a matter for the government agencies to address and does not bear upon the actions or legal standing of M/s. Tulsi Homemaker LLP.

b. CONVENIENT IGNORANCE AND PROFESSIONAL MISCONDUCT BY RESPONDENT NO. 3:

The Appellant has accused Respondent No. 3, Shri. Pravin C. Darade, of "convenient ignorance" and "professional misconduct." However, M/s. Tulsi Homemaker LLP submits that such allegations are entirely without merit. As stated earlier, the appointment and tenure of government officials such as Shri. Darade fall within the domain of the MoEFCC and the Government of Maharashtra, not the Project Proponent.

It is further submitted that Respondent No. 4 cannot be held accountable for the decisions or actions of government officials or agencies, particularly in relation to the functioning or non-functioning of SEIAA. These matters are beyond the control and responsibility of the Project Proponent.

c. NON-APPLICATION OF MIND AND ABUSE OF LAW:

The Appellant's assertion that there was a "non-application of mind" by Shri. Pravin C. Darade is without substance. The EC was granted in compliance with the established procedure after a detailed examination by SEAC and SEIAA. The actions of Respondent No. 3 in granting the EC were in accordance with the law, and there is no evidence to suggest otherwise.

The Project Proponent has followed the prescribed guidelines and complied with all conditions set by the authorities. There was no abuse of law or neglect of duty on the part of the Respondents.

d. FALSE, BASELESS, AND MISLEADING INFORMATION SUBMITTED BY PP:

The Appellant has alleged that M/s. Tulsi Homemaker LLP submitted false, misleading, or incomplete information in its application for the EC. This allegation is categorically denied. The information submitted by the Project Proponent was accurate, complete, and in full compliance with the regulatory requirements. The grant of the EC was based on the thorough evaluation of the submitted documentation and the prescribed environmental safeguards.

e. DEFECTIVE APPLICATION FOR EC:


The Project Proponent further denies the allegation that the EC application was defective. All necessary documents, assessments, and compliance reports were duly submitted to SEIAA, and the application was processed in line with all legal and procedural requirements.

M/s. Tulsi Homemaker LLP further asserts that it cannot be held responsible for the actions or inactions of government authorities, such as SEIAA, nor can it be blamed for the tenure or appointment of officials like Shri. Pravin C. Darade. These issues are beyond the control of the Project Proponent and fall within the purview of the respective government authorities.

4. In light of the above, M/s. Tulsi Homemaker LLP respectfully submits that the appeal filed by the Appellant is legally unsustainable and should be dismissed. The allegations made by the Appellant are unfounded, and the Appellant has failed to establish any valid grounds for challenging the Environment Clearance granted to the Project Proponent.

5. Therefore, it is respectfully prayed that:

- a. The Hon'ble Tribunal dismiss the appeal filed by the Appellant in its entirety.
- b. The Hon'ble Tribunal uphold the Environment Clearance granted to M/s. Tulsi Homemaker LLP.
- c. The Hon'ble Tribunal award appropriate costs to the Respondent for defending this meritless appeal.
- d. This Hon'ble Tribunal is requested to pass appropriate orders in the interest of justice.


Advocate for Respondent No.4
26/09/2024

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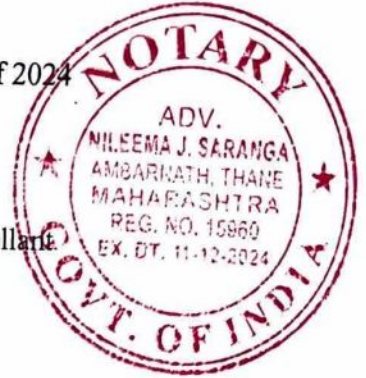
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Affidavit

I, Vishal Pravin Patel, age 33 years, a resident of 1209, Raj Group, V Times Square, Sec-15, Plot-3, CBD Belapur – 400 706, do hereby solemnly affirm and declare as under:

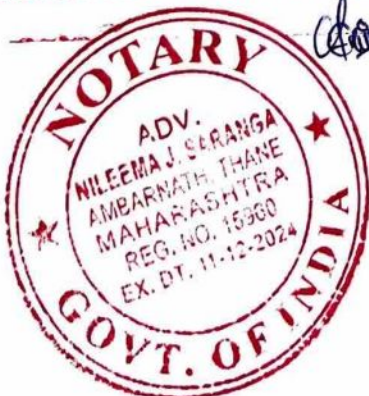
1. That I am the Partner and Authorized Representative of the respondent no. 4 Tansi Homemaker LLP and in such capacity have made myself conversant with the facts of the present case and therefore, I am competent to depose this affidavit in aforesaid capacity.

2. That the accompanying reply on behalf of the respondent no. 4 has been drafted under my instructions. I have read and understood the same and contents are true and correct.

3. That I say that the contents of the accompanying reply are true to my knowledge and belief and all the Annexures filed along-with the reply are true copies of their respective originals.

EXPLAINED & IDENTIFIED BY ME

BEFORE ME



Nileema J. Saranga
NILEEMA J. SARANGA
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Mob: 9650670809
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Vishal
Deponent

NOTED & REGD.

26 SEP 2024

Sr. No. 1431 of 2024