

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

OA:120/2023

**Irba Mashnaji Konapure
And Another**

...Applicants

V/S

Union Of India & Ors

...Respondents

**REPLY TO THE JOINT COMMITTEE REPORT AND
SUBSEQUENT CLARIFICATIONS ON BEHALF OF RESPONDENT
NO.8**

The Respondent No.8 most respectfully submits as follows:

1. The Joint Committee Report is of the Year 2024. Visit to the site of construction (now completed) was on 30.11.2023 by the Joint Committee members. The Committee was directed to visit the site and submit a factual, and action taken report, with regard to the truthfulness of the allegations made in the original application. The report would state that the commencement certificate was obtained on 28.03.2011 and thereafter, revised on 17.07.2014 and 26.12.2018.
2. Subsequently, the completion certificates were obtained on 07.05.2019 and part occupancy certificate was obtained on 16.03.2021. It will not be out of place to mention here that after completion, around 9 societies were formed and certificates are filed on record. Thus, upon handing over entire functioning in favor of the

respective co-operative housing societies, the Project Proponent has little or no role to play in upkeep and maintenance. The environmental clearance is undoubtedly of 11.06.2014. The report in paragraph 3.3 does make an observation that this Project Proponent had provided separate sewage treatment plants for treatment of sewage generated from rental and sale buildings.

3. It is further observed that the bio-degradable waste and non-bio-degradable waste is being segregated at the source of generation at both rental and sale buildings and this Project Proponent has installed one organic waste converter in the premises. It is also further observed that rainwater, collection pipelines, are diverted and channelised.
4. It is also further observed that recreational ground area 1 and 2 is provided on podium level parking, ornamental plants and saplings are also provided. It is also further observed that this Project Proponent has also provided a solar water heating system. An underground fire fighting tank of reported capacity of 2 Lakh Litres is also provided. The committee thereafter, has observed that these requirements/obligations are not in working condition. In this regard, it is hereby clarified that this Project Proponent has already handed over the buildings to the jurisdiction of co-operative housing societies and therefore whether any liability can be fastened upon this Project Proponent is doubtful.
5. The Polluter Pays Principle and the calculations appear to have been done from 22.07.2014 to 16.07.2020 and 01.08.2021 to 06.10.2023. In the humble submission of this Project Proponent, the days of

violation calculated by the Hon'ble Joint Committee is disputed by this Project Proponent. Because the scope of the inquiry under Section 15 of the National Green Tribunal Act, 2010 (NGT Act) is fixed at a period of five years. The Applicant assuming that the period of limitation can be stretched to the year 2014 is nothing but a mockery of justice. The scope of the present proceeding cannot travel beyond the limit of Section 15 (iii) of the NGT Act.

6. The Joint Committee Report would amply suggest that this Project Proponent has abided by all the requirements under the Environmental Clearance of 11.06.2014. What is observed by the Committee in the year 2024 when societies are already functioning is that it is not operational as the Co-operative societies have failed to keep it operational. The Committee is also of the opinion that the actual date of non operational status of the OWC and STP is not clarified and therefore, this gives sufficient reason that the enquiry undertaken is at a belated stage. As far as recommendations in paragraph 5 are concerned, the Project Proponent is in the process of implementing the same and would require considerable time and finances and thereafter this Project Proponent would submit the compliance with documentary and photographic evidences.

Date: 13.07.2026

Place: Pune

R. D. Shargde

Adv. for Respondent No. 8