

BEFORE THE NATIONAL GREEN TRIBUNAL, WESTERN ZONE
BENCH AT PUNE

ORIGINAL APPLICATION NO. 82 OF 2023 (WZ)

Abdul Samad Ismail Maknojia & 60 Ors. ..Applicants

V/s.

The State of Maharashtra & 9 Ors. ... Respondents

I, **Mr. Hayat Ahmed Asir Ahmed Ansari**, an adult, (erstwhile partner of M/s. Mass Enclave), Director of M/s. Baacha Mass Enclave Pvt. Ltd., the Respondent No. 9 abovenamed and the authorised signatory of M/s. Nirman Realtors & Developers Ltd., the Respondent No.8 above-named, having my address at Shop No.4 & 5 Ezzi Building, Shiv Shankar CHS, Barrister Nath Pai Marg, Mazagaon, Mumbai-400 010, do hereby on solemn affirmation state and declare as under:-

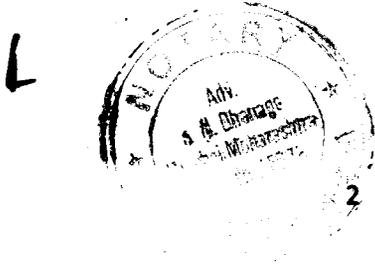
- 1) I say that the Respondent Nos. 8 & 9 have been served with the copy of objections dated 5th November 2024 filed by the Applicants to the Joint Committee Report and having read and understood the contents thereof and being personally aware of the facts relating to the same, I am filing this Affidavit to deal with the said frivolous objections.



2) At the outset, I submit that Joint Committee Report dated 30th November 2024 exposes the frivolity of the Complaint filed by the Applicants by way of the above-captioned Application No. 82 of 2023. It is apparent that the Applicants are deeply frustrated at the findings of the Committee Report which did not find any material irregularity or illegality on the part of the Respondent Nos. 8 & 9. The Applicants have, therefore, resorted to making frivolous allegations against the Committee members while raising equally frivolous objections to their Report.

3) With reference to paras -I (A) & (B), I say that the contents thereof relate to the matters of record and therefore do not attract any comments.

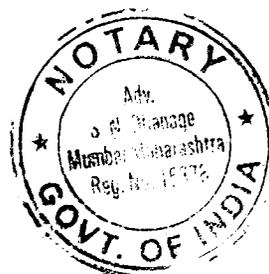
4) With reference to para- I (C), I deny that on 23rd April 2024, the officers named therein accompanied with me came to the site. I say that certain officers did come on the site but not with me. I was already there at the site when they came. It is pertinent to note that the Applicants themselves admit that "*they did not inspect the site as per the allegations made in the original Application.*" I say that admittedly, the inspection took place on 30th April 2024 as per the Notice given to all and as admitted by the Applicants in para -I (G).



5) With reference to paras – I (D), (E), (F) and (G), I am not dealing with the contents thereof as I am not personally aware of the same. I shall rely upon the correspondence referred to therein for its true and legal interpretation, when produced.

6) With reference to paras – II (a) (i), (ii) & (iii), I say that contents thereof are absolutely frivolous and inconsequential and only depict utter frustration and helplessness on the part of the Applicants in a futile attempt to create some false narrative against Respondent Nos. 8 & 9. The Applicants have curiously not given any details of the alleged cover-up or camouflage done by the Respondent No.9 on account of the primary meeting of 23rd April 2024 as falsely and baselessly alleged. In any event, had there been any such illegalities on the site which required cover-up or camouflage as alleged by the Applicants, the Respondent No. 9 had enough time since the passing of the order dated 20th March 2024 under which this Hon'ble Tribunal constituted the Joint Committee. Respondent No.9 had more than one month's time for doing the the alleged "cover-up or camouflage". The allegation without any particulars or details and as such being bereft of any substance are liable to be ignored as the same have no bearing on the issues involved (as frivolously raised by the Applicants) in the matter.

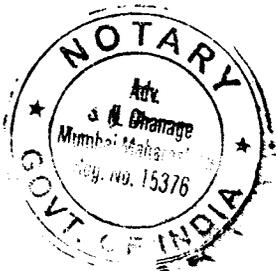
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7) With reference to paras- II (b), b (i) to (iv), the contents thereof are equally frivolous arising out of the same allegation of the primary meeting and they have no bearing on the issue involved in the matter. I repeat what is stated in this regard in the foregoing paragraphs and deny the contents to the contrary.

8) With reference to paras – II (c), c (i) and (ii), the contents thereof are equally frivolous arising out of the same allegation of the primary meeting and they have no bearing on the issue involved in the matter. I repeat what is stated in this regard in the foregoing paragraphs and deny the contents to the contrary. I deny that the site inspection was a chicanery and a façade to allow Respondent NO.1 to cover-up many illegalities and to run away from its liability and responsibility. I repeat what is stated in this regard in the foregoing paragraphs and deny the contents to the contrary.

9) With reference to para –III (a), I deny that the contents of para-1 of the Joint Committee Report are incorrect or misleading for the false and frivolous reasons given in paras-a(i) to (iv). I repeat the contents of para-1 of the Joint Committee Report in the light of what is stated by me in the foregoing paragraphs as also in the light of what is stated by us in our earlier Affidavits relating to the STP and deny the contents to the contrary.

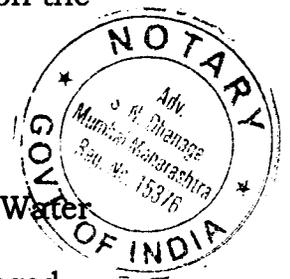


10) With reference to para -III (b), I deny that contents of para- 2 of the Report are incorrect and misleading or that the size of OWC is too small. I say that OWC has been provided in compliance with the required capacity and size and therefore the allegations to the contrary are false and inconsequential and are denied.

11) With reference to para -III (c), I deny the contents of the para under reference and state that there exists Green Toilet on the site.

12) With reference to para -III (d), I deny that no Rain Water Harvesting System exists on site as falsely and baselessly alleged.

13) With reference to para -III (e), it is pertinent to note that the Applicants are purposely trying to mislead and/or confuse this Hon'ble Tribunal by referring to the amendment dated 12th August 2009 in Regulation NO.36 when Circular No.104 makes it amply clear that there is no requirement for providing Parking Space for Rehab Building in respect of the SR Schemes submitted and approved prior to 12th August 2009. Therefore, admittedly, in our case, the SR Scheme was approved on 3rd August 2009 and issued on 10th August 2009 i.e. prior to 12th August 2009 and therefore reference to and/or reliance upon the Amendment dated 12th August 2009 is not applicable to the Scheme. I repeat that there is

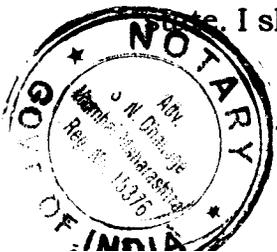


no requirement of providing any parking space for the Rehab Building as there was no such condition in the LOI in keeping with the prevalent law for the same.

14) With reference to para -III (f), the allegations regarding Recreation Garden (RG) are once again false and frivolous. I repeat what is stated in this regard in our earlier Affidavit.

15) With reference to para -III (g), it is pertinent to note that the Applicants have purposely ignored a clear mention in the Joint Committee Report that as per the Order dated 5th October 2001 of Grievance Redressal Committee, Sanjay Gandhi National Park, the construction of the property is outside the forest land and that the subject land is not forest land in spite of the said clear stipulation, the Applications have resorted to raising false and frivolous objections.

16) With reference to para -III (h), the allegations regarding Fire-Fighting Equipment etc. are equally frivolous. It is pertinent to note that Chief Fire Officer has prior to grant of Occupation Certificate, upon being satisfied about the compliance with the necessary Fire Safety requirements, issued the CFO Compliance Certificate. It is clearly mentioned in the said Certificate that it is the responsibility of the Occupier to keep the same in functional state. I shall rely upon the photograph of the same, when produced.



In my earlier Affidavit dated 18th March 2024, I have annexed the necessary correspondence addressed by us to the Applicants calling upon them to keep the Fire-Fighting equipment in functional state at all times to meet any unforeseen eventuality. The said letters have remained un-replied and/or uncontroverted by the Applicants till date.

17) With reference to para -III (j), I repeat that there is no provision or condition for Religious Place (Mandir) in the Environment Clearance granted by the Authority.

18) With reference to para -III (k), I state and submit that it is pertinent to note that the Applicants have inter-alia in para-4.26 of the Application made vague allegations in respect of the contents of Form-1 & 1A without giving any particulars of the alleged false undertakings given by the Respondent Nos. 8 & 9. The allegations made in that regard are false and untenable in law.

19) With reference to unnumbered paragraphs, I deny that there is any substance in the Applicants' case against the PP (Respondent Nos. 8 & 9) as falsely and vaguely alleged. I deny that the opinion of the joint committee provides a kind of safety valve to the PP to wriggle out from its mandatory duties and responsibilities. I deny that any directions are required to be given as mentioned in the para under reference or otherwise at all.

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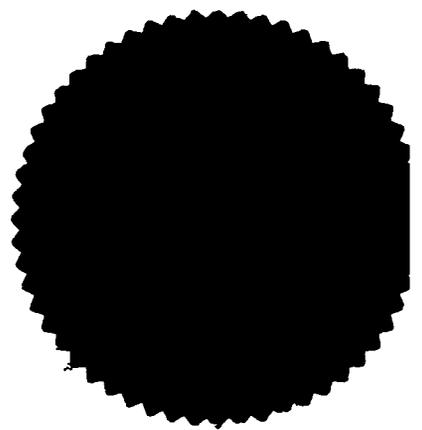


20) In the circumstances, I submit that the Applicants have miserably failed to raise any worthwhile objection to the Joint Inspection Report submitted by the Committee.

21) The objections are therefore liable to be discarded and allegations made by the Applicants deserve to be ignored with compensatory costs.

[Handwritten Signature]
Advocates for Respondent No. 8 & 9

[Handwritten Signature]
For self and on behalf of Respondent No.8



VERIFICATION

I, **Mr. Hayat Ahmed Asir Ahmed Ansari**, an adult, (erstwhile partner of M/s. Mass Enclave), Director of M/s. Baacha Mass Enclave Pvt. Ltd., the Respondent No. 9 abovenamed and the authorised signatory of M/s. Nirman Realtors & Developers Ltd., the Respondent No.8 above-named, having my address at Shop No.4 & 5, Ezzi Building, Shiv Shankar CHS, Barrister Nath Pai Marg, Mazagaon, Mumbai-400 010, do hereby solemnly affirm that whatever stated in the Affidavit is true to my own knowledge and I belief and believe the same to be true.



Solemnly affirmed at Mumbai]

Dated this 4th day of June 2025]

[Handwritten Signature]
Advocates for Respondent Nos.8 & 9

Before me,

BEFORE ME

[Handwritten Signature]

NOTED & REGISTERED
Page No. 43, Sr. No. 311
Date: 04 JUN 2025



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**AFFIDAVIT IN REPLY OF RESPONDENT
NOS. 8 & 9 TO APPLICANTS'
OBJECTIONS**

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Dated this 4th day of June 2025

M/s. Jhangiani, Narula & Associates,
Advocates for Respondent Nos. 8 & 9,
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