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BEFORE THE NATIONAL GREEN TRIBUNAL
WESTERN ZONE BENCH, PUNE
ORIGINAL APPLICATION NO. 37/2023 (WZ)

Sushant Subhash More

.Applicant

Versus

M/s Hotel Sayadri Puspa & Ors.

...Respondents

INTERIM APPLICATION NO. 407 OF 2025
AND
INTERIM APPLICATION NO. 408 OF 2025
AND
INTERIM APPLICATION NO. 409 OF 2025
AND
INTERIM APPLICATION NO. 410 OF 2025
AND
INTERIM APPLICATION NO. 411 OF 2025
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INTERIM APPLICATION NO. 412 OF 2025
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INTERIM APPLICATION NO. 426 OF 2025
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INTERIM APPLICATION NO. 427 OF 2025
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INTERIM APPLICATION NO. 428 OF 2025
AND
INTERIM APPLICATION NO. 429 OF 2025
AND
INTERIM APPLICATION NO. 430 OF 2025



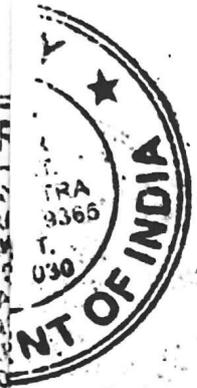
AFFIDAVIT IN REPLY ON BEHALF OF THE APPLICANT

I Sushant Subhash More, the Applicant, most respectfully submit this Affidavit in Reply in response to the application for name deletion filed by Respondent No. 84, and state as under:

1. I am fully conversant with the facts and circumstances of the case. I am competent and duly authorized to swear this Reply. I state that I have

received and perused the application for name deletion filed on behalf of Respondents in the above-mentioned Interim Applications.

2. At the outset, the Applicant strongly opposes the Interim Application filed by Respondents seeking deletion of his name from the array of Respondents.
3. The reliance placed by Respondent No. 84 on the Joint Committee Report dated 02/03/2024 is misplaced. The report is merely recommendatory and not conclusive. This Hon'ble Tribunal is not bound by its observations and is required to make an independent assessment. The Supreme Court in the case of *Kantha Vibhag Yuva Koli Samaj Parivartan Trust v. State of Gujarat*, (2023) 13 SCC 525 and *Grasim Industries Ltd. v. State of M.P.*, 2024 SCC OnLine SC 3585 has categorically held that decisions of the National Green Tribunal cannot rest solely upon the findings of a Joint Committee.
4. Without prejudice to the foregoing submissions, it is pertinent to note that no prior permission of the Planning Authority was obtained as required under Sections 44 and 45 of the Maharashtra Regional Planning and Town Planning Act, 1966 and Section 33-A of the Mumbai Police Act 1951. This omission, as clearly recorded in para (c) of the Joint Committee Report, renders the constructions illegal and unauthorized at the very threshold, irrespective of their size. The Applicant submits that Respondents have been operating the premises as a homestay/lodging facility, farm house which squarely falls under the definition of hospitality/ tourism activity. As such, the premises cannot be treated as a mere residential property but as a commercial establishment, thereby attracting stricter regulatory requirements.

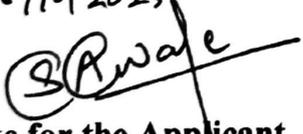


- 5. By attempting to portray a commercial homestay as a "private farmhouse," the Respondent seeks to evade liability. Such a stand is misleading and contrary to both the record and the spirit of environmental jurisprudence, where substance must prevail over form.
- 6. The Joint Committee has also observed that 'Kaas Pathar' falls within the pollution prevention areas under the Hazardous and Other Wastes (Management and Transboundary Movement) Rules, 2016 and therefore it is obligatory for the MPCB to take strict actions to remove the various waste generating commercial institution from the region.

Hence, all the above-mentioned IAs cannot be decided in favour of the Respondents unless independent assessment is carried out by the Hon'ble National Green Tribunal.

Place: Pune

Date: 16/10/2025



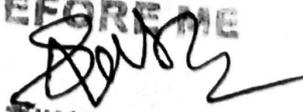
Advocate for the Applicant

Asim Sarode and Associates LLP



Applicant



BEFORE ME

SANJAY TUKARAM PATANKAR
NOTARY GOVT. OF INDIA
PUNE DIST. MAHARASHTRA
REG. NO. 19385 EXP DT. 10/02/2010
16 OCT 2025

AFFIDAVIT

I, Sushant Subhash More, hereby state on solemn affirmation that what is stated in forgoing Paragraphs Nos 1 to 6 of the Reply are true and correct to my own knowledge and belief.

Solemnly affirmed at Pune

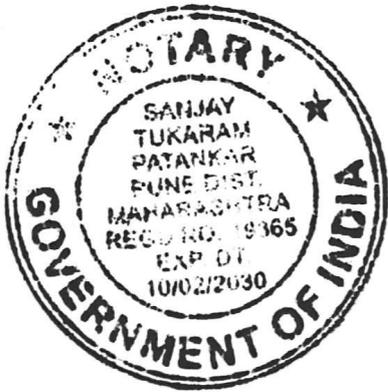
This day of 16th October 2025

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I Know the Affiant

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Affiant



BEFORE ME

Sanjay Tukaram Patankar
SANJAY TUKARAM PATANKAR
NOTARY GOVT. OF INDIA
PUNE DIST. MAHARASHTRA
REGD NO. 19365 EXP. DT. 10/02/2030

16 OCT 2025



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