

1763

BEFORE THE HONOURABLE NATIONAL GREEN TRIBUNAL

WESTERN ZONE BENCH PUNE, AT PUNE

O.A. No. 147 of 2016

IN THE MATTER OF

Mr. Tanaji Balasaheb Gambhire and Ors.

...Applicants

VERSUS

The Principal Secretary,

Environment Department and Ors.

...Respondents

REPLY ON BEHALF OF RESPONDENT NO. 13 TO 16 & 18 TO 20

(FOR INDEX PLEASE SEE INSIDE)

Advocate for the Respondent No. 13 TO 16 & 18 TO 20:

Sangramsingh R. Bhonsle, Samriddhi S. Jain,

Nrupal A. Dingankar, Pushkara A. Bhonsle,

Mahesh A. Jadhav and NamanSherstra

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1764

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Pune

Date: 20.02.2024



Advocate for the Respondent No. 13 to 16 & 18 to 20
Sangram Singh R. Bhonsle, Samriddhi S. Jain,
Nrupal A. Dingankar, Pushkara A. Bhonsle,
Mahesh A. Jadhav and Naman Sherstra.
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REPLY ON BEHALF OF RESPONDENT NO. 13 TO 16 & 18 TO 20

To,

The Hon'ble Chairperson and

The Ld. Companion Judges and Members

Of the Hon'ble National Green Tribunal

MAY IT PLEASE YOUR HONOUR:

1. That the Applicant herein has filed the present O.A. No. 147 of 2016 before this Hon'ble Tribunal seeking demolition of the building construction project at Survey No. 33/4, 33/5, 33/6, 33/7, 33/8 and their respective CTS. No. 6298 to 6299, at village Thergaon, Tal. Mulshi, Dist. Pune undertaken by the Respondent No. 12. The Applicant seeks demolition of the said project on the ground that the said project has been carried out without adhering to the environmental norms more specifically the EIA Notification, 2006.

2. The Respondent No. 13 to 16 & 18 to 20 are the Co-operative Societies formed after completion of the project which is under challenge. During the pendency of the present case, the MA No. 43 of 2018 was filed on behalf of the Respondent No. 12 thereby praying for impleadment of the present answering Respondents. The said application was allowed by this Hon'ble Tribunal vide an order dated 28.11.2023 and the present answering Respondents. In terms thereof, the Respondent No. 13 to 16 & 18 to 20 (hereinafter referred to as "*the Answering Respondents*") are filing the present reply to the O.A. No. 147 of 2016. The Respondent No. 13 to 16 & 18 to 20 are being represented through their authorised signatories.

3. At the outset it is submitted that all the allegations, averments, statements and contentions made by the Applicant in the present application are false, frivolous, bogus, vexatious and are in any event denied. None of the contentions and facts raised in the present case should be deemed to have been admitted by the answering Respondent unless specifically admitted herein for the reason of non-traverse. At the outset it is also pointed out specifically that none of Respondent societies or its members have any grievance regarding alleged Environmental Law violation, therefore Applicant who has no causal connection with the project in question has no locus to raise the same.

4. Preliminary objection:

A. **The present original application as filed by the Applicants is barred by limitation in terms of section 14(3) of the NGT Act, 2010.**

- a. At the cost of repetition it is submitted that the present application as filed by the Applicants pertains to alleged illegal construction of Ganga Ashiyana Co-operative Housing Society (D to K) being constructed without procuring prior Environmental Clearance as enumerated under the EIA Notification, 2006. It is most respectfully submitted that the construction of the said project was completed much prior in time of filing the present O.A. On such completion, the societies i.e. the Respondent No. 13 and 14 were also registered on 31.05.2013 with the State of Maharashtra Co-operative Department. The Respondent No. 15 and 16 were also registered on 13.09.2013 with the State of Maharashtra Co-operative Department. The Respondent No. 18 to 19 were also registered on 27.11.2014 with the State of Maharashtra Co-operative Department. Also, the Respondent No. 20 were registered on 02.03.2016 respectively with the State of Maharashtra Co-operative Department. The construction of the said project was commenced in the year 2007.
- b. Admittedly, it is the case of the Applicants itself that the original sanctioned plans of 2007 were further revised and the final layout for Plot B was sanctioned on 03.03.2012 and final layout for plot C was sanctioned in 2013. Further, it is the case of the Applicants itself that the revised sanction plan dated 02.09.2011 for plot B had total built up area of 20,941.76 sq. ft. and the total built up area for plot C became 27,597.04 sq.ft. in terms of revised sanction plan dated 04.04.2012. Thus, it was alleged that the PP was under obligation to obtain Environmental Clearance in terms of EIA notification, 2006.

c. In terms of the facts relied upon by the Applicants itself, it is clear that the cause of action for filing the present O.A. would have occurred as early as 04.04.2012. However, the present O.A. was filed before this Hon'ble Court on 17.09.2016 i.e. almost after four years of expiry of limitation period and thus the present the original application is barred by limitation in terms of Section 14(3) of the NGT Act, 2010.

d. The Section 14(3) of the NGT Act, 2010 reads as follows:

“14....

*(3) No application for adjudication of dispute under this section shall be entertained by the Tribunal unless it is made within a period of six months from the date on which **the cause of action for such dispute first arose:***

*Provided that the Tribunal may, if it is satisfied that the applicant was prevented by sufficient cause from filing the application within the said period, allow it to be filed **within a further period not exceeding sixty days....**”*

(Emphasis supplied)

Thus, any application under section 14 of the NGT Act can be filed only within six months of cause of action first arose and if at all the delay beyond six months can be condoned by this Hon'ble Tribunal for further period of sixty days. Thus if at all considered that the cause of action for filing the present O.A. arose on 04.04.2012, the present O.A. is barred by limitation.

e. Vide Para 42 of the present application while claiming that the present application is within limitation it is the case of the applicant that since the Applicants got sufficient information and knowledge about gross alleged violations of various environmental laws on

19.05.2016. However, this Hon'ble Tribunal vide its order dated 01.12.2022 in O.A. 63 of 2019 (WZ) while considering the similar submissions regarding the cause of action has held that

“ 19....the pretext of having come to know about this project being constructed through RTI on a later date as stated above appears to be only in order to bring the present Original Application within limitation period we agree with the Learned Counsel for the Project Proponent (PP) that it is very easy for any person to use RTI to seek information for any project on any date chosen by him. We are of the considerate opinion that such kind of practice cannot be allowed....”

Therefore, mere receipt of the information cannot be construed as a cause of action and thus, the present application as filed by the Applicant fails to comply with the provisions of Section 14 (3) of the NGT Act, 2010 ought to be dismissed in limine.

B. The Applicants has no locus standi to file the Original Application.

- a. The present application as filed by the Applicant per se is devoid of merits and the present Applicant has no locus to file the present Application before this Hon'ble Tribunal. The Applicant while filing the present application has failed to mention as to under which provision of law the present O.A. is being filed by the Applicant. However, on perusing the contents of the application and the prayers sought in the present O.A., it may be assumed that the Applicants are invoking the provisions of section 14 of the National Green Tribunal Act, 2010. Any application under section 14 or 15 needs to be made in consonance with the provisions of the section 18 (2) of the NGT Act, 2010. Section 18 (2) of the NGT Act, 2010 provides a list of persons who may seek remedies under the NGT Act.

However, on perusing the contents of section 18(2) NGT Act, 2010 the present Applicants are not at all person aggrieved by the project in question. It is submitted that the present Applicants have no concern as such with the environmental impact of the project in question. On the contrary the Applicant is a busy body and has filed the present application without there being any element of public interest in the alleged concern for environmental damage or public welfare. The present application as filed by the Applicant is for his personal gains and therefore, the Applicant is not covered under the provisions of the Section 18 (2) of the NGT Act, 2010.

- b. Under the provisions of section 14 and 15 of the National Green Tribunal Act, 2010, the Application filed before this Hon'ble Tribunal cannot be in a form of a Public Interest Litigation. The Applicant on the basis of the facts and circumstances of a case must demonstrate that he is directly or indirectly concerned with the adverse environmental impacts likely to be caused as a result of the alleged violation. In the present case, the Applicant has completely failed to demonstrate as to how the Applicant is affected under the provisions of section 14 of the National Green Tribunal Act, 2010. Thus, the present Applicant has no locus standi to prefer the present Application before this Hon'ble Tribunal as contemplated under the provisions of section 18(2) of the National Green Tribunal Act, 2010. In fact members of the societies have purchased the flats out of their hard-earned money by doing a proper due diligence. The

Applicant is not been able to show how is he aggrieved by the project from his pleadings.

C. Plural remedies are not permissible under the NGT Act, 2010 and thus the present O.A. is not maintainable:

- a. The Applicant vide the present application has relied upon multiple causes of action which are distinct from each other. It is submitted that under Rule 14 of National Green Tribunal (Practice and Procedure) Rules, 2011, an application before this Hon'ble Tribunal ought to be based on single cause of action and multiple reliefs can be sought provided the same are consequential to one another. Therefore the provisions of Rule 14, categorically bars plural remedies in an application if the same are based on different cause of action. In the present case the Applicant is relied on multiple cause of action and has sought reliefs in pursuance thereof.

- b. The Applicant in the present application under the guise of the non-compliance of the environmental clearance conditions has raised issues pertaining to reduction and reservation of DP Road, alleged violation of Urban Land Ceiling Order, alleged of Labour Laws, alleged death of construction worker, alleged amenity space scam by PP and such other issues which may not be relevant to the environment. Thus, on a plain reading of the Application there is no ambiguity that the present application is based on multiple causes of action which are distinct from each other. The Hon'ble Tribunal in various judgements has categorically held that an application on multiple causes of

action is not maintainable before this Hon'ble Tribunal as the same has to be based on a single cause of action as contemplated under Rule 14 of NGT Rules, 2011. In the present case as the application is based on multiple causes of action the same needs to be dismissed.

5. The members of the answering Respondent have invested a huge amounts for buying apartments in the Answering Respondent Societies. Some of the members have put their life investment in the said project to spend their rest of the life, hoping that their life savings would help them to have peaceful life in their old age. The members of the Answering Respondent Societies are residing at given address for last about 10 years and has now built their routine life around the said place. On the other hand, the Applicants have filed the present application with a malafide intention to have the personal gains. In terms thereof, if at all any adverse order is passed in the present application against the Answering Respondents, irreparable loss shall be causes to the members of the Answering Respondents.
6. It is most respectfully submitted that this Hon'ble Tribunal is governed by principles of equity and good conscience. In the present case the Applicants have approached this Hon'ble Tribunal with unclean hands solely with a malafide intention to demolish the structures of the Answering Respondents. It is submitted the Applicant has filed the present application belatedly and with Non-Joinder of parties which only justifies the malafides of the Applicants. In such circumstances when huge amounts have been invested by the members of the Answering

Respondents, the balance of equity as on date is in favour of the Answering Respondents. Since, equity and good conscience are the guiding principles of this Hon'ble Tribunal, the Hon'ble Tribunal ought to consider the equitable rights of the members of the Answering Respondents by investing huge amounts, need to be considered by this Hon'ble Court.

7. It is further submitted that similar issues which are raised herein above were considered by this Hon'ble Tribunal vide the O.A. 163 of 2016 whereby by an order dated 08.01.2018 this Hon'ble Tribunal rejected such preliminary issues. However, the said order is pending adjudication before the Hon'ble Supreme Court of India in Civil Appeal No. 1492 /2018 filed under Section 22 of the NGT Act, 2010. In Civil Appeal No. 4292/2018 vide an Order dated 16.02.2018, the Hon'ble Supreme Court was pleased to issue notice and stayed further proceedings in O.A. No. 163 of 2016. Thus, the preliminary objections raised in the present O.A. by the answering Respondents are the pending adjudication before the Hon'ble Supreme Court of India.
8. Vide the present reply the Answering Respondents are raising preliminary objections with regard to the maintainability of the present Original Application. It is most humbly submitted on behalf of the answering Respondent that the preliminary issues raised by the answering Respondents be decided as 'primary issues' before advertent to the merits of the case to save the precious time of this Hon'ble Court.

9. Without prejudice to the preliminary issues raised by answering Respondent, it is submitted by the answering Respondent that the Respondent No. 12 had sought various permissions from the authorities in compliance of the various laws. Such permissions were placed on record by the Respondent no. 5 to 8 in terms of the Orders passed by this Hon'ble Tribunal. The various permissions granted by Authorities to the Respondent No. 12 are as follows:

- i. On 09.10.2009 the Respondent No.5 approved the layout plan for construction at S. No 33/P 4 to 8 which was to be undertaken by the Respondent No. 12. (*Refer List of Documents filed by the Respondent No. 5 to 8 at Page 1 -10*).
- ii. In terms of the Layout Approval the Respondent No. 5 also issued a Commencement Certificate thereby permitting the Respondent No. 12 to commence the construction at S. No 33/P 4 to 8 Plot B on 09.10.2009. (*Refer List of Documents filed by the Respondent No. 5 to 8 at Page 11 -14*).
- iii. Thereafter, in pursuance of the Application dated 17.12.2009 filed by the Architect seeking approval of revised construction map, the Respondent No. 5 issued a layout order approving revised layout and Commencement Certificate thereby permitting the Respondent No. 12 to commence the construction at S. No 33/P 4 to 8 Plot B according to revised layout plan on 09.03.2010. (*Refer List of Documents filed by the Respondent No. 5 to 8 at Page 25 -34 & 21-34*).
- iv. On an Application made by the Architect on behalf of the Respondent No.12, the Respondent No.5 issued a Plinth Certificate dated 23.11.2009 and granted permission for further construction

of Building D & E. (*Refer List of Documents filed by the Respondent No. 5 to 8 at Page 39 - 40*).

- v. Further, the Respondent No.5 issued a Plinth Certificate dated 11.03.2010 and granted permission for further construction of Building G. (*Refer List of Documents filed by the Respondent No. 5 to 8 at Page 43 - 44*).
- vi. Further, the Respondent No.5 issued a Plinth Certificate dated 12.10.2011 and granted permission for further construction of Building F. (*Refer List of Documents filed by the Respondent No. 5 to 8 at Page 49 - 50*).
- vii. Thereafter, in pursuance of the Application filed by the Architect seeking approval of further revised construction map, the Respondent No. 5 issued a layout order approving revised layout and Commencement Certificate thereby permitting the Respondent No. 12 to commence the construction at S. No 33/P 4 to 8 Plot B according to further revised layout plan on 02.09.2011. (*Refer List of Documents filed by the Respondent No. 5 to 8 at Page 57 – 66 & 53 - 56*).
- viii. Time and again, the Respondent No. 12 sought to revise the layout plan for construction. The Respondent No. 5 issued a layout order approving revised layout and Commencement Certificate thereby permitting the Respondent No. 12 to further commence the construction at S. No 33/P 4 to 8 Plot B according to further revised layout plan on 03.03.2012. (*Refer List of Documents filed by the Respondent No. 5 to 8 at Page 73 – 78&69 - 72*).
- ix. The Respondent No. 12 completed the construction in terms of the revised layout plan approved vide order dated 03.03.2012 in December 2011. On a completion of the construction the

Respondent No.12 approached the Respondent No. 5 thereby seeking a Completion Certificate. The Respondent No. 5 was pleased to issue a Completion Certificate to the Respondent No. 12 on 30.03.2012. It is pertinent to note that the construction at S. No 33/P 4 to 8 Plot B was completed as early as December 2011, however, no issues as raised in the present O. A. were raised by the applicant back then. (*Refer List of Documents filed by the Respondent No. 5 to 8 at Page 81 – 82*).

- x. In furtherance of the Completion Certificate, the Respondent No. 5 also issued an Occupancy Certificate for Plot No. B, Thergaon, S. No. 33/4 to 8. (*Refer List of Documents filed by the Respondent No. 12 at Page 2*).
- xi. In the meantime, the Petitioner had also sought permissions for undertaking construction at Plot No. C, Thergaon, S. No. 33/4 to 8.
- xii. On 09.03.2010, vide a layout order the Respondent No.5 approved the layout plan for construction at Plot C, S. No 33/P 4 to 8 which was to be undertaken by the Respondent No. 12. (*Refer List of Documents filed by the Respondent No. 5 to 8 at Page 87 - 96*).
- xiii. In terms of the Layout Approval dated 09.03.2010, the Respondent No. 5 also issued a Commencement Certificate thereby permitting the Respondent No. 12 to commence the construction at Plot C, S. No 33/P 4 to 8 on 09.03.2010. (*Refer List of Documents filed by the Respondent No. 5 to 8 at Page 97 - 100*).
- xiv. Thereafter, in pursuance of the Application dated 25.04.2011 filed by the Architect seeking approval of revised construction map, the Respondent No. 5 issued a layout order approving revised layout and Commencement Certificate thereby permitting the Respondent No. 12 to commence the construction at S. No 33/P 4 to 8 Plot C

according to revised layout plan on 04.04.2012. (*Refer List of Documents filed by the Respondent No. 5 to 8 at Page 112-115 & 106-111*).

- xv. Further, the Respondent No.5 issued a Plinth Certificate dated 07.10.2011 and granted permission for further construction of Building H. (*Refer List of Documents filed by the Respondent No. 5 to 8 at Page 120 - 121*).
- xvi. Also, the Respondent No.5 issued a Plinth Certificate dated 07.10.2011 and granted permission for further construction of Building I and J. (*Refer List of Documents filed by the Respondent No. 5 to 8 at Page 124- 125*).
- xvii. Further, the Respondent No.5 issued a Plinth Certificate dated 10.10.2012 and granted permission for further construction of Building K. (*Refer List of Documents filed by the Respondent No. 5 to 8 at Page 130 - 131*).
- xviii. Further, the Respondent No.5 issued a Plinth Certificate dated 12.10.2011 and granted permission for further construction of Building F. (*Refer List of Documents filed by the Respondent No. 5 to 8 at Page 49 - 50*).
- xix. Thereafter, in pursuance of the Application dated 28.12.2012 filed by the Architect seeking approval of revised construction map, the Respondent No. 5 issued a layout order approving revised layout and Commencement Certificate thereby permitting the Respondent No. 12 to commence the construction at S. No 33/P 4 to 8 Plot C on 17.07.2013 according to revised layout plan on 04.04.2012. (*Refer List of Documents filed by the Respondent No. 5 to 8 at Page 146 – 145 & 140-145*).

- xx. In furtherance of the revised layout plan, the Respondent No. 5 issued a Plinth Certificate dated 21.09.2013 to Respondent No. 12 and granted permission for further construction of Commercial Building at Plot C, S. No. 33/P 4 to 8. (*Refer List of Documents filed by the Respondent No. 5 to 8 at Page 134 - 135*).
- xxi. In the year 2016, the Respondent No. 5 issued a layout order approving revised layout and Commencement Certificate thereby permitting the Respondent No. 12 to commence the construction at S. No 33/P 4 to 8 Plot C on 30.04.2016 according to revised layout plan on 04.04.2012. (*Refer List of Documents filed by the Respondent No. 5 to 8 at Page 152 – 157 & 158-161*).
- xxii. The Respondent No. 12 completed the construction in terms of the revised layout plan in April 2016. On a completion of the construction, the Respondent No.12 approached the Respondent No. 5 thereby seeking a Completion Certificate. The Respondent No. 5 was pleased to issue a Completion Certificate to the Respondent No. 12 on 30.04.2016. It is pertinent to note that the construction at S. No 33/P 4 to 8 Plot C was completed as early as April 2016, however, no issues as raised in the present O. A. were raised by the applicant back then. (*Refer List of Documents filed by the Respondent No. 5 to 8 at Page 162 - 163*).
- xxiii. In furtherance of the Completion Certificate, the Respondent No. 5 also issued an Occupancy Certificate for Plot No. C, Thergaon, S. No. 33/4 to 8 dated 30.04.2016. (*Refer List of Documents filed by the Respondent No. 12 at Page 3*).
- xxiv. The Respondent No. 12 sold the property/ apartments in the constructed buildings. The occupants of the flats registered societies in terms of the Maharashtra Co-operative Societies Act,

1960 with the State of Maharashtra. The Ganga Ashiyana “D” Co-operative Housing Society and Ganga Ashiyana “E” Co-operative Housing Society was registered 31.05.2013. The Ganga Ashiyana “F” Co-operative Housing Society and Ganga Ashiyana “G” Co-operative Housing Society was registered 13.09.2013. The Ganga Ashiyana “H” Co-operative Housing Society, Ganga Ashiyana “I” Co-operative Housing Society and Ganga Ashiyana “J” Co-operative Housing Society was registered on 27.11.2014. Also, Ganga Ashiyana “K” Co-operative Housing Society was registered on 02.03.2016. *(Refer List of Documents filed by the Respondent No. 12 at Page 70 - 77).*

- xxv. The Respondent No. 12 received a provisional fire NOC from the Respondent. No. 5 for Building D, E and F on 17.09.2009. The Respondent No. 12 received a provisional fire NOC from the Respondent. No. 5 for Building H, I, J and K on 24.12.2009. The Respondent No. 12 received a provisional fire NOC from the Respondent. No. 5 for Building convectional shopping D, E and F on 19.10.2012. *.(Refer List of Documents filed by the Respondent No. 12 at Page 182-187).*

10. On perusal of the above mentioned permissions it is clear that the construction of the Buildings of Respondent No. 13 – 20, was carried out in accordance with law and the Respondent No. 12 had taken necessary permissions time to time. No permission as mentioned above was ever challenged before any forum.

11. It is further, most respectfully submitted that with regard to detailed para wise reply to the present O.A. The Respondent No. 12 has filed the reply

affidavit and such other affidavits and documents time to time in the present O.A. In addition to the present reply, the Answering Respondents adopts the reply and affidavits filed by the Respondent No. 12 and seeks leave of this Hon'ble Tribunal to rely on such affidavits or documents as and when required.

12.The Respondent No. 13 to 16 & 18 to 20 reserves the liberty to file any further additional affidavit or any such documents as and when required.

13.In the facts and circumstances mentioned herein above present O.A. ought to be dismissed with exemplary costs.

Pune

Drawn On: 09.02.2024

Filed On: 20.02.2024

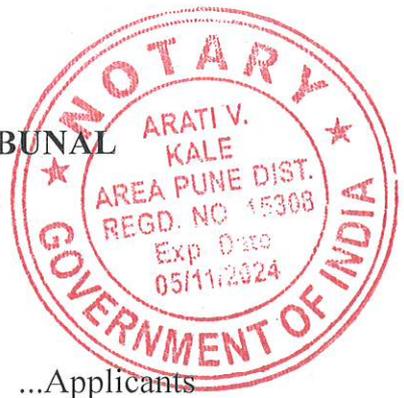


Advocate for the Respondent No. 13 to 16 & 18 to 20
Sangram Singh R. Bhonsle, Samridhi S. Jain,
Nrupal A. Dingankar, Pushkara A. Bhonsle,
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1781

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WESTERN ZONE BENCH PUNE, AT PUNE

O.A. No. 147 of 2016



IN THE MATTER OF

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VERSUS

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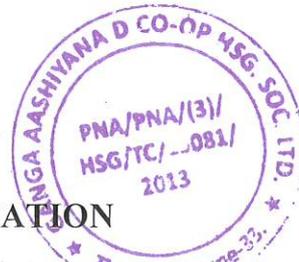
Environment Department and Ors.

...Respondents

AFFIDAVIT

I, Mr. Ashish Koparde, Age - 42 years, Occ: Service, R/o- D - 702, Ganga Ashiyana, Opposite Aditya Birla Hospital, Thergaon - 411033 do hereby solemnly affirm and state as under:

1. That I am the Authorized Representative of the Respondent No.13 Society in the above-named Original Application. I am conversant with the facts and circumstances of the case and as such competent to swear the present Affidavit.
2. That the contents of the present Reply are facts true to my knowledge and also contain submissions and prayers to this Hon'ble Tribunal based on legal advice and the same is believed to be true and correct.
3. That the Annexures filed along with the present Reply are the true copies of their respective originals.



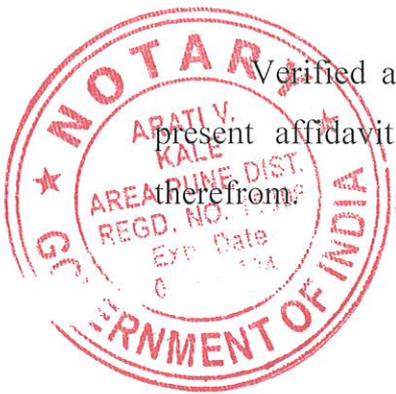
Ashish

DEPONENT

VERIFICATION

Verified at Pune on this 19th day of February, 2024 that the contents of the present affidavit are true and correct and nothing material has been concealed therefrom.

BEFORE ME



ARATI V. KALE
NOTARY GOVT. OF INDIA
PUNE, MAHARASHTRA
Noted And Registered
at Serial Number 1612/2024



Ashish

DEPONENT

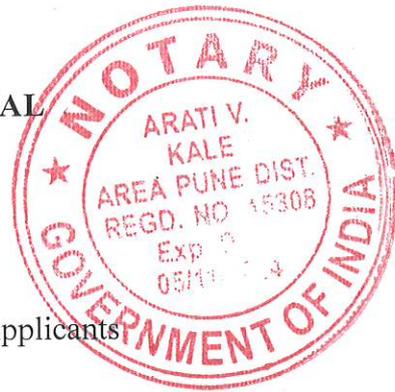


19 FEB 2024

1782

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

O.A. No. 147 of 2016



IN THE MATTER OF

Mr. Tanaji Balasaheb Gambhire and Ors.

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VERSUS

The Principal Secretary,

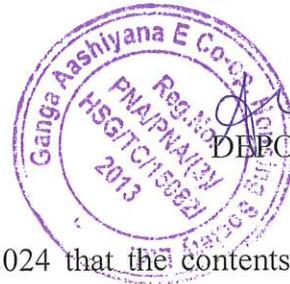
Environment Department and Ors.

...Respondents

AFFIDAVIT

I, Mr.Sunil Prasad, Age- 48 years, Occ: Service, R/o- E – Ganga Ashiyana,Opposite Aditya Birla Hospital, Thergaon - 411033 do hereby solemnly affirm and state as under:

1. That I am the Authorized Representative of the Respondent No. 14 Society in the above-named Original Application. I am conversant with the facts and circumstances of the case and as such competent to swear the present Affidavit.
2. That the contents of the present Reply are facts true to my knowledge and also contain submissions and prayers to this Hon'ble Tribunal based on legal advice and the same is believed to be true and correct.
3. That the Annexures filed along with the present Reply are the true copies of their respective originals.



DEPONENT

VERIFICATION

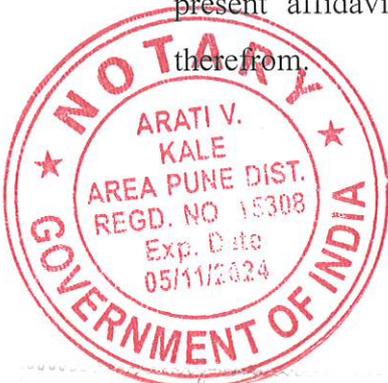
Verified at Pune on this 19th day of February, 2024 that the contents of the present affidavit are true and correct and nothing material has been concealed therefrom.

BEFORE ME

ARATI V. KALE
NOTARY GOVT. OF INDIA
PUNE, MAHARASHTRA
Noted And Registered
at Serial Number 2718/2024



DEPONENT



19 FEB 2024

1783

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

O.A. No. 147 of 2016

IN THE MATTER OF

Mr. Tanaji Balasaheb Gambhire and Ors.

...Applicants

VERSUS

The Principal Secretary,

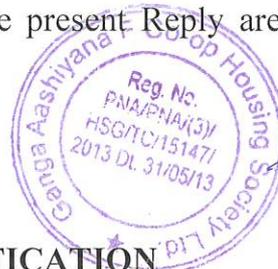
Environment Department and Ors.

...Respondents

AFFIDAVIT

I, Mr.Sachin B, Page Age- 43 years, Occ: Service, R/o- F – 1101, Ganga Ashiyana, Opposite Aditya Birla Hospital, Thergaon - 411033 do hereby solemnly affirm and state as under:

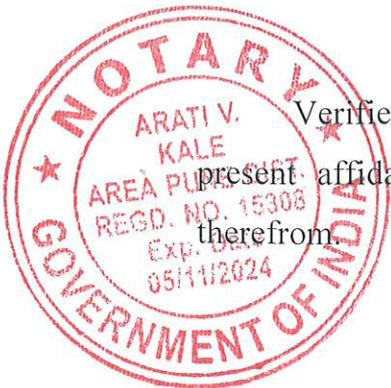
1. That I am the Authorized Representative of the Respondent No. 15 Society in the above-named Original Application. I am conversant with the facts and circumstances of the case and as such competent to swear the present Affidavit.
2. That the contents of the present Reply are facts true to my knowledge and also contain submissions and prayers to this Hon'ble Tribunal based on legal advice and the same is believed to be true and correct.
3. That the Annexures filed along with the present Reply are the true copies of their respective originals.



DEPONENT

VERIFICATION

Verified at Pune on this 19th day of February, 2024 that the contents of the present affidavit are true and correct and nothing material has been concealed therefrom.



ARATI V. KALE
NOTARY GOVT. OF INDIA
PUNE, MAHARASHTRA
Noted And Registered
at Serial Number 714/2024



DEPONENT

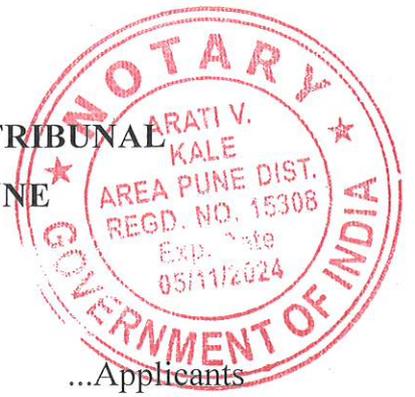


17.9 FEB 2024

1784

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

O.A. No. 147 of 2016



IN THE MATTER OF

Mr. Tanaji Balasaheb Gambhire and Ors.

...Applicants

VERSUS

The Principal Secretary,

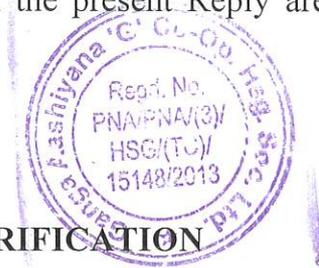
Environment Department and Ors.

...Respondents

AFFIDAVIT

I, Mr.Gopal Dhage, Age- 45 years, Occ: Service, R/o- G – 1003, Ganga Ashiyana,Opposite Aditya Birla Hospital, Thergaon - 411033 do hereby solemnly affirm and state as under:

1. That I am the Authorized Representative of the Respondent No. 16 Society in the above-named Original Application. I am conversant with the facts and circumstances of the case and as such competent to swear the present Affidavit.
2. That the contents of the present Reply are facts true to my knowledge and also contain submissions and prayers to this Hon'ble Tribunal based on legal advice and the same is believed to be true and correct.
3. That the Annexures filed along with the present Reply are the true copies of their respective originals.



Ghage

DEPONENT

VERIFICATION

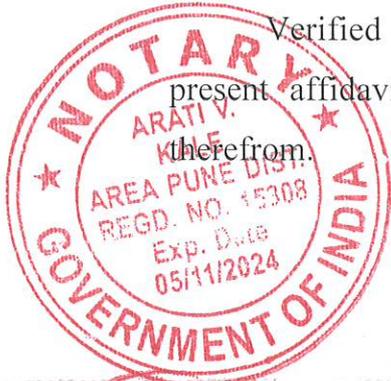
Verified at Pune on this 19th day of February, 2024 that the contents of the present affidavit are true and correct and nothing material has been concealed therefrom.

BEFORE ME

ARATI V. KALE
NOTARY GOVT. OF INDIA
PUNE, MAHARASHTRA
Noted And Registered
Serial Number

Ghage

DEPONENT



19 FEB 2024

1785

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

O.A. No. 147 of 2016

IN THE MATTER OF

Mr. Tanaji Balasaheb Gambhire and Ors.

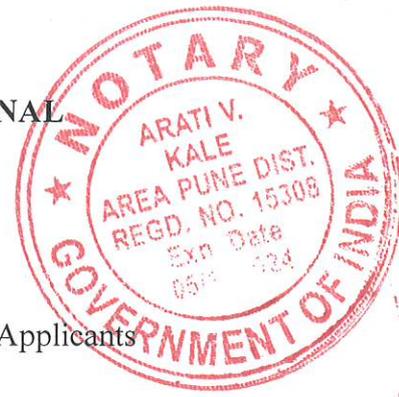
...Applicants

VERSUS

The Principal Secretary,

Environment Department and Ors.

...Respondents



AFFIDAVIT

I, Mr Sourabh Mohan Joshi , Age- about 39 years, Occ: Self Employed, R/o- I 1001, Ganga Ashiyana I Building CHS, Survey No 33, Thergaon, Chinchwad, Pune - 411033 do hereby solemnly affirm and state as under:

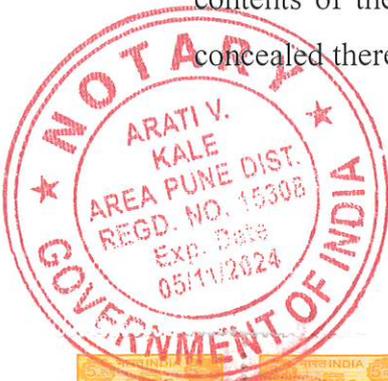
1. That I am the Authorized Representative of the Respondent No. 18 Ganga Ashiyana I Building Society in the above-named Original Application. I am conversant with the facts and circumstances of the case and as such competent to swear the present Affidavit.
2. That the contents of the present Reply are facts true to my knowledge and also contain submissions and prayers to this Hon'ble Tribunal based on legal advice and the same is believed to be true and correct.
3. That the Annexures filed along with the present Reply are the true copies of their respective originals.

Sourabh
DEPONENT

VERIFICATION

Verified at Thergaon, Chinchwad on this 19th day of February, 2024 that the contents of the present affidavit are true and correct and nothing material has been concealed therefrom.

19 FEB 2024



Sourabh
DEPONENT
BEFORE ME



Arati V. Kale
ARATI V. KALE
NOTARY GOVT. OF INDIA
PUNE, MAHARASHTRA
Noted And Registered
at Serial Number 719/2024

1786

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL

WESTERN ZONE BENCH PUNE, AT PUNE

O.A. No. 147 of 2016

IN THE MATTER OF

Mr. Tanaji Balasaheb Gambhire and Ors.

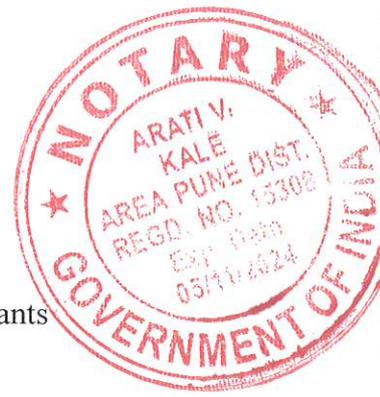
...Applicants

VERSUS

The Principal Secretary,

Environment Department and Ors.

...Respondents



AFFIDAVIT

I, Mr.Sanjev Dilip Lokegaonkar, Age – 42 years, Occ: Service, R/o- J – 906, Ganga Ashiyana,Opposite Aditya Birla Hospital, Thergaon - 411033 do hereby solemnly affirm and state as under:

1. That I am the Authorized Representative of the Respondent No. 19 Society in the above-named Original Application. I am conversant with the facts and circumstances of the case and as such competent to swear the present Affidavit.
2. That the contents of the present Reply are facts true to my knowledge and also contain submissions and prayers to this Hon'ble Tribunal based on legal advice and the same is believed to be true and correct.
3. That the Annexures filed along with the present Reply are the true copies of their respective originals.



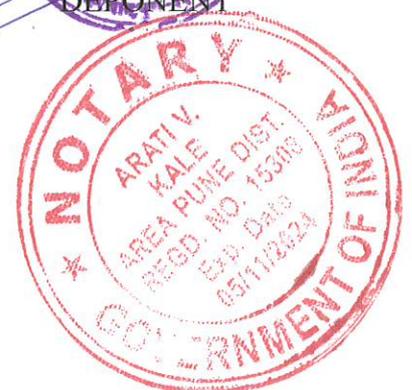
VERIFICATION

Verified at Pune on this 19th day of February, 2024 that the contents of the present affidavit are true and correct and nothing material has been concealed therefrom.

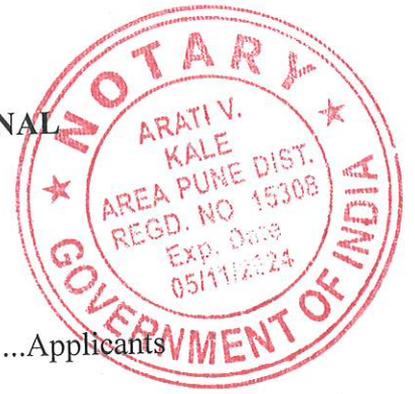
BEFORE ME

1.9 FEB 2024

ARATI V. KALE
NOTARY GOVT. OF INDIA
PUNE, MAHARASHTRA
Noted And Registered
at Serial Number. 718/2024



BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
WESTERN ZONE BENCH PUNE, AT PUNE
O.A. No. 147 of 2016



IN THE MATTER OF
Mr. Tanaji Balasaheb Gambhire and Ors.

...Applicants

VERSUS

The Principal Secretary,
Environment Department and Ors.

...Respondents

AFFIDAVIT

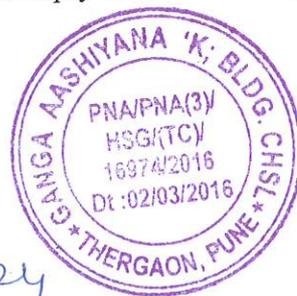
I/we, Mr. Dattatray Ramnath Pokale (Chairman) Age: 38, Occ: Business, or Mr. Omkar Anil Agavekar (Secretary) Age – 38, Occ: Business or Gaurav Pradeep Majithia (Tresurer) Age – 35, Occ: Service, R/o- Ganga Aashiyana K Building CHSL, Near Samarth Carina, Thergaon Road, Chinchwad, Pune - 411033 do hereby solemnly affirm and state as under:

1. That we are the Authorized Representative of the Respondent No. 20 Society in the above-named Original Application. I am conversant with the facts and circumstances of the case and as such competent to swear the present Affidavit.
2. That the contents of the present Reply are facts true to my knowledge and also contain submissions and prayers to this Hon'ble Tribunal based on legal advice and the same is believed to be true and correct.
3. That the Annexure filed along with the present Reply are the true copies of their respective originals.

BEFORE ME

Arati V. Kale

ARATI V. KALE
NOTARY GOVT. OF INDIA
PUNE, MAHARASHTRA
Noted And Registered
at Serial Number 77/2024

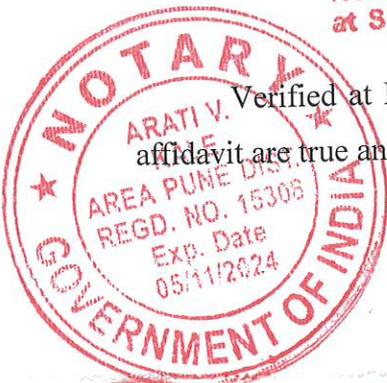


[Signature]

DEPONENT

VERIFICATION

Verified at Pune on this 19th day of February, 2024 that the contents of the present affidavit are true and correct and nothing material has been concealed there from.



[Signature]

DEPONENT

19 FEB 2024





1788

PROOF OF SERVICE

Service: Reply in O.A. No. 147 of 2016 Between Goel ganga Vakalatnama with Resolutions Vs. The Principal Secretary, Environment Department and Ors.

1 message

Adv Sangramsingh R Bhonsle <srb.chambers@gmail.com>

Tue, Feb 20, 2024 at 4:44 PM

To: "nitinlonkar@gmail.com" <nitinlonkar@gmail.com>, advocatedangare@gmail.com, adv.manasi.joshi@outlook.com, Raghunath Mahabal <mahabal60@gmail.com>, abhishek.salian@vidhiipartners.com, "vidhii.mumbai@vidhiipartners.com" <vidhii.mumbai@vidhiipartners.com>, shashikant jagtap <adv.sjagtap@gmail.com>, kakde.swapnil@gmail.com

Cc: Sangramsingh Bhonsle <sangramsinghbhonsle@gmail.com>

Sir/Ma'am,

We are the advocates appearing on behalf of the Respondent No. 13 to 16 and 18 to 20 in the above mentioned matter filed a Reply in O.A. No. 147 of 2016 (WZ).

Please find attached herewith the copy of the Reply in O.A. No. 147 of 2016 (WZ) on behalf of the Respondent No. 13 to 16 and 18 to 20 dated 20.02.2024 in the above mentioned matter. Kindly consider this email as a service of the same on your esteemed office.

Regards,

Sangramsingh R. Bhonsle

Advocate

Supreme Court of India

A-10, LGF, Lajpat Nagar III,

New Delhi - 110024.

Mob- 9545809120

 **Goel Ganga Reply.pdf**
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