

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL

WESTERN ZONE BENCH AT PUNE

APPLICATION NO. 64/2019

IN THE MATTER OF :

MR. TANAJI BALASAHEB GAMBHIRE

... APPLICANT

VERSUS

UNION OF INDIA & OTHERS

... RESPONDENTS

Say/Reply on behalf of Respondent No. 8 i.e. The Secretary, Urban Development Department is as under :

1. It is humbly submitted by Respondent no. 8 that , Respondent no. 8 is not at all connected with this matter. The allegations made in the entire application including para no. 5 are not applicable to this Respondent no. 8.
2. So far as para no. 1 and 2 is concerned, the respondent does not wants to comments.
3. So far as para no. 3 is concerned, the respondent states that, the applicant has mentioned that the Respondent No. 13 has committed gross intentional violation of EIA Notification-2006 r/w Environment (Protection) Act-1986 along with Water (Prevention and Pollution Control) Act-1971 and Air (Prevention and Pollution Control) Act-1984 for carrying out illegal building construction in project "Ekta colifornia & Florida"
4. So far as para no. 4 is concerned, the respondent does not wants to comments.
5. So far as para no. 5 is concerned, the respondent states that, the contents of para no. 5 are not true and correct as far as respondent no. 8 is concerned. Hence the allegations on respondent no. 8 are specifically denied.
6. So far as para no. 6 is concerned, the respondent does not wants to comments.

7. So far as para no. 7 to 23 are concerned, the respondent states that, the applicant mentioned the particulars of project under challenged and the following violations committed by the Respondent No. 13 i.e. PP.
- a. That the BUA of project was more than 20000 Sq. Mtrs. But PP did not applied for Environment clearance and consents.
 - b. PP has not obtained any prior Environment Clearance from SEIAA or MoEF and carried out the construction of 38339.6 Sq. Mtrs. Comprising of 5 residential buildings, 120 flats in addition to this PP has proposed construction of BUA 9089.6 Sq. Mtrs. 1 building with 70 flats in illegal manner. Therefore total BUA of project is 47429.2 Sq. Mtrs. comprising 6 residential buildings with 190 flats.
 - c. PP has not obtained any prior Consent to Establish from MPCB.
 - d. That the PP has completed part project in year of 2016, but did not applied for consent to operate and put the completed portion of project under enjoyment without Consent to Operate.
 - e. PP has carried out construction activity without Environment Impact Assessment and without implementation of their remedial measures.
 - f. PP is extracting huge quantity of ground water from three bore wells for construction of project as well as for domestic use without any permission from competitive authority for operational purpose.
 - g. PP has not made any test for ground water contamination and quality of water.
 - h. PP has not provided any solid waste management system and waste generated is dumped to PMC waste yard creating burden on public systems and solid waste is generating various greenhouse gases and there is no scientific disposal of the solid waste generated from project.
 - i. PP has not provided any energy conservation system for energy saving like solar Energy system.

- j. PP has not provided any rain water harvesting system for ground water recharge.
- k. PP has not preserved top layer of fertile soil and there is no soil test for contamination.
- l. PP has not mad tree plantation as per the norms and Non-development of green belt as per CPCB norm
- m. PP has provide swimming tank giving additional burden on the ground water.
- n. PP has installed 2 DG sets at projectt site and operation of DG set is causing air pollution.
- o. Huge quantity of sewage water is generated and there is no scientific treatment of sewage water as PP has not installed STP. There is direct discharge of sewage water in PMC seaware line.
- p. PP is creating huge burden on the environment due to day to day waste generation by consumption of natural resources and it is causing huge burden on the public facilities and services on account of environment damage.
- q. That the PP has committed the illegal activities and given rise to the violation of environmental protection enactments and further caused degradation of environment & ecology intentionally.
- r. PP has not complied the conditions of commencement certificate mandating prior environment clearance and consents from the MPCB.
- s. PP has not complied the conditions of commencement certificate related to installation of environment infrastructure to avoid the degradation.
- t. PP has not done installation of Pollution Control Devices
- u. PP has made illegal land use change. From above violation, it is very much clear that they are related to other Respondents and not related to respondent no. 8.
- v. So far as para no. 24 is concerned, the applicant mentioned these notice dated 24.05.2019 regarding legal action to be taken against PP by the Respondents, hence no comments.

8. So far as para no. 24(b) is concerned, the respondent wants to submits that it is the duty of respondent no. 9.
9. So far as para no. 25 to 28 are concerned, the respondent is not concerned with the present matter at all.
10. So far as para no. 29 is concerned, the respondent states that, The question of law raised by the applicant are related to other Respondents, nts
11. So far as para no. 30 to 33 are concerned, the respondent states that, the contentions made in those are not related to this respondent no. 8.
12. So far as para no. 34(E) is concerned, in above foregoing paras, it is very much clear that, present application is totally related with the other Respondents. There is no role of Respondent No. 8 i.e. The Secretary, Urban Development Department, Maharashtra Government.

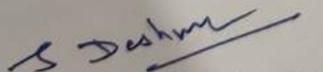
13. Hence it is therefore humbly prayed that

- a. The Hon'ble National Green Tribunal may kindly be passed appropriate order as deem fit and proper.

For Respondent no.8



(Pratibha Umesh Bhadane)
Joint Director of Town Planning,
Pune Division, Pune



(Shubhangi Deshmukh)
AGP & APP, Pune



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... RESPONDENTS

AFFIDAVIT

I Pratibha Umesh Bhadane, Age-54, occu- Service, Joint Director of Town Planning, Pune Division, Pune , 212, 2nd Floor, New Administrative Building, Opposite Council Hall, Pune 411001 do hereby state solemn affirmation on oath is as under :

1. It is humbly submitted by Respondent no. 8 that , Respondent no. 8 is not at all connected with this matter. The allegations made in the entire application including para no. 5 are not applicable to this Respondent no. 8.
2. So far as para no. 1 and 2 is concerned, the respondent does not wants to comments.
3. So far as para no. 3 is concerned, the respondent states that, the applicant has mentioned that the Respondent No. 13 has committed gross intentional violation of EIA Notification-2006 r/w Environment (Protection) Act-1986 along with Water (Prevention and Pollution Control) Act-1971 and Air (Prevention and Pollution Control) Act-1984 for carrying out illegal building construction in project "Ekta colifornia & Florida"
4. So far as para no. 4 is concerned, the respondent does not wants to comments.
5. So far as para no. 5 is concerned, the respondent states that, the contents of para no. 5 are not true and correct as far as respondent no. 8 is concerned. Hence the allegations on respondent no. 8 are specifically denied.



6. So far as para no. 6 is concerned, the respondent does not wants to comments.
7. So far as para no. 7 to 23 are concerned, the respondent states that, the applicant mentioned the particulars of project under challenged and the following violations committed by the Respondent No. 13 i.e. PP.
 - a. That the BUA of project was more than 20000 Sq. Mtrs. But PP did not applied for Environment clearance and consents.
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- i. PP has not provided any energy conservation system for energy saving like solar Energy system.
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- q. That the PP has committed the illegal activities and given rise to the violation of environmental protection enactments and further caused degradation of environment & ecology intentionally.
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10. So far as para no. 29 is concerned, the respondent states that, The question of law raised by the applicant are related to other Respondents, nts

11. So far as para no. 30 to 33 are concerned, the respondent states that, the contentions made in those are not related to this respondent no. 8.

12. So far as para no. 34(E) is concerned, in above foregoing paras, it is very much clear that, present application is totally related with the other Respondents. There is no role of Respondent No. 8 i.e. The Secretary, Urban Development Department, Maharashtra Government.

13. Hence it is therefore humbly prayed that

a. The Hon'ble National Green Tribunal may kindly be passed appropriate order as deem fit and proper.



Whatever stated as above paras are true and correct to the best of my knowledge and belief. Hence I have signed below it on /10/2021

28 OCT 2021

ATTESTED
S. Pradeepkumar

Savita Pradeepkumar Rokade
ADVOCATE & NOTARY
GOVT. OF INDIA

Affiant

(Pratibha Umesh Bhadane)
Joint Director of Town Planning,
Pune Division, Pune

I know the Affiant

S. Shubhangi
(Shubhangi Deshmukh)
AGP & APP, Pune

Noted and Registered
at Serial Number
Reg. No.- 615/2021
Book No- 04

