

**BEFORE THE NATIONAL GREEN TRIBUNAL
WESTERN ZONE BENCH, PUNE**

THROUGH PHYSICAL HEARING (WITH HYBRID OPTION)

Original Application No.28/2023(WZ)

Santosh Daundkar

.....Applicant

Versus

SEIAA, Environment Department, Government of Maharashtra
& Ors.

....Respondent(s)

Date of hearing: 05.03.2024

**CORAM: HON'BLE MR. JUSTICE DINESH KUMAR SINGH, JUDICIAL MEMBER
HON'BLE DR. VIJAY KULKARNI, EXPERT MEMBER**

Applicant	:	Mr. Aditya Pratap, Advocate
Respondent(s)	:	Mr. Aniruddha Kulkarni, Advocate for R-1 Mr. Prakash Shejal, Advocate for R-2 & 3 Mr. Samit Shukla, Advocate along-with Mr. Shivshankar Swaminathan, Advocate and Ms. Saakshi Saboo, Advocate for R-4 & 10 Mr. Rohan Cama, Advocate for Respondent Mr. Aditya Udeshi, Advocate for R-5 Mr. Saket Mone, Advocate for R-7 Mr. Mayur Khandeparkar, Advocate for R-8 Mr. Karan Bhide, Advocate for R-11 & 14 Mr. Siddharth Yadav and Mr. Pheroze Mehta, Advocates representing Wadia Ghandy & Co., for R-12 Mr. Pankaj Rajmachikar, Advocate along-with Ms. Vaidehi Odhekar, Advocate for R-13

ORDER

1. From the side of the applicant, learned counsel Mr. Aditya Pratap has appeared.
2. From the side of respondent No.1 – SEIAA, learned counsel Mr. Aniruddha Kulkarni has appeared, who prays for two weeks' time to be allowed to file the reply-affidavit. The said time is allowed with a direction that a copy of the same shall be served upon the applicant, who may file rejoinder against the same, if any, within four weeks thereafter.

3. From the side of respondent No.2 – Commissioner and for respondent No.3 – Tree Officer, learned counsel Mr. Prakash Shejal has appeared, who submits that he would be filing his Vakalatnama today itself and that a copy of the Original Application has not been served upon him by the applicant. Therefore, we direct the applicant to serve a copy of the same upon the said learned counsel through e-mail today itself and within two weeks, reply affidavit shall be filed by the learned counsel for respondent Nos.2 & 3 and a copy of the same shall also be served upon the applicant, who may file rejoinder affidavit against the same, if any, within four weeks thereafter.

4. From the side of respondent No.4 – Rustomjee Constructions Pvt. Ltd. and respondent No.10 – Godrej Projects Development Ltd., learned counsel Mr. Samit Shukla has appeared before us, who apprised us that he has already filed reply affidavit dated 21.02.2024 on behalf of respondent No.4, wherein it is clearly mentioned that the RG area has been provided on ground level and that the applicant has falsely impleaded them as one of the respondents in the present application and has prayed for heavy cost to be imposed on the applicant as well as they have prayed for deletion of their names from the array of the parties in the present application. The learned counsel for applicant seeks time to file rejoinder against the reply of respondent No.4, for which we allow four weeks' time for the same and no more.

5. From the side of respondent No. 5 – Techno Freshworld LLP, learned counsel Mr. Aditya Udeshi has appeared, who prays for one week's time to be allowed to file reply affidavit. The said time is allowed with a direction that a copy of the same shall be served upon the applicant, who may file rejoinder against the same, if any, within four weeks thereafter.

6. From the side of respondent No.7 – Money Magnum Nest Pvt. Ltd., learned counsel Mr. Saket Mone has appeared, who prays for one week's time to be allowed to file reply affidavit. The said time is allowed with a direction that a copy of the same shall be served upon the applicant, who may file rejoinder against the same, if any, within four weeks thereafter.

7. From the side of respondent No.8 – Suraj Estate Developers Pvt. Ltd., learned counsel Mr. Mayur Khandeparkar has appeared, who has filed reply affidavit dated 04.03.2024, wherein it is also stated that respondent No.8 has provided mandatory RG as per the Regulation 27(1) of the DCPR-2034 on mother earth.

8. None has appeared from the side of respondent No.9 – Satra Property Developers Pvt. Ltd.

9. From the side of respondent No.11 – Whispering Heights Real Estate Pvt. Ltd. and for respondent No.14- K. Raheja Pvt. Ltd., learned counsel Mr. Karan Bhide has appeared, who prays for two weeks' time to be allowed to file reply affidavit. The said time is allowed with a direction that a copy of the same shall be served upon the applicant, who may file rejoinder against the same, if any, within four weeks thereafter

10. From the side of respondent No.12 – Incline Realty Pvt. Ltd., learned counsel Mr. Siddharth Yadav has appeared, who has filed reply affidavit dated 04.03.2024, wherein it is mentioned that as per the latest sanction plans, the required RG is 4,680.62 sq. mtrs., which has been provided by it on the top of the podium as per Note 2 of Regulation 27 of DCPR, 2034 and that the additional RG area is provided on mother earth in accordance with the rules and regulations. We direct the learned counsel for applicant to file rejoinder affidavit against the same, if any, within four weeks.

11. From the side of respondent No.13 – MIG Realtors & Builders Pvt. Ltd., learned counsel Mr. Pankaj Rajmachikar has appeared, who submits before us that he has already filed reply affidavit.

Put up this matter for further consideration on 26.07.2024

Dinesh Kumar Singh, JM

Dr. Vijay Kulkarni, EM

March 05, 2024
Original Application No.28/2023(WZ)
P.Kr