

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO.1309 OF 2025
IN
WRIT PETITION NO.1022 OF 2025

Vikas Shravan Kuchekar
Versus

...Applicant

M/s. Atria Constructions

...Respondent

Mr. Girish S. Godbole, Senior Advocate a/w Mr. Vijay Upadhyay and Mr. Sitesh Sharma, for the Petitioner in WP/1022/2025.

Mr. Pritesh Burad a/w Ms. Samita Vaviya, Ms. Kiran Yadav i/b. Pritesh Burad Associates for the Petitioner in WP/10414/2025.

Mr. Vishwanath Patil for the Respondent Nos.1 to 4/ PMC.

Mr. Ashish Kamat, Senior Advocate a/w Mr. Shrey Fatterpekar, Ms. Nidhi, Mr. Vishal Tiwari, Mr. Himanshu Singh i/b. White and Brief Advocates and Solicitors for Respondent No.5.

Mr. Mayur Khandeparkar a/w Mr. Akshay Deshmukh, Mr. Sumit Chaudhary and Mr. Sanket Kadam for the Intervenor/Applicant in IA/1309/2025.

Ms. Savita A. Prabhune, AGP for State.

CORAM : G. S. KULKARNI &
ARIF S. DOCTOR, JJ.

DATE : 21 November, 2025

P.C.:

1. The Intervenor in the present application is one Mr. Vikas Shravan Kuchekar, who appears to have played a significant role in making complaints made to the municipal authorities in regard to the construction in question. The memo of the Intervention Application filed by the applicant is in English. The verification clause of the memo of the Interim Application reads thus:

“VERIFICATION

I, Mr. Vikas Shravan Kuchekar, Age: 42 Years, Occupation:- Business, R/at:- Survey No: - 31, Flat No:- 31, Sharadha Heritage, Sinhgad Road, Maharashtra, ,Pune 411 051., the Intervenor abovenamed, do hereby state and declare on solemn affirmation that whatever stated in the foregoing paragraphs are true and correct to the best of my knowledge and belief.

Solemnly affirmed at Mumbai)

On this 28 January 2025)

Intervenor

Before Me,

Identified by Me,

Advocate for the Intervenor.”

(emphasis supplied)

2. We had grave doubts about the bonafides of the intervenor, hence on 4 August, 2025 we called upon the intervenor to step into the witness box, so that he can answer some basic questions. When we questioned him on his knowledge about the case and his expertise in relation to the building plans and the implications which are brought about by the Environmental Clearance Notification dated 10 December 2015, his answers are beyond our imagination. He states that he has not passed the Higher Secondary (12th Standard) examination. We then asked him to read the contents of his verification, unfortunately, he could hardly read the verification in a correct manner. Considering this, we wonder as to how he could have read and understood the several paragraphs of his Intervention Application.

3. We further asked the intervenor as to whether in this case he had received any complaints from the members of the Society or any persons concerned with the project and further whether he verified the nature of the complaints by consulting any structural engineer or Architects who are experts

in building plans, in regard to clearance, FSI requirements, etc. He has stated that no such structural auditor was appointed by him and merely on the basis of these complaints he thought it was appropriate to make complaints to the Municipal Commissioner, as according to him, there was a violation of rules (which he is unable to state) in regard to the construction undertaken by the petitioner.

4. The intervenor has also annexed copies of the orders which are in the proceedings under the Arbitration and Conciliation Act, 1996 which are between the petitioner and Respondent No.5-Wellbuild. He is unable to point out anything in the application as to how and in what manner (known to law), he has received the order copies in a private litigation so that he can get involved in the private dispute between respondent no. 5-Wellbuild and the petitioner. He has addressed multiple detailed emails to several authorities dated 17 January 2025. Considering his lack of proficiency in English, we asked him as to how he has addressed such emails and more particularly, the email dated 17 January 2025 to which the following averment is made in paragraph 11 of his application:-

“11. The Applicant states that on 17th January 2025, the Applicant has written an Email to Environmental Department and asked to take action against the petitioners as they have constructed more area than which was agreed by them. The copy of the Email dated 17th January 2025 is annexed hereto and marked as Exhibit I.”

5. He has deposed before us that this email has not been written by him but it has been written by his legal advisor. However, there is no averment to that effect, in the memo of the intervention application. This apart, when we

questioned him as to what is his occupation he states that he is engaged in the business of imitation jewellery.

6. On such backdrop, we asked him a further question that he claims to be an activist of an organization which he states was founded by him, namely, “Human Rights Protection and Awareness”, which is stated to be registered under the Societies Registration Act, 1860. He states that he is undertaking social work for which the organization has been found. We thereafter asked him as to what is his complaint dated 8 February 2025 which he had submitted to the Committee for Environmental Clearance. He is unable to point out any such complaint which was received by the said Committee on 8 February 2025. Also, he has not referred to his complaint in the memo of his Intervention Application and on the basis of which SEIAA Committee proceeded to take a decision in the meeting dated 27 February 2025 to refer back the petitioner’s proposal on the basis of the petitioner’s complaint.

7. Insofar as the case of the Applicant that he received a complaint on 8 February 2025 (annexed at **Exh.-M** to the additional affidavit) and whether he knows such complainant and to explain as to who has signed such complaint and further as to who possess the original of the same, he is unable to point out the name of the person who has addressed the complaint to him, as also he is unable to produce the originals.

8. We then asked him to point out to us which is the final complaint he made to the SEIAA Committee and as to what was the complaint. Again, he is unable to point out his final complaint. However, he states that his complaint is

in respect of the diversion of the nalla (drain) as also the construction being undertaken without obtaining the Environmental Clearance.

9. He has also stated that in regard to the project in question, he has received complaints from the residents of 'B' and 'C' Towers by post (although C Tower is being constructed). After having said so, he states that he is now not sure whether the same was received by post or the same was delivered in his office. He states that after such complaint was received in his office, thereafter his legal team took up the matter. However, the memo of the Intervention Application, as also the affidavit is totally silent that his organization has any legal team and that his organization is acting through a legal team and/or as to who are the members of the legal team and as to what are their qualifications, expertise and credentials to pursue techno-legal issues of such nature. He is also not in a position to state the name of the persons from who he has taken advice before taking up such issues with the authorities.

10. This is the nature of the Intervention Application. When confronted on several such issues, the Applicant is not in a position to explain anything. Also, except the construction in question, as to whether he has undertaken any complaint in regard to any other construction, he is unable to state anything in this regard.

11. Mr. Khandeparkar, learned counsel for the intervenor also has fairly stated that the intervention applicant is not in a position to justify from where he had received the orders in the proceedings between the petitioner and respondent no.5-Wellbuild. However, he states that such orders are annexed to

different representations which he has made and in this regard, our attention is drawn to the intervenor's letter dated 2 July 2024 addressed to the Member Secretary, SEIAA.

12. In the aforesaid circumstances, as rightly contended by Mr. Godbole, learned senior counsel for the petitioner, we have no manner of doubt that the intervenor has been put up at the behest of the parties who are interested to damage the interest of the petitioner-M/s. Atria Construction. In the present facts, we have no manner of doubt that the intervenor is a busybody and a pawn in the hands of respondent no. 5-Wellbuild. The Intervention Application is an abuse of the process of law. It deserves to be dismissed. It is dismissed with cost of Rs.50,000/- to be deposited by the intervenor, within a period of two weeks from today, with the Sassoon General Hospital, Pune, to be utilized for purchase of medicines for the poor patients. On failure to deposit the said amount, the Collector, Pune to recover the said amount from the applicant as arrears of land revenue. Copy of this order be forwarded by learned AGP to the Collector, Pune District. In that event, the Collector shall forward the compliance to the Registrar (Judicial) who shall apprise the Court on such compliance

13. Interim Application is dismissed.

[ARIF S. DOCTOR, J.]

[G. S. KULKARNI, J.]