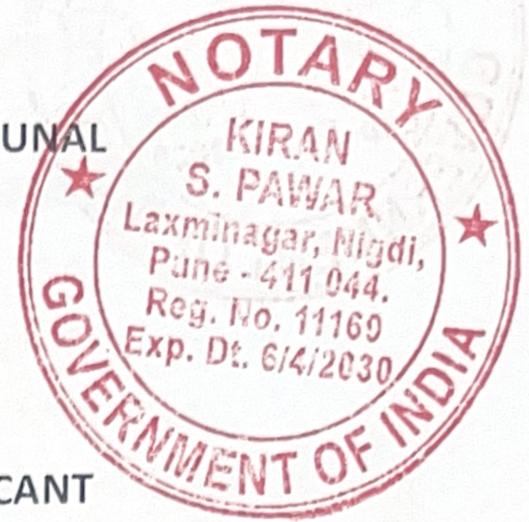


264/2025
 11/6/25

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

Original Application No. 17 of 2021



TANAJI GAMBHIRE

...APPLICANT

VERSUS

UNION OF INDIA & ORS.

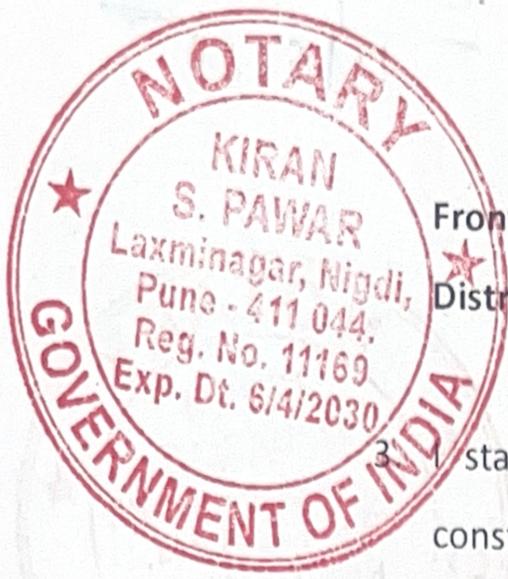
...RESPONDENTS

AFFIDAVIT ON BEHALF OF RESPONDENT No. 10 - PMRDA

IN COMPLIANCE OF THE ORDER PASSED BY THIS HON'BLE TRIBUNAL
 REGARDING CONSTRUCTION IN PROHIBITIVE AND RESTRICTIVE AREAS
 (BLUE & RED LINE) IN PROJECT 'XRBIA'

I, Dipak Singla, aged about 40 years, presently working as **Additional Metropolitan Commissioner** with the Pune Metropolitan Region Development Authority (PMRDA), having its office at New Administrative Building, Near Akurdi Railway Station, Akurdi, Pune- 411044, do hereby solemnly affirm and state on oath as follows:

1. I state that, I am the Additional Metropolitan Commissioner of Respondent No 10 - PMRDA and I am well conversant with the facts of the case. I am competent and duly authorized to swear and file this Affidavit on behalf of PMRDA in compliance with the directions of this Hon'ble Tribunal.
2. I state that, this Affidavit is filed in compliance with the directions issued by this Hon'ble Tribunal, calling upon PMRDA to explain why the construction carried out within the prohibitive and restrictive zones demarcated by the Blue and Red flood lines in the "River



Front" project at S. No. 1pt, 3pt, Village Bebadohol, Taluka Maval, District Pune (Project - XRBIA) should not be demolished.

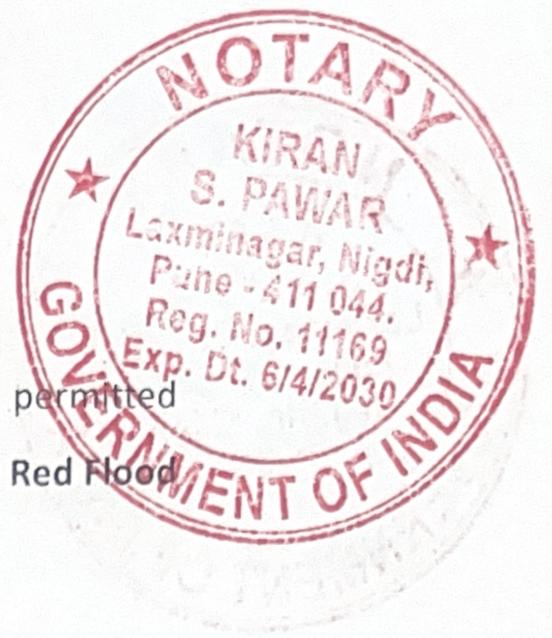
I state that, the Original Application primarily alleges that the construction undertaken in the said project is in violation of the conditions stipulated under the Environmental Clearance (EC), and therefore seeks reliefs including demolition, imposition of compensation, and damages.

4. I state that, initially, the project received sanctions from the District Collector, Pune vide sanction **No.PMA/NA/SR/256/2012** dated **20/04/2013** and subsequently sanction vide **No. PMA/NA/SR/ 521/2014** dated **14/01/2015**, for total construction of 26,100 sq.m. and 26,415 sq.m. respectively. PMRDA, after its establishment on **dt.31/03/2015**, and being declared a Special Planning Authority on **dt.18/01/2018**, granted a revised building permission vide sanction **No.DP/BMA/Village Bebadohol / Gat No. 1(p), 3(p)/ CR No. 534/18-19** dated **15/12/2018**, in accordance with its applicable Development Control and Promotion Regulations (DCPR).

5. I state that, as per earlier affidavit dated **02/05/2023**, mentioned in para 10, the applicant (xrbia) had submitted the building plans to the District Collector with both the Blue and Red flood lines clearly demarcated as per the letter dated **05/07/2012** from the Irrigation Department, it was clarified that the buildings permitted by PMRDA were confined strictly to the lands not affected by the Blue Line. The said letter from the Irrigation Department had stipulated that:

- o No construction is permissible **within** the Blue Flood Line (prohibitive zone).

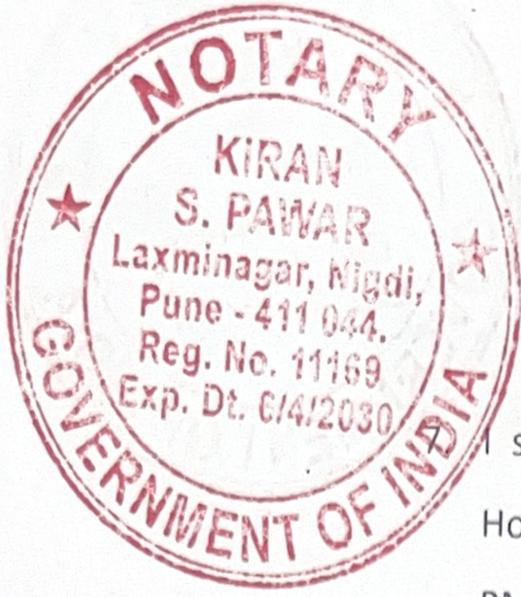




- Construction **outside** the Blue Flood Line is permitted provided the plinth level is **0.50 metres above the Red Flood Line.**

6. I state that, at the relevant time, the applicable development control regulations were those pertaining to the Regional Plan areas in Maharashtra. Subsequently, with effect from **11/12/2018**, the **Development Control and Promotion Regulations, 2018 (DCPR-2018)** of PMRDA came into force. As per DCPR Regulation No. 13.3:

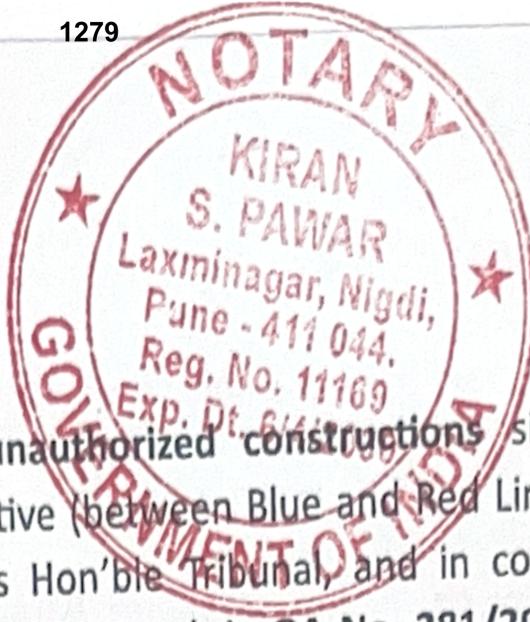
- a) *As per Development control and promotion regulations for PMRDA 2018, the area Area between the river bank and blue flood line (Flood line towards the river bank) shall be prohibited zone for any construction except parking, open vegetable market, garden, lawns, open space, cremation and burial ground, or like uses without any form of construction or any form of earthwork with external dumping. provided the land is feasible for such utilization.*
- b) *It is also mentioned that area between blue flood line and red flood line shall be restrictive zone for the purposes of construction permitted at a height of 0.45 meters above the red flood line,*
- c) *If area between riverbank and blue flood line or red flood line forms the part of entire plot in developable zone i.e. residential, commercial, public - semi-public, industrial then FSI of this part may be allowed to be utilised on remaining land and*



d) *The blue and red flood line shall be as marked by Irrigation Department or any other Government institutions dealing with the subject.*

I state that, earlier affidavit filed on dt. 02/05/2023 before this Hon'ble Tribunal. The building permission procedure followed by PMRDA is detailed in Para 13 to 16 of the said affidavit.

8. I state that, a **Joint Committee** of SIEAA, MPCB, CPCB and Hon'ble District magistrate, Pune were constituted in compliance with the order dated **23/03/2023** of this Hon'ble Tribunal has submitted a report , observing that PMRDA issued a revised sanction dated **15/12/2018**. The Blue and Red Flood Lines were duly shown in the plans based on the letter dated **05/07/2012** from the Dy. Executive Engineer, Khadakwasla Irrigation Division.
9. I state that, it is noted that a portion of building B5 is located within the area between the Blue and Red Flood line, and remaining major portion is situated beyond the Red line. Additionally, construction of compound walls and material dumping has occurred within the said restrictive area.
10. I state that, the Irrigation department, upon comparing the sanctioned layout plan dated 20/04/2013, 14/01/2015 & 15/12/2018 with the flood line map, concluded that the part of construction lies in prohibitive area, which includes levelling of land, landscaping with concrete / paver blocks and erection of a compound wall.
11. In the light of above, it is respectfully submitted that :
 - The PMRDA is prepared to initiate **appropriate action** under the **Maharashtra Regional and Town Planning Act, 1966**, as amended from time to time, in accordance with any order passed by this Hon'ble Tribunal.



- Action shall be taken against unauthorized constructions situated within the Prohibitive (Blue Line) and Restrictive (between Blue and Red Line) zones, including demolition, if so directed by this Hon'ble Tribunal, and in consonance with the judgment of the Hon'ble NGT Principal Bench in OA No. 281/2019 (Mahadevapura Parisara Samrakshane Mattu Abhivrudhi Samiti vs. Union of India & Ors.) dated 30/07/2021.

12. This affidavit is filed in good faith and in compliance with the directions of this Hon'ble Tribunal.

For & On behalf Respondent No. 10

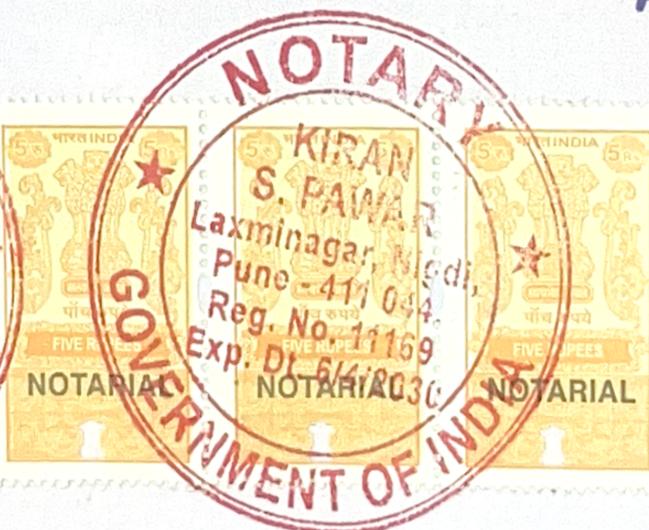
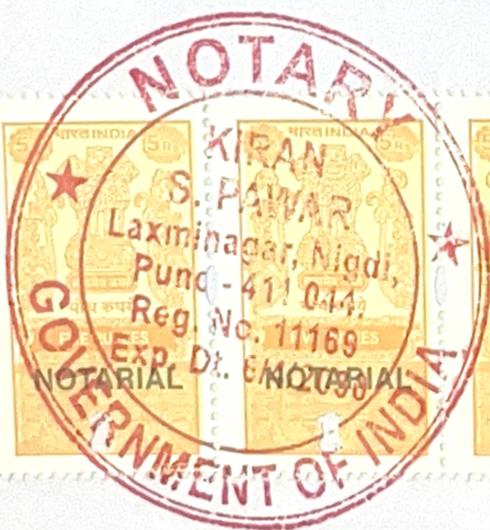


(Signature)
(Deepak Singla)

Additional Metropolitan Commissioner

And

Authorised Signatory PMRDA, Pune
Additional Metropolitan Commissioner
Pune Metropolitan Region Development
Authority, Pune



BEFORE ME
(Signature)

KIRAN S. PAWAR
ADVOCATE & NOTARY
GOVT. OF INDIA
Laxminagar, Nigdi, Pune-411 044.

Noted & Registered
at Serial Number - 264/25

11 JUN 2025