

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

**O.A. 17/2021**

Tanaji Gambhire	...	Applicant
Versus		
Union of India	...	Respondents

**AFFIDAVIT ON BEHALF OF RESPONDENT NO. 11**

I, Shri Vijay Pandurang Patil, Age: 52 years, Occupation: Service, currently serving as Executive Engineer, Khadakwasala Irrigation Division, having office at: Sinchan Bhavan, Pune-411011, do hereby beg to state on solemn affirmation as under:

1. I say and submit that, I have gone through the records of the present matter and after going through the relevant office records I am filing the present Affidavit. However, I should not be deemed to admit anything which is contrary to or inconsistent with what is stated hereinafter in the absence of specific denial.
2. I say and submit that, with respect to demarcation of flood line of River Purna in the stretch of Dapodi to Gahunje, a survey has been carried out in the year 2008-2009. This survey was carried out with the help of instruments available at that time. According to that survey Blue line level was @ 573.00m. in absence of proper guidelines for Blue line and Red line surveying at that time. The

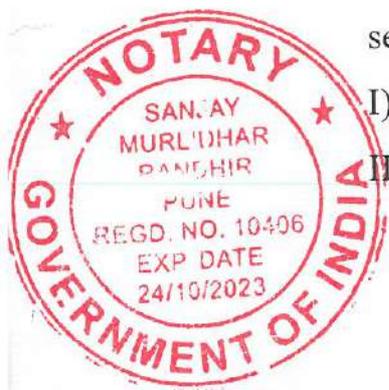
24 JAN 2023



present Respondent has carried out the survey with the best available technical support and know how in that regard. Maps of the survey are uploaded on the Government Website. The same has been provided to the office of the Hon'ble Commissioner, Pimpri Chinchwad Municipal Corporation Pune. The copy of the same is annexed herewith and marked as "Annexure A."

3. I say and submit that, pursuant to the above-mentioned map, Gat No. 1, Village Bebedohal, Taluka Maval, District Pune is situated at Right hand side of Chainage 6/900 to 7/080 of River Pawna.
4. I say and submit that, as per the documents available in the divisional office on 18.5.2012 the Respondent No. 12 has requested for the re-checking of the survey and flood line marking on the map showing Blue Line and Red Line of River Pawna passing through Gat No. 1, Village Bebedohal, Taluka Maval, District Pune, As per request of respondent no.12 a re-survey has been carried out in 2012 for Gat no.1 and 3 and plotting of Blue line and red line has been done at that time according to this survey blue line level was @573.000 m. which is plotted on map. After plotting it has been observed that there was some discrepancies in plotting of blue line and red line in the previous survey of 2008-09. So the then Executive Engineer, Khadakwasala Irrigation Division Pune, has updated the plotting and provided maps of Blue Line and Red Line to the Respondent no. 12 on dated 05/07/2012 .
5. I say and submit that the maps provided by the then Executive Engineer, Khadakwasala Irrigation Division Pune in 2012 were verified with google earth maps viz.(Google Maps showing Cross section @ Gat no.1 and 3 annexed here with) .

- I) Google maps before blue line marking in 2008-09
- II) Google maps After blue line marking in 2008-09



- III) Google maps before starting the construction activity by the respondent no.12 i.e. in year 2014
- IV) Google maps after starting the construction activity by the respondent no.12 i.e. in year 2014

From the above google maps it is found that the reduced level is same as previous survey done in year 2008-09 (that means ground profile is not altered by any filling material).

The said google images annexed here with and marked as **“Annexure B”**

6. I say and submit that, on 22.12.2021 a visit and inspection was carried out as per the Order of this Hon'ble Tribunal. During the site inspection it was observed that the Respondent No. 12 has carried out construction within the Blue Line. The present Respondent has issued a letter to the Respondent No. 12 to remove the abovementioned construction in the Blue Line. The said correspondence i.e. the letters dated 23.3.2021 and 28.12.2021 are annexed herewith and marked as **“Annexure C”**

7. I say and submit that, with respect to the summary and conclusion of the Joint Committee Report dated 3.1.2022, explanation on certain points has been called for.

By observing the google maps annexed here it can be seen that the respondent no.12 have not altered ground Profile by way of dumping or excavation under building area. but respondent no.12 has carried out compound wall and parking space within blue line.

8. I say and submit that, on 03/02/2022, I have personally visited the site along with Subdivisional Engineer, lift irrigation subdivision, Pavananagar and Sectional Officer, bebedohal section no-3, Bebedohal and verified the location of blue line on site with resp to R.L. 573.00m and it is seen that respondent no.12 has carried out compound wall and parking space within blue line. He has dumped



material within the blue line and river bank. That's why river bank is raised and respondent no.12 has fixed parking paver blocks in that area, Also he has constructed compound wall within blue line.

9. I say and submit that, dumping of material from leveling of land is observed in the Blue Line area. So also, reclamation and illegal construction of the compound wall is also observed.

10. I say and submit that, regarding the diversion of natural water flow, it can be said that the same is not altered or modified but definitely the reclamation and construction by the Respondent No. 12 has created obstacle to the water flow of Pawna River in case of flood situation.

11. I say and submit that, with respect to the extraction of ground water via Borewell, the present Respondent cannot deal with the same is within the purview of the Central Ground Water Authority. With respect to well water extraction for non-irrigation purposes. A letter in this regard has been issued to the Respondent No. 12. A copy of the same is annexed herewith and marked as "Annexure D".

12. I say and submit that, in light of the above submission it is respectfully submitted that the present Respondent shall be duty bound to adhere to all the directions of this Hon'ble Tribunal.

Solemnly affirmed on this the 24<sup>th</sup> day of , 2023.

**BEFORE ME**

I know the Affiant ?

**SANJAY M. RANDHIR**  
NOTARY GOVT. OF INDIA  
PUNE  
REGD. NO 10406

**NOTED AND REGISTERED**  
ATSR NO.. 45/2022  
DATE .....

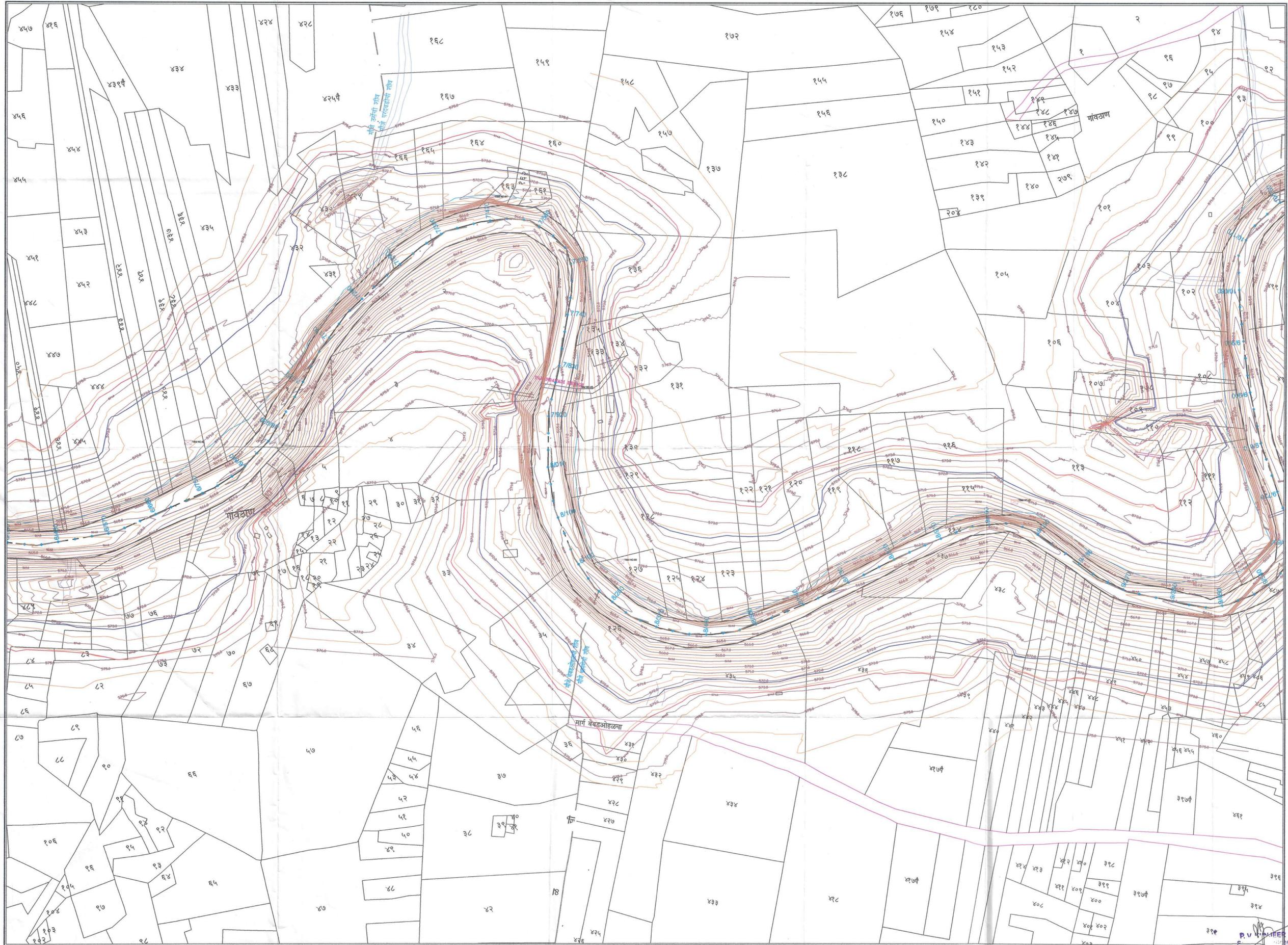
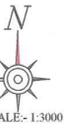
24 JAN 2023

Affiant  
**Executive Engineer**  
Khadakwasi Irrigation Division, PUNE

24 JAN 2023

(4)





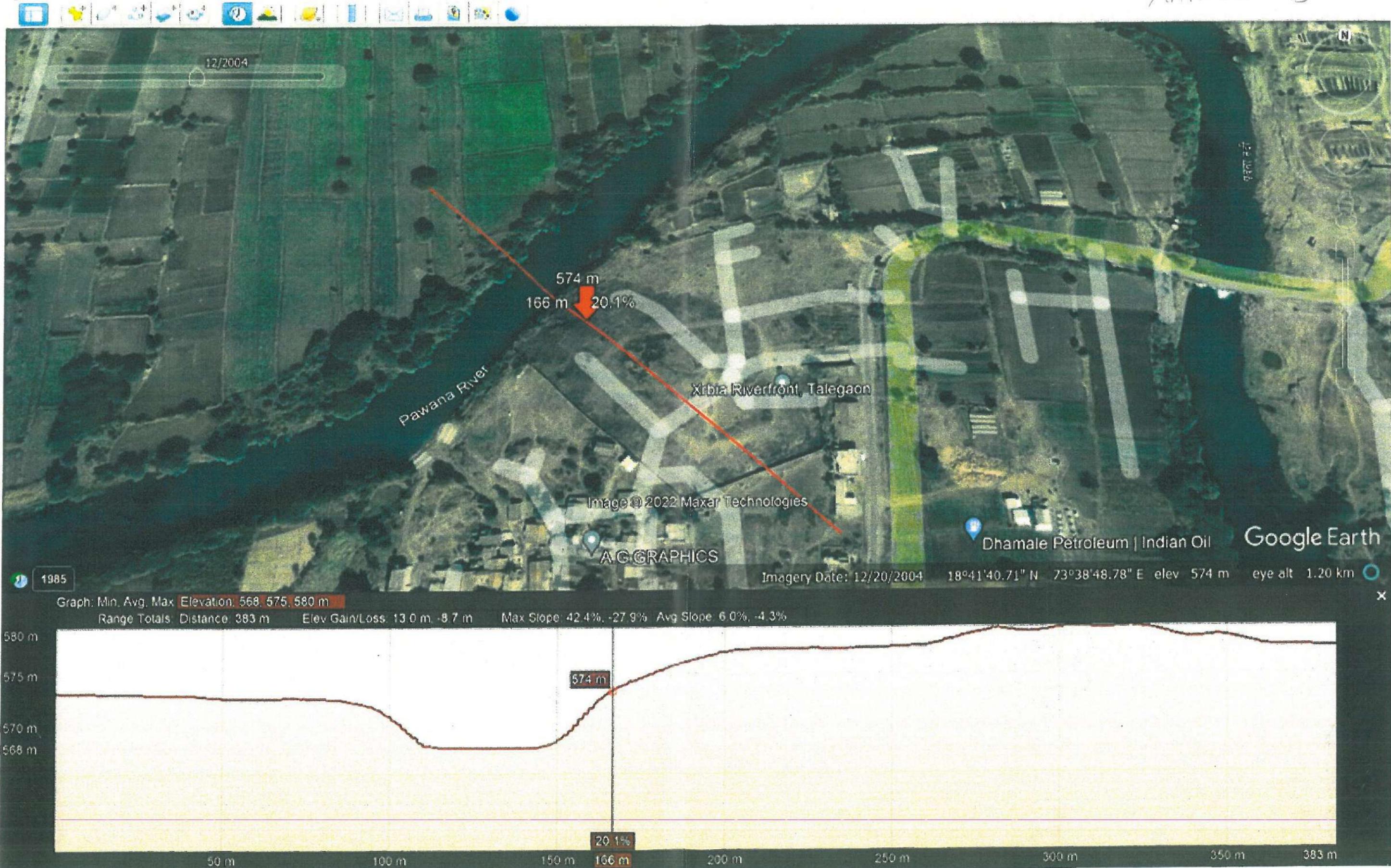
LEGEND

RIVER	
100 YEARS HFL	
25 YEARS HFL	
ROAD BRIDGE/CULVERT	
NALLA	
GUT BOUNDARY	
STATE HIGHWAY / M.D.R.	
RAIL WAY LINE	
VILLAGE BOUNDARY	
COMPOUND WALL	
TANK	
CART TRACK	
BENCH MARK	
CONTOURS	
TEMPLE	
STRUCTURE	

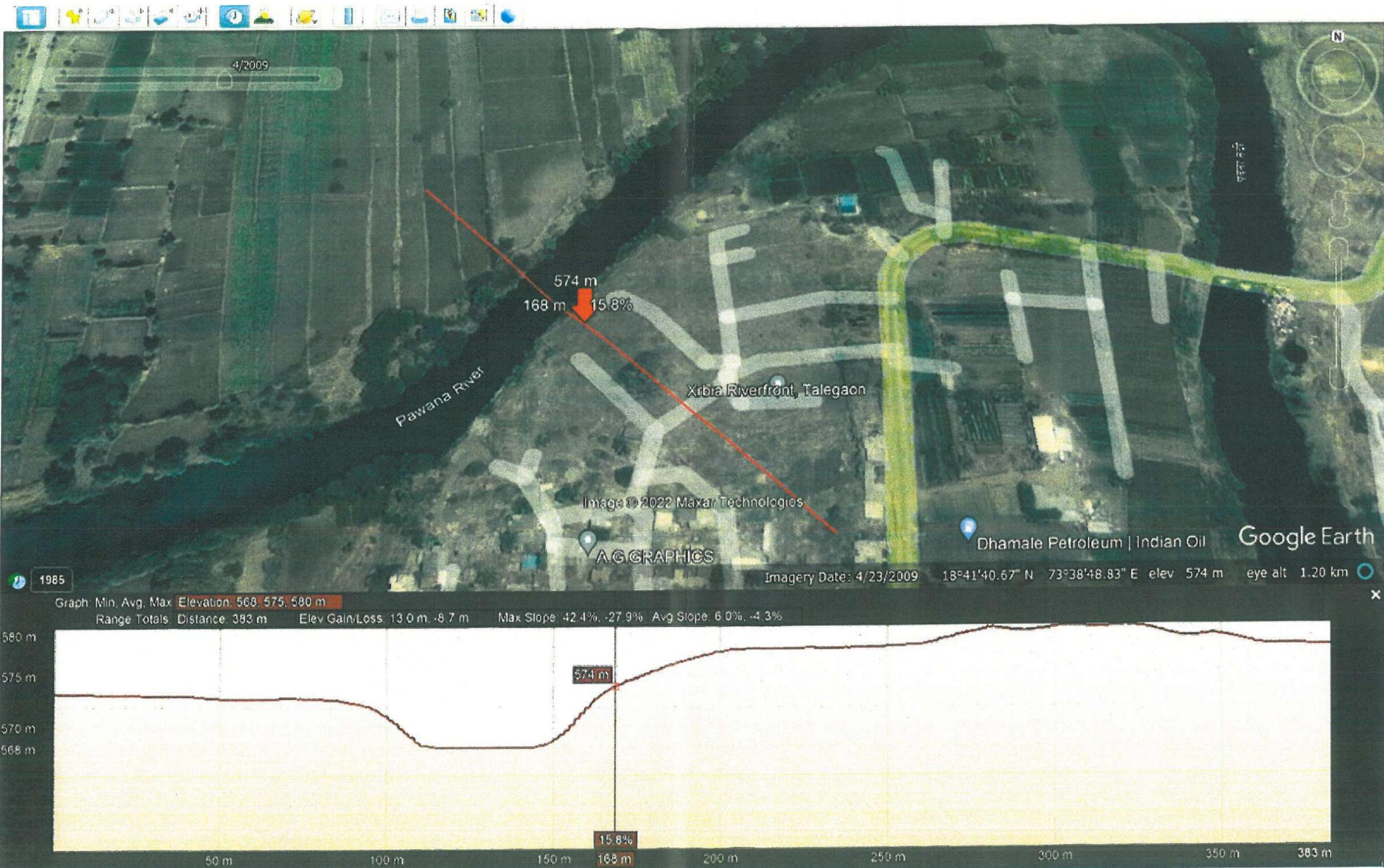
GOVERNMENT OF MAHARASHTRA  
 IRRIGATION DEPARTMENT  
 KHADAKWASALA IRRIGATION DIVISION PUNE-1  
 DETAIL PLANE TABLE AND CONTOUR SURVEY  
 PAWANA RIVER FROM CH 00000 TO 44000

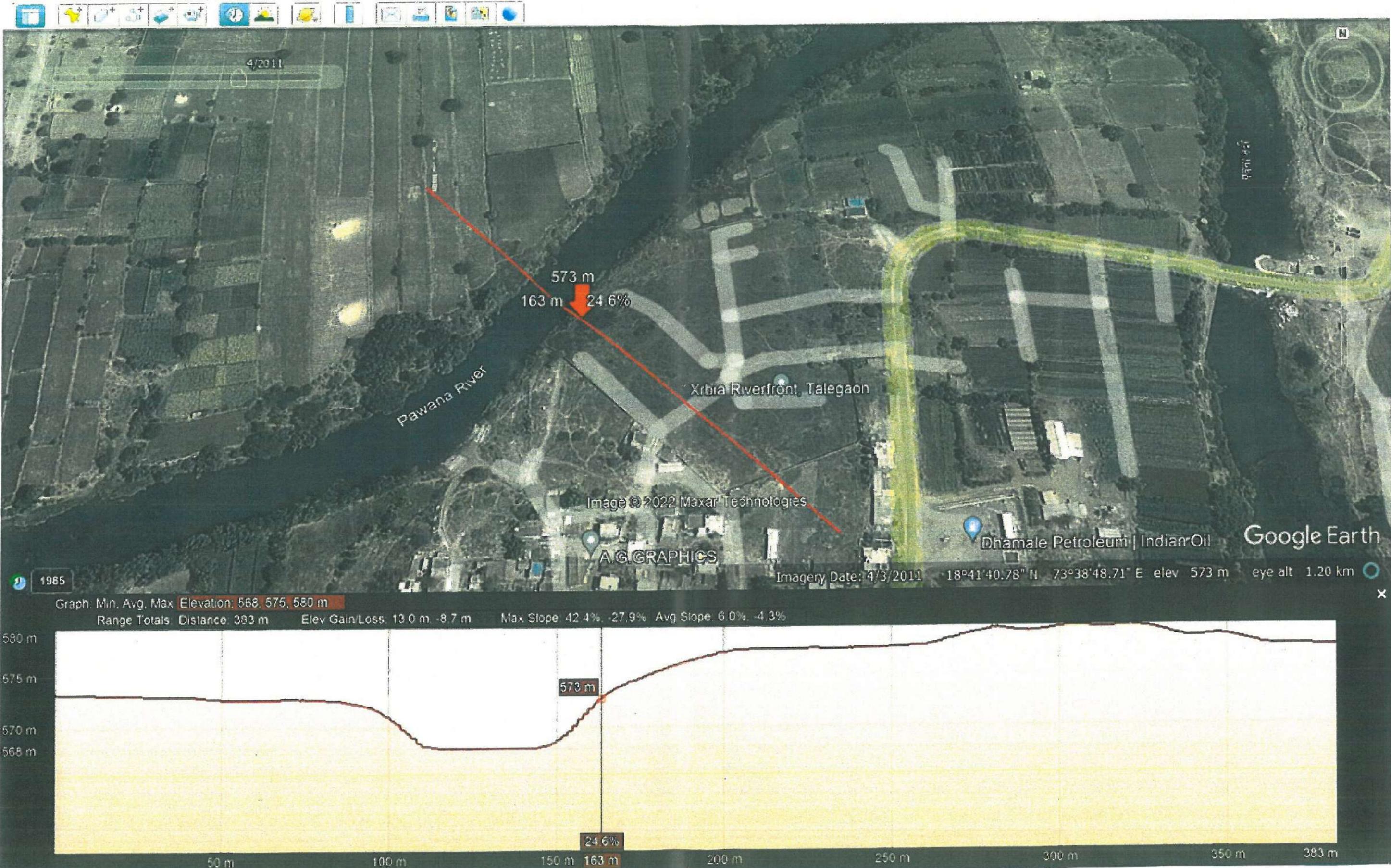
*(Signatures and stamps)*

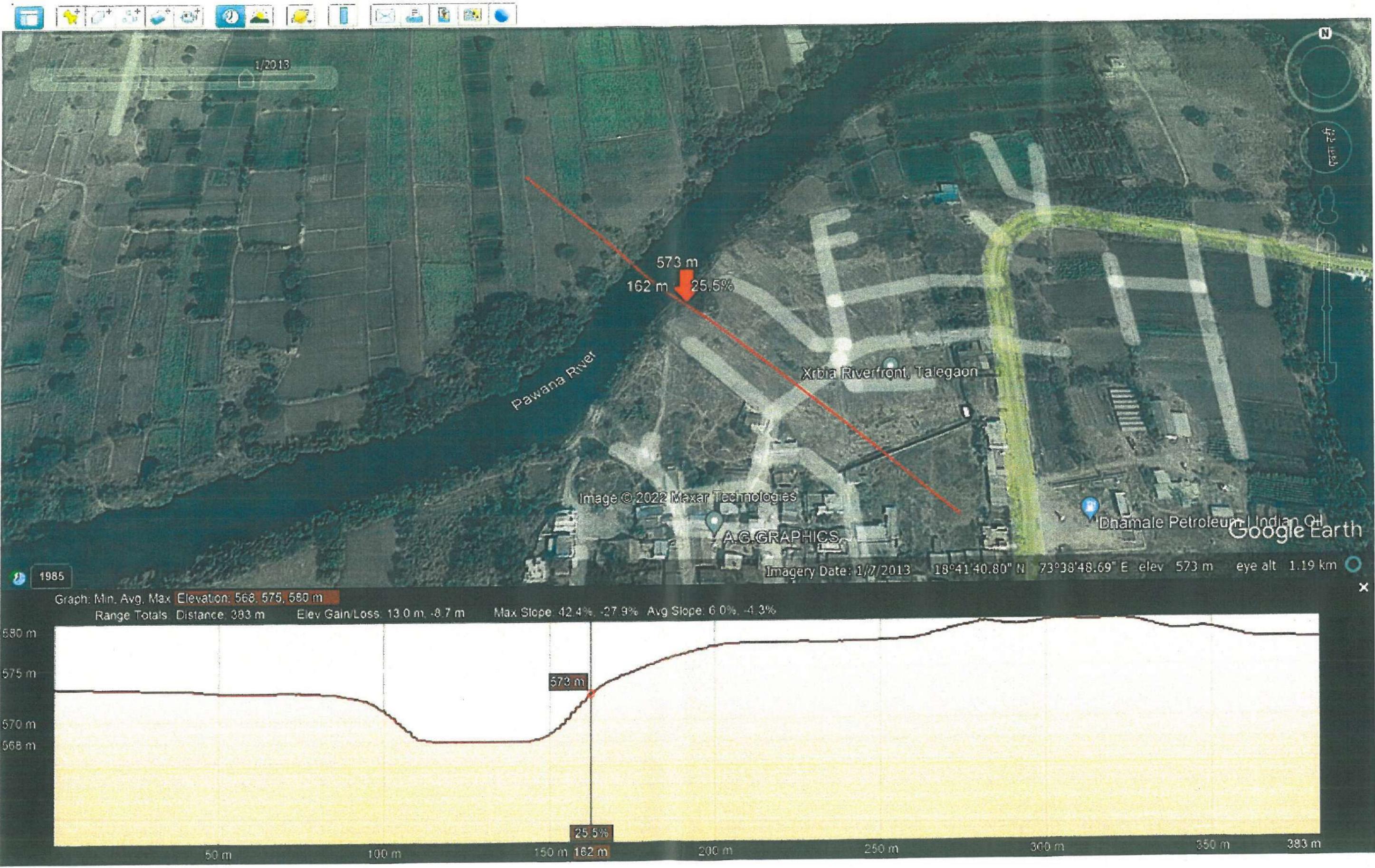
DATE -



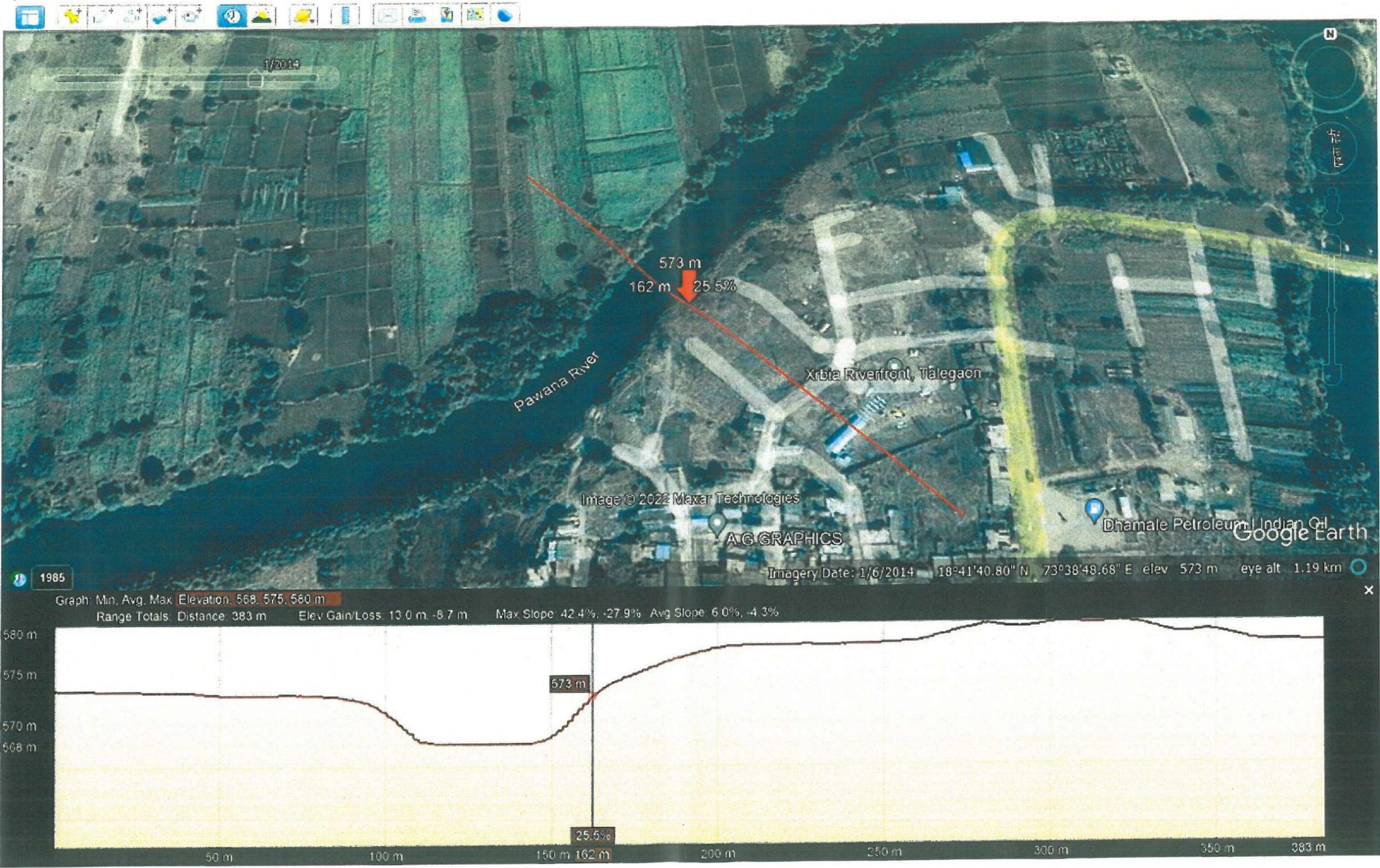
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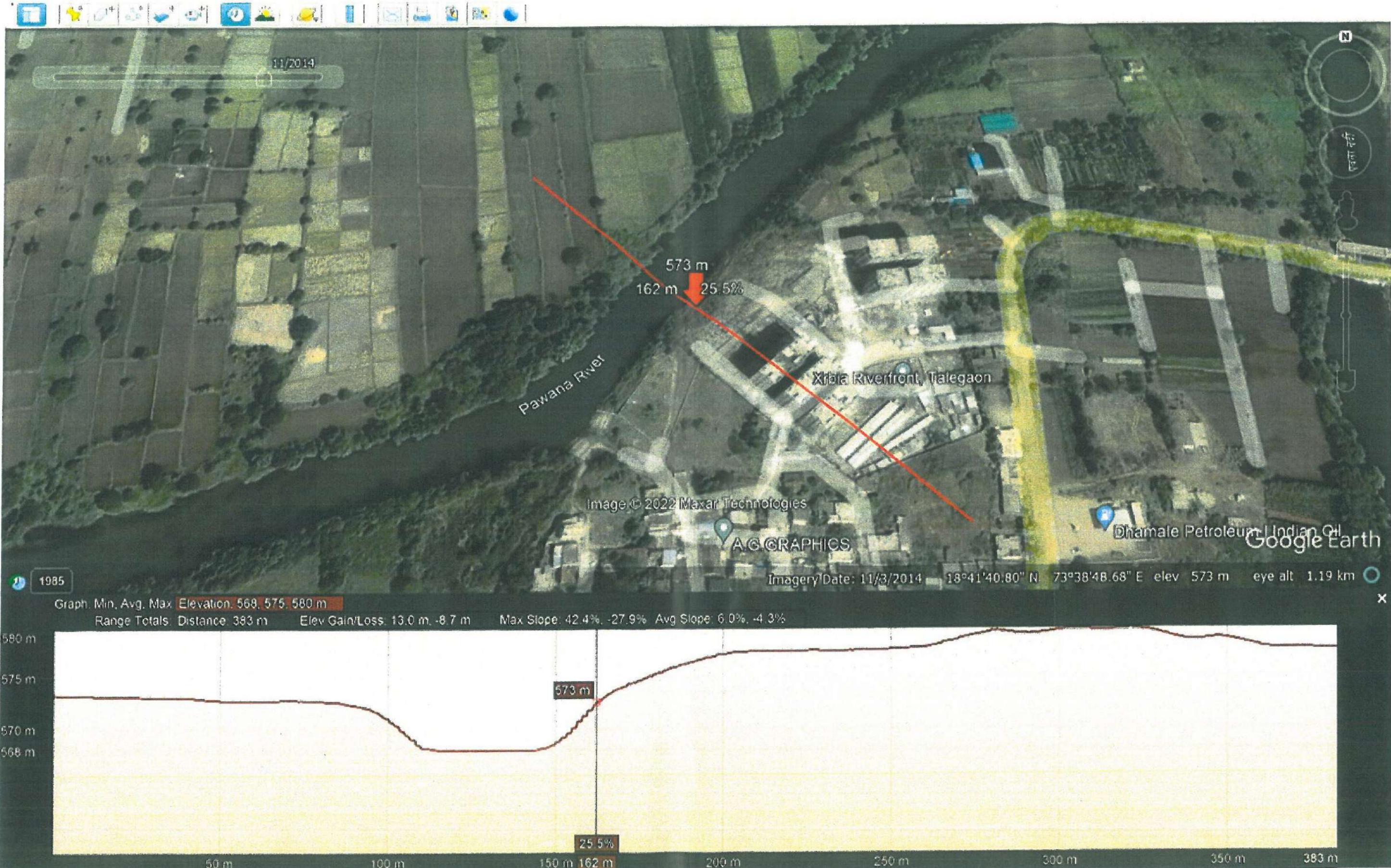




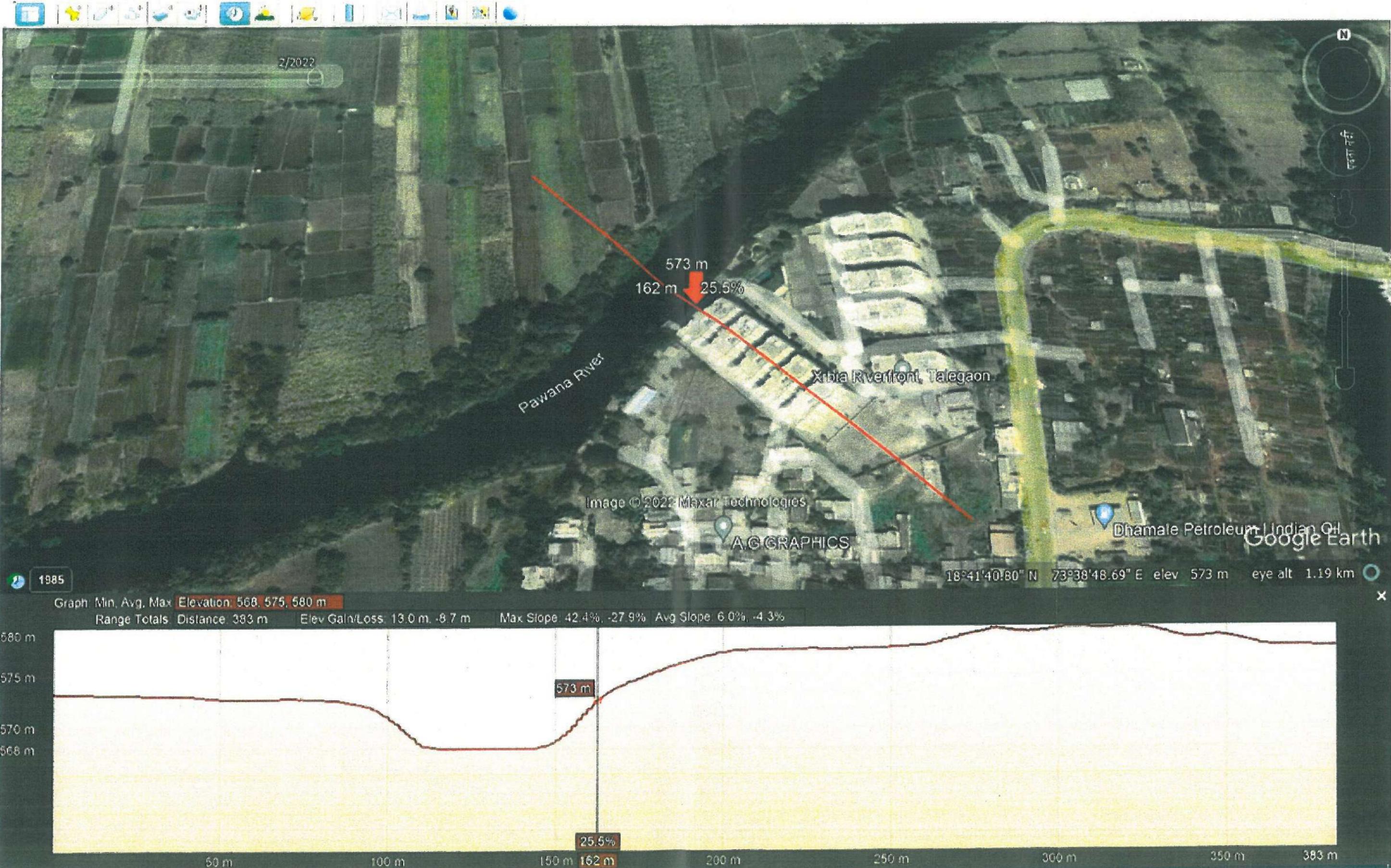
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उपसा जलसिंचन उपविभाग पवनानगर तळेगाव-दाभाडे

ता.मावळ जि.पुणे-४१०५०५

फोन नं.०२११४-२६८२४९

ई-मेल :- sdellsdpawana@gmail.com

जा. क्र. पवना/प्रशा/ 233 /सत-२०२२

दिनांक 2/03/2022

प्रति,

श्री.नहारजी,

एवम्/मिया नॉर्थ हिजेवाडी प्रा.लि.

मौजे बेबडआहोळ ता.मावळ

जि.पुणे

विषय:- मौजे बेबडआहोळ येथील निवाशी प्रकल्पामध्ये केलेले अनाधिकृत बांधकाम काढून टाकणे बाबत.

संदर्भ:- १) शाखाधिकारी, शाखा क्र.३ बेबडआहोळ यांचे पत्र जा.क्र. १४३ दि.२७/१२/२०२१.

२) दि. २२/१२/२०२१ रोजीची क्षेत्रिय पहाणी.

३) या कार्यालयाचे पत्र जा.क्र. /पवना/प्रशा / १३६७/दि.२८/१२/२०२१

४) शाखा कार्यालयाचे पत्र जा.क्र.४७ दि. २१/०२/२०२२

उपरोक्त विषयान्वये आपल्या मौजे बेबडआहोळ हद्दीतील गट नं. - १ मधील पवना नदीच्या तिरावर भरव टाकून नदीचा नैसर्गिक काटछेदा मध्ये बदल करून नदी ते निळी रेषा(निषिद्ध क्षेत्र) च्या आत करण्यात आलेले अनाधिकृत बांधकाम काढून आकण्याबाबत संदर्भीय पत्र क्र.३ अन्वये आपणास कळविण्यात आलेले होते. परंतु शाखा कार्यालयाचे या संदर्भ क्र.४ अन्वये असे दिसून येते की, आपण वर नमुद केल्या प्रमाणे अनाधिकृत बांधकाम काढणेबाबत कोणतीही कार्यवाही केली नसल्याचे दिसून येत आहे. तरी या पत्राद्वारे आपणास सुचित करण्यात येते की, अनाधिकृत बांधकाम तातडीने काढून टाकण्यात यावे अन्यथा याबाबत शासकीय नियमानुसार कार्यवाही करणेबाबत बरिष्ट कार्यालयास कळविण्यात येईल याची नोंद घ्यावी.

१. शाखाधिकारी  
२. शाखाधिकारी  
३. शाखाधिकारी

उपविभागीय अधिकाऱ्या

उपसा जलसिंचन उपविभाग पवनानगर  
तळेगाव-दाभाडे

प्रत:- शाखाधिकारी, शाखा क्र.३ बेबडआहोळ यांना माहितीसाठी व पुढील कार्यवाहीसाठी रवाना.

Upsa Irrigation Sub Division Pavananagar Talegaon Dabhade

Taluka Maval District Pune

Phone no 02114-268249 email-sdellsdpawana@gmail.com

Outward	No	Pawana/	Prasha/1367/	Year	2021
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Date 02/03/2022

TO

Mr. Naharji

Exembiya North Hinjewadi Private Limited

village Bebed Ohol Taluka Maval District Pune

Subject- Regarding removal of unauthorized constructions in residential projects at village Bebedohal

Reference -

3. Letter from of Branch Manager Branch No. 3 Bebad Ahol vide letter outward no 143 Dt. 27/12/2021
4. Area Inspection Dated 22/12/2021
5. Letter outward No /Pawana/prasha/1367/ Date 28/12/2021 of this office.
6. Branch Office letter outward No . 47 Date 218/02/2022

In respect of captioned above subject, you were informed vide reference letter No. 3 regarding the removal of unauthorized constructions made within the restricted area of the River Line by filling the banks of Pavana River in Group No. 1 in Mouze Bebad Ohol area, but in reference No. 4 of the Branch Office. It appears that you have not taken any action regarding the removal of unauthorized construction as mentioned above, but this letter informs you that the unauthorized construction should be removed

**805**

immediately otherwise senior office will be informed for taking action as per Government Rules which please note.

Sub Division Executive Engineer

Upsa Irrigation sub division Pawanagar

Telegaon Dabhade

Copy – Branch Manager Branch No 3 Bebad Ahol for information and further action.

(15)



उपसा जलसिंचन उपविभाग पवनानगर तळेगाव-दाभाडे  
ता.मावळ जि.पुणे-४१०५०५  
फोन नं.०२११४-२६८२४९ ई-मेल :- sdelisd Pawana@gmail.com

जा. क्र. पवना/प्रशा/३३६७/सन-२०२१

दिनांक २८/१२/२०२१

प्रति,

श्री.नहारजी,  
एकझरिया नॉर्थ हिंजेवाडी प्रा.लि.  
मौजे, बेबडआहोळ ता.मावळ  
जि.पुणे

विषय:- मौजे बेबडआहोळ येथील निवाशी प्रकल्पामध्ये केलेले अनाधिकृत बांधकाम काढून टाकणे याबत.

संदर्भ:- १) शाखाधिकारी, शाखा क्र.३ बेबडआहोळ यांचे पत्र जा.क्र. १४३ दि.२७/१२/२०२१.  
२) दि. २२/१२/२०२१ रोजीची क्षेत्रिय पहाणी.

उपरोक्त संदर्भीय विषयान्वये आपल्या मौजे बेबडआहोळ हद्दीतील गट नं. - १ मधील निवाशी प्रकल्पाची दि. २२/१२/२०२१ रोजी क्षेत्रिय पहाणी केलेली आहे. तसेच संदर्भ क्र.१ अन्वये शाखाधिकारी, शाखा क्र.३ यांनी आपल्या संस्थेने गट नं.१ मध्ये पवना नदी व निल्या रेषेच्या आतमध्ये केलेले अनाधिकृत बांधकाम व भराव काढून टाकण्या याबत आपणास कळविण्यात आलेले आहे.

या पत्राव्दारे आपणांस कळविण्यात येते की, आपण पवना नदीच्या तिरावर भराव टाकून नदीचा नैसर्गीक काटछेदा मध्ये बदल करून नदी ते निळी रेषा(निषिद्ध क्षेत्र) च्या आतमध्ये अनाधिकृत बांधकाम केलेले आहे. सदरचे अनाधिकृत बांधकाम काढून टाकण्याची कार्यवाही त्वरीत करण्यात यावी.

उपसा जलसिंचन  
उपविभाग  
पवनानगर  
२८/१२/२०२१

उपविभागीय अधिकारी  
उपसा जलसिंचन उपविभाग, पवनानगर  
तळेगाव - दाभाडे

प्रत :- शाखाधिकारी, शाखा क्र.३ बेबडआहोळ यांना माहितीसाठी व पुढील कार्यवाहीसाठी रवाना.

**Upsa Irrigation Sub Division Pavananagar Talegaon Dabhade****Taluka Maval District Pune****Phone no 02114-268249 email-sdellsdpawana@gmail.com**

Outward	No	Pawana/	Prasha/233/	Year	2022
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Date 28/12/2022

TO

Mr. Naharji

Exembiya North Hinjewadi Private Limited

village Bebed Ohol Taluka Maval District Pune

Subject- Regarding removal of unauthorized constructions in residential projects at village Bebedaho.l

Reference -

1. Branch Manager Branch No. 3 Bebadahol Letter No. 143 Dated 27/12/2021
2. Area Inspection Dated 22/12/2021

On the above referenced matters, the residential project in Group No. 1 in the territory of Mouze Bebad ahol has been inspected on 22/12/2021. Also vide Reference No 1, Branch Manager Branch No 3 have informed your organisation to remove the unauthorised construction and covering done on Gat No. 1 in Pawana river within the blue line.

By this letter you are informed that you have constructed an unauthorized construction inside the blue line restricted area from River by filling the banks of river Pavana and changing the natural channel of the river. Removal of the said unauthorized construction should be done immediately.

Sub Division Executive Engineer

Upsa Irrigation sub division Pawanagar

Telegaon Dabhade

Copy – Branch Manager Branch No 3 Bebad Ahol for information and further action.

इ-मेल- sdelisd pawana@gmail.com

जा.क्र/पवना/ बि.सिं/ एकझरबिया/9388/ सन 2018

उपसा जलसिंचन उपविभाग पवनानगर

मुख्यालय:- तळेगाव-दाभाडे

दि. 03 OCT 2018

प्रति,

मा. महानगर आयुक्त

पुणे महानगर प्रदेश विकास प्राधिकरण

सर्वे क्र. 152-153, महाराजा सयाजीराव गायकवाड भवन,

औंधगाव, पुणे- 411007

विषय- एकझरबिया नॉर्थ हिंजेवाडी डेव्हलपर्स प्रा. लि., मॉ. बेबेडोहोळ, ता.सावळ, जि. पुणे या गृहनिर्माण संस्थेबाबत.

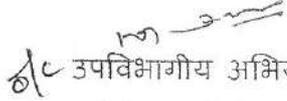
- संदर्भ- 1. शासन (जलसंपदा विभाग) निर्णय क्र. /बि. सिं. आ/ 2014 (306/14)/ सि.व्य.(धो)दि.2/9/2014
2. मा.मुख्य अभियंता जलसंपदा विभाग पुणे यांचे जापन क्र. 6163 दिं 29/10/2014
3. मा. कार्यकारी अभियंता खडकवासला पाटबंधारे विभाग पुणे यांचे पत्र क्र. खपावि/बि.सिं/9264 सन 2015 दिं.11/9/2015

एकझरबिया नॉर्थ हिंजेवाडी डेव्हलपर्स प्रा. लि. मॉ. बेबेडोहोळ, ता.सावळ, जि. पुणे या गृहनिर्माण संस्थेस पवना नदीवरील बेबेडोहोळ झोलापूर पध्दतीच्या बांधा-यातून कायमस्वरूपी तांबेस 0.0888 द.ल.घ.मौ पाणी वापरस संदर्भिय शासन पत्र क्र. 1 मान्यता देण्यात आली होती. तसेच

मा. मुख्य अभियंता जलसंपदा विभाग, पुणे यांनी संदर्भिय पत्र क्र. 2 अन्वये संस्थेस इरादा पत्र दिले आहे. तथापि सदर जापन / इरादा पत्रातील अटीची संस्थेकडून पूर्तता न झाल्यामुळे संस्थेचे सदर आरक्षण रद्द झाल्याचे मा. कार्यकारी अभियंता यांनी संदर्भिय पत्र क्र. 3 अन्वये या संस्थेस अवगत केले आहे.

तथापि या संस्थेने त्यांचे आवारातच पवना नदीपात्रापासून 35 मीटर अंतराचे आत विनापरवानगी विहीर खोदून त्यावर बांधकाम केले आहे, नदीपात्रापासून 35 मीटर अंतराचे आत आणखी एक विनापरवानगी विंधन विहीर खोदून व त्यावर मोटार बसवून बांधकामासाठी अनधिकृतपणे

पाणीवापर करीत आहे तसेच नदीपात्रात नदीतीरावर अनधिकृत अश्रमपटल केले आहे. सदरस्थितीत या गृहनिर्माण असून संस्थेस पाणी पुरवठ्यासाठी कोणतीही अधिकृत मंजूरी नसून संस्थेकडून पवनानदीतून अनधिकृतपणे पाणीवापर होत आहे. यास्तव या संस्थेवर कायदेशिर कार्यवाही करावयाची आहे. तथापि त्यासाठी सदर संस्थेस बांधकामासाठी पुणे महानगर प्रदेश विकास प्राधिकरणाची मान्यता असल्यास या मध्ये या गृहनिर्माण संस्थेसाठी पाण्याचा स्रोत कोणता दर्शविला आहे याची खातरजमा करणेसाठी या संस्थेस दिलेल्या मान्यता पत्राची प्रत या कार्यालयास उपलब्ध करून देणेविषयी विनंती आहे.

  
उपविभागीय अभियंता,  
उपसा जलसिंचन उपविभाग, पवनानगर,  
मुख्यालय- तळेगाव-दाभाडे.

प्रत- मा. कार्यकारी अभियंता खडकवासला पाटबंधारे विभाग, पुणे यांना माहितीसाठी सविनय सादर.

प्रत- 1/- श्री. नहारजी एकडंबिया नॉर्थ हिंजेवाडी प्रा. लि., 929 मंत्री हाऊस, पहिला मजला, एफ. सी. रोड, शिवाजीनगर, पुणे- 411004 यांना माहितीसाठी व आवश्यक कार्यवाहीसाठी.

2/- संस्थेमार्फत अनधिकृत पाणीवापर करण्यासाठीचे रु. 1927842/- रकमेचे देयक आपल्या कार्यालयाचे या कार्यालयाचे पत्र क्र. 1157/ 2018 दि. 6/8/2018 अन्वये पाठविण्यात आले आहे. त्यानुसार धनादेश/ डी.डी. मा. कार्यकारी अभियंता, खडकवासला पाटबंधारे विभाग, पुणे यांचे नावाने त्वरीत सादर करावा तसेच आपल्या संस्थेमार्फत पवना नदीतून करण्यात येत असलेला अनधिकृत पाणीवापर बंद करावा. अन्यथा आपल्या संस्थेवर कायदेशिर कारवाई करण्यात येईल, याची कृपया नोंद घ्यावी.

प्रत- शाखाधिकारी उपसा शाखा क्र. 3 बेबंडओहळ यांना माहितीसाठी व आवश्यक कार्यवाहीसाठी रवाना

Email- .....

Outward no

Pavnanagar

Headquarters Talegaon Dabhade

Dt 03 Oct 2018

TO

Hon'ble Metropolitan Commissioner

Pune Metropolitan Region Development Authority

Survey No. 152 153 Maharaja Sayajirao Gaikwad Bhawan

Aundh Village Pune 411007

Subject : Ekzbiya North Hinjewadi Developers Private Limited village Bebadahol Taluka Maval District Pune Regarding Housing Society.

Reference- 1) Government (Water Resources Department ) Decision No. B C Aa /2014/(306/14) Si. Vya.(Dho) Date 02/09/2014

2) Hon'ble Chief Engineer Water Resources Department Pune Memorandum No 6163 Dt. 29/10/2014

3) Hon'ble Executive Engineer Khadakwasla Irrigation Department Pune letter no Kha/Pa/Vi/B.c./9264 Year 2015 Date 11/09/2015

Ekzbiya North Hinjewadi Developers Private Limited village Bebad Ahol Taluka Maval District Pune

Under Reference number 1 approval was given to housing organization Ekzbiya North Hinjewadi Developers Private Limited village Bebad ahol Taluka Maval District Pune for permanent water usage from Bebed Ohol Kolhapur method dam on Pavana river.

Hon'ble Chief Engineer Water Resources Department Pune has given letter of intent to the organization under reference letter number 2 , however due to non-fulfillment of the terms of the letter of intent by the organization. The Hon'ble Executive Engineer has informed this organization through reference letter number 3 that the said reservation has been cancelled.

However, this organization has dug an unauthorized well within their premises within 35 meters from the Pavana river bed and built a construction on it. Another unauthorized drilling well within 35 meters from the river bed and motoring on it is using water illegally for construction purposes. Also, unauthorized stones have been placed on the banks of the river in the river bed.

At present, there is no official approval for water supply to this housing organization, and as the organization is using water illegally from Pavana river, there is a need to take legal action against this organization. It is requested to make available to this office a copy of the approval letter issued to this institution to ensure that the source of water is indicated for the institution.

Sd/-

Deputy Divisional Engineer

Upsa Irrigation Sub Division Pavananagar

Headquarters Talegaon Dabhade

Copy TO - Civil submission for information to Hon'ble Executive Engineer Khadakwasla Irrigation Department Pune

Copy TO -1 Shri Naharji Exembiya North Hinjewadi Private Limited  
929 Mantri House 1st Floor FC Road Shivaji Nagar Pune for information  
and necessary action

Copy TO -2 For unauthorized water use through the organization, for  
payment of Rs.1927842/- Bill been sent to your office under the letter  
number 1157/2018 Dt. 06/08/2018 of this office. Accordingly, the  
cheque DD should be presented in the name of Hon'ble Executive  
Engineer, Khadakwasla Irrigation Department, Pune and unauthorised  
use of water should be staped other wise action will be taken which  
Please note .

COPY- Branch Officer Upsa Branch No. 3Bebad ahol sent for necessary  
action and information