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महाराष्ट्र MAHARASHTRA

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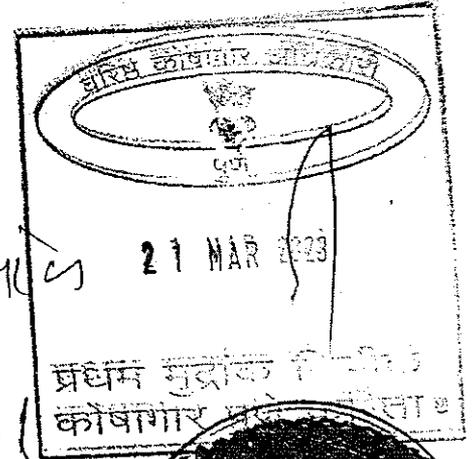
27 MAR 2023

130938 वि. मु. शु. रक्षक 500

प्रमाणित प्रमाणित

प्रमाणित प्रमाणित का? होय/नाही.

प्रमाणित प्रमाणित



विठ्ठल देवराज लडकत

परिधाना क्र. 2209924

२३१, सोमवार पेठ, पुणे-११

प्रमाणित प्रमाणित

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

Original Application No.33 of 2018

WZ Sanjay Bhegade & Others. ).....

Applicants.

VERSUS

State of Maharashtra & Others. ).....

Respondents.

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Affidavit in pursuance of Order dated 16<sup>th</sup>

January, 2023. I, Sunil Marale Metropolitan Planner, PMRDA, i.e. Respondent No.2 hereby

filing this Preliminary

Affidavit only with a limited purpose of bringing on record further steps taken by the Respondent

No.2 with regard to the compliance of the order dated 16<sup>th</sup> January, 2023. I crave to file an additional affidavit after verification of present status of compliance in respect of 63 constructions whom earlier notices have been issued and any other new constructions if any identified in the area which is subject matter of the present application.

I say and submit most respectfully that on account of deputation of almost all officials of the Respondent No.2 for the purpose of scrutiny of objections received in respect of draft development plan in order to expediting its finalization and also on account of bulk transfers of the officials of the Development Permission Department, the Respondent No.2 could not prepare comprehensive report in respect of 63 constructions whom earlier notices have been issued and any other new constructions if any identified in this area. However, the Respondent No.2 has taken following steps in compliance of the order dated 16<sup>th</sup> January, 2023.

- 1) I say and submit that the PMRDA has issued Office Order dated 23<sup>rd</sup> February, 2023 in respect of Reconstitution of Committee to prepare and submit comprehensive report in compliance of order dated 16<sup>th</sup> January, 2023. A copy of the said Office Order dated 23<sup>rd</sup> February, 2023 is enclosed herewith and marked as an Annexure- 'A'.
- 2) The Respondent No.2 would like to submit that as stated in our earlier affidavit dated 20<sup>th</sup> July, 2021 that some of the owners of constructions whom notices have obtained permissions from the Collector and PMRDA. The respondent no 2 has decided to verify afresh status of 63 constructions through a team appointed by the PMRDA. PMRDA has observed that these permissions have been granted on the basis of these constructions are complying with the conditions stipulated in the prevailing Development Control Regulations, such as constructions are not on slope steeper than 1.5 slope, no permanent construction permission is granted up to 100 meters from High Food Line (HFL) of water body. The permissions are granted by following rules & regulations with regard to zone, area, slope, built up area, distance from HFL etc.
- 3) I pray for grant of minimum 30-45 days-time to complete afresh survey through a new team appointed by the PMRDA. As far as reconstitution of committee, its co-ordination and logistic support is concerned, the Office-Order dated 23<sup>rd</sup> February, 2023 already issued and further reminder is also sent to the Members of Joint Committee to attend meeting being conducted at the PMRDA- Office and decide further line of action to comply with the order dated 16<sup>th</sup> January, 2023.
- 4) We therefore pray to consider our request and grant us further time to comply with the order dated 16<sup>th</sup> January, 2023. I begs to submit unconditional pardon for not able to submit report on verification of present status of compliance on account of above reasons.

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Dated this 24<sup>th</sup> day of March, 2023 at Pune.

For & On behalf Respondent No.2.

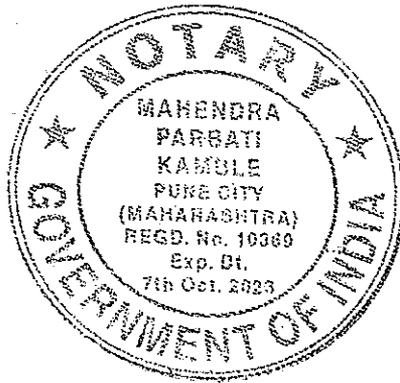
Authorized Signatory.

**Verification**

The contents of paragraphs 1 to 4 of this Affidavit are true & correct to the best of knowledge and belief as well as facts stated therein.

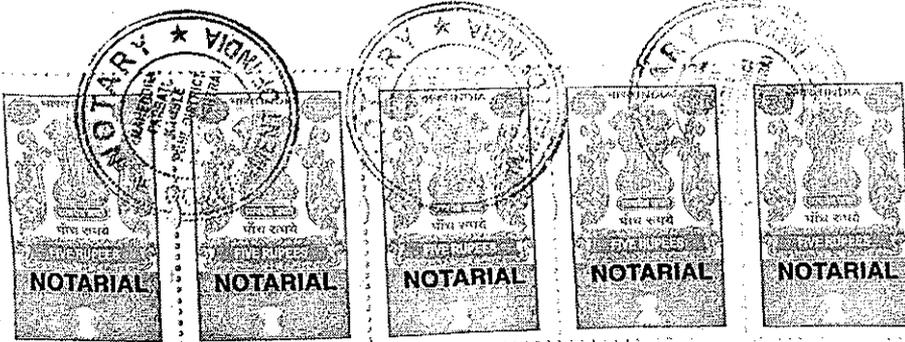
For Respondent No.2

(Sanil Marale)



27 MAR 2023

NOTED & REGISTERED AT  
SERIAL NUMBER 578/2023



BEFORE ME

MAHENDRA PARBATI KAMBLE  
NOTARY, GOVT. OF INDIA  
PUNE CITY (MAHARASHTRA)  
REGD. No.10369



पुणे महानगर

3649  
पुणे महानगर प्रदेश विकास प्राधिकरण, पुणे

नविन प्रशासकीय इमारत, आकुर्डी रेल्वे स्टेशन जवळ, आकुर्डी, पुणे - ४११०४४

Pune Metropolitan Region Development Authority, Pune

New Administrative Building, Near Akurdi Railway Station, Akurdi, Pune - 411044

Phone no. 020-25933333/44756

E-mail

जा.क्र. BMA/ Court Case - NGT 033/2018/CR. NO. 175/२०२३

दि. २३/०२/२०२३

OFFICE ORDER

Subject - NGT OA 33/2018 Western Zone Bench

Mr. Sanjay Bhagude

Vs.

State of Maharashtra and Others.

Reconstitution of Committee to give a report on illegal construction around Pawana dam, Pune district (Maharashtra)

Reference – 1) Interim Order by the Hon. National Green Tribunal Western Zone Bench dated 30/06/2020

2) Interim Order by the Hon. National Green Tribunal Western Zone Bench dated 16/01/2023

With Respect to the 63 illegal constructions constructed by private land owners in the vicinity of Pawana dam in the district of Pune, O.A. no. 33/2018 has been filed before National Green Tribunal, Western Zone Bench, Pune. Hon. NGT vide Order at reference no. 1 has constituted a committee comprising i) Collector of the Pawana area in Maval taluka, district Pune, ii) Divisional Forest Officer, District Pune & iii) Maharashtra State Pollution Control Board, to inspect the actual matter under application and to submit action taken report.

Thereafter Hon. NGT vide order at reference no. 2 has reconstituted the committee and Pune Metropolitan Region Development Authority, Pune has been ordered to be the Nodal agency for Co-ordination and Logistics support. For the sake of Committee's effective administrative working, following orders are being passed:-

1)	A Representative of, The Ministry of Environment, Forest and Climate Change (MoEF&CC).	Member
2)	Principal Chief Conservator of Forest, Maharashtra State.	Member
3)	District Magistrate, Pune.	Member
4)	Metropolitan Commissioner, Pune Metropolitan Region Development Authority, Pune.	Member and Nodal Agency

Terms of Reference:

Initially it was found out that there is illegal construction Activity going around in the vicinity of the Pawana dam in Maval Taluka in Pune District in the State of Maharashtra via survey it was found out that a total no. of 63 illegal constructions were going on. According to previous Joint Committee report there were two constructions only which had obtained permissions, while the rest

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of the construction were unauthorized. On the other hand PMRDA affidavit states that, 36 owners have obtained necessary permissions. Therefore a clear report from the PMRDA as well as Joint committee is to be submitted,

i) Whether the constructions which are stated to be illegal, are lying in Ecosensitive Zone? If yes, under which provision the permission for construction has been granted, if at all the same has been granted?

ii) Whether such constructions which are found to be there, need to be demolished, if not found in accordance with law?

iii) comprehensive report disclosing the area where the constructions are lying and whether such area is Eco-Sensitive, where constructions could not have been made and also the suggestions with respect to whether the said constructions need to be demolished, is submitted positively within a period of 04(four) weeks.

iv) The report in the matter be filed by the Committee by e-mail at [ngt-pune@gov.in](mailto:ngt-pune@gov.in) preferably in the form of searchable PDF/OCR Support PDF and not in the form of Image PDF.

Encl:- Orders at reference no. 1 and 2.

(Rahul Mahiwal) IAS  
Metropolitan Commissioner  
And  
Chief Executive Officer  
PMRDA, Pune.

**Copy for necessary action:-**

- 1) Ministry of Environment, Forest  
And Climate Change (MoEF&CC),  
Indira Paryavaran Bhavan, Jorbagh Road,  
New Delhi -110003
- 2) Principal Chief Conservator of Forest  
3<sup>rd</sup> floor, Van Bhavan,  
Ramgiri Road, Civil lines near Police Gymkhana,  
CBI colony, Nagpur 440001
- 3) District Collector,  
New Collector Office Building, Station road,  
Opp. Sasoon Hospital, Pune - 411001



**Copy for Information :-**

- 1) Additional Chief Secretary (UD-1), Udd (Ud-13)  
Mantralaya, Mumbai 400032.
- 2) Adv. Dattatray Devale,  
Adv. For PMRDA, Respondent no. 2.