



**BEFORE THE NATIONAL GREEN TRIBUNAL
ORIGINAL APPLICATION NO. 83 of 2023**

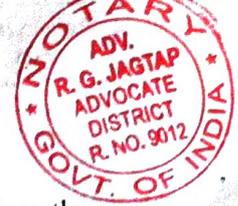
Dr. Vinaykumar V. Jathar ... Applicant
v/s
Shrigonda Municipal Council and Ors ... Respondents

AFFIDAVIT ON BEHALF OF RESPONDENT NO.3

I Shyam ^{Kant} Ravindra Ware, Age 52 yrs. Occupation- Service as Executive Engineer, Maharashtra Jeevan Pradhikaran, Div. Ahmednagar R/o. Ahmednagar do hereby state on solemn affirmation as under:-

1. I say that, I have gone through the copy of Original application and annexure therein. I am filing this Affidavit in reply on behalf of Respondent no.3 as authorized me to do so.
2. I say that, the present original application has been filed by the Applicant against the beautification project of the natural water body i.e. Lendi Nalla at Shrigonda, Tal. Shrigonda, Dist. Ahmednagar.
3. I say that, the said matter by order dated 31/05/2023 this Hon'ble Tribunal, constituted a committee comprising, The Shrigonda Municipal Council, The District Collector Ahmednagar, The Maharashtra Jeevan Pradhikaran Ahmednagar and The Dy. Superintendent of Land Records Ahmednagar. The committee is directed to visit the spot after informing the applicant/ his counsel and submit a factual and action taken report on the following aspects- i. Impact on flow carrying capacity of Nalla, ii. Impact on High Flood Level of Nalla, and iii. Flood Risk to nearby population due to proposed project. The District Collector Ahmednagar shall be the Nodal Agency for the Co ordination and Logistic support.
4. I say that, in view of the above mentioned order, the committee members along with the applicant with his counsel visited the spot on 28.06.2023.





5. I say that, the MJP has submitted its factual report before the committee thereby stated that, by letter dated 17/03/2022, the respondent no. 1 requested to issue technical sanction to the beatification of Lendi Nalah. After scrutinizing the same, by letter dated 31/03/2022, the MJP have accorded technical sanction to the proposed work of beatification of Lendi Nalla, which comprises, Retaining wall, Nalla Channelization, Filtration chamber and Cross drainage work with terms and conditions. Hereto annexed and marked as **Exhibit R-1** is the copy of technical sanctions colly.
6. I say that, after the spot inspection it was noticed that the respondent no. 1 is not reducing the width of Lendi Nalla, as stated by the applicant herein. Further it is necessary to increase the flow capacity by channelization.
7. I say that, the committee report be treated as a part of this affidavit. It is submitted that, the Respondent No.1 is local authority who proposed the project of beautification of Lendi Nalla.
8. I say that, the committee has suggested that the 3.0 mtr. Channel width is necessary to regulate the flow of sewage water without hindrance and to avoid social and health related issued of residents nearby Nalla and public utility places. The committee suggested that channelizing of Nalla, is needed as proposed. Hence, considering the committee report and the actions taken by the Respondent No.1, necessary order may be passed.

VERIFICATION

I Shyam Ravindra Ware, Age 52 yrs. Occupation- Service as Executive Engineer, Maharashtra Jeevan Pradhikaran, Div. Ahmednagar R/o. Ahmednagar on behalf of Respondent No.3 do hereby state on affirmation that whatever stated here in above is true to the best of my knowledge and based upon the information derived from the official records available to me. And the contents there in are as per my information are true and correct.

Drafted and settled by


Adv. S.B. Vaidya- Pandit


(Shyam Ravindra Ware)

Executive Engineer,
Maharashtra Jeevan Pradhikaran,
Ahmednagar

BEFORE ME

Solemnly affirmed before me

by Shamkant R. Coare

who is identified before me

by Adv. S. G. Hanischarde

whom I personally know

BEFORE ME

R. G. JAGTAP

ADVOCATE & NOTARY PUBLIC
GOVT OF INDIA, AHMEDNAGAR

09/01/2023



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MAHARASHTRA JEEVAN PRADHIKARAN

DIVISION, AHMEDNAGAR

Near Tarakpur Bus Stand, Ahmednagar – 414001

Email – ee.ahmednagar2017@gmail.com

Tel No. 0241 2430992

Lt. No. MJPdNANR/TB-2/TS/ 656 /2022

Date:- 31/03/2022

Technical Sanction

To,

The Chief Officer,

Shrigonda Municipal Council,

Tal. Shrigonda Dist. Ahmednagar.

Subject :- Technical sanction for the submitted 01 Proposal.

- Reference :-**
- 1) Your Office Letter No. 295/2022, Dated - 17/03/2022.
 - 2) Rs. 3,14,020/- received by RTGS on Dated - 231/03/2022.

With reference to above subject proposals submitted for technical sanction vide letter under reference is technically sanctioned with following terms & conditions.

Necessary technical scrutiny charges 1% of Total Estimated Cost i.e. **Rs. 71,143/-** are deposited with RTGS Dt. 31/03/2022 Rs. 3,14,020/- (DR No. 5912 Dt. 31/03/2022 & deducted from Rs. 2,42,877/- i.e. from balance amount in MJP office.

Sr. No.	Name of Work	Estimated Cost (Rs.)	Technical Sanction No.
1	Proposed Beautification of Lendi NALAH, At; Shrigonda For S.M.C. Tal. Shrigonda, Dist. Ahmednagar. (A- Retaining Wall)	Rs. 71,14,342/-	Form No. 48 Item No. 26 Month :- March/2022
	Total	Rs. 71,14,342/-	

Terms & conditions:-

- 1) सद्यस्थितीत कोरोना (कोविड-19) च्या महामारीच्या अनुषंगाने नगर विकास व वित्त विभाग, महाराष्ट्र शासन यांच्या वेळोवेळी प्राप्त निर्देशाप्रमाणे कामे हाती घेण्यात येऊन सन 2021-22 च्या आर्थिक वर्षासाठी कोणताही जास्तीचा वित्तीय भार निर्माण केला जाणार नाही या अटी व शर्तीच्या अधिन राहुन सदरची तांत्रिक मान्यता प्रदान करण्यात येत आहे.
- 2) The MJP will not take any responsibility for availability of funds.
- 3) The work should be carried out as per PWD/MJP norms & completed as per Indian Standard Specification.
- 4) It is presumed that the Shrigonda Municipal Council has not executed this work previously.
- 5) All the development control rules and bye laws applicable should be followed.
- 6) All road work should be carried out as per guidelines given in IRC codes and Manual of CPWD of Central Government.
- 7) The rates should be verified once again before tender process.
- 8) The MJP will not take any responsibility for the quality of work maintained at the time of execution.

- 9) During execution of work if any damage to utility like pipe line, electric cable, drain line etc then repairs to that utility shall be done by Shrigonda Municipal Council is the responsibility of Shrigonda Municipal Council.
- 10) Royalty charges are considered in the estimates. Hence, Royalty charges should be recovered from the contractor & it is the responsibility of Shrigonda Municipal Council.
- 11) The MJP will not take any responsibility for Lead charges & Lead considered in the estimates.
- 12) The work should be inspected from quality control team at the time of construction.
- 13) The MJP will not take any responsibility for Completion certificate & Utilization certificate of the work.
- 14) The necessary permissions of Road, Railway & other such as departmental N.O.C. etc. shall be obtained before starting of work.
- 15) All lands required for various units shall be in the name of & possession of Shrigonda Municipal Council before starting of work.
- 16) The material required for construction like sand, aggregate, brick, steel, bitumen, paving Block etc. shall be checked from Approved Engineering college/Polytechnic college.
- 17) No change in the technically approved proposal shall be entertained without prior permission of Authority giving technical sanction.
- 18) The expenditure shall not exceed beyond approved limit.
- 19) The work should be executed as per sanctioned estimate & it is responsibility of the Shrigonda Municipal Council. If there are major technical deviations in the sanctioned estimate, revised technical sanction should be obtained & necessary technical scrutiny charges should be deposited for that.

DA:-Total 01 Estimate


 S.O.C Executive Engineer
 Maharashtra Jeevan Pradhikaran
 Division, Ahmednagar

Copy to:- Drawing Branch, MJP Division, Ahmednagar for information.



MAHARASHTRA JEEVAN PRADHIKARAN

DIVISION, AHMEDNAGAR

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Tel No. 0241 2430992

Lt. No. MJPDnANR/TB-2/TS/ 657 /2022

Date:- 31/03/2022

Technical Sanction

To,

The Chief Officer,

Shrigonda Municipal Council,

Tal. Shrigonda Dist. Ahmednagar.

Subject :- Technical sanction for the submitted 01 Proposal.

Reference :- 1) YourOffice Letter No. 295/2022, Dated - 17/03/2022.
2) Rs. 3,14,020/- received by RTGS on Dated - 31/03/2022.

With reference to above subject proposals submitted for technical sanction vide letter under reference is technically sanctioned with following terms & conditions.

Necessary technical scrutiny charges 1% of Total Estimated Cost i.e. Rs. 74,998/- are deposited with RTGS Dt. 31/03/2022 Rs. 2,42,877/- (DR No. 5912 Dt. 31/03/2022 & deducted from Rs. 1,67,879/- i.e. frombalance amount in MJP office.

Sr. No.	Name of Work	Estimated Cost (Rs.)	Technical Sanction No.
1	Proposed Beautification of Lendi NALAH, At; Shrigonda For S.M.C. Tal. Shrigonda, Dist. Ahmednagar.(B-Nalah Channelization)	Rs. 74,99,811/-	Form No. 48 Item No. 27 Month :- March/2022
	Total	Rs. 74,99,811/-	

Terms & conditions:-

- 20) सद्यस्थितीत कोरोना (कोविड-19) च्या महामारीच्या अनुषंगाने नगर विकास व वित्त विभाग, महाराष्ट्र शासन यांच्या वेळोवेळी प्राप्त निर्देशाप्रमाणे कामे हाती घेण्यात येऊन सन 2021-22 च्या आर्थिक वर्षासाठी कोणताही जास्तीचा वित्तीय भार निर्माण केला जाणार नाही या अटी व शर्तीच्या अधिन राहून सदरची तांत्रिक मान्यता प्रदान करण्यात येत आहे.
- 21) The MJP will not take any responsibility for availability of funds.
- 22) The work should be carried out as per PWD/MJP norms & completed as per Indian Standard Specification.
- 23) It is presumed that the Shrigonda Municipal Council has not executed this work previously.
- 24) All the development control rules and bye laws applicable should be followed.
- 25) All road work should be carried out as per guidelines given in IRC codes and Manual of CPWD of Central Government.
- 26) The rates should be verified once again before tender process.
- 27) The MJP will not take any responsibility for the quality of work maintained at the time of execution.

- 28) During execution of work if any damage to utility like pipe line, electric cable, drainage line etc then repairs to that utility shall be done by Shrigonda Municipal Council is the responsibility of Shrigonda Municipal Council.
- 29) Royalty charges are considered in the estimates. Hence, Royalty charges should be recovered from the contractor & it is the responsibility of Shrigonda Municipal Council.
- 30) The MJP will not take any responsibility for Lead charges & Lead considered in the estimates.
- 31) The work should be inspected from quality control team at the time of construction.
- 32) The MJP will not take any responsibility for Completion certificate & Utilization certificate of the work.
- 33) The necessary permissions of Road, Railway & other such as departmental N.O.C. etc. shall be obtained before starting of work.
- 34) All lands required for various units shall be in the name of & possession of Shrigonda Municipal Council before starting of work.
- 35) The material required for construction like sand, aggregate, brick, steel, bitumen, paving Block etc. shall be checked from Approved Engineering college/Polytechnic college.
- 36) No change in the technically approved proposal shall be entertained without prior permission of Authority giving technical sanction.
- 37) The expenditure shall not exceed beyond approved limit.
- 38) The work should be executed as per sanctioned estimate & it is responsibility of the Shrigonda Municipal Council. If there are major technical deviations in the sanctioned estimate, revised technical sanction should be obtained & necessary technical scrutiny charges should be deposited for that.

DA:-Total 01 Estimate


Executive Engineer
Maharashtra Jeevan Pradhikaran
Division, Ahmednagar

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Tel No. 0241 2430992

Lt. No. MJPDnANR/TB-2/TS/ 658 /2022

Date:- 31/03/2022

Technical Sanction

To,

The Chief Officer,
Shrigonda Municipal Council,

Tal. Shrigonda Dist. Ahmednagar.

Subject :- Technical sanction for the submitted 01 Proposal.

- Reference :-**
- 1) YourOffice Letter No. 295/2022, Dated - 17/03/2022.
 - 2) Rs. 3,14,020/- received by RTGS on Dated - 31/03/2022.

With reference to above subject proposals submitted for technical sanction vide letter under reference is technically sanctioned with following terms & conditions.

Necessary technical scrutiny charges 1% of Total Estimated Cost i.e. **Rs. 28,493/-** are deposited with RTGS Dt. 31/03/2022 Rs. 1,67,879/- (DR No. 5912 Dt. 31/03/2022 & deducted from Rs. 1,39,386/- i.e. from balance amount in MJP office.

Sr. No.	Name of Work	Estimated Cost (Rs.)	Technical Sanction No.
1	Proposed Beautification of Lendi NALAH, At; Shrigonda For S.M.C. Tal. Shrigonda, Dist. Ahmednagar. (C-Filtration Chamber)	Rs. 28,49,316/-	Form No. 48 Item No. 28 Month :- March/2022
	Total	Rs. 28,49,316/-	

Terms & conditions:-

- 1) सद्यस्थितीत कोरोना (कोविड-19) च्या महामारीच्या अनुषंगाने नगर विकास व वित्त विभाग, महाराष्ट्र शासन यांच्या वेळोवेळी प्राप्त निर्देशाप्रमाणे कामे हाती घेण्यात येऊन सन 2021-22 च्या आर्थिक वर्षासाठी कोणताही जास्तीचा वित्तीय भार निर्माण केला जाणार नाही या अटी व शर्तीच्या अधिन राहून सदरची तांत्रिक मान्यता प्रदान करण्यात येत आहे.
- 2) The MJP will not take any responsibility for availability of funds.
- 3) The work should be carried out as per PWD/MJP norms & completed as per Indian Standard Specification.
- 4) It is presumed that the Shrigonda Municipal Council has not executed this work previously.
- 5) All the development control rules and bye laws applicable should be followed.
- 6) All road work should be carried out as per guidelines given in IRC codes and Manual of CPWD of Central Government.
- 7) The rates should be verified once again before tender process.
- 8) The MJP will not take any responsibility for the quality of work maintained at the time of execution.

- 9) During execution of work if any damage to utility like pipe line, electric cable, drainage line etc then repairs to that utility shall be done by Shrigonda Municipal Council is the responsibility of Shrigonda Municipal Council.
- 10) Royalty charges are considered in the estimates. Hence, Royalty charges should be recovered from the contractor & it is the responsibility of Shrigonda Municipal Council.
- 11) The MJP will not take any responsibility for Lead charges & Lead considered in the estimates.
- 12) The work should be inspected from quality control team at the time of construction.
- 13) The MJP will not take any responsibility for Completion certificate & Utilization certificate of the work.
- 14) The necessary permissions of Road, Railway & other such as departmental N.O.C. etc. shall be obtained before starting of work.
- 15) All lands required for various units shall be in the name of & possession of Shrigonda Municipal Council before starting of work.
- 16) The material required for construction like sand, aggregate, brick, steel, bitumen, paving Block etc. shall be checked from Approved Engineering college/Polytechnic college.
- 17) No change in the technically approved proposal shall be entertained without prior permission of Authority giving technical sanction.
- 18) The expenditure shall not exceed beyond approved limit.
- 19) The work should be executed as per sanctioned estimate & it is responsibility of the Shrigonda Municipal Council. If there are major technical deviations in the sanctioned estimate, revised technical sanction should be obtained & necessary technical scrutiny charges should be deposited for that.

DA:-Total 01 Estimate


Executive Engineer
Maharashtra Jeevan Pradhikaran
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Lt. No. MJPdNANR/TB-2/TS/ 659 /2022

Date:- 31/03/2022

Technical Sanction

To,

The Chief Officer,

Shrigonda Municipal Council,

Tal. Shrigonda Dist. Ahmednagar.

Subject :- Technical sanction for the submitted 01 Proposal.

Reference :- 1) YourOffice Letter No. 295/2022, Dated - 17/03/2022.
2) Rs. 3,14,020/- received by RTGS on Dated - 31/03/2022.

With reference to above subject proposals submitted for technical sanction vide letter under reference is technically sanctioned with following terms & conditions.

Necessary technical scrutiny charges 1% of Total Estimated Cost i.e. Rs. 42,274/- are deposited with RTGS Dt. 31/03/2022 Rs. 1,39,386/- (DR No. 5912 Dt. 31/03/2022 & deducted from Rs. 97,112/- i.e. from balance amount in MJP office.

Sr. No.	Name of Work	Estimated Cost (Rs.)	Technical Sanction No.
1	Proposed Beautification of Lendi NALAH, At; Shrigonda For S.M.C. Tal. Shrigonda, Dist.-Ahmednagar. (D- Cross Drainage Work)	Rs. 42,27,425/-	Form No. 48 Item No. 29 Month :- March/2022
	Total	Rs. 42,27,425/-	

Terms & conditions:-

- 1) सद्यस्थितीत कोरोना (कोविड-19) च्या महामारीच्या अनुषंगाने नगर विकास व वित्त विभाग, महाराष्ट्र शासन यांच्या वेळोवेळी प्राप्त निर्देशाप्रमाणे कामे हाती घेण्यात येऊन सन 2021-22 च्या आर्थिक वर्षासाठी कोणताही जास्तीचा वित्तीय भार निर्माण केला जाणार नाही या अटी व शर्तीच्या अधिन राहून सदरची तांत्रिक मान्यता प्रदान करण्यात येत आहे.
- 2) The MJP will not take any responsibility for availability of funds.
- 3) The work should be carried out as per PWD/MJP norms & completed as per Indian Standard Specification.
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- 7) The rates should be verified once again before tender process.

- 470
- 8) The MJP will not take any responsibility for the quality of work maintained at the time of execution.
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