

BEFORE THE HONORABLE NATIONAL GREEN TRIBUNAL,  
WESTERN ZONE, PUNE.

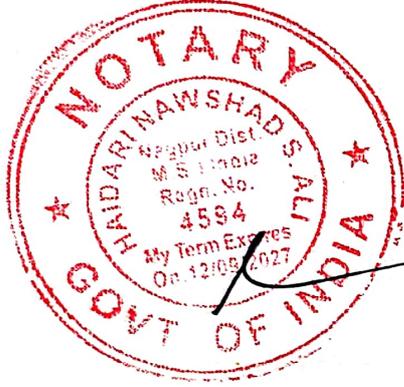
ORIGINAL APPLICATION NO.160/2024 (WZ)

EARLIER ORIGINAL APPLICATION NO. 729/2024 (PB)

APPLICANT:- SUO MOTU

: VERSUS :

- RESPONDENTS:- i) Nagpur Municipal Corporation, through its Director, Chhatrapati Shivaji Maharaj Administrative Building, Nagpur Municipal Corporation, Mahanagar Palika Mrg. Civil Lines, Nagpur, Maharashtra.
- ii) District Magistrate, Nagpur, Collector Office, Civil Line, Nagpur



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[ AFFIDAVIT IN REPLY ON BEHALF OF RESPONDENTS NO. (ii).

Respondents No.(ii) the District Magistrate, and Collector Nagpur, do hereby submits as under.

- 1) I say that, I have been arrayed as Respondents No.(ii) in the present matter of which the Hon'ble National Green Tribunal, Principal Bench, New Delhi in the matter of earlier Original Application No. 729/2024 (PB) in which suo-motu cognizance of the news item titled "High-rise construction near Ambazari Lake

raises concerns amid flood worries" appearing in Nagpur Today dated 21.05.2024 was taken by the Hon'ble National Green Tribunal, Principal Bench, New Delhi and the Hon'ble National Green Tribunal, Principal Bench, New Delhi was pleased to issue notice against the Respondents including the undersigned.

- 2) I further say and submit that on 05.07.2024 this matter was listed before the Hon'ble National Green Tribunal, Principal Bench, New Delhi and the Hon'ble National Green Tribunal, Principal Bench, New Delhi was pleased to observe certain facts, the relevant portion thereof are reproduced as under :-

"2. The matter relates to the development of a high-rise building near Ambazari lake in Nagpur. As per the article, this development raises significant safety concerns, especially considering the devastating floods that occurred in September last year. It states that Nagpur experienced severe flooding that resulted in extensive damage to properties and infrastructure.

The Nag river overflowed, submerging nearby residential area and causing considerable distress to the inhabitants."

"3. The article highlights that construction of a high rise near Ambazari lake area is critical because of its proximity to the lake and the Ambazari spillway, both of which play crucial roles in flood management and water regulation. Furthermore the high rise building could obstruct Natural Water Flow and exacerbate flooding during Heavy Monsoon Rains. Construction activities might disrupt the local ecosystem, affecting both the lake and the spillway's capacity to manage excess water. The article alleges that the construction of such high rises should not compromise the safety and well being of Nagpur's residents or the environment."

"4. The above news item indicates violation of the Water (Prevention and Control of Pollution) Act, 1974 and the provisions of The Environment (Protection) Act, 1986."

"5. The news item raises substantial issue relating to compliance of the environmental norms and implementation of the provisions of scheduled enactment."

"7. Hence, we implead following as respondents in this matter :-

- (i) Nagpur Municipal Corporation, through its Director,  
Chhatrapati Shivaji Maharaj Administrative Building,



Nagpur Municipal Corporation, Mahanagar Palika  
Marg, Civil Lines, Nagpur, Maharashtra”

(ii) District Magistrate, Nagpur, Collector Office, Civil  
Line, Nagpur.”

“8. Let notice be issued to the above Respondents for filing their  
response before the appropriate bench of the Tribunal.”

“9. Since the matter relates to the Western Zonal Bench, Pune,  
therefore, OA is transferred to the Western Zonal Bench for  
appropriate further action. Office is directed to transfer the  
original record of the OA to Western Zonal Bench, Pune.”

“10. The news item reflects that some matter has been heard by  
the Nagpur Bench of the Bombay High Court concerning these  
issues, therefore before proceeding further in the matter  
Western Zonal Bench will duly ascertain the scope of the  
petition/ order passed by the Nagpur Bench to avoid the  
parallel proceedings.”

“11. List before Western Zonal Bench at Pune on 05.09.2024.”

3) I say and submit that in the meanwhile the said matter came to be assigned to the Hon'ble National Green Tribunal, Western Zone Bench Pune, and as such new Original Application No. 160/2024 (WZ) has been given to the said matter and the said Original Application is now listed before the Hon'ble National Green Tribunal, Western Zone Bench Pune, on 05.09.2014.

4) I further say and submit that the said matter pertains to the development of a high-rise building near Ambazari lake in Nagpur and the said matter presently has been seized with in a Public Interest Litigation No. 56/2023 before the Hon'ble High Court of Judicature at Bombay, Nagpur Bench, Nagpur and therefore this OA would be the parallel proceedings before this Hon'ble Tribunal.

5) I also say and submit that since the issue of development of a high-rise building near Ambazari lake comes under the powers of Planning Authorities i.e. Nagpur Improvement Trust and Nagpur Municipal Corporation, Nagpur and as such the said issue in question lies within the territorial jurisdiction of Nagpur Improvement Trust and Nagpur Municipal Corporation, Nagpur.



Thus the issue of permission of high-rise building near Ambazari lake does not come under the jurisdiction of the District Magistrate, and Collector, Nagpur.

- 6) I further say and submit that thus the area regarding which the issue has been taken up by this Hon'ble Tribunal does not come under the jurisdiction of the District Magistrate, and Collector, Nagpur and hence the issue regarding compliance of the environmental norms and implementation of the provisions of scheduled enactment is beyond jurisdiction of this Respondent i.e. the District Magistrate, and Collector, Nagpur and hence the name of District Magistrate, and Collector, Nagpur in the present O.A. needs to be struck off from the array of the party respondent no. (ii) and as such this respondent prays to this Hon'ble Tribunal that this Hon'ble Tribunal may kindly be pleased to delete the name of Respondent No. (ii) the District Magistrate, and Collector, Nagpur from the array of the respondents (ii) made in this O.A., in the interest of justice.

NOTARIAL REG.  
ENTRY NO. 15946  
DATE 9/8/24

7) Hence the reply is being submitted for due consideration of the Hon'ble Tribunal.

Place :Nagpur  
Dated: 09.08.2024

District Magistrate, and Collector Nagpur  
( Respondents No. (ii))  
Collector, Nagpur

Solemn Affirmation

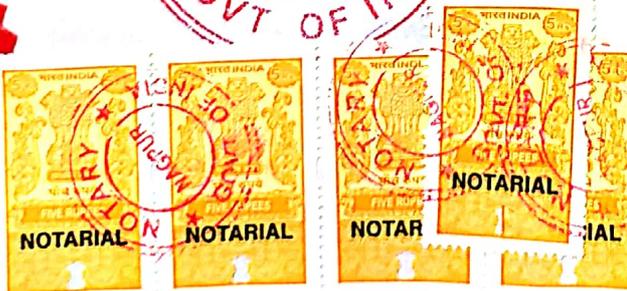
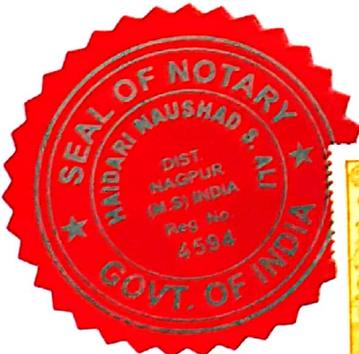
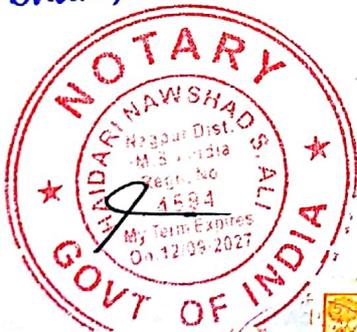
I Dr.Vipin Itankar, Aged about 40 years, Collector and District Magistrate, Nagpur do hereby take an oath and state on solemn affirmation that the contents as stated above from para. Nos. 1 to 7 are true and correct to the best of my knowledge and information received from official record and hence I have signed on this day of 09<sup>th</sup> August, 2024 at Nagpur.

  
Deponent  
Collector, Nagpur

I know the deponent.

  
V.R. Bhute,  
Adv.

SWORN / SOLEMNLY AFFIRMED  
BY Dr. Vipin Itankar  
WHO IS PERSONALLY KNOWN  
TO ME / IDENTIFIED BY Adv. V.R. Bhute  
BEFORE ME THIS THE 09<sup>th</sup>  
DAY OF Aug 24 AT NAGPUR

  
HAIDARI NAUSHAD S. ALI  
NOTARY  
NAGPUR DIST. (M.S.) INDIA  
- 7 -