



BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL

WESTERN ZONE BENCH, PUNE

ORIGINAL APPLICATION NO.79 OF 2024 (WZ)

Sarang Yadwadkar & Anr.

.... Applicant

Versus

Pune Municipal Corporation & Ors.

.... Respondents

AFFIDAVIT IN REPLY ON BEHALF OF PUNE

MUNICIPAL CORPORATION i.e. RESPONDENT NO. 1.

I Yuvraj Guruling Deshmukh Age: 58 years, Chief Engineer (Project) , Pune Municipal Corporation do state on solemn affirmation as under:

(1) I say and submit that I am working as , Chief Engineer (Project) in Pune Municipal Corporation (Henceforth referred as "PMC" for the sake of brevity) and I am authorized to file this Affidavit before the Hon'ble National Green Tribunal on behalf of Respondent No. 1 PMC.

(2) At the outset, I deny all the contentions and/or statements and/or allegations contained in the present Original Application to the extent those are contrary to and/or inconsistent with what is stated in the present Affidavit in Reply. Nothing contained in the Original Application, should be deemed to be admitted by the Respondent No. 1 PMC for want of specific traverse unless the same has been specifically admitted herein below. I crave leave of this Hon'ble Tribunal to file Additional Affidavits as and when the occasion so arises.

(3) I say and submit that I have perused the documents brought on record and on the basis of these documents, I am filing this Affidavit in Reply only for the purpose of opposing Admission of this Application.

(4) Applicant is seeking following reliefs in this Original Application which are below:

A. Direct for compliance with the conditions imposed by State level Environmental Impact Assessment Authority, Maharashtra in its 270th meeting dated 07/11/2023 on the Mula-Mutha Riverfront Development Project on the entire stretch of the project.

B. Direct stoppage of construction work at the project site in light of the conditions imposed by State level Environmental Impact Assessment Authority on the Mula-Mutha Riverfront Development Project in its meeting dated 07/11/2023.

(5) I state that Pune city is blessed with Mula and Mutha Rivers that originate in the Sahyadri ranges which traverse across Pune. Upon their confluence Mula-Mutha river is formed which further meets the Bhima River. The total length of these three rivers traversing through Pune Municipal Corporation is 44 km approximately. Out of this, 22.2 km is Mula River, 10.4 km is Mutha River, and 11.8 km is Mula



Mutha River. Both Mula and Mutha Rivers are dammed in their upstream. Mutha River has three dams- Khadakwasla, Warasgaon and Temghar while Mula River has Mulshi Dam that controls the release of water in the rivers. The rainfall only in the catchment area below the dams finds its way into the rivers. The rainfall upstream reaches the reservoirs of the various dams from which it is released into the rivers in a controlled manner. Significant Number of Nalas and piped outfalls discharge untreated sewage directly into the rivers, converting the river into a polluted 'drain'. Pune's rivers are not easily accessible. In the areas that are already developed, there are very few points where one can approach the rivers.

- (6) The River Rejuvenation project is a comprehensive plan with key objectives to clean the river and make it pollution free, reduce the risk of flooding, create a continuous public realm along the river, retain Water,



improve city's connectivity to the river, and integrate existing heritage structures, recreational, religious and socio-cultural activities.

(7) The project proposes to protect low-lying areas along the river from flooding by building a variety of embankments along the banks. In sparsely developed areas, further away from the city centre, 'rural riparian embankments' will be built. In moderately developed areas urban riparian embankments will be built. In an intensely developed area with high banks, more engineered embankments will be built. The embankments on either side of the river are designed to contain floods between them bringing the red and blue lines within the riverbed as defined in Revenue maps.

(8) The project proposes to reduce the impact of indiscriminately built obstructions within the river such as bridges, causeways, weirs, check dams etc. on the flow of water by removing, streamlining, remodelling, or rebuilding them. Building embankments will also enable the creation of a continuous public realm along



both banks which will ensure that people will be able to move along the length of the river. The project also proposes to curb the sewage flowing directly into the rivers by laying an interceptor sewer which will curb and divert the sewage to the nearest STP. The embankment will house the interceptor sewer line curbing the sewage falling directly into the river. The project proposes to strengthen the existing street network by introducing bridges and access roads that will further enhance the connectivity to the river. Pedestrian and cycling routes will also be planned along the promenades of the riverfront. The project will create a network of gardens, open spaces, and public promenades that will preserve the natural environment. Existing open spaces like gardens and parks, heritage structures along the river, ghats etc. will also be integrated with the riverfront development. The project does not include any residential or commercial development along the riverbanks.



(9) I state that, EC dated 16/11/2019 was granted by State level Environmental Impact Assessment Authority, Maharashtra in respect of the aforesaid project i.e. Mula, Mutha and Mula-Mutha River Rejuvenation Project. The applicant herein challenged the aforesaid EC dated 16/11/2019 by filing an Appeal No. 12 of 2020 before the NGT (WZ), Pune.

(10) I state that Hon'ble NGT (WZ) vide Judgment dated 29/11/2022 passed in Appeal No 12 of 2020 held that, *"..... As this is public interest project, the PP has carried out all required studies, and SEAC/SEIAA have duly apprised the proposal before recommending/granting EC, we do not find it necessary to set aside the EC, however, we hereby direct the PP to approach SEIAA for amendment of EC both in the terms of project scope and additional EC conditions to be stipulated, if any, before*



proceeding to start any construction activity. We dispose of Item Nos. 1 & 2 accordingly.

“50. With the above directions/observations, we dispose of this appeal.

“51. All connected applications also stand disposed of. No cost.”

- (11) I state that, thereafter Applicant herein filed an Execution Application No. 13 of 2022 in Appeal No. 12 of 2020 seeking directions from this Hon'ble Tribunal to immediately stop all the constructions activities undertaken by the PMC in relation to the Mula, Mutha and Mula-Mutha River Rejuvenation Project. Hon'ble Tribunal decided the said Execution Application by vide order dated 04/01/2023 wherein Hon'ble permitted PMC to continue the work allotted under the two work orders dated 02/03/2022. Hon'ble Tribunal also clarified that no new work order shall be issued by PMC without obtaining amended EC.



(12) I state that thereafter the Applicant herein approached Hon'ble Supreme Court by filing a Civil Appeal Diary No. 9039 of 2023 challenging the Judgment passed by Hon'ble Tribunal in Appeal No. 12 of 2020.

(13) I state Hon'ble Supreme Court please to dismissed the said Civil Appeal on 27/03/2023 with the following direction "*However, it will be open to the appellants to raise such pleas and contentions as available, in case the appellants find that the project proponent is not acting in terms of the order passed and/or if there is any violation of the direction(s) given by the National Green Tribunal (NGT), including the direction with regard to the amendment of the Environment Clearance*".

(14) I state that the Applicant herein again approached this Hon'ble Tribunal by filing Original Application No. 80 of 2023 wherein Applicant prayed for

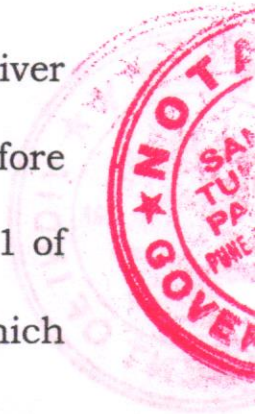


staying Mula, Mutha and Mula-Mutha River Rejuvenation Project on the ground that trees are been felled without permission.

(15) I state that this Hon'ble Tribunal vide its order 31/07/2023 disposed of the aforesaid Original Application No. 80/2023 directing that the PMC shall not fell any trees without obtaining amended EC.

(16) I state that Mula, Mutha and Mula-Mutha River Rejuvenation Project was again challenged before the Hon'ble Bombay High Court in PIL No. 161 of 2023 praying for cancelling the Project which requires felling / transplant of trees.

(17) I state that Hon'ble Bombay High Court disposed of the aforesaid PIL No. 161 of 2023 vide its Judgment dated 12/10/2023 wherein Hon'ble Bombay High Court observed that *"16. It has been brought to our notice that certain proceedings were taken up before the National Green Tribunal,*



Western Zone Bench at Pune (hereinafter referred to as "NGT") in respect of the same project and the Environmental Clearance (EC) granted to the project proponent was challenged. The said challenge resulted in the judgment by the NGT, dated 29th November 2022. The execution proceedings of the said judgment are pending before the NGT and in the meantime the matter was taken up before the Hon'ble Supreme Court by filing Civil Appeal (Civil Appeal Diary No(s). 9039 of 2023), however, the said appeal was dismissed by the Hon'ble Supreme Court by means of order dated 27th March, 2023 observing therein that no good ground or reason to interfere with the judgment of the NGT was found. While dismissing the said appeal, Hon'ble Supreme Court has observed that it will, however, be open to the appellants (before the Supreme Court) to raise such pleas and contentions as available, in case it is found that the project proponent is not acting in



terms of the order passed or if there is any violation of the directions given by the NGT. An order dated 31st July, 2023 passed by the NGT has been brought to our notice, wherein it has been observed that a statement was made on behalf of the Pune Municipal Corporation that no trees shall be removed or cut without obtaining necessary permission of the Competent Authority. It is also stated that the project proponent of the River Front Development Project has sought certain amendments in the EC which is under consideration before the State Expert Appraisal Committee-III (SEAC-III) and decision shall be taken soon. The order dated 31st July, 2023 passed by the NGT further records a statement made on behalf of the State Environment Impact Assessment Authority (SEIAA), State of Maharashtra that an application for amendment in the EC has been moved before them which is under consideration.



“17. Having regard to the aforesaid facts and the nature of concern raised in the PIL petition, we are of the opinion that while considering the prayer for amendment in the EC, the SEAC/SEIAA shall take into consideration the submissions of the petitioners as well regarding felling of the trees for the project in question. The SEAC/SEIAA while processing and considering any application seeking amendment in the EC, has to necessarily consider various aspects impacting the environment, which will include the impact of any project requiring felling of trees as well.

“18. Thus, so far as the other prayers are concerned, we provide that the petitioners may approach the SEAC/SEIAA, wherever the matter relating the amendment in the EC in relation to the project in question is pending, within two weeks from today. In case the petitioners’ approach either of the authorities, the concern of the petitioners



shall be addressed while considering amendment in the EC as has been sought by the project proponent/respondent- Corporation.

“19. The PIL petition stands disposed of in the aforesaid terms.”

(18) I state that Respondent No. 1 PMC had applied for amended EC on 21/02/2023. I state that SEAC-III in its 174 minutes of meeting dated 14/06/2023 decided to recommend the proposal for Environmental Clearance to SEIAA, subject to compliance of 18 points.

(19) I state that SEIAA in its 274th meeting dated 07/11/2023 directed Respondent No. 1 PMC to comply some additional conditions in addition to 18 conditions directed by SEAC-III.

(20) I state that Respondent No. 1 PMC complied with all the conditions and uploaded its Report on Parivesh Portal on 25/01/2024.



(21) I state that from 25/01/2024 to 10/06/2024 SEIAA, Maharashtra was not in existence. I state that thereafter over proposal was considered by SEIAA in its meeting dated 13/08/2024 wherein presentation was made, and the project was discussed in detail.

(22) I state that PMC is awaiting the decision of SEIAA in relation to Application for amended EC.

(23) I state that in relation to Prayer "clause B", OA has become infructuous as PMC has complied with all the conditions imposed by SEIAA and SEAC therefore, this application may please be dismissed.

(24) I state that in relation to Prayer "clause B", PMC as per the direction of this Hon'ble NGT has not allotted any fresh work order in relation to the Project as the amended EC is awaited. PMC is only executing the works under two work order dated



02/03/2022 permitted by this Hon'ble NGT in EA 13 of 2022.

(25) In response to the Additional Affidavit filed by the Applicant I state that:-

A. Removal of debris and the streamlined river cross-section will ensure improvement in the conveyance carrying capacity of the river. Natural river cross section water surface elevation is with an existing scenario which may comprise of debris dumping as well as bushes and the proposed streamlined cross section is without debris as well as bushes.

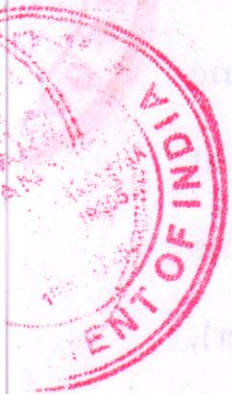
B. The project enhances the flood carrying capacity of the river as compared to the existing natural condition. The project proposes to remove obstructions to the flow of water, reduce Rugosity coefficient and streamline the river and increase velocity. The project proposes to reduce the Rugosity coefficient by removal of obstructions



like low level bridges, causeways, weirs and check dams, infrastructure elements like manholes, pipelines, etc. within the riverbed and by streamlining the river.

C. The project does not propose any change in the gradient or reduction in the flood carrying capacity of the river. The flood carrying capacity is not only related to cross sectional area and gradient but is also dependent on the velocity of the flow. These steps will ensure that the cross currents within the river are prevented and will increase the conveyance carrying capacity of the river. Proposed embankment will prevent submergence of any low-lying areas near the river.

D. The proposed HFL in the hydraulics study does not rise above the existing HFL for most of the length of the river.



E. The hydraulics study has been approved by CWPRS and the same have been cleared by the Irrigation Department.

F. Within the proposed project extent, proposed HFL is lower than existing HFL for 92 % length of Mula, Mutha and Mula- Mutha River.

(26) I state that Pune City observed torrential rainfall in the last few weeks of July, leading to flooding on the 25th of July. As per Indian Express, Pune recorded its third-highest July rainfall ever at 114.1 mm. The heavy rain caused the major dams – Khadakwasla (Mutha river), Mulshi (Mula river), and Pawana (Pawana River) – as well as several upstream dams, to release large amounts of water into the rivers thus approximately 55,000 cusec water discharge was observed on the 25th of July. Additionally, stormwater flowing from nearby catchment areas along the length of 76 km Pawana River, 64 km Mula River and 15 km Mutha

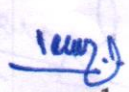


River resulted in a significant increase in water quantity in the Mula Mutha River. A flood level of 547.61 was observed on the Mutha River (at Tilak Bridge), which corresponded to approximately 50,500 cusec flood quantity. This validates the dam discharge. This figure suggests that the observed flood levels in upstream areas align with those defined by the irrigation department under natural conditions, indicating no increase in flood levels due construction of embankments at upstream stretches of the riverfront project.

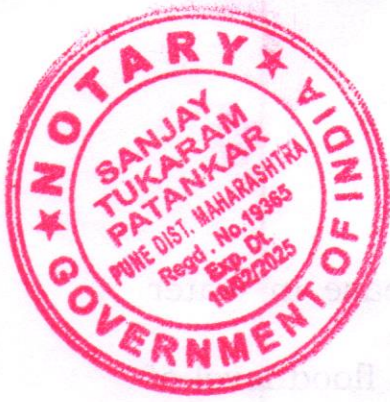
(27) I state that in view of the above respectfully submitted that PMC is awaiting final order on its application on amended EC. Therefore, this application has become infructuous and may please be dismissed.

Pune

Date: 14/09/2024


Respondent No. 1
Chief Engineer (Project)
Pune Municipal Corporation





VERIFICATION

I, Yuvaraj Gurnling Deshmukh, Age: 58,

Chief Engineer, Dept : projects, PMC

authorized signatory for PMC do hereby state on solemn affirmation that what is stated forgoing Para's is true and correct to my own knowledge and belief.

Solemnly affirmed at Pune

This 18th day of September, 2024



[Signature]

Respondent No. 1
Chief Engineer (Project)
Pune Municipal Corporation

[Signature]

Adv. for Respondent No. 1



BEFORE ME

[Signature]

SANJAY TUKARAM PATANKAR
NOTARY, GOVT. OF INDIA
PUNE DIST. MAHARASHTRA
Regd. No 19365 Exp. Dt. 18/02/2025

18 SEP 2024