

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

INTERLOCUTORY APPLICATION NO 11 OF 2026

IN

ORIGINAL APPLICATION NO 131 OF 2025

Vandana Chavan and Ors)...Applicants

VERSUS

Pune Municipal Corporation and Ors.)...Respondents

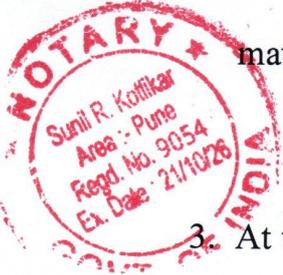
AFFIDAVIT IN REPLY ON BEHALF OF THE RESPONDENT

NO. 3 AND RESPONDENT NO. 5

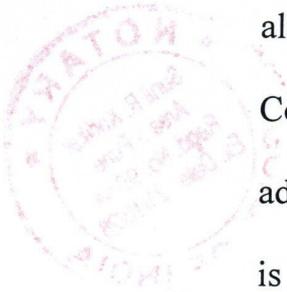
1. I, Vandana Chavan, Indian adult residing at C-801, Oakwood Hills CHS, Oppo Pancard Club, Baner, Pune 411045, the Applicant No.1 in OA No. 131/2026 and the Respondent No. 1 in IA No. 11 of 2026 do hereby state on solemn affirmation.

2. I say that I have read a copy of IA No. 11/2026 as well the subsequent IA filed by the Pune Municipal Corporation and am conversant with the contents of the said Application.

Thus, I am competent to depose by way of the present affidavit on behalf of the Respondent No. 1-3 in the said matter.



3. At the outset, I deny each and every averment, contention, allegation and/or submission made by the Pune Municipal Corporation. I say nothing should be deemed to have been admitted by me for lack of specific denial unless the same is specifically admitted by me hereinafter.



4. At the further outset, I say that this IA has been filed by the Pune Municipal Corporation with the intention to avoid filing a para-wise detailed reply to issues raised by the Applicants in OA no. 131/2025. In particular, the Pune Municipal Corporation seems to want to avoid addressing the communications of the Irrigation Department dated 30.01.2018, 10.03.2021, 28.10.2021, 05.05.2025 and 06.08.2025, which repeatedly call upon the implementing authorities of the Riverfront Development Project ("RFD") that the works must comply with the circular dated 3.5.2018 and not obstruct flood flow or raise flood lines. I say that the main contention of the Pune Municipal Corporation raised



in this IA is that the issue of compliance of the circular of this Irrigation Department dated 3.5.2018 is no longer *res-integra* or is barred by the principle of *res judicata*, which demonstrably false through a perusal of the record. The Applicants also wish to say that they are not opposed to the RFD project per se, but have approached this Hon'ble Tribunal as concerned citizens regarding the potential of the project to increase flooding in Pune if the project is not constructed in compliance with the circular dated 3.5.2018.

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5. I say that paras 1-4, 8 and 9 of the IA are matters of record and do not warrant specific replies.

 6. I say that at para 6 of its IA, the Pune Municipal Corporation has referred to the original Environmental Clearance issued to the RFD project dated 16.11.2019. It is submitted that a perusal of the said notification makes it clear that the condition regarding the implementation of the circular of the Irrigation Department dated 3.05.2018 was not included at all in the Environmental Clearance dated 16.11.2019. Therefore, the submission of the Pune Municipal Corporation that the said issue is not *res-integra* or is barred

by the principle of *res judicata* is entirely untenable and legally false.

7. Across para 7 of its Application, the Respondent Pune Municipal Corporation has referred to various paragraphs of the judgment of this Hon'ble Tribunal dated 29.11.2022 in Appeal 12/2020 and has alleged that the circular of the Irrigation Department dated 3.5.2018 has been dealt with by this Hon'ble Tribunal. I say that a perusal of these clauses and the judgment dated 29.11.2022 merely shows that the Appellant in Appeal No. 12/2020 had raised this circular dated 3.5.2018 as part of the grounds on which the EC dated 16.11.2019 was challenged. However, since compliance with the circular dated 3.5.2018 was not a condition of the EC of the RFD Project at the time, the provisions of the circular or its application to the RFD project was not determined by this Hon'ble Tribunal.

8. More importantly, the Applicants in Original Application No. 131/2021 have brought on record communications issued by the Irrigation Department to the Pune and Pimpri Chinchwad Municipal Corporations calling upon them to



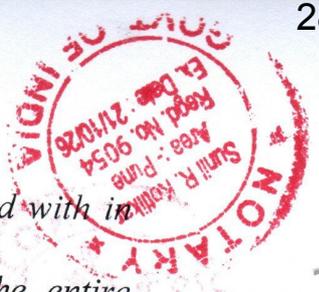
comply with the circular of the Irrigation Department dated 3.5.2018. In some of these communications, the Irrigation Department has even observed that there has been non-compliance of the circular dated 3.5.2018. It is further pertinent to note that the communication dated 05.05.2025 and 06.08.2025, annexed at pages 130-141 of the Original Application are subsequent to the order of this Hon'ble Tribunal dated 29.11.2022 and therefore anyway form a fresh cause of action which requires to be deliberated upon and adjudicated by this Hon'ble Tribunal.

9. I say that at para 10 of its Application, the Pune Municipal Corporation has cited various orders and litigations regarding the RFD project. The Applicants are not party to those proceedings and have made it clear in OA 131/2025 that their concern with the RFD project is limited to the Compliance of the Circular dated 3.5.2018 and the possibility of the RFD project resulting in the flooding of Pune City. The Applicants are not pursuing a challenge to the RFD project, and only seek compliance of the circular dated 3.5.2018.

10. I further say that at para 11, the Pune Municipal Corporation has stated that it is "duty bound to comply" with the Environmental Clearance dated 12.11.2024 and the circular dated 3.5.2018. I say that this admitted position of this Pune Municipal Corporation must be duly considered by this Hon'ble Tribunal while hearing Original Application No. 131/2025 further. It is also submitted that in light of this admitted position, it should not be difficult for the Pune Municipal Corporation to file a para-wise affidavit in reply to Original Application No. 131/2025.

11. With regards to the contents of Para 12, I deny that the Applicants in Original Application No. 131/2025 seek to challenge the Environmental Clearance dated 12.11.2024 granted to the RFD project, which is evident from a perusal of the prayers of the Original Application. The prayers in OA No. 131/2025 have been reproduced herein for the sake of convenience of this Hon'ble Tribunal:

a. *That this Hon'ble Tribunal be pleased to direct the Respondent 1 and Respondent No. 2 to ensure that all conditions stipulated in the Circular dated 03.05.2018 issued by the Water Resources*



Department shall be scrupulously complied with in their true letter and spirit throughout the entire length of the project and implementation of the Riverfront Development Project as required as per the Environmental Clearance dated 12.11.2024 granted to the project.

b. That this Hon'ble Tribunal be pleased to direct that, in the event of any violation of the aforesaid conditions by Respondent Nos. 1 and 2 during the course of construction and execution of the Riverfront Development Project, the affected rivers shall be reinstated and restored to their original and natural condition before the next monsoon season at the cost and responsibility of the concerned Respondents.

c. That this Hon'ble Tribunal be pleased to direct the Respondent No. 3 to oversee the manner in which the Respondent Nos. 1 and 2, restore the natural and original flow of water in the rivers Mula, Mutha and



Mula-Mutha in Pune and to forthwith ensure removal of all obstructions, impediments and reclamations caused therein on account of the Riverfront Development Project as required as per the letter dated 06.08.2025 at Annexure A -14;



- d. That this Hon'ble Tribunal be pleased to direct initiation of appropriate legal and disciplinary action against the erring officers of Respondent Nos. 1 and 2 responsible for ignoring and violating the conditions of the Environmental Clearance dated 12.11.2024 as well as the circular of the Respondent No. 3 dated 3.05.2018, including recovery of costs and environmental damages caused to the riverine system;*
- e. Pending hearing and final disposal of the present Application, this Hon'ble Tribunal be pleased stay the construction work of the Riverfront Development Project on account of the fact that it is not being done in compliance with the Circular dated 03.05.2018 as*

required under the conditions of the Environmental Clearance dated 12.11.2024;

f. Pending hearing and final disposal of the present Application, this Hon'ble Tribunal be pleased to direct the Respondent No. 3 to oversee the manner in which the Respondent Nos. 1 and 2 undertake remedial measures for restoring the natural and original flow of water in the rivers Mula, Mutha and Mula-Mutha in Pune, including removal of obstructions, impediments and reclamations caused therein on account of the Riverfront Development Project, as specified in the Environmental Clearance dated 12.11.2024 and in its letter dated 06.08.2025 at Annexure A- 14.

12. The Applicants are not time barred in any manner to seek the grant of the prayers of the Original Application since the last communication that the Applicants brought on record from the Irrigation Department on this issue was dated 05.05.2025 and 06.08.2025,

13. I say that this Hon'ble Tribunal should not entertain the present Interlocutory Application, which deserves to be dismissed *in limine*.

Solemnly Affirmed at Pune)

Chavan

Dated this 18th Day of February 2026)

Deponent

Vandana Chavan

Identified by me

RH

RONITA BHATTACHARYA

Advocate for the Respondents 1-3

BEFORE ME



BEFORE ME
Notary 18/2/26
SUNIL R. KOTLIKAR
NOTARY, GOVT. OF INDIA
PUNE DISTRICT (MAHARASHTRA)
REGD. No. 9054

