

BEFORE THE NATIONAL GREEN TRIBUNAL WESTERN  
ZONE BENCH,

EXECUTIVE APPLICATION NO.11 of 2025

Shubha Kulkarni & Ors

---- Applicant

V/S

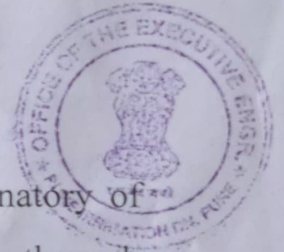
MPCB and others

---- Respondents

**AFFIDAVIT IN REPLY BY RESPONDENT NO. 3**

I Mr. Digambar M. Dubal, Executive Engineer, Pune Irrigation Division, Pune-411001 For and on behalf of The Chief Engineer, Water Resources Department Pune, Sinchan Bhavan, Barne Road, Mangalwar Peth, Pune-411011; Respondent no.3 do hereby state on solemnly affirmation as under-

1. I say and submit that I am the authorized signatory of Respondent No. 3 and I have accordingly gone through the records of the present case and I am conversant with the facts and circumstances of the present case. I am filing this Affidavit for and on behalf of the Respondent No. 3 in order to place before this Hon'ble Tribunal the true and correct facts pertaining to the case under consideration.
2. I say and submit that I am filing this affidavit in reply only for limited purpose to clarify that the actions of the respondent were always driven by existing Government



Resolutions, Circulars and Orders of Honourable Tribunal and I crave leave to file an additional reply on merit and by reserving my right to file additional affidavit in reply if required further.

3. I say and submit that the present respondent has always adhered to the due process of law and not worked in arbitrary manner.
4. I say and submit that the scope of work of the Water Resources Department is limited to mark the flood lines on river banks. Accordingly the maps of Blue Line and Red line in respect of the present case are uploaded and available on the website of W.R.D..i.e. <https:// wrd.maharashtra.gov.in> for the reference.
5. I further say and submit that the Maharashtra Government Water Resource Department has issued Government Circular No. PuRNi-2018/(182/2018)Sin.Vya.(Revenue)Ministry, Mumbai dated 03/05/2018 in respect of Directives to demarcate flood lines and use of prohibitive and restrictive Zones to not to allow any construction inside Flood Line to avoid possible risk of floods. Said Circular is part of the Petition and on page no.182 of the Paperbook. It is pertinent to note that it is specifically mentioned in the said Circular that Concern Department/Local Governing Body shall be responsible for the safety of the works done in the Prohibitive and Restrictive Zones and Concern Department/Local Governing Body shall be responsible for the loss of life and property caused due to possible flood and Concern Department/Local Governing



Body shall be responsible for the litigations occurred accordingly. (parapoint number 9 of the Circular )

6. It is also mentioned in the said Circular that the scope of work of the answering Respondent is limited only with respect to demarcation of flood lines on river banks, inevitable and necessary construction works in Prohibitive Zone and Restrictive Zone as mentioned in the Circular shall not require 'No Objection Certificate' from Water Resources Department. However if approval from Environmental Department/Other Departments/Local Bodies/Other Government Departments is required, it shall be taken independently.
7. I say and submit that the present Respondent has time to time conveyed the Local Authorities such as Pune Municipal Corporation, Pimpri Chinchawad Municipal Corporation, Pune Metropolitan Region Development Authority etc regarding removal of unauthorised dumping from rivers. In Petition document of this case, from page no. 102 G to 102 JJ, these letters are found with subject - "Removal of unauthorized constructions encroachments and radaroda, murum, mud and debris of construction etc. dumped into the river beds within Pune City limits". Important excerpts from those letters are as below:-

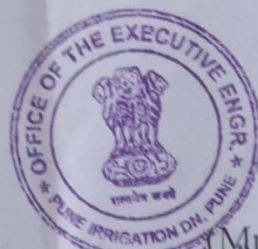
*"If the fillings are not removed before the onset of ensuing monsoon then flood situation like in the year 2019 can be created. You are therefore requested that, letters at Reference Nos.9 to 12 be please be perused and the unauthorized*

*constructions / encroachments in the beds of Mutha, Mula-Mutha, Indrayani, Ramnadi, Devnadi and Pavna etc. Rivers flowing through Pune City limits and unauthorized dumping of radaroda, murum, mud and construction debris etc. in the Flood Lines should immediately be removed from your level, so that obstacles in the flood flowing area of the rivers are removed and there will be no flood situation. Also legal issues can arise in the Hon'ble Green Tribunal (National Green Tribunal)."*

8. In petition document on page 382A ,notice given by WRD authorities ; regarding removal of debris from Mula River near Pimple Nilakh is also given.
9. I say and submit that from the documents attached to the petition itself , it is evident that the WRD has acted in accordance with law and within the scope of its powers and functions. In the back drop of the above submission for and on behalf of Respondent No. 3, it is crystal clear that the Respondent No. 3 is not proper and necessary party to the case, and, therefore, required to be deleted.

Place:

Date



(Er. D. M. Dubal)  
Executive Engineer  
Pune Irrigation Division  
Pune.

Mr. Digambar M. Dubal  
Executive Engineer  
Respondent No. 3