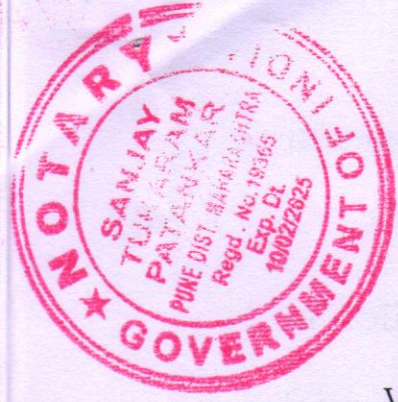


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BEFORE THE NATIONAL GREEN TRIBUNAL,  
WESTERN ZONE BENCH, PUNE  
ORIGINAL APPLICATION NO.01/2024(WZ)

Vishal Shantaram Darwatkar .....Applicant

Versus

Union of India, through Secretary,

MoEF&CC & Ors .....Respondents

AFFIDAVIT IN REPLY ON BEHALF OF  
RESPONDENT NO. 6 & 7 PUNE MUNICIPAL  
CORPORATION (PMC) TO THE APPLICATION  
NO. 01 OF 2024.

I, Uday Sharad Kade Age: 55 the  
Executive Engineer of the Respondent  
Corporation having my office at Pune Municipal  
Corporation Building Shivajinagar Pune do  
hereby state on solemn affirmation as under:

- (1) I am working in the capacity of the  
Executive Engineer in the Pune Municipal  
Corporation. I am filing this Affidavit-in-Reply  
to oppose the contents of the Application

28 SEP 2024

28 SEP 2024

preferred and reliefs sought by the Applicant in the above captioned matter.

(2) I say and submit this application is filed in relation to residential and commercial building project by the name "Ganga Ishanya & Ganga Nakshatra" raised by the Respondent No. 10-M/s. Mahanagar Reality/Project Proponent at Survey Nos.19A/3A(P) [CTS No.373 (P), 375, 376, 377(P) & 378(P)] on Pune- Satara Road behind Shri Shankar Maharaj Math, Village: Dhankawadi, Taluka: Haveli, District: Pune within the limits of Pune Municipal Corporation.

(3) I am authorized by the Respondents to file this present Affidavit-in-Reply in my official capacity and as such I disassociate myself from any personal assertions made against me by the Applicant in the present



Application I have perused the documents brought on record by the Applicant and have understood the contents of the Application and on the basis of the documents and information available in relation to the said issue, I am filing this present Affidavit-in-Reply to oppose the grant of any reliefs to the Applicant as prayed for in the present Application. I crave leave to file a further Additional Affidavit in Reply as and when sought necessary.

- (4) At the outset, I deny each and every averment and allegation made in the present Application, which is contrary to and/or inconsistent with what has been stated in the present Affidavit-in-reply and nothing stated therein shall be construed as an admission for the want of any specific and para-wise

denial or non-traverse unless and until the same is specifically admitted hereinafter.

(5) At the further outset, I say and submit that the Applicant has filed the present Original Application seeking the following reliefs:

A. *Original Application may kindly be allowed.*

B. *Direct the Respondent to demolition illegal structures at sites including the illegal structures constructed in the prohibited zone of 6 Mtrs. from Natural Water Body- Ambil Odha-Nallah.*

C. *Having regard to the damage to the public health, property and environment, principles of sustainable development and polluter pays principles. Direct the Respondent-PP to deposit a heavy amount of compensation to the environment relief fund for restitution & restoration of the area.*



- D. Direct the MPCB to impose & recover the EDC for violations of CTE & CTO, gaps in obtaining CTE & CTO and also, penalty under MPCB-OM dated 12.07.2022.
- E. Direct the CGWA to impose the appropriate damages on PP for ground water extraction from Borewell & Open Well and also, prepare the plan for restoration of Open Water Well.
- F. Direct the Respondents for restitution of the area by undertaking the remedial & mitigation measures by complying the terms & conditions stipulated in EC, CTE & CTO for installation & operations of environmental infrastructure at site;
- G. Direct to Respondent-PP to provide RG Area/Open Space to the tune of 6807 M<sup>2</sup> on virgin land as per EC dated 22.03.2013 and also, Direct the Respondent-PP to



deposit the heavy amount of environmental compensation for not providing the mandatory RG Area/Open Space on virgin land and not carrying tree plantation / replantation / tree felling on virgin land as remedial mitigation measure to avoid the adverse impact of environment & ecology.

- H. Direct the Respondent-PP to carry out the plantation of more than 1000 indigenous trees/sampling on his own land within the jurisdiction of PMC with geo- tagging for scientific growing, protection for next 10 years.
- I. Direct the collector of Pune to measure the actual quantity of excavation and recover the amounts of royalty, EDC & other taxes duped by PP by carrying illegal excavation without permission.



J. Direct the Commissioner of PMC to take appropriate legal action against Mr. Prashant Madhukar Waghmare for not taking legal action on the PP, despite notice/ complaint of this Applicant.

K. Direct SEIAA, MPCB & PMC to take legal action against the official from their respective organizations for allowing such illegal construction and also for not taking action despite the notice, ignored to take action against for such blatant violations.

L. Any other just and equitable reliefs in the interest of environmental justice in the facts and circumstances of the present case.

(6) I say and submit that essentially all the reliefs as prayed for in the Original Application are against the Project Proponent, Respondent No.10 - M/s. Mahanagar and



only two reliefs are sought against the answering Respondents viz:

*J. Direct the Commissioner of PMC to take appropriate legal action against Mr. Prashant Madhukar Waghmare for not taking legal action on the PP, despite notice/ complaint of this Applicant.*

*K. Direct SEIAA, MPCB & PMC to take legal action against the official from their respective organizations for allowing such illegal construction and also for not taking action despite the notice, ignored to take action against for such blatant violations.*

(6) I say and submit that the aforementioned project falls under the PMC limits. PMC is the local authority within the definition of the Maharashtra Municipal Corporation Act, 1949 and as such is the Authority granting



Building Permissions under Maharashtra Regional and Town Planning Act, 1966.

(7) I say and submit that the Project Plans are sanctioned on the application made under section 44 of Maharashtra Regional and Town Planning Act, 1966 through a licensed Architect, thereafter proposals are sanctioned under section 45 Maharashtra Regional and Town Planning Act, 1966.

(8) I say and submit that once a construction is completed Licensed Architect submits a Completion Certificate to PMC certifying that all the conditions are fulfilled, and the building is ready for occupation. On receiving the Completion Certificate PMC verifies permissions are in place and grants the Occupancy Certificate there are specific times in the Rules.



(9) It is submitted that the plans for construction on the site of the Respondent No. 10- Project Proponent were sanctioned by the Deputy Engineer on the basic recommendation of Building inspector as per norms laid down under DC Rules of Pune Municipal Corporation and only after following the due process of law the Commencement Certificate has been issued.

(10) The only challenge remains is the allegations made in para 5.33 and Prayer clause J of the Application as regards intentional negligence by answering respondents. With reference to the same, I say and submit that the said assertions are denied by the answering Respondent. I categorically denies assertions of any wrong doing and states that averments are false and frivolous allegations and shall be discarded.



(11) I say that the Applicant has made frivolous, baseless and unsubstantiated allegations against the answering Respondents and more particularly its City Engineer the Respondents and thus the above-captioned Application ought to be dismissed by the Hon'ble NGT. The answering Respondents crave leave to file a detailed Affidavit-in-Reply as and when sought necessary.

(12) I say and submit that the Urban Development Department, Government of Maharashtra published the Development Plan of 1987 on 05/01/1987 wherein the said project was included in Residential Zone in the Development Plan of Pune City.

(13) **Issue pertaining to RG Area (Ground 5.6. of the Application)**

I say and submit that as per DC Rules 10% of the Net Plot Area i.e. after mandatory



deductions shall be kept as RG Area. I further say and submit that Respondent No. 10- Project Proponent has maintained the requirement of the RG area in the Project. Hereto marked and annexed as **Annexure A** is the copy of layout plan showing total calculations of the plot.

(14) **Issue pertaining to natural water body Ambil Odha. (Ground 5.9. of the Application)**

I say and submit that the answering respondents PMC never granted any permission to divert the Nalla till date to change the natural water course at the site in question. Averments made in the Application are false.

I further state that there is no construction done on the nalla and buffer zone of 6 meters is also maintained from the Nalla.



(15) **Issue pertaining to Felling of Trees  
(Ground 5.12. of the Application)**

I say and submit that answering respondents Pune Municipal Corporation granted permission to fell 16 nos of Trees and transplant 15 Trees vide its order dated 18/06/2015 under The Maharashtra (Urban Areas) Protection and Preservation of Trees Act, 1975. As per the order the Respondent No. 10- Project Proponent was required to Plant 93 Local species Trees against cutting 16 Trees and transplanting 15 Trees. Currently, there are 323 Trees at the site.

(16) I say and submit that PMC has no role in granting or monitoring the violation of Environment Clearance Conditions and Consent Conditions.

Pune

28 SEP 2024  
28 SEP 2024  
Res. No. 6 and 7  
कार्यकारी अभियंता  
साधकाम विकास विभाग (झो.क्र.५)  
पुणे महानगरपालिका

825

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28 SEP 2024

28 SEP 2024

Date: 27/09/2024

PMC



VERIFICATION

I, Uday Sharad Kude, Age: 55,  
Executive Engineer, Building Permission Department  
Zone 5, 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

28 SEP 2024

This 27th day of September, 2024

NOTED AND REGISTERED  
AT SR. NO. 1459/2024  
DATE 28/09/2024

Respondents No. 6 & 7

कार्यकारी अभियंता  
आधिकार विकास विभाग (झो.क्र.५)  
मुणे महानगरपालिका

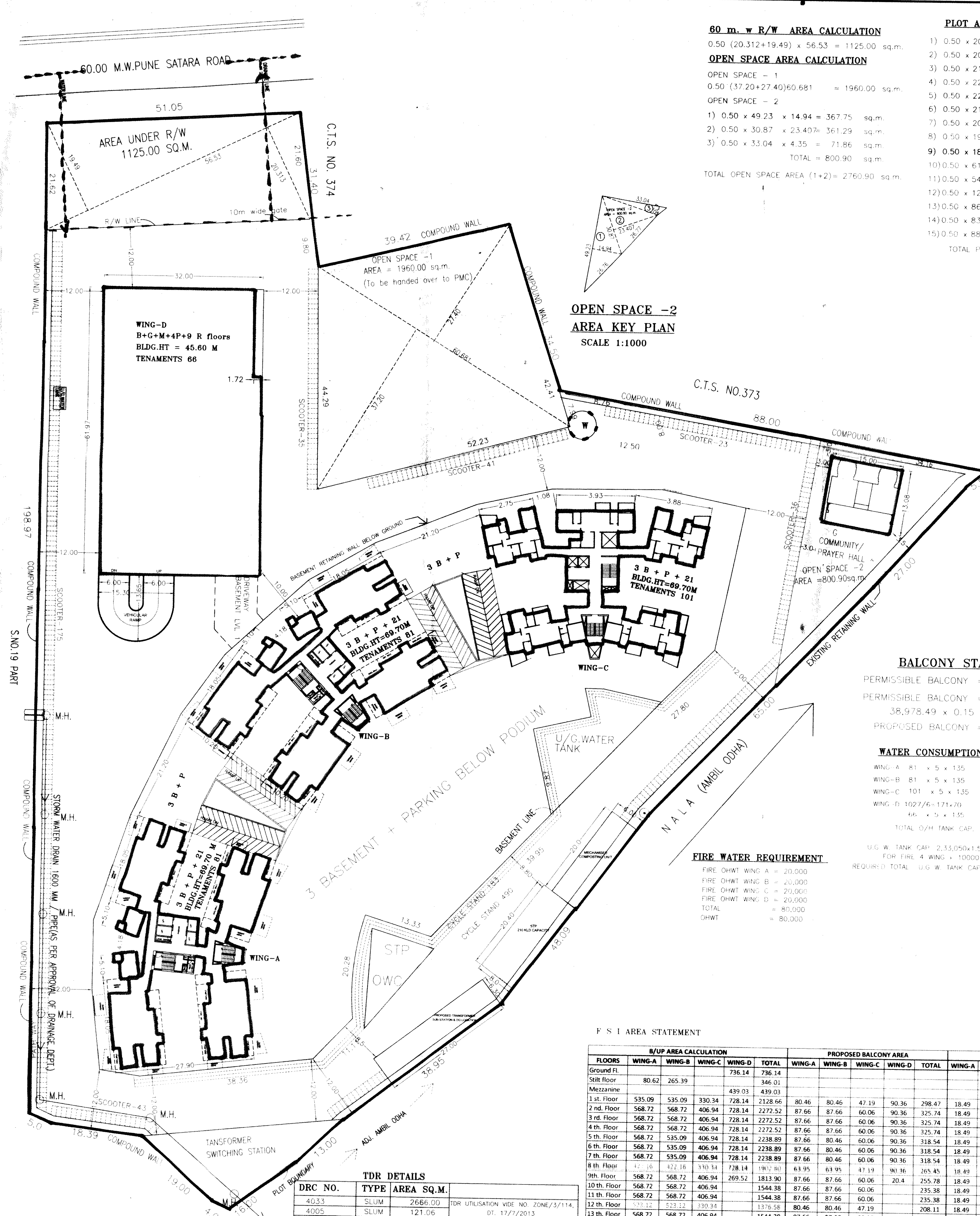
Adv. for Respondents No. 6 & 7

BEFORE ME

BANJAY TUKARAM PATANKAR  
NOTARY, GOVT. OF INDIA  
PUNE DIST. MAHARASHTRA  
Regd. No 19365 Exp. Dt. 10/02/2028

28 SEP 2024

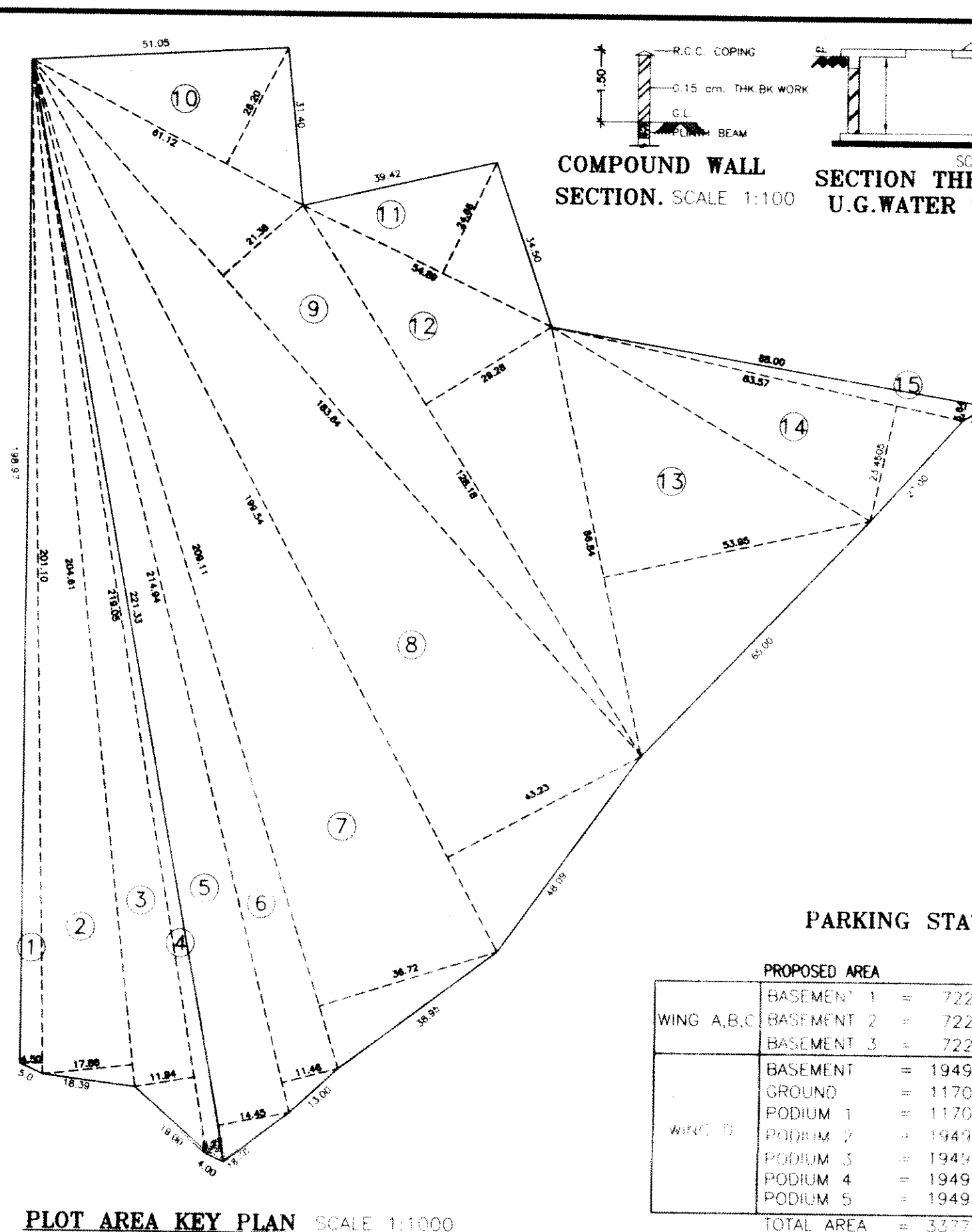




**60 m. w R/W AREA CALCULATION**  
 0.50 (20.312+19.49) x 56.53 = 1125.00 sq.m.  
**OPEN SPACE AREA CALCULATION**  
 OPEN SPACE - 1  
 0.50 (37.20+27.40)60.681 = 1960.00 sq.m.  
 OPEN SPACE - 2  
 1) 0.50 x 49.23 x 14.94 = 367.75 sq.m.  
 2) 0.50 x 30.87 x 23.407 = 361.29 sq.m.  
 3) 0.50 x 33.04 x 4.35 = 71.86 sq.m.  
 TOTAL = 800.90 sq.m.  
 TOTAL OPEN SPACE AREA (1+2) = 2760.90 sq.m.

**PLOT AREA CALCULATION**  
 1) 0.50 x 201.10 x 4.50 = 452.48 sq.m.  
 2) 0.50 x 204.61 x 17.88 = 1829.21 sq.m.  
 3) 0.50 x 219.05 x 11.94 = 1307.73 sq.m.  
 4) 0.50 x 221.33 x 3.27 = 361.87 sq.m.  
 5) 0.50 x 221.33 x 14.45 = 1599.11 sq.m.  
 6) 0.50 x 214.94 x 11.46 = 1231.61 sq.m.  
 7) 0.50 x 209.11 x 36.72 = 3839.26 sq.m.  
 8) 0.50 x 199.54 x 43.23 = 4313.05 sq.m.  
 9) 0.50 x 183.64 x 21.38 = 1963.11 sq.m.  
 10) 0.50 x 61.12 x 26.20 = 800.67 sq.m.  
 11) 0.50 x 54.89 x 24.66 = 676.79 sq.m.  
 12) 0.50 x 128.18 x 29.28 = 1876.56 sq.m.  
 13) 0.50 x 86.84 x 53.95 = 2342.51 sq.m.  
 14) 0.50 x 83.57 x 23.4505 = 979.88 sq.m.  
 15) 0.50 x 88.00 x 7.64 = 160.16 sq.m.  
 TOTAL PLOT AREA = 2314.00 sq.m.

**OPEN SPACE -2 AREA KEY PLAN**  
 SCALE 1:1000



**PARKING STATEMENT**

WING	TENEMENT SIZE	PERMISSIBLE	NO. OF CAR	NO. OF SCOOTER	NO. OF CYCLE
WING-A	80 to 150 sq.m.	2-2-2	79	158	158
WING-B	80 to 150 sq.m.	2-2-2	79	158	158
WING-C	80 to 150 sq.m.	2-2-2	101	202	202
WING-D	80 to 150 sq.m.	2-2-2	66	132	132
TOTAL			325	650	650

**50% PARKING COVERAGE AREA STATEMENT**  
 PERMISSIBLE COVERAGE 50% OF 19748.10 sq.m.  
 = 9874.05 sq.m.  
 PROPOSED GR. COVERAGE (BASEMENT 1+D)  
 7229.17+1949.36 = 9178.53 sq.m.

**PARKING STATEMENT**

WING	TENEMENT SIZE	PERMISSIBLE	NO. OF CAR	NO. OF SCOOTER	NO. OF CYCLE
WING-A	80 to 150 sq.m.	2-2-2	79	158	158
WING-B	80 to 150 sq.m.	2-2-2	79	158	158
WING-C	80 to 150 sq.m.	2-2-2	101	202	202
WING-D	80 to 150 sq.m.	2-2-2	66	132	132
TOTAL			325	650	650

**BALCONY STATEMENT**  
 PERMISSIBLE BALCONY = B/UP AREA x 0.15  
 PERMISSIBLE BALCONY = 38,978.49 x 0.15 = 5846.78 sq.m.  
 PROPOSED BALCONY = 5476.48 sq.m.

**WATER CONSUMPTION PER DAY**  
 WING-A 81 x 5 x 135 = 54675 LIT.  
 WING-B 81 x 5 x 135 = 54675 LIT.  
 WING-C 101 x 5 x 135 = 67175 LIT.  
 WING-D 66 x 5 x 135 = 44550 LIT.  
 TOTAL O/H TANK CAP. = 2,35,050 LIT.  
 U.G. W. TANK CAP. 2,35,050 LIT. = 5,53,000 LIT.  
 FOR FIRE 4 WING x 100000 = 4,00,000 LIT.  
 REQUIRED TOTAL U.G. W. TANK CAP. = 5,93,000 LIT.

**FIRE WATER REQUIREMENT**  
 FIRE OHWT WING A = 20,000  
 FIRE OHWT WING B = 20,000  
 FIRE OHWT WING C = 20,000  
 FIRE OHWT WING D = 20,000  
 TOTAL = 80,000  
 OHWT = 80,000

**GROUND COVERAGE AREA CALCULATION**  
 BLDG - A & B (780.82 x 2) = 1561.64 sq.m.  
 BLDG - C SECOND FLOOR B/UP AREA = 406.94 sq.m.  
 ADD 2nd FLOOR TERRACE AREA = 134.39 sq.m.  
 ADD 3rd FLOOR TERRACE AREA = 86.82 sq.m.  
 TOTAL = 780.82 sq.m.  
 BLDG - D SECOND FLOOR B/UP AREA = 406.94 sq.m.  
 ADD 2nd FLOOR TERRACE AREA = 134.39 sq.m.  
 ADD 3rd FLOOR TERRACE AREA = 86.82 sq.m.  
 TOTAL = 629.92 sq.m.  
 BLDG - D TOTAL GR. COVERAGE = 736.14 sq.m.  
 TOTAL GR. COVERAGE = 2927.70 sq.m.

**TERRACE AREA CALCULATION**

FLOORS	WING-A	WING-B	WING-C	WING-D	TOTAL
Ground Fl.					0
1st. Floor	125.25	125.25	122.76	122.14	495.40
2nd. Floor	120.02	120.02	134.39	122.14	496.57
3rd. Floor	86.82	86.82	88.59	122.14	384.37
4th. Floor	82.86	82.86	69.47	122.14	357.33
5th. Floor	86.82	86.82	88.59	122.14	384.37
6th. Floor	82.86	82.86	69.47	122.14	357.33
7th. Floor	86.82	86.82	88.59	122.14	384.37
8th. Floor	135.99	152.33	119.29	122.14	529.75
9th. Floor	86.82	86.82	88.59	25.59	287.82
10th. Floor	99.38	99.38	69.47		268.23
11th. Floor	137.88	137.88	88.59		364.35
12th. Floor	99.38	99.38	69.47		268.23
13th. Floor	86.82	86.82	88.59		262.23
14th. Floor	99.38	99.38	69.47		268.23
15th. Floor	86.82	86.82	88.59		262.23
16th. Floor	99.38	99.38	69.47		268.23
17th. Floor	137.88	137.88	88.59		364.35
18th. Floor			69.47		206.65
19th. Floor	0.00	0.00	88.59		88.59
20th. Floor	0.00	0.00	69.47		69.47
21st. Floor	0.00	0.00	88.59		88.59
TOTAL	1840.56	1733.74	1818.11	1002.71	6395.11

SCALE 1 : 400  
 LAY-OUT OF BUILDINGS

**TDR DETAILS**

DRC NO.	TYPE	AREA SQ.M.	TDR UTILISATION VIDE NO. ZONE/3/114, DT. 17/7/2013
4033	SUM	2666.00	
4005	SUM	121.06	
4303	AMINITY	2722.84	TDR UTILISATION VIDE NO. ZONE/1/164 DT. 21/11/2015
5064	AMINITY	4032.78	TDR UTILISATION VIDE NO. 43 DT. 31/05/2017
5162	AMINITY	1800	
5163	AMINITY	1800	TDR UTILISATION VIDE NO. 870, DT. 18/11/2017
5164	AMINITY	1800	
5165	AMINITY	2062.08	
TOTAL		7452.08	
		18051.92	

**F S I AREA STATEMENT**

FLOORS	WING-A	WING-B	WING-C	WING-D	TOTAL	WING-A	WING-B	WING-C	WING-D	TOTAL	WING-A	WING-B	WING-C	WING-D	TOTAL	WING-A	WING-B	WING-C	WING-D	TOTAL	WING-A	WING-B	WING-C	WING-D	TOTAL										
Ground Fl.					736.14					736.14					736.14					736.14					736.14										
1st. Floor	535.09	535.09	330.34	728.14	2128.66	80.46	80.46	47.19	90.36	298.47	18.49	18.49	18.45	55.43	19.15	19.15	18.27	25.2	81.77	89.69	89.69	99.86	279.24	2.94	2.94	5.88									
2nd. Floor	568.72	568.72	406.94	728.14	2272.52	87.66	87.66	60.06	90.36	325.74	18.49	18.49	18.45	55.43	19.15	19.15	18.27	25.2	81.77	89.69	89.69	99.86	279.24	2.94	2.94	5.88									
3rd. Floor	568.72	568.72	406.94	728.14	2272.52	87.66	87.66	60.06	90.36	325.74	18.49	18.49	18.45	55.43	19.15	19.15	18.27	25.2	81.77	89.69	89.69	99.86	279.24	2.94	2.94	5.88									
4th. Floor	568.72	568.72	406.94	728.14	2272.52	87.66	87.66	60.06	90.36	325.74	18.49	18.49	18.45	55.43	19.15	19.15	18.27	25.2	81.77	89.69	89.69	99.86	279.24	2.94	2.94	5.88									
5th. Floor	568.72	568.72	406.94	728.14	2272.52	87.66	87.66	60.06	90.36	325.74	18.49	18.49	18.45	55.43	19.15	19.15	18.27	25.2	81.77	89.69	89.69	99.86	279.24	2.94	2.94	5.88									
6th. Floor	568.72	568.72	406.94	728.14	2272.52	87.66	87.66	60.06	90.36	325.74	18.49	18.49	18.45	55.43	19.15	19.15	18.27	25.2	81.77	89.69	89.69	99.86	279.24	2.94	2.94	5.88									
7th. Floor	568.72	568.72	406.94	728.14	2272.52	87.66	87.66	60.06	90.36	325.74	18.49	18.49	18.45	55.43	19.15	19.15	18.27	25.2	81.77	89.69	89.69	99.86	279.24	2.94	2.94	5.88									
8th. Floor	568.72	568.72	406.94	728.14	2272.52	87.66	87.66	60.06	90.36	325.74	18.49	18.49	18.45	55.43	19.15	19.15	18.27	25.2	81.77	89.69	89.69	99.86	279.24	2.94	2.94	5.88									
9th. Floor	568.72	568.72	406.94	728.14	2272.52	87.66	87.66	60.06	90.36	325.74	18.49	18.49	18.45	55.43	19.15	19.15	18.27	25.2	81.77	89.69	89.69	99.86	279.24	2.94	2.94	5.88									
10th. Floor	568.72	568.72	406.94	728.14	2272.52	87.66	87.66	60.06	90.36	325.74	18.49	18.49	18.45	55.43	19.15	19.15	18.27	25.2	81.77	89.69	89.69	99.86	279.24	2.94	2.94	5.88									
11th. Floor	568.72	568.72	406.94	728.14	2272.52	87.66	87.66	60.06	90.36	325.74	18.49	18.49	18.45	55.43	19.15	19.15	18.27	25.2	81.77	89.69	89.69	99.86	279.24	2.94	2.94	5.88									
12th. Floor	568.72	568.72	406.94	728.14	2272.52	87.66	87.66	60.06	90.36	325.74	18.49	18.49	18.45	55.43	19.15	19.15	18.27	25.2	81.77	89.69	89.69	99.86	279.24	2.94	2.94	5.88									
13th. Floor	568.72	568.72	406.94	728.14	2272.52	87.66	87.66	60.06	90.36	325.74	18.49	18.49	18.45	55.43	19.15	19.15	18.27	25.2	81.77	89.69	89.69	99.86	279.24	2.94	2.94	5.88									
14th. Floor	568.72	568.72	406.94	728.14	2272.52	87.66	87.66	60.06	90.36	325.74	18.49	18.49	18.45	55.43	19.15	19.15	18.27	25.2	81.77	89.69	89.69	99.86	279.24	2.94	2.94	5.88									
15th. Floor	568.72	568.72	406.94	728.14	2272.52	87.66	87.66	60.06	90.36	325.74	18.49	18.49	18.45	55.43	19.15	19.15	18.27	25.2	81.77	89.69	89.69	99.86	279.24	2.94	2.94	5.88									
16th. Floor	568.72	568.72	406.94	728.14	2272.52	87.66	87.66	60.06	90.36	325.74	18.49	18.49	18.45	55.43	19.15	19.15	18.27	25.2	81.77	89.69	89.69	99.86	279.24	2.94	2.94	5.88									
17th. Floor	568.72	568.72	406.94	728.14	2272.52	87.66	87.66	60.06	90.36	325.74	18.49	18.49	18.45	55.43	19.15	19.15	18.27	25.2	81.77	89.69	89.69	99.86	279.24	2.94	2.94	5.88									
18th. Floor	568.72	568.72	406.94	728.14	2272.52	87.66	87.66	60.06	90.36	325.74	18.49	18.49	18.45	55.43	19.15	19.15	18.27	25.2	81.77	89.69	89.69	99.86	279.24	2.94	2.94	5.88									
19th. Floor	568.72	568.72	406.94	728.14	2272.52	87.66	87.66	60.06	90.36	325.74	18.49	18.49	18.45	55.43	19.15	19.15	18.27	25.2	81.77	89.69	89.69	99.86	279.24	2.94	2.94	5.88									
20th. Floor	568.72	568.72	406.94	728.14	2272.52	87.66	87.66	60.06	90.36	325.74	18.49	18.49	18.45	55.43	19.15	19.15	18.27	25.2	81.77	89.69	89.69	99.86	279.24	2.94	2.94	5.88									
21st. Floor	568.72	568.72	406.94	728.14	2272.52	87.66	87.66	60.06	90.36	325.74	18.49	18.49	18.45	55.43	19.15	19.15	18.27	25.2	81.77	89.69	89.69	99.86	279.24	2.94	2.94	5.88									
TOTAL	11692.73	11776.61	8239.34	7269.81	38979.48	1772.51	1750.91	1209.78	743.28	5476.48	419.37	419.37	387.45	32.01	1258.20	402.15	402.15	383.67	226.8	1414.77	1861.03	1861.03	2097.06	0	5819.12	61.74	61.74	38.96	162.44	210.00	19.12	19.12	13.82	28.75	80.81

**STAMP OF APPROVALS**

APPROVED SUBJECT TO CONDITION APPROVED UNDER COORDINATION CERTIFICATE NO. 55/2020/15

Mr. Bharat N. Swarn Singh  
 Assistant Engineer P.B.C.

**AREA STATEMENT**

AREA STATEMENT	SQ.M.
1. AREA OF THE PLOT	
a) Area as per 7/12	25040.00
b) Area as per Demarcation 23734.00	23734.00
(MINIMUM AREA OUT OF a and b)	
2. DEDUCTION IN AREA (a-b)	1125.00
a) Land Under Road (ALREADY HANDED OVER TO PMC)	
3. BALANCE AREA OF THE PLOT (1-2)	22609.00
4. DEDUCTION FOR (a-b) 1,196,000 (over to PMC)	
a) Open Space	2760.90
b) Internal Road	
c) Transformer	100.00
5. NET AREA OF THE PLOT (3-4	