



**BEFORE THE NATIONAL GREEN TRIBUNAL  
WESTERN ZONE BENCH AT PUNE  
I.A. No. 22 of 2021  
IN  
ORIGINAL APPLICATION NO. 28 OF 2020**

Sarang Yadwakar & Ors.

...Applicants

Versus

Pune Municipal Corporation and Ors.

...Respondents

**AFFIDAVIT-IN-REPLY ON BEHALF OF THE RESPONDENT NO.6 TO THE I.A. IN  
O.A. NO. 28/2020**

I, Kumkum Mishra, the Senior AGM-Legal and authorised signatory of the Respondent No.6 – Maharashtra Metro Rail Corporation Limited having my office at Metro Bhawan, Opposite Deeksha Bhoomi, Ramdaspath, Nagpur 440010 do hereby state on solemn affirmation as under:

1. I say that the Applicants have preferred an Interim Application in the present Original Application and I have perused the copy of the said Interim Application and the documents brought on record in the Interim Application and have understood the contents of the Interim Application. In response thereto, 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 as sought by the Applicants and as prayed for in the present Interim Application. I crave leave to file a further and detailed Affidavit-in-Reply with the express permission of this Hon'ble Court.
2. At the outset, I deny each and every averment and allegation made in the present Interim Application, which is contrary to and/or inconsistent with what has been stated in the Affidavit-in-Reply filed to the Original Application No. 28 of 2020 and the Affidavit-in-Reply in IA 83 of 2020, Affidavit in Reply in IA 13 of 2021 and nothing stated in the present Interim Application under Reply 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. I crave leave to refer to and rely upon the pleadings



taken by the answering Respondent in the Original Application and Interim Applications as a part and parcel of the present Affidavit-in-Reply. The answering Respondent denies the contents of the Interim Application especially those as regards the impact of the metro pillars, about the simulations studies, about the discharge in cusecs with impact of metro pillars and effect during the monsoons.

3. In the present Interim Application, the Applicants are basically seeking a relief of transfer of proceedings of OA 28 of 2020 from the Western Bench, Pune to the Principal Bench at Delhi. The answering Respondent at the outset submits that although in principle it does not have any objection to the said request it certainly has an objection to the manner in which the contents of the present Interim Application have been put forth by the Original Applicants.
4. The Original Applicants in an earlier Interim Application as well as the present Interim Application had placed reliance on a Central Water and Power Research Station (CWPRS) Pune, Report of January 2021 which has infact been sought for by the answering Respondent in accordance with the monitoring of the Pune Metro Project including its impact along the left bank of Mutha River and the directions of the Expert Committee. The costs of the CWPRS Report have also been borne by the answering Respondent and as such the Report presented by CWPRS in January 2021 has been considered by the Expert Committee appointed by this Hon'ble Court and the Supreme Court to monitor the Pune Metro Project on 8 March 2021 and it has given its recommendations on 12 May 2021.
5. The answering Respondent submits that in paragraphs 5,6 and 7 of the Interim Application, the Original Applicants have put forth a case that by virtue of the mathematical model studies of river Mutha for Maharashtra Metro Rail Corporation, the CWPRS has stated that allowing Metro project within flood plains of the river will have a catastrophic impact on the river and it will drastically reduce the flood carrying capacity of the river and will inevitably increase the chances of flooding in the densely populated city of Pune. The Original Applicants have also placed reliance on some parts of the study to show that the inundation at discharge of 1,00,000 cusecs is extremely high and



would have an adverse effect on the surrounding area. In response it is stated that the analysis of the Original Applicants is incorrect as already stated in its detailed response to Interim Application No 13 of 2021. The Original Applicants have never stated as to when the discharge has exceeded 60,000 cusecs in Pune effectively or when the discharge has exceeded 1,00,000 cusecs.

6. The answering Respondent submits that rather the Expert Committee on 8 March 2021 has considered the CWPRS Report submitted in January 2021 and has given its specific recommendations on 12 May 2021. The Expert Committee in its recommendations/Minutes has already held that there has been no breach or discharge of over 100,000 cusecs even once in the last 56 years and the discharge of 60,000 cusecs has happened only 4 times in the last 56 years. The contents of paragraph no 6(d) as regards the rise in flood level are denied by the answering Respondent. The answering Respondent submits that in fact the Original Applicants are hell bent on stalling the project in one way or the other and the attempts of the Applicants are not bona fide. The answering Respondent submits that the Original Applicants are also filing complaints to the funding agencies of the answering Respondent which shows the real intent of the Original Applicants.
7. The answering Respondent submits that the contents of paragraph no 8 of the Interim Application are also denied as the answering Respondent has been permitted to carry on with its project by the Hon'ble Apex Court and the NGT by virtue of orders passed therein and in this situation the consistent prayers of the Applicants to stall the project ought not to be permitted and the Interim Application be dismissed.

Dated this 16 June 2021



Advocate for the Respondent No.6



Respondent No.6

**Mrs. Kumkum Mishra**  
**Sr. AGM (Legal)**  
 Maharashtra Metro Rail Corp. Ltd.



**VERIFICATION**

I, Kumkum Mishra, the Senior AGM- Legal and the authorized signatory of the Respondent No.6 – Maharashtra Metro Rail Corporation Limited do hereby state on solemn affirmation that whatever is stated in the paras 1 to 7 is true and correct to the best of my own knowledge and based upon the documents available with me and which I believe to be true

Solemnly affirmed at Nagpur

Dated this 16 day of June 2021



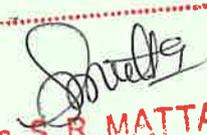
Before me

**Mrs. Kumkum Mishra  
Sr. AGM (Legal)  
Maharashtra Metro Rail Corp. Ltd.**

NOTARIAL REG.  
ENTRY No. 185  
DATE 16/6/2021



SWORN BEFORE ME ON THIS 1<sup>st</sup> TH  
DAY OF June 20<sup>21</sup> AT NAGPUR BY  
SHRI / SMT. / KU... Kumkum Mishra  
R/O NAGPUR WHO HAS BEEN IDENTIFIED BY  
SHRI / SMT. ....  
ADVOCATE, NAGPUR.

  
**Mrs. S. R. MATTA  
ADVOCATE & NOTARY  
918-B, Clarke Town, Nagpur 10**

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(WZ)**

Sarang Yadwadkar & Ors ...Applicants  
Versus  
Pune Municipal Corporation and Ors  
...Respondents

**AFFIDAVIT-IN-REPLY OF RESPONDENT  
NO.6**

=====  
Dated this 16 day of June 2021

**PRALHAD PARANJAPE**  
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