



**BEFORE THE NATIONAL GREEN TRIBUNAL, WESTERN ZONE
BENCH, PUNE
O.A. 41/2020 (WZ)**

Harmony Co-op Housing Society
and ors.

... Applicants

Versus

The Pimpri Chinchwad Municipal
Corporation and ors.

... Respondents

AFFIDAVIT IN REPLY ON BEHALF OF RESPONDENT NO.7

I, Shri Vijay Pandurang Patil, Age: 49 years, Occupation: Service, currently serving as Executive Engineer, Khadakwasal Irrigation Division, having office at: Sinchan Bhavan, Pune-411011, do hereby beg to state on solemn affirmation as under :

1. I say and submit that I have gone through the records of the present matter and after going through the relevant office records I am filing the present Affidavit. However I should not be deemed to admit anything which is contrary to or inconsistent with what is stated hereinafter in the absence of specific denial.
2. I say and submit that the present application is bad in law and the same is not maintainable. The Respondent herein raises a preliminary objection on the point of limitation. The cause of action in the present application first arose on 26.01.2018 which is also admitted by the Applicant in para 6 of the present application. All the Applicants are admittedly residents in the same area since last more than 10 years. It is well within the knowledge of the Applicant society that the construction of the Cremation facility has commenced long back. Only after 63% of the work completed; the Applicant thought it appropriate to challenge the same. It is therefore clear that the present application is beyond limitation and deserves to be dismissed.



Without prejudice to anything stated above I hereby mention the factual position on the site in question.

3. I say and submit that the present application is filed against the alleged illegal construction of the Cremation Ground within the jurisdiction of Respondent No. 1; without obtaining the approval of the statutory authorities. The photos and map of the said site is annexed herewith and marked as "Annexure A-colly."
4. I say and submit that the officers conducted a visit and inspection of the site in question on 12.10.2020. It is submitted that after the inspection of the site it was found out that the nearest distance of the site from the river is 108 mtrs., and therefore the site in question is within Red Line and Blue Line levels. The Google image showing the position of the site is annexed herewith and marked as "Annexure B". The Cross Section of the Chainage relevant to the present site is annexed herewith and marked as "Annexure C". I say and submit that the maps of the Blue Line and Red Line along the River Bed in the area in question have been provided to the Respondent No. 1.
5. It is therefore submitted that the present Respondent is abiding by all relevant regulations and rules and there is no violation/non-compliance on the part of the Respondent No. 7.



18 NOV 2020

Solemnly affirmed on this the 18th day of November, 2020



Advocate

BEFORE ME

S.P. Rokade
Savita Pradeepkumar Rokade
ADVOCATE & NOTARY
GOVT. OF INDIA

Affiant

Executive Engineer
Khadakwasla Irrigation Division
Pune-11

Noted and Registered
at Serial Number 3356/2020

N.G.T. Court Case No - 41/2020 SITE PHOTO

सा.क्र. 25/470 ते 25/650

"Annexure A"



स्मशान भूमी चे केलेल्या बांधकामाचे छायाचित्र दि.11/10/2020



स्मशान भूमी चे केलेल्या बांधकामाचे छायाचित्र दि.11/10/2020

"Annexure B"

Sector-32 A Rawat
कमशान भुमी

Google Earth

SECTOR-32 A

POI: 6090741, 18.3382782, 73.4519191, E. elev. 565 m

Total Area: 6.55R

सिद्धान्त भुमी

68.51 m

187 meter

100 meter

132 meter

POI: 6090741, 18.3382782, 73.4519191, E. elev. 565 m

251470
251460

E 73°43'11.52"

251560
251550

251650
251660

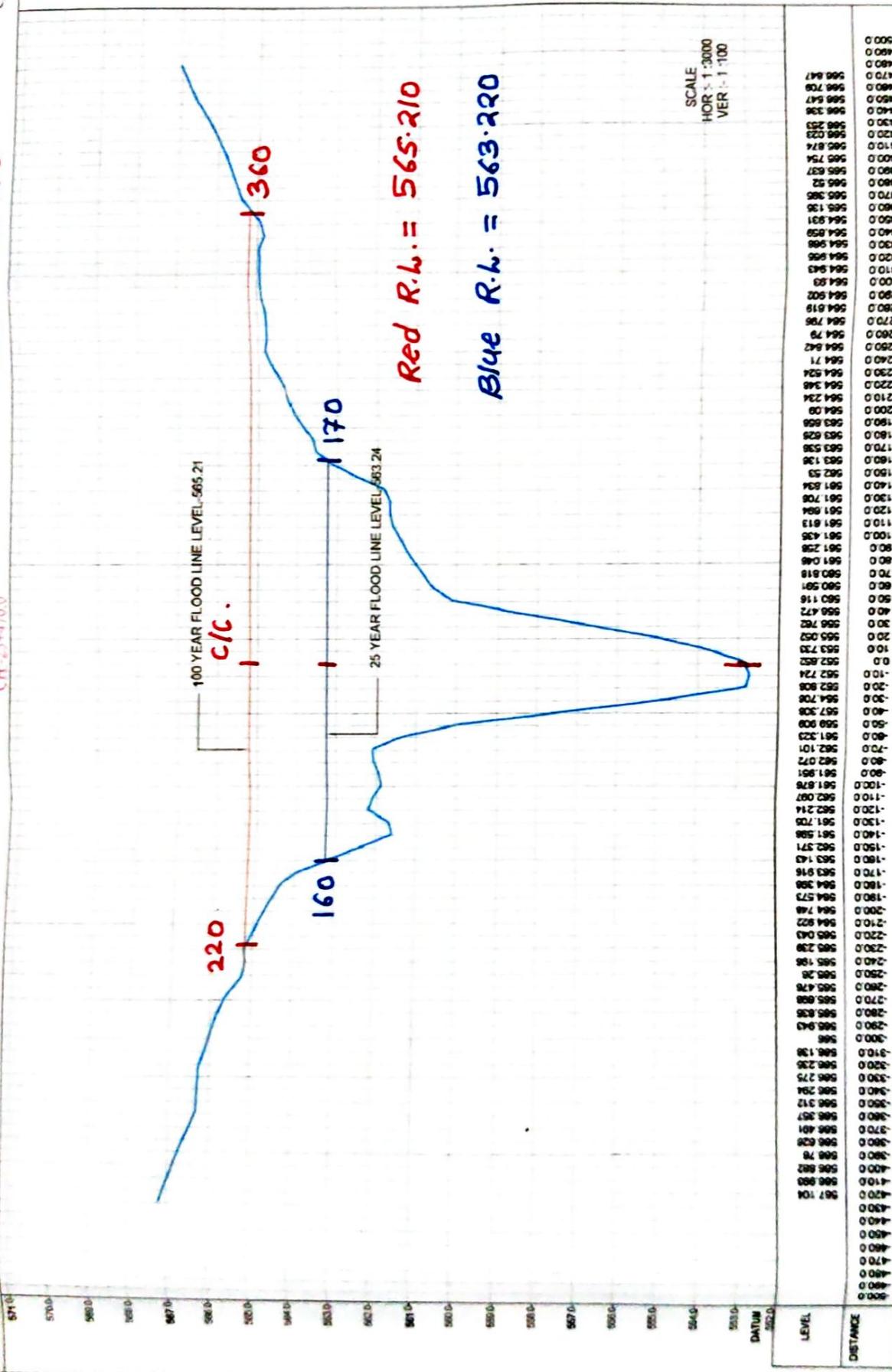
105 m

Image Date: 15/3/2010, 18:33:27.82, 18.3382782, 73.4519191, E. elev. 565 m, eye at: 1.02 km, 0

"Annexure C"

CH = 251470

CROSS SECTION OF PAWANA RIVER
CH-251470.0



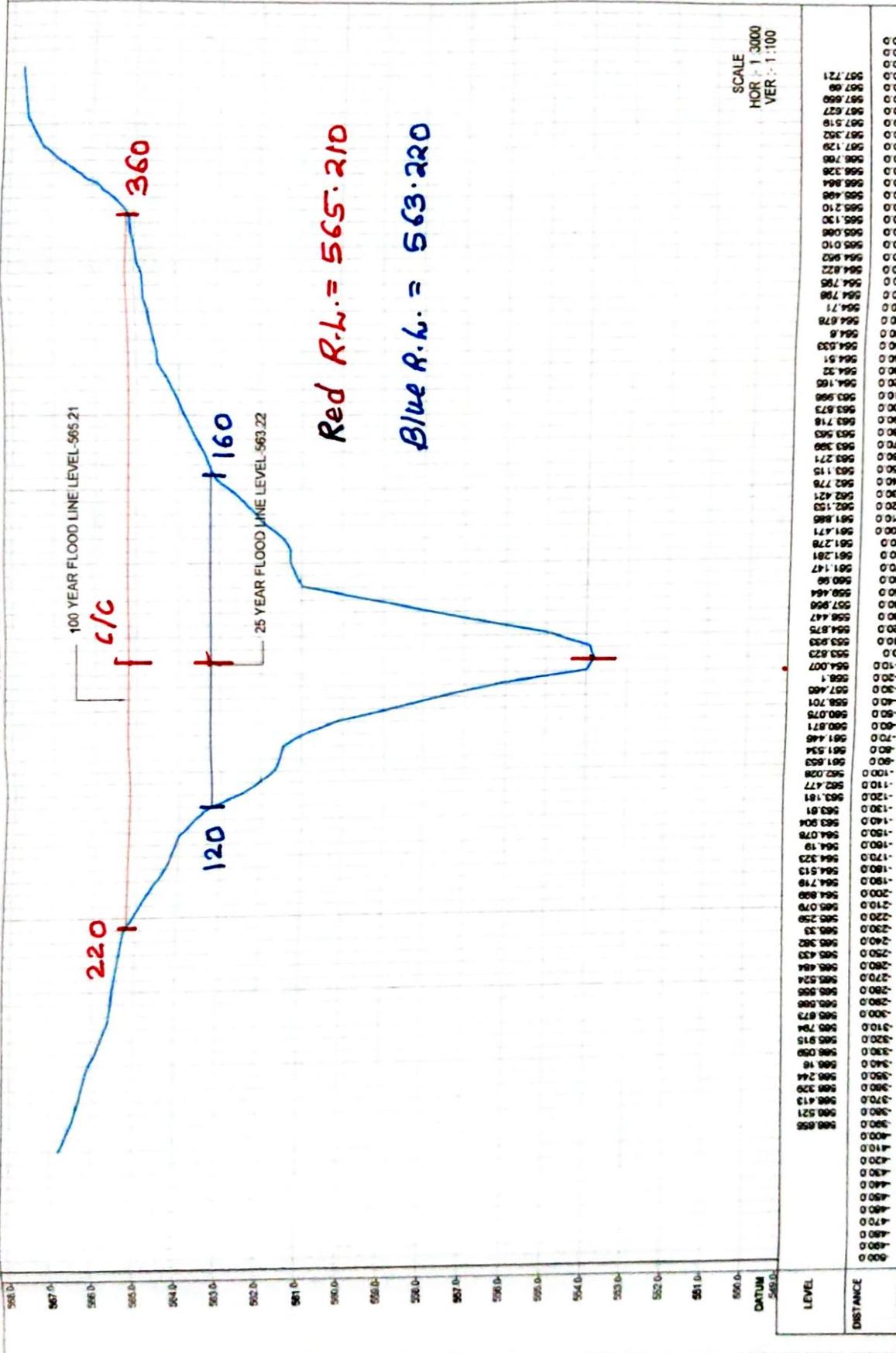
Red R.L. = 565.210
Blue R.L. = 563.220

DISTANCE	LEVEL
420.0	567.104
430.0	566.893
440.0	566.682
450.0	566.471
460.0	566.260
470.0	566.049
480.0	565.838
490.0	565.627
500.0	565.416
420.0	566.847
430.0	566.636
440.0	566.425
450.0	566.214
460.0	566.003
470.0	565.792
480.0	565.581
490.0	565.370
500.0	565.159
420.0	566.708
430.0	566.497
440.0	566.286
450.0	566.075
460.0	565.864
470.0	565.653
480.0	565.442
490.0	565.231
500.0	565.020
420.0	566.547
430.0	566.336
440.0	566.125
450.0	565.914
460.0	565.703
470.0	565.492
480.0	565.281
490.0	565.070
500.0	564.859
420.0	566.413
430.0	566.202
440.0	565.991
450.0	565.780
460.0	565.569
470.0	565.358
480.0	565.147
490.0	564.936
500.0	564.725
420.0	566.277
430.0	566.066
440.0	565.855
450.0	565.644
460.0	565.433
470.0	565.222
480.0	565.011
490.0	564.800
500.0	564.589
420.0	566.137
430.0	565.926
440.0	565.715
450.0	565.504
460.0	565.293
470.0	565.082
480.0	564.871
490.0	564.660
500.0	564.449
420.0	566.001
430.0	565.790
440.0	565.579
450.0	565.368
460.0	565.157
470.0	564.946
480.0	564.735
490.0	564.524
500.0	564.313
420.0	565.865
430.0	565.654
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450.0	565.232
460.0	565.021
470.0	564.810
480.0	564.599
490.0	564.388
500.0	564.177
420.0	565.726
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450.0	565.093
460.0	564.882
470.0	564.671
480.0	564.460
490.0	564.249
500.0	564.038
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480.0	564.320
490.0	564.109
500.0	563.898
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430.0	565.095
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450.0	564.673
460.0	564.462
470.0	564.251
480.0	564.040
490.0	563.829
500.0	563.618
420.0	565.164
430.0	564.953
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460.0	564.320
470.0	564.109
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490.0	563.687
500.0	563.476
420.0	565.022
430.0	564.811
440.0	564.600
450.0	564.389
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440.0	564.316
450.0	564.105
460.0	563.894
470.0	563.683
480.0	563.472
490.0	563.261
500.0	563.050
420.0	564.594
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450.0	563.961
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470.0	563.539
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430.0	564.239
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480.0	563.184
490.0	562.973
500.0	562.762
420.0	564.304
430.0	564.093
440.0	563.882
450.0	563.671
460.0	563.460
470.0	563.249
480.0	563.038
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500.0	562.616
420.0	564.156
430.0	563.945
440.0	563.734
450.0	563.523
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470.0	563.101
480.0	562.890
490.0	562.679
500.0	562.468
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430.0	563.799
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470.0	562.955
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500.0	562.322
420.0	563.862
430.0	563.651
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450.0	563.229
460.0	563.018
470.0	562.807
480.0	562.596
490.0	562.385
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420.0	563.714
430.0	563.503
440.0	563.292
450.0	563.081
460.0	562.870
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480.0	562.448
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480.0	562.298
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430.0	563.203
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480.0	562.148
490.0	561.937
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430.0	563.041
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450.0	562.619
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420.0	563.090
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440.0	562.668
450.0	562.457
460.0	562.246
470.0	562.035
480.0	561.824
490.0	561.613
500.0	561.402
420.0	562.926
430.0	562.715
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450.0	562.293
460.0	562.082
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460.0	561.446
470.0	561.235
480.0	561.024
490.0	560.813
500.0	560.602
420.0	562.130
430.0	561.919
440.0	561.708
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460.0	561.286
470.0	561.075
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500.0	560.442
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430.0	561.759
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470.0	560.915
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490.0	560.493
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470.0	560.755
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420.0	561.648
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470.0	560.267
480.0	560.056
490.0	559.845
500.0	559.634
420.0	561.166
430.0	560.955
440.0	560.744
450.0	560.533
460.0	560.322
470.0	560.111
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490.0	559.689
500.0	559.478
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430.0	560.789
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460.0	560.156
470.0	559.945
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500.0	559.312
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460.0	560.000
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480.0	559.578
490.0	559.367
500.0	559.156
420.0	560.682
430.0	560.471
440.0	560.260
450.0	560.049
460.0	559.838
470.0	559.627
480.0	559.416
490.0	559.205
500.0	558.994
420.0	560.522
430.0	560.311
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460.0	559.678
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430.0	560.151
440.0	559.940
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500.0	558.674
420.0	560.202
430.0	560.000
440.0	559.789
450.0	559.578
460.0	559.367
470.0	559.156
480.0	558.945
490.0	558.734
500.0	558.523
420.0	560.042
430.0	559.831
440.0	559.620
450.0	559.409
460.0	559.198
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480.0	558.776
490.0	558.565
500.0	558.354
420.0	559.882
430.0	559.671
440.0	559.460
450.0	559.249
460.0	559.038
470.0	558.827
480.0	558.616
490.0	558.405
500.0	558.194
420.0	559.722
430.0	559.511
440.0	559.300
450.0	559.089
460.0	558.878
470.0	558.667
480.0	558.456
490.0</	

13

CROSS SECTION OF PAWANA RIVER
CH = 25/560

CH - 25 + 560.0

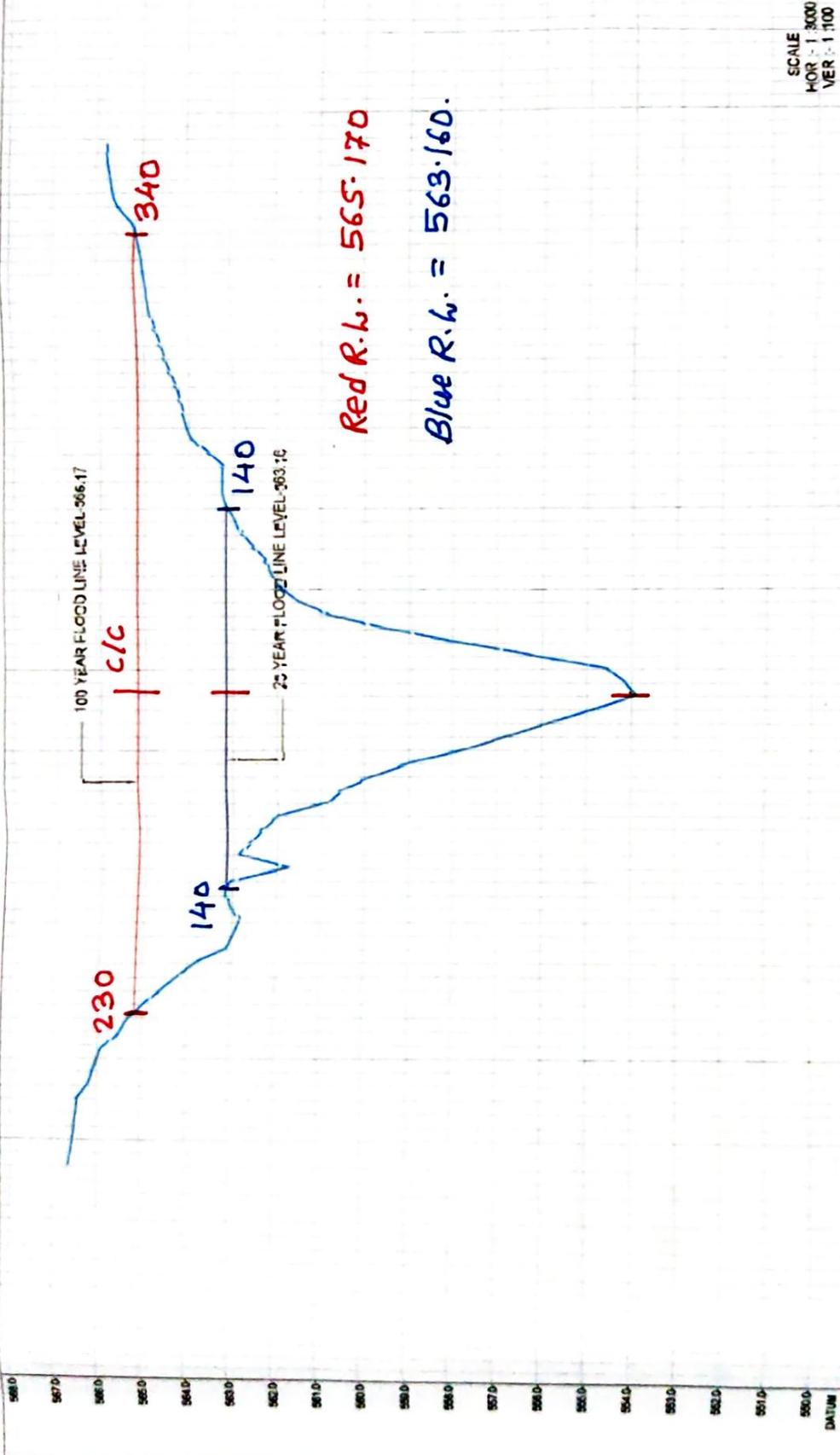


DISTANCE	LEVEL
0.0	568.858
10.0	568.521
20.0	568.413
30.0	568.329
40.0	568.244
50.0	568.161
60.0	568.078
70.0	567.996
80.0	567.914
90.0	567.832
100.0	567.750
110.0	567.668
120.0	567.586
130.0	567.504
140.0	567.422
150.0	567.340
160.0	567.258
170.0	567.176
180.0	567.094
190.0	567.012
200.0	566.930
210.0	566.848
220.0	566.766
230.0	566.684
240.0	566.602
250.0	566.520
260.0	566.438
270.0	566.356
280.0	566.274
290.0	566.192
300.0	566.110
310.0	566.028
320.0	565.946
330.0	565.864
340.0	565.782
350.0	565.700
360.0	565.618
370.0	565.536
380.0	565.454
390.0	565.372
400.0	565.290
410.0	565.208
420.0	565.126
430.0	565.044
440.0	564.962
450.0	564.880
460.0	564.798
470.0	564.716
480.0	564.634
490.0	564.552
500.0	564.470
510.0	564.388
520.0	564.306
530.0	564.224
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570.0	563.896
580.0	563.814
590.0	563.732
600.0	563.650
610.0	563.568
620.0	563.486
630.0	563.404
640.0	563.322
650.0	563.240
660.0	563.158
670.0	563.076
680.0	562.994
690.0	562.912
700.0	562.830
710.0	562.748
720.0	562.666
730.0	562.584
740.0	562.502
750.0	562.420
760.0	562.338
770.0	562.256
780.0	562.174
790.0	562.092
800.0	562.010
810.0	561.928
820.0	561.846
830.0	561.764
840.0	561.682
850.0	561.600
860.0	561.518
870.0	561.436
880.0	561.354
890.0	561.272
900.0	561.190
910.0	561.108
920.0	561.026
930.0	560.944
940.0	560.862
950.0	560.780
960.0	560.698
970.0	560.616
980.0	560.534
990.0	560.452
1000.0	560.370

[Signature]
S. KUNJER
Substation Officer
Lithargahar Section No. 3
Debrajhal

CHL = 257650

CROSS SECTION OF PAWANA RIVER
CH:-25+650.0



LEVEL	DISTANCE
588.0	588.508
587.0	587.508
586.0	586.508
585.0	585.508
584.0	584.508
583.0	583.508
582.0	582.508
581.0	581.508
580.0	580.508
579.0	579.508
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