NOTARY
SAVITA PRADEEPKUMAR ROKADE Pune-Dist.
Reg. No. 16377
Exp. Dt. 13/11/2024
GOVERNMENT OF INDIA

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.

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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

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Affiant

Executive Engineer
Khadakwasla Irrigation Division
Pune-11

BEFORE ME

Advocate

Savita Pradeepkumar Rokade
ADVOCATE & NOTARY
GOVT. OF INDIA

Noted and Registered
it Serial Number 3356/2020

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

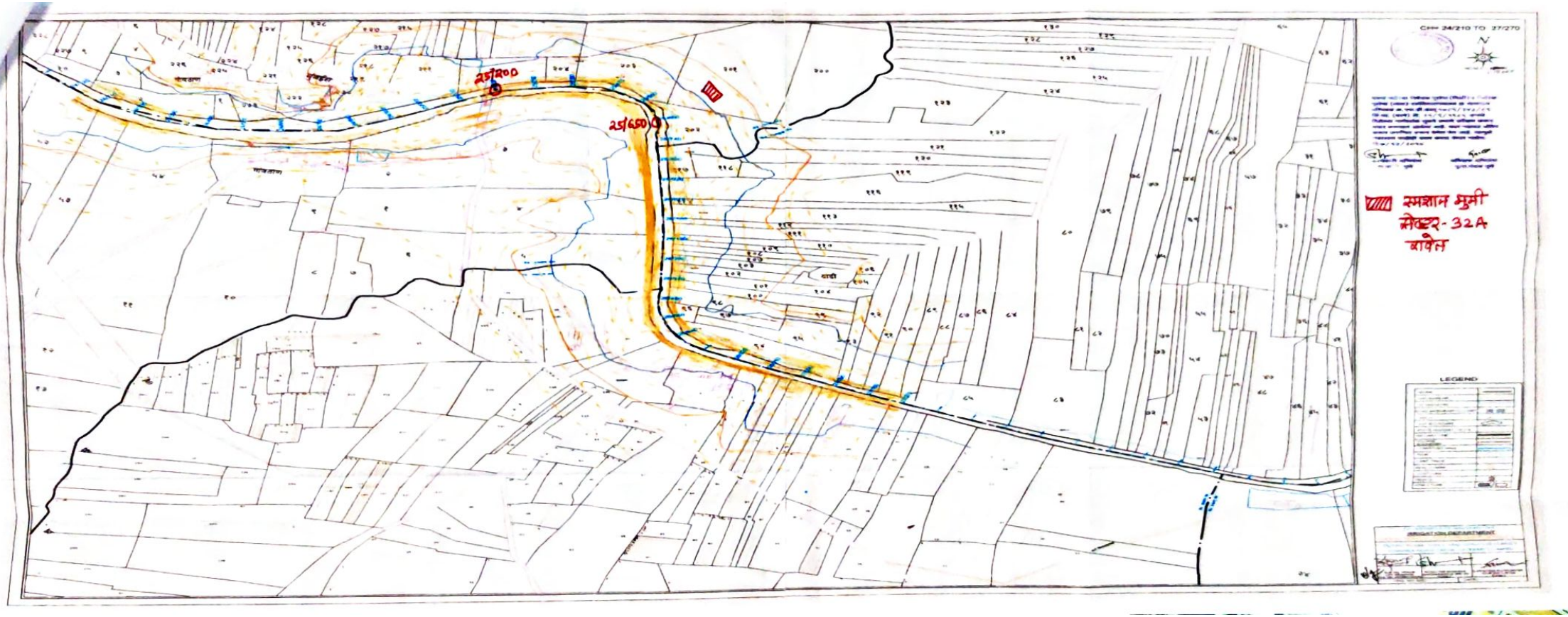
सा.क्र. 25/470 ते 25/650

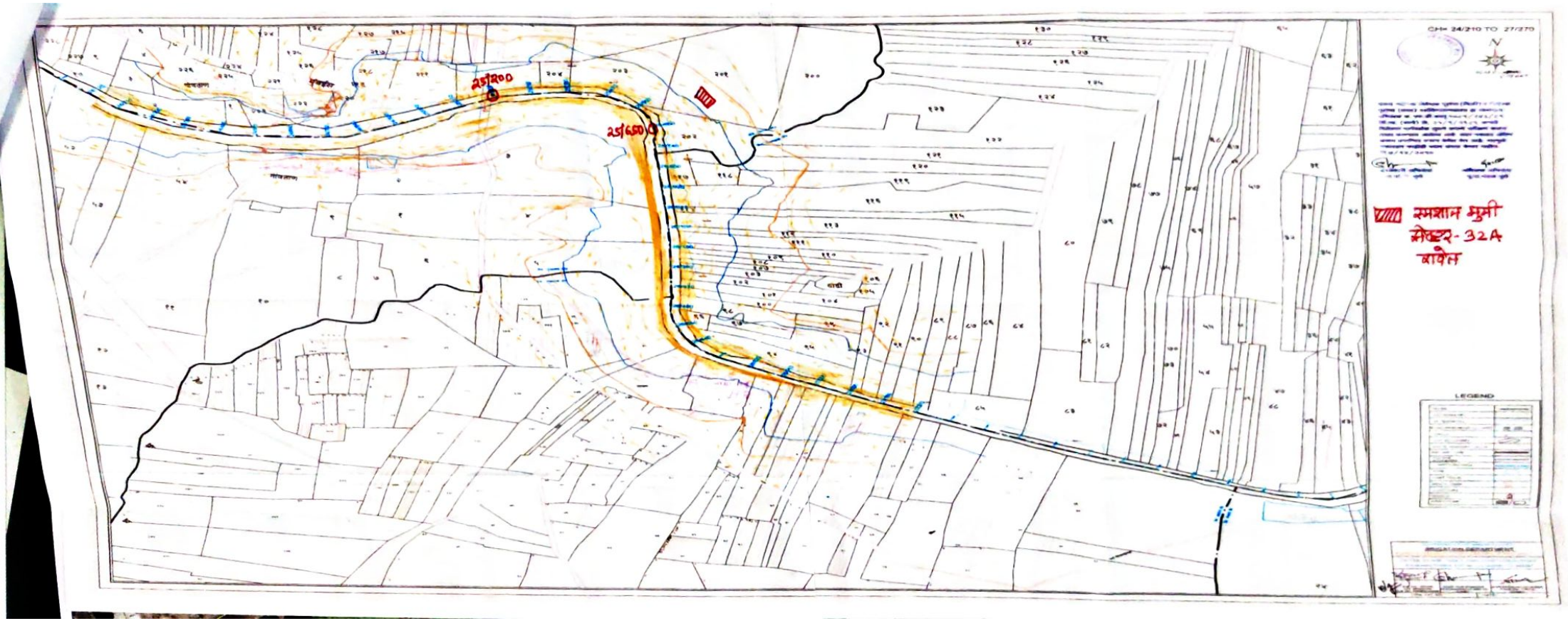
"Annexure A"

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

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

200



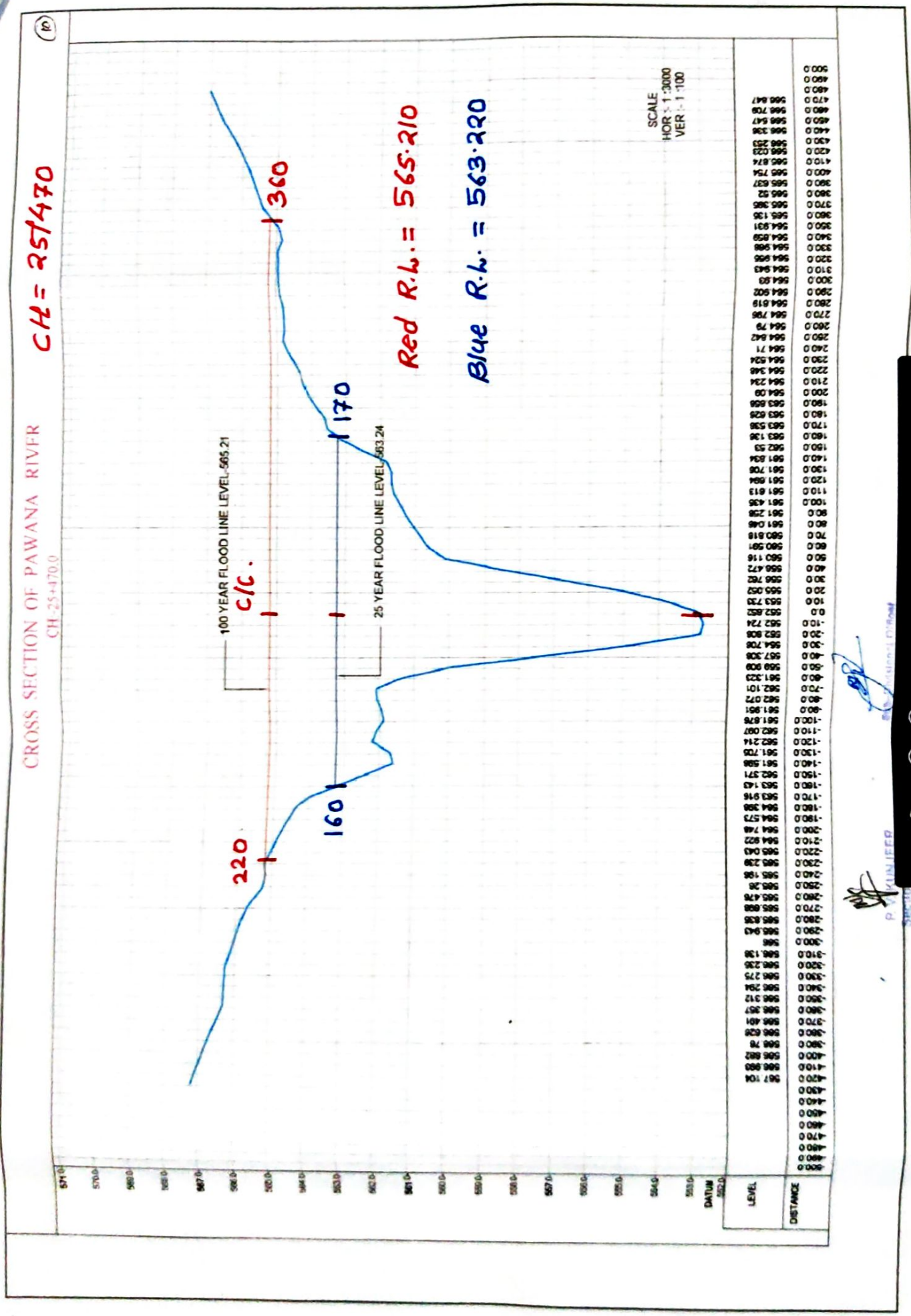

CH: 24/210 TO 27/270
N
25/200
25/600
LEGEND

"Annexure B"

Sector: 32 A Rayet
SECTOR-32 A
POLICE CHOWKI
Total Area-0.55 R
108 meter
187 meter
25/560
25/650
25/470
E73°45'11.52"
Google Earth

N18°38'39.84"
E 73°45'11.52"
SECTOR-32 A
Sector-32A
श्मशान भूमी
POLICE CHOWKI
182 meter
Total Area 0.55 R
SHMASHAN BHUMI
108 meter
187 meter
25/470
25/560
25/650
25/740
Image © 2020 MAXAR Technologies
© 2020 Google
Google Earth

"Annexure C"

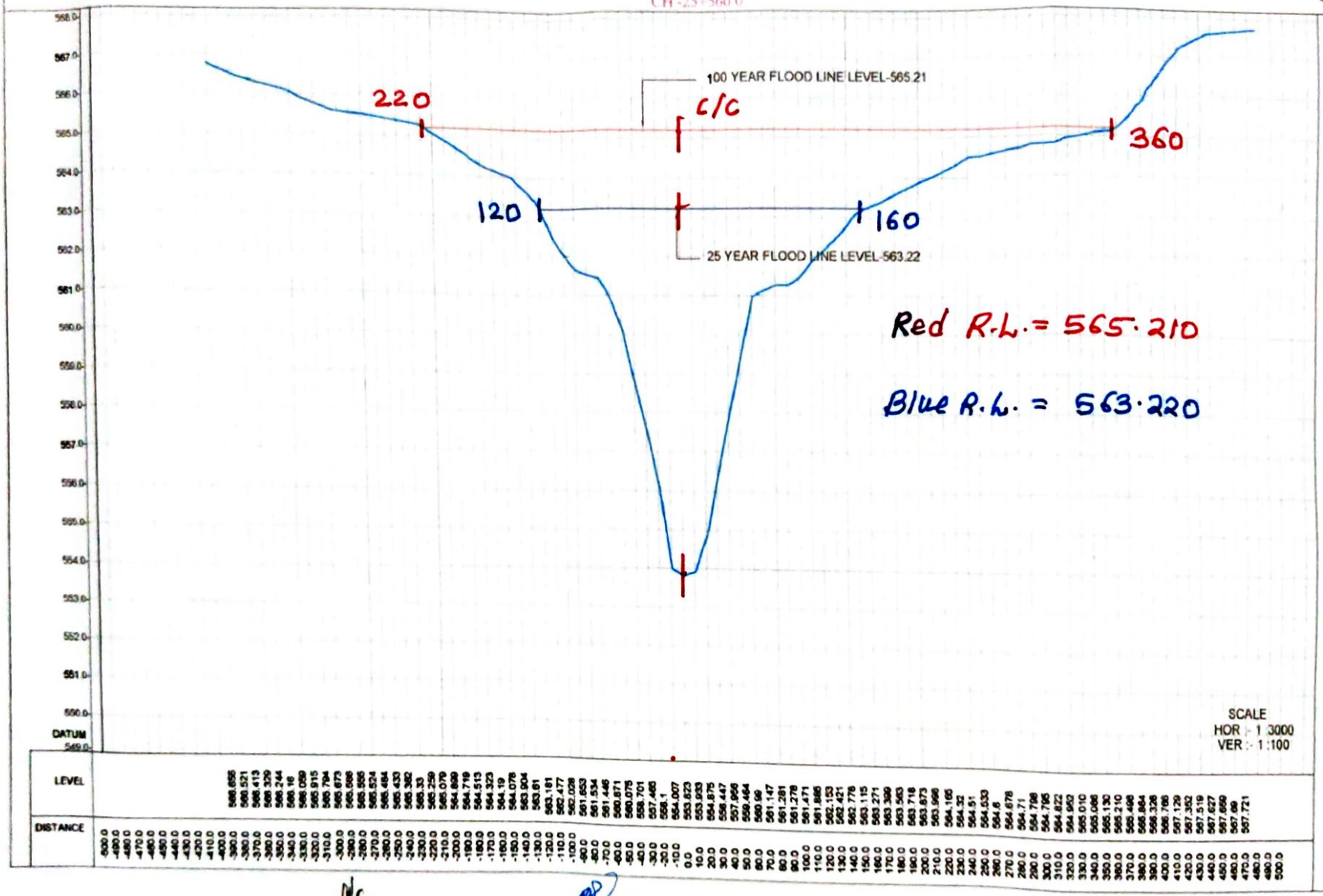

CROSS SECTION OF PAWANA RIVER
CH 25+470.0
CH = 25+470
SCALE
HOR :- 1:3000
VER :- 1:100
100 YEAR FLOOD LINE LEVEL-565.21
25 YEAR FLOOD LINE LEVEL-563.24
C/C.
220
160
170
360
Red R.L. = 565.210
Blue R.L. = 563.220
LEVEL
DISTANCE
DATUM

CROSS SECTION OF PAWANA RIVER

CH-25+560.0

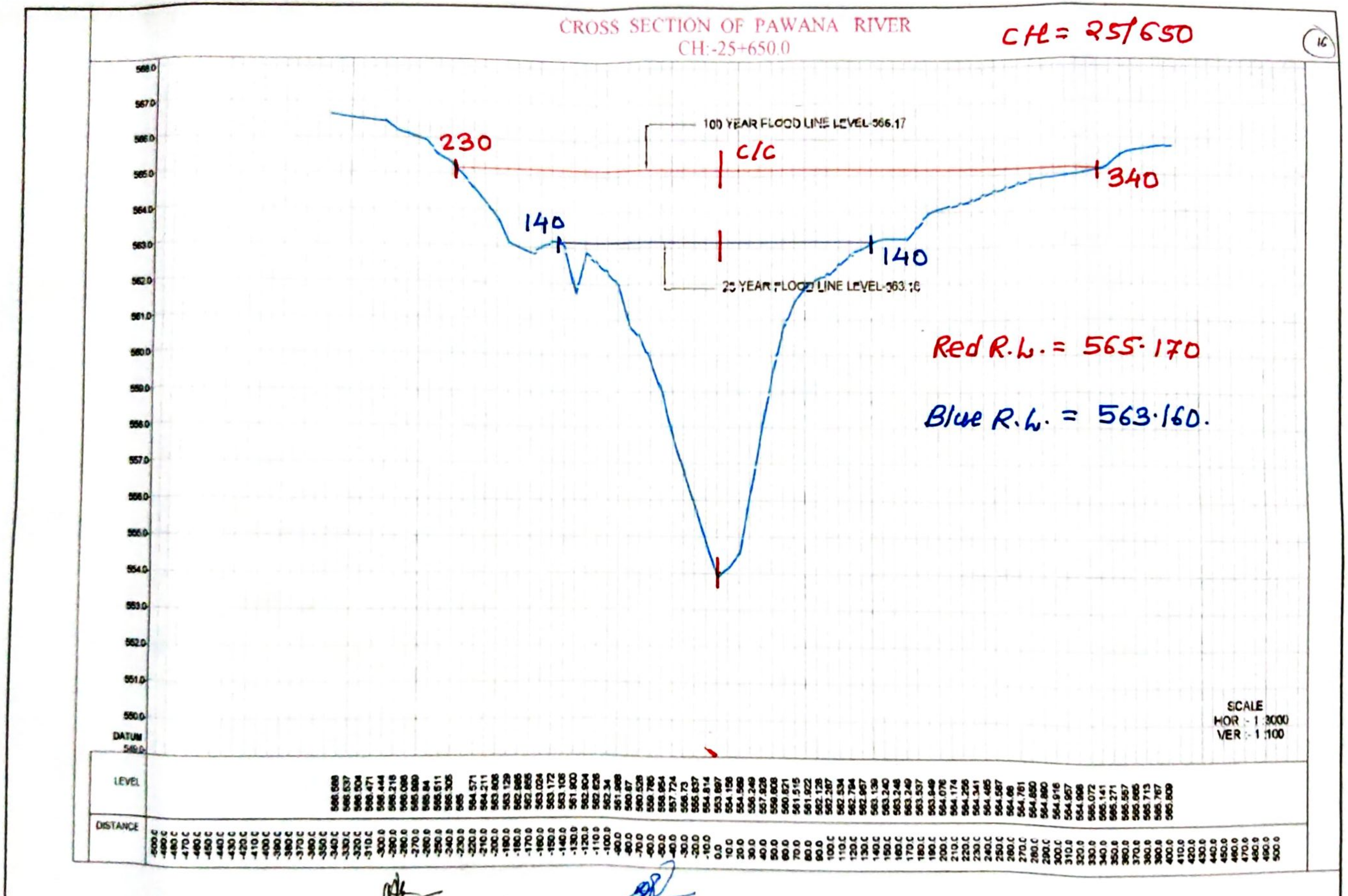
CH = 25/560

(13)



P. KUNJEER
Sectional Officer
Lift Irrigation Section No: 3
Bebedohal

Sub-Divisional Officer
Lift Irrigation Sub-Division
Pawanagar



P. W...UNJEER
Sectional Officer
Lift Irrigation Section No: 3
Bebedohal

Sub-Divisional Officer
Lift Irrigation Sub-Division