

specific and para-wise denial or non-traverse unless and until the same is specifically admitted hereinafter. The contents of the Original Application especially those as regards the aspect of flooding, the fixation of flood lines, about the discharge in cusecs during the monsoons and about the veracity of the other similar allegations made are categorically denied by the Respondent No.1 – PMC. All other allegations against the answering Respondent are denied.

3. I say that the Original Applicants have preferred the present Original Application seeking the following reliefs:

In light of the above facts and circumstances, it is most respectfully prayed by the Applicants that this Hon'ble Tribunal may be pleased to pass the following directions:-

a. *Direct the Respondents to hold the ongoing construction of the Pune Metro in Mutha riverbed till the case is decided;*

b. *Direct the Respondents to shift the metro alignment away from the riverbed to an alternate alignment as shown in Annexure A-8 or the sanctioned Development Plan of Pune;*

c. *Direct that costs of the Application may kindly be reimbursed to the Applicants by the Respondents;*

d. *Grant an exemption to the Applicants for notarization of the affidavits due to the Covid-19 pandemic;*

To pass any other orders as they may deem fit and proper in facts and circumstances of the case.

4. I say that the Applicants have sought a direction to shift the metro alignment away from the riverbed to an alternate alignment as shown in



Annexure A-8 – part of the sanctioned Development Plan of Pune. However, the answering Respondent submits that there is no alternate alignment available in the Development Plan of Pune as is sought to be pleaded by the Original Applicants. The Answering Respondent submits that the alignment of the Metro Railway is sanctioned under Section 32 of the Metro Railways (Construction of Works) Act, 1978. In the case at hand, the Metro alignment has already been sanctioned and the sanctioned alignment has been placed on record by the Respondent No.6. In the alignment shown in the Development Plan it is stated that it is previous alignment and Metro is the authority which can decide the feasibility and finalisation of the alignment and which is sanctioned by the Central Government. In the case at hand, the Central Government has sanctioned the alignment after considering the feasibility and all other necessary parameters and therefore it cannot be said that the tentative alignment shown in the Development Plan be considered as a final alignment or that the metro should be shifted on the tentative alignment. It is submitted that, in any case, the sanctioned alignment is not under challenge and therefore it cannot be said that the alignment can be shifted to the alignment as shown in the Development Plan. Thus, the prayers in that context cannot be granted and the ground that the ongoing metro construction work on the riverbed be stopped and alternate alignment be adopted cannot be accepted.

5. I say that the role of the Answering Respondent in the present Original Application is limited. The only allegation made against the Answering Respondent in the present Original Application is that it has an alternate alignment which as stated hereinabove is not a correct assertion. However, it has been argued on 17 August 2021 that the Answering Respondent is not taking any measures to control the situation of flooding and is not taking any measures to control the pollution of rivers



in the city of Pune. In that context, the Answering Respondent states that the issue of flooding of rivers flowing within Pune is also being addressed holistically by the Respondent No.1 PMC by providing for various measures. I say that the Respondent No.1 PMC has also proposed several new Sewage Treatment Plants to ensure that rivers are not polluted.

6. It is further stated that with a view to holistically deal with the issue of flooding of rivers flowing in Pune, which is the other grievance raised by the Applicant, the Respondent No.1 PMC has prepared a detailed project for rejuvenation of the river Mula, Mutha and Mula-Mutha flowing through the City of Pune. It is stated that the Respondent No.1 PMC has also obtained an Environmental Clearance for the said project and the present Applicant No.1 has challenged the Environmental Clearance granted to the Respondent No.1 PMC before the Hon'ble NGT in Appeal No.12/2020. It is stated that the Hydrology and Hydraulics Report, Environmental Impact Assessment Report and Detailed Project Report prepared for rejuvenation of the rivers flowing in the City of Pune are a part of the Environment Clearance.. The Respondent No.1 PMC has taken up the river rejuvenation project in order to address the issue of pollution of rivers and reduction in water carrying capacity of rivers flowing within the City of Pune for 44 kms.
7. The river rejuvenation project is a comprehensive plan with the following key objectives - 1. Clean the river and make it pollution free, 2. Reduce the risk of flooding, 3. Create a continuous public realm along the river 4. Retain Water 5. Improve city's connectivity to the river 6.

Integrate existing heritage structures, recreational, religious and socio-cultural activities.

8. The river rejuvenation project envisions creation of public greens (parks, gardens, urban forests) which will add to the existing green cover of the city and carefully designed embankments along the river which will reduce the risk of flooding. The project does not include any residential or commercial development along the riverbanks and thus the said project is strictly a river rejuvenation project. The project proposes to remove obstructions to the flow of water, reduce Rugosity coefficient and streamline the river. These steps will ensure that the cross currents within the river are prevented and will increase the conveyance carrying capacity of the river. The project also proposes to reduce the Rugosity coefficient by removal of obstructions like low level bridges, causeways, weirs and check dams, infrastructure elements like manholes, pipelines, etc. within the river bed and by streamlining the river. A stream line flow pattern allows the river to negotiate the bends with minimum turbulence and cross currents. These measure will greatly enhance the conveyance carrying capacity of the river and which will result into reduction in inundation and afflux of the river water or flood water.

9. The project proposes to protect low-lying areas along the River from flooding by constructing 92.5 km embankments along the entire project area of 44kms of river stretch. Based on the level of development and public land available for embankment development; three kinds of embankments have been proposed namely "*Engineered Section*" of 19.8 km length for the intensely developed core city areas, "*Urban Riparian Section*" of 38.8 km for moderately developed city areas and "*Rural Riparian Section*" of 33.9 km for the sparsely developed outskirts of the city. By way of the proposed project, the proposed embankments will

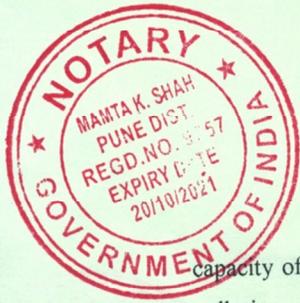


concur with the redefined 25 year (blue line) and 100 year flood (red line) and ensure that the 25 year and 100 year flood lines as defined by Irrigation Department are contained within the river prism.

10. It is stated that for the sewage outfalls that have not been curbed by either the existing sewerage network or wherever augmentation is needed, the project proposes to lay an interceptor sewer, which will divert the sewage to the nearest Sewage Treatment Plant.

11. In addition to the river rejuvenation project the Respondent No.1 PMC has also started implementing projects for installing additional Sewage Treatment capacity in order to arrest flow of sewage into the rivers. A part of the projects for installing additional sewage treatment capacity will divert drainage to the nearest Sewage Treatment Plant (STP). This will also ensure drastic reduction in pollution levels of the river and also create space for easy flow of rain water. Under the program initiated by the National River Conservation Directorate (NRCD), the Mula, Mutha and Mula-Mutha rivers have received funding from the Japan International Cooperation Agency (JICA) to augment the sewerage network and the STP capacity. Out of the total sanctioned amount of Rs. 990.26 Cr, Rs.57.74 Cr. funding has been received till Septeber 2021. In package 1 of the tender, approx. 18 km of sewer lines are laid in Baner Balewadi area. The work is in progress.

12. Thus, it is clear that, the various projects of the Respondent No.1 PMC collectively aim to carry out comprehensive and holistic solution to curb the menace of untreated sewage. The answering Respondent states that all these measures will greatly aid in improving the conveyance carrying



capacity of the river, reduce inundation and afflux and greatly decrease pollution of rivers.

13. The answering Respondent craves leave of the Hon'ble NGT to file a further and detailed Affidavit-in-Reply for dealing with the contents of the Original Application as and when sought necessary. The answering Respondent submits that in view of the above, the Original Application being devoid of merits be dismissed.

Dated this 5 October 2021

Advocate for the Respondent No. 1

Respondent No. 1

मुख्य अभियंता
प्रकल्प/वाहतुक कार्यालय
पुणे महानगरपालिका



BEFORE ME

MAMTA K. SHAH
NOTARY
GOVT. OF INDIA
PUNE DISTRICT

NOTED AND REGISTERED
AT SR. NO. 13067/2021
DATE 05 OCT 2021



VERIFICATION

I, Srinivas Banda, the authorized signatory of the Respondent No.1 abovenamed do hereby solemnly declare that what is stated in paragraphs Nos.1 to 13 is true to my own knowledge and based on documents available with me in relation to the same and I believe the same to be true.

Solemnly declared at

this day of October, 2021

05 OCT 2021

Before me,

Identified by me

Banda



मुख्य अभियंता
प्रकल्प/वाहतुक कार्यालय
पुणे महानगरपालिका

BEFORE ME

Mamta K. Shah

**MAMTA K. SHAH
NOTARY
GOVT. OF INDIA
PUNE DISTRICT**

NOTED AND REGISTERED

AT SR. NO. 13067/2021

DATE

05 OCT 2021