

**BEFORE THE NATIONAL GREEN TRIBUNAL
(WESTERN ZONE) BENCH, PUNE**

(Under Section 25 of the NGT Act 2010)

Execution Application No. 04 /2022

IN

Appeal No. 25of 2014 (WZ)



Mr. Sarang Yadwadkar

And Anr ...Applicant (Original Appellants)

Versus

**The State Of Maharashtra
Through, Water Resources Department,
Govt. Of Maharashtra,**

...Respondent

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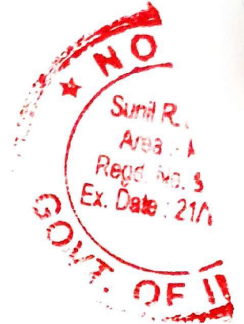
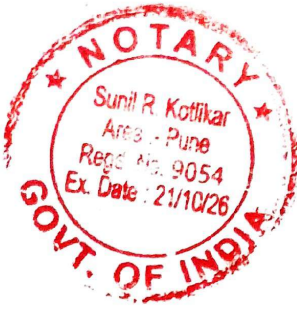
BEFORE THE NATIONAL GREEN TRIBUNAL
(WESTERN ZONE BENCH), PUNE

(Under Section 25 of the NGT Act 2010)

Execution Application No. 4/2022

IN

Appeal No. 25 of 2014 (WZ)



Mr. Sarang Yadwadkar

And Anr.

...Applicant (Original Appellants)

Versus

**The State of Maharashtra
Through, Water Resources Department,
Govt. Of Maharashtra,**

...Respondent

AFFIDAVIT

I, Sarang Yadwadkar, Age: 66 Years, Occ: Architect, R/AT A-9, Pradnyangad Apartments, S.No.119/3, Behind Navashya Maruti, Sinhagad Road, Pune-411030, do hereby state on solemnly affirmation that:

1. I am the Applicant in the above-mentioned Execution Application.
2. The Applicant filed an RTI Application dated 27/02/2024 seeking information with respect to the methods used by the Respondent, Water Resources Department while computing and demarcating the Red and Blue Flood Lines of a river. **(The copy of the RTI Application dated 27/02/2024 is annexed herewith as Annexure A)**

②



3. The reply to the above-mentioned application was received on 21/06/2024 stating that the information sought is not available with them and hence the same could not be provided to the Applicant. **(The copy of the RTI Reply dated 21/06/2024 and a letter dated 08/08/2024 is annexed herewith as Annexure B)**



4. In light of the above-mentioned facts, the Applicant states that, he has instituted a Public Interest Litigation No.36 OF 2021 regarding faulty demarcation of flood line in the city of Pune.

5. The Bench consisting of Chief Justice Devendra Upadhyaya and Justice Amit Borkar at the High Court of Judicature at Bombay in the PIL passed an order dated 26/06/2024 directing comprehensive review of the flood line demarcation process to be conducted. **(The copy of the order dated 26/06/2024 passed by the High Court in PIL 36/2021 is annexed herewith as Annexure C)**

6. The Bench directed the Additional Chief Secretary / Principal Secretary of the Department of Water Resources Development of the State Government to appoint a Committee consisting of Experts who would consult with the Supervisory Committee of the Water Resource Department as well as any other department/bodies as required. Additionally, Experts from reputed organizations and institutes to be consulted with while formulating the flood line demarcation in the city of Pune.

7. In the interest of environmental protection and social safety, keeping in mind the "Precautionary Principle", it is of utmost importance that the

rivers in the entire State of Maharashtra have clearly defined flood lines based on scientific computation and formulation by the State.

8. It is therefore humbly prayed before this Hon'ble Tribunal that the methodologies employed by the Expert Committee to demarcate Blue and Red flood lines in the city of Pune be made applicable to the entire State of Maharashtra.

9. This would ensure that flood mishaps and other consequential risks emanating from undemarcated rivers and other streams flowing throughout the State are avoided with minimum to no damage caused to either life or property in the vicinity.

Hence this Affidavit.

The contents as mentioned above in paragraph no.1 to 9 are true and correct to the best of my knowledge, information and belief.

Solemnly affirmed at Pune on
This 21st January 2025.

[Handwritten Signature]
21/1/25
DEPONENT

Identified and explained by me

[Handwritten Signature]
ADVOCATE

BEFORE ME
[Handwritten Signature]
SUNIL R. KOTLIKAR
NOTARY, GOVT. OF INDIA
PUNE DISTRICT (MAHARASHTRA)
REGD. No. 9054

NOTARY
Sunil R. Kotlikar
Area - Pune
Regd. No. 9054
Ex. Date - 21/10/26
GOVT. OF INDIA



Online RTI Request Form Details

31/12/24

Public Authority Details :-

* Public Authority	Water Resources Department
--------------------	----------------------------

Personal Details of RTI Applicant:-

* Name	Sarang Vaman Yadwadkar
Gender	Male
* Address	A-9, Pradnyangad, S.No. 119/3, ,
Pincode	411030
Country	India
State	Maharashtra
Status	Urban
Educational Status	Literate
Phone Number	Details not provided
Mobile Number	+91-9822094851
Email-ID	yadwadkarsarang[at]gmail[dot]com

Request Details :-

Citizenship	Indian
* Is the Requester Below Poverty Line ?	No

(Description of Information sought (upto 500 characters))

* Description of Information Sought	In Appeal No. 25/2014 filed before NGT (WZ), Honourable NGT had given final directions on 27/03/2015 as per the attached order. Being the appellant in the said matter, I need the following information: Detailed method/methods used to: 1. Quantify the incoming flows from the streams and the free catchment areas if considered while computing all flood lines. 2. Quantify the back water effect of confluences if considered while computing all flood lines. Kindly provide the above information in soft copies with all supporting documents on yadwadkarsarang@gmail.com
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* Concerned CPIO

SAMIDHA KESHAV GHOLAP (IMR)

Supporting document (only pdf upto 1 MB)



Print

Close



महाराष्ट्र शासन

ऑनलाईन माहितीचा अधिकार

राज्याच्या पत्रकारिता विभाग, राज्यालय, मुंबई यांच्या माध्यमातून

मुख्य पृष्ठ अर्ज सादर करा प्रथम अपील सादर करा सदयस्थिती पाहा नेहमीचे प्रश्न संपर्क

Online RTI Status Form/ऑनलाईन आरटीआय सदयस्थिती अर्ज

Note/सूचना: Fields marked with * are Mandatory/ * चिन्हाकित रकान्यात तपशिलाची नोंद अनिवार्य आहे

Registration Number /नोंदणी क्रमांक :	WTRDP/R/2024/60278
Name /नाव	Sarang Vaman Yadwadkar
Date of Filing /भरणे तारीख :	27/02/2024
Status /स्थिती :	REQUEST TRANSFERRED TO OTHER SPIO /दिनंती अन्य एसपीआयओ कडे हस्तांतरित केली as on 01/03/2024
Details of SPIO :- Telephone Number:- , Email Id:- samidha.gholap@nic.in	
Note :- You are advised to contact the above mentioned officer for further details.	
View Document /दस्तऐवज पाहा :	Reply Document Not Attached
Nodal Officer Details	
Telephone Number /टेलिफोन क्रमांक :	02222793253
Email Id /ई-मेल आयडी :	manasi.katkar@nic.in

Print RTI Application Print Status Print Back

मुख्य पृष्ठ | भारताचे राष्ट्रीय पोर्टल | माहिती आयुक्त, महाराष्ट्र यांच्याकडे तक्रार आणि द्वितीय अपील | नेहमीचे प्रश्न
कापीराइट © 2015. सर्व हक्क सुरक्षित. राष्ट्रीय सूचना विभाग केंद्र, नवी दिल्ली देवारा संकल्पित. विकसित व स्थापित.

Best viewed in Google Chrome and Mozilla Firefox web browsers



महाराष्ट्र शासन
जलसंधारण विभाग

कार्यालय
कोथरूड पाटबंधारे शाखा
एरंडवणा, पुणे-३८

जा.क्र./कोषाशा/माहिती अधि/२०८/ सन २०२४

दिनांक- २९/०६/२०२४

प्रति,

मा. उपविभागीय अभियंता
मुठा कालवे पाटबंधारे उपविभाग,
स्वामंगोट, पुणे-३७

विषय :- माहिती अधिकार अधिनियम २००५ कलम(६)३ अन्वये अर्ज हस्तांतरणावात...
संदर्भ: -१) उपविभागीय पत्र जा.क्र./१०३२/ २०२४ दिनांक १७/०५/२०२४
२) श्री. सारंग वामन यादवडकर यांचा दि. २७/०२/२०२४ रोजीचा अर्ज.

उपरोक्त संदर्भिय विषयान्वये श्री. सारंग वामन यादवडकर, सिंहागड रोड, पुणे-३० यांना

आवश्यक असल्याने माहितीचा तपशील सादर करण्यात येत आहे.

मुठा कालवे पाटबंधारे उपविभाग पुणे-३७.	
उप अभि.	१५/३७
व.लि.	आवश्यक असल्याने
शाखा	३/१९
आ.क्र.	१०३२/२०२४
दिनांक	२९/०६/२०२४

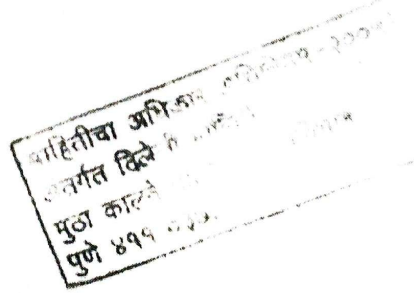
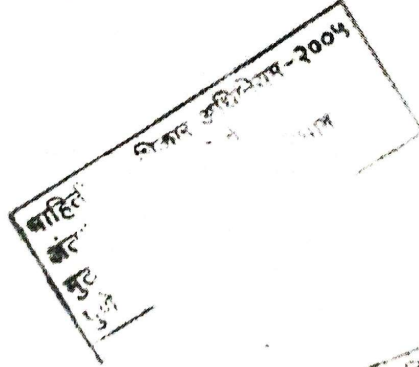
मुठा माहिती

सदर माहितीची Soft Copy शाखा कार्यालयात उपलब्ध नसल्याने माहिती "निरंक" समजाव्यात याची.

आ.क्र. १०३२/२०२४ had given final directions on २७/०३/२०२५ as per the attached order. Being the appellant in the said matter, I need the following information: Detailed method/methods used to:

1. Quantify the incoming flows from the streams and the free catchment areas if considered while computing all flood lines.
2. Quantify the back water effect of confluences if considered while computing all flood lines. Kindly provide the above information in soft copies with all supporting documents on yadwadkarsarang@gmail.com

हे आपले माहितीसाठी व पुढील कार्यवाहीसाठी सविनय सादर.



सहाय्यक अभियंता श्रेणी-२,
कोथरूड पाटबंधारे शाखा,
एरंडवणा, पुणे-३८

RPAD 9E92
जा.क्र./मुठा/मा.अ. /सन२०२४

मुठा कालवे पाटबंधारे उपविभाग
स्वारगेट, पुणे - 37.
दिनांक: 21/12/2024

प्रति,


श्री. सारंग वामन यादवडकर
ए १०, प्रज्ञानंद स.नं. ११९/३ सिंहगड
पुणे ४११०३०

विषय - माहिती अधिकार अधिनियम २००५ अन्वये मागीतलेली
माहितीबाबत..

- संदर्भ- १. विभागीय कार्याचे जा.क्र. ३०४९ दि. १०/०४/२०२४
या कार्यालयात प्राप्त दि. १६/०४/२०२४
२. शाखाधिकारी, कोथरुड पाटबंधारे शाखा यांचा जा.क्र. २०८
दि. २१/०६/२०२४
कार्यालयात प्राप्त दि. २५/०६/२०२४

उपरोक्त विषयान्वये आपण मागविण्यात आलेली माहिती निरंक आहे. सदर माहिती
बाबत आपले समाधान न झाल्यास याबाबत मा. अपिलीय अधिकारी तथा कार्यकारी अभियंता,
खडकवासला पाटबंधारे विभाग, पुणे - ११ यांचेकडे ३० दिवसांच्या आत अपिल दाखल करता येईल.

सोबत:- संदर्भ क्र२ ची प्रत.


जनमाहिती अधिकारी
था
उपविभागीय अभियंता
मुठा कालवे पाटबंधारे उपविभाग
स्वारगेट पुणे -३७

प्रत:- मा. कार्यकारी अभियंता, खडकवासला पाटबंधारे विभाग, पुणे यांना माहितीसाठी सविनय सादर.

ENGLISH TRANSLATION

Kothrud Irrigation Branch

Erandwana, Pune-38

Outward No.Kopasha / Information Act 208.Year 2024

Date21/06/2024

To,

Sub- Divisional Engineer

Mutha Kalave Irrigation Sub-Division,

Swargate, Pune-37

Subject – As per Section 6 (3) of the Right to information Act 2005

- 1) Sub-Divisional Letter Ja.No./1032/2024 Dated 17/05/2024
- 2) Shri. Sarang Vaman Yadavdkar d.No. Dated 27/02/2024.

According to the above mentioned subject, Mr. Sarang Baman Yadavdkar Sinhgad Road Pune-30 required information details are being submitted to them.

ISSUES	INFORMATION
<p>Appeal No. 25/2014 filed before NGT (WZ), Hon'ble NGT had given final directions on 27/03/2015 as per the attached order. Being the appellatant in the said matter, I need the following information: Detailed method/methods used to:</p> <ol style="list-style-type: none"> 1. Quantify the incoming flows from the streams and the free catchment areas if considered while computing all flood lines. 2. Quantify the back water effect of confluences if considered while computing all flood lines. Kindly provide the above information in soft copies with all supporting documents on yadwadkarsarang@gmail.com 	<p>As the soft copy of the said information is not available in the branch the information should be treated as authentic.</p>

This is civil submission for your information and further action.

Sd/-

Assistant Engineer Grade-II
Kothrud Irrigation Branch,
Castor Pune -38

Note- This translation is not made word to word. In case of ambiguity the original Marathi document may kindly be referred.

ENGLISH TRANSLATION

Outward No. /Mutha/Ma.A./.../ Year 2024
1612

Mu.ha Canal Irrigation Sub-
Divison Swargate,
Pune-37 Dated: 8/8/2024

To,

Mr. Sarang Vaman Yadavakar

A/10, Pragyanand S.No.119/3 Sinhgad

Pune 411030

Subject: Regarding information requested under the Right To Information Act 2005

Reference - 1. Departmental Functions Outward No.3049 d. 20/04/2024

Received in this office.16/04/2024

2. Branch officer, Kothrud Irrigation Branch Ja.No.208

d.21/06/2024

Received at office: 25/06/2024

The information requested by you regarding the above topic is not available. If you are not satisfied with information, an appeal can be filed within 30 days with the Appellate Officer and Executive Abhiya Khadakwasla Irrigation Department, Pune 11

Accompanying – Copy for Reference

Sd/-

Public Information Officer

Sub Divisional Engineer

Mutha Canal Irrigation Sub -
Division Swargate Pune -37

Every – Hon, Civil submission for information to Executive Engineer
Khadakwasla Irrigation Department, Pune.

Note- This translation is not made word to word. In case of ambiguity the original Marathi document may kindly be referred.



AGK

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

PUBLIC INTEREST LITIGATION NO.36 OF 2021

Sarang Yadwadkar & Ors. ... Petitioners
V/s.
The State of Maharashtra, through
Principal Secretary, Urban
Development Department & Ors. ... Respondents

Ms. Gayatri Singh, Senior Advocate with Ms. Ronita
Bhattacharya Bector for the petitioners.

Mr. P.P. Kakade, Government Pleader with Mr. O.A.
Chandurkar, Additional G.P. and Mrs. G.R.
Raghuwanshi, Additional G.P. for respondent No.1 -
State.

Mr. Abhijit P. Kulkarni with Ms. Sweta Shah and Mr.
Gaurav Sahane for respondent Nos.2 & 3 - Pune
Municipal Corporation.

Mr. Nitin Gaware Patil for respondent No.5 -
MKVDC.

Mr. Samir Gosavi, Deputy Engineer, D.P. Cell and
Mr. Ganesh Kamble, Sub-Engineer D.P. Cell, are
present.

**CORAM : DEVENDRA KUMAR UPADHYAYA, CJ &
AMIT BORKAR, J.**

DATED : JUNE 26, 2024

P.C.:

1. Considering the issue raised in this public interest
litigation petition which is of seminal importance as it raises
concerns about faulty demarcation of flood line in the city of

Pune, the Court on 6 December 2023 had passed an order directing the Irrigation Department to complete the study of demarcation of flood lines in the City of Pune and produce it before the Court. The said study has been conducted in terms of an earlier order passed by this Court on 27 March 2023.

2. The respondent No.5 - Maharashtra Krishna Valley Development Corporation has filed an additional affidavit-in-reply sworn in by Ms. Shweta Yogendra Kurhade, Executive Engineer, Khadakwasla Irrigation Division which contains a report dated 2 January 2024. Learned Counsel appearing for respondent no.5 has taken us through said report. Apart from various charts containing necessary statistics, the report has clearly mentioned that while determining the flood lines various important factors and considerations were not taken into account in the past. The relevant extract of the said report contained in clauses 14 to 18 are reproduced hereinbelow:

"14. It appears that there are several important factors and considerations that have not been taken into account while making flood lines in the mentioned areas. Let's summarize the key points raised in each statement.

15. Free Catchment Area: The flow from the free catchment area between Khadakwasla Dam and Mula-Mutha Confluence in 2011 has not been considered. It is suggested that this factor should be taken into account in the flood line marking process.

16. MERI Guidelines: The Maharashtra Engineering Research Institute (MERI) in Nashik published guidelines for Blue/Red flood lines on 16/11/2015. However, these

guidelines were not considered when marking flood lines in 2011, and also not taken into account for the 2016 flood lines superimposed on Development Plan maps.

17. TERI Action Plan: The Energy and Resources Institute (TERI) in New Delhi prepared a climate change action plan in 2014 for Maharashtra. This plan predicted a 37.5% rise in rainfall around Pune with more frequent cloud burst events. The applicants point out that this prediction was not considered in the demarcation of flood lines.

18. In light of these points, it is suggested that a comprehensive review of the flood line demarcation process be conducted, taking into account the flow from the free catchment area, MERI guidelines, and the TERI climate change action plan. Addressing these aspects would contribute to a more accurate and comprehensive understanding of flood risk in the area."

3. The report has thus suggested that a comprehensive review of the flood line demarcation be carried out taking into account various relevant considerations, guidelines and reports etc. Learned counsel for the Pune Municipal Corporation as also the learned counsel representing the petitioners also emphasized that a fresh comprehensive review of demarcation of flood lines in the city of Pune is the need of hour.

4. Demarcation of flood line in an urban area or a city like Pune assumes importance for the simple reason that in case any development activity is permitted by the municipal body of such an urban area in the flood zone of any water channel like a river etc., the same results in reducing the flood carrying capacity of such a water channel, which, ultimately is

the cause of flood. To ensure that the earth continues to remain habitable, it is thus very necessary to appropriately and correctly demarcate the flood line of water channels, failing which the inhabitants of the area may face problems beyond remedies.

5. The Government of Maharashtra had appointed an Experts Study Committee to analyze the causes and remedies on flood, which submitted a report which is on record as Exhibit-A appended to the additional affidavit in rejoinder, dated 21 February 2024. The report of the Experts Study Committee analyzes the causes and remedies. Perusal of the said report would reveal that a lot needs to be done by the Government, its agencies and municipal bodies to check the flood in the urban areas.

6. Having regard to the significance of the issue involved, on our request learned Advocate General Mr. Birendra Saraf has addressed the Court and has expressed his concerns as well.

7. Accordingly, we direct that the report dated 2 January 2024 which forms part of the additional affidavit-in-reply filed by the respondent No.5 - Maharashtra Krishna Valley Development Corporation, dated 9 January 2024 shall be placed before the Additional Chief Secretary / Principal Secretary of the Department of Water Resources Development of the State Government, who shall consult all other departments / bodies, including municipal corporation and form a five-member Supervisory Committee comprising of

experts of the Water Resources Department and any other related departments. He shall also co-opt some experts from the external expert agencies, i.e. the agencies other than the Government agencies such as any institute of repute at national level or any academic / research institution.

8. The said Experts Committee to be formed under this order shall be headed by the Additional Chief Secretary of the Department of Water Resources Development which shall formulate a plan for conducting the comprehensive review of the flood line demarcation in the city of Pune. The Committee shall also prepare a blue print for conducting the said review and shall also determine the human resources to be deployed for the said purpose.

9. The Experts Committee to be formed under this order shall also fix a time-line within which the flood line demarcation review is to be completed.

10. We, thus, direct that the Experts Committee under this order shall be formed within two weeks, which shall consider and finalize the blue print for undertaking comprehensive review of demarcation of flood line in the city of Pune within four weeks' thereafter.

11. When the matter is next listed, an affidavit shall be filed by a high-ranking officer to be nominated by the Additional Chief Secretary of the Department of Water Resources Development of the State Government, giving details of the steps which may be taken during this period for ensuring compliance of the directions being issued by us in this order.

12. The affidavit to be filed under this order by the State Government shall be served in advance at least by one week upon the learned counsel for the petitioner and also learned counsel representing Pune Municipal Corporation.

13. List the PIL petition on **14 August 2024.**

(AMIT BORKAR, J.)

(CHIEF JUSTICE)