

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
WESTERN ZONE BENCH, PUNE**

EXECUTION APPLICATION NO. 07 OF 2025

IN

ORIGINAL APPLICATION NO. 03 OF 2020 (WZ)

IN THE MATTER OF:

Devraj Bhatia & Ors. ... Applicants

Versus

Pune Municipal Corporation & Ors. ... Respondents

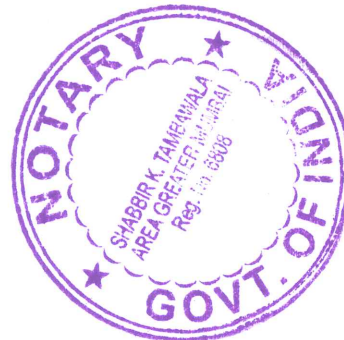
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Through Applicants


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**AFFIDAVIT IN REJOINDER ON BEHALF OF THE APPLICANTS TO
AFFIDAVIT OF REPENDENT NO. 1**

I, Devraj Bhatia, Indian adult residing at R/o: Bhatia Sadan, 1039/4, Gokhale Road, Pune-411016, the Applicant No. 1 herein do hereby solemnly affirm and declare as under: -

1. I say that I have carefully gone through the Affidavit in Reply filed by the Respondent No. 1 dated 6.01.2026.
2. At the outset I say that the Applicants reiterate all submissions in the Execution Application which are not repeated herein for the sake of brevity.



Nothing stated in the reply of the Respondent No. 1 shall be deemed to be admitted unless expressly admitted herein.

3. I say that paras 1-5 of the Affidavit in Reply of the Respondent No.1 are a matter of record and do not warrant any specific reply.
4. However, in relation to the contents of paras 6-8 of the Affidavit in Reply, I say that the raised road has blocked natural runoff, directly causing pluvial flooding. Photographic evidence supporting this is already on record as Annexure A-2 of the Execution Application.
5. I say that the allegation that Applicant No. 1 refused a storm water drain is misleading. The proposal offered by PMC was technically unviable and incapable of functioning during heavy rainfall, it is denied that the Applicant rejected the proposal due to the drip irrigation system set up by the Applicant No.1. The Applicant No.1 had rejected the proposal of the Respondent No. 1 as the aim of the dewatering should be that water should not enter the private properties, and making a chamber in the private property is not a good solution as it means that the water will first enter inside and then be drained.
6. Instead, the Applicant No. 1 had proposed a solution to the Pune Municipal Corporation that storm water drains be installed on the road to the northern side of the properties affected, and further that the Respondent PMC must



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properly study the invert levels necessary for the plinth levels of the Applicants structure (and other structures on the road) and connect the proposed storm water drains to be made on the northern side of the road to the existing storm water drains at the end of the road. It is submitted that prior to undertaking the necessary works the PMC should submit a proposal to the Applicants based on an engineering study clearly recording and verifying the invert levels for proper slopes required for drainage of the storm water and other necessary calculations and parameters. While designing and laying the required storm water drainage system, it is a responsibility of the Respondent PMC as the local governing body to take into account all possibilities of cloud bursts and extreme rainfall within short time such as what happened recently in Pune city on 02.04.2026. The drainage system proposed needs to be able to carry such runoffs. Required slope to the pipes and surfaces need to be provided for proper performance of the system. Regular maintenance of the proposed storm water drain system should also be done by the Respondent PMC.

7. I say that the said proposal is the only viable and effective way of resolving the issue faced by the Applicant without removing the concretised road covering the nallah behind the homes of the Applicants. Any attempt of the Respondent to portray the Applicant as being unreasonable, obstructive, at para 10 of its Affidavit, or the contention of the Respondent at para 11 of its affidavit that the present Execution Application deserves to be dismissed with costs, is emphatically denied.



8. I say that it is pertinent to note that an independent survey conducted by M/s V. V. Kelkar Enterprises, a private agency of engineers and surveyors confirms that the adjoining plots lie at a lower elevation than the illegally raised road, leading to prolonged waterlogging. A copy of the Survey Report has been annexed as **Annexure A-1**. The said survey recommends construction of scientifically designed storm water drains on the north side as an interim mitigation measure, subject to proper invert levels and non-return valves. The proposal of the Applicants is therefore consistent with the recommendations of the surveyor and is the only way of preventing water logging in the property of the Applicants.

9. The Applicants submit that this recommendation is supplemental and without prejudice to the fundamental illegality and non-application of mind constructed on the natural stream.

10. I say that the contention of the Pune Municipal Corporation in para 8 that flooding occurs due to lower plinth levels is false. The Applicants' properties existed since 1965, and natural drainage was always towards the stream. It is further submitted that it is not the Applicant No. 1 alone who is aggrieved by the construction of the road and concretisation of the Nallah located behind his home, the same has also been objected to by the Applicant No. 2, who was also an Applicant in Original Application No. 3 of 2020. The Applicant No. 2



has not been approached since the filing of the present Execution Application by the Pune Municipal Corporation to arrive at any solution for the flooding witnessed by him annually. It is submitted that the flooding and water accumulation happening to the properties adjacent to that of the Applicant is confirmed by the Expert Report commissioned by the Applicant No. 1.

11.I say that the reference to the order of this Hon'ble Tribunal dated 11.11.2025 in Original Application 124/2025 does not absolve the Pune Municipal Corporation of its responsibility to ensure that the flooding and water accumulation does not occur on the the plots of the Applicant. It is denied emphatically that the lower plinth level of the homes of the Applicants means that the Applicants cannot park their cars in their own private land, nor does it mean that the Applicants have in any way acquiesced to being victims of annual flooding. The concerns of the Applicants are that the flooding that occurs annually have arisen only after the concretisation of the nallah on the southern side of their homes as prior to the said concretisation, rain water during the monsoon periods would naturally flow through their property into the unobstructed nallah behind their homes at the southern side of their property.



12. Accordingly, I say that the prayers in the Execution Application deserve to be granted in full, including the imposition of penalties on the concerned officers of the Respondent No. 1 under Section 26 and 28 of the NGT Act, 2010.



Solemnly Affirmed at Mumbai)
Dated this 17th day of March 2026)



Deponent
Deponent
(Devsraj Bhatia)

Identified by me

RONITA BHATTACHARYA

Advocates for the Applicants

BEFORE ME

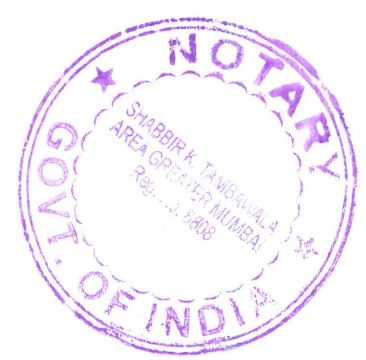


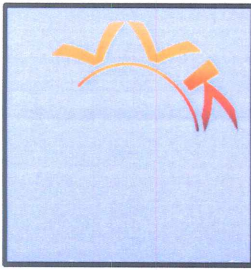
BEFORE ME

S. K. Tambawalla
S. K. TAMBAWALLA
ADVOCATE, HIGH COURT
B-23, Taheri Manzil
Nesbit Road, Mazgaon
Mumbai - 400 010
7/4/26

NOTARY & REGISTERED
Sr. No. 50884 dt. 7/4/26

EXP. Dt.
29.09.2029





M/S V. V. KELKAR ENTERPRISES
ENGINEERS , SURVEYORS, CONSULTANTS
'VAKRATUNDA' 484/27 PCNT. NIGDI PUNE 411044
PHONE -9922964438
E mail - kelkarsurvey@yahoo.com

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DATE - 12/01/2026

SURVEY REPORT

We have carried out Levels survey of the main road. connecting lanes and ground levels in the adjoining plots at Model colony at Om Super Market to Deep Bungalow Chowk Road, Pune.



OBSERVATIONS :

From the Levels taken, It is observed that Natural ground levels in the adjoining plots are at Lower level than the existing road levels. Due to this situation, there are chances of waterlogging in the plot area during the monsoon season for long duration.

IMPACT:

Prolonged waterlogging may cause damage to property, weaken foundations, and create unhygienic conditions.

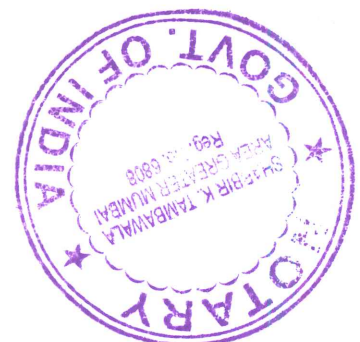
RECOMMENDATIONS:

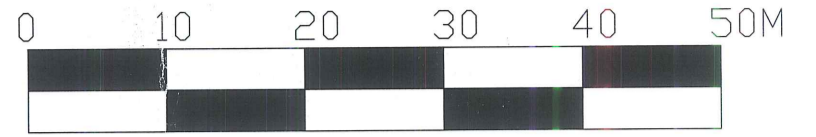
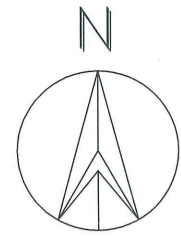
Invert levels of Inspection chambers and south side nala levels are taken, according to that with the consultation of expert and help of concern department of Local governing body, Water Entering in plots from North Road can be restricted by collecting and constructing storm water line at North side and joining it to the chamber in corner. Proper storm water drainage system can be installed with required Non return Valves wherever necessary.

Regards,

Vivek Kelkar

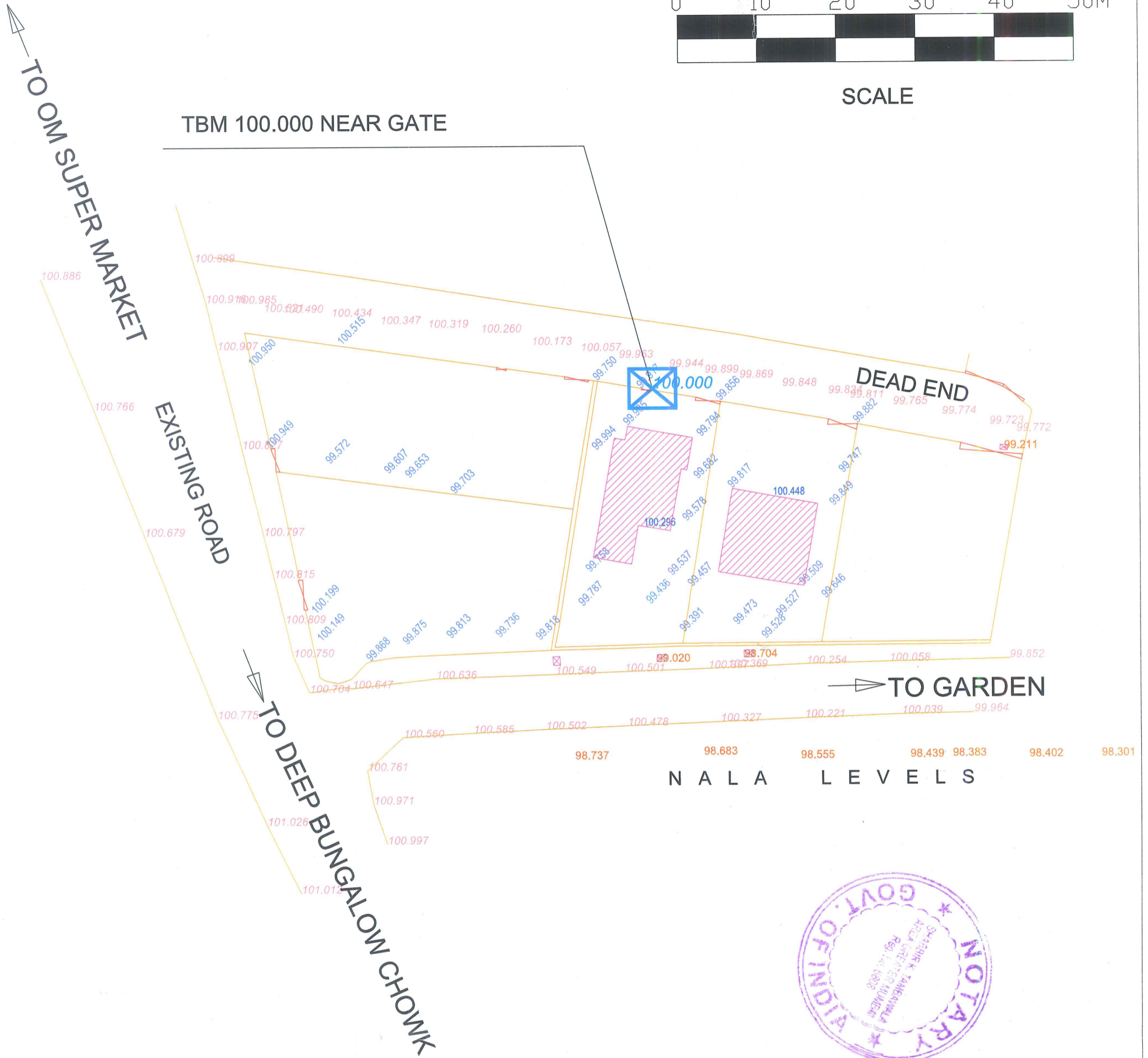
Encl. - Survey drawing.





SCALE

TBM 100.000 NEAR GATE



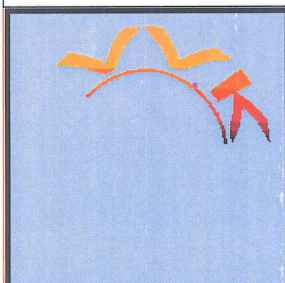
N A L A L E V E L S



LEGEND

	STRUCTURE
	WALL
	CHAMBER
	GATE
	ROAD EDGE
	T.B.M NEAR GATE
100.448	FLOOR LEVEL
98.301	INVERT LEV. CH/NALA
99.717	ROAD LEVEL
99.711	SPOT LEVEL

SURVEY MAP SHOWING LEVELS OF ROADS AND ADJOINING PLOTS AT MODEL COLONY NEAR DEEP BUNGALOW CHOWK, PUNE..
FOR:- MR. BHATIA



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