

BEFORE HON'BLE NATIONAL GREEN TRIBUNAL WESTERN ZONE BENCH AT PUNE

O.A. No.17 of 2021

Tanaji Gambhire

.....} Applicant.

VERSUS

Union of India & Others

.....} Respondents.

Comments on Joint Committee Report

MAY IT PLEASE YOUR HONOUR

The OA is mainly filed on the ground of a building project namely "River Front at Sr.N. 1 Bebadohol Village, Tal. Naval, Dist. Pune is constructed in violation of EC. Hence it is prayed that demolition, compensation damages are required to be imposed.

Earlier sanctions dated 20/04/2013, 14/01/2015 have been granted by the Pune District Collector. PMRDA has granted sanction on 15/12/2018 after establishment on 31/03/2015. It has been declared as a special planning authority on 18/01/2018 and then only granted revised permission for building construction. Earlier District Collector Pune granted approval for 26100 Sq.mt on 20/04/2013 and further approval to 26415 Sq.mt on 14/01/2015. It was only revised by PMRDA as per its development control rules.

In its affidavit dated 02/05/2023, the metropolitan planner has submitted that both the blue line and red line, as received by the Applicant from irrigation department letter dated 5/07/2012 were shown by the applicant on the proposed building plan and submitted it to the District Collector, Pune, the then sanctioning authority under section 18 of Maharashtra Regional and Town Planning Act, 1966. PMRDA had permitted buildings only on the lands which were not affected by blue line.

As per letter and map showing blue line and red line issued by the irrigation department to the applicant by letter dated 05/07/2012, it was specifically provided that construction between the blue lines is prohibited and construction outside blue flood line, plinth level shall be 0.50 meter high above the level of red line. At that relevant time development control and promotion regulations for regional plan areas in Maharashtra were applicable to the site. (Pages 817 to 819)

It is also made clear in the said affidavit that from 11/12/2018 Development control and promotion regulations for PMRDA (DCPR - 2018) introduced. Following submissions are made -

a) As per DCPR-2018 area between the river bank and blue flood line towards the river bank shall be prohibited zone for any construction except parking, open vegetable market, garden, lawns, open space, cremation and burial ground, or like uses without any form of construction.

b) It is also mentioned that area between blue flood line and red flood line shall be restrictive zone for the purposes of construction permitted at a height of 0.44 meters above the red flood line,

C) If area between river bank and blue flood line or red flood line forms the part of entire plot in developable zone i.e. residential, commercial, public - semi-public, industrial then FSI of this part may be allowed to be utilised on remaining land and

d) the blue and red flood line shall be as marked by irrigation department. (Notification did. 18/01/2018, DCPR-2018 and irrigation department letter dated 05/07/2012)

The procedure followed for sanction of the proposal for building construction is given in para no. 13, 14,15, and 16 of the Affidavit. Matter is at Sr. No. 10 on 18-11-24.

Joint Committee in its Report submitted in compliance of the Order dated 23-03-2023 of Hon'ble NGT, WZ, Bench at Pune observed that the PMRDA had issued a SCN dated 15-01-2024 which is at Annexure-18.

In fact, the initial Building Permissions in the aforesaid project were given by the District Collector, Pune. In these permissions Blue Line & Red Lines are earmarked on plan as provided by the Dy. Executive Engineer, Khadakwasla Irrigation Division, Pune vide Letter dated 05-07-2012 as per Letter dated 20-02-2024 (Annexure-9) submitted by PMRDA. (Page-10 of 14 of the Joint Committee Report. However, the Land Record Authorities carried out land measurement work &

demarcated boundaries of the plot of the project. Further, the Red & Blue flood lines have been marked on the same map by SDE, Lift Irrigation Sub Division Pawanagar (Talegaon) The constructed building is partially in between Blue & Red flood line and remaining major part beyond Red Line.

It is further mentioned that due to construction of compound wall and dumping of materials in between blue & red line.

Irrigation. Committee observed on comparing the map submitted by the irrigation department demarcating the red & blue flood line and layout plan dated 15-12-2018 approved by PMRDA part of Building B5 is constructed in between the blue & red flood line.

It was therefore concluded that the PMRDA should act against PP as levelled the area, provided the landscaping with concrete / paver blocks and constructed compound wall inside the blue line which is prohibitive area & part of building B5 is constructed in Restrictive Area.

Demolish the constructions illegally constructed/ raised in Prohibitive area in accordance with orders of Hon'ble NGT in OA No 281 of 2019 (PB) in the matter of Mahadevapura Parisara Samrak Shane Mattiu Abhivrudhi Samiti vs U o I & Others vide Order dated 30-07-2021 regarding the violation of provisions relating to wetlands and Rajakaluves and constructions raised in the buffer zone or surrounding lake etc .

PMRDA on the basis of confirmation of the Hon'ble Joint Committee Report is ready to take further action as per the provisions contained in the Maharashtra Regional Town Planning Act, 1966 as amended from time to time in compliance of the Order/s if any passed by this Hon'ble Tribunal against prohibitive & restrictive construction if any carried out in between red & blue line area/s.

Dated this 25th March 2025 at PMRDA

For PMRDA
dtdevale

Dattatraya Devale, Panel Advocate.

Commented [H1]: