

BEFORE THE NATIONAL GREEN TRIBUNAL  
SITTING AT PUNE  
ORIGINAL APPLICATION NO. 5 OF 2025

The Gram Panchayat, Shedashi )  
Through its Sarpanch, )  
Prakash Arun Kadam )...Applicants

VERSUS

Kilitch Drugs India Ltd Ors )...Respondents



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**Through Applicants**

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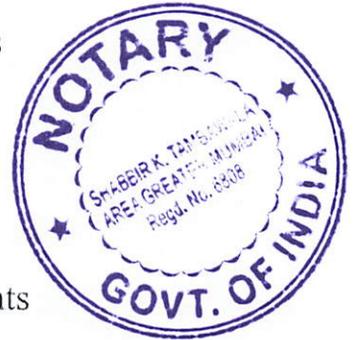


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CONSOLIDATED AFFIDAVIT IN  
REJOINDER ON BEHALF OF THE  
APPLICANTS TO AFFIDAVIT IN REPLIES  
OF RESPONDENTS NO. 3, 4, 5, 6, 8 and 9

I, Prakash Arun Kadam, Sarpanch of Applicant No.1, Grampanchayat Shedashi, do hereby state on solemn affirmation as under:

1. I say that I have carefully gone through the Affidavits in Reply filed by Respondent Nos. 3, 4, 5, 6, 8 and 9, including the Additional Affidavit of Respondent No.4. Upon such perusal, it is evident that the Respondents have



adopted mutually contradictory, incorrect and misleading stands in order to justify the illegal construction of a compound wall, road and other structures by Respondent No.1 within the blue flood lines of the Balganga River. The said Affidavits are demonstrably evasive and bereft of factual or legal merit and deserve to be rejected.

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2. At the outset I say that the Applicants reiterate all submissions in the Original Application and the Affidavit in Rejoinder dated 31.05.2025 which are not repeated herein for the sake of brevity. Nothing stated in the replies of the Respondents shall be deemed to be admitted unless expressly admitted herein.

3. I say that UDCPR Regulation 3.1.3(ii) mandates that,

*“Where Blue and Red flood line is not marked on the Development Plan / Regional Plan or not received from the Irrigation Department the tentative Blue line shall be earmarked taking into consideration maximum observed flood level records available locally and also interacting with the residence in the area. The plan showing such tentative Blue line shall be got approved from Chief Engineer, Irrigation Department. The distance of 50.0 m.*

on landward side from this tentative Blue line shall be treated as No Construction Zone.

In such cases, provisions of Regulation No.3.1.3(i)(a,b,c,d) shall be applicable to that extent.

Till such tentative Blue line is prepared and marked on the plan, the development permission shall be governed by the provisions of Regulation No.3.1.1(ii).

“ The tentative blue line must be approved by the Chief Engineer of the Irrigation Department, and a 50-metre distance from such tentative blue line shall be treated as a No Construction Zone.”



4. I further say that UDCPR Regulation 3.1.1(ii) unequivocally provides that *if the entire site falls within 15 metres of a major watercourse or 6 metres of a minor watercourse, no land shall be used for construction of building*. Respondent No.8 itself has reproduced this Regulation at page 328 of its Affidavit, confirming that when flood lines are not delineated, *construction must not be permitted within 15 metres of the river bank*. I say that UDCPR Regulation 3.1.4 also mandates that *construction within blue and red flood lines is strictly prohibited* and no development permission can be granted unless the

Irrigation Department explicitly certifies the safety of such construction. No such certification exists in favour of Respondent No.1. A copy of the relevant extracts of Regulations 3.1.1 to Regulation 3.1.3 of the UDCPR has been annexed hereto and marked as **Annexure A-1**.

5. I say that the reliance of Respondent No.1 on the alleged absence of demarcated floodlines is entirely misconceived. The legal position is exactly the opposite: in the absence of floodline demarcation in the Development Plan, the law imposes stricter prohibitions. The attempt of Respondent No.1 to treat the absence of floodline demarcation as carte blanche for construction is patently illegal and mala fide.

6. I say that the report of the Irrigation Department dated 25.06.2024 (page 212–213 of the Original Application) categorically records that Respondent No.1 has constructed a compound wall within the blue flood line of the Balganga River, based on the Index Map showing flood lines. This directly contradicts the stand of R-1 that no flood lines exist. The said contradiction is perverse and demonstrates deliberate suppression by Respondent No.1.

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7. I say that the Respondent No.8 (Town Planning) in its affidavit at page 326 also states that “the floodlines of Balganga river are not demarcated”, yet simultaneously relies on Regulation 3.1.3(ii) which itself prohibits construction until tentative blue lines are approved. Respondent No.8 further confirms at page 328 that no building construction is permitted within 15 metres of the river bank. The very NOC relied upon by Respondent No.1 therefore prohibits its construction. I also deny the submission of the Respondent No. 8 at para 9 of its affidavit which seems to insinuate that Regulation 3.1.3(ii) of the UDCPR does not apply to the present road and the constructions if any at the banks of the Balganaga river and are instead only to be regulated under Regulation 3.1.1.

- 
8. I say that Respondent No.4 (Collector) in its Additional Affidavit at pages 413–418 makes contradictory claims: on one hand it states that no final determination has been made on floodline compliance, and on the other hand it attempts to justify that Respondent No.1’s construction is outside the floodline. These two stands contradict each other and show non-application of mind.



9. I say that Respondent No.3 (Tahsildar) in its report dated 01.07.2024 records the submissions of the Punchas that that Respondent No.1 *filled riverbed portions to construct an access road*, and that the newly created road is dangerous and could result in loss of life. This finding clearly shows the perverse and malafide nature of submissions of the Respondent No.1.



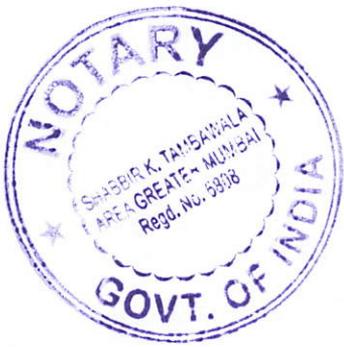
10. I say that Respondent No.9 has attempted to reduce its role by stating that only 60 trees were permitted to be cut at page 370-372 of its Affidavit. However the Respondent No. 9 has not addressed the letter issued by the Deputy Conservator of Forests dated 28.06.2024 attached at pages 222-224 of the Application. Further this in no manner addresses the primary illegality of Respondent No.1 constructing its compound wall and approach road within the floodline and riverbed. This evasion further evidences a pattern of selective disclosure.

11. I say that the Respondent Authorities have adopted an inconsistent and contradictory stance. Respondent No.1 relies on the alleged absence of floodlines, whereas the Government authorities simultaneously rely on the existence of Index Maps showing floodline levels. The



Irrigation Department refers to floodline maps; the Town Planning Department cites UDCPR prohibitions due to absence of floodline demarcation; yet the Collector does not take any enforcement steps. These contradictions are not merely administrative confusion but reveal a deliberate attempt to shield Respondent No.1 from legal consequences.

12.I say that the repeated claim of Respondent No.1 that the compound wall and road are outside the blue floodline is demonstrably false in light of the Irrigation Department's report, the Tahsildar's report, and the Index Map at page 64-65 of the Original Application. Respondent No.1's stand is therefore mala fide, misleading and intended to obstruct this Hon'ble Tribunal from determining the true environmental violations.



13.I say that Respondent No.1's attempt to argue economic benefit and employment generation is wholly irrelevant to the environmental prohibitions under the UDCPR and cannot justify construction within the prohibited floodplain.



14.I say that the Applicants have placed on record multiple representations, complaints and documentary evidence showing continuous flooding of the area, including the Khadki and Maldev hamlets, which Respondent No.1 has sought to trivialize without any scientific counter-assessment. There is no hydrological report, no flood modelling and no environmental assessment produced by Respondent No.1.



15.I say that the Applicants reiterate that Respondent No.1 has violated the conditions of the NOC dated 18.01.2022 which clearly requires adherence to UDCPR norms and prohibits diversion of the natural flow of the river. The illegal compound wall and approach road directly obstruct and constrict the river flow.

16.I say that the overall conduct of the Respondent Authorities, their internal contradictions, the failure to enforce statutory norms, and the selective interpretation of floodline data collectively demonstrate a perverse, arbitrary and mala fide exercise of power warranting strict intervention by this Hon'ble Tribunal.

17. Accordingly, I say that the prayers in the Original Application deserve to be granted in full, including demolition of all illegal construction within the floodlines and restoration of the natural river flow.



Solemnly Affirmed at Pen, Raigad )

Dated this 5<sup>th</sup> day of December 2025 )

*P. Kadam*

Deponent

(Prakash Arun Kadam)



Identified by me

*K. R. Gh*

Ronita Bhattacharya / Kaustubh Gidh

Advocates for the Applicants



**BEFORE ME**  
*[Signature]*  
**S. K. TAMBAWALLA**  
ADVOCATE, HIGH COURT  
B-23, Taheri Manzil  
Nesbit Road, Mazgaon  
Mumbai - 400 010

*15/12/25*

**NOTARY & REGISTERED**  
*26562* / *15/12/25*  
Sr. No. .... dt. ....

EXP. Dt.  
29.09.2029



## CHAPTER - 3

## GENERAL LAND DEVELOPMENT REQUIREMENTS.

## 3.1 REQUIREMENTS OF SITE

## 3.1.1 Site not Eligible for Construction of Building

No piece of land shall be used as a site for the construction of building,

- i) If the Authority considers that the site is insanitary, incapable of being well drained or is dangerous to construct a building on it;
- ii) If the entire site is within a distance of 6.0 m. from the edge of water mark of a minor water course (like nallah, canal) and 15.0 m. from the edge of water mark of a major water course (like river) shown on Development Plan / Regional Plan or village / city survey map or otherwise;

Provided that where a minor water course passes through a low lying land without any well-defined banks, the owner of the property may be permitted by the Authority to canalise water course within the same land without changing the overall alignment and the position of the inlet and outlet of the water course according to cross section as determined by the Authority. In such case, marginal open space shall be stipulated under these regulation and shall be measured from edge of the trained nallah;

- iii) If the site is hilly and having gradient more than 1:5;
- iv) If the site is not drained properly or is incapable of being well drained;
- v) If the owner of the building has not proposed appropriate measures required to safeguard the construction from constantly getting damp to the satisfaction of the Authority;
- vi) In case the building is proposed on any area filled up with carcasses, excreta, filth and offensive matter, then certificate from the Authority to the effect that it is safe from the health and sanitary point of view, to be built upon, is required;
- vii) If the use of the site is for the purpose, which in the opinion of the Authority will be a source of annoyance to the health and comfort of the inhabitants of the neighbourhood;
- viii) If the proposed occupancy of the building on the site does not conform to the land use proposals in the development plans / Regional Plan or Zoning Regulations;
- ix) If the level of the site is less than prescribed datum level depending on topography and drainage aspects;
- x) If it doesn't derive access from an authorized street/means of access of adequate width as described in these Regulations;
- xi) If it is within the river and blue flood line of the river (prohibitive zone), unless otherwise specified in these regulations;
- xii) If the site is within the boundary of Coastal Regulation Zone where CRZ Regulation does not allow development;
- xiii) If the site is not developable by virtue of restrictions imposed under any law or guidelines of any Government Department;
- xiv) If the entire site is within a distance of 50.0 m. from the mean high flood level of a wetland. The mean shall be calculated as per the provisions of Wetlands (Conservation and Management) Rules, 2017.



### 3.1.2 Distance of Site from Electric Lines

No structure including varandah or balcony shall be allowed to be erected or re-erected or any additions or alterations made to a building on a site within the distance quoted in Table No.3 below in accordance with the prevailing Indian Electricity Rules and its amendments from time to time between the building and any overhead electric supply line.

Electric Lines	Vertical (Meters)	Horizontal (Meters)
Low and medium voltage Lines	2.50	1.20
High voltage lines up to and including 33000 V.	3.70	2.00
Extra High voltage lines beyond 33,000 V.	3.70	2.00
	(Plus 0.3 m. for every additional 33,000 V. or part thereof)	

**Note** - The minimum clearance specified above shall be measured from maximum sag for vertical clearance and from maximum deflection due to wind pressure for horizontal clearance.

### 3.1.3 Construction within Blue and Red Flood Line

#### i) Where Blue and Red flood line are marked on the Development Plan / Regional Plan or received from the Irrigation Department.

- a) The Red Flood Line and Blue Flood Line shall be considered as per the plan prepared by the Irrigation Department. The area between the river bank and blue flood line (Flood line near the river bank) shall be prohibited zone for any construction except parking, open vegetable market, garden, lawns, open space, cremation and burial ground, sewage treatment plant, water / gas / drainage pipe lines, public toilet or like uses, provided the land is feasible for such utilization.

Provided that, redevelopment of the existing authorised properties, within river bank and blue flood line, may be permitted at a plinth height of 0.45 m. above red flood line level.

- b) Area between blue flood line and red flood line shall be restrictive zone for the purposes of construction. The construction within this area may be permitted at a height of 0.45 m. above the red flood line level.

c) If the area between the river bank and blue flood line forms part of the entire plot in Development Zone, then, FSI of such part of land may be allowed to be utilised on the remaining land.

- d) The red and blue flood line, if shown on the Development / Regional Plan / Planning Proposal shall stand modified as and when it is modified by the Irrigation Department.

#### ii) Where Blue and Red flood line is not marked on the Development Plan / Regional Plan or not received from the Irrigation Department.

Where Blue and Red flood line is not marked on the Development Plan / Regional Plan or not received from the Irrigation Department, the tentative Blue line shall be earmarked taking into consideration maximum observed flood level records available locally and also interacting with the residence in the area. The plan showing such tentative Blue line shall be got approved from Chief Engineer, Irrigation Department. The distance of 50.0 m. on landward side from this tentative Blue line shall be treated as No Construction Zone.

<sup>(1)</sup> Substituted vide Corrigendum / Addendum No.CR.121/21, dt.02<sup>nd</sup> December, 2021

In such cases, provisions of Regulation No.3.1.3(i)(a,b,c,d) shall be applicable to that extent. Till such tentative Blue line is prepared and marked on the plan, the development permission shall be governed by the provisions of Regulation No.3.1.1(ii).

#### 3.1.4 Development within 30.0 m. Distance from Railway Boundary

For any construction within 30.0 m. from railway boundary, No Objection Certificate from Railway Authority shall be necessary.

#### 3.1.5 Environmental Clearance

Environmental clearance certificate shall be submitted for the project as may be prescribed by the Ministry of Environment from time to time.

#### 3.1.6 <sup>(#)</sup> Development along Highways / Classified Roads

The development along the highways shall be subject to the provisions of State Highways Act, 1965 and National Highway Act, 1956 and orders issued by Public Works Department, directives issued by Urban Development Department vide Resolution No.TPS-1819/UOR-36/19/UD-13, dated 5.8.2019 in this regard, from time to time. <sup>(1)</sup> All the classified roads passing through the <sup>(1)</sup> ULBs i.e. Municipal Corporations / Municipal Councils / Nagar Panchayats shall be treated as city roads.

A service road as specified in Regulation No.3.3.8 shall be provided along State and National Highways on both sides. Where service road of 12.0 m. width is already provided in adjoining land, such service road of the same width may be continued in the development permission. Such service roads may not be insisted if it has no continuity from junction to junction due to existing authorised development / construction.

#### 3.1.7 Development within certain distance from the Prison Premises

The development within 150 m., 100 m., 50 m. from the perimeter wall of Central Prison, District Prison and any Sub Prison respectively shall be regulated and may be permitted with prior consent of the committee constituted in this regard by the Home Department. This provision shall be subject to the orders issued by the Government from time to time.

#### 3.1.8 Distances from land fill sites

For any residential development, segregating distance from the land fill site shall be observed as specified under Solid Waste Management Rules in force from time to time or as specified by competent authority.

#### 3.1.9 Restrictions in the vicinity of Airport

For structure, installations or buildings including installations in the vicinity of aerodromes,

- i) The height shall be restricted to permissible top elevation as mentioned on Colour Coded Zoning Maps (CCZM) prepared by the Airport Authority of India (AAI) published on its web site.
- ii) For any additional height beyond that mentioned in i) above, prior NOC from AAI shall be submitted.
- iii) For the areas depicted in red colour on CCZM, prior NOC from AAI shall be submitted.

Note -

- a) The height permitted by CCZM is indicated Above Mean Sea Level i.e. AMSL.
- b) Building height permitted i.e. Above Ground level (AGL) shall be calculated as CCZM height minus the site elevation of the plot.

Height of building (AGL) = CCZM height - site elevation.

<sup>(1)</sup> Inserted vide Corrigendum / Addendum No.CR.121/21, dt.02<sup>nd</sup> December, 2021  
<sup>(2)</sup> Clarification issued vide Order No.CR.236/18 (Part -2), dt.23<sup>rd</sup> December, 2021



- c) In absence of aforesaid map, no objection certificate of Airport Authority of India shall be required.

#### Explanation

- i) Irrespective of their distance from the aerodrome, even beyond the 20 km. limit from the aerodrome reference point, no building, radio masts or similar installation exceeding 150 m. in height shall be erected without prior permission of the Civil Aviation Authorities.
- ii) The location of a slaughter house / abattoir / butcher house or other areas for activities like depositing of garbage which may encourage the collection of high flying birds, like eagles and hawks, shall not be permitted within 10 km. from the aerodrome reference point.

#### 3.1.10 Restrictions in the Vicinity of Ancient Monuments

- 1) The Restrictions for Development in the vicinity of the protected monuments of national importance as prescribed under the Ancient Monuments and Archaeological Sites and Remains Act, 1958 shall be observed.
- 2) The Restrictions for Development in the vicinity of the protected monuments of state importance as prescribed under Ancient Monuments and Archaeological Sites and Remains Act, 1960 shall be observed.

#### 3.1.11 Restriction under the Works of Defence Act, 1903

The restrictions imposed under the Work of Defense Act, 1903 shall be applicable and no development in contravention with the notification shall be permissible.

Whether the area affected by the notification under Works of Defense Act - 1903, is earmarked in Development Plan / Regional Plan or not, it shall be permissible to treat the area under such restrictive zone as marginal distance at the time of construction of any building proposed on contiguous unaffected area.

Provided that, it shall be permissible to utilise the FSI and also the receiving potential of the land under this zone, as otherwise permissible, on the remaining contiguous unaffected land of the same land owner.

#### 3.1.12 Distance from Natural Lake and Dam

In Regional Plan area, no construction shall be allowed within 100 m. from the high flood line of natural lake.

In Development Plan area, development around natural lake shall be governed by the provisions made in such plan. In absence of the provisions in such plan the distance as may be specified by Irrigation Department shall be followed.

The regulation regarding clear distances from the High flood line while carrying out any development of any land around dam and foothill areas as notified and the norms regarding distance as prescribed in Government of Maharashtra, Water Resources Department Marathi Circular No.संकिर्ण-२०१२/(प्र.क्र.२०/२०१२) सि.व्य.(महसूल), dt.08/03/2018 and amendments therein, from time to time, will be applicable henceforth, subject to following condition.

Condition :- The concerned land owners/users are prohibited to discharge any Garbage / Water Sewage / Wastage in the reservoir, generating from its premises. It will be compulsory and binding on the land owner / user to make necessary arrangements within the premises for Water and sewage disposal management and to maintain the Zero Discharge condition at his own cost.

#### 3.1.13 Authorities to Supply Complete Information about Restrictions to the Authority

The concerned authority putting restrictions as per their respective legislations / regulations / rules as mentioned above shall make available to the Authority full details of restrictions (including graded restrictions, if any) along with the relevant map detailing restrictions. In the interest of



increasing ease of doing business, no individual applicant should be required to approach the concerned departments for NOC. However it is the duty of the applicant to ensure that restrictions informed by the above said authorities are followed scrupulously. The Authority shall make a reference to this effect to the concerned authorities and ensure compliance with the restriction informed by them while sanctioning the development permission.

Such information shall be published by the Authority on its notice board/ website and also update it as and when it is updated by the concerned department.

### 3.2 MEANS OF ACCESS

3.2.1 Every plot / land shall have means of access like street / road irrespective of its width.

3.2.2 In case of plot not abutting on a public means of access like street / roads etc., the plot shall have access from spaces directly connected from the street by a hard surface approach as given below :-

(a) The width of such access ways in non-congested areas shall be as follows :-

Min width of access ways	Max. Length of such access ways
6.0 m.	75.0 m.
9.0 m.	150.0 m.

(b) In congested areas, the width of such access ways shall not be less than 4.5 m.

3.2.3 Every person who intends to erect a building shall not at any time erect or cause or permit to erect or re-erect any building which in any way encroaches upon or diminishes the area set apart as means of access.

### 3.3 REGULATIONS FOR LAND SUB-DIVISION AND LAYOUT

#### 3.3.1 Obligation to Prepare Layout

Building Layout or Sub-division proposal shall be submitted for the following :-

- When more than one building, except for accessory buildings in case of residential building is proposed on any land, the owner of the land shall submit proposal for proper layout of building or sub-division of his entire contiguous holding.
- When development and / or redevelopment of any tract of land which includes division and sub-division or amalgamation of plots for various land uses is proposed.
- When group housing scheme or campus / cluster planning of any use is proposed.
- A two-stage approval process as specified in Regulation No.2.6.1 will be followed for such proposals, wherever necessary.

#### 3.3.2 Roads / streets in Land Sub-division or Layout

A) For Residential Development - The minimum width of internal road in any layout or subdivision of land shall be as given in Table No.3A.

Sr. No.	Length of Internal Road in Layout / Sub division (m.)	Width of Internal Road in Layout / Sub Division (m.)
i	Upto 150	9.00
ii	Above 150 and upto 300	12.00
iii	Above 300	15.00

