

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

**ORIGINAL APPLICATION NO.160/2024 (WZ)  
EARLIER ORIGINAL APPLICATION NO.729/2024 (PB)**

**PETITIONER:** SUO-MOTO Cognizance  
(News Item Titled High-Rise,  
Construction Near Ambazari Lake  
Raises Concerns AMID Flood  
Worries, appearing In Nagpur Today  
Dated 21.05.2024)

Vs

**RESPONDENTS** :1. Nagpur Municipal Corporation,  
Nagpur through its Commissioner.  
2. District Magistrate, Nagpur  
3. Nagpur Improvement Trust  
Nagpur through its Chairman

**PRELIMINARY SUBMISSIONS ON BEHALF OF  
RESPONDENT NO.3/NIT**

Without prejudice with the rights of respondent  
No.3/NIT, it is most humbly and respectfully begs to  
submit as under :



**A]** That, the Hon'ble Tribunal was pleased to implead the answering respondent No.3 as a party vide its order dated 05.09.2024 and also directed to file its affidavit.

**B]** That, looking to the controversy involved in the present matter with bonafides in order to assist the Hon'ble Tribunal, it is respectfully submitted that, the Principal Bench of Hon'ble National Green Tribunal New Delhi had taken SUO-MOTO cognizance vide O.A. No.729/2024 on the basis of *'News item titled "High-rise construction near Ambazari Lake raises concerns amid flood worries" appearing in Nagpur Today dated 21.05.2024'*.

Accordingly on 05.07.2024, the following order came to be passed by the Hon'ble National Green Tribunal, New Delhi which is as follows :

**ORDER**

1. *This Original Application is registered suo-motu on the basis of the news item titled "High-rise construction near Ambazari Lake raises concerns*



*amid flood worries” appearing in Nagpur Today dated 21.05.2024.*

2. *The matter relates to the development of a high-rise building near Ambazari Lake in Nagpur. As per the article, this development raises significant safety concerns, especially considering the devastating floods that occurred in September last year. It states that Nagpur experienced severe flooding that resulted in extensive damage to properties and infrastructure. The Nag river overflowed, submerging nearby residential areas and causing considerable distress to the inhabitants.*
3. *The article highlights that construction of a high rise near Ambazari lake area is critical because of its proximity to the lake and the Ambazari spillway, both of which play crucial roles in flood management and water regulation. Furthermore, the high rise building could obstruct natural water flow and exacerbate flooding during heavy monsoon rains. Construction activities might disrupt the local ecosystem, affecting both the lake and the spillway’s capacity to manage excess water. The article alleges that the construction of such high rises should not compromise the safety*



*and well being of Nagpur's residents or the environment.*

4. *The above news item indicates violation of the Water (Prevention and Control of Pollution) Act, 1974 and the provisions of The Environment (Protection) Act, 1986.*
5. *The news item raises substantial issue relating to compliance of the environmental norms and implementation of the provisions of scheduled enactment.*
6. *Power of the Tribunal to take up the matter suo-motu has been recognized by the Hon'ble Supreme Court in the matter of "Municipal Corporation of Greater Mumbai vs. Ankita Sinha & Ors." reported in 2021 SCC Online SC 897.*
7. *Hence, we implead following as respondents in this matter: (i) Nagpur Municipal Corporation, through its Director, Chhatrapati Shivaji Maharaj Administrative Building, Nagpur Municipal Corporation, Mahanagar Palika Marg, Civil Lines, Nagpur, Maharashtra (ii) District Magistrate, Nagpur, Collector Office, Civil Line, Nagpur.*



8. *Let notice be issued to the above Respondents for filing their response before the appropriate bench of the Tribunal.*
9. *Since the matter relates to the Western Zonal Bench, Pune, therefore, OA is transferred to the Western Zonal Bench for appropriate further action. Office is directed to transfer the original record of the OA to Western Zonal Bench, Pune.*
10. *The news item reflects that some matter has been heard by the Nagpur Bench of the Bombay High Court concerning these issues, therefore before proceeding further in the matter Western Zonal Bench will duly ascertain the scope of the petition/order passed by the Nagpur Bench to avoid the parallel proceedings.*
11. *List before Western Zonal Bench at Pune on 05.09.2024.*

That, as per stated above, it is duty of the concern planning authority, to clarify the factual matrix of the procedure adopted while granting sanction to development project in the close vicinity of Amabazari Tank and same is required to be placed before this Hon'ble Tribunal.



C] That, in the matter of heavy rains and floods due to Ambazari overflow on 23.09.2023 in the city of Nagpur there is already PIL No.56/2023 is going on before the Hon'ble High Court in which the following prayers are sought by the respective petitioners which are as follows :

1. *This Hon'ble Court may conduct 'judicial enquiry' through a committee of 'three sitting judges of Bombay High Court' in the matter of illegal constructions made by government authorities NMC, NIT & MAHAMETRO and in the matter of failure of civil authorities to prevent water logging in residential areas in vicinity of Ambazari Lake and Naag Nala by which 'thousands of families are seriously affected' and for 'fixing responsibilities of civil authorities' who have failed to take measures to protect lives and livelihood of innocent citizens of Nagpur and violating their fundamental rights under article 14, 19, 21.*
2. *This Hon'ble High Court may appoint expert committee of Engineers, Scientist, Environmentalists to conduct the 'systematic survey' of deteriorating condition of Ambazari Dam and to suggest the measures to repair,*

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reconstruct, rejuvenate the Ambazari Dam which is a Heritage Site.

3. This Hon'ble Court may direct the respondent No.1, 2 3 to sanction and grant an amount of Rs.5,00,000/- to every flood affected family residing in flood affected area in Nagpur, which is seriously affected due to the "Heavy Rains" and "Ambazari Over Flow" on 23.09.2023, as 'ex-gratia compensation' instead of Rs.10,000/- which is not adequate to compensate their losses.
4. This Hon'ble Court may direct to respondent No.1,2, 3 to grant of an amount of Rs.10/- lakhs to every flood affected shop owner for loss of his livelihood.
5. This Hon'ble Court may direct to respondent No.7, 8 to remove 'Vivekanand Smarak" built on the Ambazari Lake Overflow point which is in the middle of Ambazari Lake overflow Point obstructing the regular flow of water (spill way) and thus becoming one of the causes of 'water logging in the nearby localities' and relocate the same in Ambazari Garden.
6. This Hon'ble High Court may direct the MAHAMETRO to immediately stop the



*construction of 'Seven Wonders of World' (situated within 200 meters of Ambazari Dams) and demolish the Compound Wall situated opposite Ambazari Overflow Point, which was constructed illegally within 100 meters of Dam violating various provisions of law.*

7. *This Hon'ble High Court may direct the respondent No.1, 2, 3, 7, 8 to acquire land of 200 meters within vicinity of 'downward stream' and 'spill way' of Ambazari Dam and immediately start rebuilding/repair of Ambazari Dam.*
8. *This Hon'ble Court may direct the NIT to immediately demolish the illegal construction of 'Skating Ring' blocking the free flow of water in Nag River and violating UDCPR 3.1.12.*
9. *This Hon'ble Court may direct to respondent No.1, 2, 3 for grant of Rs.2,000/- Cr. For the cleaning, preservation, maintenance, rejuvenation of Naag River and to complete the said project on war footing.*
10. *This Hon'ble Court may direct the respondent authorities to immediately submit the DPR before this Hon'ble High Court for improvement and*



*maintenance and rejuvenation of Naag River (JICA PROJECT) approved by Central Government.*

11. *This Hon'ble High Court may direct the respondents to conduct the 'geo natal mapping' of the city of Nagpur and prepare fresh plans for 'sewage and drainage' disposal of Nagpur City.*
12. *This Hon'ble High Court may direct the respondent authorities to conduct the 'detailed survey' of existing 'drainage lines and sewage lines' and sanction an amount of Rs.250/- crores for constructing new 'sewage lines' in the city of Nagpur.*
13. *This Hon'ble Court may direct the MPCB to immediately take actions against the Industries/entities who are responsible for discharge of 'Solid Waste' or 'industrial waste' in Ambazari Lake and Naag Nala in the city of Nagpur under Environment Protection Act, 1986, The Air Act, The Water Act.*
14. *This Hon'ble Court may pass any others order may deem fit in the larger interest of justice.*



That, in the said PIL No.56/2023, the respective government authorities and functionaries were already impleaded as a party including the present respondents before this Hon'ble Tribunal accordingly responses already placed on records before the Hon'ble High Court. The copy of PIL No.56/2023 annexed as **ANNEXURE : R-1** for kind perusal of this Hon'ble Tribunal.

**D]** That, in the vicinity of Ambazari Lake there is layout bearing Survey No.3/2, 4/2, 5/2 under the name and styled 'Mulik Layout' of Mouza : Parsodi which was regularized under Gunthewari Act 2001 in which the answering respondent No.3/NIT is the planning authority.

**E]** That, as per the available records and in absence of specification of any land details which were also not published in the news paper, on the basis of which the Suo-Moto cognizance was taken by the Hon'ble Principal Seat of Green Tribunal, Delhi.

That, in order to clarify the stand of the answering respondent No.3/NIT, it is submitted that, there is Mulik Layout, Mouza : Parsodi, which is located near to the Ambazari Lake.

**E]** That, the respective applicant/plot owner had submitted an application for approval of proposed building plan for construction of (B+G+13) floor building Multi-family residential Unit with 24 tenements on Plot No.2 out of Kh. No.3/2, 4/2, 5/2 Mulik Layout Mouza : Parsodi, Tah. & Dist. Nagpur, accordingly the building permit was issued to the applicant on 25.08.2023. The copy of building permit annexed as **ANNEXURE : R-2** for kind perusal of this Hon'ble Tribunal.

**F]** That, the said layout was regularized under the provisions of the Gunthewari Act by the respondent No.3/NIT being planning authority on 01.04.2011 for residential use and the land is proposed for residential use in Revised Approved Development Plan of Nagpur City. The copy of layout plan regularized on 01.04.2011

annexed as **ANNEXURE : R-3** for kind perusal of this Hon'ble Tribunal.

**G]** That, at the time of sanctioning/approval of building plan, the respective applicant/plot owner had submitted the following documents which consists of compulsive No Objection Certificates from the respective departments which are as follows :

- i) NOC from Maharashtra Metro Rail Corporation dated 02.08.2023.
- ii) NOC from Chief Fire Officer, NMRDA dated 26.07.2023..
- iii) NOC for height Clearance from Airport Authority of India dated 10.10.2022.
- iv) NOC from Executive engineer (Water Supply), Public Health Engineering Department, NMC dated 27.01.2023 allowing construction near the Ambazari Lake, which comes under its jurisdiction.



That after submitting respective no objection certificates and by following due procedure, the office of respondent No.3/NIT had issued building permit on 25.08.2023 by following the provisions of section 45 of MRTP Act as well as, as per the regulations of UDCPR-2020, after obtaining relevant no objection certificates which is an admitted position. The copies of aforesaid No objection certificates dated 02.08.2023, 26.07.2023, 10.10.2022 & 27.01.2023 collectively annexed as **ANNEXURE : R-4** for kind perusal of this Hon'ble Tribunal.

**H]** That, in order to assist this Hon'ble Tribunal with bonafides, it is submitted that, the plot No.2 is located at Higher Elevation than the Ungated Spillway top of the Ambazari Lake, therefore, the construction activity will not obstruct the overflow of water from the ungated Spilway and hence not resulting any flooding in the local vicinity area. The copy of photographs showing the construction activity annexed as **ANNEXURE : R-5** for kind perusal of this Hon'ble Tribunal.

I] That, it is also brought to the notice of this Hon'ble Tribunal, the plot boundary of plot No.2 wherein the construction is ongoing at site, is located at closest distance of approx. 39.00 mtrs. from the spillway of Ambazari Lake and the construction is proposed after leaving the marginal spaces of 6.0 mtrs. from plot boundary i.e. 45.00 mtrs. away from the spillway, therefore, for ready reference of this Hon'ble Tribunal. The copy of Google Map annexed as **ANNEXURE : R-6** for kind perusal of this Hon'ble Tribunal.

J] The answering respondent No.3/NIT had granted only one sanction/building permit to the proposal of building plan on the plot No.2 only after requisite compliances and no objection certificates from respective applicant/plot owner. It is further submitted that, the office of respondent No.3/NIT had already stopped granting any sanction in the vicinity area of Ambazari Lake in which it is planning authority till further order passed in the present matter.



**K]** That, it is needless to say the issue involved in the PIL No.56/2023 (Ramgopal Bachuka & others Vs State of Maharashtra & other) deals with strengthening of the Ambazari Lake Dam and other measures and the subject matter before this Hon'ble Tribunal are not part of prayer of PIL but the intention is to prevent flood situation which is pending before Hon'ble Court. With bonafides it is submitted that there is no fault or wrong on the part of answering respondent as the permission for construction was granted only after compliances of compulsive no objection certificates, which may kindly be taken into consideration.

**L]** It is further submitted that, any directions issued by this Hon'ble Tribunal shall be complied by the office of respondent No.3/NIT.

**M]** That, the submissions are bonafide in nature in order to assist the Hon'ble Tribunal, that the answering respondent respectfully submits that, any directions

issued by the Hon'ble Tribunal shall be abide by the answering respondent.

**N]** That, the answering respondent reserves its rights to file appropriate detailed submissions if required during the proceedings before this Hon'ble Tribunal.

Hence, this reply/preliminary submissions.

NAGPUR

DATED : 15/10/2024

C. F. RESP. No.3/NIT

**SOLEMN AFFIRMATION**

I, Mr. Pankaj s/o Dinkar Ambhorkar, aged about 51 years, Occ. Executive Engineer (West), NIT, authorized on behalf of respondent No.3/NIT do hereby take oath and state on solemn affirmation, that the reply/preliminary submissions have been drafted by our counsel, as per available information and official records.

I, say that the above contents of paras A to N are true and correct to my personal knowledge and belief.

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Hence verified, signed and affirmed on this 15<sup>th</sup> day of October, 2024 at Nagpur.

*Ub*

**DEPONENT**

I know and identify the deponent

Executive Engineer (West)  
Nagpur Improvement Trust  
Nagpur

*C. F. Resh*

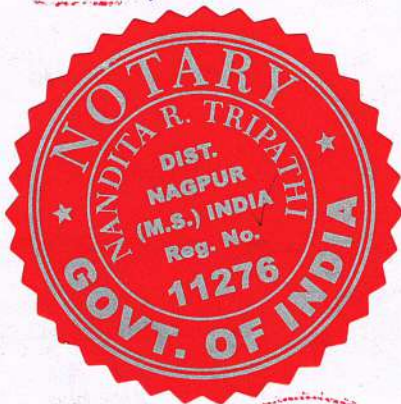
C. F. RESP. NO.3/ NIT

NOTARIAL REG.  
ENTR. 5738  
DATE 15/10/24

Sworn before me on this 15  
day of 10/2024 at Nagpur by  
Shri/Smt./Ku Damodar Binkar Ambhade  
S/o Nagpu who has been identified  
by Shri/Smt. M. A. Kumbhe  
Advocate Nagpur

*[Signature]*

MANDITA R. TRIPATHI  
NOTARY  
Maharashtra State  
Nagpur Dist Nagpur (M.S.)



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Vs

**RESPONDENTS :** Nagpur Municipal Corporation &  
others

**LIST OF ANNEXURES**

Annex	Particulars	Date	Page No.
R-1	Copy of PIL No.56/2023		
R-2	Copy of building permit	25.08.2023	
R-3	Copy of layout plan	01.04.2011	
R-4	Copy of No objection certificates	02.08.2023, 26.07.2023, 10.10.2022 & 27.01.2023	
R-5	Copy of photographs		
R-6	Copy of Google Map		

NAGPUR  
DATED : 15/10/2024

C. F. RESP. No.3/NIT

19<sup>1</sup>IN THE HIGH COURT OF JUDICATURE MUMBAI,NAGPUR BENCH NAGPURSTAMP NO:- \_\_\_\_\_ /2023PUBLIC INTEREST LITIGATION NO:- 56 /2023RULE 4 (E) OF THE BOMBAY HIGH COURT PUBLICINTEREST LITIGATION RULE 2010

ACT CODE:-99/130

PETITIONERS:-

(1) RAMGOPAL BISAMBHARDAYAL BACHUKA,

AGE:-91 YEARS, OCCUPATION:-RETIRED,

R/O L-34, YASHWANT NAGAR, NORTH AMBAZARI

ROAD, LIG-HIG-MHADA COLONY, NAGPUR-440033

AADHAR CARD:-

MOBILE NO:-9422104255

(2) SMT JAYASHREE DILIP BANSOD,

AGE:-70 YEARS, OCCUPATION:-HOUSEWIFE,

Copy received  
in Res. no 10  
NM  
11/10/23

Recd Copy  
5  
FOR R-8  
11/10/2023

R/O PLOT NO:-L-46, NEAR PANCHSHEEL LIBRARY,  
YASHWNAT NAGAR, NORTH AMBAZARI ROAD,  
LIG-HIG-MHADA COLONY, NAGPUR-440033  
AADHAR CARD NO:-489238637225

MOBILE NO:-9604483109

(3) SHRI NATTHUJI MAROTRAO TIKKAS,

AGE:-84 YEARS, OCCU:-RETIRED TEACHER,

R/O TYPE-6-B/TYPE-C, CORPORATION COLONY,  
GANDHINAGAR, NAGPUR-440033

AADHAR CARD NO:-886887110381

MOBILE NO:-9422112491

(4) SHRI. AMRENDRA VISHWANATH RAMBHAD

AGE:- 47 YEARS, OCCU:- CONSULTANCY BUSINESS;

R/O PLOT NO. 42, NORTH AMBAZARI ROAD,  
AMBAZARI LAY-OUT, NAGPUR - 440033

AADHAR CARD NO. :- 469349190176

MOBILE NO. :-9822578040

VERSUS

21<sup>3</sup>**RESPONDENTS :-**

1. STATE OF MAHARASHTRA THROUGH ITS CHIEF SECRETARY, MANTRALAYA, MUMBAI-400032

EMAIL-ID:- [chiefsecretary@maharashtra.gov.in/](mailto:chiefsecretary@maharashtra.gov.in/)

[cs@maharashtra.gov.in](mailto:cs@maharashtra.gov.in)

2. THE SECRETARY, MINISTRY OF RELIEF AND REHABILITATION, DISTASTER MANAGEMENT UNIT, MAIN BUILDING, 1<sup>ST</sup> FLOOR, MANTRALAYA, MUMBAI-400032

EMAIL-ID:- [disastermanagmentunitgom@gmail.com](mailto:disastermanagmentunitgom@gmail.com)

3. THE SECRETARY, WATER RESOURCES DEPARTMENT, MINISTRY OF WATER RESOURCES, MANTRALAYA, MUMBAI-400032

EMAIL-ID:- [secretary.pcwr@maharashtra.gov.in/](mailto:secretary.pcwr@maharashtra.gov.in/)

[sec.cad@maharashtra.gov.in](mailto:sec.cad@maharashtra.gov.in)

4. THE SECRETARY, DEPARTMENT OF URBAN DEVELOPMENT, MANTRALAYA, MUMBAI-400032

EMAIL-ID:- [sec.ud2@maharashtra.gov.in](mailto:sec.ud2@maharashtra.gov.in)

5. THE SECRETARY, MINISTRY OF FOREST, MANTRALAYA, MUMBAI-400032

EMAIL-ID:- [min.forest@maharashtra.gov.in](mailto:min.forest@maharashtra.gov.in)

6. THE DIRECTOR GENERAL, CONCEPT TRAINING,  
HYDROLOGY, RESEARCH AND SAFETY,  
MAHARASHTRA ENGINEERING RESEARCH  
INSTITUTE, NASHIK-422004 {MERI}

EMAIL-ID:- potodgmeri@gmail.com

7. THE DISTRICT COLLECTOR, CIVIL LINES, NAGPUR –  
440001

EMAIL-ID:- collector.nagpur@maharashtra.gov.in

8. MUNICIPAL COMMISSIONER, NAGPUR MUNICIPAL  
CORPORATION, CIVIL LINES, NAGPUR -440001

EMAIL-ID:- mconagpur@gov.in/nmcnagpur@gmail.com

9. MAHARASHTRA METRO RAIL CORPORATION  
LIMITED, THROUGH ITS MANAGING DIRECTOR,  
NAGPUR HAVING OFFICE AT "METRO BHAWAN",  
EAST HIGHCOURT ROAD (VIP ROAD), IN FRONT OF  
DR. BABASAHEB AMBEDKAR COLLEGE, NEAR  
DIKSHABHOOMI, NAGPUR – 440010

EMAIL-ID:-contactus@mahametro.org

10. NAGPUR IMPROVEMENT TRUST THROUGH ITS  
CHAIRMAN, STATION ROAD, SADAR, NAGPUR. -

440001

23

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EMAIL-ID:-nagpurnit@hotmail.com /

contactus@nitnagpur.org / contactnitnagpur@gmail.com

11. MAHARASHTRA POLLUTION CONTROL BOARD  
THROUGH ITS REGIONAL OFFICER, UDYOG  
BHAVAN, CIVIL LINES, NAGPUR-440001

EMAIL-ID:- ronagpur@mpcb.gov.in /

mpcbnagpur@mpcb.gov.in

12. ~~THE SECRETARY,~~ IRRIGATION DEPARTMENT,  
*Executive Engineer*  
NAGPUR REGION, 2ND FLOOR BUILDING NO.1,  
ADMINISTRATIVE BLOCK, CIVIL LINES, NAGPUR,  
MAHARASHTRA 440001

EMAIL-ID:-eeipd.nagpurwrdd@maharashtra.gov.in/

eeihepid.nagpurwrdd@maharashtra.gov.in

13. THE HERITAGE CONSERVATION COMMITTEE,  
THROUGH ITS CHAIRMAN, HAVING OFFICE AT  
NAGPUR MUNICIPAL CORPORATION, NAGPUR

EMAIL-ID:- heritagestructureofnagpurcity@gmail.com

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In the matter of:-

Heavy rains and floods due to Ambazari overflow on 23-  
09-2023 in the city of Nagpur and loss of lives, properties

and livelihood to the citizens due to lethargic and negligent attitude of the civic authorities

AND

In the matter of violation of fundamental rights of the citizens under article 14, 19, 21, 300-a of constitution of India and article 48-A, 49, 226 of Constitution of India.

AND

In the matter of serious negligence of the civic authorities in maintenance and cleaning of Ambazari reservoir {heritage site} and Naag River resulting in floods and water logging in nearby areas

AND

In the matter of demand of judicial enquiry for fixing the responsibilities of government officials in man-made disaster of waterlogging in 20,000 houses in Nagpur due to "overflowing of Ambazari Lake" on 23-09-2023

AND

In the matter of conservation, preservation, rejuvenation of Ambazari lake and Naag River/ Pilli river as a fundamental duty of state u/a 48-A, 49 of Constitution of India

AND

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In the matter of violations of directions issued by this  
Hon'ble High Court in PIL No:-96/2017

AND

In the matter of various environmental laws including  
Water (Prevention and Control of Pollution) Act, 1974 , Air  
(Prevention and Control of Pollution) Act, 1981 and  
Environment (Protection) Act, 1986.

**PUBLIC INTEREST LITIGATION UNDER ARTICLE 226**  
**OF CONSTITUTION OF INDIA READ WITH RULE 4 OF**  
**BOMBAY HIGH COURT PIL RULE 2010**

Petitioners most respectfully submits as under:-

**1. DETAILS OF PETITIONERS:-**

- 1.1) The petitioners are "flood affected citizens" residing in "flood affected areas" in Nagpur and are seriously aggrieved by the "water logging" and "floods" occurred in Nagpur on 23-09-2023 and are also affected due to actions, conduct and inaction on the part of respondents who have failed to give them safe environment in Nagpur and failed to protect their lives and properties. The petitioners are senior citizens and have approached this

Hon'ble High Court for protection of their fundamental rights under article 14, 19, 21 of Constitution of India.

1.2) The petitioners are not associated with any political party nor are interested/influenced by any political decision but are approaching this Hon'ble Court so as to bring to light the grave illegalities committed by respondents in construction of Public Projects and to also bring to the notice of this Hon'ble Court about failure of respondents in taking any steps to preserve, protect Ambazari Lake/Dam and Nag River in Nagpur. The petitioner has taken up the present cause in the interest of the public at large.

1.3) The petitioner understands that in the course of hearing of this petition the Court may require any security to be furnished towards costs or any other charges and the petitioner shall be required to comply with such requirements.

2. **DETAILS OF RESPONDENTS:-**The respondents 1, 3, 4 are authorities and Ministries who are responsible for development of infrastructure in the State of Maharashtra and are responsible for the failure to make development and repairs of Ambazari Lake and Naag River in the City of Nagpur. The respondent no:-02 is responsible to give

“financial assistance” / “ex-gratia” payment of flood affected persons in Nagpur and merely offering Rs.10,000/ per family, which is not sufficient and adequate. The respondent no:-05 is forest department which presently owns the Ambazari Garden and Lake. The respondent no:-06 is government owned body which has issued a letter dated 16-08-2017 confirming that Ambazari Dam is over and has given warning six years ago about possible disaster. The respondent no:-07 is District Collector, who is responsible for monitoring “payment of compensation” to flood affected families and execute government programmes in the city of Nagpur. The respondent no:-08 is Municipal Commissioner who is “planning authority” in City of Nagpur and is also responsible for providing civic amenities to citizens in Nagpur. He is also responsible to implement the provisions of UDCPR 2023 and MRTP ACT 1966. The respondent no:-09 is government owned company who is running Metro Rail in Nagpur and is also making certain developmental works in Nagpur including construction of Acqua Park at Ambazari. The respondent no:-10 is NIT , a planning and development authority in Nagpur and has made illegal construction of Skating Ring and has closed the Naag River by putting a slab

on it. The respondent no:-11 is Maharashtra Pollution Control Board responsible for curbing pollution in the State of Maharashtra and also responsible for enforcement of provisions of The Air Act, The Water Act, The Environment Protection Act 1986. The MPCB has failed to take action against the polluting industries in MIDC Hingna Area which are alleged to have been discharging the polluted effluents in Ambazari Lake. The respondent no:-12 is The Executive Engineer Dam, Irrigation Department Nagpur and is responsible for repairs and maintenance of "Ambazari Dam" but has failed to take any measures to repair/ reconstruct and maintain Ambazari Dam. The respondent no:-13 is Heritage Committee working in City of Nagpur and has rated Ambazari Lake/ Dam as Heritage Grade-I.

### 3. BRIEF FACTS OF THE CASE :-

- 3.1 Ambazari lake is situated near the Southwest border of Nagpur, in the state of Maharashtra, India. It is one of the 11 lakes in Nagpur and is the largest lake in the city. The Nag River of Nagpur originates from this lake. This was built in the year 1870, under Bhonsale Rule, for supplying water to the city. Government officials and eminent people were supplied water through clay pipes.

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The lake was used to supply water to Nagpur for over 30 years.

- 3.2 That petitioners are seriously affected by the unprecedented rains / floods occurred on 23-09-2023 in Nagpur City. That between 3 a.m. to 8 a.m. of 23-09-2023, Nagpur city faced wrath of nature in a few wee hours. The city received total 109 mm rainfall. The city received cumulative of **116 mm** of rainfall till the evening of same day. The heavy rainfall resulted in city's iconic AMBAZARI LAKE overflowing. The water from the lake unleashed a fury on the areas allowing the bank of City's signature "Naag River". The force of water was such that it left behind a trail of road destruction in the form of debris paver blocks, and damage to roads and parts of bridges over the river. The following chart shows the amount of rainfall received in several areas on 23-09-2023:

Early 2 hours	90 mm
After 4 hours	109 mm
Cumulative of 24 hours	116.6 mm
Nagpur Airport	111 mm

Sitabuldi	111 mm
Pardi	103 mm
Wadi	229 mm

3.3 That the petitioners/ Citizens woke up to flooded houses and streets after the rains, disrupting normal life as water entered in houses, shopping malls, cinema halls, shops, medical stores, hospitals, schools, colleges, hostels, etc. and many public places like Nagpur Railway station, Ajni Railway station, Mor Bhavan Bus Stand, also submerged into flood water. The railway tracks of Nagpur and Ajni station submerged into water which caused disruption in movement of trains of all routes for some time. Similarly the city buses parked in Mor Bhavan and many other places drowned into the flood water which affected the public transport system of the city on 23-09-2023 and 24-09-2023. **(SOURCE: THE HITAVADA- CITY LINE DATED 24-09-2023)** The petitioners are relying on the Newspaper Reports so as to bring the correct facts before this Hon'ble High Court. The copies of Newspaper Reports are collectively enclosed as **ANNEXURE-P-01**. The copies of

photographs depicting real life situation are enclosed as **ANNEXURE-P-02.**

**3.4** Normally, the city witnesses water logging during monsoon in low lying areas but this time, the water entered in most of the areas of West and South West Nagpur on 23-09-2023, due to overflowing of "AMBAZRI LAKE" AND "NAAG NALHA". The scale of the water was unprecedented which left both residents and rescue teams baffled by the sheer volume of water in their homes. That the heavy rains over a span of few hours flooded many parts of Nagpur city, following which more than 400 people, including 40 students from a school for the speech and hearing-impaired, were rescued. **(SOURCE: THE HITAVADA-CITY LINE DATED 24-09-2023)**

**3.5** That the Ambazari lake was already struggling due to flooding of "Eichhornia Weed" which were growing in the lake, were carried away by the current through water discharge points. These plants became entangled under the bridge situated on Ambazari Road, near Swami Vivekanand Statue. This obstruction led to the complete blockage of the underpass. On 23-09-2023, the heavy

rainfall caused overflow of "AMBAZARI LAKE" and the overflowing water wreaked havoc in West Nagpur. (SOURCE: THE HITAVADA-VIDARBHA LINE DATED 25-09-2023)

- 3.6 Residents of low-lying areas near Ambazari Lake awoke to a shocking and unexpected flood event on Saturday 23-09-2023 morning. The scale of the flood was unprecedented which left both residents and rescue teams baffled by the sheer volume of water in their homes. Members of local rescue teams rushed to the scene and struggled to find the cause of this sudden flood. After conducting a thorough assessment of the affected area, the officials of rescue teams made a discovery the excessive growth of Eichhornia plants (Jalparni) in Ambazari Lake played a vital role in triggering the catastrophic flood. An official from the rescue teams explained that the Eichhornia plants, which were growing in the lake, were carried away by the current through water discharge points. These plants became entangled under the bridge situated on Ambazari Road, near Swami Vivekanand Statue. This obstruction led to the complete blockage of the

underpass designed for efficient water flow and resulted in water surging over the road surface. The underpass was originally constructed to facilitate the smooth passage of water during heavy rains. However, the underpass was totally blocked due to the plants. As a result, extensive flooding was caused in Ambazari Lay Out, Samta Lay Out, Yashwant Nagar and Daga Layout, Corporation Colony etc as the water entered the localities through the road. In an effort to mitigate the crisis, the administration deployed an excavator to remove the Eichhornia plants that had clogged the waterway. However, the machine was swept away by the rushing water and got entangled beneath the same bridge. **(SOURCE: THE HITAVADA-VIDARBHA LINE DATED 25-09-2023)**

- 3.7 The Ambazari lake water entered in residential areas which caused property loss in form of furniture, electrical appliances, cars, generators, two-wheelers, etc. Normally, city witnesses water logging during monsoon in low lying areas but this time, the water entered in most of the areas of West and South West Nagpur on

Saturday -23-09-2023 due to overflowing of all water bodies there.

- 3.8 More than 20,000 houses in the city were flooded and Mud has entered their houses. Many citizens were unable to even cook in their homes as it was covered in sludge. Diesel Pumps were deployed to remove water accumulated in basements.
- 3.9 Similarly, Nag River did the same damage in most part of the city where it crosses through. Due to overflowing of Nag River areas like Variety Square, Shankar Nagar, Panchasheel Square, Jhansi Rani square etc. submerged under water and also witnessed water logging. Also areas like Welcome Society, Borgaon, Hazari Pahad, Nandanvan, Yashwant Nagar, Samta Layout, Ramdaspath, Sakkardara, Ambazari Layout, Sitabuldi, Daga Layout, Dharampeth, Patrakar Bhavan, Mahesh Nagar, Kalamna, Kasturba Layout, Shiv Mandir, Swagat Nagar, CPWD Colony, Manovihar Colony, Vandana Appartments, Anand Nagar, Bajaj Nagar, Corporation Colony, Daga Lay Out, Gajanan Nagar, Hanuman Mandir, Gorewada Ring Road, Arafat Colony, Rajarao Society, Palloti Nagar, Zingabai Takli, NIT Swimming

Pool, Raikar Colony, Shinde Bhavan Dattavadi, Yashvant Stadium, Balkrishna Nagar, Ram Mandir (Ranapratap Nagar), Kotwali, Dasra Road, Babafarid Nagar, Shiv Nagar, Indira Nagar, Par di, JP Nagar, Mangaldeep Colony, Bharatwada Chikhli Square, Amar Nagar, along with other areas of the city got affected due to flood in the water bodies of the city. **(SOURCE: THE HITAVADA-CITY LINE DATED 24-09-2023 AND THE HITAVADA -CITY LINE DATED 26-09-2023)**

- 3.10** Two Teams of Indian Army, with engineering equipment and boats, were deployed for the rescue and flood-relief operation in Nagpur city on Saturday after the heavy downpour. The army personnel came in action to rescue affected people in Ambazari, Sitabuldi, Mor Bhawan, Panchasheel Square, Shankar Nagar, and Variety Square on Saturday. Indian Army flood relief columns from Headquarters Uttar Maharashtra and Gujarat Sub Area were requisitioned by the Nagpur District Collector in the morning. Army personnel rescued about 40 persons in all age categories and also provided them with medical aid. Till evening, the situation got under control.

However, in view of evolving flood situation in Nagpur, Kamptee and Chandrapur, the Indian Army teams have been put on alert by the Administration. **(SOURCE: THE HITAVADA-CITYLINE DATED 24-09-2023)**

- 3.11 The dilapidated British era bridge located on the stretch between Panchasheel Square and Jhansi Rani Square failed to sustained the flooding of Naag river and finally collapsed on Saturday. The Hitavada ran a story on the condition of the bridge on July 26 this year and pointed out the poor condition and how the civic body has been ignoring its maintenance for years. The pillars of the bridge had developed cracks and as per the story's prediction, it finally crumbled on Saturday after heavy rains. The bridge, located on the busy Wardha Road, is blocked by the Traffic Department till its repair work is completed and till then, no traffic movement will take place on that stretch. This avoidable disaster will now put pressure on vehicular traffic on the adjacent roads of Ramdaspath, Sitabuldi and Dhantoli areas. The owners of shops in the areas got affected due the collapse of the

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bridge. (SOURCE: THE HITAVADA-CITYLINE  
DATED 24-09-2023)

3.12 Many traders in the city having shops or go-downs along the banks of the Naag River and Pili river and those based in other low-lying localities suffered heavy losses due to the flood. Owners of shops selling clothes/garments, books and other items suffers a heavy damage. They had to take out the stalk, spreading it on pavement outside their shops so that those could be dried. (SOURCE: THE HITAVADA DATED 26-09-

2023)

3.13 All four gates of Gorewada Dam on Gorewada Lake were opened as the water level of the lake crossed the danger mark of 315.65 mtr. in the evening. The gates of Gorewada Dam, also known as Godbole Gates, starts opening automatically as water level crosses the danger mark. Due to opening of gates of Gorewada, the adjacent areas of Gorewada also witnessed flooding. (SOURCE:

THE HITAVADA-CITYLINE DATED 24-09-  
2023)

3.14 Flood-hit citizens complained that the district administration did not inform them properly about the

natural disaster and failed to evacuate them in time. A sizable area was without power and drinking water for more than 18 hours.

#### **LOSS OF HUMAN LIVES:-**

**3.15** Due to the severe flooding in city FIVE CITIZENS lost their lives including two women, one of whom was suffering from paralysis. Along with the human beings several animals also lost their lives which included a total of 14 cattle and several stray animals which remain unrecorded. **(SOURCE: THE HITAVADA-NAGPUR CITY LINE AND THE HITAVADA MAIN PAPER DATED 24-09-2023)**

#### **ELECTRICITY:-**

**3.16** It is submitted that it was a testing time for the power machinery in the city on 23-09-2023, in the aftermath of the floods that led to one of the worst losses for the citizens. The downpour of 106 mm within a span of four hours caused water logging at many places, forcing Maharashtra State Electricity Distribution Company Limited (MSEDCL) to operate contingency plan, leading to outages in several localities of the city. Over 30,000

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consumers went without power for nearly 15 hours as power-men struggled to keep the infrastructure safe from flood water. A major worry for the MSEDCL employees was avoiding any major electrocution as there was water everywhere after the overflow from Ambazari, with water gushing into the Shankar Nagar sub-station. Besides that other sub-station that was water logged was at Mahesh Nagar, New Ahbab Colony, where in six distribution transformers were switched off to prevent mishaps. Similarly, 12 distribution channels off Seminary Hill Distribution Centre were also shutdown due to water-logging in Kolabaswami Nagar and the adjoining Nala. The IT circuit near Ramgiri bungalow was also switched off as excess water gushed in at Dharampeth distribution channel, and two DTCs near Ganga Nagar slums under Mankapur Distribution centre. One of the worst affected areas was of 33 KV Shankar Nagar sub-station that was inaccessible due to nearly 3 ft above ground level making it difficult to approach the sub-station. As a safety measure, outgoing feeders were kept in "off state" due to water logging at 33/11 KV Shankar Nagar sub-station that included 11 KV

Dharampeth, 11 KV Madhumadhav, 11 KV Dandige Layout, 11 KV Ram Nagar, 11 KV SMG, 11 KV N KUMAR, 11KVShivaji Park, 11 KV Trikoni Park, 11 KV Kachipura, 11 KV Hilltop. 11 KV Shankar Nagar -1 and 11 KV Shankar Nagar-2. Similarly, 11 KV outgoing feeders emanating from 11 KV Shankar Nagar switching sub- station, including 11 KV Gokulpeth, 11 KV Dharampeth switching, 11 KV Bajaj Nagar switching, 11 KV switching campus too were affected due to floods. Further, in the western part the overflow from Gorewada also caused problem as transmission from five 11 KV power lines, including that of MECL. Friends Colony, Nari Village. Wanjara, Gorewada DTC was affected, which in turn hit the power supply of nearly 22,000 consumers. Areas in Manavseva Nagar, Azad Nagar, Friends Colony, Police Line. Katol Road Gittikhadan, Ghourkhede Complex, Mahesh Nagar, Samta Nagar, SRA. MHADA quarters were affected. **(SOURCE: THE HITAVADA-DATED 25-09-2023)**

**LIFE OF AMBAZARI DAM IS OVER:-**

**3.17** It is submitted that on 23-09-2023 floods have caused heavy damage in the city, especially the settlements near Ambazari Lake. Shockingly, the life of the Ambazari lake dam has ended six years ago, and the Nagpur Municipal Corporation is still asleep. Fortunately, the dam did not burst in this flood. The Maharashtra Engineering Research Institute (MERI), Nashik, had written to the Nagpur Municipal Corporation indicating that the life of the Ambazari Lake dam had ended 16-08-2017. **{ANNEXURE-P-03} (SOURCE: LOKMAT DATED 26-09-2023)**

**3.18** The letter was written in connection with granting permission for excavation near the lake for the Maha Metro station. The respondent no:-01 has written a letter on 31-01-2018 to NMC Commissioner that appropriate action be initiated to secure safety of citizens. **{ANNEXURE-P-04}** It is submitted that the NMC Commissioner has specifically written a letter to MAHAMETRO on 28-08-2017 and directed to take all measures so as to secure the "safety of the dam" as contemplated by respondent no:-05 {MERI} and shifted

the entire responsibility on MAHAMETRO.

{ANNEXURE-P-05}

3.19 The Municipal Corporation wasted Rs 200 crore on G-20 beautification and hundreds of crores on cement roads without storm water drainage. However, the embankment was not made strong. If the dam had burst, an unimaginable disaster would have happened. Maha Metro had paid Rs 10 crore to the municipal corporation for pitching the Ambazari dam with stones; But nothing was done. (SOURCE: LOKMAT DATED 26-09-2023)

3.20 It is submitted that the Deputy Chief Minister of Maharashtra has announced Rs. 10,000/- aid to each flood affected family, Rs. 50,000/- to shopkeepers who suffered heavy loss and up to Rs. 10,000/- to stall owners but according to petitioners the said amount of Rs.10,000/ as "ex-gratia compensation" is not enough as the said amount cannot repair their furniture or restore their houses as they were prior to floods. The citizens in flood affected area have suffered huge losses to their property, which cannot be compensated by a meagre amount of Rs.10,000/-

(SOURCE: THE HITAVADA DATED 24-09-2023)

3.21 It is submitted that The Union Minister for Road Transport and Highways MR. NITIN GADKARI chaired the meeting with officials of World Bank, National Mission for Clean Ganga (NMCG), and Nagpur Municipal Corporations (NMC) in New Delhi. after which was approved by the Expenditure Finance Committee (EFC) Rs. 2,117.54 cr. on 27.10.2021 for Nag River Pollution Abatement Project in order to lead to bio diversity and rejuvenation of Nag River in Nagpur city. The aim of project was to rejuvenate the Nag River that passes through middle of city and then merges with Kanhan on Nagpur's outskirts and then drains into Wainganga river basin. The plan was to revive the bio-diversity of the river and also to develop the river bank of Nag River as signature river of city. When the project was conceived, way back in June 2014 the cost was pegged at Rs 1,476.96 crore. However as the project was not properly drafted same was rejected and delays cost dearly as new additions were made pegging the pollution control price at nearly Rs. 2500 crores. The project was

approved under the "National River Conservation Plan" and was to implemented by the National River Conservation Directorate, NRCD. Japanese International Co-operation Agency (JICA) was the lead financier and it had entered into agreement with Maharashtra Government for a soft loan of Rs. 1864 crores for Nag River Pollution Abatement Project and other river cleaning projects. As mentioned earlier, Centre contributed 60% of the project cost, that is, Rs 1,323.51 crore, State contributed 25% Rs 496.38 crore while for cash strapped NMC contribution was kept at 15 % that is Rs 297.82 crore. It is submitted that the said project is not implemented even till today and Rs.2117/ crores are still unutilized. **(SOURCE: THE HITAVADA DATED 03-03-2021)**

**3.22** NMC constructed one treatment plant of 100 MLD capacity at Bhandewadi but it operates only at 80 per cent of its capacity. About 275 MLD untreated waste is release into nullah and it then drains into Wainganga basin whose water quality has deteriorated. Under the pollution abatement project, three sewage treatment plants (STPs) were to be constructed one each at

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Aradhana Colony (45 MLD) capacity), VNIT (12 MLD), and Mor Bhavan (35 MLD), at Sangam adjacent to Yashwant Stadium. Besides, two STPs of 10 MLD capacity each will be upgraded at Mankapur and Martin Nagar and they would be on Pili River. Total 520 MLD sewage flows into Nag river of which plan was to treat 480 MLD through existing, proposed and to be upgraded STPS. Hon'ble Minister Nitin Gadkari has been battling for abating the pollution of Nag River that originates from over flow of the Ambazari lake. Even after the grant of adequate amount, no efforts were taken by the authorities for the cleaning of the river and the state of the river is still in the same condition, if not, worse than before the approval. The officials of Nagpur Municipal Corporation did not do their work properly and left the Nag River unclean that caused the Ambazari Lake (the city's largest water body) and the Nag river, to breach their boundaries swamping the city, damaging the residential property, belongings and killing four people. (SOURCE: THE HITAVADA DATED 03-03-2021)

#### 4 CAUSES OF WATER LOGGING-

- 4.1 The Naag River is highly congested with waste because of the negligence of authorities even when Rs.2117.54 crores were sanctioned by the centre for its cleaning purposes, which caused the water to overflow and enter into the residential areas.
- 4.2 A wall of about 8 feet height and 100 ft. width was illegally constructed by Maha Metro on Naag Nala opposite Swami Vivekanand Smarak, which diverted the original flow of Naag River coming from Ambazari Over Flow Point to nearby localities like Purohit Lay Out, Ambazari Lay Out, Samata Lay Out, Yashwant Nagar, Varma Lay Out, Kasturba Lay out etc and resulted serious loss of lives and properties to the citizens residing in these areas. The illegal construction of “compound wall” by MAHA METRO has resulted the present water logging in nearby areas and therefore according to the petitioners the present “damage to the nearby localities” is a “man made disaster”.
- 4.3 India Meteorological Department predicted heavy rains in Nagpur for 23-09-2023, and still no precautions were taken prior to the emergence of calamity and civic authorities were not ready with any contingencies.

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- 4.4 Inaction on the part of NMC/ MAHA METRO when a letter was sent by the Director General, Concept, Training, Hydrology, Research and safety Maharashtra Engineering Research Institute (MERI) Nashik, stating that the life of Ambazari Dam was over on 16-08-2017. **{ANNEXURE-P-03}** It clearly states that Ambazari Dam might cause a great hazard and therefore, necessary precautions to be taken at the earliest. Even then no action was taken by the Nagpur Municipal Corporation, putting life of thousands of citizen's in danger.
- 4.5 The Skating Ring at Corporation Colony, Daga layout is constructed by Nagpur Improvement Trust with International Standards. Total plot area is about 6236.64 sq.m. On this Skating Rink & Administrative building is constructed. About 99.49 mtr x 42.07 mtr size rink is constructed with ample parking & spectators gallery. Administrative Building includes facilities like canteen, changing room, judges room, kitchen & sanitary blocks. This Skating rink built over Naag River is a nightmare for the people living in it's vicinity. The concrete platforms built for parking obstructs the river's

flow and is a great cause for water logging in Nagpur on 23-09-1999 resulting in the houses and shops in the nearby areas being submerged into water.

- 4.6 That the Ambazari lake was already struggling due to flooding of "Eichhornia Weed" which were growing in the lake, were carried away by the current through water discharge points. These plants became entangled under the bridge situated on Ambazari Road, near Swami Vivekanand Statue. This obstruction led to the complete blockage of the underpass and therefore outflow of water could not be streamlined.
- 4.7 For reasons known to the civic body, a JCB machine was T parked inside the river at the h overflow point on Friday. The machine had been engaged there for last few days to clear water hyacinth. The machine was swept away and got stuck at the bridge, obstructing flow of water.
- 4.8 After inspecting the 152- year-old embankment of Ambazari lake, the DSO reported leased in February 2017 had said, "Vivekananda Memorial constructed by NMC in Nag river at the overflow point is hazardous for the dam's safety. This monumental structure is

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constructed immediately downstream of spillway bar in tail channel. It has obstructed most of water way and only two vents are kept for discharge over spillway

- 4.9 Prior to the heavy rainfall of 23-09-2023, Nagpur has the highest rain record of 304 mm. which was registered on 12 July, 1994. A rainfall of 265 mm. with 6 hours has also been recorded in Nagpur on 6 July 2018. Even after such heavy rains, such water logging that Nagpur witnessed on 23 September 2023, has never been seen before. It clearly states that the water logging caused was completely man-made and not a natural calamity.

Date	Amount of Rainfall	Time Duration
12 July 1994	304 mm.	24 hours
6 July 2018	265 mm.	6 hours
23 September 2023	109 mm.	4 hours

(SOURCE- [WWW.INDIATODAY.IN](http://WWW.INDIATODAY.IN) DATED 07-07-2018)

## 5 VIOLATIONS AND NEGLIGENCE CAUSED BY THE RESPONDENTS-

5.1 According to the Regulations for Conservation of Heritage Buildings/Precincts/Natural Features 2003, Ambazari Lake has been listed as a Heritage Conservation Area on 15<sup>th</sup> October 2003. It is stated that the Ambazari Lake is a natural body which dates back to 18<sup>th</sup> and 19<sup>th</sup> century and is under the ownership of NMC/Forest Department. It is regarded has the "Grade I" Heritage Site as per the List.

According to the Regulation 11 stated in Regulations mentioned above. Grading of the listed Buildings/Listed Precincts states, "In the column No. 10 of the said list of heritage buildings, heritage precincts, "grades" such as I, II and III have been indicated. The meaning of these grades and basic guidelines for development permissions are as follows:-

- a) Scope- Heritage Grade I comprises buildings and precincts of National or Historical importance embodying excellence in architectural style, design technology and material usage and/or aesthetics, they may be associated with a great historic event, personality movement or

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institution. They have been and are the prime landmarks of the city.

b) Objective- Heritage Grade-I richly deserves careful preservation.

c) **Scope for development-** No interventions be permitted either on exterior or interior unless it is necessary in the interest of strengthening and prolonging the life of the buildings/or precincts or any part of features thereof. For this purpose, absolutely essential and minimum changes would be allowed and they must be in accordance with the original.

d) Procedure- Development permission for the changes would be given by the Commissioner on the advice of the Heritage Conservation Committee to be appointed by the State Government.

The respondent completely ignored these Regulations and the restrictions put forth by it and Constructed Swami Vivekanand Smarak in the vicinity of the Heritage Site.

5.2 A letter was sent by Maharashtra Engineering Research Institute, to the Commissioner of Nagpur Municipal Corporation, Nagpur on 16-08-2017 {ANNEXURE-P-03} stating that, “the life-span of Ambazari Dam has come to an end and Nagpur Municipal Corporation has created a great Hazard Potential. Therefore, it has become essential to take precautions to ensure that there will be no danger to the roads, settlements and Metro Rails due to the Dam burst in the future.”

It also states that, “All trees and shrubs on dams, their roots can cause seepage from the dam. Therefore, such bushes should be removed. In this regard, the matters pointed out by the Executive Director, Vidarbha Irrigation Development Corporation, Nagpur on 14/08/2017 during field visit should be taken into consideration and all measures should be taken.

All the dam safety points mentioned in the technical opinion communicated by this office vide letter dated 24/10/2016 must be fulfilled. As per letter dated 14/08/2017 all points in the inspection report must be resolved.

Even after this letter no action or precautions were taken by the Nagpur Municipal Corporation for increasing lifespan of the Ambazari Dam and strengthening its structural integrity, putting the citizens life in great danger.

5.3 It is submitted that a spirited citizen named as Mohammad Sharif has approached this Hon'ble High Court in PIL NO:-96/2017 and demanded the action of respondent authorities to save the AMBAZARI LAKE/RESERVOIR. This Hon'ble High Court gave following directions and findings:-

**PIL NO:-96/2017- MOHAMMAD SHARIF VS  
STATE OF MAHARASHTRA**

**DECIDED :-21-03-2018-{ANNEXURE-P-06}**

**THE HON'BLE HIGH COURT HELD\_\_\_\_\_**

(17) No doubt, a public spirited citizen like the petitioner ought to have approached this Court much earlier when such illegal constructions were permitted by the Planning Authorities or when such monuments were erected or when such commercial activities were permitted. However, we find that

though belatedly, petitioner's approaching this Court has given us an opportunity to issue directions to various Authorities so as to ensure safety of dam so that a flood like situation is avoided. We, therefore, dispose of the petition with following directions:

- (i) Respondent no.6 is directed either itself or through irrigation Authorities situated at Nagpur to execute the entire works, which are necessary for ensuring safety of dam as could be found in the letter dated 16/8/2017 and in the inspection report, which is to be found at pages 130 to 132 of paper book.
- (ii) The respondent no.6 in consultation with respondent no.3 Corporation, respondent no.5 and local irrigation Agency shall prepare plans for ensuring safety of dam, which has outlived its life. The said plans be finalized by 15th April 2018. After the plans are finalized, respondent no.6 either itself or through local Irrigation Agency as chosen by it, shall forthwith start work for execution of such measures. Needless to state that work would not be restricted only to 342 metres stretch, which is

adjoining alignment of metro, but for entire length of dam.

(iii) Respondent Metro Rail shall bear costs for executing the works, which are adjoining its alignment, i.e. 342 metres. The expenditure towards costs of strengthening remaining stretch of dam shall initially be borne by State Government. State Government would be at liberty to recover full or part of the amount from respondent no.3 Corporation or other Planning Authorities, which in the opinion of State Government, have contributed to such illegal structures.

**(18) We make it clear that for executing the aforesaid works, paucity of funds will not be considered an excuse. We direct Chief Secretary of State of Maharashtra to ensure that aforesaid directions are followed scrupulously.**

It is submitted that the respondent authorities have failed to comply the directions issued by this Hon'ble High Court in PIL NO:-96/2017

5.4 Certain restrictions were imposed by the Water Resources Department, State of Maharashtra {respondent no:-03} on 08-03-2018. {ANNEXURE-P-07} It states certain restrictions regarding revision of criteria of distance in the area near the Ambazari Dam on carrying out any type of development works.

(1) Regarding development works other than the Township in the upper part of the dam reservoir-

(a) For storage with ungated spillway AHFL level (flood level) upstream of the dam or HFL +0.5 m. Vertical or 20 m. The minimum distance between horizontal.

(b) For storage with gated spillway upstream side of the dam (submerged side) HFL +9 m. vertical or 75 m. the minimum distance between horizontal.

(2) For Township and Industrial Township Estates-

(a) In case of large and medium projects, a distance of at least 500 meters in {a} and (b) or from AHFL, whichever is greater, shall remain a prohibited area.

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(b) In respect of minor projects-( a) and (b) or minimum distance of 200 meters from AHFL whichever is greater shall remain a prohibited area.

(3) The distance from construction of dam or project component is determined as follows. Prohibited area and other distances shall be measured from the downstream side of the toe drain in case of earthen dam and from the end sill above the EDA of the embankment, where there is no toe drain this distance shall be Toe + 10 Meters should be counted ahead.

Sr. No.	Height of work place of Dam/ Components	Restricted Distances	Limitation of depth of Excavation
1.	0 to 30 m	Five times the height or 30 meters whichever is higher	Permanent excavation more than 1 meter above ground level upto

2.	More than 30 meters	200 meters or 10 times the height whichever is higher	distance of 200 meters or 10 times the height whichever is greater is not allowed to be taken forth.
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- (4) The above prohibited distances in a single dam will be according to the height of that place on the house line, that is, the distance will be less at the place of low height and more at the place of higher construction. The said distance will be air distance (Anal Distance). That is, the distance to be allowed does not depend on the maximum height of the dam, but on the embankment construction at that place on the dam line, will depend on height.
- (5) The distance from the river bed on the downstream side of the dam and the nature of the development work to be done / construction etc. regarding the flood line should be done as per Government

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Circular No.FDW-1089/ 243/89/ S.V.(Works),  
dated 21.9.1989.

In spite of such restrictions Maha Metro has already constructed METRORAIL PILLARS and is constructing Play Zone/ Aqua Park within 200 m. of Ambazari Dam and Nagpur Municipal Corporation has already constructed "Vivekanand Smarak" violating these guidelines and UDCPR 2022 made u/s 37 of MRTP ACT 1966.

- 5.5 In exercise of the powers conferred by section 25, read with sub-section (1) and clause (v) of sub-section (2) and sub-section (3) of section 3 of the Environment (Protection) Act, 1986 (29 of 1986), the Central Government constitutes **The Wetlands (Conservation And Management) Rules, 2010.** The Rules 2010 are finalized and approved by Hon'ble Supreme Court of India in WP CIVIL NO:-230/2001 on 08-02-2017. The copy of OM issued by MOEF NEW DELHI on 08-03-2022 for Protection of Wet Lands as per Rule 4 of Wetlands Rules 2010 is enclosed as **ANNEXURE-P-08.** The copy of Wetlands Regulations

2010 dated 04-12-2010 is enclosed as ANNEXURE-P-09.

The Rule 4 of the said rules reads as- "Restrictions on activities within wetlands-

(1) The following activities within the wetlands shall be prohibited, namely:-

- (i) reclamation of wetlands;
- (ii) setting up of new industries and expansion of existing industries;
- (iii) manufacture or handling or storage or disposal of hazardous substances covered under the Manufacture, Storage and Import of Hazardous Chemical Rules, 1989 notified vide S.O. No. 966(E), dated the 27th November, 1989 or the Rules for Manufacture, Use, Import, Export and Storage of Hazardous Micro-organisms/Genetically engineered organisms or cells notified vide GSR No. 1037(E), dated the 5th December, 1989 or the Hazardous Wastes (Management, Handling and Transboundry Movement)

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Rules, 2008 notified vide S.O. No. 2265(E), dated the 24th September, 2008;

- (iv) solid waste dumping: provided that the existing practices, if any, existed before the commencement of these rules shall be phased out within a period not exceeding six months from the date of commencement of these rules;
- (v) discharge of untreated wastes and effluents from industries, cities or towns and other human settlements: provided that the practices, if any, existed before the commencement of these rules shall be phased out within a period not exceeding one year from the date of commencement of these rules;
- (vi) any construction of a permanent nature except for boat jetties within fifty metres from the mean high flood level observed in the past ten years calculated from the date of commencement of these rules:

- (vii) any other activity likely to have an adverse impact on the ecosystem of the wetland to be specified in writing by the Authority constituted in accordance with these rules.
- (2) The following activities shall not be undertaken without the prior approval of the State Government within the wetlands, namely:-
- (i) withdrawal of water or the impoundment, diversion or interruption of water sources within the local catchment area of the wetland ecosystem;
- (ii) harvesting of living and non-living resources;
- (iii) grazing to the level that the basic nature and character of the biotic community is not adversely affected;
- (iv) treated effluent discharges from industries, cities or towns, human settlements and agricultural fields falling within the limits laid down by the Central Pollution Control Board or the State

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Pollution Control Committee, as the case may be;

- (v) plying of motorized boat, if it is not detrimental to the nature and character of the biotic community;
- (vi) dredging, only if the wetland is impacted by siltation;
- (vii) construction of boat jetties;
- (viii) activities within the zone of influence, as per the definition of wetlands, that may directly affect the ecological character of the wetland;
- (ix) facilities required for temporary use, such as pontoon bridges, that do not affect the ecological character of the wetland;
- (x) aquaculture, agriculture and horticulture activities within the wetland;
- (xi) repair of existing buildings or infrastructure including reconstruction activities;
- (xii) any other activity to be identified by the Authority.

- (3) Notwithstanding anything in sub-rule (1) or sub-rule (2), the Central Government may permit any of the prohibited activities or non-wetland use in the protected wetland on the recommendation of the Authority.
- (4) The State Government shall ensure that a detailed Environment Impact Assessment is carried out in accordance with the procedures specified in the notification of the Government of India in the Minister of Environment and Forests 5.O. No. 1533(E), dated the September 14th, 2006 as amended from time-to-time.
- (5) No wetland shall be converted to non-wetland use unless the Central Government is satisfied on the recommendation of the Authority that it is expedient in the public interest and reasons justifying the decision are recorded.

Rule 2 (g)- Definitions-

- (1) In these rules, unless the context otherwise requires,-

(g) "wetland" means an area or of marsh, fen, peatland or water or water,; natural

or artificial, permanent or temporary, with water that is static or flowing, fresh, brackish or salt, including areas of marine water, the depth of which at low tide does not exceed six metres and includes all inland waters such as lakes, reservoir, tanks, backwaters, lagoon, creeks, estuaries and manmade wetland and the zone of direct influence on wetlands that is to say the drainage area or catchment region of the wetlands as determined by the authority but does not include main river channels, paddy fields and the coastal wetland covered under the notification of the Government of India in the Ministry of Environment and Forest, S.O. No. 114(E), dated the 19th February, 1991 published in the Gazette of India, Extraordinary, Part II, Section 3, sub-section (ii) of dated the 20th February, 1991;

It is submitted that provisions of Wetland Regulations 2010 are also blatantly violated.

- 5.5. The Unified Development Control and Promotion Regulations are sanctioned by the State Government under Section 37(LAA)(c) and Section 20(4) of the Maharashtra Regional & Town Planning Act, 1966.

**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) सिं.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.

- 5.7. It is submitted that the Nagpur Municipal Corporation (NMC) has not prepared any plan or executed works at Ambazari lake overflow point despite being alerted by Dam Safety Organization (DSO), Nashik, six years ago. The Swami Vivekanada Memorial was also affected during the heavy rains on 23-09-2023. The retaining wall of the memorial, cement concrete floor, lamps, tiles etc have been damaged. The museum situated below the statue was filled with water, damaging murals and other material.
- 5.8. The state government's resolution dated August 2, 2013, prohibits construction or excavation downstream of dam

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or 10 times the height of the up to a distance of 200 meter dam, whichever is more, from the distance of toe of dam. Still, the Vivekananda memorial, Metro corridor etc were constructed. Now, Maha Metro is also developing an amusement park. (Source: @timesgroup.com)

## 6. NATURE AND EXTENT OF INJURY

- 6.1) The petitioners are "flood affected citizens" residing in "flood affected areas" in Nagpur and are seriously aggrieved by the "water logging" and "floods" occurred in Nagpur on 23-09-2023 and are also affected due to actions, conduct and inaction on the part of respondents who have failed to give them safe environment in Nagpur and failed to protect their lives and properties. The petitioners are senior citizens and have approached this Hon'ble High Court for protection of their fundamental rights under article 14, 19, 21 of Constitution of India.
- 6.2) The petitioners and 25,000 families in Nagpur are seriously affected due to the lethargic and negligent attitude of the respondent authorities who have failed to create safe environment and failed to take any steps for preservation, protection, maintenance, rejuvenation of Ambazari Dam and Naag River in spite of warning issued

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by other government departments. Neither the steps were taken for "rejuvenation of Nag River" nor any steps were taken to "repair and reconstruct" the Ambazari Dam whose life is over in 2017.

- 6.3) The petitioners have lost their valuables, furniture, groceries, vehicles, stationaries, cloths etc and other properties due to "water logging" in their houses. The petitioners believe that this tragic incident could have been avoided had the timely steps been taken by the civic administration to "remove encroachments" on Nag Nala, clean and rejuvenate Naag Nala, removal of obstacles in outflow of Ambazari Overflow. The respondents authorities have failed to give "right of way" to the water from overflow point in a scientific and systematic way but has deliberately created hurdles and obstructed free flow of overflow of Ambazari Dam and hence it resulted in causing huge monetary loss to petitioners and 25,000 families in Nagpur. According to government reports an estimated loss of 300 Crores is made only to government properties.

## 7. EARTHEN DAM AND ITS FEATURES

- 7.1) The dam is an important civil engineering structure that is multifunctional and used throughout the world. From

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simple water supply works, irrigation works to huge hydropower generation plants and disaster control works; all require the construction of the dam. One such important type of dam is the earthen dam.

- 7.2) An earthen embankment is a raised confining structure made from compacted soil. The purpose of an earthen embankment is to confine and divert the storm water runoff. It can also be used for increasing infiltration, detention and retention facilities. Earthen embankments are generally trapezoidal in shape and most simple and economic in nature. They are mainly built with clay, sand and gravel, hence they are also known as earth fill dams or earthen dams. They are constructed where the foundation or the underlying material or rocks are weak to support the masonry dam or where the suitable competent rocks are at greater depth. They are relatively smaller in height and broader at the base.

### 7.3) COMPONENTS OF EARTHEN DAM-

An Earthen has three basic components-

- a) Foundation: the <sup>72</sup> foundation is a supporting component that withstands both horizontal as well as vertical load. The foundation is made up of soil.
- b) Casing (outlet): the casing is the component of an earthen dam that protects the inner core. The upstream and downstream slopes of a casing have to be decided based on the type of dam, height, availability of material, and the condition of the foundation. A flatter slope is built in case of low permeability earth. The desirable range for downstream slope varies from 2:1 to 2.5:1 while the range from upstream slope varies from 2:1 to 4:1.
- c) Core (hearting): the core is the component of an earthen dam that checks the seepage of water through the body of dam. Due to this reason, it is commonly referred to as an impermeable barrier. The material used for the construction of the core should be selected depending upon the

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topography, availability of material, diversion considerations, and suitability. The position of the core may be either central or inclined upstream. The core must be constructed such that its top level lies at least 1 metre above the maximum water level. The minimum width of the core should preferably not be less than 3 metres.

- d) **Shell, Upstream Fill, Downstream Fill or Shoulder:** These components of the earthen dam are constructed with pervious or semi-pervious materials upstream or downstream of the core. The upstream fill is called the upstream shell and the downstream portion is the downstream shell.
- e) **Upstream Blanket:** It is a layer of impervious material laid on the upstream side of an earthen dam where the substratum is pervious, to reduce seepage and increase the path of flow. The blanket decreases both the

seepage flow and excess pressure on the downstream side of the dam. A natural blanket is a cover of naturally occurring soil material of low permeability.

- f) **Cutoff Wall or Cutoff:** It is a wall, collar or other structure intended to reduce percolation of water through porous strata. It is provided in or on the foundations.
- g) **Drainage Filter:** It is a blanket of pervious material constructed at the foundation to the downstream side of an earthen dam, to permit the discharge of seepage and minimize the possibility of piping failure.
- h) **Riprap:** Broken stones or rock pieces are placed on the slopes of embankment particularly the upstream side for protecting the slope against the action of water, mainly wave action and erosion.
- i) **Core Wall, Membrane or Core:** It is a centrally provided fairly impervious wall in the

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dam. It checks the flow of water through the dam section. It may be of compacted puddled clay, masonry, or concrete built inside the dam.

j) **Toe Drain:** It is a drain constructed at the downstream slope of an earthen dam to collect and drain away the seepage water collected by the drain filters.

k) **Transition Filter:** It is a component of an earthen dam section which is provided with core and consists of an intermediate grade of material placed between the core and the shells to serve as a filter and prevent lateral movement of fine material from the core.

#### 7.4) MATERIALS USED IN EARTHEN DAM-

- a) Clayey material
- b) Sandy soil
- c) Murum, Sandy slit
- d) Rock masonry

#### 7.5) DESIGN CRITERIA FOR EARTHEN DAM-

Following main design may be laid down for the safety of an earthen dam:

- a) To prevent hydraulic failures the dam must be so designed that erosion of the embankment is prevented. For this purpose, the following steps should be followed:
- i. Spillway capacity is sufficient to pass the peak flow.
  - ii. Overtopping by wave action at maximum water level is prevented.
  - iii. The original height of structure is sufficient to maintain the minimum safe freeboard after settlement has occurred.
  - iv. Erosion of the embankment due to wave action and surface runoff does not occur.
  - v. The crest should be wide enough to withstand wave action and earthquake shock.
- b) To prevent the failures due to seepage:
- i. Quantity of seepage water through the dam section and foundation should be limited.
  - ii. The seepage line should be well within the downstream face of the dam to prevent sloughing.

- iii. Seepage ~~water~~<sup>77</sup> through the dam or foundation should not remove any particle or in other words cause piping.
- iv. There should not be any leakage of water from the upstream to the downstream face. Such leakage may occur through conduits, at joints between earth and concrete sections or through holes made by aquatic animals.

c) To prevent structural failures:

- i. The upstream and downstream slopes of the embankment should be stable under all loading conditions to which they may be subjected including earthquake.
- ii. The foundation shear stresses should be within the permissible limits of shear strength of the material.

7.6) It is submitted that the disaster happened on 23-09-2023 needs to be prevented in future and there is need to scientifically discover the causes of "water logging" and "floods" due to "overflow in Ambazari Lake". It is submitted that the Ambazari Dam was created in 1870 and has already lived its life. According to the petitioners the Crest Height of the Dam is increased by 10 feet in

2015 by NMC but the Upward Stream and Downwards Stream of the Dam was not altered as per the increased height in 2015. Hence the required angles of the Upwards Stream and Downward Stream were not maintained. On the contrary illegal construction of METRORAIL PILLARS was done right on the "downward stream" of the Ambazari Dam resulting in constant vibrations and disturbance in the soil/ land of the Ambazari Dam, which is more dangerous to Ecosystem. It is submitted that the "Toe Drain" and "Rock Toe" of the existing Ambazari Dam are completely damaged and destroyed due to "construction of roads" and "construction of MAHAMETRO PILLARS" causing further threat to the life of the dam which is already over. The copies of sample pics of Earthen Dams are enclosed as **ANNEXURE-P-10.**

- 7.7) It is also submitted that MAHAMETRO has illegally constructed pillars digging the earth up to 60 feet deep and hence the "vibrations" of the Metro are disturbing the soil combination and "downward stream" of the Ambazari Dam. It is submitted that MAHAMETRO has directly violated the "Heritage Conservation Rules" ,

UDCPR-2022 and MRTP Act 1966 and Notification issued by Water Resources Department {Respondent no:-03} on 08-03-2018. {ANNEXURE-P-07} By which there is a "no construction zone" up to 200 meters from the Dam. If downward stream is scientifically calculated and maintained then the distance of 125 meters from the "centre line" of the dam will have to be acquired and the entire "12 meter road" from Ambazari T Point to Vivekanand Smarak will have to be closed. The erstwhile Crazy Castle or Acqua Park made by MAHAMETRO will have to be demolished. It is thus requested that this Hon'ble High Court should appoint a "High Power Expert Committee" consisting of Engineers, Architects, Scientist to evaluate the present status of Ambazari Dam and suggest the measures to prevent the Overflowing of Water and Waterlogging in surrounding areas and to acquire the properties of adjoining areas within 100 meters.

**7.8) EXPERT VIEW:-**

It is submitted that the renowned and senior Architect Paramjeetsingh Ahuja has made serious observations

about the tragic incident occurred <sup>80</sup> on 23-09-2023 and he says in The Hitavada that \_\_\_\_\_

“Urban floods can occur when a river passing through the city breaches its embankment as it did when protective walls of the Nag River emanating from the Ambazari Lake collapsed. It can also happen due to clogging of storm water drains; lack of proper drainage system; rainfall overwhelming the capacity of drainage system; haphazard and irregular planning compounded by the problem of illegal encroachments which eliminate natural water courses necessary to drain out excess water; urban heat island effect, resulting in an increase in rainfall over urban areas; changing weather patterns (climate change) lesser but more intense rainy days; improper disposal of solid waste (domestic, commercial and industrial) and dumping of construction debris into drains; sanctioning development on floodplains, ponds and wetlands which actually have the capacity to soak extra water; increase in urbanization (built-up and paved areas replacing natural land surfaces with impervious

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surfaces like roads, buildings and parking lots) as a result of which, the flow of water increases; combination of storm water and wastewater in the same sewer system which upon heavy rains can become overwhelmed leading to sewage backups and urban flooding that stinks and infects, and extraction of groundwater and other activities leading to land subsidence, causing areas to sink and become more prone to flooding. There are other reasons as well that will be too voluminous to enumerate here.

*In other words, the causes of urban floods are entirely man-made or artificial. It is not as if successive city administrators were unaware of these reasons, most of which is a Google or ChatGPT-3.5 search away.* And it is not as if the prevention and mitigation of urban floods is rocket science. On a lighter note, perhaps we would have sorted out the sorry state of our urban infrastructure had it been rocket science!

***The 'how to do it' is set out in great detail in IS Code of Practice for Storm Water Drainage (IS: 1742-1983) and other Codes, in***

the National Building Code of India 2016 (Storm Water Drainage, Surface Water Run-off) and others. As a pre-requisite to design, data is the key. I can bet my last 500 rupees that the city hasn't mapped its drainage system, the contours, water channels, wetlands, ponds, low lying areas, chronic water logging spots, land subsistence, flood plains, encroachments on river, lake and pond catchment areas, high flood hazard zones and urban heat islands. I'd love to lose the bet, though. Designing without data is akin to swatting a fly in the dark. Designing for addressing urban flooding requires a combination of improved infrastructure, better land use planning, sustainable urban design, and climate resilience measures that can be facilitated by geo spatial analysis of the data obtained from the mapping exercise.

A 'Mission Flood-free Nagpur' should be launched on the lines of 'Mission Flood-free

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Guwahati'. The city should embrace Sponge City Mission the goal of which is to enhance urban permeability, allowing cities to retain and utilise the rainfall they receive. This can be effectively achieved through an urban mission in the vein of the Atal Mission for Rejuvenation of Urban Transformation (AMRUT), National Heritage City Development and Augmentation Yojana (HRIDAY) and Smart City Mission. **(SOURCE- THE HITAVADA-CITYLINE NAGPUR, DATED 03-10-2023)**

Perhaps the most serious of the changes that are taking place (apart from rapid urbanization) that is resulting in frequent and severe urban floods across the country (Guwahati – 2010, Chennai – 2015, Mumbai and Bengaluru – 2017, Hyderabad – 2020), is the increase in the intensity of rainfall over shorter durations as was witnessed over parts of Nagpur on September 23, 2023. These and other developments should prompt the concerned authorities to revise the Standards (BIS, NBC, etc.) by which design of roof rain water, surface rain water runoff and storm water drainage are being

mandated. As an example, <sup>84</sup>for the design of surface drains for runoff, a runoff of 6 mm and 12 mm respectively for an average annual rainfall of 500mm - 1000 mm and 1000mm - 2000mm respectively are recommended. These and other recommendations warrant revisiting.

Amendments should be made in the Development Control Regulations by making it mandatory to demonstrate that the proposed development does not impede or alter the flow of surface run off or if it does, the project proponent should demonstrate restoration of the same at its own cost. Submission of contour data should be made mandatory for all development proposals, small and big. Amendment should also be made forbidding development on 'no go' land parcels such as floodplains, catchment areas of rivers and water bodies, and wetlands. A 'no go' list consisting of such areas (based upon mapping suggested earlier in this article) should be notified. Measures such as permeable roads, roof top gardens, rain water

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harvesting, creation of rain gardens, green spaces and blue spaces (lakes and ponds) should be made mandatory. When proposing development of layouts, providing right of way/connectivity beyond its boundary is mandatory. However, when an adjoining layout is proposed, often the road network connectivity is broken for the sake commercial considerations. Thus, continuity of storm water drains is broken, resulting in flooding of the layouts. While sanctioning development of layouts, sanctioning authorities should stay vigilant on this account. Urban areas with limited green spaces and vegetation have reduced capacity to absorb rainwater. Trees and vegetation can help reduce runoff by absorbing and transpiring water. Spaces for plantation where most needed should be earmarked in the Development Plan by the administration.

The Nagpur Metropolitan Area, a mostly virgin expanse encompassing 3577 square kilometres [16.50 times larger than Nagpur city, 36% of Nagpur District and almost the size of the state of Goa –

(3702 square kilometres) should not go the Nagpur city way and indeed the way of other cities such as Guwahati, Chennai, Mumbai, Bengaluru and Hyderabad. It would be imperative, therefore, to carry out Terrain Modelling of Nagpur Metropolitan Area that are planned for urbanization from agricultural land, forest or low grade land, low lying areas prone to flooding, marshy or abandoned quarries, etc. Detailed and careful consideration with respect to its drainage is necessary. A detailed contour survey should be carried out not only of the sites that are planned for urbanization but also the surrounding areas to verify the quantity and area contributing runoff, presence of any low lying and natural water body acting as holding pond or any natural drain passing through the area and beyond, whose filling up and diversion may cause water logging problem on the site or surrounding areas (*source - NBC 2016*). In terms of built form, this may imply contiguous open green spaces, interconnected waterways, and channels and ponds across neighbourhoods that can naturally detain and filter

water. The ~~floods~~ <sup>87</sup> of 23<sup>rd</sup> September ought to spur the Nagpur Metropolitan Region Development Authority (NMRDA) to revisit its plans.

8. The Municipal Authorities estimated the exact amount of damage to the city's infrastructure. An estimated loss of 300 crores has been caused due to the collapse of the 11 km long protective wall. Along with the protective walls, the bridge near Jhansi Rani Chowk, Sarvesrinagar in the Pili River area and the bridge at Tarakeshwarnagar have been damaged to the tune of Rs 45 crore, as estimated by officials. **(SOURCE: TARUN BHARAT- AAPLA NAGPUR, DATED 03-10-2023)**
9. It is submitted that Article 14, 19 and 21 of the citizens are infringed by the lethargic and negligent attitude of respondent authorities and even today Article 21 of the citizens is in great danger. The authorities are playing with the life of the citizens.

**INADEQUATE COMPENSATION:-**

10. It is submitted that every flood affected resident is granted an aid of just up to Rs. 10,000, when the damage caused to them is far greater. Adding upon the value of furniture, clothes, utensils, electrical appliances, gas stoves, grains

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and other food materials, etc. and also the additional cost of cleaning the whole house which was accumulated by mud and waste that was brought in along with water, every household faced a loss of at least Rs. 5 lakhs. Several shop owners faced a heavy loss as their shops and go-downs were flooded. In the compensation mere Rs.50,000 are granted by the state to these owners as aid which couldn't even cover a fraction of loss caused to them.

11. It is submitted that the whole calamity was not natural and was completely man-made as it was caused because of the mere mis-management of the authorities, negligence in sewage cleaning, congesting Naag River, illegal constructions, improper planning and not taking due precautions. It is submitted that the flood not only affected the private property, but also caused a great amount of destruction to public property and civic authorities have estimated the loss to public properties as Rs.300/ crores. There is a need to fix the responsibility of the government authorities by committee of three sitting judges of this Hon'ble High Court.

**12. NEED TO FRAME STATE RIVER POLICY:-**

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- A) Ambazari catchment area is very large area covering MIDC Hingna, Amaraoti Road, Citrus Research Station, Wadi, Duatta Wadi, Khadgaon etc. There is massive development in the areas but there is no sewage treatment over the years lot of sewage silt has deposited in Ambazari, due to this water holding capacity is now reduced drastically therefore dam overflows on heavy rains. The construction of Vivekanand Smarak & Statue and also Amusement Park has restricted the river flow, therefore it overflows to surrounding area.
- B) It is submitted that the State Government has issued a policy of setting up of the industries and river classification issued as per powers conferred by Section 5 of the Environment (Protection) Act, 1986 and u/s 4 (5) of the Environment (Protection) Rules, 1986 on 15-07-2000. {ANNEXURE-P-11}
1. For "A-I" Class of River Water- From High Flood Level (HFL) of the river up to 3.0 k.m.s on either side of the river, "NO DEVELOPMENT ZONE" is specified. Beyond 3.0 kms (from high flood level) up to

- 5.0 k.m. on either side of the river, exclusively the industries falling under Green and Orange Categories with requisite pollution control devices are allowed/permitted. Beyond 8.0 k.m. from river (i.c. IIFL) on either side of river, the industry/ies falling under any categorised with requisite pollution control devices is/are allowed/permitted.
2. For "A-II Class of River Water," one k.m. on either side of river from High Flood Level (HFL), THERE IS TOTAL, BAN FOR DEVELOPMENT. Beyond one k.m. from High Flood Level upto two k.m. on either side of the river, exclusively the industries falling under the category of Green and Orange with requisite pollution control devices are allowed/permitted. Beyond two k.m. from river High Flood Level (HPL) on either side of the river, the industry/ies falling under any category with requisite pollution control devices is/are allowed/permitted.

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3. In "A-III" & "A-IV Class of Water," from High Flood Level Point of river up to  $\frac{1}{2}$  k.m. on either side of the river, NO DEVELOPMENT ZONE specified. Beyond k.m.(from HFL) up to one k.m. on either side of the river, the industries falling under the category of Green and Orange with requisite pollution control devices are allowed/permitted. Beyond one k.m on either side of the river, the industry/ies falling under any category with requisite pollution control devices is/are allowed/permitted.
  4. In case if the Ridge Line is nearer to prescribed zone boundary, the above policy is applicable only up to the Ridge Line for above four classes of water.
  5. If the existing industries are falling under 'No Development Zone' as per above Notification and if there are any industries which are filling under Red Category which eating under o Development zone and an exiting permitted to operate their manufacturing activities and will

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be allowed for expansion, diversification, modernisation, substitution subject to reduction in pollution load at the source.

6. The non-polluting industries/pollution free activities/business will be allowed operate in No Development Zone subject to the condition that they should take prior permission from Maharashtra Pollution Control Board. For this, the guidelines are enclosed in Annexure-III.
7. The policy of siting of the industries is also applicable to the industrial zones developed/to be developed by Maharashtra Industrial Development Corporation. But if in the existing MIDCs, where land is already acquired and developed, but the allocations of the industrial plot/s is/are still pending, there will be total ban for running any industrial activities for "A-II" Class of river water, from High Flood Level (HFL) of the river up to the distance of 500 Mtr., on either side of the river.

C) It is submitted that the Environment Department has issued a notification on **13-07-2009** under

Section 5 of the Environment (Protection) Act, 1986 read with Rule 4 (5) of the Environment (Protection) Rules, 1986 as per the powers given to the State Govt. to implement the Location Policy in respect of the distance criteria for the industries from the environmental point of view.

**{ANNEXURE-P-12}**

### **GOVERNMENT RESOLUTION:**

#### **INDUSTRIAL LOCATION POLICY**

Twenty river basins of the state of Maharashtra are classified as "A-I", "A-II", "A-III", and "A-IV" class of water as per the prescribed quality of river water and the designated use of the said river water. The List of river basins and details regarding classification of riverine system into A-1, A-2, A-3, etc categories are prescribed for twenty river basins as an ANNEXURE 1. Similarly, the expected water quality standards as per classification of best designated uses in A-1, A-II, A-III and A-IV class has been prescribed in the Annexure-II For the designated use of water for the prescribed quality and for the sitting of the

industries, the following regulation has been prescribed.

1. For "A -1" Class of River-distance from the High Flood Level (HFL) of the river up to 3.0 Kms on either side of the river a 'NO DEVELOPMENT ZONE' is specified. Beyond 3.0 kms (from high flood level) upto 5.0 kms on either side of the river, only industries falling under Green and Orange Categories with requisite pollution control devices are allowed/permitted. After 8.0 kms distance from HFL, permission can be granted to any industry after installation of necessary pollution control devices. However, in the catchments area of both sides of the dam, upto a distance of 8 kms. in the mountain area no permission will be granted to any industry. If a new dam is constructed in A-1. Class of river, no change will be made in A-1 class of categorization of the river. The existing industries in operation in the A-1 class of area will have to obtain zero discharge within 3 years from the issuance of this revised RRZ Policy.

2. For A-II Class of River, a distance of 500 meters on either side of HFL will not be permitted for any development. Beyond 500 meters from the bank of river upto 1000 meters, industries falling under the Green Category are allowed/ permitted. Beyond 1000 meters ie from 1000 meters up to 2000 meters, industries falling under the category of Green and Orange, and thereafter beyond 2000 meters from the bank of river, the industries falling under any category will be permitted.
3. In the Maharashtra Industrial Development Corporation area a distance of 500 meters from HFL will be 'No Development Zone', thereafter upto 250 meters i.e. from 500 meters to 750 meters of the bank of river, the industries falling under Green and Orange category, and thereafter from the 750 meters all categories of the industries are permissible. However, for that purpose the MIDC should have proper arrangement for collection of waste water, common effluent treatment plant and disposal arrangements.

4. The distance criteria ordinarily applicable to A-II Class of river water has been relaxed in the MIDC areas. on account of adequate regulation of industries operations and processes in the MIDC area, similarly, the availability of environmental infrastructure facilities in the MIDC areas. For the following purposes :
- a. From the high flood line up to 100 meters, there will be a prohibition on commercial use of the said area.
  - b. From 100 meters up to 500 meters from the high flood line, the requisite non-polluting activities listed in the Annexure III will be permissible for the ordinary use of public at large, as per Government Resolution dated 30th June, 2004
  - c. In "A-III" and "A-IV" Class of Water "from high flood level line of river up to  $\frac{1}{2}$  km on either side of the river a "NO DEVELOPMENT ZONE' is specified. Beyond 1 km (from HFL) up to one km on either side of the river, the industries falling under the category of Green and Orange with requisite pollution control devices are allowed/permitted, and thereafter beyond 1000 meters from the bank of river, the industries falling under any

category will be permitted after installation of necessary pollution control devices.

- D) As per Classification of Rivers in Maharashtra GR dated 13 July 2009, NAG river is A-II CLASS before Ambazari and A-IV beyond Ambazari. {ANNEXURE-P-12} However on 16-02-2015 the above GR was withdrawn by State Government, {ANNEXURE-P-13} this resulted in massive encroachment on river banks all over Maharashtra. Thus the flooding in several areas due to gross negligence by NMC and Zilla Parishad. Due to GLOBAL WARMING intensity of Rains will increase therefore the all rivers in Nagpur should be without any obstruction.
- E) It is submitted that as on today there is no "River Policy" and hence there is "no restriction on setting up of industries near river" in the state of Maharashtra and hence the development near the rivers is uncontrolled and uncannalised. It is thus necessary to give directions to the respondents to set up new river policy and restrict the haphazard development and industrial growth near rivers. It

is found and observed that large number of constructions within 100 meters of Naag River have resulted in increase in huge financial loss to the lives and properties of citizens due to the present flood on 23-09-2023. The NMC, NIT has failed to remove encroachments on the boundaries of Nar River.

**13. MAHARASHTRA STATE WATER POLICY (GOVT. RESOLUTION dated 5<sup>th</sup> September, 2019)**

**13. FLOOD MANAGEMENT:**

Seven per cent of the geographical area in the State is flood prone. Flood mitigation and management strategies envisaged are:

- (i) While every effort will be made to avert flood related disasters through structural and non-structural measures, emphasis should be on disaster management as an option.
- (ii) Flood forecasting methods will be modernized using setting up of a real time data acquisition system and forecasting models.

- (iii) Frequency based flood inundation maps will be prepared to evolve flood management strategies and an emergency plan for mitigation of floods and management for each flood prone area. Habitation and economic activities shall be strictly prohibited in the food plain zones (prohibitive zones -with 25 years return period flood) by the local authorities. The phase wise program can be implemented by concerned local authorities to remove existing encroachments.
- (iv) The State will develop Decision Support System (DSS) for flood forecasting in flood prone areas addressing state/site specific issues.
- (v) SMS-based flood alert system must be developed in flood prone areas.
- (vi) Emergency action plans/disaster management plans will be periodically reviewed and updated by involving

100  
people in flood prone area. To increase preparedness for sudden and unexpected flood related disasters, dam break analysis must be carried out.

It is submitted that NMC, NIT, District Collector have failed to adhere any of these norms and the entire administration was not ready of this kind of floods. The NDRF, FIRE BRIGADE were not equipped with the machinery to remove water clogged in the houses and buildings. The citizens had to wait for six hours to recede the water from their properties. The citizens were stranded without power and food for 15 hours.

**14. REPRESENTATIONS MADE BY THE PETITIONERS:-**

- (i) It is submitted that the petitioners have given representation to the respondent authorities on 03-10-2023 through District Collector and Municipal Commissioner. The respondent no:- 07, 08 have replied that they have no immediate plans for "Ambazari Dam Safety" or "Rejuvenation of Nag River" The copies of such

representation <sup>101</sup> dated 03-10-2023 are enclosed collectively as ANNEXURE-P-14.

15. NEED OF JUDICIAL ENQUIRY:- / GROUNDS

(1) It is necessary to mention that NMC, NIT, MAHAMETRO have made illegal constructions and violated the statutory norms in the name of development of city. The MPCB has failed to curb the pollution and take appropriate action against the Industries in MIDC area by which effluents are released in AMBAZARI LAKE. These authorities have failed in their respective jurisdictions to "protect the lives and properties" of citizens in Nagpur. The following points will confirm that the "incident of flood on 23-09-2023" was a man-made disaster and failure on the part of government authorities hence "judicial enquiry" is necessary :-

(i) The failure of administration to clean and maintain the Naag River/ Naag Nalha which prevented the smooth flow of outflow of water after Ambazari Overflow and resulted in disaster of water logging in surrounding areas/ localities.

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- (ii) The failure to utilize an amount of Rs.2117/ Crores sanctioned by Central Government for Naag River Project {JICA PROJECT}
  - (iii) The illegal construction of "concrete wall" of eight feets in height and hundred feets in length by MAHAMETRO on the Naag River, within 100 meters from "Ambazri Dam" {which is a no construction zone} which "diverted the water flow" from Ambazari Overflow Point to nearby localities and destroyed the lives of the citizens {In Violation of MRTP Act 1966 and UDCPR 2023}
  - (iv) The illegal construction of Big Pillars by MAHAMETRO within 100 meters of Dam causing constant vibrations and disturbing the soil combination and downward stream of dam and virtually making vanish the "Toe Drain" and "Rock Toe" of the Earthen Dam.
  - (v) The illegal construction of "Vivekanand Smarak" within 50 meters of Ambazari Overflow point by NMC "which is a no construction zone" resulting in big obstacle of

103-A.

AMENDED AS  
PER THE ORDER  
OF THIS  
HON'BLE  
COURT DATED  
17-01-2024

C.F.  
PETITIONERS

14-A:- That the construction of "skating ring" and "parking lot" on Naag River in Daga Lay Out/ Corporation Colony by Nagpur Improvement Trust on Mouza Ambazari in Civil Station Expansion Scheme {In Violation of MRTP Act 1966 and DCR 2000 and UDCPR 2023} is illegal and hence should be demolished on the following grounds:-

- i) Because the construction of the "Skating ring" is done by NIT in 2003 on the "Open Space" reserved in Daga layout for the use of residents as mentioned in the "Lease Deed" between the Residents and Nagpur Improvement Trust. The two sample copies of the Lease Deeds executed by NIT in favour of residents on 02-07-1991 and 08-03-1988 are annexed as **ANNEXURE P-15** (Colly).
- ii) Because the Nagpur Improvement Trust has failed to "make change of user" in Development Plan to use Open Space as a Public Utility Space under the Section 37 of the Maharashtra Regional and Town Planning Act, 1966. The land in question was reserved for "open space" for the use

of the residents and hence residents has right to use the said open space without any construction of building on it. But it is found and observed that NIT being planning Authority has illegally granted sanction of buildings on 08-04-2000.

*Section 37 of the Maharashtra Regional and Town Planning Act, 1966 states as-*

***[MODIFICATION] OF FINAL DEVELOPMENT PLAN***

*(1) Where a modification of any part of, or any proposal made in a final Development plan is of such a nature that it will not change the character of such Development plan, the Planning Authority may or when so directed by the State Government 2[shall, within sixty days from the date of such direction, publish a notice] in the Official Gazette 3[and in such other manner as may be determined by it] inviting objections and suggestions from any person with respect to the proposed modification not later than one month from the date of such notice; and shall also serve notice on all persons affected by the proposed modification and after*

*giving a hearing to any such persons, submit the proposed modification (with amendments if any) to the State Government for sanction.*

*[(I -A) If the Planning Authority fails to issue the notice as directed by the State Government, the State Government shall issue the notice, and thereupon, the provisions of sub-section (1) shall apply as they apply in relation to a notice to be published by a Planning Authority.]*

*[(I AA) (a) Notwithstanding anything contained in sub-sections (1), (1 A) and (2), where the State Government is satisfied that in the public interest it is necessary to carry out urgently a modification of any part of, or any proposal made in, a final Development Plan of such a nature that it will not change the character of such Development Plan, the State Government may, on its own, publish a notice in the Official Gazette, and in such other manner as may be determined by it, inviting objections and suggestions from any person with respect to the proposed modification not later than one month from the date of such notice, and shall also serve*

84-D  
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notice on all persons affected by the proposed modification and the Planning Authority.

(b) The State Government shall, after the specified period, forward a copy of all such objections and suggestions to the Planning Authority for its consideration. The Planning Authority shall thereupon submit its say to the Government within a period of one month from the receipt of the copies of such objections and suggestions from the Government.

(c) The State Government shall, after giving hearing to the affected persons and the Planning Authority, and after making such inquiry as it may consider necessary and consulting the Director of Town Planning, by notification in the Official Gazette, publish the approved modification with or without changes, and subject to such conditions as it may deem fit, or may decide not to carry out such modification. On the publication of the modification in the Official Gazette, the final Development plan shall be deemed to have been modified accordingly.]

[(1 -B) Notwithstanding anything contained in sub-

84-E  
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section (1), if the Slum Rehabilitation Authority appointed under section 3A of the Maharashtra Slum Areas (Improvement, Clearance and Redevelopment) Act, 1971 is satisfied that a modification of any part of, or any proposal made in, a Final Development Plan is required to be made for implementation of the Slum Rehabilitation Scheme declared under the said Act, then, it may publish a notice in the Official Gazette, and in such other manner as may be determined by it, inviting objections and suggestions from any person with respect to the proposed modification not later than one month from the date of such notice; and shall also serve notice on all persons affected by the proposed modification, and after giving a hearing to any such persons, submit the proposed modification (with amendments, if any), to the State Government to sanction.]

(2) The Government may, 6[make such enquiry as it may consider necessary] and after consulting the Director of Town Planning by notification in the Official Gazette, sanction the modification 7[\* \* \* \*]

with or without such changes and subject to such conditions as it may deem fit, or refuse to accord sanction. If a modification is sanctioned, the final Development plan shall be deemed to have been modified accordingly.

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- iii) **BECAUSE** the Nagpur Improvement Trust has made illegal construction on the basis of illegal sanction dated 08-04-2000 on land reserved as "Open Space" in Daga Lay Out and permitted huge construction of stadium, restaurant, viewers gallery etc on the "OPEN SPACE".
  - iv) **BECAUSE** the NIT has further illegally allotted the said land "administrative block" and "skating ring" to the Private Contractor for coaching of Skating, Operation of Restaurant etc which is absolutely illegal and bad in law.
  - v) **BECAUSE** the building permit issued by NIT on 08-04-2000 gives sanction to "ADMINISTRATIVE BLOCK" having "SKATING RING" "RESTAURANT" "VIEWERS GALARY" "CANTEEN" ETC for G+1 on OPEN SPACE which is not permissible in the eyes of the law and NIT

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being planning authority has itself violated the various provisions of MRTP ACT 1966.

- vi) **BECAUSE** the "residents of Daga Lay Out" have already made several complaints to the respondent authorities about nuisance created by Restaurant Operator in last decade but no action is taken by NIT. The copies of various complaints made by Daga Lay Out to Chairman NIT on various dates are enclosed as **ANNEXURE-P-16**.
- vii) **BECAUSE** the NIT has made illegal construction of "parking lot" by making a CONCRETE SLAB on Naag River thus blocking the free flow of the Naag River causing serious threat to the life of thousands of citizens residing in Corporation Colony, Daga Lay Out, Shankar Nagar etc
- viii) **BECAUSE** even as per DCR 2000 made by NIT under section 20, 37 of MRTP Act 1966 it is not permissible to construct the parking lot / building / viewers gallery on and besides NAAG RIVER as per Regulation No:-11.1 (b)

- ix) **BECAUSE** the “demolition of parking lot of 100 cars” constructed on Naag River will further cause huge inconvenience and nuisance to the residents of Daga Lay Out and Corporation Colony and the entire building permit will become non-est in the eyes of the law as the building can not be sanctioned without the parking facility.
- x) **BECAUSE** the NIT has illegally exploited the “administrative building” by giving it to private operators to run the “skating ring” and “restaurant” by publishing tenders and made huge commercial gains on a land preserved as **OPEN SPACE** in Daga Lay Out.
- xi) **BECAUSE** the “proposal for construction of international skating ring” was approved by NIT initially on land owned by Nagpur University Co-operative Housing Society in Pratap Nagar in a “P AND T LAY OUT” admeasuring 1.80 Acres at Pratap Nagar in 1991 and the Society has also permitted the said Skating Ring on its lay out, but instead of this space the SKETING RING was

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constructed at Daga Lay out without the permission and consent of resident in Daga Lay Out and Corporation Colony. The copies of letters / communication between NIT and Nagpur Rollers Sketing Club and Nagpur University Cooperative Hsg Society are collectively enclosed as **ANNEXURE-P-17**.

- xii) **BECAUSE** no prejudice will be caused to skaters /sportspersons in Nagpur in the event if the present "SKATING RING" at Daga Lay Out is demolished as there are ten more skating rings being operated in City of Nagpur at various places like Pawanbhoomi Skating Ring, Manish Nagar, Swawalambi Nagar Jeevanchaya Hsg Society, Gandhinagar, Behind Hotel Gayatri Inn in IT Park Pratap Nagar, Ganesh Nagar Azamshah Lay Out, Kamal Chowk Balabhaupeth, Jaripatka, Mhalgi Nagar, Bajaj Nagar, Gopal Nagar etc.
- xiii) **BECAUSE** the NIT has illegally floated the tender for "commercial use" for running and operation and maintenance of NIT's Skating Ring and Administrative Building in Daga Lay Out for

a period of five years on 05-10-2023. The copy of tender dated 05-10-2023 is enclosed as **ANNEXURE-P-18**

- xiv) **BECAUSE** even in according to the Expert Opinion obtained by NIT from P. T. MASE AND ASSOCIATES on 03-10-2023 it is observed that the construction of parking lot and beams and slabs and columns and raft foundation of the building constructed by NIT at Daga Lay Out has "corrosion and deterioration in concrete" and hence "demolition of structure is suggested. It is submitted that the NIT has made illegal construction of Viewers Galary and Parking Slot by constructing columns and beams in Naag River thereby obstructing free flow of river which caused flooding of water on 23-09-2023.

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smooth water flow from Ambazari Overflow Point {In Violation of MRTP Act 1966 and UDCPR 2023}

- (vi) The illegal construction of "skating ring" and "parking spot" on Naag River in Daga Lay Out/ Corporation Colony by Nagpur Improvement Trust {In Violation of MRTP Act 1966 and UDCPR 2023}
- (vii) Violation of Rule 11 {c}, 11 {d} of Regulations for Conservation of Heritage Buildings 2003 made under section 31 of MRTP Act 1966
- (viii) The illegal flow of sewage and effluents from MIDC Industrial Area violating Environment Act 1986 and inaction of MPCB in curbing the pollution.
- (ix) Violation of Rule 4 read with Rule 2 {g} of The Wetlands {Conservation and Management} Rules 2010 made u/s 3, 25 of Environment Protection Act 1986
- (x) Violation of Rule 3.1.12 of Unified Development Control Regulations 2023 made u/s 37 of MRTP ACT 1966 by which n o

construction is allowed within 100 meters from  
High Flood Line of Natural Lakes

- (xi) The failure to repair and rebuilt the “wall between Daga Lay Out” and VNIT which has been demolished by NMC many years ago.
- (xii) The failure of Chief Secretary of State and other respondents in implementing the directions issued by this Hon’ble High Court in PIL NO:- 96/2017 by which it was directed to execute the entire works, which are necessary for ensuring “safety of Ambazari dam” as could be found in the letter dated 16/8/2017 issued by MERI that the “lifespan of the dam is over”

16. It is submitted that, an amount of Rs. 2117.54 cr. were sanctioned for the cleaning of Naag Nadi/Nala by Central Government and State Government. Even after a grant of such hefty amount for the sole purpose of cleaning the Naag Nadi/Nala no measures were taken forth in the interest of cleaning the Naag River which is a 17 k.m. long iconic river of Nagpur forming a part of the Kanhan-Pench river system. It has now been contaminated at such level that once called “Naag Nadi” is now referred to as “Naag Nala”.

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An amount of Rs. 2000 Cr. Is required to be granted for cleaning the whole Naag River maintenance and the said project should be taken place and completed within 6 months and in any case before August 2024.

**17. OTHER UNDERTAKINGS:**

- (17.1) The petitioner has not received any caveat from any respondents.
- (17.2) The petitioner undertakes to supply an English Translation of vernacular documents as and when required.
- (17.3) The petitioner does not have any other alternative remedy but to approach this Hon'ble Court.
- (17.4) This Hon'ble Court has territorial jurisdiction to entertain the present petition inasmuch as the cause of action has arisen in Nagpur district.
- (17.5) The petitioner has not filed any other petition or proceedings either in this Hon'ble Court or in any other Court including Hon'ble Apex Court touching the subject matter of this PIL, except the present PIL.

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(17.6) The petitioner craves leave to add, amend, delete and modify any of the grounds/submissions as and when required.

(17.7) The petitioner has paid the requisite Court Fees.

**Hence This Public Interest Litigation:**

**PRAYERS :-**

In view of above, the petitioners, most respectfully prays that this Hon'ble High Court may exercise its extraordinary powers under Article 226 of the Constitution of India, 1950 and by writ of mandamus, writ of certiorari or by any other order:-

1. This Hon'ble Court may conduct "judicial enquiry" through a committee of "three sitting judges of Bombay High Court" in the matter of illegal constructions made by government authorities NMC, NIT and MAHAMETRO and in the matter of failure of civic authorities to prevent water logging in residential areas in vicinity of Ambazari Lake and Naag Nala by which "thousands of families are seriously affected" and for "fixing responsibilities of civic authorities"

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who have failed to take measures to protect lives and livelihood of innocent citizens of Nagpur and violating their fundamental rights under article 14, 19, 21.

2. This Hon'ble High Court may appoint expert committee of Engineers, Scientist, Environmentalists to conduct the "systematic survey" of deteriorating condition of Ambazari Dam and to suggest the measures to repair, reconstruct, rejuvenate the Ambazari Dam which is a Heritage Site.
3. This Hon'ble Court may direct Respondent No. 1, 2, 3 to sanction and grant an amount of Rs. five lakhs to every flood affected family residing in flood affected area in Nagpur, which is seriously affected due to the "Heavy Rains" and "Ambazari Over Flow" on 23-09-2023, as "ex-gratia compensation" instead of Rs.10,000/ which is not adequate to compensate their losses.
4. This Hon'ble Court may direct to Respondent No. 1,2,3 to grant of an amount of Rs. 10 lakhs to every

Flood affected shop owner for loss of his livelihood.

5. This Hon'ble Court may direct to Respondent No. 7, 8 to remove "Vivekanand Smarak" built on the Ambazari Lake Overflow Point which is in the middle of Ambazari lake Overflow Point obstructing the regular flow of water {spill way} and thus becoming one of the causes of "water logging in the nearby localities" and relocate the same in Ambazari Garden
6. This Hon'ble High Court may direct the MAHAMETRO to immediately stop the construction of "Seven Wonders of World" {situated within 200 meters of Ambazari Dam} and demolish the Compound Wall situated opposite Ambazari Overflow Point, which was constructed illegally within 100 meters of Dam violating various provisions of law.
7. This Hon'ble High Court may direct the respondent no:-01, 02, 03, 07, 08 to acquire land of 200 meters within vicinity of "downward stream" and "spill way" of Ambazari Dam and

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immediately start rebuilding/ repair of Ambazari Dam.

8. This Hon'ble Court may direct the Nagpur Improvement Trust to immediately demolish the illegal construction of "Skating Ring" blocking the free flow of water in Nag River and violating UDCPR 3.1.12
9. This Hon'ble Court may direct to Respondent No.01, 02, 03 for grant of Rs. 2,000 cr. for the cleaning, preservation, maintenance, rejuvenation of Naag River and to complete the said project on war footing .
10. This Hon'ble Court may direct the respondent authorities to immediately submit the DPR before this Hon'ble High Court for improvement and maintenance and rejuvenation of Naag River {JICA PROJECT} approved by Central Government.
11. This Hon'ble High Court may direct the respondents to conduct the "geo natal mapping" of the city of Nagpur and prepare fresh plans for "sewage and drainage" disposal of Nagpur City.

12. This Hon'ble High Court may direct the respondent authorities to conduct the "detailed survey" of existing "drainage lines and sewage lines" and sanction an amount of Rs.250/ crores for constructing new "sewage lines" in the City of Nagpur

13. This Hon'ble Court may direct the MPCB to immediately take actions against the Industries/ Entities who are responsible for discharge of "solid waste" or "industrial waste" in Ambazari Lake and Naag Nala in the city of Nagpur under Environment Protection Act 1986, The Air Act, The Water Act.

14. This Hon'ble Court may pass any others order may deem fit in larger interest of justice.

Date:-10-10-2023

Place :-Nagpur

  
Counsel for Petitioners

Dr. Tushar Mandlekar

Office Address:-Chamber No:-60, NIT COMPLEX, Hill Road,  
Gandhinagar, Nagpur.440010; Mobile No:-09422101632,  
email:-tusharmandlekar@yahoo.com

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SOLEMN AFFIRMATION

I, RAMGOPAL BISAMBHARDAYAL BACHUKA, AGE:-91 YEARS, OCCUPATION:-RETIRED, R/O L-34, YASHWANT NAGAR, NORTH AMBAZARI ROAD, LIG-HIG-MHADA COLONY, NAGPUR-440033, do hereby take oath and state on solemn affirmation that:-

1. That I am the petitioner no. 1 and conversant with the facts of the case and competent to file the present affidavit.
2. That the present petition is prepared by my counsel on my directions and I have read the contents of this petition and same were also explained to me in vernacular language.
3. The contents of Para No. 01 to 14 in the petition and the prayer clause of this petition is true to my own personal knowledge and belief.
4. I solemnly state that the petitioners are seriously affected due to the water logging and floods occurred on 23-09-2023 due to the overflow occurred on Amabazari dam. The present petition is being filed in larger public interest and to save the lives and properties of the citizens of Nagpur.

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The petitioners have suffered huge financial loss and are also seeking financial assistance from the state government for themselves and others similarly affected citizens in Nagpur.

- 5. The legal submissions made in this petition are made by the Counsel as per the provisions of law and facts of the case. Hence the same is believed to be true.

Hence verified and signed on day of 9<sup>th</sup> October, 2023 at Nagpur.

*Rangpal*  
DEPONENT

I know & identify the Deponent.

*T. D. Mandlekar*  
Dr. T. D. Mandlekar  
(Advocate)

sworn before me on this 9  
day of 10 2023 at Nagpur to  
Shri/Smt./M/s Rangpal Bhusambhar  
Dayay B. Chheda  
by Sd/- T. D. Mandlekar  
Advocate

NOTARIAL REG.  
ENTRY NO. 7579  
DATE 9-10-23

*[Signature]*  
NOTARY  
Maharashtra State  
Nagpur Dist Nagpur



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SOLEMN AFFIRMATION

I, SHRI NATTHUJI MAROTRAO TIKKAS, AGE:-84 YEARS,  
OCCU:-RETIRED TEACHER, R/O TYPE-6-B/TYPE-C,  
CORPORATION COLONY, GANDHINAGAR, NAGPUR-  
440033, do hereby take oath and state on solemn affirmation  
that:-

1. That I am the petitioner no. 3 and conversant with the facts of the case and competent to file the present affidavit.
2. That the present petition is prepared by my counsel on my directions and I have read the contents of this petition and same were also explained to me in vernacular language.
3. The contents of Para No. 01 to 14 in the petition and the prayer clause of this petition is true to my own personal knowledge and belief.
4. I solemnly state that the petitioners are seriously affected due to the water logging and floods occurred on 23-09-2023 due to the overflow occurred on Amabazari dam. The present petition is being filed in larger public interest and to save the lives and properties of the citizens of Nagpur.

The petitioners have suffered huge financial loss and are also seeking financial assistance from the state government for themselves and others similarly affected citizens in Nagpur.

- 5. The legal submissions made in this petition are made by the Counsel as per the provisions of law and facts of the case.

Hence the same is believed to be true.

Hence verified and signed on day of 9<sup>th</sup> October, 2023 at Nagpur.

*[Handwritten Signature]*

DEPONENT

I know & identify the Deponent.

*[Handwritten Signature]*  
Dr. T. D. Mandlekar

(Advocate)

Sworn before me on this 9<sup>th</sup>  
 day of 10/23  
 Shri. *Nattaji Mammed Tilke*  
 R/o *Nagpur*  
 by Shri. *T. D. Mandlekar*  
 Advocate

*[Handwritten Signature]*

MAHARASHTRA  
 Nagpur  
 Maharastra  
 Nagpur Dist. Nagpur

NOTARIAL REG.  
 9578  
 9/10/23



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SOLEMN AFFIRMATION

I, SMT JAYASHREE DILIP BANSOD, AGE:-70 YEARS, OCCUPATION:-HOUSEWIFE, R/O PLOT NO:-L-46, NEAR PANCHSHEEL LIBRARY, YASHWNAT NAGAR, NORTH AMBAZARI ROAD, LIG-HIG-MHADA COLONY, NAGPUR-440033, do hereby take oath and state on solemn affirmation that:-

1. That I am the petitioner no. 2 and conversant with the facts of the case and competent to file the present affidavit.
2. That the present petition is prepared by my counsel on my directions and I have read the contents of this petition and same were also explained to me in vernacular language.
3. The contents of Para No. 01 to 14 in the petition and the prayer clause of this petition is true to my own personal knowledge and belief.
4. I solemnly state that the petitioners are seriously affected due to the water logging and floods occurred on 23-09-2023 due to the overflow occurred on Amabazari dam. The present petition is being filed in larger public interest and

to save the lives and properties of the citizens of Nagpur. The petitioners have suffered huge financial loss and are also seeking financial assistance from the state government for themselves and others similarly affected citizens in Nagpur.

- 5. The legal submissions made in this petition are made by the Counsel as per the provisions of law and facts of the case. Hence the same is believed to be true.

Hence verified and signed on day of 9<sup>th</sup> October, 2023 at Nagpur.

श्री. जयश्री वनसास. DEPONENT

I know & identify the Deponent.

Mishra Dr. T. D. Mandlekar (Advocate)

Sworn before me on this 9 day of 10/2023 at Nagpur in Shri/Smt. Jayshree Rupp R/o ... Bensed by Smt. T. D. Mandlekar

NOTARIAL REG. 9532 9/10/23

[Signature]

Notary Public Maharashtra State Nagpur Dist Nagpur



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SOLEMN AFFIRMATION

I, SHRI. AMRENDRA VISHWANATH RAMBHAD, AGE:- 47 YEARS, OCCU:- CONSULTANCY BUSINESS; R/O PLOT NO. 42, NORTH AMBAZARI ROAD, AMBAZARI LAY-OUT, NAGPUR - 440033 , do hereby take oath and state on solemn affirmation that:-

1. That I am the petitioner no. 4 and conversant with the facts of the case and competent to file the present affidavit.
2. That the present petition is prepared by my counsel on my directions and I have read the contents of this petition and same were also explained to me in vernacular language.
3. The contents of Para No. 01 to 14 in the petition and the prayer clause of this petition is true to my own personal knowledge and belief.
4. I solemnly state that the petitioners are seriously affected due to the water logging and floods occurred on 23-09-2023 due to the overflow occurred on Amabazari dam. The present petition is being filed in larger public interest and to save the lives and properties of the citizens of Nagpur.

The petitioners have suffered huge financial loss and are also seeking financial assistance from the state government for themselves and others similarly affected citizens in Nagpur.

- 5. The legal submissions made in this petition are made by the Counsel as per the provisions of law and facts of the case.

Hence the same is believed to be true.

Hence verified and signed on day of 9<sup>th</sup> October, 2023 at Nagpur.

*[Handwritten Signature]*  
 DEPONENT

I know & identify the Deponent.

*[Handwritten Signature]*  
 Dr. T. D. Mandlekar  
 (Advocate)



sworn before me on the 9<sup>th</sup> day of 10/2023 at Nagpur  
 Shri/Smt. Amrendra Vishwanath Pombher  
 R/o Nagpur  
 by Shri T. D. Mandlekar  
 Advocate

*[Handwritten Signature]*

MANDITA R. SIPATHI  
 NOTARY  
 Maharashtra State  
 Nagpur Dist. Nagpur-462002

NOTARY REG.  
 ENTR. 9580  
 DATE 9/10/23



NOTARIAL NOTARIAL NOTARIAL NOTARIAL NOTARIAL



# Nagpur Improvement Trust

PBX No : 2631431  
2631432

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## APPENDIX 'D-1'

Form for Sanction of Building Permission & Commencement Certificate  
u/s 46 of M.R. & T.P. Act



Name of the Person	मे राधे बिल्डकॉन तर्फे भागीदार श्री ब्रिजेश शंकर मुरारका व श्री अरविंद उखा पाटिल	
Address of Applicant	रा प्लॉट नं ३१ विवेकानंद नगर साई मंदिर वर्धा रोड नागपूर-४४००१५	
Permit No. :	B.E (WESTY) Case No. 220326265/ Tracking No. 2023021612/ 60	Date : 15/08/2023
Site of Proposed Work, Plot No. :	2	
Mouza & Khasra :	Parsodi-3/2	
Layout Name :	Mulik Layout Parsodi-3/2,4/2,5/2	

Sir, With reference to your application number 220326265 dated 16-FEB-2023 for the grant of sanction of Commencement Certificate under section 44 of M.R. & T.P. Act 1966 to carry out Development Work/ Building Permission. The Commencement Certificate and Building Permission is granted under section 45 of M.R. & T.P. Act to construct in accordance with the sanctioned plan subject to the following conditions:-

1. The sanction once accorded through this commencement certificate/building permit shall remain valid for Four years in the aggregate but shall have to be renewed every one year from the date of its issue. The application for renewal shall be made before expiry of one year if the work is not already commenced. Such renewal can be done for three consecutive terms of one year after which proposals shall have to be submitted to obtain development permission afresh. If application for renewal is made after expiry of the stipulated period during which commencement certificate is valid then The Chairman, NIT may condone the delay for submission of application for renewal by charging necessary fees. But in any case commencement certificate shall not be renewed for a period of more than four years from the date of commencement certificate / development certificate, Provided that no such renewal shall be necessary if the work is commenced within the period of valid permission i.e. work up to plinth level is completed or where they is no plinth up to upper level of lower basement or still as the case may be and such permission shall remain valid till the work is completed. However the condition of lease of allotment of plot for completion of construction will overrule this duration of sanction.
2. The land vacated in consequence of the enforcement of the setback rule shall form part of the public street.
3. This permission does not entitle you to develop the land which does not vest in you.
4. This building shall be used for the purpose for which the sanction is accorded and as prescribed in the prevailing Development Control Rules and Building By-laws.
5. No departure from the sanctioned plan should be made without obtaining previous sanction of the NIT. If any construction is carried out in contravention of the sanctioned plan the NIT may require it to be demolished or altered in such a manner as it may deem fit.
6. Within one year from the date of issue of building permit the owner shall commence the work for which the building permit is issued.
7. The intimation regarding completion of construction upto plinth level should be given in the Form as in Appendix "F" of U.D.C.P.R. to the NIT.
8. The Building or part thereof shall not be occupied or used unless occupation certificate has been obtained from Chairman, NIT in prescribed Appendix "H" of U.D.C.P.R.. The owner through his licenced surveyor/Architect/Engineer who has supervised the construction, shall furnish a building completion certificate to the Chairman, NIT in the form in Appendix "G" of U.D.C.P.R. This certificate shall be accompanied by 3 sets of plans of completed development. The Chairman, NIT after inspection of the work and after satisfying himself that there is no deviation from the sanctioned plans, issue an occupancy certificate.
9. Any person who contravenes any of the provisions of these regulations, any requirements or obligations imposed on him by virtue of these regulations including the maintenance of fire protection services and appliances and lifts in working order or who interferes with or obstructs any person in the discharge of his duties shall be guilty of an offence shall be liable for prosecution
10. W.C Bath & washing places shall conform to requirement contained in U.D.C.P.R.

11. Rain water shall entirely be excluded from the connecting sewer & separate arrangement for diverting rain water to road side storm drain shall be made. If any deviation are detected in this respect the Chairman's order for rectifying them shall be complied with.

12. All drainage work shall be got done through licensed plumber approved by Nagpur Improvement Trust or Nagpur Municipal Corporation.

13. W.C., Bathroom and washing places shall not be used unless proper connections are made Chapter 12 of U.D.C.P.R. through licensed plumber as mentioned in 12 above and completion Notice in form 'G' duly signed by licensed surveyor/Architect/Engineer is given and permission to use them is obtained from Chairman, NIT.

14. During the course of construction of building, the sanctioned plan shall always be available at site for inspection by officials of Nagpur Improvement Trust. The Developer shall install Display Board on conspicuous place as per the clause no 2.8.3 of U.D.C.P.R.

15. Except as aforesaid the permission is granted subject to compliance of Building Regulation for time being in force and nothing herein contained shall be regarded as dispensing with such compliance except to the extent expressly specified therein.

16. This permission shall not be construed as affecting in any way the right of Government or Nagpur Improvement Trust or the Municipal Corporation or any other authority or any private person or firm to the land upon which permission has been sought to construct building or to any easementary rights connected therewith.

17. The permit holder is not allowed to collect earth/materials from or through Nagpur Improvement Trust land and road sides without permission in writing from Chairman who may grant it on such terms and conditions as may deem fit. Where such permission has been granted such use shall not be an obstruction or be a hinderance to the road user. The excavated material/debris deposited shall be removed within three days of use of land. If any material is stacked or dumped on Nagpur Improvement Trust land without Trusts prior permission and if such permission is granted but subsequently if it is seen that permission is causing hardship to the public then it shall be removed by the Nagpur Improvement Trust at the risk and cost of this permit holder and Nagpur Improvement Trust shall not be responsible for any loss or damage cause to the permit holder. No claim on this account shall be tenable against Nagpur Improvement Trust.

18. Subject to the condition that the party will plant and grow in vacant land 30 Nos. of shady trees under the provisions of Maharashtra (Urban Area) Reservations of Tree Act 1975.

19. This sanction is subject to the condition that drinking water and sewerage disposal is not guaranteed by Nagpur Municipal Corporation/Nagpur Improvement Trust.

20. Dustbins of suitable sizes should be provided within the plot boundary easily accessible from road.

21. Suitable letter delivery boxes should be installed at easily accessible place on ground floor.

22. Necessary arrangement for rain water harvesting shall be done.

23. Keeping Safe Horizontal & Vertical distances from H T/L T Lines for Proposed Construction as per Table No. 3A of U.D.C.P.R. and as per Clause 80 of Indian Electricity Rules 1956.

24. This permission is subjected to the conditions mentioned in Regularization Letter, Release Letter, Development Agreement, NOC of Chief Fire Officer, NOC of Airport Authority, court Orders etc. whichever is applicable.

25. The Landowner/Developer and Architect/Engineer/Structural Engineer shall be held guilty if Construction done in contravention to this sanction/UDCPR Rule & MRTP Act 1966 as and when embedded.

26. If any error / mistake is found in the computation sheet or calculations in the plan which are not in conformity with DC rules. The part of the building or construction which is not as per rules shall be construed as unauthorised and the decision of The Chairman, NIT in this regard shall be final.

27. If any defects is found in ownership & other documents submitted for sanction of building construction or if documents are found to be fraudulent and misleading then the permission granted shall be treated as cancelled. Similarly the permit holder shall be liable for criminal prosecution under the provisions of Indian Penal Code.

28. The building construction shall be completed under the supervision of Licensed Civil Engineer/Architect as per the sanctioned building plan, for the breach of any terms and conditions, the Building Permission shall be treated as cancelled.

29. Subject to condition mentioned in the Indemnity Bond submitted by the applicant regarding Structural Stability.

30. The Provisions of the Unified Development Control and Promotion Regulations for Nagpur Improvement Trust, Nagpur shall be binding on the Owner/Developer.

31. Subjected to conditions mentioned in MMRCL N.O.C Dated 2-8-2023

Enclosure : One Copy / One Set of Sanctioned Plan



32. Subjected to conditions mentioned in NMC  
NOC 27-1-2023.

Copy to : -

- The Divisional Officer, West Division Ambazari Nagpur, Nagpur Improvement Trust for information with a copy of sanction plan (enclosed herewith) for record

Subject to condition of  
N.O.C. from Airport Authority,  
Dt. 10-10-2022

( A.P. Badge )

Building Engineer (W)

Nagpur Improvement Trust, Nagpur

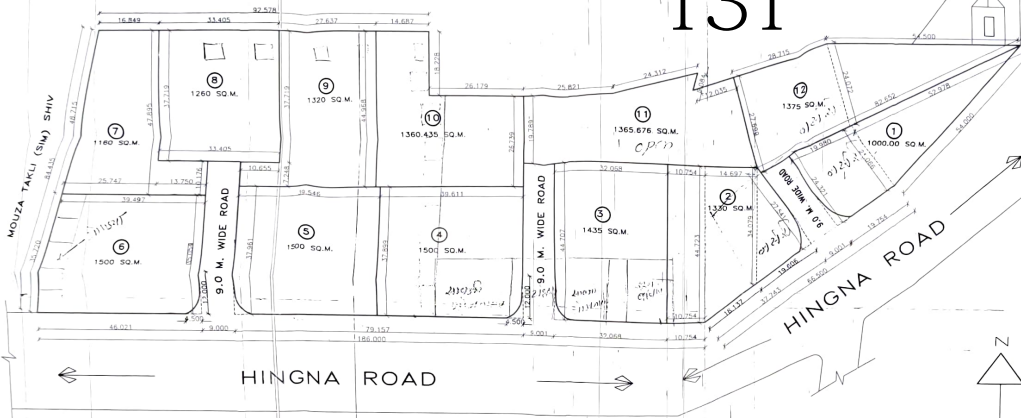
-Sd-

( A.P. Badge )

Building Engineer (W)

Nagpur Improvement Trust, Nagpur

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AREA STATEMENT OF PLOTS			
PLOT NO.	TOTAL PLOT AREA SQ.M.	TANGENT AREA LESS	NET PLOT AREA SQ.M.
1.	1000.00	(-) 9.871	990.129
2.	1330.00	(-) 9.871	1320.129
3.	1435.00	(-) 9.871	1425.129
4.	1500.00	(-) 9.871	1490.129
5.	1500.00	(-) 9.871	1490.129
6.	1500.00	(-) 9.871	1490.129
7.	1160.00		1160.00
8.	1260.00		1260.00
9.	1320.00		1320.00
10.	1360.435		1360.435
11.	1365.676		1365.676
12.	1375.00		1375.00

17154 m<sup>2</sup>

FOR APPROVAL ONLY.

LEGEND	
	GROUND FLOOR
	DOUBLE STORIES
	ROAD BOUNDRY BUILDING
	POINTS DIMARKETED AT SITE
	AREA UNDER LAYOUT

**NAGPUR IMPROVMENT TRUST**  
**NAGPUR.**



M/s M.N. Nilawar  
Engineers, Contractors & Consultant  
B/5 Akar Flats, Chhnavis Lay-out,  
Nelson Square, Chhnavis road,  
NAGPUR-13  
☎ - 0712 - 2593178

SCALE  
1: 500  
CODE  
00  
SHEET-1

**EXISTING LAY-OUT PLAN**  
KH. NO.3/2,4/2,5/2.MOUZA: PARSODI  
BELONGING TO MALIK MAKBUJA LAYOUT. SUBHANSNAGAR,  
HINGNA ROAD, NAGPUR.

For Approval  
BUILDING ENGINEER(WEST)  
EXECUTIVE ENGINEER(HQ)  
SUPERINTENDING ENGINEER

DRAWN BY  
CHECKED BY  
APPROVED BY





महाराष्ट्र मेट्रो रेल कॉर्पोरेशन लिमिटेड  
**MAHARASHTRA METRO RAIL CORPORATION LIMITED**  
 (भारत सरकार आणि महाराष्ट्र शासनाचा संयुक्त उपक्रम)  
 (A JOINT VENTURE OF GOVT.OF INDIA & GOVT.OF MAHARASHTRA)  
 FORMERLY KNOWN AS NAGPUR METRO RAIL CO. LTD.

No. :- NMRC/Plg/NOC/Metro-Corridor/2023/257/95/7253

Date: -02/08/2023

To

**Building Engineer (West),  
 Nagpur Improvement Trust, Nagpur.**

**Sub:-** NOC for sanction of building plan of **M/S Radhe Buildcon through Parnter Shri. Brijesh S. Murarka & others** on plot no.02, bearing Kh. No. 53, Mouza-Parsodi, Mulik Layout Hingana Road, Nagpur lies between Subhash Nagar & Ambazari of Metro Station of Reach-3 Section. (NOC ID -095)

**Reference:** - NIT letter No. – BE(West)/991, dated 12/07/2023.

Proposal received vide your letter under reference above has been examined in line with MAHA-Metro's NOC guidelines in extant and subsequent submission made by the applicant against letter above. "Notice of no objection" (NOC) is hereby issued **in respect of Metro Rail Safety & Security** for the proposed development subjected to compliance of following conditions:

1. The owner has proposed the structural framework for a single building on the plot comprising of **Basement Ground Floor + 13 floors**. Height of the building is **40.00 m from GL to roof of 13th floor which should be adhered too**.
2. As per approved Development Control Regulations for NMRC by Urban Development Department, Govt. of Maharashtra through GR No. TPS-2414/477/CR-248(Part-1)/2014/UD-9 dated 2nd November 2018, **no compound wall/ fencing shall be permitted** on boundary of plot facing the road and 50% of marginal distance (subject to minimum and maximum of 3 m) shall be kept accessible and shall be used as footpath for pedestrian. However, it shall be permissible for the applicant to construct/ erect fencing on the boundary after leaving space for pedestrians. **No parking be allowed in the said 3m marginal distance from road boundary.**
3. Building Plan submitted by the owner/NIT, set back provided is ~14.155 M on Metro side as per the Site Plan from the road edge in the proposed drawing. However, no Projection / Construction shall be allowed within 6 meters from Road Edge (Right of Way) in setback except steps at ground level.
4. The nearest distance from Centre of Metro pier to the edge of Raft foundation is minimum 19.80 M as indicated in the Cross-sectional drawing submitted with the letter at reference 1 shall be strictly adhere to. **(See Annexure A)**
5. The NOC issued shall be valid for a period of three years from the date of issue and shall need to be renewed/ revalidated till the occupancy certificate of the building is issued.
6. The NOC issued shall be deemed cancelled, if actual construction at the site is in variation to the plan submitted to MAHA-Metro.
7. If the applicant desires to use tower crane for the proposed development on the plot, then the working arm of the crane should not come within 5 m from Metro Viaduct and also the working arm of the crane should not come over the Metro station.
8. This NOC shall be deemed to be cancelled immediately if the documents/drawings/building plans submitted by the Applicant or Architect/Structural Engineer/Surveyor appointed by applicant are found fictitious.

9. As per clause No. A of GR No. TPS-2416/C.R.176/2016/UD-9 dated 24-07-2017, Concerned Planning Authority shall deposit 50% of premium received from allocation of additional FSI over base FSI as per TOD policy to MAHA-Metro in Account No. 35445493050 of State Bank of India, Main Branch, Nagpur. Building permit should be issued only after confirmation payment of premium.
10. Necessary safety precaution should be taken by applicant during construction of building so that metro operation shall not be affected.
11. Owner/Structural Engineer/Architect shall strictly adhere to the Compliance letter as submitted with application on 10/07/2023. (See Annexure B).
12. The Owner has to strictly adhere to for providing of sealed Windows/Facades facing towards the metro corridor to mitigate noise and vibrations nuisance for the users of the building and safety of metro operations from any object falling / flying out of building openings.
13. Owner has submitted the drawing for Raft Foundation with the letter at reference 1 which have to be strictly adhered to.
14. The Metro operations are intensive and induces primary and secondary noise & vibrations in the vicinity. Owner has submitted the structural stability certificate stating that the structure is designed to have earthquake resistance, and also it is certified that the construction of building shall withstand the vibrations due to the movements of the Metro Railway Train operations in the vicinity and dynamic effects of vibration of Railway track of Maha Metro has been taken into account while designing Basement + Ground + 13 floors. Necessary safety precaution should be taken by applicant for the vibrations due to Metro Rail movement so that the building is not affected. Maha Metro shall not be held responsible, if there is any damage to the structure on account of vibrations of Metro Rail operations.
15. As the depth of excavation is 4.45 m from GL, Cross-sectional drawing submitted by the Owner (Annexure-A) shall be strictly adhered to along with following important conditions:
- The proposed scheme for protection of excavation shall be structurally designed as per relevant standard codes of practice and sound engineering principles. This shall be done duly considering the geotechnical conditions including seasonal variation in level of water table.
  - The Raft Foundation and the surrounding ground shall be monitored by applicant or Architect/Structural Engineer continuously for any possible movement, settlement or other types of failures and remedial actions shall be taken if any. This shall be continued until foundation work is completed and backfilling is done appropriately with proper compaction.
  - The excavated pit shall be kept free from water-logging during the period of construction.
  - The excavated pit shall not left unguarded and the foundation work after excavation shall be completed earliest without any delay.
  - All construction safety norms as per standard construction procedures shall strictly be adhered too.
  - Maha-Metro officials may visit proposed site during construction phase for inspection purpose.
16. Owner has submitted that no Utility Services passing within front setback. (See Annexure -B) However, as per the standard procedure, it shall be ensured under all circumstances that there is no Utility Services passing in setback facing front to Metro Corridor.
17. NIT to ensure that the construction is done in accordance to the NOC issued and stringently followed the conditions as specified.

QUS/it  
2/8/2023

18. This NOC is being issued w. r. to safety & security of Metro Rail Structures and its operations only. Adherence to rest of the provisions of UJCR 2020 should be ensured while sanctioning the plan by NIT.

This issues with the approval of Competent Authority.

*Sai Sharan Dixit*  
2/18/2023  
(Sai Sharan Dixit)

**Addl. CPM (Civil)/Planning-I  
Maha-Metro, NMRP**



- Encl:** 1. Building Plan (02 Nos).  
2. Annexure-A cross sectional drawing submitted by owner.  
3. Annexure-B - Compliance Letter of 5 points submitted by the Owner.

**Copy to: -**

1. M/S Radhe Buildcon through partners Mr. Brijesh Shankar Murarka & other, Modi No. 2, Sitabuldi, Nagpur-440012, for information and necessary action. Ph. No. 8080462667.
2. ED/O&M, Maha-Metro, Nagpur is requested direct the concern civil staff to inspect the site during the construction on the subject plot so that conditions as mentioned in the NOC can be timely check and ensure no violation is there during construction (with all enclosures).
3. GM/Design, Maha-Metro, Nagpur for kind information please with all enclosures.

No. CFO/FES/NMRDA/ 71

Date: 25/07/2023

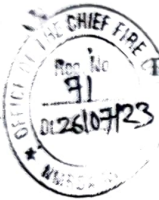
(FIRE &amp; EMERGENCY SERVICES)

To,

- 1) Building Engineer (West),  
NIT, Nagpur.
- 2) M/s. RadheBuildcon Through Partners,  
Shri. Brajesh Shankar Murarka,  
Shri. Arvind UkhaPatil,  
Plot.No. 02, Ph.No. 11,  
Kh.No. 3/2, 4/2, 5/2,  
Mouza. Parsodi, Tah. Nagpur, Dist. Nagpur.

**Sub:-** Provisional Fire Safety Approval Certificate in respect of adequate and effective installation of Fire safety measures in the Proposed High Rise construction of Residential Building on Kh.No. 3/2, 4/2, 5/2, Plot.No.02, Ph.No. 11, Mouza. Parsodi, Tah. Nagpur, Dist-Nagpur

- Ref:-**
- 1) NMRDA Inward No:177 /CFO/NMRDA , Dated. 21/07/2023.
  - 2) NIT RefLetter No. Bulding.Engg(NIT)/ 792,Dated.12/07/2023

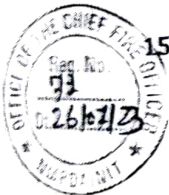


With reference to the above letter along with tentatively approved building plans and application of Architect LokeshKadu, Through Owner/Occupier M/s. RadheBuildcon Through Partner, Shri. Brajesh Shankar Murarka, Shri. Arvind UkhaPatil, for the Provisional Fire Safety Approval Certificate in respect of adequate and effective installation of Fire safety measures are being suggested in accordance with provision of Maharashtra Fire Prevention and Life Safety Measures Act 2006 & Amendment Act-2023, NBC-2016 Part IV Table-7, UDCPR-2022 for Proposed Residential (A-4) building, on Plot No. 02, Ph.No. 11, Kh.No. 3/2, 4/2, 5/2, Mouza - Parsodi, Tah. Nagpur, Dist-Nagpur the same should be strictly adhered to and complied with. This letter shall be read along with the enclosed approved building plan.

**1) Building Details (As per owner application & proposed plan & covering letter of sanctioning authority Based On UDCPR- 2022.)**

1. Name & Address of the owner :- M/s. RadheBuildcon Through Partner,  
Shri. Brajesh Shankar Murarka,  
Shri. Arvind UkhaPatil,  
Plot No. 02, Ph.No. 11, Kh.No. 3/2, 4/2, 5/2,  
Mouza - Parsodi, Tah. Nagpur, Dist- Nagpur
2. Location & Address of the Building :- Plot No.02, Ph.No. 11, Kh.No. 3/2, 4/2, 5/2,  
Mouza - Parsodi, Tah. Nagpur, Dist-Nagpur.
3. Name of Architect :- Ar. LokeshKadu.
4. Name of License Agency :- Ameya Agencies..

5. Present Position :- Proposed.
6. Total Plot Area :- 1308.14Sqm.
7. Gross B.U.Area (as per Maharashtra Fire Prevention And Life Safety Act 2006 Section (14) Explanation and amended Act 2023) :- 8918.947Sqm.
8. No.of Buildings :- 01 No.
9. Height of Building :-40.00Mtr. (As per submitted Proposed Plan)
10. No.of Floors :-Ground +13Floor
11. Building Specialty if any :- Residential Building
12. Classification of Building No. 3.1.2(d)subdivision A-4). :-Residential Building(N.B.C.- 2016 Part IV-Clause
13. Approach Street/ Road for maneuverability of fire vehicle:- 24.00Mtr(As per submitted plan).
14. Entrance gate width and height of Arc:-
15. Open Spaces on all its sides of the Building.[As per submitted Existing/Proposed Plan]



North	6.00 Mtr.
South	6.00 Mtr.
East	6.069 Mtr.
West	6.00 Mtr.

16. The area wise details of each floor & their use are as under [As per submitted proposed/Existing Plan] For The Assessment Of Fire & Emergency Services Fee As Per Maharashtra Fire Prevention And Life Safety Act 2006 Section (14) Explanation and amended Act 2023.

Sr. No.	No. of Floor	Built up Area in SQM	Occupancy/Use
1.	Basement	778.376 Sqm	Parking
2.	Ground Floor	456.247 Sqm	Parking
3.	First Floor	508.140 Sqm	Residential
4.	Second Floor	595.5110 Sqm	Residential
5.	Third Floor	595.5110 Sqm	Residential
6.	Fourth Floor	595.5110 Sqm	Residential
7.	Fifth Floor	595.5110 Sqm	Residential
8.	Sixth Floor	595.5110 Sqm	Residential
9.	Seventh Floor	595.5110 Sqm	Residential
10.	Eight Floor	609.163 Sqm	Residential / Refuge Area
11.	Ninth Floor	595.5110 Sqm	Residential
12.	Tenth Floor		

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13.	Eleventh Floor	595.5110 Sqm	Residential
14.	Twelfth Floor	595.5110 Sqm	Residential
15.	Thirteenth Floor	611.911 Sqm	Residential
	Total	8918.947 Sqm	

17. No. of Basement :- 01

18. Basement Ramp :- 6.00 Mtr.(Shall be confirming as per NBC-2016 Part IV-Clause No.4.4.2.4.3.5)

19. Means of Escape[As per submitted Existing/Proposed Plan]:-

Staircase	No. of Staircase
Internal Staircase	02 No. (01 No. Fire Escape)
Escape Staircase	01 No.

20. No. of Lifts and capacity :- 02 Nos.( 01No. Fire Lift)

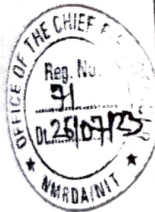
II) This Provisional Fire Safety Approval Certificate is recommendation letter and is valid subject to fulfillment of the following conditions:-

1. The Plans (adhering to Maharashtra Fire Prevention & Life Safety Measures Act 2006, Amendment Act-2023 & National Building Code-2016 Part IV Based On UDCPR-2022 where necessary) of the Existing/proposed construction should be sanctioned/approved by the concerned Competent Authority & others.
2. The B.C.C/Occupancy Certificate Shall be issued from competent authority subject to Final Fire Safety Approval Certificate from this department as per Fire Act 2006 under section 3(2)Amendment Act-2023.
3. Under section 3 of Maharashtra Fire Prevention and life safety measures Act, 2006Amendment Act-2023 (hereafter referred to as "said Act"). The applicant (developer, owner, occupier by whatever name called) shall comply all the fire and life safety measures adhering to Fire Act 2006, Amendment Act-2023 & National Building code of India, 2016 Part IV Table- 7, UDCPR-2022 and as amended from time to time failing which it shall be treated as a violation of the said Act.
4. As per Provision as under section 10 of the said Act. No person other than the license Agency shall carry out the work of providing Fire Prevention and life safety Measures or performing. Such other related activities required to be carried out in any place or building or part thereof.

5. Though certain conditions are stipulated from the said Act and National Building code of India 2016 Part IV Based On UDCPR-2022, it is obligatory on part of the applicant that is developers, builder, occupier, owner, tenant, by what so ever named called to abide with the provision of said Act falling which it shall actionable under the provisions of said Act.

6. As per Maharashtra Fire Prevention And Life Safety Measures Act 2006 & Amendment Act-2023 Under Section 3(1), NBC-2016 Part IV Table-7 Minimum requirement for firefighting installation, The following fire protection system shall be provided.

Sr. No.	Fire Fighting Installation	Requirement as per NBC-2016 Part IV Table-7, Fire Act 2006 & Amendment Act-2023- Annex-1	Remarks
1.	Portable Fire Extinguisher	Required at each floor and at prominent floor as per specification and type. 02 Nos. on each floor	Shall be conforming to IS:15683 & placed at strategic location & NBC-2016 Part IV Clause 5.1 should be accordance with accepted I.S standard
2.	First Aid Hose Reel And RRL Hose pipe	Required at each floor. Hose reel Should be covered entire area of the building.	The first aid hose reel shall be connected directly to hydrant line and diameter of the hose reel shall not be less than 19mm confirming to IS:884:1985 & NBC-2016 Part IV clause 5.1.1(b).
3.	Hose Box	Required at each floor	With Front side glass containing hose pipe of 30mtr length & Branch pipe with nozzle shall be provided
4.	Wet Riser/Down Comer	Required	100/150mm G.I. Pipe "C" type in vertical position connected to water source through pump with hydrant outlet on each floor (0.9mtr. above landing) Required to provide near Main Staircase/External Staircase, Landing Valve should be installed confirming to IS:5290 & NBC 2016 part IV clause no. 5.1, 2.10, 2.65, accepted IS standard 4(19) & NBC 2016 part IV Table- 8
5.	Yard Hydrant or Ring Hydrant around the building	Not Required	Not Required
6.	Automatic Sprinkler System	Required As Per Submitted Plan.	Shall be install confirming to IS:1104 2016 & Shall be as per NBC 2016 Part-IV Clause 5.1.3
7.	Manually Operated Electronic Fire	Required	Manually operated Fire alarm should be provided; it should be connected to



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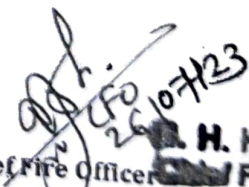
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7. The Travel distance to be travel from any point of the building should not exceed in any case as prescribed in Table 5 of NBC-2016-Part IV clause No.4.4.2.2. Based On UDCPR-2022.
8. Exit doorways should be confirming as per NBC-2016 Part IV clause No.4.4.2.4.1.
9. Emergency power supply i.e. Standby Generator capable of to supply power to staircase, corridor, lighting circuit, lift/fire lift, exit signs & fire pumps shall be Provided to this building (as per NBC-2016 Part IV- clause No. 3.4.6.2 & 3.4.6.4).
10. Air-Conditioning system: If provided with AHU or centralized A/c plant than. :- Shall conform to NBC-2016 Part IV clause No.3.4.8.
  - a. Automatic fire dampers shall be provided in duct, & at the inlet of the Fresh air.
  - b. A.C. dampers shall be closed automatically, upon operation of a Detector/sprinkler.
  - c. Air ducts for every floor shall be separated.
  - d. Separate AHU for each floor
11. Ventilation for supply of outside air into basement or the removal of inside air from enclosed space:- N/A (as per NBC-2016 Part IV- clause No. 4.6.2).
12. The lift shall be of 8 person's capacity having fire lift provision and equipped with suitable intercommunication with control room on ground floor of the building as per NBC 2016 Part IV Annex E& NBC Part 8 section- 5, 5-A clause no. 7.1 to 7.2.4
13. In future if the developer intends to go for expansion, alteration, modification of any building an approval of fire department must be obtained before commencing proposed construction.
14. Fire Evacuation Drill shall be carried out at regular interval and record shall be maintained for inspection of fire service department (as per NBC-2016 Part IV- Annex D).
15. Fire control room on the entrance floor at the building with communication system to all floors and facilities for receiving the message from different floors as well as the Fire control room shall also have facilities to detect the fire on any floors through indicator board's connection (as per NBC-2016 Part IV- clause No. 3.4.12)
16. All fire protection, prevention & safety arrangement shall conform to National Building Code of India 2016/UDCPR-2022.
17. The owner occupier shall deposit 1% of Fire prevention fees every year to this department (as per Maharashtra Fire Prevention and life safety measures act 2006 & Amendment Act-2023 section- 13).
  - There will be final inspection after complying the above arrangement. The aforesaid fire safety/fire protection conditions/directive shall be complied with before the occupation of the building under intimation to this department.
  - The undersigned reserves the right to amend any additional recommendations deemed fit during the stage wise inspection due to statutory provisions amended from time to time and in the interest of the protection of the building.

B

- After completion of above Fire Fighting & Fire safety arrangement the applicant /owner should apply for "Final Fire Safety Approval" from Fire and Emergency Services, NMRDA/NIT.
- There will be final inspection after complying the above arrangement. The aforesaid fire safety/fire protection conditions/directive shall be complied with before the occupation of the building under intimation to this department.
- In addition to the above, all provision under the National Building Code of India-2016 /UDCPR- 2022 shall be strictly adhered, also if any change in activity or Proposed expansion or Subletting of, NOC from this department is essential.
- These remarks are offered from fire risk point of view only, without prejudice to legal matters pending in the court of law, other permissions by concerned authorities, Environment Authority, etc. as per rules applicable, are obtained from concerned departments/authority.
- The remarks are offered for installation of Fire Protection System only. The Authenticity of land, building structure, road, open space, shall be checked by building department and concerned authorities.
- On above terms & conditions, the Provisional Fire Safety Approval is here by granted.
- As per Maharashtra Fire Prevention and Life Safety Measures Amendment Act-2023 the Owner/Occupier, M/s. RadheBuidcon Through Partner, Shri. Brajesh Shankar Murarka, Shri. Arvind UkhaPatil, Plot.No. 02, Ph.No. 11, Kh.No. 3/2, 4/2, 5/2, Mouza - Parsodi, Tah. Nagpur, Dist- Nagpur. has deposited amounts towards Fire Protection Fund Fees amounting to Rs.5,93,556/- vide Miscellaneous Receipt No. 20230725434, Date. 24/07/2023.

  
**H. Kharatmai**  
 Chief Fire Officer / Fire Officer  
 Fire and Emergency Services  
 NMRDA  
 NMRDA/NIT, Nagpur.

End: One copy of Map.



# भारतीय विमानपत्तन प्राधिकरण AIRPORTS AUTHORITY OF INDIA

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NAGP/WEST/B/100122/700992

मालिक का नाम एवं पता

M/s-Radhe Buildcon Through its Partner  
Mr.Brajesh Shankar Murarka

दिनांक/DATE: 10-10-2022

OWNERS Name &  
Address

Modi No.2,Murarka Printing Press,  
Sitaburdi Nagpur Nagpur Nagpur  
Maharashtra 440012

वैधता/ Valid Up to: 09-10-2030

## ऊँचाई की अनुमति हेतु अनापत्ति प्रमाण पत्र(एनओसी) No Objection Certificate for Height Clearance

1) यह अनापत्ति प्रमाण पत्र भारतीय विमानपत्तन प्राधिकरण (भाविप्रा) द्वारा प्रदत्त दायित्वों के अनुक्रम तथा सुरक्षित एवं नियमित विमान प्रचालन हेतु भारत सरकार (नागर विमानन मंत्रालय) की अधिसूचना जी. एस. आर. 751 (ई) दिनांक 30 सितम्बर, 2015, जी. एस. आर. 770 (ई) दिनांक 17 दिसंबर 2020 द्वारा संशोधित, के प्रावधानों के अंतर्गत दिया जाता है।

1. This NOC is issued by Airports Authority of India (AAI) in pursuance of responsibility conferred by and as per the provisions of Govt. of India (Ministry of Civil Aviation) order GSR751 (E) dated 30th Sep.2015 amended by GSR770(E) dated 17th Dec 2020 for safe and Regular Aircraft Operations.

2). इस कार्यालय को निम्नलिखित विवरण के अनुसार प्रस्तावित संरचना के निर्माण पर कोई आपत्ति नहीं है।

2. This office has no objection to the construction of the proposed structure as per the following details:

अनापत्ति प्रमाणपत्र आईडी / NOC.ID	NAGP/WEST/B/100122/700992
आवेदक का नाम / Applicant Name*	M/s Radhe Buildcon Through its Partner Mr.Brajesh
स्थल का पता / Site Address*	Plot No.2, Kh.No.3/2,4/2 and 5/2,Mouza-Parsodi,City Survey No.3/10,Sheet No.118/1,2,Mulik Layout ,Nagpur,Maharashtra,Nagpur,Nagpur,Maharashtra
स्थल के निर्देशांक / Site Coordinates*	21 07 25.45N 79 02 36.34E, 21 07 24.76N 79 02 36.75E, 21 07 26.02N 79 02 37.42E, 21 07 25.57N 79 02 37.78E
स्थल की ऊँचाई एएमएसएल मीटर में (औसतन समुद्र तल से ऊपर), (जैसा आवेदक द्वारा उपलब्ध कराया गया) / Site Elevation in mtrs AMSL as submitted by Applicant*	321.09 M
अनुमन्य अधिकतम ऊँचाई एएमएसएल मीटर में (औसतन समुद्र तल से ऊपर) / Permissible Top Elevation in mtrs Above Mean Sea Level(AMSL)	361.10 M (Restricted)

\* जैसा आवेदक द्वारा उपलब्ध कराया गया / As provided by applicant\*

हवाईअड्डा निदेशक, डॉ बाबा साहेब अंबेडकर अंतरराष्ट्रीय हवाईअड्डा नागपुर - 440005 दूरभाष संख्या : 91-712-2807501

Airport Director, Dr. Babasaheb Ambedkar-International Airport, Nagpur - 440005 Telephone : 91-712-2807501



3) यह अनापत्ति प्रमाण पत्र निम्नलिखित नियम व शर्तों के अधीन है :-

3. This NOC is subject to the terms and conditions as given below:

क) आवेदक द्वारा उपलब्ध कराए गए स्थल की ऊँचाई तथा निर्देशांक को, प्रस्तावित संरचना हेतु अनुमन्य अधिकतम ऊँचाई जारी करने के लिए प्रयोग किया गया है। भारतीय विमान पत्तन प्राधिकरण, आवेदक द्वारा उपलब्ध कराये गए स्थल की ऊँचाई तथा निर्देशांक की यथार्थता का ना तो उत्तरदायित्व वहन करता है, और ना ही इनको प्रमाणीकृत करता है। यदि किसी भी स्तर पर यह पता चलता है कि वास्तविक विवरण, आवेदक द्वारा उपलब्ध कराए गए विवरण से भिन्न है, तो यह अनापत्ति प्रमाण पत्र अमान्य माना जाएगा तथा कानूनी कार्यवाही की जाएगी। सम्बंधित विमान क्षेत्र के प्रभारी अधिकारी द्वारा एयरक्राफ्ट नियम 1994 (भवन, वृक्षों आदि के कारण अवरोध का विध्वंस) के अधीन कार्यवाही की जायगी।

a. Permissible Top elevation has been issued on the basis of Site coordinates and Site Elevation submitted by Applicant. AAI neither owns the responsibility nor authenticates the correctness of the site coordinates & site elevation provided by the applicant. If at any stage it is established that the actual data is different, this NOC will stand null and void and action will be taken as per law. The officer in-charge of the concerned aerodrome may initiate action under the Aircraft (Demolition of Obstruction caused by Buildings and Trees etc.) Rules, 1994”.

ख) अनापत्ति प्रमाण पत्र के आवेदन में आवेदक द्वारा उपलब्ध कराए गए स्थल निर्देशांक को सड़क दृश्य मानचित्र और उपग्रह मानचित्र पर अंकित किया गया है जैसा कि अनुलग्नक में दिखाया गया है। आवेदक/ मालिक यह सुनिश्चित करे कि अंकित किए गए निर्देशांक उसके स्थल से मेल खाते हैं। किसी भी विसंगति के मामले में, नामित अधिकारी को अनापत्ति प्रमाण पत्र रद्द करने के लिए अनुरोध किया जाएगा।

b. The Site coordinates as provided by the applicant in the NOC application has been plotted on the street view map and satellite map as shown in ANNEXURE. Applicant/Owner to ensure that the plotted coordinates corresponds to his/her site. In case of any discrepancy, Designated Officer shall be requested for cancellation of the NOC.

ग) एयरपोर्ट संचालक या उनके नामित प्रतिनिधि, अनापत्ति प्रमाण पत्र नियमों और शर्तों का अनुपालन सुनिश्चित करने के लिए स्थल (आवेदक या मालिक के साथ पूर्व समन्वय के साथ) का दौरा कर सकते हैं।

c. Airport Operator or his designated representative may visit the site (with prior coordination with applicant or owner) to ensure that NOC terms & conditions are complied with.

घ) संरचना की ऊँचाई (सुपर स्ट्रक्चर सहित) की गणना अनुमन्य अधिकतम ऊँचाई (ए एम एस एल) से स्थल की ऊँचाई को घटाकर की जायेगी। अर्थात्, संरचना की अधिकतम ऊँचाई = अनुमन्य अधिकतम ऊँचाई (-) स्थल की ऊँचाई।

d. The Structure height (including any superstructure) shall be calculated by subtracting the Site elevation in AMSL from the Permissible Top Elevation in AMSL i.e. Maximum Structure Height = Permissible Top Elevation minus (-) Site Elevation.

च) अनापत्ति प्रमाण पत्र जारी करना, भारतीय एयरक्राफ्ट एक्ट 1934, के सैक्शन 9-A तथा इसके अंतर्गत समय-समय पर जारी अधिसूचनाएं तथा एयरक्राफ्ट नियम (1994 भवन, वृक्षों आदि के कारण अवरोध का विध्वंस) के अधीन है।

e. The issue of the 'NOC' is further subject to the provisions of Section 9-A of the Indian Aircraft Act, 1934 and any notifications issued there under from time to time including, "The Aircraft (Demolition of Obstruction caused by Buildings and Trees etc.) Rules, 1994”.

छ) कोई भी रेडियो/ टीवी एन्टीना, लाइटनिंग अरैस्टर, सीढिया, मुमटी, पानी की टंकी अथवा कोई अन्य वस्तु तथा किसी भी प्रकार के संलग्नक उपस्कर पैरा 2 में उल्लेखित अनुमन्य अधिकतम ऊँचाई से ऊपर नहीं जानी चाहिए।



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f. No radio/TV Antenna, lightning arresters, staircase, Mumty, Overhead water tank or any other object and attachments of fixtures of any kind shall project above the Permissible Top Elevation as indicated in para 2.

ज) विमानक्षेत्र संदर्भ बिंदु के 8 KM के भीतर तेल, बिजली या किसी अन्य ईंधन का उपयोग जो उड़ान संचालन के लिए धुएं का खतरा पैदा नहीं करता है, ही मान्य है।

g. Use of oil, electric or any other fuel which does not create smoke hazard for flight operation is obligatory, within 8 KM of the Aerodrome Reference Point

झ) यह प्रमाणपत्र इसके जारी होने की तारीख से 8 साल की अवधि के लिए वैध है। एक बार रिवेलीडेशन की अनुमति दी जा सकती है, बशर्ते कि इस तरह का अनुरोध एनओसी की समाप्ति की तारीख से छह महीने के भीतर किया जाए और प्रारंभिक प्रमाणपत्र 8 साल की वैधता अवधि के भीतर प्राप्त किया जाए।

h. The certificate is valid for a period of 8 years from the date of its issue. One-time revalidation shall be allowed, provided that such request shall be made within six months from the date of expiry of the NOC and commencement certificate is obtained within initial validity period of 8 years.

ट) भवन के निर्माण के दौरान या उसके बाद किसी भी समय स्थल पर ऐसी कोई भी लाइट या लाइटों का संयोजन नहीं लगाया जाएगा जिसकी तीव्रता, आकृति या रंग के कारण वैमानिक ग्राउन्ड लाइटों के साथ भ्रम उत्पन्न हो। विमान के सुरक्षित प्रचालन को प्रभावित करने वाली कोई भी गतिविधि मान्य नहीं होगी।

i. No light or a combination of lights which by reason of its intensity, configuration or colour may cause confusion with the aeronautical ground lights of the Airport shall be installed at the site at any time, during or after the construction of the building. No activity shall be allowed which may affect the safe operations of flights.

ठ) आवेदक द्वारा विमानपत्तन पर या उसके आसपास विमान से उत्पन्न शोर, कंपन या विमान प्रचालन से हुई किसी भी क्षति के विरुद्ध कोई शिकायत/दावा नहीं किया जाएगा।

j. The applicant will not complain/claim compensation against aircraft noise, vibrations, damages etc. caused by aircraft operations at or in the vicinity of the airport.

ड) डे मार्किंग तथा सहायक विद्युत आपूर्ति सहित नाइट लाइटिंग (डीजीसीए भारत की वेबसाइट [www.dgca.nic.in](http://www.dgca.nic.in) पर उपलब्ध) नागर विमानन आवश्यकताएं श्रंखला 'बी' पार्ट I सैक्शन-4 के चैप्टर 6 तथा अनुलग्नक 6 में विनिर्दिष्ट दिशानिर्देशों के अनुसार उपलब्ध कराई जाएंगी।

k. Day markings & night lighting with secondary power supply shall be provided as per the guidelines specified in chapter 6 and appendix 6 of Civil Aviation Requirement Series 'B' Part I Section 4, available on DGCA India website: [www.dgca.nic.in](http://www.dgca.nic.in)

ढ) भवन के नक्शे के अनुमोदन सहित अन्य सभी वैधानिक अनापत्ति, संबंधित प्राधिकरणों से लेना आवेदक की जिम्मेदारी होगी, क्योंकि इस ऊँचाई हेतु अनापत्ति प्रमाणपत्र लेने का उद्देश्य सुरक्षित एवं नियमित विमान प्रचालन सुनिश्चित करना है तथा इसे भूमि के स्वामित्व आदि सहित किसी अन्य उद्देश्य/ दावे के लिए दस्तावेज के रूप में प्रयोग नहीं किया जा सकता।

l. The applicant is responsible to obtain all other statutory clearances from the concerned authorities including the approval of building plans. This NOC for height clearances is only to ensure safe and regular aircraft operations and shall not be used as document for any other purpose/claim whatsoever, including ownership of land etc.



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ण) इस अनापत्ति प्रमाणपत्र आईडी का मूल्यांकन Nagpur विमानक्षेत्रों के संबंध में किया गया है। यह अनापत्ति प्रमाणपत्र भारतीय विमान पत्तन प्राधिकरण के विमानक्षेत्रों और अन्य लाइसेंस प्राप्त सिविल विमानक्षेत्रों, जो जी. एस. आर. 751 (ई) जी. एस. आर. 770 (ई) द्वारा संशोधित के अनुसूची - III, अनुसूची - IV (भाग - I), अनुसूची - IV (भाग - 2; केवल RCS हवाई अड्डे) और अनुसूची - VII में सूचीबद्ध हैं, के लिए जारी किया गया है।  
m. This NOC ID has been assessed with respect to the Nagpur Airports. NOC has been issued w.r.t. the AAI Aerodromes and other licensed Civil Aerodromes as listed in Schedule - III, Schedule - IV (Part-I), Schedule- IV (Part-2; RCS Airports Only) and Schedule-VII of GSR 751(E) amended by GSR770(E)

त) यदि स्थल रक्षा विभाग के विमान क्षेत्र के अधिकार क्षेत्र में आता है, जैसा कि जीएसआर 751 (ई) की अनुसूची-V में सूचीबद्ध है, तो आवेदक को रक्षा विभाग से अलग से अनापत्ति प्रमाणपत्र लेना होता है। जीएसआर 751 (ई) जी. एस. आर. 770 (ई) द्वारा संशोधित के नियम 13 के अनुसार, आवेदकों को उन स्थलों के लिये, जो जीएसआर 751 (ई) जी. एस. आर. 770 (ई) द्वारा संशोधित के अनुसूची- IV (भाग -2; आरसीएस हवाई अड्डों के अलावा) के रूप में सूचीबद्ध बिना लाइसेंस वाले विमान क्षेत्र के अधिकार क्षेत्र में आता है, तो संबंधित राज्य सरकार से भी अनापत्ति प्रमाणपत्र लेने की आवश्यकता है।

n. Applicant needs to seek separate NOC from Defence, if the site lies within the jurisdiction of Defence Aerodromes as listed in Schedule - V of GSR 751 E amended by GSR770(E). As per rule 13 of GSR 751 E amended by GSR770(E), applicants also need to seek NOC from the concerned state government for sites which lies in the jurisdiction of unlicensed aerodromes as listed in Schedule-IV (Part-2; other than RCS airports) of GSR 751 E amended by GSR770(E)

थ) अनापत्ति प्रमाण पत्र (एनओसी) की किसी भी त्रुटि/व्याख्या की स्थिति में अंगरेजी अनुवाद ही मान्य होगा।

o. In case of any discrepancy/interpretation of NOC letter, English version shall be valid.

द) स्थल की ऊँचाई और/या संरचना की ऊँचाई के किसी भी विवाद में अनुमन्य अधिकतम ऊँचाई एएमएसएल में ही मान्य होगी।

p. In case of any dispute with respect to site elevation and/or AGL height, Permissible Top Elevation in AMSL shall prevail.

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क्षेत्र का नाम / Region Name: पश्चिम/WEST

पदनामित अधिकारी/Designated Officer नाम/ पदनाम/दिनांक सहित हस्ताक्षर Name/Designation/Sign with date	<b>GOVENDRA KUMAR KHARE</b> Digitally signed by GOVENDRA KUMAR KHARE Date: 2022.10.10 13:08:40 +05'30'
द्वारा तैयार Prepared by	<b>ALOK PAL AM(ATM-DoAS)</b> AIRPORTS AUTHORITY OF INDIA DBAI AIRPORT, NAGPUR भारतीय विमानपत्तन प्राधिकरण AIRPORTS AUTHORITY OF INDIA Digitally signed by ALOK PAL Date: 2022.10.10 12:16:10 +05'30'
द्वारा जांचा गया Verified by	<b>ANIL A WALDE Jt. GM(ATM-DoAS)</b> AIRPORTS AUTHORITY OF INDIA DBAI AIRPORT, NAGPUR भारतीय विमानपत्तन प्राधिकरण AIRPORTS AUTHORITY OF INDIA Digitally signed by ANIL ARJUNRAO WALDE Date: 2022.10.10 12:14:09 +05'30'

ईमेल आईडी / EMAIL ID : cic.nagpur@aai.aero

फोन/ Ph: 0712-2295986

ANNEXURE/अनुलग्नक

Distance From Nearest Airport And Bearing/निकटतम विमानक्षेत्र से दूरी और बीयरिंग

Airport Name/ विमानक्षेत्र का नाम	Distance (Meters) from Nearest ARP/निकटतम विमानक्षेत्र संदर्भ बिंदु से दूरी (मीटर मे)	Bearing(Degree) from Nearest ARP/निकटतम विमानक्षेत्र संदर्भ बिंदु से बीयरिंग (डिग्री)
Nagpur	3558.82	352.85
NOCID	NAGP/WEST/B/100122/700992	

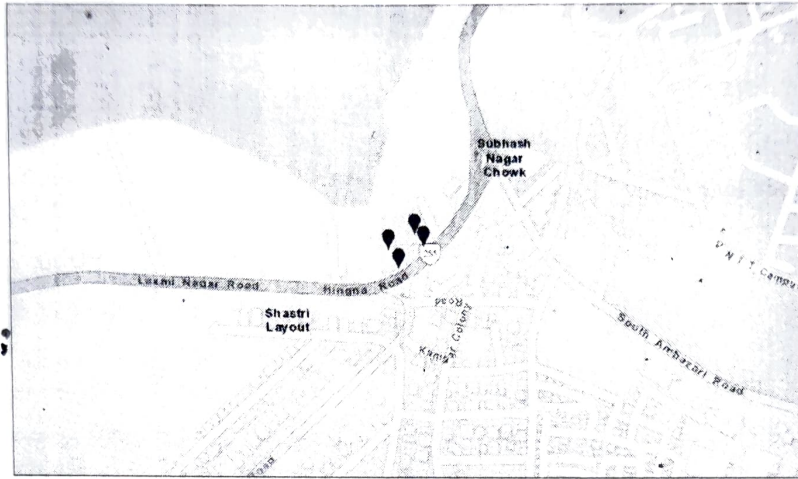
हवाईअड्डा निदेशक, डॉ बाबा साहेब अंबेडकर अंतरराष्ट्रीय हवाईअड्डा नागपुर - 440005 दूरभाष संख्या : 91-712-2807501  
Airport Director, Dr. Babasaheb Ambedkar International Airport, Nagpur - 440005 Telephone : 91-712-2807501



# भारतीय विमानपत्तन प्राधिकरण 140 AIRPORTS AUTHORITY OF INDIA

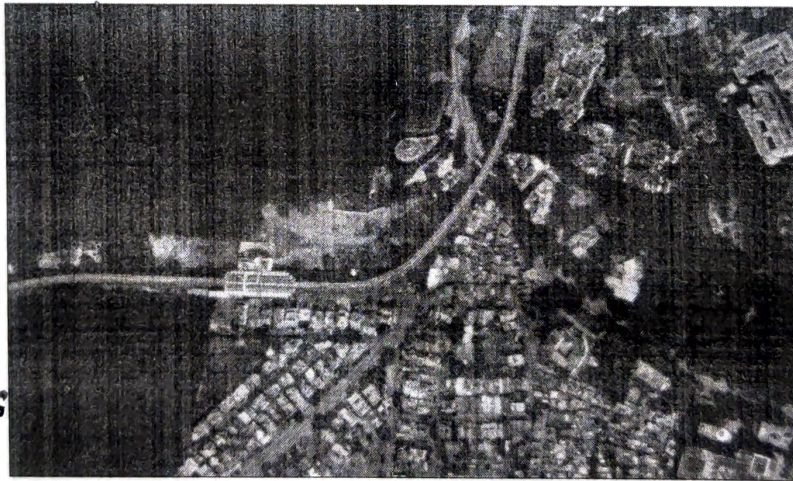
NAGP/WEST/B/100122/700992

Street View



October 1, 2022

Satellite View



October 1, 2022

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कार्यालय, नागपूर महानगरपालिका, नागपूर  
सार्वजनिक आरोग्य अभियांत्रिकी विभाग

दक्षिण प्रशासकीय इमारत वी. गिण 4 वा नागा महानगरपालिका कार्यालय, शिंदील लार्ड्स, नागपूर - 440001.  
संपर्क क्रमांक: www.nmra.nagpur.gov.in व ई मेल: sda@nmra.com

क्र.: म.न.पा./सा.आ.अभि./का.अ./०१६/२०२३

दिनांक: २१/०१/२०२३

प्रति,

मे. रामसंन्स इंडस्ट्रीज तर्फे संचालक,  
श्री. राजेश रामस्वरूप सारडा,  
रा. धंतोली, नागपूर.

विषय :- मोंजा -परसोडी (अंबाझरी तलावालगत) खसरा क्र. ३/२, ४/२, ५/२ या अभिन्यासातील भुखंड क्र. २ चा इमारत बांधकाम नकाशा मंजूरीकरीता नाहरकत पत्र मिळण्याबाबत.

संदर्भ :- १. आपले दि. ०४.०८.२०२२ चे पत्र.

२. कार्यकारी अभियंता, नागपूर पाटबंधारे विभाग (दक्षिण) यांचे पत्र क्र. जा.क्र./२७८०/नापावि/चिशा/नाहरकत प्रमाणपत्र/२०२२ दि. २१.१०.२०२२

३. जलसंपदा विभागाचे शासन परिपत्रक क्र. संकीर्ण-२०१२/(प्र.क्र.२०/२०१२)/सि.व्य.(महसुल) दि. ०८.०३.२०१८

उपरोक्त विषयाच्या अनुषंगाने मोंजा -परसोडी (अंबाझरी तलावालगत) खसरा क्र. ३/२, ४/२, ५/२ या अभिन्यासातील भुखंड क्र. २ चा इमारत बांधकाम नकाशा मंजूरीकरीता नाहरकत पत्र मिळणेस्तव या विभागास अर्ज सादर केलेला आहे. सदरनुसार आपणास कळविण्यात येते की, सदर भुखंडावर जलप्रदाय विभागाची विकास परवानगी खालील अटीवर देण्यात येत आहे.

१. संदर्भांकित क्र. २ च्या शासन परिपत्रकात नमुद मुद्दा क्र. ५ व ७ च्या बाबीचे तंतोतंत पालन करावे लागेल.
२. सदर भुखंड हा मेट्रो रेल लागत स्थित असल्याने सदर भुखंडावर विकास परवानगीस मेट्रो रेल कडील नाहरकत प्रमाणपत्र घ्यावे लागेल.
३. इतर विभागांचे काही निकष असतील तर विकासकांनी त्यांचे पालन करणे आवश्यक राहिल.
४. लघु सांडपाणी सुध्दीकरण संयंत्र बांधणे आवश्यक राहिल.

सहपत्र :- वरीलप्रमाणे.



कार्यकारी अभियंता (पाणीपुरवठा)  
सार्वजनिक आरोग्य अभियांत्रिकी विभाग,  
महानगरपालिका, नागपूर.

प्रतिलिपी :- कार्यकारी अभियंता (प्रकल्प), सार्वजनिक आरोग्य अभियांत्रिकी विभाग, म.न.पा., नागपूर.

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TOWN PLANNING OFFICES &  
 A CITY ENGINEER IN CHARGE  
 NAGPUR IMPROVEMENT TRUST

*[Signature]*  
 SUPERINTENDING ENGINEER  
 NAGPUR IMPROVEMENT TRUST

*[Signature]*  
 CHAIRMAN  
 NAGPUR IMPROVEMENT TRUST



Sanctioned under Government Notification  
 Urban Development Dept. No. T.P.S.-2426/2493/10-  
 20603/27/UP-9 dated 07-07-2002

*[Signature]*  
 By: *[Signature]* S. N.  
 Urban Development Department



	17	
22	23	24
	29	

541

VNIT Campus  
Hostel Block 2

Nagpur Selfie Point  
(My love My Nagpur)

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VNIT Boys Hostel Rd

Hindur Rd

S Ambazari Rd

3905 m

PROPOSED SITE

Nagpur Metro Station

Nagar Rd

Subhash Chandra Bose Chowk

BSNL Office

S Ambazari Rd

Layout Garden

Jaitra Rd

Subhash Nagar Playground

Persistent Systems Limited

परसिस्टेंट सिस्टीम लिमिटेड

Salt Lake

Calvary