

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL**WESTERN ZONE AT PUNE****ORIGINAL APPLICATION NO. 49 OF 2019/WZ****IN THE MATTER OF:**

Sarang Yadwadkar & Ors.

...Applicants

Versus

Pune Municipal Corporation & Ors.

...Respondents

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THROUGH


RITWICK DUTTA

RAHUL CHOUDHARY**COUNSEL FOR THE APPLICANT**

N-73, Lower Ground Floor, Greater Kailash-1,

New Delhi – 110048

Mobile No. 9312407881

Email:- Litigation.life@gmail.com

Place:- Pune/Delhi

Dated:- 13.03.2023

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL

WESTERN ZONE AT PUNE

ORIGINAL APPLICATION NO. 49 OF 2019/WZ

IN THE MATTER OF:

Sarang Yadwadkar & Ors.

...Applicants

Versus

Pune Municipal Corporation & Ors.

...Respondents

**REJOINER TO ACTION TAKEN REPORT OF RESPONDENT NO. 2
DATED 18.01.2021**

MOST RESPECTFULLY SHOWETH:

1. That the present Original Application was filed by the Applicants highlighting the instances of illegal reclamation of flood plains, diversion of original and natural flow of rivers, encroachment by way of dumping and unauthorised construction on the flood plains of rivers flowing through Pune and Pimpri Chinchwad cities of Maharashtra. This was in violation of the direction of the Hon'ble Tribunal in Sarang Yadwadkar & Anr. v. State of Maharashtra (2015 SCC OnLine NGT 71) dated 27.03.2015 which prohibited any construction at least within 50 meters from the Blue Line of rivers in Maharashtra.
2. That the present Rejoinder is being filed by the Applicants rebutting the Action Taken Report of Respondent No. 2 (Pimpri Chichwad Municipal Corporation) dated 18.01.2021 and bringing to the notice of this Hon'ble Tribunal notice the misleading information provided by Respondent No. 2 with regard to removal and transportation of encroachment debris.

**Misleading and wrong information provided with regard to
vehicles used for transportation of encroachment debris**

3. That Respondent No. 2 (Pimpri Chinchwad Municipal Corporation) filed a Further Action Taken Report dated 18.01.2021 wherein it has provided information on steps taken with regard to removal of illegal construction, illegal dumping/ landfilling undertaken by Respondent No. 2.
4. That in Para 2 (b) (f) of the Report (Page 566), Respondent No. 2 has stated that it has undertaken the work of laying of interceptor sewer line

alongside the rivers Pawana and Indrayani for controlling pollution of the rivers and illegal dumping into riverbeds. In this regard, Respondent No. 2 has provided information about the date, quantity, quality and location of removal of landfilling and its subsequent dumping. This information is provided as part of the annexures from Page 572 onwards.

5. That at Page 576, information has been provided on the vehicles used by Respondent No. 2 for transportation of debris from the removal site to the dumping site.
6. That Respondent No. 2 has stated that amongst others, vehicles with the following vehicle numbers were used for transportation of encroachment debris:
 - a) MH 12 QW 8878
 - b) MH 12 QW 8879
 - c) MH 12 QW 8880
 - d) MH 12 QW 8883
7. That as per the information available in public domain regarding the registration status of the vehicles, the above-mentioned vehicles are registered as '*Motor Cab*' in the Registration Certificate (RC) status on the Parivahan Sewa of Ministry of Road Transport and Highways. These vehicle numbers are registered for the following vehicles:
 - a) MH 12 QW 8878- Maruti Tour
 - b) MH 12 QW 8879- Maruti Celerio
 - c) MH 12 QW 8880- Ford Endeavour
 - d) MH 12 QW 8883- Tata Zest
 Copy of information available on the Parivahan website is annexed herewith as **ANNEXURE A-1**.
8. It is submitted that motor cabs are passenger vehicles and are not suitable for transportation of debris. These vehicles do not have the capacity or the space to transport encroachment debris such as cement and concrete, and are therefore, not used for transporting goods or heavy items. Additionally, vehicles with registration as motor cabs or passenger vehicles are not allowed to be used for transporting goods, including debris.
9. That by stating that these vehicles were used for transporting debris, Respondent No. 2 has tried to mislead this Hon'ble Tribunal by providing wrong information about removal of encroachment debris since passenger

vehicles cannot be used for transportation of debris such as cement and concrete.

10. That it is also clear from the same that no removal or dumping of debris could have taken place since it is not viable to transport the same by the use of passenger vehicles.

Demarcation of blue and red flood lines has to be as per the flood lines maps of 2011

11. That it should be made clear that demarcation of red and blue flood lines has to be in accordance with the flood lines maps prepared in 2011 and no reliance can be placed on the flood lines maps prepared in 2016.
12. That the Water Resources Department of Government of Maharashtra has stated in its letter written to Pune Municipal Corporation dated 18.03.2020 that flood lines maps of 2011 are to be considered final, until the 2016 flood lines maps are finalised.

Copy of letter along with translation dated 18.03.2020 written by Water Resources Department of Government of Maharashtra to Pune Municipal Corporation is annexed herewith as **ANNEXURE A-2**.

13. That it is also pertinent to note that in a reply to RTI filed by the Applicant, the Executive Engineer, Khadakwasla Irrigation Division had stated that *"the blue and red flood lines marked on Google maps in year 2016 are based on hydraulic study of year 2011. No new hydraulic study has been conducted in year 2016"*.

Copy of the RTI Reply along with translation dated 14.11.2022 received from Executive Engineer, Khadakwasla Irrigation Division is annexed herewith as **ANNEXURE A-3**.

14. That therefore, no reliance can be placed on the flood lines map of 2016 as no hydraulic study was conducted for the same. These maps are based on the hydraulic study conducted in 2011 and therefore, are not updated. In light of the above, it is important that the flood lines maps of 2011 are strictly followed.
15. It is submitted that in the interest of justice, the Hon'ble Tribunal may be pleased to allow the present Original Application.

16) Pass any other order as this Hon'ble Tribunal may deem fit in the facts and circumstances of the present case.



APPLICANT NO. 1

THROUGH



RITWICK DUTTA



**RAHUL CHOUDHARY
ADVOCATES**

COUNSELS FOR THE APPLICANTS
N-73, LGF, Greater Kailash - 1,
New Delhi - 110048
Mobile: +91 9312407881
Email: litigation.life@gmail.com

VERIFICATION

Verified by Sarang Yadwadkar, s/o Vaman Krishna Yadwadkar, aged about 64 years, R/o A-9, Pradnyangad, S. No.119/3, Sinhagad Road, Pune- 411030, do hereby verify that the contents of Paragraphs 1 to 16 are true to my personal knowledge and nothing material has been concealed therefrom.



APPLICANT NO. 1

DATE: 16.01.2023



BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
WESTERN ZONAL BENCH AT PUNE

ORIGINAL APPLICATION NO. 49 OF 2019

IN THE MATTER OF:

SARANG YADWADKAR & ORS.

...APPLICANTS

VERSUS

PUNE MUNICIPAL CORPORATION & ORS.

...RESPONDENTS

AFFIDAVIT

I, Sarang Yadwadkar, aged about 64 years, s/o Vaman Krishna Yadwadkar, residing at A-9, Pradnyangad, S. No.119/3, Sinhagad Road, Pune- 411030 do hereby state and declare on solemn affirmation as under:

1. That I am the Applicant No. 1 in the above titled Application, and hence well conversant with the facts and circumstances described in the present case and as such, I am competent to swear this affidavit.
2. That the contents of the accompanying Reply are true and correct and nothing material has been concealed therefrom.

[Signature]
16/1/23
DEPONENT

VERIFICATION

[Signature] Verified on this 16th day of Jan 2023 that the contents of the present Affidavit are true and correct to my knowledge and belief and nothing material is concealed therefrom.



BEFORE ME

SUNIL R. KOTLIKAR
NOTARY, GOVT. OF INDIA
PUNE DISTRICT (MAHARASHTRA)
REGD NO. 9054

[Signature]
16/1/23

[Signature]
16/1/23



DEPONENT



RC STATUS**Annexure A-1**

MH12QW8878
 Motor Cab(LPV)
 PETROL/CNG
 MARUTI TOUR S CNG
 MARUTI SUZUKI INDIA LTD
 PUNE, Maharashtra

Status: **ACTIVE**

BHARAT STAGE IV

Owner Name: *H*A*A*I*O*R* *N* *R*V*L* Registration Date: 08-Mar-2019

Validity

Fitness/REGN: 28-Jul-2024

MV Tax: 31-01-2023

PUC: 27-Jul-2023

Insurance Details

Company: Shriram General Insurance Co. Ltd.

Validity: 30-Sep-2023

Policy No: 215037/31/23/006683

*If Insurance/PUC validity are not available, same may be verified from physical document.

Permit Details

All India Tourist Permit [TOURIST TAXI CAR]

Permit No: MH/12/AITP/CAR/2019/3335

Valid upto: 30-Sep-2024

CNG Hydro Testing Certificate Details

Sl.No	Testing Company Name	Certificate No	Test Date	Next Test Due Date	Cylinder Specification	Cylinder Make	Manufacturing Date	Test Result
1	M/s. M/s. Alika Greentech	G60744/2022/14210	27/07/2022	26/07/2025	IS:15490	M/s. FJM Cylinders Pvt. Ltd Dist. Rewari (Haryana).	02/02/2018	Pass

TERMS OF USES

- The content on this portal is meant for sharing information regarding vehicles on the basis of information available on centralized VAHAN and vehicle National Register. Using content of this portal for any commercial purpose or any derivative work or misuse of any kind is strictly prohibited and may invite legal consequences.
- The content can be removed from the portal without notice and at any time as per Ministry of Road Transport and Highways/NIC direction.
- Ministry of Road Transport and Highways/NIC shall not be held responsible for any interactions/passing of information(s) etc. between any user via e-mail, chat and any other mediation with another user. Ministry of Road Transport and Highways/NIC has no obligation to monitor any such disputes arising between the users and shall not be party to such dispute/litigation etc.
- These terms and conditions shall be governed by and construed in accordance with the Indian Laws. Any dispute arising under these terms and conditions shall be subject to the jurisdiction of the courts of Indian territory only.

RC STATUS

MH12QW8879
 Motor Cab(LPV)
 PETROL/CNG
 MARUTI CELERIO VXI GREEN
 MARUTI SUZUKI INDIA LTD
 PUNE, Maharashtra

Status: **ACTIVE**

BHARAT STAGE IV

Owner Name: *A*I*A*A *O*R* *N* *R*V*L* Registration Date: 08-Mar-2019

Validity

Fitness/REGN: 07-Apr-2023 MV Tax: 31-10-2022
 PUC: 22-Sep-2023

Insurance Details

Company: Shriram General Insurance Co. Ltd. Validity: 08-Mar-2023
 Policy No: 10019/31/22/091545

*If Insurance/PUC validity are not available, same may be verified from physical document.

Permit Details

All India Tourist Permit [TOURIST TAXI CAR]
 Permit No: MH/12/AITP/CAR/2019/1096 Valid upto: 12-Mar-2024

CNG Hydro Testing Certificate Details

Sl.No	Testing Company Name	Certificate No	Test Date	Next Test Due Date	Cylinder Specification	Cylinder Make	Manufacturing Date	Test Result
1	DEVENDRA CNG CYLINDER TESTING CENTRE	G53881/2021/10246	31/12/2021	30/12/2024	IS:15490	M/s. FJM Cylinders Pvt. Ltd Dist. Rewari (Haryana).	01/11/2018	Pass

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RC STATUS

MH12QW8880

Status: **ACTIVE**

Motor Car(LMV)

DIESEL

BHARAT STAGE IV

FORD ENDEAVOUR 3.2L TITANIUM 4

FORD INDIA PVT LTD

PUNE, Maharashtra

Owner Name:	*R*T*P *I*T*A*R*O *A*D*L	Registration Date:	26-Nov-2018
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Validity

Fitness/REGN:	25-Nov-2033	MV Tax:	LTT
PUC:	NA		

Insurance Details

Company:	Bajaj Allianz General Insurance Co. Ltd.	Validity:	03-Dec-2022
Policy No:	OG-22-3099-1801-00000120		

*If Insurance/PUC validity are not available, same may be verified from physical document.

Financed: **YES**TERMS OF USES

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RC STATUS

MH12QW8883

Status: **ACTIVE**

Motor Cab(LPV)

DIESEL

BHARAT STAGE IV

TATA ZEST XM QJET 75PS BS4

TATA MOTORS LTD

PUNE, Maharashtra

Owner Name: *A*D*Y*N* *O*R* *N* *R*V*L* Registration Date: 04-Feb-2019

Validity

Fitness/REGN: 24-Mar-2023 MV Tax: 31-12-2022

PUC: 13-Apr-2023

Insurance Details

Company: Tata AIG General Insurance Co. Ltd. Validity: 13-Jan-2023

Policy No: 01779857610000

*If Insurance/PUC validity are not available, same may be verified from physical document.

Permit Details

All India Tourist Permit [TOURIST TAXI CAR]

Permit No: MH/12/AITP/CAR/2019/796 Valid upto: 24-Feb-2024

Financed: YES

TERMS OF USES

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t.c.



महाराष्ट्र शासन



महाराष्ट्र शासन
खडकवासला विभाग

20

कार्यकारी अभियंता, खडकवासला पाटबंधारे विभाग
सिध्द भवन, बाबल रोड, मंगळवार पेठ, पुणे - ४११ ०११

दूरध्वनी क्र. ०२० २६२२ १४०१

Email ID : eekid@pune@gmail.com

क्रमांक: खपादि/प्रशा-१/१९२० / सन २०२०.

दिनांक: १८.०३.२०२०.

प्रति,

✓ मा.आयुक्त,
पुणे महानगरपालिका,
पुणे-०५.

विषय : सन २०११ साली निळी / लाल पुररेषा सादर केलेली नकाशा अंतिम समजणेबाबत

उपरोक्त विषयानुसार मुठा नदीचे निळी / लाल पुररेषा सर्वेक्षण करून नकाशा तयार करणेत आले होते. सादरचे नकाशा व काटछेद विभागाचे पत्र जा. क्र./प्रशा-१/१५२७, दि. ५/३/२०११ अन्वये सादर करणेत आले आहेत. मुठा नदीचे कि.मी. १ ते १६ चे आडवे छेद व कि.मी. १ ते २७ लांबीचा नदीचा सुधारित (१४ सीट) ही सी.डी. (सॉफ्टकॉपी) सादर करणेत आलेली आहेत.

तदनंतर पुणे महानगरपालिकाचे विकास आराखड्यासाठी आवश्यक असणा-या मुठा नदीच्या पुणे महानगरपालिका हद्दीतील NH-४ बायपास ते चेरेवडा पुल लांबीतील डी.जी.पी. एस. सर्वेक्षण करून अक्षांश रेखांशसह निळी / लाल पुररेषा व त्यामधील स्थान दर्शवून शहर अभियंता, यांना विभागाचे पत्र जा.क्र./खपादि/प्रशा-१/४८२६, दि. २२/७/२०१६ अन्वये सादर करणेत आलेले होते.

तथापि आता यामुळे सन २०११ साली सादर करणेत आलेल्या निळी / लाल पुररेषा नकाशा हे अंतिम समजण्यात यावे ही विनंती.

Dy. Executive Engineer

स्वच्छ प्रत मा.का.अ. यांना मान्य अस

Khadakwala Irrigation Division, Pune-11.

उपकार्यकारी अभियंता
खडकवासला पाटबंधारे विभाग, पुणे

प्रत:- मा. शहर अभियंता, पुणे महानगरपालिका, पुणे यांना माहितीस्तव व पुढील आवश्यक त्या कार्यवाहीस्तव सादर.

Government of Maharashtra

Water Resource Department

Executive Engineer, Khadakwasla Irrigation Division

Sinchan Bhavan, Barne Road, Mangalwar Peth, Pune – 411011.

Telephone no. 020 2612 7309

Email id: eekidpune@gmail.com

Outward No. KID/Admin-1/1920/Year 2020

Date: 18.03.2020

To,

Hon. Commissioner,

Pune Municipal Corporation,

Pune- 05.

Sub: Regarding consideration of blue/red flood lines provided in year 2011 as the final.

According to above mentioned subject, Mutha River's red and blue flood line maps were prepared after survey. Respective maps & cross sections were submitted vide department's letter Outward No./Admin-1/1527 Dt. 5/03/2011. The maps include Mutha River's cross sections from K.m. 1 to 16 & from K.m. 1 to 27 river's revised (14 sheet) CD (softcopy) as presented.

Thereafter as per the requirement of Pune Municipal Corporation's Development Plan, Mutha River's DGPS survey in the limits of PMC from NH-4 Bypass to Yerawda Bridge was conducted. By marking Latitude & Longitude, red and blue lines were defined and were presented to Chief Engineer with letter Outward No./ KID/Admin-1/4826, Dt. 22/07/2016.

But now, the flood line maps provided in 2011 should be considered as the final.

XXX

Dy. Executive Engineer

Khadakwasla Irrigation Division, Pune

O.C. Approved by Executive Engineer.

Copy to: City Engineer, PMC, Pune for information

t.t.c

(Handwritten signature)



महाराष्ट्र शासन
कार्यकारी अभियंता, खडकवासला पाटबंधारे विभाग,
सिंचन भवन, मंगळवार पेठ, बारणे रोड, पुणे ४११०११
दुरध्वनी-०२०-२६१२७३०९ फॅक्स-०२०-२६१२६३०७
ई-मेल - eekidpune@gmail.com

जा.क्र.खपावि/आ-2/ ७९७ /सन 2022

दि. /10/2022

प्रति,

14 NOV 2022

✓ श्री. सारंग वामन यादवडकर,
ए-9,10,प्रजागड, स.नं.119/3,
सिंहगड रोड, पुणे-30

विषय:- माहिती अधिकार अधिनियम-2005 अन्वये माहिती देणेबाबत..

संदर्भ:- आपला दि.19.09.2022 रोजीचा माहिती अधिकार अधिनियम -2005 अन्वये अर्ज.

उपरोक्त संदर्भिय विषयान्वये माहितीचा अधिकार अधिनियम-2005 अंतर्गत आपला माहिती अधिकार अर्ज प्राप्त (आवक क्र.8259 दि.03.10.2022) झालेला आहे. सन-2011 साली केलेल्या सर्व्हेनुसार आणि जलशास्त्रीय अभ्यासानुसार निळी आणि लाल पुररेषा नकाशे तयार करण्यात आलेले आहेत.

सन-2016 मध्ये सन-2011 च्या अभ्यासानुसार निळी आणि लाल पुररेषा गुगल नकाशावर दर्शविण्यात आलेल्या आहेत. सन-2016 साली नव्याने जलशास्त्रीय अभ्यास करण्यात आलेला नाही.

स्वाक्षर पाटबंधारे

जनमाहिती अधिकारी
तथा
उपकार्यकारी अभियंता
खडकवासला पाटबंधारे विभाग,
पुणे-11

Government of Maharashtra

Executive Engineer, Khadakwasla Irrigation Division,

Sinchan Bhavan, Mangalwar Peth, Barne Road, Pune 411011

Telephone No.: 020-26127309 Fax: 020-26126307

E-mail: EEKIDPUNE@gmail.com

Outward No.: KID/A-2/71117/Yr 2022

Date: 14/11/2022

To,

Shri. Sarang Vaman Yadwadkar,

A-9, 10, Pradnyangad,

S. No. 119/3, Sinhgad Road

Pune-30

Subject: Regarding providing information under Right to Information Act 2005..

Ref.: Your application Dt. 19.09.2022 under Right to Information Act-2005.

Vide ref. to the subject, your RTI application (Inward No.: 8259 Dt. 03.10.2022) is received. In year 2011, the blue and red flood line maps were prepared according to survey and hydraulic study conducted.

The blue and red flood lines marked on Google maps in year 2016 are based on hydraulic study of year 2011. No new hydraulic study has been conducted in year 2016.

t.t.c



XXXX

Public Information Officer
aka

Sub Executive Engineer
Khadakwasla Irrigation Division
Pune-11