

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
WESTERN BENCH AT PUNE
APPEAL NO. 5 OF 2025**

IN THE MATTER OF:

SARANG YADWADKAR & ANR.

...APPELLANTS

Versus

UNION OF INDIA & ORS.

...RESPONDENTS

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THROUGH


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Email: litigation@dclawchambers.com**Place: Pune/Delhi****Date: 10.02.2026**

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**REJOINDER TO REPLY OF STATE ENVIRONMENT IMPACT
ASSESSMENT AUTHORITY (RESPONDENT NO. 2)**

MOST RESPECTFULLY SHOWETH:-

1. That the above-titled Appeal has been filed under Section 16 of the National Green Tribunal Act, 2010 challenging the grant of Environmental Clearance bearing proposal number SIA/MH/INFRA2/424828/2023 dated 12.11.2024 by State level Environment Impact Assessment Authority, Maharashtra to Pune Municipal Corporation for Pune River Rejuvenation Project at Mula, Mutha and Mula- Mutha river for a stretch of 44 kilometres.
2. That the Appellants herein are filing a Rejoinder to the Reply filed by State Environment Impact Assessment Authority (Respondent No. 2). The Applicant has the following grounds:
 - A. **On the point that Central Water and Power Research Station (CWPRS), Khadakwasla, Pune (CWPRS) has cleared the Hydraulics and Hydrology Report of the project**
3. That R-2 in Para 18 of its Reply has stated that CWPRS has cleared the Hydraulics and Hydrology Report of Riverfront Development project vide letter dated 26.12.2017 and therefore the ground taken

by the Appellants that no clearance has been given by CWPRS is incorrect.

4. That the Appellants submit that CWPRS has provided completely different information to the Appellants through its RTI Reply dated 05.04.2021 and letter dated 25.01.2024. Vide letter dated 05.04.2021, CWPRS had clearly stated that "*CWPRS did not conduct any study for RFD of PMC*" and that "*As CWPRS has not conducted or undertook the study for RFD work of PMC, there is no way it can ask PMC to review the study that it did not conduct at the first instance*". Further, the letter dated 25.01.2024 stated that the views of CWPRS have been expressed by the letter dated 05.04.2021.
5. That CWPRS is a hydraulic research institute under the Ministry of Jal Shakti, Department of Water Resources, River Development and Ganga Rejuvenation. A sub-ordinate office of the Ministry under Government of India cannot be allowed to take contradictory views with respect to material issues of grant of Environmental Clearance.
6. That the legal maxim "*Allegans contraria non est audiendus*" is a Latin legal meaning "*one who alleges contrary (or contradictory) statements/facts should not be heard*" is applicable in the present case. As per this maxim, any authority cannot be allowed to take contradictory views depending on the circumstances and to its own convenience. In the present case, CWPRS has given diagonally opposite and contradictory views with respect to its clearance to the project, to PMC and to the Appellant. Such a practice has to be deprecated and action ought to be taken against such authority.
7. That it is pertinent to note that Para 29 (b) of the Reply of SEIAA records that CWPRS was asked to comment on six crucial aspects relating to the project. However, the Reply of SEIAA gives no

information on any such information received from CWPRS, thereby showing that CWPRS did not provide inputs on these issues.

B. On the point that the Report by TERI cannot be considered as it considers State as a unit and does not provide the rainfall pattern affecting Mula Mutha river basin

8. That R-2, in Para 22, has stated that the findings of Report titled "Maharashtra State Adaptation Action Plan on Climate Change" published by The Energy and Research Institute (TERI) in 2014 cannot be taken into consideration since it provides no details of the rainfall pattern affecting Mula Mutha river basin.
9. That the Appellants had relied upon this Report to provide information on impact of climate change on annual mean temperature and projected increase in monsoon rains. It was stated in the Report that for the city of Pune, by 2030s, there will be a projected increase of 32.5% in monsoon rainfall and by 2070s, there will be a 37.5% increase in monsoon rainfall.
10. That the ground taken by R-2 is incorrect and only intended to mislead the Hon'ble Tribunal on the real impact of climate change on the city of Pune. A perusal of the entire Report will show that by usage of high-resolution models of modelling systems, changes in temperature and rainfall have been projected at a resolution of as low as 25 km x 25 km. Relevant excerpt from the Report is as follows:

*"For the modelling component, TERI entered into a partnership with the UK Met Office in 2010 to assist in the development of climate projections for the State as a unit. **Using the high resolution HadRM3P model in the PRECIS Regional Climate Modelling System and a unique domain1 selection method that sought to represent the climatic pattern over the state's topography to a fairly good degree, changes in***

temperature and rainfall were projected at a resolution of about 25 km x 25 km."

Copy of relevant pages from the Report of The Energy and Research Institute is annexed herewith as **ANNEXURE A-1**.

11. That the total catchment area of Mula-Mutha river basin is 2,036 square kilometres and a resolution of 25 km x 25 km will cover such a large basin area. In this light, the SEIAA ought to have considered the Report by TERI which predicts increase in rainfall patterns in Pune city.

C. On the point that old baseline data can be relied upon as no new Environmental Clearance was granted and only an amendment of the same was granted

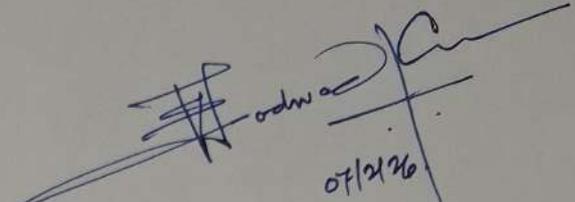
12. That the Reply, at Para 24 has stated that the Office Memorandum relating to validity of baseline data is not applicable in the present case as it was not a new project and only an amendment in the existing EC, as per directions of the Hon'ble Tribunal.
13. That the Appellants had relied upon Office Memorandum F. No. IA3-22/10/2022-IA.III [E 177258] dated 08.06.2022 on "*Standardizing the validity of baseline data and public consultation reports for submission of proposal within the validity period of Terms of Reference (ToR) under the provisions of EIA Notification, 2006*" makes it clear that no baseline data can be older than 3 years.
14. That the Appellants submit that it is clear from Form-I that the proposal submitted by project proponent was for the purposes of expansion of the project and not amendment to the EC. The Office Memorandum dated 08.06.2022 referred to by the Appellants does not make a distinction between new projects or expansion projects. It only states that at the time of submission of application for

consideration of EC, the baseline data cannot be more than 3 years old. In the present case, the baseline data is from 02.10.2017 to 30.12.2017 and is more than 3 years old at the time of application for consideration of EC.

D. On the point that the SEAC recommendations were complied with by the project proponent

15. That R-2, in its Reply at Para 30 has stated that the project proponent had submitted compliances with SEAC conditions, which was considered by SEIAA in its meeting held on 13.08.2024. However, R-2 has failed to explain how the conditions imposed by SEAC have been complied with. The conditions imposed by SEAC required the project proponent to submit relevant reports pertaining to water quality monitoring, soil analysis report, water carrying capacity of the river etc. The conditions also required the project proponent to undertake monitoring of flood discharge, obtain NOC for felling/ transplantation of trees, appoint a hydrological expert etc.
16. That however, the Reply filed by R-2 has not provided any documents that will show that these conditions have been complied by the project proponent.
17. That further, at para 33, the Reply states that the project proponent was asked to submit an undertaking regarding accepting and implementing conditions of SEAC, which was submitted on 30.07.2024. Not only does the reply provide no copy of such undertaking but it is submitted that all activities of project proponent are currently in violation of the SEAC conditions.

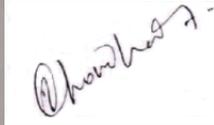
18) Pass any other order as this Hon'ble Tribunal may deem fit in the facts and circumstances of the present case.


07/21/26
APPELLANT NO. 1

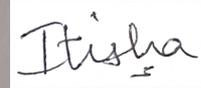
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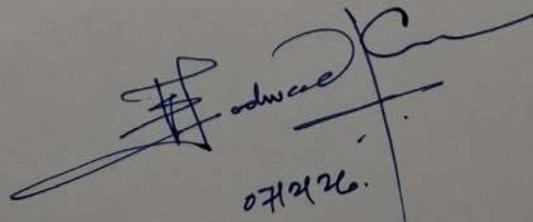
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VERIFICATION

Verified by Sarang Yadwadkar, aged about 67 years, S/O Vaman Krishna Yadwadkar, R/O A-9, Pradnyangad, S. No. 119/3, Sinhagad Road, Pune- 411030 do hereby verify that the contents of Paragraphs 1 to 18 are true to my personal knowledge and nothing material has been concealed therefrom.


07/21/26
APPELLANT NO. 1

BEFORE THE NATIONAL GREEN TRIBUNAL
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...APPLICANTS

VERSUS

UNION OF INDIA & ORS.

...RESPONDENTS

AFFIDAVIT

I, Sarang Yadwadkar, aged about 67 years, S/O Vaman Krishna Yadwadkar, R/O A-9, Pradnyangad, S. No. 119/3, Sinhagad Road, Pune- 411030, do hereby solemnly affirm and declare as under:

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

DEPONENT

VERIFICATION

Verified on this 5th day of February 2026 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

DEPONENT



Assessing Climate Change Vulnerability and Adaptation Strategies for Maharashtra: Maharashtra State Adaptation Action Plan on Climate Change (MSAAPC)

Prepared for
Department of Environment, Government
of Maharashtra

Submitted by
The Energy and Resources Institute
(TERI)

Executive Summary

1. Introduction

In 2008, the Government of India released the National Action Plan on Climate Change (NAPCC), and in August 2009, directed the States to develop State Action Plans on Climate Change guided by and consistent with the structure and strategies of the NAPCC. The Government of Maharashtra took a pioneering step towards formulating the Maharashtra State Adaptation Action Plan on Climate Change (MSAAPCC) by commissioning a comprehensive vulnerability assessment study which included the task of generating model-based climate projections specific to the State's geography. The Government of Maharashtra appointed The Energy and Resources Institute (TERI) in 2010 to carry out this study, titled "Assessing Climate Change Vulnerability and Adaptation Strategies for Maharashtra", which broadly aimed to "address the urgent need to integrate climate change concerns into the State's overall development strategy, thus assisting in building long term climate resilience and enabling adaptation to the likelihood of risks arising from climate change". The study outputs have been used to formulate the Maharashtra State Adaptation

2. Methodology

This study combined a rigorous methodology with a strong consultative process, with the following steps:

1. High resolution climate change modelling for Maharashtra
2. Sector-specific assessment of climate change impacts for priority sectors and cross-sectoral issues
3. Identification of state-level sector-specific adaptation strategies
4. District-level vulnerability index development and identification of six vulnerability hotspot districts
5. Quantitative household-level surveys with farming and fishing households in six vulnerability hotspot districts
6. Detailed stakeholder consultations and preparation of district-level adaptation action for six vulnerability hotspot districts and Mumbai Metropolitan Region
7. Validation of findings and discussion of adaptation strategies with state line departments and district administration.

For the modelling component, TERI entered into a partnership with the UK Met Office in 2010 to assist in the development of climate projections for the State as a unit. Using the high resolution HadRM3P model in the PRECIS Regional Climate Modelling System and a unique domain¹ selection method that sought to represent the climatic pattern over the state's topography to a fairly good degree, changes in temperature and rainfall were projected at a resolution of about 25 km x 25 km.

These projections related to three future time slices during the 21st century – 2030s, 2050s, and 2070s, with respect to the model baseline, which was the average climate during 1970-2000. The model results were validated using several observational datasets including those

¹ Domain refers to the grid or region over which the climate model is run. Three domains were tested and the optimum domain selected which provided the closest representation of inter-annual variability in both precipitation and temperature.



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Rejoinder on behalf of the Appellant in Appeal No. 05 of 2025 SarangYadwadkar & Anr. Versus. Union of India & Ors.

1 message

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Tue, Feb 10, 2026 at 12:32 PM

To: Aniruddha Kulkarni <aniruddha1488@gmail.com>, Rahul Garg <rahul.garg@mgklegal.com>, secy-moef@nic.in, psec.env@maharashtra.gov.in, director@cwprs.gov.in, info@punecorporation.org, commissioner@pcmcindia.gov.in, ceokirkee@gmail.com

Cc: itishaawasthi@proton.me

Dear Sir/madam,

Please find attached- Rejoinder on behalf of the Appellant in Appeal No. 05 of 2025 SarangYadwadkar & Anr. Versus. Union of India & Ors.

Thanks & Regards
Counsel for the Appellant

Rejoinder to PMC on behalf of the Appellant.pdf

**Rejoinder to SEIAA on behalf of the Appellant.pdf**

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