

BEFORE THE NATIONAL GREEN TRIBUNAL
WESTERN ZONE BENCH AT PUNE
ORIGINAL APPLICATION NO. 35 OF 2026 (WZ)

IN THE MATTER OF:

Narendra Gotu Pardeshi

... APPLICANT

VERSUS

Dhule Municipal Corporation & Ors.

...RESPONDENTS

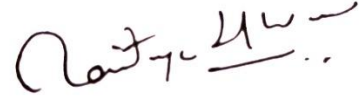
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Date: 8.06.2026

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**REJOINDER ON BEHALF OF THE APPLICANT TO THE AFFIDAVIT IN REPLY
FILED BY RESPONDENTS NO. 3 AND 7 IN O.A. 35/2026/WZ****MOST RESPECTFULLY SHOWETH:**

1. It is submitted that the present Application has been filed under Section 18 read with Sections 14, 15 and 20 of the National Green Tribunal Act, 2010, seeking urgent preventive, prohibitive and restorative reliefs for the protection of the River Panzara within the municipal limits of Dhule City, from ongoing and proposed construction activities being undertaken directly within the Blue Flood Line of Panzara riverbed and floodplain, including the construction of ghats, a pedestrian bridge, and proposed religious structures, i.e., 51 Shaktipeeth temples (hereinafter the 'impugned Project').
2. That vide order dated 7.04.2026, this Hon'ble Tribunal was pleased to issue Notices and accordingly directed all Respondents to file their responses. Accordingly, Respondents Nos. 3 and 7, i.e., Public Works Department, Dhule, has filed their Reply Affidavit dated 3.06.2026.

3. That vide the present Rejoinder, the Applicants seek to respond to the contentions raised in the said Reply.
4. At the outset, the Applicant denies each and every averment and conclusion made in said Reply which are contrary to and/or inconsistent with what has been submitted on record in the present Original Application. Furthermore, nothing stated in the present Rejoinder on behalf of the Applicants shall be construed as an admission for the want of any specific and para-wise denial or non-traverse unless and until the same is specifically admitted hereinafter

I. PRELIMINARY OBJECTIONS TO THE REPLY AFFIDAVIT

5. At the outset, the Applicant submits that the Reply Affidavit filed by Respondents No. 3 and 7 dated 03.06.2026 is a bundle of half-truths, selective quotations, self-serving technical assertions, and legally untenable interpretations designed to obfuscate the core illegality that is the subject matter of this Original Application. The Applicant files this Rejoinder to place the true and correct state of law and facts before this Hon'ble Tribunal.
6. The Respondents have attempted to portray the present Application as politically motivated and as having been filed with a "political interest." This submission deserves to be rejected at the outset. This Hon'ble Tribunal derives its jurisdiction under Section 14 and 15 of the National Green Tribunal Act, 2010, which is triggered by the nature and character of the alleged environmental violation, not by the subjective motivations of the person bringing the matter. Notwithstanding the above, it is categorically submitted that the Applicant is a civic minded resident of Dhule who has been interested in its environmental conservation for years.

7. Furthermore, the impugned construction has been stayed by this Hon'ble Tribunal by Order dated 30.04.2026, which directed that till the next date of hearing, no construction shall be done within the riverbed and the Blue Flood Line of River Panzara. The Respondents No. 3 and 7 have filed an Interim Application seeking vacation of the said interim order. The Applicant submits that the said Interim Application is without merit, should be dismissed, and the interim order should be continued and made absolute for the reasons set out in this Rejoinder and in Section VIII below.
8. It is further submitted that the Respondent PWD has stated at Para 7 of their Reply Affidavit that "Apart from construction of the pedestrian bridge in the riverbed, there is no other proposed construction in the riverbed." This amounts to a denial that the Shaktipeeth/temple construction forms part of the riverbed works. However, such is directly controverted by the Letter dated 18.08.2025 sent by the Water Resources Department (WRD), to the PWD, which quotes the that the PWD itself submitted a proposal seeking approval of the WRD for construction of *inter alia* "Construction of a circular bridge for 51 Shaktipeeth replicas and construction of 5 small temples on the same". Therefore, the Respondent PWD is evidently misleading this Hon'ble Tribunal.

II. THE WRD FLOOD LINE REGULATORY FRAMEWORK DOES NOT PERMIT THE IMPUGNED PROJECT CONSTRUCTION

9. The most significant legal issue in this matter is the Respondents' misreading of the WRD Government Circulars dated 21.09.1989 and 03.05.2018 as conferring a

permission to construct within the Prohibited Zone (Blue Flood Line), subject to conditions. This interpretation is fundamentally and demonstrably incorrect, and is directly contradicted by the text of both documents as well as the subsequent GR dated 23.08.2021.

10. The WRD Government Circular dated 21.09.1989 defines the Prohibited Zone as the *"Main riverbed and the area on both banks required to carry the controlled discharge... This zone should be left open and can be used for gardens, play grounds or light crops (only where the easement right to take such crops is established)."* The language of this foundational circular is emphatic and mandatory: the Prohibited Zone ***shall be left open***. The permissible uses — gardens, playgrounds, light crops — are exclusively non-structural, open land uses. The construction of a 230-metre pedestrian bridge on 29 foundation piers sunk into the living riverbed is self-evidently irreconcilable with the use of land as a garden, playground, or for cultivation of light crops. The principle of *ejusdem generis* compels a reading of any further permissible activities as belonging to the same genus: open, non-structural, easily reversible land uses that leave the river's cross-section unaltered.

11. The WRD Government Circular dated 03.05.2018 explicitly provides, in its operative clause on Prohibited Zone: *"Prohibitive Zone can be used only in the form of open land e.g. gardens, play grounds, light crops; where there is established easement right to take crops (e.g. water melons, musk melons etc. public toilets and sewage discharge facilities), so that there will not be any*

obstruction to the flow of the river, there will not be reduction in the carrying capacity of the river and there will not be any change in the cross section of the river." The operative word is "**only**". The GR 2018 uses the word "only" to define a closed and exhaustive list of permissible uses in the Prohibited Zone. The impugned pedestrian bridge is not gardens, not playgrounds, not light crops, not public toilets, and not sewage discharge. It is a permanent civil structure with foundation piers penetrating the riverbed. The word "only" admits of no other permissible activity in the Prohibited Zone.

12. The Respondents rely on clause 7 of the GR 2018 (filed at Annexure-B of the Reply Affidavit) and clause 8 of the said GR as allegedly permitting construction in the Prohibited Zone subject to conditions. The Applicant submits that this reliance involves a fundamental misreading. Clause 8 of the GR 2018, which the Respondents themselves have reproduced at page 9 of their Reply Affidavit, reads: *"While carrying out flood protection works, it shall be ensured that there is no obstruction to river flow and no change in the carrying capacity of the river."* This clause addresses **flood protection works** — it does not constitute a general permission for urban infrastructure or beautification projects. The construction of a pedestrian bridge in a live riverbed for public congregation during religious events (Panzara Aarti) is not a "flood protection work" by any reasonable interpretation of that phrase. Construing a clause intended to regulate flood protection activities as a licence for discretionary riverside infrastructure would render the entire protective architecture of the Prohibited Zone meaningless.

13. The position is placed beyond doubt by the WRD Government Circular dated 23.08.2021 (filed as part of the Original Application). This subsequent circular, issued specifically to address improper grant of NOCs, states: *"such works which will obstruct the flow in the prohibited area of the flood affected area should not be given No Objection Certificate at the level of Chief Engineer / Superintendent Engineer / Executive Engineer etc."* The NOC chain relied upon by the Respondents — running from the Executive Engineer, Dhule Irrigation Division to the PWD — is precisely the kind of authority-level grant that the GR 2021 sought to restrain. The GR 2021 does not create new permissions; it restricts the granting of NOCs by subordinate officers where the proposed work would obstruct flow in the prohibited area. The impugned construction, which involves 29 foundation piers in the riverbed with an admitted 8.25% obstruction of the river's cross-section, is self-evidently an obstruction to flow within the meaning of this circular.

B. The NOC Dated 18.08.2025 Is Not a Safety Certification — It Is a Burden-Transferring Conditional Letter

14. The Respondents rely heavily on the NOC issued by the Executive Engineer, Dhule Irrigation Division, vide letter No. 3431/2025 dated 18.08.2025. However, this letter expressly states that *"the responsibility for any loss of life, property, damage, or legal consequences arising from flooding upon the implementing agency."* A regulatory clearance that simultaneously transfers all flood risk liability to the applicant/implementing agency is not a certification of safety or compliance. It is, at best, a conditional administrative communication that leaves open the very

question of hydrological safety that is central to this proceeding. The Irrigation Department, by shifting liability, effectively declined to certify the safety of the proposed construction.

15. Furthermore, the letter dated 09.02.2026 sent by the Executive Engineer, Dhule Irrigation Department to Respondent No. 3 (filed at Annexure A-13 of the Original Application) is a subsequent communication that records the regulatory concerns of the Irrigation Department about the ongoing construction after the NOC was granted. The Respondents characterise this as merely seeking a "report" on actions taken. However, the translated text of this letter, placed on record at page 114 of the Original Application, is a post-NOC regulatory enquiry that demonstrates that even the NOC-granting authority was not satisfied that the construction was proceeding in compliance with the mandatory safeguards. The fact that a regulatory query was raised *after* the NOC was granted is itself indicative that the NOC was not a clean certification of compliance, but a conditional grant whose conditions were already the subject of concern.

C. The Administrative Sanction Dated 31.10.2025 Is Void Ab Initio

16. The Respondents place great reliance on the administrative sanction order dated 31.10.2025 issued by the Collector and District Magistrate, Dhule (Annexure-I of the Reply Affidavit). The Applicant submits that this administrative sanction is legally void for the following reasons:

- (i) The administrative sanction order expressly mandates that *"prior to commencement of the work, necessary permissions, NOCs from the water resources department, irrigation department, environment department and other competent authorities must be obtained."* Accordingly, the sanction was granted subject to the precondition of obtaining all necessary permissions. The Applicant submits that the so-called "NOC" dated 18.08.2025 from the Irrigation Department, which transfers all flood risk liability to the implementing agency rather than certifying compliance, does not constitute the "necessary permission" contemplated by the sanction order itself. The construction having commenced prior to the satisfaction of these preconditions renders the work illegal even under the terms of the sanction.
- (ii) An administrative sanction by the District Collector does not — and cannot — override the statutory environmental protection framework established by the Water Resources Department's Government Circulars. The WRD Circulars of 1989, 2018, and 2021 represent a specialised, expert hydrological regulatory regime established for the protection of life and property in flood-prone areas. An administrative sanction issued by a generalised revenue authority for budgetary and project implementation purposes is not the kind of environmental or hydrological clearance that can authorise permanent construction within the Blue Flood Line Prohibited Zone.
- (iii) The sanction dated 31.10.2025 (Annexure-I) pertains to the development of a crematorium and ghat near Ekvira Devi Temple. The Respondents themselves rely

exclusively on the administrative sanction dated 29/10/2025 for the bridge work, and the sanction dated 31.10.2025 pertains to the development of a crematorium and ghat. If the primary sanction relied upon by the Respondents does not even pertain to the pedestrian bridge, the impugned structure lacks the very administrative authorisation that the Respondents claim legitimises the work. Separately, the Respondents refer to a second sanction dated 29.10.2025 (Annexure-H) for 15 projects including the pedestrian bridge, allotting Rs. 9,99,99,728/-. This sanction is also subject to the same preconditions and the same constitutional and statutory limitations noted above.

III. THE PROJECT FAILS THE "ESSENTIAL AND UNAVOIDABLE" TEST UNDER THE WRD FLOOD LINE REGULATORY FRAMEWORK

17. It is submitted that Respondents No. 3 and 7, in their Reply Affidavit, have submitted that the WRD Circular of 03.05.2018 does not totally prohibit construction activity within the Blue Flood Line, but instead permits those constructions which do not obstruct the river flow or reduce the carrying capacity of the river. However, the Applicant categorically submits that the impugned project is not included in the permitted construction activities as per the WRD Circular of 2018, which clearly only permit gardens, play grounds, light crops, etc.
18. Furthermore, the WRD Circular dated 21.09.1989, as strengthened by the GR dated 03.05.2018, establishes the legal framework governing construction within the Blue Flood Line Prohibited Zone. The fundamental regulatory premise of both GRs is that the Blue Flood Line Prohibited Zone is a zone of absolute prohibition

for permanent construction. The 2018 GR provides for only the most narrow of exceptions in the Restrictive Zone, i.e., within the Red Flood Line, and those exceptions are subject to a strict and non-negotiable threshold condition: the proposed construction must be unavoidable in public interest, with no feasible alternative location outside the prohibited zone.

19. The Respondents have nowhere in their Reply Affidavit addressed - let alone satisfied - this threshold test. They have not asserted that the pedestrian bridge is essential in any sense other than desirable for urban beautification. They have not asserted that there is no feasible alternative location for the bridge outside the riverbed. They have not placed any comparative site assessment or alternatives analysis before this Tribunal. The absence of this material from the Reply Affidavit of the Respondent PWD is telling: the Respondents are aware that the project cannot satisfy the essential and unavoidable test, and have therefore avoided making any submission on it.

20. It is submitted that the WRD framework does not permit construction within the prohibited zone merely because it serves a public purpose or has been sanctioned by administrative authority.

21. The Respondents' own description of the project - as contained across the Reply Affidavit and the IRC Questionnaire at pages 72-82 of the Reply Affidavit - affirmatively establishes that this project does not satisfy the essential and unavoidable test. The following features of the project as described by the

Respondents themselves demonstrate that the construction is neither essential nor unavoidable in the sense required by the WRD GR framework:

- (i) **The project is described as a pedestrian bridge to provide access to a religious site (Ekvira Devi Temple).** The Respondents' own Reply Affidavit at Para 7 states that the purpose of the bridge is to enable devotees to stand for the Panzara Aarti and for ghat development in front of the Ekvira Devi Temple. A pedestrian access route to a religious site on the riverbank is plainly not an essential and unavoidable public infrastructure requirement in the sense contemplated by the WRD GR. It is a discretionary amenity. The temple has been accessible without a riverbed bridge for decades, and there is no reason why access cannot be provided through a route that does not involve permanent construction within the Blue Flood Line Prohibited Zone.
- (ii) **The bridge is described in the Reply as running parallel to the riverbank,** at a distance of approximately 30 metres from the riverbank and within the floodplain. A bridge that is parallel to the river - rather than crossing it - is self-evidently not required to be located within the riverbed. Its entire function (pedestrian movement along the bank) could be served by a pathway constructed on the riverbank above the flood line, without any incursion into the prohibited zone. The PWD's own choice to place the structure 30 metres into the floodplain rather than on the bank above the flood line is a discretionary design decision, not an unavoidable necessity.

(iii) The project includes 51 Shaktipeeth replicas and 5 small temples on the bridge structure. This component, described in the Irrigation Department's NOC letter of 18.08.2025 (page 60 of OA), is not essential public infrastructure by any standard. The construction of replica religious monuments within the active floodplain of a perennial river cannot conceivably satisfy the "essential and unavoidable" threshold of the WRD GR framework. Even if a basic pedestrian pathway were arguable as a public amenity, the addition of permanent religious structures on a bridge within the prohibited zone transforms the project into a discretionary cultural and religious development - the precise category of construction that the WRD GR framework exists to prevent in flood-prone zones.

(iv) The project is funded under a government beautification scheme. The Respondents' own documents reveal that the project is part of an urban beautification and tourism development initiative - not a core public infrastructure necessity such as a road bridge, a water supply pipeline, or flood control infrastructure. The WRD GR framework permits exceptions for true necessities such as essential road crossings, irrigation structures, and utility works that cannot physically be sited elsewhere. It does not permit exceptions for urban landscaping, pilgrimage tourism development, or aesthetic riverfront projects, however well-intentioned.

22. The contrast between the stringent "essential and unavoidable" standard of the WRD GR framework and the discretionary beautification nature of the present

project is stark. The Respondents have not only failed to satisfy the test - they have, through their own pleadings, positively established that the project is a discretionary urban amenity that could have been designed to avoid the prohibited zone but was not. This failure is not curable by any post-hoc technical justification. Notwithstanding the above, the Applicant submits that the technical justification, as provided from Pgs. 79 to 82 of their Reply Affidavit, are critically deficient and cannot be relied upon whatsoever, as detailed in the ensuing paragraphs.

**IV. CRITICAL DEFICIENCIES IN THE HYDRAULIC CALCULATIONS
SUBMITTED BY RESPONDENT PWD**

23. The Respondents place their entire technical defence on hydraulic calculations at pages 79-82 of the Reply Affidavit, prepared by the Sub-Divisional Engineer, P.W. Sub Division, Dhule, and countersigned by the Executive Engineer and Superintending Engineer, P.W. Circle, Dhule - all officers of the same department that is the project-executing agency. The Applicant submits that these calculations are not only institutionally compromised as self-serving assessments by an interested party, but are also - on a careful reading of the document itself - internally inconsistent, methodologically inapplicable, and substantively incomplete in multiple respects that collectively destroy the evidentiary value of the 8.25% obstruction figure that the Respondents seek to rely upon.

A. Threshold Objection: An Executing Agency Cannot Certify the Environmental Safety of Its Own Construction

24. Before engaging with the specific deficiencies, the Applicant submits that the entire exercise is vitiated at the threshold by a fundamental conflict of interest. The calculations were prepared by the Sub-Divisional Engineer of the PWD Sub-Division, Dhule - the very sub-division executing the construction. They were endorsed by the Executive Engineer, P.W. Division, Dhule - Respondent No. 3, the deponent of the Reply Affidavit. They were countersigned by the Superintending Engineer, P.W. Circle, Dhule - the supervising officer of the same circle. Every signatory to this calculation is an officer of the same department that designed, sanctioned, and is constructing the impugned project.
25. The data and hydrological calculations at pages 79-82 have been certified entirely by PWD officers, without any independent verification by the Irrigation Department or any other neutral technical authority. The Respondents have presented no explanation for why the Irrigation Department - the statutorily designated authority for flood line determinations and hydraulic assessments under the WRD framework - was not involved in certifying the hydrological data.
26. It is submitted that such is not a procedural omission: it is a substantive failure that goes to the root of the evidentiary value of the calculations. This Hon'ble Tribunal does not permit executing agencies to serve as judges of the environmental safety of their own projects. The entire jurisprudence of the NGT - and of the Supreme Court in environmental matters since *Indian Council for Enviro-Legal Action v. Union of India* (1996) 3 SCC 212 - is premised on the principle that the burden of demonstrating environmental safety lies on the project

proponent and must be discharged through independent expert assessment, not through the proponent's own technical reports.

B. The Headline Figure of 8.25% Obstruction Is Arithmetically Wrong on the Face of the Document

27. The single most important finding from a close reading of pages 79-82 is that the 8.25% obstruction figure - the headline number on which the Respondents' entire technical defence rests - is arithmetically inconsistent with the Respondents' own sworn pleadings in the very same document.

28. Page 82 of the Reply Affidavit states the obstruction calculation as follows: "11 Pier Circular Column Dia. 1.20 m are Obstruction. Width Obstruction = $11 \times 1.20 = 13.20$ m. % of Obstruction = $13.20 \times 100 / 160 = 8.25\%$ Only." This calculation is based on 11 piers.

29. However, the same Reply Affidavit, as on Para 9, records that the bridge has been designed with 29 circular piers. This is the Respondents' own description of the very structure whose obstruction is being calculated, and it directly contradicts the 11-pier figure used in the hydraulic calculation.

30. Applying the Respondents' own formula with the correct pier count yields: $29 \times 1.20 \text{ m} = 34.80 \text{ m}$ obstruction width. At the same denominator of 160 m: $34.80 \times 100 / 160 = \mathbf{21.75\% \text{ obstruction}}$ - not 8.25%. The calculation as filed before this Hon'ble Tribunal suppresses 18 of the 29 piers - more than 60% of the total foundation structures - without any explanation, qualification, or footnote.

31. The internal contradiction between the sworn factual averment (29 piers, page 31) and the technical calculation (11 piers, page 82) in the same document filed by the same deponent is, by itself, sufficient reason for this Hon'ble Tribunal to decline to rely on the hydraulic calculations and direct an independent expert assessment.

C. The IRC Questionnaire Claims a Submersible Bridge - Directly Contradicting the Respondents' Own Letter of 18.08.2025

32. It is submitted that Pg. 72 of the PWD Reply Affidavit - being part of the IRC Preliminary Questionnaire for a Major Bridge - describes the type of bridge proposed as a submersible bridge. However, a submersible bridge is, by definition, one whose deck is designed to be submerged during flood events, with water flowing over its surface. This characterisation, if accurate, would mean the structure is designed to be inundated during the Panzara's design flood discharge of 5,281.88 cumecs - an event during which the structure would be completely underwater and inaccessible as a pedestrian facility.

33. However, this characterisation is directly and irreconcilably contradicted by the Respondents' own foundational document. The letter dated 18.08.2025 issued by the Sub-Divisional Officer, Tapi Irrigation Development Corporation, placed at page 60 of the Original Application, states in express terms that the bridge will be constructed above the maximum flood level line. A bridge designed to remain above the maximum flood level is, by definition, a non-submersible or high-level bridge, and the two characterisations are mutually exclusive.

34. This contradiction is not a matter of drafting imprecision. It goes to the heart of the design basis of the structure. If the bridge is submersible, then its soffit level must be at or near the Ordinary Flood Level (OFL), and it will be inundated in every flood event. If the bridge is above the maximum flood level, its soffit must be above the HFL - and the HFL figures submitted (259 m and 254 m) must be scrutinised to determine whether they accurately reflect actual ground-level flood conditions. It is humbly submitted that this Hon'ble Tribunal cannot accept either characterisation at face value, and the contradiction itself is a compelling reason for independent expert verification of the design parameters.

D. The Submitted HFL of 259 m and OFL of 254 m Are Physically Implausible for Dhule City - Establishing That the Hydrological Data Is Not Authentic

35. It is submitted that Pg. 74 of the PWD Reply Affidavit states a High Flood Level (HFL) of 259 m and an Ordinary Flood Level (OFL) of 254.750 m for the Panzara river at the bridge construction site. The Applicant submits that these figures are physically implausible and are not consistent with the verified ground-level elevation data for Dhule city, which raises a serious and fundamental question about the authenticity and accuracy of the hydrological data submitted to this Tribunal.

36. All elevations in hydrological and bridge design calculations in India are expressed in metres above Mean Sea Level (MSL), as per the Survey of India data. The phrase

"HFL = 259 m" in the PWD's calculations means that flood waters reach 259 metres above mean sea level at that location. For this figure to be credible, the river channel itself at the bridge site must be at an elevation below 259 m MSL - i.e., the riverbed must be below 259 m MSL for the river to carry water at that level.

37. However, the publicly available and officially verified ground-level elevation data for Dhule city demonstrates that an HFL of 259 m and an OFL of 254.75 m are not credible for the following reasons:

- (i) **Dhule Railway Station**, which is located in the heart of Dhule city in close proximity to the Panzara river, has an officially recorded elevation of **274 metres above MSL** as per available records. The Dhule railway station is at a higher elevation than the claimed HFL of 259 m. This means that the station platform - which is visibly dry - would be below the flood level during a design flood event if the PWD's HFL figure were accurate. This is a physical impossibility.
- (ii) The Dhule city elevation is publicly recorded as 319 metres above MSL. Even accounting for topographic variation across the city, the built-up areas of Dhule city - including the areas adjacent to the Panzara - are at elevations significantly above 259 m MSL.

38. The inescapable conclusion is that an HFL of 259 m MSL would be below the ground elevation of Dhule Railway Station (274 m MSL). For flood waters to reach 259 m MSL, the Panzara riverbed at the bridge site would need to be at an

elevation well below 259 m. But the city's established ground levels - as confirmed by Indian Railways, and standard geographic sources - are in the range of 274-319 m MSL in the areas proximate to the Panzara river. An HFL of 259 m MSL is arithmetically impossible for a river flowing through a city where even the railway station is at 274 m MSL, unless the flood waters are flowing underground, which is not the case.

39. The Applicant submits that the HFL and OFL figures of 259 m and 254.75 m respectively, as submitted at Pg. 74 of the PWD Reply, are either the product of a fundamental computational error, or reflect data from an entirely different stretch of the river (possibly a downstream stretch at a significantly lower elevation), or have been incorrectly expressed in units other than metres above MSL.

40. In any event, the figures as submitted are not credible representations of the flood levels at the bridge site in Dhule city, and this alone is sufficient to invalidate the entire hydraulic calculation exercise and establish that the hydrological data submitted before this Tribunal is not authentic. An independent survey and hydrological assessment by the Water Resources Department is essential.

E. The Photographs Submitted at Pg. 83 of the PWD Reply Do Not Depict the Construction Site

41. At Pg. 83 of the PWD Reply Affidavit, photographs have been submitted, purportedly to demonstrate the nature of the project and its environmental credentials. The Applicant submits that these photographs do not depict the river

construction site or the pedestrian bridge construction. **The photographs show plantation activities carried out by the PWD** - images of saplings, tree planting, and green cover. These photographs have no bearing on the core issue before this Tribunal, which is the nature and extent of construction within the active floodplain and Blue Flood Line of the Panzara river.

42. The submission of photographs of plantation activities in a proceeding concerning live construction within a riverbed is, at best, misdirection and, at worst, a deliberate attempt to create a false impression of environmental consciousness while avoiding photographic documentation of the actual construction site. The Applicant's photographs at pages 45-53 of the Original Application, showing active excavation, machinery, and concrete pier bases within the Panzara riverbed, remain the only photographic evidence of actual site conditions before this Tribunal. The Respondents have conspicuously failed to submit any photographs of the construction site, the piers, or the river channel at the bridge location.

F. The Afflux Value Is Assumed as an Input, Not Computed as a Result

43. It is submitted that Page 82 of the Reply Affidavit lists Afflux = 0.600 m as an input in the Road Top Level (RTL) computation. However, it is submitted that Afflux is not an input - it is a result that must be independently computed using an established backwater method (Yarnell's equation, the U.S. Army Corps of Engineers standard step method, or a one-dimensional hydraulic model such as HEC-RAS). An unexplained, uncalculated afflux of 0.600 m is simply assumed and

then used to determine the bridge soffit level - a circular process in which the design choice is used to justify itself.

44. Furthermore, an afflux of 0.600 m on a river passing through the heart of Dhule city means that flood levels upstream of the pedestrian bridge will rise by 0.600 m above the design Ordinary Flood Level (OFL) during a flood event. Whether this 0.600 m rise threatens residential or commercial structures upstream of the bridge site has not been studied. No inundation mapping has been conducted.

G. The Hydraulic Gradient Does Not Account for the Downstream Bandhara

45. It is submitted that Page 79 of the Reply Affidavit inputs a hydraulic gradient of 0.00117 (1 in 857). This is presented as a single, uniform slope value. The Respondents themselves disclose in their Reply Affidavit that a "bridge-cum-bandhara work has been completed in December 2025 by the Public Works Department" approximately 500 metres downstream of the pedestrian bridge site. A bandhara (weir) raises the downstream water level - the tailwater - which reduces the effective hydraulic gradient over the reach. The hydraulic gradient of 1:857 does not account for the backwater raised by this existing downstream bandhara, meaning the gradient is overstated, the velocity overstated, and the afflux understated.

H. The Cross-Section Survey Is Taken at a Single Point

46. It is submitted that Item 8 of the Hydraulic Calculation (page 79) states: "Define C/S taken on Propose at a dist. = 0 m" - meaning the cross-section is taken at

zero distance from the proposed structure, i.e., at the structure site itself. Standard IRC practice for hydraulic design of bridges requires cross-sections to be taken at multiple locations upstream and downstream for backwater analysis. No such multi-section survey has been presented.

I. The Calculation Is an Engineering Design Sanction Document - Not an Assessment of the Impact of the Impugned Project

47. The Applicant submits that document at pages 75-82 of the Reply Affidavit is an IRC Clause 101 Preliminary Questionnaire for a Major Bridge - a standard engineering design document used to seek technical sanction for a bridge structure. It answers the question: *"Is this bridge structurally sound for construction purposes?"* It does not and cannot answer the question: *"What is the environmental and hydrological impact of this structure on the river system, its ecology, its groundwater recharge zone, its flood plain storage capacity, and the flood safety of communities upstream and downstream?"* These are categorically different questions, and the Respondents are presenting an engineering design sanction document as though it constitutes an environmental impact assessment.

J. The Inglis Formula Is Applied With an Unjustified Constant and Produces a Suspiciously Convenient Result

48. The Respondents use the Inglis Formula ($Q = C \times A / \sqrt{(4 + A)}$) with a constant of $C = 7,000$ and a catchment area of 713.04 sq. miles to arrive at a peak discharge of 5,281.88 cumecs (page 79). No justification is offered for the choice of $C =$

7,000. The Inglis Formula is an empirical formula originally calibrated for unmodified Deccan Plateau catchments. For catchments that include significant urban impervious surfaces — such as the Dhule city municipal area through which the Panzara flows — the standard Inglis constant is known to underestimate peak discharge, because urban surfaces generate higher runoff rates and shorter time-of-concentration than the agricultural and forested catchments for which the formula was calibrated. The choice of C without reference to the specific characteristics of the Panzara catchment is an unexplained assumption that affects the fundamental discharge input to the entire calculation.

49. More significantly, the calculation shows that both the Inglis Formula (5,281.88 cumecs) and Manning's Formula (5,280.09 cumecs) arrive at nearly identical results — a difference of only 1.79 cumecs on a discharge of over 5,000 cumecs. This near-perfect convergence between two different methods addressing different aspects of the hydrological problem (catchment runoff versus channel conveyance) is, from a hydraulic engineering standpoint, coincidental in a degree that invites scrutiny. Manning's Formula is sensitive to the roughness coefficient (n), the cross-sectional area, and the hydraulic gradient — parameters that contain significant field measurement uncertainty. An independent expert would be expected to test the sensitivity of the result to variations in these parameters.

K. Manning's Roughness Coefficient Is Inconsistently Applied Without Justification

50. The Manning's discharge calculation at page 80 divides the river cross-section into three compartments and applies Manning's formula separately to each. The Manning's roughness coefficient (n) used is 0.040 for Compartments I and III (the bank sections) but 0.035 for Compartment II (the mid-section, covering approximately CH 138.91 to 187.70). No explanation is offered for this differential.
51. In standard river hydraulics, the main channel tends to have smoother, more defined geometry than the adjacent floodplain sections, which means the main channel typically carries a *lower* roughness coefficient (lower n = higher flow velocity) and the bank sections carry a *higher* n value. Here, the assignment is reversed: the mid-section is given the lower n value (0.035, indicating faster flow) and the bank sections the higher n value (0.040, indicating slower flow). No field measurement data, reference to IRC or CWC published roughness values for comparable channel types, or any engineering justification is provided for this assignment.
52. The choice of Manning's n is critical because it directly affects the calculated velocity and therefore the discharge attributed to each compartment. A change from $n = 0.035$ to $n = 0.040$ in the main channel compartment would reduce the calculated velocity by approximately 12.5%, significantly affecting the total discharge figure that forms the basis of the design. Independent verification of the n values against field measurements at the site is essential.

L. Scour Depth Is Declared "Not Applicable" — An Unjustifiable Omission for Foundations in a Perennial Riverbed

53. At page 77 of the Reply Affidavit, the IRC Questionnaire item on "Estimated Depth of Scour" is answered: "N.A." — not applicable. This is an extraordinary and indefensible response for a structure whose foundations (29 open foundations, as stated at page 75: "Open Foundation") are to be constructed in the active bed of a perennial river with a peak discharge of over 5,000 cumecs.

54. Scour — the erosion of riverbed material around and beneath bridge foundations during flood flow — is one of the most common causes of bridge failure in India. IRC:78 (Standard Specifications and Code of Practice for Road Bridges, Section VII — Foundations and Substructure) mandates the computation of design scour depth for all bridge foundations in rivers. The IRC questionnaire itself includes scour depth as a mandatory item. The answer "N.A." suggests that the design engineers did not compute scour depth at all. Open foundations in a riverbed with 5,000+ cumec peak discharge, without scour depth analysis, represent a design that cannot be certified as safe — and cannot form the basis of any representation to this Hon'ble Tribunal that the structure will cause "no permanent damage to the riverbed."

L. Summary of Critical Deficiencies in the Hydraulic Calculations

55. For the convenience of this Hon'ble Tribunal, the specific deficiencies in the hydraulic calculations are tabulated below:

Deficiency	What the Calculation Shows	The Problem / Correct Position
Pier count in obstruction calculation	11 piers x 1.20 m = 13.20 m (8.25%)	Reply Affidavit (p. 31) admits 29 piers: corrected obstruction = 21.75% - at or beyond permissible limit
Bridge type (Pg. 72)	Described as 'submersible bridge'	Contradicted by Pg. 60 of OA (letter dated 18.08.2025): bridge to be constructed above maximum flood level - two mutually exclusive characterisations
HFL / OFL values (Pg. 74)	HFL = 259 m MSL; OFL = 254.75 m MSL	Dhule Railway Station is at 274 m MSL - HFL of 259 m is below ground level of the station; figures are physically implausible and not authentic
Existing structures (Pg. 75 IRC Questionnaire)	'No' existing bridges per IRC questionnaire	Reply Affidavit admits 9 bridges + 1 bandhara on same 5.5 km stretch; a bridge exists right next to the

		ongoing construction - omission is fraudulent
Photographs submitted (Pg. 83)	Photos annexed to demonstrate project details	Photos show plantation activities, not the river construction site - no photographic evidence of actual construction conditions submitted
Authorship / independence	PWD Sub-Division Engineer, countersigned by PWD Executive Engineer (Respondent No. 3) and PWD Superintending Engineer	Entirely internal to the project- executing agency; no involvement of Irrigation Department or independent expert
Inglis constant (C)	$C = 7,000$ with no justification	Urban catchments require higher C values; choice understates peak discharge
Manning's n coefficient	$n = 0.035$ (mid-channel), n $= 0.040$ (banks)	Standard hydraulics: main channel should have lower n, not higher; affects velocity by approximately 14%

Hydraulic gradient	Single static value of 1:857, no source disclosed	Does not account for backwater raised by downstream bandhara (500 m D/S); gradient and afflux understated
Afflux computation	0.600 m assumed as input	Afflux is a result to be computed (HEC-RAS or equivalent), not a design input; no backwater analysis presented
Number of cross-sections surveyed	1 cross-section (at bridge site only, dist. = 0 m)	IRC requires multiple U/S and D/S sections for backwater analysis
Scour depth assessment	"N.A." - not applicable	Mandatory IRC:78 parameter for riverbed foundations; cannot be N.A. for 29 open foundations in 5,000+ cumec river
Nature of document	Engineering design sanction (IRC Cl. 101)	Not an environmental impact assessment; does not address ecology, groundwater,

		cumulative impacts, or upstream flood risk
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V. THE NEED FOR INDEPENDENT EXPERT ASSESSMENT - GROUNDS

56. Having regard to the foregoing, the Applicant submits that this Hon'ble Tribunal is not in a position to accept the hydraulic calculations at pages 79-82 as sufficient proof of the environmental and hydrological safety of the impugned construction, for the following cumulative reasons:

(i) Internal inconsistency: The calculation uses 11 piers while the affidavit swears to 29 piers. The headline figure of 8.25% is arithmetically unsustainable on the face of the document.

(ii) Conflict of interest: Every signatory is an officer of the project-executing department. The Irrigation Department was not involved. There is no independent technical voice anywhere in the chain of verification.

(iii) Internally contradictory design basis: The bridge is simultaneously characterised as submersible (Pg. 72 of PWD Reply) and as above flood level (Pg. 60 of OA). The HFL and OFL figures are physically implausible for Dhule city's elevation. These contradictions cannot be resolved without an independent site survey and hydrological study.

(iv) Methodological inapplicability: The obstruction standard invoked (20-25%) applies to cross-river bridges, not to a parallel in-riverbed structure.

(v) Incomplete analysis: The calculation does not address cumulative impact with the downstream bandhara, does not model backwater, does not compute afflux independently, and does not survey the channel upstream or downstream of the site.

(vi) Unaddressed scour risk: Answering "N.A." to scour depth for 29 open foundations in an active perennial riverbed is not a permissible engineering answer, and means the long-term structural and morphological impact on the riverbed has not been assessed.

57. The Applicant accordingly urges this Hon'ble Tribunal to direct an independent expert assessment to be carried out by a committee comprising officers of the Water Resources Department (WRD), Maharashtra, the Central Water and Power Research Station (CWPRS), Pune, and such other independent hydrological experts as the Tribunal may appoint. The terms of reference of such assessment should include: (a) whether the impugned construction is within the Blue Flood Line Prohibited Zone; (b) the actual obstruction to river flow using the correct pier count and structure footprint; (c) independent computation of afflux using HEC-RAS or equivalent; (d) cumulative hydrological impact of the pedestrian bridge and the downstream bandhara; (e) scour depth assessment for all 29 foundations; and (f) impact on riparian ecology, groundwater recharge, and flood storage capacity of the floodplain.

VI. REPLY ON THE PRECEDENT ARGUMENT - NGT JURISPRUDENCE ON RIVERBED CONSTRUCTION

58. The Respondents in their Reply deny the applicability of this Tribunal's consistent jurisprudence prohibiting construction within the Blue Flood Line and riverbed. The Applicant submits that the Respondents have not distinguished the cited judgments on any material ground. Their only response is that *"the reliance of the applicant on the judicial decisions mentioned therein is wrongly placed and without knowing the distinct facts of the given cases"* - without identifying any such distinct facts.

59. The ratio of this Tribunal's decisions on riverbed and Blue Flood Line construction is grounded in the WRD GR framework of 1989 and 2018 - the very same framework at issue in the present case. The consistent holding has been that permanent constructions within the Blue Flood Line Prohibited Zone are impermissible regardless of the purpose of the construction - whether public, private, or religious. The "public utility" exception was specifically examined and rejected in the context of NGT's Blue Flood Line jurisprudence. The Respondents' invocation of the "public utility" character of the pedestrian bridge as a distinguishing factor is therefore the precise ground on which these precedents are directly applicable, not distinguishable.

60. The Respondents seek to distinguish the OA decided in the matter of *Sarang Yadwadkar and Ors. v. The Commissioner* (OA 02/2013, Principal Bench) by asserting that the facts are different. The Applicant submits that the principle established in that and similar decisions - that the Tribunal will not permit permanent construction within the Blue Flood Line regardless of the stated purpose

- operates as binding judicial discipline that this Bench is obliged to follow in the absence of any compelling reason to depart. The Respondents have offered no such reason.

VII. REPLY ON THE ISSUE OF SUPPRESSION OF FACTS

61. The Respondents allege in their Reply that the Applicant suppressed clause 8 (appearing on page 62 of the OA) of a letter dated 18.08.2025, and selectively reproduced only the portion that served the Applicant's case. The Applicant submits that the complete text of the said letter has been placed on record as Annexure A-2 of the Original Application. It is for this Hon'ble Tribunal to read the document as a whole and draw its own conclusions. No material suppression has occurred.

62. On the contrary, it is the Respondents who have suppressed a material contradiction within their own documentation. As set out in Section V.C above, the letter dated 18.08.2025 at Pg. 60 of the OA specifically states that the bridge will be **above the maximum flood level** - whereas the IRC Questionnaire at Pg. 72 of the PWD Reply characterises the same structure as a **submersible bridge**. These two characterisations cannot both be accurate. The Respondents have made no attempt to explain or reconcile this contradiction.

63. Further, the Respondents in their Reply allege that the Applicant has provided an "incorrect translation" of the Marathi letter dated 09.02.2026 (Annexure A-13). The Applicant submits that the translation is a faithful rendering of the original

Marathi text placed at page 114 of the Original Application. This Hon'ble Tribunal may, if it deems appropriate, call for a certified court translation of the said letter to independently assess its contents. The Applicant has no objection to such a course.

VIII. OPPOSITION TO THE INTERIM APPLICATION TO VACATE THE STAY

ORDER DATED 30.04.2026

64. Respondents No. 3 and 7 have filed an Interim Application seeking vacation of the interim stay order dated 30.04.2026, whereby this Hon'ble Tribunal directed that no construction shall be done within the riverbed and the Blue Flood Line of River Panzara till the next date of hearing. The Applicant strongly opposes the vacation of this interim order and submits as under:

65. The interim order dated 30.04.2026 was granted by this Hon'ble Tribunal after hearing the parties and upon being satisfied that the Applicant had raised a credible case of ongoing construction within the Blue Flood Line of the Panzara. The order reflects a considered judicial assessment that the balance of convenience and the interests of environmental protection require that the status quo be maintained. The grounds for grant of the interim order have not diminished - they have been substantially strengthened by the material disclosed in the Reply Affidavit itself, including the internal arithmetic contradiction in the obstruction calculation, the unresolved conflict between the submersible bridge

characterisation and the above-flood-level assertion, and the physically implausible HFL/OFL figures.

66. The well-settled principles governing vacation of an interim order in environmental matters before this Tribunal are: (i) there must be a material change in circumstances since the grant of the interim order; (ii) the balance of convenience must decisively favour vacation rather than continuation; and (iii) no irreversible prejudice must result from continuation of the interim order. The Respondents have failed to satisfy any of these requirements:

(i) No material change in circumstances: The Reply Affidavit and the technical documents annexed thereto have not cured the fundamental deficiencies in the Respondents' legal and hydrological position. The arithmetic error in the obstruction calculation, the absence of Irrigation Department involvement, the implausible HFL/OFL figures, and the submersible/non-submersible contradiction identified above all persist unaddressed.

(ii) Balance of convenience strongly favours continuation: The Panzara is a perennial river flowing through a densely populated urban area. Any further construction within its Blue Flood Line Prohibited Zone - particularly the embedding of additional concrete pier foundations in the riverbed - is an act of irreversible environmental harm. Once piers are sunk into the riverbed, the morphological disturbance, the scour risk, and the hydrological obstruction cannot be undone. On the other side of the scale, the Respondents have not demonstrated any

prejudice from the continuation of the stay that is comparable to the environmental harm that would result from allowing construction to resume.

(iii) Irreparable harm from vacation: If the stay is vacated and construction resumes, and if this Tribunal ultimately holds that the construction violates the WRD Blue Flood Line framework, the remediation required - demolition of 29 pier foundations embedded in an active riverbed - will itself constitute substantial environmental harm. The precautionary principle, mandated by Section 20 of the NGT Act, 2010, unambiguously supports maintaining the status quo pending independent expert assessment.

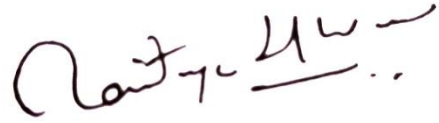
67. The Applicant accordingly prays that the Interim Application filed by Respondents No. 3 and 7 to vacate the stay order dated 30.04.2026 be **dismissed**, and that the interim order be continued and made absolute pending final disposal of the Original Application. Furthermore, in order to verify the submissions made by Respondent PWD, it is humbly submitted that this Hon'ble Tribunal direct the appointment of an independent expert committee comprising officers of the Water Resources Department (WRD), Central Water and Power Research Station (CWPRS) or any other independent technical body as this Tribunal deems fit, to conduct a site inspection and submit a report on: (i) whether the impugned construction violates the WRD Flood Line GRs of 1989, 2018, and 2021; (ii) the actual and cumulative hydrological impact of the pedestrian bridge and the downstream bandhara on River Panzara; and (iii) whether the construction can be permitted under any exception to the Prohibited Zone framework;

Pass such other order(s) as this Hon'ble Tribunal may deem fit and proper in the facts of the present case;

FILED BY



MANASI THAKARE



MAITREYA PRITHWIRAJ GHORPADE

ADVOCATES

COUNSELS FOR THE APPLICANTS

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Place: Dhule

Date: 08.06.2026

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

ORIGINAL APPLICATION NO. 35 OF 2026 (WZ)

IN THE MATTER OF:

Narendra Gotu Pardeshi

... APPLICANT

VERSUS

Dhule Municipal Corporation & Ors.

...RESPONDENTS

AFFIDAVIT

I, Narendra Gotu Pardeshi, R/o 37, Milind Society, Sakri Road, Dhule 424004, do hereby solemnly affirm and state as under:

1. That I am the Applicant in the present Original Application and as such am fully conversant with the facts and circumstances of the case and competent to swear this Affidavit.
2. That I have gone through the contents of the accompanying Rejoinder that has been drafted by my counsel according to my instructions and the contents of the same are true and correct to my knowledge.

(Signature)

DEPONENT

VERIFICATION

Verified on this 8th day of June 2026 that the contents of the above-mentioned affidavit are true and correct and nothing material has been concealed therefrom.

AFFIDAVIT

Solemnly affirmed before me at Dhule
by Shri Narendra Gotu Pardeshi age-63.
R/o 37, Milind Society, Sakri Road, Dhule
who is identified by shri self
to whom I personally know
Dhule.
Date 08/06/2026

(Signature)
Notary



(Signature)

DEPONENT