

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL  
WESTERN BENCH AT PUNE  
EXECUTION APPLICATION 2 OF 2024  
IN  
ORIGINAL APPLICATION NO. 130 OF 2018**

**IN THE MATTER OF:**

SARANG YADWADKAR &amp; ORS.

...APPLICANTS

Versus

PUNE MUNICIPAL CORPORATION &amp; ORS.

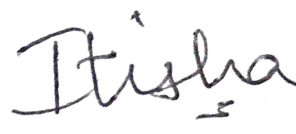
...RESPONDENTS

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**THROUGH**

**RITWICK DUTTA**

**RAHUL CHOUDHARY**

**ITISHA AWASTHI  
ADVOCATES**

Counsel for the Applicant

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

New Delhi – 110048

Email:- [litigation@dclawchambers.com](mailto:litigation@dclawchambers.com)

Place:- Delhi

Dated:- 23.10.2024

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL  
WESTERN BENCH AT PUNE  
EXECUTION APPLICATION 2 OF 2024  
IN  
ORIGINAL APPLICATION NO. 130 OF 2018**

**IN THE MATTER OF:**

SARANG YADWADKAR & ORS.

...APPLICANTS

Versus

PUNE MUNICIPAL CORPORATION & ORS.

...RESPONDENTS

**REJOINDER TO REPLY OF PUNE MUNICIPAL CORPORATION**

**(RESPONDENT NO. 5)**

1. That the present Application has been filed before the Hon'ble Tribunal under Section 25 of the National Green Tribunal Act, 2010 highlighting violation of the directions contained in Order dated 03.08.2018 of this Hon'ble Tribunal in Original Application No. 130 of 2018 (earlier Original Application No. 67 of 2016) in undertaking construction of a 100 ft. wide and 7.4 kilometre long road from Naidu STP to Mundhwa, passing through Bund Garden Bridge in Pune, Maharashtra. The Hon'ble Tribunal had directed that no construction of the road can take place until the recommendations of the Expert Committee pertaining to environmental safeguards are complied with.
2. That vide Order dated 01.02.2024, this Hon'ble Tribunal issued notices to the Respondents and directed for filing of replies by the Respondents.
3. That in pursuance of the same, Respondent No. 5 has filed a reply and the Applicant has the following rejoinder to the same:

**A. Change is scope of the project increases the impact of the project on the river and therefore, requires stricter conditions**

4. That in Para 5, Respondent No. 5 has stated that the scope of the project has completely changed since earlier the road construction was being undertaken on pillars, however, now the same is being constructed as grade level.
5. That in light of this, Respondent No. 5 claims that the directions of the Hon'ble Tribunal in Original Application No. 130 of 2018 are not applicable.
6. That it is the submission of the Applicant that with the change in scope of project, the obstruction of flow of water and the resultant impact on the river will increase manifold, which will require stricter conditions to be made applicable on the project.
7. That the City Engineer of Respondent No. 5, in its Affidavit dated 27.07.2016 in the Original Application had stated that the obstruction of flow of water will increase, once the obstruction in cross sectional area of the waterway increases. The Affidavit read as follows:

***"The obstruction to flow in an open channel depends on the percentage of water way obstructed in cross sectional area and along the length of the channel/river. A typical bridge will have more piers across in a cross sectional area. Whereas metro has only one pier in a cross section."***

8. That the impact of dumping of debris on the riverbed will have far more consequences than constructing a road on pillars. For example, if the road was constructed on a series of pair of two pillars of 2 metre diameter with a height 10 metres (submerged under water), the obstructive area would be 4 metre X 10 metre = 40 Sq. metre. As the road is now being built by way of dumping of debris, the obstructive area will be 30 metre (width of the road) X 10 metre = 300 Sq. metre. It is submitted that there is an

increase of 750% in obstruction in both the scenarios, providing perspective on the impact that such dumping will have on the riverbed.

9. That therefore, the directions given by this Hon'ble Tribunal in the Original Application become even more necessary, in light of the change in scope of the project.
10. That the directions given by this Hon'ble Tribunal were aimed to ensure that construction in the riverbed does not adversely impact the ecology of the river. The proposed change in scope of the project will have worse impact on the riverbed, and therefore, requires higher scrutiny by this Hon'ble Tribunal.

**B. Respondent No. 5 is trying to mislead this Hon'ble Tribunal by placing reliance on the judgment in OA No. 57 of 2022 (Mahesh Kashinath Ranawade v. State of Maharashtra & Ors)**

11. That Respondent No. 5 in Para 7 of the Reply has placed reliance on the judgment passed by this Hon'ble Tribunal in Original Application No. 57 of 2022 (Mahesh Kashinath Ranawade v. State of Maharashtra & Ors.) to state that construction of road is allowed within Blue Line and should be treated as a public utility service.
12. That however, Respondent No. 5 has failed to disclose the following facts with regard to applicability of the judgment:
  - (i) **The Hon'ble Tribunal in the judgment has wrongly cited the Circular dated 03.05.2018 of the Water Resources Department**
13. That in Para 26 of the judgment (at Page 185), the Hon'ble Tribunal has relied upon the Circular issued by the Water Resource Department, State of Maharashtra dated 03.05.2018 which provides for the activities that can be undertaken within the Blue and Red flood line. The Circular reads as follows:

*“5. Prohibitive Zone*

*The area between the Blue Flood line on the right bank of the river to riverbed to the Blue Flood line on the left bank of the river shall be called as Prohibitive Zone.*

*6. Restrictive Zone:*

*The area between the Blue Flood Line of the river and the Red Flood Line on the same bank shall be called as Restrictive Zone.*

***7. 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.”***

14. That the Hon'ble Tribunal notes in Para 27 of the Judgment that the permissible activities under the Circular includes parking (which has been interpreted to include road construction), thereby stating that construction of road is allowed within the Blue line.
15. It is the submission of the Applicant that a bare reading of the Circular will show that it does not allow parking as a permitted activity and only includes “gardens, play grounds, light crops; where there is established easement right to take crops” as activities that are allowed to be undertaken.
16. That, further, the Circular also states that only such activities should be undertaken “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”.

17. That construction of road on a riverbed will have far reaching consequences leading to obstruction of flow of river, reduction in carrying capacity and a change in cross section of river.

**(ii) Parking services cannot be interpreted to include road construction**

18. That the Hon'ble Tribunal in the judgment in OA No. 57 of 2022 has stated that the UDCPR guidelines provide for 'parking' as a permissible activity in the blue flood line of a river, which by implication means road construction also (Page 185). On the basis of this interpretation, the Hon'ble Tribunal allowed the construction of road to be undertaken in the blue flood line.

19. That it is the submission of the Applicant that parking spaces and roads cannot be interpreted to mean the same. The UDCPR defines parking space as follows:

*"96. Parking Space - means an enclosed or unenclosed, covered or open area or area provided by mechanical means sufficient in size to park vehicle. Parking spaces shall be served by a driveway connecting them with a street or alley and permitting ingress or egress of vehicles."*

Copy of definition of 'parking' taken from UDCPR Guidelines is annexed herewith as **ANNEXURE A-1**.

20. That the above definition has a completely different meaning from what a road construction would mean, which would include paving and concretization the ground. Additionally, the road in the present case is 100 ft. wide and 7.4 kilometre long, construction of which will have adverse consequences on the ecology of the river.

**C. No permissions have been obtained from Water Resources Department and Central Water and Power Research Station (CWPRS)**

21. That Respondent No. 5 in the submissions dated 08.04.2024 supplied to the Hon'ble Tribunal during the course of hearing has stated that permissions have been obtained from the Irrigation Department and CWPRS.
22. That however, the Applicant filed RTI applications with the Water Resources Department dated 05.07.2023 and CWPRS dated 10.04.2024 seeking information on whether any permission has been granted for construction of the road in question.
23. That the Applicant has received reply dated 08.05.2024 from CWPRS and reply dated 18.07.2023 from Water Resources Department stating that no permission/ approval has been granted to the road construction.

Copies of RTIs filed dated 05.07.2023 and 10.04.2024 and reply dated 08.05.2024 from CWPRS and reply dated 18.07.2023 from Water Resources Department are annexed herewith as **ANNEXURE A-2 (COLLY)**.

**D. Vide Order dated 01.07.2024, this Hon'ble Tribunal had directed for demolition of structures within the Blue line of a river**

24. That this Hon'ble Tribunal had taken cognizance of the residential bungalows coming up within the prohibited zone of blue flood line of River Indrayani in Pune and directed for demolition of all structures. This Hon'ble Tribunal directed the following:

***"(i) All the illegal constructions of bungalows and other structures found to be there within the Survey No.90(Part), which fall within river bank and blue***

***flood line of Indrayani River including those of 29 bungalows of the respondents, who have been impleaded herein and other bungalows, if any, are found to be there, shall be demolished by the respondent Nos.7 & 8 PCMC within a period of six months from the date of uploading of this Judgment, in accordance with law and after providing an opportunity of hearing to the affected persons.***

***(ii). We further direct that the respondent Nos.7 & 8- PCMC shall also levy the amount of EDC, which has been calculated by the Joint Committee to be Rs.5 Crores, from all the Private Respondents, who have raised construction over there and if any other respondent is found to have raised construction in the meantime, the amount shall be realized proportionately on the yardstick of plot area. This activity shall also be completed within a period of six months from the date of uploading of this Judgment."***

(Emphasis supplied)

Copy of relevant pages of Order dated 01.07.2024 in Tanaji Balasaheb Gambhire v. State of Maharashtra & Ors. (Original Application No. 50 of 2020) is annexed herewith as **ANNEXURE A-3**.

25. That additionally, this Hon'ble Tribunal also imposed environmental compensation of Rs. 5 crore on the erring parties for raising construction within the blue flood line of the river.
26. That the issue of raising illegal construction has been duly addressed by this Hon'ble Tribunal and appropriate orders have been passed with regard to the same.

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



**APPLICANT NO. 1**

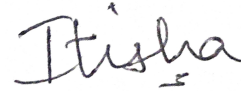
**THROUGH**



**RITWICK DUTTA**



**RAHUL CHOUDHARY**



**ITISHA AWASTHI  
ADVOCATES**

**COUNSELS FOR THE APPLICANTS**

N-73, LGF, Greater Kailash - 1,

New Delhi - 110048

Mobile: +91 9312407881

Email: dclaw160@gmail.com

**VERIFICATION**

Verified by Sarang Yadwadkar, aged about 65 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 27 are true to my personal knowledge and nothing material has been concealed therefrom.



**APPLICANT NO. 1**

Dated:- 22.10.2024

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL  
WESTERN ZONAL BENCH AT PUNE  
EXECUTION APPLICATION NO. 2 OF 2024  
IN  
ORIGINAL APPLICATION NO. 130 OF 2018



**IN THE MATTER OF:**

SARANG YADWADKAR & ORS.

...APPLICANTS

VERSUS

STATE OF MAHARASHTRA & ORS.

...RESPONDENTS

**AFFIDAVIT**

I, Sarang Yadwadkar, aged about 65 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 the Applicant in the above titled Application, 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.



BEFORE ME

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

*Sarang Yadwadkar*  
22/10/24

DEPONENT

**VERIFICATION**

Verified on this 22<sup>nd</sup> day of October 2024 that the contents of the present Affidavit are true and correct to my knowledge and belief and nothing material is concealed therefrom.

*Sarang Yadwadkar*

DEPONENT





**UNIFIED  
DEVELOPMENT  
CONTROL AND  
PROMOTION  
REGULATIONS FOR  
MAHARASHTRA  
STATE.**

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**Applicable to all Planning Authorities and Regional Plan areas  
except Municipal Corporation of Greater Mumbai, Other Planning Authorities /  
Special Planning Authorities / Development Authorities within the limit of  
Municipal Corporation of Greater Mumbai, MIDC, NAINA, Jawaharlal Nehru Port Trust,  
Hill Station Municipal Councils, Eco-sensitive / Eco-fragile region notified by MoEF & CC  
and Lonavala Municipal Council, in Maharashtra.**

**GOVERNMENT OF MAHARASHTRA  
URBAN DEVELOPMENT DEPARTMENT**

1. These Unified Development control and Promotion Regulations are sanctioned by the State Government under Section 37(1AA)(c) and Section 20(4) of the Maharashtra Regional & Town Planning Act, 1966 vide Notification No.TPS-1818/CR-236/18/DP&RP/Sec.37(1AA)(c) & Sec.20(4)/UD-13, Dated 02 December, 2020.
2. These Unified Development control and Promotion Regulations are published by the State Government under Section 20(3) of the Maharashtra Regional & Town Planning Act, 1966 vide Notice No.TPS-1818/CR-236/18/Sec.20(3)/UD-13, Dated 02 December, 2020.
3. Directives under Section 154 of the Maharashtra Regional & Town Planning Act, 1966 issued by the State Government vide Resolution No.TPS-1818/CR-236/18/Sec.20(3)/UD-13, Dated 02 December, 2020.
4. These Unified Development control and Promotion Regulations are published by the State Government under Section 37(1AA)(c) of the Maharashtra Regional & Town Planning Act, 1966 vide Notification No.TPS-1818/CR-236/18/Sec.37(1AA)/UD-13, Dated 02 December, 2020.
5. Directives under Section 154 of the Maharashtra Regional & Town Planning Act, 1966 issued by the State Government vide Resolution No.TPS-1818/CR-236/18/Sec.37(1AA)/UD-13, Dated 02 December, 2020.



(Kishor Gokhale)  
Under Secretary  
Government of Maharashtra

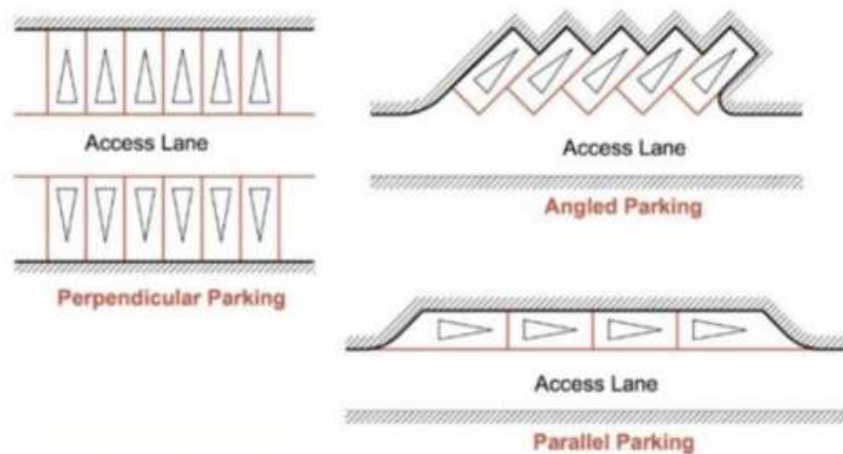


(N. R. Shende)  
Joint Secretary and Director of Town Planning  
Government of Maharashtra

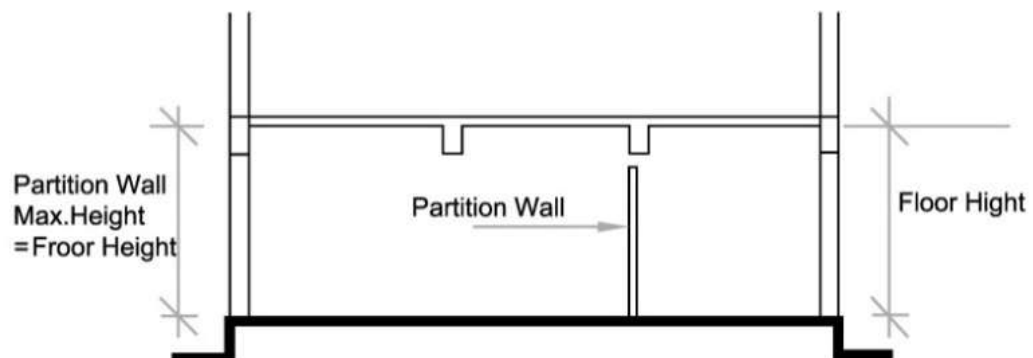
iii) any building with mixed occupancies with any of the aforesaid occupancies in (ii) above with built-up area 500sq.m.or more on any floor irrespective of height of such building.

xv) **Yatri Niwas** means a building used for accommodation of tourist, traveller etc.

94. **Owner** – means a person who has legal title to land or building and includes any person for the time being receiving or entitled to receive, whether on his own account or as agent, trustee, guardian, manager or receiver for another person or for any religious or charitable purposes the rents or profits of the property in connection with which it is used;
95. **Parapet** – means low wall or railing built along the edge of a roof, terraces, balcony, varandah etc.
96. **Parking Space** – means an enclosed or unenclosed, covered or open area or area provided by mechanical means sufficient in size to park vehicle. Parking spaces shall be served by a driveway connecting them with a street or alley and permitting ingress or egress of vehicles.



97. **Partition**—means an interior non-load-bearing barrier, one storey or part-storey in height.



98. **Permit / Permission** – means permission or authorization in writing by the Authority to carry out the work regulated by these regulations.
99. **Plinth** – means the portion of a structure between the surface of the surrounding ground and surface of the floor immediately above the ground.
100. **Plot / Site** – means a parcel or piece of land enclosed by definite boundaries.

**APPLICATION UNDER THE MAHARASHTRA RIGHT TO  
INFORMATION ACT**

Date: 10.04.2024

Ref: NGT/RBROAD/RTI/01


Public Information Officer,


The Central Water and Power Research Station (CWPRS), Pune

1	Name of the Applicant	Sarang Yadwadkar
2	Address	A-10 Pradnyangad, S. No. 119/3, Sinhagad Road, Pune-30. Mobile: 9822094851 Email: <a href="mailto:yadwadkarsarang@gmail.com">yadwadkarsarang@gmail.com</a>
3	The period to which the information relates:	29/09/2017 onwards
4	Particulars of Information required:	
	Subject matter information	Regarding Studies conducted by CWPRS for Pune River Front Development and Riverbed Road
Description of information Required:		
<p>Pune Municipal Corporation is building a 100 Ft. wide Road on Mula-Mutha Riverbed by way of dumping thousands of truckloads of debris on the riverbed.</p> <p>Kindly provide me the specific information whether CWPRS has considered and assessed the impacts of the said 100 Ft. wide Road (with respect to impacts on flood levels and on biodiversity etc.) on Mula-Mutha River while studying the Pune Municipal Corporation's River Front development or else independently.</p> <p>Any other study conducted for the same road.</p>		
5	Whether information is required by post or in person	By RPAD

**Encl:**

- Two photographs Dt. 06/09/2023 with Lat-Longs of the said road under construction
- Indian Postal Order of Rs. 10.00, No. 52 F 636146

  
S. V. Yadwadkar,  
Pune

Received,  
  
A. A. PUROHIT अ.अ. पुरोहित  
SCIENTIST-E वैज्ञानिक-ई  
Central Water & Power Research Station  
केन्द्रीय जल और विद्युत अनुसंधान शाला,  
Khadakwasla, Pune - 411 024  
खडकवासला, पुणे-411024



 **GPS Map Camera**

**Pune, Maharashtra, India**  
41101, Pune - Ahmednagar Hwy, Ragvilas Society, Koregaon Park, Pune, Maharashtra  
411001, India  
Lat 18.542899°  
Long 73.885268°  
06/09/23 11:41 AM GMT +05:30





 **GPS Map Camera**

**Pune, Maharashtra, India**

41101, Pune - Ahmednagar Hwy, Ragvilas Society, Koregaon Park, Pune, Maharashtra

411001, India

Lat 18.542767°

Long 73.885254°

06/09/23 11:42 AM GMT +05:30



**Government of India**  
**Ministry of Jal Shakti**  
**Department of Water Resources River Development & Ganga Rejuvenation**  
**Central Water and Power Research Station (CWPRS), Khadakwasla RS PO,**  
**Sinhagad Road, Pune-24**

No. 525/PIO/RTIA/2024/02/24/ 232

Dated:- 08/05/2024

08 MAY 2024

✓ Shri. Sarang Yadwadkar  
A-10 Prdnyangad,  
S. No. 119/3, Sinhagad Road  
Pune-30  
Email: [yadwadkarsarang@gmail.com](mailto:yadwadkarsarang@gmail.com)

Sub:- Request for information under Maharashtra RTI Act 2005  
Ref: Your RTI application letter No. NGT/RBROAD/RTI/01 dated 10/04/2024

Sir,

I am to refer to your request received as an RTI application vide letter at ref. dated 10/04/2024 and the same is received by CPIO of CWPRS on 10/04/2024 at CWPRS. Your application is taken on RTI portal having RTI registration No. CWPRS/R/P/24/00002 dated 11/04/2024. At the outset, it is to mention that you have requested to provide the information under Maharashtra RTI Act, 2005 to Central Water & Power Research Station (CWPRS), Pune, an organisation which works under control of Central Government. The subject matter of information is regarding studies conducted by CWPRS for Pune River Front Development and Riverbed Road. Your application with regard to query was sent to concern divisions at CWPRS for providing the information. The information received from concern divisions at CWPRS with regard to queries raised has been received by CPIO, CWPRS. This information received by CPIO, CWPRS is used to provide as reply and is given as follows.

Sr. No	Information Sought	Reply
01	<p>Pune Municipal Corporation is building a 100 Ft. wide Road on Mula-Mutha Riverbed by way of dumping thousands of truckloads of debris on the riverbed.</p> <p>Kindly provide me the specific information whether CWPRS has considered and assessed the impacts of the said 100 Ft. wide Road (with respect to impacts on flood levels and on biodiversity etc.) on Mula-Mutha River while studying the Pune Municipal Corporation's River Front development or else independently.</p> <p>Any other study conducted for the same road.</p>	<p>The applicant is providing the information available with him regarding a 100 ft. wide road being built on Mula- Mutha River bed.</p> <p>The specific information sought with regard to subject under query viz. impact of 100 ft. wide road is not available with CWPRS. The public Authority is to provide the information available on records as per the RTI Act, 2005 and not to create the information. The information about role of CWPRS in RFD project of PMC was earlier also informed to you by CWPRS vide CWPRS letter No. TC/2021/183 dated 05/04/2021 (copy enclosed as Annexure).</p>

Note: The information is provided by Central Water and Power Research Station, Khadakwasla Research Station Post Office PIN 411024, Pune (Maharashtra) only.

Central Water and Power Research Station, (Khadakwasla Research Station post office, Sinhagad Road, PIN 411024) is a subordinate office of the Ministry of Jal Shakti, Department of Water Resources, RD and GR and has an office at Pune, Maharashtra.

In case, you want to go for an appeal in connection with the information provided, you may appeal to the First Appellate Authority indicated below within thirty days from the date of receipt of this message/letter.

Dr. Prabhat Chandra / डॉ. प्रभात चंद्र

FAA & Additional Director / प्रथम अपिलीय अधिकारी आणि अतिरिक्त निदेशक,

Address: CWPRS, KHADAKWASLA, SINHAGAD ROAD, PUNE-24, MAHARASHTRA

पत्ता: कै.ज.वि.अ.शा., खडकवासला, सिंहगड रोड, पुणे-24, महाराष्ट्र

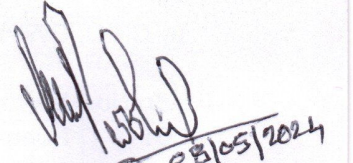
Phone No. 020-24103521 / फोन नं. 020-24103521

Email / ई-मेल: [prabhat.chandra.gov.in](mailto:prabhat.chandra.gov.in)

Thanking you,

Yours faithfully,

Encl: As above



(A.A. Purohit)

Scientist-E& CPIO

Phone No 020-24103508

Email : [purohit\\_aa@cwprs.gov.in](mailto:purohit_aa@cwprs.gov.in)

आरटीआई द्वारा उपलब्ध, केंद्रीय जल और विद्युत अनुसंधानशाला

**APPLICATION UNDER THE MAHARASHTRA RIGHT OF INFORMATION ACT**

Date: 05.07.2023

Ref: NGT/RFD/RTI/59

To,

**Executive Engineer (KID),**Pune Region,  
Sinchan Bhawan,  
Pune.

1	Name of the Applicant	Sarang Yadwadkar
2	Address	A-10 Pradnyangad, S. No. 119/3, Sinhagad Road, Pune-30. Mobile: 9822094851 Email: yadwadkarsarang@gmail.com
3	The period to which the information relates:	Present
4	Particulars of Information required:	
	Subject matter information	Ongoing construction of a 100 Ft. wide road inside Blue Line near Bund Garden Bridge.
	Description of information Required:	
	Pune Municipal Corporation has started construction of a 100' wide DP Road from Bund Garden Bridge towards Mundhwa on the right edge of Mula-Mutha River inside Blue Flood Line. Kindly provide following information in this context: 7. Whether WRD has given approval for this road. (Copy of the same.) 8. If WRD has given any approval, provide us the details of the studies conducted by WRD before giving such approval. 9. Whether according to prevailing legal provisions/Norms etc. such road construction amounting to massive reduction of riverbed cross section/flow area is permissible inside Blue Flood line.	
5	Whether information is required by post or in person	Post

05/7/23

S. V. Yadwadkar,

आवक लिपीक  
 खडकवासला घाटबंधारे विभाग  
 मंगळवार पेठ, सिंचनभवन, पुणे-११



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](mailto:eekidpune@gmail.com)

जा.क्र.खपावि/आ-2/३२३४/सन 2023

दि. /07/2023

प्रति,

18 JUL 2023

✓ 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.05.07.2023 रोजीचा माहिती अधिकार अधिनियम 2005 चा अर्ज.

उपरोक्त संदर्भिय विषयान्वये आपले माहिती अधिकार अर्जात नमुद केल्यानुसार आपणांस खालील प्रमाणे माहिती देण्यात येत आहे.

अ.क्र.	विषय	माहिती
1)	Whether WRD has given approval for this road (Copy of the same)	No such approval given by this office to D.P.Road (Bund garden To Mundhwa)
2)	If WRD has given any approval, provide us the details of the studies conducted by WRD before giving such approval.	Question does not arise.
3)	Whether according to prevailing legal provisions/Norms etc. such road construction amounting to massive reduction of riverbed cross section/flow area is permissible inside Blue Flood line.	Work is carried out by Pune Munciple Corporation, hence pertains to P.M.C. Pune.

t.c.

*(Handwritten signature)*

Recd  
21/7/23

(श्री.ह.मो.जाधव)

जनमाहिती अधिकारी

तथा

उपकार्यकारी अभियंता

खडकवासला पाटबंधारे विभाग,

पुणे-11

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

THROUGH PHYSICAL HEARING (WITH HYBRID OPTION)

\*\*\*\*\*

**Original Application No.50/2020(WZ)  
I.A. No.71/2020(WZ) & I.A. No.55/2023(WZ)**

**IN THE MATTER OF:**

**MR. TANAJI BALASAHEB GAMBHIRE**

R/o- CTS-296, Shukrawar Peth, Flat No.16,  
Laxmi Apartment, White House Lane,  
Near Shivaji Maratha High School,  
Pune- 411 002.

**.....Applicant**

*Versus*

- 1. THE CHIEF SECRETARY,**  
Government of Maharashtra,  
Annex Building, Mantralaya, Fort,  
Madham Kama Road, Mumbai-400 032.
- 2. THE PRINCIPAL SECRETARY, ENVIRONMENT DEPT.**  
Government of Maharashtra,  
Room No. 217, 2nd Floor, Annex Building,  
Mantralaya, Mumbai-400 032, Maharashtra
- 3. STATE LEVEL ENVIRONMENT IMPACT ASSESSMENT  
AUTHORITY- MAHARASHTRA (SEIAA)**  
Through Member Secretary  
15th Floor, New Administrative Building,  
Mantralaya, Mumbai-400 032, Maharashtra
- 4. MAHARASHTRA POLLUTION CONTROL BOARD**  
Through Member Secretary,  
Kalptaru Point, 3rd Floor, Near Sion Circle,  
Opp. Cine Planet Cinema, Sion (E),  
Mumbai-400 022, Maharashtra
- 5. MAHARASHTRA POLLUTION CONTROL BOARD**  
Through Regional Officer  
Jog Centre, 3rd Floor, Mumbai-Pune Old Highway,  
Wakadewadi, Pune-411 003, Maharashtra
- 6. THE SECRETARY, URBAN DEVELOPMENT DEPT.**  
Government of Maharashtra,  
4<sup>th</sup> Floor, Annex Building,  
Mantralaya, Mumbai-400 032, Maharashtra
- 7. MUNICIPAL COMMISSIONER-PCMC**  
Pimpri-Chinchwad Municipal Corporation,

50. We find that vide earlier order, this Tribunal had also directed the Joint Committee to visit the site in question and submit its report, which report is found to be there on record at page nos.297 to 307 of the paper book, which has already been reproduced by us above. In their conclusion, the Committee has recorded that the Gat No.90 falls between the river bank and blue flood line of Indrayani River, which is a prohibited zone and that as per the Circular of the Government of Maharashtra, Water Resources Department and “Guidelines for restriction on Construction in flood prone area and demarcation of flood line to avoid damages due to flood, permissible land use in prohibitive zone and restrictive zone” dated 03/05/2018, the area under reference falls under blue flood line of Indrayani River. Hence, the filling and construction done in the blue flood line of Indrayani River should immediately be removed.

51. Therefore, we are of the view that certainly all the structures not only that of the Private Respondents, who are made parties herein but of others as well, which are found lying within the river bank and blue flood line of the River Indrayani, need to be demolished at the earliest. This act has to be performed by the respondent Nos.7 & 8- PCMC being the Controlling Authority. Regarding it, we find that respondent Nos.7 & 8- PCMC has already taken several steps by issuing notices to the parties concerned. But why they have not proceeded ahead, is not made clear. Therefore, we are also of the view that a timeline has to be prescribed for giving effect to this direction, which, in our estimation, should be within six months from the date of uploading of this Judgment, in accordance with law following full procedure including issuing show cause notices, if any, and providing an opportunity of hearing to the parties affected.

52. Now, we would like to take into consideration the issue as to from whom the amount of EDC is required to be levied, which according to the

Joint Committee Report is proposed to be Rs.5 Crores, to be levied from the respondent Nos.12 & 13. In this regard, we are of the view that these two respondents had only sold the land but construction has been made by the Private Respondents, which is also evident from the conclusions and recommendations of the Joint Committee. But we do not find any evidence to have been led in support of this conclusion drawn by the Joint Committee. Nowhere has it come **in** record that they have raised any construction except the plotting work. Therefore, if at all any debris might have been thrown on the banks of River Indrayani, the same can be clearly concluded to have been thrown by the parties, who have raised construction over there. Therefore, the owners of 29 bungalows certainly might have been thrown construction debris and apart from that, any other construction, which has come subsequently, they may also be held liable for throwing debris at the site in question. Therefore, all of them may be taken to be collectively responsible for causing environmental damage and must be held to suffer levying of an EDC amount from them proportionately. As to how much amount comes to the share of which party, to be deposited, has to be ascertained by the respondent Nos.7 & 8-PCMC, within a period of six months from the date of uploading of this Judgment based on the basis of total built up area of the individual plots.

53. In view of above, we dispose of this application with the following directions:-

- (i). All the illegal constructions of bungalows and other structures found to be there within the Survey No.90(Part), which fall within river bank and blue flood line of Indrayani River including those of 29 bungalows of the respondents, who have been impleaded **herein** and other bungalows, if any, are found to be there, shall be demolished by the respondent Nos.7 & 8-

PCMC within a period of six months from the date of uploading of this Judgment, in accordance with law and after providing an opportunity of hearing to the affected persons.

- (ii). We further direct that the respondent Nos.7 & 8- PCMC shall also levy the amount of EDC, which has been calculated by the Joint Committee to be Rs.5 Crores, from all the Private Respondents, who have raised construction over there and if any other respondent is found to have raised construction in the meantime, the amount shall be realized proportionately on the yardstick of plot area. This activity shall also be completed within a period of six months from the date of uploading of this Judgment.
- (iii). Compliance report thereof shall be submitted by the respondent Nos.7 & 8- PCMC to the Registry of this Tribunal within a period of one month after expiry of the above-mentioned period.

54. All pending applications, if any, also stand disposed of.

Dinesh Kumar Singh, JM

Dr. Vijay Kulkarni, EM

July 01, 2024  
Original Application No.50/2020(WZ)  
I.A. No.71/2020(WZ) & I.A. No.55/2023(WZ)  
P.Kr.

t.c.

