

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL**  
**WESTERN ZONAL BENCH AT PUNE**  
**ORIGINAL APPLICATION NO. 28 of 2020**

**IN THE MATTER OF:-**

SARANG YADWADKAR AND ORS. ...APPLICANTS

Versus

PUNE MUNICIPAL CORPORATION & ORS. ...RESPONDENTS

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THROUGH

*Rahul Choudhary*

**RITWICK DUTTA**

**RAHUL CHOUDHARY**

**ADVOCATES**

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**Place: Pune/Delhi**

**Date: 07.03.2022**

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL  
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**REJOINDER TO REPLY DATED 04.01.2022 FILED TO THE LIST OF  
DATES AND SUBMERGENCE PLAN**

**MOST RESPECTFULLY SHOWETH:**

1. That the above titled Application has been filed under Section 14, 15 and 20 of the National Green Tribunal Act, 2010 against the construction of the Pune Metro (hereinafter referred to as '**impugned** project') within the Blue Flood Line or the 'prohibitive zone' of the Mutha and Mula- Mutha rivers. That the applicants herein are seeking an alternative alignment of the Pune metro for the safety of the lives of the citizens in large and protection of ecologically sensitive floodplains.
2. The Applicant had submitted a detailed chronology of events so as to highlight the distinct and definite impacts of the impugned project on increase in likelihood and intensity of flooding in thickly populated areas of Pune. That Respondent No. 6 i.e. MMRCL filed a reply to the list of dates of the Applicant on 04.01.2022.
3. It is submitted that the contents of the affidavit of R-6 are denied in entirety, unless specifically admitted.
4. It is submitted that the Applicant filed the Report dated 11.01.2021 filed by Central Water and Power Research Station (hereinafter referred to as '**CWPRS**') wherein the additional water spread levels likely to be caused due to construction of the impugned project within riverbed was

computed. The Report illustrates in a tabular format the water spread for discharge of 1,00,000 ft<sup>3</sup>/S:

<b>Location</b>	<b>Water Spread After introduction of Metro Pier (M)</b>	<b>Water Spread Before introduction of Metro Pier (M)</b>	<b>Additional Water spread due to metro construction (M)</b>
P 159	285.24	263.04	<b><u>22.20 (73 Ft.)</u></b>
P 160	283.31	262.70	<b><u>20.61 (68 Ft.)</u></b>
Z Bridge	325.40	295.56	<b><u>29.84 (98 Ft.)</u></b>
P 167	287.39	222.63	<b><u>55.76 (183 Ft.)</u></b>

It is submitted that the construction of the impugned project will lead to submergence of very large section of the city.

5. Thereafter, the Applicant filed one RTI Application dated 19.07.2021 before the Divisional Commissioner, Pune Division and another RTI Application dated 18.08.2021 before the MMRCL asking for "*any scientific data/ study/ research etc. which proves that the CWPRS Report No. 5886 is wrong/ unscientific/ erroneous.*" However, no information on the same was made available. It is submitted that these RTI Applications were filed as abundant caution on the part of the Applicant who wanted to check the veracity of the Report. The submission by Respondent No. 6 in Para 8 that an erroneous question was asked by the Applicant is denied in entirety.
6. That reference to the submergence plan prepared on the basis of the CEPRS Report shows that a large part of the city will be submerged if the impugned project is allowed to continue. Therefore, the submission by Respondent No. 6 in para 9 that the project is being carried out with utmost care for the environment is faulty and misleading.
7. It is submitted that the abovementioned Table taken from the CWPRS Report shows that at locations P-159, P-160, Z bridge and P-167, the additional water spread due to metro construction will be 73 ft, 68 ft,

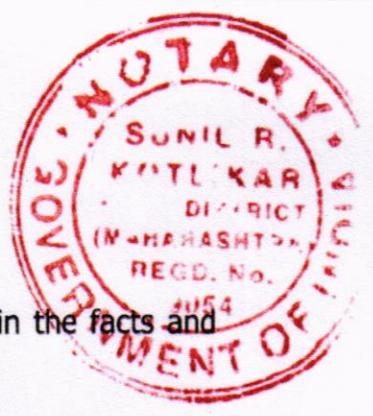
98 ft and 183 ft respectively. It is submitted that even though a submergence of 183 ft is only at one location, other locations will also be substantially submerged.

8. With regard to the veracity of submergence plan, it is submitted that the submergence plan was prepared as per the information available in the CWPRS Report. No new information was used in preparation of the submergence plan and the same can be verified from the information, as made available by CWPRS.
9. It is submitted that the CWPRS Report clearly states that there will be submergence upto a level of 183 ft if the impugned project is allowed to operate. MMRCL, vide its Reply dated 25.09.2020 has admitted to misrepresentation and to the fact that they provided incorrect data regarding river widths (25.33% in excess) to the Expert Committee, which led to unrealistically low submergence being computed due to the impugned project. On the recommendation of the Third Expert Committee, CWPRS submitted its Report which clearly showed the high level of submergence. The recordings of the Expert Committee were on the basis of the information provided by MMRCL and therefore cannot be relied upon.
10. It is submitted that the threshold for 60,000 cusecs of discharged can only be breached once in every 25 years, while the 1,00,000 cusecs discharge threshold can be breached once in 100 years. However, by their own admission, Respondent No. 6 has said that the threshold for 60,000 cusecs of discharge has been breached 4 times in the last 56 years. This comes down to an average of once every 14 years. Therefore, it is submitted that the risk of submergence of certain areas in the city of Pune is higher.

In light of above, it is submitted that the reply of Respondent No. 6 is faulty and filed with an intention of misleading the Hon'ble Tribunal. The impugned project poses danger to the people and the ecology of the city of Pune due to the construction of the Pune Metro within the Blue Flood Line or the 'prohibitive zone' of the Mutha and Mula- Mutha rivers.



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

*[Handwritten signature]*  
11/2/22

**APPLICANT NO. 1**

**THROUGH**

*[Handwritten signature]*

**RITWICK DUTTA**

**RAHUL CHOUDHARY**

**ADVOCATES**

COUNSEL FOR THE APPELLANT  
N-71, LGF, GREATER KAILASH-1  
NEW DELHI-110048

**BEFORE ME**

*[Handwritten signature]*  
11/2/22

**SUNIL R. KOTLIKAR**  
NOTARY, GOVT. OF MAHARASHTRA  
MUMBAI DISTRICT (MAHARASHTRA)  
REGD. NO. 4154



977

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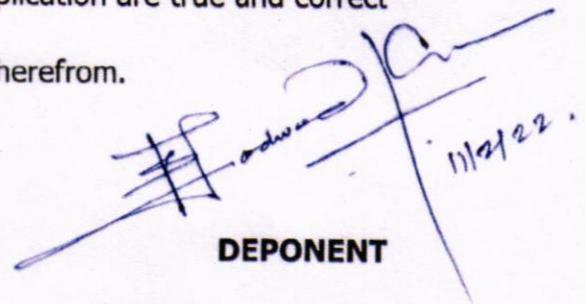
PUNE MUNICIPAL CORPORATION & ORS.

...RESPONDENTS

**AFFIDAVIT**

I, Sarang Yadwadkar, r/o A-9, Pradnyangad Apartments, S. No. 119/3  
Sinhgad Road do hereby solemnly affirm and declare as under:

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

  
DEPONENT

**VERIFICATION**

Verified on this 11<sup>th</sup> day of February 2022 that the contents of the present  
Affidavit are true and correct to my knowledge and belief and nothing  
material is concealed therefrom.

  
DEPONENT