

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL

WESTERN ZONE BENCH

ORIGINAL APPLICATION No. 52 of 2023

Krunnal Narayan GharreApplicant

Versus

PMC & Ors.Respondents

MOST RESPECTFULLY SHEWETH:

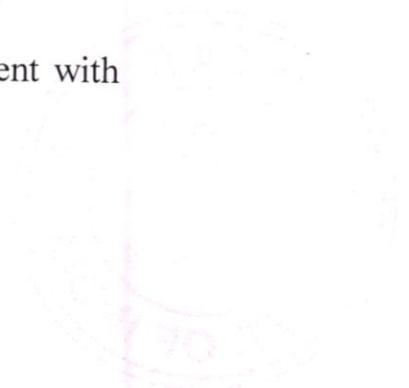
I, Dinker Gojare, Age: 54 years, Superintendent Engineer (Drainage maintenance and repairs Department), Pune Municipal Corporation do state on solemn affirmation as under:

1. It is submitted that I am working as Superintendent Engineer (Drainage maintenance and repairs Department), Pune Municipal Corporation (Henceforth referred as "PMC" for the sake of brevity) and I am authorized to file an affidavit before the Hon'ble National Green Tribunal on behalf of Respondent No. 1 and 2, the PMC. The present Affidavit in Reply has been prepared on the basis of instructions



provided by me which are based on the information and documents made available to me.

2. I do have solemnly state that I am competent to swear this affidavit and this affidavit has been prepared on the basis of information given to me and documents made available to me.
3. I state that I am filing this Affidavit in Reply to the Original Affidavit No. 52 of 2023 filed by the present Petitioner before the Hon'ble National Green Tribunal, Western Zone Bench.
4. I state that the present matter is filed in relation to the pollution caused to the Ram Nadi Pune.
5. At the outset I deny all the contentions and/or statements and/or allegation contained in present Original Application to the extent those are contrary to and/or inconsistent with





what is stated in the present Affidavit. Nothing contained in the Original Application should deem to be admitted by the answering Respondent for the want of specific traverse unless the same would be specifically admitted herein below. I crave leave of this Hon'ble Tribunal to file an additional Affidavit as and when the occasion so arises.

6. I state that Ram Nadi originates at Khatapewadi, upper side of Bhugaon Talav, Taluka – Mulshi and it flows through Mouje Bavdhan (KH, BK), Sutarwadi, Someshwarwadi, Pashan inside PMC limit and it meets Mula River, at the confluence at Baner. From origin upto the confluence with Mula River, Ram Nadi is about 19.5 KM long, out of that around 8 kms RamNadi flows inside PMC limit and remaining in PMRDA limit.

7. I state that the sewerage from residential area of old PMC/Bavdhan (KH) limits is being collected through a main sewerage line, which is of about 1200 mm diameter for a

stretch of about 920 mtrs. and 1000 mm diameter for a stretch of about 1505 mtrs. The said sewerage line collects sewerage water from all other sewerage lines and takes the same to the STP Plant at Baner, after the treatment from the said plant the water is released inside the Mula Nadi.



8. It is submitted that the sewerage water used to be released in Ram Nadi from the Bhukum, Bhugaon region which is inside the PMRDA limits. At Left bank of Ram Nadi from the region Bavdhan (Bk), Bhukum Bhugaoan also the sewerage water used to directly released in the Ram Nadi, the said locations lies inside PMRDA limits. I say that vide letter dated 25/07/2017, Addl. Commissioner, PMC has communicated the Chief Executive Officer, PMRDA about the said fact. I say that even vide letter dated 07/05/2018, the Chief Engineer, Water Supply and Drainage Department, PMC has communicated a reminder to the Chief Executive Officer PMRDA. I say that even vide letter dated 29/11/2023, the Executive Engineer, Drainage maintenance



and Repair Department, PMC has communicated a reminder to the Bhugaon Gram Panchayat. I say that even vide letter dated 06/12/2023, the Superintendent Engineer, Drainage maintenance and Repair Department, PMC has communicated a reminder to the Chief Executive Officer PMRDA.

9. It is submitted that through PMC CARE PORTAL, vide token no. WA95539 dated 16/12/2022 a complaint contending that sewerage line is broken at Ram Nadi underpass ^{was} is received. In pursuance of the said complaint, PMC officials and the complainant/applicant herein had taken Joint Inspection. After that on 26/12/2022 the complainant has been informed by the PMC that since the sewerage water is releasing in Ram Nadi at Bhugaon and Bhukum and other areas which are inside the Pune Metropolitan Region Development Authority (PMRDA), hence the said complaint is concern with PMRDA.

10. It is submitted that in the year 2021 total 23 villages have merged inside the PMC limits, out of those, Bavdhan Budruk (BK) also one of them. PMC has completed the Detailed Project Report (DPR) in relation to the sewerage/ Drainage line for the said 23 villages. According to that proceedings are underway to make a budget provision for the said work. Also pmc is now in process to prepare the Detailed Project Report (DPR) in relation to the Storm water line for the said 23 villages.

11. In pursuance of the said complaint, at S.No. 25, 38, 45, 47,49, 67, Bavdhan Khurd and National Highway to Municipal Corporation Limits for the said stretch to construct a sewerage line a tender was issued by the PMC and on 20/04/2023 the work order has already been issued to the contractor. It is relevant to be noted that the said work order has been issued at the urgent basis, considering the urgency and diligence with respect to the complaint dated 16/12/2022 filed by the Petitioner herein. It is pertinent to be





noted that the work of construction of sewerage line at Ram Nadi underpass (18.512848, 73.769347) has been completed on dated 24/07/2023. Similarly the 700 running meter long and 450 mm diameter sewage pipeline existing in the right bank of Ramnadi has been washed away or has gone out of order and the work of laying 450 mm and 600mm diameter pipeline is completed on 23rd October 2023.

12.It is submitted that earlier sewerage line which was of the stretch of around 400 mtrs and of 450mm diameter has been broken, vide complaint dated 16/12/2022, the said contention is raised by the Petitioner herein.It is to be noted that under the aforesaid work, the said broken sewerage water line willbe replaced by the construction of new sewerage line, which will be of somewhere 900 mm and 600 mm of diameter. It is to be noted that as stated earlier out of total 19.5 km stretch of Ram Nadi about 8 km stretch is inside the PMC limits and the rest lies inside Bhugaon, Bhukum Taluka Mulshi which is not inside the limits of PMC (but

which is in PMRDA limits). It is pertinent to be noted that to address the issue raised in present Original Application, both side of Ram Nadi, the sewerage lines must be developed.



13. Vide token no. 83111 dated 13/02/2023 through PMC CARE PORTAL PMC received a complaint, that sewerage water is flowing through storm-water line at Vidnyan Nagar, Bavdhan (18.515778, 73.777791).

14. It is submitted that on 30/06/2023, along with the Complainant, concerned PMC officers did a joint inspection to the Vidnyan Nagar, Bavdhan (18.515778, 73.777791).

15. It is submitted that on receipt of the said complaint, Among 02 leakages in the drainage line one of the leakage in the existing storm water chamber in the L M D Square, Bavdhan area in the said vicinity has been stopped on date 4th September 2023. About second leakage, work is going on and is likely to be completed in 20 days.



16. It is to be noted that vide final Judgment and Order dated 26/09/2022 passed in Original Application No. 90 of 2022, this Hon'ble Tribunal directed that a specific River Management and Rejuvenation Committee be set up for rivers namely Mula and Ramnadi. Further directed that said Committee to address the problems arising with respect to cleaning the riverbeds as well as the banks of the rivers and take necessary measures in that regard, the directions regarding the regular meeting has also be made vide said orders.

The relevant part of the said order is quoted herein as below,

Quote

“A specific River Management and Rejuvenation Committee be set up for rivers namely Mula and Ramnadi, which shall comprise of atleast one member each from State Pollution Control Board, Pune Municipal Corporation, Pimpri-Chinchwad Municipal Corporation, Collector, Pune, Water Resources Department, Pune Cantonment Board and Khadki Cantonment Board. The Divisional Commissioner shall be

the Chairperson of the said Committee. This Committee shall hold meetings every three months in order to appreciate the problems arising with respect to cleaning the riverbeds as well as the banks of the rivers and take necessary measures in that regard consistently. The Committee shall also take care of the redressal of the grievances raised by the public, if any. The Committee shall be constituted within a period of one month". Unquote

Hereto annexed and marked as a Annexure R-1 is a Copy of Judgment and Order dated 26/09/2022 passed in Original Application No. 90 of 2021 passed by this Hon'ble Court.

17. It is submitted that this Hon'ble Tribunal has already considered the issues raised in present matter after that vide their above said order directed to constitute a committee to deals with the same issues. Therefore this Hon'ble Tribunal may kindly be direct the present matter be considered by the said committee.



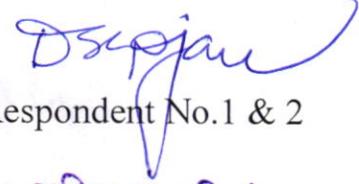
18. It is submitted that at the very first instance PMC has taken cognizance of the complaint received by the Petitioner and has already started a work to provide relief as sought under the said complaint. PMC will be always subject to the order passed by this Hon'ble Tribunal therefore no adverse order may be passed against PMC.

Pune

Date: 14/03/2024



Advocate for the Respondent No. 1 & 2



Respondent No.1 & 2

अधिक्षक अभियंता

मलनि: सारण देखभाल व दुखस्ती विभाग
पुणे महानगरपालिका



VERIFICATION

I, Dinkar Gojare, Age: 54 years, Chief Superintendent Engineer (Drainage maintenance and repairs Department), Pune Municipal Corporation, the authorized signatory for PMC, do hereby state on solemn affirmation that what is stated in Para No. 01 to 18 are true and correct to my own knowledge and belief.

Solemnly affirmed at Pune)

This 14th day of March, 2024)



Rgare

Advocate for the Respondent No. 1 & 2

BEFORE ME

14/3/24
**MRS. KRUPA B. PATIL
ADVOCATE & NOTARY
GOVT. OF INDIA
PUNE DISTRICT**

NOTED & REGD.

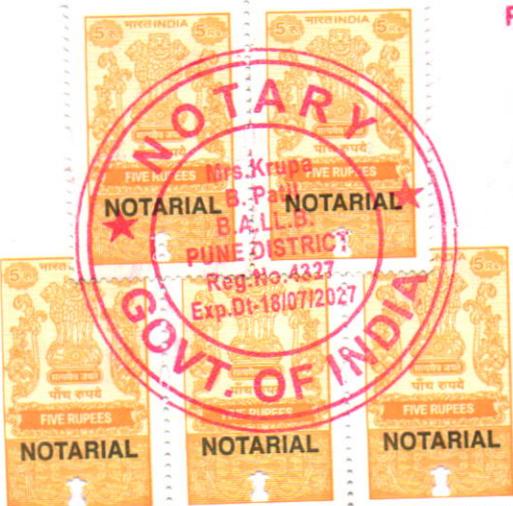
Sr.No. A022/24

14 MAR 2024

Dseppan

Respondent No. 1 & 2

अधिक्षक अभियंता
मलनि: सारण देवभाल व दुखस्ती विभाग
पुणे महानगरपालिका



Item No.7

(Pune Bench)

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

(By Video Conferencing)

ORIGINAL APPLICATION NO.90 OF 2021 (WZ)
[Earlier O.A. No. 293/2021 (PB)]

1. Shailaja Deshpande,
8, 2nd Floor, Ankur Apartment,
Sanewadi, Aundh,
Pune – 411007
2. Pushkar Kulkarni
3. Shubha Kulkarni
4. Prachi WakaleyApplicants

Versus

1. Maharashtra Pollution Control Board,
Kalpataru Point, 3rd and 4th Floor,
Opp. Cine Planet, Sion, Mumbai
2. Divisional Commissioner, PuneRespondent(s)

Date of hearing: 26.09.2022

**CORAM: HON'BLE MR. JUSTICE DINESH KUMAR SINGH, JUDICIAL MEMBER
HON'BLE DR. VIJAY KULKARNI, EXPERT MEMBER**

Applicants : Applicants in person present
Respondent : Mr. Aniruddha Kulkarni, Advocate for R-1/MPCB
Mr. Rahul Garg, Advocate for Pune Municipal Corporation

ORDER

1. A letter dated 07.01.2021 was received from four applicants namely Shailaja Deshpande, Pushkar Kulkarni, Shubha Kulkarni and Prachi Wakale, who are citizens of Pune, in connection with the flood risks across the city, particularly due to construction near existing bridge of D-Mart at Aundh and also the altered buffer zone at confluence of Mula and Ramnadi. The following problems were highlighted in this letter:-

- “(i) Huge concrete slabs are laid in the river blocking the flow of the river;
- (ii) There are also huge piles of soil and debris, rubble dumped at corners;
- (iii) Citizens are facing huge problems with foul smell and water hyacinth and mosquitoes due to rampant growth of water hyacinth in this patch due to clogging of the river;
- (iv) Lot of dumping in Mula riverbed upstream has also been noticed near confluence during illegal sand mining happened at the confluence area of Ramnadi and Mula rivers in April, 2020.”

2. Upon receipt of this letter, the Principal Bench had registered it as Original Application No.293 of 2021, which was later on transferred to this bench as is reflected from letter dated 18.11.2021 and as per the directions of Principal Bench, it has been registered as Original Application No.90 of 2021.

3. On the initial date of hearing i.e. 10.11.2021, following direction was issued by the Principal Bench:-

“Let the State PCB in coordination with the Divisional Commissioner, Pune and other authorities ascertain facts and take remedial action in accordance with law. A factual and action taken report may be furnished to the Pune Bench within two months by e-mail at ngt-pune@gov.in.”

4. Pursuant to above direction, a Joint Committee report has been submitted, making following observations and recommending short term measures and long term measures:-

Sr. No.	Name of Location	Observations	Short term measures recommended by the Committee	Long term measures recommended by the Committee
1.	Bridge on Ramnadi near Confluence and Vidhate vasti (Site	a. Due to dumping of debris, width of Ramnadi is reduced and obstructing natural river water flow.	a. Pune Municipal Coporation shall complete construction of manholes &	a. Pune Municipal Corporation shall remove old & redundant (used) chamber & drainage pipes in

	<p>photographs are enclosed and annexed as Annexure IV)</p>	<p>b. Temporary kaccha road is constructed on right side of Ramnadi bank, for the construction of manholes & drainage line by Pune Municipal Corporation, which will create obstruction for natural water flow in river during rainy season.</p> <p>c. Pedestals constructed during construction of bridge, which is not removed causing obstruction for water flow in river during rainy season.</p> <p>d. Old & redundant (used) chambers & drainage pipes are observed in riverbed, which are not removed by Pune Municipal Corporation thereby causing obstruction for natural water flow in river during rainy season.</p>	<p>drainage line on priority basis and remove temporary roads constructed in Ramnadi as per approved DPR or sanction plan from competent authority.</p> <p>b. Pune Municipal Corporation shall close all access road and restrict entry of illegal trucks/trolley for disposal of waste material on both bank of river.</p>	<p>riverbed.</p> <p>b. Pune Municipal Corporation shall install Geo fencing along the bank of River Ramnadi.</p> <p>c. The equilibrium of the river which is compromised due to debris dumping; needs to be restored by Pune Municipal Corporation.</p>
2.	<p>Confluence of Ramnadi & Mula River (Site photographs are enclosed and annexed as Annexure V)</p>	<p>a. Applicant mentioned that illegal sand mining was carried out in past on 20 & 21 November 2020 and FIR has been filed by local residence - During the site visit sand mining was not observed, however, extracted unwanted material from sand mining activity found dumped in the river bed, which will create obstruction for natural water flow in river during rainy season.</p>	<p>a. Illegal mining shall be stopped immediately by Mining Department, Collector Office, Pune.</p> <p>b. Stop disposal of debris on the bank to avoid blockages of natural live springs by both local bodies.</p> <p>c. Remove extracted,</p>	<p>a. To avoid illegal mining Geo fencing shall be provided on both the bank of river by Pune Municipal Corporation and Pimpri-Chinchwad Municipal Corporation.</p> <p>b. Not to dispose partly treated and untreated domestic wastewater into river by Pune Municipal Corporation and Pimpri-Chinchwad Municipal Corporation in the</p>

		<p>b. Due to disposal of debris on the bank of river, natural live springs was found blocked.</p> <p>c. Water hyacinth growth was observed at some laces, due to disposal of partly treated and untreated domestic waste water by Pune Municipal Corporation and Pimpri-Chinchwad Municipal Corporation</p>	<p>unwanted material generated during the past sand mining immediately by Mining Department, Collector Office, Pune and Pune Municipal Corporation.</p> <p>d. Water hyacinth shall be removed by Pune Municipal Corporation and Pimpri-Chinchwad Municipal Corporation, and they shall take necessary measures and precaution to avoid the growth of water hyacinth. The concerned local body shall give the responsibility to the concerned Dy. Commissioner so that there shall not be growth of water hyacinth in future.</p> <p>e. To avoid direct discharge of untreated domestic waste water in river, both local bodies should take short term measures like</p>	<p>Mula River to keep clean river and to control growth of water hyacinth. For the same local body shall prepare time bond action plan.</p> <p>c. Riparian zone shall be maintained through farming on the bank of River by both local bodies.</p> <p>d. Existing encroachment in the flood zone and flood lines need to be retrofitted by local bodies.</p>
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			<p>nalla in situ treatment by construction of temporary bunds. Removing of floating materials, provide temporary aeration system by using D.G. sets.</p> <p>f. Local bodies shall provide wire mesh fencing along the bridge side margin to avoid unscientific disposal of Solid Waste by the residence in the vicinity.</p>	
3.	Baner STP	<p>a. Not achieving consented standards.</p> <p>b. Not reusing treated water of Baner STP</p>	<p>a. Pune Municipal Corporation shall operate & maintain Baner STP round the clock to achieve consented standards.</p> <p>b. Reuse and recycle treated water of Baner STP to maximum extent for secondary purpose like construction project. RMC's plant, gardening purpose.</p> <p>c. For reuse and recycle purpose, Pune Municipal</p>	<p>Pune Municipal Corporation shall upgrade existing Baner STP to achieve consented standards and install tertiary treatments as per CPCB guidelines. Confluences are ecologically very sensitive areas because all these interventions together may have increased cumulative impact of the flood risk.</p>

			Corporation shall provide facility to the users motivate and give wide publicity by providing the display board at the prominent locations.	
4.	Pimple Nilakh STP	<p>a. Not achieving consented standards.</p> <p>b. Not reusing treated water Pimple Nilakh STP.</p>	<p>a. Pimpri-Chinchwad Municipal Corporation shall operate and maintain Pimple Nilakh STP round the clock to achieve consented standards.</p> <p>b. Reuse and recycle treated water of Pimple Nilakh STP to maximum extend for secondary purpose like construction project, RMC plant, gardening purpose.</p> <p>c. For reuse and recycle purpose, Pune Municipal Corporation shall provide facility to the users motivate and give wide publicity by providing the display board at the prominent locations.</p>	<p>Pimpri-Chinchwad Municipal Corporation shall upgrade existing Pimple Nilakh STP to achieve consented standards and tertiary treatments as per CPCB guidelines. Confluences are ecologically very sensitive areas because all these interventions together may have increase cumulative impact of the flood risk.</p>

5.	Mula riverbanks (Site photographs are enclosed and annexed as Annexure VI)	On the both sides of the bank of Mula river debris observed which obstructing river water flow during heavy rain fall & occur flooding situation.	Pune Municipal Corporation & Pimpri-Chinchwad Municipal Corporation shall obstruct the illegal dumping of debris on river banks	Pune Municipal Corporation & Pimpri-Chinchwad Municipal Corporation shall remove all illegal dumping debris immediately and bring river to its original position.
6.	Aundh-Sanghavi - D Mart Bridge (Site photographs are enclosed and annexed as Annexure VII)	<p>a. Coffor Dam constructed during construction of bridge were not removed fully, concrete pedestals used for shturing were left in the riverbeds, causing water stagnation in river flow & flooding during monsoon.</p> <p>b. Debris dumped on both the banks of River.</p> <p>c. Debris dumped in high flood line in huge quantity.</p> <p>d. Due to disposal of debris on the bank of river, natural live springs was found blocked.</p> <p>e. In front of storm water drainage, debris are dumped, which may carry, along with rainwater into the river.</p>	<p>a. Debris dumped on both the banks of River shall be removed immediately by both local bodies.</p> <p>b. Not to dispose any debris and unwanted material along the bank of river and in high flood line area.</p> <p>c. Debris dumped in front of storm water drain shal be removed immediately by Pune Municipal Corporation.</p> <p>d. Pune and Pimpri Municipal Corporation shall take necessary measures and precautions so as to avoid the disposal of unwanted material and</p>	<p>a. Remove all coffer dams fully, constructed on Ramnadi & Mula river also, remove concrete pedestals, constructed during construction of Bridge by both local bodies.</p> <p>b. Rejuvenate natural live springs, by removing debris and waste materials.</p> <p>c. As existing spring on left bank of Mula river is concretized, need to locate the shallow aquifer discharge area and reactivating the spring/discharge (with the help of GSDA Groundwater Surveys and Development Agency/CGWBA Central Ground water Board/ACWADAM Advanced Centre for Water Resource Development and Management) Rest of springs in the stretch need to be revived, restored</p>

			debris on the bank of river.	and managed with the help of experts.
7.	Aundh Ghat Smashan Bhoomi (Site photographs are enclosed and annexed as Annexure VIII)	Temporary concrete structure near Rajiv Gandhi bridge is observed which was constructed by MJP in past for laying of pipeline in the river there by causing major obstructions in river for natural water flow and created pond effect.	MJP shall remove temporary structure (near Rajiv Gandhi bridge) constructed for laying of pipeline in the river immediately	--

“Pune Irrigation Division, Pune -01, vide letter dtd.04.07.2022 submitted that: -

Large amount of filling has been done on the river side at Wakad K. T. Weir near Survey No. 40,47/1/2, 48 and 50 in Balewadi (Approx.750 Cum).

The flow of Dev River is obstructed by filling the area around confluence of Dev River and Mula River in Baner. (Approx. 250 Cum).

Near the confluence of Ram River and Mula River, a road has been constructed in blue line with a large amount of embankment (Approx. 12000 Cum).

Large number of parking lots for vehicles and slums have been observed that had been constructed on Mula Mutha River Confluence (Appro. 20000 Cum).

Large embankment has been observed had been constructed besides Dr. Babasaheb Ambedkar Bridge near Survey No. 65/1/B of Pimple Nilakh, Pimpri Chinchwad Municipal Corporation (Appro. 10000 Cum).

In Pimple Nilakh boundary, in Survey No. 7, space has been created for RMC plant by filling up the river side (Appro. 400 Cum).

(Copy of the said letter enclosed and annexed as Annexure IX)

4.0 Conclusion and recommendations:

The committee during visit observed that:-

- a. Debris and unwanted material observed on the bank of Ramnadi within the area of Pune and Pimpri-Chinchwad Municipal Corporation.
- b. Old and redundant structures were observed in the river and on the bank of rivers.
- c. Water hyacinth were observed in the Mula river.
- d. Sub standards domestic effluent observed

discharging into Ramnadi and Mula river by both the local bodies.

In view of the above the committee recommended to implement Short- term and long-term measures mentioned in para 3.0 as above on urgent bases by concern local bodies. Use of prohibitive Zone is only in the form of open land, there will be no obstruction in the natural flow of river and reduction in carrying capacity of river and there will be no change in the cross section of river. Prohibitive Zone means area between blue line. Accordingly, if any construction, encroachment in blue line area both local bodies shall remove the same and bring river to its original status.”

5. Thereafter, Action Taken report is also submitted, which is as follows :-

“In the meeting of the Joint Committee held under the chairmanship of Hon’ble Divisional Commissioner on 24/02/2022, as per the directions of Hon’ble Divisional Commissioner, the Joint Committee has submitted an application by visiting Ram River and Mula river bank and area from Baner to Aundh on 25/02/2022. The issues raised by the Maharashtra Pollution Control Board and the respective details are as follows :

Sr. No.	Point	Details
1.	Length & Width of Ramnadi from Baner upon confluence to Mula River	It falls under jurisdiction of Khadakwasala Irrigation Division, Pune. The information soon will be furnished by them.
2.	Length & Width of Mula River from Baner to Aundh	Mula river Length 57 Km, Length of river in PMC and PCMC 22.5 Km
3.	No. of bridges constructed on this Mula river and Ramnadi bank (Baner to Aundh)	<u>Mula River</u> – Hinjewadi bridge – 03 Nos. Baner Wakad – 01 No. Dr. Babasaheb Ambedkar bridge – 01 no. New bridges near D-mart Aundh – 02 nos. Rajiv Gandhi bridge, Aundh – 01 No. Spicer college bridge – 01 no. Bridge near Bopodi – 01 No. and Bridges near Harish Bridge Railway – 02 Nos.
4.	No. of Coffer Dam constructed on this river bank (Baner to Aundh)	Coffer Dam was constructed during construction of bridge was done. After completion of works partly coffer dam were removed. Concrete pedestals used for shturing were left in river bed causing water stagnation in river flow and flooding during monsoon.
5.	Locations & quantity of debris, waste dragging sand, construction & demolition waste dumped	Locations were identified by joint inspection of PMC, PCMC & Irrigation Department officers as listed below: 1. Large amount of filling has been

	<p>in the river bed and on the bank of river (Baner to Aundh)</p>	<p>done on the river side at Wakad K.T. Weir near Survey No.40, 47/1/2, 48 and 50 in Balewadi (Approx.750 cum)</p> <p>2.The flow of Dev River is constructed by filling the area around confluence of Dev River and Mula river in Baner (Approximately 250 Cum)</p> <p>3. Near the confluence of Ram river and Mula river, a road has been constructed in blue line with a large amount of embankment. (Approximately 12,000 cum)</p> <p>4. Large number of parking lots for vehicles and slums have been observed that had been constructed on Mula Mutha river confluence (Approximately 20,000 Cum)</p> <p>5. Large Embankment has been observed had been constructed besides Dr. Babasaheb Ambedkar bridge near Survey No.65/1/B of Pimple Nilakh, Pimpri Chinchwad Municipal Corporation (Approximately 10,000 Cum)</p> <p>6. In Pimple Nilakh boundary, in Survey No.7, space has been created for RMC plant by filling up the river side (Appeoximately 400 Cum)</p>
6.	<p>Access roads for the illegal transporter to dump debris in the river bed bank from Baner to Aundh</p>	<p>Access roads are made by local residents for dumping debris and soil on river banks temporary access roads are found in Ramnadi, Mula river during visit access roads should be removed immediately.</p>

As per prevailing rules of Maharashtra, responsibility for ownership of river nallas, illegal constructions done on and under it, removal of encroachments, removal of solid waste dumped in river nalla, removal of Debries is as follows:

- As per Sections 20 and 50 of the Maharashtra Land Revenue Act, 1966, the government lands are owned by the District Administration/ District Collector and they monitor the encroachments on rivers and streams in the city and solid waste in urban areas. It is important to get rid of them on time. These unauthorized encroachments are reported to the concerned District Collector, concerned Civil Government Institutions and Police Department from time to time through the Water Resources Department. However, no necessary action is being taken by the concerned department in this regard.

- Planning under Sections 52 and 58 of the Maharashtra Regional Planning and Suburban Planning Act, 1966, all constructions, fillings etc done without the permission of the department. They should understand the encroachments/unauthorized constructions and record the unauthorized constructions of these encroachments, serve notices and remove them with the help of District Administration Department, local Government police department etc. has been mentioned. Necessary as preventive action should be taken against the increaching encroachments and unauthorized constructions in the city as per this section.
 - As per Govt. Resolution No PuRNI-2018/(182/2018)Sinvya (Revenue) dated 03/05/2018 and PuRNI-2018/(182/243/89)Sinvya (Revenue) dated 10/07/2019 of Water Resources Department in order to avoid the potential danger of floods and to prevent any construction within the flood plain, it is necessary that local bodies shall give and control the permissions for construction in accordance with the guidelines given for floodline marking and use of prohibited and controlled areas in order.
 - As per Circular of Water Resources Department FDW-1089/243/89 SinVya (Works) dated 21/09/1989 and date 03/05/2018 and Maharashtra Institute of Engineering Research (MERI), Nashik Technical Circular Dh.Su.S./PraSha-4/1582 dated 16/11/2015 River water flood line has been fixed by the Water Resources Department. And this approved flod line plans are available on websites www.punefloodcontrol.com and <http://wrд.maharashtra.gov.in>.
 - Besides, all approved maps has also been made available separately to Hon. Joint Director, Town Planning Department, Pune. Hon. Commissioner, Pimpri-Chinchwad Municipal Corporation, Pune, Hon. Commissioner, Pune Metropolitan Region Development Authority, Pune, Hon. Commissioner, Pune Municipal Corporation, Pune and Hon. The office of the Collector, Collector's Office, Pune vide reference No.7 and 8.”
6. A communication is made by all the four applicants who had received the copy of the Joint Committee report, suggesting the measures which should be adopted in present case.
7. We have heard the applicants, Mr. Aniruddha Kulkarni, learned counsel for respondent No.1/MPCB and learned counsel Mr. Rahul Garg for Pune Municipal Corporation.
8. As per the Joint Committee report, which has been cited above, obstructions were noticed regarding which the short term measures and long

term measures have been shown and in that very report, it has been clearly stated in the conclusion that the debris and unwanted material was found on the bank of Ramnadi within the area of Pune and Pimpri-Chinchwad Municipal Corporation, old and redundant structures were observed in the river and on the bank of rivers, water hyacinth was also found in Mula river. The sub-standard domestic effluent was found discharging into Ramnadi and Mula river by both the local bodies.

9. The compliance/action taken report, which has been cited above, also shows that several steps were taken by the respondents in order to improve the condition of the rivers. But it is apparent that still, lot of work is required to be done. All the four applicants have shown satisfaction with the report which has been submitted by the Joint Committee and have stated in their reply dated 25.09.2022 that only point which is required to be taken into consideration is that no remedial action in accordance with law has been taken by the authorities. The short term measures and long term measures, which have been suggested in the report, do not have any time frame by which such measures should be adopted/implemented. Therefore, the applicants submitted that some time-line may be fixed for completion of the long term measures and short term measures.

10. In the light of facts of this case and the evidence which has come on record, we direct the respondents as follows:-

- (i) A vigilance monitoring system be established by way of geo fencing supported with CCTV coverage and police surveillance squad in order to check that no mining activity takes place in future;
- (ii) All the obstructions which have been noted in the Joint Committee report in point No.3 from Serial Nos.1 to 7 be removed within a period of four months;

- (iii) Whatever interventions are found along the river bank as are stated in point No.3 at serial Nos.1 to 7 be removed within a period of four months;
- (iv) Baner STP shall be upgraded as per the CPCB Guidelines within a period of six months;
- (v) A specific River Management and Rejuvenation Committee be set up for rivers namely Mula and Ramnadi, which shall comprise of atleast one member each from State Pollution Control Board, Pune Municipal Corporation, Pimpri-Chinchwad Municipal Corporation, Collector, Pune, Water Resources Department, Pune Cantonment Board and Khadki Cantonment Board. The Divisional Commissioner shall be the Chairperson of the said Committee. This Committee shall hold meetings every three months in order to appreciate the problems arising with respect to cleaning the riverbeds as well as the banks of the rivers and take necessary measures in that regard consistently. The Committee shall also take care of the redressal of the grievances raised by the public, if any. The Committee shall be constituted within a period of one month.

10. Let a copy of this order be sent to the Chief Secretary, State of Maharashtra for taking necessary steps as directed above.

11. With the above directions, we dispose of the Original Application. No cost.

Dinesh Kumar Singh, JM

Dr. Vijay Kulkarni, EM

September 26, 2022
Original Application No.90 of 2021
npj