

AFFIDAVIT IN REPLY TO O.A. NO. 904 OF 2023WZ NAGESH DHAMALE VS MPCB &
OTHERS

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL, WESTERN ZONE, BENCH AT PUNE

ORIGINAL APPLICATION NO 904 OF 2023WZ

Mr. Nagesh Vinayak Dhamale.

} Applicant.

VERSUS

Maharashtra Pollution Control Board, Mumbai & Others.

Respondents.

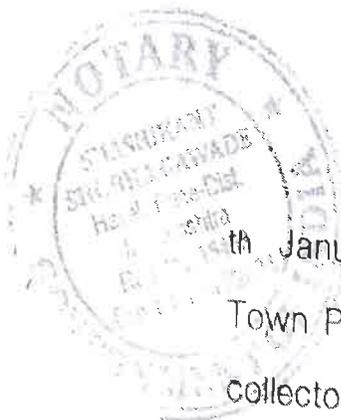
Affidavit in Reply to the Main Application on behalf of the R.N.8.

I, Sunil P. Marale, Metropolitan Planner, PMRDA, Respondent No.8 hereby is filing this Affidavit in Reply to the O.A. No.904 of 2023WZ without admitting anything not mentioned hereunder:

1. The main grievance of the Applicant against the R.N.8 is that it has made complaint to the R.N.9 to 8 about without obtaining Consent to Establish & Consent to Operate the R. N. 9 illegal Construction has been carried out as per the Notice dated 99th March, 2023. (Pages- 89 to 94 of the Application.)
2. The Applicant's complaint is against the R.N. 9 & 2 as well as against the R.N.4 for carrying out construction beyond 20000 Square Meters without Consent to Establish & Operate permissions and also violating the EC-Permission, for which no appropriate action has been initiated.
3. The PMRDA has been established by the State Government and has

been appointed as --the Special Planning Authority-- for development and be notified area from 29th March, 2014 vide Notification dated 90





th January, 2018. under section 80 of Maharashtra Regional And Town Planning Act 1956. Before the appointment of PMRDA the collector Pune was competent Authority to sanction plans in consultation with Assistant Director of Town Planning Pune. Accordingly Building Plan had been recommended by the Assistant Director, Town Planning, Pune on the basis of specific report submitted vide Letter dated 29-01-2018 respectively to District Collector, Pune with the Specific-Condition No.32 that without obtaining Prior Environment Clearance from the SEIAA, no construction or development should be undertaken. The R.N. 8 crave leave to refer to and rely upon the said letters when produced by the applicant/other respondents. The project proponent may kindly be directed to file all the documents in respect of whatever permissions (Consent and EC) obtained by him in this behalf.

8. The Building Permission Department of the PMRDA has referred the matter to the Unauthorized Illegal Constructions Department for initiating appropriate action against illegal construction if any carried out as per the provisions of the Maharashtra Regional & Town Planning Act, 1956. The Unauthorized/Illegal Construction Department has done site visit and will take appropriate steps as per the provisions of the Maharashtra Regional & Town Planning Act, 1956.

4. The area of 23 Villages along with the Manjari, Taluka- Haveli, District-Pune have now been notified in Pune Municipal Corporation Limits for which PMRDA is now appointed as a Special Planning Authority vide Notification No.TPS-9629/9969/CR-96/2029/UD-

१३ dated १४-०७-२०२१. A copy of the said Notification is enclosed & marked as an Annexure-R-१.

Dated this .. १५th of March, २०२४ at Pune.



For Respondent No.४.

Authorized Signatory.

VERIFICATION

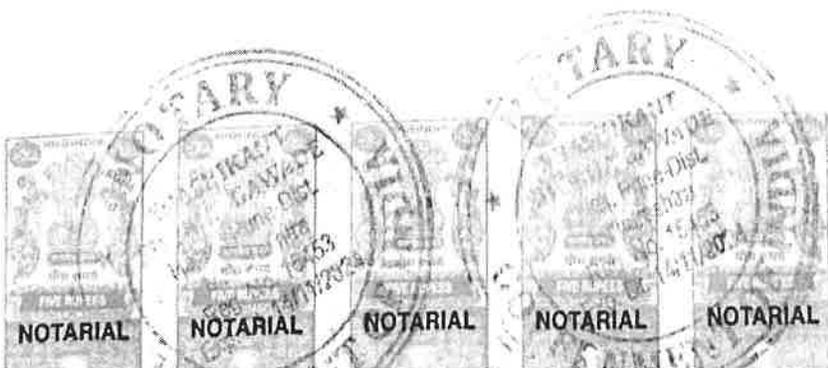
I, Sunil P. Marale, Metropolitan Planner, PMRDA, R.N.४ state that the contents of paragraph १ to ६ are true & correct to the best of my knowledge & belief. Annexure thereto are true office-copies with the PMRDA.



For Respondent No.४



NOTED & REGISTERED AT SR. NO. 662/2024



BEFORE ME

SHASHIKANT SRIDHAR GAWADE
NOTARY PUBLIC
GOVERNMENT OF INDIA
Rajiv Gandhi Soc., Waihetarwadi,
Chinchwad, Pune-411 033.

NOTIFICATION
GOVERNMENT OF MAHARASHTRA

Urban Development Department
Madaam Kama Marg, Hutatma Rajguru Chowk,
Mantralaya, Mumbai -- 400 032.
Dated -14.07.2021.



The Maharashtra Regional and Town Planning Act, 1966

No.TPS-1821/1167/CR-98/2021/UD-13 :- Whereas, in exercise of the powers conferred by clause (c) of the Article 243-P of the Constitution of India and by clause (c) of section 2 of the Maharashtra Metropolitan Planning Committee (Constitution and Functions) Act, 1999, the Government of Maharashtra in Urban Development Department vide Notification No.TPS-1899/1191/CR-80/ 99/UD-13, dated 23.07.1999, declared some area around Pune City, as the "Pune Metropolitan Area" for the purpose of Part IX-A of the Constitution of India;

And whereas, in exercise of the powers conferred by sections 41A, 42C and 42F of the said Act, the Government of Maharashtra vide Notification No.TPS-1815/1204/13/CR-87/15/UD-13, dated 31.03.2015 declared the Pune Metropolitan Area as a "Pune Metropolitan Region Development Area, under section 42A of the said Act and thereof constituted "Pune Metropolitan Area Region Development Authority" (hereinafter referred to as "the said Area Development Authority"), for this declared area;

And whereas, Government of Maharashtra vide Notification dated 04/12/2015, has extended the limits and revised the limits of Pune Metropolitan Region Area. Also, vide Notification dated 10/02/2016, Government has further extended the limits and revised the limits of Pune Metropolitan Region Area (hereinafter referred to as "the said Metropolitan Area");

And whereas, the Governor of Maharashtra has promulgated the Maharashtra Metropolitan Region Development Authority Ordinance, 2016 (Mah. Ord. XI of 2016) (hereinafter referred to as "the said Ordinance") on 13.06.2016, to provide for establishment of the Authorities for certain areas declared as Metropolitan Areas under clause (c) of section 2 of the Maharashtra Metropolitan Planning Committees (Constitution and Functions) (Continuation of Provisions) Act, 1999 (Mah. V of 2000), for the purpose of co-ordinating and supervising the proper orderly and rapid development of the said area in such regions and of executing projects and schemes for such development, and to provide for connected therewith or incidental thereto; which is thereafter converted into the Maharashtra Metropolitan Region Development Authority Act, 2016 (Mah. Act 3 of 2017);

And whereas, in exercise of the powers conferred by sub-section (1) of section 3 of the said Ordinance and Section 42-A, 42-C, 42-F, of the said act, vide Government in Urban Development Department Notification No.PRD-3316/CR-54/UD-7, dated 11.07.2016, Pune Metropolitan Region Development Authority has been established for the said Metropolitan Area, more specifically described in the Schedule appended thereto (hereinafter referred to as "the said Region Development Authority") and above mentioned notifications dated 31.03.2015, dated 04/12/2015 & dated 10/02/2016 has been rescinded;



And whereas, for proper and well planned development of the said Metropolitan Area, in exercise of the powers conferred by section-40(1)(d) of the said Act, the Government in Urban Development Department, vide Notification No.TPS-1817/CR-173/17 UD-13, dated 18.01.2018, has specified the area, more specifically described in the Schedule appended thereto, to be the "Notified Area" for Pune Metropolitan Region Development Authority and appointed Pune Metropolitan Region Development Authority as Special Planning Authority for such notified area from the date of its establishment i.e. 31/03/2015;

And whereas, the Government of Maharashtra vide Urban Development Department Notification No.PMC-2020/C.R.322/UD-22, dated 30.06.2021 has altered the limits of Pune Municipal Corporation by including the 23 villages (hereinafter referred to as "the said 23 villages") as mentioned in the Schedule-I appended therein;

And whereas, as per the proposal of the said Region Development Authority, the said 23 villages are included in Regional Plan and no secondary and collector roads are proposed in the Regional Plan. The roads are developed as per land availability and with no planned alignment also widths are not as per requirement. As reservations for various public purposes are not proposed in the Regional Plan, no public amenities are developed. Thus area of the said 23 villages is of undeveloped nature and development in this area is unplanned and in uncontrolled manner;

And whereas, considering the above facts, the Government is of the opinion that, the undeveloped area of the said 23 villages in Pune Municipal Corporation limits should be notified and for this area Pune Metropolitan Region Development Authority should be appointed as a Special Planning Authority;

Now therefore, in exercise of the powers conferred by section 40(1) and section 40(1)(d) of the said Act, the Government of Maharashtra hereby declares that -

"Area of the said 23 villages in the Pune Municipal Corporation limits, as mentioned in the Appendix - A appended hereto, is notified and Pune Metropolitan Region Development Authority is appointed as the Special Planning Authority for this area.

Appendix - A

Sr. No.	Name of Village	Area
1	Mhalugne	Entire area of revenue village
2	Sus	Entire area of revenue village
3	Bawdhan Budruk	Entire area of revenue village
4	Kirkitwadi	Entire area of revenue village
5	Pisoli	Entire area of revenue village
6	Kondve - Dhawade	Entire area of revenue village
7	Kopare	Entire area of revenue village
8	Nanded	Entire area of revenue village
9	Khadakwasala	Entire area of revenue village
10	Manjari Budruk	Entire area of revenue village
11	Narhe	Entire area of revenue village
12	Holkarwadi	Entire area of revenue village
13	Autade - Handewadi	Entire area of revenue village

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14	Wadachiwadi	Entire area of revenue village
15	Shewalewadi	Entire area of revenue village
16	Nandoshi	Entire area of revenue village
17	Sanasnagar	Entire area of revenue village
18	Mangdewadi	Entire area of revenue village
19	Bhilarewadi	Entire area of revenue village
20	Gujar Nimbalkarwadi	Entire area of revenue village
21	Jambhulwadi	Entire area of revenue village
22	Kolewadi	Entire area of revenue village
23	Wagholi	Entire area of revenue village

The Plan showing boundaries of the said 23 villages areas is kept open for inspection by the Public at the following offices in office time on all working days

- 1) The Commissioner, Pune Municipal Corporation, Pune.
- 2) The Metropolitan Commissioner, Pune Metropolitan Regional Development Authority, Pune.
- 3) The Joint Director of Town Planning, Pune Division, Pune.
- 4) Assistant Director of Town Planning, Pune Branch, Pune.

This Notification is made available on the Government of Maharashtra website www.maharashtra.gov.in (Acts/Rules)

By order and in the name of the Governor of Maharashtra,

(Noreshwar R. Shende)

Joint Secretary, Govt. of Maharashtra

RB