BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL

WESTERN ZONE BENCH, PUNE

OA No. 56/2020 (WZ)

IN THE MATTER OF:

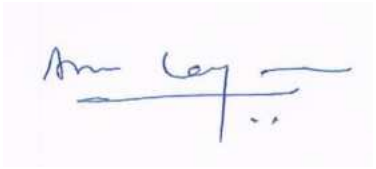
Tanaji Balashaheb Gambhire ..... Applicant

Versus

The Chief Secretary & Ors. ..... Respondents

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Date: April, 2025
Place: Mumbai

Advocate for Respondent No.13

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SAY/REPLY ON BEHALF OF THE RESPONDENT NO. 13

MOST RESPECTFULLY SHOWETH :

It is submitted that the present Respondent No. 13 in the aforesaid OA/56 /2020 is also the Respondent No. 13 in another case OA No. 50/2020 (which has been decided by this Hon'ble Tribunal vide its Judgement Dated 01.07.2024). That both the aforesaid Original Applications are filed by the same Applicant before this Hon'ble Tribunal, without disclosing that he had filed two different cases against same set of officials Respondents/ Governmental Authorities, on the basis of same legal notice and photographs, thereby not only playing a fraud upon this Hon'ble

Tribunal by suppression, concealment of facts and also deliberately abusing the process of this Hon'ble Tribunal.

2. That the present Original Application No. 56 of 2020 is a bundle of lies as because as per the filing status, case details downloaded from the Website of this Hon'ble Tribunal, which details shows that the filing date of the present OA/56/2020 is 21.09.2019, the said OA was registered on 25.08.2020, although the date is shown as 24.08.2020 in paper book of this OA/56/2020 when the affidavit was also attested on 24.08.2020. It is very strange that the Applicant has not filed any document, application, papers which shows the date of 21.09.2019 or any other subsequent date thereafter.

3. That the Applicant also suppressed the fact and mis-leaded this Hon'ble Tribunal in respect of explaining the delay which is mentioned under the heading of **"LIMITATION TO FILE PRESENT APPLICATION"** at Page 85 - 86, in the tabulated statement the Applicant had explained that the cause of action arose with effect from 17.12.2019 which date is suited by his own as because as per the case details downloaded from the official website of this Hon'ble Tribunal the filing dated of this OA is 21.09.2019.

It means the cause of action must have arose prior to file the present OA i.e on Dated 21.09.2019, but by his own wisdom the Applicant had calculated the period from 17.12.2019 to 24.08.2020.

4. That the Applicant had dragged the answering Respondent No. 13 in the present OA as because the Respondent No. 13 had purchased the property in question on Dated 25.12.2020 through a registered Sale Deed and as per the Applicant the cause of action arose to file the present OA from 17.12.2019 - 24.08.2020 i.e much prior to purchase the property in question, the reasons best known to the Applicant.

5. That the present OA filed by the Applicant is bared by limitation and the same was filed beyond the prescribed period of the statue of the NGT Act.

6. It is submitted that the “River Villa” project land was purchased only on Dated 25.12.2020 by the Respondent No. 13. The copies of the Index-II of the purchase of the said land is being filed for ready reference with the copy as Compilation A of additional affidavit filed by the Respondent No.13 in Review Application No 6 of 2024 in OA No. 50 of 2020. The other project

"River Residency" is ongoing project around 2010 which is under totally different Project Proponent i.e Respondent No. 17 and also it is a very huge mega size 400 Crore "River Residency" project of multi storeyed expensive flats where as "River Villa" is a very small middle class project of residential houses of approx. 100 Sq. yards.

7. It is further submitted that in both the aforesaid OA bearing No. 50/2020 and 56/2020 number of documents are same in nature/ replica which are relevant for the proper adjudication of the aforesaid Original Application No. 56/2024 filed before this Hon'ble Tribunal. The same photographs and documents in these two cases, are being filed with this Reply on behalf of the Respondent No.13 (containing the photographs and documents of OA/56/2020) and (containing the photographs and documents of OA/50/2020).

8. That the following documents are relevant/vital as under:

i. The case history/filling details of the OA/56/2020 titled “Tanaji Balasaheb Gambhire Versus The Chief Secretary of Maharashtra & Ors. (The present OA). At Pg No. 224

ii. The case history/filling details of the OA/50/2020 titled “Tanaji Balasaheb Gambhire Versus The Chief Secretary of Maharashtra & Ors. (Decided on 01.07.2024, RA No. 6 of 2024 is also decided by this Hon’ble Tribunal). At Pg No. 31.

iii. The Applicant had relied upon Blue Line and Red Line demarcation relating to year 1989 and 2009 which is not relevant in view of the Government of Maharashtra Notifications Dated 02.03.2015 and 03.05.2018 and 21.09.2022. To the best of knowledge of the Respondent No. 13 there has been no demarcation of blue and red flood lines by the Regional Chief Engineer or by any equivalent or by a Superior Officer from 2018 till date in relation to the

river Indrayani as per the Notification Dated 02.03.2015 issued by the Government of Maharashtra.

9. That the documents which are, common in nature filed by the Applicant (Mr. Tanaji Balasaheb Gambhire) in both the aforesaid cases bearing OA No. 56/2020 and 50/2020 are as under:

i. Copy of Legal Notice Dated 05.07.2017 with Postal Receipts (with tracking reports) containing Page No. 342 to Page No. 401 in OA/56/2020.

ii. Copy of Legal Notice Dated 05.07.2017 with Postal Receipts (with tracking reports) at Page Nos. 102 to Page No. 160 in OA/50/2020.

iii. Copies of 28 photographs of Project site of "River Residency" all Dated 15.04.2017 in OA/56/2020 from Page No. 311(A) to Page No. 311(O).

iv. Copies of 28 photographs of Project site of "River Villa" all Dated 15.04.2017 in OA/50/2020 containing from Page No. 59 to Page No. 70.

v. Copies of 62 photographs of Project site of “River Residency” all dated 15.04.2017 in OA/56/2020 containing from Page No. 311 to Page No. 341.

vi. Copies of 62 photographs of Project site of “River Villa” all Dated 15.04.2017 in OA/50/2020 containing from Page No. 71 to Page No. 101.

10. That the Respondent No. 13 is also placing on record the news clippings and related material in respect of no flooding in Indrayani river area in question during the month of July, 2024 when there was wide spread flood all over Pune but still in the Relevant area of Gat No. 90 in question, for the first time in 50 years there was flood hardly till shoe level which can be seen from the picture of the Commissioner, PCMC and Local MLA who came for site visit in in the month of July, 2024.

11. That the Respondent No. 13 is also placing on record the photographs showing the table top and cliff type area in question, roughly 15-20 feet’s above the water level of Indrayani River. It

may be noted that google satellite photo attached by the Applicant from the year 2010 onwards (Page 243 in OA/50/2020) also shows that the same table top surface much above the Indirayani River level, was prevalent since then and there can be no question of any land filling or reclaiming of land from the low lying river area.

12. That the Applicant has mislead the Joint Committee by feeding wrong and false facts to the effect that the Respondent No. 13's land falls entirely within the blue line area and further that the Respondent No. 13 does not have any NA or plotting permission. The Joint Committee despite having contact details, did not associated the Respondent No. 13 or any purchaser of small 100 yards plots of River Villa project. It is the stand of the Joint Committee that during the period of its consideration of the matter, there was ongoing construction in "River Villa" project and therefore the Joint Committee Report does not have any reason or justification for not associating even a single private person in relation to the ongoing construction of small residential houses. It is clear that the Joint Committee Report has not carried out any proper or genuine survey either as regards the false allegation of land filling/ alleged reclamation of River Belt land or of that matter

in relation to the status of the land in question (River Villa project) falling between the Blue Line and the Red Line i.e (restricted zone and not prohibited zone) with NA and permission for plotting.

13. That the Government of Maharashtra has taken up the River Bank Development Rejuvenation Project for the rivers of Pune area including river Indrayani in particular with the budget of around Rs. 5000 Crore, to develop the river front which will involve a lot of construction along both sides of river Indrayani for which proper flood control and environmental measures will be taken up by the government bodies. As such it is otherwise also contrary to the requirements of justice that the River Villa project which is situated on table top surface 15-20 feet above the Indrayani River level, should be subject to action of demolition when the entire exercise of demarcation of Blue line and Red line is yet to be carried out properly and comprehensively. The reference may be made to the recent orders of the Hon'ble High Court of Bombay directing the expert committee for the demarcation of Blue Line and Red Line of the rivers of City Pune.

14. That since 2014, the Applicant was taking photographs and Google images and complaining against some other project by the name of River Residency, which is a completely different project of huge size rather complete township of 400 Crores; and completely different set of owners/ project developers, as compared to very small middle class project River Villa, the project value below 10 Crore from the year of 2014, the complaints of the Applicant was only against the Mega River Residency, township for construction within Blue Line area of river Indrayani and dumping of construction waste into the river. Admittedly, the Applicant's River Villa project had not even started and even the land was purchased only in 25th December 2020. Since, collusively, the Applicant before this Hon'ble Tribunal and River Residency have deflected that the case against River Villa. Hence, some facts regarding a demarcation of blue line along rivers become relevant.

a. That vide Notification Dated 02.03.2015 the Government of Maharashtra, clearly conveyed that the flood lines demarcation, cannot be under the authority of any officer below the rank of Regional Chief Engineer. Till date the flood lines (Blue Line or Red Line) have not been

demarcated at the level of Regional Chief Engineer. So, whatever is on record regarding flood lines, is not enforceable.

b. That, a very detailed Legal Notice Dated 05.07.2017 running into 55 pages with facts and photographs was served by the Applicant upon the Government Departments. This Legal Notice is entirely about that other project River Residency and does not have even a word or even whisper about the River Villa project of Respondent No. 13 (M/s. Vsquare). It is pertinent to mention that the Applicant before this Hon'ble Tribunal filed two cases being OA No. 50/2020 (against River Villa) and OA No. 56/2020 (against River Residency). Both the cases have been filed using the identical legal notice same to same comma and full stop. Even the tracking report is one and the same but used in both cases. The google pictures and the project construction pictures, are also substantially the same. All this goes to show that the complaints/ applications filed by the Applicant before this Hon'ble Tribunal are malafide and manipulated.

c. That on Dated 03.05.2018 by a Notification of the Government of Maharashtra regarding the demarcation of blue line and red line of rivers which notification has also not been complied with till date by the concerning authorities.

d. That the Applicant on Dated 21.09.2019 files case against the project River Residency, township. But due to the connivance between the Applicant and the said other project River Residency, this case before this Hon'ble Tribunal was kept lying under the objections for almost one year so that there should be no stay order against that Mega Project namely River Residency.

e. That while keeping case against River Residency, Township under objections for almost one year and to deflect attention to the small middle class project of the River Villa, the same Applicant before this Hon'ble Tribunal filed the case against River Villa being OA No. 50 of 2020 on Dated 10.08.2020 and got it listed within just few days on urgent basis. However, the critical fact that the same Legal Notice and photographs were used in both the cases, contents

whereof are related to the other River Residency Project, goes to show that the case against River Villa was filed only to divert from the real issues and to defect the government action towards the small middle-class project.

f. That the Appellant purchased the land for River Villa project by two registered sale deeds on Dated 25.12.2020. It is therefore, most strange that the case before this Hon'ble Tribunal was filed even before the projects of the River Villa started, which again confirms that the main reason was to deflect the attention and action from the huge River Residency Township Project.

g. That using the more serious facts of the other River Residency, township, which was perhaps polluting the river and dumping construction waste into the river for last 10 years, being 400 Crore project and 200,000 metric tons, of dumping in and around the river an order Dated 30.06.2021 in the other case of River Residency Township (OA/56/2024) was obtained for appointment of a Joint Committee to submit a report on the pollution related issues.

However, after obtaining the order the same was kept on back burner.

h. That on 09.07.2021 showing the order in River Residency case, a similar direction was obtained in OA No.50/2020 for Joint Committee Report, even though by that time in River Villa only one sample hundred square yard house had been constructed which could not have generated 2,00,000 MTs of the construction waste. As per the strategy to divert and deflect attention from the River Residency, Township project, the Joint Committee was prevailed upon to proceed first initially only in relation to the small River Villa project.

i. That in the case of OA No. 50/2020 the Joint Committee Report was filed on 20.12.2021, while the Respondent No. 13 was served with summons for the first time only later on 21.12.2021. Thus appointment and proceedings of the Joint Committee were only conducted entirely behind the back of the Respondent No. 13, without the knowledge of the said Respondent No. 13 and without associating the said Respondent, in any manner whatsoever with the so-called proceedings of the Joint Committee or its inspections,

if any, or its conclusions or by way of opportunity to file objections thereto. All this has resulted in the most gross, glaring and apparent failure of justice and gone against the Rule of Law, requirements of fair, just and reasonable procedure.

j. That the Respondent No.13 (M/s. V Square) also got done the conversion of the land purchased by it from Green Zone to R-Zone on Dated 30.11.2022 (NA), the Respondent No. 13 also got mutation carried out in the Records of the Revenue Authorities under 7/12 extract.

k. That the Group Sale Deed was also executed on Dated 05.05.2021 to 31.12.2021 for the individual plots by the Respondent No.13 i.e M/s V Square in favour of the purchasers of small hundred-yard size plots for houses in River Villa Project.

l. That in the said project of River Villa number of house owners have also got their constructions duly authorized on Dated 31.07.2023. As per the government norms, the municipal numbers have been allotted, electricity and water

connections have been granted to these houses of River Villa project. Proper sage has been laid down and connections given. The property taxes are being paid for a number of years by all the house owners of the River Villa project.

m. Moreover, the Respondent No.8 (The Municipal Corporation, PCMC) had filed an affidavit Dated 10.02.2023 in OA No. 50/20 which was after the Joint Committee Report and was superseding it, which affidavit itself indicates amendment in the Government Policy for land situated within Blue Line and Red Line.

n. That the Hon'ble Bench of comprising Chief Justice of Bombay High Court, wherein a PIL No. 36 of 2021 on the similar issue had issued a direction to the Experts Committee as formed by the said Hon'ble Court for considering and finalize the blue print for undertaking comprehensive review of demarcation of flood line in the city of Pune within four weeks passed an order on Dated 26.06.2024, the said case is coming up for further hearing for consideration of this case before the Hon'ble Court.

o. That the correct demarcation of the Blue Line and Red Line which is essential precondition before taking any action (or even proposing any action) in relation to the property being residential houses in the project River Villa, Gat No. 90 (P) Chikhali Village, Pune. In this regard a Circular Dated 21.09.2022 of the Respondent No.9 send to the Irrigation Department, Government of Maharashtra) which issued for the proper determination of Blue Line and Red Line of the Indrayani River which is lying pending till date.

p. That on Dated 01.07.2024 the final order was passed by the Hon'ble NGT in case OA No. 50/2020 relating to River Villa, while the other case of mega River Residency Township valued it Rs. 400 Crores, around 3000 luxury flats and commercial constructions in the form of shops, OA No. 56/2020 is still pending.

q. That what is the effect of river villa project not being a case of encroachment of the Government Land or the land of any institution. The very small and few in number 100 Sq. Yards houses are also not coming in the way of execution of any public project or road widening. Admittedly, the land

belongs to the Respondent No. 13 by way of registered sale deed at the office of the Government Department, which officials are well aware about the legality of land and always check whether there is any unauthorized element or prohibition in the land or not.

r. That what is the effect of the mutation of 7/12 extract has been carried out by the government officials, conversion to Non-Agricultural (Residential use) has been allowed, plotting permission has been granted by the Respondent No. 8 (PCMC), electricity, water and sewerage connections have been approved for each house by the Municipal Authorities, the property taxes are being paid for a number of years.

s. That what is the effect of the Respondent No. 9 (PCMC) who is the crucial Respondent, having written to the Irrigation Department in recant past (21.09.2022) pointing out that the amended development plan for the area is pending for finalization on account of the blue line and red line demarcation of river Indrayani, being incomplete and requiring finalization by the Irrigation Department. The

Government officials have done nothing even though two years have expired and even the six months' time granted by this Hon'ble Tribunal has not been utilized by the Government officials at all. The Irrigation Department officials who are having the complete say as regards correct and complete and latest demarcation of Blue Line and Red Line have not been associated with the proceedings of the demolition leading to the passing of the order Dated 02.12.2024. There is no explanation or justification why the Irrigation Department has not finalized the matter of demarcation of Blue line and Red line of river Indrayani using latest equipment's and methods, more so when it is mentioned by the Respondent No. 9 (PCMC) in the above communication in letter Dated 21.09.2022 that there are not less than 28 Villages all along the banks of river Indrayani and reportedly 50,000 or more houses and temples (residential and commercial structures etc.).

t. That in OA No. 50/2020 the Respondent No. 9 (PCMC) had also filed along with their reply affidavit a Notification Dated 20.01.2021 issued by the Government of

Maharashtra (Urban Development Department) regarding the determination of proper flood lines i.e Red Line and Blue Line, which exercise has also not been completed by any of the concerned Respondents till date.

u. That, the Respondent No. 13 small project proponent had purchased the land for River Villa project by way of two registered sale deeds both Dated 25.12.2020. It is most strange that the case bearing OA No. 50/2020 was filed even before the project of River Villa had started, which again confirms that the main reason was to deflect the attention and action from the huge River Residency township project i.e the Respondent No. 17.

v. That, a Group Sale Deed was also executed for the individual plots by the small river villa project proponent in favour of the purchasers of small hundred-yard size plots for houses in the River Villa Project.

w. That, using the more serious facts of the other River Residency Township, Respondent No. 17 which was perhaps polluting the river and dumping construction waste

into the river for last more than ten years, being 400 Crore River Residency Mega project and about 2,00,000 Metric Tons of dumping in and around the river an order was obtained in OA No. 56/2020 for appointment of a Joint Committee to submit a report on the pollution related issues. However, after obtaining the order from this Hon'ble Tribunal intentionally the Applicant kept this case on back burner.

x. That, showing the order of this case a similar direction was obtained for Joint Committee Report, even though by that time, in the project of Respondent No. 13, River Villa only one sample hundred Square yards house had been constructed which could not have generated 2,00,000 MTs of construction waste. As per the strategy to divert and deflect attention from the Respondent No. 17, the River Residency, township project, the Joint Committee was prevailed upon to proceed first initially only in relation to the small River Villa Project.

y. That the OA No.50/2020 (River Villa case) was adjourned for hearing of final arguments on 15.05.2024. However, as per the strategy to save the Mega Project River Residency Township, the case bearing OA No. 56/2020 is being processed slowly by the Applicant and now the said case is still pending before this Hon'ble National Green Tribunal.

z. That in the case of OA No. 50/20 the Respondent No. 8 (Municipal Corporation) had filed an affidavit Dated 10.02.2023 which was after the Joint Committee Report and was superseding it, which affidavit itself indicates amendment in the Government Policy for Land situated within Blue Line and Red Line, which amendment had been carried out on 20.01.2021, much before the Joint Committee had been appointed and not only the Joint Committee did not look at the proper records, but the official Respondents and in particular the Respondent No.8 had concealed the material particulars from the Joint Committee regarding permissibility of the construction, which has been placed upon the record of this Hon'ble Tribunal way of its counter affidavit.

aa. That in the said affidavit the Respondent No. 8 (Municipal Corporation) confirming that conversion to non-agricultural and plotting permission have been given for the Respondent No. 13, even after the report of the Joint Committee, which goes to show that the Joint Committee report did not take into consideration every relevant aspect. It is also pertinent to note that this Hon'ble Tribunal has not itself directed the demolition of any of the small houses for being part of river villa project. It has been directed the Respondent No. 8 to take appropriate proceedings in accordance with law in the background of the issues decided by this Hon'ble Tribunal and then pass orders thereon as per the facts and circumstances of each river villa house.

bb. That as regards the penalty amount of Rs. 5 Crores imposed in case of OA No. 50/20 it needs to be noted that the Joint Committee in its Report did not indicate any basis for computation of the penalty of Rs. 5 Crores. This becomes immediately clear and apparent if a comparison is made between the Joint Committee Report Dated 20.12.2021 in (OANo.50/2020) and the Joint Committee report undated of

the year of 2022-2023 on the immediately adjacent River Residency Mega Project i.e (OA/56/2020) present case, and in the subsequent report of the Joint Committee on the River Residency Project, there is a clear reference to the prevailing formula. So much so that for a 400 Crore Mega River Residency Project, which is accused of dumping 200,00,00 Mts. of construction waste into the river, the fine is less than Rs. 3 Crores. As compared to this River Villa small houses project with total value of only about Rs.10 Crores, no basements, no construction waste, has been penalized by a fine of Rs. 5 Crores without applying the prevailing formula and without giving any justification, calculation or computation for the quantum.

15. That the Hon'ble Apex Court in W P (C) No. 295 of 2022 under the heading *"In the matter of demolition of structures"* has held vide its detailed order Dated 13.11.2024 that t*he right to shelter is a fundamental right and that before demolition any house it will be considered as to whether any other alternative to the demolition such as compounding etc. is an available option. If not, then the authority direction has to give the reasons why demolition*

is the only alternative not only there is no compliance with this judgement, but in the demolition order itself the Respondent No. (PCMC) has acknowledge the powers of the Irrigation Department State of Maharashtra, in relation to correct and complete demarcation of Blue Line and Red Line. In this present case the Circular of the Respondent No. 8 Dated 21.09.2022 address to the Irrigation Department is awaiting compliance for over two years. If the Government machinery is not working or working in too leisurely manner, then the demolition action should be kept in abeyance to the subject to the finalization of Blue Line and Red Line. Same is the effect of the direction issued by the Chief Justice Bench of Bombay High Court order Dated 26.06.2024 in PIL No. 36 of 2021 in relation to which also the Government has not carried what was necessary to be done on its part may be because of the preparation and holding of elections in Maharashtra.

16. That the Respondent No. 8 & 9 affidavit which was filed in OA No. 50/2020, have categorically admitted as under:

> "*8. On 20.01.2021 the Government of Maharashtra, Urban Development Department vide Notification*

bearing Reference Number: TPS-1815/428/C.R.138/15/ UD 13 has permitted the red flood lines of the rivers falling within the limits of Pimpri Chinchwad Municipal Corporation. A copy of Notification Dated 20.01.2021 is hereto annexed and marked as Annexure R-4."

17. That on the very first page of the abovesaid document, it has been mentioned as under:

"And whereas, the Government vide Resolution No. TPS -1815/428/CR-138/15/UD-13, dated 15/07/2015 has directed Pimpri-Chinchwad Municipal Corporation to initiate modification to the sanctioned Development plan of extended limit u/s 37(1) of the said Act, to include the lands falling beyond the Red flood line shown in No Development Zone to Residential Zone.

And whereas, the Government directives, Pimpri-Chinchwad Municipal Corporation vide Resolution No. 824, dated 20.02.2016 has decided to include the lands falling between the blue flood line and red flood line and lands falling beyond the red flood line shown in No Development Zone (Green Belt/ Zone) to Residential

Zone, in the Development Plan of extended limit as well as in the revised Development Plan of old limit of the Pimpri-Chinchwad Municipal Corporation, for availability of contiguous Residential Zone and for planned development point view, (hereinafter to as the said modification);

18. That as Annexure to the above said Notification there is a tabulated statement which at Sr. No 142 states that in Gat No. 90 P of Village: Chikhali, (which is the area with which the R-13 is concerned), an area of 3067 Sq. Mtrs. have been converted for Residential use.

16. That in Para No. 9 of the affidavit of the Respondent No. 8-9, it is admitted that for an area measuring 3,207.24 Sq. Mtrs. located at Survey No. 90 (Part) of Village: Chikhali, Taluka Haveli, Pune, the permission for plotted layout had been obtained on 15.11.2022 as per the Notification Dated 20.01.2021 of the Government of Maharashtra.

17. That it is significant to note that for such a specific area of 3,207.24 Sq. Mtrs. when plotting permission is granted to the

Appellant as the Project Proponent, that could have been only on the basis of layout and location of the said 3,207.24 Sq. Mtrs, on a layout plan available on the Government and Respondent No. 8 &9 (PCMC records).

18. That in Para No.10 at Page No. 27 of the affidavit of the Respondent No. 8-9, it is admitted that 100% of the premium to be paid for conversion of the said area into a residential zone, comprising of 50% paid to assistant town planner and balance 50% to PCMC had been duly received by the government treasury in relation to the said area. It is not the case of the Respondent No. 8-9 that the amount was received under any mistake or error on the part of the Government Department. It is not the case of the Respondent No. 8 - 9 that the amount was refunded or offered to be refunded. Thus, it is not open to the Respondent No. 8-9 to say that the plotting permission for residential development had been granted for any area other than the area which had been applied for by the Respondent No. 13.

19. It is also admitted by the Respondent No. 8-9 in the Annexures of the said affidavit that the construction between River Bank and Blue Flood Line is also permissible for redevelopment of

existing authorized properties within the river bank and blue flood line, subject to the plinth height of 0.45 Meters above the red flood line level. It is therefore not altogether a prohibited area but permits redevelopment work on stilts.

20. That as regards the area between blue flood line and red flood line, which is called the restrictive zone, it is also admitted that the construction within this area between blue line and red line (including fresh development) is permitted at the same height of 0.45 Meters above the Red Flood Line level (i.e on stilts).

21. That in the said affidavit of the Respondent No. 8-9, it is once again confirmed that the permission for plotted layout in the area in question has been obtained by the Respondent No. 13/Project Proponent.

22. That in the said affidavit of the Respondent No. 8-9, it is also admitted by the said Respondents that they had issued a communication Dated 05.04.2021 to the Inspector General of Registration and Controller of Stamp, to unblock (i.e allow)

registration with respect to the area admeasuring 3,207.24 Sq. Mtrs. located at Gat No. 90 P, Village: Chikhali, Taluka: Haveli, Pune.

23. That since the unblocking has been done for an area which runs into decimal figure (3,207.24 Sq. Mtrs), it cannot be that the Inspector General will unblock the registration for the entire Gat No. 90 P.

24. That it is also admitted by the Respondent No. 8-9 in the annexures to the counter affidavit that the registrations in relation to the area in question had taken place in terms of the “unblocking request”. As such, unless the Respondent No. 8-9 is able to establish that disciplinary proceedings have been initiated against the registration authority in relation to joint sale deeds Dated 05.05.2021 and 30.12.2021 which had been got registered in favor of the individual plot purchasers. It is that very area which has been converted into Residential Zone and for which conversion charges have been recovered by the authorities and for which layout permission has been granted and also that area for which Inspector General had been directed by the Government Authorities to unblock the earlier blocking of the registration.

25. That in addition to the above permission and clearances, the Mutation (7/12 extract) had been carried out by the Government Authorities who had also sanctioned water, electricity, sewerage to this small colony of small size 100 Sq. yards houses. Not only this, the Municipal Numbers were given to each house and the property tax is been levied and collected for the past several years till date.

26. That in view of the series of approvals granted to the project of which the Respondent No. 13 is project proponent, as such the valuable and vested rights had accrued in favor of the Respondent No.13/ Project Proponent as well as the plot purchasers, under Article 21 of the Indian Constitution including the right to shelter, which vested rights cannot be lightly brushed aside by way of directing demolition by a Joint Committee and then simply adopt the recommendation of that committee.

27. It may be pertinent and convenient to set out the drawbacks, deficiencies and illegalities in relation to the Joint Committee Report which are as under:

28. That the conclusion of the Joint Committee is based on conjectures and surmises. There is no mention in the conclusion

about a single act of flooding of river Indrayani during the last 100 years. There is no mention of table top type land surface of the land in question which is more than 4.5 Mtr. above the water level. There is no material to show that there has been any activity of filling up the land by the Respondent No.13. As such whatever conclusion has been rendered, has been rendered on nil material and is not a valid conclusion at all. The so-called action taken report of the Joint/Deputy City Engineer is only a one-sided perception of that Official and Department. Once again in the conclusion, the Joint Committee has relied upon the communication issued by the Respondent No. 8-9/PCMC to the Inspector General of Stamps, without going into the record to see that the same was consciously unblocked specifically for the registration of the sale deeds of the answering Respondent, which was the most material circumstance to be considered, before any report could be given.

29. That as regards the objection raised by the Respondent No. 8-9 regarding not applying for construction permission, it may be noted that these are small houses of around 100 Sq. Yards each, hardly two floors with stilt, whereas the neighboring project of Respondent No.17, River Residency, which was the actual subject

matter of environmental object, is a Mega Project of huge construction of around 3000 flats and commercial structures of around more than 12 story's height and who are alleged to have been the Mega Project dumping construction debris into and near River Indrayani.

30. That, infect the Respondent No. 13 and the purchasers of the small plots of this lower and middle class colony are actually the victims of the situation that the environmentalist Applicant before this Hon'ble Tribunal had grievances with the neighboring project of Respondent No. 17, River Residency, which was the actual subject matter of environmental object is a Mega Project of huge construction of around 3000 flats and commercial structures of around more than 12 story's height and who are alleged to have been the Mega Project dumping construction debris into and near River Indrayani. This neighboring Mega Project has been going on since prior to 2010 and the Applicant before this Tribunal has been protesting only against that mega project for almost 10 years. Thus, the small lower- and middle-class project of the Respondent No. 13, which commenced only recently and about 10 years after the offending Mega Project River Residency as evident from the Joint Committee report which records at internal Page No. 15 of the

Counter Affidavit of Respondent No. 8–9, PCMC filed in OA No. 50/2020 in which clearly mentioned that on the date of the report of the Joint Committee 20.12.2021 only one small house had been completed while 4 others were under construction. The Legal Notice Dated 05.07.2017 from which the case started before the Hon'ble Tribunal was entirely against the neighboring Mega Project only. Now for some strange reasons the Environmentalist Applicant before this Hon'ble Tribunal had shifted the entire focus upon the small colony of lower and middle-class houses of the residents.

31. That this is a case of manipulation and connivance just to save the Mega Project River Residency of the Respondent No. 17 which have huge construction of around 3000 flats and commercial structures of around 12 story's height and who are alleged to have been the Mega project dumping construction debris into and near River Indrayani.

32. That the Applicant before this Hon'ble Tribunal very firstly filed OA No. 56 of 2020 on Dated 21.09.2019 and the same was registered after more than 8 moths i.e on 25.08.2020. It is pertinent

to mention that after registering the aforesaid case it came up for hearing after more than one year i.e on Dated 25.11.2020. The answering Respondent has also been made the party in the aforesaid case as the Respondent No.13.

33. That the Applicant before this Hon'ble Tribunal in the OA No. 50/2020 and he is also the Appellant in another case bearing OA No. 56/2020 (Present Case) both cases filed by the same person, Applicant before this Hon'ble National Green Tribunal in the present case, without disclosing that he had filed two different cases against same set of officials Respondents/ Governmental Authorities, on the basis of the same Legal Notice Dated 05.07.2017 and the photographs all most on the basis of the same material reasons best known to him, thereby not only the Applicant playing a fraud upon the Hon'ble National Green Tribunal, but also deliberately and intentionally abusing the process of Law as per his own wish.

34. That the Respondent No. 8-9 have also concealed and kept back from this Hon'ble Tribunal about the Circular Dated 21.09.2022 issued by the concerned Department of the Respondent

No. 8 & 9, PCMC itself on the following subject i.e Amended Development Scheme Pimpri Chinchwad Municipal Corporation and Special Planning Authority (Pimpri Chinchwad Navnagar Development Authority). The Confirmation of flood line existing rivers, nallahs within the area of the Development Scheme.

35. That from a perusal of this document, it becomes clear that the right from April, 2020 onwards the correspondence is being going on between PCMC and the Irrigation Department on the aspect of requirement of PCMC to get the maps, showing flood lines of rivers, nallahs existing in the proposed area (Blue and Red Line) in hard and soft copy for preparation of format amended development scheme. It is also mentioned that the flood lines of the Indrayani River passing through Mouje Charoli is incomplete. The Google Verification of the area of incomplete marking to be same. In the concluding portion it is requested that not only information should be provided about entire flood line in soft copy, but also the map prepared by consulting agency should be checked conformed and informed to be correct in relation to Indrayani, Pawana and Mulla Rivers.

36. That, in case the Government Departments are unable to get the latest and complete demarcation of the Blue Line and Red Line of River Indrayani despite laps of 4 long years from 2020 to end of 2024, then the small houses of the lower- and middle-class project of the Respondent No. 13, should not be subjected to the demolition action when the fundamental aspect of the proper demarcation of Blue Line and Red Line is a matter which is being delayed between two Government Departments.

37. That, it is also pertinent to mention herein that recently in the month of the February 2025, the Minister for Water Resources of Government of Maharashtra had initiated the review of the adequacy and survey of Indrayani River.

38. That vide this communication records that instructions have been issued to a review of the flood lines and take a policy decision in the matter with directions to the Superintending Engineer, Pune Irrigation Board and Executive Engineer, Pune Irrigation Department, to prepare the detailed proposal for review of flood line of Indrayani River and submit the same to the Government.

39. That in view of the said Review Process being under consideration at the regional level, it would operate in unduly harsh, unjust and unfair manner if the demolition of the small houses are carried out and later on after the review process is completed, it is found that the small houses in question were not in violation of the correctly demarcated Blue Line and Red Line and the policy under finalization at responsible senior level in the Government of Maharashtra.

40. That not only is their reconsideration and review at the level of the Executive/ State Government but there is also a Judicial Direction issued by the Chief Justice Bench of Bombay High Court vide its order Dated 26.06.2024 in PIL No. 36 of 2021. Some of the relevant extracts of the above order of the Hon'ble Bombay High Court is as under:

1. *Considering the issue raised in this public interest litigation petition which is of seminal importance as it raises concerns about faulty demarcation of flood line in the city of Pune, the Court on 6 December 2023 had passed an order directing the Irrigation Department to complete the study of demarcation of flood lines in the*

City of Pune and produce it before the Court. The said study has been conducted in terms of an earlier order passed by this Court on 27 March 2023.

1. *The respondent No.5 - Maharashtra Krishna Valley Development Corporation has filed an additional affidavit-in-reply sworn in by Ms. Shweta Yogendra Kurhade, Executive Engineer, Khadakwasla Irrigation Division which contains a report dated 2 January 2024. Learned Counsel appearing for respondent no.5 has taken us through said report. Apart from various charts containing necessary statistics, the report has clearly mentioned that while determining the flood lines various important factors and considerations were not taken into account in the past. The relevant extract of the said report contained in clauses 14 to 18 are reproduced hereinbelow:*

14. It appears that there are several important factors and considerations that have not been taken into account while making flood lines in the

mentioned areas. Let's summarize the key points raised in each statement.

15. Free Catchment Area: The flow from the free catchment area between Khadakwasla Dam and Mula-Mutha Confluence in 2011 has not been considered. It is suggested that this factor should be taken into account in the flood line marking process.

16. MERI Guidelines: The Maharashtra Engineering Research Institute (MERI) in Nashik published guidelines for Blue/Red flood lines on 16/11/2015. However, these guidelines were not considered when marking flood lines in 2011, and also not taken into account for the 2016 flood lines superimposed on Development Plan maps.

17. TERI Action Plan: The Energy and Resources Institute (TERI) in New Delhi prepared a climate change action plan in 2014 for Maharashtra. This plan predicted a 37.5% rise in rainfall around Pune with more frequent cloud burst events. The

applicants point out that this prediction was not considered in the demarcation of flood lines.

18. In light of these points, it is suggested that a comprehensive review of the flood line demarcation process be conducted, taking into account the flow from the free catchment area, MERI guidelines, and the TERI climate change action plan. Addressing these aspects would contribute to a more accurate and comprehensive understanding of flood risk in the area."

3. *The report has thus suggested that a comprehensive review of the flood line demarcation be carried out taking into account various relevant considerations, guidelines and reports etc. Learned counsel for the Pune Municipal Corporation as also the learned counsel representing the petitioners also emphasized that a fresh comprehensive review of demarcation of flood lines in the city of Pune is the need of hour.*

4. Demarcation of flood line in an urban area or a city like Pune assumes importance for the simple reason that in case any development activity is permitted by the municipal body of such an urban area in the flood zone of any water channel like a river etc., the same results in reducing the flood carrying capacity of such a water channel, which, ultimately is the cause of flood. To ensure that the earth continues to remain habitable, it is thus very necessary to appropriately and correctly demarcate the flood line of water channels, failing which the inhabitants of the area may face problems beyond remedies.

5. The Government of Maharashtra had appointed an Experts Study Committee to analyze the causes and remedies on flood, which submitted a report which is on record as Exhibit-A appended to the additional affidavit in rejoinder, dated 21 February 2024. The report of the Experts Study Committee analyzes the causes and remedies. Perusal of the said report would reveal that a lot needs to be done by the Government,

its agencies and municipal bodies to check the flood in the urban areas.

6. *Having regard to the significance of the issue involved, on our request learned Advocate General Mr. Birendra Saraf has addressed the Court and has expressed his concerns as well.*

7. *Accordingly, we direct that the report dated 2 January 2024 which forms part of the additional affidavit-in-reply filed by the respondent No.5–Maharashtra Krishna Valley Development Corporation, dated 9 January 2024 shall be placed before the Additional Chief Secretary / Principal Secretary of the Department of Water Resources Development of the State Government, who shall consult all other departments / bodies, including municipal corporation and form a five-member Supervisory Committee comprising of experts of the Water Resources Department and any other related departments. He shall also co-opt some experts from the external expert agencies, i.e. the agencies other than the Government*

agencies such as any institute of repute at national level or any academic / research institution.

8....

9. The Experts Committee to be formed under this order shall also fix a time-line within which the flood line demarcation review is to be completed.

41. That the aforesaid directions have not yet been carried out and completed. Thus, in this case there are both Executive instructions and Judicial directions regarding the proper, correct and complete demarcation of the blue line and red line of Indrayani and other Rivers. In this connection it is significant to mention that both Pune Municipal Corporation and Pimpri Chinchwad Municipal Corporation are part of Pune District and should work together to resolve the long pending issue for the proper demarcation of these flood lines.

42. That, moreover, it is a historical fact of which Judicial notice may be taken by this Hon'ble Tribunal that civilization has always developed alongside rivers from very beginning. The Blue line and Red line concepts have come in only by way of citizen safety measures, to protect citizens from having to be evacuated urgently

at the time of sudden floods. It cannot be anybody's case that flood waters, as and when they come after long gaps, must be accommodated by villages and town by the side of the river banks, to demolish all the houses falling in the flooded area, as an environmental exercise. Last year so many cities all over the country, were heavily flooded with flood waters flowing over main roads, streets and thoroughfares and the same was telecast every day during the monsoon season. If the flood water becomes the basis of Blue Line and Red Line, then all those cities have to be demolished completely, which cannot be even contemplated.

43. That, almost every city all over India has some river or the other flowing through the center of the city and people residing on both sides of the river at close locations. By way, of example, we may refer to a number of cities like Ahmedabad (Sabarmati River), Varanasi (River Ganga), Nashik (River Godavari), Pune (Rivers Mula-Mutha and Pawana and in the National Capital Territory of Delhi (River Yamuna) etc.

44. That it is also to be noted that under Section 14 of the National Green Tribunal Act, 2010, the Tribunal has the jurisdiction over all civil cases only if and where a substantial question relating to the

environment is involved and such question arises out of impletion of the enactments specified in Schedule I of the said act.

SCHEDULE I

[See Sections 14(1), 15(1), 17(1)(a), 17(2), 19(4) (j) and 34(1)]

1. The Water (Prevention and Control of Pollution) Act, 1974;
2. The Water (Prevention and Control of Pollution) Cess Act, 1977;
3. The Forest (Conservation) Act, 1980;
4. The Air (Prevention and Control of Pollution) Act, 1981;
5. The Environment (Protection) Act, 1986;
6. The Public Liability Insurance Act, 1991;
7. The Biological Diversity Act, 2002.

45. That it is an evident from the stand taken by the Respondent No. 8-9 regarding alleged violation of MRTP, Act 1996 and the UDPCR Notification (3.1.3) construction within blue and red flood lines, which enactments are not a part of the enactments referred in the abovementioned Schedule - I of the NGT, Act.

46. That, moreover and in any case the Blue and Red Line demarcation is under the process for review to make the same updated, correct and complete.

M/s. V- Square
Respondent No. 13

Through

S.M Associates Advocates & Legal Consultants
(Yogendra Kumar & Arun Longani)

Place: Pune
Dated : April, 2025

VERIFICATION:

I, Vishwanath Vasant Jare, aged about 39 years, Occupation- Business, R/o More Vasti, Village: Chikhali, Gat No. 1358, Gurukrupa Housing Society, Pune - 411062. That the contents of this Affidavit are true and correct to the best of my, nothing has been concealed therefrom.

M/s. V- Square
Respondent No. 13

NOTARY
ADHIK D.
CHAREGAONKAR
HAVELI, PUNE DIST.
Reg. No. : 15393
Exp.Dt.:13/11/2029
GOVERNMENT OF INDIA

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

OA No. 56/2020 (WZ)

IN THE MATTER OF:

Tanaji Balashaheb Gambhire ..... Applicant

Versus

The Chief Secretary & Ors. ..... Respondents

AFFIDAVIT

I, Vishwanath Vasant Jare S/o Vasant Bhikaji Jare, through its partner M/s V Square R/o More Vasti, Village: Chikhali, Gat No. 1358, Gurukrupa Housing Society, Pune- 411062, Maharashtra, presently at Pune, do hereby state on solemn affirmation as under:

2. That I am the Respondent No. 13 in the above-mentioned original application, am well conversant with the facts and circumstances of this case and am competent to depose by way of this affidavit.

3. That the reply/say to the aforesaid case has been drafted by my Counsel under my instructions and the contents of this reply are

NOTARY
ADHIK D.
CHAREGAONKAR
HAVELI, PUNE DIST.
Reg. No. : 15393
Exp.Dt.:13/11/2029
GOVERNMENT OF INDIA

NOTARY
ADHIK D.
CHAREGAONKAR
HAVELI, PUNE DIST.
Reg. No. : 15393
Exp.Dt.:13/11/2029
GOVERNMENT OF INDIA

true and correct to the best of my knowledge and the legal submissions are also correct as per the advice received by me.

4. That I have read and understood the contents of the reply and state that the averments made therein are true and correct to the best of my knowledge and belief.

5. That the documents, annexures enclosed with this reply/say are true copies to their respective originals.

DEPONENT

VERIFICATION:

I, above named deponent, do hereby verify that the contents of para no. 1 to 5 of this my Affidavit are true and correct to my personal knowledge and belief and nothing has been concealed therefrom.

It is verified at on this day of April, 2025

NOTED & REGISTERED
AT SR. NO. 356/2025

NOTARY
ADHIK D.
CHAREGAONKAR
HAVELI, PUNE DIST.
GOVERNMENT OF INDIA
NOTARIAL NOTARIAL NOTARIAL NOTARIAL NOTARIAL

DEPONENT

BEFORE ME

ADHIK D. CHAREGAONKAR
ADVOCATE & NOTARY
GOVERNMENT OF INDIA
Survey No. 121, Gaftaxmi Apartment
Wathekarwadi, Chinchwad, Pune-33
19 APR 2025

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL

WESTERN ZONE BENCH, PUNE

OA No. 56/2020 (WZ)

IN THE MATTER OF:

Tanaji Balashaheb Gambhire ..... Applicant

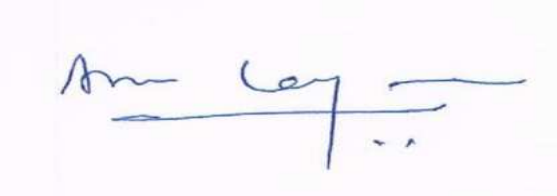
Versus

The Chief Secretary & Ors. ..... Respondents

LIST OF DOCUMENTS WITH DOCUMENTS

SL. Nos.	PARTICULARS	Page Nos.
1.	**EXHIBIT A-1** Copy of Notification Dated 02.03.2015 of the Government of Maharashtra	53 - 56
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3.	**EXHIBIT A-3** Copy of Notification Dated 20.01.2021 of Government of Maharashtra	64 - 72
4.	**EXHIBIT A-4** Copy of a Circular Dated 21.09.2022 issued by Respondent No. 8 - 9 (PCMC) to the	73 - 75

	Respondent No. 10 (Irrigation Department, Government of Maharashtra)	
5.	**EXHIBIT A-5** Copy of Communication by Water Resources of Government of Maharashtra communication Dated 24.02.2025 initiating review of the adequacy and survey of Indrayani River.	76 - 77
6.	**EXHIBIT A-6** Copy of conversion of the land purchased by R- 13 from Green Zone to R-Zone (Non - Agricultural) Dated 30.11.2022	78 - 80
7.	**EXHIBIT A-7** Copy of Joint Committee Report Dated 20.12.2021 filed in Original Application No. 50 of 2020	81 - 91
8.	**EXHIBIT A-8** Copy of the Joint Committee Report filed in OA No. 56 of 2020	92 - 116
9.	**EXHIBIT A-9** Copy of reply filed by the Respondent No 8 - 9 (PCMC) in OA/50/2020	117 - 125
10.	**EXHIBIT A-10** Copy of order dated 26.06.2024 passed by Hon'ble High Court of Judicature at Bombay in Public Interest Litigation No.36 of 2021	126 - 131



S.M Associates Advocates & Legal Consultants

(Yogendra Kumar & Arun Longani)

Place: Pune

Dated : April, 2025

EXHIBIT A-1

Regarding empowering Regional Chief Engineer to approve the maps of flood zones and flood lines

STATE GOV. OF MAHARASHTRA

WATER RESOURCES DEPARTMENT,

Govemment Circular No. Dny. Ya.Pr.-2014/ (Chapter No.424/2014) Sin. Vya.

(Revenue)

Hutatma Rajguru Chouk, Madam Kama Road, Mantralaya, Mumbai-400 032,

Date: 2nd March, 2015.

Read

1) Government Circular No.: Irrigation Department No. FDW-1089/ (Chapter No.243/89)/Sin Vya (Works) Dt. 2.09.1989

2) Government Circular No.: Irrigation Department No. FDW-1089/ (Chapter No. 243/89)/Sin Vya (Works) Dt. 21.09.1989

3) Government Circular No.: Water Resource Department No. FDW-2013/ (Chapter No.281/2013)/Sin Vya (Revenue) Dt. 11.07.2014

4) Government Circular No.: Water Resource Department No. FDW-2013/ (Chapter No.281/2013)/Sin Vya (Revenue) Dt. 08.08.2014

FOREWORD:-

For any unavoidable works to be done by different departments in flood prone and prohibitive zone, it was required to obtain NOC from Regional Chief Engineer, Water Resource Department according to Gov. Circular Water Resource Department No. FDW-1089/(Chupter No.243/89)/Sin Vya (Works) Dt. 08.08.2014. it was also mentioned in the circular that, no powers to be delegated to officers below the rank of Chief Engineer. But in case no. 25/2014 filed in National Green Tribunal (Western Zone), Pune Bench. The Tribunal ordered on 03.02.2015 to revise the said circular issued by Water Resource Department Dt. 08.08.2014.

To avoid possible threat of flooding, with a view to demarcate flood lines to prohibit any type of construction inside flood lines, instructions have been given vide Irrigation Department Gov. Circular No. FDW-1089/ (Chapter No.243/89)/Sin Vya(Works) DL. 02.09.1989. Also, with a view to avoid risk of floods, to prohibit any type of construction inside flood lines, demarcation of prohibitive and restrictive zones according to Blue line and Red line respectively is directed vide Gov. Circular No. FDW-1089/ (Chapter No.243/89)/Sin Vya (Works)Dt. 21/9/1989. The directions about the causes under which use of these zones is permitted are included in this circular. But

the said circular does not specify the officer to be authorised to deliver final decision while demarcating the flood lines.

Also, some provisions are missing relating to decision of land use inside flood lines to be taken by Water Resource Department with respect to issuing NOC. Therefore, the scope of WRD (Water Resource Department) is restricted only to demarcate flood lines along the rivers. Accordingly, after receiving demand from other departments, WRD shall demarcate the flood lines after conducting necessary surveys.

Chief engineer, Superintending Engineer & Executive Engineer have rights to approve flood zones and flood lines for big, medium, and small projects respectively according to Dam Safety Manual Chapter 7 para. No. 10.9. Government was considering to give approval rights of flood zones; flood line maps and plans to Regional Chief Engineer in order to avoid possible threat of floods.

CIRCULAR-

Gov. Water Resource Department Circular No FDW-2013/(Chapter No.281/2013)/Sin Vya (Revenue) Dt. 08.08.2014 is being amended.

For avoiding possible threat of floods and with a view to prohibit any type of construction inside flood lines, after receiving demand to demarcate flood lines from respective District Collectors or any other

department, Water Resource Department vide Gov. Circular No FDW-1089/ (Chapter No.243/89)/ Sin Vya (Works) Dt. 02.09.1989 and Dt. 21.09.1989 after considering prescribed directions, Flood line and Flood zone maps can be approved by respective Regional Chief Engineer. Flood line and flood zone approval rights should not be delegated to ranks lower than Chief Engineer.

Said Gov. Resolution is made available on the Maharashtra government's website www.maharashtra.gov.in and its code No. is 201503021746171127. This order is digitally signed.

In the name and as per the orders of the Governor of Maharashtra.

Sanjiv A. Tatu,

Dy. Secretary

(TRUE COPY)

EXHIBIT A-2

Directives to demarcate flood lines and use of Prohibitive and Restrictive Zones to not to allow any construction inside flood line to avoid possible risk of floods.

STATE GOV. OF MAHARASHTRA WATER RESOURCES DEPARTMENT,

Government Circular No. PuRaNi-2018/(182/2018) Sin. Vya.

(Revenue)

Mantralaya, Mumbai-32

Date: 3 May 2018.

Read: Government Circular No.: FDW-1089/243/89/Sin Vya (Works) Dt. 2/9/1989, Dt. 21/9/1989

FOREWORD:-

To avoid possible threat of flooding, with a view to demarcate flood lines to prohibit any type of construction inside flood lines, instructions have been given vide Irrigation Department Gov. Circular No. FDW-1089/243/89/Sin Vya (Works) Dt. 2/9/1989 and Dr. 21/9/1989.

There is increasing demand for No Objection Certificates from Gov/Semi Gov, organisations, local Gov. bodies for development of cities, towns and pilgrimage places to construct bridges, approach roads for bridges, roads on river banks as per the Development Plans, gardens and jogging tracks, flood protection wall on river edge, construction of Ghats, crossing of gas pipe lines and electrical cables, laying of drainage pipe lines on river edges, construction of sewage treatment plants etc. unavoidable works of public use on Prohibitive Zone inside Blue flood lines and on Restrictive Zone between Blue and Red Flood Lines. In light of this and also in view of various projects completed and under construction by Water Resources Dept. on streams and rivers, changes in rain pattern with time, flood control and modern flood prediction systems etc. need to be reviewed again.

As per Gov. circular No. Nyaypra-2014 Pra. Kra. 424/2014SinVya (M). Dt. 2.3.2015, approval to flood zones and flood maps is given by Water Resources Dept. But it was under consideration of the government to improve and to get more clarification with respect to which public utility works should be allowed Prohibitive Zone inside Blue Flood line and on Restrictive Zone between Red and Blue Flood line as per Gov. circular No. FDW-1089/243/89/Sin Vya (Works) Dt.

2/9/1989 and Dt. 21/9/1989. Accordingly following circular is published with collectively improved/latest instructions.

CIRCULAR-

1. Gov. Irrigation Department circular No. FDW-1089/243/89/Sin Vya (Works) Dt. 2/9/1989 and Dt. 21/9/1989 is being modified.

2. With respect to the land use in flood prone zones, as per the guidelines given in the Dam Safety Manual Chapter 8/1984 important flood lines will be primarily of two types. Prohibitive Flood Line (Blue Line) and Restrictive Flood Line (Red Line).

3. Blue Flood Line:

Blue Flood Line will be the line marked at the water level of the highest discharge of:

a) Flood discharge at the average frequency of 25 years.

b) One and half times the discharge of the established riverbed.

4. Red Flood Line:

Red Flood Line will be the line marked at the water level of the water discharge as under:

a) Where there is no dam. flood discharge at the average frequency of 100 years.

b) Where there is a dam, maximum flood discharge over the spill way added with flood discharge from the free catchment area at the average frequency of 100 years.

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.

8. Restrictive Zone should be used only for the following:

i) Sewage carrying projects unavoidable in public interest.

ii) Public roads unavoidable in public interest: provided the top level of such road shall be above the level of Blue Flood line.

iii) Water supply pipe lines, gas pipe lines, drainage pipe lines unavoidable in public interest provided such pipe lines shall be under ground and will not cause obstruction in the cross section of the Restrictive Zone.

iv) The plinth level of the ground floor of the buildings in Restrictive Zone shall be safely above the level of Red Flood line so that the people could be evacuated to safe location before the flood level rises in the Restrictive Zone and it will be possible for the people and cattle to shift urgently to safe location with their belongings to avoid the loss of life and property due to floods.

9. Care shall be taken that there shall be no impediment to the flow of river, carrying capacity of the river shall not be reduced and there

shall be no change in the cross section of the river due to the land used mentioned in para No. 8 above. Chief Engineer shall be empowered to take action against the construction that causes obstruction to the flow of river. Concerned dept/Local Governing Body shall be responsible for the safety of the works done in the Prohibitive and Restrictive Zones. Concerned dept./Local Governing Body shall be responsible for the loss of life and property and possible litigations due to it because of the possible floods.

10.Considering all above mentioned points, to avoid possible flood risk, the regional Chief Engineer shall take necessary action as per Gov. circular No. Nyaypra-2014 Pra. Kra. 424/2014SinVya (M), Dt. 2.3.2015, to demarcate flood lines to identify Prohibitive Zone and Restrictive Zone as per the demand to Water Resources Dept. by Dist. Collector, Local Governing Body or other dept.

11.As the scope of work of Water Resources Dept. is limited only to demarcation of flood lines on river banks, works in Prohibitive Zone and Restrictive Zone as mentioned above shall not need No objection Certificates from Water Resources Dept. But if approval from Environmental Dept/other depts./Local bodies/other Gov. depts. is required, it shall be taken independently.

12.This Gov. circular is being issued as per Legal and Justice Dept. informal reference No. 388-2018/E Dt. 13.4.2018 and Town Planning dept. informal reference 1018/Anaus.5/2018/Navi-9 D1. 19.4.2018. No. TPS-1018/Anaus.5/2018/Navi-9 Dt.19.04.2018.

13.Said Gov. Resolution is made available on the Maharashtra government's website www.maharashtra.gov.in and its code No. is 201805031801595727. This order is digitally signed.

In the name and as per the orders of the Governor of Maharashtra

C. A. Birajdar,

Secretary

(TRUE COPY)

EXHIBIT A-3

NOTIFICATION

Government of Maharashtra

Urban Development Department

Mantralaya, Mumbai-400032

Date: 20//01/2021

The Maharashtra Regional and Town Plaining Act,1966

No. TPS-1815/428/C.R.138/15/UD-13:- Where the Government in urban Development Department, under section 13(I) of the Maharashtra regional and town planning Act, 1966(Maharashtra Act No. XXXVII of 1966)(there after referred to as "the said act")has sanctioned the revised development plan of the old limit of Pimpri -Chinchwad Municipal Corporation vide Notification TPS-1893/1276/CR-174/93/UD-13, dated 18/09/1995 and has sanctioned the Revised Development Plan of Pimpri-Chinchwad New Town Development Authority vide Notification No. TPS-1893/1412/UD-13, dated 28/11/1995 and some area under the planning control of Pimpri-Chinchwad New Town Development Authority has been included under the planning control of Pimpri-Chinchwad Municipal Corporation vide Notification No.PCN-1697/934/CR-89/UD-22, dated 15/11/1997. Also, Development Plan of extended limit of the Pimpri-Chinchwad Municipal Corporation has partly sanctioned vide Notification No.

TPS-1805/1050/CR-795/05/UD-13, dated 30/05/2008 and Notification No.TPS-1808/894/CR-1727/09/UD-13, dated 18/08/2009 and sanctioned the Development Plan of Excluded Part vide Notification No.TPS-1812/160/CR-58/12/Reconstruction No.27/12/EP-Sanction/UD-13, dated 02/05/2015. (hereinafter referred to as "the said Development Plans" and "the said notifications");

And whereas, the Government vide Resolution No.TPS-1815/428/CR-138/15/UD-13. dated 15/07/2015 has directed Pimpri-Chinchwad Municipal Corporation to initiate modification to the sanctioned Development plan of extended limit u/s 37(1) of the said Act, to include the lands falling beyond the Red flood line shown in No Development Zone to Residential zone;

And whereas, as per the Government directives, Pimpri-Chinchwad Municipal Corporation vide Resolution No.824, dated 20/02/2016 has decided to include the lands falling between the blue flood line and red flood line and lands falling beyond the red flood line shown in No Development Zone (Green Belt / Zone) to Residential zone, in the Development Plan of extended limit as well as in the revised Development Plan of old limit of the Pimpri-Chinchwad Municipal Corporation, for availability of contiguous Residential Zone and for planned development point of view. (hereinafter referred to as the 'said modification');

And whereas, the said Municipal Corporation has submitted the said modification in the said Development Plan, after following all legal procedure under the

provision of section 37(1) of the said Act, to the Government vide letter No.143/2017, dated 07/08/2017 for sanction;

And whereas, out of the lands under the said modification, concerned land owners of some lands have deposited the requisite amount of premium to the Government and Pimpri- Chinchwad Municipal Corporation;

And whereas, after making necessary enquiries and after consulting the Director of Town Planning. Maharashtra State, Pune, the Government is of opinion that the said proposed modification needs to be sanctioned partly, with some condition;

And whereas, in exercise of the powers conferred by section 37(2) of the said Act, the said modification proposal has been partly sanctioned, with some condition, for the lands out of the lands under the said modification, as mentioned in Annexure appended to this notification, for which the requisite amount of premium is deposited with the Government and Pimpri-Chinchwad Municipal Corporation by the Government vide Urban Development Department Notification No.TPS-1815/428/C.R. 138/15/UD-13, dated 17.09.2019;

And whereas, concerned land owners of some lands (as mentioned in the Annexure appended hereto), out of the lands under the said modification, have deposited the requisite amount of premium to the Government and Pimpri-Chinchwad Municipal Corporation;

Now therefore, in exercise of the powers conferred by section 37(2) of the said Act, the Government hereby sanctions the said modification proposal partly, with some condition, and for that purpose amends the said notifications as follows.

In the schedule of modification, appended to the said notifications, after the last entry following new entry shall be added viz:-

"ENTRY"

A) Out of the lands falling between the blue flood line (prohibitive flood line) and red flood line (Maximum/Controlling flood line) and lands falling beyond the red flood line in the sanctioned Development Plans of extended limit and of old limit of the Pimpri-Chinchwad Municipal Corporation and also in the Development Plan of Pimpri Chinchwad New Town Development Authority, which are under planning control of Pimpri-Chinchwad Municipal Corporation, shown in No Development Zone (Green Belt/Zone) are included in Residential Zone as mentioned in Annexure attached herewith, as shown on plan, subject to following condition.

Condition: Minimum 15% area should be provided as Amenity space in layout having area 0.40 ha. or more under the said modification. It is binding that development/construction of amenity in such amenity space should be made, as decided by the Commissioner, Pimpri- Chinchwad Municipal Corporation. It is

binding to handover the amenity space to Municipal Corporation for public purpose as required by the municipal corporation.

B) The remaining lands out of the said modification, for which the requisite amount of premium is not deposited and which are not finally sanctioned under section 37(2) of the said Act, if the requisite amount of premium is not deposited by the concerned land owners from the notification dated 17.09.2019 upto dt.08.03.2021, then such lands are deemed to have been deleted from the process of the said modification and are considered to be remained in Agricultural zone.

1) Part Plan bearing No.TPS-1815/428/C.R.138/15/UD-13 showing the aforesaid sanctioned modification is kept open for inspection of the general public in the working hours on all working days in the office of the Commissioner, Pimpri Chinchwad Municipal Corporation. Pimpri for the period of one month.

ii) This notification is published on Govt. website www.maharashtra.gov.in (Acts/Rules).

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

(Kishor Gokhale)

Under Secretary to Government

(TRUE COPY)

Annexure

(Accompaniment to the Government in Urban Development Department Notification No.TPS- TPS-1815/428/C.R.138/15/UD-133, dated 20/01/2020)

Sr. No.	Village Name	Survey No.	Area in sq. mtr.
1	Kivale	91/1 (pt)	33806.14
2	Ravet	17/3/1	1548.62
3		18/2 (pt)	5900.00
4		17/2/1 (pt)	915.99
5		17/1/1 (pt)	699.12
6		27/3/1(pt)	187.50
7		56/1A(pt)	7517.00
8		125/1A/1	93.00
9		125/1A/1	139.00
10		125/1A/1	186.00
11		125/1A/1	139.00
12		125/1A/1	186.00
13		125/1A/1	93.00
14		125/1A/1	93.00
15		125/1A/1	186.00
16		125/1A/1	93.00
17		125/1A/1	93.00
18		125/1A/1	186.00
19		125/1A/1	278.00
20		125/1A/1	558.00
21		125/1A/1	93.00
22		125/1A/1	93.00
23		125/1A/1	93.00
24		125/1A/1	186.00
25		125/1A/1	93.00
26		125/1A/1	185.00
27		125/1A/1	279.00
28		125/1A/1	93.00
29		125/1B	3100.00
30		125/1A/2B	93.00
31		125/1A/2B	186.00
32		125/1A/2B	93.00
33		125/1A/2B	128.57
34		125/2	2088.50
35		125/2	247.00
36		125/2 (pt)	2461.00
37		125/3	1041.00

1239

38		125/3	2922.00
39		127/2/1	807.99
40		128/3	694.97
41		127/1B	4050.00
42		127/2/2	2270.00
43		127/2/1	2440.00
44		127/1A	4000.00
45		128/2B	1500.00
46		128/3	2950.00
47		128/3/1	1850.00
48		128/2B/1	750.00
49		128/1 (pt)	3683.00
50		128/1 (pt)	2683.00
51		128/1 (pt)	6233.00
52		128/2B	292.00
53		127/2/1	878.00
54		128/3	720.00
55		129/1	11400.00
56		129/2	11300.00
57		129/3	11200.00
58		129/3/1	139.00
59	Ravet	129/3/1	139.00
60		129/3/1	500.00
61		129/3/1	5107.00
62		129/3/1 (pt)	579.00
63		129/3/1 (pt)	121.00
64		130/2	186.00
65		130/2	100.00
66		130/2	187.36
67		130/2	139.40
68		130/2	140.33
69		130/2	98.51
70		130/2	96.18
71		130/2	279.00
72		130/2	69.70
73		130/2	69.70
74		130/2	139.40
75		130/2	60.96
76		130/2	102.40
77		130/2/1	4328.00
78		131/2	300.00
79		131/2	200.00

80		131/2	100.00
81		131/2	100.00
82		131/2	90.00
83		131/2	100.00
84		131/2	130.00
85		131/2	300.00
86		131/2	100.00
87		131/2	100.00
88		131/2	100.00
89		131/2	100.00
90		131/2	300.00
91		131/2	450.00
92		131/2	150.00
93	Ravet	131/2	100.00
94		131/2	139.00
95		131/2	100.00
96		131/2	100.00
97		131/2	100.00
98		131/2	150.00
99		131/2	100.00
101		131/2	150.00
102		131/2	150.00
103		131/2	150.00
104		131/2 (pt)	300.00
105		203/1 (pt)	484.00
106		203/1 (pt)	3300.00
107		203/1 (pt)	1100.00
108	Rahatani	120/1/2/1 (pt)	1200.37
109		121/1/2 (pt)	4818.98
110		47/11, 47/12 (pt)	175.00
111		80/2/3/4/1/3 (pt)	186.00
112		80/2/3/4/1/3 (pt)	223.00
113		80/2/3/4/1/3 (pt)	139.00
114		80/2/3/4/1/3 (pt)	279.00
115		80/2/3/4/1/3 (pt)	302.00
116	Chinchwad	80/2/3/4/1/3 (pt)	112.00
117		80/2/3/4/1/3 (pt)	124.00
118		80/2/3/4/1/3 (pt)	121.00
119		80/2/3/4/1/3 (pt)	112.00
120		80/2/3/4/1/1 (pt)	7000.00
121		80/2/3/4/1/3 (pt)	279.00
122		83/2/3/4/1 (pt)	186.00

123	Chinchwad	83/2/3/4/2(pt)	200.00
124		83/2/3/4/2(pt)	200.00
125	Bhosari (Kasarwadi)	484/2/1 (pt) (C.T.S.1761)	93.00
126		484/2/1 (pt) (C.T.S.1761)	116.00
127	Charholi	498 (pt)	2148.50
128		2/2 (pt), 3/1/2/2 (pt)	7461.56
129	Pimpale-Gurav	18/2 (pt)	647.50
130		17/1, 17/2 (pt)	3582.00
131		13/7 (C.T.S. 647 (pt))	199.48
132		31/2/1 (pt)	550.00
133	Sangavi	71/1/2 (C.T.S.2387)	1200.00
134		74/2 (C.T.S.2749 (pt))	740.34
135		71/1/2 (pt) (C.T.S.2387 (pt))	898.00
136	Pimpale-Nilakh	26/1/3/1A (C.T.S.996 (pt))	919.68
137		26/1/1/2/4 (C.T.S.1001 (pt))	411.00
138		26/1/1/2/4 (pt) (C.T.S.1001 (pt))	12.37
139		26/1/1/2/2 (pt) (C.T.S.1002 (pt))	1611.88
140		26/1/1/2/3 (pt) (C.T.S.1002 (pt)) And (C.T.S.1003 (pt))	1248.75
141		26/1/2/16 (pt) (C.T.S.1000 (pt))	23.28
142	Chikhali	GatNo.90	3067.00
143	Punavale	45 (pt)	8552.86
144		47 (pt)	866.50
145		43 (pt)	2365.98
146		43 (pt)	8431.88
147		43 (pt)	971.75
148		43 (pt)	400.00
149		47/1/2	2305.25
150		47/1/3	2915.50
151		47/1/1	2159.50

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

(Kishor Gokhale)
Under Secretary to Government

(TRUE COPY)

EXHIBIT A-4

Time Bound / Very Important

Government of Maharashtra

Town Planning and Valuation Department

Dy. Director, Town Planning, Development Scheme Special Cell, Pimpri Chinchwad Municipal Corporation and Pimpri Chinchwad Navnagar Development Authority, Pimpri-Pune 411018

Sant Tukaram Nagar, Pimpri-Chinchwad Municipal Corporation, Market area, Third Floor, Pimpri, Pune-10

Email : ddtppcmecdp_pune@rediffmail.com

O. No. Tantra/DDTPDSSC/480 Date : 21.09.2022

To,

The Superintending Engineer

Pune Irrigation Circle,

Sinchan Bhavan, Pune-1.

Subject: Amended Development Scheme Pimpri Chinchwad Municipal Corporation and Special Planning Authority (Pimpri Chinchwad Navnagar Development Authority)

Confirmation of flood line of existing rivers, nallahs within the area of Development Scheme.

Reference: 1. Letter No. Tantrik/USNRVYVG/230 dated 5.4.2020 and its reminder.

2. Your Letter No. 3849 dated 3.6.2022,

addressed to Executive Engineer, Khadakwasla Irrigation Department, Pune and Pune Irrigation Department, Pune.

Sir,

The work of preparing amended development scheme of Pimpri Chinchwad Municipal Corporation (Original and extended boundary), Pimpri Chinchwad Navnagar Development Authority (in parts) is being done by this office.

The 28 villages within the jurisdiction of Pimpri Chinchwad Municipal Corporation and some parts of Pimpri Chinchwad Navnagar Development Authority are included in the area of amended development Scheme. Your office, vide above referred letter, has been informed that this office requires the maps, showing flood lines of rivers, nallhas existing in the proposed area (with blue and red line) in hard and soft copy, for preparation of format amended development scheme.

In the meantime, the representatives of Consulting Agency has obtained the information of flood lines (with blue and red lines) of Pawna, Mula and Indrayani rivers in PDF format, falling within the jurisdiction of Pimpri Chinchwad Municipal Corporation. Moreover, the consulting agency has shown the said flood line on base map by geo referencing it and when this office checked the same, it is found that the flood line of Indrayani river passing through Mouje Charholi is incomplete. It is mandatory to show the entire flood line of Indrayani river, passing through Mouje Charholi.

It is therefore, humbly requested to provide the information about entire flood line to this office in soft copy.

Therefore, it is requested that the soft copy of flood line map, prepared by the consulting agency, is being sent to your office and check, confirm and inform this office that the flood lines shown in the said map (Pawna, Mula and Indrayani) are correct. It is requested to initiate immediate action as there is time limit to prepare format development scheme under Section 26 of Maharashtra Regional and Town Planning Act, 1966.

Enclosure: Soft copy of flood line map.

Yours
(Vijay Shende)
Dy. Director, Town Planning
Development Plan, Special Cell,
Pimpri Chinchwad Municipal Corporation &
Pimpri Chinchwad Navnagar Development
Authority, Pimpri-Pune

Copy to:

1. The Executive Engineer, Khadakwasla Irrigation Department, Pune for necessary action.
2. The Executive Engineer, Pune Irrigation Department, Pune for necessary action.

(TRUE COPY)

EXHIBIT A-5

Government of Maharashtra
Water Resources Department
Maharashtra Krushna Valley Development Corporation, Pune
Chief Engineer, Water Resources Department, Pune.
Sinchan Bhavan, Warne Road, Mangalwar Peth, Pune-411011

O.No. CE(WR)KA-2/UA-5/Prasha-6/0789/2025 Date: 24.02.2025

By Email

To
The Executive Director
Mah. Krushna Valley Development Corporation
Pune

Subject: Regarding review and survey of Indrayani River Flood Line

Reference :- Letter No. MADHA/022025/1451 dated 17/02/2025 of Hon'ble Ranjitsingh Naik Nimbalkar Ex-Member of Parliament

Letter No. CE(WR)/EE-2/Dy.E-5/ Admin. 6/0697/2025 Dated 18/02/2025 of The Chief Engineer , (Deptt. Of Water Resources Pune)

Letter No. PIR.Admin.-4/1001/2025 Dated 20/02/2025 of Superintending Engineer, Pune Irrigation Board.

In connection with subject mentioned matter, Shri. Ranjitsingh Naik Nimbalkar, Ex-Member of Parliament, has submitted a representation to Shri. Radhakrushna Vikhe Patil, Water Resources Minister (G. & KVDC, Pune) regarding review and survey of flood line of Indrayani river. Accordingly, the Minister has issued instructions to review the flood line and to

take a policy decision in this matter. In this respect, instructions are issued vide Reference No. 2 to submit a proposal.

In this respect, it is informed that the Superintending Engineer, Pune Irrigation Board and Executive Engineer, Pune Irrigation Department, Pune, are instructed to prepare the detailed proposal for review of flood line of Indrayani river flood line for submitting to the government. Accordingly, the same is under process at regional level.

This is for your information and further necessary action please.

The office copy is signed by C.E.

Sd/-
(S.P. Thorat)
Asst. Chief Engineer (P. & P.)
Water Resource Department, Pune

Copy to: The Commissioner, Pimpri Chinchwad Municipal Corporation, Pimpri, for information
Copy to: The Superintending Engineer, Pune Irrigation Board, Pune, for information and necessary action.
Coy to : The Executive Engineer, Pune Irrigation Department, Pune, for information and necessary action.

TRUE TRANSLATION

ADVOCATE

(TRUE COPY)

EXHIBIT A-6

Additional Tehsildar Pimpri Chinchwad Haveli. Distt.

Pune Pimpri Chinchwad Navnagar Development Authority

Office Old Administrative Building Nigdi, Pune - 411004

Sl. ground/na/sr/851/2022

Date :- 30/11/2022

To,

By V Square, Vishwanath Vasant
Jare and others. Group no. 90
Chikhli, Pune

Subject:- Provision for conversion of land use for land included in the final development plan area under section 42 and regarding conversion of land use to the indicated land use of the land. Mouj Chikhali, p. Haveli Land Survey No./ Group No. Sanctioned drawing area of 90 Pais is 10429.00 sq.m. Out of the area DP reservation for green area affected area is 7245.53 sq.m. minus 3983.47 sq. I. area for residential purposes

Reference : Your application dated 27/09/2022.

Sir,

Mouj Chikhali, p. Haveli land survey no. Group no. Sanctioned drawing area of 90 Pais is 10429.00 sq.m. Out of the area, the affected area for DP Green area is 7245.53 sq.m. minus 3183.47 sq. I. Maharashtra land for residential purposes in the area.

An application has been filed with these offices for conversion of land use under Section 42B of Reservation Revenue Act 1966 Ordinance 2017.

Accordingly, it is informed that the recoverable amount of non-agricultural amount is as follows and the said amount should be paid into the government treasury through GRAS system and the receipt of payment should be submitted to the offices. After that the application should be submitted to these offices to get the charter.

Sr	Purpose	Resident
1	Non-agricultural levy area in sq.m	**3183.47 Sq mtr**
2	Non-agricultural levy rate (per sq.m.)	0.54/-

3	Annual levy on uncultivated area	1719/-
4	Amount of converted tax	8595/-
5	40 times penalty for unauthorized non-agricultural use	--
6	Total amount to be recovered Rs	10314/-

(TRUE COPY)

EXHIBIT A-7

REPORT OF THE JOINT COMMITTEE IN COMPLANCE WITH ORDER DATED 09/07/2021 OF THE HON'BLE NATIONAL GREEN TRIBUNAL (NGT) IN THE MATTER OF OA NO. 50/2020 (WZ), TANAJI BALASAHEB GAMBHIRE VS CHIEF SECRETARY, GOVT. OF MAHARASHTRA & ORS.
Dt.20/12/2021

1.0 Background

Grievance in the Original Application No. 50/2020 (WZ), titled Tanaji Balasaheb Gambhire Vs Chief Secretary, Govt. of Maharashtra & Ors., as per order dated 09/07/2021 of the Hon'ble NGT, is against violation of environmental norms by M/s River Residency Developers, M/s Jare Group (Jare World) and M/s V. Sqaure, Pune in developing "River Villa" project at Survey No. 90(P), Near River Residency, Village–Chikhali, Taluka-Haveli, District Pune within the limit and jurisdiction of Pimpri-Chinchwad Municipal Corporation (PMMC) on total land admeasuring of 22,000 m^2. Violations alleged are that construction has been undertaken by reclaiming the land by dumping construction waste from River Residency Project, without requisite permissions and the project is in the blue flood line of Indrayani River.

The applicant has stated various violations done by M/s Jare Group (Jare World) and M/s V. Sqaure, Pune in developing "river villa" project, which are summarized as;

i. It is stated that as per the flood line marking plans Indrayani River submitted by the irrigation department to PCMC during January 2009, said project site is shown as affected by prohibited blue flood line and project is being developed in the said area by illegally dumping construction waste thereby blocking the natural flow of the Indrayani River. Further, stated that project proponents have completed construction of one bungalow out of 99 proposed bungalows. Also, completed the construction of boundary wall for each bungalow plot and completed the compound wall for the entire project site.

ii. Project proponents have not obtained any non-agricultural permission for land use change from District Collector of Pune, Maharashtra Real Estate Regulatory Authority-MAHA RERA, Irrigation department, layout & building sanction from PCMC and State Environment Impact Assessment Authority and Maharashtra Pollution Control Board.

iii. The project proponents have illegally extracting ground water without permission, construction of internal asphalt roads, operating DG set, not preserving the top soil, and illegal cutting of trees etc.

Hon'ble NGT directed vide Order dated 09/07/2021 (copy of Hon'ble NGT Order, dated 09/07/2021 is given at **Annexure-I**) and relevant Order is reproduced as below:

"...4. Learned counsel for the applicant points out that this Tribunal vide order dated 30.06.2021 in O.A. No. 56/2020 (WZ), Tanaji Balasaheb Gambhire v. Chief Secretary, Govt. of Maharashtra & Ors., where overlapping issues are involved, has constituted a five-Member joint Committee comprising CPCB, SEIAA, Maharashtra, State PCB, Irrigation Department, Maharashtra and District Magistrate Pune.."

"...5. In view of the above, we direct the joint Committee, constituted in the above matter, to visit the site of the present project also and give the status of compliances in its report. The Committee may interact with the stake holders and except for visit to the site conduct proceedings online. The Committee will be free to take assistance from any other individual/institutions. The statutory authorities are free to take remedial actions in the light of the fact noticed, in accordance with law. The report of the Committee may be furnished within three months by e-mail at judicial-ngt@gov.in preferably in the form of searchable PDF/ OCR Support PDF and not in the form of Image PDF.

The applicant may serve a set of papers on CPCB, State PCB, SEIAA, Maharashtra, Irrigation Department, Maharashtra and District Magistrate, Pune and file affidavit of service within one week.

A copy of this order be forwarded to CPCB, State PCB, SEIAA, Maharashtra, Irrigation Department, Maharashtra and District Magistrate, Pune by e-mail for compliance.

List for further consideration on 18.11.2021..."

2.0 Approach

In order to comply with the aforesaid Hon'ble NGT Order, the Central Pollution Control Board (CPCB) held a virtual meeting on 02/08/2021 and decided to seek relevant information from various organizations viz. Maharashtra Pollution Control Board, State Environment Impact Assessment Authority (Maharashtra), Pimpri-Chinchwad Municipal Corporation, Irrigation Department, Govt. of Maharashtra, Integrated Regional Office of Ministry of Environment, Forest & Climate Change-Nagpur and Central Ground Water Authority. These organisations were requested to send the relevant information. Further, another follow-up virtual meeting was convened on 02/09/2021 to discuss the way forward and progress of submission of relevant information from various organizations. Subsequently, follow-ups were made during August, 2021 to November, 2021 for seeking relevant information. Upon receipt of desired information and nominee officials, the joint committee carried-out inspection of the said residential project i.e. "River Villa" project at Survey No. 90(P), Near River Residency, Village–Chikhali, Taluka-Haveli, District-Pune on 08/12/2021. The following committee members were present during the inspection:

i. Shri Nishchal C., Scientist 'D', CPCB, Regional Directorate, Pune
ii. Shri Pankaj Joshi, Member, SEIAA, Maharashtra
iii. Shri Kiran Hasabnis, Sub Regional Officer, MPCB, Pune
iv. Shri Ashok Late, Deputy Engineer, Irrigation Department, Govt. of Maharashtra, Pune
v. Shri Unmesh Muley, Clerk as Representative of District Magistrate, Govt. of Maharashtra, Pune

Also, Shri Suryakant Mohite, Deputy Engineer, Pimpri-Chinchwad Municipal Corporation, Pune and Smt Jyoti Sutar, Field Officer, Sub Regional Office-Pimpri Chinchwad, MPCB, Pune were present and accompanied the joint committee during the inspection.

3.0 Observations and findings

Based on the preliminary information received from various organisations, and followed by site inspection to assess the various violations mentioned in the aforesaid Hon'ble NGT Order, the observations & findings of the joint committee are given as below:

i. Irrigation Department, GoM, has informed that they have carried-out survey with the help of HECRAS software and plotted blue & red flood lines on Indrayani River in the stretch of Dehu road to Charoli Bhandara. The aforesaid plotted map of Indrayani River has been submitted to the Commissioner PCMC vide letter no. 6317, dated 23/07/2008. It was also informed that in order to avoid possible danger of flood, the Govt. of Maharashtra has issued circular No. FWD-1089/243/89/Sin Vya (Works), dated 21/09/1989 regarding demarcation of flood lines to prohibit any type of construction inside the flood lines (blue line). Also, directed to follow the guidelines mentioned in the aforesaid circular w.r.t. prohibitive and restrictive zone before commencement of any construction activity. Copy of the aforesaid circular vide dated 23/07/2008 is given at **Annexure-II.**

ii. As per the development plan for extended area of Pimpri-Chinchwad Municipal Corporation (excluded part) published under section 31 of The Maharashtra Regional and Town Planning Act, 1966 vide notice no. TPS-1808/894/CR-09/UD-13, dated 18/08/2009, read with corrigendum & addendum dated 27/10/2009, the said gat no.90 is shown as affected by prohibited blue flood line of the Indrayani River. Copy of the aforesaid Development Plan for extended area of PCMC is given at **Annexure-III.** Wherein the project proponent i.e. M/s Jare Group (Jare World) and M/s V. Square, Pune is developing "river villa" project falling under the said affected gat no. 90. It was observed during the joint committee visit on 08/12/2021 that the project proponent i.e. M/s Jare Group (Jare World) and M/s V. Square, Pune has constructed boundary wall for each bungalow plot and completed the compound wall for the entire project site. Also, construction of about 04 nos. of bungalows was in progress while construction of 01 no. of bungalow was found completed.

iii. It is observed from the action taken report submitted by the Joint City Engineer, Building Permission and Unauthorized Construction Control Department, PCMC, Pune to MPCB that;

a) The project proponent i.e. i.e. M/s Jare Group (Jare World) and M/s V. Square, Pune has carried-out unauthorized plotting on the premises at

survey no.89 and 90 at Vill. Chikhali, Tashil. Haveli, Dist. Pune, which is partially affected by green belt,18 meter widening of road and some part by reservation no. 1/130 of the sewage treatment plant as per the approved development plan of PCMC.

b) The project proponent has not sought any prior permission from PCMC w.r.t. the plotting.

c) The Building Permission and Unauthorized Construction Control Department, PCMC, Pune vide letter no. BP/Kavi/Chikhali/02/58(a)/201, dated 20/05/2019 had issued notice to the land owner i.e. Shri Dilip Chordia.

d) The Building Permission and Unauthorized Construction Control Department, PCMC has registered criminal offence against the project proponent vide no. 0053, dated 22/01/2020 under Section 397 of The MMC Act in Bhosari MIDC Police Station.

e) The Building Permission and Unauthorized Construction Control Department, PCMC, Pune vide letter no. B.P./kavi/Chikhali/83/2020, dated 11/03/2020 communicated a letter to Inspector in General of Registration and Controller of Stamps of Maharashtra State, Pune, not to permit the sale and purchase of the said plotting and register any documents therefore.

f) However, the Hon'ble Deputy Director of Town Planning vide dated 07/09/2020 informed to the unauthorized plotting holder i.e. Shri Dilip Chordia to pay 50% of the premium amount of Rs. 6,81,000/- assessed in respect of land area indicated in the No Development Zone (green zone), outside the blue flood line in terms of development plan for extended jurisdiction of PCMC to be modified into residential zone, with the payment to Town Planning Department of PCMC. Construction in this area can be allowed after change of green zone to residential zone as per Rules and Regulations.

g) PCMC has issued 07 notices to most of the unauthorized construction in the aforesaid plotting and also 04 offences are registered on the said unauthorized construction holders Similarly, PCMC department has issued notices to the unauthorized constructions which are presently in progress. Further, it has been informed by PCMC vide letter no. BP/WD02/18/2021, dated 30/08/2021 that unauthorised construction could not be removed as there was interim stay on the removal of unauthorised construction during the covid pandemic period as per the orders passed from time to time by the Hon'be High Court of Mumbai in Suto Motu PIL no. 01 of 2021 till 30/09/2021.

h) Copy of the aforesaid detailed action taken report vide dated 30/08/2021 as submitted by the Joint City Engineer, Building Permission and Unauthorized Construction Control Department, PCMC, Pune to MPCB is given at **Annexure-IV.**

iv. The State Govt. of Maharashtra, Water Resource Department, Govt. Circular No. PuRaNi-2018/(182/2018) Sin. Vya. (Revenue), dated 03/05/2018, read with Govt. Circular No. FWD-1089/243/89/Sin Vya (Works), dated 21/09/1989 issued a circular regarding demarcation of flood lines to prohibit any type of construction inside the flood lines. Copy of the aforesaid circular vide dated 03/05/2018 is given at **Annexure-V**. Also, translated version of the aforesaid circular vide dated 03/05/2018 from Marathi to English, as submitted by the Applicant in his petition is given at **Annexure-V A**. The relevant paragraph of the aforesaid circular vide dated 03/05/2018 is reproduced 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..."

"...8. Restrictive Zone should be used only for the following:

i) Sewage carrying projects unavoidable in public interest.

ii) Public roads unavoidable in public interest; provided the top level of such road shall be above the level of Blue Flood line.

iii) Water supply pipe lines, gas pipe lines, drainage pipe lines unavoidable in public interest provided such pipe lines shall be under ground and will not cause obstruction in the cross section of the Restrictive Zone.

iv) The plinth level of the ground floor of the buildings in Restrictive Zone shall be safely above the level of Red Flood line so that the people could be evacuated to safe location before the flood level rises in the Restrictive Zone and it will be possible for the people and cattle to shift urgently to safe location with their belongings to avoid the loss of life and property due to floods..."

3.1 Action taken by the Hon'ble NGT in various matters related to construction raised in the prohibited zone

i. Hon'ble NGT in OA no. 281 of 2019(PB) in the matter of Mahadevapura Parisara Samrakshane Mattu Abhivrudhi Samiti vs Union of India & Ors. passed an order vide dated 30/07/2021 regarding the violation of provisions relating to wetlands and Rajakaluves, and constructions raised in the buffer zone or surrounding area of Kaikondarahalli Lake. Relevant extract of the paragraphs of the aforesaid order vide dated 30/07/2021 are reproduced below;

"...155. Hence, in view of order already passed on 09.05.2019 based on the report submitted by First Joint Committee, we allow Original Application, i.e., OA No. 281/2019. Order for taking necessary action against PP, Ramesh Kumar as well as demolition of constructions illegally raised on the disputed site, are maintained and reiterated. The respondents competent authorities shall proceed in accordance with law to enforce environmental laws by initiating prosecution, demolishing the structures, illegally raised, if not, already demolished, restore land to its original position, make assessment of cost of restoration and damage to environment, assess environmental compensation against PP-Ramesh Kumar and realize the same in accordance with law, if not already done, expeditiously and in any case within 3 months from the date of this judgment..."

"...321. We impose compensation for damage to environment as 10% of the cost of project. The cost of project mentioned in the application submitted for grant of EC was 310 crores, hence PP is directed to pay 31.00 crores. This amount shall be used for demolition of the constructions as per direction (ii), restoration of the area to the original position, rejuvenation and reforestation etc. of the "Kaikondarahalli Lake" and its surrounding area. PP shall deposit the amount within one month with the State Wetland Authority..."

ii. Hon'ble NGT in OA no. 41of 2019 (WZ) in the matter of Federation of River Residency Cooperative vs Pimpri Chinchwad Municipal Corporation & Ors. passed an order vide dated 30/01/2020 regarding construction of Sewage Treatment Plant (STP) by the Pimpri-Chinchwad Municipal Corporation (PCMC) in the area between the river bank and Blue Flood Line of the Indrayani River, which is a prohibited zone. Relevant extract of the paragraphs of the aforesaid order vide dated 30/01/2020 are reproduced below;

"...9. Having regard to the facts and circumstances set out above, we have no hesitation in holding that the questioned STP has been constructed within the prohibitive zone and, apart from the fact that the

PCMC did not have the necessary Consent to Establish, the structure (STP in the present case) besides having been raised at a location which is not suitable for construction of STP, is also obstructing the natural flow of the river during the rainy season..."

"...10. As a consequence, we direct the PCMC to immediately demolish the STP in question and take steps to construct one at some other suitable site in accordance with law. The entire exercise shall be carried out within a period of one month under the strict supervision of the MPCB and the Irrigation Department, Government of Maharashtra..."

"...11. Since, during the construction of the STP severe damage was caused to the environment and ecology of the area, we direct the MPCB to assess the ecological damage by taking scientific support of experts and recover the same from the PCMC..."

Some of the photographs taken during the joint committee inspection are given at **Annexure-VI.**

4.0 Conclusions

Construction by project proponent i.e. i.e. M/s Jare Group (Jare World) and M/s V. Square, Pune is being carried out in Gat No. 90, Near River Residency, Village– Chikhali, Taluka-Haveli, District-Pune. As per the flood plan submitted by Irrigation Department, Govt. of Maharashtra to the Commissioner, PCMC dated 23/07/2008 the said Gat No. 90 falls between the river bank and blue flood line of Indrayani River, which is a prohibited zone. Also, as per Circular of Govt. 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" vide 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 be immediately removed.

As per the action taken report submitted by the Joint City Engineer, Building Permission and Unauthorized Construction Control Department, PCMC, Pune that the said area falls between the river bank and blue flood line of the Indrayani River, which is a prohibited zone. Hence the unauthorised construction, filling carried out as on today is illegal. PCMC has issued several notices to the project proponent and plot holders and also communicated to the Inspector in General of Registration and Controller of Stamps of Maharashtra State, Pune, not to permit the sale and purchase of the said plotting and register any documents therefore. Subsequently, an FIR is also lodged against the project proponent. vide no. 0053, dated 22/01/2020 under Section 397 of The MMC Act in Bhosari MIDC Police Station

5.0 Recommendations

Considering the above referred circulars issued by Irrigation Department, Govt. of Maharashtra, action taken report submitted by PCMC and Orders passed by Hon'ble Hon'ble NGT in similar matters i.e. prohibiting the constructions made between the river bank and blue flood line of the Indrayani River and also the construction raised in the buffer zone of water bodies, the joint committee recommends the following for kind consideration of the Hon'ble Tribunal:

i. Demolish[1] the constructions illegally raised by the project proponent i.e. M/s Jare Group (Jare World) and M/s V. Square, Pune in Gat No. 90, Near River Residency, Village–Chikhali, Taluka-Haveli, District-Pune in the area, affected by prohibited blue flood line of the Indrayani River

ii. The project proponent i.e. M/s Jare Group (Jare World) and M/s V. Square, Pune may deposit Rs 05 Crores[2] with PCMC as damages for contravening provisions w.r.t. constructing project in Gat No. 90, Near River Residency, Village–Chikhali, Taluka-Haveli, District-Pune in the area, affected by prohibited blue flood line of the Indrayani River which is prohibited area as per Govt. of Maharashtra circular No. FWD-1089/243/89/Sin Vya (Works), dated

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[1] Hon'ble NGT in OA no. 281 of 2019 (PB) in the matter of Mahadevapura Parisara Samrakshane Mattu Abhivrudhi Samiti vs Union of India & Ors. vide order dated 30/07/2021

[2] Hon'ble Supreme Court in Civil Appeal No. 10854 of 2016 in the matter of M/s Goel Ganga Developers India Pvt. Ltd., vs Union of India & Ors. vide order dated 10/8/2018

21/09/1989. PCMC may utilise the said amount for cleaning & rejuvenation of gat no.90, affected by prohibited blue flood line of the Indrayani River.

iii. In addition to the above, as at s. no. ii, PCMC may assess environmental & ecological damage and required remedial measures through reputed institute such as NEERI, IIT Bombay, etc. The damage and remedial measures cost may be recovered from the project proponent i.e. i.e. i.e. M/s Jare Group (Jare World) and M/s V. Square, Pune and be implemented by PCMC.

The above exercise may be carried out under the supervision of the District Collector, Pune, MPCB and Irrigation Department, Govt. of Maharashtra.

Nishchal C.
Scientist 'D' CPCB, RD – Pune

Pankaj Joshi,
Member, SEIAA

Kiran Hasbnis
Sub-Regional Officer, MPCB

Ashok Late
Dy. Engineer, Irrigation Dept., Pune

Unmesh Muley, Clerk as
Representative of DM, Pune

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(TRUE COPY)

EXHIBIT A-8

REPORT OF THE JOINT COMMITTEE IN COMPLANCE WITH ORDER DATED 30/06/2021 OF THE HON'BLE NATIONAL GREEN TRIBUNAL (NGT) IN THE MATTER OF OA NO. 56/2020 (WZ), TANAJI BALASAHEB GAMBHIRE VS CHIEF SECRETARY, GOVT. OF MAHARASHTRA & ORS.

1.0 Background

Grievance in the Original Application No. 56/2021 (WZ), titled Tanaji Balasaheb Gambhire Vs Chief Secretary, Govt. of Maharashtra & Ors., as per order dated 30/06/2021 of the Hon'ble NGT, is against violation of environmental norms in setting up of a housing project – 'River Residency' developed by M/s River Residency Developers, Pune. The applicant has stated various violations done by M/s. River Residency Developers, Pune setting up of a housing project i.e. 'River Residency', which is summarized as;

i. The project is in blue flood line of Indrayani River. Construction waste has been dumped into the river and constructions have resulted in blockage of natural water body no. 23, shown in the Irrigation Plan.

ii. Illegal construction of parking complex, illegal extraction of ground water, illegal operation of RMC plant and construction of DP roads in the blue flood line, in violation of EC conditions.

iii. Construction of the aforesaid project had resulted in irreversible and damage to the environment in violation of statutory mandate under the Environment (Protection) Act, 1986 along with Water (Prevention and Control of Pollution) Act, 1974, Air (Prevention and Control of Pollution) Act, 1981 and Municipal Solid Waste Rules, 2016.

Hon'ble NGT directed vide Order dated 30/06/2021 (copy of Hon'ble NGT Order, dated 30/06/2021 is given at **Annexure-I**) and relevant Order is reproduced as below:

"3...We have heard learned Counsel for the applicant. A perusal of the application and the documents show prima-facie violation of environmental norms warranting seeking a response from the project proponent and the statutory regulators. To assess the factual ground situation, we find it necessary to constitute a five-member joint Committee comprising CPCB, State PCB, SEIAA, Maharashtra, Irrigation Department, Maharashtra and District Magistrate, Pune. The nodal agency for

coordination and compliance will be the State PCB. Meeting of the joint Committee may be held within two weeks from receipt of a copy of this order. The Committee may visit the site and interact with the stakeholders. It will be open to the Committee to take assistance from any other institution/individual. In the light of the facts found the statutory authorities may take remedial action. Factual and action taken report may be furnished to this Tribunal within three months by e-mail at judicialngt@gov.in preferably in the form of searchable PDF/OCR Support PDF and not in the form of Image PDF with an advance copy to the project proponent for its response, if any, before the next date. The report may include information about demarcation of blue line, status of dumping of C& D and other waste, change in water course of river and other water course/body, permission for ground water extraction, grant of CTE and compliance of stipulated conditions, construction of structures in the area in question.

The applicant may serve a set of papers on CPCB, State PCB, SEIAA, Maharashtra, Irrigation Department, Maharashtra and District Magistrate, Pune and file affidavit of service within one week.

A copy of this order be forwarded to CPCB, State PCB, SEIAA, Maharashtra, Irrigation Department, Maharashtra and District Magistrate, Pune by e-mail for compliance.

List for further consideration on 18.11.2021..."

2.0 Approach

In order to comply with the aforesaid Hon'ble NGT Order, the Central Pollution Control Board (CPCB) held a virtual meeting on 02/08/2021 and decided to seek relevant information from various organizations viz. Maharashtra Pollution Control Board, State Environment Impact Assessment Authority (Maharashtra), Pimpri-Chinchwad Municipal Corporation, Irrigation Department, Govt. of Maharashtra, Integrated Regional Office of Ministry of Environment, Forest & Climate Change-Nagpur and Central Ground Water Authority. These organisations were requested to send the relevant information. Further, another follow-up virtual meeting was convened on 02/09/2021 to discuss the way forward and progress of submission of

relevant information from various organizations. Subsequently, rigorous follow-ups were made during August, 2021 to November, 2021 for seeking relevant information. Upon receipt of desired information and nominee officials, the joint committee carried-out inspection of the said residential project i.e. "River Villa" project at Survey No. 90(P), Near River Residency, Village–Chikhali, Taluka-Haveli, District-Pune on 08/12/2021. The following committee members were present during the inspection:

i. Shri Nishchal C., Scientist 'D', CPCB, Regional Directorate, Pune
ii. Shri Kiran Hasabnis, Sub Regional Officer, MPCB, Pune
iii. Shri Pankaj Joshi, Member, SEIAA, Maharashtra
iv. Shri Ashok Late, Deputy Engineer, Irrigation Department, Govt. of Maharashtra, Pune
v. Shri Unmesh Muley, Clerk as Representative of District Magistrate, Govt. of Maharashtra, Pune

Also, Shri Suryakant Mohite, Deputy Engineer, Pimpri-Chinchwad Municipal Corporation, Pune and Smt Jyoti Sutar, Field Officer, Sub Regional Office-Pimpri Chinchwad, MPCB, Pune were present and accompanied the joint committee during the inspection. Shri Anand Jain, Director – River Residency Project was present and provided the visit coordination.

3.0 Observations and findings

Based on the preliminary information received from various organisations, and followed by site inspection to assess the various violations mentioned in the aforesaid Hon'ble NGT Order, the observations & findings of the joint committee are given as below:

A. Observations w.r.t. location of the project in blue flood line of Indrayani River. The averments made by the applicant and as mentioned in the original application are reproduced below.

"Because number of reservations shown on development Plans of PCMC are affected by prohibited zone of Blue Flood Line of various Rivers passing through the jurisdiction of PCMC and these reservations needs to be relocated outside the Blue Flood Line Area to avoid the damage to environment and ecology. Because illegal acquisition of STP reservation land by PCMC that comes between prohibited zone of blue flood line area of Holy

Indrayani River & Indrayani River bed and PCMC is giving illegal benefits in terms of TDR. Which is leading illegal construction."

"Because Respondent No. 17-PP has carried out illegal of Construction Residential buildings in prohibited zone of Blue flood line of Holy River Indrayani."

"D.P. roads have been illegally constructed in blue flood line in violation of EC conditions"

As per the information provided by PCMC vide email dated 11/01/2022 no reservations are affected by prohibited zone of blue flood line of Indrayani River. Also, as per the PCMC approved sanctioned plans of River Residency project vide dated 24/02/2011, 16/11/2011, 06/09/2012, 26/09/2014, 10/11/2016, 19/06/2017 and 30/12/2017 the River Residency project including its DP road does not affected by the prohibited zone of blue flood line of Indrayani River. Please refer the yellow area shown in hatched pattern of the development plan, given at page no. 64 of **Annexure-II,** which is residential zone and area under the joint venture agreement between developer & land owner falls in the said yellow area (i.e. residential zone). Copy of the registered joint venture agreement between developer & land owner is given at **Annexure-II**.

However, as per UDCPR Notification dated 2/12/2020, Clause 3.1.3 specifies that the area between River bank & blue flood line shall be prohibited for any construction except sewage treatment plant, drainage line etc. Relevant extract of the same is given at **Annexure-III.**

Also, the State Govt. of Maharashtra, Water Resource Department, Govt. issued Circular No. PuRaNi-2018/(182/2018) Sin. Vya. (Revenue), dated 03/05/2018, read with Govt. Circular No. FWD-1089/243/89/Sin Vya (Works), dated 21/09/1989 regarding demarcation of flood lines to prohibit any type of construction inside the flood lines. Copy of the aforesaid circular vide dated 03/05/2018 is given at **Annexure-IV**. Translated version of the aforesaid

ular vide dated 03/05/2018 from Marathi to English, as submitted by the ɔlicant in his similar petition (OA no. 50 of 2020, WZ) is also given at Ann**exure-IV A**. The relevant paragraph of the aforesaid circular vide dated 05/2018 is reproduced 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..."

"...8. Restrictive Zone should be used only for the following:

i) Sewage carrying projects unavoidable in public interest.

ii) Public roads unavoidable in public interest; provided the top level of such road shall be above the level of Blue Flood line.

iii) Water supply pipe lines, gas pipe lines, drainage pipe lines unavoidable in public interest provided such pipe lines shall be under ground and will not cause obstruction in the cross section of the Restrictive Zone.

iv) The plinth level of the ground floor of the buildings in Restrictive Zone shall be safely above the level of Red Flood line so that the people could be evacuated to safe location before the flood level rises in the Restrictive Zone and it will be possible for the people and cattle to shift urgently to safe location with their belongings to avoid the loss of life and property due to floods..."

Whereas, the Hon'ble NGT in OA no. 41of 2019 (WZ) in the matter of Federation of River Residency Cooperative vs Pimpri Chinchwad Municipal Corporation & Ors. passed an order vide dated 30/01/2020 regarding construction of Sewage Treatment Plant (STP) by the Pimpri-Chinchwad Municipal Corporation (PCMC) in the area between the river bank and Blue Flood Line of the Indrayani River, which is a prohibited zone. Relevant extract of the paragraphs of the aforesaid order vide dated 30/01/2020 are reproduced below;

> *"...9. Having regard to the facts and circumstances set out above, we have no hesitation in holding that the questioned STP has been constructed within the prohibitive zone and, apart from the fact that the PCMC did not have the necessary Consent to Establish, the structure (STP in the present case) besides having been raised at a location which is not suitable for construction of STP, is also obstructing the natural flow of the river during the rainy season..."*
>
> *"...10. As a consequence, we direct the PCMC to immediately demolish the STP in question and take steps to construct one at some other suitable site in accordance with law. The entire exercise shall be carried out within a period of one month under the strict supervision of the MPCB and the Irrigation Department, Government of Maharashtra..."*
>
> *"...11. Since, during the construction of the STP severe damage was caused to the environment and ecology of the area, we direct the MPCB to assess the ecological damage by taking scientific support of experts and recover the same from the PCMC..."*

Accordingly, in compliance to the aforesaid order dated 30/01/2020, PCMC under the supervision of MPCB and Irrigation Dept., has demolished the STP in question. Accordingly, the compliance was observed and submitted to Hon'ble NGT by MPCB on 04/08/2020.

Also, during the present joint committee inspection, there was no such civil structure of STP was present. Hence, considering the aforesaid facts, that there is no such illegal acquisition of STP reservation land by PCMC comes between prohibited zone of blue flood line of Indrayani River. Further, the aforesaid land has not been considered for granting the benefits in terms of TDR to the project proponent, as the said area is not part of the joint venture development agreement of project proponent.

B. Construction waste has been dumped into the Indayani Rriver. The averments made by the applicant and as mentioned in the original application are reproduced below.

"Because Respondent No.14 & 17 have done illegal dumping of more than 200000 Cu. Mtrs. Excavation and construction wastes in Indrayani River bed, Green Belt and STP Reservation Plot in Gat No. 90 (p) causing substantial damage to the environment and ecology."

As per the information provided by PCMC vide email dated 11/01/2022 the project proponent has not dumped construction waste into the Indrayni River. Also, PCMC supplemented with the statement of total excavated material and mentioned that the same has been reused as per mandatory GRIHA green building norms viz. back filling, levelling of each building plinth & internal amenity development area. Copy of utilization statement for excavated material is given at **Annexure-V.** It is observed that as per the registered joint venture agreement between developer & land owner, the aforesaid green belt areas and STP reservation plots are not in the purview of the project proponent joint venture project agreement (Please refer joint venture agreement for area allocation given at **Annexure-II**).

C. Constructions have resulted in blockage of natural water body no. 23, shown in the Irrigation Plan. The averments made by the applicant and as mentioned in the original application are reproduced below.

"Because Respondent No.14 & 17-PP have completely closed "Nala No.23" shown on Irrigation Plan and passing through the project land by dumping of construction waste."

As per the information provided by Irrigation Dept. vide e-mail dated 13/01/2022 that the alleged nala no. 23 was incorporated in hydraulic calculations of red & blue line of Indrayani River. It was also, informed that the existing notified nala no. 23 has been shown on the plans of red & blue line map, submitted to Pimpri Chichwad Muncipal Corporation, Pimpari on 23/7/2008 by vide letter No.6317 by Irrigation Dept., of places at Chakhli, PCMC. The said nala was flowing in Survey No. 90 to dispose-off rain fall water from catchment to Indryani river, which was in existence on plan of red line, blue line of Indrayani River at Chikhali. Copy of the extrapolated map highlighting the presence of nala no. 23 at the area under reference is given at **Annexure-VI.** Further, based on the reconnaissance survey carried-out, the Irrigation Dept., mentioned that presently nala no.23 is not existing on the area under reference. Also, the joint committee during inspection was unable to identify the location of nala no. 23 due to absence to land revenue maps.

D. Parking complex is illegal. The averments made by the applicant and as mentioned in the original application are reproduced below.

"Because Respondent No. 14 & 17 have done illegal Construction of parking complex on mandatory 10% Open Space in total violation of conditions in Environment clearance and there is no open space on virgin land."

The EC dated 07/10/2011 has been granted as per Master Layout submitted by the project proponent in 2010. The subsequent EC dated 03/01/2019 for Expansion / Amendment Construction Project is as per sanction plan vide IOD/IOA/Concession/Plan Approval Number: BP/ENV/1/2018 DATED 15/05/2018.

In both the Master Layout of 2010 and IOD of 15/05/2018, mandatory 10% open space area of 9,705.881 m^2 has been mentioned and accordingly the project proponent has provided the 10% mandatory open space as per the then PCMC DC Rules and project was sanctioned with a raised open space with podium permission in 2011. Based on the same grounds environment clearance has been granted to the project proponent in 2011. However, it is

fact on record that the project proponent has obtained first sanction plan in 2010 for the total FSI of 1,67,623.44 m^2 and accordingly environment clearance was granted vide letter No. SEAC-2011/CR.620/TC.2 dated 07/10/2011 for the total plot area of 2,31,000 m^2 (Total built-up area: 2,39,049.92 m^2 i.e. FSI: 1,45,241.63 m^2 & Non-FSI: 93,808.29 m^2), please refer **Annexure-VII**. Further, "Environment Clearance for Expansion / Amendment Construction Project" was obtained on 03/01/2019 (Total built-up area: 2,44,251.74 m^2 i.e. FSI: 1,34,802.99 m^2 & Non-FSI: 1,09,448.75 m^2), please refer **Annexure-VII A**, based on the sanction plan vide IOD/IOA/Concession/Plan Approval Number: BP/ENV/1/2018 DATED 15/05/2018.

Whereas, Hon'ble Supreme Court judgment vide dated 17/12/2013, in Civil Appeal No. 11150/2013 in Special Leave Petition Civil No.33402/2012 directed that *"The minimum recreational space as laid down under Regulation 23, shall be provided at ground level only. The recreational space, if any, provided on the podium under this regulation shall be in addition to that provided as per regulation 23"*

Further, mentioned that the above directives shall apply to those developments where building plans were not approved, or where the Commencement Certificate (CC) had not been issued on 17/12/2013 i.e. the date of the aforesaid order passed by Hon'ble Supreme Court. All the authorities concerned shall ensure strict compliance of the aforesaid directives.

However, the "Environment Clearance for Expansion / Amendment Construction Project" was obtained on 03/01/2019 (Total built-up area: 2,44,251.74 m^2 i.e. FSI: 1,34,802.99 m^2 & Non-FSI: 1,09,448.75 m^2) based on the recent sanction plan vide dated 15/05/2018. Wherein, total built-up area of 5,201.82 m^2 has been increased/mentioned, as against the initial total built-up area of 2,39,049.92 m^2. Hence, the project proponent has to comply with the aforesaid Hon'ble Supreme Court judgement vide dated 17/12/2013.

E. Groundwater has been illegally extracted. The averments made by the applicant and as mentioned in the original application are reproduced below.

"Because Respondent No.17-PP has admitted that there is illegal ground water extraction, but deliberately avoiding taking the responsibility of same and pointed figure towards the Respondent No.15-Federation or River Residency."

It is observed that the project proponent has obtained water drawing permission from Irrigation department for withdrawal of water from Indrayani River during construction phase. The project proponent submitted the water bills to the joint committee, which were paid to the irrigation department during the period 05/11/2014 to 31/03/2019. Also, during joint committee visit, there was no bore well found at the project site. Copy of the water withdrawal permission grated by the Irrigation department to draw the water from Indrayani River is given at **Annexure-VIII**. Also, the project proponent had procured water through tanker supply during construction phase. Copy of the water tanker supply bills along with payment receipts (details of cheque payment & ledger account) w.e.f. 08/06/2011 to 31/03/2014 were made available to the joint committee. Further, water requirement during operation phase of the project is being met through pipeline water supply provided by PCMC and the project proponent has submitted PCMC water connection permissions to the joint committee (1st permission obtained on 23/05/2013, 2nd permission obtained on 23/04/2014 and 3rd permission obtained on 02/09/2016).Further, mentioned that the responsibility of subsequent payment w.r.t. consumption of water is being looked after by the society.

F. Operation of RMC plant is illegal. The averments made by the applicant and as mentioned in the original application are reproduced below.

"Because Respondent No.17-PP have made illegal installation of the RMC plant at site and carried out operations without due permission from the MPCB. Obtained ex-post facto consent to operate on 25.09.2017. Therefore there is illegal operation of RMC from 01.01.2012 to 24.09.2017."

As per the records of MPCB, the project proponent has commissioned captive RMC plant in the year 2011 without obtaining consent to operate from MPCB. Later during in the year 2017, the project proponent has applied for consent to establish & operate in the year 2017 by paying lapse fees from year 2011 and subsequently directly consent to operate was granted on 25/09/2017 and valid for the period up to 31/12/2019. Copy of the said consent to operate dated 25/09/2017 issued for the RMC plant is given at **Annexure-IX**. However, as per the records of MPCB the said RMC plant was dismantled and removed in the end of year 2017. Further, during joint committee visit on 08/12/2021, RMC plant was not observed at the project site. It is observed that the project proponent has commissioned and operated the RMC plant without the valid consent to establish & operate w.e.f. 01/01/2012 (as per the information mentioned by the applicant in his OA) to 24/09/2017 (till the date, project proponent had been granted CTO by MPCB on vide dated 25/09/2017).

3.1 Other allegations mentioned by the applicant in the original application

i. *"Because there is farce marking & imposition of Blue flood line and Red line on Development Plan of PCMC to provide illegal benefits to project for construction in blue flood line."*

Irrigation Department, GoM, has informed that they have carried-out survey with the help of HECRAS software and plotted blue & red flood lines on Indrayani River in the stretch of Dehu road to Charoli Bhandara. The aforesaid plotted map of Indrayani River has been submitted to the Commissioner PCMC vide letter no. 6317, dated 23/07/2008. It was also informed that in order to avoid possible danger of flood, the Govt. of Maharashtra has issued circular No. FWD-1089/243/89/Sin Vya (Works), dated 21/09/1989 regarding demarcation of flood lines to prohibit any type of construction inside the flood lines (blue line). Also, directed to follow the guidelines mentioned in the aforesaid circular w.r.t. prohibitive and restrictive zone before commencement of any construction activity. Copy of the aforesaid circular vide dated 23/07/2008 is given at **Annexure-X.** As per the information provided by PCMC that the project proponent joint venture agreement was registered in 2010 and plans sanctioned in 2011 when blue flood line and red flood line were already published and the exact same

locations are correctly marked in the River Residency approved sanction plans. Copy of such plan of irrigation department is given at **Annexure-X A.**

ii. *"Because Respondent No. 17-PP have carried out illegal Construction in prohibited zone of Blue flood line & Green Belt of Holy Indrayani River for Ghat or Nature Park."*

State Govt. of Maharashtra, Water Resource Department, Govt. Circular vide dated 03/05/2018 regulates certain activities in the prohibitive and restrictive zones. Relevant extract of the paragraph of the aforesaid circular is (please refer paragraph no. 3, S.no. A, above) reproduced as below:

> *"...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..."*

It is observed that the project proponent has constructed nature park in the prohibited zone viz. area between the blue flood line on the right bank of the river to river bed to the blue flood line on the left bank of the River. The project proponent has obtained permission from District Collector for construction of boat club and nature park for use of residents and handed over the amenities to residents along with PCMC project completion certificate. Copy of such permission letter obtained by the project proponent is given at **Annexure-XI.**

iii. *"Because Respondent No.17-PP has carried out illegal construction to the tune of 263805.59 Sq. Mtrs. Against permissible construction area of 244251.74 Sq. Mtrs in EC dated 03.01.2019."*

The project proponent has constructed the residential building project "The River Residency", as per the EC and PCMC approved sanction plans/building plans/ commencement certificates. It is observed that the project proponent has obtained total seven revisions in the sanction plans/building plans/commencement certificates from PCMC. Details of the

PCMC approved sanction plans/building plans/ commencement certificates and its subsequent revisions are given as below.

a. Vide PCMC sanctioned no.B.P./Layout/Chikhali/2/2011, dated 24/02/2011 and commencement certificate vide no. B.P./Chikhali/2/2011, dated 24/02/2011for FSI of 13484.75 m^2.
b. Vide PCMC sanctioned no.B.P./Layout/Chikhali/11/2011, dated 16/11/2011 and commencement certificate vide no. B.P./Chikhali/11/2011, dated 16/11/2011for FSI of 76684.94 m^2.
c. Vide PCMC sanctioned no.B.P./Layout/Chikhali/23/2012, dated 06/09/2012 and commencement certificate vide no. B.P./Chikhali/23/2012, dated 06/09/2012 for FSI of 102940.85 m^2.
d. Vide PCMC sanctioned no.B.P./Layout/Chikhali/56/2014, dated 26/09/2014 and commencement certificate vide no. B.P./Chikhali/56/2014, dated 26/09/2014 for FSI of 54960.32 m^2.
e. Vide PCMC sanctioned no.B.P./Layout/Chikhali/122/2016, dated 10/11/2016 and commencement certificate vide no. B.P./Chikhali/122/2016, dated 10/11/2016 for FSI of 23045.50 m^2.
f. Vide PCMC sanctioned no.B.P./Layout/Chikhali/67/2017, dated 19/06/2017 and commencement certificate vide no. B.P./Chikhali/67/2017, dated 19/06/2017 for FSI of 10230 m^2.
g. Vide PCMC sanctioned no.B.P./Layout/Chikhali/130/2017, dated 30/12/2017 and commencement certificate vide no. B.P./Chikhali/130/2017, dated 30/12/2017 for FSI of 10717.72 m^2.

Also, as per the information provided and duly verified by PCMC that the plinth checking of said construction of residential project after scrutinizing the sanction plans/building plans/commencement certificates, available with PCMC is as follows;

a. Plinth checking certificate vide PCMC no. B.P./K.V./Chikhali/745/2013, dated 07/01/2014.
b. Plinth checking certificate vide PCMC no. B.P./K.V./Chikhali/826/2014, dated 09/01/2015.

c. Plinth checking certificate vide PCMC no. B.P./K.V./Chikhali/119/2016, dated 19/05/2016.

d. Plinth checking certificate vide PCMC no. B.P./K.V./Chikhali/64/2018, dated 21/04/2018.

The details of the total construction carried out by the project proponent for the construction of project "River Residency" as per the aforementioned PCMC approved sanction plans/building plans/commencement certificates, and duly certified by the architect (area statement) are given below.

S. No.	Building	FSI Area in Sqm	Non-FSI Area in Sqm	Total Area in Sqm
1	A-type (A to M) & club house	64,808.99	46,445.77	1,11,254.76
2	ABC type	11,376.70	9,525.96	20,902.66
3	A-type	3,727.22	3,149.83	6,877.05
4	N to S – type 7 club house-2	30,972.13	29,557.01	60,529.14
5	Proposed N3 & UV-type & club house-3	23,917.95	20,770.18	44,688.13
Total		**1,34,802.99**	**1,09,448.75**	**2,44,251.74**

As per the duly certified architect area statement, it is gathered from the sanctioned total built-up area of 2,44,251.74 m^2 (FSI of 1,34,802.99 m^2 and Non-FSI of 1,09,448.75 m^2), the project proponent has completed the total construction area as on date 15/12/2021 is 1, 99,568.51m^2, remaining total construction area of 44,688.13 m^2 (FSI of 23,917.95 m^2 and Non-FSI of 20,770.18 m^2 is yet to be completed. Copy of architect certificate as provided by the project proponent is given at **Annexure-XII**. It is observed that both the configuration as mentioned in the EC dated 07/10/2011 and in the area statement duly certified by the architect is same.

As per the said architect certificate, the project proponent has constructed residential project "River Residency" within the sanctioned total built-up area of 2,44,251.74 m^2 as granted in the "Environment Clearance for Expansion / Amendment Construction Project" vide dated 03/01/2019 from SEIAA. However, PCMC may examine the said architect certificate including verification of current constructed total built up area and may take actions for violations, if any.

iv. *"Because Respondent No.17-PP have carried out construction with illegal increase in Ground Coverage Area as against permissible ground coverage of 15985.24 Sq. Mtrs in EC dated 07.10.2011, whereas 14776.33 Sq. Mtrs in EC dated 03.01.2019."*

It is observed that there is no mention about ground coverage of 15985.24 m^2 in the EC dated 07/10/2011.

v. *"Because Respondent No.17-PP have violated the terms and conditions of Non-Agricultural Permission dated 18.05.2011 and made illegal land use change as prohibited in Form-1 & 1A."*

As per the EC dated 07/10/2011, the project proponent has proposed for development of residential building along with convenient shopping of 39 nos. Also, as per the information provided by PCMC vide email dated 11/01/2022 the project proponent has not violated terms and conditions of non-agricultural permission vide dated 18/052011 or made illegal land use change. Further, mentioned that there is no such complaint against the project proponent by collector or land department authorities. Copy of non-agricultural permission vide dated 18/05/2011 and 24/03/2020 is given at **Annexure-XIII & XIII A.**

vi. *"Because Respondent No.17-PP has committed non-compliance to the terms and conditions of the Environment Clearances, Consents to Establish and Consents to Operate."*

As per the information provided by MPCB that consent to establish was granted on 3/12/2011 for total plot area of 2,31,000 m^2 & BUA of 2,39,049.92 m^2. Also, Revalidation of consent to establish was granted on 14/8/2018 for total plot area of 2,31,000 m^2 & construction completed built-up area of 1,94,583.38 m^2 out of 2,39,049.92 m^2.

Consent to operate was granted on 25/11/2013 for total plot area of 2,31,000 m^2 & built-up area of 75,270.21 m^2 which was valid up to 31/1/2015. Second consent to operate was granted on 6/11/2015 for total plot area of 2,31,000 m^2 & built-up area of 79,847.36 m^2 which was valid up to 31/1/2017.Third consent to operate was granted on 2/8/2018 for total plot area of 2,31,000 m^2 which was valid up to 31/1/2020. Further revised consent to operate has not

been obtained by the project proponent since then nor application for the same has been made to MPCB by the project proponent.

As per EC 07/10/2011, the project proponent has provided 2 nos. of STP with 750 CMD capacity each with primary, secondary & tertiary treatment system, based on MBBR technology. Treated effluent is used for on land for gardening, flushing & excess quantity is disposed to PCMC sewer line. During joint committee visit both STP's found in operation. Also, the project proponent has provided 5 nos. of organic waste convertor (OWC) for Phase I, II, III for the treatment of bio-degradable waste. During joint committee visit all OWC were found in operation. Layout showing the locations of STP & OWC is given at **Annexure-XIV and photographs of STP, OWC and tree plantation is given at Annexure-XIV A. Also, layout showing the locations of rain water harvesting pits is given at Annexure-XIV B.**

vii. *"Because Respondent No.17-PP has not preserved fertile top soil and same is amount to violation of EC condition and also top soil is pollution due to contamination form construction waste."*

As per the information provided by PCMC vide email dated 11/01/2022 the project proponent has taken measures for preserving the fertile top soil i.e. covering with HDPE sheets and supplemented with the copy of photographs of steps taken for preservation of fertile top soil. Also, supplemented with the statement of total excavated material and mentioned that the same has been reused in development of nature park, plantation, back filling, road construction, levelling of each building plinth & internal amenity development area. Copy of photographs and utilization statement for excavated material is given at **Annexure-V.**

viii. *"Because Respondent No. 17-PP has not made tree plantation as promised in EC and its amounts to violation."*

The paragraph "Green Belt Development" of EC dated 07/10/2011 stipulates that "Total 1300 Nos. of trees to be planted". Further, paragraph 3, Specific Conditions-I, "PP to submit cross section through the internal road showing Distance and the space left for SWD, plantation of trees and compound wall".

It is observed that the project proponent has obtained PCMC tree plantation NOC vide letter dated 04/5/2018 and it was also informed that the project proponent has planted 1,327 nos. of trees in premises, copy of the tree plantation NOC is given at **Annexure-XV**. Also, supplemented with the copy of landscape layout, which is given at **Annexure-XV A.**

4.0 Approach for damages for contravening mandatory provisions of environmental laws

In the matter of Civil Appeal No. 10854 of 2016; M/s Goel Ganga Developers India Pvt. Ltd. vs Union of India & Ors. the Hon'ble Supreme Court vide order dated 10/8/2018 upheld Rs. 05 crores on project proponent as levied by the Hon'ble NGT for contravening mandatory provision of Environment Laws and for not obtaining the consent from the Board. Vide para 57 of the said Hon'ble Supreme Court order, it has been directed that *"(...) The project proponent shall also pay a sum of Rs. 5 crores as damages, in addition to the above for contravening mandatory provisions of environmental laws."*

"Report of the CPCB In-house Committee on Methodology for Assessing Environmental Compensation and Action Plan to Utilize the Fund" outlines a formula for imposing environmental compensation on industrial units for violation of directions issued by regulatory bodies listing the instances for taking cognizance of cases fit for violation and levy environmental compensation. The same has also been referred by the Hon'ble NGT in its order (para 14 to 16) dated 28/8/2019 in the matter of Original Application No. 593/2017 titled Paryavaran Suraksha Samiti & Anr. vs Union of India & Ors. The instances considered for levying Environmental Compensation (EC) in the said report are:

a) Discharges in violation of consent conditions, mainly prescribed standards / consent limits.
b) Not complying with the directions issued, such as direction for closure due to non-installation of OCEMS, non-adherence to the action plans submitted etc.
c) Intentional avoidance of data submission or data manipulation by tampering the Online Continuous Emission / Effluent Monitoring systems.

d) Accidental discharges lasting for short durations resulting into damage to the environment.

e) Intentional discharges to the environment -- land, water and air resulting into acute injury or damage to the environment.

f) Injection of treated/partially treated/ untreated effluents to ground water.

Though such listed instances may not be directly applicable in the current matter for arriving at the damages amount for contravening mandatory provisions of environmental laws (w.r.t. commissioning and operation of captive RMC plant without CTE/CTO and operation of common environment infrastructure facility without valid CTO), an attempt is being made by this committee to assess the environmental compensation using the formula prescribed in the said CPCB report which may be taken as damages amount for contravening mandatory provisions of environmental laws. The formula takes into account of number of days violation took place, pollution index of unit, scale of operation, location factor based on population and an amount factor in Rupees.

4.1 For illegal operation of captive RMC plant without CTE/CTO

The environmental Compensation (EC) in Rupees as mentioned in the aforesaid CPCB report = PI x N x R x S x LF

Where,

EC is Environmental Compensation in Rupees

PI = Pollution Index of industrial sector/Project

N = Number of days of violation took place

R = A factor in Rupees for EC

S = Factor for scale of operation

LF = Location factor

PI = Pollution Index of industrial sector/project

Considering the project under Green category as per modified directions no. B-29012/ESS/(CPA)/2015-16 dated 07/3/2016 and also s per CTO issued by MPCB, PI = 30.

N = Number of days of violation *took place for which violation took place is the period between the day of violation observed and the day of compliance verified by CPCB/SPCB.*

***R = A factor in Rupees, which** may be a minimum of 100 and maximum of 500. The aforesaid report also suggests to consider R as 250, as the Environmental Compensation in cases of violation. Hence, R = 250.*

S = Factor for scale of operation.

For small S = 0.5, For medium S = 1 and larger unit S = 1.5. The scale of operation was considered as 0.5, As per CTE issued by MPCB, it is small scale industry (SSI). The unit being SSI, S=0.5

LF = Location factor.

It is based on the population of the city/town and location of the industrial unit on the location of the industrial unit. Since the population is more than 1 Million but less than 5 Million, LF=1.25

Considering the period when the project proponent has commissioned and operated captive RMC plant w.e.f. 01/01/2012 (as per the information mentioned by the applicant in his OA) to 24/09/2017 (till the date, project proponent had been granted CTO by MPCB on vide dated 25/09/2017) without obtaining mandatory consent to establish & operate from MPCB, the number of days violation (N) took place comes out to be **2094** days.

Based on consideration of above, the environmental compensation calculation is depicted as below.

EC = PI*N*R*S*LF

PI	N	R	S	LF	EC (in Rs.)
30	2094	250	0.5	1.25	**98,15,625**

Based on above, the environmental compensation as damages for contravening provisions under the Water (Prevention and Control of Pollution) Act, 1974 and the Air (Prevention and Control of Pollution) Act, 1981 i.e. without obtaining CTE & CTO is worked-out to be Rs. 98,15,625/- (Rupees Ninety Eight Lakhs and Fifteen Thousand and Six Hundred Twenty Five Only).

4.2 For operation of residential building project and common environment infrastructure facility without valid CTO

The environmental Compensation (EC) in Rupees as mentioned in the aforesaid CPCB report = PI x N x R x S x LF

Where,

EC is Environmental Compensation in Rupees

PI = Pollution Index of industrial sector/Project

N = Number of days of violation took place

R = A factor in Rupees for EC

S = Factor for scale of operation

LF = Location factor

PI = Pollution Index of industrial sector/project

Considering the project under Red category as per modified directions no. B-29012/ESS/(CPA)/2015-16 dated 07/3/2016, and last CTO issued by MPCB vie dated 02/08/2018, the PI = 80.

***N = Number of days of violation** took place for which violation took place is the period between the day of violation observed and the day of compliance verified by CPCB/SPCB.*

***R = A factor in Rupees, which** may be a minimum of 100 and maximum of 500. The aforesaid report also suggests to consider R as 250, as the Environmental Compensation in cases of violation. Hence, R = 250.*

S = Factor for scale of operation.

For small S = 0.5, For medium S = 1 and larger unit S = 1.5. The scale of operation was considered as 0.5, As per CTE issued by MPCB, it is small scale industry (SSI). The unit being LSI, S=1.5

LF = Location factor.

It is based on the population of the city/town and location of the industrial unit on the location of the industrial unit. Since the population is more than 1 Million but less than 5 Million, LF=1.25

Considering the period when the project proponent has not obtained the consent to operate w.e.f. 01/02/2020 (as per the validity of last CTO issued by MPCB, was valid till 31/01/2020) to as on date of Hon'ble NGT order i.e. till 30/06/2021 without obtaining mandatory consent to operate from MPCB, the number of days violation (N) took place comes out to be **516** days.

Based on consideration of above, the environmental compensation calculation is depicted as below.

EC = PI*N*R*S*LF

PI	N	R	S	LF	EC (in Rs.)
80	516	250	1.5	1.25	**1,93,50,000**

Based on above, the environmental compensation as damages for contravening provisions under the Water (Prevention and Control of Pollution) Act, 1974; the Air (Prevention and Control of Pollution) Act, 1981; the Hazardous & Other Waste (Management & Transboundary Movement) Rules, 2016 i.e. without obtaining CTO is worked-out to be Rs. 1,93,50,000/- (Rupees One Crore Ninety Three Lakhs and Fifty Thousand Only).

Therefore, total environment compensation is calculated as Rs. 98,15,625/- + Rs. 1,93,50,000/- = Rs. 2,91,65,625/- (Rupees Two Crores Ninety-one Lakhs and Sixty Five Thousand Six Hundred Twenty Five Only).

5.0 Conclusions

i. As per the PCMC approved sanctioned plans of River Residency project vide dated 24/02/2011, 16/11/2011, 06/09/2012, 26/09/2014, 10/11/2016, 19/06/2017 and 30/12/2017 the project area i.e. The River Residency project doesn't fall under the prohibited zone of blue flood line of River Indrayani. Further, as per the joint venture agreement executed on 11/05/2010 that the alleged area i.e. STP reservation by the applicant is not part of the joint venture development agreement of project proponent and the land owner.

ii. Erstwhile PCMC has initiated the construction of STP at gat no. 130, which is in the prohibited zone of blue flood line of River Indrayani. In compliance to the Hon'ble NGT order in OA no. 41of 2019 (WZ) in the matter of Federation of River Residency Cooperative vs Pimpri Chinchwad Municipal Corporation & Ors., PCMC under the supervision of MPCB and Irrigation Dept., has demolished the STP in question. Further, the alleged STP reservation land (gat no. 130) has not been considered for granting the benefits in terms of TDR by the PCMC to the project proponent, as the alleged area is not part of the joint venture development agreement of project proponent. Whereas as per records of PCMC, TDR benefits were given/transferred to Shri Dilip Motilal

Chordia (land owner of gat no. 90) vide PCMC TDR certificate no. TDR/Cikhali/1032/2016, DCR No. 01796, dated 06/08/2016. Whereas, 02 nos. of 18 m DP road, developed by the project proponent between the blue and red flood line of Indrayani River (which is allowed, as the said area comes under restrictive Zone, please refer paragraph "..8" under section 3 A above), for which the project proponent has been granted TDR of 27,761.58 m^2. However, sanction of benefits of TDR for the said area is yet to be sanctioned by the PCMC.

iii. As per the plans of red & blue line map, submitted to PCMC by the Irrigation Dept., that the notified nala no. 23 has been shown on the plans of red & blue line map. However, based on the reconnaissance survey carried-out, the Irrigation Dept., mentioned that presently nala no.23 is not existing on the area under reference. Also, the joint committee during inspection was unable to identify the location of nala no. 23 due to absence to land revenue maps.

iv. As per PCMC records, the total excavated top of app. 5,712.7 m^3 has been reused in development of nature park, plantation/landscape development as per the EC dated 07/10/2011 (as per para 3, xi). Also, total excavated lower soil of app. 93,264.3 m^3 has been reused in back filling and road construction. The other aggregates have been reused as per mandatory GRIHA green building norms viz. back filling, levelling of each building plinth and road construction.

v. In compliance to the, Hon'ble Supreme Court judgment vide dated 17/12/2013[1], the project proponent has to provide the minimum recreational space as laid down under Regulation 23, at ground level only. As the project proponent has obtained the "Environment Clearance for Expansion / Amendment Construction Project" on 03/01/2019 (Total built-up area: 2,44,251.74 m^2 i.e. FSI: 1,34,802.99 m^2 & Non-FSI: 1,09,448.75 m^2) based on the sanction plan vide dated 15/05/2018. The total built-up area of 5,201.82 m^2 has been increased/mentioned, as against the initial total built-up area of

2,39,049.92 m^2. Accordingly, the committee is of the opinion that the level of services have to be provided as per the recent environment clearance vide dated 03/01/2019. Hence, the aforementioned directions of Hon'ble Supreme Court with regard to provision of may also be applicable i.e. mandatory to provide recreational space on the ground level in addition to the existing open space provided on the podium.

vi. The project proponent has constructed the residential building project "The River Residency", as per the EC and PCMC approved sanction plans/building plans/ commencement certificates. It is observed that the project proponent has obtained total seven revisions in the sanction plans/building plans/commencement certificates from PCMC and constructed as per the aforementioned PCMC approved sanction plans/building plans/commencement certificates. As per the duly certified architect area statement, it is gathered from the sanctioned total built-up area of 2,44,251.74 m^2 (FSI of 1,34,802.99 m^2 and Non-FSI of 1,09,448.75 m^2), the project proponent has completed the total construction area as on date 15/12/2021 is 1, 99,568.51m^2, remaining total construction area of 44,688.13 m^2 (FSI of 23,917.95 m^2 and Non-FSI of 20,770.18 m^2 is yet to be completed. However, PCMC may examine the said architect certificate including verification of current constructed total built up area and may take actions for violations, if any.

It is observed that both the configuration as mentioned in the EC dated 07/10/2011 and in the area statement duly certified by the architect is same. As per the information provided and duly verified by PCMC that the plinth checking of said construction of residential project after scrutinizing the sanction plans/building plans/commencement certificates, available with PCMC and the first plinth checking by PCMC was done on 07/01/2014, which indicates that the project proponent has started the construction activities after obtaining of prior EC (07/10/2011) and CTE (03/12/2011).

vii. As per the EC dated 07/10/2011, the project proponent has proposed for development of residential building along with convenient shopping of 39 nos.

Also, as per the information provided by PCMC vide email dated 11/01/2022 the project proponent has not violated terms and conditions of non-agricultural permission vide dated 18/052011 or made illegal land use change

viii. The project proponent has constructed nature park in the area between the blue flood line on the right bank of the river to river bed to the blue flood line on the left bank of the River i.e. prohibited zone. However, the project proponent has obtained permission from District Collector-Pune for construction of boat club and nature Park for use of residents and handed over the amenities to residents along with PCMC project completion certificate.

ix. The project proponent without the valid consent to establish & operate has commissioned and operated the RMC plant w.e.f. 01/01/2012 (as per the information mentioned by the applicant in his OA) to 24/09/2017 (till the date, project proponent had been granted CTO by MPCB on vide dated 25/09/2017). Also, the project proponent after the expiry of earlier CTO on 30/01/2020, has not renewed the CTO for the residential building project 'The River Residency".

6.0 Recommendations

In view of the;

i. Violations for illegal operation of captive RMC plant w.e.f. 01/01/2012 to 24/09/2017 (please refer para 4.1 above);

ii. Violations without renewing the consent to operate of the residential project "The River Residency" w.e.f. 01/02/2020 (please refer para 4.1 above);

iii. The project proponent may be directed to deposit Rs. 5 Crores (Rupees Five Crores Only) for contravening mandatory provisions of Environment Laws in compliance with Civil Appeal No. 10854 of 2016; M/s Goel Ganga Developers India Pvt. Ltd. vs Union of India & Ors. OR Rs. 29,165,625/- (Rupees Two Crores Ninety-one Lakhs and Sixty Five Thousand Six Hundred Twenty Five

Only), as derived under para 4.1 & 4.2 of this report, as deemed fit by the Hon'ble NGT, may be considered EMP cost for contravening the provisions under the Water (Prevention and Control of Pollution) Act, 1974; the Air (Prevention and Control of Pollution) Act, 1981; Hazardous & Other Waste (Management & Transboundary Movement) Rules, 2016.

iv. PCMC to delineate the exact location of nala in survey. no. 90, by superimposition of the map prepared by Irrigation Dept., and demarcate, validate the same with the Land Revenue map available with the Land and Record Dept, District Magistrate, Pune. Obstruction/blockage if any; observed from such validation due to the activity of the project proponent, the PCMC in association with the District Magistrate may take suitable action against the project proponent including levying compensation. Also, the nala no. 23 in question should be required to be maintained and restored to its original condition by the project proponent, under the supervision of Irrigation Department and PCMC.

v. The project proponent may be directed to comply with the Hon'ble Supreme Court judgment vide dated 17/12/2013 i.e. the project proponent has to provide the minimum recreational space as laid down under Regulation 23, at ground level only in addition to the existing open space provided on the podium.

Nishchal C.
Scientist 'D'
CPCB, RD – Pune

Pankaj Joshi,
Member, SEIAA

Kiran Hasbnis
Sub-Regional Officer
MPCB – Pune

Ashok Lale
Dy. Engineer, Irrigation Dept., Pune

U.N. Muley

Unmesh Muley, Clerk as
Representative of DM, Pune

(TRUE COPY)

EXHIBIT A-9

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

Original Application 50/2020

Mr Tanaji Balasaheb Gambhire ... **Applicant**

Versus

Chief Secretary, Government of Maharashtra & Ors. ... **Respondents**

AFFIDAVIT IN REPLY ON BEHALF OF RESPONDENT NO 7 & 8 PIMPRI CHINCHWAD MUNICIPAL CORPORATION.

I, Mr Makrand Dnyanoba Nikam Aged about 54 years, having Office at PCMC Building Pimpri, Pune – 411018, the City Engineer in the Respondent Corporation do hereby solemnly affirm and state as under.

1. I say that I am the City Engineer of Pimpri Chinchwad Municipal Corporation and hence I am competent to swear this Affidavit. At the outset all the allegations made against the

Answering Respondent are denied in totality, nothing herein may be deemed to be admitted for lack of a specific traverse. It is denied that the Answering Respondent has connived with the Project Proponents, it is denied that the Answering Respondents are also equally responsible for violations of the Environment enactments.

2. It is denied that the River Residency project proponent (R-11) has dumped construction waste material even after the letter dated 17.05.2017, it is denied that the Answering Respondent has neglected to act on the said complaint, it is denied that the Answering Respondent has supported R-11 to carry out dumping of construction in the river or to carry out illegal construction in the prohibited area of blue flood line.

3. The Answering Respondent states that the present project in question is situated in Survey No 90 (Part), Village Chikhali on the North side of the 18 Meter D.P. road. The said development is being carried out by Respondent Number 12 M/s Jare World and Respondent No 13 M/s V Square It is true to say that the project site is situated within the Jurisdiction of the Answering Respondent.

4. It is submitted that the majority of the project in question is located at Survey No 90 (Part), which falls within the prohibited Blue line of the River Indrayani for which no permission has been obtained by the project proponent.

5. The Project Proponents along with one Mr Dilip Motilal Chordia and Mr Rahul Tukaram Saste have carried out illegal plotting and illegal construction of erecting bungalows in the said survey Number without obtaining any permission from the Answering Respondent.

6. It is submitted that the Answering Respondent has registered an FIR Number 0053/2020 dated 22.01.2020 against the owner of Plot No 90 (Part) of village Chikhali Taluka Haveli, Pune Mr Dilip Motilal Chordia, Under Section 397 of the Maharashtra Municipal Corporations Act, 1949 At Bhosari, MIDC Police Station, for carrying out illegal plotting/ illegal dumping of debris on the premises lying in the green belt within the blue line of the river indrayani. A copy of the FIR dated 22.01.2020 lodged in MIDC Bhosari Police Station is hereto annexed and marked as **Annexure R-1.** Further in order to inform the public at large about such illegal plotting since the same was likely to be sold to buyers who may not be aware of the situation. the Answering Respondent through it's Commissioner issued a

communication dated 11.03.2020 to the Inspector General of Registration and Controller of Stamps, to not register any kind of transaction document pertaining to the aforesaid Survey Number. A copy of the communication dated 11.03.2020 is hereto annexed and marked as **Annexure R-2.**

7. The Answering Respondent has also issued demolition Notices to Mr Dilip Motilal Chordia on 20.05.2019 under Section 53 of MRTP Act 1966 and on 25.10.2021 Under Section 53 of the MRTP Act, R/w Section 260, 478, 267 and Section 261 of the Maharashtra Municipal Corporation Act, 1949 for carrying out illegal construction and dumping in the prohibited zone lying within the Blue line of the river Indrayani. A copy of the demolition notices dated 20.05.2019 and 25.10.2021 is hereto annexed and marked as **Annexure R-3 (Colly).**

8. On 20.01.2021 the Government of Maharashtra, Urban Development Department vide Notification bearing Reference Number: TPS-1815/428/C.R.138/15/UD13 has permitted construction in the land falling between the blue flood line and the red flood lines of the rivers falling within the limits of Pimpri Chinchwad Municipal Corporation. A copy of the Notification dated 20.01.2021 is hereto annexed and marked as **Annexure R-4.**

9. It is submitted that the Project Proponent has obtained permission for plotted layout on 15.11.2022 as per the Notification dated 20.01.2021 of the Government of Maharashtra, Urban Development Department from the Answering Respondent in respect to an area admeasuring 3,207.24 Square Meters located at Survey No 90(Part)of Village Chikhali Taluka Haveli, Pune. The said area of 3,207 Square Meters is located between the Blue line and Red line in the Restricted Zone. The said permission has been issued with the necessary conditions mentioned in the UDCPR and shall be subject to the outcome of this Original Application .

10. The Project Proponent has paid 50 % of Rupees 6,81,000 to Assistant Town Planner and remaining 50 % to the Answering Respondent as premium for converting the said area into a residential zone. A Copy of the Permission for Plot Layout dated 15.11.2022 along with the sanction for Plotted layout is hereto annexed and marked as **Annexure R-5 (Colly).** The said permission has been issued as per the provisions of the UDCPR Notification clause 3.1.3 Which reads as follows *"3.1.3 Construction within Blue and Red Flood Line.*

i) Where Blue and Red flood line are marked on the Development Plan / Regional Plan or received from the Irrigation Department.

a) The Red Flood Line and Blue Flood Line shall be considered as per the plan prepared by the Irrigation Department. The area between the river bank and blue flood line (Flood line near the river bank) shall be prohibited zone for any construction except parking, open vegetable market, garden, lawns, open space, cremation and burial ground, sewage treatment plant, water / gas / drainage pipe lines, public toilet or like uses, provided the land is feasible for such utilization. Provided that, redevelopment of the existing authorised properties, within river bank and blue flood line, may be permitted at a plinth height of 0.45 m. above red flood line level.

b) Area between blue flood line and red flood line shall be restrictive zone for the purposes of construction. The construction within this area may be permitted at a height of 0.45 m. above the red flood line level.

c) If the area between the river bank and blue flood line forms part of the entire plot in Development Zone, then, FSI of such part of land may be allowed to be utilised on the remaining land.

d) The red and blue flood line, if shown on the Development/Regional Plan / Planning Proposal shall stand modified as and when it is modified by the Irrigation Department. A copy of the extract of Clause 3.1.3 of the Unified Development Control and Promotion Regulations for Maharashtra State (UDCPR) dated 02.12.2020 is hereto annexed and marked as **Annexure R-6**. It is submitted that though the permission has been obtained by the Project Proponent for plotted layout in the said area, no sanction has yet been applied for by the project proponent nor has any construction been erected except for the construction of 1 bungalow.

11. Pursuant to the aforesaid permission, the Answering Respondent issued a communication dated 05.04.2021 to the Inspector General of Registration and Controller of Stamp to unblock the earlier request sent by the answering Respondent with respect to the area admeasuring3,207.24 Square Meters located at Survey No 90(Part)of Village Chikhali Taluka Haveli, Pune. A copy of the communication dated 05.04.2021 is hereto annexed and marked as **Annexure -7.**

12. As per the directions of this Hon'ble Tribunal vide order dated 02.02.2023 the Answering Respondent is hereby furnishing the details of all the illegal construction carried out in the area lying in the Prohibited zone of the Blue Flood Line of the River Indrayani. It is submitted that a total of 29 bungalows have been illegally constructed in the area falling within the Blue Line of the River Indrayani at Survey No 90 (Part) of the Village Chikhali. A list of the owners all the Illegally constructed bungalows is hereto annexed and marked as **Annexure R-8.**

13. The said persons have not obtained any permission from the Answering Respondent, and the said constructions are illegal and the Answering Respondent has already issued demolition Notices to 13 owners of the bungalows (as and when it observed illegal construction in the vicinity), for demolition as per the provisions of the Section 478 (1) & Section 433(C) of the Maharashtra Regional Town Planning Act, 1966 further the Answering Respondent is the process of issuing Notices of demolition and registration of FIR against the remaining owners of the illegal bungalows. The Answering Respondent states that necessary action may be taken by this Hon'ble Tribunal against the project proponents and the owners of the illegal bungalow and the said Original Application may be decided accordingly.

Solemnly Affirmed on

10.02.2023

Authorized Representative for Respondent 8 & 9

At Pimpri, Pune

Advocate for R-8 & 9

CITY ENGINEER
P.C.M.C. PIMPRI-18

BEFORE ME
10/2/2023
ADHIK D. CHAREGAONKAR
ADVOCATE & NOTARY
GOVERNMENT OF INDIA
Survey No. 12 ... axmi Apartment,
Wakad ... Pune-33

NOTED & REGISTERED
AT SR. NO.: 151/2023

10 FEB 2023

NOTARY ADHIK D. CHAREGAONKAR GOVERNMENT OF INDIA NOTARIAL

(TRUE COPY)

EXHIBIT A-10

AGK

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

PUBLIC INTEREST LITIGATION NO.36 OF 2021

Sarang Yadwadkar & Ors. ... Petitioners

V/s.

The State of Maharashtra, through Principal Secretary, Urban Development Department & Ors. ... Respondents

Ms. Gayatri Singh, Senior Advocate with Ms. Ronita Bhattacharya Bector for the petitioners.

Mr. P.P. Kakade, Government Pleader with Mr. O.A. Chandurkar, Additional G.P. and Mrs. G.R. Raghuwanshi, Additional G.P. for respondent No.1 – State.

Mr. Abhijit P. Kulkarni with Ms. Sweta Shah and Mr. Gaurav Sahane for respondent Nos.2 & 3 – Pune Municipal Corporation.

Mr. Nitin Gaware Patil for respondent No.5 – MKVDC.

Mr. Samir Gosavi, Deputy Engineer, D.P. Cell and Mr. Ganesh Kamble, Sub-Engineer D.P. Cell, are present.

CORAM : DEVENDRA KUMAR UPADHYAYA, CJ &
AMIT BORKAR, J.

DATED : JUNE 26, 2024

P.C.:

1. Considering the issue raised in this public interest litigation petition which is of seminal importance as it raises concerns about faulty demarcation of flood line in the city of

Pune, the Court on 6 December 2023 had passed an order directing the Irrigation Department to complete the study of demarcation of flood lines in the City of Pune and produce it before the Court. The said study has been conducted in terms of an earlier order passed by this Court on 27 March 2023.

2. The respondent No.5 - Maharashtra Krishna Valley Development Corporation has filed an additional affidavit-in-reply sworn in by Ms. Shweta Yogendra Kurhade, Executive Engineer, Khadakwasla Irrigation Division which contains a report dated 2 January 2024. Learned Counsel appearing for respondent no.5 has taken us through said report. Apart from various charts containing necessary statistics, the report has clearly mentioned that while determining the flood lines various important factors and considerations were not taken into account in the past. The relevant extract of the said report contained in clauses 14 to 18 are reproduced hereinbelow:

> "14. It appears that there are several important factors and considerations that have not been taken into account while making flood lines in the mentioned areas. Let's summarize the key points raised in each statement.
>
> 15. Free Catchment Area: The flow from the free catchment area between Khadakwasla Dam and Mula-Mutha Confluence in 2011 has not been considered. It is suggested that this factor should be taken into account in the flood line marking process.
>
> 16. MERI Guidelines: The Maharashtra Engineering Research Institute (MERI) in Nashik published guidelines for Blue/Red flood lines on 16/11/2015. However, these

guidelines were not considered when marking flood lines in 2011, and also not taken into account for the 2016 flood lines superimposed on Development Plan maps.

17. TERI Action Plan: The Energy and Resources Institute (TERI) in New Delhi prepared a climate change action plan in 2014 for Maharashtra. This plan predicted a 37.5% rise in rainfall around Pune with more frequent cloud burst events. The applicants point out that this prediction was not considered in the demarcation of flood lines.

18. In light of these points, it is suggested that a comprehensive review of the flood line demarcation process be conducted, taking into account the flow from the free catchment area, MERI guidelines, and the TERI climate change action plan. Addressing these aspects would contribute to a more accurate and comprehensive understanding of flood risk in the area."

3. The report has thus suggested that a comprehensive review of the flood line demarcation be carried out taking into account various relevant considerations, guidelines and reports etc. Learned counsel for the Pune Municipal Corporation as also the learned counsel representing the petitioners also emphasized that a fresh comprehensive review of demarcation of flood lines in the city of Pune is the need of hour.

4. Demarcation of flood line in an urban area or a city like Pune assumes importance for the simple reason that in case any development activity is permitted by the municipal body of such an urban area in the flood zone of any water channel like a river etc., the same results in reducing the flood carrying capacity of such a water channel, which, ultimately is

the cause of flood. To ensure that the earth continues to remain habitable, it is thus very necessary to appropriately and correctly demarcate the flood line of water channels, failing which the inhabitants of the area may face problems beyond remedies.

5. The Government of Maharashtra had appointed an Experts Study Committee to analyze the causes and remedies on flood, which submitted a report which is on record as Exhibit-A appended to the additional affidavit in rejoinder, dated 21 February 2024. The report of the Experts Study Committee analyzes the causes and remedies. Perusal of the said report would reveal that a lot needs to be done by the Government, its agencies and municipal bodies to check the flood in the urban areas.

6. Having regard to the significance of the issue involved, on our request learned Advocate General Mr. Birendra Saraf has addressed the Court and has expressed his concerns as well.

7. Accordingly, we direct that the report dated 2 January 2024 which forms part of the additional affidavit-in-reply filed by the respondent No.5 – Maharashtra Krishna Valley Development Corporation, dated 9 January 2024 shall be placed before the Additional Chief Secretary / Principal Secretary of the Department of Water Resources Development of the State Government, who shall consult all other departments / bodies, including municipal corporation and form a five-member Supervisory Committee comprising of

experts of the Water Resources Department and any other related departments. He shall also co-opt some experts from the external expert agencies, i.e. the agencies other than the Government agencies such as any institute of repute at national level or any academic / research institution.

8. The said Experts Committee to be formed under this order shall be headed by the Additional Chief Secretary of the Department of Water Resources Development which shall formulate a plan for conducting the comprehensive review of the flood line demarcation in the city of Pune. The Committee shall also prepare a blue print for conducting the said review and shall also determine the human resources to be deployed for the said purpose.

9. The Experts Committee to be formed under this order shall also fix a time-line within which the flood line demarcation review is to be completed.

10. We, thus, direct that the Experts Committee under this order shall be formed within two weeks, which shall consider and finalize the blue print for undertaking comprehensive review of demarcation of flood line in the city of Pune within four weeks' thereafter.

11. When the matter is next listed, an affidavit shall be filed by a high-ranking officer to be nominated by the Additional Chief Secretary of the Department of Water Resources Development of the State Government, giving details of the steps which may be taken during this period for ensuring compliance of the directions being issued by us in this order.

12. The affidavit to be filed under this order by the State Government shall be served in advance at least by one week upon the learned counsel for the petitioner and also learned counsel representing Pune Municipal Corporation.

13. List the PIL petition on **14 August 2024**.

(AMIT BORKAR, J.) **(CHIEF JUSTICE)**

(TRUE COPY)

1301

Additional Affidavit + Compilation A

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

REVIEW APPLICATION NO. 06/2024

IN

OA No. 50/2020 (WZ)

IN THE MATTER OF:

M/s. V Square ... Applicant/
Original Respondent No. 13

Versus

Tanaji Balashaheb Gambhire & Ors. ... Respondents

INDEX

Sr. No	Particulars	Pages Nos.
1.	Additional Affidavit on behalf of the Applicant/ Original Respondent No. 13 along with relevant/vital documents	1 - 456

Date: 4th September, 2024
Place: Pune

Advocate for Applicant

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

REVIEW APPLICATION NO. 06/2024
IN
OA No. 50/2020 (WZ)

IN THE MATTER OF:

M/s. V Square ... Applicant/
Original Respondent No. 13

Versus

Tanaji Balashaheb Gambhire & Ors. ... Respondents

ADDITIONAL AFFIDAVIT ON BEHALF OF THE APPLICANT/ ORIGINAL RESPONDENT NO. 13 (M/s. V Square), TO PLACE ON RECORD CERTAIN VITAL DOCUMENTS IN SUPPORT TO THE AFORESAID REVIEW APPLICATION.

I, Vishwanath Vasant Jare, aged about 39 years, Occupation- Business, R/o More Vasti, Village: Chikhali, Gat No. 1358, Gurukrupa Housing Society, Pune - 411062, do herby solemnly affirm and declare as under:

1. That I am the one of the partner of the Respondent No. 13 (M/s. V Square) in the aforesaid OA/50/2020 and the Applicant in Review Application No. 6 of 2024.

2. That I am well conversant with the facts of this case, and am competent to swear the present affidavit before this Hon'ble Tribunal.

3. That I have filed the aforesaid Review Application, before this Hon'ble Tribunal in pursuance to order dated 01.07.2024, passed by this Hon'ble Tribunal.

4. That the Respondent No. 13 in the OA No. 50/2020 (out of which Review Application No. 6 / 2024 has arisen), and he is also the Respondent No. 13 in another case OA No. 56 /2020 (listed for 08.01.2025) both filed by the same Original Applicant Mr. Tanaji Balasaheb Gambhire before this Hon'ble Tribunal, without disclosing that he has filed two different cases against same set of officials Respondents/ Governmental Authorities, on the basis of same legal notice and photographs, thereby not only playing a fraud upon this Hon'ble Tribunal, but also deliberately abusing the process of this Hon'ble Tribunal.

5. "River Villa" project land was purchased only on dated 25.12.2020. Copies of the Index-II of purchase of the said land is being filed for ready reference. The other project "River Residency" is on going project around 2010 which is under totally different PP and also a very huge sized project of multi storeyed expensive flats where as "River Villa" is a very small middle class project of residential houses of approx. 100 sq. yards each.

6. That in both the aforesaid OA bearing No. 50/2020 and 56/2020 number of documents are same in nature/replica which are relevant for the proper adjudication of the aforesaid Review Application No. 6/2024 filed before this Hon'ble Tribunal. The same photographs and documents in these two cases, are being filed with this additional affidavit, as compilation no. "A" (containing the photographs and

documents of OA/56/2020) and as compilation no. "B" (containing the photographs and documents of OA/50/2020).

7. That the following documents are relevant/vital as under:

i. The case history/filling details of the OA/56/2020 titled "Tanaji Balasaheb Gambhire versus The Chief Secretary of Maharashtra & Ors. listed for 08.01.2025.

ii. The case history/filling details of the OA/50/2020 titled "Tanaji Balasaheb Gambhire versus The Chief Secretary of Maharashtra & Ors. decided on 01.07.2024, RA No. 6 of 2024 is pending before this Hon'ble Tribunal.

iii. The copy of OA/50/2020 titled "Tanaji Balasaheb Gambhire versus The Chief Secretary of Maharashtra & Ors."

iv. Applicant Tanaji Gambhire has relied upon Blue Line and Red Line demarcation relating to year 1989 and 2009 which is not relevant in view of the Government of Maharashtra notifications dated 02.03.2015 and 03.05.2018. To the best of knowledge of respondent no. 13 there has been no demarcation of blue and red flood lines by the reginal chief engineer or by any equivalent or by superior officer from 2018 till date in relation to river Indrayani.

8. That the documents which are, common in nature filed by the original Applicant Mr. Tanaji Balasaheb Gambhire in both the aforesaid OA No. 56/2020 and 50/2020 are as under:

i. Copy of Legal Notice dated 05.07.2017 with Postal Receipts (without tracking reports) containing page No. ~~310~~ 342 to page No. ~~368~~ 398 in OA/56/2020.

ii. Copy of Legal Notice dated 05.07.2017 with Postal Receipts (without tracking reports) at page Nos. 138 to page No. 196 in OA/50/2020.

iii. Copies of 28 photographs all dated 15.04.2017 in OA/56/2020 from page No. 249 to page No.262

iv. Copies of 28 photographs all dated 15.04.2017 in OA/50/2020 containing from page No. 93 to page No. 106.

v. Copies of 62 photographs all dated 15.04.2017 in OA/56/2020 containing from page No. and page No. 279 to page No. 309.

vi. Copies of 62 photographs all dated 15.04.2017 in OA/50/2020 containing from page No. and page No. 107 to page No. 137.

vii. Copies of in OA/56/2020 from page No. 502 to page No. 559

viii. Copies of photographs in OA/50/2020 from page No. 207 to page No. 264.

9. That the Respondent No. 13 is also placing on record the news clippings and related material in respect of no flooding in Indrayani river area in question during the month of July, 2024 when there was wide spread flood all over Pune but still in the Relevant area of Gat No. 90 in question, for the first time in 50 years there was flood hardly till shoe level which can be seen from the picture of Comminisner PCMC and Local MLA who came for site visit in July, 2024.

10. That the Respondent No. 13 is also placing on record the photographs showing the table top and cliff type area in question, roughly 15- 20 feet's above the water level of Indrayani River. It may be noted that google satellite photo attached Applicant Tanaji Gambhire from the year 2010 onwards (page 243 in OA/50/2020), also shows that the same table top surface much above the Indirayani River level, was prevalent since than and there can be no question of any land filling or reclaiming of land from the low lying river area.

11. That the Applicant Tanaji Ghambire has mislead the Joint Committee by feeding wrong and false facts to the effect that Original Respondent No. 13's land falls entirely within the blue line area and further that Respondent No. 13 does not have any NA or plotting permission. The Joint Committee despite having contact details, did not associated Respondent No. 13 or any purchaser of small 100 yards plots of River Villa project. It is the stand of Joint Committee that during the

period of its consideration of the matter, there was ongoing construction in "River Villa" project and therefore JCR does not have any reason or justification for not associating even a single private person in relation to the ongoing construction of small residential houses. It is clear that the Joint Committee Report has not carried out any proper or genuine survey either as regards the false allegation of land filling/ alleged reclamation of River Belt land or of that matter in relation to the status of the land in question (River Villa project) falling between the Blue Line and the Red Line i.e (restricted zone and not prohibited zone), with NA and permission for plotting. Copy of the relevant documents including Abhipry as filed on record by PCMC. It is relevant to mention that translation into English were not filed with a view to mislead this Hon'ble Tribunal.

11A. I say that the screenshot of the Byte given by PCMC Engineer Dated 08.08.2024, is being filed along with this additional affidavit.

12. The government of Maharashtra has taken up River Bank development rejuvenation project for the rivers of Pune area including river Indrayani in particular with the budget of around Rs. 5000 Crore, to develop the river front which will involve a lot of construction along both sides of river Indrayani for which proper flood control and environmental measures will be taken by the government bodies. As such it is otherwise also contrary to the requirements of justice that the River Villa project which is situated on table top surface 15-20 feet above the Indrayani River level, should be subject to action of demolition when the entire exercise of demarcation of Blue line and Red line is yet to be carried out properly and comprehensively. Reference may be made to the recent orders of Hon'ble High Court of Bombay

directing the expert committee for demarcation of Blue Line and Red Line of Pune rivers.

13. That the Respondent No. 13 also craves leave permission from this Hon'ble Tribunal to place on record any other document which is relevant at the time of hearing of the aforesaid Review Application in the interest of justice.

14. That the all facts, information's, documents annexed with this affidavit are true copies to their respective originals, nothing is concealed or supressed therefrom.

Deponent

VERIFICATION:

I, Vishwanath Vasant Jare, aged about 39 years, Occupation-Business, R/o More Vasti, Village: Chikhali, Gat No. 1358, Gurukrupa Housing Society, Pune - 411062. That the contents of this Affidavit are true and correct to the best of my, nothing has been concealed therefrom.

Deponent

BEFORE ME

RAJESH KISHOR PUNEKAR
ADVOCATE & NOTARY
GOVERNMENT OF INDIA
MOSHI, PUNE - 412105

NOTED & REGISTERED at
Serial No 848/2024
Date 03/10/2024

Next Hearing Date

ndex-II

07/05/2021

सूची क्र.2

दुय्यम निबंधक : सह दु.नि. हवेली 17
दस्त क्रमांक : 5333/2021
नोंदणी :
Regn:63m

गावाचे नाव : चिखली

(1)विलेखाचा प्रकार	बेरेरीखत
(2)मोबदला	9800000
(3) बाजारभाव(भाडेपटटयाच्या बाबतिपटटाकार आकारणी देतो की पटटेदार ते नमुद करावे)	9255725.18
(4) भू-मापन,पोटहिस्सा व घरक्रमांक (असल्यास)	1) पालिकेचे नाव:पिंपरी-चिंचवड म.न.पा. इतर वर्णन :, इतर माहिती: गाव मौजे चिखली येथील गट नं 90 मधील मिळून येणार यांच्या मालकीचे बरेरी देत असलेले क्षेत्र 11250 चौ.फु. म्हणजेच 1045.53 चौ.मी मोकळी जमीन मिळकत((GAT NUMBER : 90 ;))
(5) क्षेत्रफळ	1) 0.1045 हेक्टर , आर
(6)आकारणी किंवा जुडी देण्यात असेल तेव्हा.	
(7) दस्तऐवज करुन देणा-या/लिहून ठेवणा-या पक्षकाराचे नाव किंवा दिवाणी न्यायालयाचा हुकुमनामा किंवा आदेश असल्यास,प्रतिवादिचे नाव व पत्ता.	1): नाव:-व्ही स्केवर तर्फे भागीदार म्हणून विश्वनाथ दशरथ चरे वय:-35; पत्ता:-प्लॉट नं: -, माळा नं: -, इमारतीचे नाव: -, ब्लॉक नं: -, रोड नं: मनिषा हौसिंग सोसायटी मोरेवस्ती चिखली पुणे , महाराष्ट्र, पुणे. पिन कोड:-412114 पॅन नं:-AFZPJ5557K 2): नाव:-व्ही स्केवर तर्फे भागीदार म्हणून विशाल मनोहर मुन्हे वय:-34; पत्ता:-प्लॉट नं: -, माळा नं: -, इमारतीचे नाव: -, ब्लॉक नं: -, रोड नं: चौधरी नगर समोर सोमाटणे फाटा पुणे , महाराष्ट्र, पुणे. पिन कोड:-410506 पॅन नं:-ANBPM4468Q
(8)दस्तऐवज करुन घेणा-या पक्षकाराचे व किंवा दिवाणी न्यायालयाचा हुकुमनामा किंवा आदेश असल्यास,प्रतिवादिचे नाव व पत्ता	1): नाव:-राजीव कुमार गौतम वय:-42; पत्ता:-प्लॉट नं: -, माळा नं: -, इमारतीचे नाव: -, ब्लॉक नं: -, रोड नं: मोशी पुणे , महाराष्ट्र, पुणे. पिन कोड:-412105 पॅन नं:-AHVPG2494E 2): नाव:-धनंजय माऊराम पोखरकर वय:-31; पत्ता:-प्लॉट नं: -, माळा नं: -, इमारतीचे नाव: -, ब्लॉक नं: -, रोड नं: आंबेगाव पुणे , महाराष्ट्र, पुणे. पिन कोड:-410503 पॅन नं:-BAXPP2709M 3): नाव:-शरद बसंतराव बोंडे वय:-57; पत्ता:-प्लॉट नं: -, माळा नं: -, इमारतीचे नाव: -, ब्लॉक नं: -, रोड नं: चिखली प्राधिकरण चिंचवड पुणे , महाराष्ट्र, पुणे. पिन कोड:-411019 पॅन नं:-AGRPB0488Q 4): नाव:-वसुला शरद बोंडे वय:-50; पत्ता:-प्लॉट नं: -, माळा नं: -, इमारतीचे नाव: -, ब्लॉक नं: -, रोड नं: चिखली प्राधिकरण चिंचवड पुणे , महाराष्ट्र, पुणे. पिन कोड:-411019 पॅन नं:-AGRPB1762H 5): नाव:-मोअमअली किशाबुल्ला चौधरी वय:-52; पत्ता:-प्लॉट नं: -, माळा नं: -, इमारतीचे नाव: -, ब्लॉक नं: -, रोड नं: कुदळवाडी चिखली पुणे , महाराष्ट्र, पुणे. पिन कोड:-412114 पॅन नं:-AJOPC5930G 6): नाव:-भरत बंगाजीराव पाटील वय:-41; पत्ता:-प्लॉट नं: -, माळा नं: -, इमारतीचे नाव: -, ब्लॉक नं: -, रोड नं: पिंपरी कॉलनी पुणे , महाराष्ट्र, पुणे. पिन कोड:-411017 पॅन नं:-CDMPP5305G 7): नाव:-प्रदीप दाविद माळगे वय:-37; पत्ता:-प्लॉट नं: -, माळा नं: -, इमारतीचे नाव: -, ब्लॉक नं: -, रोड नं: चिखली पुणे , महाराष्ट्र, पुणे. पिन कोड:-412114 पॅन नं:-BODPM4039B 8): नाव:-शाहीद मेहमूद शेख वय:-34; पत्ता:-प्लॉट नं: -, माळा नं: -, इमारतीचे नाव: -, ब्लॉक नं: -, रोड नं: जाधववाडी चिखली पुणे , महाराष्ट्र, पुणे. पिन कोड:-412114 पॅन नं:-BZGPS2878N 9): नाव:-सीमा शाहीद शेख वय:-30; पत्ता:-प्लॉट नं: -, माळा नं: -, इमारतीचे नाव: -, ब्लॉक नं: -, रोड नं: जाधववाडी चिखली पुणे, महाराष्ट्र, पुणे. पिन कोड:-412114 पॅन नं:-GRSPS0834M 10): नाव:-शैलेन्द्र - पाराशर वय:-39; पत्ता:-प्लॉट नं: -, माळा नं: -, इमारतीचे नाव: -, ब्लॉक नं: -, रोड नं: गंगापूर सवाई माधोपुर राजस्थान , राजस्थान, सवाई माधोपुर. पिन कोड:-322201 पॅन नं:-APVPP2166E
(9) दस्तऐवज करुन दिल्याचा दिनांक	31/03/2021
(10)दस्त नोंदणी केल्याचा दिनांक	05/05/2021
(11)अनुक्रमांक,खंड व पृष्ठ	5333/2021
(12)बाजारभावाप्रमाणे मुद्रांक शुल्क	392000
(13)बाजारभावाप्रमाणे नोंदणी शुल्क	30000
(14)शेरा	

मी नफीसल देसी
मी साक्षी
मी रुजवंत पेतशी

अस्सल दस्ताचा नकला

दस्ताऐवजाची प्रत
श्री./सौ. राजीव गौतम
यांना दिली असे.
तारीख 07/05/2021

सह-दुय्यम निबंधक हवेली क्र. १७

मुल्यांकनासाठी विचारात घेतलेला तपशील:-:

मुद्रांक शुल्क आकारताना निवडलेला अनुच्छेद :- (i) within the limits of any Municipal Corporation or Cantonment area annexed to it.

THE SEAL OF THE JOINT SUB-REGISTRAR OF HAVELI

5333385 26-08-2024 Note:-Generated Through eSearch Module,For original report please contact concern SRO office.	List No.2	Second Editor: Co-Mon.N. Mansion 17 Dialogue Number : 5333/2021 Nodani : Rain: 63m

Village Name : Chikhli

(1) Form of Deed	Purchase fertilizer
(2) Compensation	9800000
(3) Market price (whether the tenant charges the rent or the tenant should specify it)	9255725.18
(4) Land survey, subdivision and house number (if any)	1) Name of Municipality: Pimpri-Chinchwad M.N.P. Other Description:, Other Information: Area being purchased owned by the prescriber of Group No. 90 of village Mauje Chikhali is 11250 sq.ft. That is, 1045.53 sq.m free land income ((GAT NUMBER: 90;))
(5) Area	0.1045 hectare. r
(6) When levy or levy is given.	
(7) Name of the party executing/recording the document or, if there is a decree or order of a civil court, the name and address of the defendant.	1): Name:-Vishwanath Vasant Jare as Partner by V Scare Age:-35 Address:-Plot No: -, Mala No: -, Building Name: -, Block No: -, Road No: Manisha Housing Society Morevasti Chikhli Pune , Maharashtra, Pune. PIN CODE:-412114 PAN NO:-AFZPJ5557K 2): Name:-Vishal Manohar Murhe as Partner by V Scare Age:-34 Address:-Plot No: -, Mala No: -, Building Name: -, Block No: -, Road No: Chaurai Nagar Dhamane Somatne Phata Pune , Maharashtra, Pune. PIN CODE:-410506 PAN NO:-ANBPM4468Q
(8) the name and address of the defendant, in case of decree or order of the party subpoenaing the document and or of the Civil Court;	1): Name:-Rajeev Kumar Gautam Age:-42; Address:-Plot No: -, Mala No: -, Building Name: -, Block No: -, Road No: Moshi Pune, Maharashtra, Pune. PIN CODE:-412105 PAN NO:-AHVPG2494E 2): Name:-Dhananjay Bhauram Pokharkar Age:-31; Address:-Plot No: -, Mala No: -, Building Name: -, Block No: -, Road No: Ambegaon Pune, Maharashtra, Pune. PIN CODE:-410503 PAN NO:-BAXPP2709M 3): Name:-Sharad Vasantrao Bonde Age:-57; Address:-Plot No: -, Mala No: -, Building Name: -, Block No: -, Road No: CHIKHLI AUTHORITY Chinchwad Pune, Maharashtra, Pune. Pin Code:-411019 PAN No:-AGRPB0488Q 4): Name:-Yamuna Sharad Bonde Age:-50; Address:-Plot No: -, Mala No: -, Building Name: -, Block No: -, Road No: CHIKHLI AUTHORITY Chinchwad Pune, Maharashtra, Pune. PIN CODE:-411019 PAN NO:-AGRPB1762H 5): Name:-MojamAli Kitabullah Chaudhary Age:-52; Address:-Plot No: -, Mala No: -, Building Name: -, Block No: -, Road No: Kudalwadi Chikhali Pune, Maharashtra, Pune. PIN CODE:-412114 PAN NO:-AJOPC5930G 6): Name:-Bharat Dagajirao Patil Age:-41; Address:-Plot No: -, Mala No: -, Building Name: -, Block No: -, Road No: Pimpri Colony Pune, Maharashtra, Pune. PIN CODE:-411017 PAN NO:-CDMPP5305G 7): Name:-Pradeep David Malge Age:-37; Address:-Plot No: -, Mala No: -, Building Name: -, Block No: -, Road No: Chikhali Pune, Maharashtra, Pune. PIN CODE:-412114 PAN NO:-BODPM4033B 8): Name:-Shaheed Mehmood Shaikh Age:-34; Address:-Plot No: -, Mala No: -, Building Name: -, Block No: -, Road No: Jadhavwadi Chikhali Pune, Maharashtra, Pune. PIN CODE:-412114 PAN NO:-BZGPS2878N 9): Name:-Seema Shahid Shaikh Age:-30; Address:-Plot No: -, Mala No: -, Building Name: -, Block No: -, Road No: Jadhavwadi Chikhali Pune, Maharashtra, Pune. PIN CODE:-412114 PAN NO:-GRSPS0834M 10): Name:-Shailendra - Parashar Age:-39; Address:-Plot No. -, Garland No. -, Building Name: -, Block No: -, Road No.: Gangapur Sawai Madhopur Rajasthan , Rajasthan, Sawai Madhopur. PIN Code:-322201 Pan No.:-APVPP2166E
(9) Date of documenting	31/03/2021
(10) Date of registration of document	05/05/2021
(11) Serial number, volume and page	5333/2021
(12)Stamp duty as per market rate	392000
(13)Registration fee as per market rate	30000
(14) Shera	
Details considered for assessment:-:	
Article selected while levying stamp duty :- :	(i) within the limits of any Municipal Corporation or any Cantonment area annexed to it.

1/2021

सूची क्र.2

दुय्यम निबंधक : सह दु.नि. हवेली 14
दस्त क्रमांक : 14334/2020
नोंदणी :
Regn 63m

गावाचे नाव : चिखली

(1)विलेखाचा प्रकार	खरेदीखत
(2)मोबदला	14500000
(3) बाजारभाव(भाडेपटटयाच्या बाबतितपटटाकार आकारणी देतो की पटटेदार ते नमुद कराचे)	10724800
(4) भू-मापन,पोटहिस्सा व घरक्रमांक (असल्यास)	1) पालिकेचे नाव:पिंपरी-चिंचवड म.न.पा. इतर वर्णन :, इतर माहिती: गाव मौजे चिखली येथील गट नं.90 मधील लिहून देणार यांचे मालकी हक्काचे खरेदी देत असलेले क्षेत्र 00 हे. 30.38 आर जमीन मिळकत((GAT NUMBER : 90 ;))
(5) क्षेत्रफळ	1) 0.3038 हेक्टर , आर
(6)आकारणी किंवा जुडी देण्यात असेल तेव्हा.	
(7) दस्तऐवज करुन देणा-या/लिहून ठेवणा-या पक्षकाराचे नाव किंवा दिवाणी न्यायालयाचा हुकुमनामा किंवा आदेश असल्यास,प्रतिवादिचे नाव व पत्ता.	1): नाव:-विशाल दिलीप चोरडीया वय:-34; पत्ता:-प्लॉट नं: -, माळा नं: -, इमारतीचे नाव: -, ब्लॉक नं: -, रोड नं: सज्जन प्लाझा हिंदुस्तान बेकरीसमोर चाफेकर चौक चिंचवड पुणे , महाराष्ट्र, पुणे. पिन कोड:-411033 पॅन नं:-AHKPC0799B 2): नाव:-मान्यता देणार - इंद्रायणी प्रमोटर्स ऑंड डेव्हलपर्स तर्फे अतुल बाळासाहेब बोराटे - वय:-18; पत्ता:-प्लॉट नं: -, माळा नं: -, इमारतीचे नाव: -, ब्लॉक नं: -, रोड नं: मोशी पुणे , महाराष्ट्र, पुणे. पिन कोड:-410501 पॅन नं:- 3): नाव:-मान्यता देणार - इंद्रायणी प्रमोटर्स ऑंड डेव्हलपर्स तर्फे वासिम अख्तर शेख - वय:-18; पत्ता:-प्लॉट नं: -, माळा नं: -, इमारतीचे नाव: -, ब्लॉक नं: -, रोड नं: मोशी पुणे , महाराष्ट्र, पुणे. पिन कोड:-410501 पॅन नं:-
(8)दस्तऐवज करुन घेणा-या पक्षकाराचे व किंवा दिवाणी न्यायालयाचा हुकुमनामा किंवा आदेश असल्यास,प्रतिवादिचे नाव व पत्ता	1): नाव:-म्ही स्केअर तर्फे भागीदार म्हणून विघ्नहर वसंत जरे वय:-36; पत्ता:-प्लॉट नं: -, माळा नं: -, इमारतीचे नाव: -, ब्लॉक नं: -, रोड नं: मनीषा हौसिंग सोसायटी मोरेवस्ती चिखली पुणे, महाराष्ट्र, पुणे. पिन कोड:-412114 पॅन नं:-AFZPJ5557K 2): नाव:-म्ही स्केअर तर्फे भागीदार म्हणून विशाल मनोहर मुन्हे वय:-34; पत्ता:-प्लॉट नं: -, माळा नं: -, इमारतीचे नाव: -, ब्लॉक नं: -, रोड नं: चीराईनगर शमाणे सोमाटने फाटा पुणे, महाराष्ट्र, पुणे. पिन कोड:-410506 पॅन नं:-ANBPM4468Q
(9) दस्तऐवज करुन दिल्याचा दिनांक	25/12/2020
(10)दस्त नोंदणी केल्याचा दिनांक	25/12/2020
(11)अनुक्रमांक,खंड व पृष्ठ	14334/2020
(12)बाजारभावाप्रमाणे मुद्रांक शुल्क	435000
(13)बाजारभावाप्रमाणे नोंदणी शुल्क	30000
(14)शेरा	

दस्तासोबतची नक्कल
नं ..... दिवसांत घेऊन
जाणा दिले असे
दिनांक:- १६/१२/२०२१

सह-दुय्यम निबंधक (वर्ग-२) हवेली क्र. १४, पुणे
दिनांक:- ०६/०१/२०२१

मुल्यांकनासाठी विचारात घेतलेला तपशील:-:

मुद्रांक शुल्क आकारताना निवडलेला अनुच्छेद :- (i) within the limits of any Municipal Corporation or any Cantonment area annexed to it.

:



14334332
26-08-2024
Note:-Generated Through eSearch Module,For original report please contact concern SRO office.

List No.2

Second Essayist: Co-Mon.N. Mansion 14
Dialogue Number : 14334/2020
Nodani :
Rain: 63m

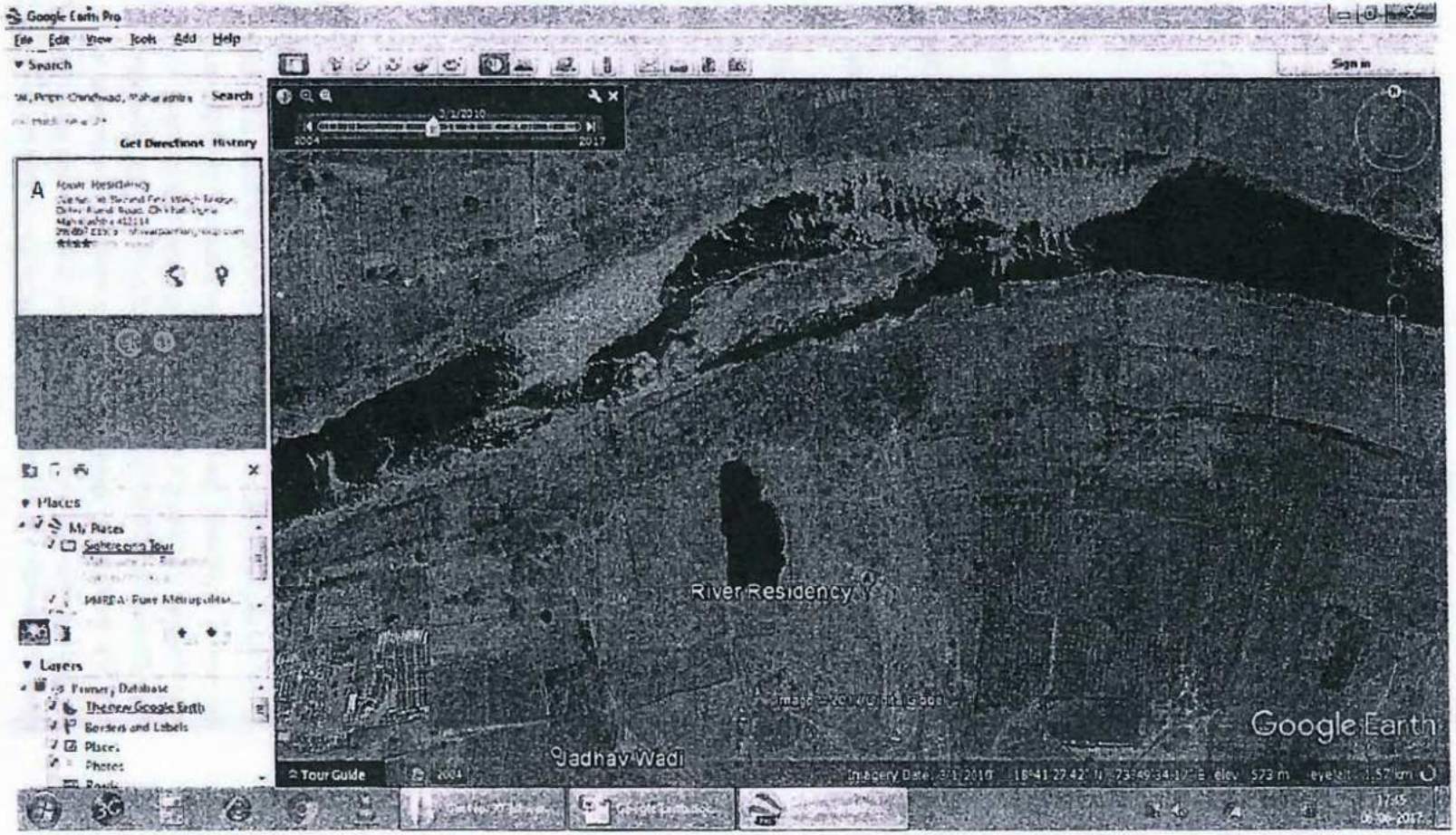
Village Name : Chikhli

(1) Form of Deed	Purchase fertilizer
(2) Compensation	14500000
(3) Market price (whether the tenant charges the rent or the tenant should specify it)	10724800
(4) Land survey, subdivision and house number (if any)	1) Name of Municipality: Pimpri-Chinchwad M.N.P. Other Description:, Other Information: Area 00 of which the owner is purchasing the ownership right of Group No.90 of village Mauje Chikhali. 30.38 Rs Land Revenue ((GAT NUMBER : 90 ;))
(5) Area	0.3038 hectare. r
(6) When levy or levy is given.	
(7) Name of the party executing/recording the document or, if there is a decree or order of a civil court, the name and address of the defendant.	1): Name:-Vishal Dilip Chordia Age:-34 Address:-Plot No: -, Mala No: -, Building Name: -, Block No: -, Road No: Sajjan Plaza Opposite Hindustan Bakery Chafekar Chowk Chinchwad Pune, Maharashtra, Pune. PIN CODE:-411033 PAN NO:-AHKPC0799B 2): Name:-Approver - Atul Balasaheb Borate by Indrayani Promoters Odd Developers - Age:-18 Address:-Plot No: -, Mala No: -, Building Name: -, Block No: -, Road No: Moshi Pune , Maharashtra, Pune. Pin Code:-410501 PAN No:- 3): Name:-Approver -Wasim Akhtar Shaikh by Indrayani Promoters Odd Developers -Age:-18 Address:-Plot No: -, Mala No: -, Building Name: -, Block No: -, Road No: Moshi Pune , Maharashtra, Pune. Pin Code:-410501 PAN No:-
(8) the name and address of the defendant, in case of decree or order of the party subpoenaing the document and or of the Civil Court;	1): Name:-Vishwanath Vasant Jare as Partner by V Scare Age:-36; Address:-Plot No: -, Mala No: -, Building Name: -, Block No: -, Road No: Manisha Housing Society Morevasti Chikhli Pune, Maharashtra, Pune. PIN CODE:-412114 PAN NO:-AFZPJ5557K 2): Name:-Vishal Manohar Murhe as Partner by V Scare Age:-34; Address:-Plot No: -, Mala No: -, Building Name: -, Block No: -, Road No: Chaurainagar Dhamane Somatne Phata Pune, Maharashtra, Pune. PIN CODE:-410506 PAN NO:-ANBPM4468Q
(9) Date of documenting	25/12/2020
(10) Date of registration of document	25/12/2020
(11) Serial number, volume and page	14334/2020
(12)Stamp duty as per market rate	435000
(13)Registration fee as per market rate	30000
(14) Shera	
Details considered for assessment:-	
Article selected while levying stamp duty :- :	(i) within the limits of any Municipal Corporation or any Cantonment area annexed to it.

riginal text
ate this translation
our feedback will be used to help improve Google Translate

Project Site: "River Villa" by 1. Jare World, 2. V Square, Gut No. 90 (p), Village-Chikhali, Tal- Haveli, District-Pune

"Entire Project is in Blue flood line of Indrayani River"



1313

Regarding empowering Regional Chief Engineer to approve the maps of flood zones and flood lines

STATE GOV. OF MAHARASHTRA

WATER RESOURCES DEPARTMENT,

Government Circular No. Dny.Ya.Pr.-2014/ (Chapter No.424/2014)Sin. Vya. (Revenue)

Hutatma Rajguru Chouk, Madam Kama Road,

Mantralaya, Mumbai- 400 032,

Date: 2nd March, 2015.

Read :-

1) Government Circular No.: Irrigation Department No. FDW-1089/ (Chapter No.243/89)/Sin Vya (Works) Dt. 2.09.1989
2) Government Circular No.: Irrigation Department No. FDW-1089/ (Chapter No. 243/89)/Sin Vya (Works) Dt. 21.09.1989
3) Government Circular No.: Water Resource Department No. FDW-2013/ (Chapter No.281/2013)/Sin Vya (Revenue) Dt. 11.07.2014
4) Government Circular No.: Water Resource Department No. FDW-2013/ (Chapter No.281/2013)/Sin Vya (Revenue) Dt. 08.08.2014

FOREWORD:-

For any unavoidable works to be done by different departments in flood prone and prohibitive zone, it was required to obtain NOC from Regional Chief Engineer, Water Resource Department according to Gov. Circular Water Resource Department No. FDW-1089/(Chapter No.243/89)/Sin Vya (Works) Dt. 08.08.2014. It was also mentioned in the circular that, no powers to be delegated to officers below the rank of Chief Engineer. But in case no. 25/2014 filed in National Green Tribunal (Western Zone), Pune Bench. The Tribunal ordered on 03.02.2015 to revise the said circular issued by Water Resource Department Dt. 08.08.2014.

To avoid possible threat of flooding, with a view to demarcate flood lines to prohibit any type of construction inside flood lines, instructions have been given vide Irrigation Department Gov. Circular No. FDW-1089/(Chapter No.243/89)/Sin Vya(Works) Dt. 02.09.1989. Also, with a view to avoid risk of floods, to prohibit any type of construction inside flood lines, demarcation of prohibitive and restrictive zones according to Blue line and Red line respectively is directed vide Gov. Circular No. FDW-1089/ (Chapter No.243/89)/Sin Vya (Works)Dt. 21/9/1989. The directions about the causes under which use of these zones is permitted are included in this circular. But the said circular does not specify the officer to be authorised to deliver final decision while demarcating the flood lines.

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Also, some provisions are missing relating to decision of land use inside flood lines to be taken by Water Resource Department with respect to issuing NOC. Therefore, the scope of WRD (Water Resource Department) is restricted only to demarcate flood lines along the rivers. Accordingly, after receiving demand from other departments, WRD shall demarcate the flood lines after conducting necessary surveys.

Chief engineer, Superintending Engineer & Executive Engineer have rights to approve flood zones and flood lines for big, medium, and small projects respectively according to Dam Safety Manual Chapter 7 para. No. 10.9. Government was considering to give approval rights of flood zones; flood line maps and plans to Regional Chief Engineer in order to avoid possible threat of floods.

CIRCULAR-

Gov. Water Resource Department Circular No FDW-2013/(Chapter No.281/2013)/Sin Vya (Revenue) Dt. 08.08.2014 is being amended.

For avoiding possible threat of floods and with a view to prohibit any type of construction inside flood lines, after receiving demand to demarcate flood lines from respective District Collectors or any other department, Water Resource Department vide Gov. Circular No FDW-1089/ (Chapter No.243/89)/ Sin Vya (Works) Dt. 02.09.1989 and Dt. 21.09.1989 after considering prescribed directions, Flood line and Flood zone maps can be approved by respective Regional Chief Engineer. Flood line and flood zone approval rights should not be delegated to ranks lower than Chief Engineer.

Said' Gov. Resolution is made available on the Maharashtra government's website www.maharashtra.gov.in and its code No. is 201503021746171127. This order is digitally signed.

In the name and as per the orders of the Governor of Maharashtra.

Sanjiv A. Tatu,
Dy. Secretary

TC-*

"ANNEXURE A-9"

पुराचा संभाव्य धोका टाळण्यासाठी पूररेषेच्या आत कोणतेही बांधकाम न होण्याच्या दृष्टिने पूररेषेची आखणी करणे व निषिद्ध व नियंत्रित क्षेत्राचा उपयोग करण्याबाबत मार्गदर्शक सूचना

महाराष्ट्र शासन
जलसंपदा विभाग,
शासन परिपत्रक क्र पूरनि-२०१८/(१८२/२०१८) सिं.व्य.(महसूल)
मंत्रालय, मुंबई ४०००३२,
दिनांक:-३ मे, २०१८

वाचावे :- शासन परिपत्रक क्र.एफडीडब्लू -१०८९/२४३/८९/ सिं.व्य.(कामे), दि. २.०९.१९८९, दि.२१.९.१९८९

प्रस्तावना :-

पाटबंधारे विभाग शासन परिपत्रक क्र एफडीडब्लु १०८९/२४३/८९/ सिव्य (कामे) दि.२.९.१९८९ व दि.२१.९.१९८९ अन्वये पुराचा संभाव्य धोका टाळण्यासाठी पूररेषेच्या आत कोणतेही बांधकाम न होण्याच्या दृष्टीने पूररेषेची आखणी करण्याबाबत सूचना निर्गमित करण्यात आल्या आहेत.

नदीच्या निळया पूररेषेच्या आत निषिध्द क्षेत्रात व लाल पूररेषा व निळी पूर रेषा यांच्यामधील नियंत्रित क्षेत्रात शहरांच्या ,गावांच्या, तिर्थक्षेत्र विकासाच्या दृष्टीने नदीवर पूल बांधणे,पूलाचे दोन्ही बाजूने पोहोच रस्ते तयार करणे, शहराच्या विकास आराखडयानुसार नदीच्या बाजूने जाणारे रस्ते, उद्याने व जॉगींग ट्रॅक तयार करणे तसेच पूरसंरक्षक कामांतर्गत नदीच्या तीरालगत पूर संरक्षक भिंत बांधणे,घाट बांधणे या शिवाय गॅस पाईपलाईन क्रॉसिंग करणे ,विद्युत वाहिनी क्रॉसिंग करणे, नदीच्या कडेने ड्रेनेज पाईप लाईन टाकणे,मल:निसारण प्रकल्पाचे काम करणे, इ. प्रकारच्या सार्वजनिक स्वरुपाच्या अपरिहार्य कामांसाठी संबंधित शासकीय / निमशासकीय संस्था, स्थानिक स्वराज्य संस्था कडून ना-हरकत प्रमाणपत्रांची वाढती मागणी, जलसंपदा विभागामार्फत राज्यातील विविध नदीनाल्यांवर पूर्ण झालेल्या प्रकल्पांची संख्या व बांधकामाधीन प्रकल्पांची संख्या ,काळानुरुप बदलेले पर्जन्यमानाचे स्वरुप, पूरनियंत्रण व पुराचे अंदाज वर्तवण्याबाबत उपलब्ध अत्याधुनिक यंत्रणा इत्यादी गोष्टींचा एकत्रित पणे विचार करण्याची आवश्यकता निर्माण झाली आहे.

शासन परिपत्रक क्र न्यायप्र -२०१४ प्र.क्र.४२४/२०१४ सिंव्य (म), दि.२.३.२०१५ , अन्वये जलसंपदा विभागामार्फत पूरक्षेत्र व पूररेषा नकाशे व आराखडयांना मान्यता देण्यात येते. तथापि पाटबंधारे विभाग शासन परिपत्रक क्र एफडीडब्लु १०८९/२४३/८९/ सिव्य (कामे), दि.२.९.१९८९ व दि.२१.९.१९८९ अन्वये नदीच्या निळया पूररेषेच्या (Blue Line) आत निषिध्द क्षेत्रात (Prohibitive Zone) आणि लाल पूररेषा(Red Line) व निळी पूर रेषा(Blue Line) यांच्यामधील नियंत्रित क्षेत्रात(Restrictive Zone) सार्वजनिक सुविधांच्या दृष्टीने आवश्यक नेमकी कोणती अपरिहार्य कामे घ्यावीत याबाबत अधिक स्पष्टता आणण्याच्या दृष्टीने सुधारणा करण्याची बाब शासनाच्या विचाराधीन होती. याहृष्टीने एकत्रित सुधारित / अद्ययावत सूचनांचा समावेश करुन आता खालील प्रमाणे परिपत्रक निर्गमित करण्यात येत आहे.

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१. पाटबंधारे विभाग शासन परिपत्रक क्र एफडीडब्लु १०८९/२४३/८९/ सिंव्य (कामे) दि.२.९.१९८९ व दि.२१.९.१९८९ अद्ययावत करण्यात येत आहे.

२. पूरक्षेत्रातील जमिनीच्या वापराबाबत धरण सुरक्षितता संहिता (Dam safety Manual) प्रकरण ८/ १९८४ मध्ये दिलेल्या मार्गदर्शक सूचनांच्या आधारे महत्वाच्या पूररेषा हया मुख्यत्वेकरुन दोन प्रकाराच्या आहेत. निषेधक पूररेषा (Blue Line) व नियंत्रक पूररेषा (Red Line) .

३. निळी पूररेषा (Blue Line) :-

निळी पूररेषा (Blue Line) ही खालीलपैकी येणाऱ्या जास्तीत जास्त विसर्गाच्या पाणी पातळीला आखलेल्या रेषेला संबोधण्यात यावी.

अ) सरासरीने २५ वर्षातून एकदा (१ in २५ year) या वारंवारीतेने (Frequency) येणारा पूर विसर्ग किंवा

ब) प्रस्थापित नदीपात्राच्या विसर्गक्षमतेच्या दिडपट विसर्ग.

४. लाल पूररेषा (Red Line) :-

लाल पूररेषा (Red Line) ही खालीलपैकी येणाऱ्या विसर्गाच्या पाणी पातळीला आखलेल्या रेषेला संबोधण्यात यावी.

अ) ज्या भागात धरण नसेल तेथे :- सरासरीने १०० वर्षातून एकदा (१ in १०० year) या वारंवारीतेने (Frequency) येणारा पूर विसर्ग.

ब) ज्या भागात धरण असेल तेथे :- प्रकल्पाच्या संकल्पनातील सांडव्यावरून वाहणारा संकल्पित महत्तम पूर विसर्ग अधिक धरणाखालील पाणलोट क्षेत्रातून येणारा अपेक्षित १०० वर्षातून येणारा (१ in १०० year) या वारंवारीतेने (Frequency) येणारा पूर विसर्ग.

५. निषिध्द क्षेत्र (Prohibitive Zone) :-

नदीच्या उजव्या तीरावरील निळी पूर रेषा (Blue Line) ते नदीपात्र ते डाव्या तीरावरील निळी रेषा (Blue Line) या मधील क्षेत्राला निषिध्द क्षेत्र (Prohibitive Zone) म्हणून संबोधण्यात यावे.

६. ~~नियंत्रित~~ क्षेत्र (Restrictive Zone) :-

नदीची निळी पूररेषा (Blue Line) ते त्याच तीरावरील लाल पूररेषा (Red Line) यामधील क्षेत्राला नियंत्रित क्षेत्र (Restrictive Zone) संबोधण्यात यावे.

७. निषिध्द क्षेत्राचा (Prohibitive Zone) उपयोग फक्त मोकळया जमिनीच्या स्वरुपात उदा. उदयाने, खेळाची मैदाने किंवा हलकी पिके घेणे , ज्याठिकाणी पिके घेण्याचा हक्क पारंपारिक वापरामुळे प्रस्थापित झाला आहे अशा ठिकाणी (उदा. नदीपात्राजवळ करण्यात येणारी कलींगड / टरबूज / खरबूज इ.ची लागवड सार्वजनिक शौचकूप व मल:निस्सारण सुविधा) अशा सारख्या कारणांसाठीच केला जावा की जेणे करुन नदी प्रवाहात कोणताही अडथळा येणार नाही , नदीची वहनक्षमता कमी होणार नाही व नदीच्या काटछेदात कोणताही बदल होणार नाही .

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८. नियंत्रक क्षेत्राचा (Restrictive Zone) उपयोग खालील कारणांसाठीच केला जावा .

i) सार्वजनिक हिताच्या दृष्टीने आवश्यक व अपरिहार्य मल:स्सारण योजना .

ii)सार्वजनिक हिताच्या दृष्टीने आवश्यक व अपरिहार्य सार्वजनिक रस्ते की जेणेकरुन सदर रस्त्याची माथा पातळी निळया पूररेषा पातळीच्या वर असेल. सदर पातळी किती वर असावी याची निश्चिती संबंधित Indian Road Congress Code मधील तरतुदींनुसार करावी.

iii) सार्वजनिक हिताच्या दृष्टीने आवश्यक व अपरिहार्य पाणीपुरवठा पाईपलाईन,गॅस पाईप लाईन , ड्रेनेज पाईपलाईन की जेणेकरुन सदर पाईप लाईन भूमिगत असावी व त्यामुळे नियंत्रित क्षेत्रातील नदीच्या काटछेदात कोणताही अडथळा येऊन त्यात बदल होणार नाही.

iv) नियंत्रित क्षेत्रातील बांधकामांच्या तळमजल्याच्या जोत्याची पातळी लाल पूररेषा पातळीच्या वर सुरक्षित उंचीपर्यंत असावी की ज्यामुळे पूरपातळी नियंत्रक क्षेत्रात जास्त वाढण्यापूर्वी तेथील नागरिकांना सुरक्षितस्थळी सहजपणे जाता येईल. तसेच या क्षेत्रामध्ये येणारा संभाव्य पूर व तसेच पुरामुळे होणारी जिवित हानी व मालमत्तेचे नुकसान टाळण्यासाठी हया क्षेत्रातील लोकांना, जनावरांना व वस्तुंना अल्पावधीची पूरसूचना मिळताच हे क्षेत्र तातडीने सोडून सुरक्षित स्थळी जाणे शक्य होईल.

९. उपरोक्त मुद्दा क्र. ८ मध्ये नमूद उपयोगांमुळे नदी प्रवाहात कोणताही अडथळा येणार नाही , नदीची वहनक्षमता कमी होणार नाही व नदीच्या काटछेद क्षेत्रात कोणताही बदल होणार नाही , याची दक्षता घेण्यात यावी . प्रवाहाला अडथळा आणणारे बांधकामाविरुध्द मुख्य अभियंता कारवाई करण्यास सक्षम असतील. निषिध्द (Prohibitive Zone) व नियंत्रित क्षेत्रात (Restrictive Zone) करावयाच्या सदर सार्वजनिक कामांच्या सुरक्षिततेची संपूर्ण जबाबदारी संबधित विभागाची / स्थानिक स्वराज्य संस्थेची असेल व संभाव्य पुरामुळे होणाऱ्या जिवीत व वित्त हानीस संबधित विभाग/ स्थानिक स्वराज्य संस्था जवाबदार राहील व त्याअनुषंगाने उद्भवणाऱ्या न्यायालयीन प्रकरणास संबधित विभाग / स्थानिक स्वराज्य संस्था जवाबदार असेल.

१०. वरील बाबींचा विचार करुन पुराचा संभाव्य धोका टाळण्यासाठी व निषिध्द व नियंत्रित क्षेत्राची निश्चिती करण्याच्या दृष्टीने आवश्यक पूररेषा आखून देण्याबाबत जलसंपदा विभागाकडे जिल्हाधिकारी , स्थानिक स्वराज्य संस्था अथवा अन्य विभागाकडून मागणी प्राप्त झाल्यास जलसंपदा विभागाच्या संबधित क्षेत्रिय मुख्य अभियंता यांनी शासन परिपत्रक क्र न्यायप्र -२०१४ प्र.क्र.४२४/२०१४ सिंव्य (म), दि.२.३.२०१५ अन्वये कार्यवाही करावी.

११. जलसंपदा विभागाचे कार्यक्षेत्र नदी किनारी पूररेषेची आखणी करण्याइतपतच मर्यादित असल्याने निषिध्द क्षेत्रातील व नियंत्रित क्षेत्रातील उपरोक्त परिच्छेदात नमूद केलेली सार्वजनिक हिताच्या दृष्टीने अपरिहार्य व आवश्यक कामांना जलसंपदा विभागाच्या ना-हरकत प्रमाणपत्राची आवश्यकता राहणार नाही .

पृष्ठ ५ पैकी ३

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तथापि, पर्यावरण विभाग/ इतर विभाग/ स्थानिक संस्था/ इतर शासकीय विभाग यांची वैधानिक मान्यता आवश्यक असेल तर ती स्वतंत्रपणे घेण्यात यावी.

१२. सदर शासन परिपत्रक विधी व न्याय विभागाचा अनौपचारिक संदर्भ क्र. ३८८-२०१८/E दि.१३.४.२०१८ व नगरविकास विभागाच्या अनौपचारिक संदर्भ क्र. टिपीएस -१०१८/अनौस.५/२०१८/ नवि -९ दि.१९.४.२०१८ नुसार निर्गमित करण्यात येत आहे .

१३. सदर शासन निर्णय महाराष्ट्र शासनाच्या www.maharashtra.gov.in या संकेतस्थळावर उपलब्ध करण्यात आला असून त्याचा संकेताक २०१८०५०३१८०१५९५७२७ असा आहे. हा आदेश डिजीटल स्वाक्षरीने साक्षांकित करुन काढण्यात येत आहे.

महाराष्ट्राचे राज्यपाल यांचे आदेशानुसार व नावाने,

C. A. Birajdar

Digitally signed by C. A. Birajdar
DN: c=IN, o=Government Of Maharashtra, ou=Water Resources Department, postalCode=400032, st=Maharashtra, 2.5.4.20=...
Date: 2018.05.03 18:06:32 +05'30'

(च.आ.बिराजदार)
सचिव (लाक्षेवि)

प्रत :- मा. राज्यपाल यांचे सचिव,
१. मा.मुख्यमंत्री यांचे कार्यालय,
२. मा.अध्यक्ष / उपाध्यक्ष, विधानसभा, विधानभवन, मुंबई,
३. मा.सभापती / उपसभापती, विधानपरिषद, विधानभवन, मंबई,
४. मा.विरोधी पक्षनेते, विधानसभा, मुंबई, यांचे कार्यालय, विधानभवन, मुंबई,
५. मा.विरोधी पक्षनेते, विधानपरिषद, मुंबई, यांचे कार्यालय, विधानभवन, मुंबई,
६. मा. मंत्री, जलसंपदा यांचे खाजगी सचिव, मंत्रालय, मुंबई,
७. मा. राज्यमंत्री (जलसंपदा) यांचे खाजगी सचिव, मंत्रालय, मुंबई,
८. महालेखापाल १/२ (लेखा व अनुज्ञेयता) महाराष्ट्र राज्य, मुंबई/नागपूर
९. महालेखापाल १/२ (लेखा परीक्षा) महाराष्ट्र राज्य, मुंबई/नागपूर,
१०. अ.मु.स (गृह) यांचे स्वीय सहायक, गृह विभाग, मंत्रालय, मुंबई,
११. अ.मु.स (महसूल) यांचे स्वीय सहायक, महसूल व वन विभाग, मंत्रालय, मुंबई
१२. अ.मु.स. (पर्यावरण) यांचे स्वीय सहायक, पर्यावरण विभाग, मंत्रालय, मुंबई,
१३. प्रधान सचिव (जलसंपदा) यांचे स्वीय सहायक, जलसंपदा विभाग, मंत्रालय, मुंबई,
१४. प्रधान सचिव (नगरविकास) यांचे स्वीय सहायक, नगरविकास विभाग, मंत्रालय, मुंबई,
१५. सचिव (जसंव्य व लाक्षेवि) यांचे स्वीय सहायक, जलसंपदा विभाग, मंत्रालय, मुंबई,
१६. सचिव (प्रकल्प समन्वय) यांचे स्वीय सहायक, जलसंपदा विभाग, मंत्रालय, मुंबई,
१७. सर्व मंत्रालयीन विभाग, मंत्रालय, मुंबई,
१८. माहिती व जनसंपर्क महासंचालनालय, मंत्रालय, मुंबई,
१९. सर्व महासंचालक, जलसंपदा विभाग,

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पृष्ठ ५ पैकी ४

२०. सर्व विभागीय आयुक्त, महसूल विभाग, महाराष्ट्र राज्य,
२१. सर्व जिल्हाधिकारी, महाराष्ट्र राज्य,
२२. सर्व कार्यकारी संचालक, जलसंपदा विभाग,
२३. संचालक, नगररचनाकार, पुणे,
२४. सर्व मुख्य अभियंता/मुख्य अभियंता व मुख्य प्रशासक, जलसंपदा विभाग,
२५. जलसंपदा विभागातील सर्व सहसचिव व उपसचिव, मंत्रालय, मुंबई,
२६. सर्व अधीक्षक अभियंता/अधीक्षक अभियंता व प्रशासक, जलसंपदा विभाग,
२७. ग्रंथालय, विधानमंडळ सचिवालय, विधानभवन, मुंबई,
२८. सिं.व्य. (महसूल) कार्यासन, संग्रहार्थ,

T. C.

पृष्ठ ५ पैकी ५

– English Translation

Directives to demarcate flood lines and use of Prohibitive and Restrictive Zones to not to allow any construction inside flood line to avoid possible risk of floods.

STATE GOV. OF MAHARASHTRA
WATER RESOURCES DEPARTMENT,

Government Circular No. PuRaNi-2018/(182/2018) Sin. Vya.
(Revenue)
Mantralaya, Mumbai-32
Date: 3rd May 2018.

Read: Government Circular No.: FDW-1089/243/89/Sin Vya (Works) Dt. 2/9/1989, Dt. 21/9/1989

FOREWORD:-

To avoid possible threat of flooding, with a view to demarcate flood lines to prohibit any type of construction inside flood lines, instructions have been given vide Irrigation Department Gov. Circular No. FDW-1089/243/89/Sin Vya (Works) Dt. 2/9/1989 and Dt. 21/9/1989.

There is increasing demand for No Objection Certificates from Gov./Semi Gov. organisations, local Gov. bodies for development of cities, towns and pilgrimage places to construct bridges, approach roads for bridges, roads on river banks as per the Development Plans, gardens and jogging tracks, flood protection wall on river edge, construction of Ghats, crossing of gas pipe lines and electrical cables, laying of drainage pipe lines on river edges, construction of sewage treatment plants etc. unavoidable works of public use on Prohibitive Zone inside Blue flood lines and on Restrictive Zone between Blue and Red Flood Lines. In light of this and also in view of various projects completed and under construction by Water Resources Dept. on streams and rivers, changes in rain pattern with time, flood control and modern flood prediction systems etc. need to be reviewed again.

T.T. Bombwise

As per Gov. circular No. Nyaypra-2014 Pra. Kra. 424/2014SinVya (M), Dt. 2.3.2015, approval to flood zones and flood maps is given by Water Resources Dept. But it was under consideration of the government to improve and to get more clarification with respect to which public utility works should be allowed Prohibitive Zone inside Blue Flood line and on Restrictive Zone between Red and Blue Flood line as per Gov. circular No. FDW-1089/243/89/Sin Vya (Works) Dt. 2/9/1989 and Dt. 21/9/1989. Accordingly following circular is published with collectively improved/latest instructions

CIRCULAR-

1. Gov. Irrigation Department circular No. FDW-1089/243/89/Sin Vya (Works) Dt. 2/9/1989 and Dt. 21/9/1989 is being modified.
2. With respect to the land use in flood prone zones, as per the guidelines given in the Dam Safety Manual Chapter 8/1984 important flood lines will be primarily of two types. Prohibitive Flood Line (Blue Line) and Restrictive Flood Line (Red Line).
3. Blue Flood Line:

   Blue Flood Line will be the line marked at the water level of the highest discharge of:

   a) Flood discharge at the average frequency of 25 years.

   b) One and half times the discharge of the established riverbed.
4. Red Flood Line:

   Red Flood Line will be the line marked at the water level of the water discharge as under:

   a) Where there is no dam, flood discharge at the average frequency of 100 years.

   b) Where there is a dam, maximum flood discharge over the spill way added with flood discharge from the free catchment area at the average frequency of 100 years.
5. Prohibitive Zone:

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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.

8. Restrictive Zone should be used only for the following:

   i) Sewage carrying projects unavoidable in public interest.

   ii) Public roads unavoidable in public interest; provided the top level of such road shall be above the level of Blue Flood line.

   iii) Water supply pipe lines, gas pipe lines, drainage pipe lines unavoidable in public interest provided such pipe lines shall be under ground and will not cause obstruction in the cross section of the Restrictive Zone.

   iv) The plinth level of the ground floor of the buildings in Restrictive Zone shall be safely above the level of Red Flood line so that the people could be evacuated to safe location before the flood level rises in the Restrictive Zone and it will be possible for the people and cattle to shift urgently to safe location with their belongings to avoid the loss of life and property due to floods.

9. Care shall be taken that there shall be no impediment to the flow of river, carrying capacity of the river shall not be reduced and there shall be no change in the cross section of the river due to the land used mentioned in para No. 8 above. Chief Engineer shall be

empowered to take action against the construction that causes obstruction to the flow of river. Concerned dept./Local Governing Body shall be responsible for the safety of the works done in the Prohibitive and Restrictive Zones. Concerned dept./Local Governing Body shall be responsible for the loss of life and property and possible litigations due to it because of the possible floods.

10. Considering all above mentioned points, to avoid possible flood risk, the regional Chief Engineer shall take necessary action as per Gov. circular No. Nyaypra-2014 Pra. Kra. 424/2014SinVya (M), Dt. 2.3.2015, to demarcate flood lines to identify Prohibitive Zone and Restrictive Zone as per the demand to Water Resources Dept. by Dist. Collector, Local Governing Body or other dept.

11. As the scope of work of Water Resources Dept. is limited only to demarcation of flood lines on river banks, works in Prohibitive Zone and Restrictive Zone as mentioned above shall not need No objection Certificates from Water Resources Dept. But if approval from Environmental Dept./other depts./Local bodies/other Gov. depts. is required, it shall be taken independently.

12. This Gov. circular is being issued as per Legal and Justice Dept informal reference No. 388-2018/E Dt. 13.4.2018 and Town Planning dept. informal reference No. TPS-1018/Anaus.5/2018/Navi-9 Dt. 19.4.2018.

13. Said Gov. Resolution is made available on the Maharashtra government's website www.maharashtra.gov.in and its code No. is 201805031801595727. This order is digitally signed.

In the name and as per the orders of the Governor of Maharashtra.

C. A. Birajdar,
Secretary

T. T.

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(29)

पिंपरी चिंचवड महानगरपालिका
पिंपरी, पुणे ४११०१८.
नगर रचना व विकास विभाग
आवक जावक विभाग दि. ०३/१२/२०२१
दिनांक : ०३/१२/२०२१
टो.क्र. १०३३२१२२०००५८५७

प्रती,
श्री. दत्ता विठ्ठल जरे
रा. चिखली, पुणे.

विषय - विकास योजना अभिप्राय मिळणेबाबत.
संदर्भ - आपला दि. २६/०८/२०२१ रोजीचा अर्ज

महोदय,

विकास योजना अभिप्राय देणेत येतो की, पिंपरी चिंचवड महानगरपालिकेचा शहरीय सेवेच्या महाराष्ट्र शासन, नगर विकास विभाग अधिसूचना क्र. टीपीएस - २००५/१०५०/प्र.क्र.-७०५/०५/नवि-२, दिनांक - ३०/०५/२००५ व महाराष्ट्र शासन, नगर विकास विभाग अधिसूचना क्र. टीपीएस-१२०८/१६८/सी.आर-५८/१२ पुर्नविलोकनी नं. ३७१२ दि. १३.०३.२०१३ व मंजूरीनवि-१३, दि. ०८.०३.२०१३, अन्वये मंजूर विकास योजनेत तसेच मा. आयुक्त यांचेकडील आदेश क्र. नरविस/वि.चिखली/१६७१/२० दि. २०.०८.२०२० अन्वये विकास योजना मंजूरीचे अधिसूचनेतील तक्ते व नकाशे १ नुसार चिखली गट क्रमांक प्रमाणे व महाराष्ट्र शासन, नगरविकास विभाग अधिसूचना क्र. टिपीएस - १२१५/३३८, प्र.क्र.१२८/१५/नवि-१३, दि. ३०.०१.२०२१ अन्वये मंजूर फेरबदलानुसार गाव - चिखली येथील ग. नं. ९० पै. जमीन खालीलप्रमाणे दर्शवित केलेली आहे.

गावाचे नाव व सर्व्हे नं.
मौजे - चिखली
ग. नं. ९० पै.
सध्याचा वापर/प्रयोजन
उपलब्ध असल्यास मागील अभिप्राय ता. वर्ग जि. पुणे यांचे दिनांक व जावक नंबर
हवेली, ता. हे.
मो. नं.
३४८८१.२०२१
मो. दि.
१८/०८/२०२१

मंजूर विकास योजना प्रस्ताव

१) आरक्षण क्रमांक व प्रयोजन
निरंक.

२) विभागीय रस्ते
निरंक.

३) नियोजित रस्ते व रुंदी
लगत १८.०० मी. रस्ता.

४) नदी
निळी रेषा प्रभावित.

५) नाला
दि. २९.१२.२०२१ चे शासन निर्णयानुसार सदर मिळकतीचा पूर्व व फेरबदल नकाशानुसार ३०.७०.० मी. ना विकास व पेरी अर्बन क्षेत्र अधिमूल्य भरणा करून वाढीव ७.५ अधिक सहन रहिवास विभागात समाविष्ट केलेले आहे.
शेरा - उक्त फेरबदलातील क्षेत्र अपेक्षा जास्त क्षेत्राकरिता विभागात १०% क्षेत्र सुविधा क्षेत्र म्हणून ईश्वाधीन घेणे आवश्यक राहील. सदर सुविधा क्षेत्रासाठी आयुक्त पिंपरी चिंचवड महानगरपालिका यांचेकडील त्या प्रमाणे सुविधाचा विकास करणे बंधनकारक राहील. महानगरपालिका सार्वजनिक सुविधाकरिता अथवा सुविधा क्षेत्रासाठी जागा आवश्यक असल्यास तर ती महानगरपालिकेस त्या कारणासाठी उपलब्ध करून देणे बंधनकारक राहील.

६) नुसार सी.आर.झेड. वर्गीकरण (CRZ मी.प्रमाणे.)
निरंक.

७) पूररेषा
मौजे चिखली गट नं. ९० पै. मधील मिळकतीचा काही भाग इंद्रायणी नदी ते निळी पूररेषा (निषिद्ध क्षेत्र). काही भाग इंद्रायणी नदीची निळी पूररेषा ते लाल पूररेषा (नियंत्रित क्षेत्र) यामध्ये समाविष्ट होत असून उर्वरित मिळकत लाल पूररेषेबाहेर आहे.

८) रेड झोनबाधित.
निरंक.

९) प्रादेशिक आराखडा अधिसूचना २०१८ व दुरुस्ती २०१९ नुसार आरक्षण
निरंक.

NATIONAL GREEN TRIBUNAL PUNE
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(१) संपूर्ण पत्ता व
आस्थापनाचे दर्ही मनपा आहे
किंवा नाही.

[illegible] अधीक्षक, पाणी अभियंता, इ. यांनी वि. पत्रकाद्वारे मजकूर
वरीलप्रमाणे दाखवला आहे. परंतु प्रत्यक्षात ही आस्थापना दुसऱ्याच ठिकाणी
आढळून आल्यास त्यास वि. म. पा. जबाबदार राहणार नाही.

सोबत - पत्राद्वारे पाठवले.

आपला,

उपसंचालक, नगररचना
नगररचना व विकास विभाग,
पिंपरी-चिंचवड महानगरपालिका,
पिंपरी, पुणे - १८

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675

नगरविकास विभाग अधिसूचना क्र. टिपीएस – १८१५/४२८. प्र.क्र.१३८/१५/नवि – १३, दि. २०.११.२०२१ चे शासन निर्णयानुसार सदर मिळकतीमधील फेरबदलाखालील ३०६७.०० चौ. मी. क्षेत्र विकास वापर विभागातील क्षेत्र अधिमूल्य भरणा करून खालील अटीस अधिन राहून रहिवास विभागात समाविष्ट केलेले आहे.

१) उक्त फेरबदलाखालील ०.४० हे. व त्यापेक्षा जास्त क्षेत्राकरिता किमान १५% क्षेत्र सुविधा क्षेत्र म्हणुन रेखांकनात ठेवणे आवश्यक राहील. सदर सुविधा क्षेत्रामध्ये आयुक्त पिंपरी चिंचवड महानगरपालिका ठरवतील त्या प्रमाणे सुविधांचा विकास करणे बंधनकारक राहील महानगरपालिकेस सार्वजनिक सुविधांकरिता अशा सुविधां क्षेत्रापैकीची जागा आवश्यक असेल, तर ती महानगरपालिकेस त्या कारणांसाठी उपलब्ध करून देणे बंधनकारक राहील.

क पत्र

मौजे : चिखली

तालुका : हवेली

जिल्हा : पुणे

अ.ता.ह.मो.२.नं २४८८१/२०२१

मंजूरीचे कारण (अनुज्ञेय वापरा खेरीज इतर भाग हा विकासाचा वापर असले तर ह.यासाठी नियोजन प्राधिकरण म.नं.२० पै.च्या मंजूरी दरम्यान कायम केलेल्या मंजूरी अनुषंगाने मंजूरी प्रदान करत असे.

टिपा आणि सूचना

_____ या प्रमाणे म.ना.सो.ह.यांचे अभिलेखा प्रमाणे असे.

_____ या पत्रासोबतचे नकाशा यानी दाखवलेली वापरण्यात असे.

सदरचा मंजूरी नकाशा

(विकास योजना अहवालात नमूद प्रमाणे टिपा १ ते २ असतील.)

क्षेत्र : १२०००

मंजूरी देणार : सही

मुख्याधिकारी

मंजूरी दिनांक ०८/१२/२०२१

निळी रेषा

लाल रेषा

निषिध्द क्षेत्र

TBM on RCC Pillar

RL- 670.320 m

HI - 1.31 m above ग.ने.२०१

from GL

निळी रेषा

लाल रेषा

निषिध्द क्षेत्र

30.00 मी.

टिपा:-

— या प्रमाणे मंजुर विकास योजनेतील प्रस्ताव असे .

▒ याप्रमाणे निवासी विभाग असे.

▭ याप्रमाणे हरितपट्टा असे.

≈≈≈ याप्रमाणे इंद्रायणी नदी ते निळी पुररेषा यामधील निषिध्द क्षेत्र असे.

याप्रमाणे निळी पुररेषा ते लाल पुररेषा यामधील नियंत्रित क्षेत्र असे.

सहाय्यक संचालक नगररचना

नगररचना विभाग

पिंपरी चिंचवड महानगरपालिका

पिंपरी - १८

PROPERTY OF PMC AUTODESK EDUCATIONAL PRODUCT

UNCONTROLLED COPY

1327

STAMP OF APPROVAL
Triangulation PLOT
AREA KEY PLAN - 18" ROAD
GREEN BELT AREA
ADJ RIVER
BLUE LINE
BLUE LINE
--- 18.00 M D.P ROAD ---

Settings

Post

ANI
@ANI

#WATCH | Pune, Maharashtra: On Pimpri Chinchwad Municipal Corporation (PCMC) to demolish 29 bungalows for violating environmental laws after Supreme Court's order, PCMC Engineer Makarand Nikam says, "The matter was already in NGT (National Green Tribunal). NGT has already ordered to demolish the residential buildings built on the Blue Line and charge EDC (Environmental damage compensation) worth Rs. 5 crores from them (bungalow owners)... So, they (bungalow owners) appealed to the Supreme Court but the Supreme Court has rejected their appeal..."



11:07 am · 7 Aug 2024 · 10.3K Views

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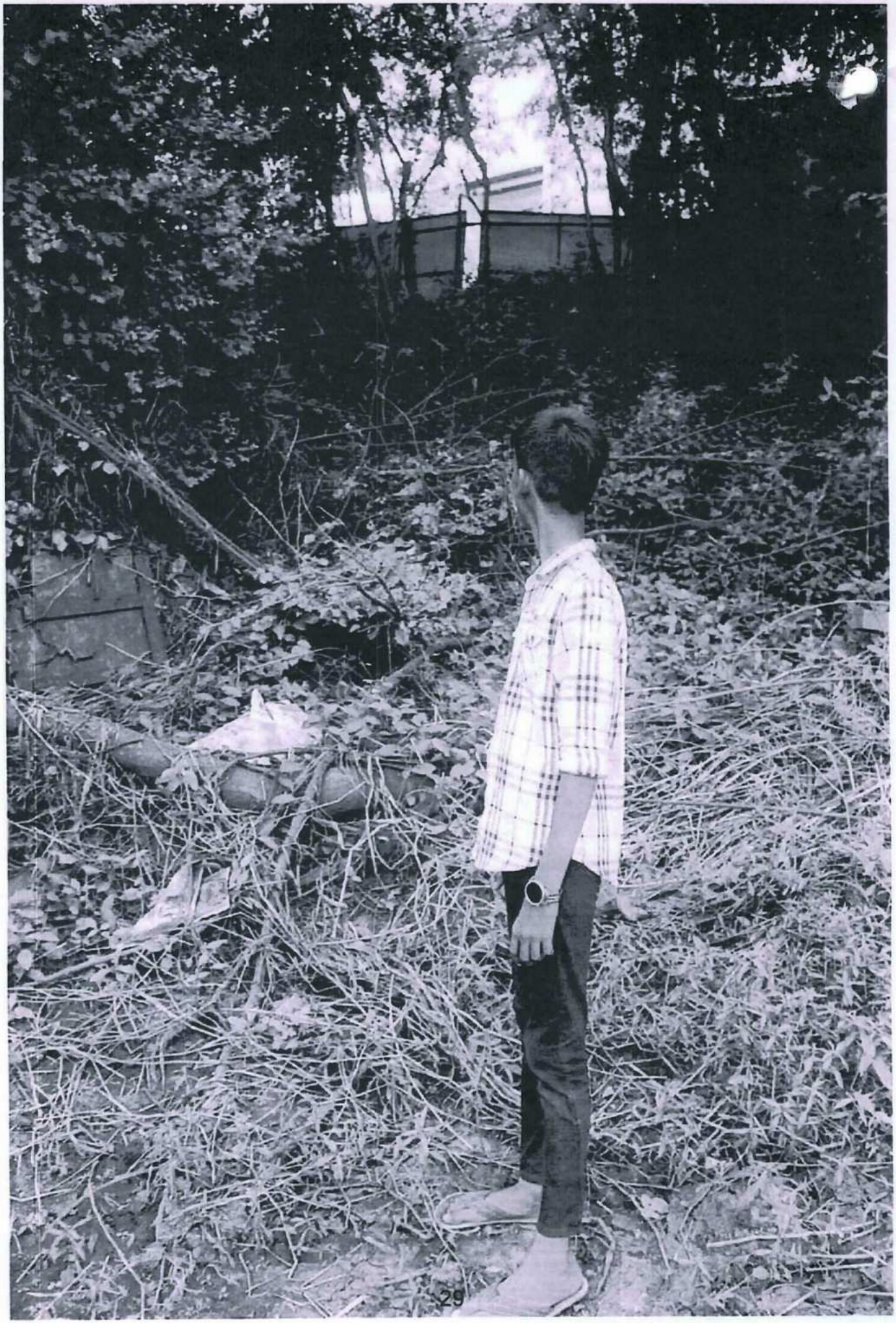
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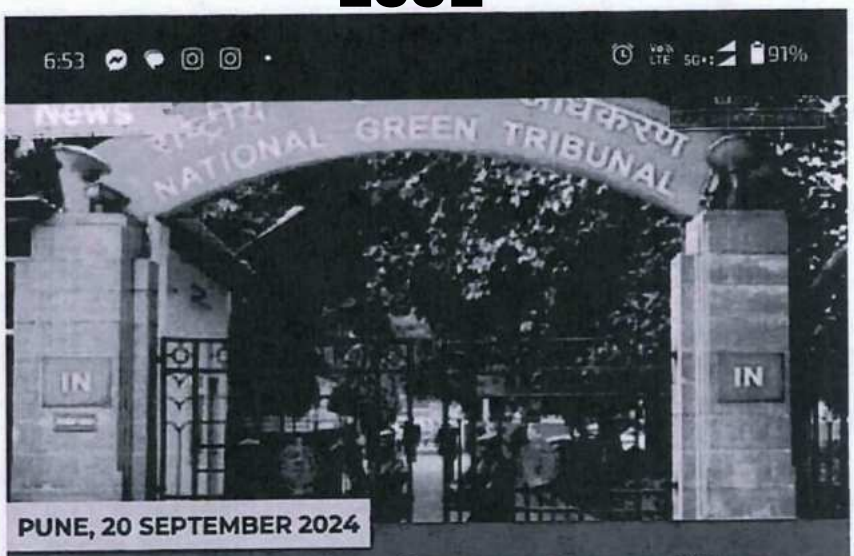
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PUNE, 20 SEPTEMBER 2024

Pune: NGT Dismisses Opposition Petition; Mula-Mutha Riverbank Rejuvenation Project To Speed Up Work

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32 1

punekarnews Pune: NGT Dismisses Opposition Petition; Mula-Mutha Riverbank Rejuvenation Project To Speed Up Work

Pune, 20th September 2024: The National Green Tribunal (NGT) has dismissed the opposition petition against the Mula- Mutha riverbank rejuvenation project following the approval of revised environmental clearance. This decision enables the Pune Municipal Corporation (PMC) to expedite work on the project.

The PMC began rejuvenation work between Sangamvadi and Bund Garden, as well as from Bund Garden to Mundhwa Bridge, in March 2022. So far, 85 percent of the work from Sangamvadi to Bund Garden has been completed, while 27 percent of the work between Bund Garden and Mundhwa Bridge is finished.

Following the project's environmentally conscious citizens launched a campaign against it. Sarang Yadavadkar filed a petition with the NGT as the PMC continued its activities.

During the hearing, various environmental concerns were raised, including river flooding and tree cutting. In response, the NGT ordered the PMC to carry out work only after obtaining the revised environmental permit. Consequently, activities such as tree trimming and replanting were halted, leading to further delays in other related work.

To secure the revised environmental clearance, the PMC submitted a report to the State Environment Impact Assessment Authority (SEIAA) along with technical information about the situation. However, delays occurred due to the lack of appointed SEIAA members, which postponed hearings and permission.

Recently, in a hearing at SEIAA, the PMC's plan was deemed suitable, and permission was granted. The PMC then submitted the revised environmental clearance to the NGT. In today's hearing, Yadavadkar's Pet petition was rejected, with Advocate Rahul Garg representing the PMC.

The riverbank rejuvenation project involves cleaning 44 km of the river surface in 11 phases, with a total expenditure of ₹4,727 crore.

National Green Tribunal

Filing Number	270413800415/2019	Filing Date	10-08-2020
Party Name	TANAJI BALASAHEB GAMBHIRETANAJI BALASAHEB GAMBHIRE VS THE CHIEF SECRETARY GOVERNMENT OF MAHARASHTRA		
Petitioner Advocate(s)	IN PERSON	Respondent Advocate(s)	
Act	ENVIRONMENT (PROTECTION) ACT, 1986		
Case Number	Original Application No. 50/2020	Registered On	13-08-2020
Last Listed	01-07-2024		
Case Status	DISPOSED		

⊞ All Parties

⊞ Listing History (Orders)

⊞ IA/MA

⊞ Connected Matters

National Green Tribunal
Faridkot House, Copernicus Marg, New Delhi-110001
011-23043528, 011-23043521, FAX-011-23077551
Email:-publicgrievance-ngt[at]gov[dot]in, admn[dot]ngt[at]nic[dot]in

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BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL,

WESTERN ZONE BENCH AT PUNE

MEMORANDUM OF APPLICATION

UNDER SECTIONS 14, 15 & 20 OF NGT ACT, 2010

APPLICATION NO. 50 /2020

IN THE MATTER OF:

MR. TANAJI BALASAHEB GAMBHIRE
Age: Adult, Occupation: Self-employed,
R/o- CTS-296, Shukrawar Peth, Flat No-16,
Laxmi Apartment, White House Lane,
Near Shivaji Maratha High School,
Pune-411002, E-mail: tanaji_9june@yahoo.com

...APPLICANT

VERSUS



1. THE CHIEF SECRETARY,
Government of Maharashtra,
Annex Building, Mantralaya, Fort,
Madham Kama Road, Mumbai-400032, Maharashtra
E-mail: chiefsecretary@maharashtra.gov.in

2. THE PRINCIPAL SECRETARY, ENVIRONMENT DEPT.
Government of Maharashtra,
Room No. 217, 2nd Floor, Annex Building,
Mantralaya, Mumbai-400 032, Maharashtra
E-mail: psec.env@maharashtra.gov.in

3. STATE LEVEL ENVIRONMENT IMPACT ASSESSMENT AUTHORITY- MAHARASHTRA (SEIAA)

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Through Member Secretary
15th Floor, New Administrative Building,
Mantralaya, Mumbai-400 032, Maharashtra
E-mail: psec.env@maharashtra.gov.in

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
E-mail: ms@mpcb.gov.in

5. MAHARASHTRA POLLUTION CONTROL BOARD
Through Regional Officer
Jog Centre, 3rd Floor, Mumbai-Pune Old Highway,
Wakadewadi, Pune-411 003, Maharashtra
E-mail: ropune@mpcb.gov.in

6. THE SECRETARY, URBAN DEVELOPMENT DEPT.
Government of Maharashtra,
4th Floor, Annex Building,
Mantralaya, Mumbai-400 032, Maharashtra
E-mail: sec_ud1@maharashtra.gov.in

7. MUNICIPAL COMMISSIONER-PCMC
Pimpri-Chinchwad Municipal Corporation,
PCMC Building, Old Mumbai-Pune Highway,
Pimpri, Pune-411 018
E-mail: commissioner@pcmcindia.gov.in

8. CITY ENGINEER-PCMC
Pimpri-Chinchwad Municipal Corporation,

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PCMC Building, Old Mumbai-Pune Highway,
Pimpri, Pune-411 018
E-mail: bldp@pcmcindia.gov.in

9. **WATER RESOURCES DEPARTMENT**
Through Chief Engineer (Irrigation Department),
Sinchan Bhavan, Barne Road, Mangalwar Peth,
Pune Irrigation Circle, Pune-411011
E-mail: ceidpune@vsnl.com, cewrpune@rediffmail.com

10. **COLLECTOR OF PUNE**
As Collector and President of District Environment protection Committee-Pune, Collector office, Bund Garden, Pune-411001, E-mail: rdc.pune-mh@gov.in

11. **M/s. RIVER RESIDENCY DEVELOPERS**
Joint Ventures Through
10A. M/s. Ishwar Construction Pvt. Ltd.,
10B. Trade Centre Developers & Builders Pvt. Ltd.
10C. M/s. Vijay-Laxmi Developers,
10D. Vishal Associates,
Having their Office Address at: Ishwar Parmar Group, Parmar Trade Center, C Wing, Sadhu Vaswani chowk, Pune-411001, E-mail: ishwar@iparmar.com.
Having Project Address at: Gut No. 90(P), Village-Chikhali, Tal-Haveli, District-Pune

12. **M/s. JARE GROUP (JARE WORLD)**
Having Office Address: Manisha Society, Behind Sai Mandir, More Vasti, Village: Chikhali, Taluka: Haveli, District: Pune, Maharashtra-411062

GOVERNMENT OF INDIA
Renewal Due On 14/1/2024

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Having Site Office: Survey No. 90, Behind River Residency,
Village: Chikhali, Taluka: Haveli, District: Pune,
Maharashtra-411062
E-mail: jaregroup9997@gmail.com,
Mobile No. 9890192530/9096900907.

13. **M/s. V SQUARE**
Having Site Office: Survey No. 90, Behind River Residency,
Village: Chikhali, Taluka: Haveli, District: Pune,
Maharashtra-411062,
E-mail: vishwanathjare@gmail.com
Mobile: 9604253434, 8390909033.

....RESPONDENTS

AND IN THE MATTER OF

AN APPLICATION SEEKING RESTITUTION AND RESTORATION OF ENVIRONMENT & ECOLOGY CAUSED DUE TO ILLEGAL BUNGALOW PLOTS CONSTRUCTION IN PROHIBITED ZONE OF BLUE FLOOD LINE OF INDRAYANI RIVER ON THE LAND RECLAIMED BY DUMPING OF CONSTRUCTION WASTE BY GROSS INTENTIONAL VIOLATIONS OF VARIOUS ENVIRONMENTAL AND POLLUTION CONTROL ACTS, RULES AND REGULATIONS RESPONDENT NO. 12 & 13-

GOVERNMENT OF INDIA
D. GIDWANI
Reg No. 7535
Renewal Due On
14/1/2024

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PP WITH THE HELP OF OTHER RESPONDENTS

TO,

HON'BLE CHAIRPERSON OF NGT AND

HIS COMPANION HON'BLE JUDICIAL MEMBER AND

HON'BLE EXPERT MEMBERS OF NGT.

THE HUMBLE APPLICATION OF THE APPLICANT ABOVE NAMED AND IT IS MOST RESPECTFULLY SHOWETH:

1. The address of the applicant is as given above for the service of notices of this application.
2. The addresses of the respondents are as given above for service of notices of this application.
3. The applicant above named begs to submit this memorandum of application with principle contention of illegal construction of bungalows project in prohibited area of blue flood line of "Holy Indrayani River" under taken by the Respondent No. 12-M/s. Jare World & Respondent No. 13-M/s. V Square i.e. Project Proponents (PP's) of their "River Villa" on Survey / Gut No. 90(P) of Village: Chikhali, Taluka: Haveli, District: Pune situated in local limits and jurisdiction of Pimpri-Chinchwad Municipal Corporation (PCMC).

4. This illegal activity of Respondent No. 12-M/s. Jare World & Respondent No. 13-M/s. V Square i.e. Project Proponents (PP's) gives rise to substantial question relating to implementation of the environment protection & improvement enactment listed in schedule-I of the NGT Act, 2010.

5. **Importance of the Indrayani River:**

It is submitted that, the river Indrayani is passing through the town Alandi, which is the place of worship and spirited by the presence of entrancement of "Sant and Great philosopher Dnyaneshwara". At this place this applicant and Hindu religious people are conducting their worship and religious ritual on the bank of river Indrayani. As there is huge water pollution of river from the present project proponent including pollution by other polluter, it is becoming difficult to conduct the same and as there is common sharing of environment as it is polluted by the present Respondent No. 12-M/s. Jare World & Respondent No. 13-M/s. V Square i.e. Project Proponents.

6. Being aggrieved and dissatisfied due to illegal construction undertaken by Respondent No. 12-M/s. Jare World & Respondent No. 13-M/s. V Square i.e. Project Proponents (PP's) in the prohibited area of blue flood line of Holy Indrayani River without any permission and non-actions by

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the concern authorities, this applicant prefers this application inter-alia on the following grounds.

7. **PARTICULARS OF PROJECT UNDER CHALLENGE AND PROJECT PROPONENT:**

a. It is submitted that, the project under challenge "***River Villa***" is the residential bungalow plots construction project undertaken by Respondent No. 12-M/s. Jare World & Respondent No. 13-M/s. V Square i.e. Project Proponents (PP's) situated at the Survey No. 90(P), Near River Residency, Village-Chikhali, Taluka-Haveli, District-Pune within the limit and jurisdiction of PCMC as local & sanctioning authority and total project land area is admeasuring of 22000 Sq. Mtrs.

b. Respondent No. 12-M/s. Jare World & Respondent No. 13-M/s. V Square i.e. Project Proponents (PP's) are responsible for all illegal activity committed during the construction phase as well as for the damage caused to environment and ecology due to operation of this project activity and such damage must be imposed on PP, as PP is the beneficiary of project and PP is the profit making company.

8. **GROUNDS FOR APPLICATION:**

a. Because the construction of bungalow project under taken by the Respondent No. 12-M/s. Jare World & Respondent No. 13-M/s. V Square i.e. Project Proponents is totally illegal and not permissible by any law as the project land is restricted for such type of project.

b. Because the Irrigation department submitted their flood line marking plans for Indrayani River to PCMC near about January 2009 and project site is shown as affected by prohibited blue flood line.

c. Because the project land is part and parcel of Indrayani River and reserved as Green Zone and prohibited bungalow construction under DC rules of PCMC.

d. Because the PCMC incorporated the marking of flood line on their development plan on 18.08.2009 vide EP-87 and project site is shown as affected by prohibited blue flood line.

e. Because the Respondent PP's have under taken construction of entire bungalow plots project in prohibited zone of blue flood line of the Holy Indrayani River.

f. Because the Respondents No. 12-M/s. Jare World & Respondent No. 13-M/s. V Square i.e. Project Proponents in connivance of Respondents No. 11-M/s. River Residency (JV) dumped construction waste and reclaimed the area of project land.

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g. Because the Respondent PP's have completed the construction of one bungalow, compound wall and bungalow plots boundary walls in prohibited area of blue flood line.

h. Because the Respondents No. 12-M/s. Jare World & Respondent No. 13-M/s. V Square i.e. Project Proponents are extracting ground water from two bore wells without permission from concern authority.

i. Because the Respondents No. 12-M/s. Jare World & Respondent No. 13-M/s. V Square i.e. Project Proponents are dumping construction waste in Indrayani River.

j. Because the Respondents No. 12-M/s. Jare World & Respondent No. 13-M/s. V Square i.e. Project Proponents have blocked the natural flow of Indrayani River.

k. Because the Respondents No. 12-M/s. Jare World & Respondent No. 13-M/s. V Square i.e. Project Proponents have diverted the natural flow of Indrayani River.

l. Because the Respondents No. 12-M/s. Jare World & Respondent No. 13-M/s. V Square i.e. Project Proponents are discharging construction waste water into the natural flow of Indrayani River.

m. Because the Respondents No. 12-M/s. Jare World & Respondent No. 13-M/s. V Square i.e. Project Proponents

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have damaged the top soil of project land and there is preservation of top fertile soil.

n. Because the Respondents No. 12-M/s. Jare World & Respondent No. 13-M/s. V Square i.e. Project Proponents have caused air pollution due to illegal operation of One DG Sets.

o. Because the Respondents No. 12-M/s. Jare World & Respondent No. 13-M/s. V Square i.e. Project Proponents have constructed the internal roads with asphalts causing soil pollution.

p. Because the Respondents No. 12-M/s. Jare World & Respondent No. 13-M/s. V Square i.e. Project Proponents have consumed huge quantity of natural resources as by way of processed fine building material.

q. Because the Respondents No. 12-M/s. Jare World & Respondent No. 13-M/s. V Square i.e. Project Proponents have made tree cutting.

r. Because the Respondents No. 12-M/s. Jare World & Respondent No. 13-M/s. V Square i.e. Project Proponents have completed construction of one bungalow and proposed 100 bungalows in total.

s. Because the Respondents No. 12-M/s. Jare World & Respondent No. 13-M/s. V Square i.e. Project Proponents

have proposed this project on 5.5 Acre (i.e. 5.5 x 4000 Sq. Mtrs = 22000 Sq. Mtrs.).

t. Because the Respondents No. 12-M/s. Jare World & Respondent No. 13-M/s. V Square i.e. Project Proponents have not obtained any layout & building sanction from PCMC.

u. Because the Respondents No. 12-M/s. Jare World & Respondent No. 13-M/s. V Square i.e. Project Proponents have not obtained any non-agricultural permission for Land use change from Collector of Pune.

v. Because the Respondents No. 12-M/s. Jare World & Respondent No. 13-M/s. V Square i.e. Project Proponents have made illegal Land use change from Green Zone to Residential Zone.

w. Because the Respondents No. 12-M/s. Jare World & Respondent No. 13-M/s. V Square i.e. Project Proponents have not obtained any permission form Water Resource Department (Irrigation Department)

x. Because the Respondents No. 12-M/s. Jare World & Respondent No. 13-M/s. V Square i.e. Project Proponents have not obtained any permission form Maharashtra Real Estate Regulatory Authority-MAHA RERA.

y. Because the Respondents No. 12-M/s. Jare World & Respondent No. 13-M/s. V Square i.e. Project Proponents

have not obtained any permission from the MoEF & CC, Environment Department, SEIA A, SEAC and MPCB.

z. Because the Respondents No. 12-M/s. Jare World & Respondent No. 13-M/s. V Square i.e. Project Proponents have violated the principle of sustainable development.

aa. Because the Respondents No. 12-M/s. Jare World & Respondent No. 13-M/s. V Square i.e. Project Proponents in connivance with PCMC officer has violated the provisions of Environment enactment and PCMC officers are also equally responsible.

bb. Therefore the Respondents No. 12-M/s. Jare World & Respondent No. 13-M/s. V Square i.e. Project Proponents as well as Respondent authorities has violated the provisions Environment Acts-1986, Water (P & CP) Act-1974 and Air (P & CP) Act-1981.

cc. Because the conduct of Respondents No. 12-M/s. Jare World & Respondent No. 13-M/s. V Square i.e. Project Proponents is unapologetic and PP's has adopted careless and reckless attitude towards the environment protection.

dd. Because the conduct of Respondents No. 12-M/s. Jare World & Respondent No. 13-M/s. V Square i.e. Project Proponents are cheating public at large.

ee. Because the conduct of Respondents No. 12-M/s. Jare World & Respondent No. 13-M/s. V Square i.e. Project Proponents

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have cause huge financial loss to the exchequer by duping the various charges to be paid for construction.

ff. Because the Respondents No. 12-M/s. Jare World & Respondent No. 13-M/s. V Square i.e. Project Proponents has caused substantial damage to environment and ecology more than Rs. 100 Crores, which shall be recovered from PP.

gg. Thus it is mandatory to demolish the project construction and stop further construction permanently.

9. **SUBSTANTIAL QUESTION OF ENVIRONMENT:**

a. Whether the illegal construction of project is permissible in prohibited area of blue flood line of major water body i.e. Holy Indrayani River?

b. Whether the PP is allowed to dump hazardous construction waste in blue flood line of Indrayani River?

c. Whether the development is legal, wherein the ground water is extracted for construction & daily use without obtaining permission from the appropriate authority?

d. Whether the mighty and resourceful PP is allowed to violate the provisions of environmental norms and further to cause irreparable damage to the environment & ecology for his profit making at the cost of "Mother Nature"?

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10. **BRIEF FACTS LEADING TO THE PROJECT UNDER CHALLENGE AND FACTS LEADING TO THIS APPLICATION:**

A. **NO CONSTRUCTION IS PERMITTED IN BLUE FLOOD LINE AND RIVER:**

i. It is submitted that, there was many incidents of flood due to heavy rain and dam breaks causing harm to the human habitants, wildlife etc. in the State of Maharashtra earlier to the 1980, therefore Government of Maharashtra decided to prohibit the development in the vicinity of the rivers in view to protect the environment and inhabitant from the floods of the rivers.

ii. It is submitted that, the Government of Maharashtra issued notification on 21.09.1989 defining the areas of blue flood line imposing restrictions on any constructions between this line and river bed and red flood line regulating the constructions activity with certain guidelines and directed every concern department to implement this regulations in the state of Maharashtra.

iii. Therefore, any construction in the range between blue flood line and river bed is illegal since 21.09.1989 and proposed construction of the PP will not be survive by any means.

Copy of the Government Circular No.: FDW-1089/243/89/Sin Vya (Work) regarding marking of flood

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line to restrict any type of construction inside dated 21.09.1989 is attached herewith and marked as ANNEXURE-A-1 (Page- 41 to 43).

B. ILLEGAL DUMPING OF MORE THAN 200000 CU. MTRS. CONSTRUCTION WASTES IN INDRAYANI RIVER AFFECTING GREEN BELT AND STP RESERVATION PLOTS AND ILLEGAL CONSTRUCTION IS CARRIED OUT ON GREEN BELT AREA PROHIBITED BY BLUE FLOOD LINE OF INDRAYANI RIVER:.

i) It is submitted that, the Irrigation department submitted their flood line marking plans for Indrayani River to PCMC near about January 2009, wherein in it is clearly shown this Survey No. 90 is affected by the blue flood line. {ANNEXURE-A-2, Page-44}

ii) It is submitted that, the PCMC incorporated the marking of flood line on their development plan Under Section 31 of M.R. & T.P. Act 1966 Vide Notice No.TPS-1808/894/CR-09/UD-13 on 18.08.2009 vide EP-87. Also this development plan shows this Survey No. 90 of Village: Chikhali is affected by Green Belt reservation & blue flood line of Indrayani River. {ANNEXURE-A-3, Page-45}

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4. *Red Flood Line: Red Flood Line will be the line marked at the water level of the water discharge as under:*
   a) *Where there is no dam, flood discharge at the average frequency of 100 years.*
   b) *Where there is a dam, maximum flood discharge over the spill way added with flood discharge from the free catchment area at the average frequency of 100 years.*
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."*

iv. It is submitted that, the flood line marking plans prepared for Village-Bopodi clearly shows that, the project land is following in restricted zone and no construction is permitted at all.

Copy of the Government Circular No. PuRaNi-2018/(182/2018) Sin. Vya. (Revenue) for not to allow any construction inside flood line to avoid possible risk of floods

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dated 03.05.2018 is attached herewith and marked as ANNEXURE-A-9 {Page-197 to 205}.

E. PHOTOGRAPHS SHOWING DUMPING OF CONSTRUCTION WASTE BY M/S. RIVER RESIDENCY:

a. It is submitted that, the M/s. River Residency were started their construction near about 2012 and started dumping of construction waster and excavated waste material on the green belt of remaining land in the same survey number on which the present bungalow project is under construction.

Photographs Dated 15.04.2017:

b. It is submitted that, the photographs from Photo No. 05/28 to 12/28 dated 15.04.2017 clearly shows the ongoing dumping of the construction waste on the Green Belt and STP reservation plot is done by the M/s. River Residency (JV) on which Respondent No. 12-M/s. Jare World & Respondent No. 13-M/s. V Square i.e. Project Proponents have under taken bungalow plotting & its construction.

c. It is submitted that, the photographs from Photo No. 25/28 to 26/28 dated 15.04.2017 clearly shows illegal installation of RMC plant causing air pollution in the area and Photo No. 27/28 to 28/28 dated 15.04.2017 clearly shows air particles spared over the area causing air pollution M/s. River

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Residency (JV). Copy of the Photographs dated 15.04.2017 of the project sites captured by the applicant with *"Canon Power shot A470"* are attached herewith and marked as ANNEXURE-A-7 {Page-93 to 106}.

Photographs Dated 09.06.2017:

d. It is submitted that, the photographs from vide Photo No. 07/62, 15/62, to 21/62 dated 09.06.2017 clearly shows the ongoing dumping of the construction waste on the Green Belt and STP reservation plot is done by the M/s. River Residency (JV) on which Respondent No. 12-M/s. Jare World & Respondent No. 13-M/s. V Square i.e. Project Proponents have under taken bungalow plotting.

e. It is submitted that, the photographs from vide Photo No. 21/62 to 31/62 dated 09.06.2017 clearly shows the illegal construction of Ghat or so called nature park in to the Indrayani River bed creating pollution and obstacle to the water flow by M/s. River Residency (JV).

f. It is submitted that, the photographs from vide Photo No. 32/62 to 38/62 dated 09.06.2017 clearly shows illegal dumping of the hazardous waste like Gypsum, POP, Cement & Concrete generated from the Construction of M/s. River Residency (JV), specifically Photo No. 36/62

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showing tractor carrying construction waste for dumping into river bed.

g. It is submitted that, the photographs from vide Photo No. 40/62 to 52/62 dated 09.06.2017 clearly shows green belt reservation area affected by prohibited blue flood line under construction waste dumping and trees standing there, on which illegal bungalow plotting construction is done by Respondent No. 12-M/s. Jare World & Respondent No. 13-M/s. V Square i.e. Project Proponents.

h. It is submitted that, the photographs from vide Photo No. 53/62 to 54/62 dated 09.06.2017 clearly shows storage of Cement yard and cement blocks storage into in to Indrayani River bed by Respondent No. 11-M/s. River Residency (JV).

i. It is submitted that, the photographs from vide Photo No. 55/62 to 60/62 dated 09.06.2017 clearly shows storage of construction waste dumping into in to Indrayani River bed by M/s. River Residency (JV).

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j. It is submitted that, the photographs from Photo No. 61/62 to 62/62 dated 09.06.2017 clearly shows illegal installation of RMC plant causing air pollution in the area and air particles spared over the area causing air pollution M/s. River Residency (JV) and also shows the equipments like tractors, JCB utilised for construction waste dumping. Copy of the Photographs dated 09.06.2017 of the project sites captured by

the applicant with *"Canon Power shot A470"* are attached herewith and marked as **ANNEXURE-A-8** {Page-107 to 137}.

Photographs Dated 17.12.2019:

k. It is submitted that, the photographs from Photo No. 01/08 dated 17.12.2019 clearly shows ongoing illegal construction of One Bungalow, Photo No. 02/08 to 06/08 dated 17.12.2019 clearly shows ongoing illegal construction of compound wall, bungalow plot boundaries etc. and Photo No. 07/08 & 08/08 are showing hoardings, advertisement, display at project site. Copy of the Photographs dated 17.12.2019 of the project sites captured by the applicant with Samsung phone having model no. *"SM-M307F"* are attached herewith and marked as **ANNEXURE-A-11** {Page-207 to 211}.

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Photographs from Facebook Account of M/s. Jare World:

l. It is submitted that, the photographs uploaded by Respondent No. 12-M/s. Jare World & Respondent No. 13-M/s. V Square i.e. Project Proponents on the Facebook account of M/s. Jare World having web link address "https://www.facebook.com/media/set/?vanity=jareworld&set=a.23107 38055699992" clearly shows ongoing illegal construction of boundary wall, compound wall, one

bungalow, asphalt roads, site office, online advertisement of project etc. at the project site carried out by Respondent No. 12-M/s. Jare World & Respondent No. 13-M/s. V Square i.e. Project Proponents and this is illegal act is admitted by these project proponents themselves. Copy of the site photographs downloaded by Project Proponents on their Facebook account and down loaded by this Applicant are attached herewith and marked as **ANNEXURE-A-12** {Page-212 to 222}.

Google Earth Images from 2014 to 2020:

m. It is submitted that, the Google Earth Images from year 2014 to 2020 clearly shows the dumping of the construction waste into the river bed as well as in blue flood line of the Indrayani River and affecting green belt STP Reservation and copy of the Google Earth Images from 2014 to 2020 are attached herewith and marked as **ANNEXURE-A-13** {Page-223 to 234}.

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Google Earth Images from 2004 to 2017:

n. It is submitted that, the Google Images from year 2004 to 2017 clearly shows the tree cutting, dumping of construction waste, illegal construction of Ghat or So called Nature Park and PCMC STP Plant into the prohibited blue flood line of

NOTARY ADV. K. D. GIDWANI INDIA

the Holly Indrayani River and Copy of the Google Earth Images from 2014 to 2020 are attached herewith and marked as **ANNEXURE-A-14** {Page-235 to 264}.

11. DAMAGE TO ENVIRONMENT AND ECOLOGY ON ACCOUNT OF ILLEGAL CONSTRUCTION:

a. It is submitted that, the PP has undertaken the illegal construction of bungalow project in blue flood line of the Holy Indrayani River without any permission.

b. It is submitted that, the PP is dumping hazardous construction waste in river bed.

c. It is submitted that, the PP has diverted river flow and created blockages of natural water flow.

d. It is submitted that, the PP has made illegal tree cutting.

e. It is submitted that, the PP has used huge quantity of the natural resources for the illegal construction of one bungalow, compound wall of bungalow plots, boundary wall without obtaining any requisite permission and caused irreparable damage to the environment and ecology in substantial nature.

f. It is submitted that, the GHG emission especially carbon from the material process and its use during the construction and operation phase is huge and it has adverse impact on the environment and caused huge damage to environment.

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g. It is submitted that, the PP is extracting the ground water from two (2) number of bore wells without permission form concern Authority.

h. It is submitted that, the environmental issues are very complex and its restoration is more difficult than complexity. But PP has callous attitude for environmental protection and adopted careless & reckless attitude with unapologetic behaviour and manipulated the government authorities, therefore exemplary damages having deterrent effect must be imposed on this PP to teach lesson.

i. Therefore considering the serious violations of illegal construction in prohibited area of blue flood line of Indrayani River, dumping of construction waste in river bed, diversion of river flow, blockages of natural water flow, illegal tree cutting, illegal ground water extraction without CGWA permission, the amount of environmental damage required to be imposed on PP for restoration of this area should be more Rs. 100 Crores.

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12. It is submitted that, this entire illegal activity shows that inherent lack of coordination between the local authority/ sanctioning authority and irrigation department and this act cannot be neglected for betterment of environment.

b. It is submitted that, the PP has undertaken the illegal construction of bungalow plots in the prohibited zone of blue flood line without obtaining any prior sanction from any authority and Applicant has noticed this illegal activity on 17.12.2019 in full swing and captured the photographs in his mobile phone and therefore this is the triggered cause of action first arose to file this application.

20. LIMITATION TO FILE PRESENT APPLICATION:

a. It is submitted that, the present application is filed under section 14, 15 and 20 of the NGT Act, 2010 and there is limitation 6 (six) months under section-14 and 5 (Five) years under section-15 from the cause of action first arose and Principal prayer of the applicant is for restoration and restitution of the Indrayani River to its original position by demolition of the illegal construction.

b. It is submitted that, the present applicant has raised substantial questions relating to protection of environment and its restitution & restoration and this application is filed within six months from cause of action first arose on 17.12.2019 excluding the period of lockdown from 23.03.2020 to 15.06.2020 and 13.07.2020 to 24.07.2020 due to COVID-19 pandemic and its triggered cause of action.

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c. It is submitted that, there was closure of entrepreneurs providing non-essential services like Xerox, scanning, paper sale, computer services, notary for affidavit etc. in Pune from 13.03.2020 due to COVID-19 pandemic and thereafter Central Government and state Government passed an Order directing LOCKDOWN from 23.03.2020 till 15.06.2020 and again from 14.07.2020 to 23.07.2020 in the city of Pune.

Sr.	Period	Days	Remark
1	17.12.2019 To 22.03.2020	97	
2	23.03.2020 to 15.06.2020	0	Lockdown
3	16.06.2020 To 13.07.2020	28	Unlock-1
4	14.07.2020 To 23.07.2020	0	Lockdown
5	24.07.2020 To 09.08.2020	16	Unlock-2
6	On Line submission 10.08.2020	0	Case Filed
7	Total Days from 17.12.2019	141	
8	Permissible days	180	
9	Application is filed on 142nd day	-49	

d. It is submitted that, the period of lockdown is exempted by the Hon'ble Supreme Court of India and also by government of India.

e. The present application is filed within 6 months from 17.12.2019 i.e. on 142nd day out of permissible 180th days excluding the period of lockdown and thus the application filed is within the prescribed period of limitation.

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21. PRAYERS: In the present facts and circumstances it is most respectfully prayed that this Hon'ble Tribunal may be pleased to pass an order thereby:

A. Direct the Respondents to demolish the illegal structures constructed in the prohibited area of blue flood line of Indrayani River at the project site in question and restore the area to its original position.

B. Direct the Respondents to remove all the construction and demolition waste dumped into the river & blue line and dispose of it in scientific manner.

C. Having regard to the damage to the public health, property and environment and as per the principles of sustainable development and polluter pays principles, Direct the Respondent No. 12-M/s. Jare World & Respondent No. 13-M/s. V Square i.e. Project Proponents to deposit a heavy amount of compensation to the environment relief fund.

D. Direct the Respondent No. 12-M/s. Jare World & Respondent No. 13-M/s. V Square i.e. Project Proponents to deposit a heavy amount for violating the environment enactments and carrying out such Prohibitory activities causing environmental degradation.

E. Direct Respondent No. 7 & 8-PCMC to forfeit all the benefits arising from present project site including FSI, TDR, DCR etc., with permanent prohibition on construction.

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F. Direct Respondents to initiate appropriate legal action of prosecution against the PP for violation of the provisions of environmental enactments and other applicable pollution control laws.

G. Appropriate legal actions may kindly be taken against erring Officers of PCMC & Water Resource Department/ Irrigation Department for their intentional negligence.

H. Cost of this application may kindly be granted to this applicant

I. Pass any other just and equitable orders in the interest of justice.

DATE: 10/08/2020

PLACE: PUNE

APPLICANT

VERIFICATION:

Verified at Pune on this 10th day of August, 2020 that the contents of the aforesaid application are true and correct to the best of my knowledge and belief. No part of it is false and nothing material has been concealed therefrom.

DEPONENT

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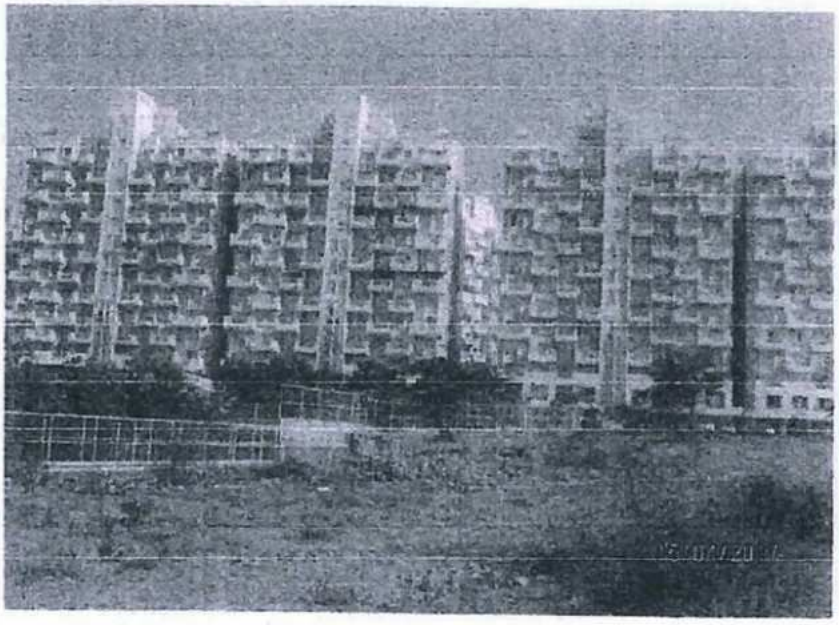
Project Site: **"River Villa"** by 1. Jare World, 2. V Square, Gut No. 90 (p). Village-Chikhali, Tal- Haveli, District-Pune

"Entire Project is in Blue flood line of Indrayani River"

Photo-01/28



Photo-02/28



T. C.

Project Site: "**River Villa**" by 1. Jare World, 2. V Square, Gut No. 90 (p), Village-Chikhali, Tal- Haveli, District-Pune

"Entire Project is in Blue flood line of Indrayani River"

Photo-03/28



Photo-04/28



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Project Site: **"River Villa"** by 1. Jare World, 2. V Square, Gut No. 90 (p), Village-Chikhali, Tal- Haveli, District-Pune

"Entire Project is in Blue flood line of Indrayani River"

Photo-05/28

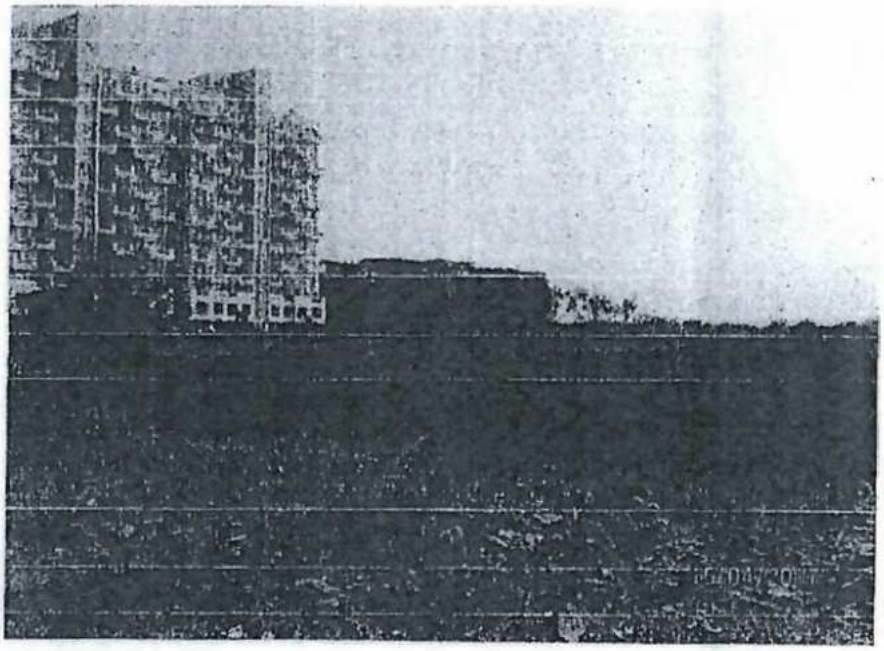
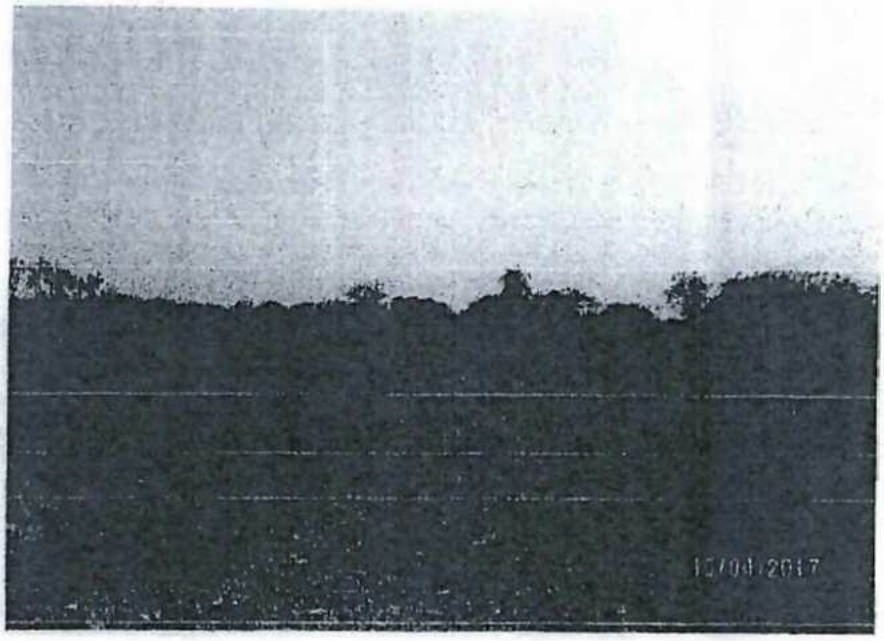


Photo-06/28



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Project Site: **"River Villa"** by 1. Jare World, 2. V Square, Gut No. 90 (p), Village-Chikhali, Tal- Haveli, District-Pune

"Entire Project is in Blue flood line of Indrayani River"

Photo-07/28

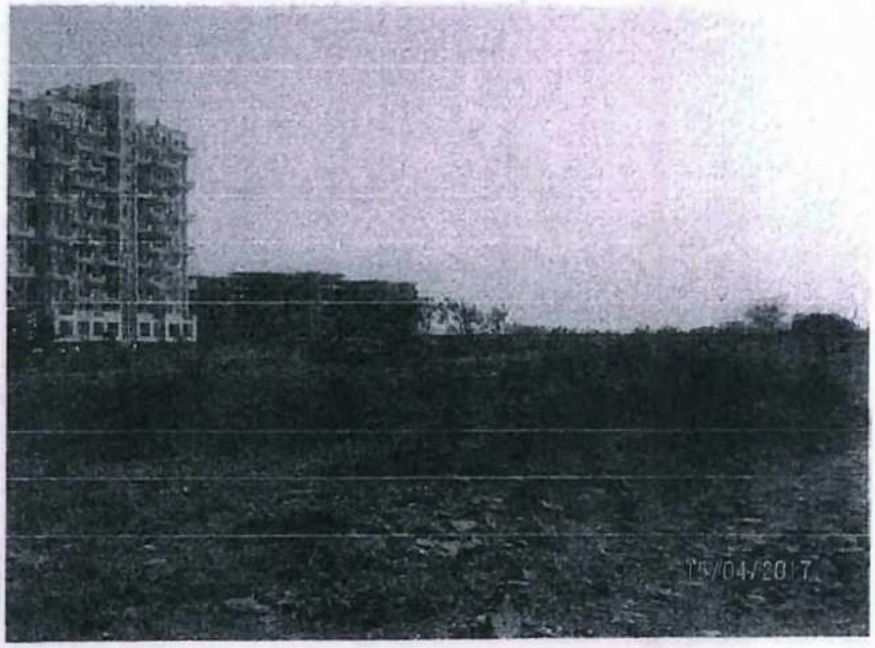
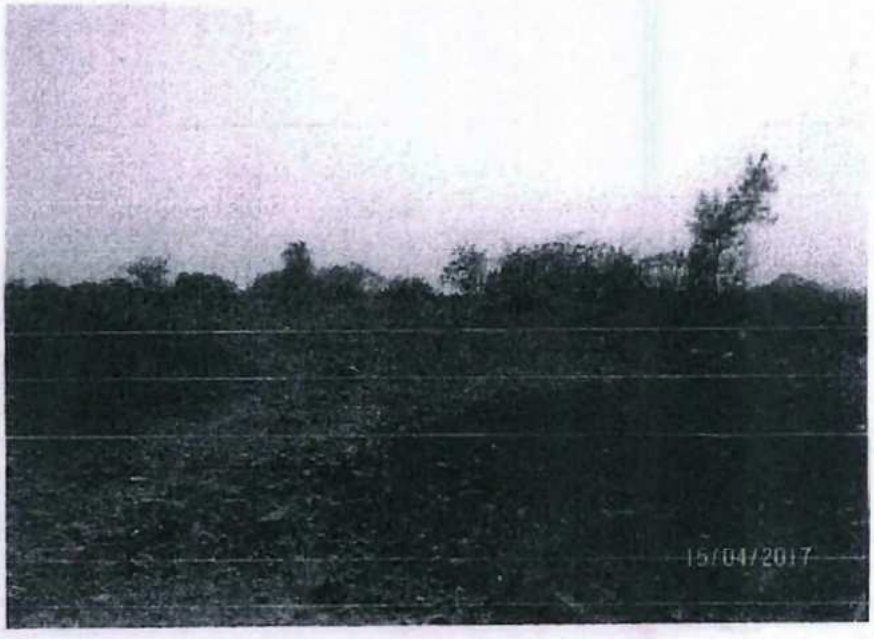


Photo-08/28



Project Site: "**River Villa**" by 1. Jare World, 2. V Square, Gut No. 90 (p), Village-Chikhali, Tal- Haveli, District-Pune

"Entire Project is in Blue flood line of Indrayani River"

Photo-09/28

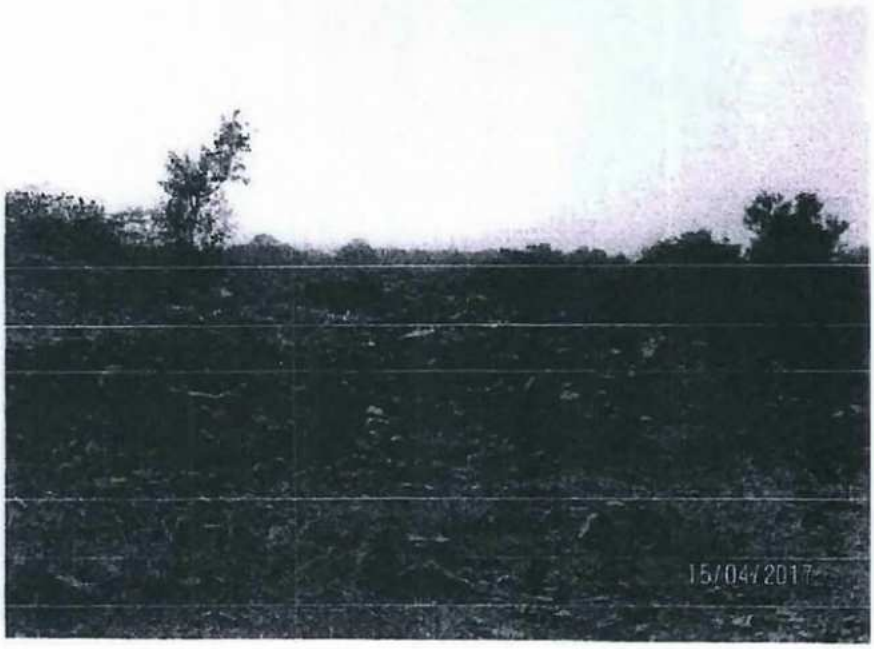


Photo-10/28



Project Site: "**River Villa**" by 1. Jare World, 2. V Square, Gut No. 90 (p), Village-Chikhali, Tal- Haveli, District-Pune

"Entire Project is in Blue flood line of Indrayani River"

Photo-15/28



Photo-16/28



Project Site: **"River Villa"** by 1. Jare World, 2. V Square, Gut No. 90 (p), Village-Chikhali, Tal- Haveli, District-Pune

"Entire Project is in Blue flood line of Indrayani River"

Photo-17/28



Photo-18/28



Project Site: **"River Villa"** by 1. Jare World, 2. V Square, Gut No. 90 (p), Village-Chikhali, Tal- Haveli, District-Pune

"Entire Project is in Blue flood line of Indrayani River"

Photo-19/28



Photo-20/28



Project Site: "**River Villa**" by 1. Jare World, 2. V Square, Gut No. 90 (p), Village-Chikhali, Tal- Haveli, District-Pune
"Entire Project is in Blue flood line of Indrayani River"

Photo-21/28

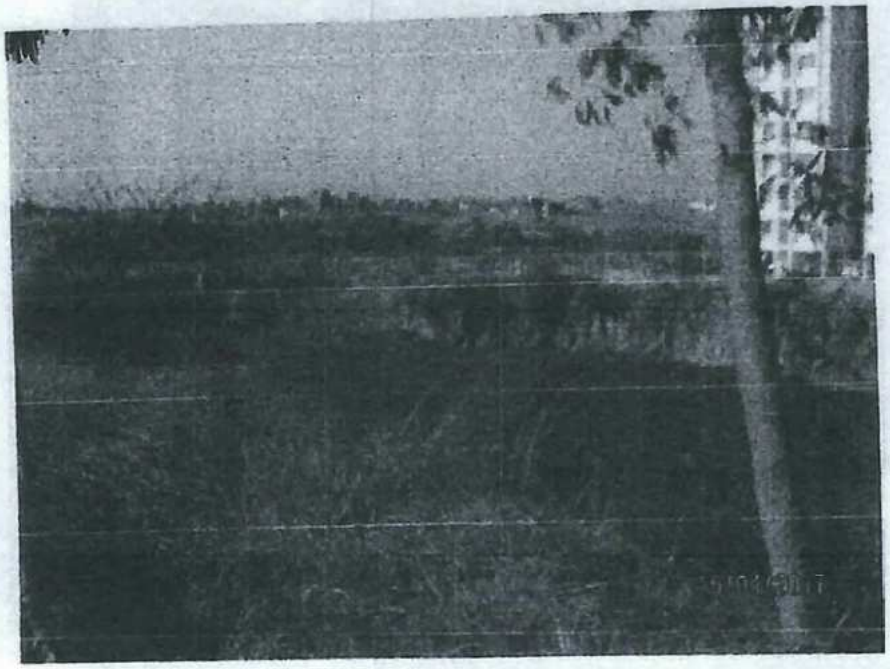
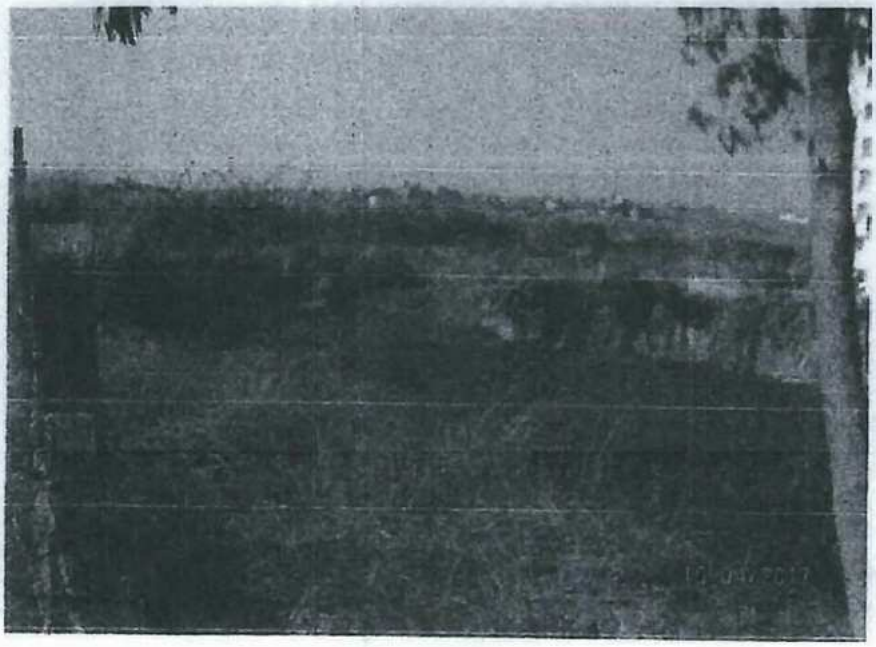


Photo-22/28



Project Site: "**River Villa**" by 1. Jare World, 2. V Square, Gut No. 90 (p), Village-Chikhali, Tal- Haveli, District-Pune

"Entire Project is in Blue flood line of Indrayani River"

Photo-23/28

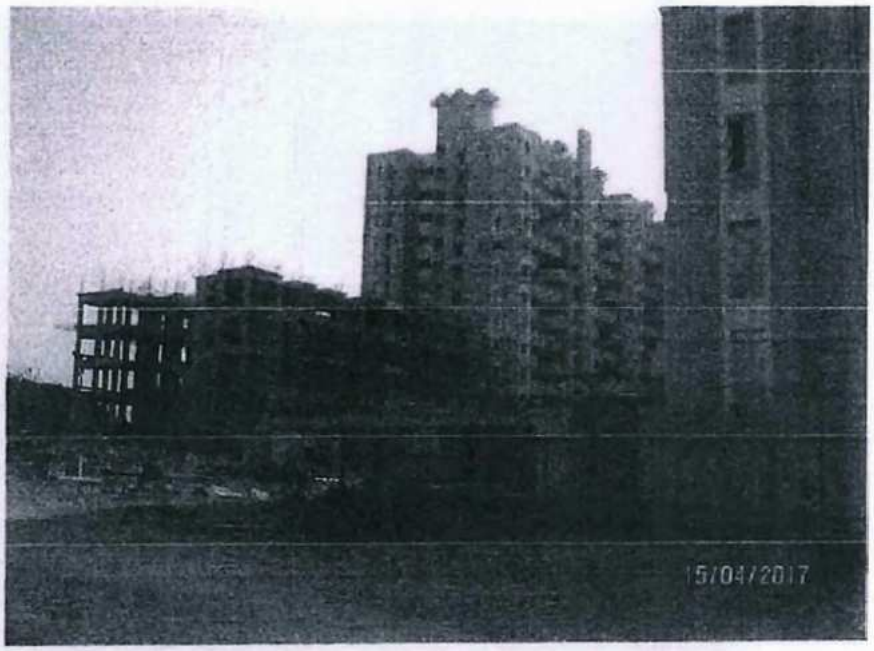


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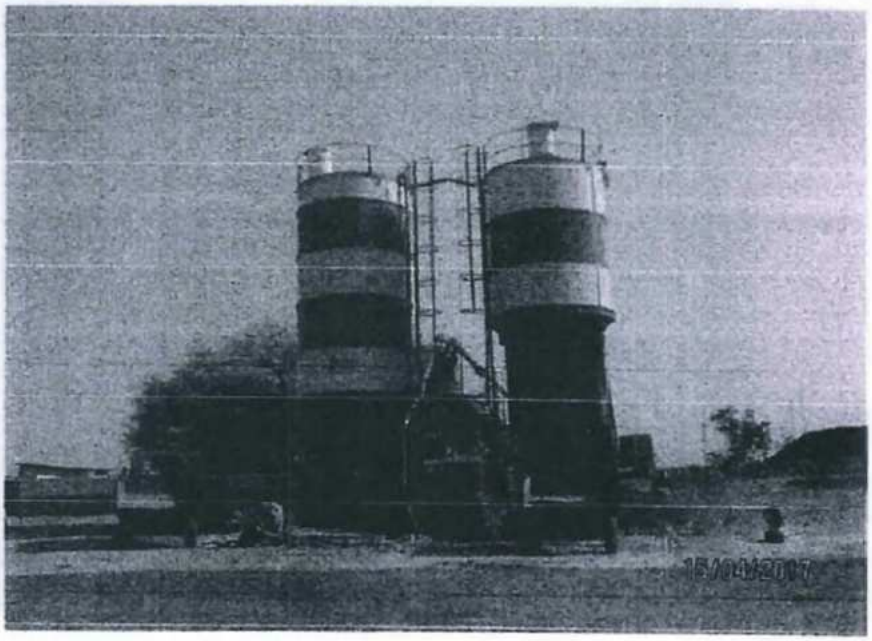
Project Site: **"River Villa"** by 1. Jare World, 2. V Square, Gut No. 90 (p), Village-Chikhali, Tal- Haveli, District-Pune

"Entire Project is in Blue flood line of Indrayani River"

Photo-25/28



Photo-26/28



Project Site: **"River Villa"** by 1. Jare World, 2. V Square, Gut No. 90 (p), Village-Chikhali, Tal- Haveli, District-Pune

"Entire Project is in Blue flood line of Indrayani River"

Photo-27/28

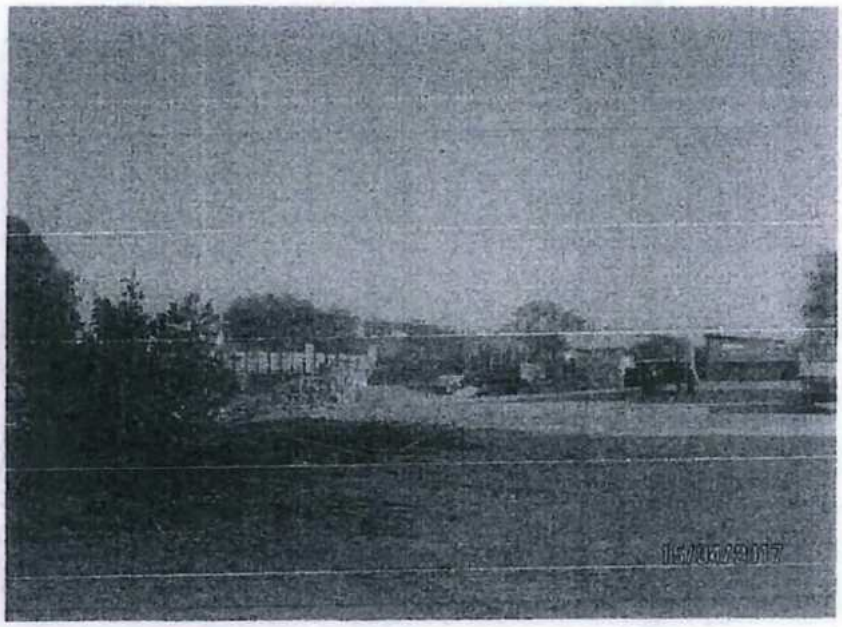
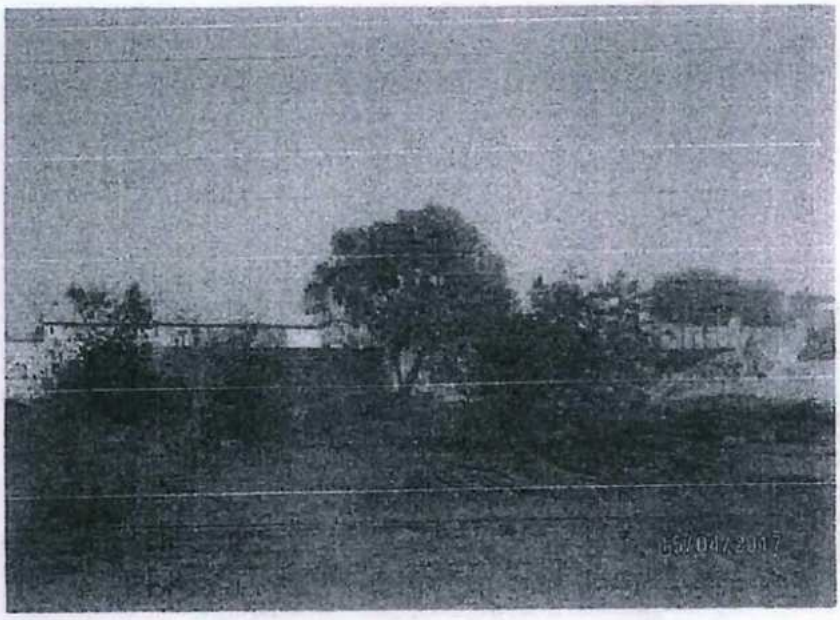


Photo-28/28



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Project Site: "**River Villa**" by 1. Jare World, 2. V Square, Gut No. 90 (p), Village-Chikhali, Tal- Haveli, District-Pune

"Entire Project is in Blue flood line of Indrayani River"

Photo-01/62



Photo-02/62



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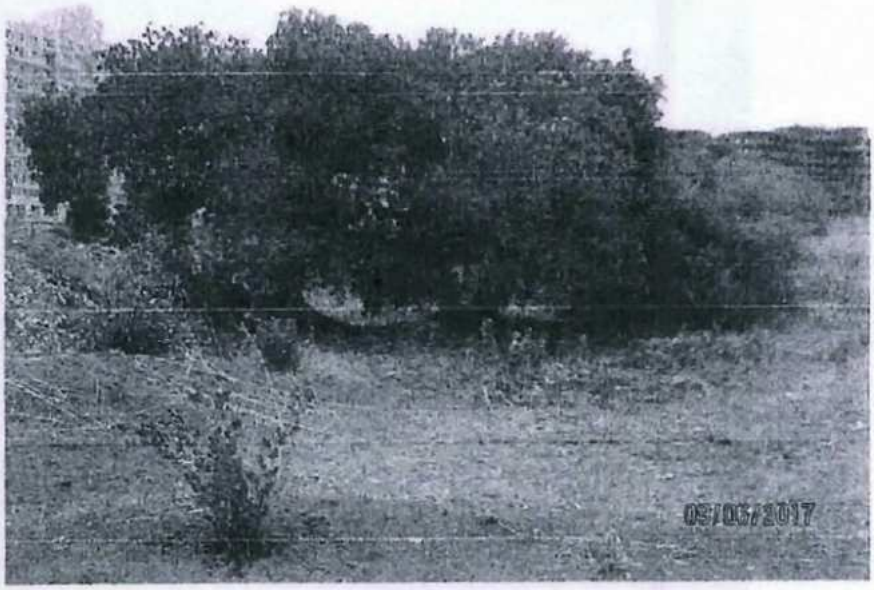
Project Site: "**River Villa**" by 1. Jare World, 2. V Square, Gut No. 90 (p), Village-Chikhali, Tal- Haveli, District-Pune

"Entire Project is in Blue flood line of Indrayani River"

Photo-03/62



Photo-04/62



Project Site: **"River Villa"** by 1. Jare World, 2. V Square, Gut No. 90 (p), Village-Chikhali, Tal- Haveli, District-Pune

"Entire Project is in Blue flood line of Indrayani River"

Photo-05/62



Photo-06/62



Project Site: "**River Villa**" by 1. Jare World, 2. V Square, Gut No. 90 (p), Village-Chikhali, Tal- Haveli, District-Pune

"Entire Project is in Blue flood line of Indrayani River"

Photo-07/62



Photo-08/62



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Project Site: **"River Villa"** by 1. Jare World, 2. V Square, Gut No. 90 (p), Village-Chikhali, Tal- Haveli, District-Pune

"Entire Project is in Blue flood line of Indrayani River"

Photo-09/62

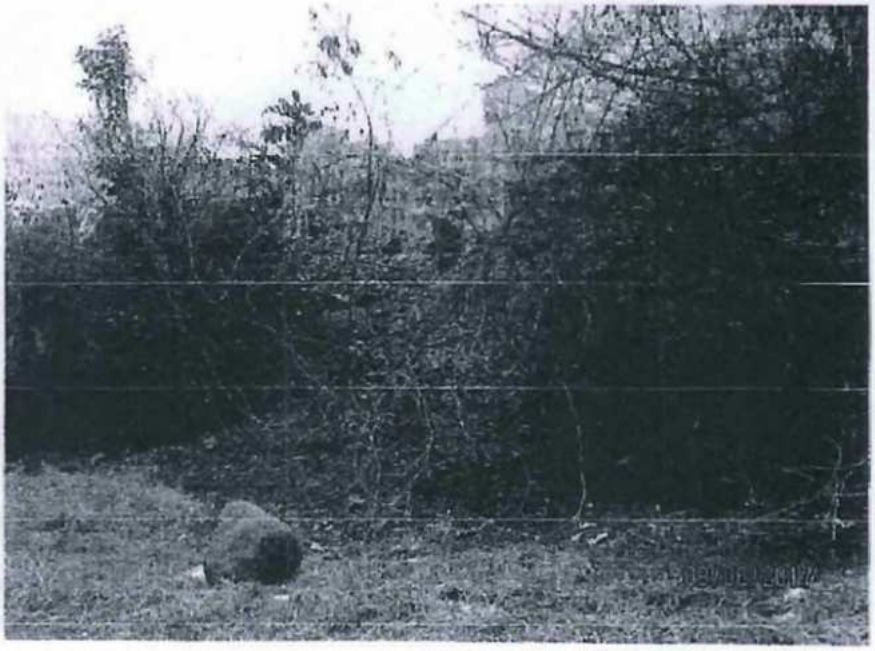
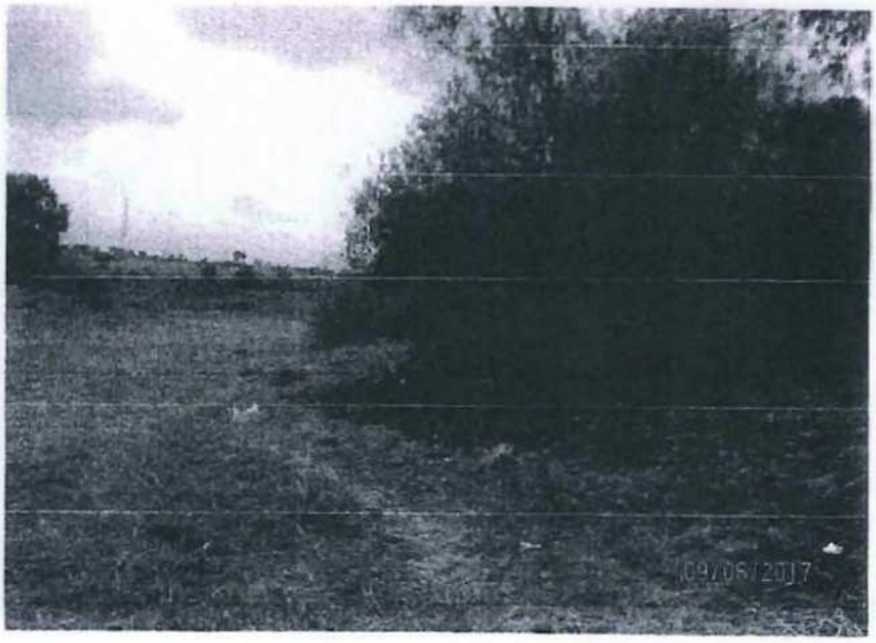


Photo-10/62



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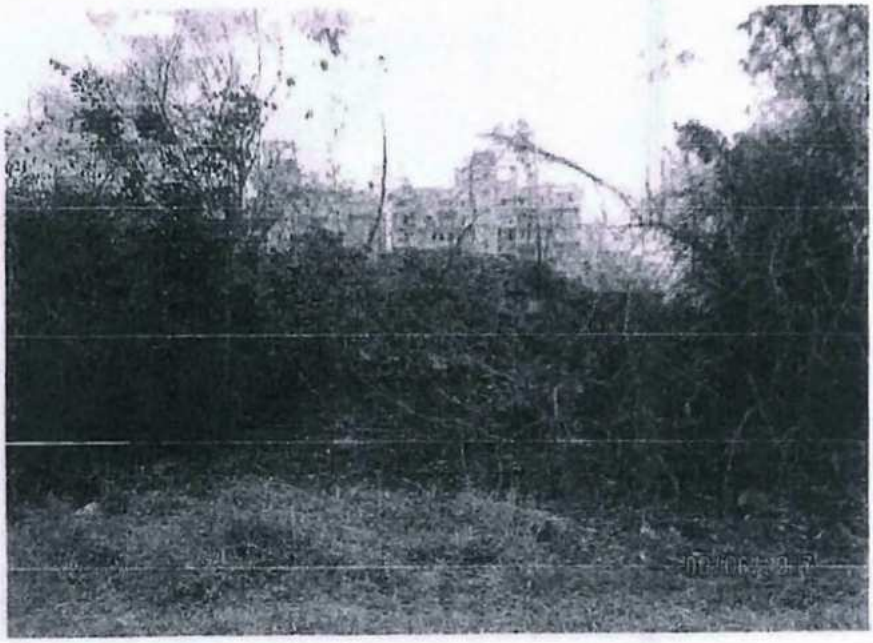
Project Site: **"River Villa"** by 1. Jare World, 2. V Square, Gut No. 90 (p), Village-Chikhali, Tal- Haveli, District-Pune

"Entire Project is in Blue flood line of Indrayani River"

Photo-11/62



Photo-12/62



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Project Site: "**River Villa**" by 1. Jare World, 2. V Square, Gut No. 90 (p), Village-Chikhali, Tal- Haveli, District-Pune

"Entire Project is in Blue flood line of Indrayani River"

Photo-13/62



Photo-14/62



Project Site: "**River Villa**" by 1. Jare World, 2. V Square, Gut No. 90 (p), Village-Chikhali, Tal- Haveli, District-Pune

"Entire Project is in Blue flood line of Indrayani River"

Photo-15/62



Photo-16/62



Project Site: "**River Villa**" by 1. Jare World, 2. V Square, Gut No. 90 (p), Village-Chikhali, Tal- Haveli, District-Pune

"Entire Project is in Blue flood line of Indrayani River"

Photo-17/62



Photo-18/62



ANNEXURE-A-08

Project Site: "**River Villa**" by 1. Jare World, 2. V Square, Gut No. 90 (p), Village-Chikhali, Tal- Haveli, District-Pune

"Entire Project is in Blue flood line of Indrayani River"

Photo-19/62



Photo-20/62



Project Site: **"River Villa"** by 1. Jare World, 2. V Square, Gut No. 90 (p), Village-Chikhali, Tal- Haveli, District-Pune

"Entire Project is in Blue flood line of Indrayani River"

Photo-21/62



Photo-22/62



Project Site: "**River Villa**" by 1. Jare World, 2. V Square, Gut No. 90 (p), Village-Chikhali, Tal- Haveli, District-Pune

"Entire Project is in Blue flood line of Indrayani River"

Photo-23/62



Photo-24/62



ANNEXURE-A-08

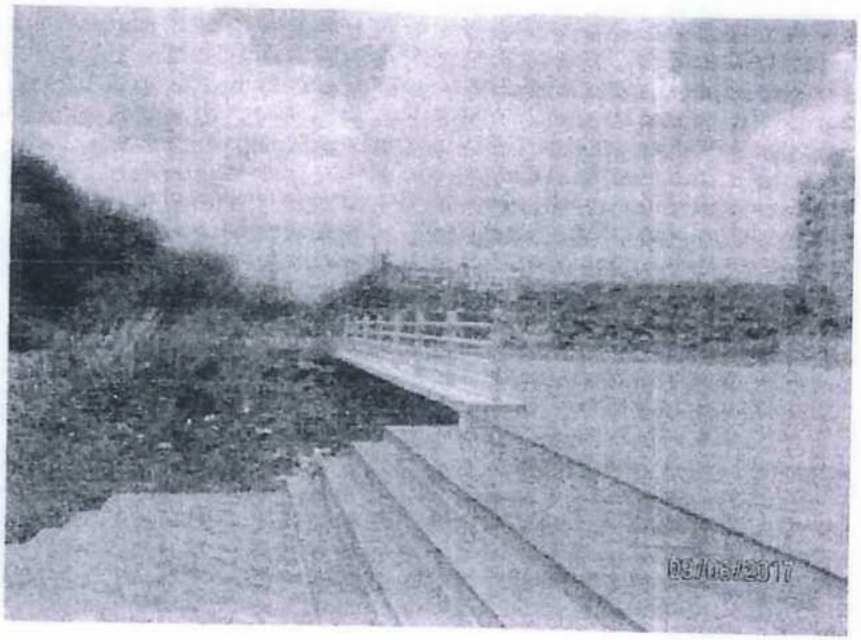
Project Site: "**River Villa**" by 1. Jare World, 2. V Square, Gut No. 90 (p), Village-Chikhali, Tal- Haveli, District-Pune

"Entire Project is in Blue flood line of Indrayani River"

Photo-25/62



Photo-26/62



Project Site: "**River Villa**" by 1. Jare World, 2. V Square, Gut No. 90 (p), Village-Chikhali, Tal- Haveli, District-Pune

"Entire Project is in Blue flood line of Indrayani River"

Photo-27/62

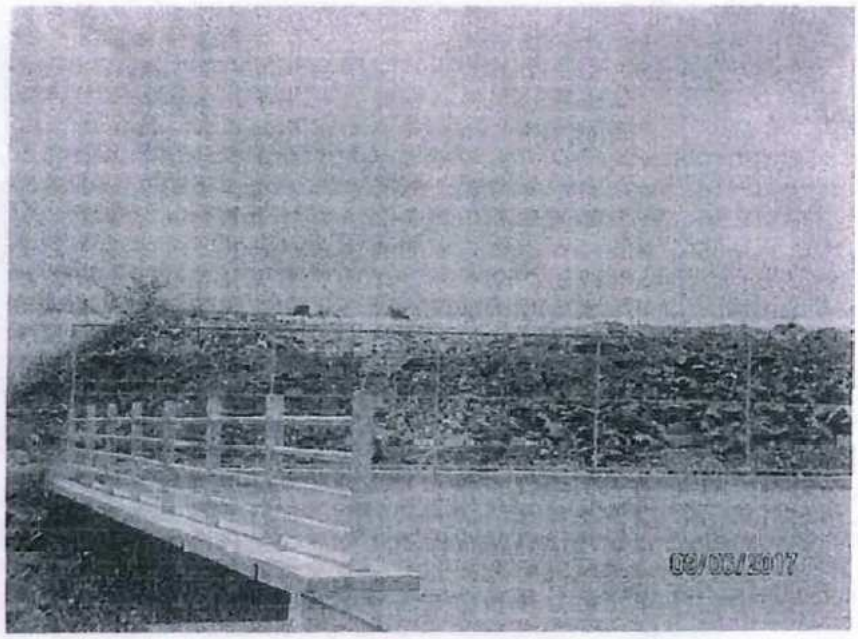


Photo-28/62



Project Site: "**River Villa**" by 1. Jare World, 2. V Square, Gut No. 90 (p), Village-Chikhali, Tal- Haveli, District-Pune

"Entire Project is in Blue flood line of Indrayani River"

Photo-29/62



Photo-30/62



Project Site: **"River Villa"** by 1. Jare World, 2. V Square, Gut No. 90 (p). Village-Chikhali, Tal- Haveli, District-Pune

"Entire Project is in Blue flood line of Indrayani River"

Photo-31/62



Photo-32/62



Project Site: "**River Villa**" by 1. Jare World, 2. V Square, Gut No. 90 (p), Village-Chikhali, Tal- Haveli, District-Pune

"Entire Project is in Blue flood line of Indrayani River"

Photo-33/62



Photo-34/62



Project Site: "**River Villa**" by 1. Jare World, 2. V Square, Gut No. 90 (p), Village-Chikhali, Tal- Haveli, District-Pune

"Entire Project is in Blue flood line of Indrayani River"

Photo-35/62

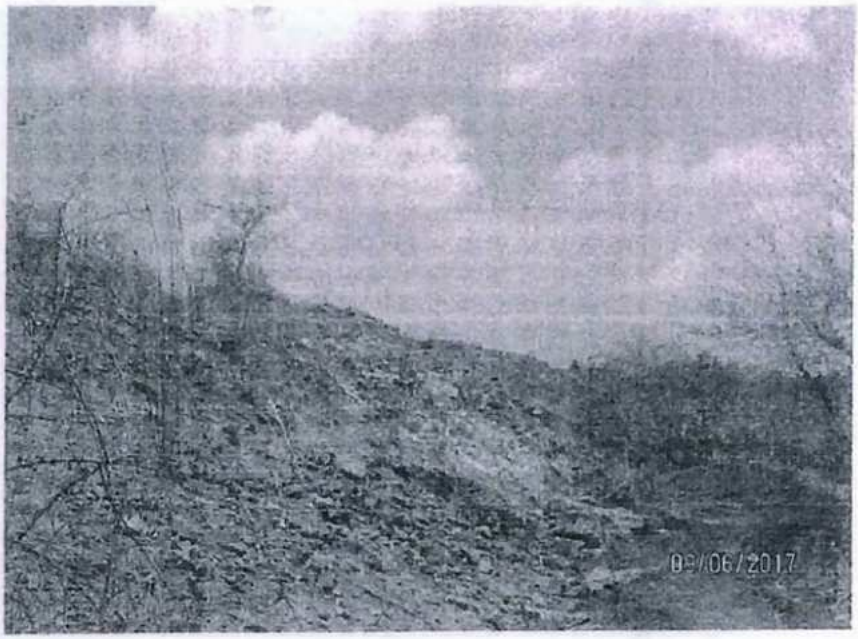


Photo-36/62



Project Site: **"River Villa"** by 1. Jare World, 2. V Square, Gut No. 90 (p), Village-Chikhali, Tal- Haveli, District-Pune

"Entire Project is in Blue flood line of Indrayani River"

Photo-37/62



Photo-38/62



Project Site: "**River Villa**" by 1. Jare World, 2. V Square, Gut No. 90 (p), Village-Chikhali, Tal- Haveli, District-Pune

"Entire Project is in Blue flood line of Indrayani River"

Photo-39/62

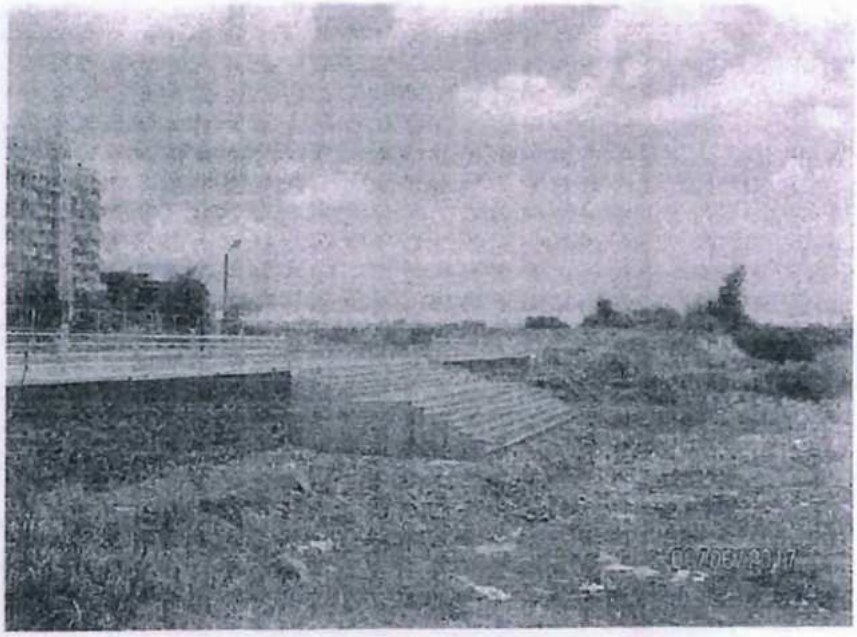
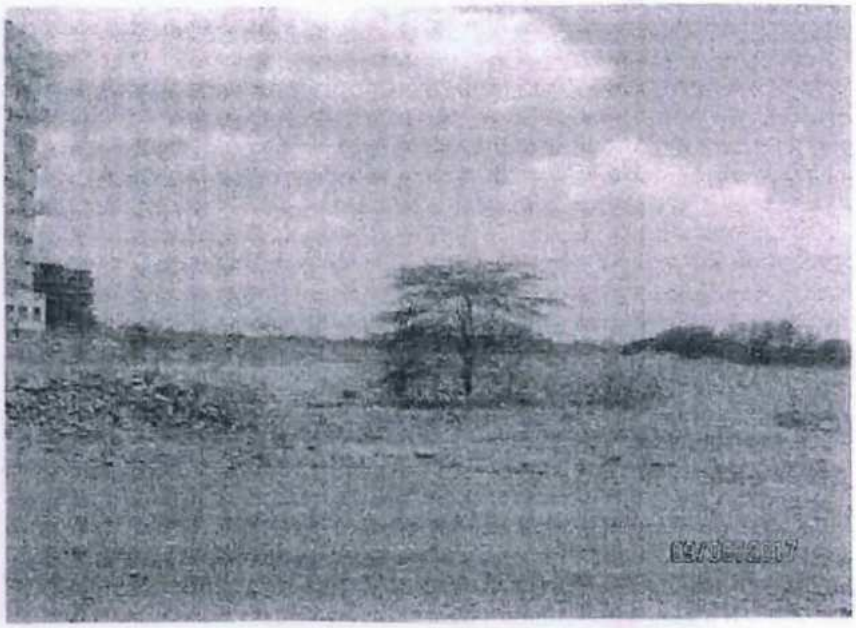


Photo-40/62



Project Site: "**River Villa**" by 1. Jare World, 2. V Square, Gut No. 90 (p), Village-Chikhali, Tal- Haveli, District-Pune

"Entire Project is in Blue flood line of Indrayani River"

Photo-41/62



Photo-42/62



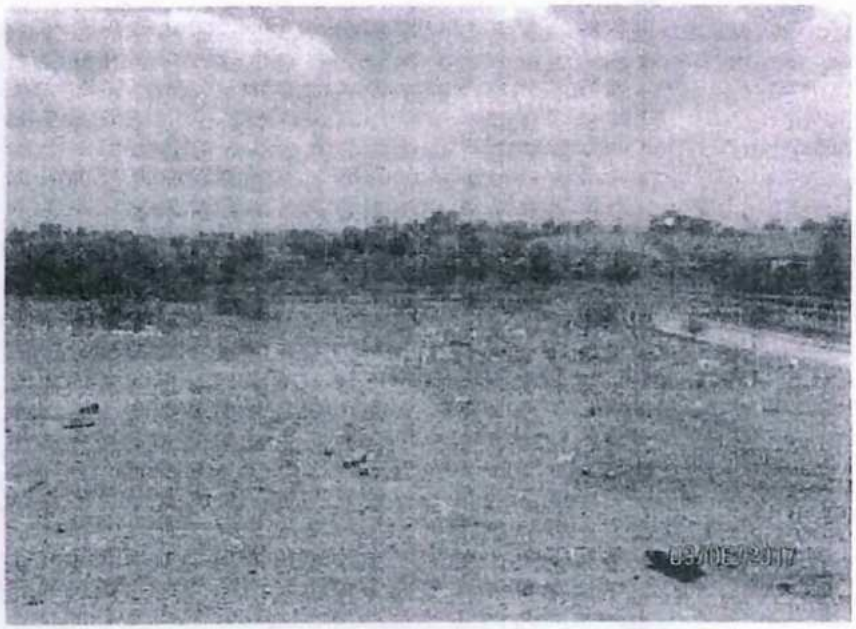
Project Site: "**River Villa**" by 1. Jare World, 2. V Square, Gut No. 90 (p), Village-Chikhali, Tal- Haveli, District-Pune

"Entire Project is in Blue flood line of Indrayani River"

Photo-43/62



Photo-44/62



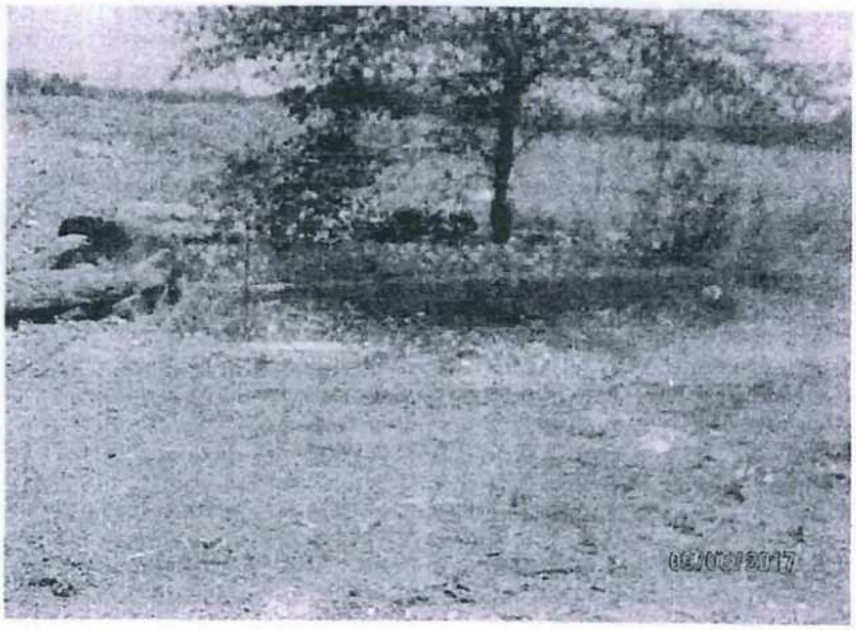
Project Site: "**River Villa**" by 1. Jare World, 2. V Square, Gut No. 90 (p), Village-Chikhali, Tal- Haveli, District-Pune

"Entire Project is in Blue flood line of Indrayani River"

Photo-45/62



Photo-46/62



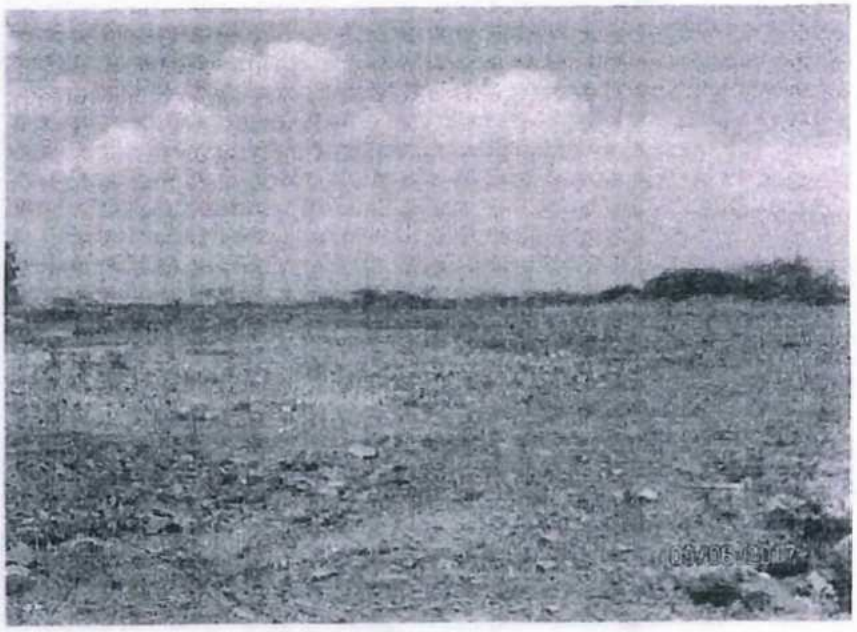
Project Site: "**River Villa**" by 1. Jare World, 2. V Square, Gut No. 90 (p), Village-Chikhali, Tal- Haveli, District-Pune

"Entire Project is in Blue flood line of Indrayani River"

Photo-47/62



Photo-48/62



Project Site: "**River Villa**" by 1. Jare World, 2. V Square, Gut No. 90 (p), Village-Chikhali, Tal- Haveli, District-Pune

"Entire Project is in Blue flood line of Indrayani River"

Photo-49/62



Photo-50/62



Project Site: **"River Villa"** by 1. Jare World, 2. V Square, Gut No. 90 (p), Village-Chikhali, Tal- Haveli, District-Pune

"Entire Project is in Blue flood line of Indrayani River"

Photo-51/62

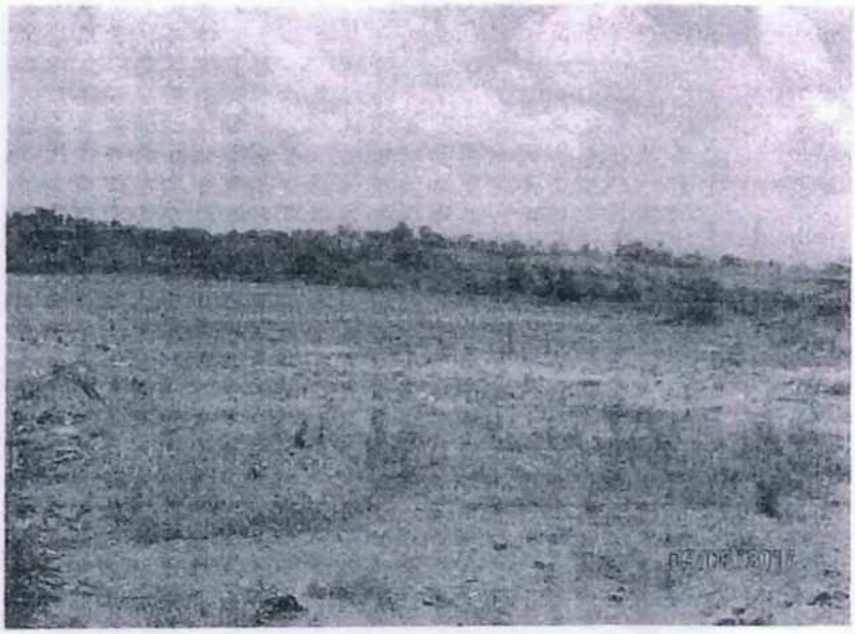
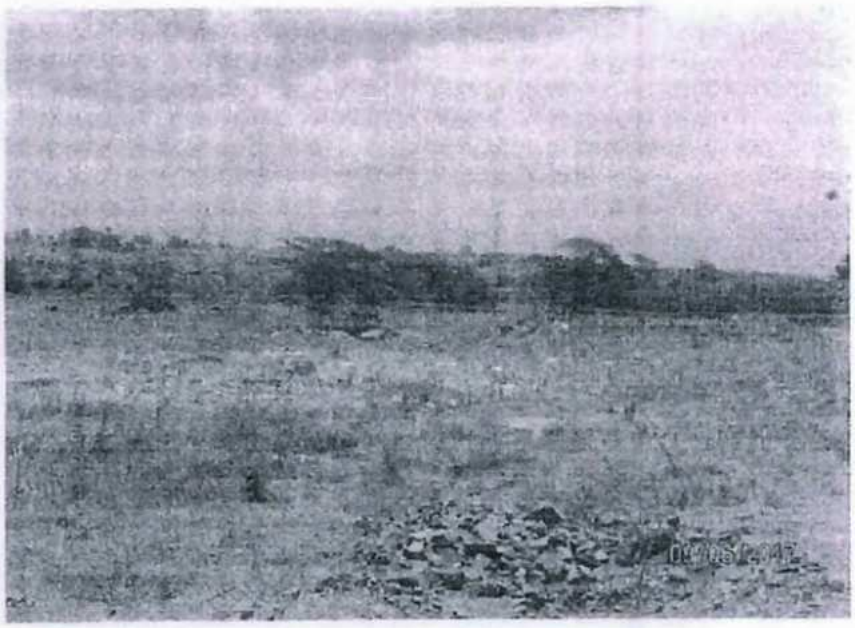


Photo-52/62



Project Site: **"River Villa"** by 1. Jare World, 2. V Square, Gut No. 90 (p), Village-Chikhali, Tal- Haveli, District-Pune

"Entire Project is in Blue flood line of Indrayani River"

Photo-53/62

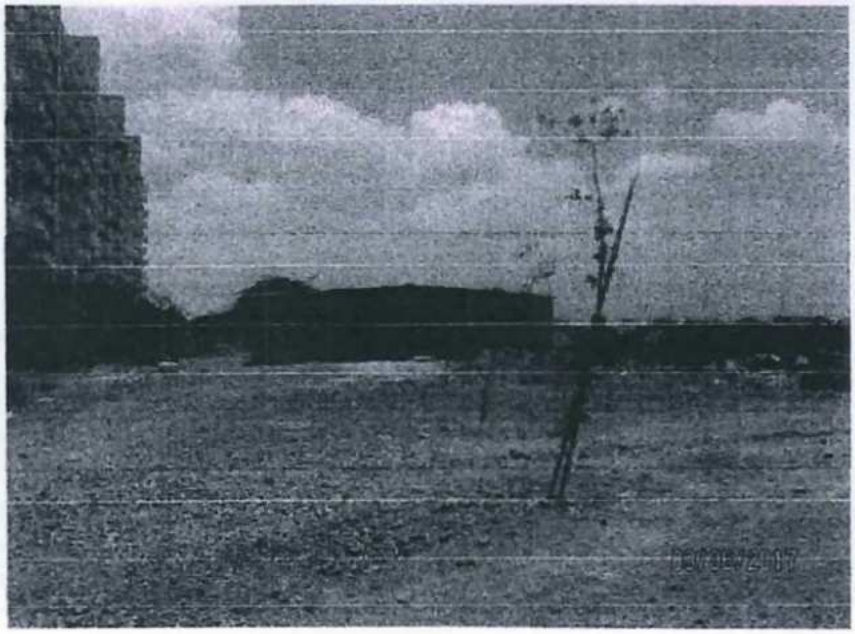


Photo-54/62



Project Site: **"River Villa"** by 1. Jare World, 2. V Square, Gut No. 90 (p), Village-Chikhali, Tal- Haveli, District-Pune

"Entire Project is in Blue flood line of Indrayani River"

Photo-55/62

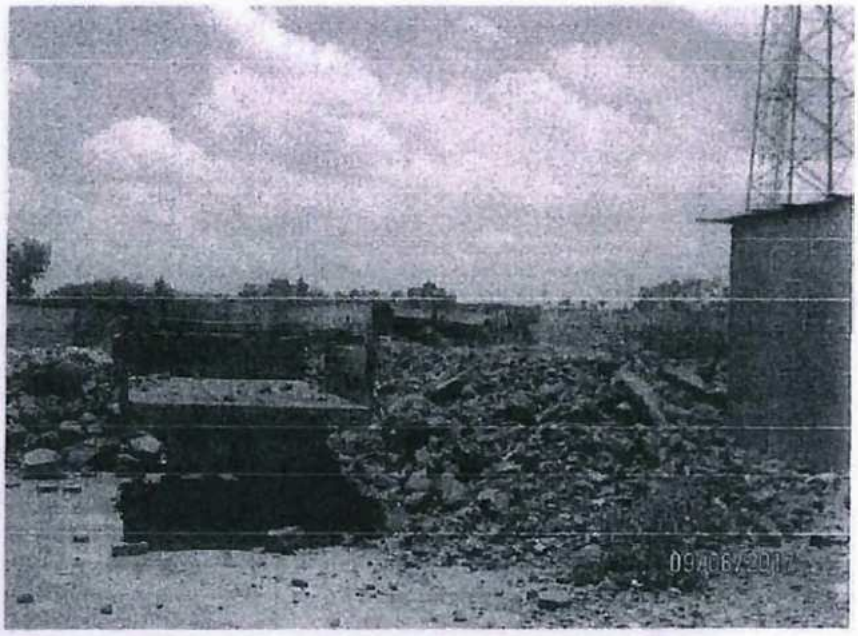
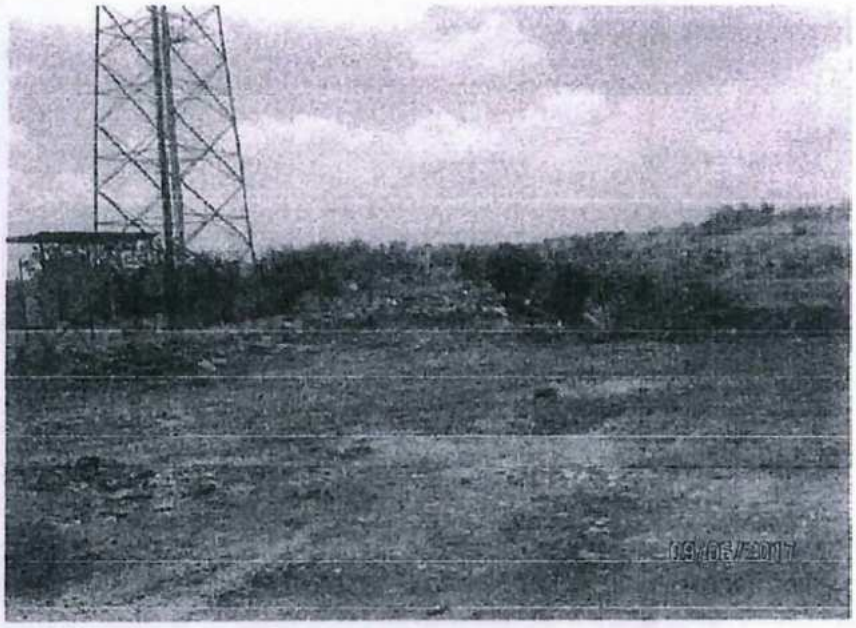


Photo-56/62



Project Site: "**River Villa**" by 1. Jare World, 2. V Square, Gut No. 90 (p), Village-Chikhali, Tal- Haveli, District-Pune

"Entire Project is in Blue flood line of Indrayani River"

Photo-57/62



Photo-58/62



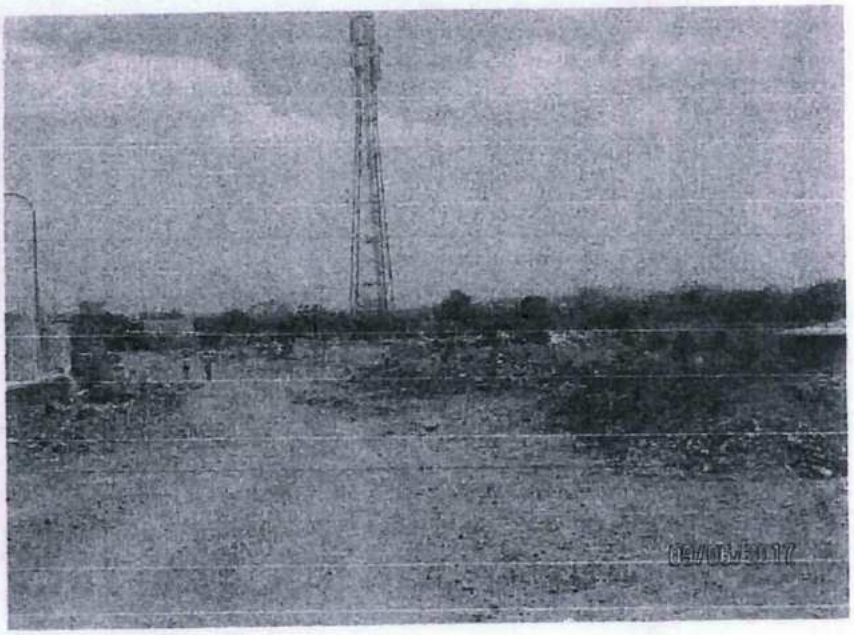
Project Site: "**River Villa**" by 1. Jare World, 2. V Square, Gut No. 90 (p), Village-Chikhali, Tal- Haveli, District-Pune

"Entire Project is in Blue flood line of Indrayani River"

Photo-59/62



Photo-60/62



Project Site: **"River Villa"** by 1. Jare World, 2. V Square, Gut No. 90 (p), Village-Chikhali, Tal- Haveli, District-Pune

"Entire Project is in Blue flood line of Indrayani River"

Photo-61/62

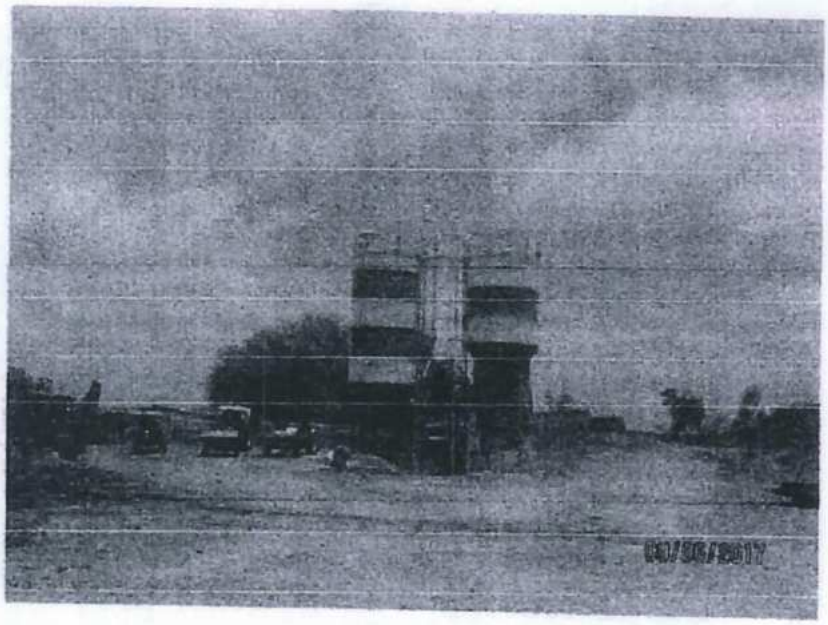
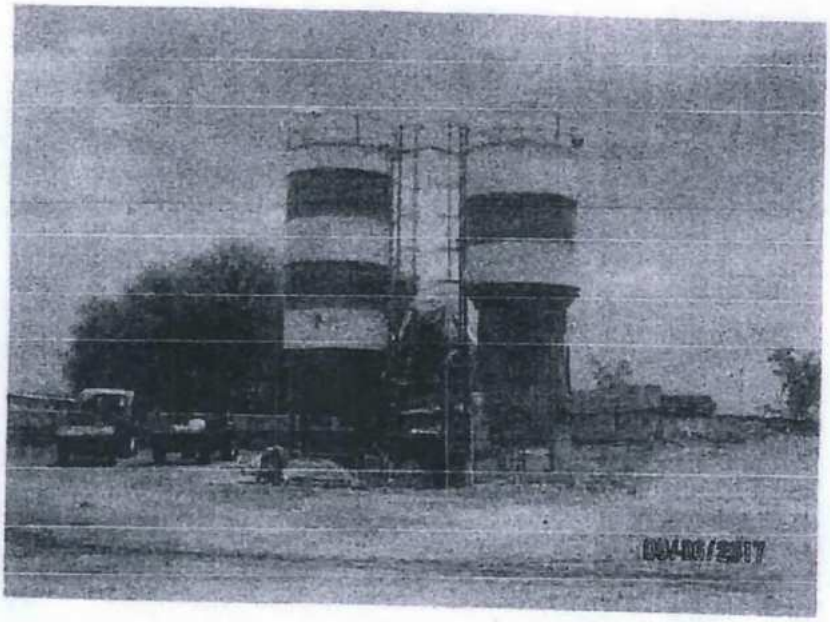


Photo-62/62



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T. C. Bombhira

Bhandari & Patekar Law Associates

Nilesh Kishor Bhandari
B.A., LL.B
+91 9372622127, 9850332170

Advocates

Mohanish Mahendra Patekar
LL.M., D.I.P.R.
+91 9822847123

Date: 05.07.2017

Notice/ Complaint

(R.P.A.D.)

To,

1. **The Secretary**
   Environment Department
   Government of Maharashtra,
   Room No-217, 2nd Floor, Annex Building,
   Mantralaya, Mumbai-400 032

2. **Member Secretary–SEIAA**
   Environment Department
   Government of Maharashtra,
   15th Floor, New Administrative Building,
   Mantralaya, Mumbai-400 032

3. **Member Secretary–SEAC**
   Environment Department
   Government of Maharashtra,
   15th Floor, New Administrative Building,
   Mantralaya, Mumbai-400 032

4. **Member Secretary-MPCB**
   Maharashtra Pollution Control Board,
   Kalptaru Point, 3Rd Floor, Near Sion Circle,

Bhandari & Patekar Associates
Advocates
Sundar Apartment, Ground Floor,
391, Narayan Peth, Pune-411 030.
Ph.No. 020-24430647

Office: C/o. Sundar Apts., Ground Floor, 391, Narayan Peth, Pune 411 030. Ph.: 020-24430647
Email: nileshbhandari1985@yahoo.co.in | mohanishpatekar@gmail.com

T.C.

COPY

Opp. Cine Planet, Cinema, Sion (E),
Mumbai-400 022

5. **Regional Officer,**
Maharashtra Pollution Control Board,
Jog Centre, 3Rd Floor, Old Mumbai-Pune Road,
Wakadewadi, Pune-411003

6. **The Secretary**
Urban Development Department
Government of Maharashtra,
4th Floor, Main Building,
Mantralaya, Mumbai-400 032

7. **Pimpri-Chinchwad Municipal Corporation**
Through Municipal Commissioner,
PCMC Main Building,
Old-Mumbai Pune Highway,
Pimpri-411 018

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8. **City Engineer,**
Pimpri-Chinchwad Municipal Corporation,
PCMC Main Building,
Old-Mumbai Pune Highway,
Pimpri-411 018

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391, Narayan Peth, Pune-411 030
Ph.No. 020-24430647

9. **The Secretary**
Water Resource Department
Government of Maharashtra,

Mantralaya, Mumbai-400 032

10. **Chief Engineer**
Pune Irrigation Circle
Sinchan Bhavan
Mangalwar Peth, Pune

11. **District Collector – Pune**
As Collector and President-District Environment Committee, Pune

SUBJECT: - NON- COMPLIANCE OF THE TERMS AND CONDTION OF ENVIRONMENT CLEARANCE VIDE NO. SEAC-2011/CR.620/TC.2 DATED-07.10.2011 AND INTENTIONAL VIOLATION OF ENVIRONMENT PROTECTION ACT AND POLLUTION CONTROL ACT BY M/S RIVER RESIDENCY BY ISWAR PARMAR CONSTRUCTION & OTHERS IN THE BUILDING CONSTRUCTION PROJECT SITUATED AT GUT NO. 90(P), VILLAGE-CHIKHALI, TAL-HAVELI, DISTRICT-PUNE IN THE LIMIT OF PIMPRI-CHINCHWAD MUNICIPAL CORPORATION

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Advocates
Sundar Apartment, Ground Floor,
391, Narayan Peth, Pune-411 03
Ph.No. 020-24430647

Sir/ Madam,

1. Under the instruction of my client **Mr. Tanaji Balasaheb Gambhire** presently R/O- Flat No-16,

CTS-296, Laxmi Apartment, Near Shivaji Maratha High School, White House Lane, Shukrawar Peth, Pune-411002, I have to address you by this notice as under;

2. That the my client would like to bring to the notice of the above mentioned authorities .by this notice regarding the many irregularities, illegal activity, intentional violations, breaches of law, cheating, fraud and many more violations which causes huge financial loss to the government machinery by various way as well as the **very serious violations like Environment Protection Act and Pollution Control Act** and my client would like to bring entire scam to your notice for investigation and further strongest action against builder then such practices by other builder will be automatically getting stop.

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3. **BRIEF INFORMATION OF BUILDER/ DEVELOPER/ PROJECT PROPONENT: -**

M/s. River Residency (Joint Venture) is the builder having his registered office at Parmar Trade Centre, 12 Cannaught Road, Sadhu Vaswani Chowk, Pune-

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Ph.No. 020-24430647

411001 carrying the business of builder, promoter and developer through joint ventures

1. M/s. Ishwar Construction Pvt. Ltd.,

2. Trade Centre Developers & Builders Pvt. Ltd.

3. M/s. Vijay-Laxmi Developers,

4. Vishal Associates, as the responsible firms & company and Mr. Iswar Chandulal Parmar is responsible for M/s. River Residency, Ishwar Construction Pvt. Ltd. & Trade Centre Developers & Builders Pvt. Ltd., Mr. Dilip Motilal Choradiya is responsible for M/s. Vijay-Laxmi Developers alias Vijaya-Laxmi Developers and Vishal Associates for every activities for their respective firms and their construction activity carried out on respective land owned by them and joint venture development or river residency.

4. **DETAIL ADDRESS OF PROJECT SITE UNDER VIOLATION: -**

That the M/s. Iswar Parmar Construction Pvt. Ltd. and Trade Centre Developers & Builders Pvt. Ltd. are developing the property Gut No. 90 (P) at Village-

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Ph.No. 020-24430547

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Chikhali, Taluka-Haveli, District- Pune through the registered joint venture M/s. River Residency and the present site falls within the limit of Pimpri-Chinchwad Municipal Corporation.

The project site under violation and part of this Notice/ complaint is known as "M/s. River Residency" and this joint venture is undertaken the development of an total area of 144000 Sq. Mtrs. vide registered agreement No. 4966/2010 dated 12.05.2010 in the office of Sub-registrar Haveli-8 (Yerwada).

5. ILLEGALITIES, VIOLATIONS, FRAUD ETC BY PROJECT PROPONENTS

It is to be noted that, the following are the important and serious violations, illegalities, cheating and frauds played up on the authorities by the Project Proponents in relation to the Environment Protection Act-1986 r.w. EIA Notification-2006, Air Pollution Control Act, Water Pollution Control Act, Construction Waste Disposal Rules-2000, Government of Maharashtra Resolution for Prohibition of Construction in Blue Line-198FPW/1089/243/89/SI.

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Ph.No. 020-24430647

VYA. (KAME), Dated 21.9.1989, DC Rules-PCMC, MR & TP Act-1966, Terms & Conditions of EC, Consents etc.

i. Misleading Information Submitted to the SEAC and SEIAA for obtaining EC

ii. Non-Compliance to the Environment Clearance and Consent to Establish

iii. Illegal dumping of more than 200000 Sq. Mtrs. construction wastes in Indrayani River, Green Belt and STP Reservation Plot.

iv. Illegal Construction of parking complex on mandatory 10% Open Space in total violation of conditions in Environment clearance

v. Top soil is not preserved which is amount to violation of EC condition and also soil pollution is committed

vi. Illegal construction on account of FSI benefits for Stone Quarry for an area admeasuring 8840 Sq. Mtrs is Non-Development Zone

vii. Farce marking of Blue Line and read line on DP plan to provide illegal help for project construction in blue line

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viii. Illegal Construction in Blue Line

ix. Only 489 trees planted against 1300 trees promised in EC and its amounts to violation

x. Illegal Acquisition of STP reservation land by PCMC that comes under blue line area and part of river and PCMC is giving illegal benefits in terms of TDR

xi. Illegal of Construction **Ghat** in green belt and blue line of Holy River Indrayani

xii. Illegal increase in Ground Coverage Area as against 15985.24 Sq. Mtrs

xiii. Illegal installation of the RMC plant at site and carrying out operations without due permission from the MPCB

xiv. Violation of Non-Agricultural Permission

xv. Intentional Blindness of PCMC, Irrigation / Water Resource Department And Mining Department-Collector Pune on Account of Intentional Negligence And damaging Mother Nature

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xvi. Nala No. 23 shown on Irrigation Plant and passing from the project land is completely closed by dumping of construction waste

xvii. Reservations Affected by Blue Line in the various Rivers passing through the jurisdiction of PCMC and these reservations needs to be relocated out of Blue Line Area to avoid the damage to environment and ecology.

6. Details of Land ownership and Title, Deduction of Reservations and Non-Development Areas of Gut No. 90:

- It is to be noted that, it is important to understand the land ownership, title, reservation details, non-development areas before dealing with the allegations/ defects / illegalities / violations/ cheatings / frauds stated above;
- That the total area of the Gut No. 90 (Old Survey No. 27 & 29) of Village- Chikhali, Tal- Haveli, District- Pune is 231000 Sq. Mtrs.
- Out of the said total Land 7900 Sq. Mtrs. is the Pot-Kharaba (Non-development Zone).

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Ph.No. 020-24430617

- Then only land area admeasuring 223100 Sq. Mtrs. will remain for any further transfer or development.

Table No. 1: - Land Ownership as per Various Agreements

Sr. No.	Reg. No.	Reg. Office	Date	Purchaser	Area
1	821/ 2009	HVL-5	13.02. 2009	A. Dilip Choradiya B. Vijayalaxmi Developers	57750
2	824/ 2009	HVL-5	13.02. 2009	A. Dilip Choradiya B. Vijayalaxmi Developers	57750
3	3619/ 2010	HVL-5	06.04. 2010	Vijayalaxmi Developers	32750
4	3621/ 2010	HVL-5	06.04. 2010	Vishal Associates (Green Belt)	13000
5	4318/ 2010	HVL-5	12.05. 2010	Vijayalaxmi Developers	32750
6	4320/ 2010	HVL-5	12.05. 2010	Dilip Choradiya	21000
	Total Land belongs to Vijaya-Laxmi, Vishal Associates and Dilip Choradiya (Including Pot-Kharaba-7900 Sq. Mtrs.)				**215000**
7	2146/ 2009	HVL-5	13.04. 2009	Sapana Vikas Sane	4000
8				More Family	4000
9				Sane Family	100
10				Sane Family	7900

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- An area admeasuring 464.511 Sq. Mtrs & 100 Sq. Mtrs. have been leased out to MSEDCL for electric sub-station vide agreement no. 9190/2011 (Haveli-5), 10327/2012 (Haveli-1) and this area shall be deducted from total area for the project. But the

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project proponent has claimed & Utilized FSI of the leased out land and committed fraud up on PCMC.

Table No. 2: - Total Plot Area Statement as per Sanction No. BP/Chikhali/56/2014 Dated 26.09.2014

Sr. No.	Description	Area in Sq. Mtrs.
1	Total Plot Area	231000.00
	Deductions	
2	Green Belt	42934.69
3	STP Reservation 1/130	42747.07
4	24 M WD DP Road(East)	727.92
5	**Balance Plot Area**	144590.32
6	**Area As Per P.O.A.**	143500.00
7	**Deduct Owners Plot**	13000.00
8	**Balance Plot Area**	130500.00
	Reservations	
9	Resv. No. 1/133 Secondary School	2486.59
10	Resv. No. 1/137 Play Ground	222.83
11	Resv. No. 1/134 Shopping & Market	999.99
12	Resv. No. 1/135 Parking	24.48
13	Resv. No. 1/131 Primary School	4000.00
14	Resv. No. 1/132 Maternity Hospital	1000.00
	DP Roads	
15	18 M WD DP Road(North)	21240.56
16	18 M WD DP Road(South)	856.20
17	24 M WD DP Road(South)	3110.55
	Total Deduction	33941.20
18	Gross Plot Area	96558.80

- Take note that, the non-development area of stone quarry 8840 Sq. Mtrs is not deducted from this area statement by project proponent and also

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PCMC has neglected to deduct this non-development area, reasons best known to them. But this negligence smells corruption going on in the local authority like PCMC is at the pick and PCMC is not able to protect the interest of its citizen.

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Table No. 3: - Area Statement as per PCMC Sanction

	Sanction No.	2/2011	23/2012	56/2014	122/2016	/2017
	Description	24.2.2011	6.9.2012	26.9.2014	10.11.2016	
1	Area of Plot	124000	135000	130500	130500	131000
2	Deduction for					
	(a). Road Set back					
	(b). Proposed Road	24367.06	25207.31	25207.31	25207.31	25207.31
	(c). Any Reservation	8733.89	8733.89	8733.89	8733.89	8733.89
	(d). NDZ Area					
	(e). Encroachment Area					
	(f). Others					
	Total (a+b+c+d+e+f)	33100.96	33941.20	33941.20	33941.20	33941.20
3	Balance Area Of Plot (1-2)	90899.05	101558.80	96558.80	96558.80	97058.81
4	Deduction For					
	(a). Amenity Space	4945.12	5077.95	5077.95	5077.95	4852.94
	(b). Open Space	9089.92	10155.89	9655.90	9655.90	9705.88
	Physical OS Provided					
	(c). Internal Road Area	0	2994.38	2994.38	2994.38	3090.38
5	Net Area Of the Plot (3-4)	76864.01	83330.57	78830.57	78830.57	79409.61
	Perm. Ground Coverage 20%	15372.80	16666.11	15766.12	15766.12	15881.92
	Ground Coverage Used	2292.04	9322.66	12848.50	13389.13	13030.39

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- It is observed from the above area statement, that PCMC & project Proponent has neglected to deduct the stone quarry area of non-development zone.
- At this stage it is important to deduct Area of 8840 Sq. Mtrs. for Stone Quarry as Non-development Zone from the available plot area and following actual area statement will arrive.

Table No. 4: - Actual Area Statement after deduction of Non-Development Area of Stone Quarry

	Description	Area in Sq. Mtrs.
1	**Total Area of Gut No. 90**	**231000**
2	Deduct Green Belt	42934.69
3	Deduct STP Reservation	43299.37
4	Deduct 24 Mtrs. DP Road (Blue Line Affected)	693.75
5	Deduct 18 Mtrs. DP Road (Blue Line Affected)	3152.87
6	Deduct Stone Quarry/ NDZ	8840
7	Deduction for Owners Plot	13000
8	**Total Deduction**	**111920.68**
9	**Balance Area of Plot for Development**	**119079.32**
10	Deduction for	
	(a). Road Set back	0
	(b). Proposed Road	22054.44
	(c). Any Reservation	8733.89
13	Total (a+b+c)	30788.33

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14	**Available Balance Area Of Plot**	**88290.99**
15	Deduction For	
	(a). Amenity Space (As Per PP)	4852.94
	(b). Open Space (As Per PP)	9705.88
	(c). Internal Road Area	3090.38
16	Available Net Area Of the Plot	70641.68
17	Perm. Ground Coverage 20%	14128.34
18	Ground Coverage Used (Buildings: 13030.39 + Open Space A,B, C: 5266.49+2020.92 + Covered Parking: 549.01)	20866.81

- Thus it is clear that, the total area for development is only **119079.32 Sq. Mtrs.** after the deduction of Stone Quarry area, blue line affected area of the road, STP reservation, Green Belt and Owners Plot Area.
- Thus it is clear that, the total net plot area is only 70641.68 Sq. Mtrs. and Project Proponent has illegal claimed net plot area is 79409.61 Sq. Mtrs.
- Thus it is clear that, the total project proponent has illegally constructed ground coverage of 20866.81 Sq. Mtrs. against available 14128.34 Sq. Mtrs. and Project Proponent has illegally claimed 15881.92 Sq. Mtrs.
- Thus it is clear that, the project proponent has intentionally not deducted an area of Stone

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Quarry/NDZ, Blue Line Affected Area of DP Roads etc.

7. Misleading Information Submitted to the SEAC and SEIAA for obtaining EC

-Take note that, the project "River Residency" is undertaken by the joint venture between various firms stated in the registered agreement vide no. 4966/2010 dated 12.05.2010 in the office of Sub-registrar Haveli-8 (Yerwada) and the area of joint venture was 144000 Sq. Mtrs. out of which 4000 Sq. Mtrs was Green Belt Area.

-But Project Proponent has misleaded the authorities by stating that, the total area of the development is 231000 Sq. Mtrs. while obtaining EC.

-Further Project Proponent has misleaded the authorities by stating that, the net plot area of development is 101891.43 Sq. Mtrs.

-Further Project Proponent has misleaded the authorities by stating that, the FSI of 145241.63 Sq. Mtrs.

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-Further Project Proponent has misleaded the authorities by not stating the stone quarry area which is Non-Development Zone and said area of the stone quarry area shall not be considered towards the calculation of FSI, but the Project proponent has not deducted an area of 8840 sq. Mtrs. of stone quarry and played fraud on PCMC, Public and Authorities.

-Further Project Proponent has misleaded the authorities by not stating the area affected by the blue line of the Indrayani River and taken illegal benefits of the FSI of Blue Line Area.

Further Project Proponent has misleaded the authorities and made construction of building "G to L, P, N1, N2" and proposed to construct building N3 and N4. In fact project proponent has dumped the huge quantity of construction waste in the Indrayani River to manipulate the actual marking of the Blue Line & Red Line marking.

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8. Non-Compliance to the Environment Clearance and Consent to Establish

- It is to be noted that, the EC was obtained by PP vide No. SEAC-2011/CR.620/TC.2 dated 07.11.2011 by misleading and suppressing the actual facts from the authorities and further PP has violated the major terms & condition of the said EC as stated below;
- **Disposal:-**
- Construction debris shall be used for back filling and leveling of the plot and remaining will be disposed to authorized sites.
- Top soil shall be preserved and reused within site for landscaping.

- **Energy Conservation**
- Use of fly ash bricks & pavement blocks
- Green boundary wall instead of stone wall

- **Green Belt Development**
- Ground Coverage area: 15985.24 Sq. Mtrs.
- Green Cover Area: 10543.80 Sq. Mtrs.
- Total 1300 no. of trees to be planted

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- **3(xi)** All the topsoil excavated during construction activities should be stored for use in horticulture / landscape development within the project site.
- **3(xiii)** Green Belt Development shall be carried out considering CPCB guideline including selection of plant species and in consultation with the local DFO/ Agriculture Dept.
- **3(xiv)** Disposal of muck during construction phase should not create any adverse effect on the neighboring communities and be disposed taking the necessary precautions for general safety and health aspects of people, only in approved sites with the approval of competent authority.
- **3(xv)** Soil and ground water samples will be tested to ascertain that there is no threat to ground water quality by latching of heavy metals and other toxic contaminants.
- **3(xvi)** Construction spoils, including bituminous material and other hazardous materials must not be allowed to contaminate watercourse and dump sites for such material must be secured so that they should not leach into the ground water.

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- **3(xvii)** Any hazardous waste generated during construction phase should be disposed of as per applicable rules and norms with necessary approvals of the Maharashtra Pollution Control Board.
- **3(xxvii)** The ground water level and its quality should be monitored regularly in consultation with Ground Water Authority.
- **3(xxix)** Local body should ensure that no occupation certification is issued prior to operation of STP/ MSW site etc. with due permission of MPCB.
- **3(xxx)** Permission to draw ground water shall be obtained from the competent Authority prior to construction / operation of the project.
- **3(xlviii)** The project management shall advertise at least in two local newspapers widely circulated in the region around the project, one of which shall be in Marathi language of the local concerned within seven days of issue of this letter, informing that the project has been accorded environmental clearance and copies of clearance letter are available with the

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Maharashtra Pollution Control Board and may also be seen at Website at https://envis.maharashtra.gov.in.

- **3(l)** A copy of the clearance letter shall be sent by proponent to the concerned Municipal Corporation and the local NGO, if any, from whom suggestions/ representation, if any, were received while processing the proposal. The clearance letter shall also be put on the website of the company by the proponent.
- **3(lii)** The project proponent shall also submit six monthly reports on the status of compliance of the stipulated EC conditions including result of monitoring data (both in hard copies as well as by e-mail) to the respective Regional Office of MoEF, respective zonal office of CPCB and SPCB.
- **3(liii)** The environmental statement for each financial year ending 31st March in form-V as is mandated to be submitted by the project proponent to the concerned state Pollution Control Board as prescribed under the Environment (Protection) Rules, 1986, as amended subsequently, shall also

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be put on the website of the company along with the status of Compliance of EC conditions and shall also be sent to the respective Regional Offices of MoEF by e-mail.

- **5.** In case of submission of false document and non compliance of stipulated conditions, Authority/ Environment Department will revoke or suspend the Environmental Clearance without any intimation and initiate appropriate legal action under Environmental Protection Act, 1986.

9. Illegal dumping of more than 200000 Sq. Mtrs. construction wastes in Indrayani River, Green Belt and STP Reservation Plot.

- It to be noted that, the present project site is affected by stone quarry having an area admeasuring 8840 sq. Mtrs. and this information is suppressed by the project proponent and the said non development area is not deducted from the plot area of the project.
- It is to be noted that, the said project site is affected by a green belt area admeasuring

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42934.69 sq. Mtrs. and STP reservation no.130 having an area admeasuring 42747.07 sq. Mtrs. in fact both these areas are part of the river flow and effected by the blue line marking of Indrayani River.

- It is to be noted that, the project proponent has dumped the construction waste material in the Indrayani river even after the complaint of one of Environment Protection Organization namely "Vanrai" on 04.03.2013 and PCMC has neglected to act on the same complaint and supported to the project proponent to dump the construction waste in river.
- That the natural area of Indrayani river more than 86824.80 Sq. Mtrs. is environmentally and ecologically damaged by dumping of construction waste of 3 Meters and the quantity of the said construction waste is more than 200000 Sq. Mtrs.

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10. Illegal Construction of parking complex on mandatory 10% Open Space in total violation of conditions in Environment clearance

- It is important to note that, as per the DC-Rules of PCMC and its approved plan for project, it is mandatory to keep 10% open space for the purpose of recreational development and plantation of trees.
- ***That the said area of the 10% open space area comes to 9655.90 Sq. Mtrs., but the project proponent has illegally constructed raised parking complex on this recreational space.***
- As per the Rule 11.3 of the Development Control Rules for Pimpri-Chinchwad Municipal Corporation,
- *"11.3.1 For land admeasuring 0.3 ha or more, layouts or sub-division or amalgamation proposals shall be submitted..*
- *In any layout or sub-division of land admeasuring 0.20 Ha or more 10%* ***of the entire holding area*** *shall be reserved as recreational space, which shall be as far as possible be provided in one place.*
- *Notwithstanding anything contained in this rule the shape and location of such open space shall be such that it can be properly utilised as playground. No deduction in F.S.I. for Road / Open Spaces shall be*

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made in layout for area between 0.20 Ha to 0.36 Ha. However for the areas above 0.36 Ha deduction shall be made for open space and not for the road for computation of F.S.I."

- It is to be noted that, our Constitution gives right of decent life to every citizen having at least basic facilities to be provided by the developers in their developments. But here the project proponent have intentionally and purposefully committed the contravene the provisions of Law, Acts & Rules with open eyes, in the manner of insulting and challenging the entire systems. It is not possible to take place such type of illegal activity without connivance of the Local Authority i.e. sanctioning officers. Basically the open space is required for the gardening, to plant some trees, so there will be the positive effect on the livelihood by reducing the temperature of surrounding by absorbing of Carbon Dioxide and on other hand the unit purchasers shall have sitting out for enjoyment, kids have play-ground many more purposes of

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Open spaces are classified in the view of decent life.

- On the issue of Recreational Ground, as per Hon'ble Supreme Court order in SLP (Civil) No. 33402/2012 dated 25.07.2013 observed that.
- **"(A) The problem concerning reduction in the recreational area at the ground level:-**
- *10. Having dealt with the actual controversy between the parties which led to this SLP, we deem it proper to take cognizance of a few important issues, which arose in the course of this proceeding concerning the impact of excessive construction and higher FSI on the urban environment. The concept of Floor Space Index (FSI) implies the buildable potential of a plot of land. The FSI to be allowed must take into consideration the availability of civic infrastructure including open spaces, transport facilities, requirements for protection against fire, and water supply and sewerage as well as electricity. An increase in FSI is likely to result into an increase in the density of population. FSI has an important bearing on the quality of urban life. A*

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relaxation of FSI norms or, as the case may be, an enhancement of FSI by urban planners cannot be removed from the issue of adequacy, or as the case may be, inadequacy of civic services.

11. The requirement of keeping open spaces at the ground level should be read in this context. The recreational areas and greens in the multi-storied buildings have to be scrupulously safeguarded. The problem with the existing Municipal and Town Planning statutes is that they factor only two out of the three compelling needs. The first need is that of increasing housing stock – which is undeniable. The second need is that of keeping recreational areas for residents. The third entirely different and equally, if not more compelling, is the need to assess the sustainable capacity of the city and to balance the development with this capacity. The principle of sustainable development which has been construed by this Court as an integral part of Article 21 of the Constitution deserves to be applied to town and urban planning throughout the country. This requires a thorough assessment of the

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environmentally sustainable capacity of every city/urban area. The preparation of Master Plan/Town Planning Schemes has to be made keeping in view the issue of sustainable capacity of the particular city/urban area.

12. Clause 23 of DCR for Greater Mumbai lays down the minimum requirement for providing the recreational ground. The area to be retained as recreational ground varies depending upon the size of the plot. The present position under the DCR is as follows:-

(i)	*Area from 1001 SQ.M. to 2500 SQ.M.*	*15 per cent*
(ii)	*Area from 2501 SQ.M. to 10,000 SQ.M.*	*20 per cent*
(iii)	*Area above 10,000 SQ.M.*	*25 per cent*

13. In the present case, we find that as per the approved plan, the recreational space available at the ground level is only 7.7% of the area of the plot and respondent No.1 has accordingly raised construction. The respondents' plea, which appears to have been accepted by the Corporation, is that under DCR 38(34) the recreational area can be provided on the podium. We may add that since the

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petitioners and respondents have arrived at a settlement, we do not propose to go into this issue with respect to the construction of the respondent. We are, however, surprised that the Municipal Corporation did not look into the reduction in the recreational area at the ground level very seriously, probably because the rule permits recreational space on the podium. If this is treated as a correct interpretation, then it is quite possible that the recreational area left at the ground level could simply be zero. It may leave no space on the ground floor for the residents/occupants of the apartments constructed in the particular building, and that will have serious adverse impact on the right to life not only of the residents / occupants of the apartments but also of the people in the adjoining areas because all of them will have to only fall back on the public parks or play grounds and gardens for their minimum recreational requirements. When the cities are overcrowded, the roads are narrow and the traffic is increasing, the situation will be extremely hazardous for the children and senior citizens. There

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will be no greens in the buildings and the people will always crave for fresh and pure air. The buildings without greens will add to the ever increasing temperature of the overcrowded cities and urban areas. To put it differently, all constructions without adequate green and recreational areas will have serious impact on the environment and human life. If the recreational area is on 20th or 40th floor, the residents of the apartments may be able to access the same only through an elevator and that could never be a substitute for any such activity at the ground level."

- **OBSERVATIONS OF HON'BLE SUPREME COURT IN CIVIL APPEAL NO. 11150 OF 2013 DATED 17 DECEMBER 2013 (@ OUT OF SLP (CIVIL) NO. 33402/2012)**

- In Para. 27 of the Judgment, "the requirement of having trees and open land around them is necessary from an environmental point of view, since there is already excessive concretization, and a very serious reduction in open spaces at the ground level. It must be noted that the right to a

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clean and healthy environment is within the ambit of Article 21, as has been noted in **Court on its Own Motion v. Union of India** reported in 2012 (12) SCALE 307 in the following words:-

- *"The scheme under the Indian Constitution unambiguously enshrines in itself the right of a citizen to life under Article 21 of the Constitution. The right to life is a right to live with dignity, safety and in a clean environment."*
- The right to a clean and pollution free environment, is also a right under our common-law jurisprudence, as has been held by this Court in **Vellore Citizen's Welfare Forum v. Union of India and Ors** reported in (1996)5SCC647 where this Court held:-
- *"The Constitutional and statutory provisions protect a persons right to fresh air, clean water and pollution free environment, but the source of the right is the inalienable common law right of a clean environment."*
- In the same judgment the Court emphasized the importance of **Sustainable Development,** and the

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need for a balance between development and ecological considerations, in the following words:-

- *"The traditional concept that development and ecology are opposed to each other, is no longer acceptable.... 'Sustainable Development' is the answer...Sustainable Development as defined. by the Bryndtland Report means "development that meets the needs of the present without compromising the ability of the future generations to meet their own needs". We have no hesitation in holding that "Sustainable Development' as a balancing concept between ecology and development has been accepted as a part of the Customary International Law though its salient features are yet to be finalised by the International Law jurists."*

- 28. Therefore, after reflecting upon the legal position, we are clearly of the opinion that having 15%, 20% or 25% of the area (depending upon the size of the lay-out) as the recreational/amenity area at the ground level is a minimum requirement, and it will have to be read as such.

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We therefore answer the issue no. 1 by holding that it is not permissible to reduce the minimum recreational area provided under DCR 23 by relying upon DCR 34). However, if the developers wish to provide recreational area on the podium, over and above minimum area mandated by DCR 23 at the ground level, they can certainly provide such additional recreational area.

11. **Top soil is not preserved which is amount to violation of EC condition and also soil pollution is committed**

- It is important to note that, the soil from top layer shall be preserved and utilized for the development of recreational spaces and tree plantation. But the project proponent has constructed the parking complex on the 10% open spaces and there is plantation of the tree as directed by the environment department in the EC.
- By dumping of the construction waste in the river and green belt, project proponent has covered the soil and damaged the soil with construction waste.

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- That the Area of the plot as stated by the Project proponents is 215000 Sq. Mtrs. & the area of the stone quarry is 8840 Sq. Mtrs. so the total area is 206160 Sq. Mtrs. and the soil layer on project site 2.5 Mtrs. and therefore the total soil quantity damaged is **515400 Cu. Mtrs.**

12. Illegal construction on account of FSI benefits for Stone Quarry for an area admeasuring 8840 Sq. Mtrs is Non-Development Zone

- It is important to note that, the project site is having the stone quarry of an area admeasuring more than 8840 Sq. Mtrs. as per goggle earth plan and same quarry area is shown as the part of the development as shown on the PCMC approved plan and same quarry area is nothing but the non-development area and same area shall be deducted from the total area of development.
- It is important to note that, the Project Proponent has not deducted this stone quarry area from the total plot area for development like green belt area, STP reservation area etc.

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- On the contrary, the project proponent has played fraud by claiming the FSI of stone quarry by not deducting from the total area and cheated the PCMC.
- Further it is important to note that, the construction carried out by 8840 Sq. Mtrs. is completely illegal & also caused to damage environment & ecology and there are no legal provisions to use this FSI on non-development area and this attract penal action on Project Proponent as well as errant officers of PCMC.
- Thus it is important to deduct the said area from the development area under taken by the project proponent and it is also necessary to demolish the illegal structure constructed on account of this stone quarry.

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13. Farce marking of Blue Line and red line on DP plan to provide illegal help for construction in blue line

- It is important to note that, it is very clear that the blue line marking by irrigation department at gut

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no. 90 is totally false and shifted towards the river side only in view to help the project proponent.

- In fact the blue line marking on the gut no. 84 & 85 was required to be straight passing though the gut no. 90 as per the site condition. And made construction of building "G to L, P, N1, N2" and proposed to construct building N3 and N4. In fact project proponent has dumped the huge quantity of construction waste in the Indrayani River to manipulate the actual marking of the Blue Line & Red Line marking.
- That there was natural depth in the gut no. 90 in the part of Indrayani River and same deep area is made rise by height of 4 Mtrs from the river level at which dump of construction waste which is thrown.
- Due to this dumping of construction waste & stone quarry waste, actual blue line marking is also diverted.

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14. Illegal Construction in Blue Line

- It is important to note that, as per the Government of Maharashtra Resolution for Prohibition of Construction in Blue Line- 198FPW/1089/243/89/Sl. VYA. (KAME), Dated 21.9.1989, no construction is permitted in the blue line.
- But the project proponent has managed the false blue line marking with help of irrigation department and blue line is shifted towards the river side to legalise its constriction.
- PCMC is well aware of this facts of blue line marking and entire STP reservation No. 1/130 & 18 Mtrs DP road is affected by the blue line and it is the part of river, even then the PCMC is accepting the possession of blue line affected reservation from Mr. Dilip Choradiya on account of TDR and other benefits.
- Also the National Green Tribunal in its various Judgments has issued clear cut directions regarding restriction of non development in blue line.

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- This act of PCMC to purchase the river is nothing but clearly illegal and attracts the penal action of fraud and cheating to the government and in this case the PCMC- Commissioner shall take serious action against "errant officers of Urban Development Department of PCMC and the project proponent like Iswar Parmar and Dilip Choradiya for committing such fraud on the government.
- It is important to cancel the documents executed to take possession of the blue line affected reservation and DP road and not to carry any construction on such blue line affected area and further not to issue any benefits to the project proponents on any account.
- Thus the construction carried out building "G to L, P, N1, N2" and proposed to construct building N3 & N4 along with STP reservation development & 18 Mtrs DP road is completely illegal and damaging the environment and ecology.

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15. Only 389 trees planted against 1300 trees promised in EC and its amounts to violation

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- As per the Environment clearance no. SEAC-2011/CR.620/TC.2 dated 07.10.2011, the project proponent was promised to plant 1300 trees for development of green belt, but only 389 trees have been planted by the project proponent and also the planted tress area not in state to be alive for long.
- That the project proponent has made construction of the parking complex on the 10 % mandatory open space. And no space for tree plantation is remaining.

16. Illegal Acquisition of STP reservation land by PCMC that comes under blue line area and part of river and PCMC is giving illegal benefits in terms of TDR

- That the reservation no. 1/130 for the STP is having total area of 50000 Sq. Mtrs. and out of which 42747.07 sq. Mtrs. is on part of the project proponents from Gut No. 90 of present development under various violations.
- That the entire reservation is affected by the blue line marking of the Indrayani River and also as per

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the site condition also that the said reservation is clearly & completely part of the river. In any circumstances, this reservation area is not able to develop for any purpose.

Table 5: - Total Blue line Affected Area acquired by PCMC from the present Project Proponent

Agreement	STP	18 Mtr DP Road	24 Mtr DP Road
3056/2016 (Haveli-5) 05.04.2016	8294.87 Sq. Mtrs.		66 Sq. Mtrs.
574/2017 (Haveli-5) 23.01.2017	34934.50 Sq. Mtrs.		627.75 Sq. Mtrs.
3658/2017 (Haveli-5) 26.05.2017		3152.87 Sq. Mtrs.	
Total	**43299.37 Sq. Mtrs.**	**3152.87 Sq. Mtrs.**	**693.75 Sq. Mtrs.**

- Thus the PCMC intentionally providing illegal benefits of an area admeasuring 43299.37 Sq. Mtrs, on account of STP, 3152.87 Sq. Mtrs. on account of 18 Mtrs DP road, 693.75 Sq. Mtrs on account of 24 Mtrs. DP Road to the project proponent on account of purchase of river area,

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which is non development zone and affected by the blue line of the Indrayani river.

17. Illegal of Construction River Ghat in green belt and blue line of Holy River Indrayani

- That the project proponent has made the illegal construction of the Ghat in the river on an area admeasuring more than 8000 sq. Mtrs. for the enjoyment.
- That the said illegal construction of ghat has made the substantial water pollution of the river
- That the project proponent has made encroachment in the river for construction of this Ghat.
- As project proponent has carried out the substantial construction of ghat in the river with the help of PCMC officers and it can be observed from act of blindness played by irrigation department as well as PCMC officers.

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18. Illegal increase in Ground Coverage Area as against 15985.24 Sq. Mtrs

- It is clear from the table No. 4 as stated above, that the total project proponent has illegally constructed ground coverage of 20866.81 Sq. Mtrs. against available 14128.34 Sq. Mtrs. and Project Proponent has illegally claimed 15881.92 Sq. Mtrs.
- In fact this illegal ground coverage area is affecting the rain water harvesting and its resulting in the ground water damage & continues decrease in the water level.

19. Illegal installation of the RMC plant at site and carrying out operations without due permission from the MPCB

- It is to be noted that, the Project Proponent has illegally installed the Ready Mix Plant for the construction of the said project without prior permission from the Pollution Control Board.
- That the project proponent has not fallowed the norms of pollution control board and given rise to Air Pollution, Noise Pollution, Dust Pollution, Water Pollution etc.

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- That the project proponent has admitted in his application for revised EC that, he has carried out construction of BUA 199000 Sq. Mtrs.
- For construction of 199000 Sq. Mtrs, the quantity of RMC product concrete is 30327.6 Cu. Mtrs.
- It is clear that, the Project proponent has substantially damaged the environment by illegal operation of RMC Plant.

20. Violation of Non-Agricultural Permission

- As per the NA Order no. PMA/NA/SR/872/10 dated 18.05.2011, total land proposed for NA permission is 215000.00 Sq. Mtrs.
- But collector Pune after verification of documents and land records, plans sanctioned by PCMC and after deduction of the reservations, other Non-development areas only an area 124000.00 sq. Mtrs. was considered for NA Permission.

Table 6: -

Gut No.	Area (Sq. Mtrs.)
90 (p)	124000
Total Area	124000
Sanctioned Area In Layout	124000

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(-) Road Area	24367.06
(-) Reservation Area	8733.89
Residential Use Area	90899.05

- It is to be noted that, in terms & condition No. 1 of NA, clearly speaks that out of 124000 Sq. Mtrs. only Built-up area 13484.75 sq. Mtrs. is sanctioned by said NA order.
- Further condition No. 3, clearly state that, the applicant shall made the use of building only for the purpose for which this permission is granted. In fact the NA permission was granted for the residential purpose, but the applicant project proponent has constructed commercial buildings and 39 shops also in violation of this NA order.
- Thus following violations of NA permissions are observed;
- Area considered by NA permission was 124000 sq. Mtrs. but project proponent has made construction on 131000 sq. Mtrs. without obtaining any amendment in NA order. and it amounts to violation.

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- Area considered by NA permission was 124000 sq. Mtrs. but project proponent has made construction on 131000 sq. Mtrs. without obtaining any amendment in NA order. and it amounts to violation.

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- NA permission has granted only for residential purpose but the project proponent has constructed commercial buildings for 39 shops and also PP has commenced it use illegally and its amount to violation of NA permission.
- Total BUA sanctioned is only 13484.75 sq. Mtrs. but project proponent has carried out the construction of 199000 sq. Mtrs. (as admitted by PP in its revised application for EC) and its clear cut violation of NA Permission.
- Further it is important to note that, the project proponent has suppressed the area 8840 Sq. Mtrs. of stone quarry and this area of stone quarry is nothing but the non development area and shall be deducted from the 124000 sq. Mtrs. but the project proponent as well as collector Pune has intentionally overlooked such NDZ area from the layout and gave illegal benefits to the project proponent.
- Further it is to be noted that, it seems that the stone quarry was illegal and collector Pune has intentionally negated to put heavy fine for such

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illegal exaction of minor minerals and caused loss to the Government.

- Collector Pune also not made the site survey and allowed project proponent to damage the Holy Indrayani River by encroaching in river and allowing construction waste dumping in the river.
- Thus the project proponent has violated the NA Permission, illegal enjoyed benefits of stone Quarry Area, made construction in blue line by managing the false making of blue line, dumped huge construction waste in river.

21. Intentional Blindness of PCMC, Irrigation / Water Resource Department And Mining Department- Collector Pune On Account of Intentional Negligence And damaging Mother Nature

A. Illegalities by PCMC:

- PCMC officers intentionally neglected to perform their duties while granting sanctions to this project & carrying out the contraction.
- PCMC committed illegality by Non Deduction of Stone Quarry Area,

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- PCMC committed illegality by accepting Blue line affecting area of STP Reservation Area

- PCMC committed illegality by 18 DP Road Area and issuing TDR on same account,

- PCMC committed illegality by allowing to installed RMC Plant without permission of MPCB.

- PCMC committed illegality by allowing project proponent to construct the Ghat in the Indrayani River.

- PCMC committed illegality by allowing project proponent to dump construction waste in Indrayani River.

- PCMC committed illegality by allowing project proponent to construct parking complex on 10% open Space.

- PCMC committed illegality by allowing project proponent to make misleading area statement, ground coverage.

B. Irrigation / Water Resource Department

- Irrigation Department with connivance of PCMC committed illegality by allowing project proponent to construct the Ghat in the Indrayani River.

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- Irrigation Department with connivance of PCMC committed illegality by allowing project proponent to dump construction waste in Indrayani River.

- Irrigation Department with connivance of PCMC committed illegality on account of false marking of blue line for Indrayani River in gut no. 90.

- Irrigation Department with connivance of PCMC committed illegality by issuing false NOC project proponent to carry out construction in blue line marking of Indrayani River.

- Irrigation Department with connivance of PCMC committed illegality by neglecting to perform their duties even the construction waste dumping in Indrayani River by project proponent.

C. Collector Pune

- Collector Pune has committed illegality by neglecting to look on the issue of illegal excavation of stone quarry and caused huge loss to environment and also caused loss to government revenue for minor mincrals.

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- Collector Pune has also committed illegalities by not considering deduction of non-development area of stone quarry.

- Collector Pune has also committed illegalities & negligence on account of violation of terms and condition of NA permission by Project Proponent and also not recovered necessary charges from project proponent & caused loss to government revenue.

22. **Nala No. 23 shown on Irrigation Plant and passing from the project land is completely closed by dumping of construction waste**

-It is to be noted that, the Blue Line & Red Line marking plans/ maps released by the irrigation department clearly shows that, there is NALA no. 23 passing through the Gut No. 90.

-But it is very shocking that, the development plans with blue line & red line marking dose not shows any NALA passing through the gut no. 90.

- In fact there was NALA at site created due to the slope zone in the gut no. 90, but the project

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proponent has covered that NALA and land was made plain by dumping the construction waste.

- But the Science and Technology Park Department of PCMC has issued the remark stating that, there no natural NALA passing through the Gut No. 90. And this act clearly shows connivance between the project proponent and the PCMC on account of the Mother Nature.

23. Reservations Affected by Blue Line of various Rivers passing through the jurisdiction of PCMC and these reservations needs to be relocated out of Blue Line Area to avoid damage to environment & ecology.

- It is to be noted that, there are many proposed reservations affected by the blue line marking of Pawana, Indrayani & Mula River passing through the jurisdiction of the PCMC Area.
- It is to be noted that, no construction is permitted in the blue line at any cost, but the PCMC and irrigation (Water Resource) department are neglecting towards such issue of prohibition of

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construction in blue line and acquiring the land coming under blue line for the proposed reservations in view to develop such reservations.

- In fact the no development is allowed in the blue line even though, the acquisition of such blue line affected reservations is clearly pointing towards the negligence of these department for causing to environment and ecology by avoiding principles of sustainable developments.
- That the intention of the PCMC towards the environment protection is seems to be careless and reckless as shown by themselves by acquiring the land from present project proponents for the Sewage Treatment Plant reservation No. 1/130 and proposing such development.
- Thus by this notice, my client would like to brought to the notice of Secretary, UDD-GoM, Secretary, Water Resource/ Irrigation Dept-GoM, Commissioner PCMC, the development undertaken is against the nature and will cause the damage to the environment and ecology.

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- In view to the protect the environment & ecology of the rivers, the following reservations in PCMC area needs to be relocated on the suitable nearest location on urgent basis and related changes to be made in the development plans of the corresponding planning units.

Table No. 7: - List of Reservations Affected By Blue Line marking

Sr. No.	Village	Reservation No	Reservation Name	River	Survey / Gut No.	Area (Hector)
1	Bopkhel	2/162-G	Garden/ Park	Mula	4, 5 (P)	1.30
2	Bopkhel	2/163-ESR	Elevated Service Reservoir	Mula	5, 154 (P)	0.50
3	Bopkhel	2/164-SSP	Sewage Sump & Pump House	Mula	2, 5	0.46
4	Bopkhel	2/165-PS	Primary School	Mula	2, 154	0.40
5	Bopkhel	2/166-CG	Cremation Ghat/ Shed	Mula	5	0.10
6	Charholi	2/62-CS	Cattle Shed	Indrayani	990, 991, 993	2.40
7	Charholi	2/63-BG	Burial Ground	Indrayani	1015, 1017, 1019, 1020, 1021	2.00
8	Charholi	2/64-G	Garden	Indrayani	1022, 1032	0.79
9	Charholi	2/65-CM	Crematorium	Indrayani	Gavthan	0.40
10	Charholi	2/93-STP	Sewage Treatment Plant	Indrayani	14, 15, 16, 17, 21, 22, 24, 25, 26, 27	6.07
11	Charholi	2/93A-STP	Sewage Treatment Plant	Indrayani	32, 33	
12	Charholi	2/94-SH	Slaughter House	Indrayani	29, 30, 35	1.60
13	Chikhali	1/76-SSP	Sewage Sump & Pump House	Indrayani	1564 (p)	0.50
14	Chikhali	1/77-WTP	Water Treatment Plant	Indrayani	1564 (P)	4.91
15	Chikhali	1/79-CS	Cattle Shed	Indrayani	1655/2(P)	2.00
16	Chikhali	1/98-BG	Burial Ground	Indrayani	1636(P)	1.75
17	Chikhali	1/123-CG	Cremation Ghat	Indrayani	Gavthan	0.10
18	Chikhali	1/124-P	Parking	Indrayani	Gavthan	0.05

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19	Chikhali	1/125-G	Garden/ Park	Indrayani	1, 2	1.00
20	Chikhali	1/126-ESR	Elevated Service Reservoir	Indrayani	2, 19, 41 (p)	0.70
21	Chikhali	1/130-STP	Sewage Treatment Plant	Indrayani	90, 91, 92	5.0
22	Dapodi	3/1-G	Garden/ Park	Pawana	27, 28	1.69
23	Dapodi	3/2-SS	Secondary School	Pawana	24, 28, 29	1.52
24	Dapodi	3/3-ESR	Elevated Service Reservoir	Pawana	27, 28	0.40
25	Dapodi	3/4-BG	Burial Ground	Pawana	11, 15, 16, 17, 24, 26	2.54
26	Dapodi	3/5-PG	Play Ground	Pawana	16 to 18	1.40
27	Dapodi	3/6-SS	Secondary School	Pawana	11, 15, 16, 18	2.02
28	Dapodi	3/15-G	Garden/ Park	Pawana	9 to 11, 16	1.39
29	Dapodi	3/16-PS	Primary School	Pawana	11	1.21
30	Dapodi	3/17-PSN	Police Station	Pawana	11	0.05
31	Dapodi	3/18-P	Post Office	Pawana	11	0.06
32	Dapodi	3/19-ZO	PCMC Zonal Office	Pawana	11	0.23
33	Dapodi	3/29-DMH	Dispensary Cum Maternity Hospital	Pawana	85	0.20
34	Dapodi	3/30-PS	Primary School	Pawana	85A (P)	0.40
35	Dapodi	3/31-G	Garden/ Park	Pawana	84, 85A, 85B	2.00
36	Dapodi	3/37-SPG	Swimming Pool and Gymnasium	Pawana	78, 81, 82, 85	0.90
37	Dapodi	3/38-OP	Octroi Post	Pawana	79, 80	0.20
38	Dapodi	3/39-P	Parking	Pawana	80	0.10
39	Dapodi	3/40-CM	Crematorium	Pawana	79, 80, 84	0.37
40	Dudulgaon	1/222-CG	Cremation Ghat	Indrayani	248, 249	0.10
41	Dudulgaon	1/230-SSP	Sewage Sump & Pump House	Indrayani	22, 24	0.50
42	Kiwale	4/137-SSP	Sewage Sump & Pump House	Pawana	96	0.50
43	Kiwale	4/138-CG	Cremation Ghat	Pawana	97	0.08
44	Mamurdi	4/161-CG	Cremation Ghat		7	0.10
45	Mamurdi	4/162-SSP	Sewage Sump & Pump House		9	0.50
46	Moshi	1/168-CG	Cremation Ghat		51	0.35
47	Moshi	1/169-AI	Animal Incinerator		51	0.40
48	Moshi	1/173-RPR	River Front Recreation	Indrayani	89, 90, 91, 93, 94, 145 to 153	2.00
49	Moshi	1/174-SSP	Sewage Sump & Pump House	Indrayani	155 to 160	0.50
50	Punawale	4/60-RFP	River Front Recreation	Pawana	54	2.76
51	Punawale	4/75-BG	Burial Ground	Pawana	3	1.00
52	Punawale	4/74-A&B-STP	Sewage Treatment Plant	Pawana	5	2.00
53	Ravet	4/80-SSP	Sewage Sump &	Pawana	27, 28, 33	0.50

			Pump House			
54	Ravet	4/79-CM	Crematorium	Pawana	17	0.40
55	Talawade	1/74-RPR	River Front Recreation	Indrayani	9 to 14	2.10
56	Talawade	1/75-SSP	Sewage Sump & Pump House	Indrayani	11, 14, 15	0.50
57	Tathawade	1-S&PH	Sewage Sump & Pump House	Pawana	173	0.40
58	Tathawade	2-CG	Cremation Ghat	Pawana	174	0.40
59	Tathawade	6-STP	Sewage Treatment Plant	Pawana	19	1.0
60	Wakad	4/1-SSP	Sewage Sump & Pump House	Mula	4	0.28

24. APPLICATION DATED 03.02.2017 FOR AMENDMENT IN ENVIRONMENT CLEARANCE

- In above circumstances of violations of terms and conditions of previous EC Vide No. SEAC-2011/CR.620/TC.2 dated 07.10.2011, and non-complying to the directions stipulated in the previous EC by project proponent.
- That the Environment Department, SEAC, SEIAA, MPCB are here by invited attentions towards the application dated 03.02.2017 for amendment in EC and to take appropriate decision as per the law as in view that there will not be further damage to environment & ecology as there is serious violation by the project proponent in his building

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construction project and caused the substantial damage to surrounding environment & ecology.

25. ILLEGAL CONSTRUCTION

- It is to be noted that, after study of the project under this notice, it reveals that the project proponent has no sufficient Net Plot Area and FSI to made the construction as he has done and to propose the further construction.
- Even by tentative view that the illegal construction made by the project proponent is near about 200 flats and 4 buildings and this construction is in total violation of the DC rules of PCMC.

26. IF NON-ACTION BY CONCERN AUTHORITY AND FURTHER LEGAL ACTION

Thus all noticee are called upon to take legal action against the Project Proponents as per the law for the violations committed by them and in view to stop further damage and degradation caused by PP to environment and ecology on priority. In addition to that further legal actions against Project Proponent

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needs to be initiated by PCMC for violations of DC rules, MR & TP Act and taking benefits of illegal FSI & TDR of Non-Development zone by misleading the authorities. Failing on part of authorities my client will proceed for further legal recourse without any further notice, which will be very harmful for all concerns. Please take note.

ADV. NILESH K. BHANDARI
BHANDARI & PATEKAR LAW ASSOCIATES

TANAJI BALASAHEB GAMBHIRE

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Enclosures

a. Photographs dated- 15.04.2017
b. Photographs dated- 09.06.2017
c. Google Earth Photos (Annexure-III & IV)
d. Application for Revised EC dated 03.02.2017

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J.C Commerce

Project Site: **"River Villa"** by 1. Jare World, 2. V Square, Gut No. 90 (p), Village-Chikhali, Tal- Haveli, District-Pune

"Entire Project is in Blue flood line of Indrayani River"

Photo-01/08

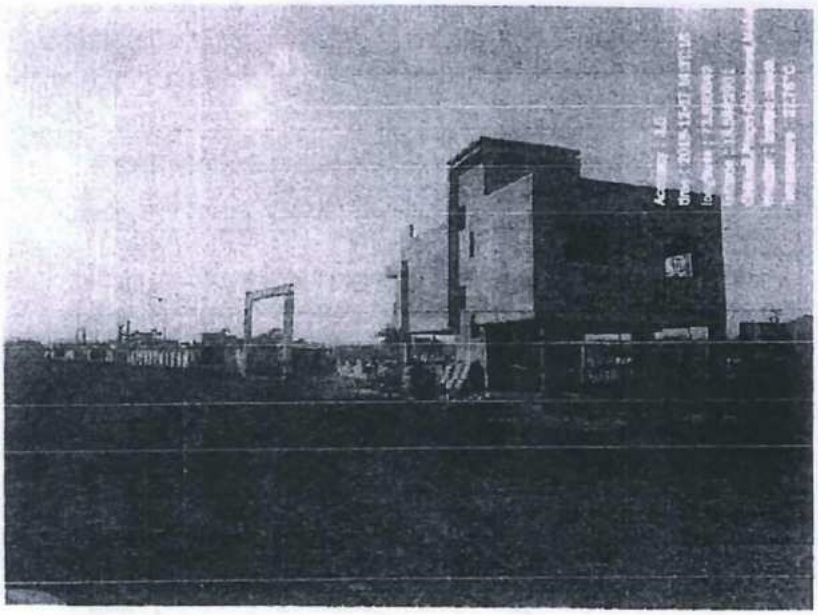
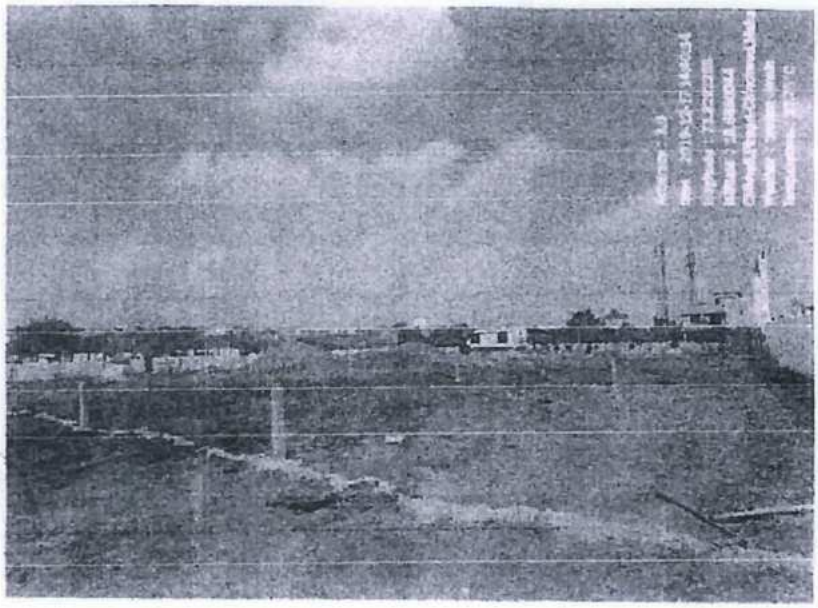


Photo-02/08



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Page 1 of 5

Project Site: "**River Villa**" by 1. Jare World, 2. V Square, Gut No. 90 (p), Village-Chikhali, Tal- Haveli, District-Pune

"Entire Project is in Blue flood line of Indrayani River"

Photo-03/08

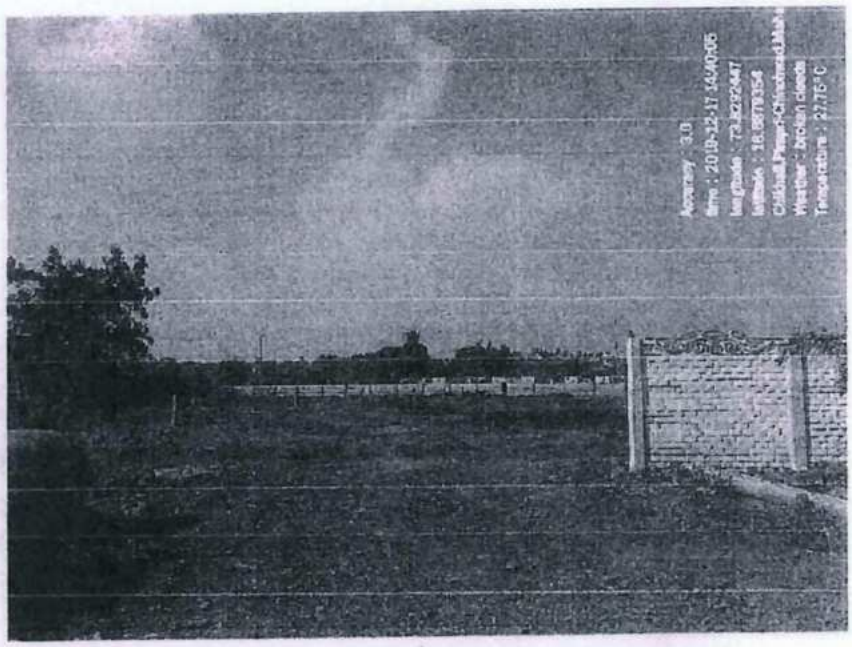
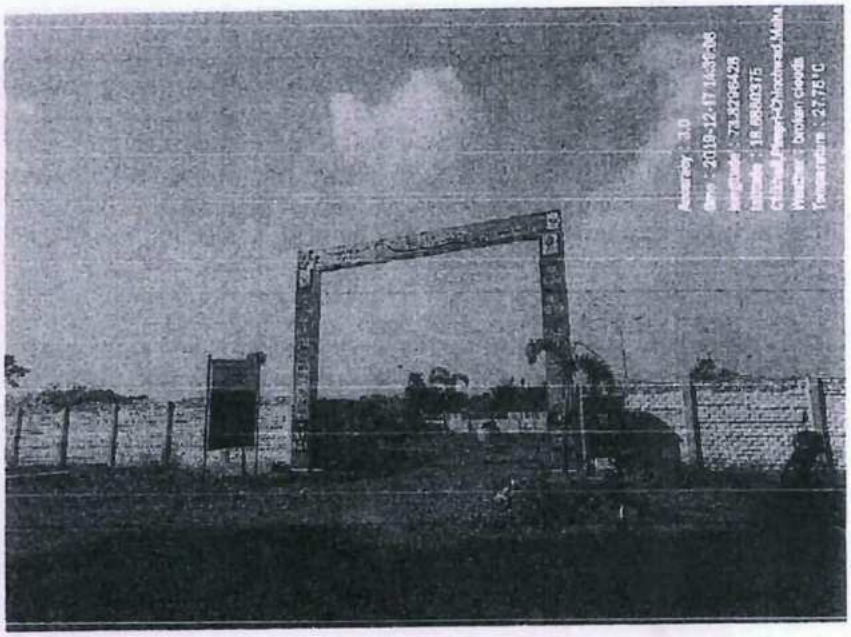


Photo-04/08



Project Site: "**River Villa**" by 1. Jare World, 2. V Square, Gut No. 90 (p), Village-Chikhali, Tal- Haveli, District-Pune

"Entire Project is in Blue flood line of Indrayani River"

Photo-05/08

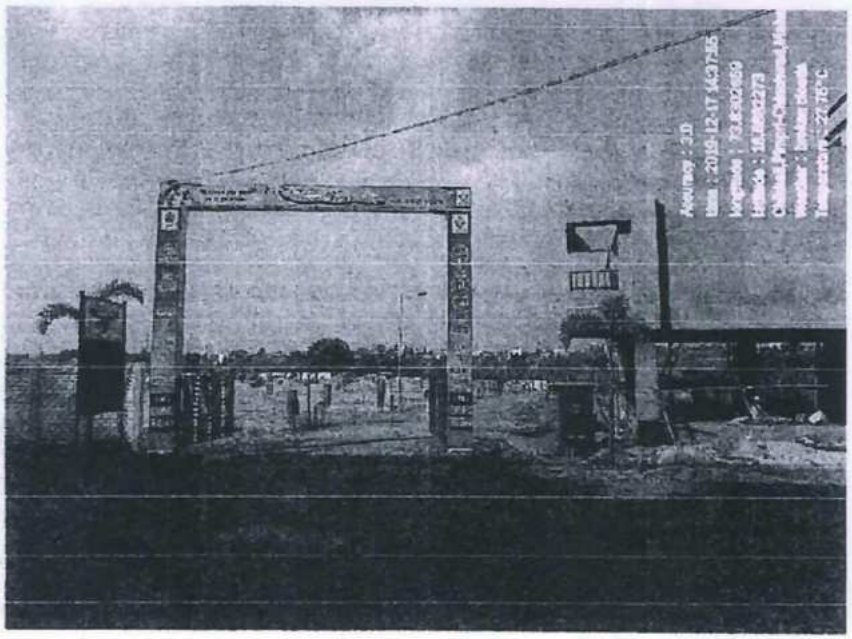
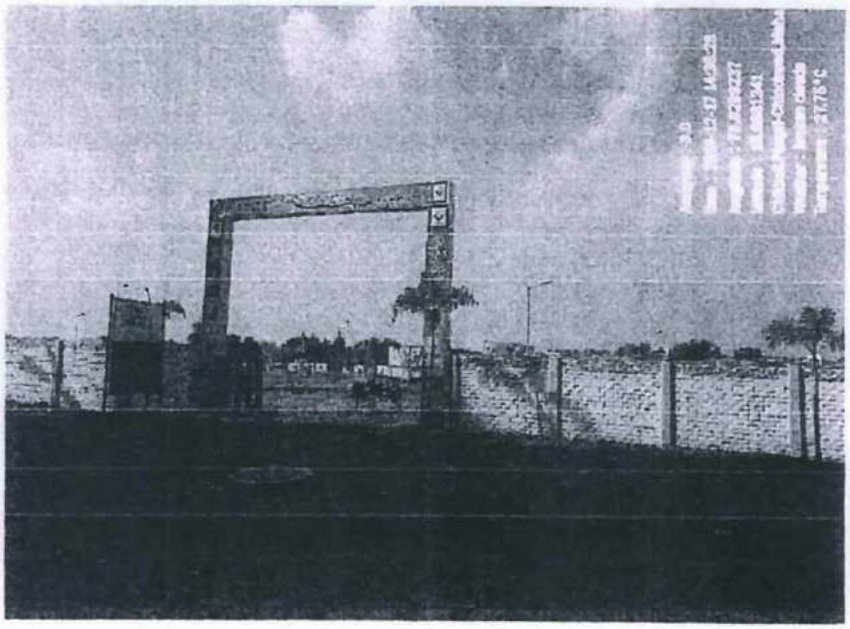


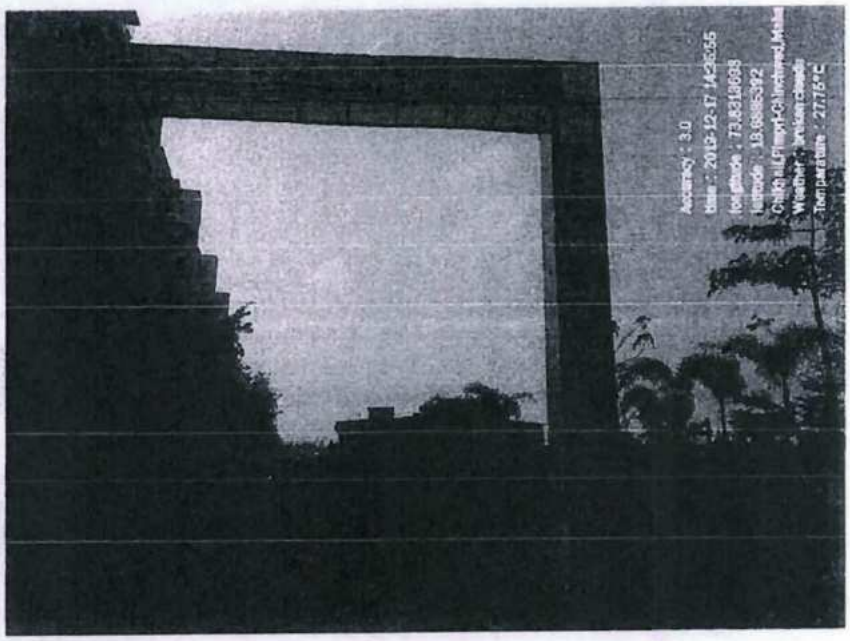
Photo-06/08



Project Site: "**River Villa**" by 1. Jare World, 2. V Square, Gut No. 90 (p), Village-Chikhali, Tal- Haveli, District-Pune

"Entire Project is in Blue flood line of Indrayani River"

Photo-07/08



TRUE COPY

Project Site: **"River Villa"** by 1. Jare World, 2. V Square, Gut No. 90 (p), Village-Chikhali, Tal- Haveli, District-Pune

"Entire Project is in Blue flood line of Indrayani River"

Photo-08/08

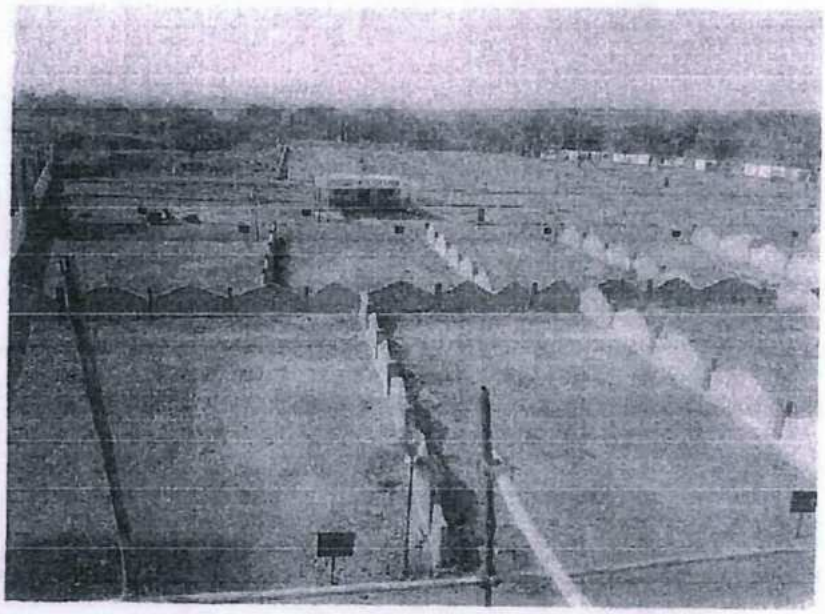


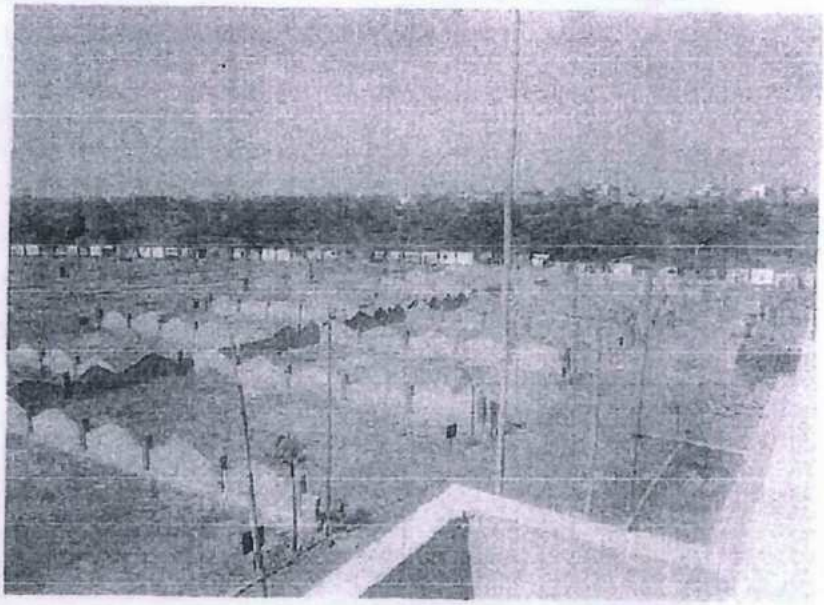
T.C.

Project Site: "**River Villa**" by 1. Jare World, 2. V Square, Gut No. 90 (p), Village-Chikhali, Tal- Haveli, District-Pune

"Entire Project is in Blue flood line of Indrayani River"

Photographs from Facebook Portal:
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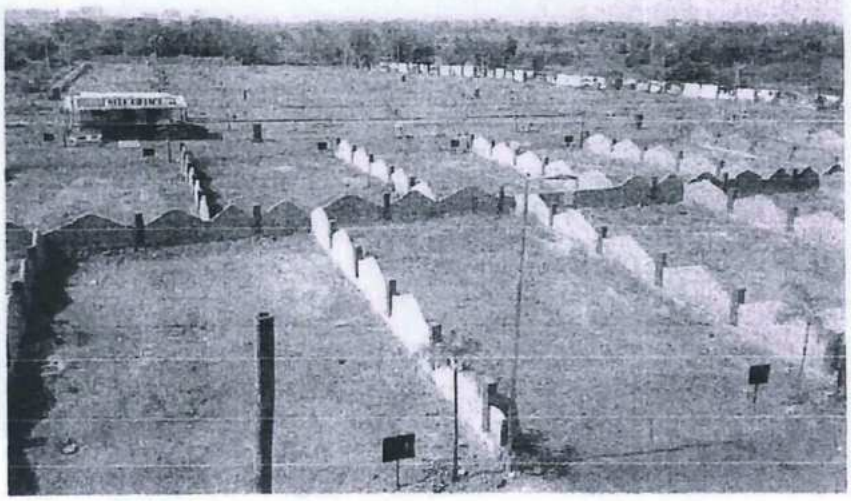
T. C Bommisa

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Project Site: "**River Villa**" by 1. Jare World, 2. V Square, Gut No. 90 (p), Village-Chikhali, Tal- Haveli, District-Pune

"Entire Project is in Blue flood line of Indrayani River"

Photographs from Facebook Portal:
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Project Site: "**River Villa**" by 1. Jare World, 2. V Square, Gut No. 90 (p), Village-Chikhali, Tal- Haveli, District-Pune

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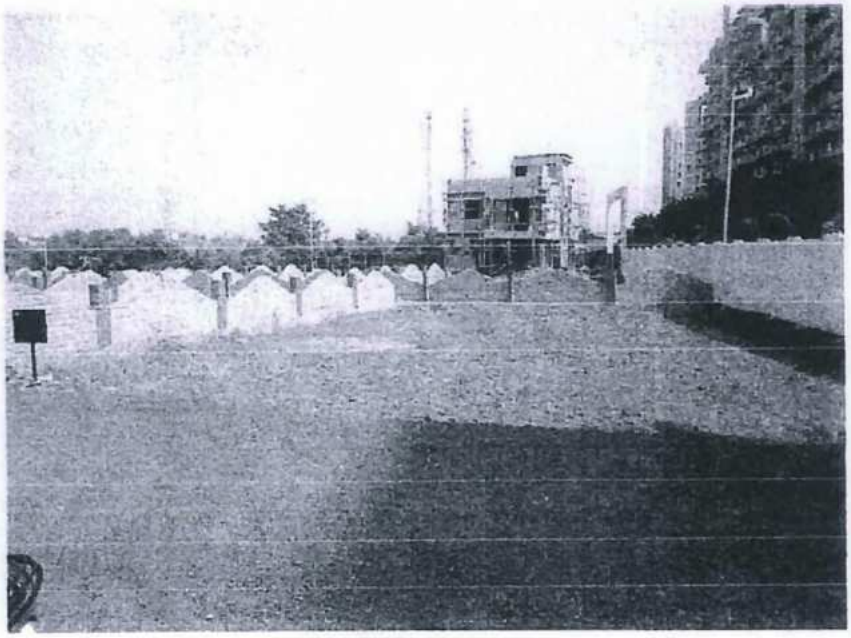


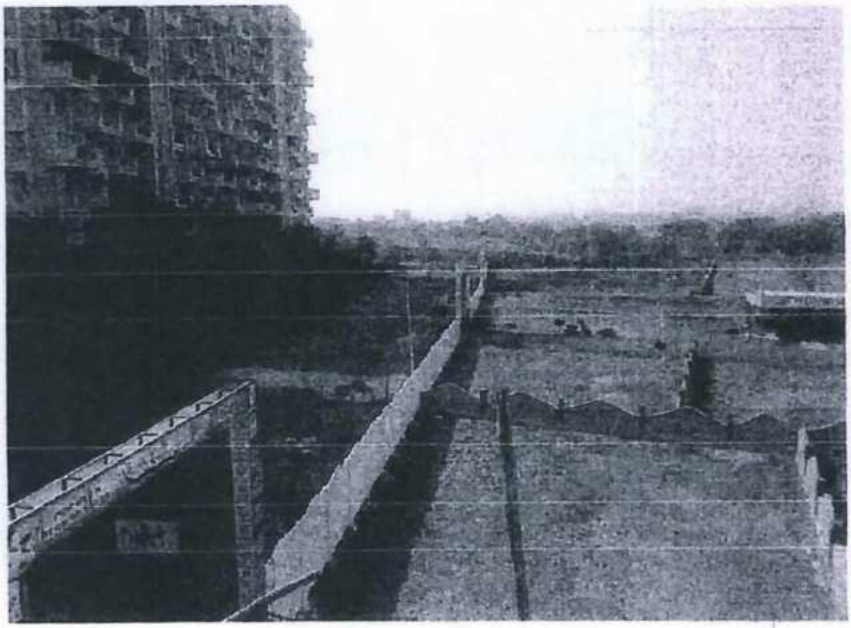
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Project Site: "**River Villa**" by 1. Jare World, 2. V Square, Gut No. 90 (p), Village-Chikhali, Tal- Haveli, District-Pune

"Entire Project is in Blue flood line of Indrayani River"

Photographs from Facebook Portal:
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Project Site: "**River Villa**" by 1. Jare World, 2. V Square, Gut No. 90 (p), Village-Chikhali, Tal- Haveli, District-Pune

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Photographs from Facebook Portal:
"https://www.facebook.com/media/set/?vanity=jareworld&set=a.23107 38055699992"





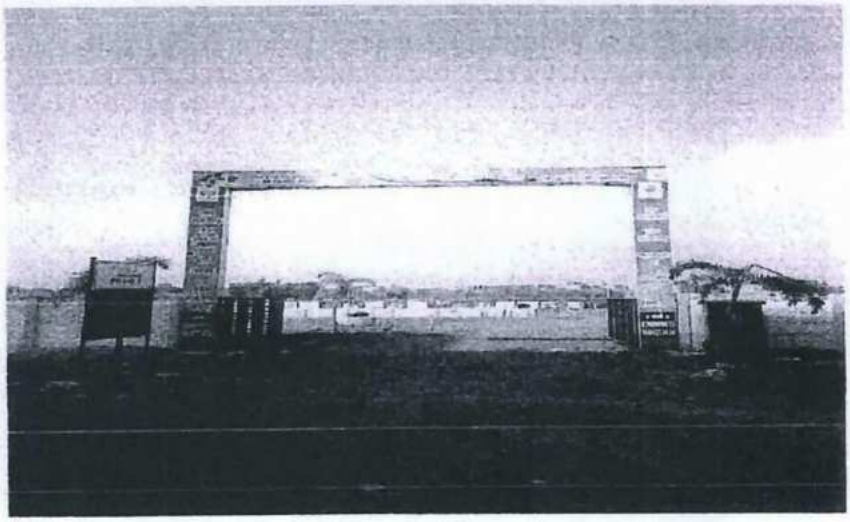
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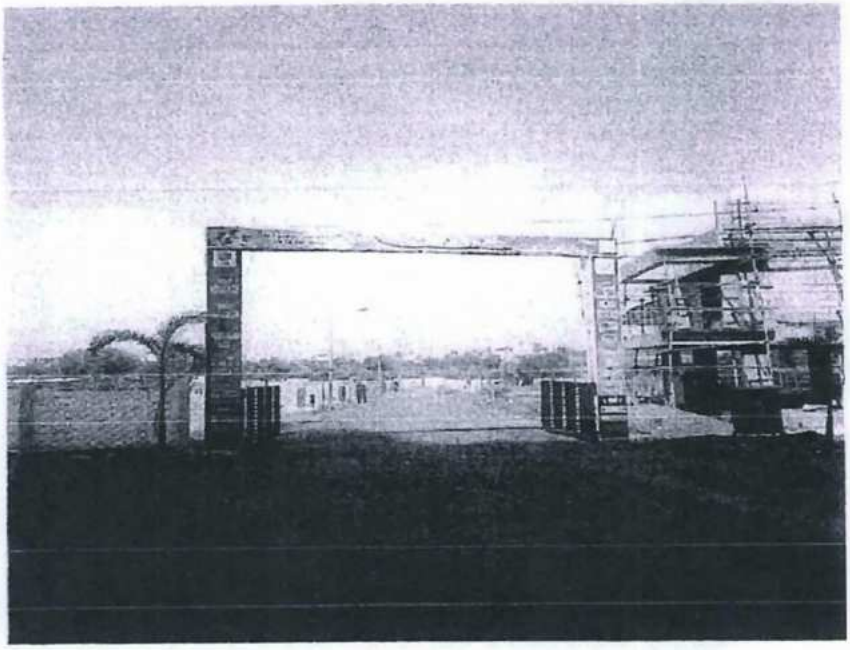
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"Entire Project is in Blue flood line of Indrayani River"

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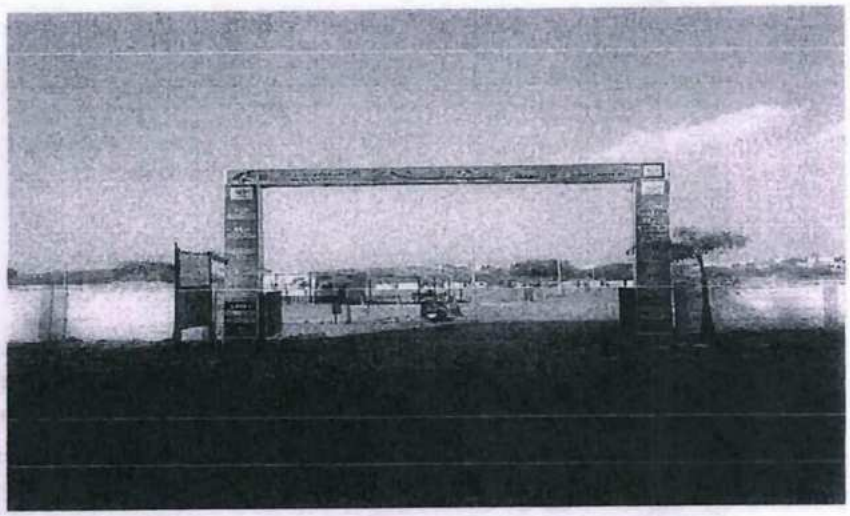


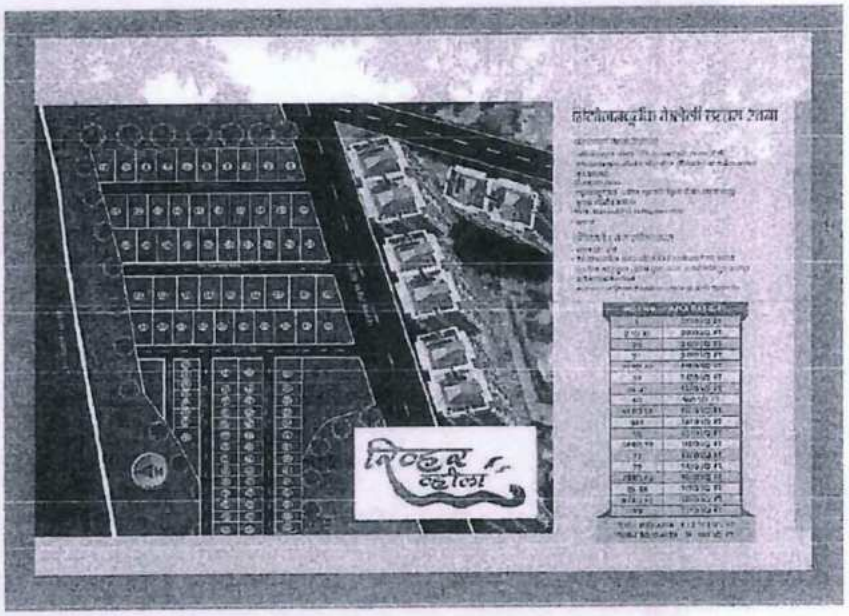


Project Site: "**River Villa**" by 1. Jare World, 2. V Square, Gut No. 90 (p), Village-Chikhali, Tal- Haveli, District-Pune

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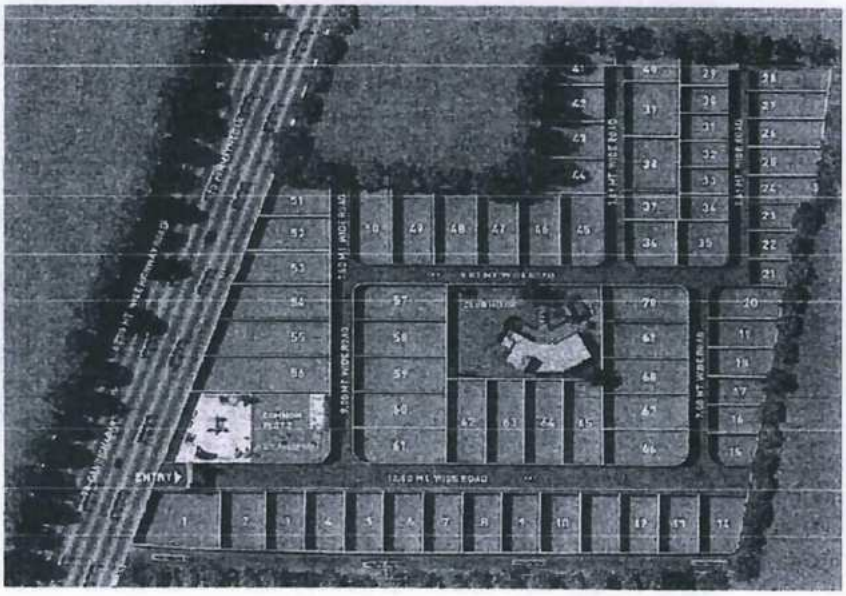




Project Site: "**River Villa**" by 1. Jare World, 2. V Square, Gut No. 90 (p), Village-Chikhali, Tal- Haveli, District-Pune

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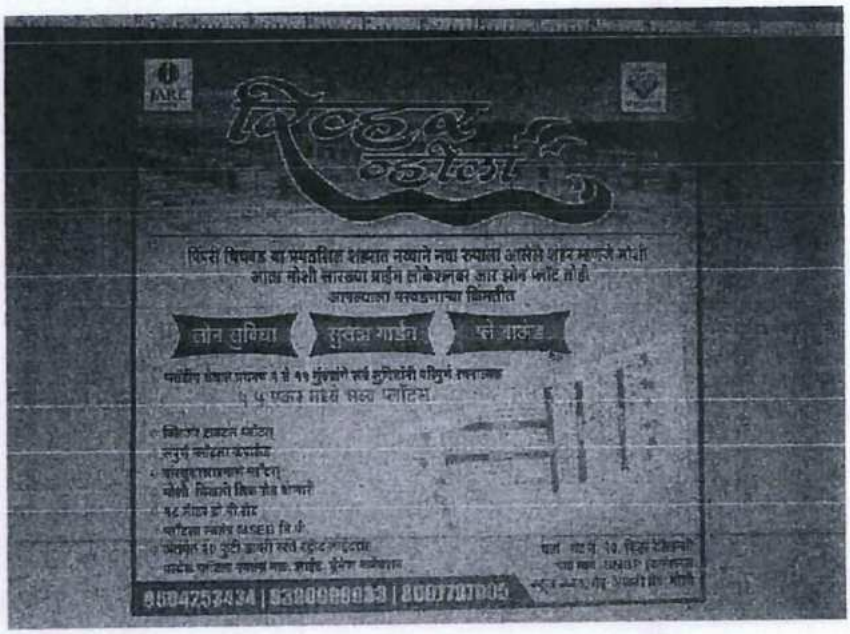


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"Entire Project is in Blue flood line of Indrayani River"

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Project Site: "**River Villa**" by 1. Jare World, 2. V Square, Gut No. 90 (p), Village-Chikhali, Tal- Haveli, District-Pune

"Entire Project is in Blue flood line of Indrayani River"

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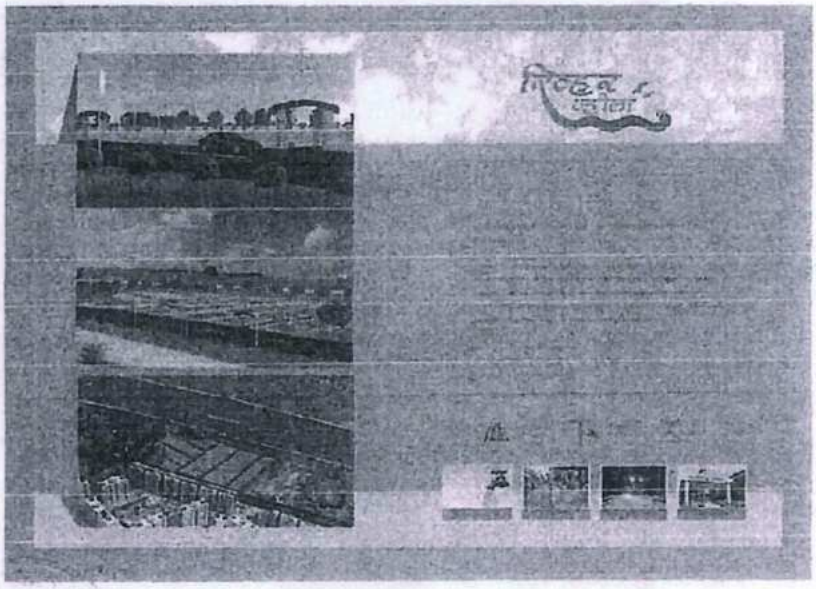
ANNEXURE-A-12

Project Site: "**River Villa**" by 1. Jare World, 2. V Square, Gut No. 90 (p), Village-Chikhali, Tal- Haveli, District-Pune

"Entire Project is in Blue flood line of Indrayani River"

Photographs from Facebook Portal:
"https://www.facebook.com/media/set/?vanity=jareworld&set=a.23107
38055699992"





T. C. Bombhise

COPY

Project Site: "**River Villa**" by 1. Jare World, 2. V Square, Gut No. 90 (p), Village-Chikhali, Tal- Haveli, District-Pune

"Enture Project is in Blue flood line of Indrayani River"



T.C. Bombhira

1478

Project Site: **"River Villa"** by 1. Jare World, 2. V Square, Gut No. 90 (p), Village-Chikhali, Tal- Haveli, District-Pune

"Entire Project is in Blue flood line of Indrayani River"



1479

Project Site: "**River Villa**" by 1. Jare World, 2. V Square, Gut No. 90 (p), Village-Chikhali, Tal- Haveli, District-Pune

"Entire Project is in Blue flood line of Indrayani River"



1480

Project Site: "**River Villa**" by 1. Jare World, 2. V Square, Gut No. 90 (p), Village-Chikhali, Tal- Haveli, District-Pune

"Entire Project is in Blue flood line of Indrayani River"



1481

Project Site: "**River Villa**" by 1. Jare World, 2. V Square, Gut No. 90 (p), Village-Chikhali, Tal- Haveli, District-Pune

"Entire Project is in Blue flood line of Indrayani River"



1482

Project Site: **"River Villa"** by 1. Jare World, 2. V Square, Gut No. 90 (p), Village-Chikhali, Tal- Haveli, District-Pune

"Entire Project is in Blue flood line of Indrayani River"



1483

Project Site "**River Villa**" by 1. Jare World, 2. V Square, Gut No. 90 (p), Village-Chikhali, Tal- Haveli, District-Pune

"Entire Project is in Blue flood line of Indrayani River"



1484

Project Site: "**River Villa**" by 1. Jare World, 2. V Square, Gut No. 90 (p), Village-Chikhali, Tal- Haveli, District-Pune

"Entire Project is in Blue flood line of Indrayani River"



1485

Project Site: "**River Villa**" by 1. Jare World, 2. V Square, Gut No. 90 (p), Village-Chikhali, Tal- Haveli, District-Pune

"Entire Project is in Blue flood line of Indrayani River"



1486

Project Site: **"River Villa"** by 1. Jare World, 2. V Square, Gut No. 90 (p), Village-Chikhali, Tal- Haveli, District-Pune

"Entire Project is in Blue flood line of Indrayani River"



14487

Project Site: "**River Villa**" by 1. Jare World, 2. V Square, Gut No. 90 (p), Village-Chikhali, Tal- Haveli, District-Pune

"Entire Project is in Blue flood line of Indrayani River"



1488

Project Site: "**River Villa**" by 1. Jare World, 2. V Square, Gut No. 90 (p), Village-Chikhali, Tal- Haveli, District-Pune

"Entire Project is in Blue flood line of Indrayani River"

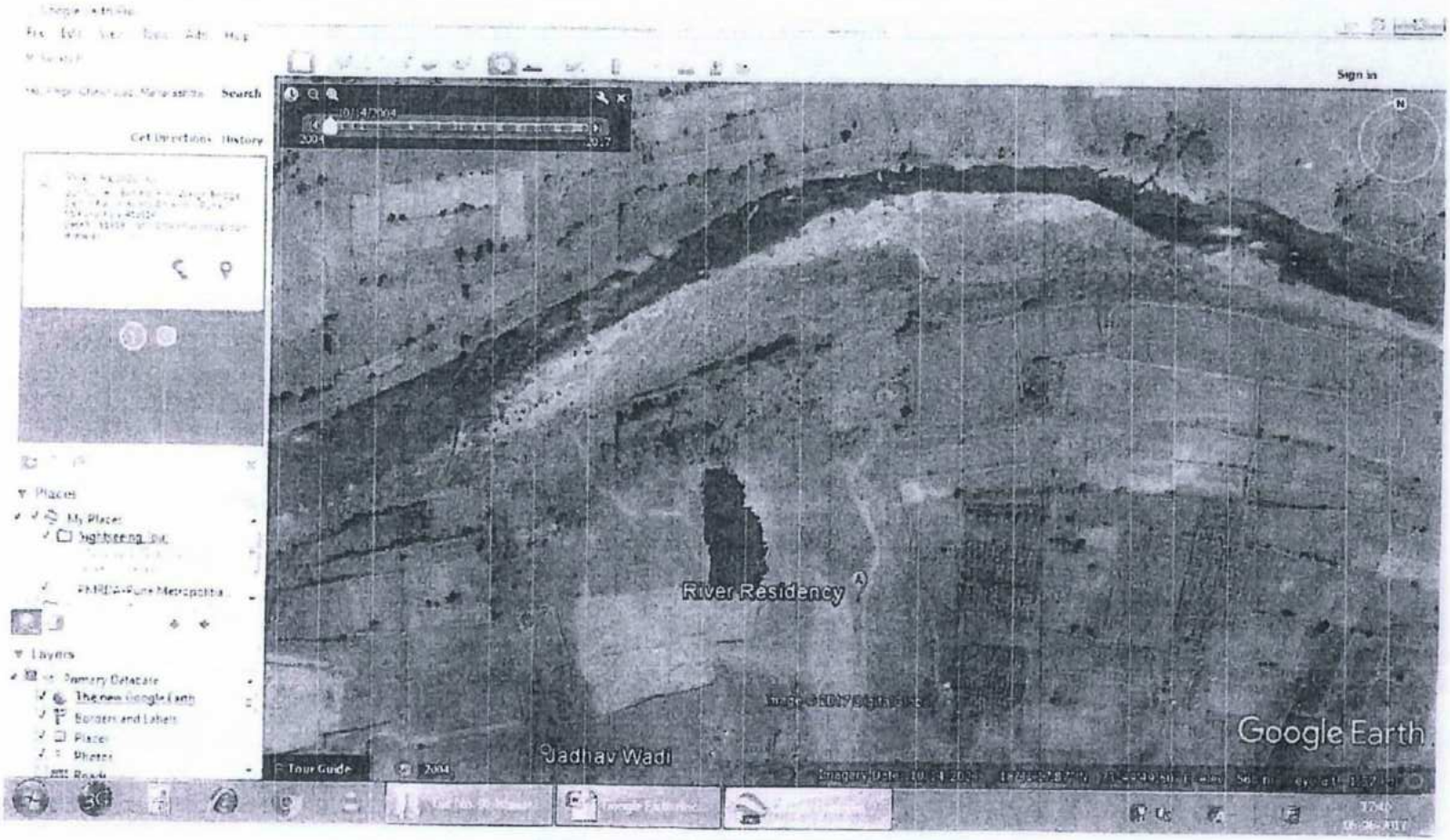


1489

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Project Site "**River Villa**" by ... Jaro wood, A. V Square, Gu No. 90 pt Village Chinchali, Tal Haveli, District Pune

"Entire Project is in Blue flood line of Indrayani River"

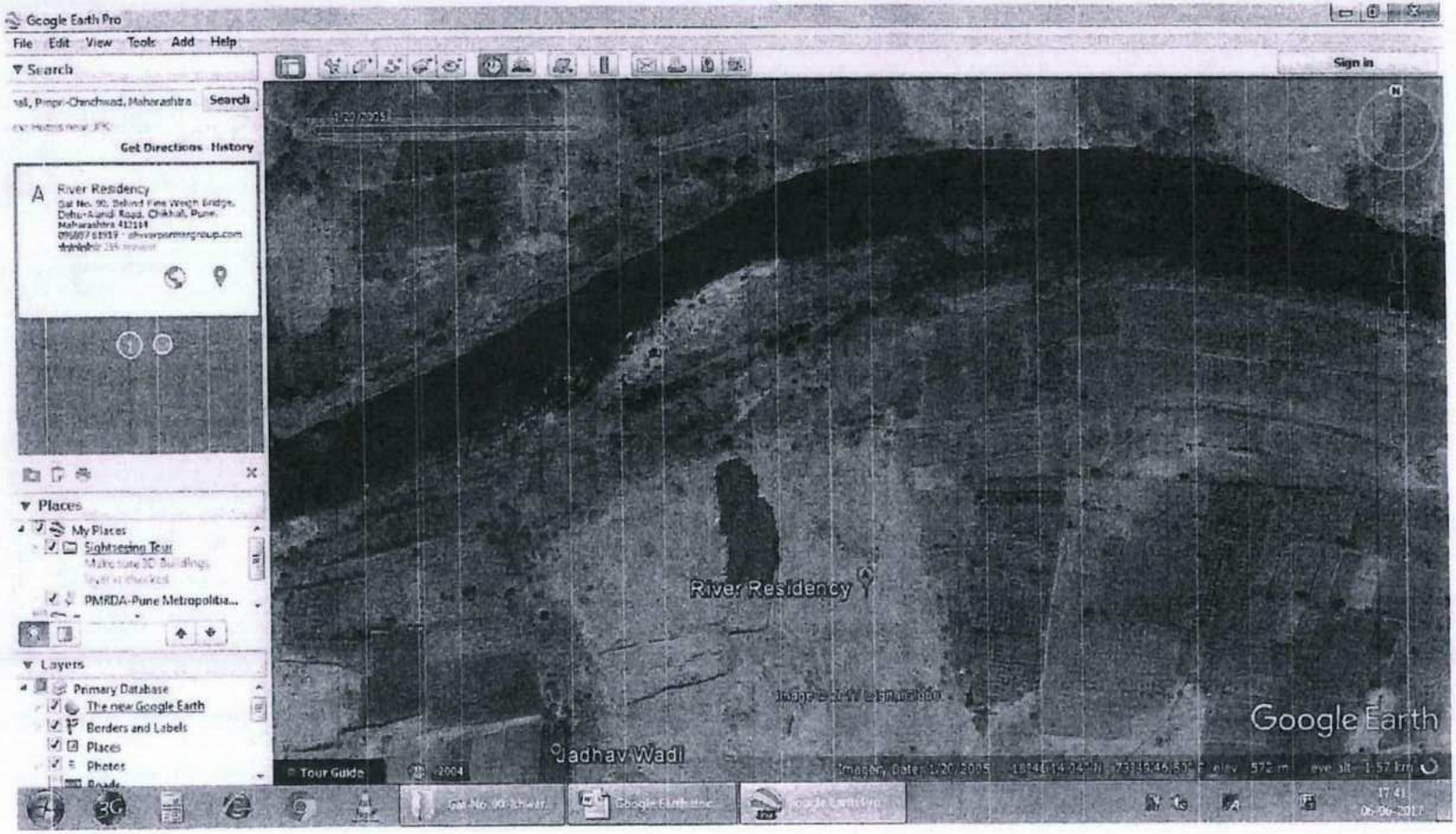


T. C. Bambhise

1490

Project Site: "**River Villa**" by 1. Jare World, 2. V Square, Gut No. 90 (p), Village-Chikhali, Tal- Haveli, District-Pune

"Entire Project is in Blue flood line of Indrayani River"



1491

Project Site: "**River Villa**" by 1. Jare World, 2. V Square, Gut No. 90 (p), Village-Chikhali, Tal- Haveli, District-Pune

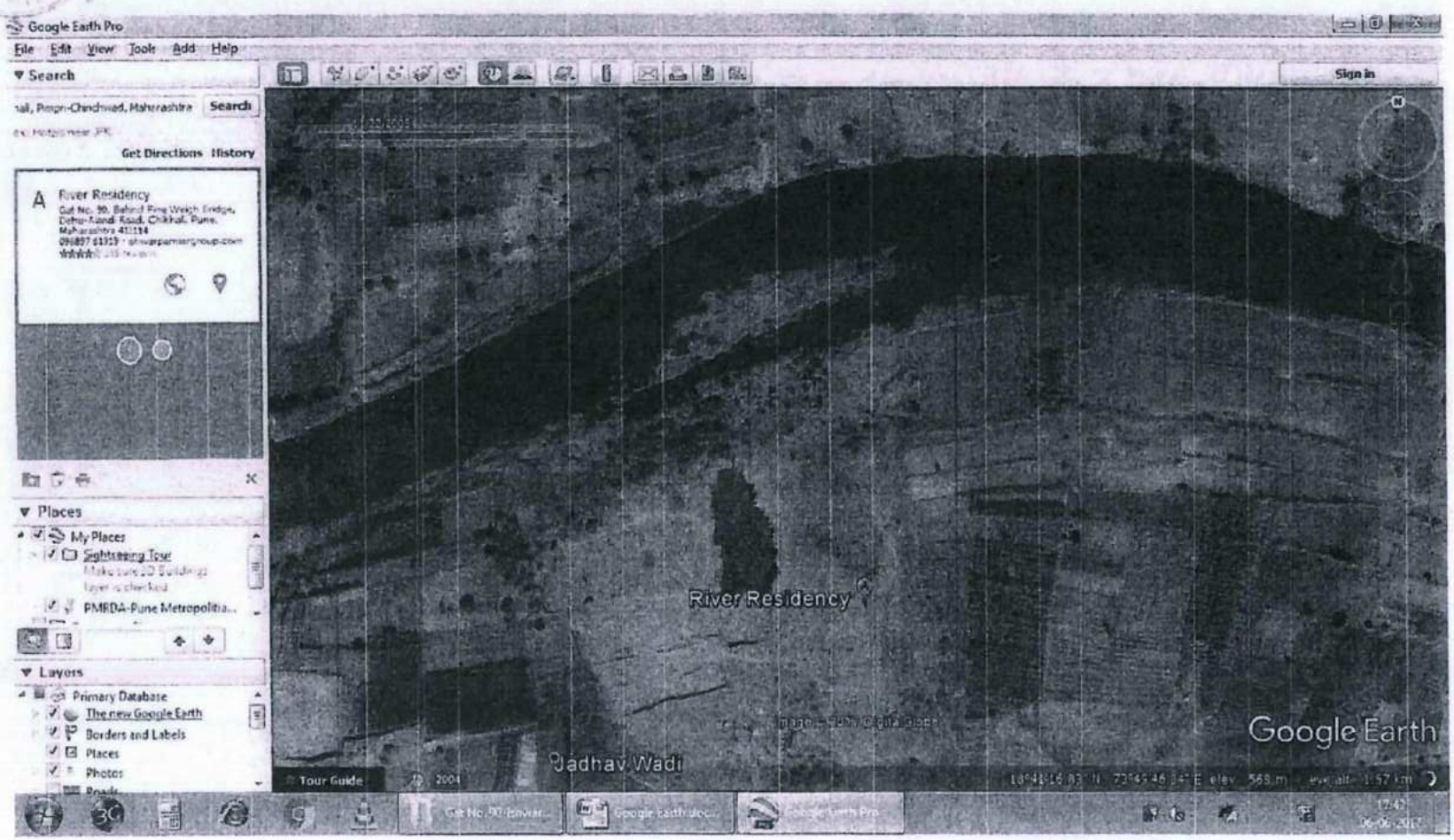
"Entire Project is in Blue flood line of Indrayani River"



1492

Project Site: **"River Villa"** by 1. Jare World, 2. V Square, Gut No. 90 (p), Village-Chikhali, Tal- Haveli, District-Pune

"Entire Project is in Blue flood line of Indrayani River"



14493

Project Site: "**River Villa**" by 1. Jare World, 2. V Square, Gut No. 90 (p), Village-Chikhali, Tal- Haveli, District-Pune

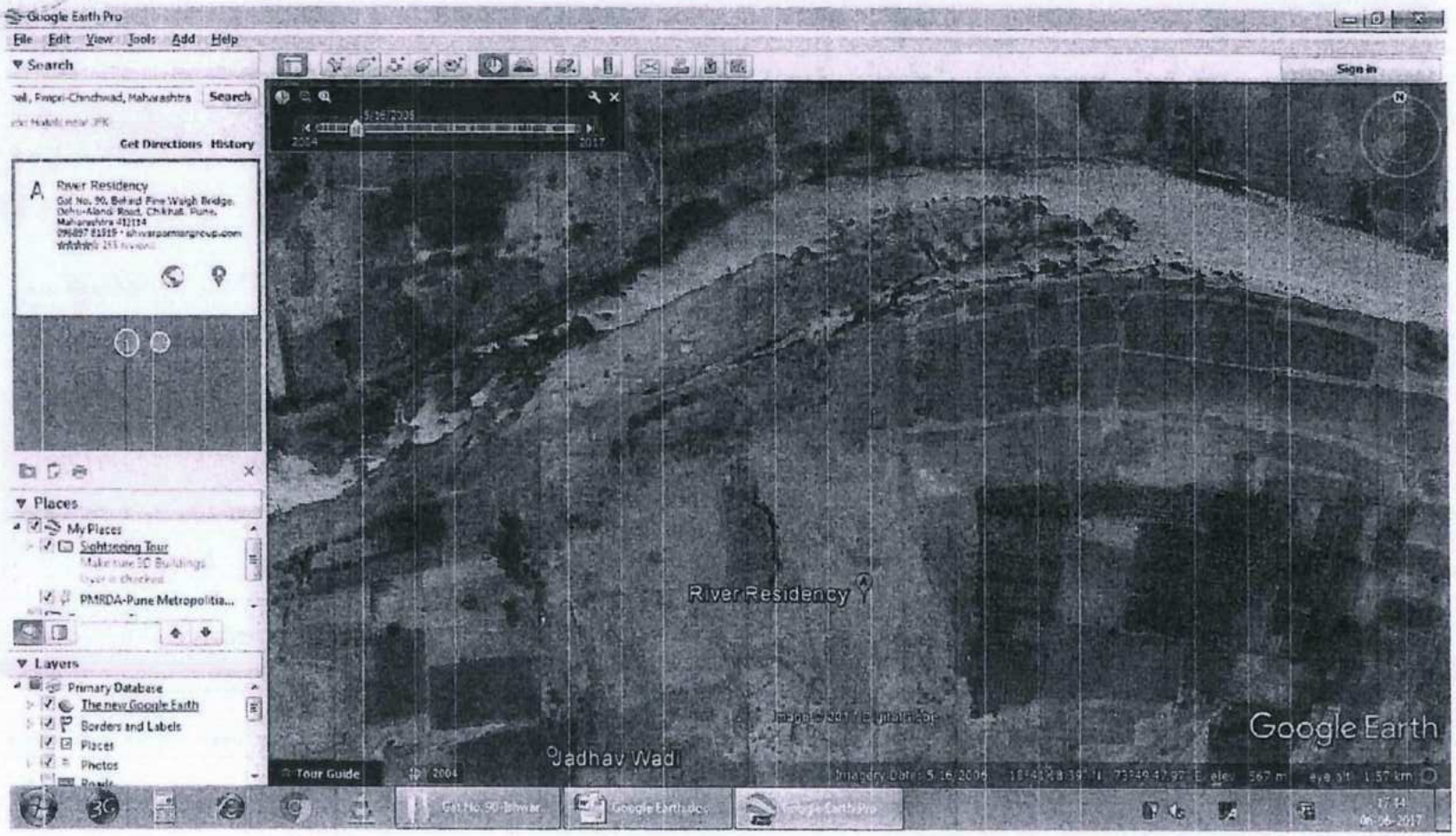
"Entire Project is in Blue flood line of Indrayani River"



1494

Project Site: **"River Villa"** by 1. Jare World, 2. V Square, Gut No. 90 (p), Village-Chikhali, Tal- Haveli, District-Pune

"Entire Project is in Blue flood line of Indrayani River"



1495

Project Site: "**River Villa**" by 1. Jare World, 2. V Square, Gut No. 90 (p), Village-Chikhali, Tal- Haveli, District-Pune

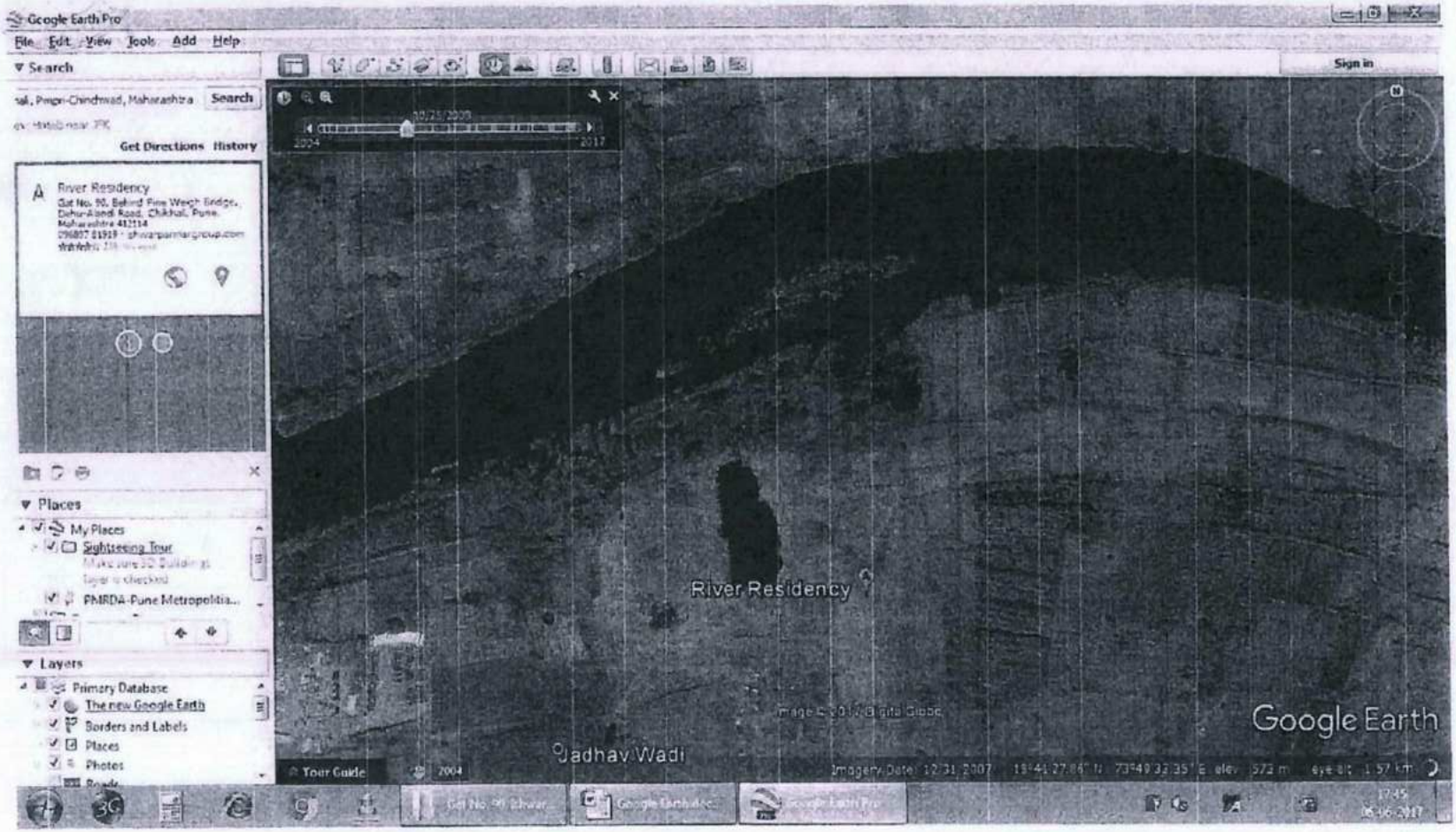
"Entire Project is in Blue flood line of Indrayani River"



1496

Project Site: **"River Villa"** by 1. Jare World, 2. V Square, Gut No. 90 (p), Village-Chikhali, Tal- Haveli, District-Pune

"Entire Project is in Blue flood line of Indrayani River"



1497

Project Site: "**River Villa**" by 1. Jare World, 2. V Square, Gut No. 90 (p), Village-Chikhali, Tal- Haveli, District-Pune

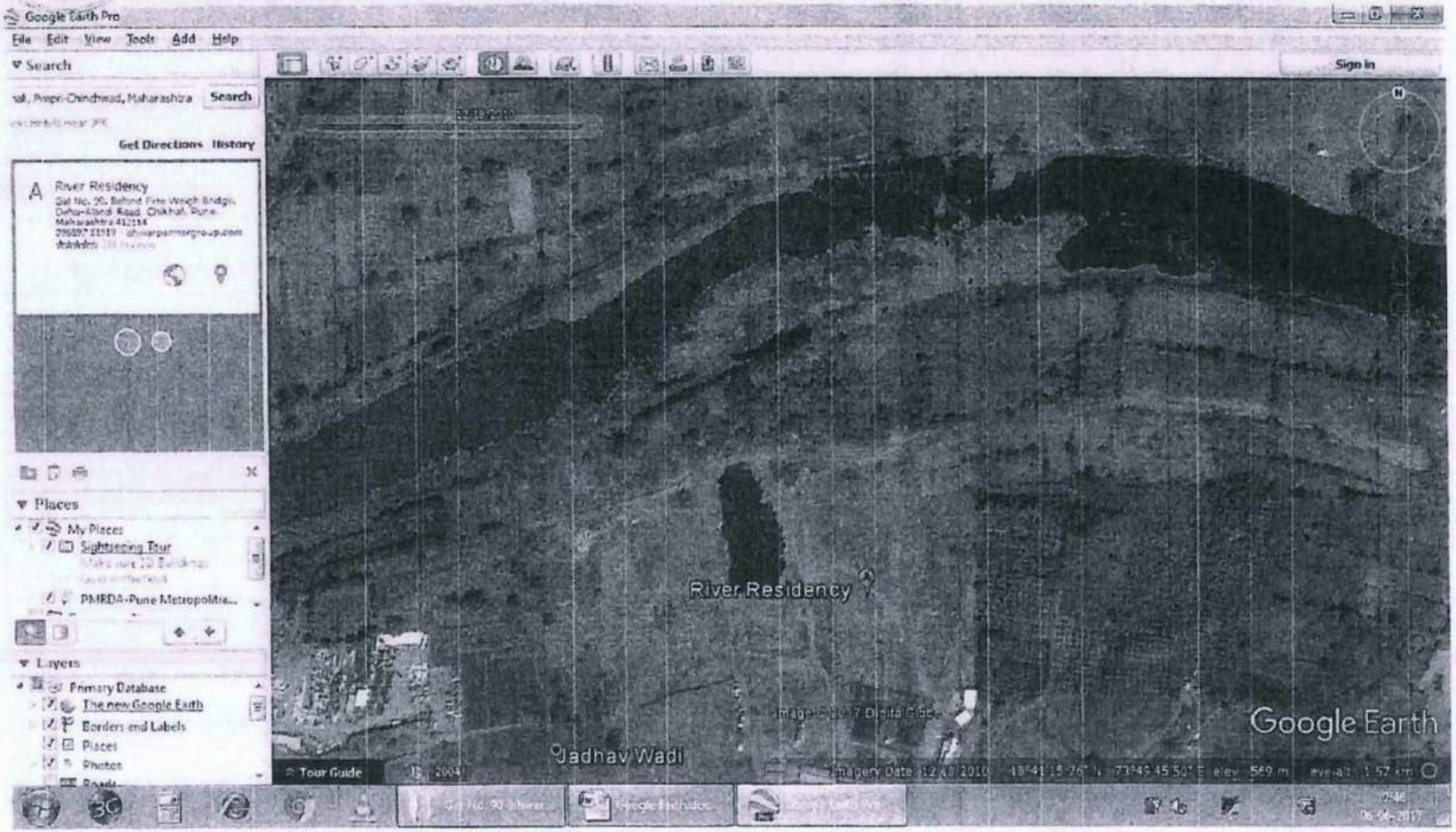
"Entire Project is in Blue flood line of Indrayani River"



1498

Project Site: **"River Villa"** by 1. Jare World, 2. V Square, Gut No. 90 (p), Village-Chikhali, Tal- Haveli, District-Pune

"Entire Project is in Blue flood line of Indrayani River"



1499

Project Site: "**River Villa**" by 1. Jare World. 2. V Square, Gut No. 90 (p), Village-Chikhali, Tal- Haveli, District-Pune

"Entire Project is in Blue flood line of Indrayani River"



1500

Project Site: "**River Villa**" by 1. Jare World, 2. V Square, Gut No. 90 (p), Village-Chikhali, Tal- Haveli, District-Pune

"Entire Project is in Blue flood line of Indrayani River"

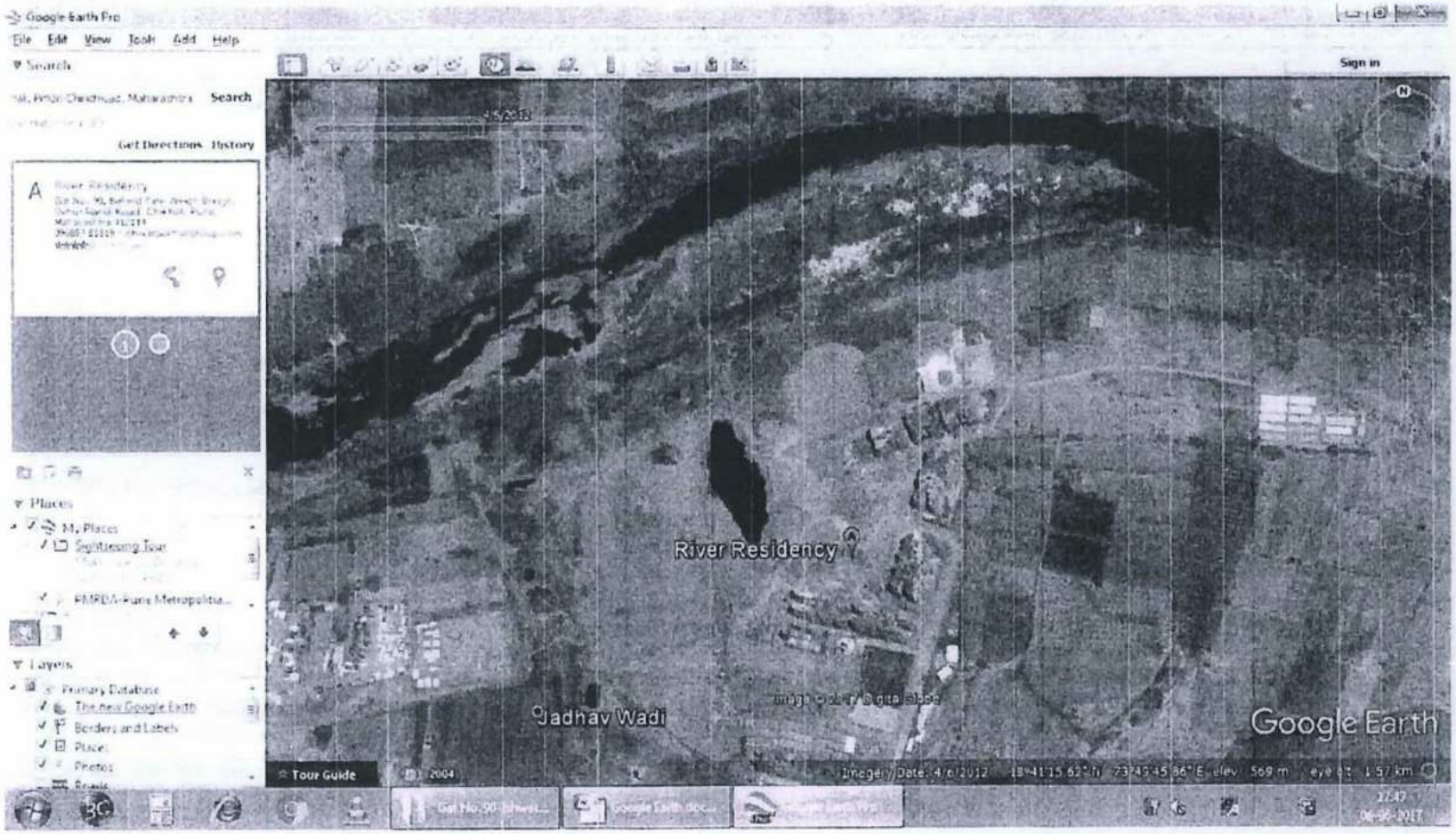


1501

A

Project Site: "**River Villa**" by 1. Jare World, 2. V Square, Gut No. 90 (p), Village-Chikhali, Tal- Haveli, District-Pune

"Entire Project is in Blue flood line of Indrayani River"



1502

Project Site: "**River Villa**" by 1. Jare World, 2. V Square, Gut No. 90 (p), Village-Chikhali, Tal- Haveli, District-Pune

"Entire Project is in Blue flood line of Indrayani River"



1503

Project Site: **"River Villa"** by 1. Jare World, 2. V Square, Gut No. 90 (p), Village-Chikhali, Tal- Haveli, District-Pune

"Entire Project is in Blue flood line of Indrayani River"



1504

Project Site: "**River Villa**" by 1. Jare World, 2. V Square, Gut No. 90 (p), Village-Chikhali, Tal- Haveli, District-Pune

"Entire Project is in Blue flood line of Indrayani River"



1505

A

Project Site: **"River Villa"** by 1. Jare World, 2. V Square, Gut No. 90 (p), Village-Chikhali, Tal- Haveli, District-Pune

"Entire Project is in Blue flood line of Indrayani River"



1506

Project Site: **"River Villa"** by 1. Jare World, 2. V Square, Gut No. 90 (pl), Village-Chikhali, Tal- Haveli, District-Pune

"Entire Project is in Blue flood line of Indrayani River"

Project Site: "**River Villa**" by 1. Jare World, 2. V Square, Gut No. 90 (p), Village-Chikhali, Tal- Haveli, District-Pune

"Entire Project is in Blue flood line of Indrayani River"



1508

Project Site: "**River Villa**" by 1. Jare World, 2. V Square, Gut No. 90 (p), Village-Chikhali, Tal- Haveli, District-Pune

"Entire Project is in Blue flood line of Indrayani River"



1509

Project Site: "**River Villa**" by 1. Jare World, 2. V Square, Gut No. 90 (p), Village-Chikhali, Tal- Haveli, District-Pune

"Entire Project is in Blue flood line of Indrayani River"



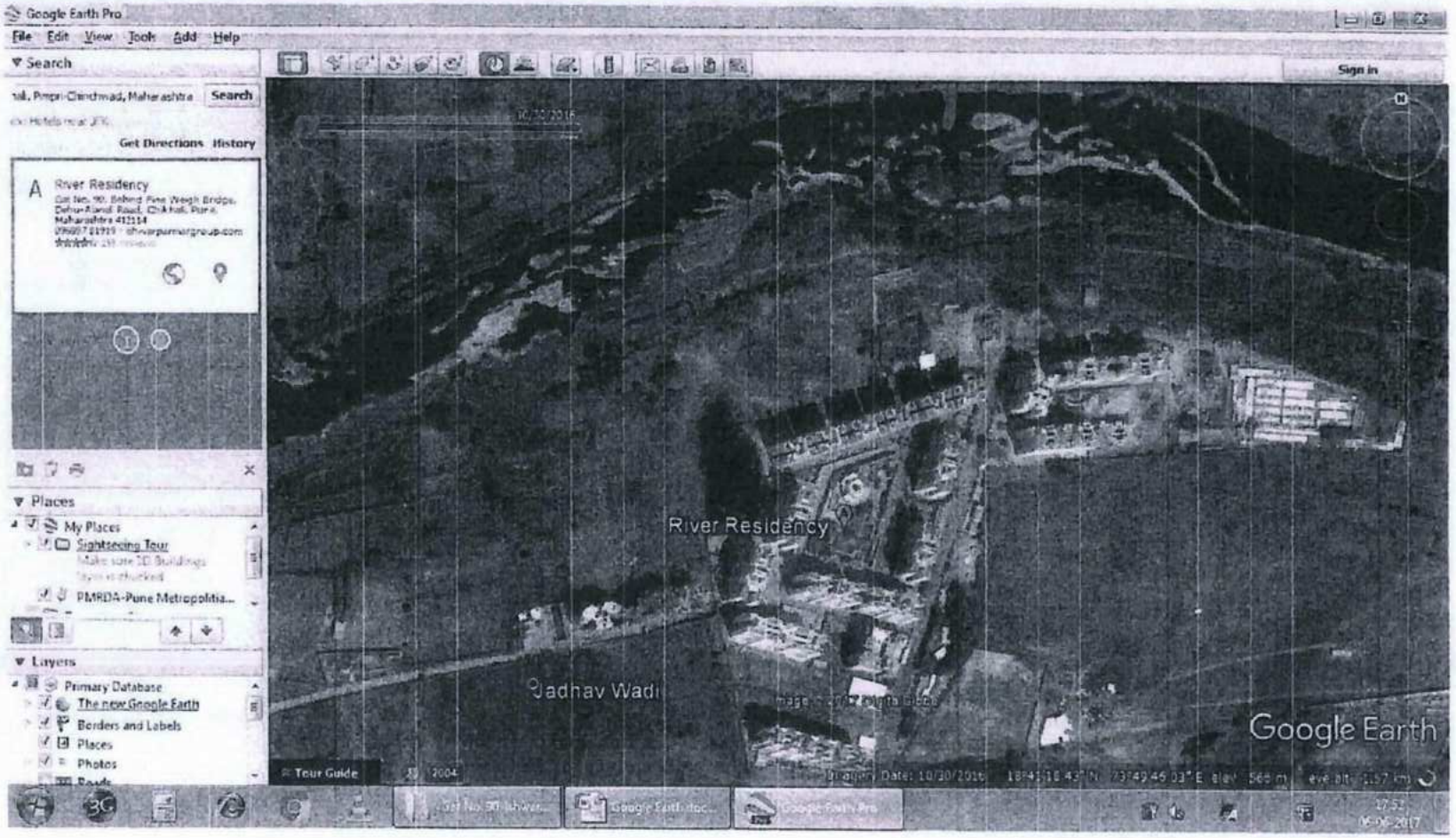
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Project Site: "**River Villa**" by 1. Jare World, 2. V Square, Gut No. 90 (p), Village-Chikhali, Tal- Haveli, District-Pune

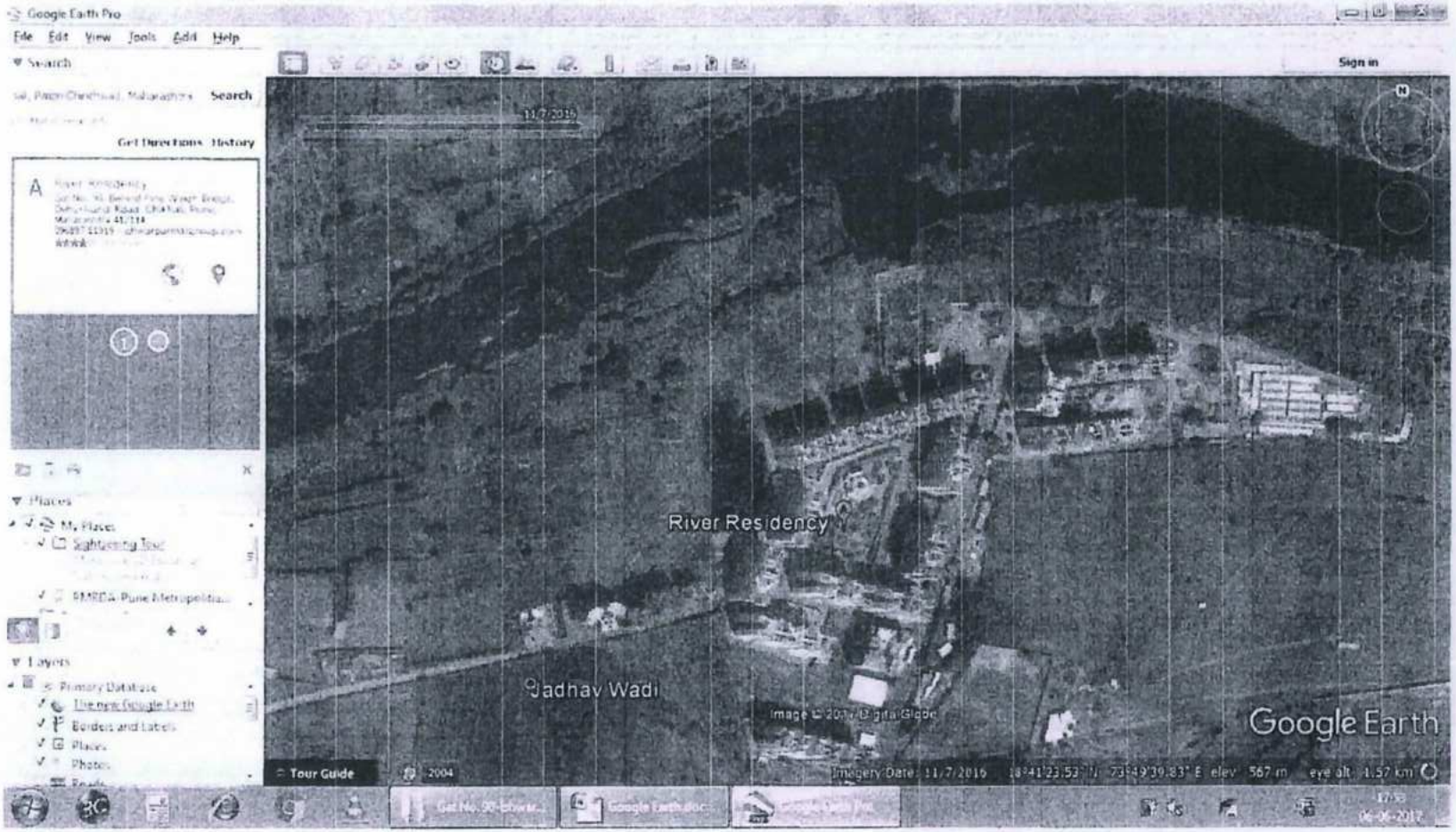
"Entire Project is in Blue flood line of Indrayani River"



1511

Project Site: "**River Villa**" by 1. Jare World, 2. V Square, Gut No. 90 (p), Village-Chikhali, Tal- Haveli, District-Pune

"Entire Project is in Blue flood line of Indrayani River"



1512

Project Site: **"River Villa"** by 1. Jare World, 2. V Square, Gut No. 90 (p), Village-Chikhali, Tal- Haveli, District-Pune

"Entire Project is in Blue flood line of Indrayani River"



1513

Project Site: "**River Villa**" by L Jare World, 2. V Square, Gut No. 90 (p), Village-Chikhali, Tal- Haveli, District-Pune

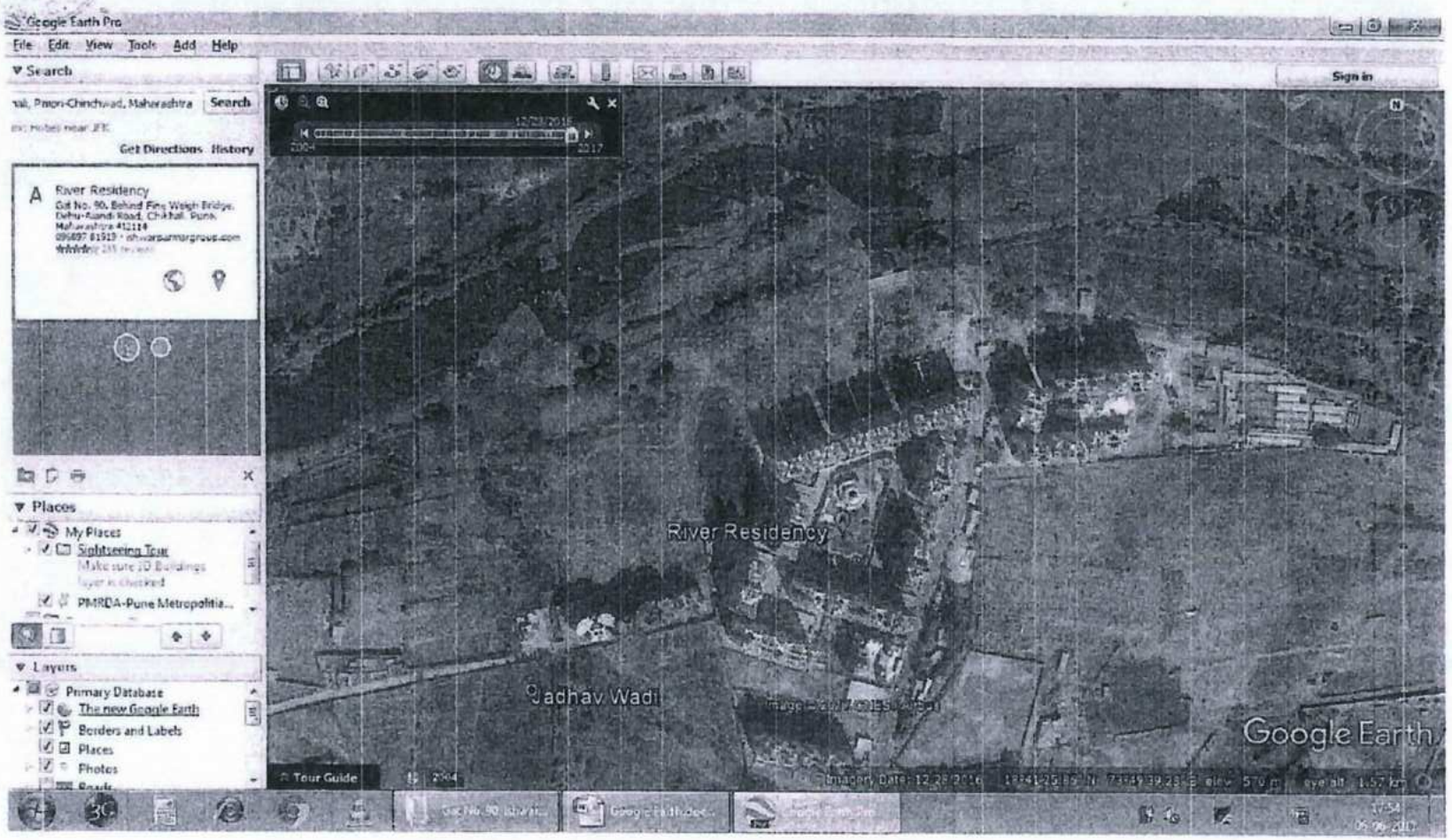
"Entire Project is in Blue flood line of Indrayani River"



1514

Project Site: "**River Villa**" by 1. Jare World, 2. V Square, Gut No. 90 (p), Village-Chikhali, Tal- Haveli, District-Pune

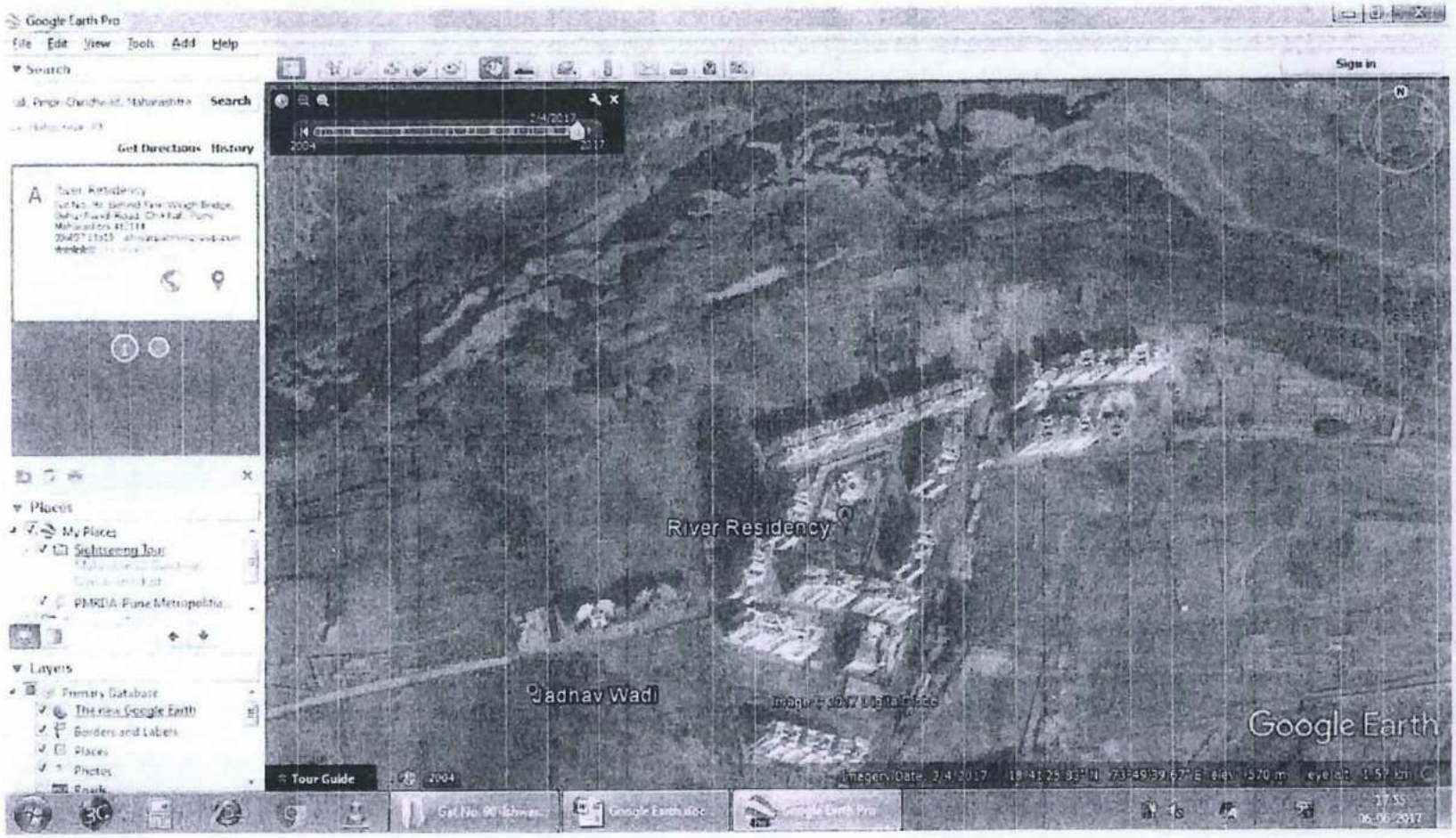
"Entire Project is in Blue flood line of Indrayani River"



1515

Project Site: "**River Villa**" by 1. Jare World, 2. V Square, Gut No. 90 (p), Village-Chikhali, Tal- Haveli, District-Pune

"Entire Project is in Blue flood line of Indrayani River"



1516

Project Site: "**River Villa**" by 1. Jare World, 2. V Square, Gut No. 90 (p), Village-Chikhali, Tal- Haveli, District-Pune

"Entire Project is in Blue flood line of Indrayani River"

Project Site: "**River Villa**" by 1. Jare World, 2. V Square, Gut No. 9C (p), Village-Chikhali, Tal- Haveli, District-Pune

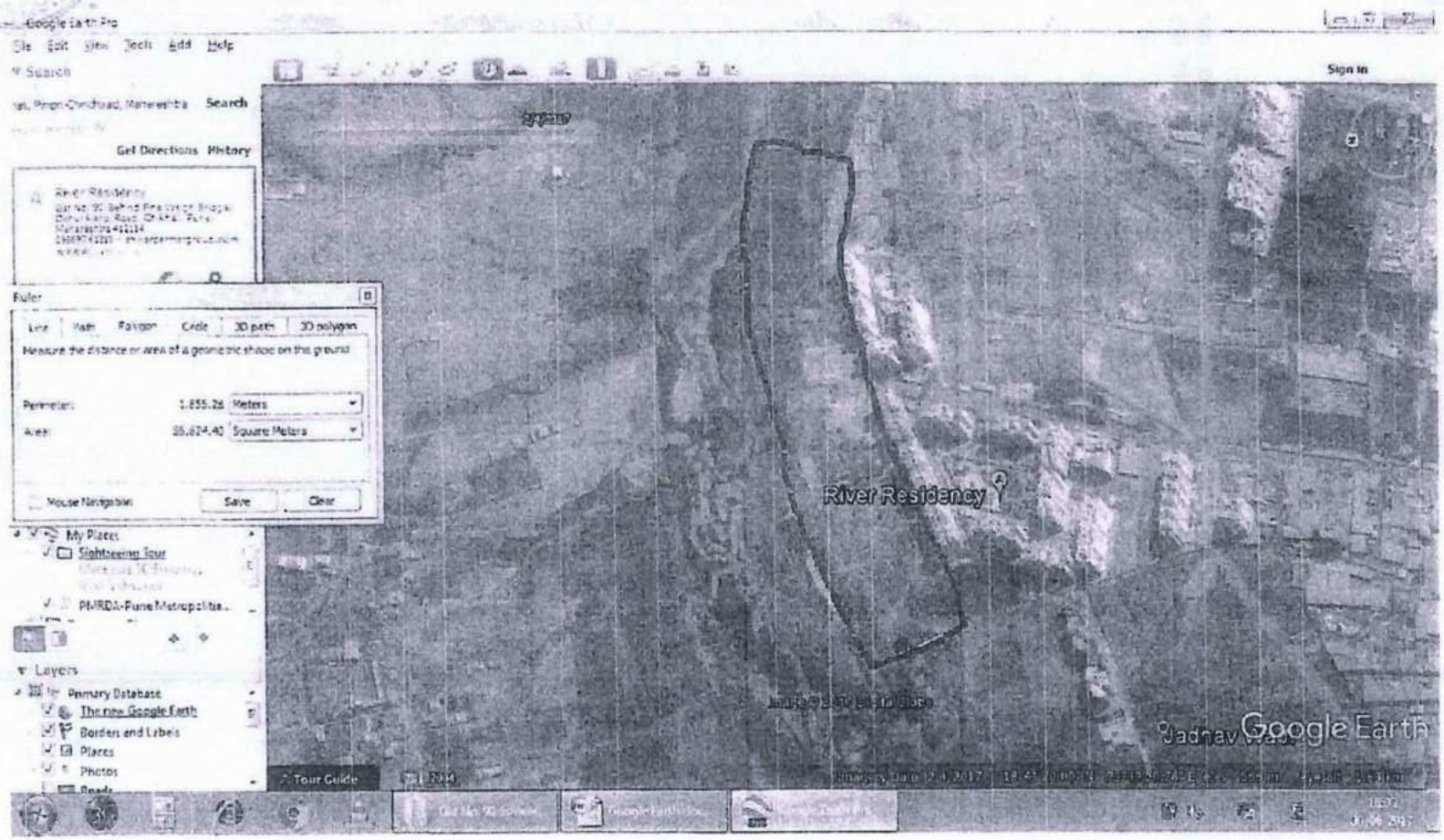
"Entire Project is in Blue flood line of Indrayani River"



1518

Project Site: "**River Villa**" by 1. Jare World, 2. V Square, Gut No. 90 (p), Village-Chikhali, Tal- Haveli, District-Pune

"Entire Project is in Blue flood line of Indrayani River"



T. C.

Page 30 of 30

1519

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having any money with myself. It is wrong to suggest that I had borrowed money from a financer to give it to the accused. It is wrong to suggest that I had admitted the

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL,

WESTERN ZONE BENCH AT PUNE

MEMORANDUM OF APPLICATION

UNDER SECTIONS 14, 15, 18 & 20 OF NGT ACT, 2010

ORIGINAL APPLICATION NO. 56/2020

IN THE MATTER OF:

MR. TANAJI BALASAHEB GAMBHIRE

Age: Adult, Occupation: Self-employed,

R/o- CTS-296, Shukrawar Peth, Laxmi Apartment,

White House Lane, Near Shivaji Maratha High School,

Pune-411002, Mobile No.: 9420181896

E-mail: tanaji_9june@yahoo.com

...APPLICANT

VERSUS

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   Government of Maharashtra,
   Annex Building, Mantralaya Fort,
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   Government of Maharashtra,
   Room No. 217, 2nd Floor, Annex Building,
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3. **STATE LEVEL ENVIRONMENT IMPACT ASSESSMENT AUTHORITY- MAHARASHTRA (SEIAA)**
   Through Member Secretary
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Former Principal Secretary of DoE and Member Secretary-SEIAA, Government of Maharashtra
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5. **MAHARASHTRA POLLUTION CONTROL BOARD**
Through Member Secretary,
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Mumbai-400022, Maharashtra,
E-mail: ms@mpcb.gov.in

6. **MAHARASHTRA POLLUTION CONTROL BOARD**
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8. **THE MUNICIPAL COMMISSIONER**
Pimpri-Chinchwad Municipal Corporation

PCMC Main Building, Old-Mumbai Pune Highway, Pimpri-411 018, E-mail: commissioner@pcmcindia.gov.in

9. **THE CITY ENGINEER-PCMC**
Pimpri-Chinchwad Municipal Corporation,
PCMC Building, Old Mumbai-Pune Highway,
Pimpri, Pune-411 018,
E-mail: bldp@pcmcindia.gov.in

10. **THE CHIEF ENGINEER**
Water Resources Department (Irrigation Department),
Sinchan Bhavan, Barne Road, Mangalwar Peth,
Pune Irrigation Circle, Pune-411011
E-mail: ceidpune@vsnl.com, cewrpune@rediffmail.com

11. **THE COLLECTOR OF PUNE**
As Collector and President of District Environment protection Committee-Pune, Collector office, Bund Garden, Pune-411001,
E-mail: rdc.pune-mh@gov.in

12. **M/s. JARE GROUP (JARE WORLD)**
Having Office Address: Manisha Society, Behind Sai Mandir, More Vasti, Village: Chikhali, Taluka: Haveli, District: Pune, Maharashtra-411062
Having Site Office: Survey No. 90, Behind River Residency, Village: Chikhali, Taluka: Haveli, District: Pune, Maharashtra-411062
E-mail: jaregroup9997@gmail.com,
Mobile No. 9890192530 /9096900907.

13. **M/s. V SQUARE**
Having Site Office: Survey No. 90, Behind River Residency, Village: Chikhali, Taluka: Haveli, District: Pune, Maharashtra-411062.

E-mail: vishwanathjare@gmail.com
Mobile: 9604253434, 8390909033.

14. MR. DILIP MOTILAL CHORADIYA
R/o: 12/13, Sajjan Plaza, In front of Hindustan Bakery,
Chaphekar Chowk, Village: Chinchawad, Pune-411033,
Mobile No. Nil, E-mail: Nil,

15. FEDERATION OF RIVER RESIDENCY CO-OP HSG SOC.
Through its President Secretary Chairman
Having Project Address at: River Residency, Gut No. 90(P),
Village-Chikhali, Tal-Haveli, District-Pune

16. MR. VIKAS ACHALKAR-ARCHITECT
1221, B/1, Wrangler Paranjape Road,
Behind Bhave X-Ray Clinic, Off F.C. Road
Pune – 411004, E-mail: vikas@achalakr-tatooskar.com

17. M/s. RIVER RESIDENCY DEVELOPERS
Joint Ventures Through
17A. M/s. Ishwar Construction Pvt. Ltd.,
17B. Trade Centre Developers & Builders Pvt. Ltd.
17C. M/s. Vijay-Laxmi Developers,
17D. Vishal Associates,
Having their Office Address at: Ishwar Parmar Group, Parmar Trade Center, C Wing, Sadhu Vaswani chowk, Pune- 411001, E-mail: ishwar@iparmar.com.
Having Project Address at: Gut No. 90(P), Village-Chikhali, Tal-Haveli, District-Pune

...RESPONDENTS

DATE: 15/07/2023

APPLICANT

Compilation B

National Green Tribunal

Case Details

Back

Filing Number	270413800426/2019	Filing Date	21-09-2019
Party Name	TANAJI BALASAHEB GAMBHIRE VS THE CHIEF SECRETARY GOVERNMENT OF MAHARASHTRA		
Petitioner Advocate(s)	IN PERSON	Respondent Advocate(s)	
Act	ENVIRONMENT (PROTECTION) ACT, 1986		
Case Number	Original Application No. 56/2020	Registered On	25-08-2020
Last Listed	06-09-2024	Next Hearing Date	08-01-2025
Case Status	PENDING		

⊞ All Parties

⊞ Listing History (Orders)

⊞ IA/MA

⊞ Connected Matters

National Green Tribunal
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011-23043528, 011-23043521, FAX-011-23077921
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BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL,

WESTERN ZONE BENCH AT PUNE

MEMORANDUM OF APPLICATION

UNDER SECTIONS 14, 15, 18 & 20 OF NGT ACT, 2010

APPLICATION NO. _____/2020

IN THE MATTER OF:

MR. TANAJI BALASAHEB GAMBHIRE
Age: Adult, Occupation: Self-employed,
R/o- CTS-296, Shukrawar Peth, Laxmi Apartment,
White House Lane, Near Shivaji Maratha High School,
Pune-411002, Mobile No.: 9420181896
E-mail: tanaji_9june@yahoo.com

...APPLICANT

VERSUS

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   Government of Maharashtra,
   Annex Building, Mantralaya, Fort,
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   E-mail: chiefsecretary@maharashtra.gov.in

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   Government of Maharashtra,
   Room No. 217, 2nd Floor, Annex Building,
   Mantralaya, Fort, Madham Kama Road,
   Mumbai-400032, Maharashtra,
   E-mail: psec.env@maharashtra.gov.in

3. **STATE LEVEL ENVIRONMENT IMPACT ASSESSMENT AUTHORITY- MAHARASHTRA (SEIAA)**
   Through Member Secretary
   15th Floor, New Administrative Building,
   Mantralaya, Fort, Madham Kama Road,
   Mumbai-400032, Maharashtra,

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NOTARY GOVERNMENT OF INDIA
ADV. K. D. GIDWANI
Reg. No. Y555
Renewal Due On
14/1/2024

E-mail: psec.env@maharashtra.gov.in

4. MR. ANIL U. DIGGIKAR
Former Principal Secretary of DoE and Member Secretary-SEIAA, Government of Maharashtra
Room No. 217, 2nd Floor, Annex Building,
Madam Kama Road, Mantralaya,
Mumbai-400 032, Maharashtra
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Through Member Secretary,
Kalptaru Point, 3rd Floor, Near Sion Circle,
Opp. Cine Planet Cinema, Sion (E),
Mumbai-400022, Maharashtra,
E-mail: ms@mpcb.gov.in

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Through Regional Officer
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E-mail: ropune@mpcb.gov.in

7. THE SECRETARY, URBAN DEVELOPMENT DEPT.
Government of Maharashtra,
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8. THE MUNICIPAL COMMISSIONER
Pimpri-Chinchwad Municipal Corporation
PCMC Main Building, Old-Mumbai Pune Highway, Pimpri-411 018, E-mail: commissioner@pcmcindia.gov.in

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9. **THE CITY ENGINEER-PCMC**
Pimpri-Chinchwad Municipal Corporation,
PCMC Building, Old Mumbai-Pune Highway,
Pimpri, Pune-411 018,
E-mail: bldp@pcmcindia.gov.in

10. **THE CHIEF ENGINEER**
Water Resources Department (Irrigation Department),
Sinchan Bhavan, Barne Road, Mangalwar Peth,
Pune Irrigation Circle, Pune-411011
E-mail: ceidpune@vsnl.com, cewrpune@rediffmail.com

11. **THE COLLECTOR OF PUNE**
As Collector and President of District Environment protection Committee-Pune, Collector office, Bund Garden, Pune-411001,
E-mail: rdc.pune-mh@gov.in

12. **M/s. JARE GROUP (JARE WORLD)**
Having Office Address: Manisha Society, Behind Sai Mandir, More Vasti, Village: Chikhali, Taluka: Haveli, District: Pune, Maharashtra-411062
Having Site Office: Survey No. 90, Behind River Residency, Village: Chikhali, Taluka: Haveli, District: Pune, Maharashtra-411062
E-mail: jaregroup9997@gmail.com,
Mobile No. 9890192530/9096900907.

13. **M/s. V SQUARE**
Having Site Office: Survey No. 90, Behind River Residency, Village: Chikhali, Taluka: Haveli, District: Pune, Maharashtra-411062,
E-mail: vishwanathjare@gmail.com
Mobile: 9604253434, 8390909033.

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14. MR. DILIP MOTILAL CHORADIYA
R/o: 12/13, Sajjan Plaza, In front of Hindustan Bakery,
Chaphekar Chowk, Village: Chinchawad, Pune-411033,
Mobile No. Nil, E-mail: Nil,

15. FEDERATION OF RIVER RESIDENCY CO-OP HSG SOC.
Having Project Address at: River Residency, Gut No. 90(P),
Village-Chikhali, Tal-Haveli, District-Pune

16. MR. VIKAS ACHALKAR-ARCHITECT
1221, B/1, Wrangler Paranjape Road,
Behind Bhave X-Ray Clinic, Off F.C. Road
Pune – 411004, E-mail: vikas@achalakr-tatooskar.com

17. M/s. RIVER RESIDENCY DEVELOPERS
Joint Ventures Through
17A. M/s. Ishwar Construction Pvt. Ltd.,
17B. Trade Centre Developers & Builders Pvt. Ltd.
17C. M/s. Vijay-Laxmi Developers,
17D. Vishal Associates,
Having their Office Address at: Ishwar Parmar Group, Parmar Trade Center, C Wing, Sadhu Vaswani chowk, Pune- 411001, E-mail: ishwar@iparmar.com.
Having Project Address at: Gut No. 90(P), Village-Chikhali, Tal-Haveli, District-Pune

....RESPONDENTS

AND IN THE MATTER OF

AN APPLICATION SEEKING RESTITUTION AND RESTORATION OF ENVIRONMENT & ECOLOGY CAUSED DUE TO DUMPING OF CONSTRUCTION WASTE AND ILLEGAL BUILDING CONSTRUCTION PROJECT IN PROHIBITED ZONE OF FLOOD LINE OF

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INDRAYANI RIVER BY VIOLATING TERMS AND CONDITIONS OF ENVIRONMENT CLEARANCES AND CONSENTS AND RELIEF AGAINST GROSS INTENTIONAL VIOLATIONS OF VARIOUS ENVIRONMENTAL AND POLLUTION CONTROL LAWS BY RESPONDENT NO. 14 &17-PP WITH THE HELP OF OTHER RESPONDENTS

To,

HON'BLE CHAIRPERSON OF NGT AND
HIS COMPANION JUDICIAL MEMBER AND
HON'BLE EXPERT MEMBERS OF NGT.

AN APPLICATION OF THE APPLICANT ABOVE NAMED. IT IS MOST RESPECTFULLY SHOWETH:

1. The address of the applicant is as given above for the service of notices of this application.
2. The addresses of the respondents are as given above for service of notices of this application.
3. The applicant above named begs to submit this memorandum of application with the principal contention of illegal dumping of construction waste in Holy Indrayani River, illegal construction of "Ghat or Nature Park & residential buildings" in prohibited area of Blue Flood Line of Holy Indrayani River, complete blockage of Natural Water Body merging into Indrayani River, illegal construction of parking complex on RG Area, illegal ground water extraction and illegal installation & operation of RMC Plant and illegal construction of D.P. Roads

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in blue flood line by PCMC with sub-ordinate allegations of gross intentional violations of terms and conditions of Environment Clearances dated 07.10.2011, & 03.01.2019 procured under EIA Notification-2006 r/w Environment (Protection) Act-1986 and Consent to Establish dated 03.12.2011 & 14.08.2018 & Consent to Operates dated 25.11.2013, 06.11.2015 & 02.08.2018 procured under Water (Prevention and Pollution Control) Act-1974, Air (Prevention and Pollution Control) Act-1981 and Solid waste & Hazardous Waste Handling Rules for carrying out illegal building construction in project "***River Residency***" by Respondent No. 17-"**M/s. River Residency (JV)**" (Project Proponent-"PP") in their Residential & Commercial building construction project situated at Survey No. 90(P), Village-Chikhali, Taluka-Haveli, District-Pune within the limit and jurisdiction of Pimpri-Chinchwad Municipal Corporation (in short "PCMC"). This gives rise to substantial question relating to implementation of the environment protection & improvement enactment.

4. It is respectfully submitted that, the illegal acts of the Respondent No.17-PP are in violation to its brim with the active aid of the officers of various government authorities appointed for the protection of environment & interest of public at large. These violations needs to be dealt with sternly hands so that a clear and unambiguous message to be delivered to the entire community of unapologetic, maneuvered, mighty & resourceful

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"PP" and the issue of one such gross violation by the developers and turning deaf ears to such violations despite bringing it to the notice of authorities responsible for upholding the law is the reason and basis of this application.

5. That the applicant would like to brought this entire environmental violations to the notice of this Hon'ble NGT by way of this Original Application for further investigation and strongest action against Respondent No.17-PP with a hope that, the further illegalities will be prevented as the government officer as acting like mute spectators. It seems that the government machinery in various offices are trying their level best to help and facilitate developer to developer, builder, project proponents to violate laws left, right and centre for reasons best known to these authorities inspite their being the complaint or notice dated 05.07.2017.

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6. **Importance of the Holy Indrayani River:**

It is submitted that, the river Indrayani is passing through the town Alandi, which is the place of worship and spirited by the presence of entrancement of "Sant and Great philosopher Dnyaneshwara". At this place this applicant and Hindu religious people are conducting their worship and religious ritual on the bank of river Indrayani. As there is huge water pollution of river from the present project proponent including pollution by other polluter, it is becoming difficult to conduct

the same and as there is common sharing of environment as it is polluted by the present Project Proponents.

7. Being aggrieved and dissatisfied by non-actions and undue involvement of Respondent Authorities appointed for environment protection for protecting the violator Project Proponents, this applicant prefers this application inter-alia on the following grounds.

8. PARTICULARS OF PROJECT UNDER CHALLENGE AND PROJECT PROPONENT:

a. It is submitted that, the Respondent No. 17-M/s. River Residency (Joint Venture) is the developer, builder & Project Proponent (PP) having his registered office at "Parmar Trade Centre, 12 Cannaught Road, Sadhu Vaswani Chowk, Pune-411001" carrying the business of builder, promoter and developer through joint ventures of 1. M/s. Ishwar Construction Pvt. Ltd., 2. Trade Centre Developers & Builders Pvt. Ltd., 3. M/s. Vijay-Laxmi Developers, 4. Vishal Associates.

b. It is submitted that, the Mr. Iswar Chandulal Parmar is responsible for M/s. River Residency, Ishwar Construction Pvt. Ltd. & Trade Centre Developers & Builders Pvt. Ltd., Mr. Dilip Motilal Choradiya is responsible for M/s. Vijay-Laxmi Developers alias Vijaya-Laxmi Developers and M/s. Vishal Associates for every activities for their respective firms and their construction activity carried out on respective land owned by them and joint venture development as River Residency.

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3.	Parking Area (M^2)	28173	Supressed	48576.80
4.	RG Area on Virgin Land (M^2)	10543.80	Supressed	0, Entire Open Space is provided on podium

10. VIOLATIONS OF PROJECT PROPONENTS & RESPONDENT AUTHORITIES AS BELOW:

a. Because number of reservations shown on development Plans of PCMC are affected by prohibited zone of Blue Flood Line of various Rivers passing through the jurisdiction of PCMC and these reservations needs to be relocated outside the Blue Flood Line Area to avoid the damage to environment and ecology.

b. Because illegal acquisition of STP reservation land by PCMC that comes between prohibited zone of blue flood line area of Holy Indrayani River & Indrayani River bed and PCMC is giving illegal benefits in terms of TDR. Which is leading illegal construction.

c. Because intentional Blindness of PCMC, Irrigation / Water Resource Department And Mining Department-Collector Pune on Account of Intentional Negligence And damaging Mother Nature

d. Because Respondent No. 14 & 17 have done illegal dumping of more than 200000 Cu. Mtrs. excavation and construction wastes in Indrayani River bed, Green Belt and STP Reservation Plot in Gut No. 90 (p) causing substantial damage to the environment and ecology.

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c. It is submitted that, the project under challenge *"River Residency"* is the Residential, Commercial & Amenity building construction project undertaken by **"M/s. River Residency (JV)"** situated at the Survey No. 90(P), Village: Chikhali, Taluka: Haveli, District: Pune within the limit and jurisdiction of PCMC as local & sanctioning authority.

d. It is submitted that, this joint venture has undertaken the development of total area admeasuring of 144000 Sq. Mtrs. out of total area of 232584 Sq. Mtrs. from Gut No. 90 vide registered agreement No. 4966/2010 dated 12.05.2010 in the office of Sub-registrar Haveli-8 (Yerwada).

e. It is submitted that, the PP is responsible for all illegal activity committed during the construction phase as well as for the damage caused to environment and ecology due to operation of this project activity and such damage must be imposed on PP, as the PP is the beneficiary of project and profit making company.

9. **CONSTRUCTION IS BEING CARRIED OUT IN VIOLATION OF TERMS & CONDITIONS OF ENVIRONMENTAL CLEARANCES AND CONSENTS**

Sr.	Description	EC 07.10.2011	EC 03.01.2019	Actual Construction vide PCMC sanction No. 15.05.2018
1.	Total BUA (M²)	239049.92	244251.74	263805.59, due to suppression of Non-FSI Area
2.	Ground Coverage (M²)	15985.24	14776.33	20866.81, Illegal parking complexes on RG Area

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RG Area, illegal construction of Ghat or Nature Park and to remove and scientific disposal of dumped waste and stop further construction permanently.

BRIEF FACTS LEADING TO THE PROJECT UNDER CHALLENGE AND FACTS LEADING TO THIS APPLICATION:

11. **NO CONSTRUCTION IS PERMITTED IN BLUE FLOOD LINE AND RIVER BED:**

i. It is submitted that, there was many incidents of flood due to heavy rain and dam breaks causing harm to the human habitants, wildlife etc. in the State of Maharashtra earlier to the 1980, therefore Government of Maharashtra decided to prohibit the development in the vicinity of the rivers in view to protect the environment and inhabitant from the floods of the rivers.

ii. It is submitted that, the Government of Maharashtra issued notification on 21.09.1989 defining the areas of blue flood line imposing restrictions on any constructions between this line and river bed and red flood line regulating the constructions activity with certain guidelines and directed every concern department to implement this regulations in the state of Maharashtra.

iii. Therefore, any construction in the range between blue flood line and river bed is illegal since 21.09.1989 and construction of the PP for some buildings will not be survive by any means.

12. **ILLEGAL DUMPING OF MORE THAN 200000 CU. MTRS. CONSTRUCTION WASTES IN INDRAYANI RIVER**

t. Because Respondent No. 17-PP has not made tree plantation as promised in EC and its amounts to violation.

u. Because Respondent No. 14 & 17-PP has committed the illegal activities and given rise to the violations causing degradation of environment & ecology intentionally.

v. Because Respondent No. 14 & 17-PP has violated the principle of sustainable development.

w. Because Respondent No. 14 & 17-PP in connivance with PCMC officer has violated the provisions of Environment enactment and PCMC officers are also equally responsible.

x. Because there is involvement of bureaucratic nexus in the illegal act of Respondent No. 14 & 17-PP by misuse of their position.

y. Because Respondent No. 14 & 17-PP as well as Respondent Authorities has violated the provisions of EIA Notification-2006 r/w Environment Acts-1986, Water (P & CP) Act-1974 and Air (P & CP) Act-1981 and have committed other illegal acts of damaging the Indrayani River Bank.

z. Because Respondent No. 14 & 17-PP has caused substantial irreparable damage to environment and ecology to the tune of more than Rs. 500 Crores, which shall be recovered from PP.

aa. Because Respondent No. 14 & 17-PP are unapologetic and they has adopted careless and reckless attitude towards the environment protection.

bb. Thus it is mandatory to demolish the illegal project construction coming under blue flood line, illegal parking complexes on 10%

e. Because Respondent No. 14 & 17 have done illegal Construction of parking complex on mandatory 10% Open Space in total violation of conditions in Environment clearance and there is no open space on virgin land.

f. Because there is farce marking & imposition of Blue flood line and Red line on Development Plan of PCMC to provide illegal benefits to project for construction in blue flood line.

g. Because Respondent No. 17-PP have carried out illegal Construction in prohibited zone of Blue flood line & Green Belt of Holy Indrayani River for Ghat or Nature Park.

h. Because Respondent No. 17-PP have carried out illegal of Construction Residential buildings in prohibited zone of Blue flood line of Holy River Indrayani.

i. Because Respondent No. 17-PP have made illegal installation of the RMC plant at site and carried out operations without due permission from the MPCB. Obtained ex-post facto consent to operate on 25.09.2017. Therefore there is illegal operation of RMC from 01.01.2012 to 24.09.2017.

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j. Because Respondent No. 14 & 17-PP have completely closed "Nala No. 23" shown on Irrigation Plan and passing through the project land by dumping of construction waste.

k. Because Respondent No. 17-PP have carried out illegal construction to the tune of 263805.59 Sq. Mtrs. against permissible construction area of 244251.74 Sq. Mtrs in EC dated 03.01.2019.

l. Because Respondent No. 17-PP have carried out construction with illegal increase in Ground Coverage Area as against permissible ground coverage of 15985.24 Sq. Mtrs in EC dated 07.10.2011, whereas 14776.33 Sq. Mtrs in EC dated 03.01.2019.

m. Because Respondent No. 17-PP has admitted that there is illegal ground water extraction, but deliberately avoiding to take the responsibility of same and pointed figure towards the Respondent No. 15-Federation of River Residency

n. Because Respondent No. 17-PP have violated the terms and conditions of Non-Agricultural Permission dated 18.05.2011 and made illegal land use change as prohibited in Form-1 & 1A.

o. Because Respondent No. 17-PP has submitted misleading information to the SEAC and SEIAA for obtaining EC.

p. Because Respondent No. 17-PP has committed non-compliance to the conditions imposed by SEAC & SEIAA in their meetings.

q. Because Respondent No. 17-PP has not submitted misleading EIA and EC dated 07.10.2011 is granted prior to submission of EIA and on the basis of false EIA.

r. Because Respondent No. 17-PP has committed non-compliance to the terms and conditions of the Environment Clearances, Consents to Establish and Consents to Operate.

s. Because Respondent No. 17-PP has not preserved fertile top soil and same is amount to violation of EC condition and also top soil is pollution due to contamination form construction waste.

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AFFECTING GREEN BELT AND STP RESERVATION PLOTS AND ILLEGAL CONSTRUCTION IS CARRIED OUT ON GREEN BELT AREA PROHIBITED BY BLUE FLOOD LINE OF INDRAYANI RIVER:.

i) It is submitted that, the Irrigation department submitted their flood line marking plans for Indrayani River to PCMC near about January 2009, wherein in it is clearly shown this Survey No. 90 is affected by the blue flood line. {ANNEXURE-A-1, Page-90}

ii) It is submitted that, the PCMC incorporated the marking of flood line on their development plan Under Section 31 of M.R. & T.P. Act 1966 Vide Notice No.TPS-1808/894/CR-09/UD-13 on 18.08.2009 vide EP-87. Also this development plan shows this Gut No. 90 of Village: Chikhali is affected by Green Belt reservation & blue flood line of Indrayani River. {ANNEXURE-A-2, Page-91}

iii) It is submitted that, the said project site is affected by a green belt area admeasuring 42934.69 M², Nature Park Construction of 4000 M² and STP reservation no.130 having an area admeasuring 42747.07 M² in fact both these areas are part of the river flow and effected by the blue line marking of Indrayani River as shown in demarcation Plan dated 06.09.2012.

iv) It is submitted that, the present project site is affected by stone quarry having an area admeasuring more than 8840 Sq. Mtrs. (Measured from Google Earth) and this information is suppressed by the project proponent and the said non-

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development area is not deducted from the plot area of the project and effected by the blue line marking of Indrayani River as shown in demarcation Plan dated 26.09.2014.

v) It is submitted that, the Respondent No. 17-M/s. River Residency-PP has dumped the construction waste material in the Indrayani River even after the complaint of this complainant dated 05.07.2017 and PCMC has neglected to act on the complaint and supported to the project proponents to dump the construction waste in river and to carry on the illegal construction in prohibited area of blue flood line.

vi) It is submitted that, the environmentally and ecologically sensitive area of Indrayani River admeasuring more than 86824.80 Sq. Mtrs. is damaged by dumping of construction waste of 3 Meters heights by Respondent No. 15 & 17-PP and the quantity of the said construction waste is more than 200000 Sq. Mtrs.

vii) It is submitted that, the Respondent No. 12-M/s. Jare World & Respondent No. 13-M/s. V Square are carrying out the bungalow project on green belt area affected by blue flood line of Indrayani River and reclaimed by dumping of construction waste by M/s. River Residency.

viii) It is submitted that, Respondent No. 12-M/s. Jare World & Respondent No. 13-M/s. V Square have not obtained any measurement plan from superintendent of land record, also not

obtained any sanction form PCMC, also not obtained any NOC from Irrigation department.

ix) Therefore entire development of the Respondent No. 12-M/s. Jare World & Respondent No. 13-M/s. V Square for bungalow plotting project is illegal and needs to be prohibited from any construction and third party rights permanently.

13. **FARCE MARKING OF BLUE LINE AND RED LINE ON DP PLAN TO PROVIDE ILLEGAL HELP FOR CONSTRUCTION IN BLUE LINE:**

a. It is submitted that, the blue line marking by irrigation department at Gut no. 90 is totally false and shifted towards the river side only in view to help the project proponent.

b. In fact the blue line marking on the Gut no. 84 & 85 was required to be straight passing though the Gut no. 90 as per the site condition and In fact Respondent No. 17-M/s. River Residency (JV)-PP has dumped the huge quantity of construction waste towards the stone quarry & in the Indrayani River to manipulate the actual marking of the Blue Line & Red Line marking.

c. It is submitted that, under this manipulated blue flood line PP has made illegal construction of building "G to L, P, N1, N2" and proposed to construct building N3 and N4 in the blue flood line.

d. It is submitted that, the contour level at major part of Gut no. 90 and Indrayani River are of same level and therefore area towards the river side including green belt, STP etc. is reclaimed

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by height of 3 to 4 Mtrs from the river level by dumping of construction waste.

e. Due to this dumping of construction waste & stone quarry waste, actual blue line marking is also diverted.

14. **ILLEGAL CONSTRUCTION OF RIVER GHAT OR SO CALLED NATURE PARK IN GREEN BELT AND BLUE LINE OF HOLY RIVER INDRAYANI:**

a. It is submitted that, the Respondent No. 17-M/s. River Residency (JV)-PP has made the illegal construction of the Ghat or Nature Park in the river on an area admeasuring more than 4000 sq. Mtrs. for the enjoyment and said illegal construction of Ghat or Nature Park has made the substantial blockage of natural water flow of river and caused water pollution of the river

b. It is submitted that, the Respondent No. 17-M/s. River Residency (JV)-PP has made encroachment in the river for construction of this Ghat or so called Nature Park.

c. It is submitted that, the Respondent No. 17-M/s. River Residency (JV)-PP has carried out the substantial construction of Ghat in the river with the help of PCMC officers and it can be observed from act of blindness played by irrigation department as well as PCMC officers.

15. **NALA NO. 23 SHOWN ON FLOOD LINE MAPS AND PASSING THROUGH THE PROJECT LAND IS COMPLETELY CLOSED BY DUMPING OF CONSTRUCTION WASTE:**

a. It is submitted that, the Blue Line & Red Line marking plans/ maps released by the irrigation department clearly shows that, there is "NALA No. 23" passing through the Gut No. 90.

b. It is submitted that, the development plans with imposition of blue line & red line marking dose not shows any said "NALA No. 23" passing through the Gut No. 90 and it is very shocking and surprising illegality on account of PP, PCMC and irrigation Department.

c. It is submitted that, in fact there was "NALA No. 23" at project site carrying rainy water and it was created due to the sloppy zone in the Gut no. 90, but the Respondent No. 17-PP has covered the said "NALA No. 23" in illegal manner and land was made plain by reclaiming and dumping of construction waste.

d. It is submitted that, the Science and Technology Park Department of PCMC has issued the remark stating that, there is no natural "NALA No. 23" passing through the Gut No. 90 and this act clearly shows connivance between the project proponent and the PCMC on account of the Mother Nature.

16. ILLEGAL CONSTRUCTION CARRIED OUT BY PP IN BLUE FLOOD LINE:

a. It is submitted that, as per the Government of Maharashtra Resolution for Prohibition of Construction in Blue Line- 198FPW/1089/243/89/SI. VYA. (KAME), Dated 21.9.1989, no construction is permitted in the blue line. Irrigation Department submitted the flood line plans to the PCMC in 2009 and

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thereafter PCMC imposed this flood line marking on their Development Plan in February 2009.

b. It is submitted that, but Respondent No. 17-M/s. River Residency (JV)-PP has managed the false blue line marking with help of irrigation department and blue line is shifted towards the river side to legalise its constriction.

c. It is submitted that, the PCMC is well aware of this facts of blue line marking and entire STP reservation No. 1/130 & 18 Mtrs DP road is affected by the blue line and it is the part of Indrayani River, even then the PCMC is accepting the possession of blue line affected reservation from Mr. Dilip Choradiya on account of TDR and other benefits.

d. It is submitted that, also the National Green Tribunal in its various Judgments has issued clear cut directions regarding restriction of no development in blue line.

e. It is submitted that, this act of PCMC to purchase the river is nothing but clearly illegal and attracts the penal action of fraud and cheating to the government and in this case the PCMC-Commissioner shall take serious action against "errant officers of Urban Development Department of PCMC and the project proponent like Ishwar Parmar and Dilip Choradiya for committing such fraud on the government.

f. It is submitted that, it is important to cancel the documents executed to take possession of the blue line affected reservation and DP road and not to carry any construction on such blue line

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affected area and further not to issue any benefits to the project proponents on any account.

g. Thus the construction carried out building "G to L, P, N1, N2" and proposed to construct building N3 & N4 along with STP reservation development & 18 Mtrs DP road is completely illegal and damaging the environment and ecology.

17. ILLEGAL ACQUISITION OF STP RESERVATION LAND BY PCMC THAT COMES UNDER BLUE LINE AREA AND PART OF RIVER AND PCMC IS GIVING ILLEGAL BENEFITS IN TERMS OF TDR

a. It is submitted that, the reservation no. 1/130 for the STP is having total area of 50000 Sq. Mtrs. and out of which 42747.07 sq. Mtrs. is on part of the Respondent No. 14-Mr. Dilip Motilal Choradiya and who is also the part of Respondent No. 17-M/s. River Residency joint venture and this Respondent No. 17 project proponents from Gut No. 90 of present development under various violations.

b. It is submitted that, the dumping of the construction waste is done by the Respondent No. 17-PP on the land of Respondent No. 15 reserved for STP and Green Belt in connivance with each other and same land of STP Reservation is handed over to the PCMC against the TDR. Therefore Respondent No. 14- Mr. Dilip Choradiya is also equally responsible for dumping of construction waste and damaging the natural resources.

c. It is submitted that, the entire reservation is affected by the blue line marking of the Indrayani River and also as per the site

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condition also that the said reservation is clearly & completely part of the river. In any circumstances, this reservation area is not able to develop for any purpose.

Table 5: Total Blue line Affected Area acquired by PCMC from the present Project Proponent

Agreement	STP	18 Mtrs DP Road	24 Mtrs DP Road
3056/2016, (HVL-5) 05.04.2016	8294.87 M²		66 M²
574/2017, (HVL-5) 23.01.2017	34934.50 M²		627.75 M²
3658/2017, (HVL-5) 26.05.2017		3152.87 M²	
Total	**43299.37 M²**	**3152.87 M²**	**693.75 M²**

d. Thus the PCMC intentionally providing illegal benefits of an area admeasuring 43299.37 Sq. Mtrs, on account of STP, 3152.87 Sq. Mtrs. on account of 18 Mtrs DP road, 693.75 Sq. Mtrs on account of 24 Mtrs. DP Road to the project proponent by purchase of river area for providing benefits of TDR, which is non-development zone and affected by the blue flood line of the Indrayani River.

18. **RESERVATIONS AFFECTED BY BLUE FLOOD LINE OF VARIOUS RIVERS PASSING THROUGH THE JURISDICTION OF PCMC AND THESE RESERVATIONS NEEDS TO BE RELOCATED OUT OF BLUE FLOOD LINE AREA TO AVOID DAMAGE TO ENVIRONMENT & ECOLOGY.**

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a. It is submitted that, there are many reservations affected by the blue flood line marking of Pawana, Indrayani & Mula River passing through the jurisdiction of the PCMC Area.

b. It is submitted that, no construction is permitted in the blue flood line at any cost, but the PCMC and irrigation (Water Resource) department are neglecting towards such issue of prohibition of construction in blue line and acquiring the land coming under blue flood line for the proposed reservations in view to develop such reservations impermissible eyes of law.

c. It is submitted that, in fact the no such development is allowed in the blue flood line even though and the acquisition of such blue flood line affected reservations is clearly pointing towards the corruption and negligence of these departments for causing to environment and ecology by avoiding principles of sustainable developments.

d. It is submitted that, the intention of the PCMC towards the environment protection is seems to be careless and reckless as shown by themselves by acquiring the land from present project proponents for the Sewage Treatment Plant reservation No. 1/130 and proposing such development.

e. It is submitted that, this applicant has already to brought to the notice of Secretary UDD-GoM, Secretary Water Resource/ Irrigation Dept-GoM, Commissioner PCMC, wrt to development undertaken is against the nature and will cause the damage to the environment and ecology.

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f. In view to the protect the environment & ecology of the rivers, the following reservations in PCMC area needs to be relocated on the suitable nearest location on urgent basis and related changes to be made in the development plans of the corresponding planning units.

Table No. 7: List of Reservations Affected by Blue flood Line marking in PCMC Area

Sr. No.	Village	Reservation No	Reservation Name	River	Survey / Gut No.	Area (Hector)
1	Bopkhel	2/162-G	Garden/ Park	Mula	4, 5 (P)	1.30
2	Bopkhel	2/163-ESR	Elevated Service Reservoir	Mula	5, 154 (P)	0.50
3	Bopkhel	2/164-SSP	Sewage Sump & Pump House	Mula	2, 5	0.46
4	Bopkhel	2/165-PS	Primary School	Mula	2, 154	0.40
5	Bopkhel	2/166-CG	Cremation Ghat/ Shed	Mula	5	0.10
6	Charholi	2/62-CS	Cattle Shed	Indrayani	990, 991, 993	2.40
7	Charholi	2/63-BG	Burial Ground	Indrayani	1015, 1017, 1019, 1020, 1021	2.00
8	Charholi	2/64-G	Garden	Indrayani	1022, 1032	0.79
9	Charholi	2/65-CM	Crematorium	Indrayani	Gavthan	0.40
10	Charholi	2/93-STP	Sewage Treatment Plant	Indrayani	14, 15, 16, 17, 21, 22, 24, 25, 26, 27	6.07
11	Charholi	2/93A-STP	Sewage Treatment Plant	Indrayani	32, 33	
12	Charholi	2/94-SH	Slaughter House	Indrayani	29, 30, 35	1.60
13	Chikhali	1/76-SSP	Sewage Sump & Pump House	Indrayani	1564 (p)	0.50
14	Chikhali	1/77-WTP	Water Treatment Plant	Indrayani	1564 (P)	4.91
15	Chikhali	1/79-CS	Cattle Shed	Indrayani	1655/2(P)	2.00
16	Chikhali	1/98-BG	Burial Ground	Indrayani	1636(P)	1.75
17	Chikhali	1/123-CG	Cremation Ghat	Indrayani	Gavthan	0.10
18	Chikhali	1/124-P	Parking	Indrayani	Gavthan	0.05
19	Chikhali	1/125-G	Garden/ Park	Indrayani	1, 2	1.00
20	Chikhali	1/126-ESR	Elevated Service Reservoir	Indrayani	2, 19, 41 (p)	0.70
21	Chikhali	1/130-STP	Sewage Treatment Plant	Indrayani	90, 91, 92	5.0
22	Dapodi	3/1-G	Garden/ Park	Pawana	27, 28	1.69

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23	Dapodi	3/2-SS	Secondary School	Pawana	24, 28, 29	1.52
24	Dapodi	3/3-ESR	Elevated Service Reservoir	Pawana	27, 28	0.40
25	Dapodi	3/4-BG	Burial Ground	Pawana	11, 15, 16, 17, 24, 26	2.54
26	Dapodi	3/5-PG	Play Ground	Pawana	16 to 18	1.40
27	Dapodi	3/6-SS	Secondary School	Pawana	11, 15, 16, 18	2.02
28	Dapodi	3/15-G	Garden/ Park	Pawana	9 to 11, 16	1.39
29	Dapodi	3/16-PS	Primary School	Pawana	11	1.21
30	Dapodi	3/17-PSN	Police Station	Pawana	11	0.05
31	Dapodi	3/18-P	Post Office	Pawana	11	0.06
32	Dapodi	3/19-ZO	PCMC Zonal Office	Pawana	11	0.23
33	Dapodi	3/29-DMH	Dispensary Cum Maternity Hospital	Pawana	85	0.20
34	Dapodi	3/30-PS	Primary School	Pawana	85A (P)	0.40
35	Dapodi	3/31-G	Garden/ Park	Pawana	84, 85A, 85B	2.00
36	Dapodi	3/37-SPG	Swimming Pool and Gymnasium	Pawana	78, 81, 82, 85	0.90
37	Dapodi	3/38-OP	Octroi Post	Pawana	79, 80	0.20
38	Dapodi	3/39-P	Parking	Pawana	80	0.10
39	Dapodi	3/40-CM	Crematorium	Pawana	79, 80, 84	0.37
40	Dudulgaon	1/222-CG	Cremation Ghat	Indrayani	248, 249	0.10
41	Dudulgaon	1/230-SSP	Sewage Sump & Pump House	Indrayani	22, 24	0.50
42	Kiwale	4/137-SSP	Sewage Sump & Pump House	Pawana	96	0.50
43	Kiwale	4/138-CG	Cremation Ghat	Pawana	97	0.08
44	Mamurdi	4/161-CG	Cremation Ghat		7	0.10
45	Mamurdi	4/162-SSP	Sewage Sump & Pump House		9	0.50
46	Moshi	1/168-CG	Cremation Ghat		51	0.35
47	Moshi	1/169-AI	Animal Incinerator		51	0.40
48	Moshi	1/173-RPR	River Front Recreation	Indrayani	89, 90, 91, 93, 94, 145 to 153	2.00
49	Moshi	1/174-SSP	Sewage Sump & Pump House	Indrayani	155 to 160	0.50
50	Punawale	4/60-RFP	River Front Recreation	Pawana	54	2.76
51	Punawale	4/75-BG	Burial Ground	Pawana	3	1.00
52	Punawale	4/74-A&B-STP	Sewage Treatment Plant	Pawana	5	2.00
53	Ravet	4/80-SSP	Sewage Sump & Pump House	Pawana	27, 28, 33	0.50
54	Ravet	4/79-CM	Crematorium	Pawana	17	0.40
55	Talawade	1/74-RPR	River Front Recreation	Indrayani	9 to 14	2.10
56	Talawade	1/75-SSP	Sewage Sump &	Indrayani	11, 14, 15	0.50

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			Pump House			
57	Tathawade	1-S&PH	Sewage Sump & Pump House	Pawana	173	0.40
58	Tathawade	2-CG	Cremation Ghat	Pawana	174	0.40
59	Tathawade	6-STP	Sewage Treatment Plant	Pawana	19	1.0
60	Wakad	4/1-SSP	Sewage Sump & Pump House	Mula	4	0.28

19. ILLEGAL CONSTRUCTION OF PARKING COMPLEX ON MANDATORY 10% OPEN SPACE IN TOTAL VIOLATION OF CONDITIONS IN ENVIRONMENT CLEARANCES

a. It is submitted that, PP has to provide mandatory 10% Open Space (RG Area) for the purpose of recreational purposes and plantation of trees as per the EC Conditions and said RG Area of the 10% open space area comes to 10543.80 M^2, but the PP has illegally constructed parking complex on this recreational space and RG Area is provided on podium.

b. It is to be noted that, our Constitution gives right of decent life to every citizen having at least basic facilities to be provided by the developers in their developments. But here the project proponent have intentionally and purposefully committed the contravention of the provisions of Law, Acts & Rules with open eyes, in the manner of insulting and challenging the entire systems. It is not possible to take place such type of illegal activity without connivance of the Local Authority i.e. sanctioning officers. Basically the open space is required for the gardening, to plant some trees, so there will be the positive effect on the livelihood by reducing the temperature of surrounding by absorbing of Carbon Dioxide and on other hand

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the unit purchasers shall have sitting out for enjoyment, kids have play-ground many more purposes of Open spaces are classified in the view of decent life.

20. **ILLEGAL INCREASE IN GROUND COVERAGE AREA AS AGAINST 14128.34 SQ. MTRS**

a. It is clear from the table No. 4 as stated above, that the total PP has illegally constructed ground coverage of 20866.81 Sq. Mtrs. against available 14128.34 Sq. Mtrs. and PP has illegally claimed ground coverage to 15881.92 Sq. Mtrs.

b. In fact this illegal ground coverage area is affecting the rain water harvesting and its resulting in the ground water damage & continues decrease in the water level.

PP HAS SUBMITTED MISLEADING INFORMATION TO THE SEAC AND SEIAA FOR OBTAINING EC AND VIOLATED THE CONDITIONS IMPOSED BY SEAC & SEIAA:

21. **VIOLATIONS OF SEAC CONDITIONS:**

a. It is submitted that, the PP filed an application seeking prior environment clearance before SEIAA Maharashtra under category 8(b)-B(1) with following configuration:

Total plot area: 2,31,000 sq.m.
Net plot area: 94,768 sq.m.
Built up area as per FSI: 1,67,800 sq.m.
Total construction area: 2,41,727 sq.m.
No. of buildings: 30 (S+12).
No. of flats: 2,360.
No. of parking spaces required: 1,363;
No. of parking spaces proposed: 1859.

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Parking area proposed: 13,983 sq.m.

Green cover area: 16,364 sq.m.

Proposed no. of trees: 1,300.

b. It is submitted that, the said application was considered by SEAC in its 36th meeting at item No. 22 held on 15.11.2010 and directed PP to comply with following Conditions:

(i) *Change of name from Ishwar Construction to River Residency has been noted. The same may be confirmed.*

(ii) ***The proposed project is on the bank of the river Indrayani and a number of buildings are located in the high flood zone. Prior clearance from the Water Resources Department is required for construction of these buildings. Also cross sections showing the ground levels and flood levels in relation to the plot may be submitted.***

(iii) *Consent of the PCMC/PMC may be obtained for supply of required water and location of the municipal drain for discharge of the surplus treated effluent may be indicated.*

(iv) *Details of all relevant aspects like water balance, STPs, roads, energy requirement, parking, BUA etc may be furnished for each of the phases along with the total for the entire project.*

(v) ***The proposed parking area may be restricted to that worked out on the basis of norms. The total construction area may be accordingly reduced and revised area statements and drawings may be submitted.***

(vi) *The issue of rain water harvesting needs to be dealt with in greater detail. The number, size and depth of the recharge bores need to be furnished as also the quantity of rain water to be stored in the proposed water body. The possibility of storing and using terrace water also needs to be studied and indicated.*

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(vii) *It may be clarified why the terrace area is included in the non-FSI calculations and also the owner's plot area was deducted.*

(viii) *The ground coverage area shown as 21,250 sq. m. needs to be checked and revised details furnished."*

Therefore, form the Condition No. (ii) SEAC directed to PP to submit prior clearance form water resource department for construction of such buildings in high flood line. As per Condition No. (v) SEAC also directed to PP to reduce the parking area wrt to norms and to submit the reduced total construction area. Also as per Condition No. (viii) SEAC also directed to PP to check & revise the ground coverage area from 21250 M².

Copy of the Minutes of 36th SEAC meeting dated 15.11.2010 is attached herewith as **ANNEXURE-A-3 {Page-92 to 94}.**

c. It is submitted that, the said EC application was considered by SEAC in its 40th meeting at item No. 9 held on 14.02.2011 and directed PP to comply with following Conditions which was not complied from 36th meetings:

(i) *The proposed project is on the bank of the river Indrayani and a number buildings are located in the high flood zone. Buildings proposed in the flood control between the blue and red flood lines indicated by the Water Resources Department should be shifted beyond the flood zone.*

(ii) *STP should be modular considering phase wise completion of the residential buildings. Location of STP should be shifted away from the river to avoid possible water pollution.*

(iii) *PCMC's letter dated 15th December 2010 indicates that the NOC for use of the sewerage line is only for a built up area of 14,177.14 sq.m, as against the proposed built up area of*

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1,67,800 sq.m. This position is not acceptable, as it is not possible to consume the entire balance quantity for flushing and gardening. This issue needs to be satisfactorily resolved.

(iv) *Consent of PCMC for water supply may also be submitted, as PCMC's letter dated 1.10.2010 has not indicated clear availability of water.*

Therefore, form the Condition No. (i), SEAC directed to PP to shift the buildings proposed in the flood control between the blue and red flood lines indicated by the Water Resources Department. But PP did not complied with the same and carried out the illegal construction in flood line of Holy Indrayani River. Also there is no sufficient water supply by the PCMC and therefore PP is extracting ground water from bore wells in illegal manner without prior permissions from CGWA.

Copy of the Minutes of 40th SEAC meeting dated 14.02.2011 is attached herewith as **ANNEXURE-A-4 {Page-95 to 96}.**

d. It is submitted that, the said EC application was considered by SEAC in its 43rd meeting at item No. 14a held on 19.04.2011 and noted the false, baseless and misleading compliances with following decision:

"Decision: The project proponent has furnished a statement complying with the points raised in the 40th meeting. Regarding construction between the blue and red flood lines, they have produced the clearance given by the Commissioner of PCMC. They have agreed to shift the location of the STP as suggested by the Committee. They have also produced NOC issued by PCMC for disposal of the entire (surplus) treated sewage. Consent of PCMC for water supply has also been submitted. It was decided to recommend the proposal for grant of prior environmental clearance."

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Therefore, as per the Condition of SEAC in 36th and 40th meeting, PP was directed to submit the NOC from water Resource department for the construction of building in high flood line, but PP has submitted the NOC from Commissioner of PCMC and there is no shifting of such buildings from the high flood line to beyond flood line. Thus PP has carried out the illegal construction in blue flood line of the Indrayani River.

A copy of the Minutes of 43rd SEAC meeting dated 19.04.2011 is attached herewith and marked as **ANNEXURE-A-5 {Page-97}.**

22. VIOLATION OF NON-AGRICULTURAL PERMISSION RESULTING INTO ILLEGAL LAND USE CHANGE:

a. It is submitted that, the M/s. River Residency (JV)-PP has procured the Non-Agricultural permission vide Order No. PMA/NA/SR/872/10 dated 18.05.2011 for total land 215000.00 M².

b. It is submitted that, the collector Pune after verification of documents and land records, plans sanctioned by PCMC has granted the Non-Agricultural permission to only 90899.05 M² after deduction of the reservations, other Non-development areas and considering total plot area admeasuring to the 124000.00 M².

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Table No. 6: - Non-Agricultural Permission

Gut No.	Area (M²)
90 (p)	124000
Total Area	124000
Sanctioned Area In Layout	124000
(-) Road Area	24367.06

(-) Reservation Area	8733.89
Residential Use Area	90899.05

c. It is submitted that, as per terms & condition No. 1 of Non-Agricultural permission only 13484.75 M² of Built-up area is sanctioned by said order.

d. It is submitted that, as per condition No. 3 permissible use of building is only for residential purpose. In fact the NA permission was granted for the residential purpose, but the project proponent has constructed commercial buildings and 39 shops also in violation of this NA Permission and this is nothing but illegal land use change.

e. Thus following violations of NA permissions are observed;

f. It is submitted that, Area considered by NA permission was 124000 sq. Mtrs. but project proponent has made construction on 131000 sq. Mtrs. without obtaining any amendment in NA order and it amounts to violation.

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g. It is submitted that, NA permission has granted only for residential purpose but the project proponent has constructed commercial buildings for 39 shops and also PP has commenced it use illegally and its amount to violation of NA permission.

h. It is submitted that, Total BUA sanctioned is only 13484.75 sq. Mtrs. but project proponent has carried out the construction of 199000 sq. Mtrs. (as admitted by PP in its revised application for EC) and its clear cut violation of NA Permission.

i. Further it is submitted that, the project proponent has suppressed the area 8840 Sq. Mtrs. of stone quarry and this area of stone quarry is nothing but the non-development area and shall be deducted from the 124000 sq. Mtrs. but the Respondent No. 17-PP as well as collector Pune has intentionally overlooked such non-development zone (NDZ) area from the layout and gave illegal benefits to the project proponent.

j. Further it is submitted that, it seems that the stone quarry was illegal and collector Pune has intentionally negated to put heavy fine for such illegal exaction of minor minerals and caused loss to the Government.

k. It is submitted that, the Collector Pune also not made the site survey and allowed Respondent No. 17-PP to damage the Holy Indrayani River by encroaching in river and allowing construction waste dumping in the river.

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l. Thus the Respondent No. 17-PP has violated the NA Permission, illegal enjoyed benefits of stone Quarry Area, made construction in blue line by managing the false making of blue line, dumped huge construction waste in river.

Copy of the Non-Agricultural permission vide Order No. PMA/NA/SR/872/10 dated 18.05.2011 is attached herewith and marked as **ANNEXURE-A-6, [Page-98 to 105]**.

23. VIOLATIONS OF SEIAA CONDITIONS:

a. It is submitted that, the said EC application was considered by SEIAA in its 39th meeting at Table Item No. 1 held on 15.09.2012

and decided to accord the EC and it was surprising to note that there was no EIA submitted by PP for this Proposal and following condition was imposed:

"the project proponent may, in due course, submit EIA".

b. It is submitted that, there was no issuance of Terms of Reference (TOR) and also there was no submission of mandatory EIA and grant of EC was without following due course.

c. It is submitted that, the project "River Residency" is undertaken by the joint venture between various firms stated in the registered agreement vide no. 4966/2010 dated 12.05.2010 in the office of Sub-registrar Haveli-8 (Yerwada) and the area of joint venture was 144000 Sq. Mtrs. out of which 4000 Sq. Mtrs was Green Belt Area.

d. It is submitted that, the PP has misleaded the authorities while obtaining EC by stating that the total area of the development is 231000 Sq. Mtrs.

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e. It is submitted that, the PP has misleaded the authorities by stating that, the net plot area of development is 101891.43 Sq. Mtrs.

f. It is submitted that, the PP has misleaded the authorities by stating that, the FSI of 145241.63 Sq. Mtrs.

g. It is submitted that, the PP has misleaded the authorities by not stating the stone quarry area which is Non-Development Zone and said area of the stone quarry area shall not be considered towards the calculation of FSI, but the Project proponent has not

deducted an area of 8840 sq. Mtrs. of stone quarry and played fraud on PCMC, Public and Authorities.

h. It is submitted that, the PP has misleaded the authorities by not stating the area affected by the blue line of the Indrayani River and taken illegal benefits of the FSI of Blue Line Area.

i. It is submitted that, the PP has misleaded the authorities and made construction of building "G to L, P, N1, N2" and proposed to construct building N3 and N4. In fact project proponent has dumped the huge quantity of construction waste in the Indrayani River to manipulate the actual marking of the Blue Line & Red Line marking.

A copy of the Minutes of 39th SEIAA meeting dated 14.09.2011 is attached herewith as **ANNEXURE-A-7 {Page-106 to 108}.**

24. **PP HAVE COMMITTED VIOLATION OF TERMS AND CONDITIONS OF ENVIRONMENT CLEARANCE DATED 07.10.2011:**

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a. It is submitted that, the PP procured the EC vide No. SEAC-2011/CR.620/TC.2 dated 07.11.2011 by misleading and suppressing the actual facts from the authorities and further PP has violated the major terms & condition of the said EC as stated below;

b. Disposal:

- Construction debris shall be used for back filling and levelling of the plot and remaining will be disposed to authorized sites.

- Top soil shall be preserved and reused within site for landscaping.
- Segregation of dry and wet garbage will be done at source.
- Dry garbage will be disposed off through recycler
- Wet garbage will be composted OWC and treated waste will be used as manure

c. **Energy Conservation**

- Solar power for water heating.
- Use of fly ash bricks & pavement blocks
- Green boundary wall instead of stone wall

d. **Green Belt Development**

- Ground Coverage area: 15985.24 Sq. Mtrs.
- Green Cover Area: 10543.80 Sq. Mtrs.
- Total 1300 no. of trees to be planted

e. 3(xi) All the topsoil excavated during construction activities should be stored for use in horticulture / landscape development within the project site.

f. 3(xiii) Green Belt Development shall be carried out considering CPCB guideline including selection of plant species and in consultation with the local DFO/ Agriculture Dept.

g. 3(xiv) Disposal of muck during construction phase should not create any adverse effect on the neighbouring communities and be disposed taking the necessary precautions for general safety and health aspects of people, only in approved sites with the approval of competent authority.

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h. 3(xv) Soil and ground water samples will be tested to ascertain that there is no threat to ground water quality by latching of heavy metals and other toxic contaminants.

i. 3(xvi) Construction spoils, including bituminous material and other hazardous materials must not be allowed to contaminate watercourse and dump sites for such material must be secured so that they should not leach into the ground water.

j. 3(xvii) Any hazardous waste generated during construction phase should be disposed of as per applicable rules and norms with necessary approvals of the Maharashtra Pollution Control Board.

k. 3(xxvii) The ground water level and its quality should be monitored regularly in consultation with Ground Water Authority.

l. 3(xxx) Permission to draw ground water shall be obtained from the competent Authority prior to construction / operation of the project.

m. 3(xl) The building should have adequate distance between them to allow movement of fresh air and passage of natural light, air and ventilation.

n. 3(liii) The environmental statement for each financial year ending 31st March in form-V as is mandated to be submitted by the project proponent to the concerned state Pollution Control Board as prescribed under the Environment (Protection) Rules, 1986, as amended subsequently, shall also be put on the website

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of the company along with the status of Compliance of EC conditions and shall also be sent to the respective Regional Offices of MoEF by e-mail.

o. 5. In case of submission of false document and non-compliance of stipulated conditions, Authority/ Environment Department will revoke or suspend the Environmental Clearance without any intimation and initiate appropriate legal action under Environmental Protection Act, 1986.

p. 8. In case of any deviation or alteration in the project proposed from those submitted to this department for clearance, a fresh reference should be made to the department to assess the adequacy of the condition(s) imposed and to incorporate additional environmental protection measures required, if any.

q. Therefore PP has committed violation of Environment Clearance dated 07.10.2011.

Copy of Environment Clearance dated 07.10.2011 is attached herewith and marked as ANNEXURE-A-8, (Page-109 to 116).

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25. **PP HAVE COMMITTED VIOLATION OF TERMS AND CONDITIONS OF CONSENT TO ESTSBLISH DATED 03.12.2011:**

a. "3. No quarrying activities shall be commenced in the area unless appropriate permissions are obtained for a limited quarrying material required for construction of local residential housing and traditional road maintenance work, provided that such quarrying is not done on Forest Lands and the material is

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not exported to the outside area." PP has carried out substantial deep quarrying into the existing quarry and blocked the natural water flow to change the blue flood line.

b. "5. Extraction of ground water for the project shall require prior permission of the State Ground Water Authority or other relevant authorities, as applicable;" PP is extracting ground water from more than 5 (Five) bore wells without prior permission from concern authority.

c. "15. Ready mix concrete used in building construction should apply separately for consent from the board." PP has established and operated RMC plant since 01.01.2012 to 24.09.2017 in illegal manner and caused the damage to the environment and ecology.

d. "9. The applicant shall adopt environment friendly technology in development of the project." PP has dumped construction waste in water body for reclamation, PP has also constructed Ghat or so called Nature Park, PP has operated RMC without due permission, PP is extracting ground water, PP has made construction in prohibited blue flood line, PP has carried out illegal construction of Parking Complex of 10% RG Area etc.

e. "12. Energy conservation measures like installation of solar panels for lighting the area outside the building should be integrated part of the project design." PP has not provided solar panels for lighting.

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f. "15. This is issued pursuant to the decision of Consent Committee of the Board in its meeting held on 28th November, 2011 and approval of the Chairperson of the Board." There is involvement of bureaucratic nexus and there is no consideration to the construction in blue flood line and adverse impact on Indrayani River.

g. Therefore PP has committed violation of Consent to Establish dated 03.12.2011.

A Copy of Consent to Establish dated 03.12.2011 is attached herewith as **ANNEXURE-A-9, (Page-117 to 121).**

26. DEMARCATION PLAN DATED 06.09.2012 ISSUED BY PCMC SHOWING FLOOD LINE AFFECTED AREA OF THE GREEN BELT, STP RESERVATION, 18 MTRS D.P. ROAD & 24 MTRS D.P. ROAD:

a. It is submitted that, the PCMC has issued the demarcation plan vide No. BP/Chikhali/23/2012 dated 06.09.2012 to the entire project land at Gut No. 90 showing the manipulated flood line marking, stone quarry, green belt, STP reservation, 18 Mtrs D. P. Road, 24 Mts. D. P. Road affected by blue flood line, raised Open spaces A & B, Amenity Spaces etc.

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b. It is submitted that, the area of the above stated reservations and open spaces and amenity space is given below:

Sr.	Description	Area (M^2)
1.	Stone Quarry	Not Disclosed
2.	18 Mtrs. D. P. Road	Not Disclosed
3.	24 Mtrs. D. P. Road	Not Disclosed
4.	Open Space-A	Not Disclosed

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5.	Raised Open Space-B	5266.49
6.	Amenity Space	5077.95
7.	Green Belt	42934.69
8.	STP Reservation-1/130	42747.07

c. It is submitted that, the Respondent No. 17-PP M/s. River Residency Developers has carried out the illegal construction of parking complexes on RG area in violation of terms and conditions of EC dated 07.10.2011. It is important to provide such Open Spaces / RG area on virgin land mandatorily and therefore, the construction of parking complexes and providing of raised open spaces is not tenable in the eyes of law.

d. It is submitted that, the Respondent No. 17-PP M/s. River Residency Developers has dumped the solid waste generated from the excavation and construction of more than 200000 Sq. Mtrs. is dumped on the Green Belt reservation of an area admeasuring to the tune of 42934.69 Sq. Mtrs. and STP Reservation area admeasuring to the tune of 42747.07 Sq. Mtrs. and both these reservations are affected by the prohibited blue flood line of Indrayani River.

e. It is submitted that, the Respondent No. 12-M/s. Jare Group and Respondent No. 13-V Square has proposed the illegal bungalow project with construction internal bungalow boundary, Boundary wall of project land i.e. green Belt and One Bungalow in connivance of Respondent No. 17-PP M/s. River Residency and Respondent-PCMC & Irrigation Department.

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Copy of the demarcation plan obtained by Respondent No. 17-PP M/s. River Residency dated 06.09.2012 is attached herewith and marked as ANNEXURE-A-10 {Page-122}.

27. **PP HAVE COMMITTED VIOLATION OF TERMS AND CONDITIONS OF FIRST CONSENT TO OPERATE DATED 25.11.2013:**

a. It is submitted that, this first Consent to Operates was granted on 25.11.2013 and same was valid for the period upto 31.02.2015.

b. It is submitted that, this CTO was granted for 75270.21 Sq. Mtrs out of 239049.92 M². But completed built-up area was more than this.

c. It is submitted that, as per condition No. 7 (i) page-4 of this CTO, PP was prohibited form generating any hazardous waste, but PP himself has admitted in Compliance Report dated 31.05.2017 at Page-5 of said report at item (xvi) that there is generation of hazardous waste from the project.

d. It is submitted that, as per condition No. 9 page-5 of this CTO, PP was bound to make application for renewal of consent to operate at least 60 days prior to expiry of this CTO. But PP failed to such application for renewal.

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e. It is submitted that, as per condition No. 11 page-5 of this CTO, PP was bound to comply with the Conditions of EC dated 07.10.2011. But PP has violated the same.

f. Therefore PP has committed violation of Consent to Operate dated 25.11.2013.

Copy of Consent to Operate dated 25.11.2013 is attached herewith and marked as ANNEXURE-A-11, {Page-123 to 127}.

28. **DEMARCATION PLAN DATED 29.09.2014 ISSUED BY PCMC SHOWING FLOOD LINE AFFECTED AREA OF THE GREEN BELT, STP RESERVATION, 18 MTRS D.P. ROAD & 24 MTRS D.P. ROAD:**

a. It is submitted that, the PCMC has issued the demarcation plan vide No. BP/Chikhali/56/2014 dated 26.09.2014 to the entire project land at Gut No. 90 showing the manipulated flood line marking, stone quarry, green belt, STP reservation, 18 Mtrs D. P. Road, 24 Mts. D. P. Road affected by blue flood line, Raised Open spaces A, B, C, D & E, Amenity Spaces etc.

b. It is submitted that, the area of the above stated reservations of Green belt, STP, raised open spaces, D.P. Roads and amenity space are given below:

Sr.	Description	Area (M²)
1.	Stone Quarry	Not Disclosed
2.	18 Mtrs. D. P. Road	Not Disclosed
3.	24 Mtrs. D. P. Road	Not Disclosed
4.	Raised Open Space-A	2020.92
5.	Raised Open Space-B	5266.49
6.	Open Space-C	1988.14
7.	Open Space-E	338.35
8.	Amenity Space	5077.95
9.	Green Belt	42934.69
10.	STP Reservation-1/130	42747.07

c. It is submitted that, the Respondent No. 17-PP M/s. River Residency Developers has carried out the illegal construction of parking complexes on RG area (Open Spaces) in violation of

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terms and conditions of EC dated 07.10.2011. It is important to provide such Open Spaces / RG area on virgin land mandatorily and therefore, the construction of parking complexes and providing of raised open spaces is not tenable in the eyes of law.

d. It is submitted that, the Respondent No. 17-PP M/s. River Residency Developers has dumped the solid waste generated from the excavation and construction of more than 200000 Sq. Mtrs. is dumped on the Green Belt reservation of an area admeasuring to the tune of 42934.69 Sq. Mtrs. and STP Reservation area admeasuring to the tune of 42747.07 Sq. Mtrs. and both these reservations are affected by the prohibited blue flood line of Indrayani River.

e. It is submitted that, the Respondent No. 12-M/s. Jare Group and Respondent No. 13-V Square has proposed the illegal bungalow project with construction internal bungalow boundary, Boundary wall of project land i.e. green Belt and One Bungalow in connivance of Respondent No. 17-PP M/s. River Residency and Respondent-PCMC & Irrigation Department.

Copy of the demarcation plan obtained by Respondent No. 17-PP M/s. River Residency dated 26.09.2014 is attached herewith and marked as ANNEXURE-A-12 {Page-128}.

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29. PP HAVE COMMITTED VIOLATION OF TERMS AND CONDITIONS OF SECOND CONSENT TO OPERATE DATED 06.11.2015:

g. It is submitted that, as PP has procured this Second CTO on 06.11.2015 against his application dated 07.04.2015, so there was no CTO from 01.02.2015 to 05.11.2015 and PP has operated the project without Consent to operate.

h. It is submitted that, this CTO was granted for 79847.36 Sq. Mtrs out of 239049.92 M². But completed built-up area was more than this.

i. It is submitted that, this second Consent to Operates was procured on 06.11.2015 and same was valid for the period upto 31.01.2017.

j. It is submitted that, as per condition No. 12 page–6 of this CTO, PP was bound to make application for renewal of consent to operate at least 60 days prior to expiry of this CTO. But PP failed to such application for renewal and renewal application was made on 07.04.2015 to obtain this consent.

k. It is submitted that, as per condition No. 9 page–2 of this CTO, PP was bound to comply with the Conditions of EC dated 07.10.2011. But PP has violated the same.

l. Therefore PP has committed violation of Consent to Operate dated 06.11.2015.

Copy of Consent to Operate dated 06.11.2015 is attached herewith as ANNEXURE-A-13, [Page-129 to 134].

30. APPLICATION DATED 03.02.2017 FOR AMENDMENT IN ENVIRONMENT CLEARANCE

a. In above circumstances of violations of terms and conditions of previous EC Vide No. SEAC-2011/CR.620/TC.2 dated

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07.10.2011, and non-complying to the directions stipulated in the previous EC by project proponent.

b. It is submitted that, the Environment Department, SEAC, SEIAA, MPCB were informed and their attention were invited towards the application dated 03.02.2017 for amendment in EC to regularize the illegal construction and to take appropriate decision as per the law as in view that there will not be further damage to environment & ecology as there is serious violation by the project proponent in his building construction project and caused the substantial damage to surrounding environment & ecology.

Copy of the Application dated 10.02.2017 for revised EC is attached herewith and marked as **ANNEXURE-A-14, {Page-135 to 248}.**

31. PHOTOGRAPHS DATED 15.04.2017 SHOWING DUMPING OF CONSTRUCTION WASTE BY M/S. RIVER RESIDENCY:

a. It is submitted that, the M/s. River Residency were started their construction near about 2012 and started dumping of construction waster and excavated waste material on the green belt of remaining land in the same survey number on which the present bungalow project is under construction.

b. It is submitted that, the photographs from Photo No. 05/28 to 12/28 dated 15.04.2017 clearly shows the ongoing dumping of the construction waste on the Green Belt and STP reservation plot is done by the M/s. River Residency (JV) on which Respondent No. 12-M/s. Jare World & Respondent No. 13-M/s.

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V Square i.e. Project Proponents have under taken bungalow plotting & its construction.

c. It is submitted that, the photographs from Photo No. 25/28 to 26/28 dated 15.04.2017 clearly shows illegal installation of RMC plant causing air pollution in the area and Photo No. 27/28 to 28/28 dated 15.04.2017 clearly shows air particles spared over the area causing air pollution M/s. River Residency (JV).

A Copy of the Photographs dated 15.04.2017 of the project sites captured by the applicant with *"Canon Power shot A470"* are attached herewith and marked as **ANNEXURE-A-15 {Page-249 to 262}.**

32. FALSE AND MISLEADING COMPLIANCE REPORT DATED 31.05.2017:

a. It is submitted that, the PP has submitted the compliance report wrt to the EC dated 07.10.2011 after filling of complaint with Respondent Authority to overcome the violation and he himself is admitted that the excavated material and construction waste generated from the project site is used within site for levelling, hazardous waste & bituminous material generated from site is handed over to the vendor but no vendor is disclosed, till compliance only 603 out of 1300 trees, no ground water is extracted, No deviation in project.

b. It is submitted that, the PP has parking area of 28173 M² against the restricted parking area of 57,272.80 M² and same is illegal parking complex area constructed on 10% RG Area.

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Copy of the compliance report dated 31.05.2017 is attached herewith and marked as ANNEXURE-A-16, {Page-263 to 278}.

33. PHOTOGRAPHS DATED 09.06.2017 SHOWING DUMPING OF CONSTRUCTION WASTE BY M/S. RIVER RESIDENCY:

(i) It is submitted that, the M/s. River Residency were started their construction near about 2012 and started dumping of construction waster and excavated waste material on the green belt of remaining land in the same survey number on which the present bungalow project is under construction.

(ii) It is submitted that, the photographs from vide Photo No. 07/62, 15/62, to 21/62 dated 09.06.2017 clearly shows the ongoing dumping of the construction waste on the Green Belt and STP reservation plot is done by the M/s. River Residency (JV) on which Respondent No. 12-M/s. Jare World & Respondent No. 13-M/s. V Square i.e. Project Proponents have under taken bungalow plotting.

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(iii) It is submitted that, the photographs from vide Photo No. 21/62 to 31/62 dated 09.06.2017 clearly shows the illegal construction of Ghat or so called nature park in to the Indrayani River bed creating pollution and obstacle to the water flow by M/s. River Residency (JV).

(iv) It is submitted that, the photographs from vide Photo No. 32/62 to 38/62 dated 09.06.2017 clearly shows illegal dumping of the hazardous waste like Gypsum, POP, Cement & Concrete generated from the Construction of M/s. River Residency (JV),

specifically Photo No. 36/62 showing tractor carrying construction waste for dumping into river bed.

(v) It is submitted that, the photographs from vide Photo No. 40/62 to 52/62 dated 09.06.2017 clearly shows green belt reservation area affected by prohibited blue flood line under construction waste dumping and trees standing there, on which illegal bungalow plotting construction is done by Respondent No. 12-M/s. Jare World & Respondent No. 13-M/s. V Square i.e. Project Proponents.

(vi) It is submitted that, the photographs from vide Photo No. 53/62 to 54/62 dated 09.06.2017 clearly shows storage of Cement yard and cement blocks storage into in to Indrayani River bed by Respondent No. 11-M/s. River Residency (JV).

(vii) It is submitted that, the photographs from vide Photo No. 55/62 to 60/62 dated 09.06.2017 clearly shows storage of construction waste dumping into in to Indrayani River bed by M/s. River Residency (JV).

(viii) It is submitted that, the photographs from Photo No. 61/62 to 62/62 dated 09.06.2017 clearly shows illegal installation of RMC plant causing air pollution in the area and air particles spared over the area causing air pollution M/s. River Residency (JV) and also shows the equipments like tractors, JCB utilised for construction waste dumping.

Copy of the Photographs dated 09.06.2017 of the project sites captured by the applicant with *"Canon Power shot A470"* are

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attached herewith and marked as ANNEXURE-A-17 {Page-279 to 309}.

34. **RESPONDENTS WERE REQUESTED TO TAKE APPROPRIATE LEGAL ACTION AGAINST THE PP FOR RESTORATION AND RESTITUTION OF THE ENVIRONMENT AND ECOLOGY DAMAGED BY THEM INTENTIONALLY VIDE NOTICE DATED 05.07.2017:**

a. It is submitted that, this applicant were sent legal notice/ Complaint to the various respondent government authorities for further legal actions on 05.07.2017, but none of the respondent authorities acted diligently.

b. It is submitted that, the Respondents authorities herein where called for initiate legal action:

> *"All Noticee are called upon to take legal action against the Project Proponents as per the law for the violations committed by them and in view to stop further damage and degradation caused by PP to environment and ecology on priority. In addition to that further legal actions against Project Proponent needs to be initiated by PCMC for violations of DC rules, MR & TP Act and taking benefits of illegal FSI & TDR of Non-Development zone by misleading the authorities."*

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c. It is submitted that, the PCMC has made called false and misleading reply from PP and there is no action till date.

d. It is submitted that, the SEIAA has issued show cause notice & proposed directions dated 29.08.2019 under section-5 of EPA Act-1986 and but there is no action till date.

e. It is submitted that, the MPCB has issued warning notice dated 14.04.2018 and but there is no action till date.

f. It is submitted that, there is no action from Water Resource department for dumping of construction waste, illegal construction in prohibited zone of blue flood line till date.

g. Therefore the gross negligence of the authorities cannot be tolerated to protect the public at large.

Copy of the Notice dated 05.07.2017 sent to the government authority including PP for their illegality, is attached herewith and marked as **ANNEXURE-A-18, (Page-310 to 368).**

35. **MINUTES OF 63RD SEAC-III MEETING FOR AMENDMENT IN EC:**

a. It is submitted that, the SEAC-III considered the application dated 10.02.2017 for amendment in EC in its 63rd Meeting and ToR were issued. Said ToR has no reference to the flood line of Indrayani River, there is no site visit for compliance of existing construction in view to cross check the compliance of previous EC.

b. It is submitted that, the SEAC-III has ignored the disposal of construction waste and its dumping in River Bed in green belt reservation for reclamation of land.

c. It is submitted that, the SEAC-III has ignored the illegal construction of parking complex on RG Area and no RG area is provided on virgin Land.

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d. It is submitted that, the SEAC-III has issued the ToR for 37 points but excluding the Ground Water Extraction, Concretization of entire plots and this act indicates the gross negligence of the SEAC-III committee.

Copy of the Minutes of 63rd SEAC-III meeting dated 11.09.2017 is attached herewith and marked as ANNEXURE-A-19 {Page-369 to 383}.

36. FALSE AND MISLEADING REPLY OF PP & HIS ARCHITECT DATED 13.09.2017 TO THE NOTICE OF THIS APPLICANT:

a. It is submitted that, the PCMC provided the copy of reply submitted by PP dated 13.09.2017 wrt to the complaint of this applicant on 09.02.2018. It is to be noted that, the PP has filed absolutely false and misleading reply as expected by the corrupt bureaucrats of the PCMC. Even the higher bureaucrats from state ministry also seating in line with their subordinates or they are closing their eyes having chain of corruption between them.

b. Important facts admitted, omitted, suppressed by in his reply dated 13.09.2017 are given below.

(i) Admitted that, the Project of Respondent No. 15 is affected by Stone Quarry of an area admeasuring 5289.95 Sq. Mtrs out of 6388.24 Sq. Mtrs. and remaining area is located in Green Zone. In actual the stone quarry area is more than 8840 Sq. Mtrs. and is in the project area and 18 Mtrs. DP Road passing though the Project land.

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{Ref: Para-2 & 3, Page-8 of PP reply}

(ii) No such stone quarry is not marked on DP Plan, Land Record Plans and Zone Plan. Stone Quarry is falling in residential Zone and therefore PP has utilised its full FSI. In fact, this is illegal stone quarry and PP cannot take benefits on both accounts by sale of minerals and further claiming its FSI for raising illegal construction. Basically PP in connivance with Corrupt PCMC officer has played this fraud.

{Ref: Para-1 (i) to (iv), Technical Aspects- (a) to (c), Page-9 of PP reply}

(iii) PP has admitted there are bore wells in the project and refused to take responsibility of same and PP stated that the bore wells are dug by Residents members of the society. In fact PP has dug these bore wells and has also utilised the ground water extracted for construction purpose.

{Ref: Page-11, Para- (d) of PP reply.

(iv) PP has stated that, the Net Plot area is 79406.61 Sq. Mtrs. and ground coverage is 14128.34 Sq. Mtrs. but in fact Net Plot Area is 70641.68 Sq. Mtrs. and actual ground coverage is 20866.81 Sq. Mtrs. PP has provided false area statement calculation by suppressing the stone quarry area as non-development area as per the Appendix stated in DC Rules of PCMC.

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{Ref: Page-12, Para-1 & 2 of PP reply}

(v) PP admitted that the total area of Gut No. 90 is 231000 Sq. Mtrs. and total plot area of the project is 144000 Sq. Mtrs. as the various joint venture agreements.

(vi) PP has misleaded on account of net plot area and mentioned total net plot area is 79409.61 Sq. Mtrs. as the Deduction for proposed road is shown as 25207.30 Sq. Mtrs. in table-4, but PCMC sanction plan shows 26791.30 Sq. Mtrs. Therefore the net plot area calculations are wrong & false.

(vii) PP is misleading on account of dumping of construction waste in green zone and STP reservation by stating that, the said land is outside purview of Joint Venture of 144000 Sq. Mtrs. but in fact the One of the JV partner Dilip Choradiya has holing the land of STP reservation and to protect his land this Respondent No. 15 has dumped the waste in Indrayani River and in blue flood line on which Respondent No. 12 & 13 are developing bungalow project.

(viii) Top soil preservation is not done and GRIHA Organisation is not appointed to monitor the compliance of EC, but certification of GRIHA is procured for getting benefits of reimbursement of premium payments from PCMC. However the GRIHA certification clearly shows that, there is only 3 star rating to the project out of 5 star

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rating. This means there is no compliance to the 2 star. Which is no tolerable.

{Ref: Page-18, Para-iii of PP reply}

(ix) PP has admitted that he has constructed Stone Wall, which is prohibited in EC condition under "Energy Conservation", Green Boundary wall is not constructed at site.

{Ref: Page-19, Para-ii-Green Boundary Wall of PP reply}

(x) PP has misleaded on account of Green Cover Area of 12152.05 Sq. Mtrs. but in fact there is construction of Parking complexes on the Green Cover Area and raised Green Area is provided which is not permissible as per the Environment Clearance dated 07.10.2011. Also the so Called Nature Park of 4000 Sq. Mtrs. is constructed in Prohibited Zone of Blue Flood Line of Indrayani River.

{Ref: Page-19, Para-ii-Green Belt Development of PP reply}

(xi) PP has admitted that there is ground water extraction from bore wells at project site.

{Ref: Page-20, Para-g (ii) of PP reply}

(xii) PP has admitted that, he has provided 10% raised Open Space as per DC Rules, Basically this raised Open Space is in violation of EC condition and EC dated 07.10.2011 do not permits to provide the raised Open Space and this is serious environmental issue. PCMC Commissioner

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circular dated 15.01.2007 is not the law passed in the Parliament to overrule the provisions of EC Conditions.

{Ref: Page-27 & 28, Para-a & b of PP reply}

(xiii) PP has admitted that, he has constructed "River Ghat" on 4000 Sq. Mtrs. area with walking pathways and lawns as permissible under DCR and necessary permission for boat club have been obtained from concerned authority. In fact no such construction in blue flood line is permissible and no authority have power to issue any permission for boat club.

{Ref: Page-34, Para-1 & 2 of PP reply}

(xiv) PP has admitted the installation of the RMC plant. And at the time of reply PP has no requisite permission from concern authority to operate this RMC plant.

{Ref: Page-35, Para-a of PP reply}

(xv) PP has misleaded on account of Non-agricultural permission and there is no mention of revised NA Permission. But the total NA-permission area is increased from 124000 Sq. Mtrs to 131000 Sq. Mtrs. and also residential purpose is converted into mixed use of residential as well as commercial with amenity of school etc.

{Ref: Page-37, Para-a to c of PP reply}

(xvi) PP is misleading on account of Nala No. 23 by taking support of D.P. Plan and therefore Irrigation Flood line

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maps clearly shows the Nala No. 23 passing through Gut No. 23 and it is clear that PP has blocked this Nala No. 23 by dumping of construction waste and illegal construction of Buildings, roads, and River Ghat.

{Ref: Page-39 & 40, Para-a to b of PP reply}

(xvii) PP has misleaded on account of illegal building construction of 200 flats and 4 building and this illegal construction is due to illegal increase in FSI and net plot area by suppressing the total non-development area of the stone quarry. Therefore the construction carried out by suppressing the area of stone quarry is illegal and PP cannot take benefits on both count by carrying illegal stone quarry and sale of its minerals and FSI benefits.

{Ref: Page-45, Para-a to b of PP reply}

c. It is submitted that, the PCMC provided the copy of reply dated Nil submitted by architect of PP wrt the Complaint / Notice dated 05.07.2017, which is absolutely false and misleading.

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Sr.	Allegations in Complaint	Reply of Architect of PP
iv.	Illegal Construction of parking complex on mandatory 10% Open Space in total violation of conditions in Environment clearance	Open Space as per sanctioned raised open space with covered parking
vi.	Illegal construction on account of FSI benefits for Stone Quarry for an area admeasuring 8840 Sq. Mtrs is Non-Development Zone	Quarry shown as per sanctioned plan and no construction on it. FSI taken as per Zone.
vii.	Farce marking of Blue Line and read line on DP plan to provide illegal help for project construction in blue line	Blue Line and Red Line as per TP Opinion received from TP office vide no. TP/CD/Chikhali/170/10, dated

		12/08/2010
viii.	Illegal Construction in Blue Line	There is no construction in blue line
xii.	Illegal increase in Ground Coverage Area as against 15985.24 Sq. Mtrs	Ground Coverage Area is 13030.39 sq. mtrs. as per sanctioned Plan
xvi.	Nala No. 23 shown on Irrigation Plant and passing from the project land is completely closed by dumping of construction waste	Development is done on site as per the sanctioned Plan
xvii.	Reservations Affected by Blue Line in the various Rivers passing through the jurisdiction of PCMC and these reservations needs to be relocated out of Blue Line Area to avoid the damage to environment and ecology.	All reservations is as per Development Plan of PCMC & TP Opinion received from TP office vide No. TP/CD/Chikhali/170/10, dated 12/08/2010

d. It is submitted that, the high confidence to file such false baseless, cursory, casual, unscientific and misleading reply by professional like this Respondent No. 16-Architect is due to their unholy nexus with the corrupt bureaucrats from the PCMC acting as agent of the polluter Project Proponents and these officers are acting against the duty casted upon them by law and this is only for getting benefits other than remuneration.

Copy of the PP & his Architect reply dated 13.09.2017 is attached herewith and marked as an **ANNEXURE-A-20, {Page-384 to 431}.**

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37. **ILLEGAL INSTALLATION AND OPERATIONS OF THE RMC PLANT AT SITE WITHOUT DUE PERMISSION FROM THE MPCB:**

a. It is submitted that, the Respondent No. 17-PP has illegally installed the Ready Mix Plant (RMC) for preparation of concrete to be utilised for his construction of the said project without prior permission from the Pollution Control Board.

b. It is submitted that, it is mandatory to obtain the prior consent to establish under section 25 of the Water (Prevention & Control of Pollution) Act, 1974 & under Section 21 of the Air (Prevention & Control of Pollution) Act, 1981.

c. It is submitted that, it is mandatory to obtain the prior consent to operate under section 26 of the Water (Prevention & Control of Pollution) Act, 1974 & under Section 21 of the Air (Prevention & Control of Pollution) Act, 1981.

d. It is submitted that, the Respondent No. 17-PP has not obtained the Consent to establish and consent to operate for installation and operation of this RMC Plant from 01.01.2012 to 24.09.2017.

e. It is submitted that, the Respondent No. 17-PP has not fallowed the norms of pollution control board and given rise to Air Pollution, Noise Pollution, Dust Pollution and Water Pollution for more than five years since 01.01.2012 to 24.09.2017 etc.

f. It is submitted that, the Respondent No. 17-PP has procured the Consent to Operate on 25.09.2017 from MPCB in illegal manner and after the complaint of the this Applicant dated 05.07.2017.

g. It is submitted that, the Respondent No. 17-PP has admitted in his application for revised EC that, he has carried out construction of BUA 199000 M² and the required quantity of

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concrete comes to the tune of 30327.6 Cu. Mtrs. for this construction

h. Therefore it is clear that, the Respondent No. 17-PP has cause irreparable & substantially damage to the environment & ecology by illegal operation of RMC Plant from 01.01.2012 to 24.09.2017.

Copy of the Consent to Operated dated 25.09.2017 is attached herewith and marked as **ANNEXURE-A-21 {Page-432 to 436}.**

38. **TOTAL BUA OF EXPANSION VIDE PCMC SANCTION DATED 15.11.2017:**

a. It is submitted that, the Respondent No. 17-M/s. River Residency procured the revised building sanction vide no. B.P./F.P./Chikhali/29/2017 dated 15.11.2017 and decided to expand the project with following configuration:

Sr.	Description	Quantity
1.	Buildings	N3, N4, S, T, U, V
2.	Proposed FSI (M²)	32972.52
3.	Balcony (M²)	4950.48
4.	Terrace (M²)	2644.06
5.	Stair-Paid (M²)	988.18
6.	Stair-Free (M²)	1213.88
7.	Passage-Paid (M²)	5003.45
8.	Lift-Paid (M²)	58.84
9.	Parking (M²)	41601.86
10.	Refugee-N3 (M²)	141.06
11.	Refugee-N4 (M²)	166.00
12.	Refugee-S (M²)	116.65
13.	Refugee-T (M²)	138.90
14.	Refugee-U (M²)	166.89
15.	Refugee-V (M²)	124.35
16.	Total Proposed BUA (M²)	90287.12
17.	Existing FSI (M²)	101706.21
18.	Total BUA (M²)	191993.3

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21.	OWC	164
22.	Substation	706.07
23.	Security Cabin	30
24.	Sump Area	116.05
25.	Non-Accessible Terrace	5500.00
26.	Temple	10
	Proposed BUA (Now Completed)	
27.	Proposed FSI	33096.78
28.	Balcony	4962.14
29.	Terrace	2541.70
30.	Stair-Paid	988.18
31.	Stair-Free	1213.88
32.	Passage-Paid	5061.11
33.	Lift-Paid	71.40
34.	Parking Proposed	16164.56
35.	Refugee	1016.31
36.	Club House-3	53.98
37.	Total BUA	263805.59

b. It is submitted that, the Respondent No. 17-PP M/s. River Residency is misleading on account of total BUA of project by suppressing illegal parking complexes on RG Area and total BUA of project is 263805.59 M².

Copy of the revised building sanction vide no. B.P./ENV/1/2018 dated 15.05.2018 is attached herewith and marked as ANNEXURE-A-26, {Page-443}.

41. **PP HAVE COMMITTED VIOLATION OF TERMS AND CONDITIONS OF THIRD CONSENT TO OPERATE DATED 02.08.2018:**

a. It is submitted that, the It is submitted that, as PP has procured this third CTO on 02.08.2018 against his application dated 28.08.2016 & 14.02.2017, so there was no CTO from 01.02.2017 to

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01.08.2018 and PP has operated the project without Consent to operate.

b. It is submitted that, this CTO was granted for 194583.38 Sq. Mtrs out of 239049.92 M². But completed built-up area was more than this.

c. It is submitted that, this third Consent to Operates was procured on 02.08.2018 and same was valid for the period upto 31.01.2020.

d. It is submitted that, as per condition No. 10 page–6 of this CTO, PP was bound to make application for renewal of consent to operate at least 60 days prior to expiry of this CTO. But PP failed to file such application for renewal.

e. It is submitted that, as per condition No. 11 page–2 of this CTO, PP was bound to comply with the Conditions of EC dated 07.10.2011. But PP has violated the same.

f. Therefore PP has committed violation of Consent to Operate dated 02.08.2018.

Copy of Consent to Operate dated 02.08.2018 is attached herewith as ANNEXURE-A-27, [Page-444 to 449].

42. PP HAVE COMMITTED VIOLATION OF TERMS AND CONDITIONS OF CONSENT TO ESTSBLISH DATED 14.08.2018:

a. "(iv) PP shall install online monitoring system for the parameters BOD, SS and flow at the outlet of STP. " PP has not installed online monitoring System.

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b. "(v) PP shall achieve the treated domestic effluent standard for the parameter BOD- 10 mg/lit.", PP has not achieved standard.

c. Therefore PP has committed violation of Consent to Establish dated 14.08.2018.

Copy of Consent to Establish dated 14.08.2018 is attached herewith as **ANNEXURE-A-28, {Page-450 to 455}.**

43. MINUTES OF 68TH SEAC-III MEETING FOR AMENDMENT IN EC:

a. It is submitted that, the SEAC-III considered the application dated 10.02.2017 for amendment in EC in its 68th Meeting held on 23.08.2018 for appraisal and decided to recommend the proposal for grant of EC. PP has admitted that the total plot area of 231000 Sq. Mtrs. is deducing area and therefore SEAC-III sought revised consolidated Statement.

b. It is submitted that, the SEAC-III imposed the conditions of showing distance and space left for SWD, Plantation of trees, Compound Wall, implementation of renewable energy along with terrace plan etc.

c. It is submitted that, the SEAC-III appraisal is casual, cursory, and unscientific and there is no site visit to check the actual violations of PP.

Copy of the Minutes of 68th SEAC-III meeting dated 23.08.2018 is attached herewith and marked as **ANNEXURE-A-29 {Page-456 to 470}.**

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44. MINUTES OF 146TH SEIAA MEETING FOR AMENDMENT IN EC:

a) It is submitted that, the SEIAA considered the proposal in its 146th meeting held on 05.12.2018 and blindly decided to grant the EC for: FSI area: 134802.99 m2, Non FSI area: 109448.75 m2 & Total BUA: 244251.74 m2 on the condition of submission of energy saving calculations, water balance statement, CER Plan.

b) It is submitted that, the total RG Area shown in item#43 of this minutes is 16152.05 Sq. Mtrs. after excluding the 4000 Sq. Mtrs. of illegal nature park construction in prohibited blue flood line RG Area come to the 12152.05 Sq. Mtrs. but the PP has carried out the illegal construction of parking complexes on the RG Area. No such parking complex is permitted on RG area in this EC or no such raised RG area is permissible in this EC.

c) It is submitted that, the total parking area shown at item# 53 traffic management in meeting is to the tune of 48576.80 Sq. Mtrs. accommodating 4808 number of 2-wheelers and 1206 numbers of 4-wheelers. Whereas PCMC sanction plan dated 15.05.2018 have mentioned 43544.56 Sq. Mtrs. (16164.56+27380) accommodating 4808 number of 2-wheelers and 1206 numbers of 4-wheelers. There is no sanction to the tune of total parking area of 5032.24 Sq. Mtrs.

d) It is submitted that, the SEIAA intentionally and deliberately avoided to take cognizance of the complaint dated 05.07.2017 against this project.

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Copy of the Minutes of 147th SEAC-III meeting dated 05.12.2018 is attached herewith and marked as **ANNEXURE-A-30, {Page-471 to 485}.**

45. ILLEGAL GRANT OF AMENDED EC AND PP HAVE COMMITTED VIOLATION OF TERMS AND CONDITIONS OF EC DATED 03.01.2019:

a. It is submitted that, the SEIAA supressed the item No# 43 Green Belt Development i.e. RG Area while granting this EC.

b. It is submitted that, the SEIAA supressed the item No# 53 Traffic Management i.e. total parking area while granting this EC.

c. It is submitted that, the SEIAA issued the EC on 03.01.2019 on condition No. "LV: This EC is granted for FSI area 134802.99 m2, Non FSI area: 109448.75 m2 & Total BUA: 244251.74 m2."

d. It is submitted that, the drastic change in the project and false & misleading calculations of PP can be seen from below table:

Sr.	Description	EC-07.10.2011	EC-03.01.2019
1.	Name of Project	"River Residency" by M/s River Residency	"River Residency" by M/s River Residency Developers
2.	Location	Gat No. 90	Gat No. 90 & 75 Part
3.	Note on the initiated work		1,89,291.66 m2 out of 2,39,049.92 m2
4.	Total Plot Area	231000	232584.00 M²
5.	Deductions	Not disclosed	153174.40 (including Reservation Area 8733.89, Green Belt including nature Park to be handed over 42934.69 and STP reservation 42747.07)
6.	Net Plot area	101891.43	79409.60
7.	FSI area	145241.63	134802.99

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8.	Non FSI area	93808.29	109448.75
9.	Total BUA area	239049.92	244251.74
10.	Total ground coverage	15985.24	14776.33
11.	Ground-coverage Percentage	Not disclosed	18.60
12.	Total Buildings	32	Supressed while granting EC, 146th SEIAA meeting: 28 Club House-1, 2 & 3
13.	Floors	Stilt +12 & G+11	Supressed while granting EC, 146th SEIAA meeting: P+12,
14.	Tenements	Flats: 2259 Shops: 39	Supressed while granting EC, 146th SEIAA meeting: 2379-Tenements; 39-Shops
15.	Population	Not disclosed	Supressed while granting EC, 146th SEIAA meeting: 12025 people
16.	Nearest fire	Not disclosed	PCMC Fire Station - 10km away from proposed site.
17.	Total Water Requirement (CMD)	1599	1694
18.	Swimming Pool	Not disclosed	Phase-1: 2,05,000 lits Phase-3: 43,200 lits
19.	Waste Water	1378	1469 KLD
20.	Rain Water Harvesting	Water Body: 3500 Sq. Mtrs. 20 No. of recharge pits	One quarry having capacity 30,000m3 Existing: 7 pits (Phase III) Proposed:13 pits (Phase IV)
21.	Sewage and Waste water	Two STP: 820 & 575 SAFF	Two streams of 750m3 each; Total 1500m3, MBBR
22.	Waste generation in the Pre Construction and Construction phase:	Construction waste reused for back filling, Top Soil shall be preserved, Segregation of dry & wet waste, Dry waste to recyclers	81,257m3 Quantities shall be reused for filling if remained shall be disposed to authorized recycler.

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		Wet waste treated in OWC Sludge as manure Waste Oil form DG sets to authorised agencies	
23.	Waste generation: Dry	1582	2091, Handed over to PCMC
24.	Waste generation: Wet	3582	3412, Smart Organic waste composter
25.	STP Sludge	207	89
26.	DG Sets	5	6
27.	Power requirement: Demand load	12000 kVA	8005KW / 8548 KVA
28.	Energy Conservation Measures	CFL for common area Transformers & Motors of high Efficiency Electronic Ballasts Solar Power for water heating Fly ash bricks & pavement blocks Green Boundary Wall instead stone wall	LED for common area lighting: 37% Solar powered water heating: 5,994 KW
29.	Green Belt Development	Green Cover Area: 10543.80	Total RG area : 16,152.05 m2 (including 4000 Sq. m area of Nature Park)
30.	Number of trees to be planted:	1300	1327
31.	Total Parking area:	28173	48576.80
32.	2-Wheelers:	4616	4808
33.	4-Wheelers	1146	1206

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e. It is submitted that, there is drastic increase in the all the environmental parameters and PP has violated the terms and condition of this EC dated 03.01.2019 on account of illegal parking complexes on RG Area, dumping of construction waste

in river, Ground Water Extraction, increase in total BUA, increase in ground coverage, illegal stone quarry etc.

A copy of the Environment Clearance dated 03.01.2019 is attached herewith and marked as an ANNEXURE-A-31, {Page-486 to 499}.

46. FARCE OF SHOW CAUSE NOTICE DATED 15.06.2019 BY MR. ANIL DIGGIKAR, MS-SEIAA & PS-DoE:

a. It is submitted that, the MS-SEIAA & PS-DoE has issued the show cause notice dated 15.06.2019 wrt to the notice/ complaint dated 05.07.2017, which is after the lapse of the 2 years. However there is no action from MS-SEIAA & PS-DoE and it is just farce & show off of action taken.

b. It is submitted that, the Respondent No. 4-Mr. Anil Diggikar in connivance with his office bearer has done illegal activity prohibited under Prevention of Corruption Act, 1986. To protect the PP by non-action.

Copy of the show cause notice dated 15.06.2019 is attached herewith and marked as ANNEXURE-A-32, {Page-500 to 501}.

47. NO PERMISSION FOR GROUND WATER EXTRACTION, NO GROUND WATER TEST AND NO PERMISSION FOR CONSTRUCTION OF BASEMENTS:

a. It is submitted that, the PP has to obtain the prior permission for ground water extraction and PP has not obtained any permission for ground water extraction from the Competent Authority. In fact there is no permission for ground water extraction.

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b. It is submitted that, the PP has drilled 5 bore wells from which PP is extracting water for construction and daily without any permission from the authority.

c. It was obligatory on part of PP to check ground water level & its quality alongwith permission to draw ground water. PP has not obtained any such permission for extraction of ground water and also not conducted any ground water test.

d. It is submitted that, the PP without any environment assessment is continuously extracting ground water from five bore wells and thus PP has committed serious violation.

48. **PP HAS NOT PRESERVED TOP SOIL AMOUNTING TO VIOLATION OF EC CONDITION:**

a. It is submitted that, the soil from top layer shall be preserved and utilized for the development of recreational spaces and tree plantation. But the PP has constructed the parking complex on the 10% open spaces and there is plantation of the tree as directed by the environment department in the EC.

b. It is submitted that, the PP has dumped construction waste in the river bed & green belt and covered the top soil contaminating with construction waste.

c. It is submitted that, the Area of the plot as alleged by the PP is 215000 M^2 & the area of the stone quarry is 8840 M^2 and therefore the total project land area is admeasuring to 206160 M^2 and the top soil layer on project site is 2.5 Mtrs. and therefore the total soil quantity damaged is 515400 Cu. Mtrs.

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49. **PP HAS NOT PLANTED TREES AS PROMISED IN EC AND ITS AMOUNTS TO VIOLATION**

a. As per the Environment clearance no. SEAC-2011/CR.620/TC.2 dated 07.10.2011, the PP promised to plant 1300 trees for development of green belt and as per the EC dated 03.01.2019 PP has promised to plant 1327 trees, but PP have not planted the tree as per the EC Conditions.

b. It is submitted that, the PP has made illegal construction of the parking complex on the 10 % mandatory RG-Open Spaces and no space for tree plantation is provided on virgin land.

c. It is submitted that, the both ECs have not permitted to provide the RG Area or Open Space on podium and therefore there is no tree plantation carried out by PP to the tune of 1327 as directed in EC dated 03.01.2019.

50. **PHOTOGRAPHS DATED 17.12.2019 SHOWING DUMPING OF CONSTRUCTION WASTE BY M/S. RIVER RESIDENCY AND ILLEGAL CONSTRUCTION OF BUNGALOW PROJECT BY RESPONDENT NO. 12- M/S. JARE WORLD & RESPONDENT NO. 13-M/S. V SQUARE:**

a. It is submitted that, the M/s. River Residency were started their construction near about 2012 and started dumping of construction waster and excavated waste material on the green belt of remaining land in the same survey number on which the present bungalow project is under construction.

b. It is submitted that, the photographs from Photo No. 01/08 dated 17.12.2019 clearly shows ongoing illegal construction of

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One Bungalow, Photo No. 02/08 to 06/08 dated 17.12.2019 clearly shows ongoing illegal construction of compound wall, bungalow plot boundaries etc. and Photo No. 07/08 & 08/08 are showing hoardings, advertisement, display at project site. Copy of the Photographs dated 17.12.2019 of the project sites captured by the applicant with Samsung phone having model no. *"SM-M307F"* are attached herewith and marked as ANNEXURE-A-33 (Page-502 to 506).

51. **PHOTOGRAPHS FROM FACEBOOK ACCOUNT OF M/S. JARE WORLD SHOWING ILLEGAL CONSTRUCTION OF BUNGALOW PROJECT BY RESPONDENT NO. 12- M/S. JARE WORLD & RESPONDENT NO. 13-M/S. V SQUARE:**

a. It is submitted that, the photographs uploaded by Respondent No. 12-M/s. Jare World & Respondent No. 13-M/s. V Square i.e. Project Proponents on the Facebook account of M/s. Jare World having web link address "https://www.facebook.com/media/set/?vanity=jareworld&set=a.23107 38055699992" clearly shows ongoing illegal construction of boundary wall, compound wall, one bungalow, asphalt roads, site office, online advertisement of project etc. at the project site carried out by Respondent No. 12-M/s. Jare World & Respondent No. 13-M/s. V Square i.e. Project Proponents and this is illegal act is admitted by these project proponents themselves.

Copy of the site photographs downloaded by Project Proponents on their Facebook account and down loaded by this

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Applicant are attached herewith and marked as ANNEXURE-A-34 (Page-507 to 517).

52. GOOGLE EARTH IMAGES FROM 2014 TO 2020:

It is submitted that, the Google Earth Images from year 2014 to 2020 clearly shows the dumping of the construction waste into the river bed as well as in blue flood line of the Indrayani River and affecting green belt STP Reservation and copy of the Google Earth Images from 2014 to 2020 are attached herewith and marked as ANNEXURE-A-35 (Page-518 to 529).

53. GOOGLE EARTH IMAGES FROM 2004 TO 2017:

It is submitted that, the Google Images from year 2004 to 2017 clearly shows the tree cutting, dumping of construction waste, illegal construction of Ghat or So called Nature Park and PCMC STP Plant into the prohibited blue flood line of the Holly Indrayani River and Copy of the Google Earth Images from 2014 to 2020 are attached herewith and marked as ANNEXURE-A-36 (Page-530 to 559).

54. INTENTIONAL ILLEGALITIES, NEGLIGENCE, BLINDNESS AND VIOLATIONS OF PCMC DAMAGING MOTHER NATURE:

a. PCMC officers intentionally neglected to perform their duties while granting sanctions to this project & carrying out the contraction.

b. PCMC committed illegality by Non-Deduction of Stone Quarry Area,

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c. PCMC committed illegality by accepting Blue line affecting area of STP Reservation Area

d. PCMC committed illegality by 18 DP Road Area and issuing TDR on same account,

e. PCMC committed illegality by allowing to install RMC Plant without permission of MPCB.

f. PCMC committed illegality by allowing project proponent to construct the Ghat in the Indrayani River.

g. PCMC committed illegality by allowing project proponent to dump construction waste in Indrayani River.

h. PCMC committed illegality by allowing project proponent to construct parking complex on 10% open Space.

i. PCMC committed illegality by allowing project proponent to make misleading area statement, ground coverage.

55. **INTENTIONAL ILLEGALITIES, NEGLIGENCE, BLINDNESS AND VIOLATIONS OF IRRIGATION / WATER RESOURCE DEPARTMENT DAMAGING MOTHER NATURE:**

a) Irrigation Department with connivance of PCMC committed illegality by allowing project proponent to construct the Ghat in the Indrayani River.

b) Irrigation Department with connivance of PCMC committed illegality by allowing project proponent to dump construction waste in Indrayani River.

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c) Irrigation Department with connivance of PCMC committed illegality on account of false marking of blue line for Indrayani River in gut no. 90.

d) Irrigation Department with connivance of PCMC committed illegality by issuing false NOC project proponent to carry out construction in blue line marking of Indrayani River.

e) Irrigation Department with connivance of PCMC committed illegality by neglecting to perform their duties even the construction waste dumping in Indrayani River by project proponent.

56. **INTENTIONAL ILLEGALITIES, NEGLIGENCE, BLINDNESS AND VIOLATIONS OF COLLECTOR PUNE DAMAGING MOTHER NATURE:**

(i) Collector Pune has committed illegality by neglecting to look on the issue of illegal excavation of stone quarry and caused huge loss to environment and also caused loss to government revenue for minor minerals.

(ii) Collector Pune has also committed illegalities by not considering deduction of non-development area of stone quarry.

(iii) Collector Pune has also committed illegalities & negligence on account of violation of terms and condition of NA permission by Project Proponent and also not recovered necessary charges from project proponent & caused loss to government revenue.

57. **DAMAGE TO ENVIRONMENT AND ECOLOGY ON ACCOUNT OF ILLEGAL CONSTRUCTION:**

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(I) It is submitted that, the Respondent No. 14 & 17-PP has dumped hazardous construction waste of more than 200000 Cw. Mtrs. in Holy Indrayani River bed.

(II) It is submitted that, the Respondent No. 14 & 17-PP completely blocked the Nala No. 23 passing through the project land and merging into Indrayani River.

(III) It is submitted that, the Respondent No. 17-PP has undertaken the illegal construction of Ghat or so called Nature Park in blue flood line of the Holy Indrayani River without any permission.

(IV) It is submitted that, the Respondent No. 14 & 17-PP has diverted river flow and created blockages of natural water flow.

(V) It is submitted that, the Respondent No. 17-PP has used huge quantity of the natural resources for the illegal construction of illegal Parking Complexes on RG Area, River Ghat in total violation of terms and conditions of EC & Consents and caused irreparable damage to the environment and ecology in substantial nature.

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(VI) It is submitted that, the Respondent No. 17-PP has illegally installed and operated the RMC plant from 01.01.2012 to 24.09.2017 for more than six years without consent to operate.

(VII) It is submitted that, the Respondent No. 15 & 17-PP is extracting the ground water from five (5) number of bore wells without permission form concern Authority.

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(VIII) It is submitted that, the Respondent No. 17-PP have carried out illegal construction to the tune of 263805.59 Sq. Mtrs. against

permissible construction area of 244251.74 Sq. Mtrs in EC dated 03.01.2019.

(IX) It is submitted that, the Respondent No. 17-PP have carried out construction with illegal increase in Ground Coverage Area as against permissible ground coverage of 15985.24 Sq. Mtrs in EC dated whereas 14776.33 Sq. Mtrs in EC dated 03.01.2019.

(X) It is submitted that, the GHG emission especially carbon from the material process and its use during the construction and operation phase is huge and it has adverse impact on the environment and caused huge damage to environment.

(XI) It is submitted that, the environmental issues are very complex and its restoration is more difficult than complexity. But PP has callous attitude for environmental protection and adopted careless & reckless attitude with unapologetic behaviour and manipulated the government authorities, therefore exemplary damages having deterrent effect must be imposed on this PP to teach lesson.

(XII) Therefore considering the serious violations of illegal construction in prohibited area of blue flood line of Indrayani River, dumping of construction waste in river bed, diversion of river flow, blockages of natural water flow, illegal ground water extraction without CGWA permission, the amount of environmental damage required to be imposed on PP for restoration of this area should be more Rs. 500 Crores.

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58. It is submitted that, this entire illegal activity shows that inherent lack of coordination between the local authority/ sanctioning authority and irrigation department and this act cannot be neglected for betterment of environment.

59. It is submitted that, the applicant have made out prima-facie case and situation will be unbridle uncontrolled if stay is not granted.

60. PP cannot stare in the eyes of the law to continue his illegal construction activity and crating of third party right cheating public at large and PP must be prohibited from going ahead.

61. It is submitted that, the applicant have no personal interest of any type in the project and also there is no enmity against the PP or other respondents in this application.

62. It is submitted that, the applicant crave leaves of this Hon'ble NGT to amend, add, delete the pleading as and when required.

63. **LOCUS TO FILE PRESENT APPLICATION:**

a. Applicant being an environmental activist has filed this Original Application for the questions of public importance and significance of environmental jurisprudence, in relation to environmental damage and pollution caused by the PP due to his illegal dumping of construction waste and illegal construction of Ghat or nature park in prohibited area of blue flood line of Indrayani River in the Industrial capital city of Pimpri-Chinchwad, in the modern state of Maharashtra and

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consequences of such environmental damage and liabilities of the PP.

b. It is submitted that, the person aggrieved and person injured are the different concept and this applicant is not injured but aggrieved due to violation of his legal rights of clean and decent environment as PP is damaging common sharing's like Air, Water, Energy, Building Materials and natural water courses as common sharing's etc.

c. Despite there being compliant dated 05.07.2017 of this applicant inviting attention of Respondents authorities, but there is no action by these authorities to protect environment, even after knowledge of violation.

d. Further it is submitted that, it is not necessary to be a person injured to file an application or appeal before the Hon'ble Tribunal.

e. Further it is submitted that, there is no boundary to the environment and ecology issues and there is chain interconnected within, therefore the boundaries of residences of applicant cannot restrict him from filling the present application as there is blatant violation of the environmental enactments and also activities prohibited but coming under the grant of prayer of Section 15 (1) (b) & (1) (c) of NGT Act, 2010 and PP causing irreparable damage to the environment & ecology for his ulterior motive to get financial benefits on account of

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"Mother Nature" and Respondent authorities have connivance with the PP

f. It is submitted that, the locus standi is not the acid test to be apply strictly and it is well settled principle that the meaning of word 'aggrieved person' or 'person aggrieved' shall receive very liberal interpretation and shall not be hyper technical to exclude bonafide individual to seek redressal at the hands of Tribunal to protect environment in the large interest of the society and this applicant being informer to the court of law have locus to file present application.

g. It is submitted that, the Locus shall not be interpreted applying acid litmus test or straight jacket formula. The interpretation must be tailor made keeping in mind liberality of legal remedies provided under the provisions of the NGT Act for which enactment has been legislated.

h. It is submitted that, Applicant is performing their constitutional duties under article 48A, 51A(g) to protect environment and Applicants have shown dare to bring this violation before Hon'ble Tribunal, as the conduct of authorities appointed for protection of environment is against their statutory duties and helping PP for cause pollution.

i. It is submitted that, the NGT, Act 2010 specifically states that, "any person aggrieved, including any representative body or organization" and the term any person aggrieved is having the broad implication and definitely not limited its range

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j. Applicant has filed bona fide application and is filed after studying the relevant documents obtained under online search & RTI.

k. Applicant is a Common man and got hurts from this blatant violation of environmental law and degradation of ecology and non-action of government authorities.

l. Therefore applicant is common man and vigilant citizen is an aggrieved person performing his constitutional duties promptly & diligently to protect environment & having legal right to enforce the environmental enactments to protect the common sharing of natural resources.

m. It is submitted that, the Hon'ble Apex court is also observed in (1996) 5 SCC 281, Indian Council for Enviro-Legal Action Vs Union of India & Ors;

> *"(47) WITH increasing threat to the environmental degradation taking place in different parts of the country, it may not be possible for any single authority to effectively control the same. Environmental degradation is best protected by the people themselves. In this connection, some of the non-governmental organisations (NGOs) and other environmentalists are doing singular service. Time has perhaps come when the government can usefully draw upon the resources of such NGOs to help and assist in the implementation of the laws relating to protection of the environment. ....."*

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n. Thus this applicant have locus to file present application

64. HON'BLE NGT HAVE CLEAR JURISDICTION TO DECIDE PRESENT APPLICATION

a. It is submitted that, the present application is filed under section 14, 15 and 20 of the NGT Act-2010 for protection of Holy Indrayani River being damaged by illegal construction activity of Project Proponent in prohibited area of Blue flood line without any requisite permission and prohibited such activity under the Environment (Protection) Act-1986, Air (P&CP) Act-1981, Water (P&CP) Act-1974 listed in schedule-I and also the activities not listed in schedule-I of NGT Act, 2010 but causing damage to the environment and ecology as the NGT Act, 2101 prevails the jurisdiction over the all local laws having priority to protect the environment and ecology, wherein restitution and restoration is sought at the hands of this Tribunal. And this application is inequitable to the public interest litigation as this applicant being vigilant citizen and whistle blower fighting against the illegalities by PP and authorities are not acceptable in law.

b. It is submitted that, from plain reading of the original application it clears that the application is filed for the for protection of natural water body and river getting damage due to dumping of construction waste and illegal Construction by PP is prohibited by various judgment of Hon'ble Supreme Court and this Hon'ble NGT.

c. It is submitted that, PP is carrying out the illegal construction activity and Application is dealing with violation of environmental protection enactments by the PP and Application

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is filed for intentional damage caused to environment and ecology by the PP.

d. It is submitted that, Application is not filed for limited with the violation of Environmental Enactment listed in the Schedule-I of the NGT Act-2010 and therefore, issues raised in the Original Application are related to the substantial question related to environment and ecology being damaged by PP.

e. It is submitted that, PP is carrying out the construction activity causing intentional damage to environment and ecology.

f. It is submitted that, the applicant resides and the respondents have their area of operations within the jurisdiction of this Hon'ble Tribunal and the project under challenge is located within the jurisdiction of this Hon'ble Tribunal and therefore this Hon'ble Tribunal has jurisdiction to try and entertain present application.

g. It is submitted that, the PP has dumped construction waste and carried out the construction in natural water course by its reclamations from dumping of construction waste and Therefore Hon'ble NGT have clear jurisdiction to deal with the present application.

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65. CAUSE OF ACTION TO FILE PRESENT APPLICATION:

a. It is submitted that, the cause of action is bundle of actions, therefore entire pleadings of the original application shall be considered

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b. It is submitted that, the PP has undertaken the illegal dumping of construction waste in the prohibited zone of blue flood line without obtaining any prior sanction from any authority and Applicant has further noticed this illegal activity on 17.12.2019 inspite the notice dated 05.07.2017 in full swing and captured the photographs in his mobile phone and therefore this is the triggered cause of action first arose to file this application.

66. LIMITATION TO FILE PRESENT APPLICATION:

a. It is submitted that, the present application is filed under section 14, 15 and 20 of the NGT Act, 2010 and there is limitation 6 (six) months under section-14 and 5 (Five) years under section-15 from the cause of action first arose and Principal prayer of the applicant is for restoration and restitution of the Indrayani River to its original position by demolition of the illegal construction.

b. It is submitted that, the present applicant has raised substantial questions relating to protection of environment and its restitution & restoration and this application is filed within six months from cause of action first arose on 17.12.2019 excluding the period of lockdown from 23.03.2020 to 15.06.2020 and 13.07.2020 to 24.07.2020 due to COVID-19 pandemic and its triggered cause of action.

c. It is submitted that, there was closure of entrepreneurs providing non-essential services like Xerox, scanning, paper sale, computer services, notary for affidavit etc. in Pune from 13.03.2020 due to COVID-19 pandemic and thereafter Central

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Government and state Government passed an Order directing LOCKDOWN from 23.03.2020 till 15.06.2020 and again from 14.07.2020 to 23.07.2020 in the city of Pune.

Sr.	Period	Days	Remark
1	17.12.2019 To 22.03.2020	97	
2	23.03.2020 to 15.06.2020	0	Lockdown
3	16.06.2020 To 13.07.2020	28	Unlock-1
4	14.07.2020 To 23.07.2020	0	Lockdown
5	24.07.2020 To 23.08.2020	30	Unlock-2
6	On Line submission 24.08.2020	0	Case Filed
7	Total Days from 17.12.2019	155	
8	Permissible days	180	
9	Application is filed on 155th day	-35	

d. It is submitted that, the period of lockdown is exempted by the Hon'ble Supreme Court of India and also by government of India.

e. Therefore, the present application is filed within 6 months from 17.12.2019 i.e. on 155th day out of permissible 180th days excluding the period of lockdown and thus the application filed is within the prescribed period of limitation.

67. PRAYERS:

In the present facts and circumstances it is most respectfully prayed that this Hon'ble Tribunal may be pleased to pass an order thereby:

A. Direct the Respondent PCMC to relocate the reservations affected by blue flood lines of various rivers to the outside of prohibited zone under their jurisdiction and restrain PCMC from carrying out any construction thereon permanently.

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B. Direct the Respondents to demolish the illegal structures at project site in question and restore the area to its original position.

C. Having regard to the damage to the public health, property and environment, principles of sustainable development and polluter pays principles, Direct the Respondent No. 14 & 17-PP to deposit a heavy amount of compensation to the environment relief fund.

D. Direct Respondent No. 17-PP to deposit exemplary and deterrent special damages on account of non-developing 10% RG area as per norms and also for illegal parking Complexes thereon, concretization of marginal spaces, open spaces, damage to ground water level due to illegal extraction.

E. Direct Respondent No. 7-UDD and Respondent No. 8 to 9-PCMC to forfeit all the benefits of Respondent No. 14 & 17, arising from present Project & Reservations in prohibited zone of flood line including FSI & TDR, DCR/DRC etc., with permanent prohibition on construction.

F. Direct Respondent No. 3-DoE & 4-SEIAA and Respondent No. 7 & 8-MPCB and Respondent No. 10-Chief Engineer-Irrigation to initiate appropriate legal action of prosecution against the Respondent Project Proponents for illegal activity of dumping of construction waste in flood line, blockage of River Flow, Nala-23, illegal Construction of Ghat & Parking Complexes.

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Valid Upto On
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G. Direct the Respondent No. 1, Chief Secretary-GoM to take appropriate legal action against Respondent No. 4-Mr. Anil U. Diggikar, Principal Secretary and Member Secretary-SEIAA for illegal activity of granting the EC to the project in violation and for not taking action and impose the Fine/Cost & recover it from salary of Respondent No. 4-Mr. Anil U. Diggikar.

H. Cancel the licence of Respondent No. 16-Mr. Vikas Achalkar-Architect of PP and further impose heavy amount of damages, fine/cost upon him for his illegality of promoting and proving shield to illegal structures.

I. Appropriate actions may kindly be taken against erring Officers of Irrigation, PCMC, SEIAA Members and MPCB for their intentional negligence.

J. Cost of this application may kindly be granted to this applicant.

K. Pass any other just and equitable orders in the interest of environmental justice.

DATE: 24/08/2020
PLACE: PUNE

APPLICANT

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VERIFICATION

Verified at Pune on this 24th day of August, 2020 that the contents of the aforesaid application are true and correct to the best of my knowledge and belief. No part of it is false and nothing material has been concealed therefrom.

DEPONENT

ADV. K. D. GIDWANI Reg. No. 7555 Renewal Due On 1st 1/2024

Project Site: "River Residency" by 1. M/s. Ishwar Construction Pvt. Ltd., 2. Trade Centre Developers & Builders Pvt. Ltd. 3. M/s. Vijay-Laxmi Developers, 4. Vishal Associates, Gut No. 90 (p), Village-Chikhali, Tal-Haveli, Dist-Pune

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311(A)

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Photo-04/28



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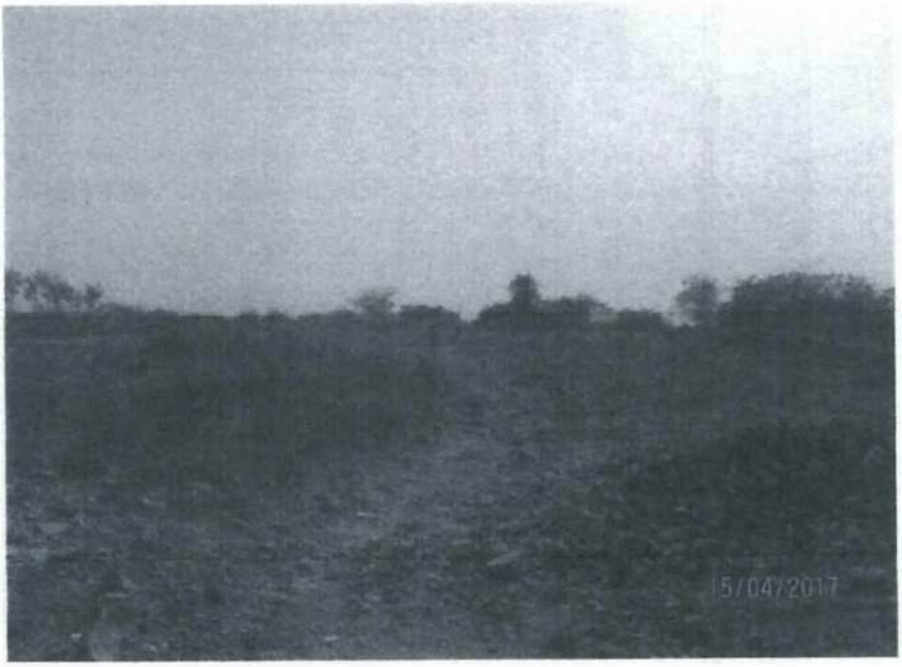
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311 C C)

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Photo-15/28



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311 (H)

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311 (I)

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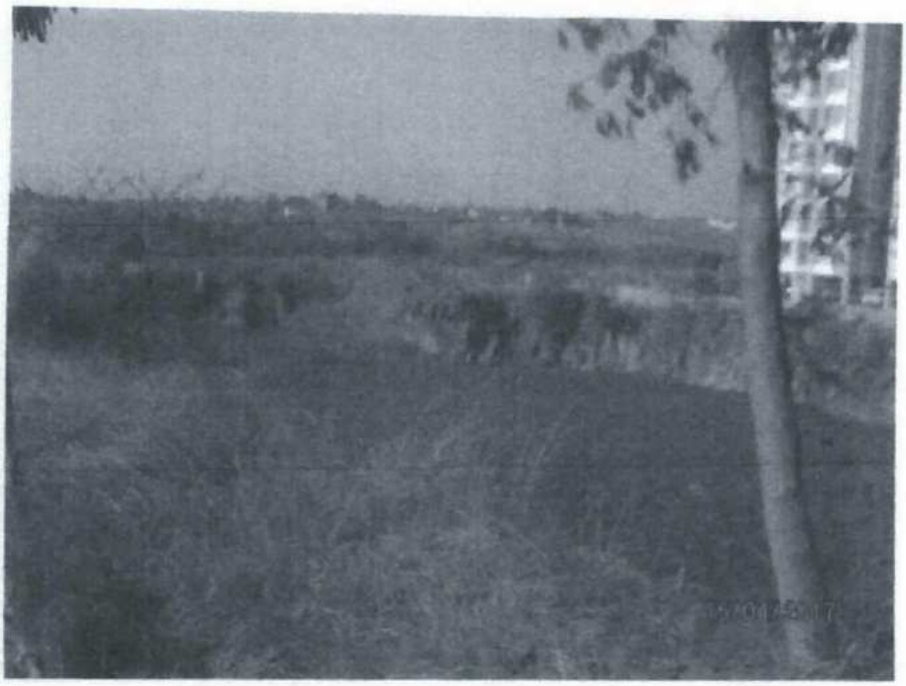
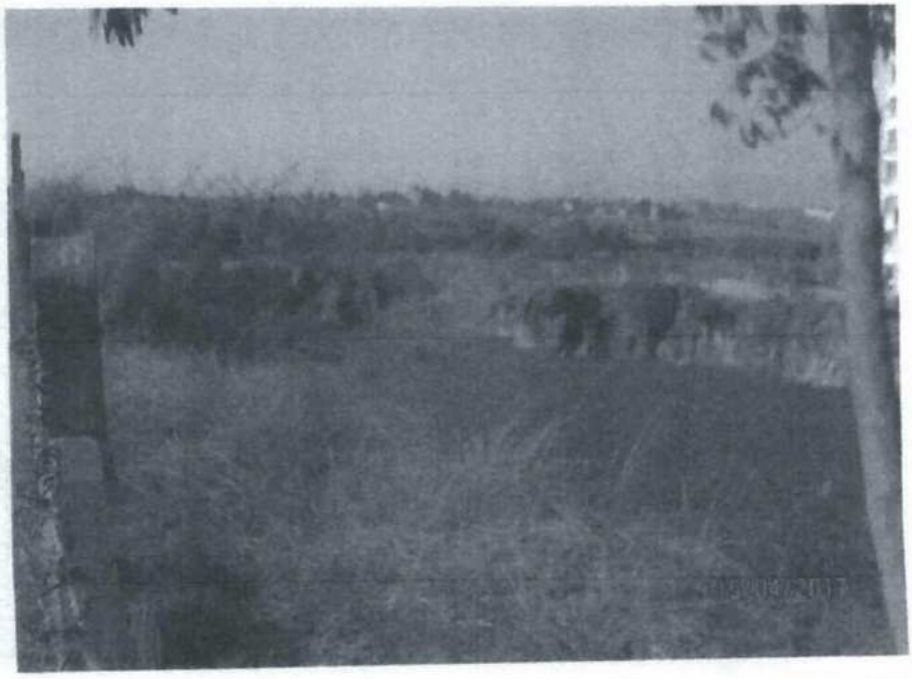


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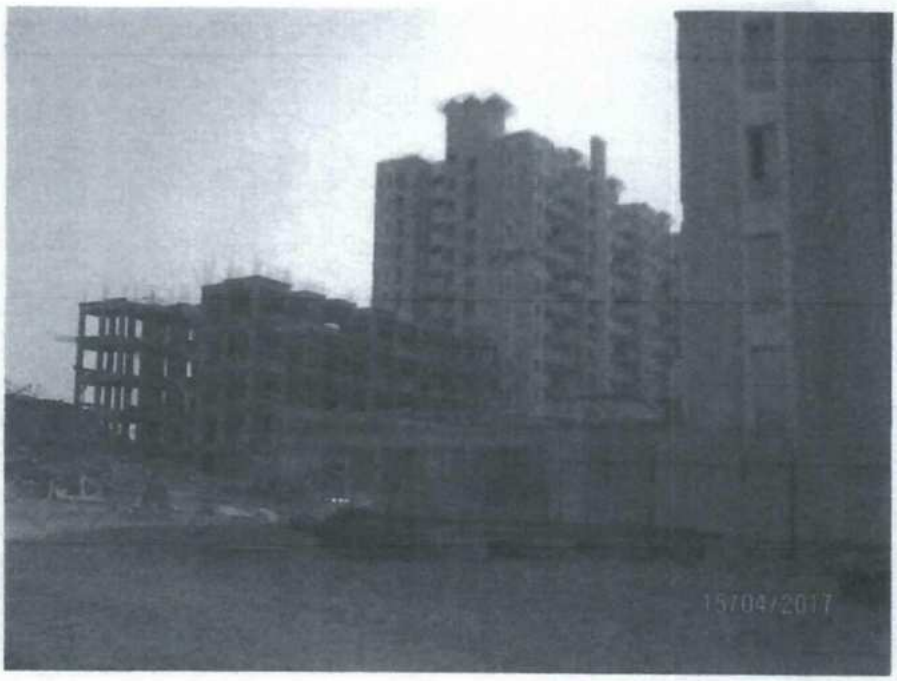


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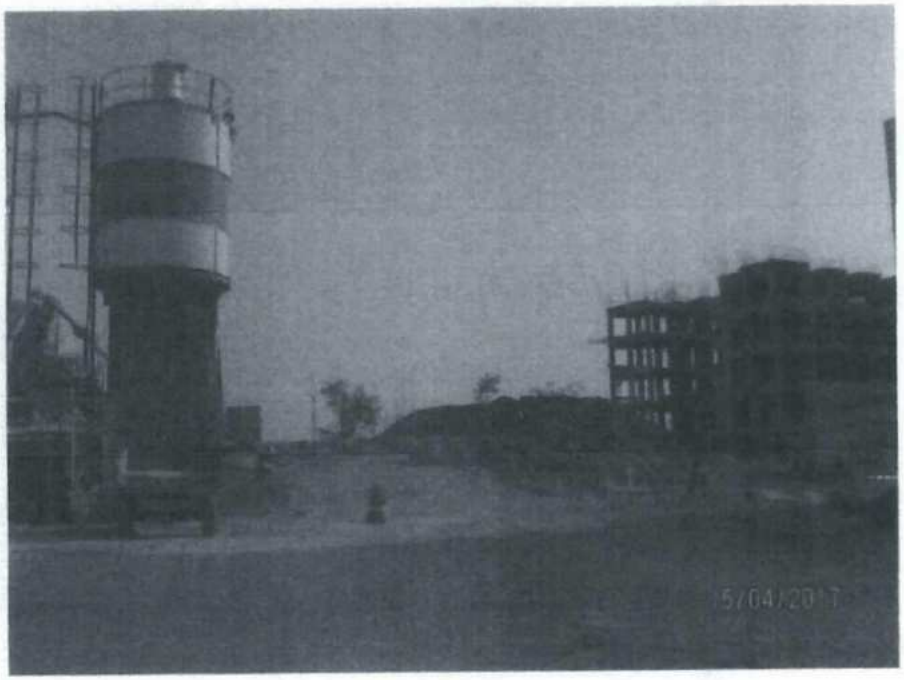


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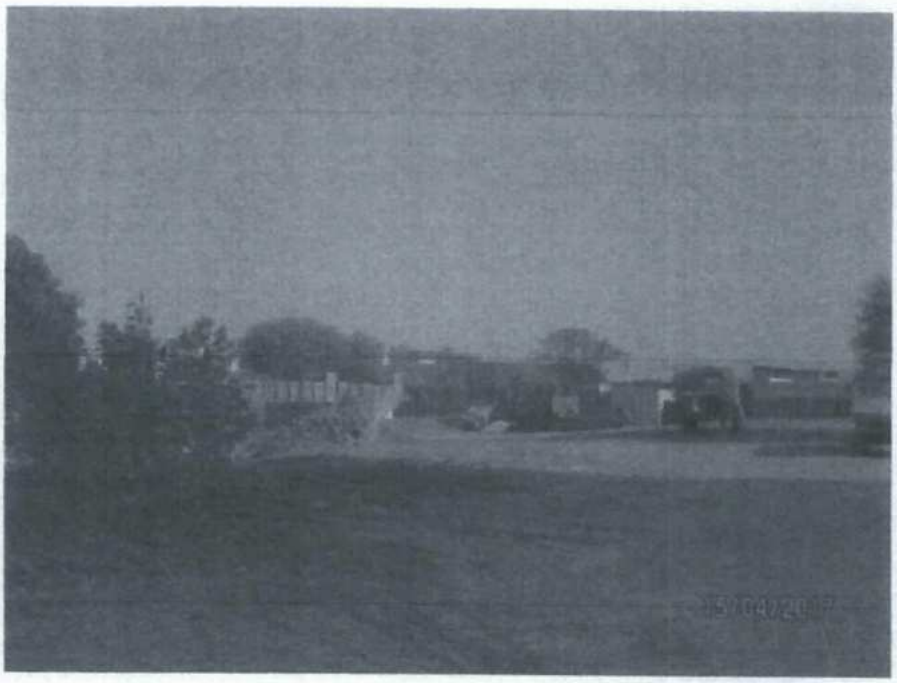
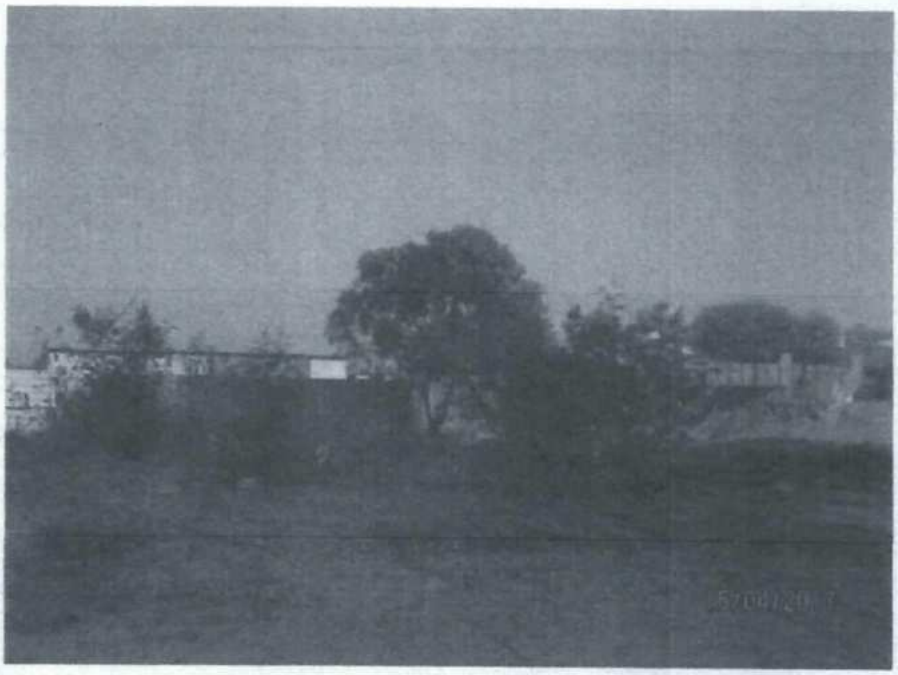


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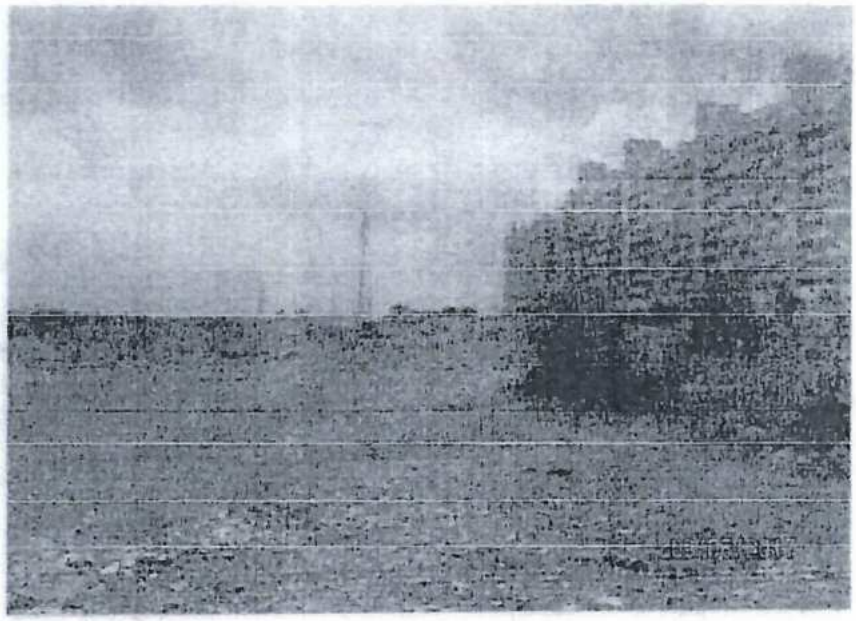
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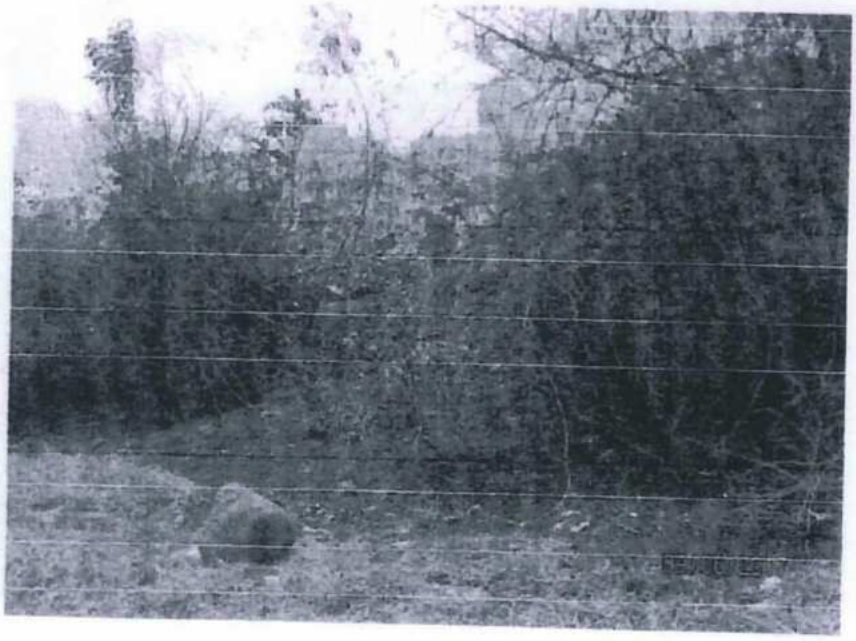
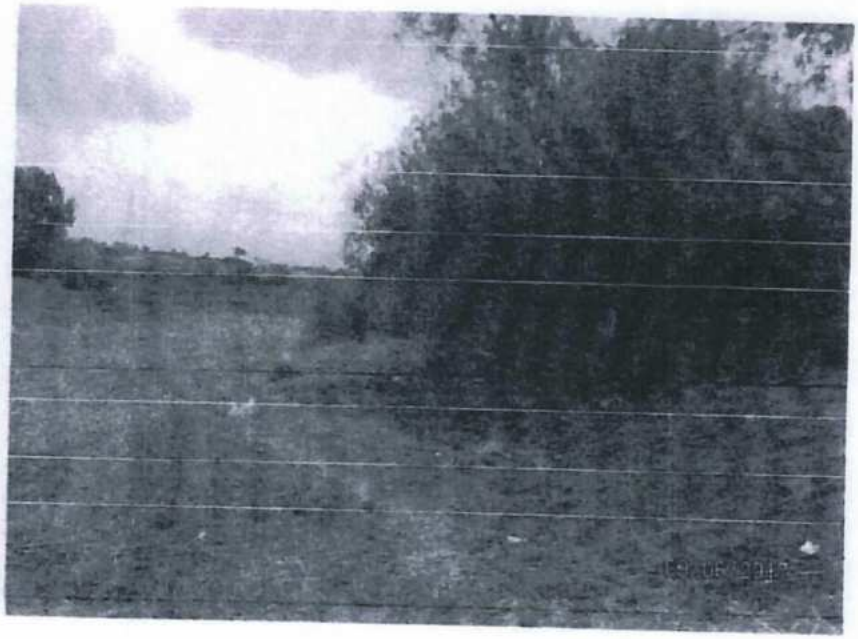


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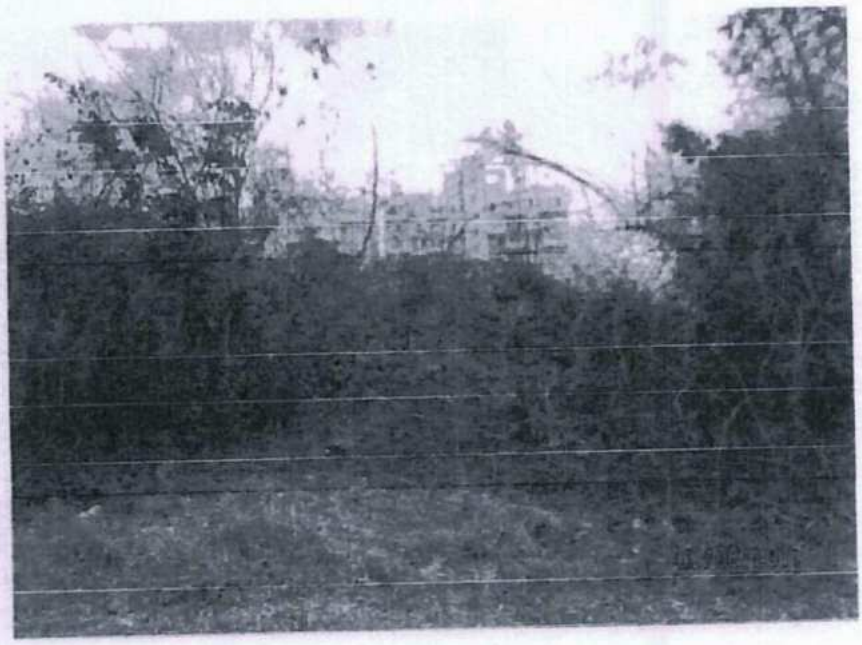
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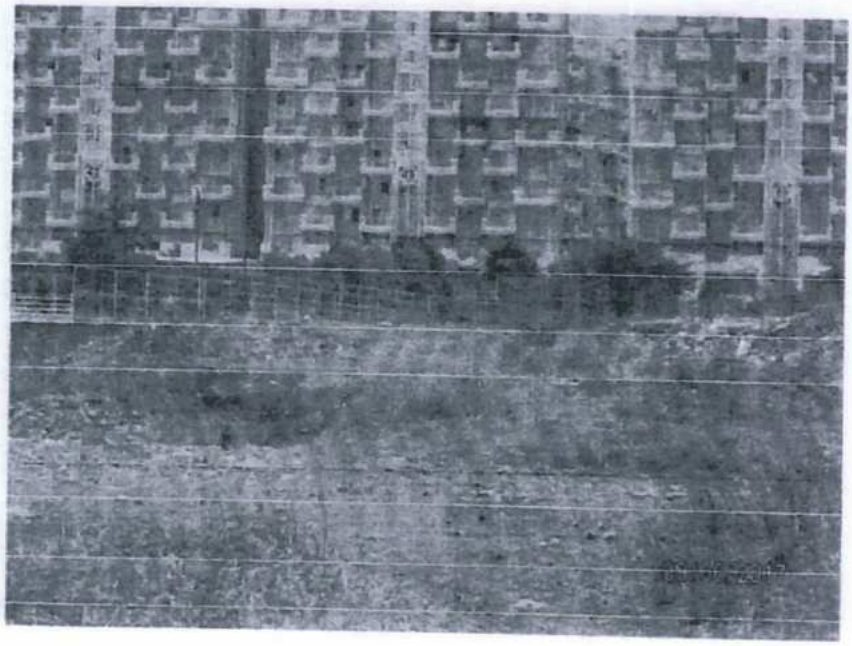


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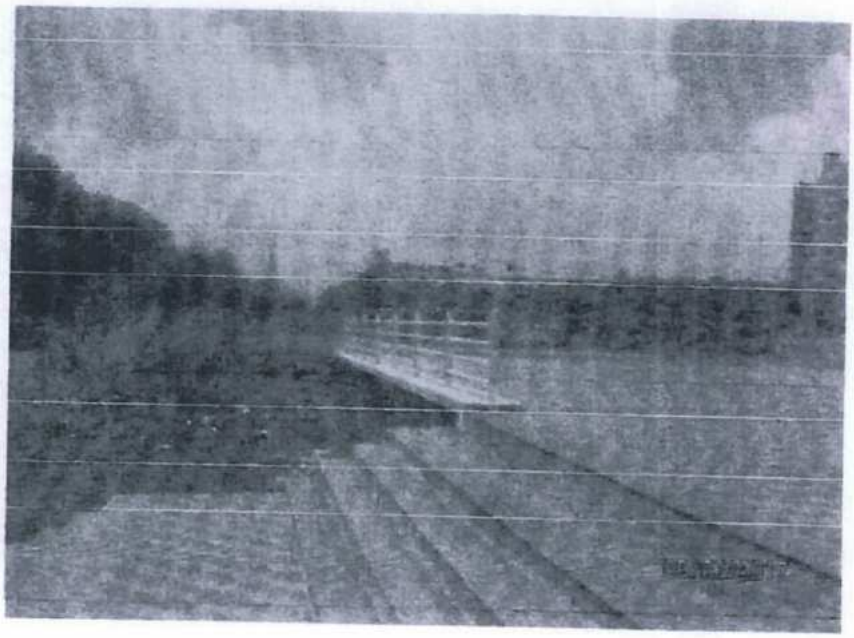
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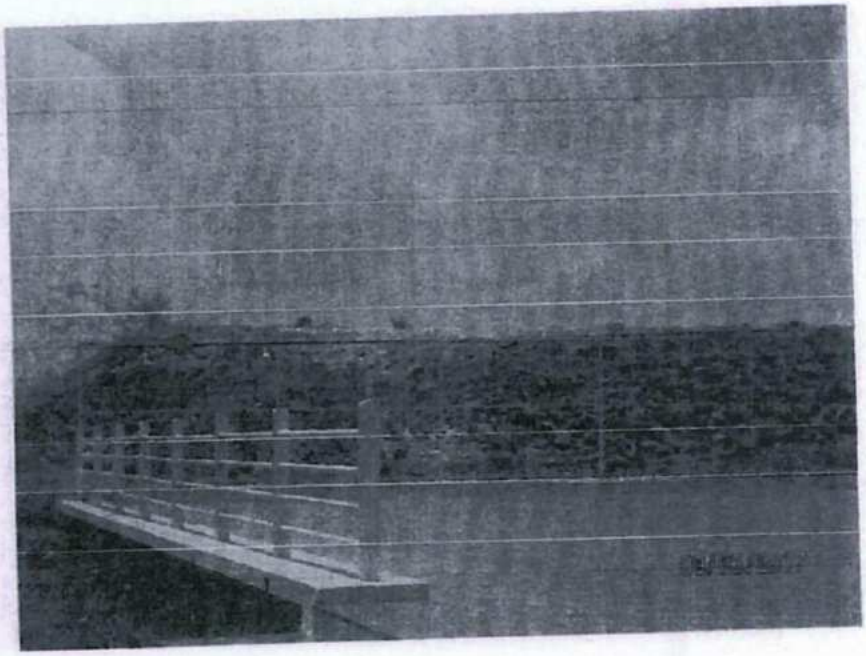


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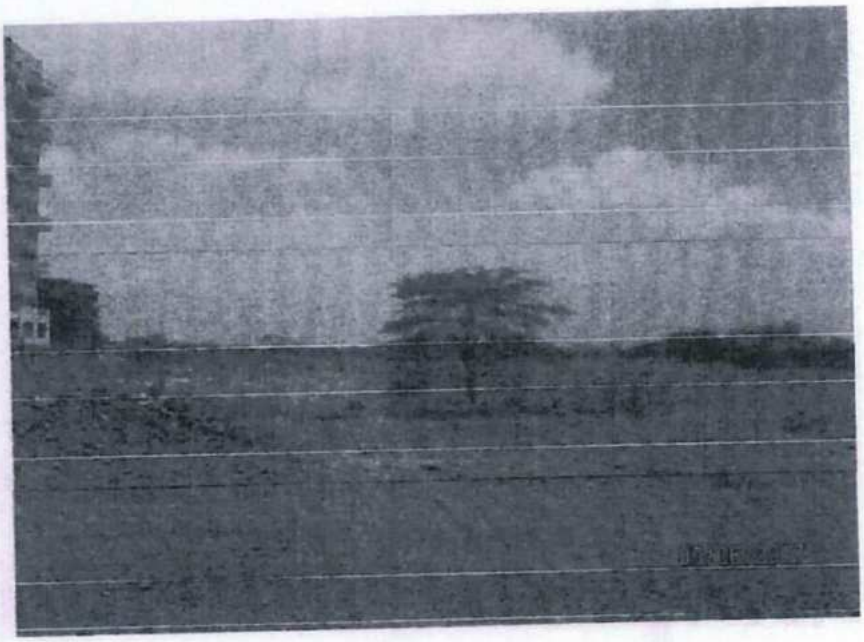
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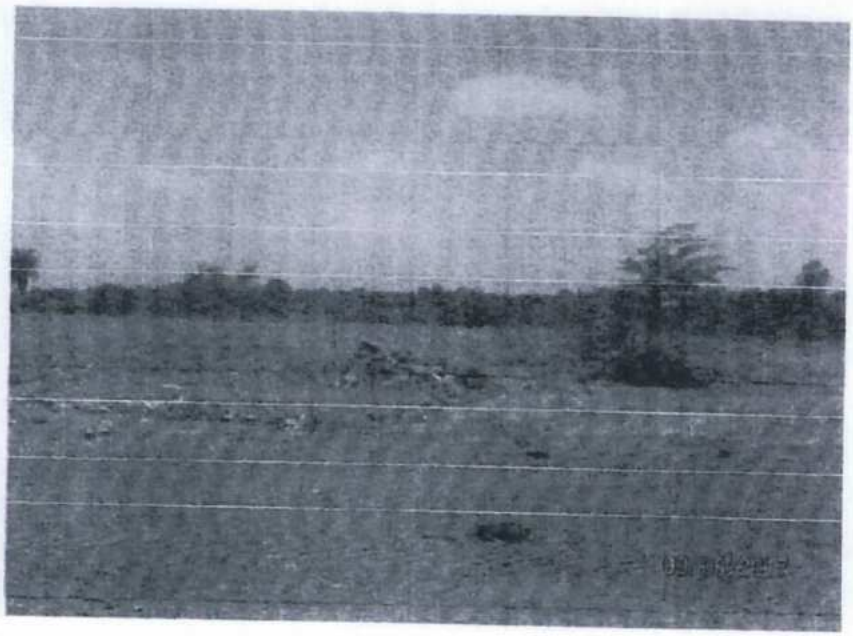
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Project Site: "River Residency" by 1. M/s. Ishwar Construction Pvt. Ltd., 2. Trade Centre Developers & Builders Pvt. Ltd. 3. M/s. Vijay-Laxmi Developers, 4. Vishal Associates, Gut No. 90 (p), Village-Chikhali, Tal-Haveli, Dist-Pune

Photo-41/62



Photo-42/62



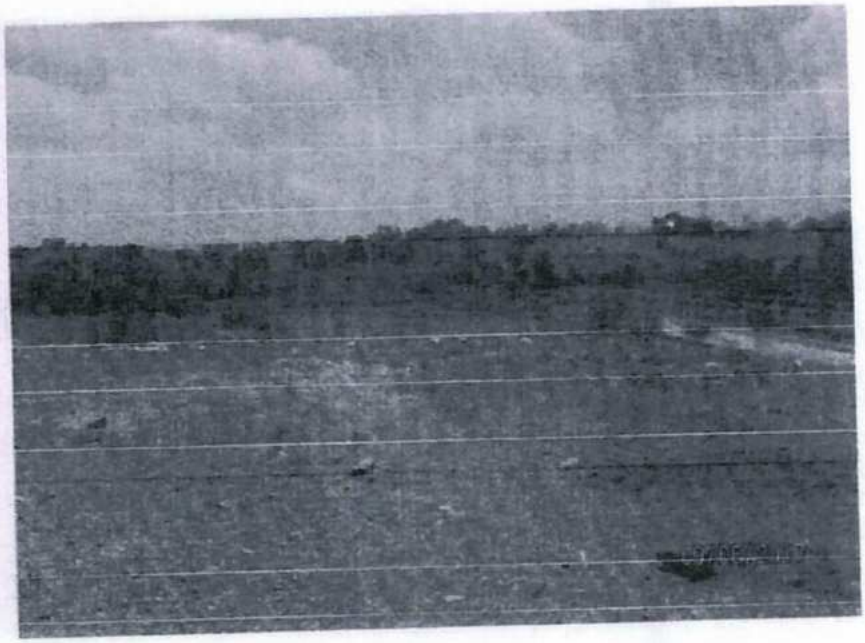
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Photo-43/62



Photo-44/62



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Photo-45/62



Photo-46/62



Project Site: "River Residency" by 1. M/s. Ishwar Construction Pvt. Ltd., 2. Trade Centre Developers & Builders Pvt. Ltd. 3. M/s. Vijay-Laxmi Developers, 4. Vishal Associates, Gut No. 90 (p), Village-Chikhali, Tal-Haveli, Dist-Pune

Photo-47/62

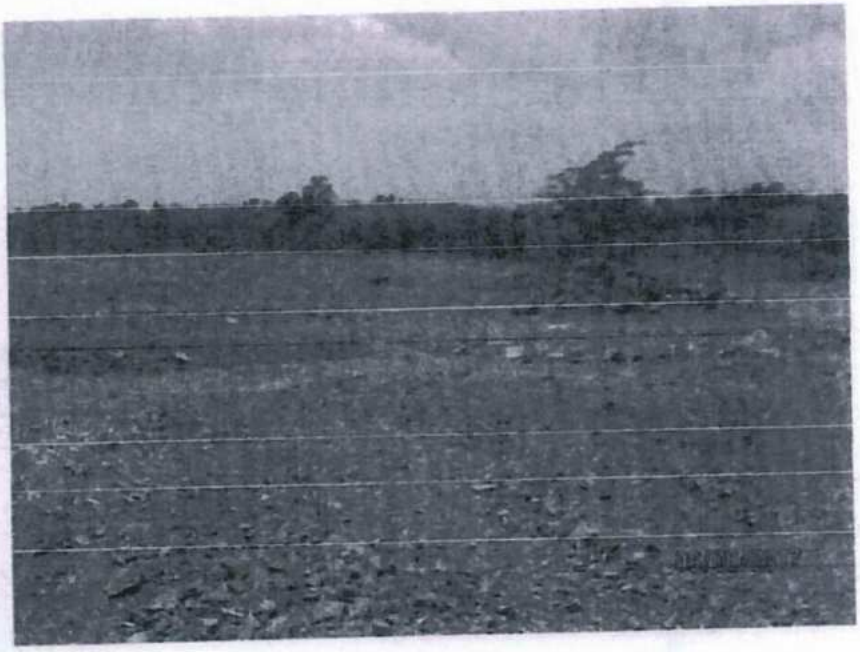
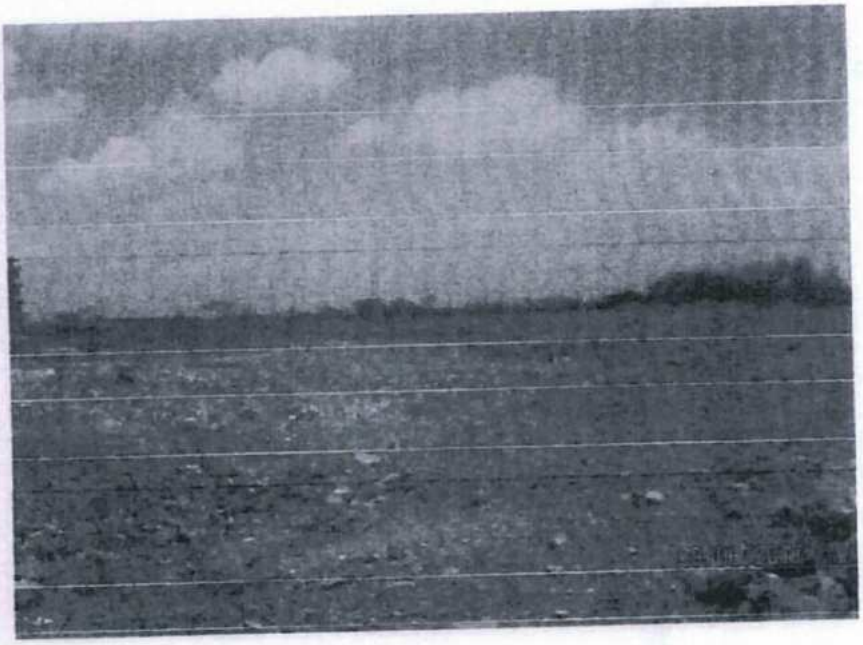


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Photo-49/62



Photo-50/62

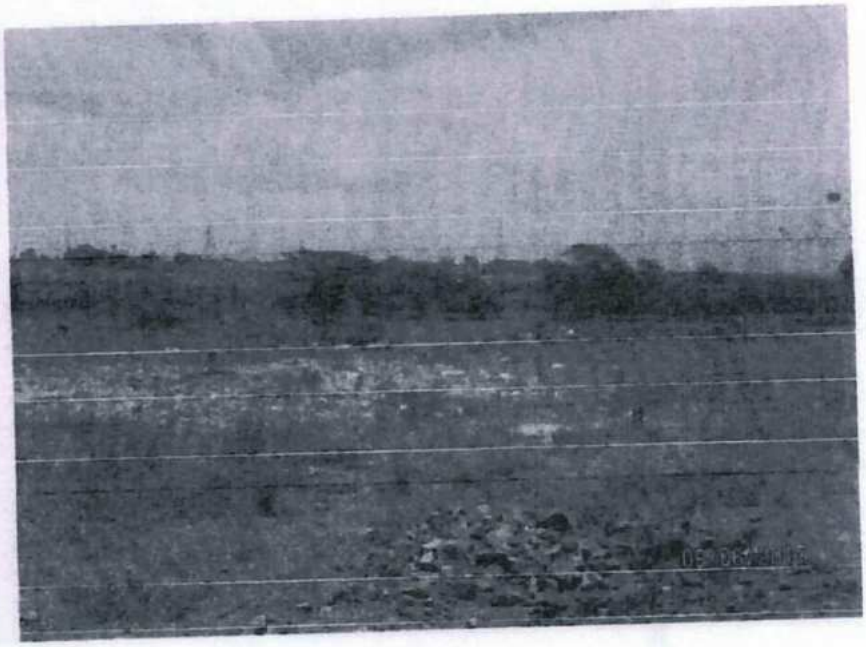


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Photo-51/62



Photo-52/62



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Photo-53/62

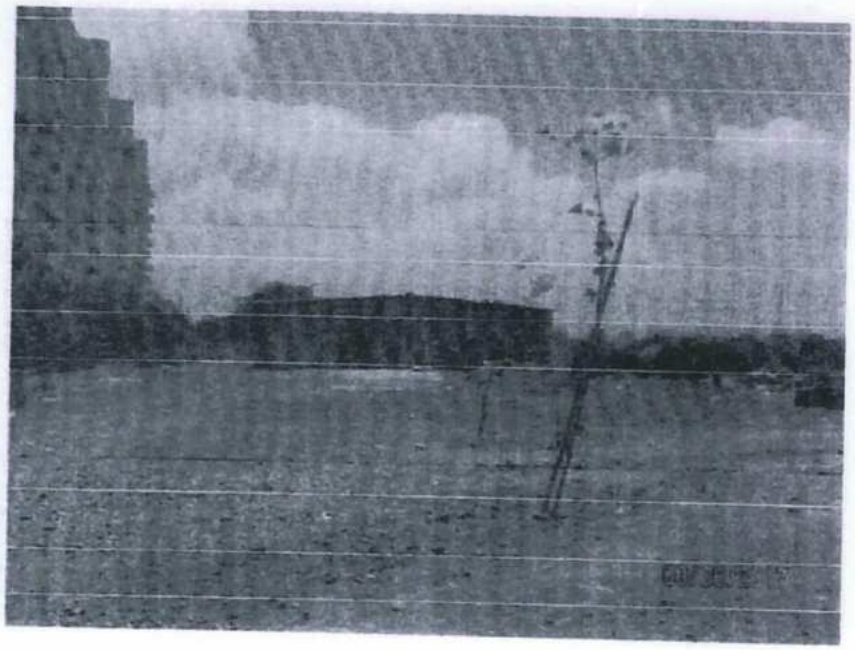


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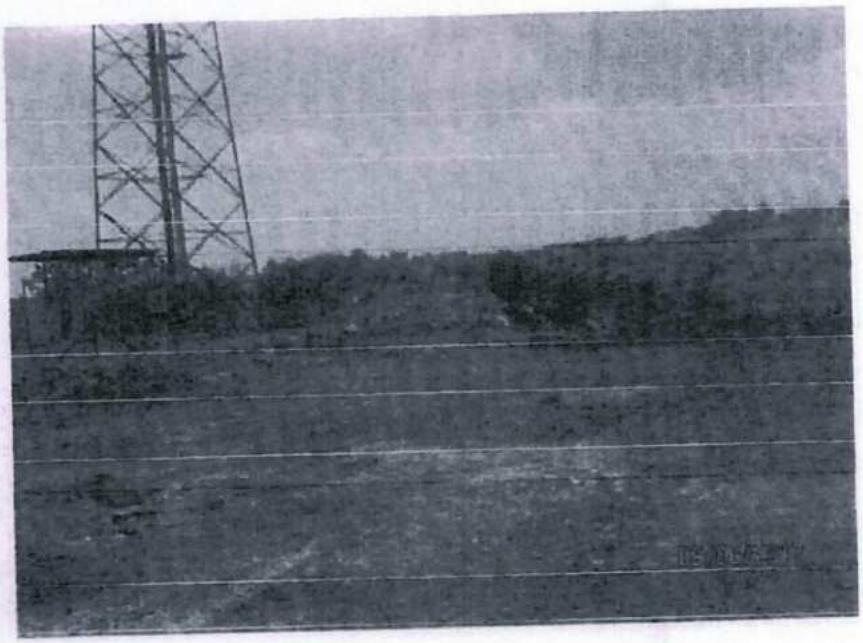


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Photo-55/62



Photo-56/62



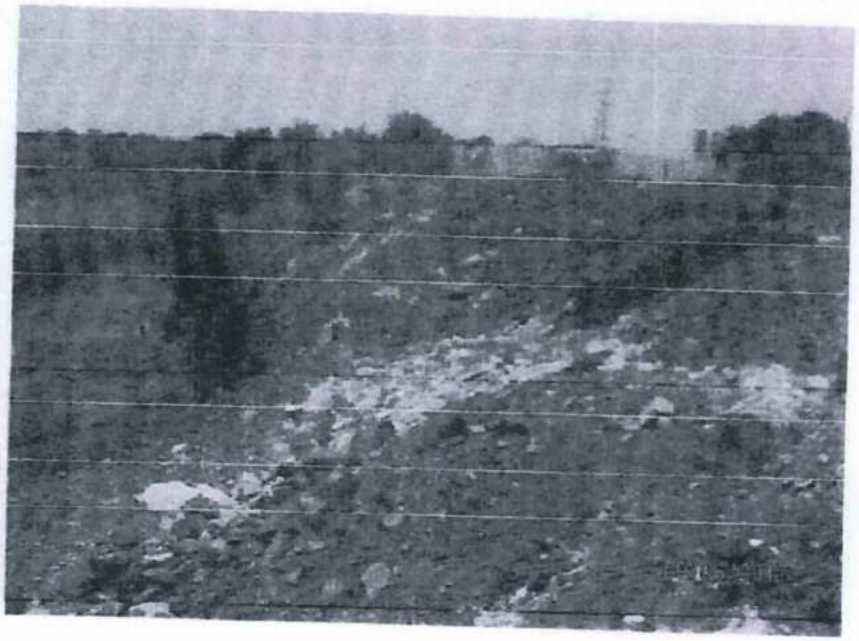
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Project Site: "River Residency" by 1. M/s. Ishwar Construction Pvt. Ltd., 2. Trade Centre Developers & Builders Pvt. Ltd. 3. M/s. Vijay-Laxmi Developers, 4. Vishal Associates, Gut No. 90 (p), Village-Chikhali, Tal-Haveli, Dist-Pune

Photo-57/62



Photo-58/62



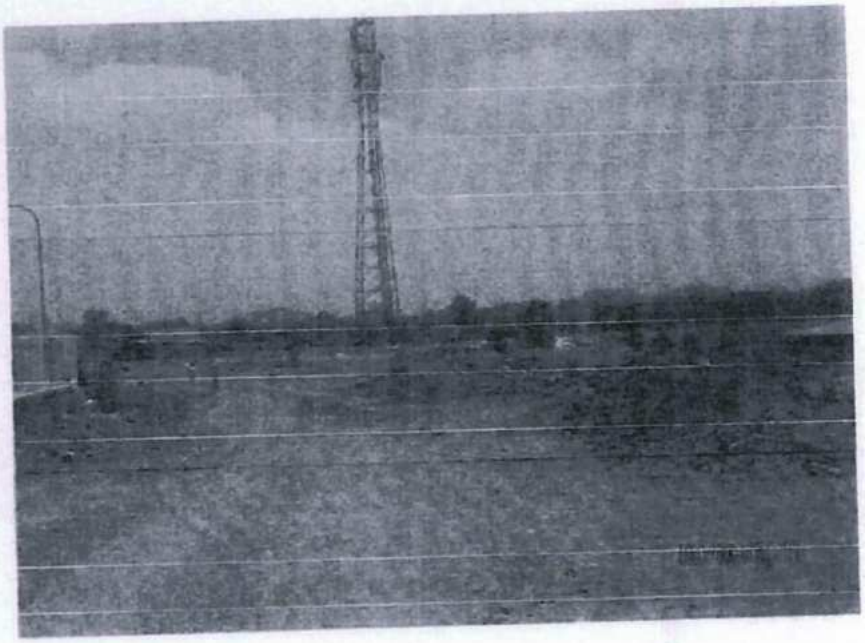
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Photo-59/62



Photo-60/62



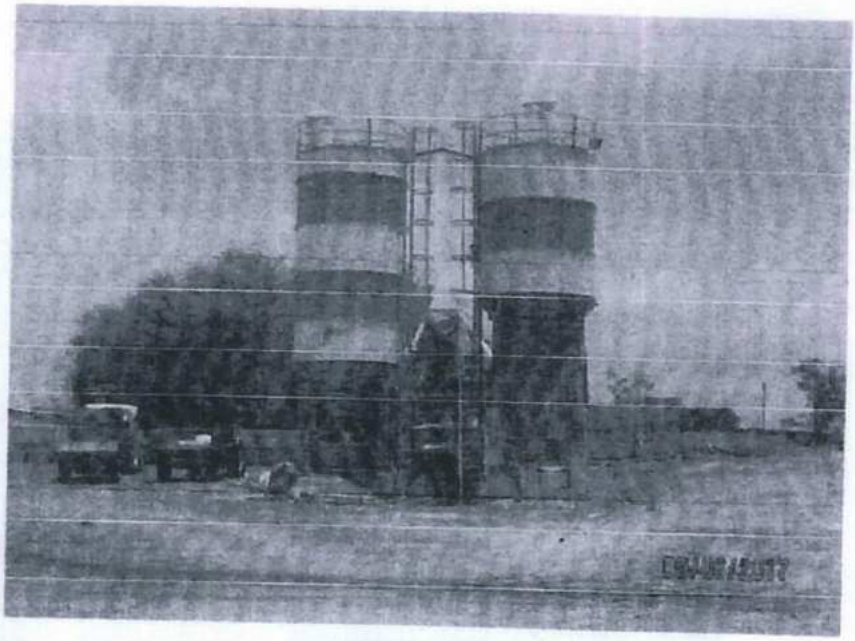
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Photo-62/62



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Bhandari & Patekar Law Associates

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B.A., LL.B
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Mohanish Mahendra Patekar
LL.M., D.I.P.R.
+91 9822847123

Advocates

Date: 05.07.2017

Notice/ Complaint

(R.P.A.D.)

To,

1. **The Secretary**
   Environment Department
   Government of Maharashtra,
   Room No-217, 2nd Floor, Annex Building,
   Mantralaya, Mumbai-400 032'

2. **Member Secretary-SEIAA**
   Environment Department
   Government of Maharashtra,
   15th Floor, New Administrative Building,
   Mantralaya, Mumbai-400 032

3. **Member Secretary-SEAC**
   Environment Department
   Government of Maharashtra,
   15th Floor, New Administrative Building,
   Mantralaya, Mumbai-400 032

4. **Member Secretary-MPCB**
   Maharashtra Pollution Control Board,
   Kalptaru Point, 3Rd Floor, Near Sion Circle,

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Bombhise

Bhandari & Patekar Associates
Advocates
Sundar Apartment, Ground Floor,
391, Narayan Peth, Pune-411 030
Ph.No. 020-24430647

Opp. Cine Planet, Cinema, Sion (E),
Mumbai-400 022

5. **Regional Officer,**
Maharashtra Pollution Control Board,
Jog Centre, 3Rd Floor, Old Mumbai-Pune Road,
Wakadewadi, Pune-411003

6. **The Secretary**
Urban Development Department
Government of Maharashtra,
4th Floor, Main Building,
Mantralaya, Mumbai-400 032

7. **Pimpri-Chinchwad Municipal Corporation**
Through Municipal Commissioner,
PCMC Main Building,
Old-Mumbai Pune Highway,
Pimpri-411 018

8. **City Engineer,**
Pimpri-Chinchwad Municipal Corporation,
PCMC Main Building,
Old-Mumbai Pune Highway,
Pimpri-411 018

9. **The Secretary**
Water Resource Department
Government of Maharashtra,

Bhandari & Patekar Associates
Advocates
Sundar Apartment, Ground Floor,
391, Narayan Peth, Pune-411 03
Ph.No. 020-24430647

Mantralaya, Mumbai-400 032

10. **Chief Engineer**
Pune Irrigation Circle
Sinchan Bhavan
Mangalwar Peth, Pune

11. **District Collector – Pune**
As Collector and President-District Environment Committee, Pune

SUBJECT: - NON- COMPLIANCE OF THE TERMS AND CONDTION OF ENVIRONMENT CLEARANCE VIDE NO. SEAC-2011/CR.620/TC.2 DATED-07.10.2011 AND INTENTIONAL VIOLATION OF ENVIRONMENT PROTECTION ACT AND POLLUTION CONTROL ACT BY M/S RIVER RESIDENCY BY ISWAR PARMAR CONSTRUCTION & OTHERS IN THE BUILDING CONSTRUCTION PROJECT SITUATED AT GUT NO. 90(P), VILLAGE-CHIKHALI, TAL-HAVELI, DISTRICT-PUNE IN THE LIMIT OF PIMPRI-CHINCHWAD MUNICIPAL CORPORATION

Sir/ Madam,

1. Under the instruction of my client **Mr. Tanaji Balasaheb Gambhire** presently R/O- Flat No-16,

Bhandari & Patekar Associates
Advocates
Sundar Apartment, Ground Floor,
391, Narayan Peth, Pune-411 03.
Ph.No. 020-24430647

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CTS-296, Laxmi Apartment, Near Shivaji Maratha High School, White House Lane, Shukrawar Peth, Pune-411002, I have to address you by this notice as under;

2. That the my client would like to bring to the notice of the above mentioned authorities .by this notice regarding the many irregularities, illegal activity, intentional violations, breaches of law, cheating, fraud and many more violations which causes huge financial loss to the government machinery by various way as well as the **very serious violations like Environment Protection Act and Pollution Control Act** and my client would like to bring entire scam to your notice for investigation and further strongest action against builder then such practices by other builder will be automatically getting stop.

3. **BRIEF INFORMATION OF BUILDER/ DEVELOPER/ PROJECT PROPONENT: -**

M/s. River Residency (Joint Venture) is the builder having his registered office at Parmar Trade Centre, 12 Cannaught Road, Sadhu Vaswani Chowk, Pune-

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391, Narayan Peth, Pune-411 030.
Ph.No. 020-24430647

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411001 carrying the business of builder, promoter

and developer through joint ventures

1. M/s. Ishwar Construction Pvt. Ltd.,

2. Trade Centre Developers & Builders Pvt. Ltd.

3. M/s. Vijay-Laxmi Developers,

4. Vishal Associates, as the responsible firms & company and Mr. Iswar Chandulal Parmar is responsible for M/s. River Residency, Ishwar Construction Pvt. Ltd. & Trade Centre Developers & Builders Pvt. Ltd., Mr. Dilip Motilal Choradiya is responsible for M/s. Vijay-Laxmi Developers alias Vijaya-Laxmi Developers and Vishal Associates for every activities for their respective firms and their construction activity carried out on respective land owned by them and joint venture development or river residency.

4. **DETAIL ADDRESS OF PROJECT SITE UNDER VIOLATION: -**

That the M/s. Iswar Parmar Construction Pvt. Ltd. and Trade Centre Developers & Builders Pvt. Ltd. are developing the property Gut No. 90 (P) at Village-

dari & Patekar Associates
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lar Apartment, Ground Floor
Narayan Peth, Pune-411 0
Ph.No. 020-24430647

Chikhali, Taluka-Haveli, District- Pune through the registered joint venture M/s. River Residency and the present site falls within the limit of Pimpri-Chinchwad Municipal Corporation.

The project site under violation and part of this Notice/ complaint is known as "M/s. River Residency" and this joint venture is undertaken the development of an total area of 144000 Sq. Mtrs. vide registered agreement No. 4966/2010 dated 12.05.2010 in the office of Sub-registrar Haveli-8 (Yerwada).

5. ILLEGALITIES, VIOLATIONS, FRAUD ETC BY PROJECT PROPONENTS

It is to be noted that, the following are the important and serious violations, illegalities, cheating and frauds played up on the authorities by the Project Proponents in relation to the Environment Protection Act-1986 r.w. EIA Notification-2006, Air Pollution Control Act, Water Pollution Control Act, Construction Waste Disposal Rules-2000, Government of Maharashtra Resolution for Prohibition of Construction in Blue Line-198FPW/1089/243/89/SI.

andari & Patekar Associates
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undar Apartment, Ground Floor,
11, Narayan Peth, Pune-411 030.
Ph No. 020-24430647

VYA. (KAME), Dated 21.9.1989, DC Rules-PCMC, MR & TP Act-1966, Terms & Conditions of EC, Consents etc.

i. Misleading Information Submitted to the SEAC and SEIAA for obtaining EC

ii. Non-Compliance to the Environment Clearance and Consent to Establish

iii. Illegal dumping of more than 200000 Sq. Mtrs. construction wastes in Indrayani River, Green Belt and STP Reservation Plot.

iv. Illegal Construction of parking complex on mandatory 10% Open Space in total violation of conditions in Environment clearance

v. Top soil is not preserved which is amount to violation of EC condition and also soil pollution is committed

vi. Illegal construction on account of FSI benefits for Stone Quarry for an area admeasuring 8840 Sq. Mtrs is Non-Development Zone

vii. Farce marking of Blue Line and read line on DP plan to provide illegal help for project construction in blue line

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viii. Illegal Construction in Blue Line

ix. Only 489 trees planted against 1300 trees promised in EC and its amounts to violation

x. Illegal Acquisition of STP reservation land by PCMC that comes under blue line area and part of river and PCMC is giving illegal benefits in terms of TDR

xi. Illegal of Construction **Ghat** in green belt and blue line of Holy River Indrayani

xii. Illegal increase in Ground Coverage Area as against 15985.24 Sq. Mtrs

xiii. Illegal installation of the RMC plant at site and carrying out operations without due permission from the MPCB

xiv. Violation of Non-Agricultural Permission

xv. Intentional Blindness of PCMC, Irrigation / Water Resource Department And Mining Department-Collector Pune on Account of Intentional Negligence And damaging Mother Nature

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391, Narayan Peth, Pune-411 030
Ph No. 020-24430647

xvi. Nala No. 23 shown on Irrigation Plant and passing from the project land is completely closed by dumping of construction waste

xvii. Reservations Affected by Blue Line in the various Rivers passing through the jurisdiction of PCMC and these reservations needs to be relocated out of Blue Line Area to avoid the damage to environment and ecology.

6. Details of Land ownership and Title, Deduction of Reservations and Non-Development Areas of Gut No. 90:

- It is to be noted that, it is important to understand the land ownership, title, reservation details, non-development areas before dealing with the allegations/ defects / illegalities / violations/ cheatings / frauds stated above;
- That the total area of the Gut No. 90 (Old Survey No. 27 & 29) of Village- Chikhali, Tal- Haveli, District- Pune is 231000 Sq. Mtrs.
- Out of the said total Land 7900 Sq. Mtrs. is the Pot-Kharaba (Non-development Zone).

& Patekar Associates
Advocates
partment, Ground Floor,
yan Peth, Pune 411 030.
No. 020-24430[illegible]7

PCMC has neglected to deduct this non-development area, reasons best known to them. But this negligence smells corruption going on in the local authority like PCMC is at the pick and PCMC is not able to protect the interest of its citizen.

Table No. 3: - Area Statement as per PCMC Sanction

	Sanction No.	2/2011	23/2012	56/2014	122/2016	/2017
	Description	24.2.2011	6.9.2012	26.9.2014	10.11.2016	
1	Area of Plot	124000	135000	130500	130500	131000
2	Deduction for					
	(a). Road Set back					
	(b). Proposed Road	24367.06	25207.31	25207.31	25207.31	25207.31
	(c). Any Reservation	8733.89	8733.89	8733.89	8733.89	8733.89
	(d). NDZ Area					
	(e). Encroachment Area					
	(f). Others					
	Total (a+b+c+d+e+f)	33100.96	33941.20	33941.20	33941.20	33941.20
3	Balance Area Of Plot (1-2)	90899.05	101558.80	96558.80	96558.80	97058.81
4	Deduction For					
	(a). Amenity Space	4945.12	5077.95	5077.95	5077.95	4852.94
	(b). Open Space	9089.92	10155.89	9655.90	9655.90	9705.88
	Physical OS Provided					
	(c). Internal Road Area	0	2994.38	2994.38	2994.38	3090.38
5	Net Area Of the Plot (3-4)	76864.01	83330.57	78830.57	78830.57	79409.61
	Perm. Ground Coverage 20%	15372.80	16666.11	15766.12	15766.12	15881.92
	Ground Coverage Used	2292.04	9322.66	12848.50	13389.13	13030.39

xvi. Nala No. 23 shown on Irrigation Plant and passing from the project land is completely closed by dumping of construction waste

xvii. Reservations Affected by Blue Line in the various Rivers passing through the jurisdiction of PCMC and these reservations needs to be relocated out of Blue Line Area to avoid the damage to environment and ecology.

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Ph.No. 020-24430047

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- Then only land area admeasuring 223100 Sq. Mtrs. will remain for any further transfer or development.

Table No. 1: - Land Ownership as per Various Agreements

Sr. No.	Reg. No.	Reg. Office	Date	Purchaser	Area
1	821/ 2009	HVL-5	13.02. 2009	A. Dilip Choradiya B. Vijayalaxmi Developers	57750
2	824/ 2009	HVL-5	13.02. 2009	A. Dilip Choradiya B. Vijayalaxmi Developers	57750
3	3619/ 2010	HVL-5	06.04. 2010	Vijayalaxmi Developers	32750
4	3621/ 2010	HVL-5	06.04. 2010	Vishal Associates (Green Belt)	13000
5	4318/ 2010	HVL-5	12.05. 2010	Vijayalaxmi Developers	32750
6	4320/ 2010	HVL-5	12.05. 2010	Dilip Choradiya	21000
	Total Land belongs to Vijaya-Laxmi, Vishal Associates and Dilip Choradiya (Including Pot-Kharaba-7900 Sq. Mtrs.)				**215000**
7	2146/ 2009	HVL-5	13.04. 2009	Sapana Vikas Sane	4000
8				More Family	4000
9				Sane Family	100
10				Sane Family	7900

- An area admeasuring 464.511 Sq. Mtrs & 100 Sq. Mtrs. have been leased out to MSEDCL for electric sub-station vide agreement no. 9190/2011 (Haveli-5), 10327/2012 (Haveli-1) and this area shall be deducted from total area for the project. But the

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project proponent has claimed & Utilized FSI of the leased out land and committed fraud up on PCMC.

Table No. 2: - Total Plot Area Statement as per Sanction No. BP/Chikhali/56/2014 Dated 26.09.2014

Sr. No.	Description	Area in Sq. Mtrs.
1	Total Plot Area	231000.00
	Deductions	
2	Green Belt	42934.69
3	STP Reservation 1/130	42747.07
4	24 M WD DP Road(East)	727.92
5	**Balance Plot Area**	144590.32
6	**Area As Per P.O.A.**	143500.00
7	**Deduct Owners Plot**	13000.00
8	**Balance Plot Area**	130500.00
	Reservations	
9	Resv. No. 1/133 Secondary School	2486.59
10	Resv. No. 1/137 Play Ground	222.83
11	Resv. No. 1/134 Shopping & Market	999.99
12	Resv. No. 1/135 Parking	24.48
13	Resv. No. 1/131 Primary School	4000.00
14	Resv. No. 1/132 Maternity Hospital	1000.00
	DP Roads	
15	18 M WD DP Road(North)	21240.56
16	18 M WD DP Road(South)	856.20
17	24 M WD DP Road(South)	3110.55
	Total Deduction	33941.20
18	Gross Plot Area	96558.80

- Take note that, the non-development area of stone quarry 8840 Sq. Mtrs is not deducted from this area statement by project proponent and also

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PCMC has neglected to deduct this non-development area, reasons best known to them. But this negligence smells corruption going on in the local authority like PCMC is at the pick and PCMC is not able to protect the interest of its citizen.

Table No. 3: - Area Statement as per PCMC Sanction

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2	Deduction for					
	(a). Road Set back					
	(b). Proposed Road	24367.06	25207.31	25207.31	25207.31	25207.31
	(c). Any Reservation	8733.89	8733.89	8733.89	8733.89	8733.89
	(d). NDZ Area					
	(e). Encroachment Area					
	(f). Others					
	Total (a+b+c+d+e+f)	33100.96	33941.20	33941.20	33941.20	33941.20
3	Balance Area Of Plot (1-2)	90899.05	101558.80	96558.80	96558.80	97058.81
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	(a). Amenity Space	4945.12	5077.95	5077.95	5077.95	4852.94
	(b). Open Space	9089.92	10155.89	9655.90	9655.90	9705.88
	Physical OS Provided					
	(c). Internal Road Area	0	2994.38	2994.38	2994.38	3090.38
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Ph.No. 020-24430647

- It is observed from the above area statement, that PCMC & project Proponent has neglected to deduct the stone quarry area of non-development zone.
- At this stage it is important to deduct Area of 8840 Sq. Mtrs. for Stone Quarry as Non-development Zone from the available plot area and following actual area statement will arrive.

Table No. 4: - Actual Area Statement after deduction of Non-Development Area of Stone Quarry

	Description	Area in Sq. Mtrs.
1	**Total Area of Gut No. 90**	**231000**
2	Deduct Green Belt	42934.69
3	Deduct STP Reservation	43299.37
4	Deduct 24 Mtrs. DP Road (Blue Line Affected)	693.75
5	Deduct 18 Mtrs. DP Road (Blue Line Affected)	3152.87
6	Deduct Stone Quarry/ NDZ	8840
7	Deduction for Owners Plot	13000
8	**Total Deduction**	**111920.68**
9	**Balance Area of Plot for Development**	**119079.32**
10	Deduction for	
	(a). Road Set back	0
	(b). Proposed Road	22054.44
	(c). Any Reservation	8733.89
13	Total (a+b+c)	30788.33

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14	**Available Balance Area Of Plot**	**88290.99**
15	Deduction For	
	(a). Amenity Space (As Per PP)	4852.94
	(b). Open Space (As Per PP)	9705.88
	(c). Internal Road Area	3090.38
16	Available Net Area Of the Plot	70641.68
17	Perm. Ground Coverage 20%	14128.34
18	Ground Coverage Used (Buildings: 13030.39 + Open Space A,B, C: 5266.49+2020.92 + Covered Parking: 549.01)	20866.81

- Thus it is clear that, the total area for development is only **119079.32 Sq. Mtrs.** after the deduction of Stone Quarry area, blue line affected area of the road, STP reservation, Green Belt and Owners Plot Area.
- Thus it is clear that, the total net plot area is only 70641.68 Sq. Mtrs. and Project Proponent has illegal claimed net plot area is 79409.61 Sq. Mtrs.
- Thus it is clear that, the total project proponent has illegally constructed ground coverage of 20866.81 Sq. Mtrs. against available 14128.34 Sq. Mtrs. and Project Proponent has illegally claimed 15881.92 Sq. Mtrs.
- Thus it is clear that, the project proponent has intentionally not deducted an area of Stone

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Quarry/NDZ, Blue Line Affected Area of DP Roads etc.

7. **Misleading Information Submitted to the SEAC and SEIAA for obtaining EC**

-Take note that, the project "River Residency" is undertaken by the joint venture between various firms stated in the registered agreement vide no. 4966/2010 dated 12.05.2010 in the office of Sub-registrar Haveli-8 (Yerwada) and the area of joint venture was 144000 Sq. Mtrs. out of which 4000 Sq. Mtrs was Green Belt Area.

-But Project Proponent has misleaded the authorities by stating that, the total area of the development is 231000 Sq. Mtrs. while obtaining EC.

-Further Project Proponent has misleaded the authorities by stating that, the net plot area of development is 101891.43 Sq. Mtrs.

-Further Project Proponent has misleaded the authorities by stating that, the FSI of 145241.63 Sq. Mtrs.

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-Further Project Proponent has misleaded the authorities by not stating the stone quarry area which is Non-Development Zone and said area of the stone quarry area shall not be considered towards the calculation of FSI, but the Project proponent has not deducted an area of 8840 sq. Mtrs. of stone quarry and played fraud on PCMC, Public and Authorities.

-Further Project Proponent has misleaded the authorities by not stating the area affected by the blue line of the Indrayani River and taken illegal benefits of the FSI of Blue Line Area.

Further Project Proponent has misleaded the authorities and made construction of building "G to L, P, N1, N2" and proposed to construct building N3 and N4. In fact project proponent has dumped the huge quantity of construction waste in the Indrayani River to manipulate the actual marking of the Blue Line & Red Line marking.

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8. Non-Compliance to the Environment Clearance and Consent to Establish

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- It is to be noted that, the EC was obtained by PP vide No. SEAC-2011/CR.620/TC.2 dated 07.11.2011 by misleading and suppressing the actual facts from the authorities and further PP has violated the major terms & condition of the said EC as stated below;

- **Disposal:-**

- Construction debris shall be used for back filling and leveling of the plot and remaining will be disposed to authorized sites.

- Top soil shall be preserved and reused within site for landscaping.

- **Energy Conservation**

- Use of fly ash bricks & pavement blocks

- Green boundary wall instead of stone wall

- **Green Belt Development**

- Ground Coverage area: 15985.24 Sq. Mtrs.

- Green Cover Area: 10543.80 Sq. Mtrs.

- Total 1300 no. of trees to be planted

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- **3(xi)** All the topsoil excavated during construction activities should be stored for use in horticulture / landscape development within the project site.
- **3(xiii)** Green Belt Development shall be carried out considering CPCB guideline including selection of plant species and in consultation with the local DFO/ Agriculture Dept.
- **3(xiv)** Disposal of muck during construction phase should not create any adverse effect on the neighboring communities and be disposed taking the necessary precautions for general safety and health aspects of people, only in approved sites with the approval of competent authority.
- **3(xv)** Soil and ground water samples will be tested to ascertain that there is no threat to ground water quality by latching of heavy metals and other toxic contaminants.
- **3(xvi)** Construction spoils, including bituminous material and other hazardous materials must not be allowed to contaminate watercourse and dump sites for such material must be secured so that they should not leach into the ground water.

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- **3(xvii)** Any hazardous waste generated during construction phase should be disposed of as per applicable rules and norms with necessary approvals of the Maharashtra Pollution Control Board.
- **3(xxvii)** The ground water level and its quality should be monitored regularly in consultation with Ground Water Authority.
- **3(xxix)** Local body should ensure that no occupation certification is issued prior to operation of STP/ MSW site etc. with due permission of MPCB.
- **3(xxx)** Permission to draw ground water shall be obtained from the competent Authority prior to construction / operation of the project.
- **3(xlviii)** The project management shall advertise at least in two local newspapers widely circulated in the region around the project, one of which shall be in Marathi language of the local concerned within seven days of issue of this letter, informing that the project has been accorded environmental clearance and copies of clearance letter are available with the

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Maharashtra Pollution Control Board and may also be seen at Website at https://envis.maharashtra.gov.in.

- **3(l)** A copy of the clearance letter shall be sent by proponent to the concerned Municipal Corporation and the local NGO, if any, from whom suggestions/ representation, if any, were received while processing the proposal. The clearance letter shall also be put on the website of the company by the proponent.

- **3(lii)** The project proponent shall also submit six monthly reports on the status of compliance of the stipulated EC conditions including result of monitoring data (both in hard copies as well as by e-mail) to the respective Regional Office of MoEF, respective zonal office of CPCB and SPCB.

- **3(liii)** The environmental statement for each financial year ending 31st March in form-V as is mandated to be submitted by the project proponent to the concerned state Pollution Control Board as prescribed under the Environment (Protection) Rules, 1986, as amended subsequently, shall also

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be put on the website of the company along with the status of Compliance of EC conditions and shall also be sent to the respective Regional Offices of MoEF by e-mail.

- **5.** In case of submission of false document and non compliance of stipulated conditions, Authority/ Environment Department will revoke or suspend the Environmental Clearance without any intimation and initiate appropriate legal action under Environmental Protection Act, 1986.

9. Illegal dumping of more than 200000 Sq. Mtrs. construction wastes in Indrayani River, Green Belt and STP Reservation Plot.

- It to be noted that, the present project site is affected by stone quarry having an area admeasuring 8840 sq. Mtrs. and this information is suppressed by the project proponent and the said non development area is not deducted from the plot area of the project.
- It is to be noted that, the said project site is affected by a green belt area admeasuring

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42934.69 sq. Mtrs. and STP reservation no.130 having an area admeasuring 42747.07 sq. Mtrs. in fact both these areas are part of the river flow and effected by the blue line marking of Indrayani River.

- It is to be noted that, the project proponent has dumped the construction waste material in the Indrayani river even after the complaint of one of Environment Protection Organization namely "Vanrai" on 04.03.2013 and PCMC has neglected to act on the same complaint and supported to the project proponent to dump the construction waste in river.
- That the natural area of Indrayani river more than 86824.80 Sq. Mtrs. is environmentally and ecologically damaged by dumping of construction waste of 3 Meters and the quantity of the said construction waste is more than 200000 Sq. Mtrs.

10. Illegal Construction of parking complex on mandatory 10% Open Space in total violation of conditions in Environment clearance

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- It is important to note that, as per the DC-Rules of PCMC and its approved plan for project, it is mandatory to keep 10% open space for the purpose of recreational development and plantation of trees.
- ***That the said area of the 10% open space area comes to 9655.90 Sq. Mtrs., but the project proponent has illegally constructed raised parking complex on this recreational space.***
- As per the Rule 11.3 of the Development Control Rules for Pimpri-Chinchwad Municipal Corporation,
- *"11.3.1 For land admeasuring 0.3 ha or more, layouts or sub-division or amalgamation proposals shall be submitted..*
- *In any layout or sub-division of land admeasuring 0.20 Ha or more 10% **of the entire holding area** shall be reserved as recreational space, which shall be as far as possible be provided in one place.*
- *Notwithstanding anything contained in this rule the shape and location of such open space shall be such that it can be properly utilised as playground. No deduction in F.S.I. for Road / Open Spaces shall be*

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made in layout for area between 0.20 Ha to 0.36 Ha. However for the areas above 0.36 Ha deduction shall be made for open space and not for the road for computation of F.S.I."

It is to be noted that, our Constitution gives right of decent life to every citizen having at least basic facilities to be provided by the developers in their developments. But here the project proponent have intentionally and purposefully committed the contravene the provisions of Law, Acts & Rules with open eyes, in the manner of insulting and challenging the entire systems. It is not possible to take place such type of illegal activity without connivance of the Local Authority i.e. sanctioning officers. Basically the open space is required for the gardening, to plant some trees, so there will be the positive effect on the livelihood by reducing the temperature of surrounding by absorbing of Carbon Dioxide and on other hand the unit purchasers shall have sitting out for enjoyment, kids have play-ground many more purposes of

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Open spaces are classified in the view of decent life.

- On the issue of Recreational Ground, as per Hon'ble Supreme Court order in SLP (Civil) No. 33402/2012 dated 25.07.2013 observed that.
- **"(A) The problem concerning reduction in the recreational area at the ground level:-**
- *10. Having dealt with the actual controversy between the parties which led to this SLP, we deem it proper to take cognizance of a few important issues, which arose in the course of this proceeding concerning the impact of excessive construction and higher FSI on the urban environment. The concept of Floor Space Index (FSI) implies the buildable potential of a plot of land. The FSI to be allowed must take into consideration the availability of civic infrastructure including open spaces, transport facilities, requirements for protection against fire, and water supply and sewerage as well as electricity. An increase in FSI is likely to result into an increase in the density of population. FSI has an important bearing on the quality of urban life. A*

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relaxation of FSI norms or, as the case may be, an enhancement of FSI by urban planners cannot be removed from the issue of adequacy, or as the case may be, inadequacy of civic services.

11. The requirement of keeping open spaces at the ground level should be read in this context. The recreational areas and greens in the multi-storied buildings have to be scrupulously safeguarded. The problem with the existing Municipal and Town Planning statutes is that they factor only two out of the three compelling needs. The first need is that of increasing housing stock – which is undeniable. The second need is that of keeping recreational areas for residents. The third entirely different and equally, if not more compelling, is the need to assess the sustainable capacity of the city and to balance the development with this capacity. The principle of sustainable development which has been construed by this Court as an integral part of Article 21 of the Constitution deserves to be applied to town and urban planning throughout the country. This requires a thorough assessment of the

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environmentally sustainable capacity of every city/urban area. The preparation of Master Plan/Town Planning Schemes has to be made keeping in view the issue of sustainable capacity of the particular city/urban area.

12. Clause 23 of DCR for Greater Mumbai lays down the minimum requirement for providing the recreational ground. The area to be retained as recreational ground varies depending upon the size of the plot. The present position under the DCR is as follows:-

(i)	Area from 1001 SQ.M. to 2500 SQ.M.	15 per cent
(ii)	Area from 2501 SQ.M. to 10,000 SQ.M.	20 per cent
(iii)	Area above 10,000 SQ.M.	25 per cent

13. In the present case, we find that as per the approved plan, the recreational space available at the ground level is only 7.7% of the area of the plot and respondent No.1 has accordingly raised construction. The respondents' plea, which appears to have been accepted by the Corporation, is that under DCR 38(34) the recreational area can be provided on the podium. We may add that since the

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clean and healthy environment is within the ambit of Article 21, as has been noted in **Court on its Own Motion v. Union of India** reported in 2012 (12) SCALE 307 in the following words:-

- *"The scheme under the Indian Constitution unambiguously enshrines in itself the right of a citizen to life under Article 21 of the Constitution. The right to life is a right to live with dignity, safety and in a clean environment."*

- The right to a clean and pollution free environment, is also a right under our common-law jurisprudence, as has been held by this Court in **Vellore Citizen's Welfare Forum v. Union of India and Ors** reported in (1996)5SCC647 where this Court held:-

- *"The Constitutional and statutory provisions protect a persons right to fresh air, clean water and pollution free environment, but the source of the right is the inalienable common law right of a clean environment."*

- In the same judgment the Court emphasized the importance of **Sustainable Development,** and the

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need for a balance between development and ecological considerations, in the following words:-

"The traditional concept that development and ecology are opposed to each other, is no longer acceptable.... 'Sustainable Development' is the answer...Sustainable Development as defined. by the Bryndtland Report means "development that meets the needs of the present without compromising the ability of the future generations to meet their own needs". We have no hesitation in holding that "Sustainable Development' as a balancing concept between ecology and development has been accepted as a part of the Customary International Law though its salient features are yet to be finalised by the International Law jurists."

28. Therefore, after reflecting upon the legal position, we are clearly of the opinion that having 15%, 20% or 25% of the area (depending upon the size of the lay-out) as the recreational/amenity area at the ground level is a minimum requirement, and it will have to be read as such.

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We therefore answer the issue no. 1 by holding that it is not permissible to reduce the minimum recreational area provided under DCR 23 by relying upon DCR 34). However, if the developers wish to provide recreational area on the podium, over and above minimum area mandated by DCR 23 at the ground level, they can certainly provide such additional recreational area.

11. **Top soil is not preserved which is amount to violation of EC condition and also soil pollution is committed**

- It is important to note that, the soil from top layer shall be preserved and utilized for the development of recreational spaces and tree plantation. But the project proponent has constructed the parking complex on the 10% open spaces and there is plantation of the tree as directed by the environment department in the EC.
- By dumping of the construction waste in the river and green belt, project proponent has covered the soil and damaged the soil with construction waste.

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- That the Area of the plot as stated by the Project proponents is 215000 Sq. Mtrs. & the area of the stone quarry is 8840 Sq. Mtrs. so the total area is 206160 Sq. Mtrs. and the soil layer on project site 2.5 Mtrs. and therefore the total soil quantity damaged is **515400 Cu. Mtrs.**

12. **Illegal construction on account of FSI benefits for Stone Quarry for an area admeasuring 8840 Sq. Mtrs is Non-Development Zone**

- It is important to note that, the project site is having the stone quarry of an area admeasuring more than 8840 Sq. Mtrs. as per goggle earth plan and same quarry area is shown as the part of the development as shown on the PCMC approved plan and same quarry area is nothing but the non-development area and same area shall be deducted from the total area of development.
- It is important to note that, the Project Proponent has not deducted this stone quarry area from the total plot area for development like green belt area, STP reservation area etc.

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- On the contrary, the project proponent has played fraud by claiming the FSI of stone quarry by not deducting from the total area and cheated the PCMC.
- Further it is important to note that, the construction carried out by 8840 Sq. Mtrs. is completely illegal & also caused to damage environment & ecology and there are no legal provisions to use this FSI on non-development area and this attract penal action on Project Proponent as well as errant officers of PCMC.
- Thus it is important to deduct the said area from the development area under taken by the project proponent and it is also necessary to demolish the illegal structure constructed on account of this stone quarry.

13. Farce marking of Blue Line and red line on DP plan to provide illegal help for construction in blue line

- It is important to note that, it is very clear that the blue line marking by irrigation department at gut

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no. 90 is totally false and shifted towards the river side only in view to help the project proponent.

- In fact the blue line marking on the gut no. 84 & 85 was required to be straight passing though the gut no. 90 as per the site condition. And made construction of building "G to L, P, N1, N2" and proposed to construct building N3 and N4. In fact project proponent has dumped the huge quantity of construction waste in the Indrayani River to manipulate the actual marking of the Blue Line & Red Line marking.
- That there was natural depth in the gut no. 90 in the part of Indrayani River and same deep area is made rise by height of 4 Mtrs from the river level at which dump of construction waste which is thrown.
- Due to this dumping of construction waste & stone quarry waste, actual blue line marking is also diverted.

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14. Illegal Construction in Blue Line

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- It is important to note that, as per the Government of Maharashtra Resolution for Prohibition of Construction in Blue Line- 198FPW/1089/243/89/SI. VYA. (KAME), Dated 21.9.1989, no construction is permitted in the blue line.
- But the project proponent has managed the false blue line marking with help of irrigation department and blue line is shifted towards the river side to legalise its constriction.
- PCMC is well aware of this facts of blue line marking and entire STP reservation No. 1/130 & 18 Mtrs DP road is affected by the blue line and it is the part of river, even then the PCMC is accepting the possession of blue line affected reservation from Mr. Dilip Choradiya on account of TDR and other benefits.
- Also the National Green Tribunal in its various Judgments has issued clear cut directions regarding restriction of non development in blue line.

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- This act of PCMC to purchase the river is nothing but clearly illegal and attracts the penal action of fraud and cheating to the government and in this case the PCMC- Commissioner shall take serious action against "errant officers of Urban Development Department of PCMC and the project proponent like Iswar Parmar and Dilip Choradiya for committing such fraud on the government.
- It is important to cancel the documents executed to take possession of the blue line affected reservation and DP road and not to carry any construction on such blue line affected area and further not to issue any benefits to the project proponents on any account.
- Thus the construction carried out building "G to L, P, N1, N2" and proposed to construct building N3 & N4 along with STP reservation development & 18 Mtrs DP road is completely illegal and damaging the environment and ecology.

15. Only 389 trees planted against 1300 trees promised in EC and its amounts to violation

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- As per the Environment clearance no. SEAC-2011/CR.620/TC.2 dated 07.10.2011, the project proponent was promised to plant 1300 trees for development of green belt, but only 389 trees have been planted by the project proponent and also the planted tress area not in state to be alive for long.
- That the project proponent has made construction of the parking complex on the 10 % mandatory open space. And no space for tree plantation is remaining.

16. Illegal Acquisition of STP reservation land by PCMC that comes under blue line area and part of river and PCMC is giving illegal benefits in terms of TDR

- That the reservation no. 1/130 for the STP is having total area of 50000 Sq. Mtrs. and out of which 42747.07 sq. Mtrs. is on part of the project proponents from Gut No. 90 of present development under various violations.
- That the entire reservation is affected by the blue line marking of the Indrayani River and also as per

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the site condition also that the said reservation is clearly & completely part of the river. In any circumstances, this reservation area is not able to develop for any purpose.

Table 5: - Total Blue line Affected Area acquired by PCMC from the present Project Proponent

Agreement	STP	18 Mtr DP Road	24 Mtr DP Road
3056/2016 (Haveli-5) 05.04.2016	8294.87 Sq. Mtrs.		66 Sq. Mtrs.
574/2017 (Haveli-5) 23.01.2017	34934.50 Sq. Mtrs.		627.75 Sq. Mtrs.
3658/2017 (Haveli-5) 26.05.2017		3152.87 Sq. Mtrs.	
Total	**43299.37 Sq. Mtrs.**	**3152.87 Sq. Mtrs.**	**693.75 Sq. Mtrs.**

- Thus the PCMC intentionally providing illegal benefits of an area admeasuring 43299.37 Sq. Mtrs, on account of STP, 3152.87 Sq. Mtrs. on account of 18 Mtrs DP road, 693.75 Sq. Mtrs on account of 24 Mtrs. DP Road to the project proponent on account of purchase of river area,

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which is non development zone and affected by the blue line of the Indrayani river.

17. **Illegal of Construction River Ghat in green belt and blue line of Holy River Indrayani**

- That the project proponent has made the illegal construction of the Ghat in the river on an area admeasuring more than 8000 sq. Mtrs. for the enjoyment.
- That the said illegal construction of ghat has made the substantial water pollution of the river
- That the project proponent has made encroachment in the river for construction of this Ghat.
- As project proponent has carried out the substantial construction of ghat in the river with the help of PCMC officers and it can be observed from act of blindness played by irrigation department as well as PCMC officers.

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18. **Illegal increase in Ground Coverage Area as against 15985.24 Sq. Mtrs**

- It is clear from the table No. 4 as stated above, that the total project proponent has illegally constructed ground coverage of 20866.81 Sq. Mtrs. against available 14128.34 Sq. Mtrs. and Project Proponent has illegally claimed 15881.92 Sq. Mtrs.
- In fact this illegal ground coverage area is affecting the rain water harvesting and its resulting in the ground water damage & continues decrease in the water level.

19. Illegal installation of the RMC plant at site and carrying out operations without due permission from the MPCB

- It is to be noted that, the Project Proponent has illegally installed the Ready Mix Plant for the construction of the said project without prior permission from the Pollution Control Board.
- That the project proponent has not fallowed the norms of pollution control board and given rise to Air Pollution, Noise Pollution, Dust Pollution, Water Pollution etc.

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- That the project proponent has admitted in his application for revised EC that, he has carried out construction of BUA 199000 Sq. Mtrs.
- For construction of 199000 Sq. Mtrs, the quantity of RMC product concrete is 30327.6 Cu. Mtrs.
- It is clear that, the Project proponent has substantially damaged the environment by illegal operation of RMC Plant.

20. Violation of Non-Agricultural Permission

- As per the NA Order no. PMA/NA/SR/872/10 dated 18.05.2011, total land proposed for NA permission is 215000.00 Sq. Mtrs.
- But collector Pune after verification of documents and land records, plans sanctioned by PCMC and after deduction of the reservations, other Non-development areas only an area 124000.00 sq. Mtrs. was considered for NA Permission.

Table 6: -

Gut No.	Area (Sq. Mtrs.)
90 (p)	124000
Total Area	124000
Sanctioned Area In Layout	124000

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(-) Road Area	24367.06
(-) Reservation Area	8733.89
Residential Use Area	90899.05

- It is to be noted that, in terms & condition No. 1 of NA, clearly speaks that out of 124000 Sq. Mtrs. only Built-up area 13484.75 sq. Mtrs. is sanctioned by said NA order.
- Further condition No. 3, clearly state that, the applicant shall made the use of building only for the purpose for which this permission is granted. In fact the NA permission was granted for the residential purpose, but the applicant project proponent has constructed commercial buildings and 39 shops also in violation of this NA order.
- Thus following violations of NA permissions are observed;
- Area considered by NA permission was 124000 sq. Mtrs. but project proponent has made construction on 131000 sq. Mtrs. without obtaining any amendment in NA order. and it amounts to violation.

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(-) Road Area	24367.06
(-) Reservation Area	8733.89
Residential Use Area	90899.05

- It is to be noted that, in terms & condition No. 1 of NA, clearly speaks that out of 124000 Sq. Mtrs. only Built-up area 13484.75 sq. Mtrs. is sanctioned by said NA order.
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(-) Road Area	24367.06
(-) Reservation Area	8733.89
Residential Use Area	90899.05

- It is to be noted that, in terms & condition No. 1 of NA, clearly speaks that out of 124000 Sq. Mtrs. only Built-up area 13484.75 sq. Mtrs. is sanctioned by said NA order.
- Further condition No. 3, clearly state that, the applicant shall made the use of building only for the purpose for which this permission is granted. In fact the NA permission was granted for the residential purpose, but the applicant project proponent has constructed commercial buildings and 39 shops also in violation of this NA order.
- Thus following violations of NA permissions are observed;
- Area considered by NA permission was 124000 sq. Mtrs. but project proponent has made construction on 131000 sq. Mtrs. without obtaining any amendment in NA order. and it amounts to violation.

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- NA permission has granted only for residential purpose but the project proponent has constructed commercial buildings for 39 shops and also PP has commenced it use illegally and its amount to violation of NA permission.
- Total BUA sanctioned is only 13484.75 sq. Mtrs. but project proponent has carried out the construction of 199000 sq. Mtrs. (as admitted by PP in its revised application for EC) and its clear cut violation of NA Permission.
- Further it is important to note that, the project proponent has suppressed the area 8840 Sq. Mtrs. of stone quarry and this area of stone quarry is nothing but the non development area and shall be deducted from the 124000 sq. Mtrs. but the project proponent as well as collector Pune has intentionally overlooked such NDZ area from the layout and gave illegal benefits to the project proponent.
- Further it is to be noted that, it seems that the stone quarry was illegal and collector Pune has intentionally negated to put heavy fine for such

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illegal exaction of minor minerals and caused loss to the Government.

- Collector Pune also not made the site survey and allowed project proponent to damage the Holy Indrayani River by encroaching in river and allowing construction waste dumping in the river.
- Thus the project proponent has violated the NA Permission, illegal enjoyed benefits of stone Quarry Area, made construction in blue line by managing the false making of blue line, dumped huge construction waste in river.

21. Intentional Blindness of PCMC, Irrigation / Water Resource Department And Mining Department- Collector Pune On Account of Intentional Negligence And damaging Mother Nature

A. Illegalities by PCMC:

- PCMC officers intentionally neglected to perform their duties while granting sanctions to this project & carrying out the contraction.
- PCMC committed illegality by Non Deduction of Stone Quarry Area,

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- PCMC committed illegality by accepting Blue line affecting area of STP Reservation Area

- PCMC committed illegality by 18 DP Road Area and issuing TDR on same account,

- PCMC committed illegality by allowing to installed RMC Plant without permission of MPCB.

- PCMC committed illegality by allowing project proponent to construct the Ghat in the Indrayani River.

- PCMC committed illegality by allowing project proponent to dump construction waste in Indrayani River.

- PCMC committed illegality by allowing project proponent to construct parking complex on 10% open Space.

- PCMC committed illegality by allowing project proponent to make misleading area statement, ground coverage.

B. Irrigation / Water Resource Department

- Irrigation Department with connivance of PCMC committed illegality by allowing project proponent to construct the Ghat in the Indrayani River.

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- Irrigation Department with connivance of PCMC committed illegality by allowing project proponent to dump construction waste in Indrayani River.

- Irrigation Department with connivance of PCMC committed illegality on account of false marking of blue line for Indrayani River in gut no. 90.

- Irrigation Department with connivance of PCMC committed illegality by issuing false NOC project proponent to carry out construction in blue line marking of Indrayani River.

- Irrigation Department with connivance of PCMC committed illegality by neglecting to perform their duties even the construction waste dumping in Indrayani River by project proponent.

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C. Collector Pune

- Collector Pune has committed illegality by neglecting to look on the issue of illegal excavation of stone quarry and caused huge loss to environment and also caused loss to government revenue for minor minerals.

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- Collector Pune has also committed illegalities by not considering deduction of non-development area of stone quarry.

- Collector Pune has also committed illegalities & negligence on account of violation of terms and condition of NA permission by Project Proponent and also not recovered necessary charges from project proponent & caused loss to government revenue.

22. **Nala No. 23 shown on Irrigation Plant and passing from the project land is completely closed by dumping of construction waste**

-It is to be noted that, the Blue Line & Red Line marking plans/ maps released by the irrigation department clearly shows that, there is NALA no. 23 passing through the Gut No. 90.

-But it is very shocking that, the development plans with blue line & red line marking dose not shows any NALA passing through the gut no. 90.

- In fact there was NALA at site created due to the slope zone in the gut no. 90, but the project

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proponent has covered that NALA and land was made plain by dumping the construction waste.

- But the Science and Technology Park Department of PCMC has issued the remark stating that, there no natural NALA passing through the Gut No. 90. And this act clearly shows connivance between the project proponent and the PCMC on account of the Mother Nature.

23. **Reservations Affected by Blue Line of various Rivers passing through the jurisdiction of PCMC and these reservations needs to be relocated out of Blue Line Area to avoid damage to environment & ecology.**

- It is to be noted that, there are many proposed reservations affected by the blue line marking of Pawana, Indrayani & Mula River passing through the jurisdiction of the PCMC Area.
- It is to be noted that, no construction is permitted in the blue line at any cost, but the PCMC and irrigation (Water Resource) department are neglecting towards such issue of prohibition of

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construction in blue line and acquiring the land coming under blue line for the proposed reservations in view to develop such reservations.

- In fact the no development is allowed in the blue line even though, the acquisition of such blue line affected reservations is clearly pointing towards the negligence of these department for causing to environment and ecology by avoiding principles of sustainable developments.
- That the intention of the PCMC towards the environment protection is seems to be careless and reckless as shown by themselves by acquiring the land from present project proponents for the Sewage Treatment Plant reservation No. 1/130 and proposing such development.
- Thus by this notice, my client would like to brought to the notice of Secretary, UDD-GoM, Secretary, Water Resource/ Irrigation Dept-GoM, Commissioner PCMC, the development undertaken is against the nature and will cause the damage to the environment and ecology.

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- In view to the protect the environment & ecology of the rivers, the following reservations in PCMC area needs to be relocated on the suitable nearest location on urgent basis and related changes to be made in the development plans of the corresponding planning units.

Table No. 7: - List of Reservations Affected By Blue Line marking.

Sr. No.	Village	Reservation No	Reservation Name	River	Survey / Gut No.	Area (Hector)
1	Bopkhel	2/162-G	Garden/ Park	Mula	4, 5 (P)	1.30
2	Bopkhel	2/163-ESR	Elevated Service Reservoir	Mula	5, 154 (P)	0.50
3	Bopkhel	2/164-SSP	Sewage Sump & Pump House	Mula	2, 5	0.46
4	Bopkhel	2/165-PS	Primary School	Mula	2, 154	0.40
5	Bopkhel	2/166-CG	Cremation Ghat/ Shed	Mula	5	0.10
6	Charholi	2/62-CS	Cattle Shed	Indrayani	990, 991, 993	2.40
7	Charholi	2/63-BG	Burial Ground	Indrayani	1015, 1017, 1019, 1020, 1021	2.00
8	Charholi	2/64-G	Garden	Indrayani	1022, 1032	0.79
9	Charholi	2/65-CM	Crematorium	Indrayani	Gavthan	0.40
10	Charholi	2/93-STP	Sewage Treatment Plant	Indrayani	14, 15, 16, 17, 21, 22, 24, 25, 26, 27	6.07
11	Charholi	2/93A-STP	Sewage Treatment Plant	Indrayani	32, 33	
12	Charholi	2/94-SH	Slaughter House	Indrayani	29, 30, 35	1.60
13	Chikhali	1/76-SSP	Sewage Sump & Pump House	Indrayani	1564 (p)	0.50
14	Chikhali	1/77-WTP	Water Treatment Plant	Indrayani	1564 (P)	4.91
15	Chikhali	1/79-CS	Cattle Shed	Indrayani	1655/2(P)	2.00
16	Chikhali	1/98-BG	Burial Ground	Indrayani	1636(P)	1.75
17	Chikhali	1/123-CG	Cremation Ghat	Indrayani	Gavthan	0.10
18	Chikhali	1/124-P	Parking	Indrayani	Gavthan	0.05

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19	Chikhali	1/125-G	Garden/ Park	Indrayani	1, 2	1.00
20	Chikhali	1/126-ESR	Elevated Service Reservoir	Indrayani	2, 19, 41 (p)	0.70
21	Chikhali	1/130-STP	Sewage Treatment Plant	Indrayani	90, 91, 92	5.0
22	Dapodi	3/1-G	Garden/ Park	Pawana	27, 28	1.69
23	Dapodi	3/2-SS	Secondary School	Pawana	24, 28, 29	1.52
24	Dapodi	3/3-ESR	Elevated Service Reservoir	Pawana	27, 28	0.40
25	Dapodi	3/4-BG	Burial Ground	Pawana	11, 15, 16, 17, 24, 26	2.54
26	Dapodi	3/5-PG	Play Ground	Pawana	16 to 18	1.40
27	Dapodi	3/6-SS	Secondary School	Pawana	11, 15, 16, 18	2.02
28	Dapodi	3/15-G	Garden/ Park	Pawana	9 to 11, 16	1.39
29	Dapodi	3/16-PS	Primary School	Pawana	11	1.21
30	Dapodi	3/17-PSN	Police Station	Pawana	11	0.05
31	Dapodi	3/18-P	Post Office	Pawana	11	0.06
32	Dapodi	3/19-ZO	PCMC Zonal Office	Pawana	11	0.23
33	Dapodi	3/29-DMH	Dispensary Cum Maternity Hospital	Pawana	85	0.20
34	Dapodi	3/30-PS	Primary School	Pawana	85A (P)	0.40
35	Dapodi	3/31-G	Garden/ Park	Pawana	84, 85A, 85B	2.00
36	Dapodi	3/37-SPG	Swimming Pool and Gymnasium	Pawana	78, 81, 82, 85	0.90
37	Dapodi	3/38-OP	Octroi Post	Pawana	79, 80	0.20
38	Dapodi	3/39-P	Parking	Pawana	80	0.10
39	Dapodi	3/40-CM	Crematorium	Pawana	79, 80, 84	0.37
40	Dudulgaon	1/222-CG	Cremation Ghat	Indrayani	248, 249	0.10
41	Dudulgaon	1/230-SSP	Sewage Sump & Pump House	Indrayani	22, 24	0.50
42	Kiwale	4/137-SSP	Sewage Sump & Pump House	Pawana	96	0.50
43	Kiwale	4/138-CG	Cremation Ghat	Pawana	97	0.08
44	Mamurdi	4/161-CG	Cremation Ghat		7	0.10
45	Mamurdi	4/162-SSP	Sewage Sump & Pump House		9	0.50
46	Moshi	1/168-CG	Cremation Ghat		51	0.35
47	Moshi	1/169-AI	Animal Incinerator		51	0.40
48	Moshi	1/173-RPR	River Front Recreation	Indrayani	89, 90, 91, 93, 94, 145 to 153	2.00
49	Moshi	1/174-SSP	Sewage Sump & Pump House	Indrayani	155 to 160	0.50
50	Punawale	4/60-RFP	River Front Recreation	Pawana	54	2.76
51	Punawale	4/75-BG	Burial Ground	Pawana	3	1.00
52	Punawale	4/74-A&B-STP	Sewage Treatment Plant	Pawana	5	2.00
53	Ravet	4/80-SSP	Sewage Sump &	Pawana	27, 28, 33	0.50

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			Pump House			
54	Ravet	4/79-CM	Crematorium	Pawana	17	0.40
55	Talawade	1/74-RPR	River Front Recreation	Indrayani	9 to 14	2.10
56	Talawade	1/75-SSP	Sewage Sump & Pump House	Indrayani	11, 14, 15	0.50
57	Tathawade	1-S&PH	Sewage Sump & Pump House	Pawana	173	0.40
58	Tathawade	2-CG	Cremation Ghat	Pawana	174	0.40
59	Tathawade	6-STP	Sewage Treatment Plant	Pawana	19	1.0
60	Wakad	4/1-SSP	Sewage Sump & Pump House	Mula	4	0.28

24. APPLICATION DATED 03.02.2017 FOR AMENDMENT IN ENVIRONMENT CLEARANCE

- In above circumstances of violations of terms and conditions of previous EC Vide No. SEAC-2011/CR.620/TC.2 dated 07.10.2011, and non-complying to the directions stipulated in the previous EC by project proponent.
- That the Environment Department, SEAC, SEIAA, MPCB are here by invited attentions towards the application dated 03.02.2017 for amendment in EC and to take appropriate decision as per the law as in view that there will not be further damage to environment & ecology as there is serious violation by the project proponent in his building

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construction project and caused the substantial damage to surrounding environment & ecology.

25. ILLEGAL CONSTRUCTION

- It is to be noted that, after study of the project under this notice, it reveals that the project proponent has no sufficient Net Plot Area and FSI to made the construction as he has done and to propose the further construction.
- Even by tentative view that the illegal construction made by the project proponent is near about 200 flats and 4 buildings and this construction is in total violation of the DC rules of PCMC.

26. IF NON-ACTION BY CONCERN AUTHORITY AND FURTHER LEGAL ACTION

Thus all noticee are called upon to take legal action against the Project Proponents as per the law for the violations committed by them and in view to stop further damage and degradation caused by PP to environment and ecology on priority. In addition to that further legal actions against Project Proponent

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needs to be initiated by PCMC for violations of DC rules, MR & TP Act and taking benefits of illegal FSI & TDR of Non-Development zone by misleading the authorities. Failing on part of authorities my client will proceed for further legal recourse without any further notice, which will be very harmful for all concerns. Please take note.

ADV. NILESH K. BHANDARI
BHANDARI & PATEKAR LAW ASSOCIATES

TANAJI BALASAHEB GAMBHIRE

Bhandari & Patekar Associates
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Ph.No 020-24430647

Enclosures

a. Photographs dated- 15.04.2017
b. Photographs dated 09.06.2017
c. Google Earth Photos (Annexure-III & IV)
d. Application for Revised EC dated 03.02.2017

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Project Site: "**River Villa**" by 1. Jare World, 2. V Square, Gut No. 90 (p), Village-Chikhali, Tal- Haveli, District-Pune

"Entire Project is in Blue flood line of Indrayani River"

Photo-01/08

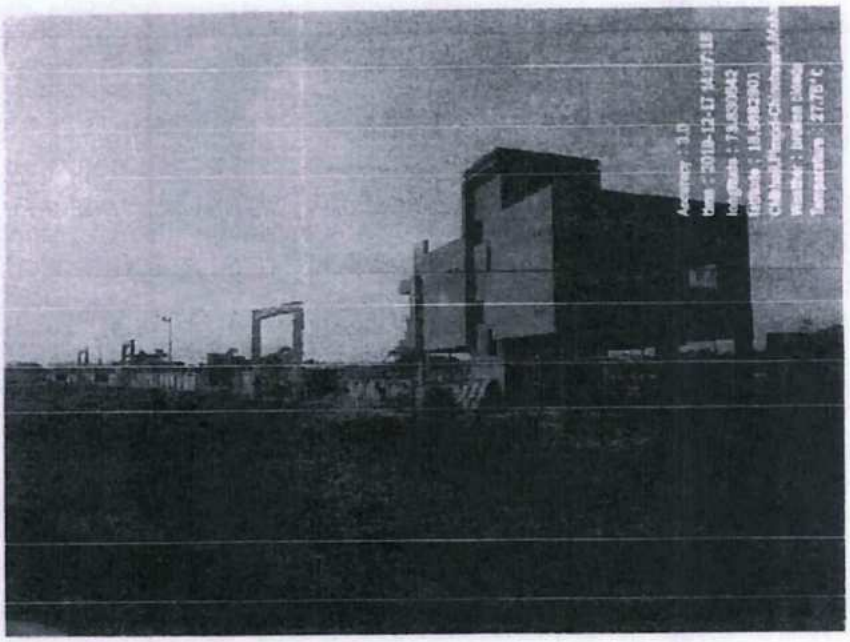
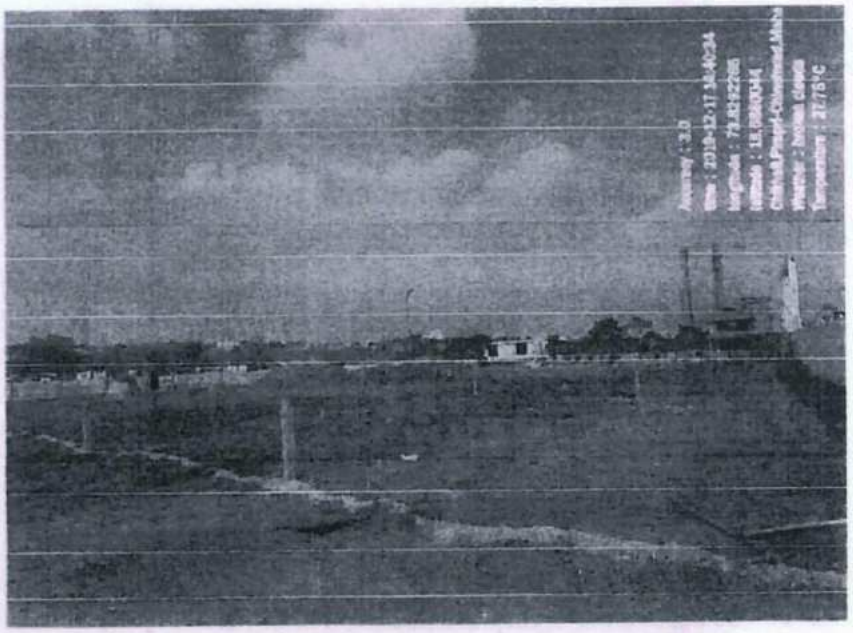


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Photo-03/08

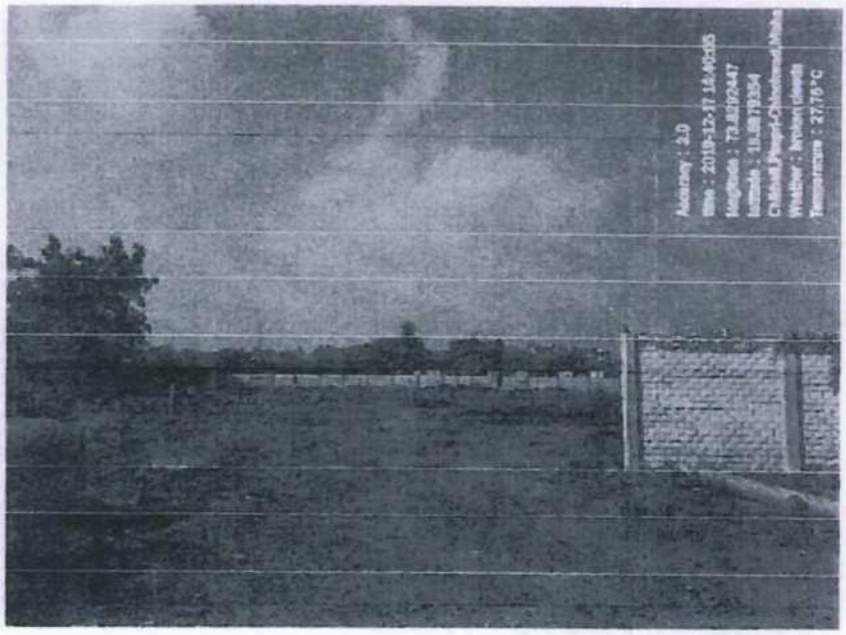
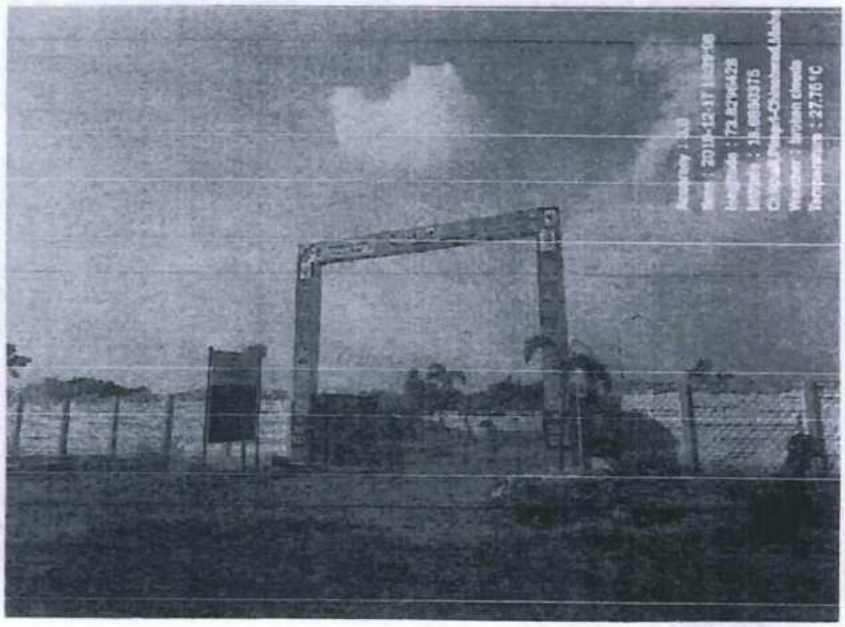


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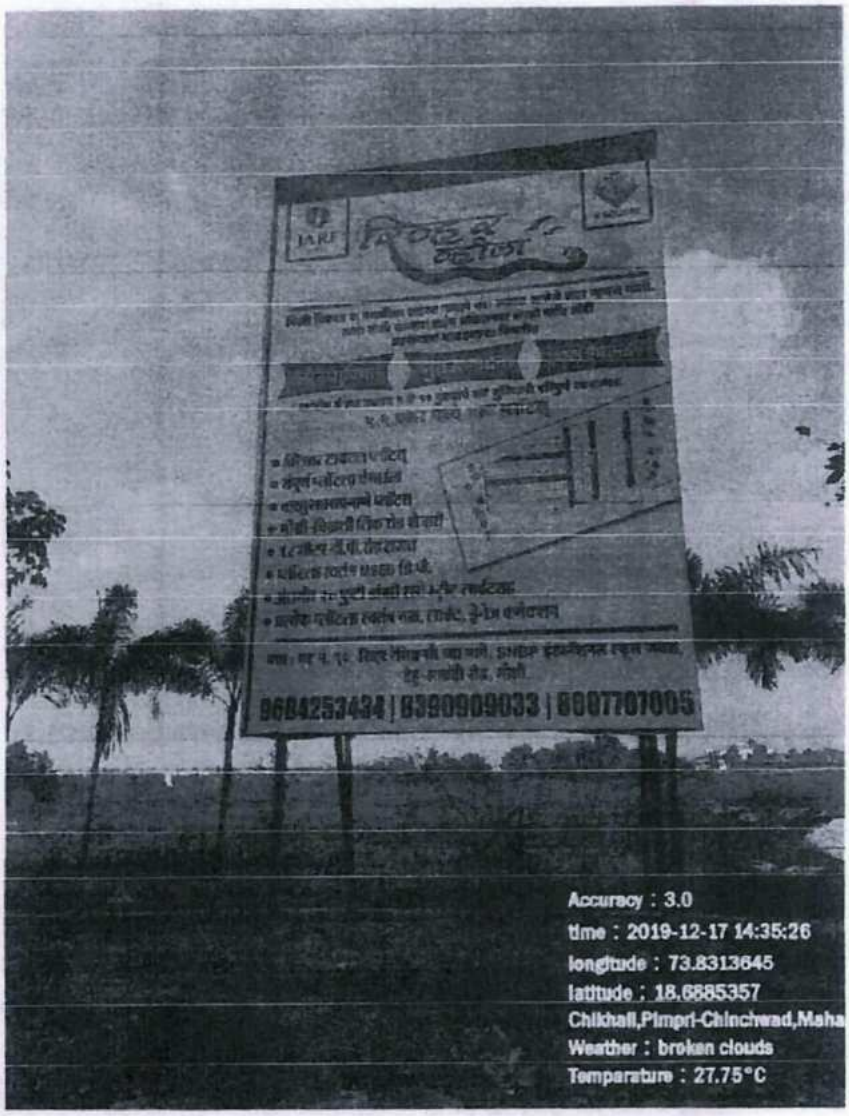


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"Entire Project is in Blue flood line of Indrayani River"

Photo-08/08



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Project Site: "**River Villa**" by 1. Jare World, 2. V Square, Gut No. 90 (p), Village-Chikhali, Tal- Haveli, District-Pune

"Entire Project is in Blue flood line of Indrayani River"

Photographs from Facebook Portal:

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"Entire Project is in Blue flood line of Indrayani River"

Photographs from Facebook Portal:

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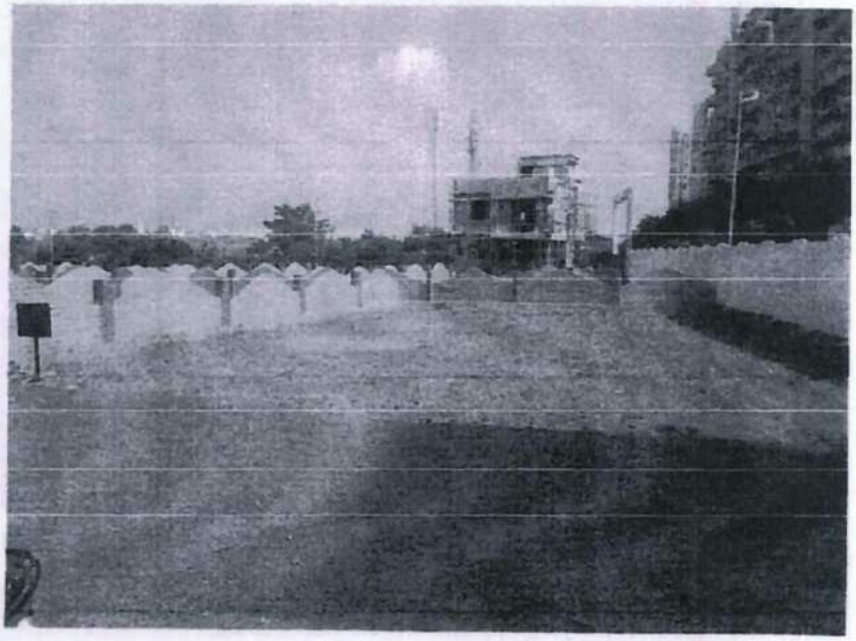
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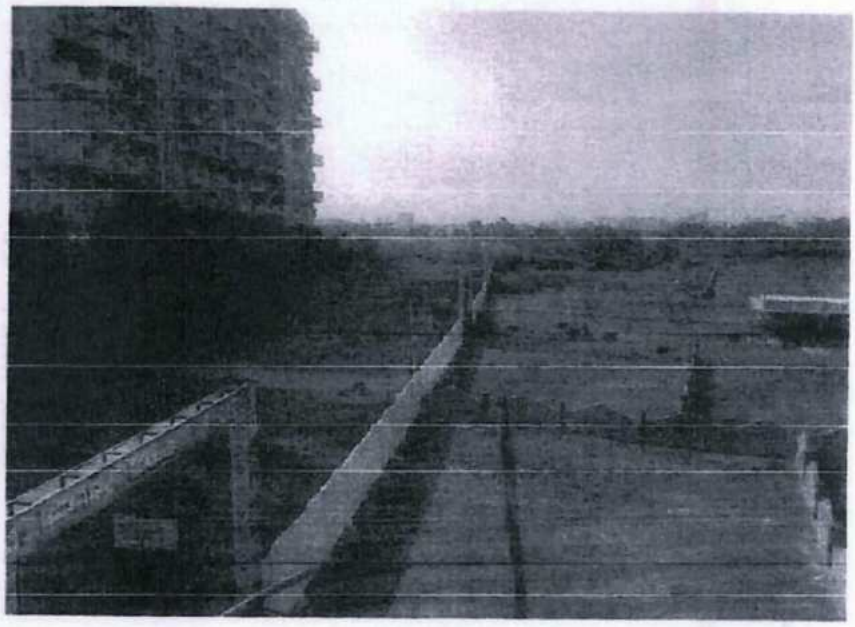
Project Site: "**River Villa**" by 1. Jare World, 2. V Square, Gut No. 90 (p), Village-Chikhali, Tal- Haveli, District-Pune

"Entire Project is in Blue flood line of Indrayani River"

Photographs from Facebook Portal:

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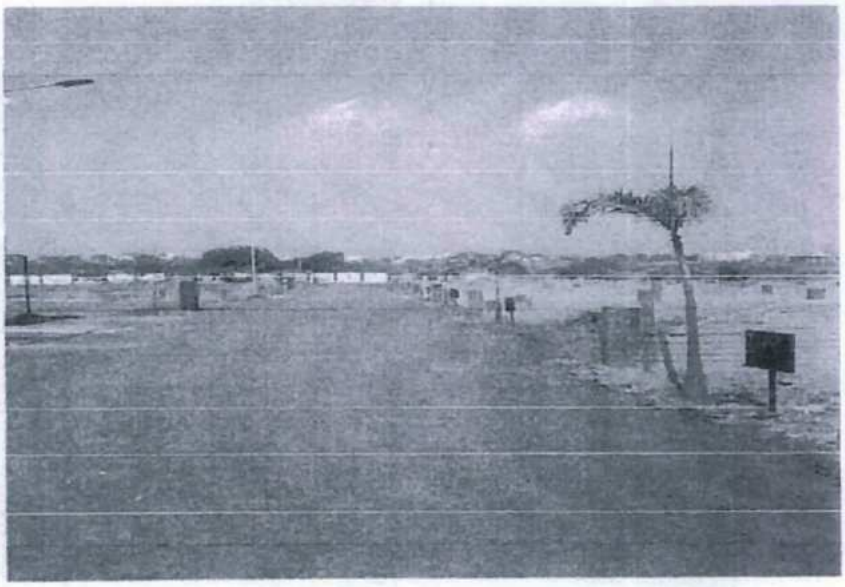


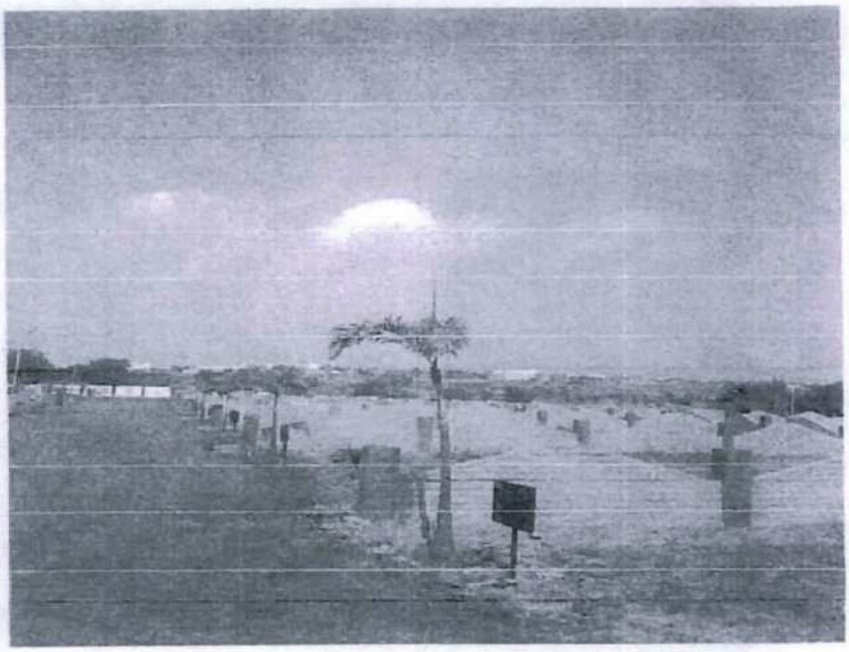


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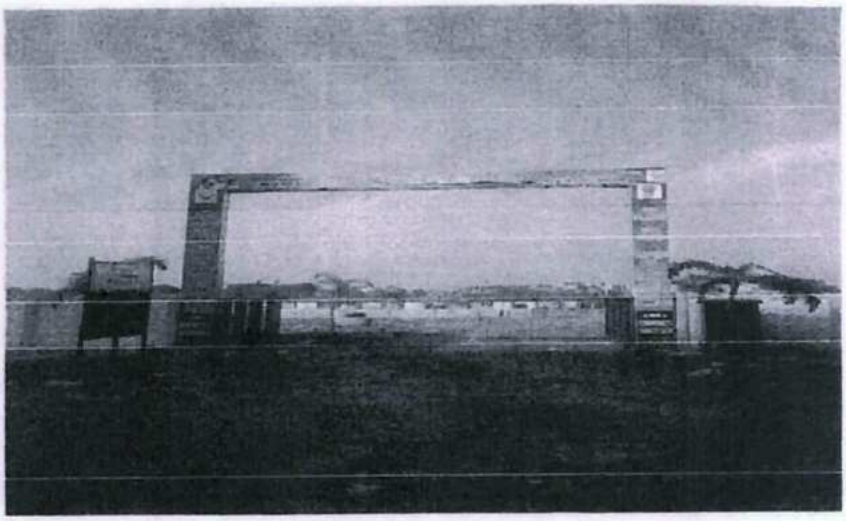
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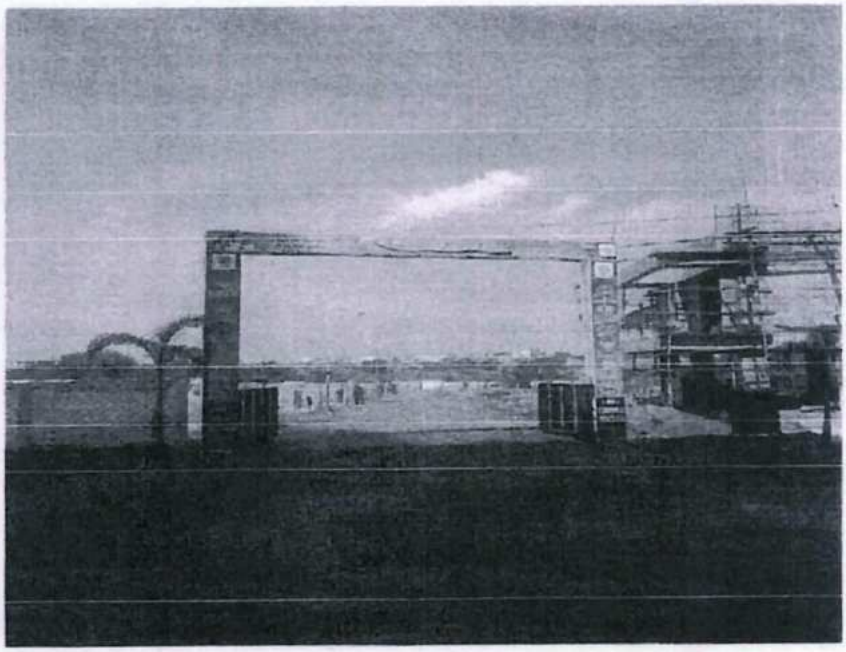
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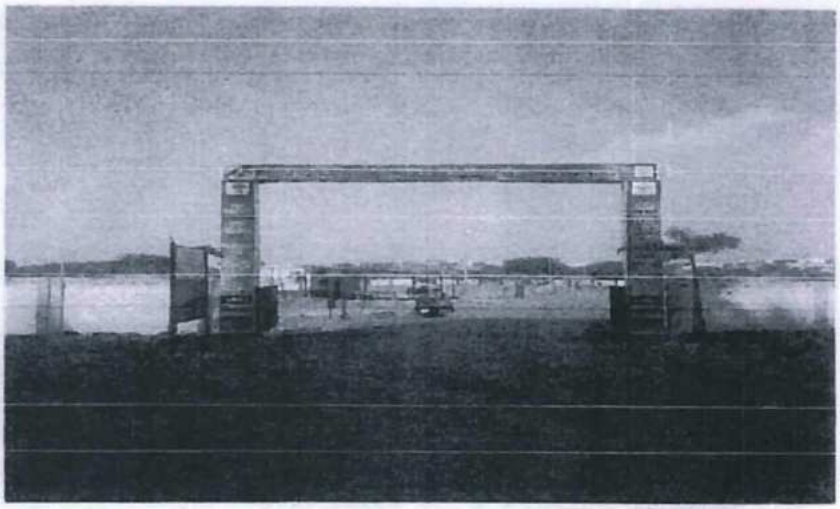


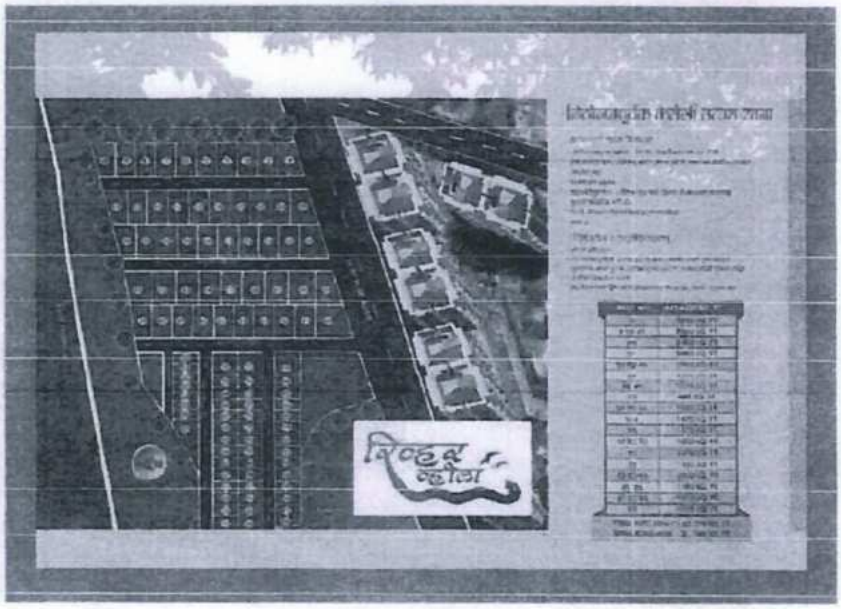


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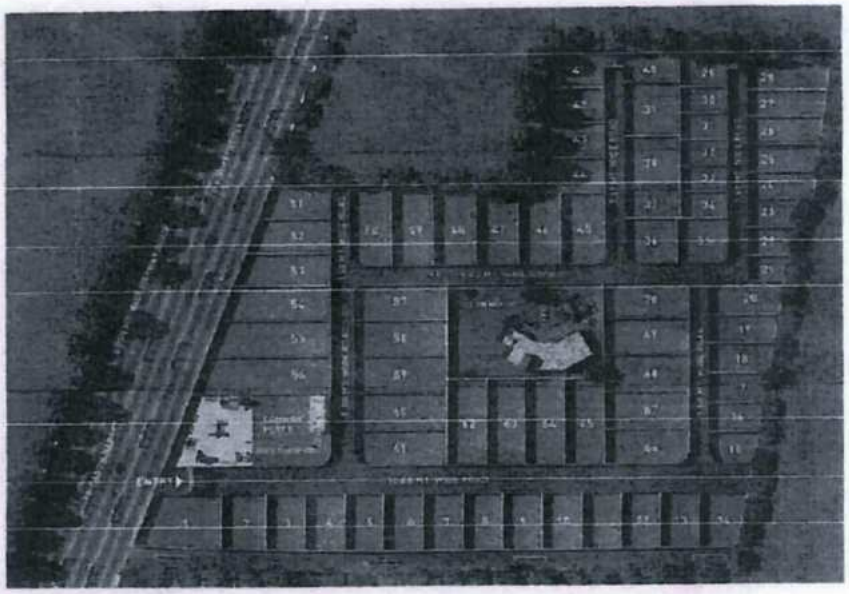


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Project Site: "**River Villa**" by 1. Jare World, 2. V Square, Gut No. 90 (p), Village-Chikhali, Tal- Haveli, District-Pune

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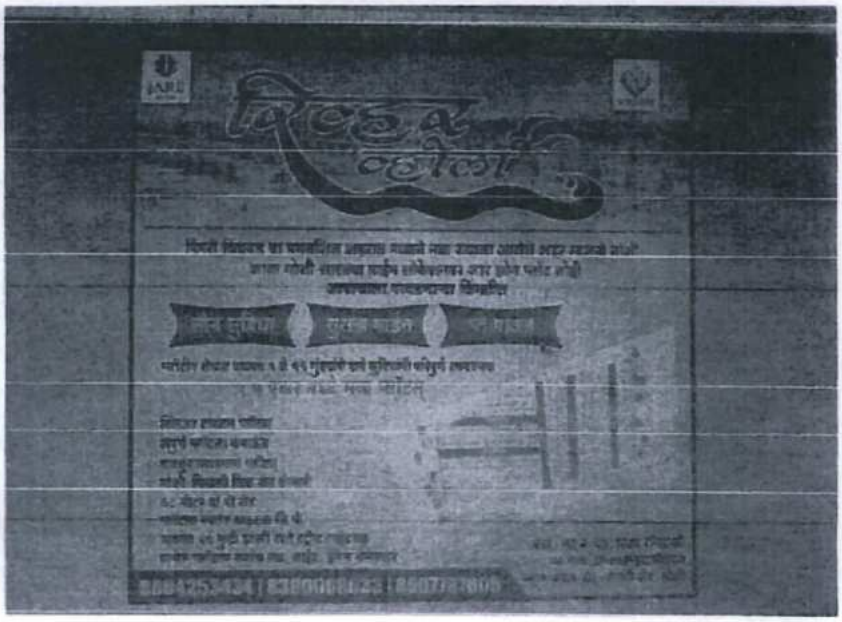
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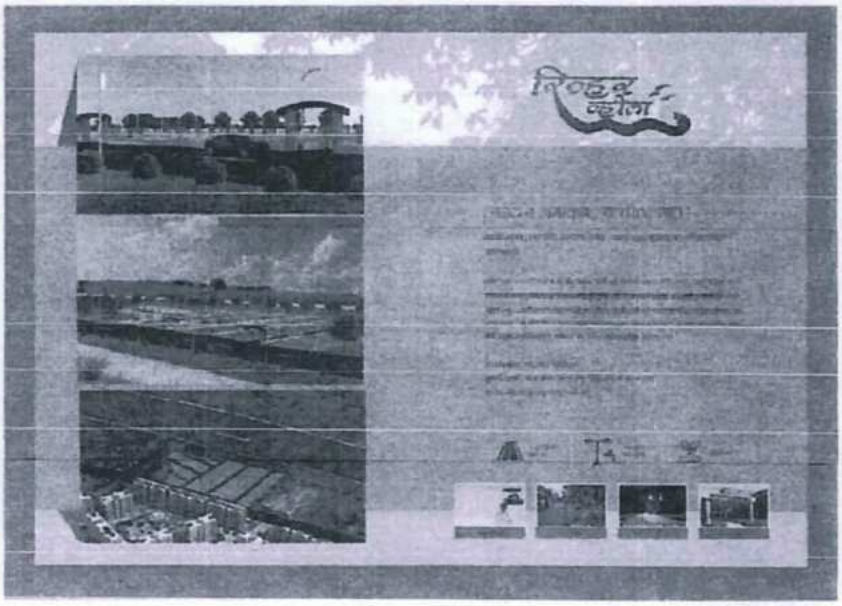
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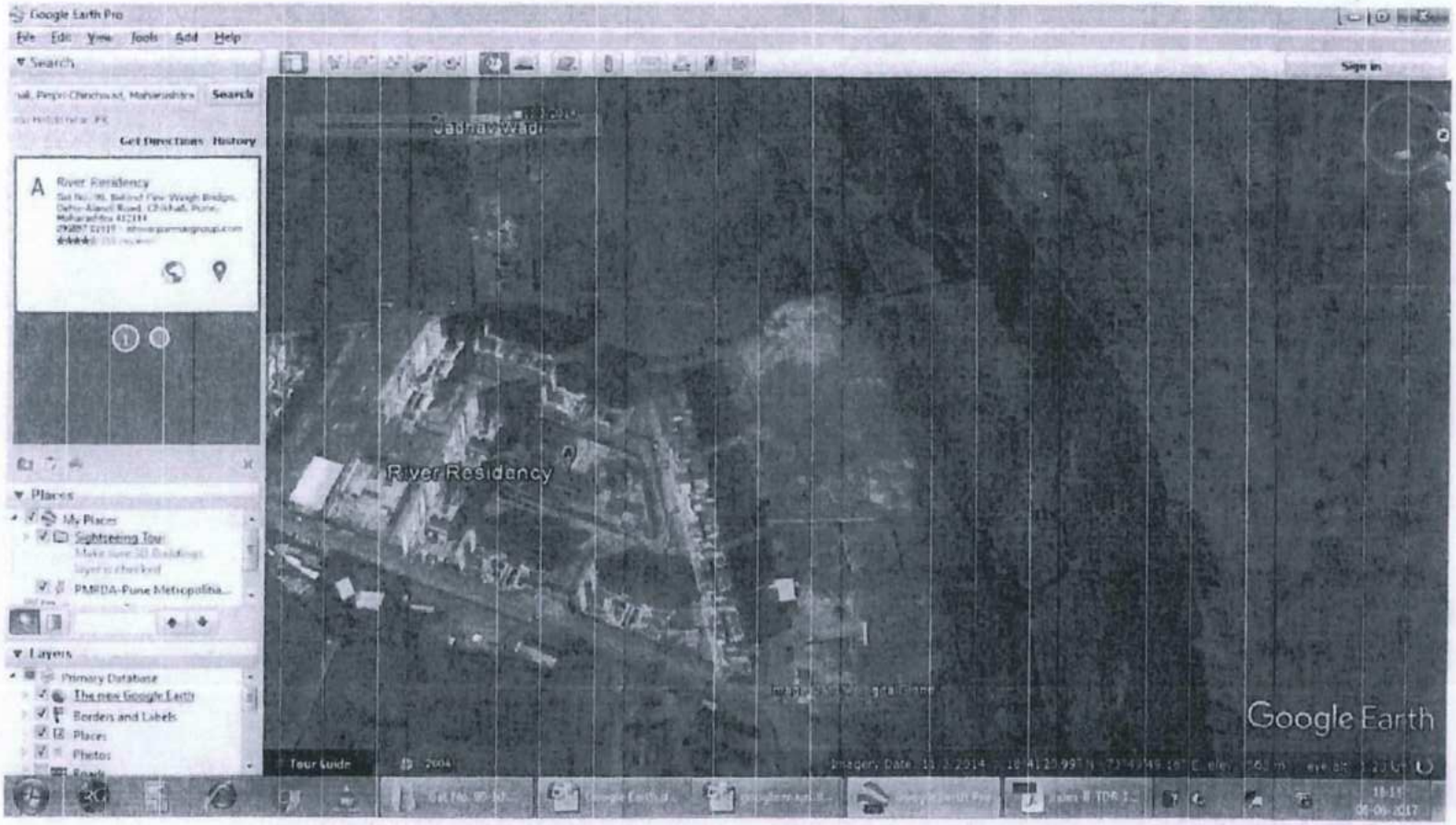
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Project Site: "River Residency" by 1. M/s. Ishwar Construction Pvt. Ltd., 2. Trade Centre Developers & Builders Pvt. Ltd. 3. M/s. Vijay-Laxmi Developers, 4. Vishal Associates, Survey No. 90 (p), Village-Chikhali, Tal- Haveli, Dist-Pune

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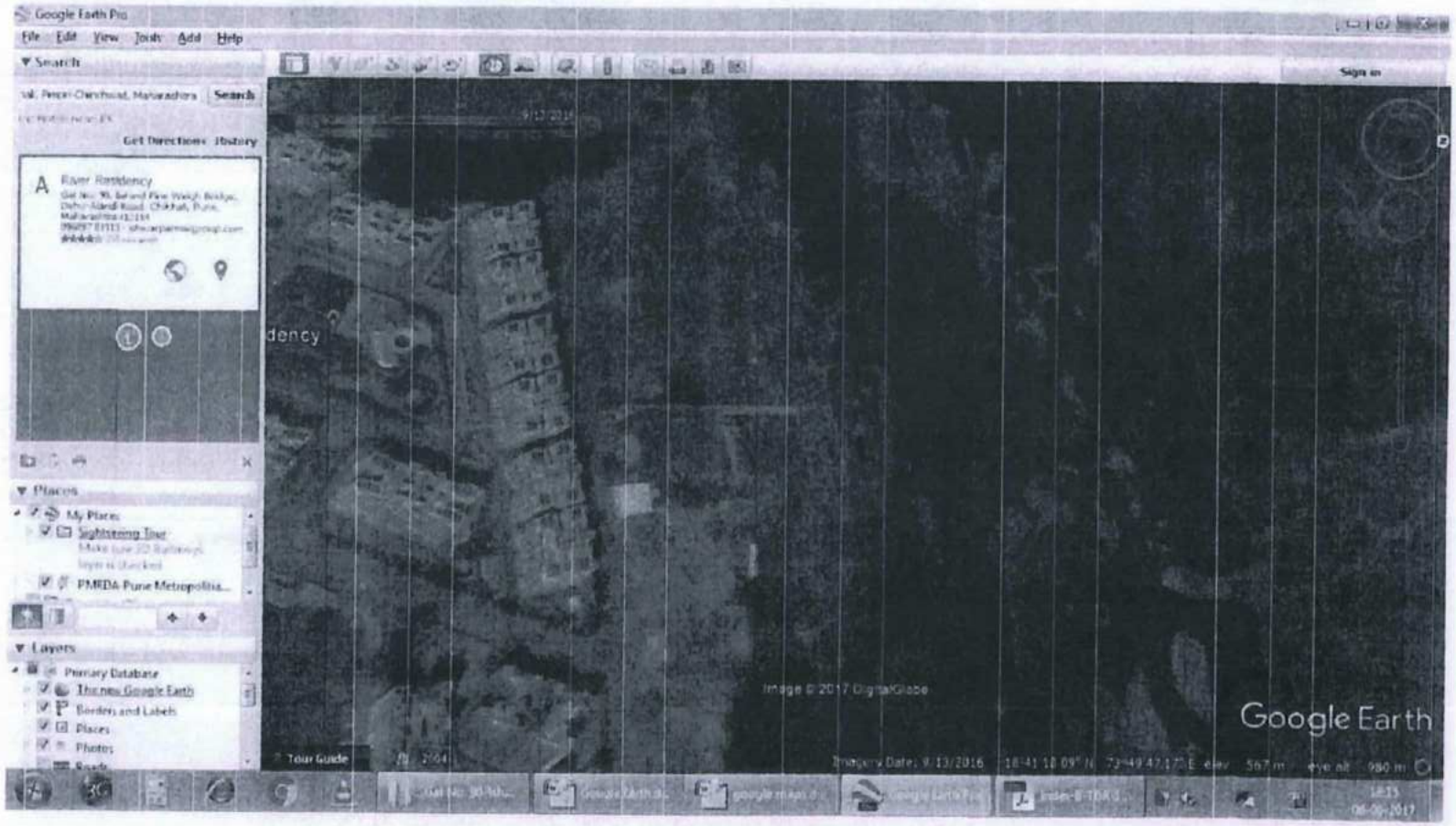
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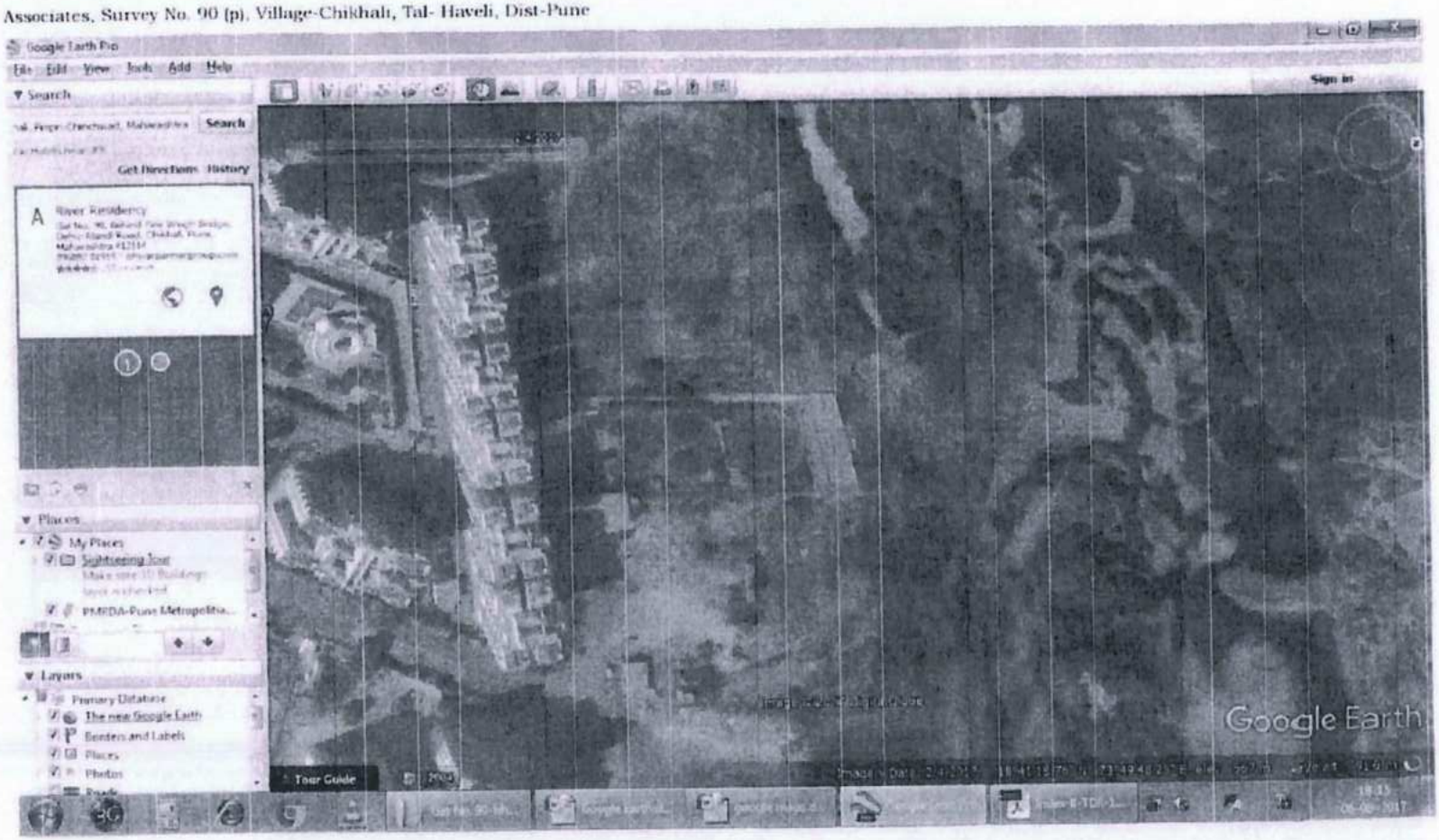
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1735

Project Site: "River Residency" by 1. M/s. Ishwar Construction Pvt. Ltd., 2. Trade Centre Developers & Builders Pvt. Ltd. 3. M/s. Vijay-Laxmi Developers, 4. Vishal Associates, Survey No. 90 (p), Village-Chikhali, Tal- Haveli, Dist-Pune



1736

Project Site: "River Residency" by 1. M/s. Ishwar Construction Pvt. Ltd., 2. Trade Centre Developers & Builders Pvt. Ltd. 3. M/s. Vijay-Laxmi Developers, 4. Vishal Associates, Survey No. 90 (p), Village-Chikhali, Tal- Haveli, Dist-Pune



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Project Site: "River Residency" by 1. M/s. Ishwar Construction Pvt. Ltd., 2. Trade Centre Developers & Builders Pvt. Ltd. 3. M/s. Vijay-Laxmi Developers, 4. Vishal Associates, Survey No. 90 (p), Village-Chikhali, Tal- Haveli, Dist-Pune



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Project Site: "River Residency" by 1. M/s. Ishwar Construction Pvt. Ltd., 2. Trade Centre Developers & Builders Pvt. Ltd. 3. M/s. Vijay-Laxmi Developers, 4. Vishal Associates, Gut No. 90 (p), Village-Chikhali, Tal- Haveli, Dist-Pune

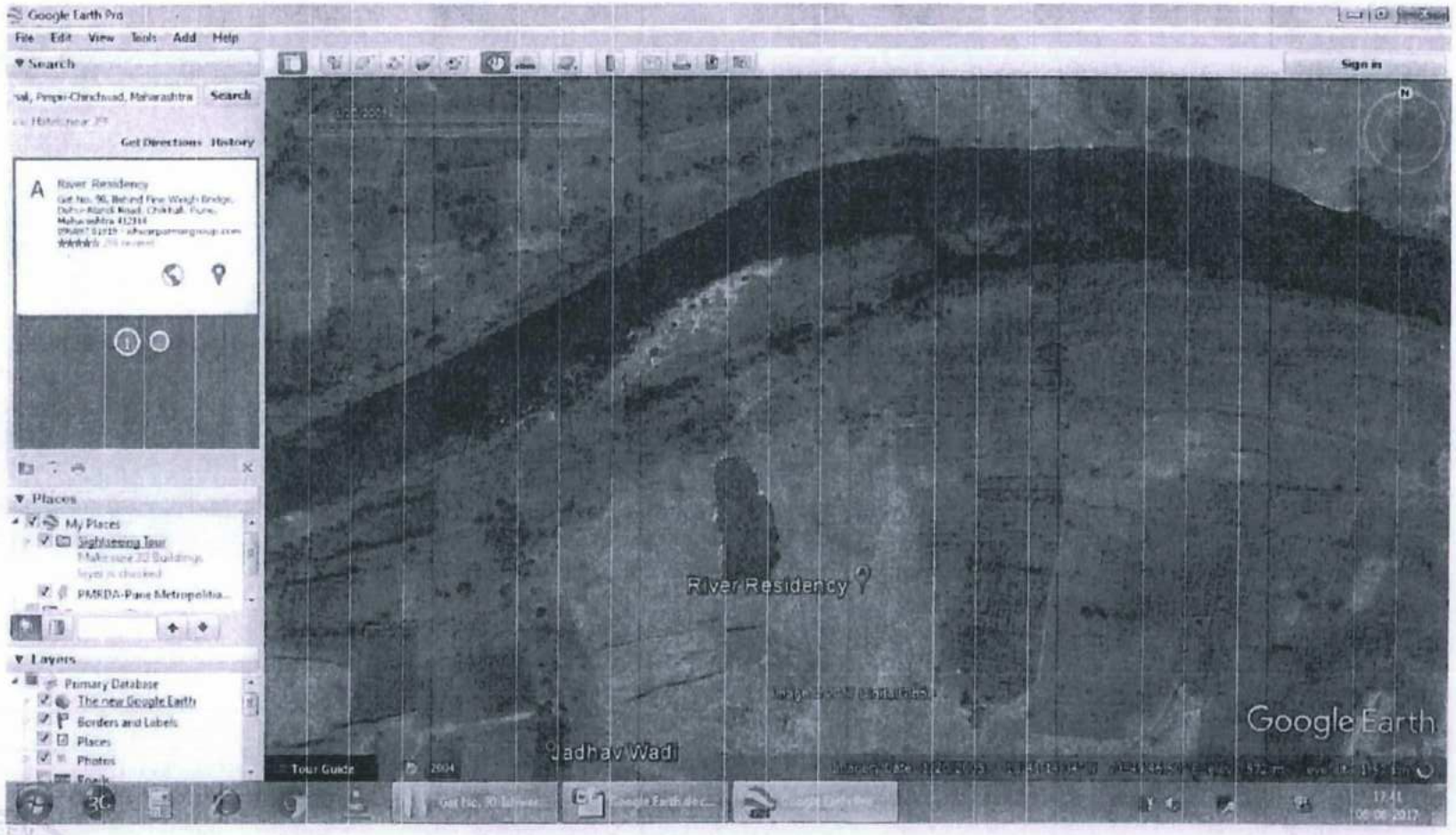


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Project Site: "River Residency" by 1. M/s. Ishwar Construction Pvt. Ltd., 2. Trade Centre Developers & Builders Pvt. Ltd. 3. M/s. Vijay-Laxmi Developers, 4. Vishal Associates, Gut No. 90 (p), Village-Chikhali, Tal- Haveli, Dist-Pune



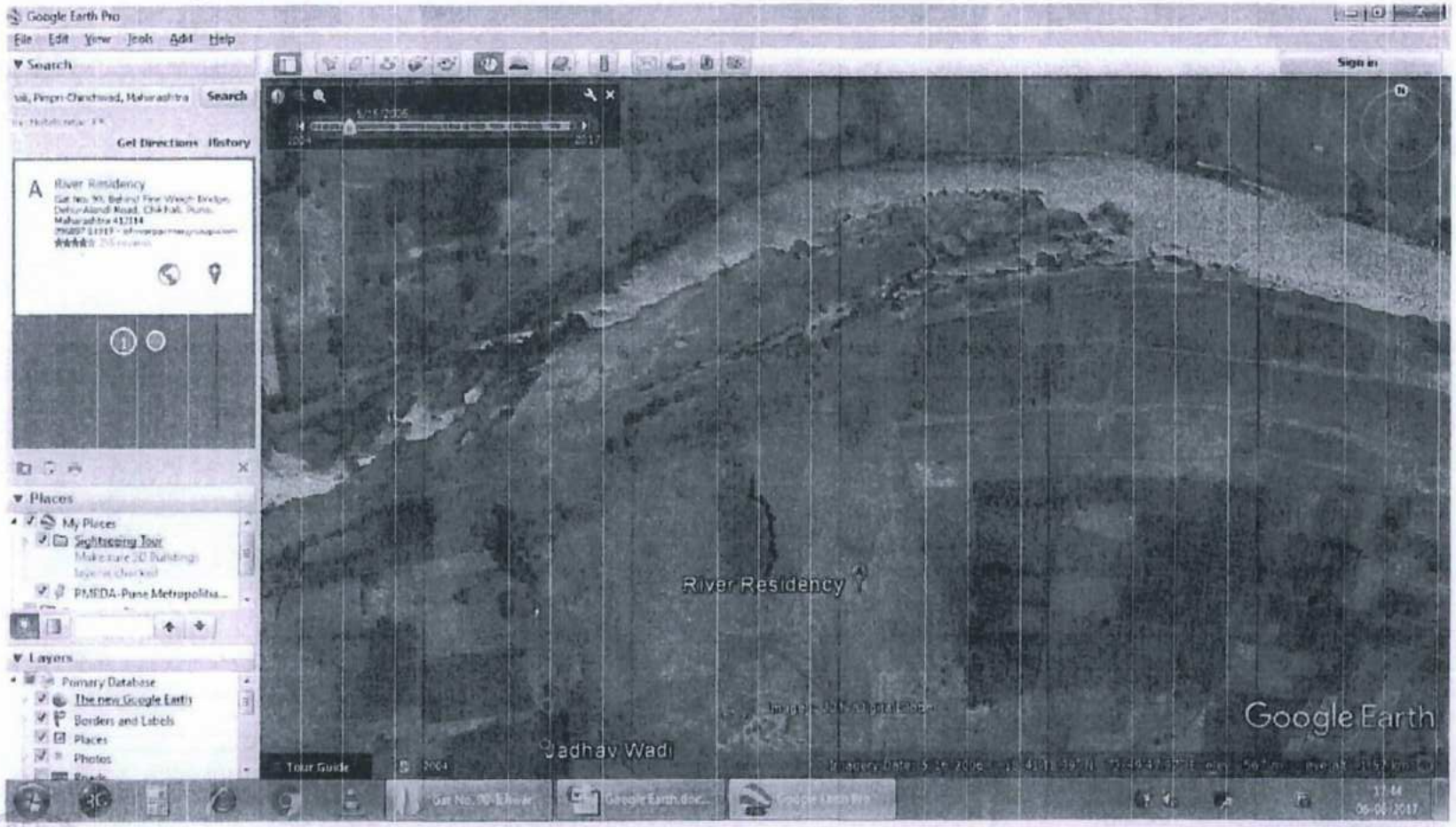
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1744

Project Site: "River Residency" by 1. M/s. Ishwar Construction Pvt. Ltd., 2. Trade Centre Developers & Builders Pvt. Ltd. 3. M/s. Vijay-Laxmi Developers, 4. ... Associates, Gut No. 90 (p), Village-Chikhali, Tal- Haveli, Dist-Pune



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Project Site: "River Residency" by 1. M/s. Ishwar Construction Pvt. Ltd., 2. Trade Centre Developers & Builders Pvt. Ltd. 3. M/s. Vijay-Laxmi Developers, 4. Vishal Associates, Gut No. 90 (p), Village-Chikhali, Tal- Haveli, Dist-Pune



1746



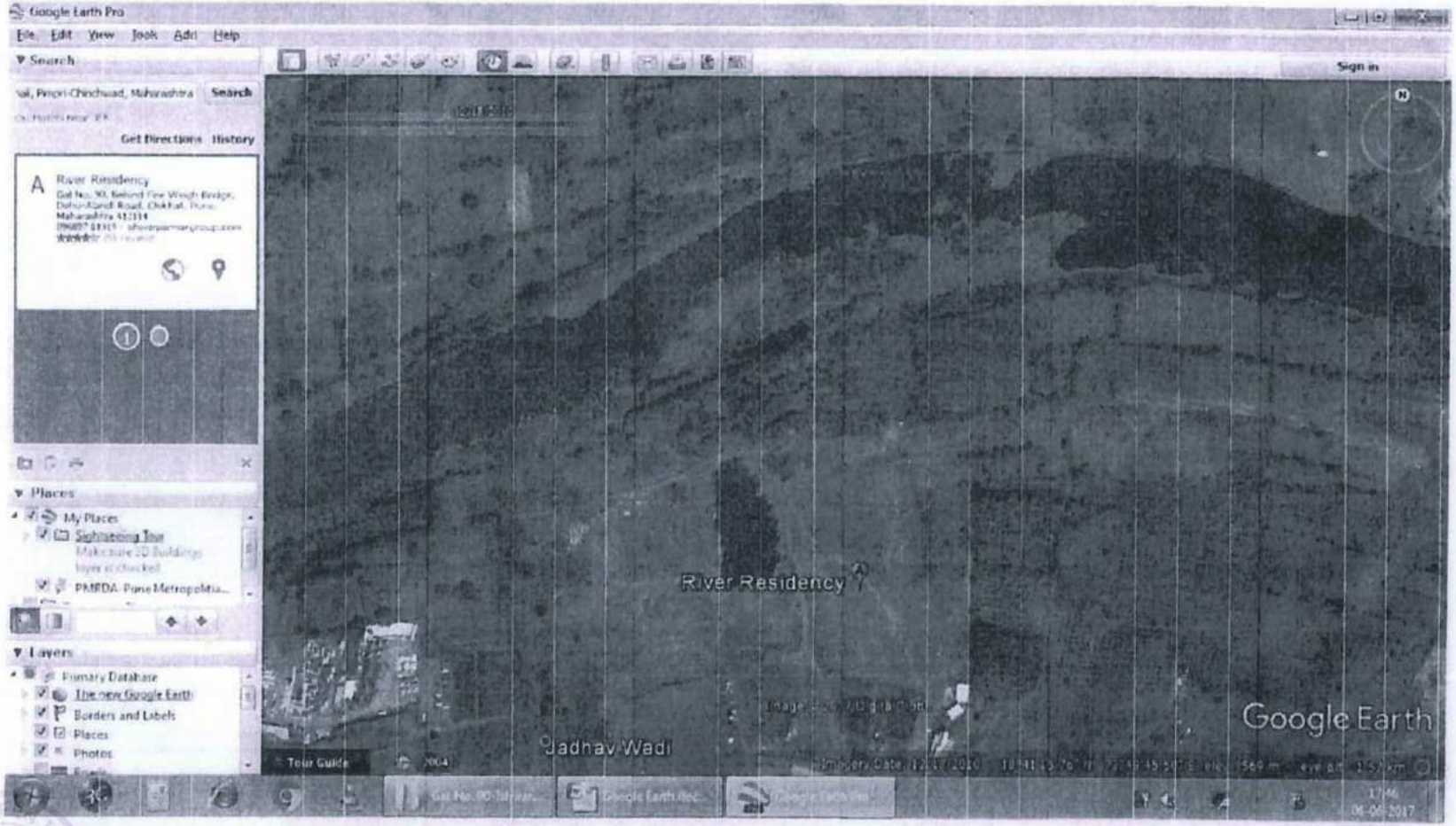
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1747

Project Site: "River Residency" by 1. M/s. Ishwar Construction Pvt. Ltd., 2. Trade Centre Developers & Builders Pvt. Ltd. 3. M/s. Vijay-Laxmi Developers, 4. Vishal Associates, Gut No. 90 (p), Village-Chikhali, Tal- Haveli, Dist-Pune



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Project Site: "River Residency" by 1. M/s. Ishwar Construction Pvt. Ltd., 2. Trade Centre Developers & Builders Pvt. Ltd. 3. M/s. Vijay-Laxmi Developers, 4. Vishal Associates, Gut No. 90 (p), Village-Chikhali, Tal- Haveli, Dist-Pune



1750

Project Site: "River Residency" by 1. M/s. Ishwar Construction Pvt. Ltd., 2. Trade Centre Developers & Builders Pvt. Ltd. 3. M/s. Vijay-Laxmi Developers, 4. Vishal Associates, Gut No. 90 (p), Village-Chikhali, Tal- Haveli, Dist-Pune



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Project Site: "River Residency" by 1. M/s. Ishwar Construction Pvt. Ltd., 2. Trade Centre Developers & Builders Pvt. Ltd. 3. M/s. Vijay-Laxmi Developers, 4. Vishal Associates, Gut No. 90 (p), Village-Chikhali, Tal- Haveli, Dist-Pune



1752

Project Site: "River Residency" by 1. M/s. Ishwar Construction Pvt. Ltd., 2. Trade Centre Developers & Builders Pvt. Ltd. 3. M/s. Vijay-Laxmi Developers, 4. Vishal Associates, Gut No. 90 (p), Village-Chikhali, Tal- Haveli, Dist-Pune



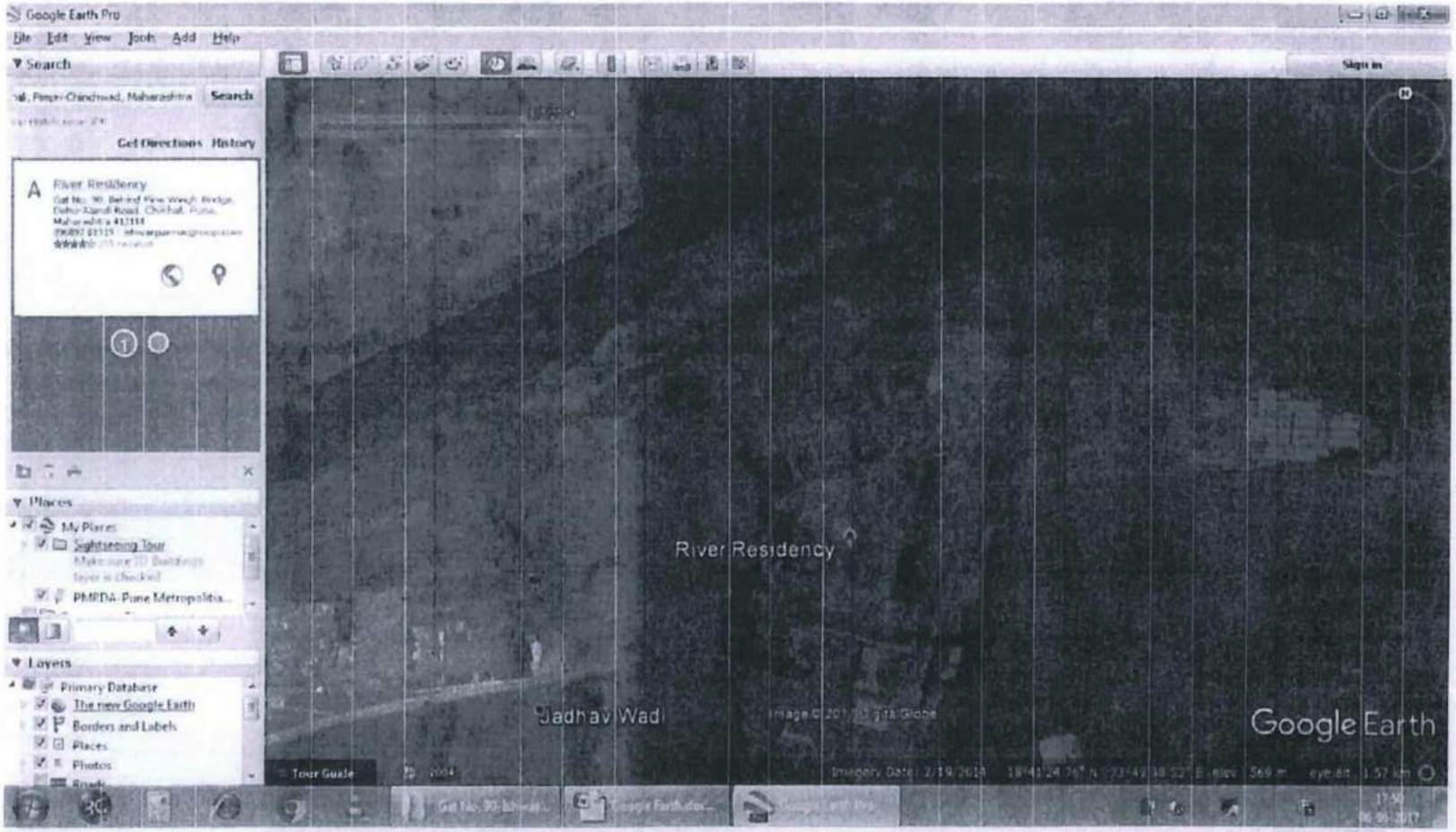
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1753

Project Site: "River Residency" by 1. M/s. Ishwar Construction Pvt. Ltd., 2. Trade Centre Developers & Builders Pvt. Ltd. 3. M/s. Vijay-Laxmi Developers, 4. Vishal Associates, Gut No. 90 (pt), Village-Chikhali, Tal- Haveli, Dist-Pune



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1755

Project Site: "River Residency" by 1. M/s. Ishwar Construction Pvt. Ltd., 2. Trade Centre Developers & Builders Pvt. Ltd. 3. M/s. Vijay-Laxmi Developers, 4. Vishal Associates, Gut No. 90 (p), Village-Chikhali, Tal- Haveli, Dist-Pune

Project Site: "River Residency" by 1. M/s. Ishwar Construction Pvt. Ltd., 2. Trade Centre Developers & Builders Pvt. Ltd. 3. M/s. Vijay-Laxmi Developers, ...
Associates, Gut No. 90 (p), Village-Chikhali, Tal- Haveli, Dist-Pune



1757

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Project Site: "River Residency" by 1. M/s. Ishwar Construction Pvt. Ltd., 2. Trade Centre Developers & Builders Pvt. Ltd. 3. M/s. Vijay-Laxmi Developers, 4. Vishal Associates, Gut No. 90 (p), Village-Chikhali, Tal- Haveli, Dist-Pune



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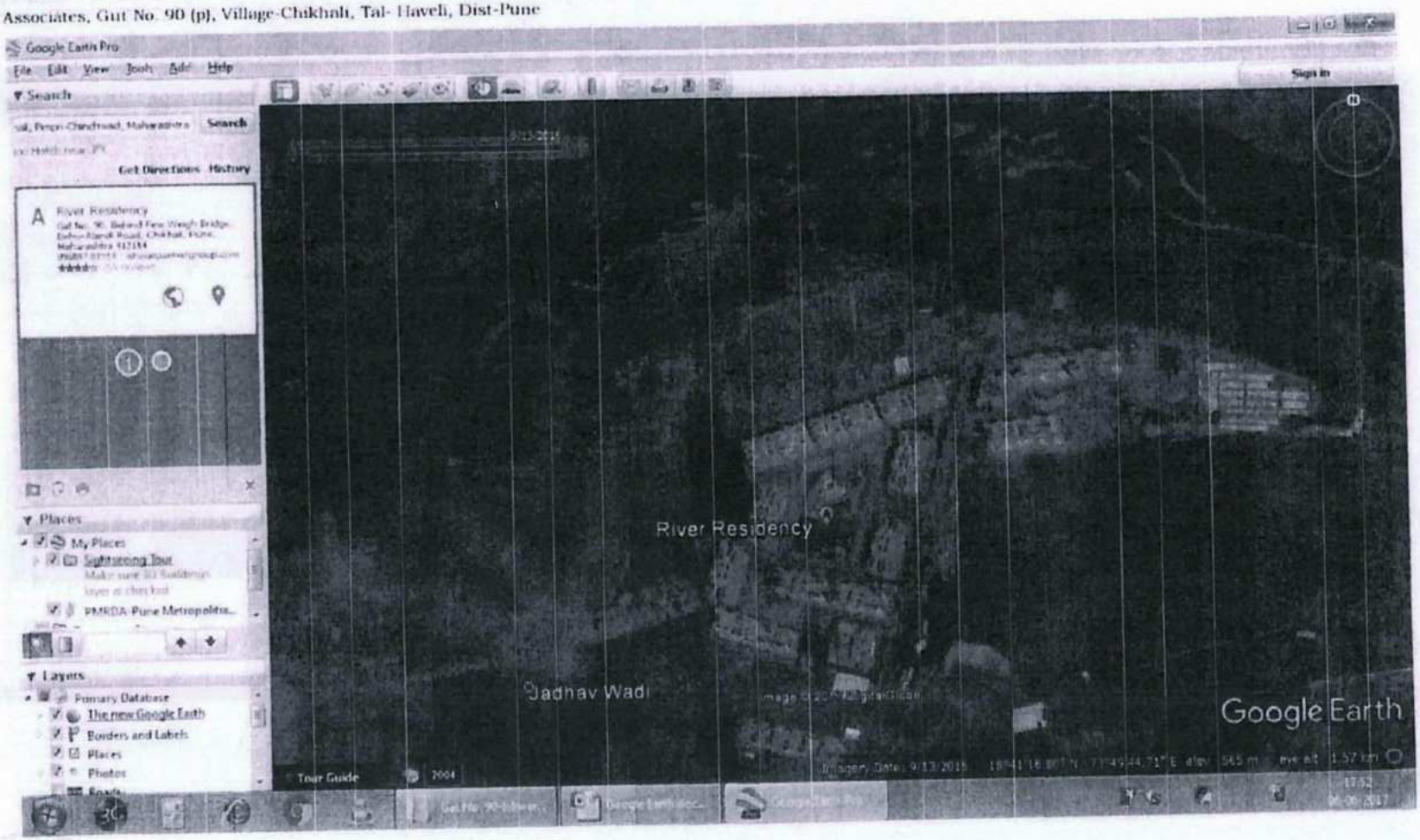
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1759

Project Site: "River Residency" by 1. M/s. Ishwar Construction Pvt. Ltd., 2. Trade Centre Developers & Builders Pvt. Ltd. 3. M/s. Vijay-Laxmi Developers, 4. Vishal Associates, Gut No. 90 (p), Village-Chikhali, Tal- Haveli, Dist-Pune



1760

Project Site: "River Residency" by 1. M/s. Ishwar Construction Pvt. Ltd., 2. Trade Centre Developers & Builders Pvt. Ltd. 3. M/s. Vijay-Laxmi Developers, 4. Vishal Associates, Gut No. 90 (p), Village-Chikhali, Tal- Haveli, Dist-Pune



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1761

Project Site: "River Residency" by 1. M/s. Ishwar Construction Pvt. Ltd., 2. Trade Centre Developers & Builders Pvt. Ltd. 3. M/s. Vijay-Laxmi Developers, 4. Vishal Associates, Gut No. 90 (p), Village-Chikhali, Tal- Haveli, Dist-Pune



1762

Project Site: "River Residency" by 1. M/s. Ishwar Construction Pvt. Ltd., 2. Trade Centre Developers & Builders Pvt. Ltd. 3. M/s. Vijay-Laxmi Developers, 4. Vishal Associates, Gut No. 90 (p), Village-Chikhali, Tal- Haveli, Dist-Pune



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1763

Project Site: "River Residency" by 1. M/s. Ishwar Construction Pvt. Ltd., 2. Trade Centre Developers & Builders Pvt. Ltd. 3. M/s. Vijay-Laxmi Developers, 4. Vishal Associates, Gut No. 90 (p), Village-Chikhali, Tal- Haveli, Dist-Pune



1764

Project Site: "River Residency" by 1. M/s. Ishwar Construction Pvt. Ltd., 2. Trade Centre Developers & Builders Pvt. Ltd. 3. M/s. Vijay-Laxmi Developers, Associates, Gut No. 90 (p), Village-Chikhali, Tal- Haveli, Dist-Pune



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1766

Project Site: "River Resadency" by 1. M/s. Ishwar Construction Pvt. Ltd., 2. Trade Centre Developers & Builders Pvt. Ltd. 3. M/s. Vijay-Laxmi Developers, 4. Vishal Associates, Gut No. 90 (p), Village-Chikhali, Tal- Haveli, Dist-Pune



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Project Site- "River Residency" by 1. M/s. Ishwar Construction Pvt. Ltd., 2. Trade Centre Developers & Builders Pvt. Ltd. 3. M/s. Vijay-Laxmi Developers, 4. Vishal Associates, Gut No. 90 (pt), Village-Chikhali, Tal- Haveli, Dist-Pune



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