

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

OA No. 84/2020

Dhananjay Balwant Kokate
And another

...

APPLICANTS

V/s

Union of India
And others

...

RESPONDENTS

INDEX

SR NO	ANNE XURE	PARTICULARS	PAGE NOS.	
			From	To
1.		Index	--	116
2.		Memo of Reply to Report	117	120
3.		Affidavit in Support	121	124
4.	A-1	Copy of the letter dated 26 th November 2020 alongwith photographs	125	128
5.	A-2	Copy of the said letter along with the English Translation.	129	132
6.	A-3	Copies of the photographs nala and finally meets Mula Mutha river.	133	140
7.	A-4	Copy of the relevant extract of the development plan	141	142
		Last Page		142

PUNE

DATE 21/01/2022



ADVOCATE FOR THE APPLICANT

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

OA No. 84/2020

Dhananjay Balwant Kokate
and another

...

APPLICANTS

V/s

Union of India
And others

...

RESPONDENTS

MAY IT PLEASE BE THE HON'BLE TRIBUNAL

REPLY TO REPORT DATED 07.12.2021 FILED BY THE
COMMITTEE CONSTITUTED BY THE HON'BLE NATIONAL
GREEN TRIBUNAL VIDE ORDER DATED 17.11.2020 is as under:

1. The Applicants herein have filed the present application on account of illegal garbage processing plant run by the Respondent No.5 at S.No. 51/10, Ambegaon Budruk, Pune. The Joint Committee in accordance to the order of the Hon'ble Tribunal have caused a visit and have made certain observations in the said report to which the Applicants would like to respond.
2. It may be mentioned herein that, the Committee has found that the Respondent No.5 has not received the consent from Respondent No.4 herein, and that in absence of the consent, the Respondent No.5 continued to operate the plant. Unfortunately, in the said

report, the Committee has not imposed any environmental compensation upon the Respondent No.5 for illegally operating the plant at the said site. The Applicants had submitted to the Respondent No.4 certain photographs pointing out the garbage flowing from the plant into the Nala. The said aspect has not been taken into consideration. Copy of the letter dated 26th November 2020 alongwith photographs is annexed hereto and marked as **ANNEXURE – A-1.**

3. The Respondent No.5 has informed the Respondent No.4 that it will be operating a material recovery facility (MRF) for 150 metric tons per day at the said plant and not a garbage processing plant. Be that as it may, it may be mentioned herein that, the location of the said facility is against the norms laid down by the Respondent No.1 herein. The said facility does not have an approach road and is located besides the Nala, which meets the river Mula and Mutha. The Applicants herein had sought information from the Respondent No.5 under the Right to Information Act (RTI) seeking the documents which it has filed with the relevant authorities. However, the Respondent No.5 had responded stating that they do not have any information. Copy of the said letter alongwith the

English Translation is annexed hereto and marked as ANNEXURE – A-2.

4. As pointed out earlier and in the original application that, the Respondent No.1 had dumped the garbage at the said site, and that the same had flown into the Nala which had caused water pollution. The Respondent No.4 has failed to exercise its statutory duties and take appropriate action against the Respondent No.5.
5. The Applicants submit that the plant is located within the vicinity of human habitation. There is barely any distance from the residences. There is a maternity home, hospital and schools within the range of 100 meters. There is no approach road. The garbage is flowing into the Nala causing pollution. The citizens of Pune have been witnessing the fate of Ambil Odha which is causing tremendous destruction every monsoon on account of the same being encroached upon. The Jambhulwadi lake is a natural source of water which flows from the nala and finally meets Mula Mutha river. Copies of the photographs is annexed hereto and marked as ANNEXURE – A-3 colly.

6. IT IS THEREFORE PRAYED THAT,

A. No such plant may be set up as there are residences at less than 100 metres from the said processing site, and that there is no approach road to the site which may cause tremendous pollution in the said area and will have severe health impacts on the residents.

Date : 22/01/2022

A handwritten signature in blue ink, appearing to read 'Puneet Shah', with a horizontal line underneath.

Place: Pune

ADVOCATE FOR THE APPLICANT

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

ORIGINAL APPLICATION NO. 84 OF 2020 (WZ)

Mr. Dhananjay Balvant Kokate

And Another

... **APPLICANTS**

Versus

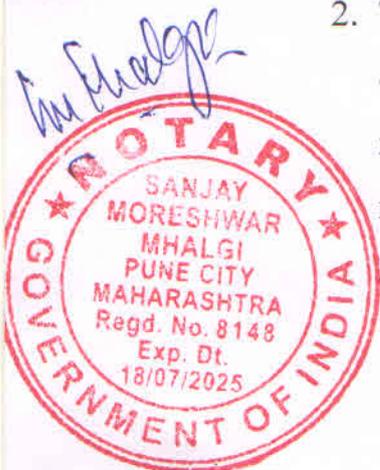
Union of India and others

... **RESPONDENTS**

AFFIDAVIT IN SUPPORT OF ORIGINAL APPLICATION

I, Dhananjay Balvant Kokate S/o Balvant Vaman Kokate, Age Adult, Residing at - Near Datta Mandir, Ambegaon Bk, Pune – 411 046, do hereby state on the solemn affirmation that: -

1. I say that I am the Applicant No.1. I say that I am the resident of Ambegaon Bk. I am aware of the facts and circumstances of the present case and hence I am able to depose the same on oath.
2. That the Applicants are filing the reply to the report of Committee dated 7th December 2021. The Applicants adopts, confirms, maintains, repeats and reiterates whatever has been stated in the reply and for the sake of brevity, convenience, and in order to avoid repetition, craves leave of this Hon'ble Tribunal to treat the



statements, averments and submissions in the main body of the reply as part and parcel of this Affidavit as if the same are reproduced herein ad-seriatim, with a view to avoid repetition and for the sake of brevity. I say that the contents of the reply as well as the Affidavit have been explained to me in Marathi.

3. I say that whatever stated in the reply and the present Affidavit is true and correct to the best of my knowledge, information and belief and the legal advice, which I believe to be true.

Solemnly Affirmed at Pune on this 21st day of January 2022 *he*

ए. व. कोळते

Affiant



BEFORE ME
San Mhalgi
SANJAY MORESHWAR MHALGI
ADVOCATE & NOTARY
GOVT. OF INDIA
REGD. No. 8148

NOTED AND REGISTERED
AT SERIAL NUMBER 18
DATE 21/01/2022



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

ORIGINAL APPLICATION NO. 84 OF 2020 (WZ)

Mr. Dhananjay Balvant Kokate

And Another

... **APPLICANTS**

Versus

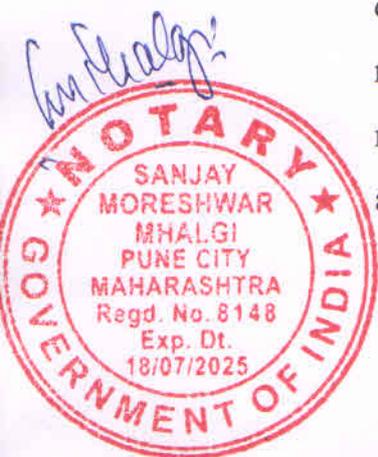
Union of India and others

... **RESPONDENTS**

AFFIDAVIT IN SUPPORT OF ORIGINAL APPLICATION

I, Mr. Jaysing Dasharath Jadhav, adult, residing at S.No.45/1, Radhakrushna Colony, Jambhulwadi Road, Near Ganesh Temple, Ambegaon Budruk, Pune – 411 046, do hereby state on the solemn affirmation that: -

1. I say that I am the Applicant No.2 I say that I am the resident of Ambegaon Bk. I am aware of the facts and circumstances of the present case and hence I am able to depose the same on oath.
4. That the Applicants are filing the reply to the report of Committee dated 7th December 2021. The Applicants adopts, confirms, maintains, repeats and reiterates whatever has been stated in the reply and for the sake of brevity, convenience, and in order to avoid repetition, craves leave of this Hon'ble Tribunal to treat the



statements, averments and submissions in the main body of the reply as part and parcel of this Affidavit as if the same are reproduced herein ad-seriatim, with a view to avoid repetition and for the sake of brevity. I say that the contents of the reply as well as the Affidavit have been explained to me in Marathi.

- 5. I say that whatever stated in the reply and the present Affidavit is true and correct to the best of my knowledge, information and belief and the legal advice, which I believe to be true.

Solemnly Affirmed at Pune on this 21st day of January 2022

[Handwritten Signature]
 Affiant



BEFORE ME
[Handwritten Signature]
SANJAY MORESHWAR MHALGI
 ADVOCATE & NOTARY
 GOVT. OF INDIA
 REGD. No. 8148

NOTED AND REGISTERED
 AT SERIAL NUMBER 17
 DATE 21/01/2022



ANNEXURE -A-126th November 2020

From,

1. Mr. Dhananjay Balwant Kokate,
Near Datta Mandir, Ambegaon Budruk,
Pune - 411 046 (m) 9822111197
2. Mr. Jaysing Dasharath Jadhav,
S.No.45/1, Radhakrushna Colony,
Jambhulwadi Road, Near Ganesh Temple
Ambegaon Budruk, Pune - 411 046 (m) 9822321948

To,

The Regional Officer,
Maharashtra Pollution Control Board,
Regional Office,
Jog Centre,
Wakdewadi, Pune - 411 005.

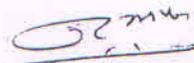
Sir,

We have filed Original Application No.84 of 2020 (WZ) before the Hon'ble National Green Tribunal, Western Zone Bench, Pune. The said Original Application was heard on 17th November 2020 and the Hon'ble Tribunal was pleased to form a Committee consisting of members from your organisation, the CPCB and the Collector. Vide the said order you were also directed to take action against the Pune Municipal Corporation if they are acting in violation of law. We are herewith annexing the photographs to demonstrate that they have been dumping the waste in the stream adjoining the Plant. The said stream meets the river Mula-Mutha. They are also in the process of laying electric cables and setting up Electricity Transformer. We have already pointed out to you that they don't have any sort of permission and allowing the illegalities amounts to disobeying the orders of NGT. You are thus requested to take immediate action in accordance with order dated 17th November 2020.

Thanking you



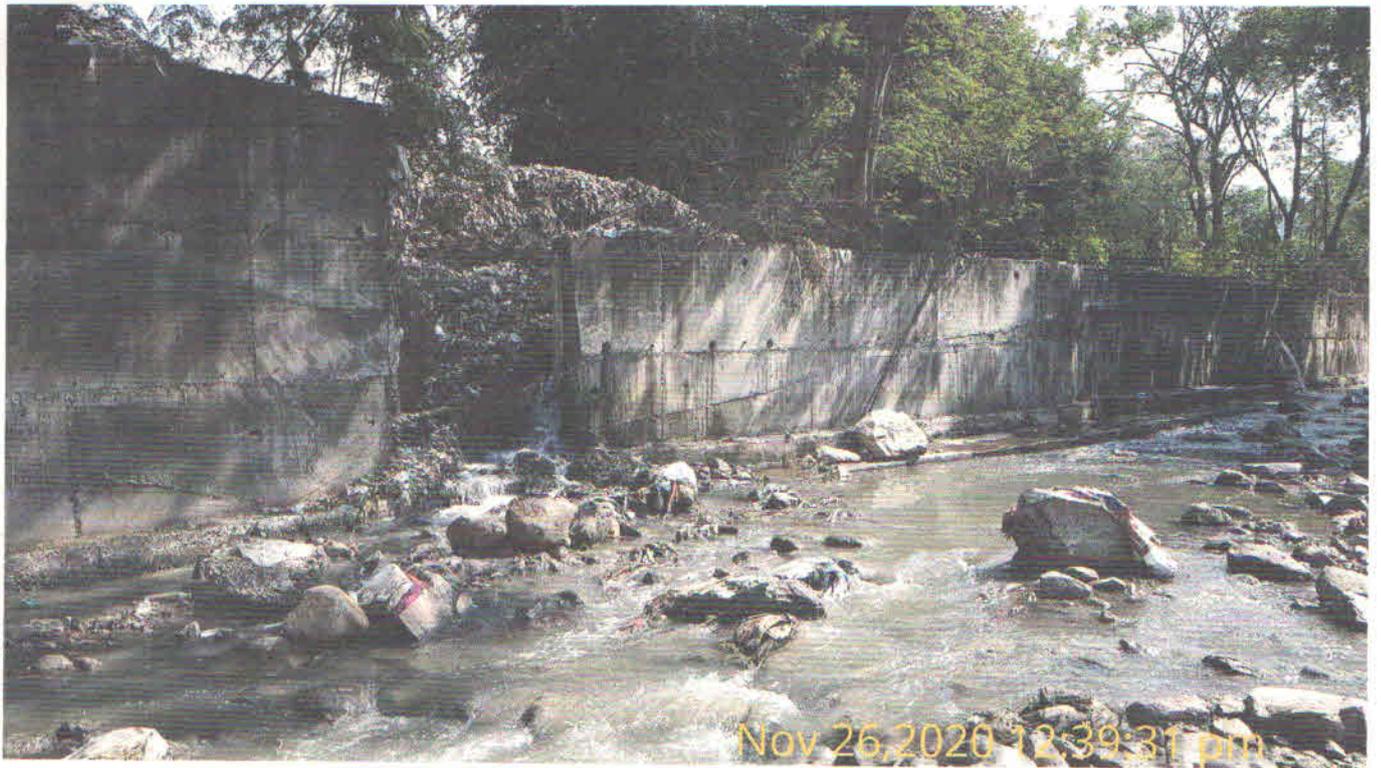
Mr. Dhananjay Balwant Kokate



Mr. Jaysing Dasharath Jadhav

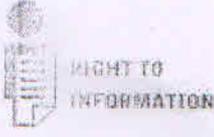
O/C

Ashokrao
26/11/2020
Clerk
Regional Office
M.P.C.B. Pune.









बांधकाम विकास विभाग झोन क्र. २
स्वा. सावरकर उद्योग भवन
पुणे महानगरपालिका
जा.क्र. झोन २/१९८३१
दि. २१९२१२०२०

प्रति,
श्री. जयसिंग दशरथ जाधव
स.नं. ४५/१, राधाकृष्ण कॉलनी,
दत्तनगर, आंबेगाव बु॥, पुणे ४११०४६.

विषय:- माहिती अधिकार अधिनियम २००५ अंतर्गत विचारणा केलेली माहिती.
संदर्भ:- आमचे विभागाकडील आपला आ.क्र. ३०७७ दि. १८/११/२०२०.

वरील संदर्भ पत्रान्वये आपण पुणे पेठ आंबेगाव बु॥ स.नं. ५१/१० मधील मुद्दा क्र. १ ते ९ प्रमाणे कागदपत्राची मागणी केलेली आहे. आपण मागणी केलेले प्रकरणी मुद्दा क्र. १ ते ९ बाबत कागदपत्रे खात्याकडे उपलब्ध नाही.

सदर बाब आपल्या माहिती अधिकार अर्जाच्या अनुषंगाने आपणास कळवित आहोत.

V.P. Hande
(विशाखा हांडे)

आरेखक तथा सहाय्यक जनमाहिती अधिकारी
बांधकाम विकास विभाग झोन क्र. २
पुणे महानगरपालिका.

सुदेश पाटील
(सदेश पाटील)

कनिष्ठ अभियंता तथा जन माहिती अधिकारी
बांधकाम विकास विभाग झोन क्र. २
पुणे महानगरपालिका.



बांधकाम विकास विभाग झोन क्र. २
स्वा. सावरकर उद्योग भवन
पुणे महानगरपालिका
जा.क्र. झोन २/२९३८
दि. २७/११/२०२१

प्रति,
मा. उप अभियंता तथा जन माहिती अधिकारी
ऑटो डी.सी.आर. सेल
पुणे महानगरपालिका

विषय:- माहिती अधिकार अधिनियम २००५ अंतर्गत विचारणा केलेली माहिती.
संदर्भ:- आमचे विभागाकडील अर्जदार श्री. जयसिंग दशरथ जाधव आ.क्र. ३०७७
दि.१८/११/२०२०.

वरील संदर्भ पत्रान्वये पुणे पेठ आंबेगाव बु।। स.नं. ५१/१० येथील खालीलप्रमाणे मागणी केली आहे.

- मुद्दा क्र. १ ज्या मोजणी आधारी प्रस्ताव दाखल केला तो मोजणी नकाशा.
- मुद्दा क्र. २ मालकी हक्काबाबतची कागदपत्रे
- मुद्दा क्र. ३ परवानगीसाठी आवश्यक असलेली सर्व ना हरकत दाखले.
- मुद्दा क्र. ४ शपथपत्र.
- मुद्दा क्र. ५ बंधपत्र.
- मुद्दा क्र. ६ मंजूर बांधकाम नकाशे.
- मुद्दा क्र. ७ बांधकाम चालु करण्याचा दाखला
- मुद्दा क्र. ८ पूर्णत्वाचा दाखल भोगवटा पत्र
- मुद्दा क्र. ९ मंजूर प्रस्तावासोबत असलेली इतर सर्व कागदपत्रे इ. कागदपत्राची मागणी केली आहे.

सदर बाबत आपल्या विभागाशी संबंधीत असल्याने अर्जदारस परस्पर माहिती देण्यात यावी. अर्जदाराने सदर माहिती अधिकार अंतर्गत अपिल केलेल्या असल्याने केल्या कार्यवाहीचा तपशील आमचे विभागाकडे पाठविण्यात यावा.

✓ P. Hande
(विशाखा हांडे)

आरेखक तथा सहाय्यक जनमाहिती अधिकारी
बांधकाम विकास विभाग झोन क्र. २
पुणे महानगरपालिका.

सिद्धेश पाटील
(संदेश पाटील)

कनिष्ठ अभियंता तथा जन माहिती अधिकारी
बांधकाम विकास विभाग झोन क्र. २
पुणे महानगरपालिका.

सोबत:- संदर्भ क्र. ५२१

प्रत,

श्री. जयसिंग दशरथ जाधव

स.नं. ४५/१, राधाकृष्ण कॉलनी, दत्तनगर, आंबेगाव बु।।, पुणे ४११०४६

Construction Development Zone No.2
Swa. Savarkar Udyog Bhavan,
Pune Municipal Corporation
Outward No.Zone/2/1939
Dt: 2/12/2020

To,
Mr.Jaisingh Dashrath Jadhav,
Survey No.45/1, Radhakrishna Colony,
Dattanagar, Ambegaon Budruk,
Pune – 411 046

Subject: Information sought under the Right to Information Act, 2005
Reference: Your application bearing No.3077 dated 18/11/2020 received by our Department

In terms of your above referred letter you had sought information under point Nos.1 to 9 regarding Survey No.51/10, Ambegaon Budruk, Pune. It is hereby informed to you that the Department does not have any information as requested by you in point Nos.1 to 9.

The said information is being informed to you in terms of your application under the Right to Information.

Sd/-
Vishaka Hande
Asst.Information Officer
Construction Development Zone No.2
Pune Municipal Corporation

Sd/-
Sandesh Patil
Junior Engineer cum Information Officer
Construction Development Zone No.2
Pune Municipal Corporation

Construction Development Zone No.2
Swa. Savarkar Udyog Bhavan,
Pune Municipal Corporation
Outward No.Zone/2/2938
Dt: 27/1/2021

To,
Junior Engineer cum Information Officer,
Auto DCR Cell,
Pune Municipal Corporation

Subject: Information sought under the Right to Information Act, 2005
Reference: Application bearing No.3077 dated 18/11/2020 received by our Department
from Mr.Jaisingh Dashrath Jadhav

In terms of above referred letter information is sought regarding Survey No.51/10,
Ambegaon Budruk, Pune.

Point No.1: Demarcation plan and other details

Point No.2: Ownership details of the said plot

Point No.3: NOC's issued by all the Authorities

Point No.4: Affidavits

Point No.5: Bonds

Point No.6: Sanctioned Building Plans

Point No.7: Permission to commence construction

Point No.8: Completion Certificate

Point No.9: All other permissions / documents granted if any.

It is hereby informed to you that since this pertains to your Department you are requested to provide the same. You are informed that since the Applicant has preferred an Appeal under the Right to Information Act, you are requested to send the documents to our department.

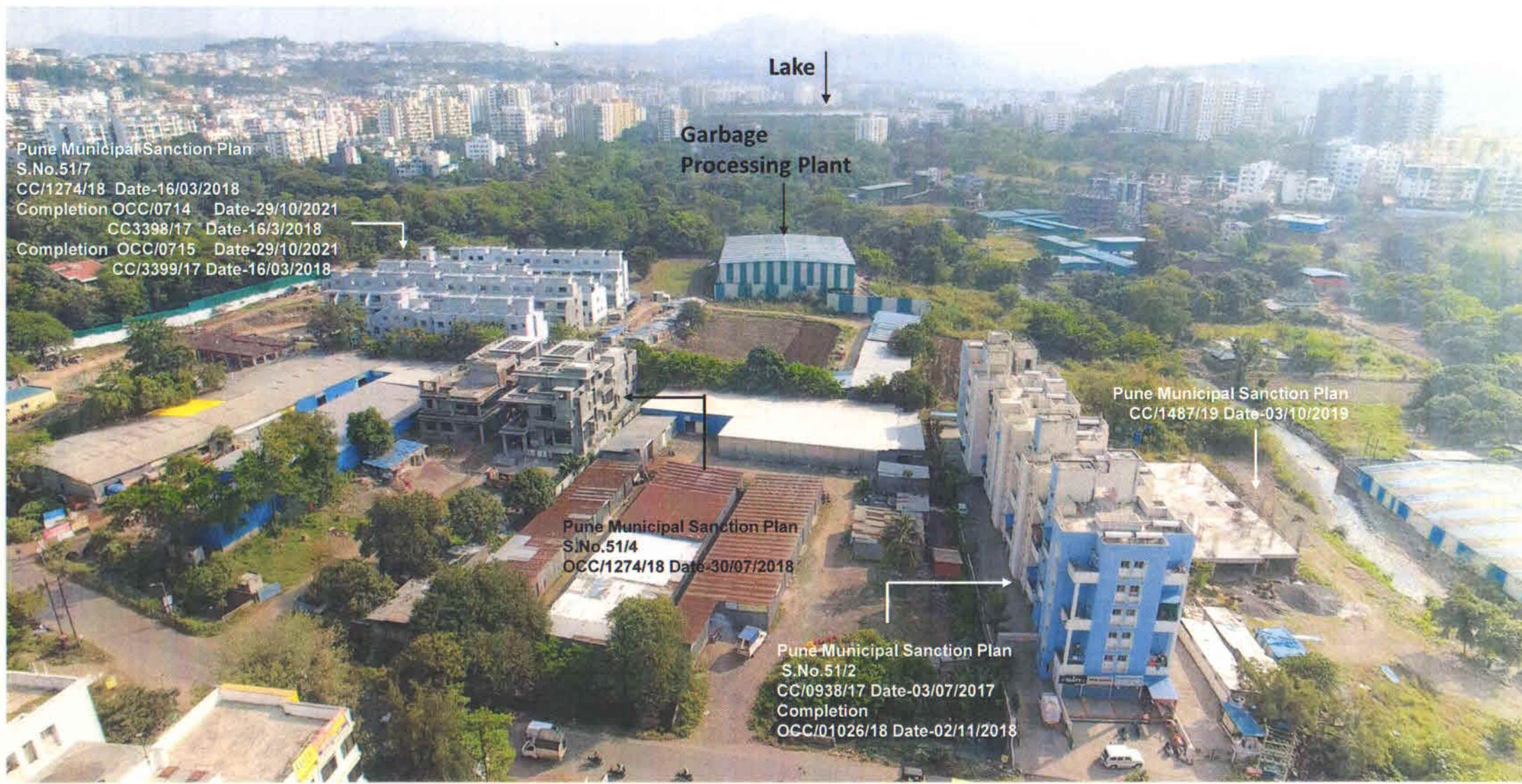
Sd/-
Vishaka Hande
Asst.Information Officer
Construction Development Zone No.2
Pune Municipal Corporation

Sd/-
Sandesh Patil
Junior Engineer cum Information Officer
Construction Development Zone No.2
Pune Municipal Corporation

CC Mr.Jaisingh Dashrath Jadhav,
Survey No.45/1, Radhakrishna Colony,
Dattanagar, Ambegaon Budruk,
Pune – 411 046



ANNEXURE -A-3



Pune Municipal Sanction Plan
 S.No.51/7
 CC/1274/18 Date-16/03/2018
 Completion OCC/0714 Date-29/10/2021
 CC3398/17 Date-16/3/2018
 Completion OCC/0715 Date-29/10/2021
 CC/3399/17 Date-16/03/2018

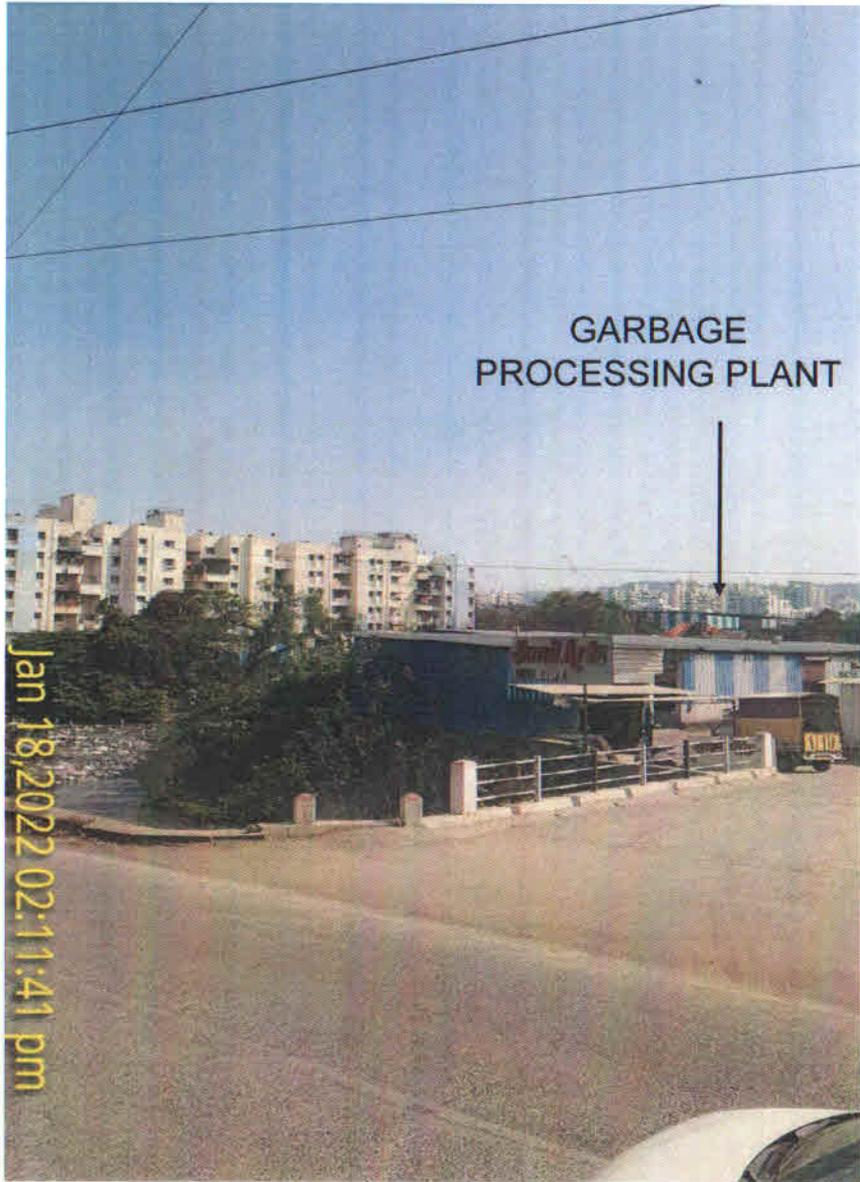
Lake ↓

Garbage
 Processing Plant ↓

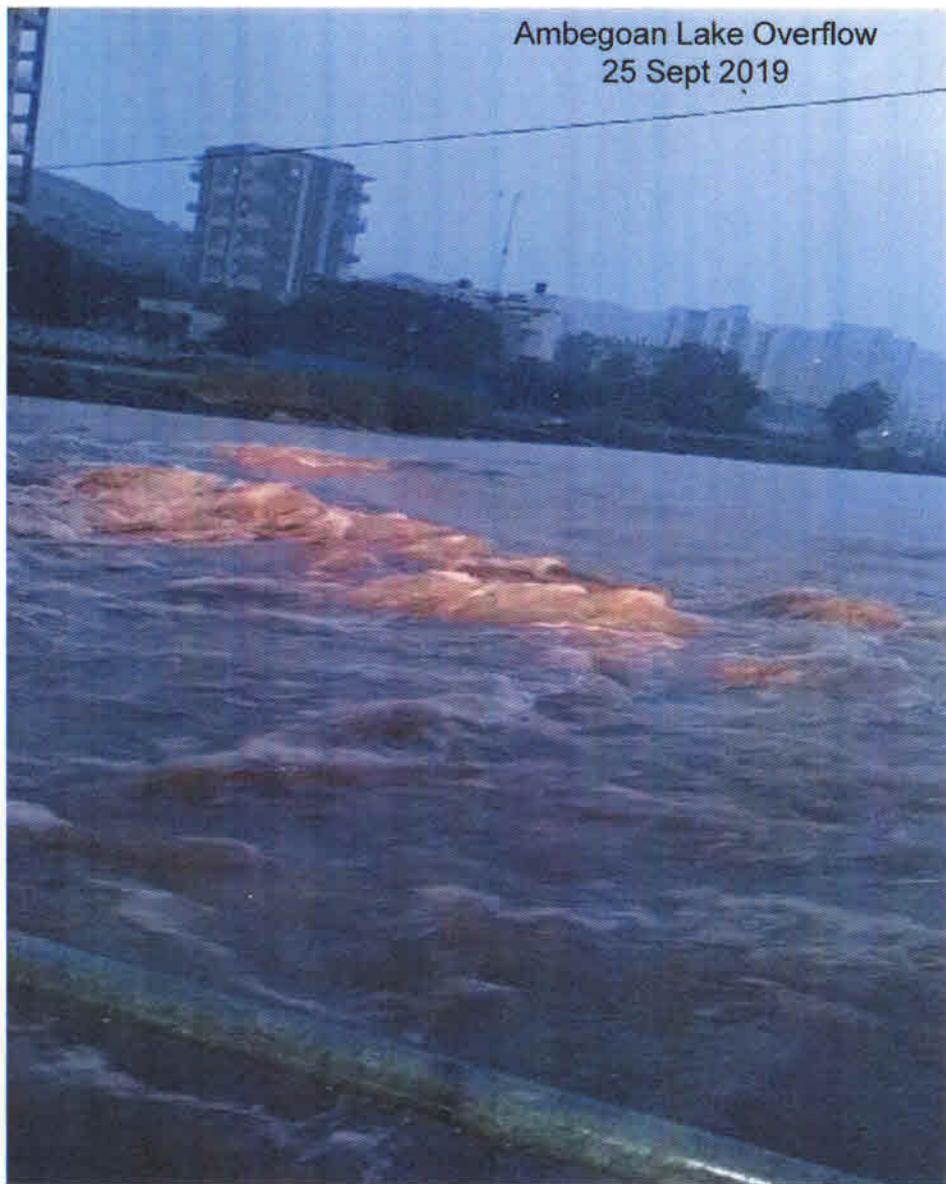
Pune Municipal Sanction Plan
 CC/1487/19 Date-03/10/2019

Pune Municipal Sanction Plan
 S.No.51/4
 OCC/1274/18 Date-30/07/2018

Pune Municipal Sanction Plan
 S.No.51/2
 CC/0938/17 Date-03/07/2017
 Completion
 OCC/01026/18 Date-02/11/2018



Ambegoan Lake Overflow
25 Sept 2019



Nala Near Garbage Plant
25 Sept 2019











Dec 28, 2020 11:26:30 am



Existing Garbage Plant

Nala

Pune Municipal Sanction Plan
 S.No.51/7
 CC/1274/18 Date-16/03/2018
 Completion OCC/0714 Date-29/10/2021
 CC3398/17 Date-16/3/2018
 Completion OCC/0715 Date-29/10/2021
 CC/3399/17 Date-16/03/2018

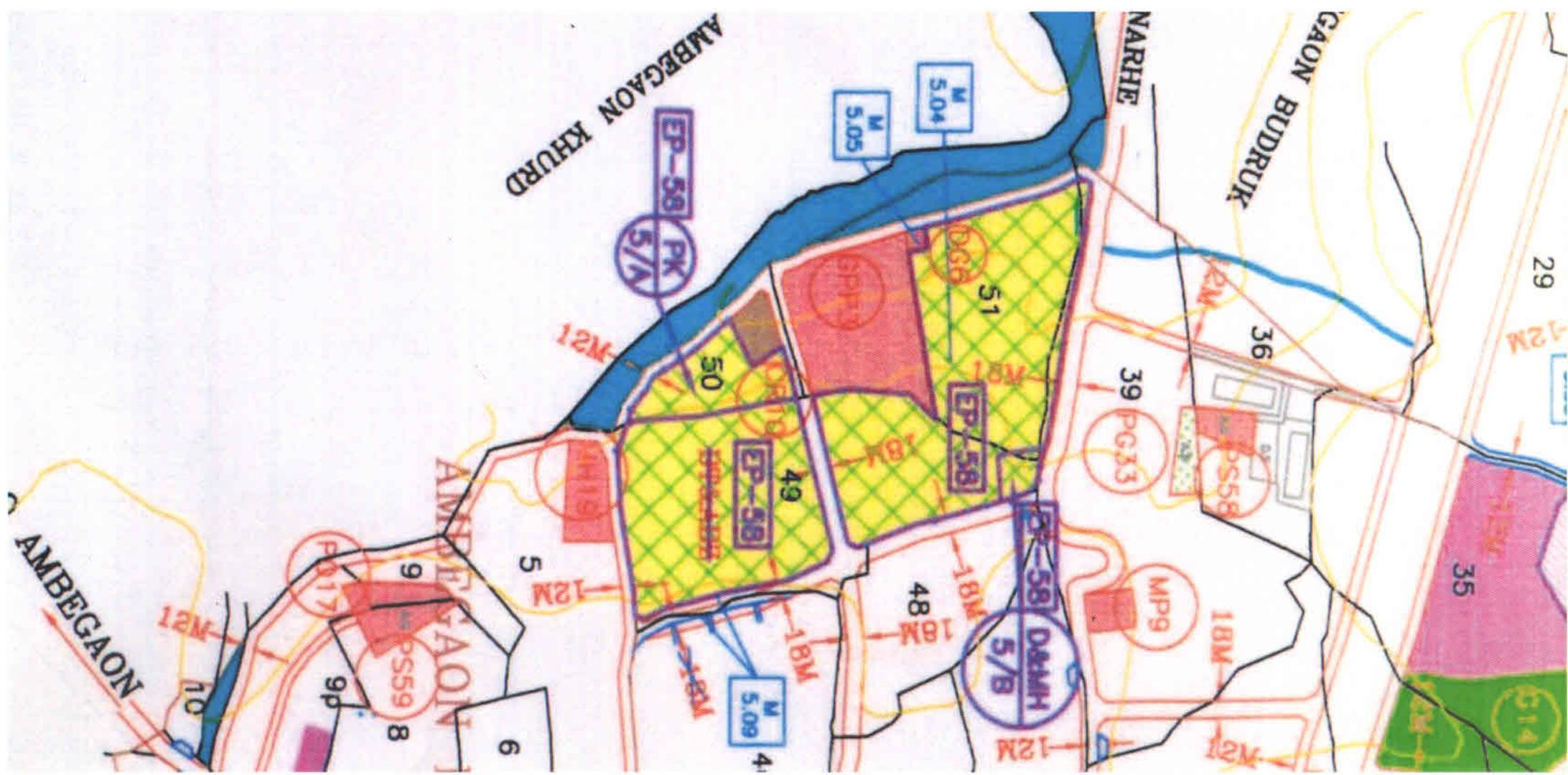
Pune Municipal Sanction Plan
 CC/1487/19 Date-03/10/2019

OCC/01026/18 Date-02/11/2018
 Completion

Pune Municipal Sanction Plan
 S.No.51/2
 CC/0938/17 Date-03/07/2017

Pune Municipal Sanction Plan
 Completion
 S.No.51/4
 OCC/1274/18 Date-30/07/2018





EP NO.	DESCRIPTION OF PROPOSED SUBSTANTIAL MODIFICATION PUBLISHED U/S 31(1) OF M.R.T.P. ACT.	MODIFICATION SANCTIONED BY THE GOVERNMENT.	EP NO. D I																					
EP 57	All the sites reserved for the purpose of "HDH-High Density Housing" in sectors 2 to 10 are Proposed to be redesignated as "PH/HDH-Public Housing/Housing for Dishoused"	All the sites reserved for the purpose of HDH-High density housing in sectors 2 to 10 are proposed to be redesignated as "PH/HDH (Public Housing /Housing for Dishoused)" for which Appropriate Authority shall be "Pune Municipal Corporation/MHADA/ LAND OWNER".	EP 59 All se ol sh pr																					
EP 58	<p>All lands shown for Bio-Technology and Agro-Business Zone (BT & ABZ) from sector 2 to 10 are proposed to be covered to Residential zone alongwith following new reservations and necessary road network as shown on plan. Appropriate Authority for all new reservations is proposed to be "Pune Municipal Corporation."</p> <table border="1" data-bbox="504 1047 1108 1323"> <thead> <tr> <th>Site No.</th> <th>Purpose</th> <th>Area (Hect.)</th> </tr> </thead> <tbody> <tr> <td colspan="3"><u>Sector 3</u></td> </tr> <tr> <td>3A</td> <td>Park</td> <td>1.0</td> </tr> <tr> <td>3B</td> <td>PlayGround</td> <td>1.0</td> </tr> <tr> <td colspan="3"><u>Sector 5</u></td> </tr> <tr> <td>5A</td> <td>Park</td> <td>1.0</td> </tr> <tr> <td>5B</td> <td>Dispensary & Maternity Home.</td> <td>0.20</td> </tr> </tbody> </table>	Site No.	Purpose	Area (Hect.)	<u>Sector 3</u>			3A	Park	1.0	3B	PlayGround	1.0	<u>Sector 5</u>			5A	Park	1.0	5B	Dispensary & Maternity Home.	0.20	Sanctioned as proposed under section 31(1) with following addition:- "Provided that ,alignment of flood lines along the river Mutha, shall be obtained from the water Resourses Department before granting the development permission on these lands. Provided further that no development permission shall be granted on the lands falling between the "River" and the "Blue Flood Line". However if a plot falls partly within such land, then FSI (Floor Space Index) of the affected part of such plot may be permitted on the remaining non affected part of the plot.	
Site No.	Purpose	Area (Hect.)																						
<u>Sector 3</u>																								
3A	Park	1.0																						
3B	PlayGround	1.0																						
<u>Sector 5</u>																								
5A	Park	1.0																						
5B	Dispensary & Maternity Home.	0.20																						