

**BEFORE THE NATIONAL GREEN TRIBUNAL
WESTERN ZONE BENCH, PUNE
ORIGINAL APPLICATION NO.96/2024(WZ)
[EARLIER LETTER PETITION NO.45/2024(WZ)]**

Report in the matter of Original Application No.96/2024(WZ)

[Earlier Letter Petition No.45/2024(WZ)] made by Shri. Dilip

Tukaram VedePatil.

1. The present Application is filed by Shri. Dilip Tukaram VedePatil by Letter Petition No. 45 of 2024 alleging that the Respondent number 1 Pune Municipal Corporation has given the contract for road construction to Respondent number 2 - M/s J.P Enterprises, which is illegal to construct the internal road connecting the area at Baudhan Khurd; the work being done by the respondent is of extremely poor quality. Besides that, the Respondent has filled the natural streams with soil thereby interrupting the flow of water stream resulting in suffering to the residents of the nearby societies and also causing huge air and noise pollution.

2. In view of above Hon'ble NGT (WZ) directed the Commissioner, Pune Municipal Corporation the call for a report as to the truthfulness of the contents of the aforesaid complaint and the action taken at their end.

3. Report on Behalf of Pune Municipal Corporation is as under:-

- a. As per the Development Plan of Pune City 18-meter-wide road was proposed at Survey No. 35,36,37,38, Bavdhan, Pune having a length of almost 780 meters.
- b. By following due process of law PMC allotted the work of construction of Development Plan Road at Survey No. 35,36,37,38, Bavdhan, Pune to M/s J.P Enterprises on 13/04/2023.
- c. While conducting a site inspection it was revealed that the Development Plan Road as shown in the Development Plan is over-lapped by a nalla.

- d. As per Rule 3.1.1 (ii) *Provided that where a minor water course passes through a low-lying land without any well defined banks, the owner of the property may be permitted by the Authority to canalise water course within the same land without changing the overall alignment and the position of the inlet and outlet of the water course according to cross section as determined by the Authority. In such case, marginal open space shall be as stipulated under these regulation and shall be measured from edge of the trained nallah.* PMC has powers to change the alignment of the Nalla.
- e. Accordingly, Municipal Commissioner, PMC granted the permission to realign the nalla on 02/02/2022. Hereto marked and annexed is the copy of the Plan showing realigned nalla along with order passed by the Municipal Commissioner as **“Annexure A”**.

- f. It was also revealed that the levels of the Proposed 18 meter Development Road are different at the site, therefore work of constructing Retaining wall was proposed. Also, the nalla was passing through the proposed road therefore to channelize the nalla culvert was proposed.
- g. The work of construction of Retaining wall and Culvert is in process. Lot of development work is in process in the areas adjacent to this proposed 18-meter road by the private individuals.
- h. Construction of the proposed road is yet to commence. It is false that PMC has filled the natural stream and interrupted the flow of water stream. Infact, PMC is working to channelize the nalla so that water can flow easily. Hereto marked and annexed as "**Annexure B**" is the copy of Site Photographs.

19.08.2024

Pune



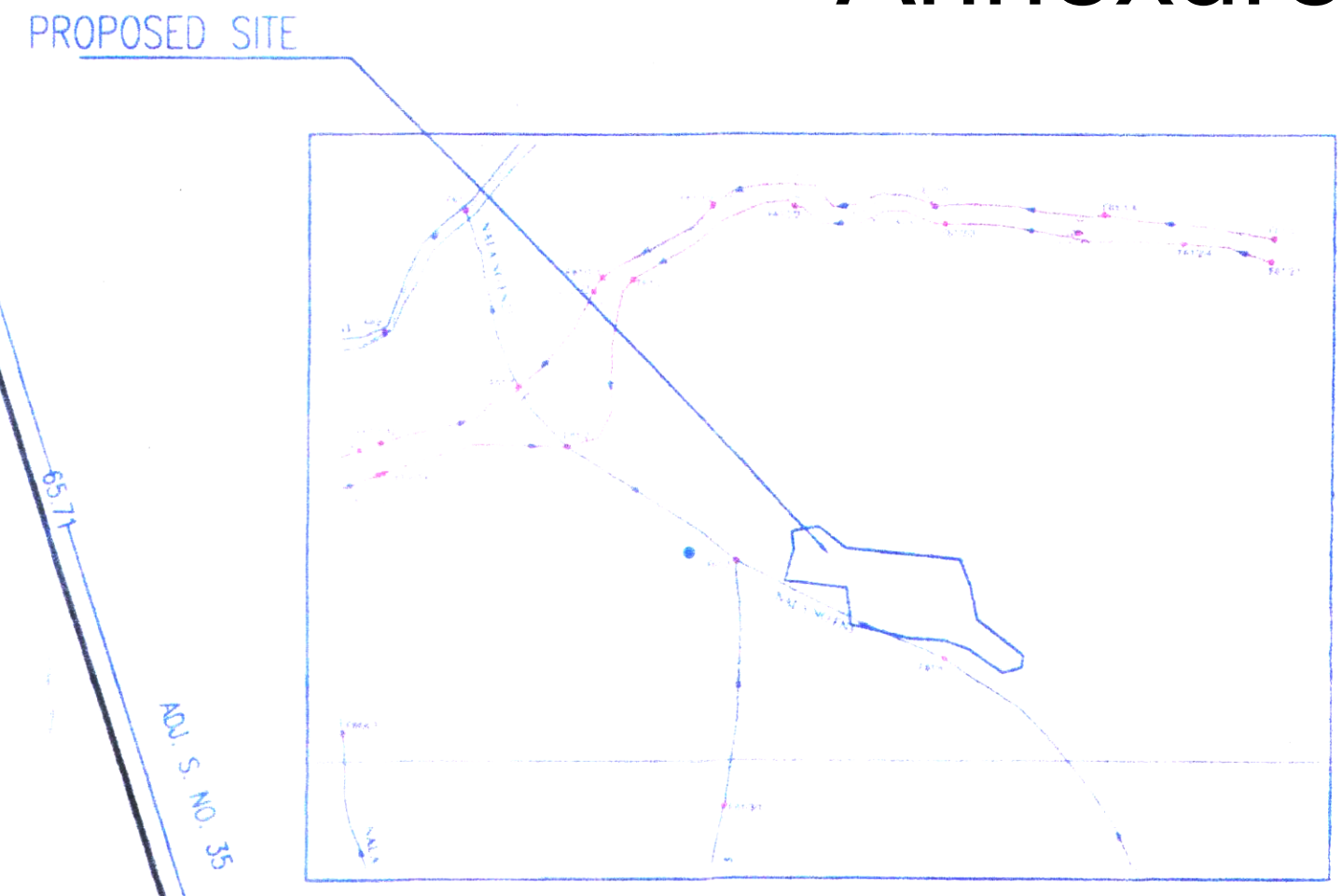
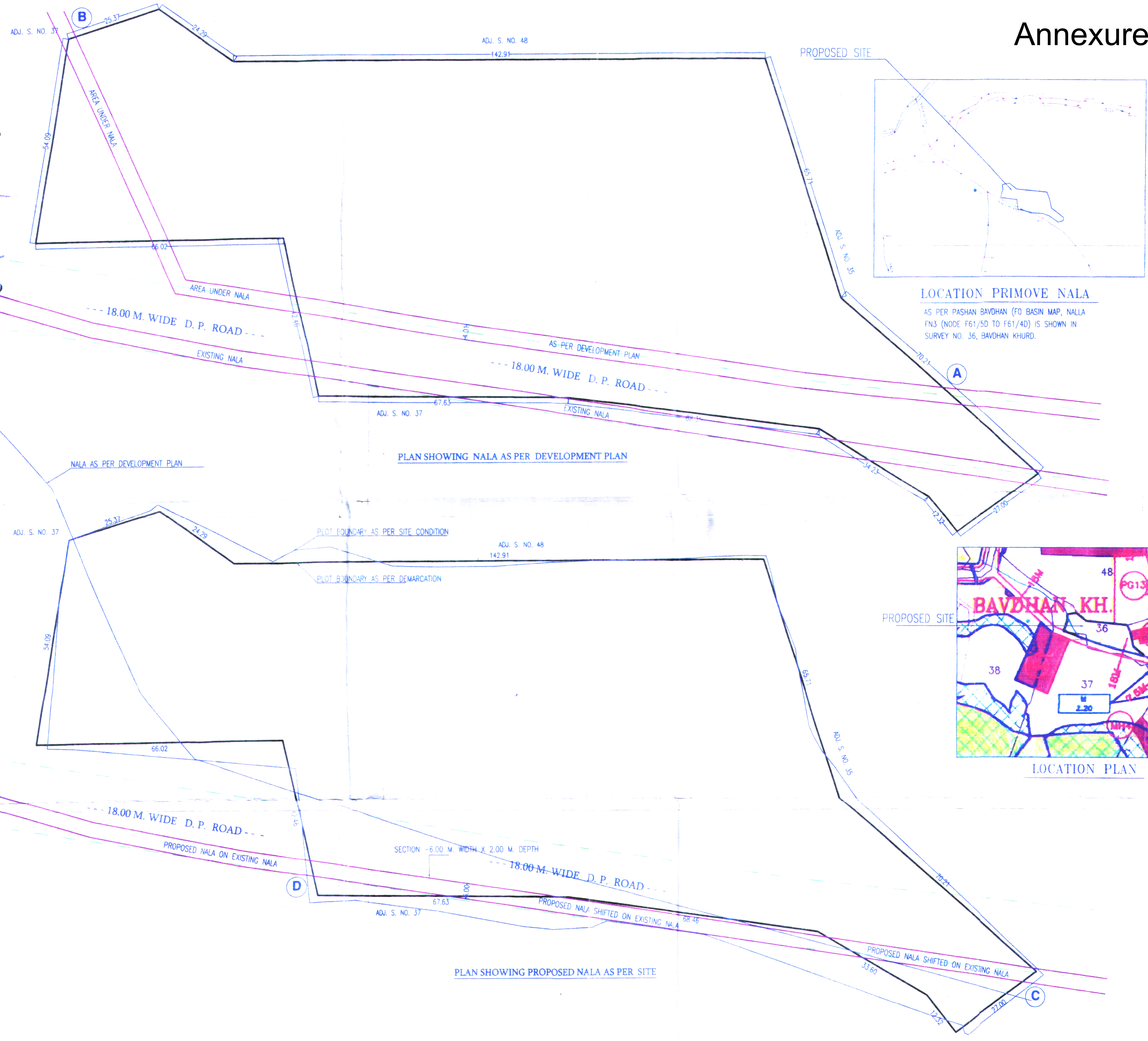
Adv for Res. No. 1



Respondent No. 1

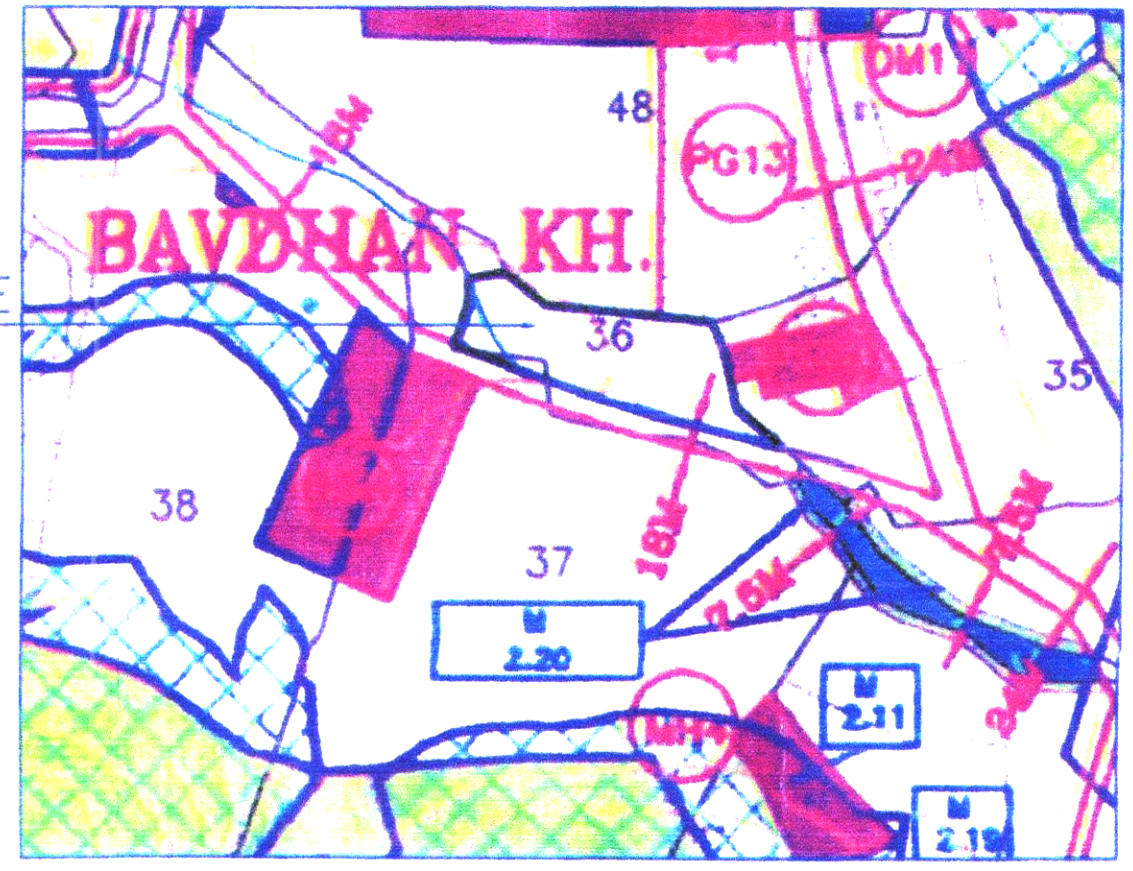
(अनिरुध्द पावसकर)
मुख्य अभियंता (पथ)
पुणे महानगरपालिका

Annexure A



PLAN SHOWING NALA AS PER DEVELOPMENT PLAN

PLAN SHOWING PROPOSED NALA AS PER SITE



LOCATION PLAN

महापालिका आयुक्त कार्यालय
पुणे महानगरपालिका
जा.क. : MC/SEC/JDCPR/31-1/387
दिनांक : 02 FEB 2022
कार्यालयीन आदेश

एकत्रिकृत विकास नियंत्रण व प्रस्ताहन नियमावली कलम ३.१.१ नुसार पुणे पेट बावधन खु. स.नं.३६/१, ३६/२ येथील मान्य विकास आराखड्यात दर्शविण्यात आलेला नाला व जागेवरील अस्तित्वातील नाला यांच्यामध्ये फरक असल्याने विकास आराखड्यातील A, B नुसारचा नाला एकत्रिकृत विकास नियंत्रण व प्रस्ताहन नियमावली कलम ३.१.१ नुसार त्याच मिळकतीतील C, D या अद्याक्षराने दर्शविण्यात आलेल्या अस्तित्वातील नाल्यावर स्थलांतरीत करण्यास खालील अटीवर मान्यता देत आहे.

- अटी:-
- प्रस्तुत नाला १८.०० मी. डी.पी. रस्त्याच्या आखणीखाली येत असल्याने सदर नाल्याचे आवश्यक ते डिझाईन व सेक्शन तज्ञ सल्लागारकडून घेवून मल-निसारण प्रकल्प विभाग मार्फत पुर्वगणनपत्रक तयार करणेस आणि पुर्वगणनपत्रक व सुपरव्हिजन धार्जेस सह एक्कम विकासकाकडून भरून घेणेस.
 - सदर नाल्याचे विकसन मल-निसारण प्रकल्प विभागामार्फत अलहीदा करून घेणेस.
 - नाला स्थलांतराने डी.पी. रोडखाली बाधीत होणारे जे क्षेत्र आहे त्याचा एफ.एस.आय अनुज्ञेय होणार नाही.

(विक्रम/कुमार)
महापालिका आयुक्त
पुणे महानगरपालिका

LEGEND	
PLOT BOUNDARY AS PER DEMARCATION	RED
PLOT BOUNDARY AS PER SITE	CYAN
PROPOSED NALA	MAGENTA
ROAD	GREEN

ARCHITECT	OWNER (P.A.H.)
Ar. PRAKASH KULKARNI CA/98/22904	MANAV CITY SPACES LLP THROUGH MRS. ASHA PRAKASH BHANSALI BHANSALI SPACES LLP THROUGH MR. SACHIN PRAKASH BHANSALI A.B.P. BUILDCON THROUGH MR. ATUL DNYNESHWAR BAHIRAT

PROJECT
REALIGNMENT OF NALA
ON S. NO. 36/1 & 36/2,
AT-BAVDHAN(KH.), TAL.-MULSHI, DIST.-PUNE.

ARCHITECT
PRAKASH KULKARNI
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DATE	SCALE	DRN BY	
02/07/2021	1 : 500	Archana	1017/15

