



BEFORE THE NATIONAL GREEN TRIBUNAL

WESTERN ZONE BENCH, PUNE

ORIGINAL APPLICATION NO. 104 OF 2024 (WZ)

(LETTER PETITION NO.27 OF 2024)

(Complaint dated 16.02.2024)

Report in the matter of Original Application No. 104 of 2024 (WZ)

(Letter Petition No. 27 of 2024) (Complaint dated 16.02.2024)

made by Ms. Archana Mirashi

1. Background

The present Application is filed by Ms. Archana Mirashi Letter Petition No. 27 of 2024 as concerned citizens of Pune, *alleging that they had raised grievance against respondent – Pune Municipal Corporation which has undertaken the project by the name “River Front Development Project” (RFD Project), under which channelization of 44 kms long rivers of Pune is being done with use of massive concrete embankments and reclamation of land by setting up a artificial gardens, commercialization space and construction of three barrages over the river to store water. The project is likely to impact biodiversity along the riverbanks.*

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.

2. MULA, MUTHA AND MULA - MUHTA RIVER REJUVENATION PROJECT.

- a. Pune city is blessed with Mula and Mutha Rivers that originate in the Sahyadri ranges which traverse across Pune. Upon their confluence Mula-Mutha river is formed which further meets the Bhima River. The total length of these three rivers traversing through Pune Municipal Corporation is 44 km approximately. Out of this, 22.2 km is Mula River, 10.4 km is Mutha River, and 11.8 km is Mula Mutha River. Both Mula and Mutha Rivers are dammed upstream. Mutha River has three dams- Khadakwasla, Warasgaon and Temghar while Mula River has Mulshi Dam that controls the release of water in the rivers. The rainfall only in the catchment area below the dams finds its way into the rivers. The rainfall upstream reaches the reservoirs of the various dams from

which it is released into the rivers in a controlled manner. Significant Number of Nalas and piped outfalls discharge untreated sewage directly into the rivers, converting the river into a polluted 'drain'. Pune's rivers are not easily accessible. In the areas that are already developed, there are very few points where one can approach the rivers.

b. The River Rejuvenation project is a comprehensive plan with key objectives to clean the river and make it pollution free, reduce the risk of flooding, create a continuous public realm along the river, retain Water, improve city's connectivity to the river, and integrate existing heritage structures, recreational, religious and socio-cultural activities.

c. The project proposes to protect low-lying areas along the river from flooding by building a variety of embankments along the banks. In sparsely developed areas, further away from the City Centre, 'rural riparian embankments' will be built. In moderately developed areas urban riparian embankments will be built. In an intensely developed area with high banks, more engineered embankments will be built. The embankments on either side of the river are designed to contain floods between



them bringing the red and blue lines within the riverbed as defined in Revenue maps.

- d. The project proposes to reduce the impact of indiscriminately built obstructions within the river such as bridges, causeways, weirs, check dams etc. on the flow of water by removing, streamlining, remodeling, or rebuilding them. Building embankments will also enable the creation of a continuous public realm along both banks which will ensure that people will be able to move along the length of the river. The project also proposes to curb the sewage flowing directly into the rivers by laying an interceptor sewer which will curb and divert the sewage to the nearest STP. The embankment will house the interceptor sewer line curbing the sewage falling directly into the river. The project proposes to strengthen the existing street network by introducing bridges and access roads that will further enhance the connectivity to the river. Pedestrian and cycling routes will also be planned along the promenades of the riverfront. The project will create a network of gardens, open spaces, and public promenades that will preserve the natural environment. Existing open



spaces like gardens and parks, heritage structures along the river, ghats etc. will also be integrated with the riverfront development. The project does not include any residential or commercial development along the riverbanks.

3. EC dated 16/11/2019 was granted by State level Environmental Impact Assessment Authority, Maharashtra in respect of the aforesaid project i.e. Mula, Mutha and Mula-Mutha River Rejuvenation Project. The applicant herein challenged the aforesaid EC dated 16/11/2019 by filing an Appeal No. 12 of 2020 before the NGT (WZ), Pune.

4. The Hon'ble NGT (WZ) vide Judgment dated 29/11/2022 passed in Appeal No 12 of 2020 held that, *"..... As this is public interest project, the PP has carried out all required studies, and SEAC/SEIAA have duly apprised the proposal before recommending/granting EC, we do not find it necessary to set aside the EC, however, we hereby direct the PP to approach SEIAA for amendment of EC both in the terms of project scope and additional EC conditions to be stipulated, if any, before proceeding to start any construction activity. We dispose of Item Nos. 1 & 2 accordingly.*



“50. With the above directions/observations, we dispose of this appeal.

“51. All connected applications also stand disposed of. No cost.”

- 5.** Thereafter Applicant herein filed an Execution Application No. 13 of 2022 in Appeal No. 12 of 2020 seeking directions from this Hon'ble Tribunal to immediately stop all the constructions activities undertaken by the PMC in relation to the Mula, Mutha and Mula-Mutha River Rejuvenation Project. Hon'ble Tribunal decided the said Execution Application by vide order dated 04/01/2023 wherein Hon'ble permitted PMC to continue the work allotted under the two work orders dated 02/03/2022. Hon'ble Tribunal also clarified that no new work order shall be issued by PMC without obtaining amended EC.
- 6.** The Applicant herein approached Hon'ble Supreme Court by filing a Civil Appeal Diary No. 9039 of 2023 challenging the Judgment passed by Hon'ble Tribunal in Appeal No. 12 of 2020.



7. Hon'ble Supreme Court please to dismissed the said Civil Appeal on 27/03/2023 with the following direction
"However, it will be open to the appellants to raise such pleas and contentions as available, in case the appellants find that the project proponent is not acting in terms of the order passed and/or if there is any violation of the direction(s) given by the National Green Tribunal (NGT), including the direction with regard to the amendment of the Environment Clearance".
8. Applicant herein again approached this Hon'ble Tribunal by filing Original Application No. 80 of 2023 wherein Applicant prayed for staying Mula, Mutha and Mula-Mutha River Rejuvenation Project on the ground that trees are been felled without permission.
9. Hon'ble Tribunal vide its order 31/07/2023 disposed of the aforesaid Original Application No. 80/2023 directing that the PMC shall not fell any trees without obtaining amended EC.
10. Mula, Mutha and Mula-Mutha River Rejuvenation Project was again challenged before the Hon'ble Bombay High Court



in PIL No. 161 of 2023 praying for cancelling the Project which requires felling / transplant of trees.

11. I state that Hon'ble Bombay High Court disposed of the aforesaid PIL No. 161 of 2023 vide its Judgment dated 12/10/2023 wherein Hon'ble Bombay High Court observed that *"16. It has been brought to our notice that certain proceedings were taken up before the National Green Tribunal, Western Zone Bench at Pune (hereinafter referred to as "NGT") in respect of the same project and the Environmental Clearance (EC) granted to the project proponent was challenged. The said challenge resulted in the judgment by the NGT, dated 29th November 2022. The execution proceedings of the said judgment are pending before the NGT and in the meantime the matter was taken up before the Hon'ble Supreme Court by filing Civil Appeal (Civil Appeal Diary No(s). 9039 of 2023), however, the said appeal was dismissed by the Hon'ble Supreme Court by means of order dated 27th March 2023 observing therein that no good ground or reason to interfere with the judgment of the NGT was found. While dismissing the said appeal, Hon'ble Supreme Court has*



observed that it will, however, be open to the appellants (before the Supreme Court) to raise such pleas and contentions as available, in case it is found that the project proponent is not acting in terms of the order passed or if there is any violation of the directions given by the NGT. An order dated 31st July, 2023 passed by the NGT has been brought to our notice, wherein it has been observed that a statement was made on behalf of the Pune Municipal Corporation that no trees shall be removed or cut without obtaining necessary permission of the Competent Authority. It is also stated that the project proponent of the River Front Development Project has sought certain amendments in the EC which is under consideration before the State Expert Appraisal Committee-III (SEAC-III) and decision shall be taken soon. The order dated 31st July, 2023 passed by the NGT further records a statement made on behalf of the State Environment Impact Assessment Authority (SEIAA), State of Maharashtra that an application for amendment in the EC has been moved before them which is under consideration.

"17. Having regard to the aforesaid facts and the nature of concern raised in the PIL petition, we are of the opinion that while considering the prayer for amendment in the EC, the SEAC/SEIAA shall take into consideration the submissions of the petitioners as well regarding felling of the trees for the project in question. The SEAC/SEIAA while processing and considering any application seeking amendment in the EC, has to necessarily consider various aspects impacting the environment, which will include the impact of any project requiring felling of trees as well.

"18. Thus, so far as the other prayers are concerned, we provide that the petitioners may approach the SEAC/SEIAA, wherever the matter relating the amendment in the EC in relation to the project in question is pending, within two weeks from today. In case the petitioner's approach either of the authorities, the concern of the petitioners shall be addressed while considering amendment in the EC as has been sought by the project proponent/respondent- Corporation.

"19. The PIL petition stands disposed of in the aforesaid terms."



- 12. As per the direction of this Hon'ble Tribunal PMC has applied for amended EC and is waiting for the same.
- 13. The issue pertaining to Mula, Mutha Mula-Mutha, has already been dealt by Hon'ble NGT , Hon'ble Bombay High Court, Hon'ble Supreme Court, therefore the present application may be please be dismissed.

Dated : 14/09/2024

Place : Pune



Rgarg
Adv for Res. No. 1



Wadga
Respondent No. 1
Chief Engineer (Project)
PMC
Pune Municipal Corporation



BEFORE ME

[Signature]
SANJAY TUKARAM PATANKAR
NOTARY, GOVT. OF INDIA
PUNE DIST. MAHARASHTRA
Regd. No 19365 Exp. Dt 10/02/2025
18 SEP 2024