

**REPORT OF THE JOINT COMMITTEE IN COMPLIANCE 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.**

**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<sup>2</sup>. 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'ble 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. 41 of 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<sup>1</sup> 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<sup>2</sup> 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

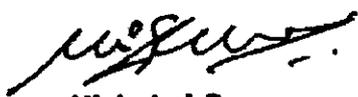
<sup>1</sup> Hon'ble NGT in OA no. 281 of 2019 (PB) in the matter of Mahadevapura Parisara Samrakshane Mattu Abhivrudhi Samiti vs Union of India & Ors. vide order dated 30/07/2021

<sup>2</sup> 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

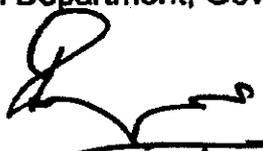
21/09/1989. PCMC may utilise the said amount for cleaning & rejuvenation of gat no.90, affected by prohibited blue flood line of the Indrayani River.

- 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



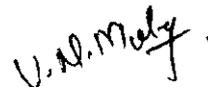
**Pankaj Joshi,**  
Member, SEIAA



**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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Item No. 02

(Pune Bench)

**BEFORE THE NATIONAL GREEN TRIBUNAL  
PRINCIPAL BENCH, NEW DELHI**

(By Video Conferencing)

Original Application No. 50/2020(WZ)  
(I.A. No. 71/2020)

Tanaji Balasaheb Gambhire

Applicant

Versus

Chief Secretary, Govt. of Maharashtra & Ors.

Respondent(s)

Date of hearing: 09.07.2021

**CORAM: HON'BLE MR. JUSTICE ADARSH KUMAR GOEL, CHAIRPERSON  
HON'BLE MR. JUSTICE SUDHIR AGARWAL, JUDICIAL MEMBER  
HON'BLE MR. JUSTICE M. SATHYANARAYANAN, JUDICIAL MEMBER  
HON'BLE MR. JUSTICE BRIJESH SETHI, JUDICIAL MEMBER  
HON'BLE DR. NAGIN NANDA, EXPERT MEMBER**

Applicant: Mr. Nitin Lonkar, Advocate

**ORDER**

1. Grievance in this application 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 22000 M<sup>2</sup>. 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.

2. The applicant has listed the violations as follows:-

“

- 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.*
- 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 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 99 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, SEIAA, 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 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.”*

3. The applicant has relied upon a judgment of this Tribunal relating to the River Residency Project, adjacent to the present project, dated 11.07.2013 in O.A. No. 02/2013, *Sarang Yadwadkar & Ors. v. The Commissioner & Ors.*, holding that construction of project in blue flood line has adverse impact on the ecology as it inter alia affects recharge of ground water, breathing and feeding for the animals and birds. The

applicant has also filed a map of the river flood line development plan for the Municipal area, demarcation plan obtained by the project proponent and photographs. It is also stated that flow of the river has been diverted. It is also stated that no permission taken from the MoEF&CC, SEIAA, Maharashtra, State PCB or RERA and the project will cause irreversible damage to the ecology.

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. The operative part of the said order is reproduced 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 [judicial-ngt@gov.in](mailto:judicial-ngt@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.”*

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](mailto: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.

Adarsh Kumar Goel, CP

Sudhir Agarwal, JM

M. Sathyanarayanan, JM

Brijesh Sethi, JM

Dr. Nagin Nanda, EM

July 9, 2021  
Original Application No. 50/2020(WZ)  
A

जा.क्र. पुपाम/प्रशा-१/पूररेषा/ E390

अधीक्षक अभियंता,  
पुणे पाटबंधारे मंडळ,  
पुणे - ४११ ०११.  
दिनांक : 23/6/2006

प्रति  
मा. आयुक्त,  
पिंपरी चिंचवड महानगरपालिका,  
पिंपरी.

विषय : इंद्रायणी नदीचे देहू ते चन्होली बंधारा दरम्यानचे पूररेषा आखणीबाबत.

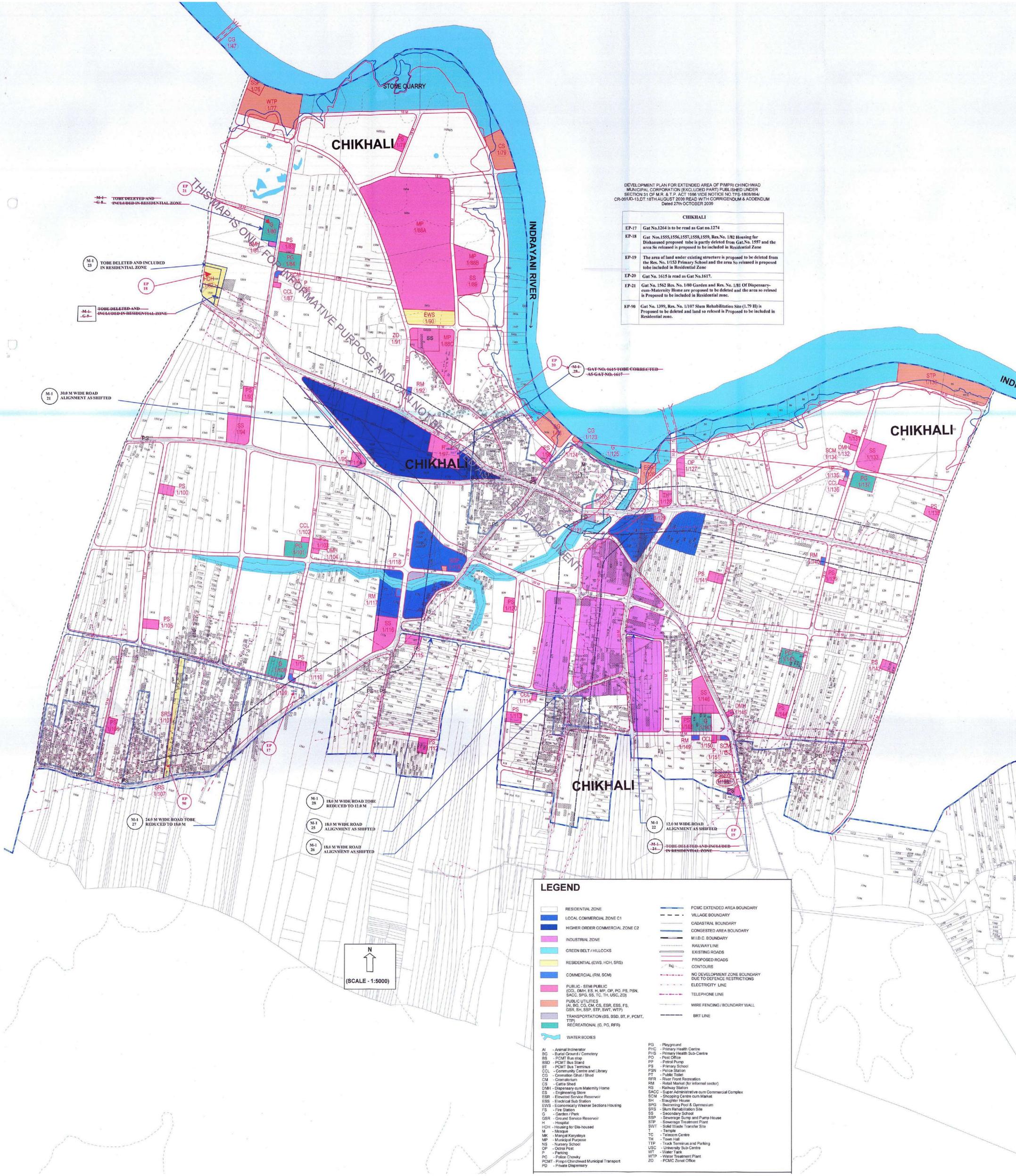
संदर्भ : कार्यकारी अभियंता, पुणे पाटबंधारे विभाग, पुणे यांचे पत्र क्र. प्रशा-१/  
३९९५ दि.१.७.२००६.

पिंपरी चिंचवड महानगरपालिकेकडून प्राप्त अनामत ठेव रकमेतून इंद्रायणी नदीचे देहू बंधारा ते चन्होली बंधारा दरम्यानचे सखोल सर्वेक्षण करून व HEC-RAS Software द्वारे संकल्पन करून नकाशावर निळी रेषा व तांबडी रेषेची पूररेषा आखणीचे काम पूर्ण करण्यात आलेले आहे. सदरचे नकाशे संदर्भिय पत्रान्वये विभागाकडून प्राप्त झालेले आहे. नकाशेची तपासणी करण्यात आलेली असून खालीलप्रमाणे आपले कार्यालयास पाठविण्यात येत आहेत.

- १) पूररेषा आखणीचे नकाशे : सोबत देहू बंधारा ते चन्होली बंधारा दरम्यानचे नदीचे गावनकाशावर पूररेषा आखणी केली असून त्यावर निळी रेषा, तांबडी रेषा गट नंबर अस्तित्वातील पूल, बंधारे व इतर महत्वाची ठिकाणे दर्शविलेली आहेत.
- २) नकाशे सोबत नदीचे प्रत्येक १०० मी. अंतरावरील महत्तम पूर पातळी व त्या ठिकाणची पूर दर्शविणारे प्रपत्र जोडलेले आहे.
- ३) " जलसंपदा विभागाने निळी रेषा व तांबडी रेषा ठरविताना नदीचा उपलब्ध काटछेदाचे ( Cross section ) अनुषंगाने निळी रेषा व तांबडी रेषा ठरविलेली आहे. त्यामुळे काटछेदामध्ये बदल झाल्यास अथवा काटछेद कमी झाल्यास निळी रेषा व तांबडी रेषेत बदल होऊ शकतो. त्यामुळे नदीच्या काटछेद कमी होणार नाही याची महानगरपालिकेने दक्षता घ्यावी.

24/07/08  
लिपिक,  
पुणे पाटबंधारे मंडळ,  
पिंपरी चिंचवड म. न. ११.





DEVELOPMENT PLAN FOR EXTENDED AREA OF PIMPRI CHINCHWAD MUNICIPAL CORPORATION (EXCLUDED PART) PUBLISHED UNDER SECTION 31 OF M.R. & T.P. ACT 1996 VIDE NOTICE NO.TPS-1808/894/ CR-06/UD-13.DT.18TH AUGUST 2009 READ WITH CORRIGENDUM & ADDENDUM Dated 27th OCTOBER 2009

CHIKHALI	
EP-17	Gat No.1264 is to be read as Gat no.1274
EP-18	Gat Nos.1555,1556,1557,1558,1559, Res.No. 1/82 Housing for Disbanded proposed tube is partly deleted from Gat.No.1557 and the area so released is proposed to be included in Residential Zone
EP-19	The area of land under existing structure is proposed to be deleted from the Res. No. 1/153 Primary School and the area so released is proposed to be included in Residential Zone
EP-20	Gat No. 1615 is read as Gat No.1617.
EP-21	Gat No. 1562 Res. No.1/80 Garden and Res. No. 1/81 Of Dispensary-cum-Maternity Home are proposed to be deleted and the area so released is Proposed to be included in Residential zone.
EP-90	Gat No. 1399, Res. No. 1/107 Slum Rehabilitation Site (1.79 H) is Proposed to be deleted and land so released is Proposed to be included in Residential zone.

**LEGEND**

RESIDENTIAL ZONE	PCMC EXTENDED AREA BOUNDARY
LOCAL COMMERCIAL ZONE C1	VILLAGE BOUNDARY
HIGHER ORDER COMMERCIAL ZONE C2	CADASTRAL BOUNDARY
INDUSTRIAL ZONE	CONGESTED AREA BOUNDARY
GREEN BELT / HILLOCKS	M.I.D.C. BOUNDARY
RESIDENTIAL (EWS, HIGH, SRS)	RAILWAY LINE
COMMERCIAL (RM, SCM)	EXISTING ROADS
PUBLIC - SEW PUBLIC (CCL, DMH, ES, H, MP, OP, PS, PSN, SACC, SPG, SS, TC, TH, USC, ZO)	PROPOSED ROADS
PUBLIC UTILITIES (AI, BI, CI, CM, CS, ESR, ESS, FS, GSR, SH, SPP, STP, SVT, WTP)	CONTOURS
TRANSPORTATION (BS, BSD, BT, P, PCMT, TTP)	NO DEVELOPMENT ZONE BOUNDARY DUE TO DEFENCE RESTRICTIONS
RECREATIONAL (G, PG, RFR)	ELECTRICITY LINE
WATER BODIES	TELEPHONE LINE
AI - Animal Incinerator	WIRE FENCING / BOUNDARY WALL
BC - Burial Ground / Cemetery	BRT LINE
BS - PCMT Bus stop	
BSD - PCMT Bus Stand	
BT - PCMT Bus Terminus	
CC - Community Centre and Library	
CI - Crematorium	
CM - Crematorium	
CS - Cattle Shed	
DMH - Dispensary cum Maternity Home	
ES - Engineering Store	
ESR - Elevated Service Reservoir	
ESS - Electrical Sub Station	
EWS - Economically Weaker Sections Housing	
FS - Fire Station	
G - Garden / Park	
GSR - Ground Service Reservoir	
H - Hospital	
HDH - Housing for Dis-housed	
M - Mosque	
MK - Mangal Kalyan	
MP - Municipal Purpose	
NS - Nursery School	
OP - Octop Post	
P - Parking	
PC - Police Chowky	
PCMT - Pimpri Chinchwad Municipal Transport	
PD - Private Dispensary	
PG - Playground	
PHC - Primary Health Centre	
PHS - Primary Health Sub-Centre	
PO - Post Office	
PP - Patrol Pump	
PS - Primary School	
PSN - Police Station	
PT - Public Toilet	
RFR - River Front Recreation	
RM - Retail Market (for informal sector)	
RS - Railway Station	
SACC - Super Administrative cum Commercial Complex	
SCM - Shopping Centre cum Market	
SH - Slaughter House	
SPG - Swimming Pool & Gymnasium	
SRS - Slum Rehabilitation Site	
SS - Secondary School	
SSP - Sewerage Pump and Pump House	
STP - Sewerage Treatment Plant	
SVT - Solid Waste Transfer Site	
T - Temple	
TC - Telecom Centre	
TH - Town Hall	
TTP - Truck Terminus and Parking	
USC - University Sub-Centre	
W - Water Tank	
WTP - Water Treatment Plant	
ZO - PCMC Zonal Office	

(SCALE - 1:5000)



Pimpri Chinchwad Municipal Corporation  
Pimpri - 18  
Building Permission and Unauthorized Construction  
Control Department  
Outward No BP/WD02 /18/2021  
Date - 30/08/2021

To  
The Sub Regional Officer ( Pimpri Chinchwad )  
Maharashtra Pollution Control Board,  
Third Floor, Jog Centre , Wakdewadi , Shlvaji Nagar  
Pune 411 005

Subject : Constitution of committee with respect to interim application no 71 /  
2020 and original application no 50 / 2020 ( W Z ) by the Honorable  
National Green Tribunal.

Reference : your Mail dated 26<sup>th</sup> August 2021 received by this department .

Reference of correspondence with this department

1. Honorable Commissioner's proposal approved on date 24<sup>th</sup> January 2019.
2. Notice issued to land owner by this department vide no.BP/Kavi/Chikhali/02/58(a)/  
2019 dated 20/05/2019
3. Criminal offence registered no 0053 dated 22<sup>nd</sup> January 2020 under section 397  
MMC Act.with Bhosari MIDC Police Station.
4. Shri Dilip Motilal Chordiya's letter dated 11<sup>st</sup> of March 2020
5. This departments letter to Inspector in General of Registration and Controller of  
Stamps of Maharashtra state Pune no B P / kavi / Chikhali / 83 / 2020 dated 11<sup>th</sup>  
March 2020
6. Letter from Deputy Director of Town Planning dated 7<sup>th</sup> of September 2020
7. Deputy Director of Town Planning letter no T P D / kavi / 15 / 82 / 2021  
dated 16<sup>th</sup> of March 2021
8. Honorable Commissioner's proposal approved dated 25<sup>th</sup> March 2021.
9. Letter no B P / kavi / Chikhali / 50 /2021 dated 5<sup>th</sup> April 2021 to the Honorable  
Inspector General of Registration and Controller of Stamps

Sir,

The report of the action taken and to be taken by this department in case vide  
interim application no 71 / 2020 and original application no 50 / 2020 ( W Z ) comprising  
of Shri Tanaji Balasaheb Gambhire versus Honorable Chief Secretary , Maharashtra  
State before the Honorable National Green Tribunal is as follows.

Shri Dilip Motilal Chordia has carried out unauthorized plotting on the premises  
affected by green belt at the aforesaid subject survey no 89 and 90 at village Chikhali  
Tahsil Haveli District Pune.

The said survey no 89 and 90 is partially affected by green belt, 18.00 meters widening of road and some part by reservation no. 1 / 130 of the sewage treatment plant as per the approved development plan of Pimpri Chinchwad Municipal Corporation.

Spot visit at the said location revealed that the Developer has not sought any prior permission from the Pimpri Chinchwad Municipal Corporation with respect to the plotting therein. Hence the possibility of the said plot to be developed with unauthorized construction and the possibility of selling such unauthorized constructions by general public at large cannot be ruled out. Only 4 % construction of the aggregate area can be permitted for the purpose of i) farm house, ii) public/ semi public sector utility establishments such as sewage treatment and disposal works, iii) Golf course shortly range, iv) Garden public parks etc. as per Development Control Rules of the Municipal Corporation.

It was necessary to provide information to the citizens in this respect. Hence vide reference no 1 ,it was proposed before the Honorable Commissioner, to inform the Inspector General of Registration and Controller of Stamps , Maharashtra State, Pune not to permit the sale and purchase of the said plotting and register any documents therefore. The Honorable Commissioner has remarked on the said proposal to issue notice to the land owner for unauthorized development of Land under section 397 MMC Act. and also inform the Registration Department and lodge an First Information Report in this respect. Accordingly notice is served on the property owner vide reference no 2. Accordingly criminal offence is registered against the concerned vide aforesaid reference no A - 3. Similarly the the Inspector General of Registration and Controller of Stamps, Maharashtra State, Pune is also informed vide aforesaid reference no A - 5.

Work order for supplying machinery for removing debris in Ward no 2 Chikhli for removal of unauthorized land filling near the river is issued vide tender notice no Civil C - 3 H / Head Quarters / 12 / 3 / 2020-21 through the Executive Engineer " C " ward Civil Department. The land filling in the blue flood line will be removed shortly.

The Honorable Deputy Director of Town Planning vide reference no 6 informed the unauthorized plotting holder Shri Dilip Chordiya to pay 50 % of the premium amount of Rs 681000 /- assessed in respect of land area indicated in the No Development Zone outside the blue Flood line in terms of development plan for extended jurisdiction of Pimpri Chinchwad Municipal Corporation to be modified into residential zone, with the payment to Town Planning Department of Pimpri Chinchwad Municipal Corporation and balance 50 % with the Assistant Director of Town Planning , Pune Branch, New Administrative Building, Pune. Accordingly since the Developer has deposited the entire challan vide reference no A - 6 and got included the said property into residential zone, has requested to unblock the restrictions on sale and purchase of properties in Survey no 90. The Inspector General of Registration and Controller of Stamps , Maharashtra State, Pune is informed accordingly vide reference number A - 9 as per proposal approved by the Honorable Municipal Commissioner vide reference no A - 8. Similarly pcmc

has issued 7 notices to most of the unauthorized constructions in the said plotting and 4 offences are registered on the said unauthorized construction holders. Similarly pcmc department has issued notices to the unauthorized constructions presently in progress.

Honorable National Green Tribunal has given orders for removing the land filling and constructions in the blue flood line which cannot be regularized. There is interim stay on removal of unauthorized constructions during the Corona period as per orders passed from time to time by the Honorable High Court Mumbai in suo motu public interest petition no 1 / 2021 Till 30<sup>th</sup> sep. 2021.

Yours faithfully

  
Joint City Engineer,  
Building Permission and  
Unauthorized Construction Control Department  
Pimpri Chinchwad Municipal Corporation  
Pimpri Pune 411018.

Copy humbly submitted to :

- 1 The Honorable Commissioner for information please
2. The Honorable Additional Commissioner – 1 , for information please

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

महाराष्ट्र शासन  
जलसंपदा विभाग,

शासन परिपत्रक क्र पूरनि-२०१८/(१८२/२०१८) सि.व्य.(महसूल)

मंत्रालय, मुंबई ४०००३२.

दिनांक:-३ मे, २०१८

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

**प्रस्तावना:-**

पाटबंधारे विभाग शासन परिपत्रक क्र एफडीडब्लू १०८९/२४३/८९/ सि.व्य (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 निळ्या पूररेषेच्या आत निषिद्ध 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 जॉर्गींग ट्रॅक तयार करणे तसेच पूरसंरक्षक कामांतर्गत नदीच्या तीरालगत पूर संरक्षक भित बांधणे, घाट बांधणे या शिवाय गॅस पाईपलाईन क्रॉसिंग करणे, विद्युत वाहिनी क्रॉसिंग करणे, नदीच्या कडेने ड्रेनेज पाईप लाईन टाकणे, मलनिसारण प्रकल्पाचे काम करणे, इ. प्रकारच्या सार्वजनिक स्वरूपाच्या 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, काळानुरूप बदलेले पर्जन्यमानाचे स्वरूप, 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 सि.व्य (म), दि.२.३.२०१५, अन्वये जलसंपदा विभागामार्फत पूरक्षेत्र व पूररेषा नकाशे व आराखडयांना मान्यता देण्यात येते. तथापि पाटबंधारे विभाग शासन परिपत्रक क्र एफडीडब्लू १०८९/२४३/८९/ सि.व्य (कामे), दि.२.९.१९८९ व दि.२१.९.१९८९ अन्वये नदीच्या निळ्या पूररेषेच्या (Blue Line) आत निषिद्ध 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. यादृष्टीने एकत्रित सुधारित / अद्ययावत सूचनांचा समावेश करून आता खालील प्रमाणे परिपत्रक निर्गमित करण्यात येत आहे.

## परिपत्रक -

१. पाटबंधारे विभाग शासन परिपत्रक क्र एफडीडब्ल्यू 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 ह्या मुख्यत्वेकरून 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. निषिद्ध क्षेत्र (Prohibitive Zone) :-

नदीच्या उजव्या तीरावरील निळी पूर रेषा (Blue Line) ते नदीपात्र ते डाव्या तीरावरील निळी (Blue Line) या मधील क्षेत्राला निषिद्ध 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. निषिद्ध क्षेत्राचा (Prohibitive Zone) उपयोग फक्त मोकळ्या जमिनीच्या स्वरूपात 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 करून नदी प्रवाहात कोणताही अडथळा येणार नाही , नदीची वहनक्षमता कमी होणार नाही व नदीच्या काटछेदात कोणताही बदल होणार नाही .

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

i) सार्वजनिक हिताच्या दृष्टीने आवश्यक व अपरिहार्य मलःस्सारण योजना .

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

iii) सार्वजनिक हिताच्या दृष्टीने आवश्यक व अपरिहार्य पाणीपुरवठा पाईपलाईन, गॅस पाईप लाईन, ड्रेनेज पाईपलाईन की जेणेकरून 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 ह्या 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 बांधकामाविरुद्ध मुख्य अभियंता कारवाई करण्यास सक्षम असतील. निषिद्ध (Prohibitive Zone) व नियंत्रित क्षेत्रात (Restrictive Zone) करावयाच्या सदर सार्वजनिक कामांच्या सुरक्षिततेची संपूर्ण जबाबदारी संबंधित विभागाची / स्थानिक स्वराज्य संस्थेची असेल व संभाव्य पुरामुळे होणाऱ्या जिवित व वित्त हानीस संबंधित विभाग/ स्थानिक स्वराज्य संस्था जबाबदार राहिल व त्याअनुषंगाने उद्भवणाऱ्या न्यायालयीन प्रकरणास संबंधित विभाग / स्थानिक स्वराज्य संस्था जबाबदार असेल.

१०. वरील बाबींचा विचार करून पुराचा संभाव्य धोका टाळण्यासाठी व निषिद्ध व नियंत्रित क्षेत्राची निश्चिती करण्याच्या दृष्टीने आवश्यक पूररेषा आखून देण्याबाबत जलसंपदा विभागाकडे जिल्हाधिकारी, स्थानिक स्वराज्य संस्था अथवा अन्य विभागाकडून मागणी प्राप्त झाल्यास जलसंपदा विभागाच्या संबंधित 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 निषिद्ध क्षेत्रातील व नियंत्रित क्षेत्रातील उपरोक्त परिच्छेदात नमूद केलेली सार्वजनिक हिताच्या दृष्टीने अपरिहार्य व आवश्यक कामांना जलसंपदा विभागाच्या ना-हरकत प्रमाणपत्राची आवश्यकता राहणार नाही.

शासन परिपत्रक क्रमांक पूरनि-२०१८/(१८२/२०१८) सि.व्य (महसूल)

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/अनीस.५/२०१८/नवि -९ दि.१९.४.२०१८ नुसार निर्गमित करण्यात येत आहे.

१३. सदर शासन निर्णय महाराष्ट्र शासनाच्या [www.maharashtra.gov.in](http://www.maharashtra.gov.in) या संकेतस्थळावर उपलब्ध करण्यात आला असून त्याचा संकेतांक २०१८०५०३१८०१५९५७२७ असा आहे. हा आदेश डिजीटल स्वाक्षरीने साक्षात्कृत करून काढण्यात येत आहे.

महाराष्ट्राचे राज्यपाल यांचे आदेशानुसार व नावाने,

C. A. Birajdar

Digitally signed by C. A. Birajdar  
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( 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, मुंबई
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,

- 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: 3<sup>rd</sup> 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.C.T.  
Samwise

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 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](http://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-  
*Bomkhise*

## Annexure-VI



*Photograph-1: Illegal dumping of C&D waste and overburden in the affected blue flood line of Indrayani River and at STP reservation.*



*Photograph-2: Illegal dumping of C&D waste and overburden in the affected blue flood line of Indrayani River.*



*Photograph-3: Illegal dumping of C&D waste and overburden in the affected blue flood line of Indrayani River.*



*Photograph-4: Illegal dumping of C&D waste and overburden in the affected blue flood line of Indrayani River and illegal construction of DP road.*



*Photograph-5: Illegal dumping of C&D waste and overburden in the affected blue flood line of Indrayani River and illegal excavation of foundation for construction of house.*



*Photograph-6: Illegal dumping of C&D waste and overburden in the affected blue flood line of Indrayani River and illegal construction of house.*



*Photograph-7: Illegal dumping of C&D waste and overburden in the affected blue flood line of Indrayani River and construction of boundary wall for individual housing plots.*



*Photograph-8: Illegal dumping of C&D waste and overburden in the affected blue flood line of Indrayani River and construction of boundary wall around the project site.*