

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL  
WESTERN ZONE BENCH AT PUNE  
ORIGINAL APPLICATION NO. 30 OF 2020**

**IN THE MATTER OF:**

Sarang Yadwadkar and Ors.

..... Applicants

Versus

Pune Municipal Corporation and Ors.

..... Respondents

**INDEX**

Sr. No.	Particulars	Page Nos.
1.	<b>RESPONSE BY APPLICANTS TO THE COMMITTEE REPORT</b>	97-103
2.	<b><u>ANNEXURE-1A</u></b> The photograph dated 11-05-2020 clearly shows construction debris inside flood line.	104
3.	<b><u>ANNEXURE-2A</u></b> The Google Earth image clearly shows the dumping of debris on riverbed by Respondent No. 4 and Respondent No. 5 to increase their landmass on the riverbed.	105
4.	<b><u>ANNEXURE-3A</u></b> The screen shot of the WhatsApp message sent to the Head of the Drainage Dept. of Respondent No. 1 dated 22/03/2020.	106

THROUGH

**RITWICK DUTTA**

**RAHUL CHOUDHARY**

ADVOCATES  
COUNSEL FOR THE APPLICANTS  
N-71, LOWER GROUND FLOOR  
GREATER KAILASH-I  
NEW DELHI-110048  
Email: litigation.life@gmail.com  
+91 9312407881

**PLACE: DELHI/PUNE**

**DATED: 18/01.2022**

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL****WESTERN ZONE BENCH AT PUNE****ORIGINAL APPLICATION NO. 30 OF 2020****IN THE MATTER OF:**

Sarang Yadwadkar and Ors.

..... Applicants

Versus

Pune Municipal Corporation and Ors.

..... Respondents

**RESPONSE BY APPLICANTS TO THE COMMITTEE REPORT****MOST RESPECTFULLY SHOWETH:****PRELIMINARY OBJECTIONS:**

1. That the Applicant herein is filing this response to the Report dated 01.10.2021 submitted by the Joint Committee constituted by this Hon'ble Tribunal. Committee consisting of (i) Municipal Commissioner, Pune, (ii) Chief Engineer, Irrigation Department and (iii) Maharashtra Pollution Control Board was constituted by Hon'ble NGT vide order Dt. 22.07.2020. The report was to be filed in 6 weeks i.e., on or before 02.09.2020.
2. That it is submitted that the committee has filed a report after more than 14 months, which is evidently vague, repetitive and unconvulsive particularly with respect to the specific incident pertaining to this Application. That the committee has failed to consider the letter of Executive Engineer of Irrigation Department about the dumping of waste and reclamation of land. The committee also failed to compute the

quantity of raw sewage discharged in the river and calculate the environmental damage and compensation.

**POINT WISE RESPONSE TO THE COMMITTEE REPORT**

3. The committee visited the site on 5-11-2020 i.e., 3.5 months after the directions of Hon'ble NGT and 7 months after the incident. Respondent Nos. 4 and 5, who were in possession of the subject property, had enough opportunities to alter the site conditions by removing their encroachment made by dumping debris on the riverbed.
4. The report filed by the Committee, fails to quantify the untreated sewage that was being spilt in Mutha River due to the specific incident and duration of the spillage. It needs to be noted that in a similar case of trunk sewer breakage, OA 71/2020, similar committee was constituted by Hon'ble NGT. In that case the while filing their report, the committee scrupulously computed the daily spillage of raw sewage as well as the duration of the spillage. However, no such calculation was done in the present case.
5. Notice issued by Respondent No. 1 to Respondent No. 4 on 15.04.2020 at Annexure III at Page No. 63 or Annexure A-7 at Page No. 38 specifically quantifies the dumping of debris by Respondent No. 4 as 30 Ft. X 30 Ft. X 15 Ft. It is also mentioned in the notice that, "*due to the unauthorized dumping of soil/debris by you at DP Road, Karwenagar, Pune, chamber of drainage line is collapsed and the sewage is entering the river.*"
6. Notice issued by Respondent No. 1 to Respondent No. 3 on 14.05.2020 at Annexure III at Page No. 57 or Annexure A-9 at Page No. 41 specifically quantifies the dumping of debris by Respondent No. 3 as 810 Cu. M. (15

M. X 12 M. X 4.5 M.). In this notice too, it is specifically mentioned as, *“due to the dumping of soil/debris inside/along Red/Blue Line of Mutha River, drainage line and drainage chamber is damaged and the flow of river is being continuously polluted.”*

7. It would be crucial to note at this stage that the drainage line is located well inside Blue line of *river* Mutha as per the flood line maps prepared by Irrigation Dept. (Annexure A-4 at Page No. 35).
8. In light of para Nos. 1, 3 and 4 above, the committee's statement that, *“there is no dumping of material”* does not remain valid as the committee has visited the site 3.5 months after the directions of Hon'ble NGT, 6 months 20 days after *servicing* the first notice and 7 months after the incident took place, thus giving full opportunity to Respondent Nos. 3 and 4 to alter the site conditions.
9. The letter issued by the Executive Engineer, Irrigation Dept. to R1 after visiting the site says, *“It has been brought to your notice that plot owners along DP Road have reclaimed Mutha River bed by way of dumping. This may cause impediments to flood discharge and serious situation may arise.”* This letter has not been considered by the said committee while preparing their report.
10. The photograph dated 11-05-2020 attached as *“Annexure-1A”* clearly shows construction debris inside flood line. The height of the debris is around 30 Ft.

11. The Google Earth image clearly shows the dumping of debris on riverbed by Respondent No. 4 and Respondent No. 5 to increase their landmass on the riverbed. *“Annexure-2A”*

12. At Para No. 1 on Page 77, Respondent No. 1 states:

*“I state and submit that PMC received complaint regarding the breakage of sewer chamber from Mr. Sarang Yadwadkar on 12/04/2020.”*

This statement by Respondent No. 1 is misleading as prior to sending a letter, Applicant had informed about the leakage of the sewage line by WhatsApp message to Respondent No. 1. The WhatsApp message and photograph sent by Applicant to Mr. Pawaskar, incharge of Drainage Dept. of Respondent No. 1 is dated 22/03/2020. This evidently proves two aspects, one; the sewage spilling related to this specific incident had started on or before 22/03/2020 and two, Respondent No. 1 was informed by Applicant about the said incident on 22/03/2020. *“Annexure No. 3A”*

13. As mentioned by Respondent No. 1 in Para No. 5, Page 77, the damaged inspection chamber was repaired by 18/05/2020. Thus, it is evident that the raw sewage was spilling into the river for minimum duration of 57 days (from 22/03/2020 to 18/05/2020).

14. Further in Para No. 6, Page 77, Respondent No. 1 claims:

*“Due to the damage to the sewer chamber, 20% of the sewage carried by the sewer line was being discharged into the river and 80% of the sewage was flowing smoothly into the Erandawane STP.”*

15. Without computing the total quantity of the sewage flowing through the sewer, it is not possible that PMC officials could estimate that only 20% of the sewage was spilling into the river, that too without providing any scientific data, study or calculations.

16. MPCB has also observed that the levels of BOD, COD and SS are exceeding in river water. The report also highlights that 243 MLD untreated sewage is released in the rivers by Respondent No. 1.

17. At Page No. 51 MPCB states following figures:

- Total water consumption of PMC - 1350 MLD
- Total sewage generation of PMC - 750 MLD
- Actual Sewage Treatment - 507 MLD
- Total untreated sewage discharges to river - 243 MLD

18. Central Pollution Control Board has published "Status of Water Supply, Wastewater Generation and Treatment in Class-I Cities & Class-II Towns of India". Said report in Chapter 1, Para 1 mentions as under:

*"In urban areas, water is tapped for domestic and industrial uses from rivers, streams, wells and lakes. Almost 80% of the water supplied for domestic use, comes out as wastewater."*

Thus, it evident that as per the CPCB norms, 80% of the consumed water is converted into waste water. Accordingly, the sewage generation in Pune works out as under:

- Total water consumption of PMC - 1350 MLD
- Total sewage generation of PMC (80%) - 1080 MLD
- Actual Sewage Treatment - 507 MLD

- **Total untreated sewage discharges to river - 573 MLD**

As the consumption of ground water cannot be measured, the sewage generated from ground water is not considered in this scenario. Therefore minimum 573 MLD raw sewage is released in rivers by Pune Municipal Corporation which must be taken very seriously as it is causing grave harm to the fishes, agriculture, cattle and humans residing downstream.

19. It is stated that Irrigation Department has not filed any report with respect to this Application. Applicants therefore reserve their rights to file another Rejoinder as and when the report is filed by Irrigation Department.

20. The Committee concludes at the end of the Report highlighting:

*“PMC shall speed up the work towards installation of proposed STP within stipulated time. Till commissioning of proposed STPs, PMC shall take short term measures to treat untreated sewage which further leads to river.”*

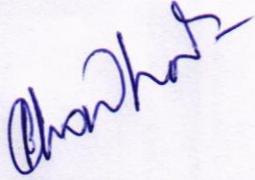
21. It is therefore now becomes incumbent upon PMC and MPCB to give highest priority to install sufficient STPs over any other river related beautification work; so that the rivers flow clean on the downstream of Pune and to define the stipulated limit for the installation of the proposed SPTs and follow the same. It also becomes binding upon both the organisations to specify and quantify the “short term measures” to treat the untreated sewage which further leads to river.

22. Therefore, the Hon’ble Tribunal may direct the committee to fix the liability and apply the principle of calculation of damages developed by Central Pollution Control Board and pass appropriate directions against

Respondent No. 4 and 5 and also grant the prayers made in the Original Application.

THROUGH

**RITWICK DUTTA**

  
**RAHUL CHOUDHARY**  
ADVOCATES  
COUNSEL FOR THE APPLICANTS  
N-71, LOWER GROUND FLOOR  
GREATER KAILASH-I  
NEW DELHI-110048  
Email: [litigation.life@gmail.com](mailto:litigation.life@gmail.com)  
+91 9312407881

**PLACE: DELHI/PUNE**  
**DATED: 18.01.2022**

Annexure-1A

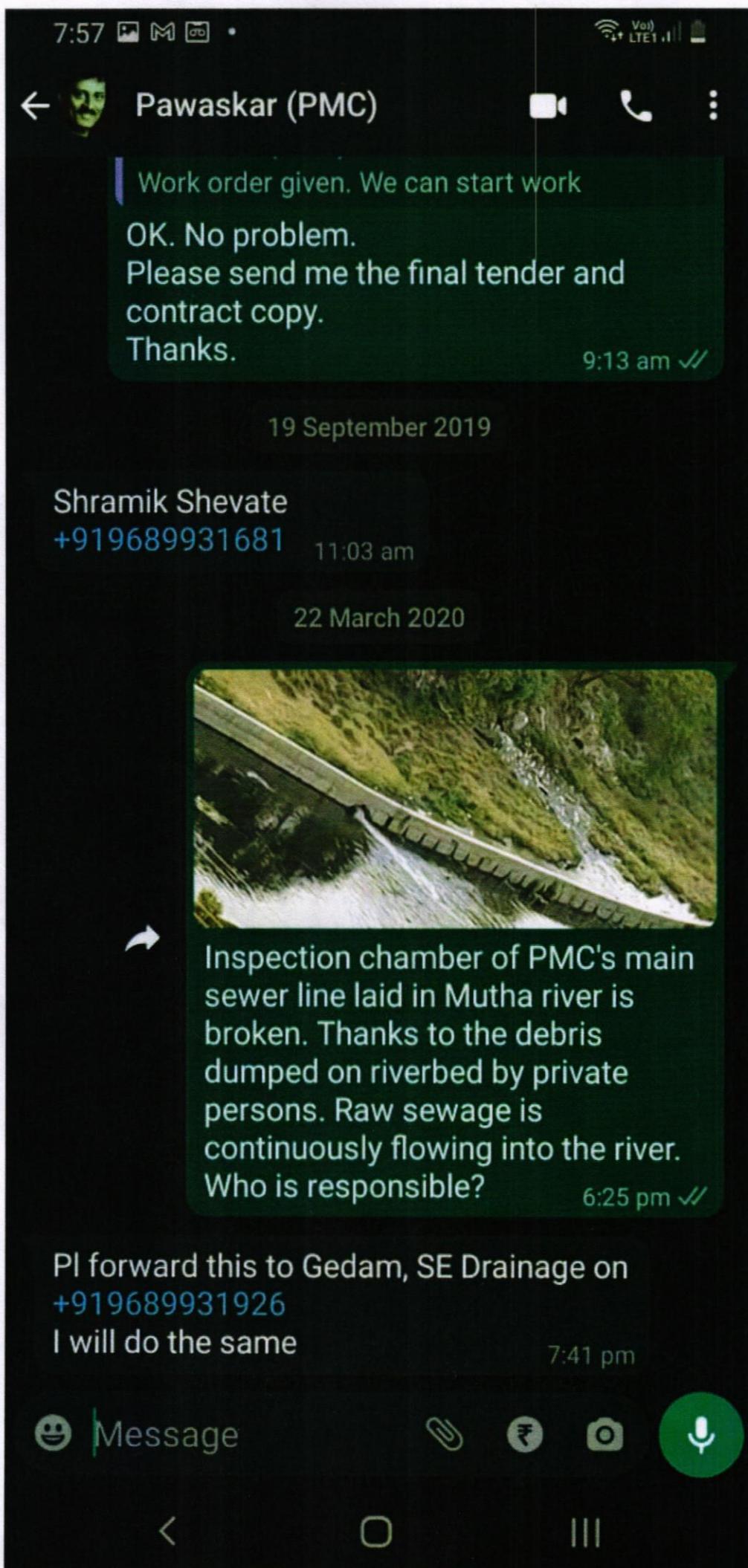


T.C.  
@hu

Annexure 2-A



T.C.  
@chuck



*Handwritten signature*