

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

**APPEAL NO. 48 OF 2019 (WZ)**

**Tanaji Gambhire**

**.....Applicant**

**Versus**

**The Principal Secretary,  
Environment Department & Ors.**

**.....Respondents**

**WRITTEN SUBMISSIONS ON BEHALF OF RESPONDENT  
NO. 6 & 7 PUNE MUNICIPAL CORPORATION (PMC)**

1. It is submitted that these written submissions are filed as per the liberty granted by Hon'ble Tribunal during final hearing of the Appeal on 28/07/2023. All the submissions are part of record which is Annexure I of the Joint Committee Report page number 461 to 466.
2. It is submitted that the Appeal pertains to challenge the Environment Clearance granted by SEIAA Maharashtra to the Project situated on land bearing CTS No. 8, No. 2A/7A, Bopodi, Pune, this area falls within the limits of Pune Municipal Corporation.

3. It is submitted that as per the Development Plan of Pune City the project site was shown as industrial zone thereafter PMC sanctioned the proposal for conversion of this area from industrial to residential zone and sent the proposal to State Government for its approval. Thereafter the Urban Development Department, State of Maharashtra directed PMC to grant Building permissions. Therefore S. No. 2A/7A Bopodi, Pune was deleted from industrial zone and was included as residential zone.
  
4. It is submitted that original layout was sanctioned by Pune Municipal Corporation vide Commencement Certificate No. - CC/DPO/11111/4/378 Dated 29/03/2007, for an area of Land 17032.11 sq.m. First Building permission plan was approved by Pune Municipal Corporation as per Commencement Certificate number CC/4775/2006 Dated 30/03/2007, Revised Sanction CC/1486 Dated 18/08/2008, First Revalidation was taken on 7/10/2011 vide Commencement Certificate No. CC/2355/11. Second Revalidation was taken on 23/11/2015 vide Commencement Certificate No. 2693/15. It is submitted that Part Plinth Checking Certificate was issued vide Ref. No.

PCC/1168/16 on 1/03/2017 for an area of 31.75 sq.m.

5. It is submitted that it was only in the year 2017 Red and Blue Flood lines was marked on Development Plan of Pune by the Urban Development Department, Government of Maharashtra. The Urban Development Department State of Maharashtra also approved new TDR Policy and published revised Development Control Rules in 2017.
6. It is submitted that initially the plan for the project was sanctioned in the year 2007 which was many years before making of blue line and Red line as it is not disputed by any of the parties that these lines were marked on the Development Plan in the year 2017. It is submitted that layout of the project was revised on 30/07/2018 vide Commencement Certificate No. CC/1290/18, a condition to obtain Environment Clearance was also imposed while granting this permission.
7. It is submitted that even the Unified Development Control and Promotion Regulations, 2020 For the Maharashtra State, Rule 3.1.3 states that redevelopment of the existing authorized properties, within riverbank and blue flood line, may be permitted

at a plinth height of 0.45 m. above red flood line level. PMC considered this case as a case of committed development and therefore revision to the sanctioned plan of 2007 was granted.

8. It is submitted that the plans are sanctioned on the application made under sec. 44 of MRTP Act. 1966 through a licensed Architect, thereafter proposals are sanctioned under sec 45 of MRTP Act.
9. Relevant Rules regarding plinth checking, completion certificate and occupancy certificate in DC Rules, are reproduced below: -

Quote

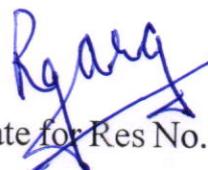
**7.4 Checking Plinth /Column up to Plinth Level** — *The owner shall give notice in prescribed form given in Appendix G to the Authority after the completion of work up to plinth level with a view to enable the Authority to ensure that the work is carried out in accordance with the sanctioned plans. The Authority shall carry out inspection within seven days from the receipt of such notice and give permission, for carrying out further construction work as per sanctioned plans in prescribed Proforma given in appendix H. Within the above period if the permission is not*

*refused, the permission shall be deemed to have been given*

10. It is submitted that the plans in said project were revised by PMC as per the applications of Project Proponent. All the said sanctions/revisions are granted by the PMC as per the provisions under Development Control Rules and Maharashtra Regional and Town Planning Act, 1966.
11. PMC has strictly abided with the DC Rules, Maharashtra Regional and Town Planning Act, 1966 and Maharashtra Provincial Municipal Corporation Act, 1949 and has granted all the permissions accordingly.

Pune

29.07.2023

  
Advocate for Res No. 6 & 7 PMC



**UNIFIED  
DEVELOPMENT  
CONTROL AND  
PROMOTION  
REGULATIONS FOR  
MAHARASHTRA  
STATE.**

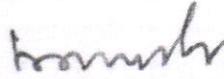
**Applicable to all Planning Authorities and Regional Plan areas  
except Municipal Corporation of Greater Mumbai, Other Planning Authorities /  
Special Planning Authorities / Development Authorities within the limit of  
Municipal Corporation of Greater Mumbai, MIDC, NAINA, Jawaharlal Nehru Port Trust,  
Hill Station Municipal Councils, Eco-sensitive / Eco-fragile region notified by MoEF & CC  
and Lonavala Municipal Council, in Maharashtra.**

**GOVERNMENT OF MAHARASHTRA  
URBAN DEVELOPMENT DEPARTMENT**

1. These Unified Development control and Promotion Regulations are sanctioned by the State Government under Section 37(1AA)(c) and Section 20(4) of the Maharashtra Regional & Town Planning Act, 1966 vide Notification No.TPS-1818/CR-236/18/DP&RP/Sec.37(1AA)(c) & Sec.20(4)/UD-13, Dated 02 December, 2020.
2. These Unified Development control and Promotion Regulations are published by the State Government under Section 20(3) of the Maharashtra Regional & Town Planning Act, 1966 vide Notice No.TPS-1818/CR-236/18/Sec.20(3)/UD-13, Dated 02 December, 2020.
3. Directives under Section 154 of the Maharashtra Regional & Town Planning Act, 1966 issued by the State Government vide Resolution No.TPS-1818/CR-236/18/Sec.20(3)/UD-13, Dated 02 December, 2020.
4. These Unified Development control and Promotion Regulations are published by the State Government under Section 37(1AA)(c) of the Maharashtra Regional & Town Planning Act, 1966 vide Notification No.TPS-1818/CR-236/18/Sec.37(1AA)/UD-13, Dated 02 December, 2020.
5. Directives under Section 154 of the Maharashtra Regional & Town Planning Act, 1966 issued by the State Government vide Resolution No.TPS-1818/CR-236/18/Sec.37(1AA)/UD-13, Dated 02 December, 2020.



(Kishor Gokhale)  
Under Secretary  
Government of Maharashtra



(N. R. Shende)  
Joint Secretary and Director of Town Planning  
Government of Maharashtra

### 3.1.2 Distance of Site from Electric Lines

No structure including varandah or balcony shall be allowed to be erected or re-erected or any additions or alterations made to a building on a site within the distance quoted in Table No. 3A below in accordance with the prevailing Indian Electricity Rules and its amendments from time to time between the building and any overhead electric supply line.

Table No.3A - Distance of site from Electric Lines		
Electric Lines	Vertical (Meters)	Horizontal (Meters)
Low and medium voltage Lines	2.50	1.20
High voltage lines up to and including 33000 V,	3.70	2.00
Extra High voltage lines beyond 33,000 V	3.70	2.00
	(Plus 0.3 m. for every additional 33,000 V or part thereof)	
<b>Note-</b> The minimum clearance specified above shall be measured from maximum sag for vertical clearance and from maximum deflection due to wind pressure for horizontal clearance.		

### 3.1.3 Construction within Blue and Red Flood Line

#### i) Where Blue and Red flood line are marked on the Development Plan / Regional Plan or received from the Irrigation Department.

- a) The Red Flood Line and Blue Flood Line shall be considered as per the plan prepared by the Irrigation Department. The area between the river bank and blue flood line (Flood line near the river bank) shall be prohibited zone for any construction except parking, open vegetable market, garden, lawns, open space, cremation and burial ground, sewage treatment plant, water / gas / drainage pipe lines, public toilet or like uses, provided the land is feasible for such utilization.

Provided that, redevelopment of the existing authorised properties, within river bank and blue flood line, may be permitted at a plinth height of 0.45 m. above red flood line level.

- b) Area between blue flood line and red flood line shall be restrictive zone for the purposes of construction. The construction within this area may be permitted at a height of 0.45 m. above the red flood line level.
- c) If the area between the river bank and blue flood line forms part of the entire plot in Development Zone, then, FSI of such part of land may be allowed to be utilised on the remaining land.
- d) The red and blue flood line, if shown on the Development/Regional Plan / Planning Proposal shall stand modified as and when it is modified by the Irrigation Department.

#### ii) Where Blue and Red flood line is not marked on the Development Plan / Regional Plan or not received from the Irrigation Department.

Where Blue and Red flood line is not marked on the Development Plan / Regional Plan or not received from the Irrigation Department, the tentative Blue line shall be earmarked taking into consideration maximum observed flood level records available locally and also