

Item No. 07

**BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI
(Through Video Conferencing)**

Original Application No. 49/2019 (WZ)

Sarang Yadwadkar & Ors.

Applicant(s)

Versus

Pune Municipal Corporation & Ors.

Respondent(s)

Date of hearing: 23.07.2019

**CORAM : HON'BLE MR. JUSTICE S. P. WANGDI, JUDICIAL MEMBER
HON'BLE MR. JUSTICE K. RAMAKRISHNAN, JUDICIAL MEMBER
HON'BLE DR. NAGIN NANDA, EXPERT MEMBER**

For Applicant(s): Ms. Prerna Venkatesh, Advocate

For Respondent (s): None

ORDER

1. Heard.

2. Allegation in this application is of rampant dumping of construction materials on the flood plains of the rivers flowing through Pune and Pimpri Chinchwad cities, Maharashtra more particularly the Mula Mutha river. The other allegation is of obstruction caused to the rivers causing diversion of its flow which is in violation of the order of the Tribunal dated 27.03.2015 in *Sarang Yadwadkar & Anr vs. State of Maharashtra*¹ prohibiting any construction. It is stated by the said direction that construction within the distance of fifty meters from the Blue Line of rivers in Maharashtra was prohibited. Specifically 12 instances of obstruction have been indicated which are reproduced as follows:

¹ 2015 SCC on-line NGT 71

- i. *Encroachment on the left bank of River Mula by dumping huge quantities of construction debris at Babasaheb Ambedkar Bridge at Pimple Nilakh which is under PCMC limits.*
- ii. *Encroachment on the right bank of Pawana River, by dumping construction debris at bridge connecting Pimpri and at Pimple Saudagar, which is under PCMC limits.*
- iii. *Encroachment on both banks of Pawana River, by dumping construction debris near the bridge connecting Pimple Gurav and Kasarwadi, under PCMC limits.*
- iv. *Encroachment on the right bank of Pawana River, by dumping construction debris near the bridge at Pimple Gurav, which is under PCMC limits.*
- v. *Encroachment on the right bank of Pawana River, by dumping construction debris near Karmavir Bhaurao Patil Road, Sangvi; which is under PCMC limits.*
- vi. *Encroachment at the confluence of Mula River and Ram Nadi by dumping huge amount of debris near the left bank of Mula River and Pimple Nilakh which comes under PCMC limits.*
- vii. *Encroachment on Mutha Riverbed by way of dumping of huge quantities of soil on the left bank of Mutha River near Deccan Gymkhana and behind Sambhaji Park within PCMC limits between Chainage 12350 M. and 13350 M. downstream of Khadakwasla Dam.*
- viii. *Multiple encroachments at Sangamwadi Road on the left bank of Mula-Mutha River starting from the confluence of Mutha and Mula River up to more than 1 km. Downstream side of the confluence.*
- ix. *Dumping on Mutha River is near Sangam Bridge just before the confluence of Mutha and Mula rivers.*
- x. *Encroachment on Mutha River by dumping debris is at the bridge connecting Nanded Village to Shivane Village, i.e., at Chainage 3358 M. downstream of Khadakwasla Dam.*
- xi. *Encroachment on Mutha Riverbed by way of huge dumping of debris is on the left bank of Mutha River behind Dangat Industrial Estate, Village Shivane, approximately between Chainage 3980 M. and 4500 M. downstream of Khadakwasla Dam.*
- xii. *Impediment/interference at chainage 3900 M. downstream to Khadakwasla Dam. In this instance, a huge chunk of land is robbed from left bank to right bank of Mutha River by shifting the entire course of the river towards left from its original position."*

3. Considering the serious nature of the violations set out in Application, we deem it appropriate to constitute a Committee, comprising of (i) the Chief Engineer, Water Resources Department (Government of Maharashtra), (ii) the District Collector, Pune, (iii) the Member Secretary, Maharashtra Pollution Control Board, (iv) the SEIAA, Maharashtra and (v) a Senior Scientist from the CPCB, Regional Office at Pune to look into the matter. The Committee shall inspect the areas in question, verify on the factual aspects contained in the application and take appropriate measures, if the allegations are found to be correct.

4. The Nodal Agency for this shall be the Maharashtra Pollution Control Board.

5. The Applicant shall be permitted to be present during the inspections and for that purpose the Nodal Agency shall duly inform the date and time of the inspections. The Applicant shall handover complete set of papers filed before us to the Members of the Committee for their convenient transaction of the task entrusted upon them by this order within one week from hence.

6. The Commissioners of Pune Municipal Corporation and Pimpri Chinchawad Municipal Corporation, the Respondent No. 1 and Respondent No. 2 respectively, shall ensure that no further dumping of debris or any other waste including construction waste are disposed off in the river.

7. Action taken report shall be transmitted to this Tribunal through email at judicial-ngt@gov.in, within six weeks from hence.

8. List on 26.09.2019.

S. P. Wangdi, JM

K. Ramakrishnan, JM

Dr. Nagin Nanda, EM

23rd July, 2019
O.A. 49/2019 (WZ)
avt