

(Pune Bench)

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

[THROUGH PHYSICAL HEARING (WITH HYBRID OPTION)]

**ORIGINAL APPLICATION NO.52 OF 2023 (WZ)
WITH
I.A. NO.39/2024 IN O.A.NO.52/2023(WZ)**

Krunnal Narayan Gharre,
Plot No.B101, Stargaze by Kolte Patil,
Bavdhan Budruk, Pune – 411 021

..Applicant

Versus

1. Pune Municipal Corporation,
Pune Municipal Commissioner,
PMC Main Building, Near Mangala Theatre,
Shivajinagar, Pune – 411 005
2. Pune Municipal Corporation,
Superintending Engineer (Sewerage, Maintenance
and Repair Department),
PMC Division Office, Savarkar Bhavan,
Shivajinagar, Pune – 411 005
3. The Maharashtra Pollution Control Board,
Regional Officer,
Jog Center, 3rd Floor, Mumbai-Pune Road,
Wakdewadi, Pune, Maharashtra 411 003
4. Pune Metropolitan Regional Development Authority
(PMRDA)
Metropolitan Commissioner, PCNTDA
Pimpri-Chinchwad, Maharashtra – 411 044
5. Zilha Parishad, Pune,
Chief Executive Officer,
Bharatratna Babasaheb Ambedkar Road,
Camp, Pune, Maharashtra – 411 044
6. Bhugaon Gram Panchayat,
Panchayat Secretary (Gramsevak),
Mulshi Road,
Pune, Maharashtra – 412 115
7. Bhukum Gram Panchayat,
Panchayat Secretary (Gramsevak),
Mulshi Road,
Pune, Maharashtra – 412 115

... Respondents

APPEARANCE :

Applicant : Applicant-in-person present

Respondents : Mr. Rahul Garg, Advocate along with Mr. Shubham Rathod, Advocate for R-1 and R-2 – PMC
Ms. Manasi Joshi, Advocate along with Ms. Pooja Natu, Advocate for R-3 – MPCB
Mr. Prithpalsingh J. Nahal, Advocate for R-6 to R-8

**CORAM: HON’BLE MR. JUSTICE DINESH KUMAR SINGH, JUDICIAL MEMBER
HON’BLE DR. VIJAY KULKARNI, EXPERT MEMBER**

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Reserved on : 17.04.2025

Pronounced on : 24.07.2025

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JUDGMENT

1. This Original Application has been filed with the prayers that a direction be issued to stop the sewage effluent happening from the broken sewer line at location in clause (para) 4 of the application, which is referred in global location (18.512848.73.769347) in Ramnadi; a direction be issued to stop releasing sewage in river (appears to be Ramnadi) through storm water line and safeguard the fresh water stream with appropriate notifications at location in clause 23 i.e. global location address (18.515778, 73.777791), near Vigyan Nagar, Bavdhan; infrastructure facilities such as garbage disposal, sewer pipeline, sewage treatment plants and other similar infrastructure be directed to be provided by local municipal or planning bodies and should be made operational and these should also be *sine qua non* for granting of any building permissions or occupancy certificates; the respondents be directed to stop discharge of sewage via storm water lines or any similar discharge polluting the river at any other locations in their respective jurisdiction; direction be issued to respondent No.3 – MPCB to conduct a time bound survey of the entire bank of Ramnadi and its

connected water bodies and take action to stop all other industrial, residential sewage and other polluting discharges at all locations and thereafter, submit a report to this Tribunal; the respondents be directed to constitute a task force or adopt necessary steps such as CCTV installation, etc. to prevent garbage dumping at chronic spots and take action as per law against those who dump garbage or add pollution to the river; all the respondents be held accountable to stop pollution of river Ramnadi flowing downstream from their jurisdiction until it meets river Mutha; directions be issued to remove waste, hyacinth, encroachments etc obstructing free flow of the river; all the respondents collectively be held responsible for present dire state of the river and for its restoration, direction be issued to respondent No.1 – Pune Municipal Corporation, Pune to share maps of storm water lines and sewage lines with respondent No.3 – MPCB and the applicant for efficient resource utilization and to enable citizen participation necessary for restoration of Ramnadi; respondent Nos.6 and 7 be directed to stop discharging untreated sewage into Ramnadi and build a sewage treatment plant as per the directions of respondent No.3 – MPCB; all the respondents be directed to immediately clean all sludge, biological waste pools, debris or any other material that obstructs flow of Ramnadi; respondents be prohibited from introducing DrainZyme or any other chemical or any enzyme in the river or its connected water bodies without consulting the MPCB; respondents be prohibited from adding any substance in river water which might contaminate the water of the river in question and the respondents be restrained from conducting pilot tests or experimental activities introducing substances that may cause contamination of the water of the river unless such activities are preceded by laboratory tests and the results of such tests are duly validated and approved by the MPCB.

2. In the body of the application, it is submitted that Ramnadi has suffered extreme damage and pollution aided by neglect on part of the

respondents. The said river originates at Khatpewadi in Sahyadris in the North-West in Pune and flows to its confluence with the Mula river in Aundh limits and its total length is about 19.5 kms. The river enters Pune Municipal Corporation's jurisdiction viz. Bavdhan Budruk and flows thereon to Bavdhan Khurd-Pashan-Baner-Aundh. The Ramnadi along with its connected water bodies are the sources of life for many, including a prosperous flora and fauna. It is the source of irrigation and drinking water for villages in the vicinity for last more than 20 years. Due to erratic development, discharge of untreated waste has made the river almost dead and source of disease and death. The applicant had made a complaint on 15.12.2022 online on PMC portal and the said complaint was marked as "RESOLVED" on 22.12.2022 with remarks "Reason : Other – This area belongs to newly merged 23 villages and subject is related to PMRDA". The said area falls under PMC jurisdiction, which was part of Pune Metropolitan Region Development Authority (PMRDA) and Bavdhan Budruk Gram Panchayat prior to 2021. It was merged with PMC in 2021.

3. Looking to the intent of respondent not being good, the applicant conducted survey on his own and procured data from satellite imagery and found that in 2006, a bund was seen built to block the river flow sometime during the year 2006 or earlier; a sewer line was built perpendicular to the flow of the river; in 2018, the bund was visible as broken in 4th month of 2018, but the sewer line was intact; in 2019, this situation remained the same until 4th month of 2019 where the sewer was still intact and in 2019, the next available imagery from 11th month of 2019 shows the sewer line broken, in all probability because of the preceding monsoon and faulty design layout.

4. Based on his research, the applicant made a complaint to respondent No.3 – MPCB on 05.01.2023 and also on 16.01.2023, a letter was submitted by him to PMC Commissioner personally requesting to stop the discharge

and addressed a copy of the same to the Superintending Engineer (Sewage, Maintenance and Repair Department) as well. On 25.01.2023, the officer of MPCB visited the site and called the concerned PMC officials and directed them to resolve the issue immediately and inform about the action taken to the applicant, but nothing happened as the applicant did not receive any information regarding the action taken.

5. Thereafter, the applicant made a follow-up with MPCB. Further it is submitted that as the said area was under PMRDA and Bavdhan Gram Panchayat's jurisdiction prior to its merger with PMC, they both are liable to the damages caused. On further investigation, he found that similar discharge is happening near Vignyan Nagar, Bavdhan at the global locations given above, where sewage lines are connected to the storm water lines. The sewage discharged through these storm lines mixes with a notified natural spring. A complaint was made on the portal of PMC on 13.02.2023. The area mentioned in para 23 of the application is part of PMC since 1997, although the applicant could not ascertain as to when the discharge started. The applicant noticed on 17.10.2023 excessive sewage in Ramnadi inspite of river cleaning activity conducted by respondent No.1 – PMC. With the withdrawal of monsoon, the river was partially accessible prompting the applicant to investigate and inspect the river. On 19.10.2023, at the site in question, the applicant noticed two major sewerage lines under the bridge at Bavdhan – Bhugaon village boundary that were discharging untreated sewage in Ramnadi, which falls in the jurisdiction of respondent No.1 – PMC. The quantity of sewage discharge was shocking and seemed to be the only liquid flowing in the river. These sewerage pipes are installed by Bhugaon Grampanchayat rapidly growing village adjoining Pune Municipal jurisdiction. Despite millions of liters of sewage discharge over the years in respondent No.1's jurisdiction, it has taken no action to curb or prevent the ongoing river pollution. Respondent No.3 – MPCB visited the site on

20.10.2023 to collect the samples and 15 locations, from where the discharge was happening of untreated sewage in Ramnadi, were identified in Bhugaon and Bhukum Grampanchayat, which fall under jurisdiction of PMRDA. A complaint with details of all 15 locations was shared with respondent No.3 – MPCB on 30.10.2023. These locations were also shared with respondent No.1 – PMC, Bhugaon Grampanchayat, Bhukum Grampanchayat and Pune Zilla Parishad through e-mail dated 01.11.2023. The applicant sought information from respondent No.1 – PMC, respondent No.3 – MPCB and Bhugaon Grampanchayat, but the same is still awaited. The applicant sent an e-mail on 17.11.2023 to respondent Nos.1 to 3 sharing the details of all 23 locations where sewage was being discharged in Ramnadi. A reference is made regarding respondent No. 1 – PMC having submitted an affidavit dated 12.07.2018 before this Tribunal in Original Application No.39 of 2015 (WZ), stating therein that there was no discharge of domestic sewage in Ramnadi, within the jurisdiction of PMC, which was a false information submitted by respondent No.1 – PMC as the significant discharge was happening. With these averments, the above reliefs are prayed in this application.

6. We have taken all these facts from the amended memo of application.

7. This matter was considered for the first time on 25.04.2023 when a Joint Committee was constituted, comprising one member each of respondent No.1 – PMC, respondent Nos.2 and 3 – MPCB, respondent No. 4 – PMRDA and simultaneously we had directed the Registry to issue notice to the respondents, the MPCB being the nodal agency thereof. The Joint Committee was directed to visit the spot/site and submit factual as well as action taken report. The Joint Committee has submitted its report dated 23.11.2023 along with an e-mail dated 30.11.2023 (annexed at pages 45 to 60 of the paper-book), the relevant portion of which is quoted herein below:

4.0 Reply from Pune Municipal Corporation:

The applicant Shri Krunal Narayan Ghare has submitted complaint has submitted a complaint before the National Green Tribunal with respect to preventing the mixing of sewage water due to the drainage water and waste near the Ryan International School and the effluent water flowing through the rainstorm drains in Vidnyan Nagar and Bavdhan area, into the Ram river at Bavdhan. Similarly M. P. C. Board has also communicated to submit the information about the action taken by the Pune Municipal Corporation with respect to the said matter.

PMC has submitted reply of Proposed Direction issued dtd. 14.07.2023 to M. P. C. Board on 18.07.2023 mentioning that, the 400 running meter long and 450/600 mm diameter sewage pipeline existing in the Ram river near Rayan International School at Bavdhan has been washed away or has gone out of order at some locations and the work of laying a bigger size pipeline at the said location will be completed by July 2023. Accordingly this office has completed the work of laying 600 and 900 millimeter diameter pipeline in place of the existing 450 mm diameter sewage pipeline near the Ryan International School (which has been washed away or has gone out of order at some locations) on date 21st July 2023. Similarly the 700 running meter long and 450 mm diameter sewage pipeline existing in the right bank of Ram river between Rayan International school to hotel Marigold Bavdhan has been washed away or has gone out of order and the work of laying 450mm and 600 mm diameter pipeline at the said location is completed on 23 rd October 2023.

Similarly Superintending Engineer, Sewage Maintenance and Repairs Department Pune Municipal Corporation has communicated the Kothrud Bavdhan Ward office of the Pune Municipal Corporation to stop the effluent flowing through the existing storm water gutters in the Vidnyan Nagar and Bavdhan areas. Accordingly the concerned engineer in the ward office is surveying the said area and the leakage in the drainage line in the existing storm water chamber in the L M D square area in the said vicinity has been stopped on date 4th September 2023.

However the Kothrud Bavdhan Ward office have communicated that since it is currently raining, it is not possible to ascertain whether the water flowing through the storm water drainage is rain water or effluent water. Hence the redressal of the said complaint is likely to take about three months time due to the present raining therein.

Marathi and English report submitted by the PMC are attached in Annexure III.

5.0 Reply from Pune Metropolitan Regional Development Authority, Pune

Pune Metropolitan Regional Development Authority (PMRDA) has not submitted any reply to the Board office. Board office has issued letter to the PMRDA on 08.08.2023 also reminder send through mail on 01.09.2023 & 11.09.2023. After that PMRDA submitted a letter to M. P. C. Board mentioning that, they have forwarded the said NGT matter to their other department for further action. **Copy of PMRDA letter is attached in Annexure IV.**

6.0 The joint committee visited along with the applicants at following locations and observations are as below: -

Sr. No.	Facts in Original Application.	Present status
1	The river enters the Pune Municipal Corporation, hereinafter to as "PMC" jurisdiction via Bavdhan Budruk, and flows there on to Bavdhan Khurd, - Pashan-Baner-Aundh.	As per Notification of Urban Development Department, Gov. of Maharashtra dtd. 30.06.2021, Bavdhan Budruk comes under jurisdiction of the PMC. (Copy attached as Annexure -VI)
2	It is submitted that the Applicant a resident of Bavdhan on Dec 15 th 2022 while travelling along the river path saw unimaginable filth dumped in Ramnadi at the global location (18.512848,73.769347). The applicant filed complaint to PMC authorities and posted on social media.	During committee visit it was observed that Solid waste is found dumped on the bank of Ramnadi at some places.
3	It is submitted that the applicant also sent as email to Maharashtra Pollution Control Board, hereinafter referred to as MPCB on their official addressmpcbpune@mpcb.gov.in , ropune@mpcb.gov.in highlighting the tragic state of the river. Email dated Dec 15 th 2022.	The complaint was submitted by Shri Krunal Gharre on 04.01.2023 regarding untreated sewage discharges via a major drainage line in Ramnadi and lack of efforts to stem the same from PMC authorities to Regional Officer, Maharashtra Pollution Control Board, Pune. Accordingly, MPC Board Officials has visited the site on

4	It is submitted the applicant submitted this data with as written complaint to MPCB-Regional Officer on 5 th January 2023.	25.01.2023 and issued letter to Superintendent Engineer, Drainage Department, Pune Municipal Corporation, Pune on 30.01.2023 and requested to stop the direct discharge of untreated domestic effluent. Also issued Proposed Direction on 14.07.2023, and after conducting personal hearing Interim Direction issued on 04.08.2023.
5	It is submitted on 17 th January 2023 a follow-up email was sent to MPCB for update on the complaint aforementioned in Clause 11. Copy of Email Annexed herewith as ANNEXURE 9	
6	It is submitted that on 25 th January 2023 an officer of MPCB, visited the site. The official called the concerned PMC officials from the contentious spot and directed them to resolve the issue immediately. The message conveyed by the official PMC was to resolve the issue within a week.	
7	It is submitted that on 30 th January 2023 a letter was sent from MPCB to the Superintendent Engineer (PMC Drainage Department) directing to stop the discharge immediately and submit an ATR to the complainant, the applicant in this case, along with a copy to MPCB office. Document id: MPCB/PUNE/230130-FTS-0177. Copy Annexed herewith as ANNEXURE 10	
8	It is submitted that no official ATR is received by the applicant as on date, however after receiving the copy of notice mentioned in Clause. 16 from	

	MPCB, the applicant called Chief Engineer of the PMC drainage department on 31th January 2023 who promised to resolve the issue in 15 days.	
9	It is submitted that even after 30 days of the notice from MPCB when there was no action from Respondent 2, the applicant on 9 th February 2023 met the Superintending Engineer (PMC Drainage Department) in the PMC office at sawarkar bhawan. The Superintending Engineer further promised to resolve the issue by 31 st March stating the delay was due to certain bureaucratic issues.	
10	It is submitted that since no work had commenced until 6 March 2023, the applicant made a follow up call to the MPCB office and also sent a follow-up email to MPCB and PMC. Copy of follow-up mail Annexed herewith as ANNEXURE II	
11	It is submitted that the Sanitary department of PMC cleaned the garbage in the river on Dec 16 th 2022. The applicant was present at the cleaning site. It was brought to notice a major broken sewer line that was discharging untreated sewage directly in the river. Images Annexed herewith as ANNEXURE 4	During the visit of M.P.C. Board Official dtd. 25.01.2023 it is observed that untreated domestic wastewater carrying pipeline was broken and untreated domestic wastewater was mixing into Ramnadi. During visit dtd. 24.07.2023 it was found that PMC authority has repaired and replaced broken drainage line, and provided new drainage line which further connected to Baner STP for treatment as reported by PMC authority. Also visited to the Bhugaon Grampanchayat

		area on 20.10.2023. During visit to Bhugaon Grampanchayat area, discharge of sewage generated from Bhugaon Grampanchayat area is observed from 02 drainage line 1 & 2 near Cocorico Restaurant Bridge. Samples of nalla water collected during the visit. As per the analysis reports Fecal Coliform & Total Coliform are observed, which indicates sewage/domestic wastewater is being mixed in to the Ramnadi. MPCB has communicated the same to CEO, ZP, Pune & Grampanchayat Bhugaon. (Copy of the letter dtd. 23.10.2023 attached as Annexure -V)
12	It is submitted that the area falls under PMC jurisdiction. The said area was part of Pune Metropolitan Region Development Authority hereinafter referred to as, PMRDA and Bavdhan Budruk Gram Panchayat prior to 2021. It was merged with PMC in 2021. PMRDA and Bavdhan Budruk Grampanchayat are respondents in this petition.	As per Notification of Urban Development Department, Gov. of Maharashtra dtd. 30.08.2021, Bavdhan Budruk comes under jurisdiction of the PMC. (Copy attached as Annexure -VI)
13	It is submitted that on further investigation it was found similar discharge happens near Vignyan Nagar, Bavdhan at the global location address (18.515778 73.777791) where sewage lines are connected to the storm water lines. The sewage discharged through these storm lines further mixes with a notified natural spring, Complaint for the same is raised	During visit it was observed that at the Vignyan Nagar, Bavdhan there are 02 storm water drainage lines, which is next Vaidehi Rivera Society. It was observed that from the 02 storm water lines domestic effluent disposing into Ramnadi. During the visit samples are collected. In the both JVS analysis reports Fecal Coliform &

	on PMC complaint portal Complaint no: W83111 dated 13 Feb 2023. Images of the spring and the storm water line discharging sewage effluent and the mixing of the two are annexed herewith as ANNEXURE 12	Total Coliform are observed, it means that sewage/domestic waste water is being mixed in the storm water drain and the said water is mixing in to the Ramnadi. Analysis results of drainage wastewater are enclosed in 7.0. PMC has submitted reply that leakage in the drainage line in the existing storm water chamber in the L M D square area in the said vicinity has been stopped on date 4th September 2023. However the Kothrud Bavdhan Ward office have communicated that since it is currently raining, it is not possible to ascertain whether the water flowing through the storm water drainage is rain water or effluent water. Hence the redressal of the said complaint is likely to take about three months time due to the present raining therein. Marathi and English report submitted by the PMC are attached in Annexure III.
14	The pollution of Ramnadi has caused its connected reservoir Pashan lake to become polluted harming migratory birds, aquatic life, The same pollution passes downstream along the confluence impacting more people.	During the visit, sample of Pashan Lake was collected. As per JVS analysis report, Fecal Coliform & Total Coliform are observed in the lake water. As Ramnadi meets to Pashan Lake and further flows upto Vidhatewasti, Baner to Mula river. As reported by PMC - The work of developing 1 MLD Sewage Treatment Plant near Pashan Lake is going on and under the said work till date the work of laying 570 m long and 900 mm diameter sewage

		pipeline has been completed. Also, the remaining work is planned to be completed by the end of 2024. Similarly the work of replacing 200 running meter long and small diameter sewage pipeline with bigger size 1200 mm diameter in the Ram river near Vidhate Vasti is completed. Also the tender process of development of 1200 mm diameter 1200 running meter long sewage pipeline at Ram river near Vidhate vasti is going on. And the said work is expected to be complete in 6 to 8 months.
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7.0 Analysis results of the Bhugaon Lake, Ramnadi, Drainage lines and Pashan lake:

Sr.No.	Parameter	Bhugaon lake	Ramnadi near Marigold Banquet	Ramnadi, Wind mill village in PMC area	Ramnadi, Near Nissan showroom, Bavdhan (BK)	PMC Drainage water -1, near Vaidehi Riviera society, mixing into Ram Nadi	PMC Drainage water -2, near Vaidehi Riviera society, mixing into Ram Nadi	Ramnadi water sample Dis of PMC Drainage (Near Kalbhairavi Mandir Bridge)	Pashan Lake
		24.07.2023	24.07.2023	24.07.2023	24.07.2023	24.07.2023	24.07.2023	24.07.2023	24.07.2023
1	pH	8.1	7.8	7.7	7.8	7.8	7.8	7.9	7.9
2	Conductivity	484.4	627	782.3	679	608.3	608.7	680.4	715.7
3	TDS	432	577	729	652	586	582	648	688
4	TFS	334	422	464	528	456	464	518	524
5	SS	20	36	38	36	34	29	38	30
6	Turbidity	2.39	1.25	1.44	1.34	0.77	0.75	1.45	16.60
7	Total Alkalinity	172	236	234	252	248	226	262	262
8	Ammonical Nitrogen	0.79	0.23	0.20	0.37	0.25	0.22	0.27	0.35
9	BOD	8.0	32	16	18	15	13	9.5	16
10	Chloride	38.99	53.98	52.98	61.98	54.98	49.98	59.48	67.98
11	COD	24	76	44	52	36	32	28	44

12	DO	5.3	2.7	4.3	4	4.3	4.4	4.8	4.2
13	Fluoride	BDL	0.14	0.21	0.19	0.18	0.14	0.26	0.12
14	Hardness(calcium)	118	156	156	184	154	138	178	178
15	Hardness (total)	206	266	272	288	270	262	288	298
16	Nitrate Nitrogen	2	2.19	2.17	2.09	2.09	1.86	1.95	2
17	Phosphate (total)	1.07	2.29	2.16	1.82	1.38	2.11	1.90	3.01
18	Sulphate	48.80	75.80	194	105.20	69.20	68.40	69	63
19	TKN	1.96	0.56	0.62	1.06	0.78	0.62	0.67	1.01
20	Hardness (Magnesium)	88	110	116	104	116	124	110	120
21	Boron	BDL	1.04	1.22	1.21	1.18	1.12	1.12	BDL
22	Potassium	2.93	3.95	1.71	4.16	1.72	1.73	4.20	9.51
23	Sodium	25.73	32	25.98	36.84	25.98	25.38	36.52	52.70
24	Faecal Coliform	15	110	45	110	120	275	250	20
25	Faecal Streptococci	4	17	13	17	25	45	35	7
26	Total Coliform	275	550	425	550	900	1800	1800	250
27	Phenolphthaleine Alkalinity	BDL	BDL	BDL	BDL	BDL	BDL	BDL	BDL

Sr. No.	Parameter	Ram River U/s of Cocorico Restaurant bridge	Under ground drainage line discharge from drainage-1 under Cocorico Restaurant Bridge	Under ground drainage line discharge from drainage-2 under Cocorico Restaurant Bridge	Ram River D/s of Cocorico Restaurant bridge
		20.10.2023	20.10.2023	20.10.2023	20.10.2023
1	pH	7.7	7.5	7.3	7.4
2	TDS	902.0	678.0	846.0	704.0
3	SS	16.0	27.0	96.0	34.0
4	Turbidity	1.29	16.40	61.80	43.00
5	Total Alkalinity	260.0	196.0	240.0	212.0
6	BOD	17.0	65.0	125.0	75.0
7	Chloride	109.97	73.98	88.97	73.98
8	COD	48.0	172.0	336.0	184.0
9	DO	4.3	NIL	NIL	NIL
10	Hardness (calcium)	152.00	124.00	150.00	122.00
11	Hardness (total)	292.00	226.00	264.00	230.00
12	Nitrate Nitrogen	0.70	0.70	1.40	0.70
13	Sulphate	68.20	61.40	73.20	54.80
14	Hardness (Magnesium)	140.00	102.00	114.00	108.00
15	Faecal Coliform	170.0	900.0	550.0	900.0
16	Total Coliform	900.0	1600.0	1600.0	1600.0

8.0 Conclusion:

- a. Villages located on the bank of Ramnadi has not provided proper drainage network also not provide treatment for the domestic effluent generated from the residential area. All domestic wastewater is being mixed into Ramnadi.
- b. PMC has not provided proper drainage network for the newly added 23 villages also not provided Sewage Treatment Plant for the domestic wastewater generated from these villages.
- c. PMC authority has provided 02 storm water lines at which are connected to Ramnadi, domestic wastewater is being mixed to storm water lines and entering into Ramnadi, which is causing river water pollution.
- d. Presently PMC authority has repaired and replaced broken drainage line, which was broken and mixing domestic effluent into Ramnadi. They have provided new drainage line which further connected to Baner STP for treatment, as reported by PMC. Similarly the 700 running meter long and 450 mm diameter sewage pipeline existing in the right bank of Ramnadi between Rayan International school to hotel Marigold Bavdhan has been washed away or has gone out of order and the work of laying 450mm and 600 mm diameter pipeline at the said location is completed on 23rd October 2023.
- e. PMC authority propose to provide 1 MLD Sewage Treatment Plant near Pashan Lake, work of the same is in progress and as informed by PMC authority said work is expected to be complete in 6 to 8 months.
- f. Grampanchayat Bhugaon has provided 02 underground drainage lines which are connected to Ramnadi, which is causing river water pollution.
- g. It was observed that solid waste is being dumped by nearby villages and PMC residents on the bank of Ramnadi, which also mixes into Ramnadi during rainy season.
- h. Pashan lake is being polluted due to meeting of Ramnadi water, which partially contain domestic untreated wastewater.

We may call short-term and long-term measures with timeline chart from PMC, PMRDA & Zilla Parishad authority for above non-compliances with Bank Guarantee imposition. , . //

8. Respondent No. 4 – PMRDA has filed an affidavit dated 19.01.2024, wherein they have taken stand that PMRDA was established vide Government Gazette Notification dated 31.03.2015 and in pursuance of State Government Gazette Notification dated 18.01.2018, PMRDA is declared as Special Planning Authority for 814 villages with retrospective effect from 31.03.2015. Within Pune Metropolitan Region, various local bodies/municipal authorities are operating, such as PCMC, PMC, Pune Zilla Parishad, several Gram Panchayats, etc. The Draft Development Plan for the years 2021-2041 of PMRDA's jurisdiction was published on 02.08.2021 under the provisions of MRTP Act, 1966. MPCB issued a letter dated 08.08.2023 to the PMRDA, requesting to submit the detailed parawise comments about the objection raised by the applicant. The applicant's complaint was regarding sewage discharge via a major discharge drainage line in Ramnadi. The river flows through the Bhukum, Bhugaon, Bhavdhan, Pashan, Baner and Aundh. Ramnadi flows in Pune Municipal Corporation area from Bhavdhan Budruk to Baner area. Earlier, the said area was part of PMRDA. At present PMRDA is not an executing body. Despite that, PMRDA has been impleaded by the applicant and also was made member of the Joint Committee. Ramnadi flows in the PMC jurisdiction. However, the PMRDA is willing to participate as member of a Committee, if it is formed. Further it is mentioned that in PMR region, upcoming and existing residential construction projects were approved subject to consent granted by respondent No.3 – MPCB with condition to use treated sewage for toilet flushing and gardening purpose. The development permission and occupancy certificates in the said area are not issued without the No Objection Certificate from respondent No.3 – MPCB. The subject matter of this Original application is not related to the development permission department of the answering respondent – PMRDA, which was well known to the applicant and even then, the applicant has made PMRDA as party-

respondent. The answering respondent – PMRDA endeavours to cooperate with all concerned authorities/local bodies by making efforts to provide land/space as per availability. On 15.01.2024, the MPCB issued a letter to PMRDA, requesting to sign on Joint Committee Report, which was later on signed on 16.01.2024 in order to make the report valid.

9. Further it is mentioned that PMRDA has been as a Special Planning Authority, excluding the Local Authorities as per the Notification dated 18.01.2018. The Local Authorities, including the Village Panchayats were collecting huge revenue by imposing municipal sanitary taxes, but do not want to spend the same on solid waste management/waste water treatment. So far as the development charges collected by the PMRDA during its period for grant of construction-permissions and sanctions of plans are concerned, recently a meeting was conducted in the chamber of Municipal Commissioner, Pune on 23.02.2023 to carry development works in 34 villages included in PMC and it was decided as under:

“The development work is in progress in the 34 villages included in the PMC area and which works are on tender stage in progress should be completed and no further development works should be taken in these 34 villages.”

10. It is further stated in the affidavit that 75% of the premium amount and development charges collected by the PMRDA for granting permission of construction and sanction of plans in 34 villages after deducting administrative expenditure and development works cost is deposited in PMC and remaining 25% is deposited with PMRDA. Further it is stated that it is the responsibility of ZP/Grampanchayat/PMC to provide infrastructure facilities such as garbage disposal, sewer pipe lines, sewage treatment plants and other infrastructure in Bhavdhan and Bhukum Grampanchayat. Further it is mentioned that no prayer/demand has been made against the

answering respondent – PMRDA (appears to be a false statement because the answering respondent – PMRDA is one of the respondents in the array of the parties in this O.A. and against all respondents, the reliefs are prayed). Further it is submitted that the applicant has filed geo-tagged locations of 15 spots discharging untreated sewage in Ramnadi which fall in PMRDA region, whereas Bhugaon and Bhukum Grampanchayat and Zilla Parishad are the executing authorities.

11. Respondent No. 2 – PMC has filed an affidavit dated 14.03.2024, wherein they have taken a stand that Ramnadi is about 19.5 kms. long, out of which, around 8 kms. stretch flows inside PMC limit and remaining stretch falls under the jurisdiction of PMRDA. The sewage from residential area of old PMC/Bavdhan (Kh.) limits is being collected through a main sewerage line, which is about 1200 mm diameter for a stretch of about 920 mtrs and 1000 mm diameter for a stretch of about 1505 mtrs. The said sewerage line collects sewerage water from all other sewerage lines and takes the same to the STP plant at Baner and after the treatment from the said plant the water is released inside Mula river. The sewerage water used to be released in Ramnadi river from Bhukum, Bhugaon region, which is inside the PMRDA limits. At left bank of Ramnadi from the region Bavdhan (Bk), Bhukum Bhugaon also, the sewerage water used to be directly released into Ramnadi. The said locations lie inside PMRDA limits. Vide letter dated 25.07.2017, the Additional Commissioner, PMC has communicated the Chief Executive Officer, PMRDA about this fact. Even vide letter dated 07.05.2018, the Chief Engineer, Water Supply and Drainage Department, PMC has communicated a reminder to the Chief Executive Officer, PMRDA. Further it is mentioned that by letter dated 29.11.2023, the Executive Engineer, Drainage Maintenance and Repair Department, PMC has communicated a reminder to the Bhugaon Gram Panchayat. Vide letter dated 06.12.2023, the Superintendent Engineer, Drainage Maintenance and

Repair Department, PMC has communicated a reminder to the Chief Executive Officer, PMRDA.

12. Further it is mentioned that through PMC CARE PORTAL, vide token no.WA95539 dated 16.12.2022, a complaint, contending that sewerage line is broken at Ramnadi underpass, was received, in pursuance of which a joint inspection/visit was made by the PMC officials along with the complainant/applicant. After that, on 26.12.2022, the complainant has been informed by the PMC that since the sewerage water is being released in Ramnadi at Bhugaon and Bhukum and other areas, which are inside the PMRDA, it should be PMRDA which should take necessary action. It is further submitted that in the year 2021, total 23 villages have been merged within the PMC limits, out of those, Bavdhan Budruk (BK) is also one of them. The PMC has completed the Detailed Project Report (DPR) in relation to the sewerage/drainage line for the said 23 villages. Accordingly, the proceedings are underway to make a budget provision for the said work. PMC is also in the process of preparing the DPR in relation to the storm water line for the said 23 villages. It is mentioned that the work of construction of sewerage line at Ramnadi underpass (18.512848, 73.769347) has been completed on 24.07.2023. Similarly, 700 running meter long and 450 mm diameter sewage pipeline existing in the right bank of Ramnadi got washed away and the work of laying 450 mm and 600 mm diameter pipeline is completed on 23.10.2023.

13. It is further stated that earlier sewerage line, which was of the stretch of around 400 mtrs and of 450 mm diameter, has been broken. The said broken line will be replaced by the construction of new sewerage line, which will be of somewhere 900 mm and 600 mm of diameter. It is mentioned that on receipt of a complaint about two leakages in the drainage line, one of the leakages in the existing storm water chamber in the LMD Square, Bavdhan

area has been stopped on 04.09.2023. About the second leakage, work is going on and is likely to be completed in 20 days.

14. Further it is mentioned that vide judgment dated 26.09.2022, passed by the Tribunal in Original Application No.90 of 2022, it was directed that a specific River Management and Rejuvenation Committee be set up for rivers, namely Mula and Ramnadi, to address the problems arising with respect to cleaning the riverbeds as well as the banks of the rivers and take necessary measures in that regard. Therefore, it is proposed that this Tribunal may direct that the present matter be considered by the said Committee.

15. Respondent No.5 – Zilla Parishad, Pune has filed its reply-affidavit dated 21.05.2024, stating therein that it has given direction to Bhugaon and Bhukum Grampanchayats that Ramnadi should be pollution free and that no waste water should be allowed to flow into the river. It has also asked respondent Nos.6 and 7 – Grampanchayats to conduct a survey as to which villages are included in the respective Grampanchayats and their population, the number of total families, the number of total societies, number of sewerage tanks, number of sewerage treatment plants, gaothan population and small groups of public (wastis) covered gutters/public sewerage tanks, individual sewerage tanks, villages geographical area, the wards of Grampanchayat, etc. to have an updated report for providing further funds and provisions for purchasing land for STPs. Respondent No.6 – Bhugaon Grampanchayat and respondent No.7 – Bhukum Grampanchayat had applied to PMRDA, Mayor and Commissioner of Pune Municipal Corporation, Home Minister of Pune District, Opposition Party Leader, Maharashtra State for sanction of land for the substations, drainage line, for setting up STPs for the respective Grampanchayats and for sanction of the funds for the same.

16. It is further mentioned that no waste water of gaothan or wastis is flowing into Ramnadi as a separate sewerage tank has been made for them. For example, Sky Manas Lake Society's has a STP and after treatment of

waste water, the same is allowed to flow into Ramnadi by this society. Regarding Sky Manas residential project having towers, the Grampanchayats have from time to time issued notices to the said Society for not releasing the waste water into Ramnadi, but it has not paid any heed thereto.

17. Further it is mentioned that the Grampanchayats have made provision of sewerage tank for small societies, Gaothan and small group of houses (Wastis), the main Gaothan, no sewerage water would flow into river Ramnadi or any other canal or river.

18. Respondent No.6 – Bhugaon Gram Panchayat has filed its reply-affidavit dated 21.05.2024, wherein it is submitted that the individual sewerage tanks are there and small sewerage treatment plants are there, located in their jurisdiction. It has issued notices about not throwing any waste water into canals or Ramnadi. It had a follow-up with PMRDA, Mayor and Commissioner of Pune Municipal Corporation, Guardian Minister of Pune District and Opposition Party Leader for sanction of land for the substations and drainage line from Bhugaon to Pune Municipal Corporation so that no waste water of gaothan is allowed to flow into river Ramnadi. The STP plant would be necessary to be set up for which PMRDA has applied to grant funds. Their demands are placed before the Collector, which is in progress. The other contents of the affidavit of respondent No.6 are repetition of the facts, which are stated by respondent No.5 – Zilla Parishad in their affidavit.

19. Similarly, respondent No.7 – Bhukum Gram Panchayat has filed their reply-affidavit dated 21.05.2024, wherein it has stated the same facts which are narrated by respondent No.6 in their reply-affidavit.

20. We have heard the arguments of the learned counsel for the parties and perused the record.

21. From the perusal of the contents of the application, we find that the main relief, which is sought, appears to be that the pollution of the riverbed

of river Ramnadi is the main concern regarding which it is pointed out by the applicant that mainly at 23 points, there is leakage from sewerage lines happening and he has also pointed out that there is leakage from sewerage lines at 15 points and hence the seepage of the untreated waste water has resulted/is resulting in polluted water being flowed into river Ramnadi. For this, during oral argument, the main submission made by him is that sewerage lines need to be put in place before granting permission for construction of houses. According to him, permission for construction should be conditional upon providing infrastructure of sewerage lines because unless that is put in place prior to allowing the construction, people who are residing at the site in question would definitely create pollution because the waste water would definitely lead to river Ramnadi unless the same is channelized and got treated through STPs and thereafter only it should be permitted to go to the river. The applicant has also pointed out during argument that PMRDA has stated in their affidavit very clearly that while granting permission, they only see No Objection Certificate (NOC) to have been obtained from the MPCB and as regards the grant of permission by MPCB i.e. Consent to Establish (CTE) and Consent to Operate (CTO), it is very much clear that these are granted independent of any such mandatory condition to be fulfilled that there was infrastructure of sewerage lines put in place by the local body. Thus, according to the applicant, because of this lack of coordination between the local body while granting permission of construction and the PMRDA and MPCB, is the basic reason from pollution of river Ramnadi. The applicant has taken this issue on broad compass. From the perusal of the reliefs claimed in the application, in sum and substance, we find that the main relief, which the applicant would be pressing is only sewerage lines need to be put in place at the development sites prior to grant of permission for construction and also

setting up of STPs for treatment of waste water before the same is allowed to flow in river Ramnadi.

22. We are in agreement with the submissions made by the applicant because he has assailed the pollution happening in the riverbed/banks of river Ramnadi.

23. In the case in hand, we find that PMRDA is denying its jurisdiction for providing any infrastructure for sewerage lines and STPs for treatment of the waste water, saying that it is only planning authority/body and not an executing body. In fact, the execution work lies with Pune Municipal Corporation for their area where the river Ramnadi flows partly (i.e. 8 kms.) as per admission of the PMC, while for rest of the stretch of the river, respondent No.5 – Zilla Parishad, Pune, respondent No.6 – Gram Panchayat, Bhugaon and respondent No.7 – Gram Panchayat, Bhukum are responsible because they are the executing bodies/authorities. Although this is being challenged by the applicant saying that PMRDA is not only the planning body but also an executing body and in support of this submission, he has drawn our attention to the Maharashtra Metropolitan Region Development Authority Act, 2016 (“MMRDA Act”, for short) which says at the top of it “*An Act to provide for the establishment of the Authorities for certain areas declared as Metropolitan Areas under clause (c) of section 2 of the Maharashtra metropolitan Planning Committee (Constitution and Functions) (Continuance of Provisions) Act, 1999, for the purposes of co-ordinating and supervising the proper, orderly and rapid development of the areas in such Region and executing plans, projects and schemes for such development, and to provide for matters connected therewith or incidental thereto*”.

24. Having drawn our attention to the above, it is urged by the applicant that the MMRDA Act, referred to above, at the very beginning itself, makes it clear that the PMRDA would also look into the execution of the plans, including providing of the infrastructure for sewerage lines and STPs to be

set up before grant of permission for construction. Therefore, PMRDA cannot throw away its responsibility. Moreover, the applicant has submitted that the PMRDA also charges certain amount as development charges and from out of that fund, certainly the amount may be allocated for setting up these infrastructural facilities. The applicant has drawn our attention to Section 2 sub-section (a) of the MMRDA Act, which reads as follows:

“2.Definitions.- In this Act, unless the context otherwise requires, -

(a) “amenity” includes road, bridge, any other means of communication, transport, supply of water and electricity, any other source of energy, street lighting, drainage, sewerage and conservancy, and any other convenience as the State Government may, in consultation with the Authority, from time to time, by notification in the Official Gazette, specify to be the amenity for the purposes of this Act.”

25. The applicant also drew our attention to Chapter II Section 3 – sub-sections (1) and (3), which read as follows:

3. Establishment of the Metropolitan Region Development Authority.---

(1) As soon as may be, after the commencement of this Act, the State Government may, by notification in the Official Gazette, establish, for the purposes of this Act, an authority to be called “The Metropolitan Region Development Authority” for every Metropolitan Region.

(2) *****

(3) The Metropolitan Authority shall be deemed to be a local authority within the meaning of the term “Local Authority” as defined in the Maharashtra General Clauses Act (I of 1904)”

26. The applicant thereafter drew our attention to Section 3 sub-section (31) of the General Clauses Act, 1897, which reads as under:

(31)”local authority” shall mean a municipal committee, district board, body of port Commissioners or other authority legally entitled to, or

entrusted by the Government with, the control or management of a municipal or local fund”

27. Having drawn our attention to the above provisions, it is submitted by the applicant that it is the responsibility of the PMRDA to grant funds for building infrastructure, sewerage lines and setting up of STPs within its jurisdiction.

28. We would not like to go into the controversy as to whether the funds are to be granted by PMRDA in the case in hand or by the State Government or the Central Government for the purpose of setting up of infrastructure, such as sewerage lines and STPS, which are very much necessary to be set up at the site in question, but from the perusal of the reply-affidavits of respondent No.5 – Zilla Parishad, respondent No.6 – Gram Panchayat, Bhugaon and respondent No.7 – Gram Panchayat, Bhukum, it transpires that they own the responsibility of being executing bodies, but they have expressed their concern with respect to non-availability of funds, for which they have not only written to the PMRDA but to other Authorities, which include the State Government. Hence, we would also like to mention here that whether it would be feasible or not to direct the Development Authority to grant permission only after ensuring that the infrastructural facilities, such as sewerage lines and STPs are put in place, would be difficult for us at this stage, because to our belief, what we find from experience is that as of now, these Authorities are granting permission without ensuring that these infrastructural facilities have been put in place. We do appreciate the efforts taken and attitude shown by the applicant towards non-happening of the pollution in the riverbed/banks of river Ramnadi, but it would hold up the developmental activities and before we could issue any direction, it would be necessary to hear not only the MPCB but also Local Bodies as well as the State Government because they will have to act to lay down the policy in this

regard and then only, such kind of scheme can be put in place. Therefore, we defer from passing any order in that regard.

29. From the perusal of the report of the Joint Committee, referred to above, it is quite clear that huge pollution is found to be there in river Ramnadi. Therefore, the conclusions, which are drawn by the Joint Committee, we are agreeing with the same.

30. We find that in conclusion of the Joint Committee report in para 8.0 (a), it is recorded by the Committee that *villages located on the bank of Ramnadi have not provided proper drainage network, also not provided treatment for the domestic effluent generated from the residential area. All domestic waste water is being mixed into Ramnadi.* In this regard, we are of the view that respondent Nos.6 and 7, under whose jurisdiction, these villages are lying, will have to take necessary steps for providing the drainage system and the waste water, which would be flowing out of the same, should also be got treated by the STPs and thereafter only, the water should be allowed to flow into the river. For this, we grant six months' time to set up the required infrastructure so that no further pollution happens in river Ramnadi. We further expect that the Authorities concerned shall inform the State Government as well as PMRDC to pay heed to this issue for early results.

31. With respect to the observations in para 8.0 (a) of the Joint Committee, which states that the PMC has not provided drainage network for newly included 23 villages and also has not provided STPs. We are of the view that the PMC though has already taken certain steps as has been indicated in their affidavit, we direct that proper drainage network be set up by them for these 23 villages within a period of six months positively and also STPs be set up, if not already done, within that period.

32. In para 8.0 (c) of the conclusion of the report, it is recorded that *the PMC authority has provided 02 storm water lines which are connected to Ramnadi , domestic waste water is being mixed to storm water lines and entering into Ramnadi, which is causing river water pollution.* In this regard, we direct the PMC to stop within six months the flow of domestic waste water through storm water lines, which flows ultimately to river Ramnadi.

33. As far as para 8.0 (f) of the report is concerned, wherein it is recorded that *Grampanchayat Bhugaon has provided 02 underground drainage lines which are connected to Ramnadi, which is causing river water pollution,* we direct that this flow of waste water through underground drainage lines shall be stopped forthwith unless the same is got treated through STPs or alternate system.

34. As per conclusion of the Committee in para 8.0 (g), it states that *solid waste is being dumped by nearby villages and PMC residents on the bank of Ramnadi, which also mixes into Ramnadi during rainy season.* In this regard, we direct PMC, PMRDA and both Gram Panchayats – respondent Nos.6 and 7 that no such solid waste is allowed to be thrown/dumped on the bank of the river Ramnadi and the appropriate action shall be taken against the culprits involved in this by lodging an FIR against them or by some other penal proceeding so that such kind of filth does not get washed into river Ramnadi.

35. As to the conclusion of the Committee in para 8.0 (h) of its report, we are of the view that if we are able to stop pollution of river Ramnadi, by taking steps as directed above, consequential pollution in Paashan lake would also be stopped, which is presently happening due to meeting of untreated waste water of Ramnadi river.

36. With the above directions and other directions in the main body of this order, we dispose of this Original Application.

37. In view of disposal of Original Application, I.A. No.39 of 2024 (WZ), filed for grant of temporary injunction, does not survive and hence, stands disposed of.

38. No order as to costs.

Dinesh Kumar Singh, JM

Dr. Vijay Kulkarni, EM

July 24, 2025
ORIGINAL APPLICATION NO.52 OF 2023 (WZ)
npj