

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

APPLICATION NO.26/2013 (WZ)

M/s Riverside Resort Pvt.Ltd. Vs Pimpri Chinchwad Mun.Corpon. & Ors

CORAM: HON'BLE MR JUSTICE V.R. KINGAONKAR, JUDICIAL MEMBER
HON'BLE DR. AJAY A. DESHPANDE, EXPERT MEMBER

Present: Applicant/Appellant : Pradip Havnor Adv
: Vikas V Joshi Adv

Respondent No.1 : Amol Patayeet Adv

Respondent No.2 : D.M.Gupte Adv
: Ms.Supriya Danagare Adv

Respondent No.3 : Maneesh Phatak

Respondent No.4 : G.K.Phatak Adv

Respondent No.5 : Y.K.Chougule Sectional
Engineer, Khadalwasla

Date and Remarks	Orders of the Tribunal
Item No.4 December 12, 2013 Order No.6	<p>We have heard Learned Counsel for the parties.</p> <p>The Counsel, who represented the Respondent No.5, has not attended hearing today. It appears that the Respondent No.5, (Irrigation Department), was represented by Shri.D.D.Shinde, Advocate. He has not attended the matter today. No reply Affidavit is filed by the Respondent No.5.</p> <p>We have noted from the pleadings of the contesting parties that the material issue involved in the matter is regarding location of the blue line and the nature of construction, which is permissible on the river bank, at a particular distance from the blue line. The wall, which is already constructed by the Pimpri Chinchwad Municipal Corporation (PCMC), is likely to hinder the flow of the river bank. We do not know, however, whether the natural flow of the river water will be affected on account of such walls, which are proposed to be constructed or a part of which is already constructed by the Pimpri Chinchwad Municipal Corporation (PCMC). It was, therefore, necessary for the Irrigation Department to come forward and explain the fact situation, regarding location of the blue line, the period when it was set out and notify the depth of the river basin, nature of the construction of such wall, is likely to cause obstruction in the natural flow of the river water. The Irrigation Department was also required to explain whether proposed constructions would fall within the zone of impermissible activities, in view of proximity of the blue line, on account of distance being within</p>

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100 mtrs from the bank of the river and within blue line area. The Irrigation Department shall submit an authenticated plan along with reply affidavit.

In case, the concerned Executive Engineer of Irrigation Department, will not file reply affidavit within two (2) weeks, then the Tribunal will be constrained to issue Bailable Warrant against the Executive Engineer, for securing the presence in person before the Tribunal. A copy of this order be immediately issued and delivered to the office of Irrigation Department, Sinchan Bhawan, Mangalwar Peth, Pune, through the MPCB, as well as the Applicant also give a copy thereof by 'Dasti' to the said office. An ad-interim order to continue.

Stand over to 10th January, 2014.

....., JM
(Justice V. R. Kingaonkar)

....., EM
(Dr.Ajay A. Deshpande)

