



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

PUBLIC INTEREST LITIGATION NO.67 OF 2025

Rajesh Deepchand Rochiramani

...Petitioner

V/s.

Pimpri Chinchwad Municipal
Corporation and Ors.

...Respondents

**WITH
INTERIM APPLICATION NO.6784 OF 2025
IN
PUBLIC INTEREST LITIGATION NO.67 OF 2025**

M/s. Sai Baba Sales Pvt. Ltd.

...Applicant

In the matter between:-

Rajesh Deepchand Rochiramani

...Petitioner

V/s.

Pimpri Chinchwad Municipal
Corporation and Ors.

...Respondents

Mr. Vijay Patil, Senior Advocate with Mr. S.Bedekar and Mr. Mahesh Pawar i /b. Mr. Sarfaraj J. Shaikh for the Petitioner.

Mr. Kedar B. Dighe for Respondent Nos.1 and 2.

Mr. O.A. Chandurkar, Addl. GP with Mrs. S.S. Bhende, AGP for Respondent No.3-State.

Mr. Simil Purohit, Senior Advocate with Mr. Bhushan Deshmukh, Mr. Mayank Bagla & Ms. Siddhi B. for Respondent No.4.

**CORAM: ALOK ARADHE, C.J. &
SANDEEP V. MARNE, J.**

Dated: 2 JULY 2025.

Order (PER: SANDEEP V. MARNE, J.)

1. The Petitioner has filed the present Petition in public interest challenging the commencement certificate / building permission dated 12 October 2022 and all permissions granted by the Pimpri Chinchwad Municipal Corporation (**PCMC**) to Respondent No.4. He has also sought an enquiry in the manner in which the building permissions have been issued.

2. Petitioner has described himself to be a social worker and RTI Activist. Respondent No.4 has undertaken construction of building on land bearing CTS Nos.1502, 1502/1 to 1502/15 at Pimpri, Pune, vide commencement certificate dated 12 October 2022 issued by the PCMC. According to Petitioner, Respondent No.4 has loaded Transferrable Development Right (**TDR**) and also premium FSI based on road width / Transit Oriented Development (**TOD**) zone for getting its plans sanctioned. Petitioner obtained documents relating to construction undertaken by Respondent No.4 under the Right to Information Act, 2005 (**RTI Act**). He addressed a representation dated 14 November 2022 to various authorities highlighting the fact that flood zone norms were not followed and requisite NOCs are not

obtained from irrigation department, Pollution Control Board, State Environmental Impact Assessment Authority (SEIAA), etc. He submitted a reminder letter dated 4 January 2023. He also sought information under RTI Act on 18 April 2022 regarding environmental clearances issued by the CPCB, SEIAA, etc. He received a reply on 12 September 2022 from Respondent No.2 stating that information sought for by him was not available. Petitioner has accordingly filed the present Petition challenging the development permissions issued to Respondent No.4. The Petition was initially filed as Writ Petition and was numbered as Civil Writ Petition No.3044 of 2025. However, since Petitioner is not directly aggrieved party, he has converted the Writ Petition into Public Interest Litigation, as per order dated 16 June 2025, which is numbered as Public Interest Litigation No.67 of 2025. By order dated 12 March 2025, this Court granted interim stay in favour of the Petitioner by directing Respondents not to act upon commencement certificate dated 12 October 2022 as well as on permissions granted in respect of the concerned plot of land. Respondent No.4 approached the Hon'ble Supreme Court challenging ex-parte ad-interim stay order dated 12 March 2025. By order dated 23 May 2025, Hon'ble Apex Court disposed of the SLP granting liberty to Respondent No.4 to press application filed by it for vacation of order dated 12 March 2025. Interim Application No.6784 of 2025 filed by Respondent No.4 seeking vacation of interim order dated 12 March 2025 is also listed before us.

3. We have heard Mr. Patil, the learned senior advocate appearing for the Petitioner, who would submit that the impugned development permissions have been granted by the PCMC to Respondent No.4 by grossly disregarding all norms and regulations. That the construction is being carried out by Respondent No.4 within the limits of blue flood lines. That a premium is put on illegality already committed by loading TDR as well as incentive FSI. That provisions under Unified Development Control and Promotion Regulation, 2020 (**UDCPR**) are grossly violated, which do not permit utilisation of TDR in area falling within blue flood line. That provisions of Notification dated 30 June 2020 with regard to TOD zone are violated. It is therefore submitted that all permissions granted in favour of Respondent No.4 deserve to be set aside.

4. Mr. Purohit, the learned senior advocate appearing for Respondent No.4 would submit that filing of the present Petition is gross abuse of process of law by the Petitioner. That Respondent No.4 is a developer appointed by M/s. Shantivan Co-operative Housing Society Ltd. and is merely developing Society's building, which fact is suppressed by the Petitioner. That it is permissible to carry out development of existing building within riverbank and in flood line upto the height of 0.45 meters above red flood line level subject to NOC from Irrigation Department. That Irrigation Department has issued NOC dated 17 May 2019. That since Society's building had become dilapidated, same was required to be pulled down expeditiously. That Petitioner has

accordingly taken up construction of new building in place of old building of the Society. That Respondent-Municipal Corporation sanctioned layout plan on 30 July 2019 without any additional FSI/TDR. That by revised sanction dated 23 October 2019, construction of 36 tenements with additional TDR area admeasuring 1057.91 sq.mtrs. was sanctioned. That though available TDR to load was 2322 sq.mtrs, Respondent No.4 has loaded only 1057.91 sq.mtrs of TDR. That another revised sanction dated 23 July 2021 was issued for construction of total 61 tenements without any additional TDR save and except the one, which was sanctioned on 23 October 2019. That by further sanction dated 12 October 2022, construction of 63 tenements is permitted without any additional TDR except the one sanctioned by order dated 23 October 2019. It is therefore, contended that no TDR has been loaded after 23 October 2019 when UDCPR, 2020 came into force. That Petitioner has neither applied for any TOD nor the redevelopment is falling in the category where TOD is applicable. That UDCPR, 2020 are prospective in application.

5. Mr. Purohit would further highlight the conduct of the Petitioner by alleging that he has time and again made various demands from directors of Respondent No. 4. That apart from filing complaints to the Municipal Corporation, Petitioner also filed complaint Nos. 42 of 2023 and 629 of 2023 on 22 June 2023 before Economic Offences Wing (**EOW**), which led to issuance of notice dated 6 July 2023 to Respondent No.4. EOW did not find any basis in the complaint, which was disposed of by

order dated 24 November 2023. That Petitioner also complained to Maharashtra State Electricity Distribution Co. Ltd. (**MSEDCL**) alleging conspiracy of illegal shifting of transformer and bus stop located outside the concerned plot of land. Mr. Purohit would accordingly submit that Petition is filed with ulterior motive and malafide intention of extracting monies from Respondent No.4. He would pray for dismissal of the Petition with exemplary costs.

6. Mr. Dighe, the learned counsel appearing for Respondent Nos.1 and 2 would also oppose the Petition contending that all the development permissions have been issued strictly in accordance with law. He would rely on Government Resolution dated 18 September 2017, under which redevelopment of existing authorised property within riverbank and blue flood line is permissible. That the building plans are sanctioned after issuance of NOC by Irrigation Department. He would accordingly pray for dismissal of the Petition.

7. Rival contentions of the parties now fall for our consideration.

8. Petitioner has essentially filed the present PIL as a Writ Petition and later converted the same into the PIL. He claims to be a social worker and RTI Activist and is apparently pursuing his complaints with regard to the construction undertaken by Respondent No.4. Petitioner, who has taken pains

to secure various documents relating to the construction of Respondent No.4, has not disclosed the fact that Respondent No.4 has undertaken redevelopment of building of M/s. Shantivan Co-operative Housing Society Ltd. The said old building was apparently constructed 47 years ago and was in a dilapidated condition. The Society has 40 members, who need to be adjusted in the flats to be constructed in the new building. Respondent No.4 appears to have been selected and appointed by the said Society after following tender process.

9. The first grievance of the Petitioner is that no construction activity is permissible within blue flood line level. However, PCMC as well as Respondent No.4 have relied on GR dated 18 September 2017, which carves out an exception for undertaking redevelopment of existing authorised building located in the flood line. Thus, under the GR dated 18 September 2017, it is permissible to undertake reconstruction of existing authorised building. The only condition is that height of such building cannot cross 0.45 meters above red flood line level and NOC from Irrigation Department needs to be secured. Respondent No.4 has produced copy of NOC dated 17 May 2019 issued by the Irrigation Department. Thus, the first objection of construction being carried out in blue flood line area deserves outright rejection.

10. The second and the main grievance of the Petitioner is about loading of TDR by Respondent No.4. Reliance is placed

on Regulation No.46.5.4(5) of Development Control and Promotion Regulations, 2018 (**DCPR, 2018**) for Pune Metropolitan Region Development Authority (**PMRDA**), which provides that utilisation of TDR shall not be permitted in an area within the flood control line i.e. blue line as specified by Irrigation Department. However, the DCPR, 2018 of PMRDA do not apply to the jurisdiction of PCMC and apparently Development Control and Promotion Regulations for Pune Municipal Corporation, 2017 were applicable to the construction in question. Apparently there was no prohibition on loading of TDR in DCPR, 2017 of PMC and accordingly TDR of only 1057.91 sq.meters out of permissible TDR 2322 sq.meters is loaded by Respondent No.4 under DCPR, 2017. Apparently DCPR, 2017 for PMC are replaced by UDCPR, 2020, which contains prohibition on loading of TDR. However, UDCPR, 2020 would apply prospectively and cannot affect building plans already sanctioned. It thus appears that Respondent No.4 has not loaded any TDR after coming into effect of UDCPR, 2020. Therefore, even second objection of loading of TDR raised by Petitioner is totally baseless.

11. Last contention raised by the Petitioner is about alleged availing of benefits by Respondent No.4 of TOD zone. While making the bald allegation of availing of TOD benefit, Petitioner has not produced any material on record in support of his contention. Respondent No.4 has clarified that project does not come in TOD zone nor any representation has ever been

made to any authority by Respondent No.4 for claiming any TOD zone benefit. Therefore, even the third objection raised by the Petitioner is found to be totally baseless.

12. We are therefore of the view that Petitioner has failed to make out any valid ground of challenge to the development permissions issued in favour of Respondent No.4.

13. We find the Petition filed by the Petitioner to be gross abuse of process of law. Petition suffers from suppression of facts as Petitioner has not disclosed the position that the project involves development of existing building of the society. He did not bother to verify whether redevelopment of authorised building in blue flood line is permissible or not. Petition is filed without undertaking necessary homework and by levelling bald and reckless allegations. From the conduct of the Petitioner in lodging complaint against Respondent No.4 with EOW as well as with MSEDCL, it is seen that Petitioner is deliberately hounding Respondent No.4 by filing baseless complaints and proceedings. Respondent No.4 has made specific allegation of demands being made by the Petitioner. Thus, jurisdiction of this Court is grossly sought to be misused by the Petitioner for his personal gain. Though the concerned building is being constructed at the instance of the Society for providing alternate accommodations to its 40 members and though Respondent No. 4 is nominated by the society as its developer, Petitioner has neither impleaded society as a party nor has bothered to verify whether

redevelopment of society's building is permissible activity or not. He appears to be relentlessly hounding the developer-Respondent No.4 before different authorities. Filing of the present Petition is yet another act of Petitioner aimed at the direction of harassing Respondent No.4. We are therefore convinced that filing of the present Petition is gross abuse of process of law. Therefore, while dismissing the present Petition, exemplary costs are required to be imposed on the Petitioner.

14. The PIL Petition is accordingly **dismissed** by imposing costs of Rs.1,00,000/-. Costs shall be paid by the Petitioner to Maharashtra State Legal Services Authority within a period of four weeks. If Petitioner fails to deposit the costs within the stipulated time, the registry shall make report to that effect to Collector, Pune, who shall forthwith proceed to recover the amount of costs from the Petitioner as arrears of land revenue.

15. Interim Application also stands disposed of.

[SANDEEP V. MARNE, J.]

[CHIEF JUSTICE]