

Item Nos. 1 to 3 (Pune Bench)

**BEFORE THE NATIONAL GREEN TRIBUNAL
WESTERN ZONE BENCH, PUNE**
[Through Physical Hearing (with Hybrid Option)]

Original Application No. 106/2022(WZ)

Vanashakti & Ors. Applicant(s)

Versus

Union Of India & Ors. Respondent(s)

WITH

Original Application No. 09/2023(WZ)

The Goa Foundation & Anr. Applicant(s)

Versus

MoEF & CC & Anr. Respondent(s)

WITH

Original Application No. 10/2023(WZ)

Federation of Rainbow Warriors & Anr. Applicant(s)

Versus

Union of India & Ors. Respondent(s)

Date of hearing: 11.11.2024

**CORAM: HON’BLE MR. JUSTICE PRAKASH SHRIVASTAVA, CHAIRPERSON
HON’BLE MR. JUSTICE B. AMIT STHALEKAR, JUDICIAL MEMBER
HON’BLE Smt. JUSTICE PUSHPA SATHYANARAYANA, JUDICIAL MEMBER
HON’BLE MR. JUSTICE DINESH KUMAR SINGH, JUDICIAL MEMBER
HON’BLE DR. VIJAY KULKARNI, EXPERT MEMBER**

Applicant: Mr. Akash Rebello, Advocate in OA No. 106/2022, Ms. Norma Alvaris, Sr. Advocate assisted with Mr. Om Anthony D’ Costa, Advocate in OA No.09/2023 and Ms. Ronita Bhattacharya, Advocate in OA No. 10/2023

Respondents: Dr. Swati Jindal Garg , Advocate along with Mr. Rahul Garg, Advocate for R-1
Mr. R. B. Mahabal, Advocate & Ms. Mansi Joshi, Advocate and Ms. Pooja Natu, Advocate for R-2 & 3(in OA No. 106/2022) and Ms. Supriya Dangare, Advocate for R-2 in OA Nos. 09/2023 & 10/2023

ORDER

1. In these original applications, the validity of CRZ Notification, 2019 is under challenge.

2. Applicants have prayed to declare the notification *ultra-virus* or, *alternatively*, to declare certain provisions of the notification as arbitrary, illegal, and *ultra-virus*.

3. In pursuance to the order dated 16.10.2024 passed by two Member Bench of Western Zonal Bench, the present larger Bench has been constituted.

4. CRZ Notification, 2019 is applicable to all the coastal States namely Maharashtra, Goa, Gujarat, Tamil Nadu, Kerala, Karnataka, Andhra Pradesh, West Bengal and Odisha and Union Territories (UTs) namely Puducherry, Daman & Diu, Lakshadweep and Andaman & Nicobar.

5. On perusal of the original applications, we find that only the states of Maharashtra and Goa and the CZMA of these two States have been impleaded in these Original Applications. Since the decision on these Original Applications on the validity of CRZ Notification 2019 will affect all the coastal States and State Zonal Management Authority to whom the impugned notification applies, therefor we have heard Learned Counsel for the parties on the issue of impleadment of the concerned States and authorities likely to be affected by the outcome of these original applications.

6. Sh. Akash Rebello, Learned Counsel for the applicant in OA No. 106/2022(WZ) has submitted that the impugned notification has been issued by the Central Government, therefore, for deciding the issue of the

validity of this notification, only the Central Government is a necessary party, and the concerned States and its authorities need not be impleaded. He has submitted that the impleadment will delay the adjudication of the issue.

7. Ms. Norma Alvares, Learned Senior Counsel appearing in OA No. 09/2023(WZ) and Ms. Ronita Bhattacharya, Learned Counsel appearing in OA No. 10/2023(WZ) have also supported the submission of Mr. Rebello and opposed the impleadment of other coastal States and their authorities.

8. Dr. Swati Jindal Garg, Learned Counsel appearing for MoEF&CC has submitted that the outcome of these original applications, deciding the validity of CRZ Notification, 2019, will have pan India effect and, therefore, States and Union Territories likely to be affected by the outcome must be given an opportunity of hearing.

9. Having heard the Learned Counsel for the parties and on perusal of the record, we notice that undisputedly, CRZ Notification, 2019 applies to coastal States namely Maharashtra, Goa, Gujarat, Tamil Nadu, Kerala, Karnataka, Andhra Pradesh, West Bengal and Odisha and Union Territories (UTs) namely Puducherry, Daman & Diu, Lakshadweep and Andaman & Nicobar. It has been pointed out that following the provisions of the impugned notification, CZMPs for some of the States/Union Territories have already been prepared and approved by MoEF&CC and these States and Union Territories are Odisha, Maharashtra (two districts: Mumbai and Mumbai Sub-Urban), Karnataka and ICRZ Plan for Andaman. As per the pleadings in OA No. 106/2022 (WZ) CZMP for Mumbai City and Mumbai Suburban district was published on 29.09.2021, and it has come into effect. Concerned authorities in other

have already acted upon the CZMPs prepared based on the provisions of CRZ Notification 2019. It has also been pointed out that the State of Karnataka has prepared the CZMP which is under challenge in OA No. 225/2021(SZ) & M.A. No. 05/2023 before Southern Bench of NGT. Thus, it is not a case where the Tribunal is deciding the challenge to CRZ Notification 2019 at the stage when no action in pursuance to the said Notification was taken, but after issuance of impugned CRZ Notification, more than five years have passed. Therefore, not only to comply with the Principles of Natural Justice but for the complete effective and proper adjudication of these Original Applications, it is necessary to implead the Coastal States/Union Territories and State Zonal Authorities, which are likely to be affected by the outcome of this litigation.

10. Hence, we direct the applicants to implead the following as respondents in their Original Application:

Respondents in OA No. 106/2022:

1. **Goa Coastal Zone Management Authority**
Email: goacoastalzone@gmail.com (Respondent No. 5)
2. **Gujarat Coastal Zone Management Authority (GCZMA)**
Email: czm-fed@gujarat.gov.in (Respondent No.6)
3. **Karnataka State Coastal Zone Management Authority,**
E-mail: prs-fee@karnataka.gov.in (Respondent No. 7)
4. **Kerala Coastal Zone Management Authority**
Email: kcymasandtd@gmail.com (Respondent No. 8)
5. **Tamil Nadu Coastal Zone Management Authority**
Email: tndoe@nic.in (Respondent No. 9)
6. **Andhra Pradesh Coastal Zone Management Authority**
Email: splcs_efst@ap.gov.in / membersecy@appcb.gov.in (Respondent No. 10)
7. **Odisha Coastal Zone Management Authority**
Email: fesec.or@nic.in / direnvodisha@gmail.com (Respondent No. 11)
8. **West Bengal Coastal Zone Management Authority**
Email: environmentwb@gmail.com (Respondent No. 12)
9. **Dadar & Nagar and Daman & Diu Coastal Zone Management Authority**
Email: pers-dd@nic.in (Respondent No. 13)

10. Lakshadweep Coastal Zone Management Authority (LCZMA)
Email: lak-dit@nic.in (Respondent No. 14)
11. Puducherry Coastal Zone Management Authority
Email: pczma1998@gmail.com (Respondent No. 15)
12. Andaman & Nicobar Coastal Zone Management Authority
Email: cs-andaman@nic.in (Respondent No. 16)
13. Secretary
Ministry of Earth Science
Email: secretary@moes.gov.in (Respondent No. 17)
14. Secretary
Island Development Authority
Email: vch-niti@gov.in/ jscpg-mha@nic.in (Respondent No. 18)

Respondents in OA No. 09/2023

01. Goa Coastal Zone management Authority
Email: goacoastalzone@gmail.com (Respondent No. 3)
02. Maharashtra Coastal Zone Management Authority
Email: psec.env@maharashtra.gov.in/ dir1.mev-mh@nic.in (Respondent No. 4)
03. Gujarat Coastal Zone Management Authority (GCZMA)
Email: czm-fed@gujarat.gov.in (Respondent No.5)
04. Karnataka State Coastal Zone Management Authority,
E-mail: prs-fee@karnataka.gov.in (Respondent No. 6)
05. Kerala Coastal Zone Management Authority
Email: kczmasandtd@gmail.com (Respondent No. 7)
06. Tamil Nadu Coastal Zone Management Authority
Email: tndoe@nic.in (Respondent No. 8)
07. Andhra Pradesh Costal Zone Management Authority
Email: splcs_efst@ap.gov.in/ membersecy@appcb.gov.in (Respondent No. 9)
08. Odisha Coastal Zone Management Authority
Email: fesec.or@nic.in/ direnvodisha@gmail.com (Respondent No. 10)
09. West Bengal Coastal Zone Management Authority
Email: environmentwb@gmail.com (Respondent No. 11)
10. Dadar & Nagar and Daman & Diu Coastal Zone Management Authority
Email: pers-dd@nic.in (Respondent No. 12)
11. Lakshadweep Coastal Zone Management Authority (LCZMA)
Email: lak-dit@nic.in (Respondent No. 13)
12. Puducherry Coastal Zone Management Authority
Email: pczma1998@gmail.com (Respondent No. 14)

- 13. Andaman & Nicobar Coastal Zone Management Authority**
Email: cs-andaman@nic.in (Respondent No. 15)
- 14. Secretary**
Ministry of Earth Science
Email: secretary@moes.gov.in (Respondent No. 16)
- 15. Secretary**
Island Development Authority
Email: vch-niti@gov.in/ jscpg-mha@nic.in (Respondent No. 17)

Respondents in OA No. 10/2023:

- 01. Maharashtra Coastal Zone Management Authority**
Email: psec.env@maharashtra.gov.in/ dir1.mev-mh@nic.in (Respondent No. 4)
- 02. Gujarat Coastal Zone Management Authority (GCZMA)**
Email: czm-fed@gujarat.gov.in (Respondent No.5)
- 03. Karnataka State Coastal Zone Management Authority,**
E-mail: prs-fee@karnataka.gov.in (Respondent No. 6)
- 04. Kerala Coastal Zone Management Authority**
Email: kcymasandtd@gmail.com (Respondent No. 7)
- 05. Tamil Nadu Coastal Zone Management Authority**
Email: tndoe@nic.in (Respondent No. 8)
- 06. Andhra Pradesh Coastal Zone Management Authority**
Email: splcs_efst@ap.gov.in/ memberseacy@appcb.gov.in (Respondent No. 9)
- 07. Odisha Coastal Zone Management Authority**
Email: fesec.or@nic.in/ direnvodisha@gmail.com (Respondent No. 10)
- 08. West Bengal Coastal Zone Management Authority**
Email: environmentwb@gmail.com (Respondent No. 11)
- 09. Dadar & Nagar and Daman & Diu Coastal Zone Management Authority**
Email: pers-dd@nic.in (Respondent No. 12)
- 10. Lakshadweep Coastal Zone Management Authority (LCZMA)**
Email: lak-dit@nic.in (Respondent No. 13)
- 11. Puducherry Coastal Zone Management Authority**
Email: pczma1998@gmail.com (Respondent No. 14)
- 12. Andaman & Nicobar Coastal Zone Management Authority**
Email: cs-andaman@nic.in (Respondent No. 15)
- 13. Secretary**
Ministry of Earth Science
Email: secretary@moes.gov.in (Respondent No. 16)
- 14. Secretary**
Island Development Authority

11. Applicants are directed to serve the above newly added respondents and file the affidavit of service at least one week before the next date of hearing. Newly added respondents may file their response by way of affidavit before the next date of hearing.

12. At this stage, prayer for interim relief has been made by Counsel for the applicants.

13. Learned Counsel for MoEF&CC is permitted to obtain instructions on the issue of interim relief.

14. List on 19.12.2024.

Prakash Shrivastava, CP

B. Amit Sthalekar, JM

Pushpa Sathyanarayana, JM

Dinesh Kumar Singh, JM

Dr. Vijay Kulkarni, EM

November 11, 2024
Original Application No. 106/2022(WZ),
Original Application No. 09/2023(WZ),
Original Application No. 10/2023(WZ),
JG..