

Item No.6

(Pune Bench)

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

[Through Physical Hearing (with Hybrid Option)]

**ORIGINAL APPLICATION NO.14 OF 2023 (WZ)
WITH
I.A.NO.202/2023 IN O.A. NO.14/2023**

Vanshakti & Anr.

.... Applicants

Versus

Chief Conservator of Forests, Thane & Ors.

.... Respondents

Date of hearing : 24.11.2023

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

Applicants : Mr. Zaman Ali, Advocate

Respondents : Mr. Pradeep Patil, Divisional Forest Officer,
representing Chief Conservator of Forests, Thane,
respondent No.1
Mr. Saket Mone, Advocate for R-4
Ms. Namrata Bobade, Advocate for R-5
Mr. Aniruddha Kulkarni, Advocate for SEIAA

ORDER

1. From the side of the applicants, learned counsel Mr. Zaman Ali has appeared.

2. By our previous order dated 05.07.2023, we had directed the Member Secretary, SEIAA to show cause as to why he did not appear at the time of inspection/visit to the site, nor did he indicate any reason/s for not appearing from their side on the previous date before us.

3. A Joint Committee was constituted by this Tribunal comprising the Chief Conservator of Forests, Thane, the State Environment Impact Assessment Authority (SEIAA) and District Magistrate, Thane, which submitted its report dated 04.07.2023, which was not signed by SEIAA

because of which we had directed the Member Secretary, SEIAA whether he is in agreement with the Joint Committee report. Therefore, Mr. Pravin Darade, Principal Secretary of Environment and Climate Change Department, Govt. of Maharashtra and Member Secretary, SEIAA has submitted an affidavit dated 22.11.2023, tendering therein the unconditional apology for not being able to participate in the Joint Committee because of the clashing of the date of meeting of SEIAA with the date which was fixed for Joint Committee's inspection of the site in question. In paragraph No.6 of the affidavit, it is stated that Member, SEIAA has participated in the second Joint Committee exercise and revised report is being filed separately which may be considered.

4. When we confronted this with Mr. Pradeep Patil, the Divisional Forest Officer (DFO), Thane, representing respondent No.1 – Chief Conservator of Forests, Thane, he states that no revised Joint Committee report has been prepared. Therefore, it appears that either DFO, Thane, representative of respondent No.1 is telling lie or false affidavit has been furnished by the Member Secretary, SEIAA. We direct respondent No.1 as well as Member Secretary, SEIAA to submit clarification in this regard on or before 28.11.2023.

5. From the side of respondent No.4 – MMRDA, learned counsel Mr. Saket Mone has appeared and states that the reply-affidavit has been filed.

6. From the side of respondent No. 5 – Vajreshwari Shikshan Prasarak Mandal, learned counsel Ms. Namrata Bobade has appeared.

7. The learned counsel for the applicants has filed I.A. No.202 of 2023, copy of which has been served on all the respondents, with a prayer that respondent No.5 be restrained from carrying out any work at the site in question i.e. Survey No.106, Taluka Bhiwandi, District Thane and a direction be issued for removal of entire unauthorized and illegal

structure constructed on the forest lands situated at Survey No.106 Vilage Ganeshpuri, Taluka Bhiwandi, District Thane. We direct the respondents to file reply, if any against this I.A. within a week.

8. Put up this matter on 28.11.2023 for next consideration.

Dinesh Kumar Singh, JM

Dr. Vijay Kulkarni, EM

November 24, 2023
O.A. No.14/2023(WZ)
npj