

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

(By Video Conferencing)

Original Application No. 40/2023(WZ)

Yogesh Mundhara

.....Applicant

Versus

M/s. Super Dream Real Estate Private Ltd.

....Respondent(s)

Date of hearing: 05.04.2023

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

Applicant : Ms. Sreeja Chakraborty, Advocate

**ORDER**

1. From the side of Applicant, learned Counsel Ms. Sreeja Chakraborty has appeared.

2. She has argued in respect of this matter to be admitted, though there is delay in removal of the defects, which were pointed out by the Registry of this Tribunal. It is argued by her that the present Original Application was filed on 08.02.2023 and the defects were notified on 22.02.2023, which were removed on 31.03.2023 i.e. little after 30 days' period provided for removal of the same, as per Rule 10 Sub-Clause (3) of the NGT (Practice and Procedure) Rules, 2011.

3. Reliance is placed on the Judgment [1976 AIR 1177, 1976 SCR (2) 82] (*State of Punjab & Anr. Vs. Shamlal Murari & Anr.*), which provides that the procedural law should not be an obstruction in the aid of justice. We find that though delay is there but we deem it appropriate to condone

the same and direct the Registry to allot number to this application forthwith.

4. This application has been filed with the prayers that the Respondents be directed to ensure restoration of the ESZ at Survey No. 12/2, 12/3 at Patona Pada, Yeur Village, Thane; further direction be issued to the State of Maharashtra to carry out a detailed study of the Eco-Sensitive Zone of Sanjay Gandhi National Park to determine growth limits that the ESZ of SGNP can accommodate without violating environmental capacity goals.

5. The submission made by the learned Counsel for the Applicant is that seven Bungalows have been constructed at Survey No. 12/2 and 12/3 in Yeur Village, Thane within the notified ESZ of the Sanjay Gandhi National Park in violation of the Notification dated 05.12.2016, annexed at page nos. 40 to 60 of the paper book, where-in the Village Yeur at Serial No. 35 at page no. 55 of the paper book has been found to be covered under Eco-Sensitive Zone of Sanjay Gandhi National Park.

6. Our attention is drawn by the learned Counsel to page no. 45 of the paper book, where-in it is recorded that construction activities shall be permissible within the Eco-Sensitive Zone as per the provisions of the approved Development Plan and other applicable Rules and Regulation under the Maharashtra Regional and Town Planning Act. The emphasis is laid down by the learned Counsel that the Development Plan though has been approved, copy of which is annexed at page no. 39 of the paper book but she has tried to obtain information under RTI from the Municipal Corporation, Thane to provide her copy of approved Zonal Master Plan of Eco-Sensitive Zone of Sanjay Gandhi National Park, Village Yeur but the same was reported to be not available on record and on that basis, it is

being stated that without the approved plan, these houses in question have been allowed to be constructed, which need to be demolished, the same being Eco-Sensitive Zone.

7. We find that *prima facie* case impacting adversely on environment to have been made out, therefore, we deem it proper to admit this application. We accordingly admit the same.

8. Registry is directed to issue Notice to the Respondents, returnable within 04(four) weeks.

9. Applicant is directed to provide copy of the application and relevant documents to the Respondents within a week.

10. Respondents are directed to submit their reply within 04(four) weeks providing copies of the same to the other parties in advance.

11. Applicant is also directed to take necessary steps for service upon the Respondents by both ways and also through available e-mail.

Put up this matter on 31.05.2023

Dinesh Kumar Singh, JM

Dr. Vijay Kulkarni, EM

April 05, 2023  
Original Application No. 40/2023(WZ)  
P.Kr