

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

THROUGH PHYSICAL HEARING (WITH HYBRID OPTION)

Original Application No.41/2023(WZ)

Arun Nathuram Gaikwad

.....Applicant

Versus

Secretary, Env't. Dept., Govt. of Maharashtra & Ors.

....Respondent(s)

Date of hearing: 16.02.2024

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

Applicant : Mr. Aditya Pratap, Advocate

Respondent(s) : Mr. Aniruddha Kulkarni, Advocate for R-1/Env't. Deptt.
& R-6/SEIAA- Maharashtra
Mr. Rahul Garg, Advocate for R-5/MoEF&CC

ORDER

1. From the side of the applicant, learned counsel Mr. Aditya Pratap has appeared.
2. Today, from the side of respondent No.5-MoEF&CC, learned counsel Mr. Rahul Garg has appeared, who has drawn our attention to the site inspection report of Wadala Notified Area, conducted by the respondent No.6-MoEF&CC, which is annexed at page nos.295 to 300 of the paper book, wherein, in conclusion, it is recorded that the Wadala Notified Area has been notified and layout was sanctioned in 1985 and the development was initiated from 1985 onwards. The construction of buildings, especially in Phase-I, were carried out by the individual Project Proponents between 1995 to 2017 and the total built-up area for the same were less than 20,000 sq. mtrs. After the Plan was revised in 2010, in Phase-II, one block had been allotted to M/s. Macrotech Developers Ltd. (Lodha Crown Buildmart Pvt. Ltd.) and the developers had obtained EC for the constructions. No other developments/constructions took place after 2019

revised plan. Further, MMRDA will dispose off the plots (when vacated) through tendering, as per MMRDA Disposal Regulations, 1977 and Environmental Clearance on individual plots will be insisted from the Project Proponent, if applicable.

3. In response to this, the learned counsel for applicant has drawn our attention to page no.8 of the Original Application, wherein, in para no.2.2, it is stated by him that in a land admeasuring an area of 122.10 hectares, a Township and Area Development Project is being implemented by the Project Proponent, Mumbai Metropolitan Region Development Authority (MMRDA).

4. We are of the view that MMRDA cannot be a Project Proponent because it is a planning authority. Therefore, the said planning authority would be giving land to the individual builders, who will require to obtain prior EC, if the provided total BUA exceeds 20,000 sq. mtrs.

5. In this regard, the learned counsel for applicant submits that there are large number of Judgments of Hon'ble Supreme Court. As per the interpretation made by the Hon'ble Supreme Court in these Judgments, this kind of construction would fall in the category of township and area development project, which would require prior EC to be obtained under Schedule –I (8) (b) by the Planning Authority. We direct the learned counsel for applicant to place these Judgments of Hon'ble Supreme Court before us, for which he seeks a week's time. We allow the said time by way of last opportunity because the matter is lingering since 11.04.2023 on the point of admission.

Put up this matter for admission on 26.02.2024

Dinesh Kumar Singh, JM

Dr. Vijay Kulkarni, EM

February 16, 2024
Original Application No.41/2023(WZ)
P.Kr