

Item No.4

(Pune Bench)

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

[Through Physical Hearing (With Hybrid Option)]

ORIGINAL APPLICATION NO.77 OF 2016 (WZ)

Janardan Chandar Patil & Anr.

.... Applicants

Versus

Union of India & Ors.

....Respondents

Date of hearing: 12.02.2024

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

Applicants : None

Respondents : Ms. Supriya Dangare, Advocate for MPCB
Mr. Aniruddha Kulkarni, Advocate for R-10/MCZMA & CPCB

ORDER

1. We find that by our previous order, respondent No.10 – MCZMA was directed to file progress report in the present matter, which was represented by learned counsel Mr. Aniruddha Kulkarni, who also represents CPCB. Learned counsel Mr. Aniruddha Kulkarni has sent us an e-mail dated 20.09.2023 wherein it is recorded that respondent No.10 – MCZMA has communicated the directions dated 15.11.2017, 26.04.2023 and 25.07.2023 of this Tribunal to National Centre for Sustainable Coastal Management (NCSCM) and Maharashtra Remote Sensing Applications Centre (MRSAC), vide their letter dated 11.08.2023, a copy of which is annexed with the said e-mail. The NCSCM has provided their data to MRSAC vide their e-mail dated 05.09.2023, which is also annexed with this e-mail and that the reply is still awaited from MRSAC. It is apprised by Mr. Aniruddha Kulkarni, learned counsel that MRSAC is not party to this proceeding and he also is not sure whether

the Registry of this Tribunal has communicated them the order of this Tribunal dated 15.11.2017, which was required to be complied with by them, which was quoted in our order dated 26.04.2023 in paragraph No.5.

2. As learned counsel Mr. Aniruddha Kulkarni is also representing CPCB, the progress report dated 20.09.2023 has been filed, wherein it is recorded that CPCB had developed an approach in 2009 to classify the industrial areas as critically and severely polluted areas (CPAs/SPAs) based on Comprehensive Environmental Pollution Index (CEPI) with an objective to prioritize these areas for improving the environmental quality. The CEPI methodology was revised in 2016. Following the revised CEPI-2016, CPCB carried out an assessment of 100 industrial areas located in 21 States, during 2018, out of which 38 industrial areas were identified as CPAs and 31 as SPAs. This Tribunal, in O.A. No.1038 of 2018, has given the CEPI scores in descending order for all 100 industrial areas/clusters monitored during 2018 (The same is part of the judgment of this Tribunal dated 10.07.2019 at pages 720 to 722). In that table, Navi Mumbai is shown at serial No. 51 with the readings as 56.00 Air, 63.00 Water, 16.00 Land and 66.32 CEPI Score. Further it is mentioned in this affidavit that in Maharashtra, assessment of nine industrial areas was carried out during 2018, out of which two industrial areas were identified as CPAs, four as SPAs and three as OPAs, details of which are given in Table-I. The details of CEPI scores of these industries are given in paragraph No.4 in tabular form wherein at serial No.3, Navi Mumbai's position is recorded showing CEPI Score in 2018 as 66.32 (SPA) and in 2023, it is recorded as 53.59 (OPAs). Therefore, it is shown that there is decrease in CEPI Score of 19.2% during this period.

3. In paragraph No.5 of above progress report filed by CPCB, various efforts, which are made by MPCB to control the environmental pollution

and thereby reduce the CEPI Scores have been indicated in bullet points. In paragraph No.6 of the report, it is recorded that the CPCB is following up all concerned SPCBs/PCCs, including MPCB, for effective implementation of action plans, the details of which have also been enumerated in bullet points and lastly, it is stated that development of a portal to track the progress of CEPI action plans is in progress at CPCB, wherein the concerned SPCBs/PCCs will upload the action plans, progress reports, CEPI Scores, etc.

4. We find that in this progress report, the entire information pertaining to entire State has been given and not in respect of Navi Mumbai specifically, apart from showing that there is development/progress in CEPI scores as compared to the earlier one which was there in 2018. Therefore, we direct that specific steps which have been taken and are in progress in respect of Navi Mumbai in this regard be submitted before us in the form of an affidavit by the CPCB and MPCB, by the next date.

5. As regards ascertainment in changes of mangrove cover, the information, which has been sought from the MRSAC, Nagpur by the respondent No.10-MCZMA, through their letter dated 11.08.2023, is stated to have not been provided. Therefore, we direct the Registry of this Tribunal to send a letter/communication to MRSAC, Nagpur, which is not party to this proceeding, to provide the information asked for by the MCZMA within 15 days positively, failing which we would be compelled to implead MRSAC, Nagpur as party-respondent in the present proceeding and direct them to file reply-affidavit separately wherein we would ask them to submit the reasons as to why they have not/are not providing the said information. From the date of receipt of said information from MRSAC by the MCZMA, within a week thereafter, a detailed affidavit

would be filed by them (MCZMA) in respect of compliance having been done by them.

6. Put up this matter for next consideration on 24.04.2024.

Dinesh Kumar Singh, JM

Dr. Vijay Kulkarni, EM

February 12, 2024
O.A. No.77/2016 (WZ)
npj