

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

Original Application No.77/2016 (WZ)
In
Application No.33(THC)/2013
(Disposed of on 17.08.2015)

In the matter of:-

Janardan Chandar Patil Vs. Union of India & Ors.

CORAM: HON’BLE MR JUSTICE U. D. SALVI, JUDICIAL MEMBER
HON’BLE DR. AJAY A. DESHPANDE, EXPERT MEMBER

Present: Respondent No.5 : Mr. D.T. Devale, Adv.
(Application No.33/2013)

Date and Remarks	Orders of the Tribunal
Item No.2 12 th July, 2016 Order No.2	Heard. Perused. Original Application No.33/2013 was disposed of with following directions: 1. The Member Secretary, CPCB shall review the action plan for control of pollution for Navi Mumbai area submitted by MPCB for its adequacy and efficacy and finalise the same within next four (4) weeks. 2. The Member Secretary, MPCB shall take necessary steps and measures to execute and enforce such action plan by all stake holders within period of six (6) months, by taking monthly review meeting. A monthly progress report shall be submitted to the Registry of the Tribunal. 3. CPCB and MPCB shall take necessary steps to install the ambient air quality monitoring station in the critically polluted areas including Navi Mumbai which can monitor all the (J) Application.No.33(THC)/2013 (WZ) 29 specified air pollutants as per the prescribed standards within next six (6) months. 4. CPCB shall update the CEPI index for all such identified areas, on yearly basis and yearly trend of such index shall be available on the website of CPCB and concerned SPCB. 5. The Committee under Chairmanship of Chief Conservator of Forest (mangroves cell) and including Expert Member of the MCZMA (to be nominated by

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Chairman, MCZMA) with Member Secretary MCZMA as Member-convenor is hereby formed to assess and verify the fact position related to destruction of mangroves and violation of CRZ area in Navi Mumbai. The Committee is at liberty to seek expert opinion, if it is required.

6. The Committee shall also identify the violations of the CRZ Notification, 1991 and 2011 and also, violators and the person/agency responsible for such violation. The Committee shall submit its report to MCZMA within next four (4) months and copy shall be submitted to Registry of the Tribunal.

7. The MCZMA shall take necessary action on the report of the Committee on priority within (two) months thereafter.

We are now examining the compliance of the said directions. We have before us affidavit dated 14th June, 2016 filed by the MPCB. It is revealed that the action plan for control of pollution at Navi Mumbai area in consultation with all the stakeholders was submitted to Central Pollution Control Board (CPCB) in November, 2010 and thereafter, the moratorium was lifted subject to implementation of the said action plan. However, this happened in November, 2010 prior to the passing of the order, the execution of which is presently under consideration. What was expected was a fresh action plan which was to be reviewed by CPCB for its adequacy and efficacy and action plan finalised by CPCB within 04 weeks of its submission was to be put in action. Nothing of that sort is revealed by MPCB. We, therefore, direct the MPCB to place before us all the facts necessary for showing the complete compliance of the Order under execution.

List this case on 26th July, 2016.

....., JM
(Justice U. D. Salvi)

....., EM
(Dr. Ajay A. Deshpande)