

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

(WITH HYBRID OPTION)

Original Application No. 77/2016(WZ)

In

Original Application No. 33/2013(THC)
(Disposed of on 19.08.2015)

Janardan Chandar Patil & Anr.

.....Applicant(s)

Versus

Union of India & Ors.

....Respondent(s)

Date of hearing: 26.04.2023

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

Applicant : None appeared

Respondent(s) : Ms. Manasi Joshi, Advocate for R-5/MPCB
Mr. Aniruddha Kulkarni, Advocate for R-10/MCZMA

ORDER

1. None has appeared from the side of Applicant to press this application.

2. We have gone through the record and find that this Tribunal had passed final order dated 17.08.2015 in Original Application No. 33(THC)/2013(WZ), after being received on transfer from the Hon'ble High Court, to the following effect:-

- “
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

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 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.”*

3. It appears that the present application has been registered as an Original Application under order of Registrar General dated 03.02.2016, which says that a decision has been taken by the Full House on 27.01.2016 that documents/reports filed by the parties in compliance of orders/Judgments of this Tribunal, shall be treated as new Original Application, in terms of Section 25 of National Green Tribunal Act, 2010. In pursuance of above order, on receipt of compliance report from the side of Regional Officer, MPCB (Respondent No. 5) in Original Application No. 33(THC)/2013(WZ), the same has been registered as Original Application No. 77/2016(WZ) i.e. present one.

4. From the side of Respondent No. 5/MPCB, learned Counsel Ms. Manasi Joshi has appeared. She assures that on the next date, she shall place the current status of this matter. We find from the perusal of the previous order that on 12.07.2016, there was expectation expressed by this Tribunal that fresh action plan was required to be finalized by the CPCB but nothing was revealed to that effect from the affidavit of MPCB, therefore, it was directed that MPCB would place before this Tribunal all necessary facts but we find that subsequent report has not been filed

from their side. We provide two weeks' time to the learned Counsel for the MPCB to file the same.

5. Thereafter, several orders have also been passed and we find next relevant order, which was passed on 15.11.2017, where-in affidavit dated 03.11.2017, filed by the Member Secretary, MCZMA, was considered and it was noted that the MCZMA was under obligation to take necessary action in reference to the violations noticed by the said Committee and a compliance report regarding action taken was required to be submitted within one month. Further, following order was passed on the said date:-

“To ascertain the changes in mangroves cover, the Committee has suggested Change Detection Study to be carried out by the Expert Agency competent in using scientific tool of Satellite data analysis. The committee appears to have taken note that the National Centre for Sustainable Coastal Management (NCSCM) for Chennai has identified the ecologically sensitive area i.e. mangroves based on the aerial photography of the year 2011 and the said mangroves data can be compared with the MRSAC, Nagpur in order to ascertain changes in the mangrove cover i.e. change Detection Study.

To secure compliances of our Judgment and order; we direct MRSAC, Nagpur to obtain from National Centre for Sustainable Coastal Management (NCSCM) for Chennai, the data identifying the ecologically sensitive area i.e. mangroves in Navi Mumbai and on comparison of the said data with the previous mangroves data of the year 2005 available with them ascertain the change in mangroves cover in Navi Mumbai and place its report before us on or before the next date.”

6. In view of above direction, Respondent No. 10/MCZMA, who is represented by learned Counsel Mr. Aniruddha Kulkarni, is required to submit its report by the next date positively because it does not appear to have been filed.

Put up this matter for further consideration on 25.07.2023

Dinesh Kumar Singh, JM

Dr. Vijay Kulkarni, EM

April 26, 2023
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P.Kr