

Item No.3

(Pune Bench)

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

[THROUGH PHYSICAL HEARING (WITH HYBRID OPTION)]

**ORIGINAL APPLICATION NO.80 OF 2023 (WZ)
WITH
I.ANO.131/2023 IN O.A. NO.80/2023**

Sarang Yadwadkar & Anr.

.... Applicants

Versus

Pune Municipal Corporation & Ors.

....Respondents

Date of Hearing : 29.05.2023

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

Applicants : Mr. Ritwick Dutta, Advocate with applicant No.1

ORDER

1. This Original Application has been filed with a prayer that respondent No.1 – Pune Municipal Cororation be prohibited from undertaking tree felling from Mula, Mutha, Mula-Mutha Riverfront Development Project, until a fresh appraisal of the project is conducted. The learned counsel for the applicants submits that this application has been filed in pursuance of the order dated 27.03.2023 passed by the Hon'ble Supreme Court in Diary No.9039 of 2023 (Sarang Yadwadkar & Anr. Vs. Pune Municipal Corporation & Ors.). Direction given by the Hon'ble Supreme Court in that matter is quoted in the present application in paragraph No.4.

2. Submission made on behalf of the applicants is that in the DPR, part of which is at page 36 of the paper-book, it is mentioned that the design carefully retains existing trees and also proposes additional green areas, promotes activities like boating and cycling, etc. At page 37 of the papet-book, it is recorded that the Master Plan captures the essence of

the place and cherishes these structures. To accommodate the existing trees and the structures, the embankment design is modified as per requirement on site. At page 38 of the paper-book, it is recorded that Pune city boasts of a great wealth of trees (around 390 species spread all over the city), which keeps exponentially increasing. The existing Pune river edge already consists of a large number of trees, which will be integrated with the proposed riverfront development. Page 39 of the paper-book states that there are already a large number of trees along the river edge in Pune. It is very important to retain and enrich the green heritage of the city. To protect these existing as well the proposed trees in the riverfront development, tree guards will thus be used. Thereafter, our attention is drawn to page No.44 of the paper-book, which is minutes of the meeting of SEAC held on 23.09.2019 and serial No.43 under head “Green Belt Development” says that number of trees to be cut and planted – not applicable. Thereafter, our attention is drawn to the minutes of the SEIAA meeting dated 11.10.2019 (page 51 of the paper-book) and at serial No.44 thereof (page 56 of the paper-book), it has the same endorsement that number of trees to be cut and planted – not applicable. Thereafter, our attention is drawn to the Public Notice dated 28.02.2023 (pages 167 and 168 of the paper-book), which is issued by the Tree Authority of Pune Municipal Corporation, which publicly notifies that within the limits of Pune Municipal Corporation Zone Nos.1, 2, 3, 4, 5 which consist of 15 Ward Offices, removal/transplantation of 1 to 25 trees is to be done. The said notice appears to be wrongly worded. It is urged by the learned counsel for the applicants before us by providing Dockets, which find mention in the notice, which is in Marathi language, which indicate that total 1236 number of trees are to be cut/transplanted. The said Dockets (04 in number) are taken on record and marked “X” (collectively) for the purpose of identification. The

applicants are directed to place on record English translation of the aforesaid Dockets by the next date i.e. 31.05.2023, on which date the matter would be heard on interim relief.

3. Based on above, it is being argued that there is concealment on the part of the Project Proponent that they would be cutting trees to such huge number and it is absolutely made clear that there was absolutely no proposal for such cutting.

4. In view of above, we find that prima facie, the case of adverse impact on the environment is made out in this application and hence, the application deserves to be admitted and it is accordingly admitted. We direct the Registry to issue notices to the respondents. The notice to respondent No.1 – Pune Municipal Corporation be made returnable on 31.05.2023 and the notice to the rest of the respondents be made returnable within four weeks.

5. The learned counsel for the applicants prays that this matter is urgent one as the old trees are likely to be cut very soon. Considering his prayer and looking to the ensuing summer vacation, we direct the applicants to serve notice on respondent No.1 – Pune Municipal Corporation against which relief is sought, making it returnable on 31.05.2023.

6. The applicants are directed to provide copies of the Original Application and annexures thereto to the respondents, today itself as far as respondent No.1 is concerned and within a week as regards the rest of the respondents.

7. The applicants are also directed to take necessary steps for service upon the respondents by both ways and also through available e-mail.

8. Put up this matter first on 31.05.2023 for hearing on interim relief. Thereafter, the matter be listed before us on 31.07.2023 for next consideration.

Dinesh Kumar Singh, JM

Dr. Vijay Kulkarni, EM

May 29, 2023
O.A. NO.80/2023 (WZ)
npj