

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

Application No. 34/2015(WZ)

Vanashakti & Anr. Vs. Union of India & Ors.

**CORAM: HON'BLE MR JUSTICE V.R. KINGAONKAR, JUDICIAL MEMBER
HON'BLE DR. AJAY A. DESHPANDE, EXPERT MEMBER**

Present: Applicant/ Appellant : Gayatri Singh, Sr. Adv. & Zaman Ali, Adv.
Respondent No. 4 : Smt. M.D. Munot, Adv
Respondent No. 2 (ii) & 3 : Mr. Ashok S. Mulchandani, AGP a/w Asst. Commissioner Forest, Thane Sanjay Laske

Date and Remarks	Orders of the Tribunal
Item No.6 19 August, 2015 Order No. 6	<p>We have heard Learned Advocates for the parties.</p> <p>We have perused reply affidavits filed by Respondent No. 2 & 3, particularly by the Asstt. Conservator of Forest. Reply affidavit has also been filed by Respondent No. 4.</p> <p>By order dated July 20th, 2015, we categorically made it clear that a Committee of experts was to be constituted by the State of Maharashtra to identify areas which are forests+irrespective of the fact whether notified, recognized or classified and was also to put up details of information regarding category of the forest as per the said order. The information as regarding forests on private lands also was expected to be included in that report in view of the parameters as recommended by the Apex Court in case of <u>T.N. Godavaram Thirumulpad Vs. U.O.I & Ors.(W.P. 202/1955)</u>+</p> <p>Perusal of the record shows that on 14th February, 2013, a proposal was forwarded to MoEF by the Chief Conservator of Forest which indicated areas between 0 to 2 k.ms from Sanjay Gandhi National Park (SGNP) location wise to be declared as Eco-Sensitive Areas (ESA). In the said proposal, structures shows that private land of areas was proposed to be declared as Eco-Sensitive Areas (ESA). It appears that subsequently in May, 2015, another proposal was forwarded by the CCF to increase the area to 0 to 4 km from Sanjay Gandhi Nehru Park (SGNP) as Eco-Sensitive Areas (ESA), location wise and to cover 4961 Ha. Including Aarey colony.</p>
Item No.6	

<p>19 August, 2015 Order No. 6</p>	<p>Assist. Conservator of Forest Shri Sanjay Laske, who has filed an affidavit on record, is present in person. Under his instructions, Learned AGP Shri A.S. Mulchandani states that entire Aarey Colony area is shown as Eco-Sensitive Areas (ESA), and that the CCF have not granted any permission for tree felling or construction activity within the area. He makes statement that no such activity will be allowed henceforth, until the MoEF takes a particular decision in the matter except and save the existing constructions which have already come up due to apartments/illegal buildings etc. He further submits that both these reports are already made available to MCGM.</p> <p>By consent of Learned Advocates for the parties, we constitute a committee of responsible Officers not below the rank of Deputy Commissioner of BMC, Deputy Conservator of Forest, Thane and Commissioner of Dairy Development Department or his nominee as the case may be. The Representative of the Applicant be permitted to accompany committee Members to carry out the inspection which shall be executed within a week and ACF, Shri Sanjay Laske to co-ordinate the execution of the Commission work by giving notices to all the Members of the Committee and the Applicant. The spots of construction with details and proximate area covered by the E.S.A., thereof also shall be noted.</p> <p>We, further, direct that BMC shall not issue any further NOC for construction within the entire area of ESA in Aarey colony and if any such illegal going on activities noticed, immediate action shall be taken including demolition thereof without any delay.</p> <p>The BMC, the Director of Aarey colony and C.C.F shall give notices to the project proponents of the construction work and keep status till further orders are passed in this Application. They also may issue directions to such project proponents to file Application for intervention in the present Application if such construction activities are claimed to be legal or that any such activity is required to be proceeded.</p> <p>He seeks time to take instruction and file reply affidavit to 10th</p>
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19 August,
2015
Order No. 6

September, 2015.

Stand Over to 10th September, 2015

....., JM
(Justice V. R. Kingaonkar)

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

