

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

MISC. APPLICATION NO.12/2014

AND MISC. APPLICATION NO. 27/2014

WITH

APPEAL NO.1 /2014 (WZ)

Vanshakti & Anr. Vs MCZMA

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

Present: Applicant : Mr. Stalin D.

**Respondent Nos. 1 : Mr. Deepak Rodge, w/
Mr. Rahul Garg, Adv.**

**Respondent No.2 & 3 : Mr. D.M. Gupte, w/
Ms. Supriya Dangre, Adv.**

Respondent No.4 : Ms. Supriya Dangre, Adv.

Respondent No.5 : Mr. R. Nehru, Adv.

**Respondent No.6 : Mr. Saket Mone, i/b.
Vidhii Partners.
Mr. Shiju Antony, Director**

Date and Remarks	Orders of the Tribunal
Item No.6 February 6, 2014 Order No.2	<p>Heard Learned Counsel for the parties.</p> <p>There is some ambiguity as regards the area of 65.96 Hectares which is mentioned in the order of the M.O.E.F. and so also to the Hon'ble High Court. So also there is ambiguity as regards the observations regarding excess area which is land-filled/developed/reclaimed by the Project Proponent. We direct the parties to clarify the identity of said 65.96 Hec. Area vis-à-vis the remaining property (land) out of the disputed property as well as the location of the excess area which is allegedly developed/reclaimed/filled by the Project Proponent. If so required, the Municipal Corporation and MCZMA shall file authentic map of the Surveyor alongwith Affidavit after conducting the measurement of the site in question, indicating all the relevant aspects, with particulars :</p> <p>(a) The Area of 65.96 Hec. which is marked for permissible activity of the proposed project as per order of the M.O.E.F.</p> <p>(b) The excess area on which the Project Proponent has conducted the activity of re-filling/development or reclaim, whatever it may be, and the area covered by such activity and description of such</p>

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activity.

- (c) The area covered by the adjoining mangroves/patches of the mangroves.
- (d) The area of the buffer zone between the mangroves and the CRZ area and the patch covered thereunder with particular acreage/hectare covered thereby.
- (e) The area of proposed site required for establishment of the MSW/facility and processing plant.
- (f) The area of composting plant/pit as the case may be.

The Counsel for the Project Operator is present in person and Director Mr. Shiju Antony is present in person. The learned Counsel further states that he will take instructions as to whether the operator is ready and willing to file Affidavit regarding demolition of the structure, if it is found illegal or not as per permissions available, as per directions of the Tribunal.

M.C.G.M. may also take instructions and if authorised officer of M.C.G.M. is ready to give such Affidavit, a draft of such Affidavit may be presented to the Tribunal for approval. The pleadings filed by the parties and the interim relief, continuation or modification thereof or declamping thereof, will be considered on the next scheduled date.

Stand over to 12th February,2014.

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

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