

Item No.4

(Pune Bench)

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

[THROUGH PHYSICAL HEARING (WITH HYBRID OPTION)]

ORIGINAL APPLICATION NO.77 OF 2023 (WZ)

Banda Nagraj Kumar & Anr. Applicants

Versus

Maharashtra Maritime Board & Ors. Respondents

Date of Hearing : 03.07.2023

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

Applicants : Ms. Ronita Bhattacharya, Advocate

Respondents : Mr. Saket Mone, Advocate, representing M/s Vidhi Partners, for R-1

ORDER

1. In pursuance of our previous order dated 19.05.2023, respondent No. 1 – Maharashtra Maritime Board, being represented by learned counsel Mr. Saket Mone, has filed an affidavit dated 27.06.2023 wherewith he has annexed Annexure-D, which is CRZ Clearance dated 05.03.2019. The learned counsel for the applicants has drawn our attention to page 397 of the paper-book which indicates that in this CRZ Clearance, under specific conditions, condition No.(I) relating to MMB to ensure that no construction is allowed in intertidal or beach area i.e. CRZ area, solid construction should be restricted to landward side of the High Tide Line and condition No. (II) MMB to ensure that construction debris is not dumped in the beach and CRZ area, are being breached by respondent No.1. Thereafter, the learned counsel for the applicants has drawn our attention to Annexure-G of the said affidavit of respondent No.1, which is a letter dated 30.06.2021 written by MCZMA – respondent

No.2 to MMB – respondent No.1, wherein in paragraph No.5, it is recorded that MMB i.e. respondent No.1 to strictly ensure that no construction is allowed on Aksa Beach. Thereafter, our attention is drawn to page 53 of the paper-book which shows that there is pakka construction made in the middle of the beach, which could not have been done.

2. Prima facie, we find that substantial question relating to adverse impact on the environment is made out. Therefore, we admit this application and direct the Registry to issue notice to respondent No. 2 - MCZMA, respondent No. 3 – Environment Department, Govt. of Maharashtra, respondent No. 4 – SEIAA, Maharashtra and respondent No.5 – MoEF&CC, returnable within four weeks.

3. Learned counsel Mr. Aniruddha Kulkarni has appeared for respondent No.2 – MCZMA, respondent No. 3 – Environment Department, Govt. of Maharashtra and respondent No. 4 – SEIAA, Maharashtra and waives service of notice for these respondents. He is directed to file reply-affidavit within four weeks.

4. The learned counsel for the applicants, in the meantime, shall file rejoinder-affidavit against the affidavit of the respondent No.1.

5. The applicants are directed to provide copies of the Original Application and annexures thereto to the respondents, within a week.

6. The applicants are also directed to take necessary steps for service upon respondent No.5 – MoEF&CC.

7. Put up this matter on 04.09.2023.

Dinesh Kumar Singh, JM

Dr. Vijay Kulkarni, EM

July 03, 2023
O.A. NO.77/2023 (WZ)

