

Item No. 01

**BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI
(Through Video Conferencing)**

Original Application No. 89/2018 (WZ)

Sonia Raj Sood

Applicant(s)

Versus

Union of India & Ors.

Respondent(s)

Date of hearing: 06.03.2019

CORAM: HON'BLE MR. JUSTICE ADARSH KUMAR GOEL, CHAIRPERSON
HON'BLE MR. JUSTICE S.P. WANGDI, JUDICIAL MEMBER
HON'BLE MR. JUSTICE K. RAMAKRISHNAN, JUDICIAL MEMBER
HON'BLE DR. NAGIN NANDA, EXPERT MEMBER

For Applicant(s): Ms. Sonia Raj Sood, Advocate in person

For Respondent (s):

ORDER

1. At this stage, we find Respondent Nos. 5 to 8 to be unnecessary. They are deleted from the array of parties, subject to any further order which may be passed later, if necessary.
2. This application seeks quashing of final Coastal Zone Management Plan (CZMP) received by the applicant on 19.10.2018 for Sub-Urban Mumbai to the extent of inclusion of Bandra Fort and its adjoining plots in Coastal Regulation Zone-II (CRZ). Particular objection is to inclusion of CTS Nos. B-1153 (part), B-1156, B-1150 and B-1155 in Bandra (West), as said area is within 100 meters of Bandra Fort. Objection is also to inclusion of Plot No. B-899/A Bandra (W) in CRZ-II area and to restore it to CRZ-III as per State Approved CZMP.

Further prayer is to restore the original status of the said area as CRZ-I(A) as indicated in the State Approved Draft CZMP.

3. According to the applicant, there are 30 to 35 other plots shown in CRZ-II by changing status of CRZ-III. The applicant also seeks depiction of marine life, mangroves, rocks etc. in Bandra Bandstand coast as per the original State Approved CZMP rather than what is shown in the impugned CZMP.
4. The grievance of the applicant is that Bandra Fort is an ancient historical heritage. Hotel Sea Rock in the said area was demolished in the year 2008. 30 to 35 other plots adjoining to Bandra Bandstand were proposed to be in No Development Zone on account of High Tide Line (HTL) in the draft CZMP of Sub-Urban Mumbai. However, the Maharashtra State Coastal Zone Management Authority (MSCZMA), in connivance with the lessees of the property, proposed change of the said area to CRZ-II, thereby releasing the area from the restrictions to be observed meant to protect the said area, which is eco sensitive, from the adverse consequences of unsustainable development. The consequence of change of the area to CRZ-II will be threatening the existence of the ancient heritage monument and destruction of environment and natural habitat of flora, fauna, mangroves and marine species in the area.
5. According to the applicant, the change has been effected by the Ministry of Environment, Forests and Climate Change (MoEF&CC) without application of mind and in violation of 'Precautionary' and 'Sustainable Development' principles. The objections of the applicant

are recorded in the noting of the Coastal Officer dated 16.05.2018, but the same has been ignored without any examination.

6. Having regard to above averments, we consider it appropriate to seek a report from a Joint Committee comprising representatives of Central Pollution Control Board (CPCB) and the National Coastal Zone Management Authority (NCZMA) and the representatives from Respondent Nos. 1, 2 and 3, MoEF&CC, MCZMA and Institute of Remote Sensing, Chennai. The nodal agency will be the Respondent No. 2, MCZMA for coordination and compliance. The report may be submitted by the Joint Committee within one month by e-mail at ngt.filing@gmail.com.

7. A copy of this order be sent to the MCZMA by e-mail for compliance.

8. Pending further consideration, the clearances in the area mentioned above may not be finalized.

List for consideration of the report on 15.04.2019.

Adarsh Kumar Goel, CP

S.P. Wangdi, JM

K. Ramakrishnan, JM

Dr. Nagin Nanda, EM

March 06, 2019
Original Application No. 89/2018 (WZ)
DV