

**BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI**

Original Application No.193/2016 (WZ)

Vanashakti & Ors.

Applicant(s)

Versus

Union of India &Ors.

Respondent(s)

Date of hearing: 24.01.2020

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

ORDER

1. Challenge in this application is to construction and hazardous activities inside the ESZ area notified on 05.12.2016 for Sanjay Gandhi National Park, Mumbai.
2. In pursuance of order dated 10.10.2019, the MoEF&CC has filed affidavit to the effect that the ESZ area has been now reduced, after following due procedure of law, and any new construction in ESZ is allowed as per Zonal Master Plan. Relevant averments are:

“6.3 That the matter relating to finalization of ESZ Notification was considered during the 20th meeting of the Expert Committee of ESZ held on 5th July, 2016. During the meeting, the representative of Government of Maharashtra informed that various stakeholders/public have requested for reducing the area of ESZ and to keep it bare minimum. The Committee noted that the National Park being in the centre of the Mumbai city, a large number of residential colonies including high-rise buildings, other human habitations such as slums, office buildings and

types of human activities already exists alongside the Park on either side. It was mentioned by the State Government that the Metro Rail Shed is also proposed in the Aarey land; therefore, **an area of 1.65 sq. km which include private land and some slums was proposed to be excluded from the ESZ. Thus, the final ESZ proposed by the State was 59.46 sq.km instant of 61.106 km². Keeping in view the State Government's submission, exclusion of an area of 1.65 sq.km land for Mumbai Metro Rail Corporation, temple, etc. was agreed to by the Committee.** However, the Committee recommended that any new construction within ESZ shall be in accordance with the Zonal Master Plan, which has to be prepared within two years of the publication of final notification. Also, the clearances would be required as per prevalent rules and regulation. The minutes of the meeting along with the corrigendum therein are annexed at Anenxure-R1-3.

7. That the final notification declaring ESZ around Sanjay Gandhi National Park has been issued by the Ministry of Environment, Forest & Climate Change **vide S.O. No. 3645 (E) on 5th December, 2016 with an ESZ area of 59.46 sq.km. having an ESZ extent of 100m-4.0 km** after following the due process of scrutinisation, consultation seeking comments from the public and on the basis of suggestions of the State Government and after the recommendation of Expert Committee on Eco-Sensitive Zone.”

3. In view of the above, no further order is necessary.

The application is disposed of.

Adarsh Kumar Goel, CP

S.P Wangdi, JM

Dr. Nagin Nanda, EM

Siddhanta Das, EM

January 24, 2020
Original Application No. 193/2016 (WZ)
AK