

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

Original Application No.105/2018

Indian Council for Enviro-Legal Action

Applicant(s)

Versus

Ministry of Environment, Forest and
Climate Change & Ors.

Respondent(s)

Date of hearing: 27.02.2019

CORAM:

**HON'BLE MR. JUSTICE RAGHUVENDRA S. RATHORE, JUDICIAL MEMBER
HON'BLE DR. SATYAWAN SINGH GARBYAL, EXPERT MEMBER**

For Applicant(s)

None present

For Respondent(s)

Mr. Ardhendumauli Kr. Prasad,
Advocate for R-3, CGWA
Mr. Mukesh Verma, Advocate for
R-4
Ms. Sharmila Upadhyay and Mr.
Sarvjit Pratap Singh, Advocates
for CPCB
Mr. Rajesh K. Singh and Mr.
Rovins Verma, Advocates for
MoEF & CC
Mr. Ranjesh K. Sinha, Advocate

ORDER

None for the Applicant.

1. In this Application the Applicant has contended that a large number of Brick kilns are operating in Tansa Valley in Thane and Palgarh, District of Maharashtra without any Environmental Clearance. He has, therefore, prayed for prohibiting the operation of Brick kilns and other polluting industries in eco-sensitive Tansa Valley and also prayed to pass order to prohibit earth mining in the forest area,

Fertile Agriculture Land and ecologically fertile Tansa Valley.

2. In the reply affidavit filed on 04.04.2018 on behalf of the Respondent No. 1 it was submitted that Ministry of Environment & Forest had published draft Notification on Tansa Wildlife Sanctuary under Environment (Protection) Act, 1986 on 10th August, 2017. It has now been submitted today that the said notification has lapsed because of want of comments from the State Government of Maharashtra. It is noteworthy to mention that in the draft notification the eco-sensitive zone extends from 600 mt. to 9.5 km. from the boundary of Tansa Wildlife Sanctuary. Besides, in the list of activities which are prohibited in the eco-sensitive zone, following activities have been included:-

Sr. No.	Activities	Remarks
1.	Commercial Mining, Stone Quarrying and Crushing units	(a) All new and existing (minor and major minerals), stone quarrying and crushing units are prohibited with immediate effect except for meeting the domestic needs of bona fide local residents including digging of earth for construction or repair of houses and for manufacture of country tiles and bricks for housing and for other activities. (b) The mining operations shall be carried out in

		accordance with the order of the Hon'ble Supreme Court dated 4 th August, 2006 in the matter of T.N. GodavaranThirumulpad Vs. UOI in W.P.(C) No. 202 of 1995 and dated 21st April, 2014 in the matter of Goa Foundation Vs. UOI in W.P.(C) No. 435 of 2012.
2.	Setting of industries causing pollution (water, Air, Soil, Noise etc.)	No new industries and expansion of existing polluting industries in the Eco-sensitive zone shall be permitted. Only non-polluting industries shall be allowed within ESZ as per classification of Industries in the Guidelines issued by Central pollution Control Board in February, 2016, unless so specified in this notification. In addition, non-polluting cottage industries shall be promoted.
3.	Use or production or processing of any hazardous substances.	Prohibited (except as otherwise provided) as per applicable laws.
4.	Discharge of untreated effluents in natural water bodies or land area.	Prohibited (except as otherwise provided) as per applicable laws.
5.	Establishment of Solid Waste disposal site and common incineration facility for solid and bio medical waste	No new solid waste disposal site and waste treatment/processing facility of solid waste is permitted within Eco-sensitive zone. Further installation of common or individual incineration facility for treatment of any form of solid waste generated from industrial process and health establishment/hospitals etc. is

		prohibited.
6.	Establishment of large-scale commercial livestock and poultry farms by firms, corporate, companies.	Prohibited (except as otherwise provided) as per applicable laws except for meeting local needs.
7.	Setting up of brick kilns.	Prohibited (except as otherwise provided) as per applicable laws.
8.	Use of polythene bags.	Prohibited under applicable laws.

3. We are of the considered opinion that since the final notification for Eco-sensitive zone of Tansa Wildlife Sanctuary has not been notified till date, the Eco-sensitive zone will, therefore, extend to 10 km. distance from the boundary of Tansa Wildlife Sanctuary and therefore operation of all the brick kilns, Commercial Mining, Stone quarrying and Crushing units, setting of industries causing pollution, use of production or processing of any hazardous substances will be prohibited within 10 km Eco-sensitive zone of Tansa Wildlife Sanctuary. We, therefore, direct all the concerned Authorities to immediately take action to completely stop operation of all the brick kilns and polluting industries in Tansa Valley falling within 10 km distance from the boundary of the Tansa Wildlife Sanctuary forthwith. A compliance of these directions will be filed in the Tribunal within two weeks from today.

With these directions, this O.A. No. 105 of 2018 stand disposed of, with no order as to cost.

Raghuvendra S. Rathore, JM

Dr.Satyawan Singh Garbyal, EM

February 27, 2019
JK

