

Item No. 06 (Through VC)

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

Appeal No. 129/2018  
(Earlier Appeal No. 20/2015 (WZ))

Conservation Action Trust & Anr. Appellant(s)

Versus

MoEF & CC & Ors. Respondent(s)

Date of hearing: 08.02.2019

**CORAM:**

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

For Applicant(s) Ms. Perna Venhatish and Mr. Suja  
Chakraborty, Advocates

For Respondent(s) Mr. Vaibhav Kandpal, Mr. W. Bharat  
Singh, Director (CRZ) and Dr.  
Mahendra Phulwaria, Scientist-B  
(Manager) for MoEF  
Mr. Naresh Pandurang Patel, Head-  
Environment Trombay Thermal Power  
Station, Mumbai, Tata Power  
Company Ltd., R-5  
Mr. S.Y. Kulkarni, Advocate for  
intervention  
Mr. Milind M. Mahajan, Advocate for  
R-1  
Mr. Gupte D.M., Advocate for R-2  
Ms. Supriya Dangare, Advocate for R-3  
Ms. Mansi Joshi, Advocate for R-4

**ORDER**

In compliance of our order dated 17.01.2019, Mr. W. Bharat Singh, Director (CRZ), MoEF & CC has appeared before us. He has explained about the plant which is proposed to be converted (Unit 6). The change is from oil

based to coal based. Besides, Mr. Naresh Pandvrang Patel, Head-Environment Trombay Thermal Power Station, Project Proponent The Tata Power Company Limited has placed before us certain photographs to show that the conveyer belt will be passing over the existing road and it would not touch the mangrooves or cross over it. Further, he has submitted that the discharge point has also been changed to a place which is devoid of mangrooves.

In view of the aforesaid, the learned counsel for the appellant has fairly submitted that he would have no grievance if the mangrooves are not touched or crossed over, as submitted by the officer of the Tata Power Company Limited. However, she has submitted that the Tata Power Company Limited should maintain the stand taken today in future also. There should be no damage/encroachment over the mangrooves, in any manner.

It may be pointed out that so far, the Project Proponent has obtained consent to establish in the month of March, 2014 which is valid for a period of five years. However, the consent to operate is yet to be granted. As and when the Pollution Control Board considered the application for consent to operate they should proceed in accordance with law and also incorporate special conditions of mangrooves.

Accordingly, Appeal No. 129 of 2018 stands disposed of, with no order as to cost.

Raghuvendra S. Rathore, JM

K. Ramakrishnan, JM

Dr. Satyawan Singh Garbyal, EM

February 08, 2019  
mn

