

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

Application No. 55/2014 (WZ)

ParyavaranDakshataManch& Ors.Vrs. Union of India & Ors.

**CORAM: HON'BLE MR JUSTICE V.R. KINGAONKAR, JUDICIAL MEMBER
HON'BLE DR. AJAY A. DESHPANDE, EXPERT MEMBER**

Present: Applicant/ Appellant : Mr. PravartakSuhas Pathak, Adv.
Respondent Nos.3 to 5 : Mrs. SupriyaDangare, Adv.
Respondent No.4 : Shweta Busar, Adv.H/for
Mr.Ranjan Nehru, Sr. Adv.
Respondent No. 9 : Mr. Ramesh Soni, Adv.a/w.
Mr. Amit Agashe, Adv.

Date and Remarks	Orders of the Tribunal
Item No.4 1 September, 2015 Order No. 19	<p>We have heard learned Advocates for the parties.</p> <p>Though, in our order dated August 19th, 2015 Shri Sushilkumar Srivastava, Scientist of MoEF was called and was present but unable to explain procedure to be adopted or had been adopted for re-classification of CRZ by MCZMA/NCZMA, we directed the further adjournment.</p> <p>We expected that Shri Sushilkumar Srivastava will be now able to come back with due explanation. Learned Advocate for MoEF states that she duly communicated the order dated August 19th, 2015 to the Director of MoEF. It appears that inspite of such communication; no proper steps have been taken. We direct, therefore, Mr. Sushilkumar Srivastava, Scientist shall remain present in person alongwith relevant file and be prepared to give his affidavit regarding the procedure which is followed for re-classification of the CRZ area. His casual approach to make a statement that he is unable to explain the procedure for re-classification of CRZ, in our opinion should be taken note by the Secretary of MoEF inasmuch as notwithstanding the fact that Shri Sushilkumar Srivastava joined a new post only on July 15th, 2015 yet by midst of August 2015, he should have braced himself with port-folio and was expected to prepare with subject and particularly when, the order required him to explain the methodology as per this Tribunal's direction dated July 21st, 2015. We do not think that there was communication gap</p>

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between learned Advocate of MoEF inasmuch as we have noted that she acts with responsibility as officer of the Court and is particular in communicating with MoEF about progress of the matter in the Tribunal.

The lapses of the officers of the MoEF, therefore, cannot be attributed to any one else but only to the internal arrangement and internal lack of co-ordination/communication between the Departments and their officers. We are hopeful that the Director of MoEF will set the system in place so as to how the creases will be iron out to make the functioning of the project viable.

The proposal for construction of IT park is for area of around 140 acres out of which partly within limits of Thane district and partly within area of Mulund (Mumbai). The dispute in present Application relates to the area which falls within Kapri (Thane) approximately of 25.7 Hectaresland.

During the course of argument, it transpired that certain issues related to protection of the birds like the flamingos, the sea-egrets, and other endangered species is pending before the Hon'ble High Court in context of Writ Petition filed by Vanashakti which is a social organization.

We made a query as to whether the learned Advocates can consider the issue related to exclusion of disputed area covered by alleged salt pans and mangroves from the construction activity and whether the Applicants would be satisfied if such issue is taken care of by filing minutes of order. The learned Advocate for the contesting parties state that they will obtain instructions from the parties and will give response to the suggestion. The learned counsel for the project proponent further states that he maybe permitted to place on record the plan of approved operations. Leave is granted subject to condition that a copy thereof be furnished to the Applicants and other parties. The learned Advocate for the project proponent may also submit an alternate plan in case such approved plan is to be pruned as per the order of minutes if parties come to any agreement as such. Stand over to September 21st, 2015 for filing of such minutes, if prepared, tentatively on and if such minutes are not placed on

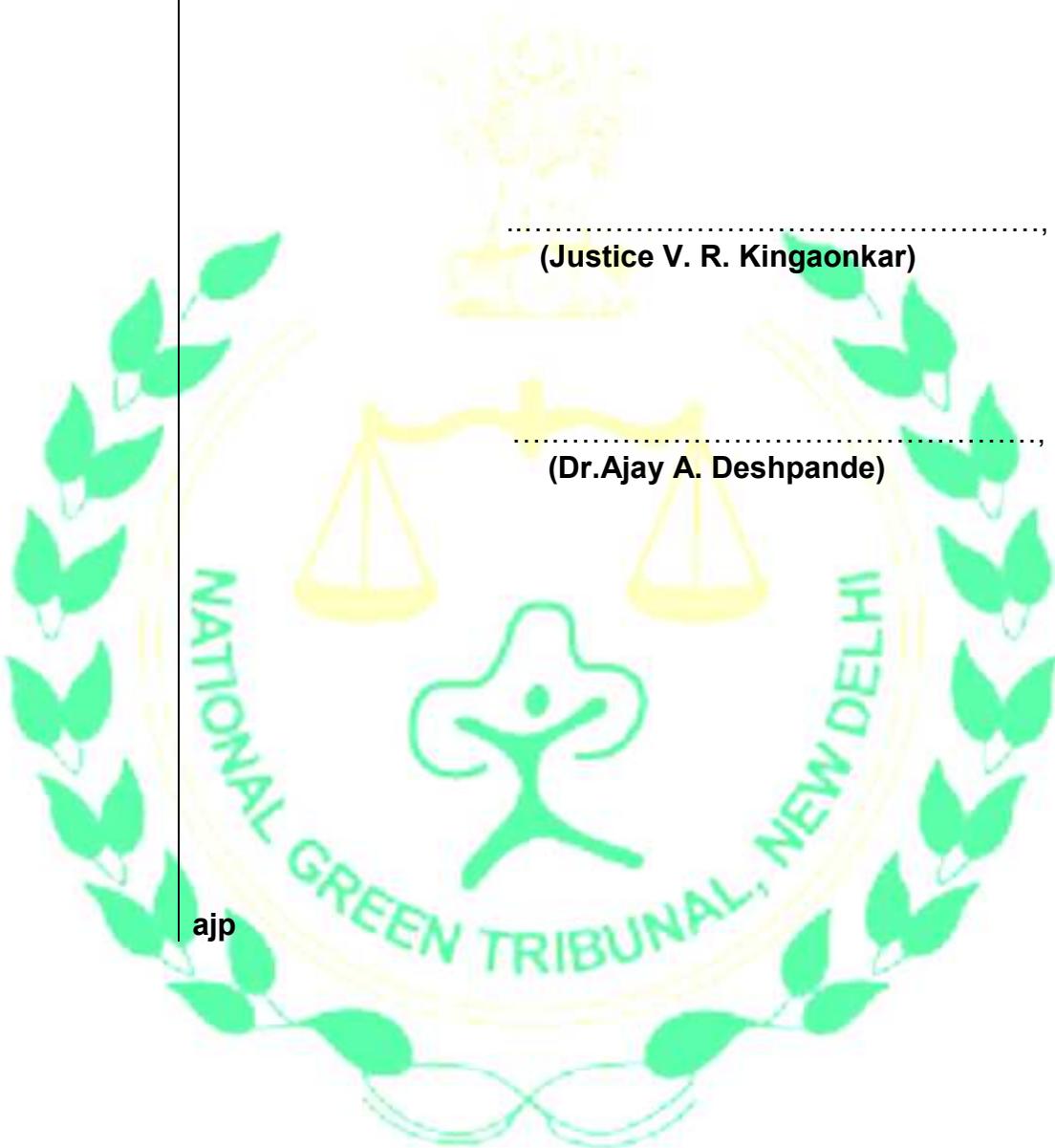
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record, Shri Sushilkumar Srivastava, Scientist of MoEF shall remain present alongwith the relevant file in this Tribunal on 24th September 2015 when the final hearing will take place without any adjournment.

Stand over to 21st September 2015 tentatively as above and stand over to 24th September 2015 for final hearing.

....., JM
(Justice V. R. Kingaonkar)

....., EM
(Dr.Ajay A. Deshpande)



ajp