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

## APPEAL NO.79 /2013 Hazira Macchimar Samiti Vs 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 : Ms. Shilpa Chohan Adv

Respondent No.1 : Mr. Krishna D. Ratnaparkhi Adv

Respondent No.3 : Mr. Parth. H Batt Adv
Respondent No.4 : Mr. Viral K. Shah Adv
Respondent No.5 : Mr. P.R.Nanavati Adv a/w
Shashi S.Shetty Adv

Respondent No.6 : Mr. Faraz Sagar Adv i/b EIZ

Date and	Orders of the Tribunal
Remarks	
Item No.7	Heard learned Advocates for the parties.
December 2, 2014	Hearing is almost completed, except a part of hearing to the
Order No.14	extent of certain part of hearing, which is required to be granted in
	peculiar circumstances to the Respondent No.5, for the reason that in
A	addition to the Respondent No.3, we direct the Commissioner of
	Fisheries, shall file affidavit explaining the present width of channel of
Towns of the last	the sea, earlier availability of such kind of route if it can be so located
	on basis of available maps prepared by the Govt. Authorities and
	copies of the documents also shall be annexed with affidavit. The
	affidavit shall be also clear in respect of existing mangroves, as well as
	part of mangroves, if mapping was done, or any record if available at
11.0	Hazira Coast and Pagadiya fisheries. The later part of affidavit,
	however, shall be filed by the Conservator of Forests of which the

inform the Authority accordingly.

Advocates appearing for the Respondents have stated that for the present there is no felling of trees, as such and hence the condition of Forest Clearance is not violated.

Respondent No.3, shall take care of and Advocate Mr. Bhatt would

Additional affidavit shall be filed at least one week before further hearing and be made available to all the parties. They shall be sent to all the Advocates on email and copy thereof be sent to the Registrar NGT (WZ) Bench Pune on email, well in advance.

The Secretary, MoEF, is directed to depute some responsible officer along with relevant file for perusal of the Tribunal, in order to verify whether activity regarding 2013 EC in question, was treated as new project or expansion of project for the purpose of appraisal and decision making. The earlier record pertaining to 2013 and 2011, ECs/Permissions, shall not be, however, necessary and may not be sent. Additional affidavits of the Authorities mentioned above, shall be

filed by the Respondent No.3, on or before 28<sup>th</sup> December, 2014 and Item No.7 December 2, final hearing be scheduled on 9<sup>th</sup> January 2015. 2014 Stand over to 9<sup>th</sup> January, 2015. Order No.14 (Justice V. R. Kingaonkar) (Dr.Ajay A. Deshpande)