

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

Execution Application No. 62/2016(WZ)
In
Org. Application No. 62/2016(WZ)
In
Appeal No. 4/2013
(Disposed 15-10-15)
And
Original Application No. 62/2016(WZ)
In
Appeal No.4/2013
(Disposed on 15.10.15)

In the matter of:-

Dileep B.Nevatia V/s Union of India & Ors.
And
Dileep B.Nevatia V/s Union of India & Ors.

**CORAM: HON'BLE MR. JUSTICE U.D. SALVI, JUDICIAL MEMBER
HON'BLE MR. RANJAN CHATTERJEE, EXPERT MEMBER**

Present: Applicant/Appellant : In person
Respondent No.1 : Mrs. Supriya Dangare, Adv.

Date and Remarks	Orders of the Tribunal								
<p>Item Nos.2 & 8 1st March, 2017 Order No.4, 11</p>	<p>Only surviving issue is the compliance of the directions to the MoEF to consider the issue relating to applicability of Environmental Regulation, 2006, effect on mangroves, flamingos and mudflats, besides other impacts while dealing with the application for CRZ clearance afresh.</p> <p>MoEF has placed before us a copy of the original record relating to fresh consideration of clearance to MTHL project across Mumbai Harbour. It is revealed that the MoEF had taken cognizance of the Order dated 15th October, 2015 passed in Appeal No.4/2013 and in compliance with the directions passed therein the case was placed before EAC in its meeting held on 30th December, 2015; and MoEF further took cognizance of the details of the project as per documents submitted by the project proponent and informed during the said EAC meeting including the Environment Management Plan dealing with the environmental attributes as tabled herein below:</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: center;">Sr.No</th> <th style="text-align: center;">Environmental attribute</th> <th style="text-align: center;">Remark</th> <th style="text-align: center;">Cost (in Rs.)</th> </tr> </thead> <tbody> <tr> <td style="text-align: center;">1.</td> <td>Environmental Monitoring – Air Act, Water Act, Noise levels</td> <td>Air Noise Water – Marine and Land Solid waste Ecology and Eco-system Fishing etc – Quarterly during CP</td> <td style="text-align: center;">8 crore</td> </tr> </tbody> </table>	Sr.No	Environmental attribute	Remark	Cost (in Rs.)	1.	Environmental Monitoring – Air Act, Water Act, Noise levels	Air Noise Water – Marine and Land Solid waste Ecology and Eco-system Fishing etc – Quarterly during CP	8 crore
Sr.No	Environmental attribute	Remark	Cost (in Rs.)						
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Item Nos.2 & 8 1st March, 2017 Order No.4, 11	2.	Compensatory Mangrove Restoration Plan	With the help of Forest Department	25 crore
	3.	Implementation of the suggestions given by BHNS	In accordance with their report	25 crore
	4.	Noise barriers	Along 4.5 x 2 = 9 km stretch abutting mudflats where flamingos gather	45 crore
	5.	Mitigation of marine water pollution caused due to the surrounding industries and Sewage from Urban Bodies, by providing Funding and Capacity Building for Enabling Effluent Treatment	Identifying sources, treatability report, implementation of restoration and ETP	40 crore
	6.	Contribution to Mangroves Fund, an initiative by Govt. of Maharashtra for Conservation of Mangroves in Coastal areas by depositing Seed Money. This can be used for Survey & Demarcation of Notified areas; Purchase of vehicles and equipments for anti-Encroachment drives etc	In accordance with their report this money will be deposited with GoM for restoration, conservation and Protection of mangroves in coastal areas	25 crore
	7.	Oil Spill Mitigation Plan	State of the air Oil Spillage mitigation equipment, etc.	10 crore
	8.	<ul style="list-style-type: none"> • Habitat quality assessment and monitoring • Surveillance management and monitoring team for migratory birds, marine flora, turbidity in sea floor, etc. • Corpus fund for mudflat restoration program 	Carrying out detailed habitat quality monitoring of mudflats, migratory birds, marine flora and fauna and surveillance study	20 crore
	9.	Appointment of Bird Monitor and his assistant till Restoration of Baseline data	Monthly monitoring during CP and Seasonal monitoring during OP	4 crore
	10.	DMP, Fire fighting, Risk Analysis	Necessary equipment, Quick Response Vehicles etc for implementation of the detailed DMP	15 crore
	11.	Sustainable development including establishing Nature Interpretation Centre	Establishing a centre for training and workshops at schools and college level	10 crore
	12.	Safety and Security	It includes setting up safety measures and security measures including telecommunication systems, safety boats, wireless communications etc for emergency	15 crore
	13.	Energy conservation	To use LED, Solar lamps on the bridge, ROW's etc	10 crore

Item Nos.2 & 8 1 st March, 2017 Order No.4, 11	14.	Landscaping – Plantation of trees, flowering plants etc.	Along the entire bridge alignment	8 crore
	15.	Compensation and Capacity Building of Fisher folks due to Temporary and Permanent Loss of Fishing ground	Compensating affected fisher folk community welfare, etc	75 crore

The record reveals that cognizance to the issues relating to applicability of Environmental Regulations, 2006 as well as effect on mangroves, flamingo, mudflats besides other impacts appears to have been taken with particular reference to the report of Bombay Natural History Society (BNHS) on 'Conservation/Mitigation plan for flamingos and other water birds and their habitats along the proposed MTHL'.

The record further reveals that the MoEF considered proposing certain conditions to be incorporated in the draft CRZ Clearance in following terms:

"14. In view of the above, it is proposed to include the following conditions to be incorporated in the draft CRZ clearance, in addition to those listed in para 10 above:

- (i) The proposal indicates diversion of 47.417 ha forest land, for which the proponent shall obtain the requisite Forest Clearance. The proponent can execute the project on the entire stretch located in non-forest land and while making application to get FC, the execution of work on non-forest land shall not be cited as a reason for grant of FC and in case FC is declined, the forest land shall be maintained at its existing condition. The PP shall submit an undertaking to this effect at the earliest to the concerned Regional Office to this Ministry.
- (ii) All the wildlife mitigation measures as proposed by BNHS in their report dated 23.09.2015 are approved for original alignment of MTHL with the following modification:
 - a. construction of jetty on both the ends passing through mudflats and mangroves must not exceed 30 months and construction of actual spans must not exceed more that further 12 months.
 - b. the distance between the supporting pillars shall remain 50 m as currently proposed by the MMRDA.
 - c. MMRDA will partly bear the cost of setting of effluent treatment plant in the region as suggested by BNHS."

Without commenting on merit of the consideration of the issues by the MoEF, we record that nothing survives before us to consider the compliance of our direction any further. Copies of the Notings of the MoEF

8
1st March,
2017
Order No.4,
11

placed before us be furnished to the Applicant at his cost. Copies of the original record before us be placed in file of Appeal No.9/2016 filed against the order of granting CRZ clearance afresh.

Original Application No.62/2016 and Execution Application No.62/2016 are closed.

....., JM
(Justice U.D. Salvi)

....., EM
(Ranjan Chatterjee)

