

**BEFORE THE NATIONAL GREEN TRIBUNAL
WESTERN ZONAL BENCH AT PUNE
APPEAL NO.12 OF 2017**

Dileep B. Nevatia

... Appellant

Versus

State of Maharashtra & Ors.

... Respondents

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Advocates for Respondent No.5



BEFORE THE NATIONAL GREEN TRIBUNAL

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APPEAL NO.12 OF 2017

Dileep B. Nevatia

... Appellant

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State of Maharashtra & Ors.

... Respondents

ADDITIONAL AFFIDAVIT IN REPLY ON BEHALF OF

RESPONDENT NO.5

I, **Shri. S. S. Jagtap** working with Maharashtra State Road Development Corporation Ltd. ("MSRDC") i.e. Respondent No.5, having its registered office at Priyadarshini Park, Nepean Sea Road, Mumbai – 400 036, do hereby state on solemn affirmation as under:

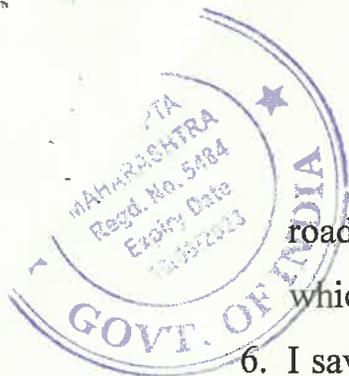
1. I am working as Executive Engineer with MSRDC since the year 2017. I have perused the Memorandum of Appeal and I am conversant with the facts of the present case from the records and proceedings with the facts of the present case from the records and proceedings available at my office and I am competent to depose to the same and have been duly authorised by Respondent No.5 to file the present Affidavit on behalf of Respondent No.5.
2. At the outset, I deny all the allegations made and contentions raised in the present Appeal, and nothing contained therein should be deemed to have been admitted for want of specific denial. I repeat, reiterate, confirm and adopt each and every statement in the Affidavit in Reply filed on behalf of Respondent No.5 in the captioned matter. I am filing the present Additional Affidavit in Reply to place certain material facts and

[Handwritten Signature]



documents on record, that shall be germane to the adjudication of the captioned Appeal. I reserve the right to file a detailed Affidavit, if necessary or if so directed by this Hon'ble Tribunal.

3. I say that the Versova Bandra Sea Link project ('VBSL') is one of the crucial public importance for the city of Mumbai and its Western Suburbs in view of the acute problems of traffic congestion faced herein. The population of Mumbai is increasing at a fast pace and is estimated to reach around 24 million by 2021. The Western Suburbs of Mumbai are developing at a rapid pace in terms of commercial establishments as also housing schemes to accommodate this vastly expanding population. The commuters travelling to South Mumbai from the Western Suburbs presently use the available Swami Vivekananda Road and the Western Express Highway, both of which have already reached saturation level. There is no open space available for expansion of these existing roads and the heavy congestion on these roads leads to indefinite delay and more travel time and increasing air pollution. I say that, in light of what is stated hereinabove, it has become imperative to develop an alternate route to ease such traffic conditions and consequently improve the environmental situation.
4. I say that a need to develop a ring road to cater to the traffic throughout Mumbai both from the North to South and from East to West has become imperative owing to major growth in the Western Suburbs, especially around Andheri, Goregaon and Borivali. This proposed ring road would be formed by Eastern Freeway (which extends between the Eastern Express Highway at Ghatkopar to P. D'Mello Road, South Mumbai) and the Western Freeway connecting at Nariman Point.
5. I say that various studies have revealed that about 50% of the traffic towards South Mumbai originates from the Suburbs beyond Bandra such as Andheri and Goregaon. I say that with the construction of VBSL, the traffic of the Northern Suburbs would get diverted from the existing city



roads such as Swamy Vivekanand Road and Western Express Highway which are suffering acute congestion on date.

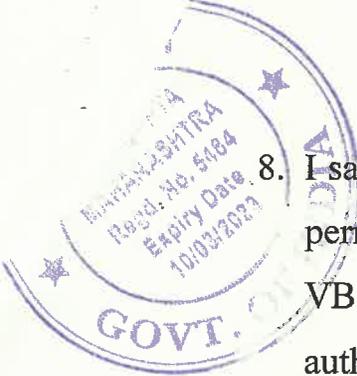
6. I say that a pre-feasibility study was carried out by M/s CES (India) Pvt. Ltd., an expert agency with specific emphasis on:

- a. Broad traffic estimate;
- b. Conceptual alignment and plan with possible links;
- c. Broad cost estimates;
- d. Broad environment and social issues;
- e. Organization and legal aspects;
- f. Financial aspects.

I say that, it is only after detailed study and deliberation of the feasibility of the proposed VBSL that it has been seen that the same is indubitably imperative. Some of the benefits which are expected to be achieved by the construction of the Bandra-Versova Sea Link project includes:

- a. significant savings in the travel time due to increased speed and reduced delay at intersections;
- b. reduced number of accidents;
- c. improvement of the environment vis-à-vis reduced air and noise pollution along with the densely populated existing corridors, the concentration of carbon dioxide and nitrous oxide are expected to significantly reduce, and
- d. consequent easing of traffic congestion on the Western Express Highway and S.V. Road,
- e. consequent easing of traffic on local road in the densely populated area owing to a diversion of traffic to sea link.

7. I say that substantial amount of public monies have been spent till date on the VBSL project. The current status of the project as on date is that 2.077% of the work is complete (110 piles, 15 pile cap, 11 piers and 0.5 Abutment). I say that currently, the work is in progress at Bandra, Juhu and Carter Road connectors.

- 
8. I say that the Respondent no. 5 has obtained all necessary clearances and permissions as required under law for commencing and carrying out the VBSL project. The same have been granted by the respective statutory authorities, keeping in mind the peculiar geographical and topographical aspects of the land required for the VBSL project as also keeping in mind environmental factors.
9. I say that the proposed project was considered by the MCZMA in its 71st meeting held on 26th August 2011 when, after duly appraising the project from the CRZ point of view, the MCZMA was pleased to approve the proposal for VBSL. I crave leave to refer and rely upon a copy of the relevant excerpt of the Minutes of the Meeting dated 26th August 2011 when produced. The recommendation culminated in the issuance of an order by Respondent no. 3 ('MCZMA') granting CRZ recommendation dated 5th November 2011, a copy of which is hereto annexed and marked at **Exhibit A**.
10. I say that, on 9th January 2013, the MOEF (Respondent No.2) was pleased to issue Coastal Regulation Zone (CRZ) clearance for the VBSL on the terms and conditions contained therein. A copy of the CRZ Clearance is hereto annexed and marked at **Exhibit B**.
11. I say that, on 5th, 6th and 7th October 2016, the State Level Expert Appraisal Committee (SEAC)-1 of Maharashtra in its 136th meeting considered and appraised the project as per the EIA Notification 2006 and after due deliberation and perusal of the documents placed on record, was pleased to recommend VBSL project for prior environmental clearance to the State Level Environment Impact Assessment Authority (SEIAA). I crave leave to refer and rely upon a copy of the relevant excerpt of Minutes of the 136th Meeting of the SEAC-1 when produced. The VBSL project was also considered by SEAC-2 under the Screening Category 8(b)B-1 as per the EIA Notification of 2006.
12. Thereafter, I say that the VBSL project came to be appraised by the SEIAA in its 107th meeting dated 19th, 20th, and 21st October 2016 when after considering the proposal of the Respondent no.5 in threadbare



detail, the SEIAA was pleased to recommend the project for prior environmental clearance on various terms and conditions. I crave leave to refer and rely upon a copy of the relevant excerpt of the Minutes of the 107th Meeting of SEIAA when produced.

13. I say that, on 2nd February 2017, the environmental clearance for the proposed VBSL came to be issued in favor of the Respondent no.5 on the terms and conditions contained therein pursuant to the 136th meeting of the State Level Expert Appraisal Committee – I and further approved by the State Level Environment Impact Assessment Authority in its 107th meeting. Hereto annexed and marked at **Exhibit C**, is a copy of the environmental clearance dated 2nd February 2017. I say that the captioned Appeal is filed, challenging the environmental clearance dated 2nd February 2017.

14. I say that, thereafter, in the 127th meeting of the MCZMA, held on 2nd November 2018, the extension of validity of the CRZ Clearance dated 9th January 2013 came to be considered at item no. 39. After due deliberation, the MCZMA was pleased to recommend the VBSL project to the MoEF for extension of validity of the CRZ clearance granted to the VBSL project. Annexed and marked hereto at **Exhibit D**, is a copy of the relevant excerpts of the minutes of the 127th meeting of the MCZMA.

15. I say that the Additional Principal Chief Conservator of Forest (Mangrove Cell), Mumbai vide its letter dated 1st October 2018, made a recommendation to the Additional Principal Chief Conservator of Forest, Nagpur the diversion of 2.9907 ha. of mangroves for the VBSL project. The Additional Principal Chief Conservator of Forest, Nagpur, after duly considering the same, recommended the proposal for diversion of mangroves on certain conditions to the MoEF i.e Respondent no.2. Hereto annexed and marked at **Exhibits E and F**, are letters dated 1st October 2018 and 14th December 2018 respectively.





16. I say that, on 20th December 2018, the Respondent no.5 was granted forest clearance by the Ministry of Environment, Forests and Climate Change and forest land admeasuring 2.9907 ha. was granted to the Respondent no.5 for the purpose of the proposed sea link project subject to fulfilment of certain conditions that are enlisted therein. A copy of the Forest Clearance is annexed and marked hereto at **Exhibit G**. The said clearance permitted cutting of about 1585 number of mangrove trees subject to approval from the Hon'ble High Court.

17. I say that the MCZMA was thereafter pleased to issue communication dated 4th January 2019, recommending the project to the MoEF for extension of validity of the CRZ clearance granted to the VBSL project. Hereto annexed and marked at **Exhibit H**, is a copy of the communication dated 4th January 2019 communicating the recommendation of MCZMA for extension of validity of the CRZ clearance granted to the VBSL project. I say that based on such recommendation by the MCZMA, the MOEF considered the grant of extension of the CRZ clearance dated 9th January 2013 and on 7th February 2019, the MOEF was pleased to grant such extension upto 7th January 2023 subject to the terms and conditions contained therein. Hereto annexed and marked at **Exhibit I** is a copy of the extension of CRZ clearance granted by MOEF dated 7th February 2019. The letter dated 4th January 2019 records that there would be a diversion of forest land admeasuring 2.9907 ha. and the same has been noted by MoEF in its letter dated 7th February 2019. It is therefore made clear by these letters that the extension of CRZ Clearance is in respect of the area admeasuring 2.9907 ha.

18. I say that, the Respondent No.5, had filed a Writ Petition No. 535 of 2019 under Article 226 of the Constitution of India, seeking directions to the Respondent Authorities in the captioned Writ Petition, to permit the Petitioner therein to carry out the work of its project, being VBSL, in accordance with the permissions granted to it and to seek the leave of this

Hon'ble Court to commence and execute the construction of the proposed Versova-Bandra Sea Link, which is an important infrastructure project of great public utility.

19.I say that after hearing all the parties to the captioned Writ Petition, including the Applicants therein, this Hon'ble Court, vide an order dated 8th February 2019, granted leave to execute the VBSL project, disposing off the captioned Writ Petition in terms of prayer clause (a) of the Writ Petition, and also all Chamber Summons therein i.e Chamber Summons No.24 of 2019, Chamber Summons (L) No. 17 of 2019, Chamber Summons (L) No. 70 of 2019 (Hereinafter collectively referred as the said Chamber Summons') and further directed an officer of the Respondent No.5 herein to file an undertaking within a week of the passing of the aforementioned order, stating that the Respondent No.5 herein, shall strictly comply with the conditions as imposed in the permissions and clearance granted i.e permission by the Maharashtra Coastal Zone Management Authority (MCZMA), Environmental Clearance and Forest Clearance. Hereto Annexed and marked at **Exhibit J** is a copy of the Judgment and Order dated 8th February 2019 passed by the Hon'ble Bombay High Court in Writ Petition No. 535 of 2019. I say that accordingly in compliance with the order dated 8th February 2019, the Respondent No.5 filed an Undertaking dated 14th February 2019 in this Hon'ble Court undertaking to abide by all terms and conditions of the following permissions/ clearances:

Sr. No.	Date	Particulars
1	9 th January 2013	CRZ Clearance issued by Ministry of Environment and Forest (MoEF)
2	2 nd February 2017	Environment clearance
3	20 th December 2018	Forest Clearance granted by MoEF
4	7 th February 2019	Extention of CRZ clearance issued by

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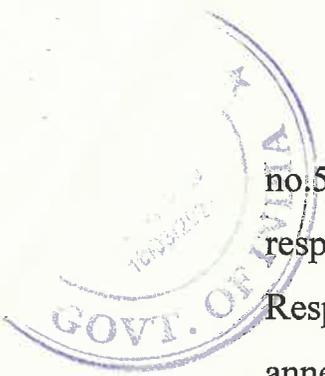
		MoEF
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I crave leave to refer and rely upon a copy of the Undertaking by Respondent No.5 dated 14th February 2019 when produced.

20.I say that one Applicant in the aforesaid Writ Petition, i.e Mr. Zoru Bhathena, filed a Special Leave Petition (Civil) Diary No. 8449 of 2019 and the same was disposed off vide an order dated 1st April 2019 whereby Mr. Zoru Bhathena (Petitioner in the Special Leave Petition (Civil) Diary No. 8449 of 2019) was granted liberty to approach this Hon'ble Court and make submissions to the Hon'ble Bombay High Court, with regard to the aforementioned undertaking. It is pertinent to note that the Order dated 8th February 2019 passed by the Hon'ble Bombay High Court was neither set aside nor was any stay granted by the Hon'ble Supreme Court. The order dated 1st April 2019 passed by the Hon'ble Supreme Court is hereto annexed and marked at **Exhibit K**.

21. I say that, pursuant to the order dated 1st April 2019 passed by the Hon'ble Supreme Court, on 2nd May 2019, Mr. Zoru Bhathena (Petitioner in the Special Leave Petition (Civil) Diary No. 8449 of 2019) filed a Notice of Motion No. 190 of 2019 in the disposed off Writ Petition No. 535 of 2019 seeking a stay of the VBSL project and other reliefs mentioned therein. A copy of the Notice of Motion No. 190 of 2019 without its annexures is annexed and marked at **Exhibit L**.

22.I say that a proposal was moved by the Respondent no.5 vide its letter dated 22nd July 2019, seeking amendment to the Costal Regulation Zone ("CRZ") clearance dated 9th January 2013 (as extended from time to time) granted by the Ministry of Environment, Forest and Climate Change (MoEF). In furtherance to the aforesaid letter, a reminder letter dated 5th August 2019, seeking amendment was addressed by the Petitioner to MoEF. The acknowledgement for the aforesaid application for amendment of the CRZ clearance was received by the Respondent no.5 vide an email dated 26th August 2019. Copies of the Respondent



no.5's letters dated 22nd July 2019 and 5th August 2019 (without their respective annexures) are annexed at **Exhibit M** and **Exhibit N**. The Respondent no.5 craves leave to refer and rely upon the copies of the annexures enclosed in the aforesaid letters, when produced.

23.I say that, pursuant to the petitioner's proposal seeking amendment to the aforesaid CRZ clearance and the order dated 20th September 2019, passed by this Hon'ble Court in the captioned Notice of Motion, the same was considered by the Expert Appraisal Committee for projects related to costal regulation zone of MoEF and CC in its 224th meeting held on 24th September 2019. The minutes of the said meeting were uploaded on the website of MoEF and CC wherein it was mentioned that *"The Committee therefore decided that the project proponent shall give a written undertaking that cutting of mangroves shall only be 1500 sq. m in total and the diversion of the remaining mangrove/ forest area is only in respect of way for construction of road on stilt or bridge as the case may be. The committee finally decided that on receipt of the above said undertaking from MSRDC and required information as sated above, necessary amendment may be carried out in the CRZ clearance appropriately by the Ministry."* A copy of the order dated 20th September 2019 passed by this Hon'ble Court and the minutes of the 224th meeting of Expert Appraisal Committee dated 24th September 2019 are annexed at **Exhibit O** and **Exhibit P** respectively.

24.I say that, pursuant to the directions issued by Expert Appraisal Committee in the aforesaid minutes of meeting, an undertaking in compliance thereof, was submitted by the Respondent no.5 to MoEF for issuance of the amended CRZ clearance vide its letter dated 19th October 2019. A copy of the Respondent no.5's undertaking vide letter dated 19th October 2019 is hereto annexed and marked at **Exhibit Q** respectively.

25.I say that pursuant to the Respondent no. 5's undertaking submitted vide letter dated 19th October 2019, the MoEF vide its letter 28th January 2020





addressed to the Respondent no. 5, finally granted the amendment to the CRZ clearance dated 9th January 2013 (as extended from time to time). Pursuant to the amendment, paragraph 8, specific condition (i) shall now read as follows *“In mangrove area, road on stilt only shall be constructed. There would be loss of about 1585 mangrove trees in 1500 sq. m of mangrove areas affected during construction at Carter Road Connector, Juhu Koliwada Connector and Versova Connector. As committed by the project proponent, 10 times the number of mangroves destroyed/ cut i.e 15850 mangrove trees shall be regenerated/ replantation at appropriate location in consultation with the Mangrove Cell of the Department of Forests, Government of Maharashtra.”* The letter further stated that all other terms and conditions stipulated in the CRZ clearance dated 9th January 2013, shall remain unchanged. A copy of MoEF’s letter dated 28th January 2020 is annexed and marked at **Exhibit R** respectively.

26.I say that the Notice of Motion no.190 of 2019 taken out by one Mr. Zoru Bhatena being an Applicant therein, in Writ Petition No. 535 of 2019 was heard and disposed off as withdrawn vide an order dated 16th December 2020 passed by the Hon’ble Bombay High Court. Hereto annexed and marked at **Exhibit S** is a copy of the order dated 16th December 2020 passed by the Hon’ble Bombay High Court.

27.I say that VBSL is a project of great public importance and the benefit of the project far outweighs the alleged issues raised by the Appellant. I say that the Appellant has not been able to show any infirmity in the process of the grant of environmental clearances to the project. I say that the VBSL project is permissible under the CRZ notification and has been granted the environmental clearance for the same by following the due process of law. Further, as stated hereinabove, all other applicable permissions have also been granted. Furthermore, I say that huge amounts of monies have already been invested in this project as stated



hereinabove and if any reliefs prayed for herein are granted, the same may lead to huge losses to the public exchequer.

28. In light of what is stated hereinabove, I say respectfully submit that, it is abundantly clear that the present appeal does not raise even a semblance of a ground made out for setting aside the Environment Clearance granted to this Respondent on 2nd February 2017 and therefore the present appeal deserves to be dismissed with exemplary costs.

Solemnly affirmed at Mumbai)

This 09 day of September 2021)

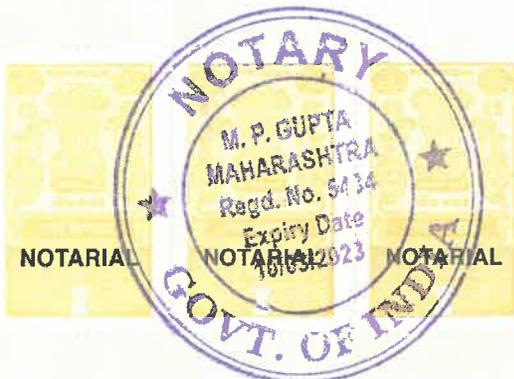


[Signature]
Executive Engineer
M.S.R.D.C. (Ltd.), Mumbai - 50

DEPONENT

Before me:

[Signature]
Advocate for Respondent No.5



BEFORE ME
[Signature]
09/09/2021
M. P. GUPTA
NOTARY
MAHARASHTRA
(Govt. of India)

NOTARY REGISTER	
SR. NO.	410
	09th Sep 2021

498



Date : 9th September, 2021

TO WHOMSOEVER IT MAY CONCERN

Sub: Before the National Green Tribunal
Western Zonal Bench at Pune
Appeal No.12 of 2017
Dileep B. Nevatia ... Appellant
V/s.
State of Maharashtra & Ors. ... Respondents

Shri Shankar Sandu Jagtap, Executive Engineer, is hereby authorized to file pleadings, affidavits, applications and to lead evidence, etc. in the above matter for and on behalf of the Respondent No.5.


9/9/21

Shri. Sanjay Yadav (I. A. S),
Joint Managing Director III., MSRDC

Sanjay L. Yadav, I.A.S.
Joint Managing Director (III)
MSRDC Ltd., Mumbai-50.

Copy


Corporate Office : Opp. Bandra Reclamation Bus Depot, Near Lilavati Hospital, K C Marg, Bandra (West), Mumbai - 400 050.
Telephone No.: 022-26400190/201, 26553175/76 Fax No.: 022-26417893

Regd. Office : Nepean Sea Road, Besides Priyadarshini Park, Mumbai - 400 036.
Telephone No.: 022-23685903, 23613789, 23691030
Website : www.msrdc.org CIN : U45200MH1996SGC101546

CS/437

MAHARASHTRA COASTAL ZONE MANAGEMENT AUTHORITY

Tel. No. : 2285 5082
e-mail : mahamczma@gmail.com

No. CRZ-2010/ CR-187/ TC-3

Office of the -

Maharashtra Coastal Zone Management Authority,
Environment Department, Room No. 217(Annex),

Ministry of Env. & Forests,
Manttalaya, Mumbai- 400 032.

Date: 09.11.2011

C. R. Unit, Govt. Stn.
CGO Complex, Lodi Road
New Delhi-110510

To
Director, Coastal Regulation Zone
Ministry of Environment & Forests
Paryavaran Bhavan, CGO Complex,
Lodhi Road, New Delhi- 110 003

Subject: Proposed Versova-Bandra Sea Link Project (VBSLP) in Mumbai by MSRDC

Sir,

The matter regarding 'Proposed Versova-Bandra Sea Link Project (VBSLP) in Mumbai by MSRDC' was considered in the 71st meeting of MCZMA held on 26.08.2011.

2. Authority noted that, the matter was earlier considered in the 69th meeting of MCZMA held on 29.04.2010 and the proponent was requested to submit certain proposal details, which were submitted by the proponent vide letter dated 23.08.2011. Hence, the matter was considered in the 71st meeting of MCZMA.

3. With reference to the submitted information, Authority noted the proposal details as follows:

1. The Versova-Bandra Sea Link (VBSL) is proposed to be constructed as a faster link between Versova and Bandra in the suburbs of Mumbai. The length of the sea link is approximately 10 km with dispersal points at Juhu Koliwada and Carter Road (near Otter's Club) at Bandra. The sea link will have 4+4 lanes on both the sides.
2. As per the submitted Form-I and EIA report:
 - The proposed sea link passes through CRZ-I and CRZ-IV areas. Approach/ landing points will be CRZ-II.
 - The sea link will be constructed about 900 m away from the coast.
 - Total length of the road shall be about 9.890 km. The total length will consist of sea link of about 9.500 km and road on stilt of 390 m length. The construction of the sea link along this alignment does not envisage any cutting or tunnel. The road shall have 4+4 lanes on either side.
 - The total cost of the project is estimated to be Rs. 4045 crores.
3. As per the submitted EIA report, the environmental justification of the selected alternatives are given as follows:
 - The sea link will be constructed 900 m away from the coast and entirely through sea
 - The total length of the road shall be about 9.890 km
 - The total length will consist of sea link of about 9.500 km and road on stilt of 390 km
 - Road on stilt will avoid cutting of mangroves at the Versova end
 - Ambient air quality and noise levels affected will be minimum
 - It has very minor issues of R & R
 - Only a minor land is needed to be acquired
 - Moreover no reclamation is envisaged in the transect
4. As mentioned in the Form-I:

O/copy

- During the construction phase, temporary structure will be erected at Juhu for casting yard, construction activities and housing of construction workers. Existing casting yard (constructed for Bandra-Worli Sea Link (BWSL) project) at Bandra Reclamation may be used for this project.
 - There will be construction of jetty for transportation of workers, material and machinery from sea link during construction.
 - During the construction phase, temporary structure will be erected for production and manufacturing of parts of sea link structure i.e. segment/ girders etc. at existing casting yard with jetty (constructed for BWSL project) at Bandra &/ or at new casting yard proposed at Juhu Koliwada. Barges/ trailers will be used to carry girders etc. from casting yard to launching site and will be placed at desired location with the help of launching girders.
 - There will be no changes in water bodies or the land surface that may affect drainage or run-off.
 - During construction of sea link, excavated rock would generate, which will be disposed off at the designated/ approved dumping site either in the sea or on the land or both.
5. As per the information submitted regarding mangroves in the EIA report, the most dominant mangrove species observed in the area under reference are *Avicennia marina* and *Avicennia alba*. They are densely located at Versova end of the near RGIT almost like mangrove forest.
 6. It is also mentioned that, there will be no impact on the mangroves on the Bandra end of the sea link since the entire bridge will be inside the sea and shall not hamper any mangroves existing on the coast. The construction on pre-casted piers and segments of Cable Bridge inserted into the sea will reduce the pollution caused and not hamper mangroves on the coast, if any.
 7. In case of mangroves at the Versova end it is mentioned that, there are few mangrove patches found at Nana-Nani Park near Versova end. However, proposed sea link will end at a farther distance from these patches. Proper mitigation measures will be taken for the same.
4. Authority noted the permissibility of the proposal as per the CRZ Notification, 2011 which is as follows:
 - 1) As per para 3(iv)(a) of the CRZ Notification, 2011:
 - (iv) Land reclamation, bunding or disturbing the natural course of seawater except those:
 - (a) required for setting up, construction or modernisation or expansion of foreshore facilities like ports, harbours, jetties, wharves, quays, slipways, bridges, sea link, road on stilts, and such as meant for defence and security purpose and for other facilities that are essential for activities permissible under the notification;
 - 2) As per para 8(i) I (i)(e) of the CRZ Notification, 2011: "construction of trans harbour sea link and without affecting the tidal flow of water, between LTL and HTL" is permissible activity in CRZ-I(A)
 - 3) As per para 8(i) I (ii)(g) of the CRZ Notification, 2011: "construction of trans harbour sea links, roads on stilts or pillars without affecting the tidal flow of water" is permissible activity in CRZ-I(B).
 5. In light of above, the Authority decided to recommend the proposal to MoEF subject to following conditions:

Specific Conditions:

 1. The tidal ingress to mangroves shall be maintained during and post construction of the project.

9/14/35

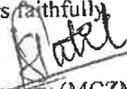
2. The local fishing zone, facilities for traditional coastal communities, jetties etc shall not be disturbed.
3. If the project involves the destruction of the mangroves, High court permissions shall be obtained as per Mumbai High Court order dated 06.10.2005 and 27.01.2010.

General Conditions:

- 1) The construction of the structures should be undertaken as per the plans approved by the concerned local authorities/ local administration, meticulously conforming to the existing local and central rules and regulations including the provisions of Coastal Regulation Zone Notification dated 19.02.1991 and the approved Coastal Zone Management Plan of Maharashtra and Mumbai.
- 2) In the event of any change in the project profile, a fresh reference shall be made to the MCZMA.
- 3) The sand dune, if any, on the site should not be disturbed in any way.
- 4) The mangroves, if any, on the site should not be disturbed in any way.
- 5) The MCZMA reserves the right to revoke this recommendation, if any, of the conditions stipulated are not complied with to the satisfaction of the MCZMA.
- 6) The MCZMA or any other competent authority may stipulate any additional conditions subsequently, if deemed necessary, for environmental protection, which shall be complied with.
- 7) A copy of the recommendation letter shall be marked to the concerned local body/ local NGO, if any, from whom any suggestion/ representation has been received while processing the proposal.
- 8) The environmental safeguard measures should be implemented in letter and spirit.
- 9) Six monthly monitoring reports should be submitted to the MCZMA in soft and print format.
- 10) Project proponent shall not start any construction work on the site till final CRZ clearance to the project is issued by MoEF.
- 11) This recommendation will be valid for 5 years from the commencement of the work.

6. The agenda and minutes along with the proposal etc. are enclosed herewith for necessary action in the matter. The copy of this letter is also available on the website of MCZMA i.e. <http://inczma.maharashtra.gov.in>.

Yours faithfully,

o/c 
Member Secretary (MCZMA)

Copy for information to:

1. Chairperson, Maharashtra Coastal Zone Management Authority, Mantralaya, Mumbai-400 032
2. Director, Western Zone (Bhopal), Kendriya Paryavaran Bhavan, Link Road No. 3, Bhopal-462 016
3. Managing Director, MSRDC, Opp. Dena Bank, Adjacent to Priyadarshini Park, Nepean Sea Road, Mumbai-400 036
4. Select File (TC-3)

F.No.11-84/2011-IA-III
 Government of India
 Ministry of Environment & Forests
 (IA,III Division)

Paryavaran Bhawan,
 CGO Complex, Lodhi Road,
 New Delhi - 110 003.

Dated: 9th January, 2013

To
 Managing Director,
 M/s Maharashtra State Road Devl. Corp. Ltd.,
 Opp. Dena Bank, Adjacent to Priyadarshini Park,
 Nepan Sea Road, Mumbai - 400 036

Subject: CRZ Clearance for Versova - Bandra Sea Link Project (VBSLP),
 Maharashtra by M/s Maharashtra State Road Development
 Corporation (MSRDC) - Reg.

This has reference to letter No: CRZ-2010/CR-187/TC-3 dated 03.11.2011 from Member Secretary, Maharashtra Coastal Zone Management Authority (MCZMA) and your subsequent letter dated 03.05.2012 seeking prior CRZ Clearance for the above project under the Coastal Regulation Zone (CRZ) Notification, 2011. The proposal has been appraised as per prescribed procedure in the light of provisions under Coastal Regulation Zone Notification, 2011 on the basis of the mandatory documents enclosed with the application viz., the Questionnaire, recommendation of State Coastal Zone Management Authority, EMP and the additional clarifications furnished in response to the observations of the Expert Appraisal Committee constituted by the competent authority in its meetings held on 9th - 10th February, 2012 and 18th - 19th October, 2012.

2. It is interalia, noted that the proposal is for development of Versova - Bandra Sea link. MSRDC has proposed to develop sea link from Versova to Bandra in the suburbs of Mumbai. The length of the sea link is approximately 10 km with dispersal points at Juhu Koliwada and Jogger's Park. The sea link will have 4+4 lanes on both the sides. The population of Mumbai is fast expanding at a great pace and it is estimated to reach around 22 million by 2011. To a common man the large commuters from east to the busy suburbs travelling to the south Mumbai, the available route is the S.V. road and the Western Express Highway. (3rd), these roads have already reached the saturation level. It is observed that the roads are not suitable for travelling the said length of 10 km. at present. There is no open space available for the expansion of these roads. The congestion on these roads leads to delay in travel time. So there is great need for the alternative faster transportation system, which will be achieved by this proposed sea link.



5 alternatives were thoroughly studied with several criteria. These were:

- Alignment no. 1(A): Coastal Road on reclamation with cut and cover tunnel at Juhu Beach [Length: 10.232 km, Block Estimated Cost: 3397 Cr]
- Alignment no. 1(B): Coastal Road on Stilts with cut and cover tunnel at Juhu Beach [Length: 10.232 km, Block Estimated Cost: 3772 Cr]
- Alignment no. 2 : Coastal Bridge partly at 200m away from coast & partly along the coast with cut & cover tunnel at Juhu Beach. [Length: 10.072 km, Block Estimated Cost: 3777 Cr]
- Alignment no. 3 : Sea link entirely in Sea at 900m away from coast. [Length: 9.890 km, Block Estimated Cost: 4045 Cr]
- Alignment no.4 : Coastal Road on reclamation till Galaxy Apartment, Road Stand and Sea link thereafter till Versova End [Length: 10.15 km, Block Estimated Cost: 3000 Cr]

The MSRDC has selected alignment No. 3 as there is no cut and cover on the Juhu beach, no reclamation and minimum damage to the mangroves. The salient features of the said alignment No. 3 are: about 900m away from the Coast, total Length 9.890 Km, Traffic Lanes 4+4 lanes, Sea Link 9.56 km (Approx.), Road on Stilt 390 m with no cut and cover and reclamation traffic dispersal at - Joggers Park and Juhu Koliwada, Cost Rs. 4045 Cr.

3. The construction of the sea link will be carried out using modern technology, including single pier with max. width 2500 mm, superstructure with bridge builders/movable scaffold, minimum span lengths to be 50 m, maximum depth of superstructure 1500 mm, expansion joints at not less than 50 m. MSRDC has prepared extensive EMP and DMP for the project. Budget proposed at present is Rs. 44 crores towards EMP which may go up during implementation of the project. The road will be constructed on stilt in the mangroves at the Versova End at a construction of 4.5 per cent.

4. Marine Impact Assessment Studies for the project was carried out by Life Sciences Department, University of Mumbai, through Fine Enwitech Engineers. The assessment of water up to 1.5 to 2 km from shore indicates that the water quality is already deteriorated due to partly treated/untreated sewage being released in it. The alignment of the sea link crosses the navigational channel (fishing) at four locations viz. Bandra, Chimbai Road, Khar danda & Juhu Koliwada. Discussion was held with the fishermen and they demanded for navigation span of 50 mt at Bandra and 90 m each at Chimbai Road, Khar danda, Juhu Koliwada. MSRDC proposed to provide 50 m at Bandra and 100m at other locations, including 150 m at Juhu (Novotel hotel). The channel will have 12 m vertical clearance. Maharashtra Maritime Board has also confirmed the clearances vide letter dated 13.03.2012. The fishermen also requested (i) develop a small jetty and common area for their

repairing of net and M & R activities. (ii) preference of employment, (iii) compensation to the affected fishermen, (iv) allotment of place near Bandra Fort for fishing. MSRDC informed that the requests (i) to (iii) are considered and will be included in the draft tender paper and the request at (iv) can not be considered as this land does not belong to MSRDC.

5. MSRDC had interaction with local people, NGOs, concerned authorities from fishing activities. The Local Residents' Associations & NGOs were satisfied with the project and conveyed the same in writing. There were 2 important issues raised viz. effect on existing traffic at dispersal points and disturbance for fishing activities for local fishermen. After detailed discussion, the MSRDC assured them for increasing the width of existing roads if required, putting up proper signage, erecting noise barriers in case there will be increase in noise level, shift the dispersal point (intermediate connector) from Joggers Park to near Otter's Club.

6. The project was considered by the MCZMA in its 71st meeting of the MCZMA on 26.08.2011 and MCZMA recommended to the MoEF vide letter No. CRZ-2010/CR-187/TC-3 dated 05.11.2011.

7. The Expert Appraisal Committee, after due consideration of the relevant documents submitted by the project proponent and additional clarifications furnished in response to its observations, have recommended for the grant of CRZ Clearance for the project. Accordingly, the Ministry hereby accord necessary CRZ Clearance for the above project as per the provisions of Coastal Regulation Zone Notification, 2011, subject to strict compliance of the terms and conditions as follows:

8. SPECIFIC CONDITIONS:

- (i) In mangrove area only road on stilt shall be constructed. There would be permanent loss of about 150 sqm mangroves and 50 sqm temporary loss during construction in Versova and Carter connector. As per the CRZ notification, 2011, at least five times the number of mangroves destroyed/cut during the construction process shall be replanted. The proponent has proposed 10 times mangrove plantation at Bandra adjacent to the project. The identified land is government land & presently it has sparse mangroves.
- (ii) Proponent shall comply with all the assurances made to the fishermen and local public, including provision of navigation channels, providing noise barriers at sensitive locations.
- (iii) The project proponent should take appropriate clearance from the authorities such as Forest Department and/or Hon'ble High Court as the case may be for cutting of mangroves.
- (iv) There shall be no dredging and reclamation for the project.



- (v) The muck materials shall be analysed prior to dumping/ disposal in the identified locations with the approval of the competent authority to ensure that it do not cause any impact to the environment.
- (vi) All the construction equipments shall be provided with exhaust silencer especially close to habitation.
- (vii) All the recommendation of the MCZMA shall be strictly abided.
- (viii) There shall be no water drawal in CRZ area.
- (ix) There shall be no disposal of solid or liquid wastes on coastal area. Solid waste Management shall be as per Municipal Solid (Management and Handling) Rules, 2000.
- (x) Sewage shall be treated and the Treatment Facility shall be provided in accordance with the Coastal Regulation Zone Notification, 2011. The disposal of treated water shall conform the regulation of State Pollution Control Board.
- (xi) The project proponent shall set up separate environmental management cell for effective implementation of the stipulated environmental safeguards under the supervision of a Senior Executive.
- (xii) The funds earmarked for environment management plan shall be included in the budget and this shall not be diverted for any other purposes.

9. GENERAL CONDITIONS:

- (i) Full support shall be extended to the officers of this Ministry/ Regional Office at Bhopal by the project proponent during inspection of the project for monitoring purposes by furnishing full details and action plan, including action taken reports in respect of mitigation measures and other environmental protection activities.
- (ii) A semi-annual monitoring report shall need to be submitted by the project proponents to the Regional Office of this Ministry at Bhopal regarding the implementation of the stipulated conditions.
- (iii) Ministry of Environment & Forests or any other competent authority may stipulate any additional conditions or modify the existing ones, if necessary in the interest of environment and the same shall be complied with.
- (iv) The Ministry reserves the right to revoke this clearance if any of the conditions stipulated are not complied with the satisfaction of the Ministry.



- (v) In the event of a change in project profile or change in the implementation agency, a fresh reference shall be made to the Ministry of Environment and Forests.
- (vi) The project proponents shall inform the Regional Office as well as the Ministry, the date of financial closure and final approval of the project by the concerned authorities and the date of start of land development work.
- (vii) A copy of the clearance letter shall be marked to concerned Panchayat/local NGO, if any, from whom any suggestion/representation has been made received while processing the proposal.
- (viii) State Pollution Control Board shall display a copy of the clearance letter at the Regional Office, District Industries Center and Collector's Office/Tehsildar's office for 30 days.
10. These stipulations would be enforced among others under the provisions of Water (Prevention and Control of Pollution) Act 1974, the Air (Prevention and Control of Pollution) Act 1981, the Environment (Protection) Act, 1986, the Public Liability (Insurance) Act, 1991 and EIA Notification 1994, including the amendments and rules made thereafter.
11. All other statutory clearances such as the approvals for storage of diesel from Chief Controller of Explosives, Fire Department, Civil Aviation Department, Forest Conservation Act, 1980 and Wildlife (Protection) Act, 1972 etc. shall be obtained, as applicable by project proponents from the respective competent authorities.
12. The project proponent shall advertise in at least two local Newspapers widely circulated in the region, one of which shall be in the vernacular language informing that the project has been accorded CRZ Clearance and copies of clearance letters are available with the State Pollution Control Board and may also be seen on the website of the Ministry of Environment and Forests. The advertisement should be made within 10 days from the date of receipt of the Clearance letter and a copy of the same should be forwarded to the Regional office of this Ministry at Bhopal.
13. This Clearance is subject to final order of the Hon'ble Supreme Court of India in the matter of Goa Foundation Vs. Union of India in Writ Petition (Civil) No.460 of 2004 as may be applicable to this project.
14. Any appeal against this clearance shall lie with the National Green Tribunal, if preferred, within a period of 30 days as prescribed under Section 16 of the National Green Tribunal Act, 2010.
15. Status of compliance to the various stipulated environmental conditions and environmental safeguards will be uploaded by the project proponent in its website.



16. A copy of the clearance letter shall be sent by the proponent to concerned Panchayat, Zilla Parishad/Municipal Corporation, Urban Local Body and the Local NGO, if any, from whom suggestions/representations, if any, were received while processing the proposal. The clearance letter shall also be put on the website of the company by the proponent.

17. The proponent shall upload the status of compliance of the stipulated EC conditions, including results of monitored data on their website and shall update the same periodically. It shall simultaneously be sent to the Regional Office of MoEF, the respective Zonal Office of CPCB and the SPCB.

18. The project proponent shall also submit six monthly reports on the status of compliance of the stipulated EC conditions including results of monitored data (both in hard copies as well as by e-mail) to the respective Regional Office of MoEF, the respective Zonal Office of CPCB and the SPCB.

19. The environmental statement for each financial year ending 31st March in Form-V as mandated to be submitted by the project proponent to the concerned State Pollution Control Board as prescribed under the Environment (Protection) Rules, 1986, as amended subsequently, shall also be put on the website of the company along with the status of compliance of EC conditions and shall also be sent to the respective Regional Offices of MoEF by e-mail.

(Lalit Kapur)

Director (IA-III)

Copy to:

1. The Secretary, Department of Environment, Govt. of Maharashtra, Mantralaya, Mumbai - 400 032.
2. The Chairman, CPCB, Parivesh Bhawan, CBD-cum-Office Complex, East Arjun Nagar, Delhi - 32.
3. The Chairman, Maharashtra Coastal Zone Management Authority, Room No.217 (Annexe), Mantralaya, Mumbai - 400 032.
4. The Chairman, Maharashtra Pollution Control Board, Kalpataru Points, 3rd & 4th floor, Opp. Cine Planet, Sion Circle, Sion, Mumbai-400 022.
5. The Chief Conservator of Forests, Ministry of Environment and Forests, Regional Office, Western Region, Kendriya Paryavaran Bhawan, Link, Road No. 3, Ravishankar Nagar, Bhopal- 462 016 (M.P.)
6. Guard File.
7. Monitoring Cell.

(Lalit Kapur)
Director (IA-III)

F.No.11-84/2011-IA-III
Government of India
Ministry of Environment & Forests
(IA.III Division)

Paryavaran Bhawan,
CGO Complex, Lodhi Road,
New Delhi - 110 003.

Dated: 9th January, 2013

To
Managing Director,
M/s Maharashtra State Road Devl. Corp. Ltd.,
Opp. Dena Bank, Adjacent to Priyadarshini Park,
Nepean Sea Road, Mumbai - 400 036

Subject: CRZ Clearance for Versova - Bandra Sea Link Project (VBSLP),
Maharashtra by M/s Maharashtra State Road Development
Corporation (MSRDC) - Reg.

This has reference to letter No: CRZ-2010/CR-187/TC-3 dated 05.11.2011 from Member Secretary, Maharashtra Coastal Zone Management Authority (MCZMA) and your subsequent letter dated 08.05.2012 seeking prior CRZ Clearance for the above project under the Coastal Regulation Zone (CRZ) Notification, 2011. The proposal has been appraised as per prescribed procedure in the light of provisions under Coastal Regulation Zone Notification, 2011 on the basis of the mandatory documents enclosed with the application viz., the Questionnaire, recommendation of State Coastal Zone Management Authority, EMP and the additional clarifications furnished in response to the observations of the Expert Appraisal Committee constituted by the competent authority in its meetings held on 9th -10th February, 2012 and 18th - 19th October, 2012.

2. It is interalia, noted that the proposal is for development of Versova - Bandra Sea link. MSRDC has proposed to develop sea link from Versova to Bandra in the suburbs of Mumbai. The length of the sea link is approximately 10 km with dispersal points at Juhu Koliwada and Jogger's Park. The sea link will have 4+4 lanes on both the sides. The population of Mumbai is fast expanding at a great pace and is estimated to reach around 22 million by 2011. To accommodate the large commuters from fast developing suburbs travelling to the south Mumbai, the available route is the S.V. road and the Western Express Highway. Both these roads have already reached the saturation level. It takes minimum 75-80 minutes for commuters for travelling the said length of 10 km. at present. There is no open space available for the expansion of these roads. The congestion on these roads leads to delay in travel time. So there is great need for the alternative faster transportation system, which will be achieved by this proposed sea link.

5 alternatives were thoroughly studied with several criteria. These were:

- Alignment no. 1(A): Coastal Road on reclamation with cut and cover tunnel at Juhu Beach [Length: 10.232 km, Block Estimated Cost: 3397 Cr]
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The MSRDC has selected alignment No. 3 as there is no cut and cover on the Juhu beach, no reclamation and minimum damage to the mangroves. The salient features of the said alignment No. 3 are: about 900m away from the Coast, total Length 9.890 Km, Traffic Lanes 4+4 lanes, Sea Link 9.500 km (Approx.), Road on Stilt 390 m with no cut and cover and reclamation, traffic dispersal at - Joggers Park and Juhu Koliwada, Cost Rs. 4045 Cr.

3. The construction of the sea link will be carried out using modern technology, including single pier with max. width 2500 mm, superstructure with bridge builders/movable scaffold, minimum span lengths to be 50 m, maximum depth of superstructure 1500 mm, expansion joints at not less than 50 m. MSRDC has prepared extensive EMP and DMP for the project. Budget proposed at present is Rs. 44 crores towards EMP which may go up during implementation of the project. The road will be constructed on stilt in the mangroves at the Versova connector for construction of 4-5 piers.

4. Marine Impact Assessment Studies for the project was carried out by Life Sciences Department, University of Mumbai, through Fine Envirotech Engineers. The assessment of water up to 1.5 to 2 km from shore indicates that the water quality is already deteriorated due to partly treated/untreated sewage being released in it. The alignment of the sea link crosses the navigational channel (fishing) at four location viz. Bandra, Chimbai Road, Khar danda & Juhu Koliwada. Discussion was held with the fishermen and they demanded for navigation span of 50 mt at Bandra and 90 m each at Chimbai Road, Khar danda, juhu Koliwada. MSRDC proposed to provide 50 m at Bandra and 100m at other locations, including 150 m at Juhu (Novotel hotel). The channel will have 12 m vertical clearance. Maharashtra Maritime Board has also confirmed the clearances vide letter dated 13.04.2012. The fishermen also requested (i) develop a small jetty and common area for their repairing of net and M &R activities, (ii) preference of employment, (iii) compensation to the affected fishermen, (iv) allotment of place near Bandra

Fort for fishing. MSRDC informed that the requests (i) to (iii) are considered and will be included in the draft tender paper and the request at (iv) can not be considered as this land does not belong to MSRDC.

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6. The project was considered by the MCZMA in its 71st meeting of the MCZMA on 26.08.2011 and MCZMA recommended to the MoEF vide letter No: CRZ-2010/CR-187/TC-3 dated 05.11.2011.

7. The Expert Appraisal Committee, after due consideration of the relevant documents submitted by the project proponent and additional clarifications furnished in response to its observations, have recommended for the grant of CRZ Clearance for the project. Accordingly, the Ministry hereby accord necessary CRZ Clearance for the above project as per the provisions of Coastal Regulation Zone Notification, 2011, subject to strict compliance of the terms and conditions as follows:

8. **SPECIFIC CONDITIONS:**

- (i) In mangrove area only road on stilt shall be constructed. There would be permanent loss of about 150 sqm mangroves and 50 sqm temporary loss during construction in Versova and Carter connector. As per the CRZ notification, 2011, at least five times the number of mangroves destroyed/cut during the construction process shall be replanted. The proponent has proposed 10 times mangrove plantation at Bandra adjacent to the project. The identified land is government land & presently it has sparse mangroves.
- (ii) Proponent shall comply with all the assurances made to the fishermen and local public, including provision of navigation channels, providing noise barriers at sensitive locations.
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- (iv) There shall be no dredging and reclamation for the project.
- (v) The muck materials shall be analysed prior to dumping/ disposal in the identified locations with the approval of the

competent authority to ensure that it do not cause any impact to the environment.

- (vi) All the construction equipments shall be provided with exhaust silencer especially close to habitation.
- (vii) All the recommendation of the MCZMA shall be strictly abided.
- (viii) There shall be no water drawal in CRZ area.
- (ix) There shall be no disposal of solid or liquid wastes on coastal area. Solid waste Management shall be as per Municipal Solid (Management and Handling) Rules, 2000.
- (x) Sewage shall be treated and the Treatment Facility shall be provided in accordance with the Coastal Regulation Zone Notification, 2011. The disposal of treated water shall confirm the regulation of State Pollution Control Board.
- (xi) The project proponent shall set up separate environmental management cell for effective implementation of the stipulated environmental safeguards under the supervision of a Senior Executive.
- (xii) The funds earmarked for environment management plan shall be included in the budget and this shall not be diverted for any other purposes.

9. **GENERAL CONDITIONS:**

- (i) Full support shall be extended to the officers of this Ministry/ Regional Office at Bhopal by the project proponent during inspection of the project for monitoring purposes by furnishing full details and action plan, including action taken reports in respect of mitigation measures and other environmental protection activities.
- (ii) A six-Monthly monitoring report shall need to be submitted by the project proponents to the Regional Office of this Ministry at Bhopal regarding the implementation of the stipulated conditions.
- (iii) Ministry of Environment & Forests or any other competent authority may stipulate any additional conditions or modify the existing ones, if necessary in the interest of environment and the same shall be complied with.
- (iv) The Ministry reserves the right to revoke this clearance if any of the conditions stipulated are not complied with the satisfaction of the Ministry.
- (v) In the event of a change in project profile or change in the implementation agency, a fresh reference shall be made to the Ministry of Environment and Forests.

- (vi) The project proponents shall inform the Regional Office as well as the Ministry, the date of financial closure and final approval of the project by the concerned authorities and the date of start of land development work.
- (vii) A copy of the clearance letter shall be marked to concerned Panchayat/local NGO, if any, from whom any suggestion/representation has been made received while processing the proposal.
- (viii) State Pollution Control Board shall display a copy of the clearance letter at the Regional Office, District Industries Center and Collector's Office/Tehsildar's office for 30 days.

10. These stipulations would be enforced among others under the provisions of Water (Prevention and Control of Pollution) Act 1974, the Air (Prevention and Control of Pollution) Act 1981, the Environment (Protection) Act, 1986, the Public Liability (Insurance) Act, 1991 and EIA Notification 1994, including the amendments and rules made thereafter.

11. All other statutory clearances such as the approvals for storage of diesel from Chief Controller of Explosives, Fire Department, Civil Aviation Department, Forest Conservation Act, 1980 and Wildlife (Protection) Act, 1972 etc, shall be obtained, as applicable by project proponents from the respective competent authorities.

12. The project proponent shall advertise in at least two local Newspapers widely circulated in the region, one of which shall be in the vernacular language informing that the project has been accorded CRZ Clearance and copies of clearance letters are available with the State Pollution Control Board and may also be seen on the website of the Ministry of Environment and Forests at <http://www.envfor.nic.in>. The advertisement should be made within 10 days from the date of receipt of the Clearance letter and a copy of the same should be forwarded to the Regional office of this Ministry at Bhopal.

13. This Clearance is subject to final order of the Hon'ble Supreme Court of India in the matter of Goa Foundation Vs. Union of India in Writ Petition (Civil) No.460 of 2004 as may be applicable to this project.

14. Any appeal against this clearance shall lie with the National Green Tribunal, if preferred, within a period of 30 days as prescribed under Section 16 of the National Green Tribunal Act, 2010.

15. Status of compliance to the various stipulated environmental conditions and environmental safeguards will be uploaded by the project proponent in its website.

16. A copy of the clearance letter shall be sent by the proponent to concerned Panchayat, Zilla Parishad/Municipal Corporation, Urban Local Body and the Local NGO, if any, from whom suggestions/representations, if

any, were received while processing the proposal. The clearance letter shall also be put on the website of the company by the proponent.

17. The proponent shall upload the status of compliance of the stipulated EC conditions, including results of monitored data on their website and shall update the same periodically. It shall simultaneously be sent to the Regional Office of MoEF, the respective Zonal Office of CPCB and the SPCB.

18. The project proponent shall also submit six monthly reports on the status of compliance of the stipulated EC conditions including results of monitored data (both in hard copies as well as by e-mail) to the respective Regional Office of MoEF, the respective Zonal Office of CPCB and the SPCB.

19. The environmental statement for each financial year ending 31st March in Form-V as is mandated to be submitted by the project proponent to the concerned State Pollution Control Board as prescribed under the Environment (Protection) Rules, 1986, as amended subsequently, shall also be put on the website of the company along with the status of compliance of EC conditions and shall also be sent to the respective Regional Offices of MoEF by e-mail.

(Lalit Kapur)
Director (IA-III)

Copy to:

1. The Secretary, Department of Environment, Govt. of Maharashtra, Mantralaya, Mumbai - 400 032.
2. The Chairman, CPCB, Parivesh Bhawan, CBD-cum-Office Complex, East Arjun Nagar, Delhi - 32.
3. The Chairman, Maharashtra Coastal Zone Management Authority, Room No.217 (Annexe), Mantralaya, Mumbai - 400 032.
4. The Chairman, Maharashtra Pollution Control Board, Kalpataru Points, 3rd & 4th floor, Opp. Cine Planet, Sion Circle, Sion (E) Mumbai-400 022.
5. The Chief Conservator of Forests, Ministry of Environment and Forests, Regional Office, Western Region, Kendriya Paryavaran Bhavan, Link, Road No. 3, Ravishankar Nagar, Bhopal- 462016 (M.P.)
6. Guard File.
7. Monitoring Cell.

(Lalit Kapur)
Director (IA-III)

STATE LEVEL ENVIRONMENT IMPACT ASSESSMENT AUTHORITY

SEAC-I /C.R247C-2
 Environment department,
 Room No. 217, 2nd floor,
 Mantralaya, Annexe,
 Mumbai-400 032.
 Date: 27th February 2017.

To,
 M/s. Maharashtra State Road
 Development Corporation Limited (MSRDC),
 D-2, KC Marg, Nityanand Nagar, ONGC Colony,
 s Bandra West, Mumbai, Maharashtra 400050

Subject: ; Environment clearance for proposed Versova Bandra Sea Link (VBSL) Project
 in Mumbai, Maharashtra State by MSRDC.

Sir,

This has reference to your communication on the above mentioned subject. The proposal was considered as per the EIA Notification - 2006, by the State Level Expert Appraisal Committee-I, Maharashtra in its 136th meeting and recommend the project for prior environmental clearance to SEIAA. Information submitted by you has been considered by State Level Environment Impact Assessment Authority in its 107th meetings.

2. It is noted that the proposal is considered by SEAC-II under screening category 8(b) B1 as per EIA Notification 2006.

Brief Information of the project submitted by you is as below-

1	Name of the Project	Versova Bandra Sea Link (VBSL) Project in Mumbai, Maharashtra State
2	Name, address, e-mail & Contact no. of Proponent	Name: Mr. R.B. Gadge/ Mr. Shreekant. V. Jadhav. Address: Maharashtra State Road Development Corporation Limited (MSRDC), D-2, KC Marg, Nityanand Nagar, ONGC Colony, Bandra West, Mumbai, Maharashtra 400050 Telephone Number: 022-26400190/ 26400201/ 26558175/ 26558176/ 26433908 Email ID: gadge101@gmail.com/
3	Name of Consultant	Address: M/s Fine Envirotech Engineers
4	Accreditation of Consultant (NABET Accreditation)	NABET - QCI-154

-1-
 EC SEIAA Table Item No - 02 Meeting No -107th

5	New Project /Expansion in existing project /Modernization /Diversification in existing project	New Project
6	If expansion/ Diversification, Whether environmental clearance Has been obtained for existing project (If yes, enclose a copy with compliance certificate)	Not Applicable
7	Activity scheduled in the EIA Notification	8 (B)
8	Area Details	Total plot area (sq. m.): Built up area (Sq. m.): Length of sea link - 9.890 km
9	Name of the Notified Industrial area / MIDC area	--
10	TOR given by SEAC? (If yes then specify the meeting)	TOR for EC was granted by SEAC -I in its 122 nd meeting held on 26 th February 2016.
11	Estimated capital cost of the Project (including cost for land, building, plant and machinery separately)	Rs. 5516 Crores.
12	Location details of the project:	The project is located along the West coast of Mumbai from Bandra West to Versova in Mumbai City. Location Plan is attached as Annexure-1 Bandra: Latitude:- 19 ^o 02'48.7" N, Longitude:- 72 ^o 49'23.6" E Versova: Latitude:- 19 ^o 07'29.3" N Longitude:- 72 ^o 48'56.7" E Elevation above Mean Sea Level (metres):- at MSL of 13.2
13	Distance from Protected Area/ Critically Polluted areas/ Eco-sensitive areas/ interstate boundaries	The proposed sea link passes through the CRZ I, CRZ I (i) and CRZ I (ii) along the sea side. Approx distance from Sanjay Gandhi National park Borivali is 10.20 kms.
14	Sewage generation and treatment	Amount of sewage generation (CMD): 16CMD from labour camp of casting yard. Proposed treatment for the sewage: mobile-STP Capacity of the STP (CMD) (If applicable): 25 CMD

-2-

EC SEIAA Table Item No - 02 Meeting No - 107th

81cl

		The treated sewage will be reused for sprinkling & dust containment excess if any will be drained to Network of MCGM.																														
15	Solid waste Management	Solid waste generated during Construction phase was from Pile and Pilecap. Construction phase waste generated was approx.: 80,000 m ³ /day Solid wastes were disposed through dumpers on the same day without storing at site.																														
16	Energy	The power was obtained through Reliance Power Supply During construction phase the power requirement was 100KVA However provision was made for 2 nos diesel power generating sets of capacity 100 KVA as a backup. Adequate height stack will be provided to DG set.																														
17	Environmental Management plan Budgetary Allocation	<p>Construction Phase:</p> <table border="1"> <thead> <tr> <th>SR. No</th> <th>ITEMS</th> <th>COST (INR) DURING CONSTRUCTION PER YEAR</th> </tr> </thead> <tbody> <tr> <td>1</td> <td>AIR ENVIRONMENT</td> <td>14,40,000</td> </tr> <tr> <td>2</td> <td>WATER ENVIRONMENT</td> <td>6,72,000</td> </tr> <tr> <td>3</td> <td>NOISE ENVIRONMENT</td> <td>1,20,000</td> </tr> <tr> <td></td> <td>TOTAL EMP COST</td> <td>22,32,000.00</td> </tr> </tbody> </table> <p>Operation Phase:</p> <table border="1"> <thead> <tr> <th>SR. No</th> <th>ITEMS</th> <th>COST (INR) DURING OPERATION PER YEAR</th> </tr> </thead> <tbody> <tr> <td>1</td> <td>AIR ENVIRONMENT</td> <td>4,80,000.00</td> </tr> <tr> <td>2</td> <td>WATER ENVIRONMENT</td> <td>2,24,000.00</td> </tr> <tr> <td>3</td> <td>NOISE ENVIRONMENT</td> <td>40,000.00</td> </tr> <tr> <td></td> <td>TOTAL EMP COST</td> <td>7,44,000.00</td> </tr> </tbody> </table> <p>Disaster Management Plan & CSR</p>	SR. No	ITEMS	COST (INR) DURING CONSTRUCTION PER YEAR	1	AIR ENVIRONMENT	14,40,000	2	WATER ENVIRONMENT	6,72,000	3	NOISE ENVIRONMENT	1,20,000		TOTAL EMP COST	22,32,000.00	SR. No	ITEMS	COST (INR) DURING OPERATION PER YEAR	1	AIR ENVIRONMENT	4,80,000.00	2	WATER ENVIRONMENT	2,24,000.00	3	NOISE ENVIRONMENT	40,000.00		TOTAL EMP COST	7,44,000.00
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SR. No	ITEMS	COST (INR)
1	Fully equipped life saving boats at 2 location	75 lacs
2	Training to MSRDC staff & Concessionaire staff for DMP	20 lacs
3	Environmental & social Awareness program.	35 lacs
4	Green areas	42 lacs
	Total	172 lacs

18 EIA Submitted (If yes then submit the salient features) Yes
Executive Summary is attached as Annexure-2

3. The proposal has been considered by SEIAA in its 107th meeting & decided to accord environmental clearance to the said project under the provisions of Environment Impact Assessment Notification, 2006 subject to implementation of the following terms and conditions:

General Conditions for Pre-construction phase:-

- (i) No mangrove shall be disturb
- (ii) In case of any change in the location of casting yard PP shall approach SEIAA for fresh approval.
- (iii) PP shall comply with the issues raised by MCZMA/CRZ.
- (iv) This environmental clearance is issued subject to land use verification. Local authority / planning authority should ensure this with respect to Rules, Regulations, Notifications, Government Resolutions, Circulars, etc. issued if any. Judgments/orders issued by Hon'ble High Court, Hon'ble NGT, Hon'ble Supreme Court regarding DCR provisions, environmental issues applicable in this matter should be verified. PP should submit exactly the same plans appraised by concern SEAC and SEIAA. If any discrepancy found in the plans submitted or details provided in the above para may be reported to environment department. This environmental clearance issued with respect to the environmental consideration and it does not mean that State Level Impact Assessment Authority (SEIAA) approved the proposed land use.
- (v) E-waste shall be disposed through Authorized vendor as per E-waste (Management and Handling) Rules, 2016.
- (vi) The permissions/approval shall be issued by the competent Authority to the project only after ensuring sustained connectivity of sewer line to the project site and proper disposal of treated water as per environmental norms.
- (vii) This environmental clearance is issued subject to obtaining NOC from Forestry & Wild life angle including clearance from the standing committee of the National Board for Wild life as if applicable & this environment clearance does not necessarily implies that Forestry & Wild life clearance granted to the project which will be considered separately on merit.

88/15
77CB

- (viii) "Consent for Establishment" shall be obtained from Maharashtra Pollution Control Board under Air and Water Act and a copy shall be submitted to the Environment department before start of any construction work at the site.
- (ix) All required sanitary and hygienic measures should be in place before starting construction activities and to be maintained throughout the construction phase.

General Conditions for Construction Phase-

- (i) Provision shall be made for the housing of construction labour within the site with all necessary infrastructure and facilities such as fuel for cooking, mobile toilets, mobile STP, safe drinking water, medical health care, crèche and First Aid Room etc.
- (ii) Adequate drinking water and sanitary facilities should be provided for construction workers at the site. Provision should be made for mobile toilets. The safe disposal of wastewater and solid wastes generated during the construction phase should be ensured.
- (iii) The solid waste generated should be properly collected and segregated, dry/inert solid waste should be disposed off to the approved sites for land filling after recovering recyclable material.
- (iv) Disposal of muck during construction phase should not create any adverse effect on the neighboring communities and be disposed taking the necessary precautions for general safety and health aspects of people, only in approved sites with the approval of competent authority.
- (v) Arrangement shall be made that waste water and storm water do not get mixed.
- (vi) All the topsoil excavated during construction activities should be stored for use in horticulture / landscape development within the project site.
- (vii) Additional soil for leveling of the proposed site shall be generated within the sites (to the extent possible) so that natural drainage system of the area is protected and improved.
- (viii) Soil and ground water samples will be tested to ascertain that there is no threat to ground water quality by leaching of heavy metals and other toxic contaminants.
- (ix) Construction spoils, including bituminous material and other hazardous materials must not be allowed to contaminate watercourses and the dumpsites for such material must be secured so that they should not leach into the ground water.
- (x) Any hazardous waste generated during construction phase should be disposed off as per applicable rules and norms with necessary approvals of the Maharashtra Pollution Control Board.

- (xi) The diesel generator sets to be used during construction phase should be low sulphur diesel type and should conform to Environments (Protection) Rules prescribed for air and noise emission standards.
- (xii) The diesel required for operating DG sets shall be stored in underground tanks and if required, clearance from concern authority shall be taken.
- (xiii) Vehicles hired for bringing construction material to the site should be in good condition and should have a pollution check certificate and should conform to applicable air and noise emission standards and should be operated only during non-peak hours.
- (xiv) Ambient noise levels should conform to residential standards both during day and night. Incremental pollution loads on the ambient air and noise quality should be closely monitored during construction phase. Adequate measures should be made to reduce ambient air and noise level during construction phase, so as to conform to the stipulated standards by CPCB/MPCB.
- (xv) Water demand during construction should be reduced by use of pre-mixed concrete, curing agents and other best practices referred.
- (xvi) The ground water level and its quality should be monitored regularly in consultation with Ground Water Authority.
- (xvii) Energy conservation measures like installation of CFLs /TFLs for the lighting the areas outside the building should be integral part of the project design and should be in place before project commissioning. Use CFLs and TFLs should be properly collected and disposed off/sent for recycling as per the prevailing guidelines/rules of the regulatory authority to avoid mercury contamination. Use of solar panels may be done to the extent possible like installing solar street lights, common solar water heaters system. Project proponent should install, after checking feasibility, solar plus hybrid non-conventional energy source as source of energy.
- (xviii) Diesel power generating sets proposed as source of backup power for elevators and common area illumination during operation phase should be of enclosed type and conform to rules made under the Environment (Protection) Act, 1986. The height of stack of DG sets should be equal to the height needed for the combined capacity of all proposed DG sets. Use low sulphur diesel. The location of the DG sets may be decided with in consultation with Maharashtra Pollution Control Board.
- (xix) Noise should be controlled to ensure that it does not exceed the prescribed standards. During nighttime the noise levels measured at the boundary of the building shall be restricted to the permissible levels to comply with the prevalent regulations.
- (xx) Traffic congestion near the entry and exit points from the roads adjoining the proposed project site must be avoided. Parking should be fully internalized and no public space should be utilized.

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- (xxi) Regular supervision of the above and other measures for monitoring should be in place all through the construction phase, so as to avoid disturbance to the surroundings.
- (xxii) Under the provisions of Environment (Protection) Act, 1986, legal action shall be initiated against the project proponent if it was found that construction of the project has been started without obtaining environmental clearance.
- (xxiii) Six monthly monitoring reports should be submitted to the Regional office MoEF, Bhopal with copy to this department and MPCB.

General Conditions for Post-construction/operation phase.

- (i) Project proponent shall ensure completion of STP, MSW disposal facility, green belt development prior to occupation of the buildings. As agreed during the SEIAA meeting, PP to explore possibility of utilizing excess treated water in the adjacent area for gardening before discharging it into sewer line. No physical occupation or allotment will be given unless all above said environmental infrastructure is installed and made functional including water requirement in Para 2. Prior certification from appropriate authority shall be obtained.
- (ii) A complete set of all the documents submitted to Department should be forwarded to the Local authority and MPCB.
- (iii) In the case of any change(s) in the scope of the project, the project would require a fresh appraisal by this Department.
- (iv) A separate environment management cell with qualified staff shall be set up for implementation of the stipulated environmental safeguards.
- (v) Separate funds shall be allocated for implementation of environmental protection measures/EMP along with item-wise breaks-up. These cost shall be included as part of the project cost. The funds earmarked for the environment protection measures shall not be diverted for other purposes and year-wise expenditure should reported to the MPCB & this department.
- (vi) The project management shall advertise at least in two local newspapers widely circulated in the region around the project, one of which shall be in the Marathi language of the local concerned within seven days of issue of this letter, informing that the project has been accorded environmental clearance and copies of clearance letter are available with the Maharashtra Pollution Control Board and may also be seen at Website at [http://www.mpcb.maharashtra.gov.in](#)
- (vii) Project management should submit half yearly compliance reports in respect of the stipulated prior environment clearance terms and conditions in hard & soft copies to the MPCB & this department, on 1st June & 1st December of each calendar year.
- (viii) A copy of the clearance letter shall be sent by proponent to the concerned Municipal Corporation and the local NGO, if any, from whom suggestions/representations, if

any, were received while processing the proposal. The environmental statement shall also be put on the website of the Company by the proponent.

- (ix) The proponent shall upload the status of compliance of the stipulated EC conditions, including results of monitored data on their website and shall update the same periodically. It shall simultaneously be sent to the Regional Office of MoEF, the respective Zonal Office of CPCB and the SPCB. The criteria pollutant levels namely: SPM, RSPM, SO₂, NO_x (ambient levels as well as stack emissions) or critical sector parameters, indicated for the project shall be monitored and displayed at a convenient location near the main gate of the company in the public domain.
- (x) The project proponent shall also submit six monthly reports on the status of compliance of the stipulated EC conditions including results of monitored data (both in hard copies as well as by e-mail) to the respective Regional Office of MoEF, the respective Zonal Office of CPCB and the SPCB.
- (xi) The environmental statement for each financial year within 31st March in Form-V as is mandated to be submitted by the project proponent to the concerned State Pollution Control Board as prescribed under the Environment (Protection) Rules, 1986, as amended subsequently, shall also be put on the website of the company along with the status of compliance of EC conditions and shall also be sent to the respective Regional Offices of MoEF by e-mail.
4. The environmental clearance is being issued without prejudice to the action initiated under EP Act or any court case pending in the court of law and it does not mean that project proponent has not violated any environmental laws in the past and whatever decision under EP Act or of the Hon'ble court will be binding on the project proponent. Hence this clearance does not give immunity to the project proponent in the case filed against him, if any or action initiated under EP Act.
5. In case of submission of false document and non-compliance of stipulated conditions, Authority/ Environment Department will revoke or suspend the Environmental Clearance without any intimation and initiate appropriate legal action under Environmental Protection Act, 1986.
6. The Environment department reserves the right to add any stringent condition or to revoke the clearance if conditions stipulated are not implemented to the satisfaction of the department or for that matter, for any other administrative reason.
7. Validity of Environment Clearance: The environmental clearance accorded shall be valid as per EIA Notification, 2006, and amendments by MoEF&CC Notification dated 29th April, 2015.
8. In case of any deviation or alteration in the project proposed from those submitted to this department for clearance, a fresh reference should be made to the department to assess the adequacy of the condition(s) imposed and to incorporate additional environmental protection measures required, if any.
9. The above stipulations would be enforced among others under the Water (Prevention and Control of Pollution) Act, 1974, the Air (Prevention and Control of Pollution) Act, 1981.

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the Environment (Protection) Act, 1986 and rules there under, Hazardous Wastes (Management and Handling) Rules, 1989 and its amendments, the public Liability Insurance Act, 1991 and its amendments.

10. Any appeal against this environmental clearance shall lie with the National Green Tribunal (Western Zone Bench, Pune) New Administrative Building, 1st Floor, Wing, Opposite Council Hall, Pune, if preferred, within 30 days as prescribed under Section 16 of the National Green Tribunal Act, 2010.


(S. M. Gaval)
Member Secretary, SEIAA

Copy to:

1. Shri. Johny Joseph, Chairman, IAS (Retd.), SEAC-II, office of the Lokayukta and New Up-Lokayukta, New Administrative Building, 1st floor, Madani Cama Road, Mumbai.
2. Additional Secretary, MOEF, MoEF & CC, Indira Paryavaran Bhavan, Jorbagh Road, Aliganj, New Delhi-110003.
3. The MoEF, Regional Office, Nagpur.
4. IA- Division, Monitoring Cell, MoEF & CC, Indira Paryavaran Bhavan, Jorbagh Road, Aliganj, New Delhi-110003.
5. Managing Director, MSEDCL, MG Road, Fort, Mumbai
6. Commissioner, Mumbai Municipal Corporation.
7. Member Secretary, Maharashtra Pollution Control Board, with request to display a copy of the clearance.
8. Regional Office, MPCB, Mumbai.
9. Select file (TC-3)

(EC uploaded on 13.2.2017)

Minutes of the 127th meeting of the Maharashtra Coastal Zone Management Authority (MCZMA) held on 02nd November, 2018

Minutes of the 127th meeting of the Maharashtra Coastal Zone Management Authority (MCZMA) held under the Chairmanship of Principal Secretary, Environment on 02nd November, 2018 in conference Hall, 7th Floor, Mantralaya, Mumbai. List of the members present in the meeting is enclosed as Annexure-I.

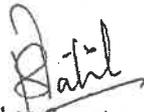
Item No.1: Discussion on final Coastal Zone Management Plans (CZMP) of Mumbai City, Mumbai Suburban, Raigad, Ratnagiri & Sindhudurg Districts

The Authority noted that the MoEF, New Delhi vide letter dated 16th August, 2018 approved the CZMPs of Greater Mumbai, Raigad, Ratnagiri and Sindhudurg districts, under provisions of the CRZ Notification, 2011. The Authority took on record the said approved CZMPs. The Concern Planning Authorities / District Collector shall implement the said approved CZMPs in their jurisdiction. The Authority further noted that finalization of the draft CZMPs of Thane & Palghar, Navi Mumbai & Uran area is nearing completion.

Item No.2: Regarding MCZMA staff pattern

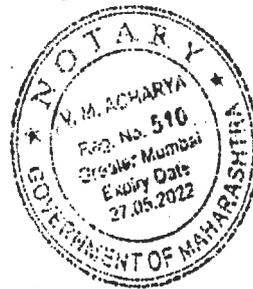
The MCZMA felt the necessity of the secretarial assistance and qualified, experienced technical staff to assist in providing technical inputs. There is no regular staff support available from the Environment Department for functioning of the MCZMA. There is a need to fix the staffing pattern for MCZMA at least on long term basis. The current contractual staff of MCZMA has satisfactorily assisted for the speedy functioning of the MCZMA. The payment for contractual staff has been paid from the MCZMA account. The Authority noted the decision of 117th meeting of the MCZMA.

Now, after deliberation, the Authority decided to make a pay of current working staff such as Law Officer, Coastal Officers & Project Analyst shall be Research Associates-C plus Rs. 10,000/- pm. Clerk cum Typist pay shall be Rs. 25,000/-, Office Boy/ driver pay shall be Rs. 20,000 pm.


Member Secretary

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Chairman



Minutes of the 127th meeting of the Maharashtra Coastal Zone Management Authority (MCZMA) held on 02nd November, 2018

The Authority after deliberation decided to defer the matter for want of information such as layout of the proposed activities superimposed on approved CZMP under CRZ Notification, 2011 and whether activities are proposed in mangrove area.

Item No.39: Regarding extension of validity of CRZ clearance of Versova - Bandra Sea Link Project (VBSLP) by MSRDC

The MSRDC officials presented the matter before the Authority. The MSRDC officials presented that MoEF, New Delhi vide letter dated 9th Jan, 2013 has granted the CRZ clearance to the project of VBSL. Now, MSRDC requested MCZMA to extend the validity of the said CRZ clearance.

The Authority noted the as per the Amendment dated 6th March, 2018 in CRZ Notification, 2011:

"The clearance accorded to the projects under this notification shall be valid for a period of seven years from the date of issue of such clearance:

Provided that the construction activities shall commence within a period of five years from the date of the issue of clearance and the construction be completed and the operations be commenced within seven years from the date of issue of such clearance:

Provided further that the period of validity may be extended for a maximum period of three years in case an application is made to the concerned authority by the applicant within the validity period, along with recommendation for extension of validity of the clearance by the concerned State / Union Territory Coastal Zone Management Authority";

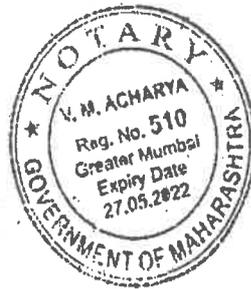
The MSRDC officials presented that there is no change in project profile. It was further informed that around 2.9907 Ha of mangrove will be affected due to project, for which forest and High Court permission will be obtained.

After deliberations, the Authority decided to recommend the matter to MoEF for extending the validity of the CRZ clearance granted to the project.


Member Secretary

Page 33 of 51


Chairman



Ex - E

Office of Addl. Principal Chief Conservator of Forests, Mangrove Cell, Mumbai
 S.R.A. Building, Second Floor, Anant Kanekar Marg, Bandra East- 400 051
 Phone/Fax No. 022-26591586 Email:- ccfmangrove@mahaforest.gov.in

O No. land/FCA/1412/2018-19.
 Date-11/01/18 Bandra(E) Mumbai.

To,
 ✓ Additional Principal Chief Conservator of Forest
 & Nodal Officer,
 Maharashtra State, Nagpur.

Sub - Proposed Construction of Versova - Bandra Sea Link, at Village - Versova,
 Juhu & Bandra (Dande). District - Mumbai Suburban.

Ref. - 1. MSRDC office letter no. MSRDC/02/JMD (Engg.1)/VBSL/2018/3766
 dt. 08/05/2018.
 2. Divisional Forest Officer, Mumbai Mangrove Conservation Unit letter no.
 Land/739 dt. 27/06/2018.

Executive Engineer MSRDC, Mumbai has applied for diversion of 2,9907 ha. land for Proposed
 Construction of Versova - Bandra Sea Link, at Village - Versova, Juhu & Bandra (Dande), District -
 Mumbai Suburban. The project authority has submitted hard copy of the proposal to Divisional Forest
 Officer, MMCU office.

02. The user agency has submitted the proposal for the diversion of 2,9907 ha. mangrove forest area
 under Forest (Conservation) Act 1980 as below :

Sr. No.	Item of work	Village	Survey No. / CTS No.	Area in ha.	Legal status
1	Construction of Versova - Bandra Sea Link, at Village - Versova, Juhu & Bandra (Dande)	Versova,	CTS No. 1276	2,9907	Reserved Forest
2		Juhu	CTS No. 1217, 1213 (p), 962 (p)		Mangrove Forest
3		Bandra	CTS No. C/1662		Reserved Forest
Total				2,9907	

03. The User Agency shall not collect any toll from the vehicles carrying forest officer/employee on duty.

04. Proposed mangrove forest area for the non forest activity is jointly inspected by Assistant Conservator of Forests, Mumbai Mangrove Conservation Unit on 25 / 05 / 2017 in the presence of Divisional Forest Officer on dt. 25 / 05 / 2017. Site Inspection Report is attached in the proposal.

Reviewed
Jule
 03/11/18
 S. P. T. Patil
 S. P. T. Patil
 S. P. T. Patil

05. The user Agency has submitted the Xerox copy of certificate of Collector Mumbai Suburban regarding the compliance under Schedule Tribes and Other Traditional Forest Dwellers (Recognition of Rights) Act 2006.

06. Divisional Forest Officer, MMCU office has certified that there are 1585 trees of various species and girth in the area proposed for diversion. Girth and species wise break up is as under :-

Species	Tree girth (in cm)								136 & above	Total
	15-30	31-45	46-60	61-75	76-90	91-105	106-120	121-135		
Mangrove	600	442	430	82	20	7	4	0	0	1585

07. There is no violation of Forest (Conservation) Act 1980 & its guidelines as certified by under signatory authority.

09. The area belongs to Eco value II and density of forest is 0.4 - 0.6 (Dense forest)

10. The user agency has submitted an undertaking to defray the cost of Net Present Value of forest land proposed for diversion.

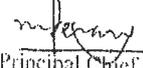
11. Divisional Forest Officer, MMCU office certified that the proposed project is 8.11 km from the boundary of Sanjay Gandhi National Park Borivali, Mumbai and the distance from Thane Creek Flamingo Sanctuary is 12.15 km. Divisional Forest Officer, MMCU also mentioned that the project will not have any adverse effects on the wildlife within Thane Creek Flamingo Sanctuary.

12. The user agency has suggested and provided 2.9907 ha. of compensatory afforestation land in lieu of the diverted mangrove forest at Village Charkop survey no. 39 Tal. Borivali Dist. Mumbai Suburban. The collector Mumbai Suburban has reported the above land is available for compensatory afforestation. A copy of the above report is enclosed. The Divisional Forest Officer, MMCU office has made site inspection and submitted the suitability certificate along with the maps.

12. Divisional Forest Officer, MMCU office has recommended the proposal for approval.

Scrutiny of the proposal has been carried out by Divisional Forest Officer, MMCU office. Three sets of proposal were submitted herewith for favour of further action.

Enclosed : 2 copies of proposal.


Adil. Principal Chief Conservator of
Forest,
Mangrove Cell, Mumbai

Copy to :- 01. Deputy Conservator of Forests, (T) Thane for information and necessary action.
02. Chief Conservator of Forest (T) Thane. for information and necessary action.
03. Executive Engineer, MSRDC, Mumbai for information and necessary action.



महाराष्ट्र वन विभाग
Certified by ISO
9001:2015

Office of the Principal Chief Conservator of Forests (Head of Forest Force), Maharashtra State

Additional Principal Chief Conservator of Forests and Nodal Officer,
Maharashtra State, Nagpur

First Floor, 'B' Wing, Van Bhavan, Civil Lines, Nagpur-440001

Tel no. (0712) 2556916, Fax no. (0712) 2550675

E-mail- apccfnodal@mahaforest.gov.in Website: www.mahaforest.gov.in

Sub.- Diversion of 2.9907 ha. mangrove forest land
for Construction of Versova-Bandra Sea link
at Village-Versova, Juhu and Bandra (Dande) in
Mumbai Suburban in the state of Maharashtra

No. : Desk-17/NC/II/ID 12647/(66)/1963/2018-19
Nagpur - 440 001, Dated: 14/12/2018

To,

Addl. Principal Chief Conservator of Forests (Central),
Government of India, Ministry of Environment, Forests & Climate Change,
Regional Office (WC2), Ground Floor, East Wing,
New Secretariat Building, Civil Lines,
Nagpur 440001

Ref:- Additional Principal Chief Conservator of Forests, Mangrove Cell, Mumbai letter No
land/FCA/1412/2018-19 dated 01/10/2018.

Sir,

The project has been initiated by Executive Engineer, Maharashtra State Road Development Corporation (MSRDC) Ltd, opposite Bandra Reclamation bus depot Bandra (W) Mumbai for Construction of Versova-Bandra Sea link at Village-Versova, Juhu and Bandra (Dande) in Mumbai Suburban. Total non forest land involved in the project is 44.3977 ha. The details of forest land proposed for diversion is as under-

Item	Village	Taluka & District	Survey No/CST No	Area in ha.	Legal Status
Proposed Versova Bandra Sealink by MSRDC	Versova	Taluka- Andheri District- Mumbai Suburban	PR No 1276	0.1413	Reserved Forest
	Juhu		1217 (New Mangrove)	2.1250	Mangrove Forest /Identified Forest
	Juhu (Koliwada)		PR No 1213P	0.5008	Mangrove Forest
			PR No 962P.	0.1165	Mangrove Forest/Mud Plot
	Bandra (Dande)		C/1662 (New Mangrove)	0.1071	Reserved Forest
Total				2.9907	

MSRDC is a corporation established and fully owned by the Government of Maharashtra through a resolution on 09/07/1996 and has been incorporated as a limited company under the companies Act 1956 on 02/08/1996 and mainly deals with the properties and assets comprising movables and immovable including land, road projects, flyover projects, toll collection rights and works under construction which vested with the State Government and were under the control of the Public Works Department. These have been subsequently transferred to MSRDC.

Mumbai is the economical capital of the country. To accommodate the large population as the suburbs are fast developing with many commuters travelling to the south Mumbai. The available route is the S.V. road and the Western Express Highway. Both these roads have already reached the saturation level. There is no open space available for the expansion of these roads. The congestion on these roads leads to delay in travel time. Therefore there was a need to find an alternative to the congested roads. As there is no land available for expansion the best alternative is sea link as Mumbai has a long coast.

The Versova Bandra sea link is proposed to be developed from Versova to Bandra in the suburbs of Mumbai. The length of the sea link is 9.890 km with dispersal points at Juhu Koliwada and Otta's Club. The sea link will have 4+4 lanes on both the sides. Precaution has been taken to bring about minimum loss of mangrove during construction of the project, if possible in mangroves area only road on still shall be constructed. Government of Maharashtra launched the project in December 2009 and accorded administrative approval vide No 2009/C No 121/Road 6 dated 19/12/2009.

The total area required for the project is 47.3884 ha among which 2.9907 ha falls in Protected/Mangrove forest area for which clearance under the Forest (Conservation) Act 1980 is required.

Therefore the project authority has submitted the proposal for diversion of 2.9907ha. forest land for construction of Versova-Bandra Sea link at Village-Versova, Juhu and Bandra (Dande) in Mumbai Suburban under Forest (Conservation) Act, 1980.

The proposal has been submitted by Additional Principal Chief Conservator of Forests, Mangrove Cell, Mumbai vide letter No land/FCA/1412/2018-19 dated 01/10/2018 alongwith following documents as prescribed in Government Circular, Revenue and Forest Department No.FLD-1081/2041/(A)/F-3, dated 20/03/1982 as well as per Government of India's instructions issued from time to time :-

- 1) The Divisional Forest Officer (Mangrove), Mumbai Mangrove Conservation Unit, Mumbai has certified that demand of mangrove forest land for proposed project is the barest minimum demand of the forest land.
- 2) The Divisional Forest Officer (Mangrove), Mumbai Mangrove Conservation Unit, Mumbai has certified that the projected area is not included in the area of any National Park, Wildlife Sanctuary, or Nature Reserve Nearest boundary of SGNP is at 8.11 Km and distance from Thane Creek Flamingo Sanctuary is at 12.15 km from proposed area for diversion.
- 3) The Divisional Forest Officer (Mangrove), Mumbai Mangrove Conservation Unit, Mumbai has certified that the proposed project is beyond Eco Sensitive Zone of Sanjay Gandhi National Park, Borivali & Thane Creek Flamingo Sanctuary.
- 4) Divisional Forest Officer (Mangrove), Mumbai Mangrove Conservation Unit, Mumbai certified that there is no violation of Forest (Conservation) Act 1980 or its guidelines.
- 5) The Divisional Forest Officer (Mangrove), Mumbai Mangrove Conservation Unit, Mumbai has certified that the alternative for the proposed project has been examined in detailed, therefore it cannot be located completely on non forest land.
- 6) The Divisional Forest Officer, Mumbai Mangrove Conservation Unit, Mumbai has certified that 2.9907ha land bearing Survey No 39, Compartment No NA, at Village Charkop, Tehsil -Borivali, District Mumbai Suburban for compensatory afforestation is suitable for undertaking plantation from the management point of view and is free and all sorts sorts of encumbrances and encroachments.
- 7) The Divisional Forest Officer (Mangrove), Mumbai Mangrove Conservation Unit, Mumbai certified that the Survey No 39 of village-Charkop proposed for Compensatory

afforestation land in lieu of diversion of 2.0097ha. forest land for proposed project is not under provisions of Maharashtra Private Forest (Acquisition) Act 1975 by virtue of application of section 35 of Indian Forest Act 1927 and are not recognized as deemed Reserved Forest as well as not included in the area identified as "Forest" as per the dictionary meaning of Forests as intimated to the expert Committee appointed under interim judgment of the Hon'ble Supreme Court dated 12/12/1996.

- 8) The Divisional Forest Officer (Mangrove), Mumbai Mangrove Conservation Unit, Mumbai has certified that the proposed area is not likely to affect any monumental site of cultural, historical, religious, archeological or recreational importance.
- 9) The Divisional Forest Officer (Mangrove), Mumbai Mangrove Conservation Unit, Mumbai has submitted the Site Inspection Report dated 25/05/2017 on page No 34.
- 10) The Divisional Forest Officer (Mangrove), Mumbai Mangrove Conservation Unit, Mumbai has certified that the proposed area belongs to Eco-value class-II and density 0.4 to 0.6.
- 11) The Divisional Forest Officer (Mangrove), Mumbai Mangrove Conservation Unit, Mumbai has certified that the project involves felling of 1585 species of Mangrove. (Avicennia marina). Girth wise break up is as under :-
- | Tree Girth In Cms | | | | | | | | |
|-------------------|-------|-------|-------|-------|--------|---------|---------------|-------|
| 15-30 | 31-45 | 46-60 | 61-75 | 76-90 | 91-105 | 106-120 | 121 and above | Total |
| 600 | 442 | 430 | 82 | 20 | 07 | 04 | 00 | 1585 |
- 12) The Divisional Forest Officer (Mangrove), Mumbai Mangrove Conservation Unit, Mumbai certified that the non forest land involved in the project are not under provisions of Maharashtra Private Forest (Acquisition) Act 1975 by virtue of application of section 35 of Indian Forest Act 1927 and are not recognized as deemed Reserved Forest as well as not included in the area identified as "Forest" as per the dictionary meaning of Forests as intimated to the expert Committee appointed under interim judgment of the Hon'ble Supreme Court dated 12/12/1996.
- 13) The user agency has submitted an undertaking to bear the cost of clearance/removal of the vegetation growth from the forest land proposed for diversion.
- 14) The user agency has submitted an undertaking to defray the cost of compensatory afforestation.
- 15) The user agency has submitted an undertaking to defray the cost of Net Present Value of the forest land proposed for diversion.
- 16) The user agency has submitted the Environmental clearance Issued vide State Level Environment Impact Assessment Authority (SEIAA) letter No SEAC-I/CR 24/TC2 dated 02/02/2017.
- 17) The user agency has submitted the copy of CRZ clearance.
- 18) The user agency has submitted the compliance under the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Rights) Act 2006. vide Collector, Mumbai Suburban District Certificate dated 09/04/2018.
- 19) The Divisional Forest Officer (Mangrove), Mumbai Mangrove Conservation Unit, Mumbai recommended the proposal
- 20) Additional Principal Chief Conservator of Forests, Mangrove Cell, Mumbai recommended the proposal

In view of this, the proposal is recommended for approval under section 2 (ii) of Forest (Conservation) Act, 1980 subject to the following conditions :-

- i) The legal status of the land required will remain unchanged.
- ii) The forest land shall not be used for any purpose other than specified in the project
- iii) The user agency will defray the cost of Net Present Value of 2.9907 Ha. of forest land as per the latest guideline of Government of India.
- iv) The user agency will defray the additional / revised cost of Net Present Value of forestland as per the latest guideline of Government of India.
- v) Compensatory afforestation will be raised at the cost of user agency on 2.9907ha. Non Forest land bearing Survey No. 39, Compartment No NA, at Village Charkop, Tehsil Borivali, District Mumbai Suburban. As per GOI guidelines dated 08/11/2017 at least 1000 plants per ha. to be planted on non forest land identified for compensatory afforestation
- vi) The user agency will defray the cost of removal of 1585 trees in the area. However, only the required and minimum number of trees will be felled. In situations where felling of trees is avoidable and such trees could be transplanted, all efforts to transplant such trees at a pre designated site will be taken and additional expenditure, if any, in such cases shall be at the cost of the user agency.
- vii) The user agency in consultation with the State Government shall create and maintain an alternate habitat/home for the avifauna, whose nesting trees are to be cleared in this project. Bird's nest artificially made out of eco-friendly material shall be used in the area, including forest area and human settlements, adjoining the forest area being diverted for the project.
- viii) Permission of Hon'ble High Court, Bombay shall be obtained for implementing the project in mangrove areas as per Bombay High Court order dated 27/01/2010 in PIL No. 87/2006
- ix) The boundary of the diverted forest land shall be demarcated on ground at the project cost by erecting four feet high reinforced cement concrete pillars, each inscribed with its serial number toward and back bearing and distance from pillar to pillar.
- x) The user agency will fulfill all the conditions mentioned in Environmental Clearance issued by State Level Environment Impact Assessment Authority, Mumbai vide their letter No SEAC-1/CR 24/TC-2 dated 02/02/2017
- (xi) The user agency will obtain CRZ Clearance from competent authority, if required.
- xii) No taxes / toll will be levied on the vehicles of Forest Department plying on the sea link.
- xiii) No additional or new path will be constructed inside the forest area for transportation of construction materials for execution of the project work.
- xiv) Any other conditions stipulated by Government at the time of submission of the proposal will be binding to user agency.
- xv) All other conditions as may be mandatory under relevant Acts, Rules and Guidelines shall

be complied with by the user agency

xvi) All necessary approvals required for the project as per prevailing laws of the land would be obtained by the user agency before statutory sanction

It is therefore requested that the Government of India may kindly be moved for diversion of 2.9907 ha. mangrove forest land in favour of Executive Engineer, Maharashtra State Road Development Corporation (MSRDC) Ltd, opposite Bandra Reclamation bus depot Bandra (W) Mumbai for Construction of Versova-Bandra Sea Link at Village-Versova, Juhu and Bandra (Dande) in Mumbai Suburban in the state of Maharashtra under section 2 (ii) of the Forest (Conservation) Act 1980.

Encls : As above

Yours faithfully,



(Vikas Gupta)

~~14/12/18~~ Additional Principal Chief Conservator of Forests
& Nodal Officer, Maharashtra State, Nagpur

Copy submitted to Secretary (Forests), Revenue & Forest Department, Mantralaya, Mumbai for information alongwith a copy of proposal.

Copy to Additional Principal Chief Conservator of Forests, Mangrove Cell, Mumbai.

Copy to Divisional Forest Officer (Mangrove), Mumbai Mangrove Conservation Unit, Mumbai.

Copy to Executive Engineer, Maharashtra State Road Development Corporation (MSRDC) Ltd, opposite Bandra Reclamation bus depot Bandra (W) Mumbai.



भारतसरकार
GOVERNMENT OF INDIA
पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय
MINISTRY OF ENVIRONMENT, FORESTS
& CLIMATE CHANGE

Regional Office (WCZ)
Ground Floor, East Wing
New Secretariat Building
Civil Lines, Nagpur - 440001
E-mail: apccfcentral-ngp-mef@gov.in

F.No. FC-I/MH-136/2018-NGP 4699

Date: 20.12.2018

✓ To.

The Secretary (Forests),
Revenue and Forest Department,
Hutatma Rajguru Chowk
Madam Cama Marg
Mantralaya, Mumbai - 400032.

Sub: Diversion of 2.9907 ha of forest land in favour of Maharashtra State Road Development Corporation (MSRDC) Ltd. for Construction of Versova - Bandra Sea Link at Village - Versova, Juhu and Bandra (Dande) in Mumbai Suburban in the State of Maharashtra - Regarding.

Sir,

The undersigned is directed to refer to APCCF & Nodal Officer (FCA), Maharashtra letter No. Desk-17/NC/II/D 12647/(66)/1763/2018-19 dated 14.12.2018 on the above subject seeking prior approval of the Central Government under Section-2 of the Forest (Conservation) Act, 1980 and to say that the said proposal has been examined by the Regional Office (WCZ) in light of relevant provisions of the Forest (Conservation) Act, 1980 and Guidelines issued thereunder.

After careful examination of the proposal of the State Government and on the basis of the approval of the proposal by the Regional Empowered Committee, the Central Government hereby accords 'in-principle' under Section - 2 of the Forest (Conservation) Act, 1980 for diversion of 2.9907 ha of forest land in favour of Maharashtra State Road Development Corporation (MSRDC) Ltd. for Construction of Versova - Bandra Sea Link at Village - Versova, Juhu and Bandra (Dande) in Mumbai Suburban in the State of Maharashtra subject to the fulfilment of the following conditions:

- (i) Legal status of the diverted forest land shall remain unchanged;
- (ii) Compensatory afforestation, over non forest land of 2.9907 ha, shall be raised by the State Forest Department at the cost of User Agency;
- (iii) The non-forest land identified for raising compensatory afforestation shall be transferred and mutated in favour of the State Forest Department before issue of the Stage-II clearance.
- (iv) The non-forest land transferred and mutated in favour of the State Forest Department shall be notified by the State Government as RF under Section-4 or PF under Section-29 of the Indian Forest Act, 1927 or under the relevant Section(s) of

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- the local Forest Act, latest within a period of six months from the date of issue of Stage-II approval. The Nodal Officer shall report compliance in this regard along with a copy of the original notification declaring the non-forest land under Section 4 or Section 29 of the Indian Forest Act, 1927 or under the relevant sections of the local Forest Act, as the case may be, within the stipulated period to the Central Government for information and record.
- (v) The User Agency shall transfer the cost of raising and maintaining the CA plantation as per conditions (ii) stipulated above and for raising equal number of mangrove plants as mentioned in condition (xxvi), at the current wage rate, to the State Forest Department. The scheme may include appropriate provision for anticipated cost increase for works scheduled for subsequent years.
 - (vi) The State Government shall charge the Net Present Value (NPV) of the forest land being diverted under this proposal from the User Agency as per the orders of the Hon'ble Supreme Court of India dated 28.03.2008, 24.04.2008 and 09.05.2008 in Writ Petition (Civil) No. 202/1995 and the guidelines issued by this Ministry vide its letter No. 5-3/2007-FC dated 05.02.2009 in this regard;
 - (vii) At the time of payment of the Net Present Value (NPV) at the then prevailing rate, the User Agency shall furnish an undertaking to pay the additional amount of NPV, if so determined, as per the final decision of the Hon'ble Supreme Court of India;
 - (viii) All the funds received from the User Agency under the project, except the funds realized for regeneration/ demarcation of safety zone, shall be transferred to -CAMPA in the Saving Bank Account pertaining to the State concerned;
 - (ix) The User Agency shall obtain the Environment Clearance as per the provisions of the Environmental (Protection) Act, 1986, if required;
 - (x) The User Agency will obtain CRZ clearance from competent authority, if required;
 - (xi) The boundary of the diverted forest land shall be demarcated on ground at the project cost by suitable structures;
 - (xii) Wherever possible and technically feasible, the User Agency shall undertake afforestation measures along the roads within the area diverted under this approval, in consultation with the State Forest Department at the project cost;
 - (xiii) The reclamation of quarry should be done under the supervision of the State Forest Department. The quarry shall be reclaimed and afforested completely before the project is closed.
 - (xiv) The User Agency will provide retaining walls, breast walls and drainage as per requirement to make the slope stable.
 - (xv) The User agency, if required, will undertake comprehensive soil conservation measures at the project cost in consultation with the State Forest Department.
 - (xvi) The designing of culverts/bridges, if any, over the natural streams/rivers/canals should be done in such a manner that it does not hamper the natural course of water, does not give rise to water-logging, and also does not hamper movement of wild animals;
 - (xvii) No labour camp shall be established on the forest land;

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- (xviii) The User Agency shall provide fuels preferably alternate fuels to the labourers and the staff working at the site so as to avoid any damage and pressure on the nearby forest areas;
- (xix) The forest land shall not be used for any purpose other than that specified in the proposal;
- (xx) The layout plan of the proposal shall not be changed without the prior approval of the Central Government;
- (xxi) The forest land proposed to be diverted shall under no circumstances be transferred to any other agency, department or person without prior approval of the Central Government;
- (xxii) No damage to the flora and fauna of the adjoining area shall be caused;
- (xxiii) Revised Part- II including details on Topography of the area, Geology and Slope to erosion shall be submitted by DCF/ DFO concerned along with the compliance report;
- (xxiv) Detailed CA scheme including adequate funds for fencing of CA area shall be prepared and submitted along with the compliance report;
- (xxv) In covering letter, it is mentioned that 2.9907 ha falls in Protected/ Mangrove Forest area, where as the statement of area shows it also contains Reserved Forest area. State Government may clarify the legal status of the land sought for diversion and submit compliance before Stage- II approval;
- (xxvi) State Government shall raise equal number of Mangrove trees at any suitable place at the cost of User Agency in addition to the CA plantation;
- (xxvii) Felling of trees shall be restricted to 1585 trees. Any tree felling shall be done only when it is unavoidable and that too under strict supervision of the State Forest Department;
- (xxviii) No taxes/ toll will be levied on the vehicles of Forest Department plying on the proposed sea link;
- (xxix) The User Agency in consultation with the State Government shall create and maintain alternate habitat/home for the avifauna, whose nesting trees are to be cleared in this project. Bird's nests artificially made out of eco-friendly material shall be used in the area, including forest area and human settlements, adjoining the forest area being diverted for the project and submit a scheme along with Stage-I compliance;
- (xxx) The State Government shall ensure that settlement of rights, in terms of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006, if any, have been completed in accordance with the relevant guidelines issued by the MoEF&CC in this regard. Original copy of the certificate dated 6.07.2013, issued by the concerned District Collector shall be submitted along with the compliance report;
- (xxxi) The User Agency shall submit six monthly self-compliance reports as on 1st January and 1st July of every year to this office as well as to the Nodal Officer of the State;

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(xxxii) The State Government shall monitor compliance of conditions of Forest Clearance and shall submit in this regard yearly report as on 31st December of every year;

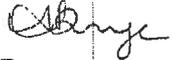
(xxxiii) Any other condition that the concerned Regional Office of this Ministry may stipulate, from time to time, in the interest of conservation, protection and development of forests & wildlife; and

(xxxiv) The User Agency and the State Government shall ensure compliance to provisions of the all Acts, Rules, Regulations, Guidelines and Court/ Tribunal directions for the time being in force, as applicable to the project;

(xxxv) Grant of working permission to the extant proposal may be considered by the State Government in accordance with the provisions as contained in the MoEF&CC's Guidelines dated 28.08.2015.

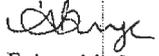
After receipt of a report on the compliance of conditions no (iii), (v), (vi), (viii), (xxiii), (xxiv), (xxv), (xxix), (xxx) and undertakings, duly authenticated by the competent authority in the State Government, in respect of all other conditions, from the State Government, formal approval will be considered in this regard under Section-2 of the Forest (Conservation) Act, 1980. The transfer of forest land to the User Agency shall not be affected by the State Government till formal order approving the diversion of forest land is issued by the Central Government.

Yours faithfully,


(Dr. E Arockia Lenin)
Scientist 'C'

Copy to:

- i. The PCCF, Government of Maharashtra, Nagpur.
- ii. The Addl. PCCF & Nodal Officer (FCA), Government of Maharashtra, Nagpur.
- iii. Director (RoHQ), Ministry of Environment, Forest and Climate Change, Indira Paryavaran Bhawan, Jorbagh Road, Aliganj, New Delhi.
- iv. User agency.
- v. Guard file.


(Dr. E Arockia Lenin)
Scientist 'C'

MAHARASHTRA COASTAL ZONE MANAGEMENT AUTHORITY

Tel. No. : 2202-9388
E-mail : dir1.mcv-mh@nic.in

No. CRZ 2018/CR 322/ TC4
Office of the -
Maharashtra Coastal Zone Management
Authority, Environment Department, 15th floor,
New Administrative Building, Mantralaya,
Mumbai - 400 032
Date: 4th January, 2019

To,
Director (IA-III),
Coastal Zone Regulation,
Government of India, Ministry of Environment, Forests & Climate Change,
Indira Paryayaran Bhavan, Jor Bagh Road,
New Delhi - 110 003

Subject: Regarding extension of validity of CRZ clearance of Versova - Bandra
Sea Link Project (VBSLP) by MSRDC

The proposal for extension of validity of CRZ clearance of Versova -- Bandra Sea Link Project (VBSL) was considered in 127th meetings of MCZMA held on 2nd November, 2018.

2. MCZMA noted that MSRDC officials presented that MoEF, New Delhi vide letter dated 9th Jan, 2013 has granted the CRZ clearance to the project of VBSL. Now, MSRDC requested MCZMA to extend the validity of the said CRZ clearance.

3. The Authority noted as per the Amendment dated 6th March, 2018 in CRZ Notification, 2011:
"The clearance accorded to the projects under this notification shall be valid for a period of seven years from the date of issue of such clearance:

Provided that the construction activities shall commence within a period of five years from the date of the issue of clearance and the construction be completed and the operations be commenced within seven years from the date of issue of such clearance:

Provided further that the period of validity may be extended for a maximum period of three years in case an application is made to the concerned authority by the applicant within the validity period, along with recommendation for extension of validity of the clearance by the concerned State / Union Territory Coastal Zone Management Authority";

4. Further, the MSRDC officials presented that there is no change in project profile. It was further informed that around 2,9907 Ha of mangrove will be affected due to project, for which forest and High Court permission will be obtained.

5. After deliberations, the Authority decided to recommend the matter to MoEF for extending the validity of the CRZ clearance granted to the project.

6. The agenda items and minutes are available on the website of MCZMA i.e. <http://mczma.gov.in>.


Director (Environment) &
Member Secretary (MCZMA)

Copy for information to:

1. Principal Secretary, Environment & Chairman, MCZMA, Env. Dept., 217, Annex, Mantralaya, Mumbai.
2. Member Secretary, Kalpataru Point, 3rd and 4th floor, Opp. Cine Planet, Sion Circle, Rd Number 8, Jay Bharat Mata Nagar, Air Force Quarters, Sion, Mumbai, Maharashtra
3. Collector, Mumbai Suburban, 10th Floor, Administrative Building, Near Chetna College, Bandra(E), Mumbai - 400 051.
4. Municipal Commissioner, Municipal Corporation of Greater Mumbai, Mahapalika Marg, Fort, Mumbai.
5. Managing Director, Maharashtra State Road Development Corporation Ltd. Nepean Sea Road, Priyadarshini Park, Mumbai 400 036
6. Executive Engineer, MSRDC, Opp. Bandra Reclamation Bus Depot, Near Lilavati Hospital, K.C Marg, Bandra.(W), Mumbai
7. Select File- TC 4

F.No.11-84/2011-IA-III
 Government of India
 Ministry of Environment, Forest and Climate Change

Indira Paryavaran Bhawan,
 Jor Bagh Road, New Delhi - 110003
 Dated: 07.02.2019

To

The Executive Engineer
 Maharashtra State Road Development Corporation Ltd.
 Opp. Bandar Reclamation Bus Depot
 Near Ilavati Hospital,
 K.C Marg, Bandra (West)
 Mumbai - 400 050.

Sub: *Extension of validity of the CRZ Clearance issued for Versova- Bandra Sea Link Project- reg.*

Sir,

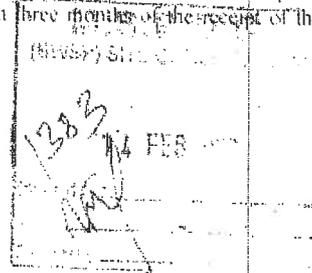
This has reference to your request for extension of validity of CRZ Clearance issued by this Ministry vide its letter of even no. dated 09.01.2013.

2. Your request was considered by the Expert Appraisal Committee (EAC) for Infrastructure Development, Coastal Regulation Zone, in its 188th Meeting held on 13.04.2018 and has recommended that the request can be considered. In this regard, letter No. CRZ-2018/CR 322/TC4, dated 04.01.2019 Maharashtra State Coastal Zone Management Authority, Government of Maharashtra has been taken note of.

3. In acceptance of the recommendation of the Expert Appraisal Committee (EAC) for Infrastructure Development, Coastal Regulation Zone, Building/ Construction and Miscellaneous projects and approval of the Competent Authority in this Ministry, it is hereby informed that the validity of the letter issued vide letter of even no., dated 09.01.2013 shall be now valid till 07.01.2023.

4. It is further informed that in addition to the conditions stipulated in this Ministry's letter even no. dated 09.01.2013, the following additional specific conditions shall be inserted after sub-clause (xii), under Para No.7, of the aforesaid clearance letter issued by this Ministry, as under:

- (xiii) Temporary structures set up for construction of the bridge and materials for construction shall be removed and area around the site restored to its near original state.
- (xiv) Utmost care shall be taken while transferring and storage of construction material to project site so that the CRZ characteristics of the site is least disturbed.
- (xv) Construction period shall be limited such that prolonged affect to marine community can be minimized. The project proponent shall submit a time bound road map for completion of the bridge to the INCZMA within three months of the receipt of the clearance.



5. All other terms and conditions mentioned in this Ministry's letter of even number, dated 09.01.2013, shall remain unaltered.

This issues with the approval of the Competent Authority.

Yours faithfully,

(W. Bharat Singh)
Director (CRZ)

Copy to:

1. The Secretary, Department of Environment, Government of Maharashtra, Mantralaya, Mumbai - 400 032
2. The Member Secretary, Maharashtra Coastal Zone Management Authority, Mantralaya, Mumbai - 400032.
3. The Chairman, CPCB, Parivesh Bhawan, CBD-cum-Office Complex, East Arjun Nagar, Delhi - 32
4. The Member Secretary, Maharashtra Pollution Control Board, Sion (E), Mumbai.
5. The APCCF (C), MoEF&CC, Regional Office (WCZ), Ground Floor, East Wing, New Secretariat Building, Civil Lines, Nagpur - 1
6. Guard File
7. Monitoring Cell.

(W. Bharat Singh)
Director (CRZ)

F.No.11-84/2011-1A-III
Government of India
Ministry of Environment Forest and Climate Change

Indira Paryawarn Bhawan
Jor Bagh Road, New Delhi-110003
Dated:07/02/2019

To,

The Executive Engineer
Maharashtra State Road Development Corporation Ltd.
Opp. Bander Reclamation Bus Depot
Near Lilavati Hospital
K.C. Marg, Bandra (West)
Mumbai - 400050.

Sub: Extension of validity of the CRZ Clearance issued for Versova-
Bandra Seal Link Project-reg.

Sir,

This has reference to your request for extension of validity of
CRZ Clearance issued by this Ministry vide its letter of even no. dated
09.01.2013.

2. Your request was considered by the Expert Appraisal Committee
(EAC) for Infrastructure Development, Coastal Regulation Zone, in its
188th Meeting held on 13.04.2018 and has recommended that the
request can be considered. In this regard, letter No.CRZ-2018/CR.
322/TC4, dated 04.01.2019, Maharashtra State Coastal Zone
Management Authority, Government of Maharashtra, has been taken
note of.

3. In acceptance of the recommendation of the Expert Appraisal
Committee (EAC) for Infrastructure Development, Coastal Regulation
Zone. Building/Construction and Miscellaneous projects and approval
of the Competent Authority in this Ministry, it is hereby informed that
the validity of the letter issued vide letter of even no., dated 09.01.2013
shall be now valid till 07.01.2023.

4. It is further informed that in addition to the conditions
stipulated in this Ministry's letter even no. dated 09.01.2013, the
following additional specific conditions shall be inserted after sub-

clause (xii), under Para No.7, of the aforesaid clearance letter issued by this Ministry, as under:

- (xiii) Temporary structures set up for construction of the bridge and materials for construction shall be removed and area around the site restored to its near original state-
- (xiv) Utmost care shall be taken while transferring and storage of construction material to project site so that the CRZ characteristics of the site is least disturbed.
- (xv) Construction period shall be limited such that prolonged affect to marine community can be minimized. The project proponent shall submit a time bound road map for completion of the bridge to the TNCZMA within three months of the receipt of the clearance.

5. All other terms and conditions mentioned in this Ministry's letter of even number, dated 09.01.2013, shall remain unaltered.

This issues with the approval of the Competent Authority.

Yours faithfully
Sd/-(illegible)
(W. Bharat Singh)
Director (CRZ)

Copy to:

1. The Secretary, Department of Environment, Government of Maharashtra, Mantralaya, Mumbai -400032.
2. The Member Secretary, Maharashtra Coastal Zone Management Authority, Mantralaya, Mumbai - 400032.
3. The Chairman, CPCB, Parivesh Bhawan, CBD-cum-Office Complex, East Arjun Nagar, Delhi - 32.
4. The Member Secretary, Maharashtra Pollution Control Board, Sion (E), Mumbai.
5. The APCCF (C), MoHF & CC, Regional Office (WCZ), Ground Floor, East Wing, New Secretariat Building, Civil Lines, Nagpur - I.
6. Guard File.
7. Monitoring Cell.

Sd/-
(W. Bharat Singh)
Director (CRZ)

TRUE COPY

(910)-WPL-17-19.doc

WITH
CHAMBER SUMMONS (L) NO.70 OF 2019
IN
WRIT PETITION (L) NO.17 OF 2019
(Not on board)

Conservation Action Trust and another ..Applicants

IN THE MATTER OF

Maharashtra State Road Development
Corporation Ltd. ..Petitioner

Versus

Union of India and others ..Respondents

Dr. Milind Sathe, Senior Advocate a/w Mr. Saket Mone, Mr. Subit Chakrabarti I/by M/s. Vidhi Partners, Advocate for the Petitioner.

Mr. Rui A. Rodrigues a/w Mr. N. R. Prajapati, Advocate for Respondent No.1.

Ms. P. H. Kantharia, Govt. Pleader a/w Ms. Deepali Patankar, Hon. Asst. to Govt. Pleader for Respondent Nos.2 & 4 in WPL No.17 of 2019, CHSWL No.63 of 2019 & CHSW No.24 of 2019.

Ms. Sharmila U. Deshmukh a/w Ms. Jaya Bagwe, Advocate for Respondent No.3.

Ms. Gayatri Singh, Senior Advocate I/by Ms. Kruthi Venkatesh & Ms. Mini Mathew, Advocate for the Applicant in CHSW No.24 of 2019.

Mr. Mihir Desai, Senior Advocate a/w Ms. Devyani Kulkarni, Advocate for the Applicant in CHSWL No.63 of 2019.

Ms. Gulnar Mistry, Advocate for Conservation Actions Trust.

BGP.

2 of 15

(910)-WPL-17-19.doc.

CORAM : B. R. GAVAI &
N. J. JAMADAR, JJ.
DATE : 8th FEBRUARY, 2019

P.C.

1] The Petitioner - Maharashtra State Road Development Corporation Ltd. (MSRDC) has approached this Court seeking permission to execute construction of the proposed Versova-Bandra Sea Link in furtherance of the statutory permissions granted under law and grant leave as contemplated in the specific condition No. (iii) of the CRZ Clearance and under general condition No.(iv) and (4) of the EC in view of the public importance of the project. The permission is sought by the Petitioner, since 1585 number of mangrove trees would be required to be removed for the execution of the project in view of the judgment and order passed by this Court in PIL No.87 of 2006 decided on 29th June 2018. In view of the following directions, Division Bench of this Court has passed aforesaid judgment and order :-

“(iii) The project proponent should take appropriate clearance from the authorities such as Forest Department and/or Hon'ble High Court as the case may be for cutting of mangroves.”

2] We have heard Mr. Milind Sathe, learned senior counsel

BGP.

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appearing on behalf of the Petitioner, Ms. Gayatri Singh, learned senior counsel appearing on behalf of residents of Juhu area, wherein project land is situated and Ms. Devyani Kulkarni appears on behalf of the intervenors, who represents the residents of Carter Road at Bandra. The third intervention is on behalf of original Petitioner in the aforesaid PIL, in which order is passed by the Division Bench of this Court.

3] Mr. Milind Sathe, learned senior counsel appearing on behalf of the Petitioner submits that the Petitioner has obtained all the necessary statutory clearances from various authorities, including Ministry of Environment and Forest – Respondent No.1 herein and Respondent No.2 – Ministry of Environment and Forest in the State of Maharashtra, Respondent No.3 – MCZMA and Respondent No.4 - which is forest authority dealing with the mangroves. He submits that permissions have been granted by the aforesaid authorities after due deliberations with various stakeholders and after taking into consideration public importance of project. He submits that all necessary measures with regard to identification of piece of land suitable for compensatory

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afforestation, handing over the said land to the Forest Department for the purpose of afforestation and deposit of the amount towards compensatory afforestation with the relevant authorities have been completed. He submits that however the mangroves cannot be removed unless there is permission of this Court in view of the judgment and order cited (supra), so also various conditions imposed by the statutory authorities. Learned senior counsel submits that the project is of vital importance for easing out traffic on the SV road and Western Express Highway and providing speedy link to the residents of Juhu, Versova and Bandra with South Bombay. He submits that therefore taking into consideration larger public interest, this Court should permit the Petitioner to go ahead with the project and remove mangroves.

4] Ms. Gayatri Singh, learned senior counsel on the contrary submits that initially permissions granted by the authorities for the project were on the condition that no mangroves would be disturbed. She further submits that permissions were granted on the terms and conditions that the construction of the road including connectors would be on the stilts and no mangroves would be

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affected in the process. She submits that report of the Collector with regard to Forest Rights Act is totally baseless one, inasmuch as no hearing to the residents of the area has been given prior to giving this certification. She further submits that project is likely to endanger to the livelihood of the residents in Koliwada and Versova, inasmuch as they would be prevented from carrying out fishery activities. She further submits that the project is in utter disregard to the environmental concern as well as concerned statutory enactments. It is therefore submitted that intervention of the applicants be allowed and the Petition be dismissed.

5] Ms. Devyani Kulkarni and Ms. Gulnar Mistry appearing on behalf of other intervenors also adopt arguments of Ms. Gayatri Singh and prayed that the Petition be dismissed.

6] We have perused the material placed on record. It appears that the project is in the pipeline for considerable period of time. It has undergone scrutiny at various stages by the various authorities, who are entrusted with the function of ensuring that damage to the environment is avoided and in case it is unavoidable damage, compensatory measures are taken by the project
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proponent. Perusal of the material placed on record would show that initially Respondent No.3 – MCZMA had granted its approval to the proposal of Versova-Bandra Sea Link (hereinafter referred to as “VBSL”) in its meeting dated on 26th August 2011. On 5th November 2011, Respondent No.3 – MCZMA issued order recommending VBSL project from CRZ point of view. However, this permission also required the Petitioner to obtain permission of this Court. On 3rd April 2012, the Maharashtra Maritime Board granted its No Objection Certificate approving horizontal and vertical clearance and no objection to commence construction activities. Respondent No.1 vide order dated 9th January 2013 granted its clearance subject to the terms and conditions contained therein. Initially permission was for a period of five years. However, vide order dated 7th February 2019, the validity has been extended till 7th January 2023.

7] The State Level Expert Appraisal Committee recommended the project for prior environmental clearance in its 136th meeting held between 5th October 2016 to 7th October 2016. The State Level Environment Impact Assessment Authority granted recommendation for grant of prior environment clearance to the

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said project on various terms and conditions on 21st October 2016. On 13th April 2018, the Expert Appraisal Committee of Respondent No.1 recommended extension of the validity of the CRZ clearance dated 9th January 2013 for a further period of five years subject to compliance with the amended CRZ notification 2011 i.e. obtaining recommendation from MCZMA for extension. The MCZMA in its meeting dated 2nd November 2018, recommended the VBSL project for extension of validity of CRZ clearance. Thus, the condition as incorporated by the Expert Appraisal Committee of MOEF stood complied by the said resolution. The Maharashtra Pollution Control Board issued consent to establish VBSL project on 29th November 2018. Respondent No.1 granted forest clearance on the terms and conditions contained therein vide order dated 20th December 2018. On 4th January 2019, Respondent No.3 - MCZMA has taken decision in 127th meeting by communicating its recommendation for extending the validity of CRZ clearance to the MOEF. As already pointed out herein-above, the MOEF vide order dated 7th February 2019 has granted extension till 7th January 2023. The project concerned provides link from existing Worli - Bandra Sea Link to Versova. It also provides for three connectors, one at Bandra,

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second at Juhu Koliwada and third at Versova. These connectors have been provided so as to enable the residents of Bandra, Juhu and Versova to conveniently use the said Sea Link. It is nobody's case that there is no traffic congestion on the SV road and the Western Express Highway. At times, it takes more than two hours to reach from South Mumbai to Versova. The project has been initiated by the State Government with an intention to ease out traffic congestion on the heavily congested SV road and the Western Express Highway. It could thus be seen that the project apart from providing speedy link to the residents of Versova, also provides speedy link to the residents of Bandra as well as Juhu.

8] It could further be seen that prior to the present alignment being granted permission by the Union of India, there were five alternatives suggested by the Petitioner. Out of these projects, the 3rd alignment i.e. Sea Link entirely in sea at 900 mtrs. away from coast was found to be suitable by the Petitioner and also approved by the Union of India. This alternative was preferred, since it did not involve cutting, covering and reclamation of the sea. It will further be seen that while granting permission vide order

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dated 9th January 2013, Respondent No.1 had taken into consideration all the relevant aspects including concern of the fishermen. Perusal of the said order would reveal that important demands made by the fishermen of the area i.e. providing minimum navigation span of 50 mtrs. at Bandra and 90 mtrs. each at Chimbai Road, Khardanda and Juhu Koliwada were accepted by the Petitioner. On the contrary, the project provides for navigation place of 100 mtrs. at other locations, including 150 mtrs. at Juhu. It also provides that the channel will have 12 mtrs. vertical clearance. Not only that but the Union of India had taken into consideration the clearances given by Maharashtra Maritime Board. It will be relevant to refer to the following paragraphs of the order dated 9th January 2013 :-

"4. Marine Impact Assessment Studies for the project was carried out by the Life Sciences Department, University of Mumbai, through Fine Envirotech Engineers. The assessment of water up to 1.5 to 2 km from shore indicates that the water quality is already deteriorated due to partly treated/untreated sewage being released in it. The alignment of the sea link crosses the navigational channel (fishing) at four location viz. Bandra, Chimbai Road, Khar danda & Juhu Koliwada. Discussion was held with the fishermen and they demanded for navigation span of 50 mt at Bandra and 90 m each at Chimbai Road, Khar danda, juhu Koliwada.

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MSRDC proposed to provide 50 m at Bandra and 100m at other locations, including 150 m at Juhu (Novotel hotel). The channel will have 12 m vertical clearance. Maharashtra Maritime Board has also confirmed the clearances vide letter dated 13.04.2012. The fishermen also requested (i) develop a small jetty and common area for their repairing of net and M & R activities, (ii) preference of employment, (iii) compensation to the affected fishermen, (iv) allotment of place near Bandra Fort for fishing. MSRDC informed that the requests (i) to (iii) are considered and will be included in the draft tender paper and the request at (iv) can not be considered as this land does not belong to MSRDC."

It could thus be seen that various conditions were imposed by the Respondent No.1 including obtaining permission from this Court.

9] It would further reveal that the Principal Chief Conservator of Forest (Head of the Forest) Maharashtra State had addressed a communication to the Addl. Principal Chief Conservator of Forest of the Union of India on 14th December 2018. All the details with regard to the mangroves to be removed and compensatory afforestation were taken into consideration by the PCCF while addressing communication for moving the Central Government for diversion of 2.9907 hectare mangrove forest in favour of the Petitioner. It could thus be seen that in the said

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communication, the PCCF has specifically observed that due to project, mangrove in an area of 2.9907 hectares would be adversely affected. It could further be seen that communication also records that the Divisional Forest Officer, Mumbai, Mangrove Conservation Unit, Mumbai has certified that an area of 2.9907 hectares land bearing Survey No.39, Compartment No.NA, at village Charkop, Tehsil - Borivali, District Mumbai Suburban was suitable for compensatory afforestation for undertaking plantation and it was also suitable from the management point of view. Various conditions are proposed by the PCCF in the said communication including the provision of compensatory afforestation. After the said communication was addressed by the PCCF to its counterpart in the Central Government, the Union of India vide communication dated 20th December 2018 granted approval for diversion of the forest land. It could thus be seen that all the conditions as were proposed by the PCCF, Government of Maharashtra have been incorporated in the said communication.

10] It could thus be seen that all necessary statutory approvals have been granted in favour of the project by various

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authorities of the State Government as well as the Union of India. It will further be relevant to refer to para 4 of the affidavit filed by Shri. Vikas Ramchandra Jagtap, Divisional Forest Officer, Mumbai, Mangrove Conservation Unit, Kamgar Nagar, Kurla (East), Mumbai-400 024, dated 6th February 2019 :-

“4. I say that the proposal required 1585 mangrove trees to be felled for construction of Versova-Bandra Sea Link Project. In lieu of destruction of 1585 mangrove trees and diversion of 2.9907 hector Mangrove forest land, the Petitioner herein (user agency) has given an undertaking that they will provide 2.9907 hector of non forest land suitable for compensatory afforestation of mangrove plantation.

I further say that on non forest land which will be transferred to Forest Department, the Forest Department will plant 13332 mangrove trees (4444 plants per hector).”

11] It could therefore be seen that in place of 1585 mangrove trees, which will be felled by the Petitioner, the Forest Department will plant 13332 mangrove trees on the alternate land handed over to it for the purpose of compensatory afforestation. It could thus be seen that the number of trees to be planted is in multiple number of trees that will be felled. No doubt that environment aspects are required to be taken into consideration.

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However, an appropriate balance has to be maintained in preserving and maintaining the eco system and at the same time ensuring that the sustainable development in the larger public interest takes place with minimum damage to the environment.

12] In the present case, as already pointed out herein-above, the project is of vital importance to the residents of Mumbai, inasmuch as it will ease traffic congestion to great level and curtail the travel distance from South Mumbai to Suburbs. A judicial notice can be taken of the fact that after the construction of Worli-Bandra Sea Link, there is substantial saving of travel time from South Mumbai to the Airport. We are therefore of the considered view that it would be in the larger public interest to grant permission as sought for. It is further to be noted that as already reproduced herein-above, concerns expressed by the fishermen have been duly taken care by the authorities. The navigation space of more than what has been demanded by them has been provided. It is further to be noted that all these aspects have undergone scrutiny from the various experts in the field at various levels. The authorities have also opined that it is in the larger public interest that the project is

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permitted to go ahead while ensuring that adequate compensatory afforestation takes place. In the present case, the area for compensatory afforestation is not only earmarked but has been handed over to the Forest Department for undertaking the compensatory afforestation. The necessary compensatory funds have also been credited to the account of the competent authority.

13] We are therefore inclined to allow the Petition in terms of prayer clause (a), however, subject to the condition that the responsible officer of the Petitioner files an undertaking before this Court within a period of one week that the Petitioner shall strictly comply with the conditions as are imposed in the permissions granted by various authorities i.e. MCZMA, Environmental Clearance and the Forest Clearance.

14] Needless to state that in view of disposal of Writ Petition, Chamber Summonses shall also stand disposed of.

[N. J. JAMADAR, J.]

[B. R. GAVAL, J.]

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ITEM NO.24

COURT NO.13

SECTION IX

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

SPECIAL LEAVE PETITION (CIVIL) Diary No(s). 8449/2019

(Arising out of impugned final judgment and order dated 08-02-2019 in WPL No. 17/2019 passed by the High Court Of Judicature At Bombay)

ZORU DARAYUS BHATHENA

Petitioner(s)

VERSUS

MAHARASHTRA STATE ROAD DEVELOPMENT
CORPORATION LTD. & ORS.

Respondent(s)

(FOR ADMISSION and I.R. and IA No.45305/2019-EXEMPTION FROM
FILING C/C OF THE IMPUGNED JUDGMENT and IA No.45304/2019-
PERMISSION TO FILE PETITION (SLP))

Date : 01-04-2019 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE L. NAGESWARA RAO
HON'BLE MR. JUSTICE M.R. SHAHFor Petitioner(s) Mr. Shyam Divan, Sr. Adv.
Mr. Gopal Sankaranarayananana, Adv.
Mr. Jatin Zaveri, AOR
Neel Kamal Mishra, Adv.For Respondent(s) Mr. A.S. Bhasme, Sr. Adv.
Mr. Pankaj Kumar Mishra, AOR
Mr. A. Bhasme, Adv.UPON hearing the counsel the Court made the following
O R D E R

Permission to file Special Leave Petition is granted.

Delay condoned.

The petitioner who was not a party to the Writ Petition (L)

Signature Not Verified
Digitally signed by
Vishal Prasad
Date: 2019.04.03
16:07:52 IST
Reason: —17 of 2019 filed chamber summons for being impleaded as
respondent. The petitioner also submitted that no relief shall

be granted with reference to areas of Juhu Koliwada bridge. By the impugned judgment, the High Court directed the Maharashtra State Road Development Corporation to file an undertaking within a period of one week that it shall strictly comply with the conditions as imposed in the permissions granted by various authorities i.e. MCZMA, Environmental Clearance and the Forest Clearance. In view of the said order passed by the High Court, the chamber summons was disposed of.

Mr. Shyam Divan, learned senior counsel appearing on behalf of the petitioner submitted that the CRZ clearance of the MoEF initially granted on 9th January, 2013 for a period of five years was extended on 7th February, 2019. According to Special Condition No.8(i) thereof only road on stilt in the mangrove area can be constructed. It was further mentioned in the said CRZ clearance that there would be permanent loss of about 150 sq.m. mangroves and 50 sq.m. temporary loss during construction in Versova and Carter connector. He also referred to the State Environment Impact Assessment Authority (SEIAA) and Environmental Clearance dated 02nd February, 2017 to submit that according to the said clearance no mangrove shall be disturbed. He further relied upon the 'in-principle approval' granted by the MoEF Forest Department on 20th December, 2018 pertaining to the diversion of 2.9907 hectares of forest land at Village Versova, Juhu and Bandra.

Mr. Divan submits that the undertaking that was directed to be filed by the petitioner must have been filed by Respondent No.1. As the High Court is in seisin of the matter pertaining

to the undertaking that was to be filed before the Court, we grant liberty to the petitioner to approach the High Court and make submissions regarding the points urged before us.

Needless to say that, the petitioner shall be permitted to file a Special Leave Petition if an adverse order is passed against him.

The Special Leave Petition is disposed of in the aforesaid terms.

Pending application(s) shall also stand disposed of.

(GEETA AHUJA)
COURT MASTER (SH)

(KAILASH CHANDER)
ASSISTANT REGISTRAR

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

NOTICE OF MOTION NO. 190 OF 2019

IN

WRIT PETITION (C) NO. ⁵³⁵ OF 2019

Zoru Darayus Bhatena

...APPLICANT

IN THE MATTER BETWEEN:

Maharashtra State Road Development

Corporation

...PETITIONER

Versus

Union of India & Ors.

...RESPONDENTS

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I

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

NOTICE OF MOTION NO. OF 2019

IN

WRIT PETITION NO. ⁵³⁵ OF 2019

Zoru Darayus Bhatena ...APPLICANT

IN THE MATTER BETWEEN

Maharashtra State Road Development

Corporation ...PETITIONER

Versus

Union of India & Ors. ...RESPONDENTS

Advocate for the Applicant

Office Notes. Office Memorandum of
Coram appearance. Courts order or
direction And Prothonotary's Orders

Court's or Judge's Orders.

II

Office Notes. Office Memorandum of Coram appearance. Courts order or direction And Prothonotary's Orders	Court's or Judge's Orders.
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III

Office Notes. Office Memorandum of Coram appearance. Courts order or direction And Prothonotary's Orders	Court's or Judge's Orders.
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4. Chief Conservator of Forest (Mangrove Cell))
 Through the Office of Government Pleader)
 High Court, Bombay, PWD Building,)
 Fort, Mumbai 400 001)Respondents

LET ALL PARTIES TAKE NOTICE THAT THIS HON'BLE COURT shall be moved before Their Lordships The Hon'ble Justice _____ and the Hon'ble Justice _____ on the _____ in the morning/afternoon at ____ AM/PM or soon thereafter so that the Counsel on behalf of the Applicants above-named can be heard for the following reliefs:-

- a) That this Hon'ble Court be pleased to direct the Petitioner to forthwith cease the carrying out of any works in the nature of destruction of mangroves for the Versova Bandra Sea Link project in excess of the 150 Sq Metres (permanent) and 50 Sq Metres (temporary) permitted to be cut by CRZ (MoEF) clearance dated 09.01.2013, revalidated on 07.02.2019;
- b) That this Hon'ble Court be pleased to direct the Petitioner to replant 10 times the destroyed mangroves at the adjacent site at Bandra in compliance with CRZ (MoEF)'s clearance dated 09.01.2013 revalidated on 07.02.2019;

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To,

1. Maharashtra State Road Development Corporation

PETITIONER ABOVE NAMED

1. Union of India
2. State of Maharashtra, Environment Department
3. Maharashtra Coastal Zone Management Authority
4. Chief Conservator of Forest (Mangrove Cell)

RESPONDENT ABOVE NAMED

NB: Please note that the Affidavit of *Mr. Zoru Darayus Bhatena*, Applicant above named duly affirmed on this day of April 2019 will be used in support of this Notice of Motion.

IN THE HIGH COURT OF
JUDICATURE AT BOMBAY
ORDINARY ORIGINAL
JURISDICTION

NOTICE OF MOTION NO. ____ OF
2019

W.P (L) NO. 17 OF 2019

ZoruDarayusBhathena ...Applicant

IN THE MATTER BETWEEN

Maharashtra State Road
Development Corporation ...Petitioner

Versus

Union of India & Ors. ...Respondents

NOTICE OF MOTION

DATED ____ Day of APRIL 2019

**KRUTHI VENKATESH/MINI
MATHEW**

Advocate for the Applicant

Having their office at,

63, Jalaram Jyot, 1st Floor

Janmabhoomi Marg,

Fort, Mumbai-400001

Email: kru93venkatesh@gmail.com

Advocate Code No.: I24384

M No. +917568008117

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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

NOTICE OF MOTION NO. OF 2019

IN

WRIT PETITION NO. OF 2019



Zoru Darayus Bhatena

...APPLICANT

IN THE MATTER BETWEEN

Maharashtra State Road Development Corporation ...PETITIONER

Versus

Union of India & Ors.

...RESPONDENTS

AFFIDAVIT IN SUPPORT OF NOTICE OF MOTION

I, Zoru Darayus Bhatena, aged 44 years, residing at 501, Vijay Deep, Plot No. 102, 10th Road, Khar W, Mumbai 400052 the above-named Applicant do hereby solemnly affirm and state as under:

1. I say that on coming to learn about the present Writ Petition being filed by the Petitioner herein, I immediately approached this Hon'ble Court seeking permission to intervene in the matter. By Order dated 15.01.2019 I was permitted to file an application to intervene. I crave leave to refer to and rely upon the said Order dated 15.01.2019 when produced.



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2. On 28.01.2019 this Applicant filed his Chamber Summons No. 24 of 2019 interalia seeking a direction to be impleaded in this Petition. I crave leave to refer to and rely upon the said Chamber Summons No. 24 of 2019 when produced.
3. On 08.02.2019 this Hon'ble Court was pleased to dispose of this Petition by allowing the Petition in terms of prayer clause (a) after hearing oral submissions by Counsel for this Applicant/intervenor, but without formally allowing the intervention/impleadment application. Hereto annexed and marked as **EXHIBIT- A** is a copy of the order dated 08.02.2019.
4. Being aggrieved with the said Order dated 08.02.2019, this Applicant filed Special Leave Petition (Civil) Diary No. 8449 of 2019 interalia highlighting that 2.9907 hectares of mangrove forests are proposed to be cut by the Petitioner (herein) in the garb of grant of prayer clause (a) to this Writ Petition No. (L) 17 of 2019. Hereto annexed and marked as **EXHIBIT-B** is a copy of the said SLP(c) Diary No. 8449 of 2019, with synopsis and without exhibits.
5. By Order dated 01.04.2019 the Hon'ble Supreme Court recorded the issues before them and permitted this Applicant to approach this Hon'ble Court and make submissions regarding the same. Hereto annexed and marked as **EXHIBIT-C** is a copy of said Order dated 01.04.2019 passed by the Hon'ble Supreme Court.



6. In view of the Order of the Hon'ble Supreme Court this Applicant has filed the present Motion to bring the relevant facts before this Hon'ble Court for adjudication.

7. A synopsis of the issues raised by this Applicant are as under:

I) The present Writ was filed seeking the following reliefs

Prayer (a): *This Hon'ble Court be pleased to issue a Writ of Mandamus or any other appropriate writ or order or direction in the nature of mandamus under Article 226 of the Constitution of India, thereby directing the Respondent Authorities to permit the Petitioners to execute the construction of the proposed Versova-Bandra Sea Link in furtherance of the statutory permissions granted under law and grant leave as contemplated in the specific conditions no.(iii) of the CRZ Clearance (Exhibit-E) and general condition no. (iv) and (4) of the EC (Environmental Clearance) (Exhibit-H) (mistyped as Exhibit-I), in view of the public importance of the project.*

II) Specific Condition No. (iii) of the CRZ Clearance (Exhibit-E) states:

(iii) The project proponent should take appropriate clearance from the authorities such as Forest Department and/or Hon'ble High Court in the case may be for cutting of mangroves.

III) General Condition no. (iv) of the Environmental Clearance (Exhibit-H) states:

(iv) This environmental clearance is issued subject to land use verification. Local authority/planning authority should ensure this with respect to Rules, Regulations, Notifications, Government Resolutions,



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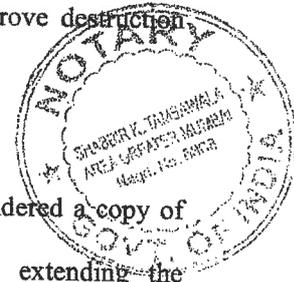
Circulars, etc. issued if any Judgment/Orders issued by Hon'ble High Court, Hon'ble NGT, Hon'ble Supreme Court regarding DCR provisions, environmental issues applicable in this matter should be verified. PP (Project Proponent) should submit exactly the same plans appraised by concern SEAC and SEIAA. If any discrepancy found in the plans submitted or details provided in the above para may be reported to environment department. This environmental clearance issued with respect to the environmental consideration and it does not mean State Level Impact Assessment Authority (SEIAA) approved the proposed land use.

IV) General Condition no. (4) of the Environmental Clearance (Exhibit-H) states:

(4) The environmental clearance is being issued without prejudice to the action initiated under EP Act or any court case pending in the court of law and it does not mean that project proponent has not violated any environmental laws in the past and whatever decision under EP Act or of the Hon'ble Court will be binding on the project proponent. Hence, this clearance does not give immunity to the proposed proponent in the case filed against him, if any or action initiated under EP Act.

V) None of the above conditions specify the area of mangroves to be cut. Grant of prayer clause (a) leaves the area of mangrove destruction open to wide interpretation.

8. At the time of hearing of this Petition, the Petitioner tendered a copy of MoEF's CRZ Clearance extension dated 07.02.2019, extending the

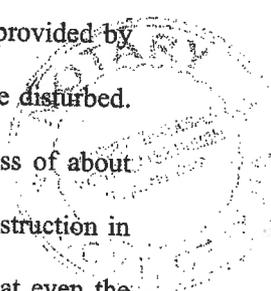


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original CRZ Clearance dated 09.01.2013 on the same terms and conditions. Hereto annexed and marked as **EXHIBIT-D** is a copy of the said MoEF CRZ extension dated 07.02.2019.

9. MoEF's CRZ Clearance dated 09.01.2013 revalidated on 07.02.2019, Specific Condition No. (i) states:

(i) *In mangrove area only road on stilt shall be constructed. There would be permanent loss of about 150 sqm mangroves and 50 sqm temporary loss during construction in Versova and Carter connector. As per the CRZ notification, 2011, at least five times the number of mangroves destroyed/cut during the construction process shall be replanted. The proponent has proposed 10 times mangrove plantation at Bandra adjacent to the project. The identified land is government land & presently it has sparse mangroves.*"

10. It is relevant to note that, prior to MoEF CRZ clearance, the Petitioner was directed not to disturb any mangroves. The Applicant craves leave to refer to and rely upon MCZMA MoM of its 71st meeting on 26.08.2011 and its recommendation letter dated 05.11.2011 when produced. MCZMA's specification condition 1, states: "*The tidal ingress to mangroves shall be maintained during and post construction of the project.*" MCZMA's General Condition 4, states: "*The mangroves, if any, on the site should not be disturbed in any way.*" Thus, pursuant to the information provided by the Petitioner it was recommended that no mangroves will be disturbed. Despite this, MoEF's CRZ clearance permitted permanent loss of about 150 sqm mangroves and temporary loss of 50sqm during construction in Versova and Carter Connectors. It is also relevant to note that even the
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Environmental Clearance granted by SEIAA states that “no mangroves shall be disturbed.”

11. In this background it is most surprising that the Forest Department has permitted the destruction of 2.9907 ha of mangroves, in complete disregard for and in blatant violation of the conditions imposed by MoEF and SEIAA. The Applicant states that it is inconceivable that an area of 2.9907 Hectares would fall under stilts/pillars. The Applicant further states that there is always some flexibility of distance between two stilts/pillars and the Petitioner can always design their stilts/pillars to minimize loss to the natural environment by overstepping the mangroves. Hereto annexed and marked as **EXHIBIT-E** are Google Earth photos of the 2.9907 Hectares of mangroves proposed to be removed based on the in-principal approval dated 20.12.2018 granted by the Forest Department, which clearly show that no bridge on stilts would ever require cutting of such large tracks of mangroves.

12. The three statutory approvals stating three different areas viz mangrove removal, are:

<i>Sl. No.</i>	<i>Permission granted by Authority</i>	<i>Extent of Mangrove Deforestation Permitted</i>
1.	<i>MoEF CRZ Clearance granted on 09.01.2013 (for five years) and extended on</i>	<i>Specific Condition No. 8(i)—“In mangrove area only road on stilt shall be constructed. There would be</i>

	<i>the same terms and conditions on 07.02.2019.</i>	<i>permanent loss of about 150 sqm mangroves and 50 sqm temporary loss during construction in Versova and Carter connector.</i> <i>Specific Condition No. 8(vii)- "All the recommendation of the MCZMA shall be strictly abided."</i>
2.	<i>State Environment Impact Assessment Authority (SEIAA) accorded Environmental Clearance on 02.02.2017</i>	<i>General Condition No. (i)- "No mangrove shall be disturbed."</i>
3.	<i>MoEF Forest Department granted 'in-principle approval' on 20.12.2018</i>	<i>Diversion of 2.9907 ha of forest land at Village Versova, Juhu and Bandra</i>

13. In view of the inconsistency between the three statutory permissions, which would leave the area of mangrove destruction open to wide interpretation; this Applicant has therefore approached this Hon'ble Court in order that the mangroves be protected from needless destruction. The Applicant reiterates that the MoEF CRZ clearance takes into consideration that only the mangroves under the stilts need to be cut, a fact which the Forest Department's in-principle approval has completely lost sight of.

12

14. The Applicant therefore prays that this Application/Notice of Motion be allowed.



Solemnly affirmed at Mumbai)
This 30th day of April, 2019)

[Signature]
Applicant

Identified by me

[Signature] *[Signature]*

Kruthi Venkatesh/Mini Mathew

Advocate for the Applicants

BEFORE ME

[Signature]
S. K. TAMBAWALLA
ADVOCATE, HIGH COURT
B-23, Taheri Manzil
Nesbit Road, Mazgaon
Mumbai - 400 010

30.4.19

Before Me

NOTARY & REGISTERED
30565 30.4.19
Sf. No.dt.



"URGENT"

**Maharashtra State
Road Development
Corpn. Ltd.**

(A Government of Maharashtra Undertaking)

No. MSRDC/02/JMD (Engg. 1) / VBSL/F.No.19/2019/4727
Date: 22/07/2019

To,

The Director (CRZ),
Ministry of Environment, Forest and Climate Change,
Indira Paryavaran Bhavan, Jor Bagh Road, New Delhi - 110 003.

Sub: - Construction of Versova Bandra Sea Link Project (VBSLP) on EPC Basis.
Reg:- With reference to CRZ clearance awarded to VBSLP

Ref. :- 1) MSRDC application submitted on 07.08.2010 (Copy Enclosed)
2) CRZ clearance dated 09.01.2013 (Copy Enclosed)
3) MSRDC application for Extension of Validity dated 24.08.2017 (Copy Enclosed)
4) Forest clearance dated 20.12.2018 (Copy Enclosed)
5) MCZMA letter dated 04.01.2019 (Copy Enclosed)
6) Extension of CRZ Clearance dated 07.02.2019 (Copy Enclosed)

Sir,

1. MSRDC had submitted VBSL project proposal (Ref. Sr. No. 1) to obtain CRZ clearance to MoEF, GoI. It was mentioned in this proposal that about 2.6 hectares mangrove area would be affected to accommodate the connectors of the project to connect to the existing land fall points by stilts.
2. On contrary, in the CRZ clearance accorded by MoEF, GoI (Ref. Sr. No. 2) had mentioned that about 150 sq.mt. mangrove area will be permanently affected and about 50 sq.mt. mangrove area affected temporarily. It was further directed, MSRDC to obtain statutory approvals from Forest Department and Hon. High Court etc.
3. Further, application for extension of CRZ Clearance was submitted by MSRDC on 24.08.2017 (Ref. Sr. No. 3) wherein the area of Mangroves to be affected was mentioned as 2.9907 hectares.
4. MCZMA vide its 127th meeting dated 02.11.2018 had recommended the extension of CRZ Clearance proposal with Mangrove area to be affected as 2.9907 hectares and submitted to MoEF (Ref. Sr. No. 5). However, the same was not appeared in the extension letter granted by MoEF & CC vide letter dated 7th February 2019 (Ref. Sr. No. 6).

Page 1 of 2

Corporate Office : Opp. Bandra Reclamation Bus Depot Near Lilavati Hospital, K C Marg, Bandra (West), Mumbai - 400 050.
Telephone No.: 022-26400190/201, 28558175/76 Fax No.: 022-26417893

Regd. Office : Nepean Sea Road, Besides Priyadarshini Park, Mumbai - 400 036.
Telephone No.: 022-23685909, 23613789, 23691030
Website : www.msrdc.org , CIN : U45200MH1996SGC101586

5. In compliance to MOEF conditions, MSRDC had submitted a proposal to the Forest Department to obtain approval for the Forest diversion of affected area. After clear assessment of the forest area by the Forest Department, the area finalized was about 2.9907 hectares and require cutting of 1585 mangroves in that 2.9907 hectares affected forest area. The forest approval was granted on 20.12.2018 (Ref. Sr. No. 4) by the MOEF &CC, Nagpur.
6. In continuation, MSRDC obtained Hon'ble High Court, Bombay, permission vide order dated 08.02.2019 to cut 1585 mangroves in the affected forest area of 2.9907 hectares.
7. Considering the above facts, it is requested to please amend the CRZ Clearance (Ref. Sr. No. 2) for "8. Specific Conditions (i)" with area of Mangroves to be affected as 2.9907 hectares as necessary and it will be inconsistency with the clearances received from MoEF & CC (Forest Clearance) and Hon'ble High Court permission to cut Mangroves.

Early response is highly solicited.

Thanking you,

O/c

Yours Sincerely,

V. Suresh
21/02/2019
(Suresh Raju V.)
Executive Engineer
MSRDC, Mumbai

Encl.: As above (Total Pages – 33 Nos.)

Copy to:

- 1) Chief Engineer (SP), MSRDC for information and pursuance please
2) Chief General Manager (Environment), MSRDC for information and pursuance please
3) Superintending Engineer (VBSL), MSRDC for information please
4) M/s. Fine Envirotech Engineers (FEE), 102, Hiren Industrial Estate, Mogul Lane, Mahim, Mumbai- 16, for necessary follow-up in the matter.

SPS
23/02/19
Div
21/2/19

No. MSRDC/02/JMD (Engg.1)/VBSL/F 19/2019/ 5009
Date: 05/08/2019



**Maharashtra State
Road Development
Corpn. Ltd.**

(A Government of Maharashtra Undertaking)

Reminder

To,
The Director (CRZ),
Ministry of Environment, Forest and Climate Change, GOI,
Indira Paryavaran Bhavan,
Jorbagh Road, New Delhi – 110 003. (w.bharat@nic.in)

Sub: - Construction of Versova Bandra Sea Link Project (VBSLP) on EPC Basis
Reg. Request to issue amended CRZ clearance

Ref.:- 1) CRZ clearance dated 09.01.2013
2) MCZMA letter dated 04.01.2019
3) Extension of CRZ Clearance dated 07.02.2019
4) MSRDC letter dated 22/07/2019

Sir,

With reference to subject matter, MSRDC has requested vide letter referred above at Sr. No. 4 to amend the CRZ Clearance for "8. Specific Conditions (i)" with area of Mangroves to be affected as 2.9907 hectares as necessary and to bring CRZ Clearance in line with the clearances received from MoEF & CC (Forest Clearance) and Hon'ble High Court, Bombay permission to cut Mangroves.

It is therefore requested to please do the needful and issue the CRZ Clearance incorporating the area of the Mangroves to be affected as 2.9907 hectares on "URGENT BASIS".

Early response is highly solicited.

Yours sincerely,


(Suresh Raju V.)
Executive Engineer
MSRDC, Mumbai.

Copy to:

- 1) Chief Engineer (SP), MSRDC for information please
- 2) Chief General Manager (Environment), MSRDC for information please
- 3) Superintending Engineer (VBSL), MSRDC for information please.
- 4) M/s. Fine Envirotech Engineers (FEE), 102, Hiren Industrial Estate, Mogul Lane, Mahim, Mumbai-10, for information and pursuance please

Corporate Office : Opp. Bandra Reclamation Bus Depot, Near Lifavati Hospital, K C Marg, Bandra (West), Mumbai - 400 050.
Telephone No.: 022-26400190/201, 26558175/76 Fax: No.: 022-26417893

Regd. Office : Nepean Sea Road, Besides Priyadarshini Park, Mumbai - 400 036.
Telephone No.: 022-23685909, 23613789, 23691030
Website : www.msrdc.org , CIN : U45200MH1996SGC101586



(15)-NMW-190-19.doc.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

NOTICE OF MOTION NO.190 OF 2019

IN

WRIT PETITION NO.535 OF 2019

Mr. Zoru Darayus Bhatena

..Applicant

IN THE MATTER OF

Maharashtra State Road Development Corporation ..Petitioner

Versus

Union of India & Ors.

..Respondents

Ms. Gayatri Singh, Senior Advocate a/w Ms. Ronita Bhattacharya, Ms. Kruti Venkatesh, Advocate for the Applicant.

Dr. Milind Sathe, Senior Advocate a/w Mr. Ashutosh Kulkarni, Mr. J. P. Kapadia, Mr. Shrey Shah, Mr. Sanidhya Arora, Mr. Gaurav Shah I/by Little & Co., Advocates for the Petitioner.

Mr. Rui Rodrigues a/w Mr. N. R. Prajapati, Advocate for Respondent No.1 – UOI.

Ms. P. H. Kantharia, Govt. Pleader for Respondent Nos.2 to 4.

Ms. Sharmila Deshmukh, Advocate for Respondent No.3.

CORAM : PRADEEP NANDRAJOG, C.J. &

SMT. BHARATI DANGRE, J.

DATE : 20th SEPTEMBER, 2019

P.C.

1] Having heard learned counsel for the parties, it emerges that when MoEF granted necessary permission under CRZ-2011, the

(15)-NMW-190-19.doc.

specific condition, being 8(i) was that in mangrove area road on stilt shall be constructed. There would be permanent loss of about 150 sq.mtrs. mangroves and 50 sq.mtrs. temporary loss, requiring five times the number of mangroves destroyed to be replanted. It is crystal clear that the condition permits destruction of mangrove only in 150 + 50 equal to 200 sq.mtrs. area and no more. The same Ministry, while according approval under the Forest Conservation Act, 1980, granted in-principle approval to fell 1585 trees by treating 2.9907 hectare of forest land to be diverted for a road.

2] Suffice it to state pillars on 150 sq.mtrs. of forest land would not mean that 2.9907 hectare of forest land would be diverted. The diversion would be conceptual and not factual for the reason the area of the road passing through the forest i.e. length segment multiplied by the width segment would be 2.9907 hectare. Since the road would be an elevated road, the impact on the ground would be where pillars would be constructed, which as per the first Notification equals 150 sq.mtrs. of land. 50 sq.mtrs. would be impacted while constructing pillars.

3] Learned counsel for the Union of India would explain the apparent hiatus between the two permissions by the same Ministry: one under CRZ-2011 and the other under the Forest Conservation Act.

4] Till the next date of hearing trees other than felling trees



(15)-NMW-190-19.doc.

in the 150 sq.mtrs. land + 50 sqm.trsr. land in respect whereof permission was accorded under the CRZ-2011 no more trees shall be felled.

5] List the Notice of Motion after four weeks.

SMT. BHARATI DANGRE, J

CHIEF JUSTICE

Ex - P

MINUTES OF THE 224th MEETING OF THE EXPERT APPRAISAL COMMITTEE FOR PROJECTS RELATED TO COASTAL REGULATION ZONE HELD ON 24th SEPTEMBER, 2019 AT INDIRA PARYAVARAN BHAWAN, MINISTRY OF ENVIRONMENT, FOREST AND CLIMATE CHANGE, NEW DELHI.

The 224th Meeting of the Expert Appraisal Committee for projects related to Coastal Regulation Zone was held on 24.09.2019 at Brahmputra Conference Hall, Vayu Block, 1st Floor, Indira Paryavaran Bhawan, New Delhi. The members present are:

1.	Dr. Deepak Arun Apte	-	Chairman
2.	Dr. M.V Ramana Murthy	-	Member
3.	Dr. Anil Kumar Singh	-	Member
4.	Dr. Mohan Singh Panwar	-	Member
5.	Dr. Manoranjan Hota	-	Member
6.	Dr. N.K. Verma	-	Member
7.	Ms. Bindhu Manghat	-	Member
8.	Shri W. Bharat Singh	-	Member Secretary

Shri Prabhakar Singh, Dr. Anuradha Shukla, Shri Narendra Surana, Shri N.K. Gupta, Dr. Prabhakar Singh and Shri Sanjay Singh were absent. Dr. V.K. Jain and Dr. Rajesh Shah expressed their inability to attend owing to their prior commitments.

In attendance: Dr. Saranya P. Deputy Director and Dr. Bhawana Kapkoti Negi, Technical Officer, MoEFCC. The deliberations held and the decisions taken are as under:

2.0 CONFIRMATION OF THE MINUTES OF THE LAST MEETING.

The Committee having noted that the Minutes of the 221st meeting are in order, confirmed the same with suggestions that in case any typographical/grammatical errors are noticed in due course, the same may be corrected suitably.

3.0 FRESH PROPOSALS:

3.1 Proposal for extending the disposal pipe line in Savitri River/Bankot Creek from Owale Village, Taluka Mahad, District Raigad, Maharashtra by M/s Maharashtra Industrial Development Corporation (MIDC)- [IA/MH/CRZ/111337/2019] [F.No.11-31/2019-IA-III]- CRZ Clearance

The proposal of M/s Maharashtra Industrial Development Corporation (MIDC) is for extending the disposal pipe line in Savitri River/Bankot Creek at Owale Village, Taluka Mahad, District Raigad, in Maharashtra. The project proponent made a presentation and provided the following information:

- (i) The Mahad Industrial area was established during 1981-1982 and later the Additional Mahad Industrial area was established during 1995-1996.
- (ii) The proposal is for extension of existing disposal HDPE pipeline of length 2.20 km from Owale to Gomendi, for disposal of Treated Effluent from Mahad MIDC area to Savitri Creek in order to sustain the water management in the area and provide proper dispersion.

the CETP into the sea may lead to changes in the characteristics of the sea water and thus impact the local marine flora & fauna.

5. In view of the above, the Committee desired that a site visit shall be carried out by a Sub-Committee comprising of Dr. N K Verma, Member (EAC), representative of the Ministry / CPCB and representative of the MPCB or MCZMA and submit a report at an early date. The Committee felt that the said sub-Committee shall decide on the need or otherwise of a rapid marine EIA study.

The Committee decided that once the site visit report/ documents is received then based on the report the item can be placed for reconsideration at a later stage. Accordingly, the proposal was deferred.

AMENDMENT IN CRZ CLEARANCE

3.4 Versova – Bandra Sea Link Project (VBSLP), Maharashtra by M/s Maharashtra State Road Development Corporation (MSRDC) -[IA/MH/CRZ/115777/2019] [F.No. 11-84/2011-IA III]- Amendment in CRZ clearance.

The present proposal by M/s Maharashtra State Road Development Corporation (MSRDC) is for an amendment of CRZ clearance accorded for the project 'Versova - Bandra Sea Link Project (VBSLP), Maharashtra' vide letter No.11-84/2011-IA.III, dated 9th January, 2013.

M/s MSRDC has now informed about few discrepancies in the CRZ clearance issued and has sought an amendment as follows:

S.N.	Item	Details as per the CRZ clearance	Amendment required	Remarks
1.	Specific condition (i) of the clearance.There would be permanent loss of about 150 sq.m mangroves and 50 sq.m temporary loss during construction.... The area of mangroves to be affected will be 2.9907 ha.	Forest clearance (Stage-I) has been granted by MoEFCC on 20.12.2018 for diversion of the 2.9907 ha of forest land.

2. The project proponent informed the Committee that there would be no cutting or diversion of mangroves per say except in respect of 150 sq.m and 50 sq.m (to be read as 1500 sq.m) as mentioned in the clearance, but the work will involve road on stilt or bridge in some mangrove areas. It was therefore stated that diversion of forest area or mangroves of 2.9997 ha is required.

3. The Committee called for the original file maintained in the Ministry wherein CRZ clearance was issued vide letter No.11-84/2011-IA.III, dated 9th January, 2013 and noted that the EIA Report (August 2011) at chapter 2.6: Project Overview, page no.11 of the report, mentions of 1500 sq.m of mangroves to be affected in various alignments envisaged. The Committee therefore agreed that perhaps the minutes of the meeting of the Expert Appraisal Committee had erroneously recorded as 150 sq.m instead of 1500 sq.m and accordingly, the CRZ clearance issued by the Ministry had carried the same.

4. The Committee also discussed the order dated 20.09.2019 of the Hon'ble High Court of Bombay in the matter of Notice of motion No. 190 of 2019 in W.P. No. 535 of 2019 and observed that had the project proponent submitted the clarification as given in para no.2 above, perhaps the concern of the Hon'ble High Court could have been addressed on the day the matter came up on 20.09.2019. The Committee therefore decided that the project proponent shall give a written undertaking that cutting of mangroves shall only be 1500 sq.m in total and the diversion of remaining mangrove/forest area is only in respect of right of way for construction of road on stilt or bridge as the case may be. The Committee finally decided that on receipt of the above said undertaking from MSRDC and required information as stated above, necessary amendment may be carried out in the CRZ clearance appropriately by the Ministry.

MISCELLANEOUS

3.5 Laying of water supply pipeline crossing of Kaman river on NH-8, near Yuchundra village by water pipeline under Surya Integrated Water Supply for Western Sub Region of Mumbai Metropolitan Region by M/s Mumbai Metropolitan Region Development Authority - [F.No. 11-34/2017 IA III]

This item was chaired by Dr. Anil Kumar Singh, as Dr. Apte recused himself on principle that BNHS advises MMRDA on important issues of environment and also receive financial assistance and may not be appropriate for him to chair the meeting for the item.

M/s Mumbai Metropolitan Region Development Authority (MMRDA) was accorded CRZ clearances for the project 'Laying of water supply pipeline under Surya Integrated Water Supply for Western Sub Region of Mumbai Metropolitan Region' which entails crossing of the pipelines on Kaman river on NH-8, near Yuchundra village vide letter No.11-34/2017-IA.III, dated 20th October, 2017 and at Sasunavghar, Versova and Ghodbunder villages, Mumbai vide letter No.21-95/2015-IA.III, dated 9th February, 2015.

2. The project proponent informed the Committee that in compliance to the specific condition no. (v) of the CRZ Clearance issued by the Ministry's dated 09.02.2015, requiring permission of Hon'ble High Court for construction activity in mangrove area or its 50 m buffer zone area, MMRDA had approached Hon'ble High Court of Bombay. The Hon'ble Court vide its order dated 20.08.2019 granted permission for start of construction, provided Union of India, Ministry of Environment, Forest and Climate Change certifies that the said construction is not likely to adversely affect the existing mangroves. It was also stated by the project proponent that the drilling work would be carried out 15-30 m depth below the surface.

3. The Committee discussed the likely implications of the project in the context of the said order of the Hon'ble High Court and agreed that with adequate precaution a public utility project such as this pipeline network should not cause adverse impact to mangrove. The Committee also observed that drilling works should be carried out with safety measures in place and shall not be carried out during 10 pm to 6 am under any circumstances.

4. The Committee however observed that while it agrees that prima facie there should not be any impact on the mangroves, per say, the project proponent has no material data at hand such as soil characteristics, drilling techniques etc., to satisfy the Committee on this front. The Committee therefore decided that the project proponent shall provide precise information on all issues of vibration including its impact on the surrounding Mangroves before a go ahead for proceeding is given. On submission of the same the item can be placed for reconsideration.

Ex-9



Maharashtra State
Road Development
Corpn. Ltd.

(A Government of Maharashtra)

No. MSRDC/02/JMD (Engg. 1) / VBSL/ F. 19 /2019/6626
Date: 19/10/2019

Letter of Undertaking

To,
The Director (CRZ),
Ministry of Environment, Forest and Climate Change,
Government of India, Indira Paryavaran Bhavan,
Jorbagh Road, New Delhi – 110 003
Email Id: w.bharat@nic.in

**Sub: Undertaking for amendment of the CRZ clearance dated
9th January, 2013**

- Ref: 1) Letter dated 9th January, 2013 bearing Reference No. 11 – 84/2011 – IA.III
2) MCZMA letter no. CRZ 2018/CR 322/ TC4, dated 4th January 2019
3) Letter dated 07th February, 2019 Reference No. 11-84/2011 – IA.III
4) Order dated 8th February, 2019 in Writ Petition No. 535 of 2019
5) Order dated 20th September, 2019 in - BHC OOCJ, Notice of Motion No. 190 of 2019 in Writ Petition No. 535 of 2019
6) Minutes of 224th Meeting of the Expert Appraisal Committee dated 24th September, 2019

Respected Sir,

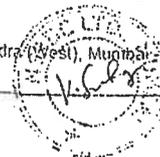
Vide letter dated 9th January, 2013, the Expert Appraisal Committee - Ministry of Environment, forest and Climate Change, Government of India (Ministry), had granted CRZ clearance to Maharashtra State Road Development Corporation Limited (MSRDCL) for the development of Versova-Bandra Sea Link Project (VBSLP). The validity of the same had been extended by the Ministry on 7th February, 2019 for a period of 5 years ending on 7th January, 2023.

A proposal was moved by MSRDCL vide its letter dated 26th August, 2019 seeking amendment to the CRZ Clearance dated 9th January 2013 as extended from time to time. The same was considered by the Ministry in its 224th Meeting held on 24th September 2019 (Minutes). The Minutes were uploaded on the website of the Ministry. Pursuant to the directions issued by the Ministry in its Minutes, the present Undertaking is being filed by MSRDCL for issuance of the amended CRZ clearance by the Ministry.

Page 1 of 3

Corporate Office : Opp. Bandra Reclamation Bus Depot, Near Lilavati Hospital, K C Marg, Bandra (West), Mumbai - 400 050.
Telephone No.: 022-26400190/201, 26558175/76 Fax No.: 022-26417893

Regd. Office : Nepean Sea Road, Besides Priyadarshini Park, Mumbai - 400 036,
Telephone No.: 022-23685909, 23613789, 23691030
Website : www.msrdc.org , CIN : U45200MH1996SGC101536



Scanned with CamScanner

In lieu of the directions issued with regard to the VBSLP, MSRDCL undertake to the following:

1. To divert only 2.9907 hectares of forest land for the development of Versova-Bandra Sea Link Project (VBSLP) in accordance with the terms and conditions of the Forests Clearance dated 20th December 2018 issued by the Ministry.
2. That out of diversion of 2.9907 hectares of forest land area, cutting of mangroves area will be only 1500 Square Meters (One Thousand Five Hundred) in total and the diversion of balance forest area is in respect of facilitating the Right of Way (ROW) for the construction of road on stilts or bridges as the case may be.
3. A table of the total area of mangroves to be cut at each of the three project sites in encapsulated here in below for ready reference:-

Sr. No.	Project Site location	Area of forest cover to be cleared (Sq. m)	Mangroves In Numbers
1.	Carter Road Connector	56.30	36
2.	Juhu Koliwada Connector	56.30	2
3.	Versova Connector	1293.75	1547
Total area		1500 (say)	1585

Map showing the location of mangroves to be cut at the three project sites is enclosed with this letter.

4. That only 1585 (One Thousand Five Hundred and Eighty Five) number of mangroves cumulatively will be cut on all the project sites to:
 - I. Construct a 3.5 m wide access road at Versova connector; and
 - II. Erect foundations at all the three project sites
5. That, 10 times the number of affected mangrove trees will be planted in compliance with the compensatory afforestation proposal on the land identified by forest department. Further a sum of Rs. 14,31,057/- (Rupees Fourteen Lakh Thirty One Thousand Fifty Seven Only) had been paid (Bank: YES BANK LTD., Bandra West Branch, Cheque No. 001681, dated 23rd January, 2019), towards compensatory afforestation, to the Mangrove and Marine Biodiversity Conservation Foundation of Maharashtra pursuant to directions issued by the Divisional Forest Officer, Mumbai Mangrove Conservation Unit vide letter dated 17th January, 2019 for the said compensatory afforestation.



Page 2 of 3

In view of the foregoing we request you to kindly amend the CRZ clearance dated 9th January, 2013. This letter is addressed without prejudice to our rights and contentions.

Thanking you,

Yours Sincerely.



(Suresh Raju V.)
Executive engineer
MSRDC (Ltd.), Mumbai.

Encl.: Annexure I (MAP)
Annexure II (Draft Amendment).

CC: The Chairman and the Members,
Expert Appraisal Committee (CRZ)
Ministry of Environment, forest
and Climate change,
Indira Paryavaran Bhavan,
Jor Bagh Road,
New Delhi – 110 003

Copy to

- 1) Chief Engineer, MSRDC, for information please
- 2) C.G.M. (Env.), MSRDC for information Please
- 3) L.O.(G), MSRDC for information Please
- 4) Superintending Engineer, MSRDC for information please

Annexure II

The Amendment sought at Specific Condition of CRZ Clearance dated 09/01/2013 is to be as follows:

Sr. No.	Existing Clause	To be amended as
1	<p>8. <u>Specific Conditions:</u></p> <p>(i) In mangrove area only road stilt shall be constructed. There would be permanent loss of about 150 sqm mangroves during construction in Versova and Carter Connector. As per the CRZ notification, 2011, at least five times the number of mangroves destroyed / cut during the construction process shall be replanted. The proponent has proposed 10 times mangrove plantation at Bandra adjacent to the project. The identified land is government land & presently has sparse mangroves.</p>	<p>8. <u>Specific Conditions:</u></p> <p>(i) <i>In mangrove area only road on stilt shall be constructed. There would be loss of about 1500 sqm area of mangroves during construction at Carter road Connector, Juhu Koliwada Connector and Versova Connector. As per the CRZ notification, 2011, at least five times the number of mangroves destroyed/cut during the construction process shall be replanted. The proponent has proposed 10 times mangrove plantation. The Mangrove plantation cost will be paid by the project proponent to the Mangrove Cell Department to carry out the plantation at suitable identified land by Mangrove Cell Department.</i></p>



F.No. 11-84/2011- IA III
Government of India
Ministry of Environment, Forest and Climate Change
(IA-III Division)

Tel:011-24695338
e-mail: w.bharat@nic.in
Indira Paryavaran Bhawan
Jorbagh Road, New Delhi - 3
Dated: 28th January, 2020

To,
M/s Maharashtra State Road Development Corporation Ltd,
Opp. Bandra Reclamation Bus depot,
Near Lilavati Hospital, K. C Marg, Bandra (West),
Mumbai - 400050

Sub: Amendment to the CRZ clearance accorded for Versova-Bandra Sea Link Project (VBSLP) - reg.

Ref: Undertaking submitted vide Letter No. MSRDC / 02 / JMD (Engg.1) / VBSL / F.19/2019 /6626, dated 19.10.2019.

Sir,

This refers to your request for amendment to the CRZ clearance accorded by the Ministry vide its letter of even no., dated 9th January, 2013 in respect of the project viz. 'Versova-Bandra Sea Link Project (VBSLP)', in Mumbai and in supersession of this Ministry's letter of even no., dated 06.01.2020.

2. Your request for amendment to the aforesaid CRZ clearance, including the Order dated 20.09.2019 of the Hon'ble High Court of Judicature at Bombay in the matter of Notice of Motion No. 190 of 2019 in W.P No. 535 of 2019, was placed for consideration and deliberation in the 224th Meeting of the Expert Appraisal Committee (CRZ) held on 24.09.2019. The Committee has recommended that the request can be considered.

3. Now, therefore, in acceptance of the recommendation of the Committee and approval of the Competent Authority in this Ministry, the following amendment shall be made in this Ministry's Letter of even no., dated 09.01.2013 as follows:

At para no.8, Specific Condition (i) read as "In mangrove area only road on stilt shall be constructed. There would be loss of about 150 sq.m area of mangroves and 50 sq.m temporary loss during construction in Versova and Carter connector. As per the CRZ notification, 2011, at least five times the number of mangroves destroyed/cut during the construction process shall be replanted. The proponent has proposed 10 times mangrove plantation at Bandra adjacent to the project. The identified land is government land & presently it has sparse mangrove", shall be now substituted by the following:

ENVIRONMENTAL SITE OFFICE BANDRA	
04 FEB 2020	
Inward No:	1214
Time:	
Recd. By:	

1036
04/02/2020

"In mangrove area, road on stilt only shall be constructed. There would be loss of about 1585 mangrove trees in 1500 sq.m of mangroves areas affected during construction at Carter road Connector, Juhu Koliwada Connector and Versova Connector. As committed by the project proponent, 10 times the number of mangroves destroyed/cut i.e 15850 mangrove trees shall be regenerated / replantation at appropriate location in consultation with the Mangrove Cell of the Department of Forests, Government of Maharashtra".

4. All other terms and conditions stipulated in the CRZ clearance dated 9th January, 2013 shall remain unchanged.


(W. Bharat Singh)
Director (CRZ)

Copy to:

1. The Secretary, Environment Department, Government of Maharashtra, 5th Floor, New Administrative Building, Mantralaya, Mumbai - 400032
2. The Chairman, (Environment) & Additional Secretary, Environment Department, Maharashtra Coastal Zone Management Authority, Government of Maharashtra, 5th Floor, New Administrative Building, Mantralaya, Mumbai - 400032
3. The Member Secretary, Maharashtra Coastal Zone Management Authority, Government of Maharashtra, Environment Department, 5th Floor, New Administrative Building, Mantralaya, Mumbai - 400032
4. The Member Secretary, Maharashtra Pollution Control Board, Maharashtra Pollution Control Board, Kalpataru Point, 3rd and 4th floor, Opp. PVR Cinema, Sion Circle, Mumbai-400 022
5. The Deputy Director General, Ministry of Environment, Forest and Climate Change, Regional Office (WCZ), Ground Floor, East Wing, New Secretariat Building Civil Lines, Nagpur- 440001.
6. Guard File/ Record File/ Notice Board.
7. Monitoring Cell.


(W. Bharat Singh)
Director (CRZ)

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**ORDINARY ORIGINAL CIVIL JURISDICTION****NOTICE OF MOTION NO.190 OF 2019****IN****WRIT PETITION NO.535 OF 2019****Mr.Zoru Darayus Bhatena } Applicant****In the Matter Between :****Maharashtra State Road****Development Corporation Ltd. } Petitioner****versus****Union of India & Ors. } Respondents**

.....

Ms.Ronita Bhattacharya Bector, Advocate for the Applicant.**Dr.Milind Sathe a/w. Mr.Saket Mone, Mr.Shrey Shah & Mr.Jayendra Kapadia, Mr.Shrey Shah & Mr.Subit Chakrabarti i/b. Little & Co., Advocate for the Petitioner.****Ms.P.H.Kantharia, Government Pleader for the Respondent/State.****Mr.Rui Rodrigues with Mr.N.R.Prajapati, Advocate for the Respondent No.2.**

.....

CORAM :-DIPANKAR DATTA, CJ & G. S. KULKARNI, J.**DATE :- DECEMBER 16, 2020****PC :**

1 The prayers made in this notice of motion, which was filed on 2nd May 2019 availing the leave granted by the Supreme Court by its order dated 1st April, 2019, do not

2.NMWN0.1902019 (corrected)

survive in view of the letter dated 28th January 2020 issued by the Ministry of Environment, Forest and Climate Change, Government of India Department modifying the earlier permission granted by letter dated 9th January 2013. Confronted with such a situation, Ms.Bhattacharya, learned Advocate for the applicant seeks withdrawal of this notice of motion with liberty to institute appropriate proceedings in accordance with law.

2 The notice of motion stands disposed of as withdrawn, without costs. Interim order, if any, stands vacated.

3 This order shall, however, not preclude the applicant to initiate appropriate proceedings in accordance with law before the appropriate forum.

4 This order will be digitally signed by the Private Secretary/Personal Assistant of this Court. All concerned will act on production by fax or e-mail of a digitally signed copy of this order.

(G. S. KULKARNI, J.)

(CHIEF JUSTICE)

Prajakta
S.
Vartak

Digitally
signed by
Prajakta S.
Vartak
Date:
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(Corrected as per speaking to the minutes order dated 28th January 2021)
Gaikwad RD

**BEFORE THE NATIONAL GREEN
TRIBUNAL
WESTERN ZONAL BENCH AT PUNE
APPEAL NO.12 OF 2017**

Dileep B. Nevatia ... Appellant
Versus
State of Maharashtra & Ors.... Respondents

**ADDITIONAL AFFIDAVIT IN REPLY OF
RESPONDENT NO.5**

Dated this day of September 2021

Advocate Shivshankar Swaminathan,
Advocates for Respondent No.5