

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL  
WESTERN ZONE BENCH, PUNE  
AT PUNE

ORIGINAL APPLICATION NO. 135 / 2024 (WZ)

[EARLIER ORIGINAL APPLICATION NO. 637 / 2024(PB)]

(LP)

IN THE MATTER OF 6666

News item Titled "7 Flamingos spotted near

DPS Lake Wetland Killed activist blame

CIDCO's development plan" appearing in

The Indian Express dated 28.04.2024

..... APPLICANT

VERSUS

Principal Chief Conservator of

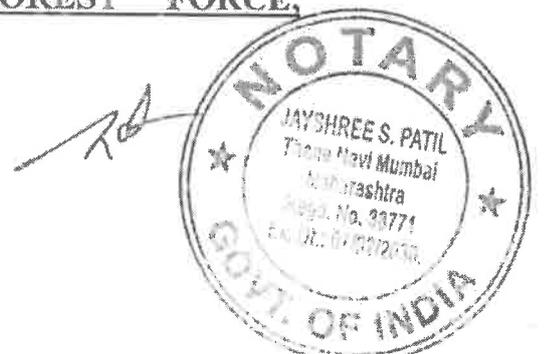
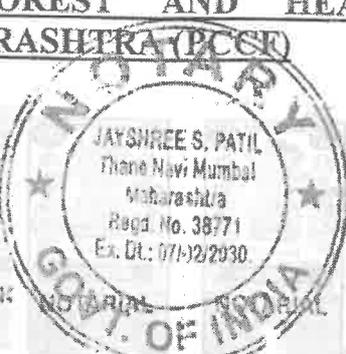
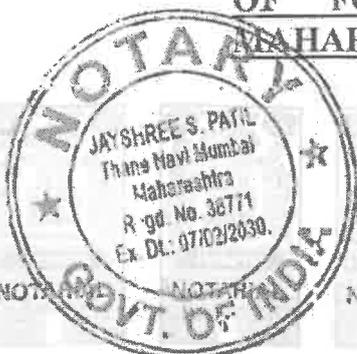
Forests and Head of Forest Force,

Maharashtra and Ors.

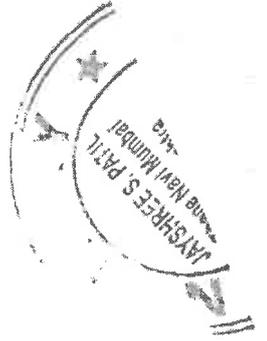
..... RESPONDENTS

AFFIDAVIT IN REPLY / REJOINDER ON BEHALF OF  
RESPONDENT NO. 3 - CITY AND INDUSTRIAL  
DEVELOPMENT CORPORATION OF MAHARASHTRA  
LIMITED (CIDCO), TO THE REPLY AFFIDAVIT FILED BY  
RESPONDENT NO. 1 PRINCIPAL CHIEF CONSERVATOR  
OF FOREST AND HEAD OF FOREST FORCE,

MAHARASHTRA (PCCF)



I, Gokul Madan Rathod, the authorized representative of Respondent No. 3, Age - 50 Years, Occupation- Service, in Charge Executive Engineer (Vashi) Office At – CIDCO Ltd. Old Administrative Building. Sector – 1 Vashi Navi Mumbai, after verifying all the records do hereby state on the solemn affirmation that –



1. I have been duly authorized to file this affidavit on behalf of the Respondent No. 3 to this *suo motu* O.A. viz. City and Industrial Development Corporation of Maharashtra Limited (CIDCO).
2. I have received and read a copy of the instant rely affidavit filed by the Respondent No. 1 PCCF, and in reply thereto, I on behalf of Respondent No. 3 say and submit as follows: -
3. The Respondent No. 3 submits that at the very outset, it is most respectfully submitted by Respondent No. 3 that unless specifically admitted all the contentions of the Respondent No. 1 in its reply affidavit, may kindly be treated as specifically denied by Respondent No. 3.
4. I say that the, issue. of DPS lake being a wetland has been dealt with in PIL 218/2013 which is disposed vide Judgement dated 01/11/2018 and the said Judgement is challenged by the Corporation in SLP ( C ) No. 16343 of 2019 by this Respondent
5. The Respondent No. 3 states that it has developed a significant and comprehensively planned Nerul Node under its Development Plan of Navi Mumbai. The subject land parcel

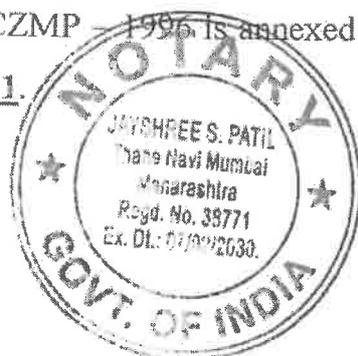


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under consideration is located in Sector-52 at Nerul Node and falls in the residential zone as per sanctioned Navi Mumbai Development Plan of CIDCO modified upto June - 2021 by the State Government of Maharashtra while preparing the development plan of Navi Mumbai. Respondent No. 3 had taken into consideration the topography of the land and the natural flora and fauna present at the site and accordingly had earmarked various land use zones. The average ground level at Navi Mumbai is lower than the creek water level at the High Tide and hence Respondent No. 3 has adopted the Dutch method of reclamation to prevent flooding of water and water logging in the area. However, the Respondent No. 3 states that, in some areas such water logging or flooding is inevitable because of its geographical location.

6. The Respondent No. 3 states that, said land parcel in Sector-52, Nerul, Navi Mumbai is adjoining to the creek and is separated by the Bund road (Kaccha approach road) land parcel. The Chief Hydrographer of India has delineated the High Tide Line (“HTL”). Based on this HTL, Coastal Zone Management Plan (“CZMP”) prepared for Navi Mumbai and approved by the Ministry of Environment and Forest (“MoEF”) in 1996. As per the approved CZMP, a small portion of land was affected by CRZ-II and as per CRZ Notification 1991, development was permitted on the landward on the side of the existing road. A copy of approved CZMP - 1996 is annexed herewith and marked as Exhibit -

01.



*Rad*



7. The Respondent No. 3 states that, MoEF & CC has approved the CZMP 2019 for the Navi Mumbai area, and as per CRZ notification-2019, a very small portion of the said land parcel in Sector-52, Nerul, Navi Mumbai is affected by CRZ as per the approved CZMP-2019. The Respondent No. 3 states and it is pertinent to note that the said land parcel is not part of any creek, wetland, backwater or designated as per environmentally / ecologically sensitive area under any prevailing rules, acts or orders. The said land parcel is on landward side of HTL and hence the same is not the part of the creek.

8. The Respondent No. 3 states that there is a landmark housing Complex (NRI) adjacent to the said land parcel. Taking into consideration the present status of the adjoining lands, the balance area to the development in Sector-52 cannot be construed to be a natural lake a water body. The Respondent No. 3 most respectfully states that, the land mentioned in IA as DPS lake is not a natural lake / revenue lake and is also not a part of storm water drainage system. The said land parcel was earlier used for salt production i.e. salt pan as per revenue record i.e. 7/12 extract. A copy of the 7/12 extract of the said land is annexed herewith and marked as Exhibit -02.



9. The Respondent No. 3 most respectfully states that, the definition of wetland mentioned in wetland Rules 2017 is as follows -

A wetland means as area of marsh, fen, peatland or water, whether natural or artificial, permanent or temporary, within water that is static or flowing, fresh, brackish or salt, including



areas of marine water the depth of which at low tide does not exceed six meters, but does not include river channels, paddy fields, human – made water bodies / tanks specifically constructed for drinking water purposes and structures specifically constructed for aquaculture, salt production recreation & irrigation purposes.” Therefore, it is evident that salt production land cannot be termed as wetland in Wetland Rules, 2017.

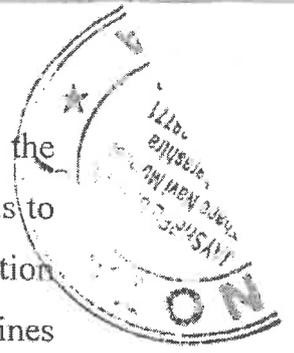
10. The Respondent No. 3 states that the airport operation of Navi Mumbai International Airport (“NMIA”) vide their letters – NMIA Letter No. MIAL/DIR/(OP)/200/2015/267 dated 18/12/2024, NMIA Letter No. NMIAL / CIDCO/GEN/0362 dated 16/05/2020, and NMIA/CIDCO/GEN/0989 dated 25/09/2024 have conveyed to Respondent No. 3 about the necessity of not developing a bird section sanctuaries in the area in vicinity of NMIA area Training Ship Chanakya (“TSC”) because the location is to the western approached path of NMIA runway and they also come within the Inner Horizontal Surfaces (“IHS”) of NMIA. The Respondent No. 3 states and it is pertinent to note that the land mentioned in instant Application in Sector-52 Nerul Node, Navi Mumbai lies between the Airport and Delhi Public School (“DPS”). Copies of the said letter dated 18/12/2024, 19/05/2020 and 25/09/2024 are annexed herewith and marked as Exhibit -03, Exhibit -04, and Exhibit -05 respectively.



11. The Respondent No. 3 states that, it is informed by the airport operator that these locations are in close proximity of NMIA and should be made unattractive for birds and wild life as the

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concentration of birds in these location pose threat to the aircraft operations, and the bird strike / threat issue needs to be mitigated and resolved much before the airport operation commences at NMIA, as part of DGCA and I CAO guidelines for wildlife Hazard Reduction management at airport. The Airport operation has further requested the Respondent No. 3 to peruse the matter with government authorities for not to designate these sites as Wildlife Conservation Sites in any form.



12. In Pursuance to NMIA operation objection in the part, Respondent No. 3 vide letter No. CIDCO / MD/ 250/ dated 25/01/2016 have brought to the attention of the Revenue and Forest department of Government of Maharashtra, that the proposed bird sanctuary would create a bird hazard to the airport as these locations are very close to the take-off funnel of NMIA. A copy of Respondent No. 3's letter dated 25/01/2016 is annexed herewith and marked as **Exhibit -06**. The Respondent No. 3 stated that BNHS had also warned about the possibility of bird strikes on the Airplane upon declaration of a bird sanctuary in the vicinity. It is pertinent to note that National board of wild life in its 34<sup>th</sup> meeting held on 2<sup>nd</sup> June 2015 considered Respondent No. 3's request to waive the condition for development of bird sanctuary in the mangroves park near NMIA as per the wild life clearance and has waived this condition in view of human safety. A copy of letter dtd. 30/06/2015 with respect to 34<sup>th</sup> meeting held on 2<sup>nd</sup> June 2015 is annexed herewith and marked as **Exhibit -07**. In view of the above circumstances, the Respondent No. 3 had then requested the Government of Maharashtra, to



immediately withdraw any such proposal of declaring a bird sanctuary near the Navi Mumbai International Airport area.

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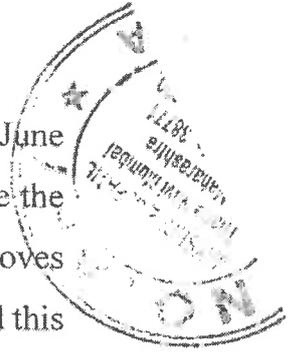
13. In the above context, it is pertinent to mention here that the major newspaper like "The Indian Express" and "Times of India" had reported that 39 flamingos found dead at different location of Ghatkopar (E) as their flock was hit by the Emirates plane (Dubai – Mumbai flight). The pilot of the flight reported the bird strike to the Air Traffic Control Official of the Mumbai Airport after landing at 9:15 pm on 20<sup>th</sup> may 2024. It is fortunate that no crashing of flight happened in this incidence. Hence to prevent the occurrence of such incidence in future during operations at the proposed Navi Mumbai International Airport ("NMIA") it is necessary that the location in close proximity of NMIA should not be declared as bird sanctuary as they would pose threat to aircraft operation at NMIA. However, such location may be identified beyond the City limits of Navi Mumbai. A copy of news article from The Indian Express dtd. 21/05/2024 annexed herewith and marked as Exhibit -8.

14. The Respondent No. 3 states that the subject location in Nerul is behind the Seawoods Estate residential complex, which is very near to the take-off funnel of Navi Mumbai International Airport. The proposed Bird sanctuary which would create a bird hazard for the airport, will prove to be a major deferent to development of Navi Mumbai Airport. The Bombay Natural History Society BNHS in its report also warned about the possibility of bird strikes at the airport upon declaration and conservation of the land as a bird sanctuary in the vicinity.



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The Board of Wild Life in its 34<sup>th</sup> Meeting held on 2<sup>nd</sup> June 2015, considered Respondent No. 3's requested to waive the condition for development of bird sanctuary in the mangroves park near NMIA as per the wild life clearance and waived this condition in view of Human safety.



15. It is well established from correspondence of forest Department that the site of NRI – TSC off Palm Beach Road, Nerul, Node being in close proximity to the Navi Mumbai International Airport, it is not advisable to be considered a “Bird Sanctuary” as the same also poses risk from the aviation safety point of view. The forest officials have noted that the National Board of Wild Life in its 34<sup>th</sup> meeting held on 2<sup>nd</sup> June 2015 have considered CIDCO's request to waive the condition for Development at Bird Sanctuary in the Mangrove Park near NMIA as per the Wild Life clearance and waived this Condition in view of human safety. They have taken cognizance of the study done by the Bombay Natural History Society (BNHS) that development of Mangroves Park near airport would attract birds. The forest Department earlier by letter dated 03/03/2016 has rightly considered the fact that, it is not prudent to notify the land near DPS on Palm Beach road as a bird sanctuary.



16. The Respondent No. 3 states that the Ministry of Environment and Forests, Government of India granted Environment and CRZ Clearance to Maharashtra State Road Development Corporation Limited (“MSRDC”) for Nerul Jetty Project at Nerul, Node, Navi Mumbai on 07/05/2013. Further MoEF & CC, Govt. of India has granted transfer of Environment &

CRZ Clearance to MMB and MMB issued NOC for the same to Respondent No. 3 respectively.

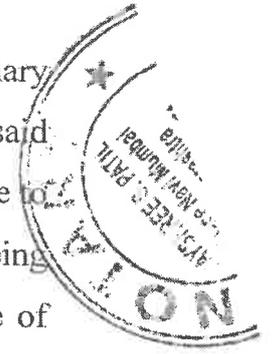
17. Further, the Ministry of Environment, Forest and Climate Change, Government of India has granted Forest Clearance approval for the Nerul Jetty project on 13/02/2018. A copy of the clearance approval is annexed herewith and marked as Exhibit -9. It is pertinent to mention here that the construction of the jetty was completed following all the terms and conditions of the Government's approved proposal dated 13/02/2018. According to the approval received, the entire Structure of the jetty is built on a bridge (stilt), as such the construction of Nerul Jetty has not obstructed the natural flow of water. The Respondent No. 3 also states and it is also pertinent to note that, on inspection of Google images and actual site inspection, it is indicated that there was no pipe connection connecting the Pocket- C / (DPS) surrounding area and creek on the south side, nor was any pipe laid on the main road in the past before Construction of Nerul Jetty. Therefore, it cannot be said that free flow of the creek water was obstructed by the construction of the Jetty, which in – turn caused harm or death of Flamingos. Any allegations of such nature are purely baseless and unfounded. Copies of the google images are annexed herewith and marked as Exhibit - 10.

18. The Respondent No. 3 further states that, the incident of death of six flamingos seems to have occurred on 25/04/2024 at 06:30 AM as evident from the Necropsy Report of the Maharashtra Animal & Fishery Sciences University's



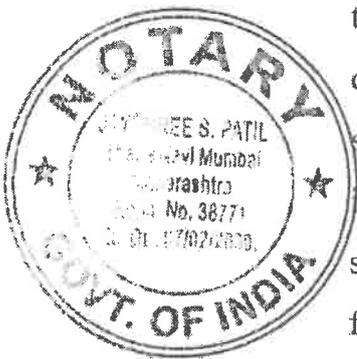
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Department of Veterinary Pathology, Mumbai Veterinary College, Parel, Mumbai – 12. On the bare perusal of the said reports it becomes evident that the said flamingos died due to cardiorespiratory failure and not due to any civil work being executed by the Respondent No. 3, and hence the cause of death of flamingos is not attributable to the Respondent No. 3. Copies of Necropsy Reports dated 25/04/2024 bearing PM No: 53/24 to 58/24 are annexed herewith and collectively (“colly”) marked as Exhibit -11.



19. The Respondent No. 3 further states that the area where the flamingos were found dead and / or injured is in the possession of Respondent No. 3. It may be noted that 3 out of 6 flamingos died during the treatment at the Wildlife Welfare Association, Thane. The Remaining 3 injured flamingos were successfully treated and upon their being fully recovered and found fit for release by Round Forest Officer (RFO) with NGO representatives on 06/05/2024 at T.S. Chanakya Lake, Nerul Node, Navi Mumbai. The Respondent No. 3 states that the RFO took prompt actions to move the injured flamingos for treatment, due to which, 3 flamingos could be saved.

20. The Respondent No. 3 reiterates that the autopsy report states that the flamingos died due to cardiorespiratory failure and not due to any injury or civil works. Further, the RFO took a sample of the water from DPS Lake on 25<sup>th</sup> April 2024 & sent it to MPCB lab for analysis. The report of the analysis of the said water sample was not toxic. That apparently unnatural flamingo death and injuries had occurred. DCF, BNHS & Vanashakti & local resident visited the site on 26<sup>th</sup> April 2024





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& again on 1<sup>st</sup> May 2024 with Additional Principal Chief Conservator of Forest, Mangroves Cell along with Chief Conservator of Forest, Mantralaya & study report of Bombay Natural History Society (BNHS) dated on 30<sup>th</sup> April 2024 probably cause of the flamingo deaths & injuries.

21. The Respondent No. 3 states that, the State Government of Maharashtra has by a GR dated 05/07/2024 constituted a Committee for Protection of flamingos and their habitat in the DPS Lake area in Navi Mumbai and Respondent No. 3 (CIDCO) is also a member of the said Committee which is formed under the Chairmanship of Principal Secretary of Forest. A copy of the said GR dated 05/07/2024 is annexed herewith and marked as Exhibit -12. The Respondent No. 3 further states that, at the second meeting of the said committee held on 23/09/2024 various measures for protection of the flamingos were discussed and outlined. The report of the said Committee is already placed on record by the Applicant as well as the Respondent No. 1, and therefore, for the sake of brevity, Respondent No. 3 craves the leave of this Hon'ble Tribunal to refer and rely on the contents of the same, as and when necessary.



22. The Respondent No. 3 further states that the recommended solutions of BNHS report were followed by the Respondent No. 3 and Respondent No. 3 have taken up replacement of the LED lights with yellow LED's lights, featuring a beam angle of the existing fixtures on the elevated road connecting the Nerul Jetty adjacent to the DPS Lake area. The Respondent No. 3 also states that the said Committee is to suggest

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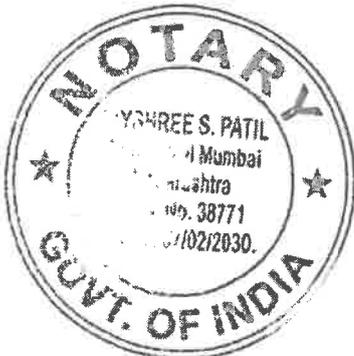
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measures for protection of the flamingos and Mangroves in the vicinity of the DPS Lake area.

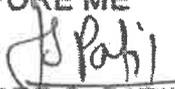
23. The Respondent No. 3 further states that it has taken appropriate measures and followed suggestions / recommendations of the BNHS for the protection of the flamingos and is taking up the present matter on high priority considering the severity and seriousness of the incident.

### VERIFICATION

I, Gokul Madan Rathod, the authorized representative of Respondent No. 3, Age - 50 Years, Occupation- Service in Charge Executive Engineer (Vashi) Office At- CIDCO Ltd. On 1<sup>st</sup> Floor Old Administrative Building. Sector - 1, Vashi Node, Navi Mumbai, after verifying all the records do hereby state on the solemn affirmation that whatever is stated herein above is true and correct to the best of my knowledge and information. Affirmed and signed on this 01 Day of July, 2025.



  
Gokul Madan Rathod  
Service In-Charge Executive Engineer  
For, Respondent No. 3 CIDCO  
Executive Engineer (Vashi)  
Cidco Of Maharashtra Ltd  
1st Floor, Old Administrative Bldg.,  
Sector 1, Vashi, Navi Mumbai-40703  
Ph: 022-69931300

BEFORE ME  
  
JAYSHREE S. PATIL  
ADVOCATE & NOTARY  
GOVT. OF INDIA  
SS-4/273, Xerox Lane,  
Sec-2, Vashi, Navi Mumbai.

This document is noted and  
Registered at Sr. No. 469  
Page No. 47 Reg. Book No. 2  
dated on 01 JUL 2025



APPROVED CZMP - 1996



# EXHIBIT.No: 03

496



No.MIAL/DIR.(U.P./200/2015/265

8<sup>th</sup> December,2015

To,  
Managing Director  
City & Industrial Development Corporation of Maharashtra Ltd (CIDCO)  
CIDCO Bhavan, 2<sup>nd</sup> Floor,  
Belapur (CBD)  
Navi Mumbai - 400 014.

Sub : Newspaper Articles on "3 Bird Sanctuaries to come up around city".

Sir,

This is to invite your immediate attention to a recent news item published in the newspapers between 5<sup>th</sup> to 7<sup>th</sup> Dec' 2015 on the above cited subject.

As per the newspaper reports, State Wild Life Board has cleared creation of three bird sanctuaries including one at TSC-NRI Wetlands off Palm Beach Road and other at Panje-Funde near Uran in Navi Mumbai area.

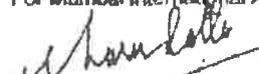
While we appreciate that this is a positive step for conservation of ecology & wildlife, we are concerned as the proposed bird sanctuary at Palm Beach Road is in close proximity to the Navi Mumbai Airport Project site and may lead to environment related issues in future. The proposed bird sanctuary at Palm Beach Road shall be in the flight path of Navi Mumbai Airport, and is of major concern and may impact the development of the Navi Mumbai Airport.

We sincerely request CIDCO to take up the matter on priority with concerned authorities, and initiate steps to resolve the matter of proposed bird sanctuary at Palm Beach Road.

Thanking you,

Yours faithfully

For Mumbai International Airport Pvt. Ltd

  
(Charudatta Deshmukh)  
Director - Urban Planning

CIDCO LTD.  
Mumbai  
Date: 09.12.15  
Sig: [Signature]



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ENERGY  
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HOSPITALITY  
LIFE SCIENCES





- 1) The coastline in Uran including Panje is indicated as Coastal Regulation Zone (CRZ) II, i.e. developable land areas up to or close to the shoreline, within the existing municipal limits. This shall impact development of bird sanctuary in this location which is necessary for NMIA.
- 2) Although Draft CZMP indicates the areas north and north east of Panje as CRZ-I Mangroves & some as CRZ-I Mud Flats, these very areas are shown as part of Navi Mumbai Special Economic Zone (NMSEZ) for industrial development in CIDCO Plan for Dronagiri Node. CIDCO's landuse for this land as SEZ / integrated industrial township needs to be de-notified in Development Plan of Navi Mumbai by CIDCO and Govt of Maharashtra to retain the CRZ-I status of these lands to ensure development of bird sanctuary in this location which is necessary for NMIA.
- 3) The large area north and north east of Panje Indicated as CRZ-I Mangroves needs to be retained along with the adjacent mud flat as feeding and roosting area for avifauna of Thane Creek, so that these birds do not fly across towards north into the flight path and airspace of NMIA.

The above issues are critical for development and safe operations of NMIA and need to be addressed urgently by CIDCO and Govt of Maharashtra.

Navi Mumbai International Airport Pvt Ltd (NMIAL) is in complete agreement with recommendation of BNHS on conservation of Wetlands near Panje and Funde villages in Dronagiri Node of CIDCO as bird sanctuaries, and request CIDCO and Govt of Maharashtra to implement this recommendation by effecting required modifications to Development Plan of Navi Mumbai. However, NMIAL is not in favour of development of Wetlands at NRI (Non-resident Indian) complex, Delhi Public School (DPS) and Training Ship Chanakya (TSC) as bird sanctuaries because these locations are close to western approach path of NMIA runways and also come within Inner Horizontal Surfaces (IHS) of NMIA, as shown in enclosed *Annexure-1*. Concentration of birds in these locations shall pose threat to aircraft operations therefore these sites needs to be avoided. As part of DGCA and ICAO guidelines for Wildlife Hazard Reduction Management at airports, the bird threat issue needs to be mitigated and resolved long before the airport operations commence at NMIA. DGCA licence for operation of airport is dependent on this

NMIAL therefore requests CIDCO to kindly initiate steps for conservation of Wetlands near Panje and Funde villages in Dronagiri Node of CIDCO as bird sanctuaries for safety of aircraft operations at NMIA.

Yours Sincerely,

Charudatta Deshmukh  
Director-Urban Planning  
Navi Mumbai International Airport Pvt Ltd (NMIAL)

Enclosed: Annexure-1 (Map) Location of Bird Sanctuaries (Existing & Proposed) near NMIA

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EXHIBIT NO: 05

Navi Mumbai  
International Airport

Ref: NMIAL/CIDCO/GEN/0989

25<sup>th</sup> September, 2024

**Ms. Geetha Pillai,**  
Chief General Manager (Transportation & Airport),  
City & Industrial Development Corporation of Maharashtra Limited  
CIDCO Bhavan, CBD Belapur,  
Navi Mumbai - 400 614.

**Sub : Bird Threat to operations at Navi Mumbai International Airport (NMIA).**

Ref : 1) NMIAL's letter No. MIAL/DIR.(U.P.)/200/2015/265 dated 8.12.2015.  
2) NMIAL's letter No. NMIAL/CIDCO/GEN/0362 dated 16.5.2020.

Madam,

This is in continuation to the above cited letters from NMIAL to CIDCO, on the subject (copies enclosed for reference).

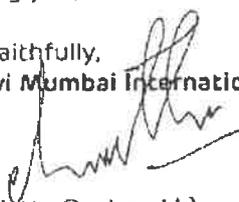
NMIAL has time and again conveyed to CIDCO on the need to make areas in vicinity of NMIA to be made unattractive for birds and wildlife. This includes the locations near NRI Complex, Delhi Public School and Training Ship Chanakya in at Nerul/Seawoods area of Navi Mumbai.

NMIAL requests CIDCO to kindly escalate this issue with concerned departments of Government of Maharashtra, as the said locations at NRI Complex, Delhi Public School and Training Ship Chanakya are close to western approach of NMIA runways, and they come within the Inner Horizontal Surfaces (IHS) of NMIA. Presence of birds and wildlife at these locations may pose a threat to aircraft operations at NMIA. Therefore, designating these sites for wildlife conservation in any form needs to be avoided.

NMIAL requests CIDCO to kindly initiate steps to identify alternate sites for avian fauna and wildlife conservation elsewhere in Navi Mumbai/MMR, away from NMIA.

Thanking you,

Yours faithfully,  
For Navi Mumbai International Airport Pvt. Ltd.

  
(Charudatta Deshmukh)  
Jt. President - Planning & Design.

Enclosures :

- 1) NMIAL's letter No. MIAL/DIR.(U.P.)/200/2015/265 dated 8.12.2015.
- 2) NMIAL's letter No. NMIAL/CIDCO/GEN/0362 dated 16.5.2020.

Navi Mumbai International Airport Pvt Ltd  
C17, New Project Office, Near Ulwe Ganthan Bus Stop  
Amara Marg, Ulwe  
Navi Mumbai 410 206  
Maharashtra, India

Ph +91 22 6851 9500

CIN: UH45200MH2007PTC169174

Registered office: Chief of the Airport Director, Terminal 1 B, CSMA Airport, Sanacruz, Mumbai-400 099, Maharashtra, India.

**Sanjay Bhatia** L.A.S.  
Vice Chairman & Managing Director



संवि  
(वि.)  
क्रमांक: १६४१०  
दिनांक: २२.१६

CIDCO/MD/ 2-50

January 25, 2016.

Sub: Declaration of Bird Sanctuary in Nerul Navi Mumbai

Dear *Vikas,*

It has been brought to our notice that the State Government is proposing three locations in Navi Mumbai as bird sanctuaries, two in Nerul and one in Dronagiri Node

The proposed locations in Nerul, behind the Seawoods Estate residential Complex, is very near to the take off tunnel of Navi Mumbai International Airport. The proposed bird sanctuary, which would create a bird hazard for the airport, will prove to be a major deterrent to development of the Navi Mumbai Airport. BNHS, in its report had also warned about the possibility of bird strikes at the airport upon declaration of a bird sanctuary in the vicinity. The prospective bidders of NMIA have already expressed concerns about this proposal. The proposed Bird Sanctuary at Dronagiri is also within the circling area of Navi Mumbai International Airport and major development works are in progress in the township.

Please note that National Board of Wild Life, in its 34th meeting held on 2nd June 2015 considered CIDCO's request to waive the condition for development of bird sanctuary in the mangrove park near NMIA as per the Wild life clearance and waived this condition in view of human safety.

In view of the above you are requested to immediately withdraw any such proposal of declaring a bird sanctuary near the Navi Mumbai International Airport.

with regards,

*SCM*

Yours sincerely  
  
(Sanjay Bhatia)

*PE*  
*Examine & put up*

Shri Vikas Kharage  
Secretary (Forests)  
Revenue & Forests Dept  
Govt of Maharashtra  
Mantralaya, Mumbai 400 032.

**City & Industrial Development Corporation of Maharashtra Ltd.**

(A Government of Maharashtra Undertaking)

Regd. Office: Nirmal, 2nd Floor, Nariman Point, Mumbai - 400 021 • Tel: 022 - 2202 6665, 2202 1155 • Fax: 022 - 2202 2509.  
Head Office: CIDCO Bhavan, CBD Belapur, Navi Mumbai - 400 614 • Tel: 022 - 6791 8211, 2757 1547 • Fax: 022 - 2758 2129.  
Email: md@cidco.maharashtra.gov.in • www.cidco.maharashtra.gov.in

# EXHIBIT No: 07

501

F.No.6-48/2015 WL (34<sup>th</sup> Meeting)  
Government of India  
Ministry of Environment, Forests & Climate Change  
Wildlife Division  
\*\*\*\*

Indira Paryavaran Bhawan  
Jor Bag Road, Aliganj  
New Delhi-110003  
Dated: 30.06.2015.

The Principal Secretary (Forests)  
Department of Forests  
Government of Maharashtra  
Manatralaya Mumbai  
Nagpur-400032.

Sub: Minutes of the 34<sup>th</sup> Meeting of Standing Committee of NBWL.

Sir,

During the 34<sup>th</sup> Meeting of Standing Committee of NBWL held on 2<sup>nd</sup> June 2015 under the Chairmanship of Hon'ble Minister of State (Independent Charge) for Environment, Forests and Climate Change, the following proposals pertaining to your State were considered. The relevant portion of the decision taken in respect of the proposals is reproduced below:

*"1. Proposal for rationalisation of the boundary for Maldhok Bird Sanctuary, Maharashtra.*

*The Member Secretary informed the Committee that the state government had conveyed that it had decided to adhere to the earlier proposal of rationalising boundaries of the Maldhok Bird Sanctuary.*

*Dr. H. S. Singh suggested that the Ministry must take concrete steps to conserve Great Indian Bustard (GIB) before deciding on the rationalisation proposals. He added that Ministry should prepare an integrated plan for breeding and conservation of GIB covering the States of Gujarat, Maharashtra and Rajasthan. The Project may be funded from CAMPA and must be submitted immediately and action must start on it before it is too late.*

*Member Secretary informed that an action plan is already in place and action on this plan is on way in the states. The chair suggested that the states take a holistic view of GIB conservation and also suggested to WII to provide inputs in preparing an integrated scheme for GIB conservation plan in consultation with Rajasthan, Gujarat and Maharashtra. After discussions, the committee asked the Ministry to prepare integrated GIB conservation plan within a month and propose rationalisation based on the requirement of the conservation plan.*

*2. Navi Mumbai International Airport (NMIA): Amendment to condition (iv) of the recommendation of SC-NBWL (8.5 km from Karnala WL sanctuary)*

*The member secretary briefed the Committee on the representation of CIDCO seeking waiver of the condition (iv), stipulated by SC-NBWL, to declare adjoining NMIA area as mangrove sanctuary. He added that Govt. of Maharashtra had also recommended the CIDCO's request basing it on the BNHS study. The said study has stated that adjoining NMIA site should be made unattractive to birds in view of aircraft safety, human safety and airport safety.*

*Director, WII explained the case with an identical case of Brisbane Airport and emphasized that the air ports adjoining the mangrove, should be made unattractive to birds.*

*After discussions, the Standing Committee recommended to waive the aforesaid condition in view of human safety and considering that Government of Maharashtra's decision to declare alternative site, namely, Thane Creek as Flamingo Sanctuary for conservation.*

Contd...2

3. Widening of existing 2 lane to 4 lane divided carriageway for Panvel-Indapur (Km 0.000 to km.84.000) section of NH-17 in the State of Maharashtra. Proposal for diversion of land within sanctuary and the eco-sensitive zone.

The member secretary briefed the committee on the proposal and its rejection by SC-NBWL in its 1<sup>st</sup> meeting held on 22<sup>nd</sup> December 2009 and also in its 29<sup>th</sup> meeting held on 6<sup>th</sup> June 2013 (submitted for diversion of 1.65 ha of sanctuary area). The proposal involves diversion of forest land within and outside (ESZ) of the Kernala bird sanctuary. In both these meetings, SC-NBWL had advised NHAI to take alternative alignment outside the sanctuary. In the 31<sup>st</sup> meeting of SC-NBWL held on 12-13<sup>th</sup> August 2014, the proposal had been recommended for outside sanctuary area (within 10 km from boundary of sanctuary) by the SC-NBWL, with conditions stipulated by SBWL, that restricted the widening upto 1 km distance, on both sides from the boundary of sanctuary area.

Now, a copy of the earlier proposal has been resubmitted for reconsideration with the recommendation of State Government for permitting widening within the Kernala Bird Sanctuary. The State Government has mentioned that the stretch of 3.5 km (1.5 km within the sanctuary and 1 km each on both ends of road outside the sanctuary) will be the permanent bottleneck for traffic and will hinder the traffic speed on the highway.

The chair opined that widening within the sanctuary will smoothen the traffic and reduce the foud emissions from recurring traffic jams, which are harmful for the birds and other wildlife. After discussions, the Standing Committee recommended the project and directed that a team comprising of a representative of WII, NHAI and Chief Wildlife Warden of Maharashtra would undertake a site visit, agree on feasible mitigation measures including those for reptiles, within and outside sanctuary along the proposed 3.5 km stretch, within a month.

4. Proposed Residential & Commercial Project under Slum rehabilitation authority, Mulund near Veenu Nagar opposite LBS Marg, Mulund (West) Ta. Kurla, Maharashtra

The member secretary briefed the committee on the proposal. Dr. Sukumar added that the Committee should take a different view for the urban development activities around the national parks/sanctuaries located in urban settings.

After discussions, the committee deferred the proposal in view of non-finalization of ESZ proposal of Sanjay Gandhi National Park.

The above recommendation(s) are subject to the existing directives of Hon'ble Supreme Court and provisions of Forests (Conservation) Act, 1980.

Yours faithfully

R. Raja Sekhar  
(Rajasekhar Ratti)

Scientist 'C'/Deputy Director (WL)

Copy to:

1. The Chief Wildlife Warden, Government of Maharashtra, Ram Giri Road, Civil Line, Van Bhuwan Nagpur-440 001
2. The Addl Pr. Chief Conservator of Forests, Ministry of Environment & Forests, Regional Office (W7), E-5, Arera Colony, Link road-3, Bhopal-462016.
3. The General Manager, National Highways Authority of India (Ministry of Shipping, Road Transport and Highways) G-5 & 6, Sector-10, Dwarka, New Delhi-110075
4. The Managing Director, CIDCO, CIDCO Bhavan, CBD Belapur, Navi Mumbai- 400614
5. The Director, Artist Developer, 701 7<sup>th</sup> Floor Dev Bhoomi, Andheri, Mumbai
6. The Joint Secretary, EA Division, MoEF & CC
7. The Inspector General of Forests, C Division, MoEF & CC

R. Raja Sekhar

(Rajasekhar Ratti)

Scientist 'C'/Deputy Director (WL)



...the juvenile justice board...  
 The JJB comprises of a judicial member, a principal magis-  
 trate and two non-judicial ap-  
 pointed members who are social  
 workers. The order of the JJB,  
 Pune, granting bail to the minor  
 accused on Sunday, was passed  
 by Dr. N. Dhanuwanji, one of the  
 non-judicial members. Two oth-  
 ers — the principal magistrate

emphasised before the JJB that  
 Section 304 has been applied in  
 the case and not 304A of the IPC  
 and since the boy was 17 years  
 and eight months old, he can be  
 treated as an adult.  
 "Unfortunately, the JJB took a  
 different stand in the case. As far  
 as the application urging for  
 treating the boy as an adult was  
 concerned, the JJB remarked

Pune, Tuesday: "I  
 seen and filed and kept it aside.  
 I think the board has taken an ex-  
 tremely hesitant view and recom-  
 mended 15 days social service,  
 de-addiction efforts and other  
 things. This was a shock for the  
 police force, especially when all  
 proof about age of the minor, the

right to review its own order. The  
 higher court has said if the board  
 refuses to review the order, then  
 we can approach it again. If the  
 JJB refuses to review its order,  
 then we will approach the  
 higher court. We are expecting  
 the JJB order by today or by to-  
 morrow."  
 Fadnavis said Pune police will  
 do everything possible to get ju-

Fadnavis said there are other  
 issues which have come up for  
 discussion. "One of which in-  
 cludes pubs in residential areas.  
 No identity checking is carried  
 out in the pubs. Identity check-  
 ing means the pub management  
 has to allow people inside only  
 after checking their identity and  
 age proof. Such checking does  
 not take place. The police are go-

guard, Fadnavis said, is a juvenile  
 time, under the Juvenile Justice  
 Act, action has been taken against  
 the parents and in future too such  
 action will be taken. The provi-  
 sions under the Act has been in-  
 volked against the parents.  
 Parents should remain on guard,  
 ensure that children don't misuse  
 their freedom and show proper  
 direction to their children."

### 39 Flamingos found dead in Mumbai; flock hit by Emirates plane landing from Dubai

If the accident. "We have ap-  
 pointed ACF Vikrant Khade as in-  
 vestigating officer to ascertain  
 what caused the hit. We will in-  
 vestigate whether the aircraft  
 was flying on the correct route,  
 and why the birds happened to  
 be in its path etc. Our findings  
 will determine the cause and  
 how such an accident can be  
 avoided." Rao told Express.

The incident came to light  
 when children playing on the  
 side roads adjacent to  
 bankpar-Andheri Link Road  
 began spreading word that it  
 was "raining dead birds".  
 Hereafter, the locals found the  
 flamingos with their carcasses  
 spread across a radius of half a  
 kilometre.

The flock of flamingos flying  
 northward were reportedly hit  
 by the Emirates EK 508 flight  
 which was to land from Dubai by  
 night. The crash took place over  
 airport, which is the landing  
 strip of several international  
 flights.

As per an Air Traffic Control  
 official, pilots reported the birds  
 were after landing at 9.15 pm,  
 he found traces of the birds in  
 airplane's fuselage but no  
 carcasses were found," he said.  
 Captain Sharma, honorary

wildlife warden of Mumbai and  
 founder of Resqink Association  
 for Wildlife Welfare (RAWWW),  
 who assisted in the rescue oper-  
 ations, told The Indian Express  
 that they started receiving Fran-  
 cis calls from Chhatkopar resi-  
 dents after 10 pm on Monday.  
 Sharma said, "We received  
 the first call from someone who  
 lived in a residential society in  
 Chhatkopar, who said a flamingo,  
 still alive, had been spotted in  
 their complex. As we were  
 preparing to dispatch our team,  
 we got another call informing us  
 that the flamingo had died and  
 8 more flamingos had been spot-  
 ted. Soon after, we began getting  
 calls from many people in  
 Chhatkopar's Part Nagar who had  
 spotted several dead flamingos."



Officials inspect a location in Mumbai where a dead flamingo was found. Express

As per Sharma, 29 flamingos  
 were recovered during the night,  
 while more carcasses were re-  
 covered as the day set in.  
 "However, the actual number of  
 flamingos hit could be higher as  
 we suspect that dogs may have  
 taken them away, or they may  
 have fallen in the mangrove for-  
 est. Many could possibly have  
 been hit by fast moving traffic if  
 they had fallen along Eastern  
 Express Highway," he added.  
 Since flamingos are a pro-

ected species, the rescuers  
 handed over carcasses of the  
 flamingos to the forest depart-  
 ment which is conducting the  
 necropsy. For the record, flamin-  
 gos are a protected species un-  
 der the Wildlife Protection Act  
 (1972).

The carcasses were taken by  
 the forest department to Airoli  
 for postmortem. A team of doc-  
 tors from the Sanjay Gandhi  
 National Park has been deployed  
 for the purpose and the reports  
 are expected to be released in  
 another 4-5 days.

Range Forest Officer,  
 Mangrove Protection Cell,  
 Prashant Bahadure, was not  
 given permission to enter the  
 airport to cross check the aircraft,  
 which the birds had collided  
 with, however, airport authori-  
 ties revealed details of the  
 Emirates flight scheduled to land  
 around 9 pm.

Flamingos have never been  
 spotted earlier anywhere around  
 Chhatkopar. "The flamingos  
 seemingly flying to the north

and had to change their path be-  
 cause of the night-rises around. It  
 is poor urban planning that has  
 claimed these lives," said BN  
 Kumar, director of NatConnect  
 Foundation.

"We found a bird lying dead  
 in our building's open podium.  
 We picked the carcass and  
 brought it down only to realise  
 that many other flamingos had  
 been killed in the tragic incident  
 of a kind we had never wit-  
 nessed earlier," residents from  
 Gunakripa Jayantam Co Op  
 Society said.

One of the 39 birds was res-  
 cued alive by locals but it suc-  
 cumbed to its injuries an hour  
 later, likely due to internal  
 trauma. "The bird had a visible  
 injury on its claw, so we con-  
 sulted local veterinarians who  
 suggested some immediate  
 treatment. We also called the lo-  
 cal bird ambulance, but it never  
 arrived, and the bird died right  
 before us," said Pradresh Parkar,  
 a resident of Laxmi Nagar.

"As per our study, given the  
 height of their flight, this flock of  
 pink birds was ready for their re-  
 turn to Kurch in Gujarat," said  
 Mihangik Prabhu, a researcher at  
 Bombay Natural History Society.  
 Speaking to The Indian

Express, Stalin D, environmen-  
 talist and director of NGO  
 Vanshakti, claimed that power  
 lines passing through Thane  
 Creek flamingo sanctuary, which  
 have been laid at a great height,  
 at which the flamingos also fly,  
 is likely to have affected the mi-  
 gratory birds.

the question of why the inci-  
 dent occurred in the first place.  
 With CIDCO allowing construc-  
 tion along water bodies in Navi  
 Mumbai, where the flamingos  
 arrive, it is likely that someone  
 was attempting to chase away  
 the migratory birds at night and  
 clear the land, which prompted  
 the birds to flee during the  
 night, which is when they are  
 more prone to get hit," alleged  
 Stalin D, who has also written  
 to the Ministry of Environment,  
 Forest and Climate Change on  
 the matter.

505

# Emirates jet was flying at 280kmph when it collided with flamingo flock

Masjit V S  
Alex Fernandes | *IN*

Mumbai: In a major accident, 39 flamingos were killed in a mid-air collision with an Emirates aircraft in Mumbai on Monday. Flight tracker Flightradar24's data showed that the jet was at 280kmph when the collision occurred. Although it was not known how many passengers were on the flight, an Emirates Boeing 777 in three class configuration has 364 seats.

The incident brought back memories of the US Airways's 2009 accident in which an A320 aircraft lost both its engines after it flew into a flock of migratory Canadian geese, which led to the famous Hudson river 'ditching'.

Lesser flamingos, the smallest of the species, weigh up to 1.6kg and fly at 40-60kmph when migrating long distances such as the journey, say from Urut to Kutch in Gujarat, said Mrugank Prabhu, scientist at Bombay Natural History Society.

"I saw around 30 decapitated flamingo heads lying over the place between Ghatkopar bandepod and Shreyas Talikes when I got there around 8.30pm," said Sneh Dage, a student of wildlife management who resides in the locality. "A few dead birds dangled from electric wires above. Some others lay on the roads, while some even broke through the concrete roof of stalls. Dipali Lakhande, a resident of Pardi Nagar, said she heard a loud thud around 8.30pm. "We ran into our chawl to investigate and found a mutilated bird had crashed through the corrugated asbestos roof, leaving a gaping hole. Its headless body was smashed onto the floor, the walls were splattered with blood. It was stinking," said Lakhande, who added that local police and fire brigade personnel helped them clear the carcasses.

There was chaos down the street, said Pritesh Modi, a rescuer from NGO Resqink Association for Wildlife Welfare (RAWWW) who was part of the search and rescue operation. Till Monday night, at least 28 carcasses had been found. As word spread, a crowd gathered at the spot and there was chaos, said Modi, adding that people kept calling out to the volunteers spotting body parts—a limb here, a beak there, a torn wing elsewhere. "Mutilated parts lay all over," he said.

According to the forest department, the flamingo tall stood at 35. Kirat Somaiya, former MP who visited the site, said one more carcass was found far away and so, the count is 31. "A few birds broke through the concrete ceilings of ground structures, others

## FLAMINGOS' FLIGHT PATHS CAN'T BE PREDICTED

**FLIGHT PATHS CAN'T BE PREDICTED**

Flight path and altitude depend on wind speed, direction and air pockets, says Mrugank Prabhu, BHS scientist

**SIX TAGGED IN 2022**

In 2022, BHS started GPS-tracking flamingos. Trackers were put on 6 of them. Last Friday, 3 of the 6 flew to Mumbai, while the rest remained in Gujarat. Currently, 1 flamingo with GPS-tracking device is in Thane creek; the others flew back a few months ago

**'09 HUDSON RIVER 'DITCHING' CASE**

On Jan 15, 2009, US Airways flight 1549 with 150 flyers took off from NY's LaGuardia airport. As it ascended, it ran into a flock of migratory Canadian geese and both the engines shut down. The commander, Capt Chesley 'Sully' Sullenberger, carried out an unpowered 'ditching' over Hudson river, and flyers were evacuated via the four overwing exits. The 'miracle' was turned into the film 'Sully'

**SMALLEST OF THE SPECIES**

**Lesser flamingo**

- > Deep pink plumage, pale pink bill with black tip
- > Surface feeder, mostly found in alkaline waters or salt pans. Diet is microscopic blue green algae
- > Population decreasing, as per global authority International Union for Conservation of Nature (IUCN)

**Greater flamingo**

- > Pinkish white plumage, parts of wing reddish, thick drooping bill that is majority pale pink with black tip
- > Filters food from bottom of shallow lakes for aquatic insects and crustaceans
- > Population is on the rise, according to IUCN

(Above right) One of the dead flamingos; (above) a roof said to have been damaged by the falling carcasses

Flamingos have been seen changing their flight paths due to massive constructions. Both also get disoriented due to light pollution, says B N Kumar, director of NGO NatConnect Foundation

broke through asbestos roofs," said Somaiya. In a statement, Emirates said it is cooperating with the authorities and its aircraft was damaged. "...as a result, the return flight EKS09 scheduled to depart to Dubai on May 20 was cancelled. All passengers and crew were accommodated overnight, and a replacement aircraft is being arranged for all passengers, and is scheduled to depart Mumbai on May 21 at 9pm, local time," it said. No statement was issued by Directorate General of Civil Aviation, the civil aviation regulator, and Airports Authority of India, the country's air navigation provider. An official from the Mumbai airport traffic control said the Emirates pilots reported

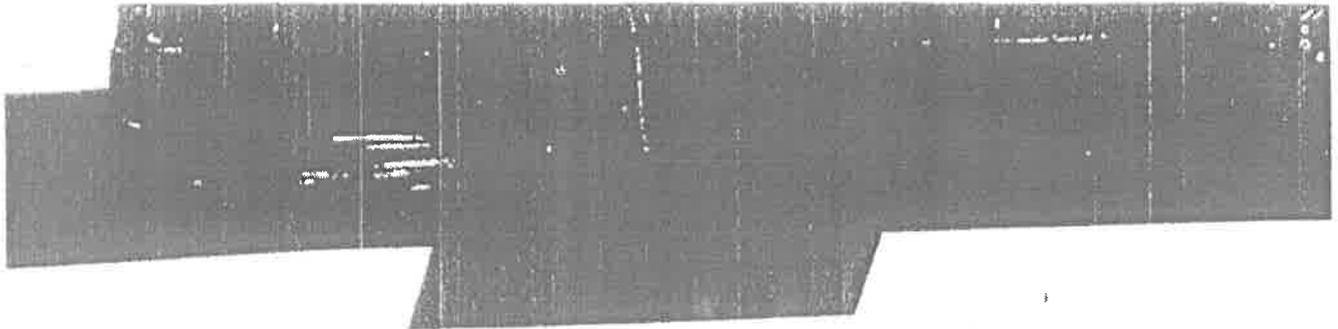
the bird strike after parking the aircraft at the bay. "During the post landing inspection, the aircraft pilots found multiple bird strikes all over the aircraft fuselage. Assuming that the aircraft would have hit the birds just before touchdown, we sent a team to inspect the runway for bird carcasses, but we didn't find any," he added. At Ghatkopar, residents and volunteers continued to find more carcasses on Tuesday morning. "The body parts have been sent for post-mortem examinations. The report is expected by Wednesday," said a forest official. The count of dead birds could be higher as people said stray dogs had scavenged on the flamingos soon after they were hit, said Pawan Sharma, president of RAWWW.

This incident calls for reevaluation of the wildlife management plan, he said. "Crossing of paths can prove disastrous. Considering the path taken by these winged guests, we must rethink tweaking of aircraft trajectory. Neither do we want an aircraft disaster nor do we want birdkill," he added. Pilots pointed out that the accident occurred when the aircraft was just over 1 minute from touchdown. It's not possible to change the aircraft trajectory so close to the runway they said. Flamingos tend to fly in a flock, in a single file, said zoologist Chinmay Joshi. "Considering that many were found with their abdomens ripped open, chances are high that the birds were hit from the rear end of the aircraft,"

he said. He said it is not clear why this flock had taken flight at such a height in the Ghatkopar Viharoli locality, which is a breeding ground where they usually fly at a low altitude. "The reasons aren't too clear, but I have never heard of such a tragedy with flamingos," he said. "We're concerned about a repeat. That should not happen," said Prabhu. "Over a lakh flamingos migrate from Kutch to Thane creek flamingo sanctuary every year. The return trip begins around May end and extends up to June-July. Their flight paths cannot be predicted. "The birds' flight paths and altitude depend on factors such as wind speed, direction, and air pockets in the atmosphere," he said.

## Week after, 8 more hoardings of Ghatkopar crash company pulled down from Dadar

Sanjay Mathur



# 39 flamingos dead after hitting plane near airport

## After Ghatkopar Mishap, Emirates Jet Lands Safely

Meeja V & Alex Fernandes | TNN

Mumbai: An Emirates aircraft that was over a minute away from landing at the city airport flew into a flock of flamingos on Monday, killing 39 birds in Mumbai's worst-ever human-wildlife conflict.

The aircraft landed safely and the passengers and crew disembarked without injury, Emirates said. A probe is being carried out by both aviation and wildlife authorities.

Flamingos began migrating to Mumbai in large numbers in the 1990s, while aircraft have been landing at the city airport since the 1940s. This is the first time that such a major accident involving the two has occurred.

Around 8.30pm, the Boeing 777 aircraft operating flight EK 508 from Dubai was descending to land onto runway 27, while the flock of Lesser flamingos was flying home to Kutch. Their flight paths crossed around 1,000ft over Laxmibaug in Ghatkopar East.

► 'Was at 280kmph', P 3

### WHY FLAMINGOS WERE IN PLANE'S PATH

► Their routes depend on many factors, like windspeed, and cannot be predicted, said a BNHS scientist

► Issues like massive infra projects, light pollution are prompting changes in flamingo routes, said an NGO owner who has been working to protect flamingo habitat



A flamingo found dead in Ghatkopar

On Jan 15, 2009, a US Airways plane with 150 passengers took off from New York's LaGuardia and ran into a flock of migratory Canadian geese. Its engines shut down and it had to ditch on the Hudson river, as shown in the film, 'Sully'

## Extra flyer found standing, flight returns to bay

A Varanasi-bound IndiGo plane which was taxiing towards the runway in Mumbai for take off had to be turned back to the parking bay on Tuesday after the crew found an extra flyer standing. A source said the error happened as a passenger with a confirmed seat was running late and was hence marked as 'no show'. An IndiGo staffer boarded the plane instead. But the passenger who was late turned up and took his seat, leaving the staffer standing. DGCA and BCA are probing the lapse. TNN P 3

## Briton dies, 70+ hurt as SIA flight hits turbulence

A 73-year-old British man died while over 70 other passengers were injured when a Singapore Airlines flight from London hit "sudden extreme turbulence" while flying over Myanmar's Irrawaddy Basin before making an emergency landing in Bangkok on Tuesday. The Singapore-bound flight dropped over 6,000 feet in just 5 minutes, causing multiple head injuries to those on board. Three Indian nationals were also on the flight. It is the latest drama involving a Boeing plane. AGENCIES P 20

## Woman in boat near Pune

people, including 2 were feared drowned. The dam waters are carrying them. A cadaver was found near Pune. Meanwhile, a 19-year-old had gone swimming with his friends drowns in a pool at Karnala Sanyam Park. P 3, 3.

## Clean chit for spice makers

Food Safety Standards Authority of India tested spice samples and found no ethylene glycol traces. A few had ordered their traces of ETO, used to sterilise spices, to pose risks. P 12

## Te blast: Richie held

Tuesday arrested him from AP's Anaparthi and a former who was in transganga in connective Rameshwaram in Bengaluru on. The agency also the houses of two in Coimbatore. P 8

## of BSE-listed is \$5-tr mark

combined mcap of listed companies trillion milestone at time Tuesday. At valuation of listed stocks stood at Rs 4.97 trillion.

## EC bars ex-judge from campaigning for 24 hrs for 'low-level attack' on Mamata

No ch Ta

Infus Trust has at three of its facilities, charia (36) at been n Trust, within Ratan heads Trent trusts

Co Bri plea

A Di Am chief:



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Thuk at K



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

Regional Office (WCZ)  
Ground Floor, East Wing  
New Secretarial Building  
Civil Lines, Nagpur - 440001  
apccfcentral.ngo.gov.in  
Date: 13 February, 2018

F. No. FC-1/MH-71/2017-NGP/3280

To

✓ The Secretary,  
Govt. of Maharashtra,  
Revenue & Forest Department,  
Mantralaya, Mumbai-400032.

Sub: Diversion of 0.46 ha of Reserved Forest and Mangrove Forest land in favour of City & Industrial Development Corporation of Maharashtra Ltd (CIDCO), Belapur Railway Station, CBD Belapur, Navi Mumbai for development of passenger water transport terminal in Thane District in the State of Maharashtra.

Sir,

I am directed to refer to the Addl. Principal Chief Conservator of Forests & Nodal Officer (FCA), Government of Maharashtra's letter no. Desk-17/NC/III.D 12486/(61)/2/16-17 dated 01.04.2017 on the above subject seeking prior approval of the Central Government under Section - 2 of the Forest (Conservation) Act, 1980 and letter no. Desk-17/NC/III/D 12486/(61)/1478/2017-18 dated 21.09.2017 forwarding additional information as sought by the Regional Office vide its letter of even number dated 2.05.2017. After careful examination of the proposal of the State Government, 'in-principle' approval was accorded by the Central Government vide its letter of even number dated 25.09.2017 subject to fulfilment of certain conditions prescribed therein. The Addl. PCCF & Nodal Officer (FCA), Government of Maharashtra has now submitted a report on the compliance of conditions stipulated in the 'in-principle' approval and requested the State Government to grant final approval to the proposal.

In this connection, I am directed to say that on the basis of compliance report submitted by the Addl. PCCF & Nodal Officer (FCA), Government of Maharashtra vide his letter no Desk-17/NC/III/D-12486/(61)/2717/17-18 dated 9.02.2018, the Central Government hereby accords final approval under Section - 2 of the Forest (Conservation) Act, 1980 for diversion of 0.46 ha of Reserved Forest and Mangrove Forest land in favour of City & Industrial Development Corporation of Maharashtra Ltd (CIDCO), Belapur Railway Station, CBD Belapur, Navi Mumbai for development of passenger water transport terminal in Thane District in the State of Maharashtra subject to following conditions:

- i. Legal status of the diverted forest land shall remain unchanged;
- ii. Compensatory afforestation over the degraded forest land of 1.0 ha in lieu of forest land being diverted, shall be raised and maintained by the State Forest Department from the funds already provided by the User Agency;
- iii. Compensatory afforestation and penal compensatory afforestation shall be raised as per approved CA scheme from the funds already provided by the User Agency. The scheme may include appropriate provision for anticipated cost increase for works scheduled for subsequent years;
- iv. The State Government has realized 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

*[Signature]*

guidelines issued by this Ministry vide its letter No. 5-3/2007-FC dated 05.02.2009 in this regard. The User Agency shall pay the additional amount of NPV, if so determined, as per the final decision of the Hon'ble Supreme Court of India;

- v. The User Agency shall pay the additional amount of NPV, if so determined, as per the final decision of the Hon'ble Supreme Court of India;
- vi. Funds, if any, to be realized from the user agency under the project in future, except the funds realized for regeneration/ demarcation of safety zone, shall be transferred to Ad-hoc CAMPA, through e-challan, in the Saving Bank Account pertaining to the State concerned;
- vii. The User Agency shall obtain the Environment Clearance as per the provisions of the Environmental (Protection) Act, 1986, if required;
- viii. 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, forward and back bearing and distance from pillar to pillar;
- ix. The State Government/User agency shall take prior permission from Hon'ble High Court for Mangrove cutting before issue of order for diversion of the forest land in accordance with Hon'ble Mumbai High Court order dated 27/1/2010 in PIL 87 of 2006. Directions to be passed by the Hon'ble Court shall be binding on the User Agency;
- x. Baseline study, submitted along with the proposal, on flora conducted by the Salim Ali Center for Ornithology and Natural History (SACON) in Thane creek mentioned several Schedule-I species in the area. The User Agency shall suitably contribute financially in the management plan, if any being implemented in the area, towards the conservation of the faunal diversity.
- xi. The User Agency shall obtain permission from the competent authority under CRZ notification, if required.
- xii. The user agency, if applicable, shall arrange to raise strip plantation on either side of the road and central verge at project cost, as per IRC specification, with maintenance of 7-10 years;
- xiii. 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.
- xiv. 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.
- xv. Overburden shall not be dumped outside the width of the road. The muck generated in the earth cuttings will be disposed of at the designated dumping sites and in no case the muck/debris will be allowed to roll down the hill slopes.
- xvi. The user agency will provide retaining walls, breast walls and drainage as per requirement to make the slope stable.
- xvii. The User agency, if required, will undertake comprehensive soil conservation measures at the project cost in consultation with the State Forest Department.
- xviii. 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.
- xix. No labour camp shall be established on the forest land;



- xx. 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.
- xxi. The forest land shall not be used for any purpose other than that specified in the proposal.
- xxii. The layout plan of the proposal shall not be changed without the prior approval of the Central Government.
- xxiii. 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.
- xxiv. No damage to the flora and fauna of the adjoining area shall be caused;
- xxv. Any tree felling shall be done only when it is unavoidable and that too under strict supervision of the State Forest Department;
- xxvi. 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;
- xxvii. 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;
- xxviii. The user agency shall submit the six monthly self-compliance report in respect of the above conditions as on 31<sup>st</sup> July and 31<sup>st</sup> January to the State Government and to the concerned Regional Office of the Ministry regularly.
- xxix. The State shall also monitor the compliance of conditions of the Stage-I approval and an annual report on the same may be submitted to this office as on 31<sup>st</sup> December every year.
- xxx. 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
- xxxi. The User Agency and the State Government shall ensure compliance to provisions of the all Acts, Rules, Regulations and Guidelines, for the time being in force, as applicable to the project.

Yours faithfully

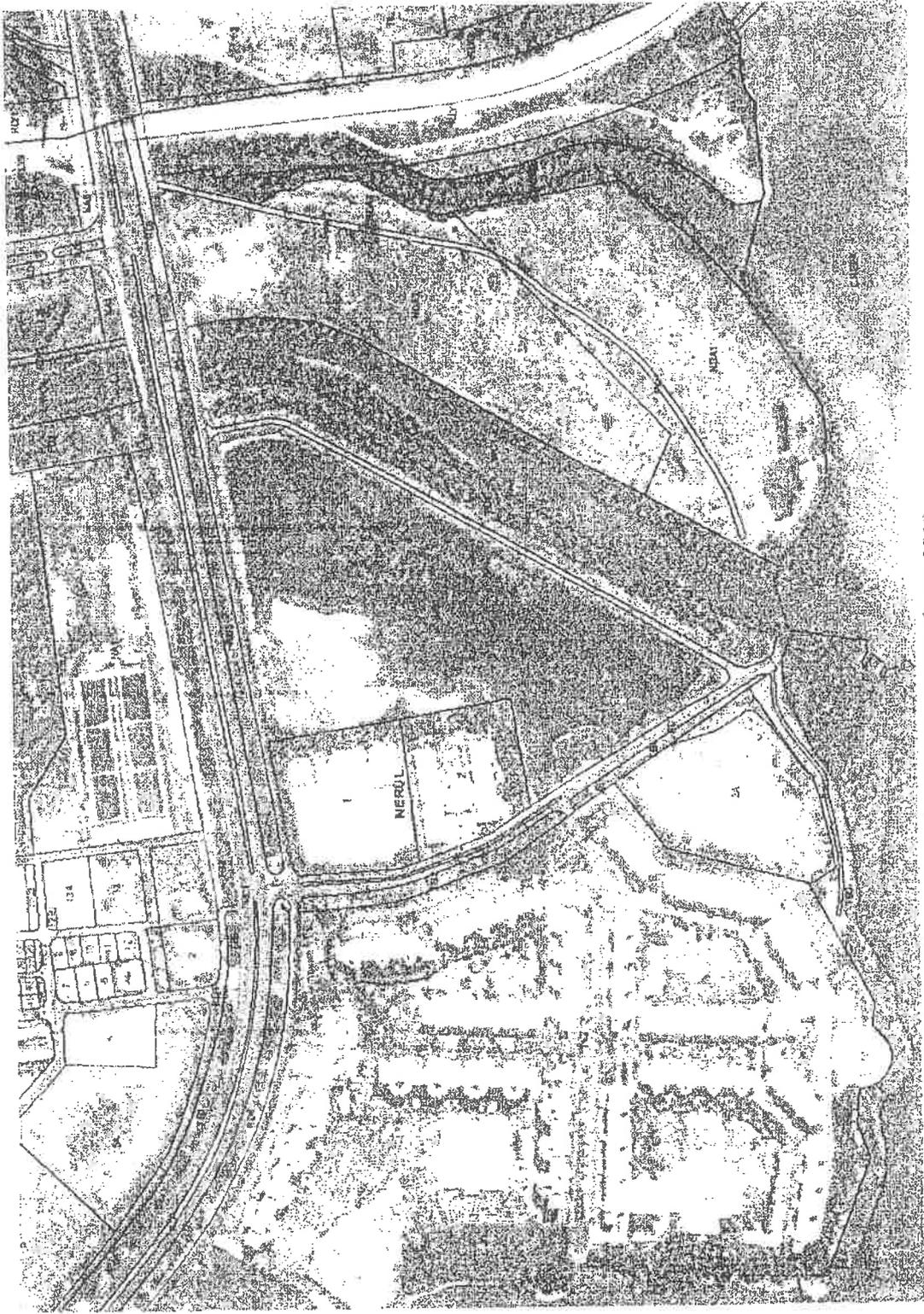


Charan Jeet Singh  
Scientist 'C'

Copy to:

1. The PCCF, Government of Maharashtra, Nagpur
2. The Nodal Officer FCA, O/o of the PCCF, Government of Maharashtra, Nagpur.
3. The Director (RoHQ), MoEF&CC, Indira Paryavaran Bhawan, Jorbagh Road, Aliganj New Delhi
4. User Agency.
5. Guard File.

—  —  
(Charan Jeet Singh)  
Scientist 'C'



Satellite image of year 2016

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EXHIBIT No: 11

Maharashtra Animal & Fishery Sciences University  
DEPARTMENT OF VETERINARY PATHOLOGY  
MUMBAI VETERINARY COLLEGE, PAREL, MUMBAI-12



No. M.V.C./PATH/ 48/2024  
Dated: 04/04/2024

NECROPSY REPORT

Owner: RFO Mangrooves, New Mumbai      Species: Avian (Flamingo)      Age: Adult  
Date of death: 25/04/2024 (6.30AM)      Color: Black-white bird (1)      PM No: 53/24  
Date & Time of PM: 25/04/2024 (04.00 PM).  
Necropsy by: Dr.P.V.Meshram, Dr.Kiran, Dr.Pavan, Dr.Yogesh, Dr.Shubhanke, Dr.Prili

**History:** As per the owner information, birds found dead and presented for postmortem examination.

**External examination:** Body condition was good. Rigor mortis was present. Ocular mucous membrane was slightly pale. Wound observed on dorsal spine. Broken feathers were noticed.

Internal examination:

**Peritoneal Cavity:** Multifocal hemorrhages were observed.

Respiratory System:

**Trachea:** Mucoid exudates were noticed in tracheal lumen.

**Lungs:** Autolysed (+).

**Air sac:** NAD.

Circulatory System:

**Pericardium:** NAD.

**Heart:** Dark red in colour, smooth in consistency. Autolysed (+).

Digestive system:

**Oesophagus:** NAD

**Gizzard:** Found impacted with sand particles. Autolysed (+).

**Proventriculus:** Autolysed (+).

**Intestine:** Autolysed (+++).

**Liver:** Autolysed (+).

Lymphoid System:

**Spleen:** Autolysed (+).

**Caecal tonsil:** Autolysed (+).

Urogenital System:

**Kidneys:** Autolysed (++).

**Cloaca:** NAD.

PATHOANATOMICAL DIAGNOSIS

As most of vital organs were highly autolysed, hence "Exact cause of death of bird cannot be ascertained."

NOTE: Mild=+, Moderate=++, Severe=+++

-----End of Report-----

(3)

  
ASSISTANT PROFESSOR OF PATHOLOGY  
Mumbai Veterinary College,  
Parel, Mumbai-400 012.



Maharashtra Animal & Fisheries Sciences University  
DEPARTMENT OF VETERINARY PATHOLOGY  
MUMBAI VETERINARY COLLEGE, PAREL, MUMBAI-12



No. MAVI/ 79/ 43 /2024

Dated 04/04/2024

### NECROPSY REPORT

Owner: RFO Mangrooves, New Mumbai Species: Avian (Flamingo) Age: Adult  
Date of death: 25/04/2024 (6.30AM) Color: Black-white bird (2) PMNo: 54/24  
Date & Time of PM: 25/04/2024 (04.00 PM).  
Necropsy by: Dr.P.V.Meshram, Dr.Kiran, Dr.Pavin, Dr.Yogesh, Dr.Shubhanke, Dr.Priti

**History:** As per the owner information, birds found dead and presented for postmortem examination.

**External examination:** Body condition was fair. Wound was noticed on ventral abdomen. Ocular mucus membranes were pale. Femoral fracture was noticed.

#### Internal examination:

**Peritoneal Cavity:** Subcutaneously multifocal haemorrhages were observed on keel bone.

#### Respiratory System:

Trachea: NAD.

Lungs: Multifocal area of congestion was observed.

Air sac: NAD.

#### Circulatory System:

Pericardium: Congestion was noticed.

Heart: Congestion of organ was noticed on cut section. On cut section all chambers of heart were found empty.

#### Digestive system:

Oesophagus: Congestion was observed.

Gizzard: Impacted with sand particle.

Proventriculus: NAD

Intestine: Severely congested, haemorrhagic intestine

Liver: Firm in consistency. Edges were sharp. Agonal congestion of organ was noticed.

#### Haematopoietic System:

Spleen: Severe congestion was observed.

Caecal tonsil: NAD.

#### Urogenital System:

Kidneys: Firm in consistency. Multifocal area of congestion was noticed.

Cloaca: Congestion was observed.

#### PATHOANATOMICAL DIAGNOSIS

The above post mortem suggestive of "Cardiorespiratory failure" as a cause of death

NOTE: Mild=+, Moderate=++, Severe=+++

-----End of Report-----

(4)

ASSISTANT VETERINARY PATHOLOGIST  
Mumbai Veterinary College,  
Parel, Mumbai-400 012.



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Maharashtra Animal & Fishery Sciences University  
DEPARTMENT OF VETERINARY PATHOLOGY  
MUMBAI VETERINARY COLLEGE, PAREL, MUMBAI-12



Ms. No. 11/2024/51/2024  
Date: 25/04/2024

NECROPSY REPORT

Owner: RFO Mangrooves, New Mumbai Species: Avian (Flamingo) Age: Adult  
Date of death: 25/04/2024 (6.30AM) Color: Black-white bird (4) PMNo: 56/24  
Date & Time of PM: 25/04/2024 (04.00 PM)  
Necropsy by: Dr.P.V.Meshrani, Dr.Kiran, Dr.Pavan, Dr.Yogeshi, Dr.Stubhankee, Dr.Priti

History: As per the owner information, birds found dead and presented for postmortem examination.

External examination: Body condition was fair. Ocular mucous membranes were pale. Hemorrhagic thigh muscle was observed.

Internal examination:

Peritoneal Cavity: subcutaneously Multifocal haemorrhages were observed.

Respiratory System:

Trachea: NAD.

Lungs: Multifocal area of red hepatization was observed. Multifocal area of congestion was observed.

Air sac: NAD.

Circulatory System:

Pericardium: Congestion was noticed.

Heart: Congested of organ was noticed on cut section. On cut section, meager amount of blood clots were noticed.

Digestive system:

Oesophagus: NAD.

Gizzard: Impacted with sand particle.

Proventriculus: Hemorrhages were noticed.

Intestine: Severely congested.

Liver: Firm in consistency. Edges were sharp. Agonal congestion of organ was noticed.

Lymphoid System:

Spleen: Severely congestion was observed.

Caecal tonsil: NAD.

Urogenital System:

Kidneys: Firm in consistency. Multifocal area of congestion was noticed.

Cloaca: NAD.

PATHOANATOMICAL DIAGNOSIS

The above post mortem suggestive of "Cardiorespiratory failure" as a cause of death

NOTE: Mild=+, Moderate=++, Severe=+++

-----End of Report-----

(6)

ASSISTANT PROFESSOR OF PATHOLOGY  
MUMBAI VETERINARY COLLEGE,  
PAREL, MUMBAI-12

515

No. 11/2024/00/2024  
Dated 25/04/2024



Maharashtra Animal & Fishery Sciences University  
DEPARTMENT OF VETERINARY PATHOLOGY  
MUMBAI VETERINARY COLLEGE, PAREL, MUMBAI-12



NECROPSY REPORT

Owner: RPO Mangrooves, New Mumbai Species: Avian (Flamingo) Age: Adult  
Date of death: 25/04/2024 (6.30AM) Color: Black-white bird (S) PMNo. 57/24  
Date & Time of PM: 25/04/2024 (04.00 PM).  
Necropsy by: Dr.P.V.Meshram, Dr.Kiran, Dr.Pavan, Dr.Yogesh, Dr.Shubhankee, Dr.Prii

History: As per the owner information, birds found dead and presented for postmortem examination.

External examination: Body condition was fair. Ocular mucus membranes were pale. Hemorrhagic thigh muscle was observed.

Internal examination:

Peritoneal Cavity: subcutaneously multifocal haemorrhages were observed.

Respiratory System:

Trachea: NAD.

Lungs: Multifocal area of congestion was observed.

Air sac: NAD.

Circulatory System:

Pericardium: Congestion was noticed.

Heart: Congested of organ was noticed on cut section. On cut section, meager amount of blood clots were noticed.

Digestive system:

Oesophagus: NAD.

Gizzard: Impacted with sand particle.

Proventriculus: Focal areas of hemorrhages were noticed.

Intestine: Severely congested.

Liver: Firm in consistency. Agonal congestion of organ was noticed.

Lymphoid System:

Spleen: Severely congestion was observed.

Caecal tonsil: NAD.

Urogenital System:

Kidneys: Firm in consistency. Multifocal area of congestion was noticed.

Cloaca: NAD.

PATHOANATOMICAL DIAGNOSIS

The above post mortem suggestive of "Cardiorespiratory failure" as a cause of death

NOTE: Mild=+, Moderate=++, Severe=+++

-----End of Report-----

(7)

ASSISTANT PROFESSOR OF PATHOLOGY  
Mumbai Veterinary College

516



Maharashtra Animal & Fishery Sciences University  
DEPARTMENT OF VETERINARY PATHOLOGY  
MUMBAI VETERINARY COLLEGE, PAREL, MUMBAI-42



NECROPSY REPORT

Owner: RFO Mangrooves, New Mumbai Species: Avian (Flamingo) Age: Adult  
Date of death: 25/04/2024 (6.30AM) Color: Black-white bird (6) PMNo: 58/24  
Date & Time of PM: 25/04/2024 (04.00 PM).  
Necropsy by: Dr.P.V.Meshram, Dr.Kiran, Dr.Pavan, Dr.Yogesh, Dr.Shubhanke, Dr.Priti

History: As per the owner information, birds found dead and presented for postmortem examination.

External examination: Broken body parts with severe decomposition were noticed.

Internal examination:

Peritoneal Cavity: Autolysed (+++).

Respiratory System:

Trachea: Autolysed (+++).

Lungs: Autolysed (+++).

Air sac: Autolysed (+++).

Circulatory System:

Pericardium: Autolysed (+++).

Heart: Autolysed (+++).

Digestive system:

Oesophagus: Autolysed (+).

Gizzard: Autolysed (+++).

Proventriculus: Autolysed (++)

Intestine: Autolysed (+++).

Liver: Autolysed (+++).

Lymphoid System:

Spleen: Autolysed (+++).

Caecal tonsil: Autolysed (+++).

Urogenital System:

Kidneys: Autolysed (+++).

Cloaca: Autolysed (+++).

PATHOANATOMICAL DIAGNOSIS

As most of vital organs were highly autolysed, hence "Exact cause of death of bird cannot be ascertained."

NOTE: Mild=+, Moderate=++, Severe=+++

-----End of Report-----

8

ASSISTANT PROFESSOR OF PATHOLOGY  
Mumbai Veterinary College,  
Parel, Mumbai-400 012.

517

EXHIBIT - No - 124

नेरुळ येथील फ्लेमिंगो पक्ष्यांचा नैसर्गिक अधिवास आणि कांदळवनांचे संरक्षण करण्याकरीता समिती गठीत करण्याबाबत.

महाराष्ट्र शासन

महसूल व वन विभाग

शासन निर्णय क्रमांक :- विसता ०६,२४/प्र.क्र ११/फ-१

मंत्रालय, मुंबई.

दिनांक :- ०५.०७.२०२४

प्रस्तावना :-

नवी मुंबई मधील नेरुळ सीव्हीडस येथील डीपीएस तलावाजवळ फ्लेमिंगो पक्ष्यांचा मृत्यु झाल्याची घटना विचारात घेता तसेच सदर क्षेत्रांमध्ये आढळून येणारे फ्लेमिंगो पक्ष्यांचे वारस्य पाहता त्यांचा नैसर्गिक अधिवास सुरक्षित करणे तसेच आसपासच्या परिसरातील कांदळवनांचे संरक्षण करण्यासाठी उपाययोजना करणे आवश्यक आहे. या अनुषंगाने सदर क्षेत्रात करावयाच्या उपाययोजनाबाबत अभ्यास करण्याकरीता समिती गठीत करण्याची बाब शासनाच्या विचाराधीन होती.

शासन निर्णय :-

नेरुळ येथील फ्लेमिंगो पक्ष्यांचा नैसर्गिक अधिवास आणि कांदळवनांचे संरक्षण करण्याच्या अनुषंगाने उपाययोजना सुचविण्यासाठी संबंधित विभागाचे अधिकारी व अशासकीय सदस्य यांचा समावेश करून खालीलप्रमाणे समिती गठीत करण्यात येत आहे.

१	प्रधान सचिव (वने)	अध्यक्ष
२	प्रधान सचिव (पर्यावरण), पर्यावरण व वातावरणीय बदल विभाग	सदस्य
३	प्रधान सचिव (नगर विकास-१) नगर विकास विभाग	सदस्य
४	व्यवस्थापकीय संचालक, सिडको	सदस्य
५	आयुक्त, नवी मुंबई महानगर पालिका	सदस्य
६	मुख्य कार्यकारी अधिकारी, महाराष्ट्र मॅरीटाईम बोर्ड	सदस्य
७	जिल्हाधिकारी, ठाणे	सदस्य
८	श्री. प्रविण परदेशी, अध्यक्ष, वी.एन.एच.एस.	सदस्य
९	अपर प्रधान मुख्य वनसंरक्षक (कांदळवन कक्षा)	सदस्य सचिव

कार्यकक्षा:

- १) डीपीएस तलाव येथील फ्लेमिंगो पक्ष्यांचा नैसर्गिक अधिवास सुरक्षित करण्याकरीता व्यवस्थापन आराखडा तयार करून घेणे व त्यातील उपाययोजनांची अमलबजावणी करण्याच्या दृष्टीने शिफारस करणे.
- २) डीपीएस तलावाच्या आसपासच्या परिसरातील कांदळवन क्षेत्राचे संवर्धन करण्याकरीता शिफारस करणे.
- ३) मुंबई व ठाणे क्षेत्रातील कांदळवनाच्या क्षेत्रावर होणाऱ्या अतिक्रमणाचा अभ्यास करून कांदळवन संरक्षणासंबंधी शिफारस करणे.

सदर समिती दोन महिन्यांच्या आत आपला अहवाल शासनस सादर करेल.

337

हजार शासन भिषाट महाराष्ट्र शासनाच्या ... य ...  
 कार्याला आता अरुण त्याचा संकेतांक २०२४०७०९१११००६६११९ असा आहे हा आदेश डिजिटल  
 स्वाक्षरीने साक्षात्कार करून काढण्यात येत आहे.

महाराष्ट्राचे राज्यापाल याच्या आदेशानुसार ...

SIDDESH TUKARAM  
 SAWARDEKAR

( सिध्देश सावर्डेकर )  
 विशेष कार्य अधिकारी  
 महसूल व वन विभाग

प्रत:-

- १) सर्व सन्माननीय विधान परिषद सदस्य / विधान सभा सदस्य
- २) मा. मंत्री (वने) यांचे खाजगी सचिव, मंत्रालय, मुंबई
- ३) सर्व विभागांचे अपर मुख्य सचिव/ प्रधान सचिव / सचिव मंत्रालय, मुंबई
- ४) प्रधान मुख्य वनसंरक्षक, (वनबल प्रमुख), महाराष्ट्र राज्य, नागपूर
- ५) प्रधान मुख्य वनसंरक्षक, (वन्यजीव), महाराष्ट्र राज्य, नागपूर
- ६) अपर प्रधान मुख्य वनसंरक्षक (कांदळवन कक्ष), मुंबई.
- ७) जिल्हाधिकारी, ठाणे
- ८) श्री. प्रविण परदेशी, अध्यक्ष, वी.एन.एच.एस.
- ९) नियुक्तनरती. फ-१ कार्यासन, महसूल व वनविभाग, मंत्रालय, मुंबई.

True Copy  
 Advocate