

BEFORE THE NATIONAL GREEN TRIBUNAL

WESTERN ZONE BENCH, PUNE

ORIGINAL APPLICATION NO.181 OF 2023(WZ)

Hridaynath Yashwant Tawade

... Applicant

VERSUS

Union of India & & others


... Respondents

INDEX

S.No.	Exhibit	Particulars	Page Nos.
1)	-	Affidavit in reply of R.No.5, 6	433-437
2)	R1	Copy of Side inspection report dated 03/05/2024	438-443
3)	R2	Copy of Geo tagged photo	444-446

Pune

Date: 21/02/2025


Advocate for Respondent No.5,6

433

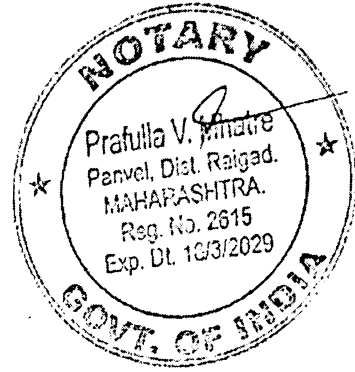
BEFORE THE NATIONAL GREEN TRIBUNAL
WESTERN ZONE BENCH, PUNE

ORIGINAL APPLICATION NO. 181 OF 2023 WZ

Hridaynath Yaswant Tawade ---Applicant

versus

1. Union of India, New Delhi
2. Central Pollution Control Board
New Delhi
3. City and Industrial Development
Corporation of Maharashtra Limited
4. Petroleum and Explosives Safety Organization
Navi Mumbai
5. Department of Forest State,
Mumbai
6. Mangrove Cell, Office of the
Additional Principal, Chief Conservator
Of Forests, Mumbai



AFFIDAVIT IN REPLY ON BEHALF OF THE RESPONDENT Nos . 5 AND 6.

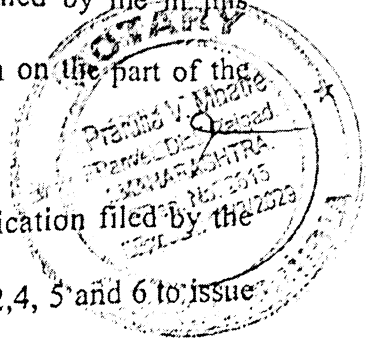
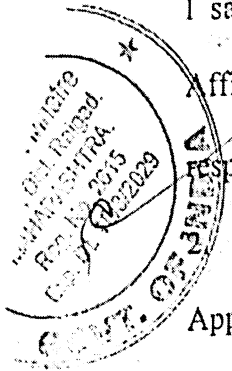
I, Sagar Shankar Mali, Age - 39 years, Working as Assistant Conservator of Forest, Panvel Forest Division-Alibaug, District: Raigad, hereby solemnly affirm on behalf of Respondent No. 5 & 6 as under :-

1. I say that I have read the copy of the Original Application along with its exhibits. I have also perused the relevant record maintained by my office with reference to the subject matter of the present Original Application, and on the basis of the said record, I am filing the present Affidavit-in-Reply to the above Original Application. I say that I am filing the present Affidavit for the limited

434

purpose of opposing the admission of the Original Application and for opposing the grant of any ad-interim/interim reliefs in favour of the Applicants and I crave leave of this Hon'ble Court to file additional affidavit, if so required.

I say that the contentions, which are not specifically denied by me in this Affidavit-in-reply, should not be construed as an admission on the part of the Respondents.



At the outset, I say and submit that, the above Application filed by the

Applicant seeking direction to direct the Respondent No. 1,2,4, 5 and 6 to issue directions under the provisions of the Environment Protection Act, 1986 to all statutory bodies to issue Directives to be followed while setting up of fuel station/petrol pumps in any area of any planning authority and to direct the Respondent No. 1 to carry out a realistic and detailed study and file report with regard to the setting up of Petrol Pump/Fuel stations which have been set up without following the valid and substantial directions of Respondent No. 2, Respondent No. 4, Respondent No. 5 and Respondent No. 6 and appropriate penalty be levied against such erring authorities who have not followed the directives of the Respondent No. 2, 4 and 5 and to quash and cancel the tender floated by the Respondent No. 3 by way of Scheme No. MM/FUELSTATION/2021-22 to setup fuel Station/ Petrol pumps on the sites.

3. With reference to the para Nos. 1 and 2, the contentions made by the applicant in this para is introductory and informative, hence no comments.

435

4. With reference to the para No. 3 and 4 the contentions therein relate to the Respondent No. 3 i.e. CIDCO, therefore, no response is required.

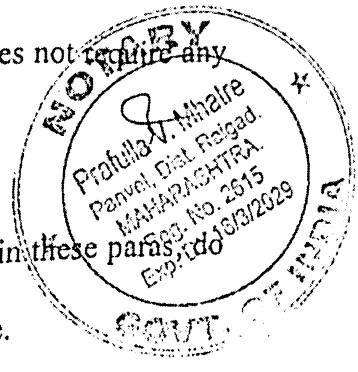
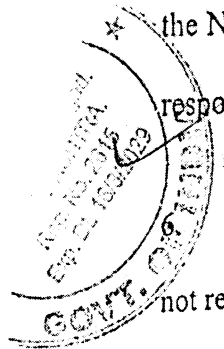
5. With reference to the para No. 5, I say and submit that, the same relates to the Notification dated 19.1.2019 and being an issue of law does not require any response.

6. With reference to the para No. 6 and 7, the contentions in these paras do not relate with this office, therefore do not require any response.

7. With reference to the para No. 8, the contents of this para is informative and also not relate to either Respondent No. 5 or Respondent No. 6, therefore no response is required.

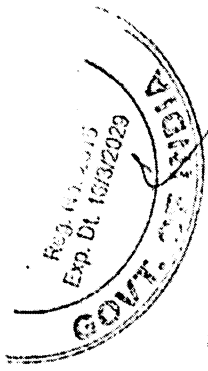
8. With reference to the para No. 9, relates to the Respondent No.2 i.e. Central Pollution Board and guidelines issued by that Board and requires no response.

9. With reference to the Para No.10, I say and submit that, from among the plots mentioned in the O.A. only two plots viz. (i) No. 277A Sector-3, Ulwe and (ii) Plot No. C-6 Sector 12-Kalamboli are located within 50 meters distance from mangroves. The other plots are not located within 50 meters from mangroves. I say and submit that, site inspection of the said plots has been



436

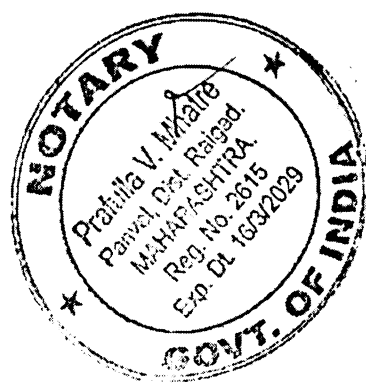
carried out on 3.5.2024 and 7.5.2024 showing the present status of the land and accordingly the reports dated 3.5.2024 and 7.5.2024 were sent by the Range Forest Officers of Uran and Panvel, district Raigad, stating therein that, in the said area i.e. on Plot No. 277A- there is no construction. Hereto annexed and marked as Exhibit-1 (Colly) is the copy of site inspection report dated 3.5.2024 and google images and Geo-tagged photos of the said plots mentioned herein above. The copy of the site inspection report dated 7.5.2024 is at Exhibit-2 (Colly). In Plot No. C-6 Kalamboli, the site inspection revealed that the plot was 25 m away from sparse mangroves; the plot was enclosed by a wall built of stone and cement and at some places heaps of mud were found; acacia trees and grass were found growing on this plot. To the North of this plot there is building construction going on.



It is submitted that, the subject area is not in possession with Forest department, hence if any irregularity persists, the action regarding it can be taken by the Revenue department or the concern planning authority under Environment Protection Act, 1986.

10. With reference to the remainder of the O.A. there is no response required as the contents do not relate to the functions of the Respondent No. 5 & 6. Hence it is requested that, Respondent No. 5 & 6 may be omitted from this writ.

Hence, this affidavit in reply.



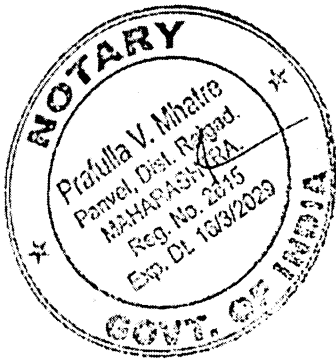
437

VERIFICATION

I, Sagar Shankar Mali, Age - 39 years, Working as Assistant Conservator of Forest, Panvel Forest Division-Alibaug, District: Raigad, duly authorized by the Respondent No. 5 and 6, do hereby solemnly affirm that the contents of above affidavit are based on information derived from the office record and believed to be true and correct by me.

Solemnly affirmed at Mumbai

This 20th day of February, 2024)



(Signature)
(Sagar Shankar Mali)
Assistant Conservator of Forests
(Territorial and wildlife),
Panvel, District: Raigad

DEPONENT

I Identify the Deponent

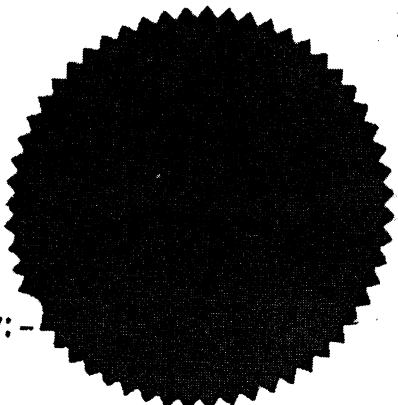
Clerk to

C/o, the Government Pleader

Appellate Side

High Court, Mumbai,

Drafted and Settled by: -



BEFORE ME

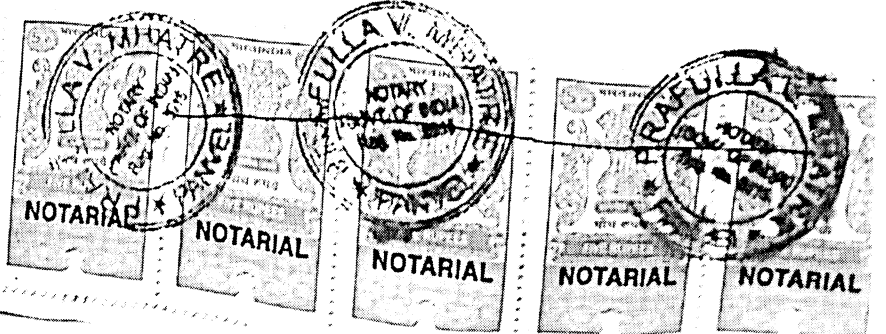
(Signature)
20/2/2025

PRAFULLA V. MHATRE
M.Com,LL.B.,DTM
ADVOCATE & NOTARY

GOVT. OF INDIA
10, "Keshav - Vasant"
Opp. Old Tahsildar Office
Panvel, Dist Raigad

NOTED AND REGISTERED
At Sr No. 701/2025

20 FEB 2025



Annexure - 1

438

आदशीत केले जाणारे वन विभागाचे अनुषंगाने या कार्यालयाचा अहवाल

Exhibit - 1



महाराष्ट्र शासन

परिक्षेत्र वन अधिकारी, उरण यांचे कार्यालय

मु. पो. जासाई, , ता. उरण, जि. रायगड, 410206,
दुरध्वनी क्र. 022/27470047, ईमेल ID - rfouran95@gmail.com



"वृक्षवल्ली आम्हा
सोयरे वनचरे"

क्रमांक: जा.क्र.अ/जमिन/87/2024-25

दिनांक : 03/05/2024

प्रति,

मा. उपवनसंरक्षक,

अलिबाग.

मार्फत :- मा. सहा. वनसंरक्षक, पनवेल.

विषय :- Before the National Green tribubal Western Zone Bench,pune

Original application No. 969 of 2023 wZ

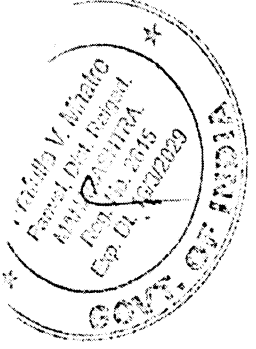
Hridayanath Yashwant Tawade : Petitioner

Versus

Union of India & others : Respondent

संदर्भ :- 1. मा. उपवनसंरक्षक अलिबाग यांचेकडील जा.क्र.ब/११/सर्व्हे/न्या. प्र/२७६/

दि. २६.०४.२०२४



महोदय,

उपरोक्त संदर्भिय विषयान्वये विषयांकित याचिका मा. राष्ट्रीय हरील लवाद पश्चिम पुणे यांचेकडे दाखल झाल्याने सादर याचिकेतील exploitation of mangroves and intertidal area the fucipumps being set up directly in the vicinity of school and adjoining the residential area in new Mumbai या क्षेत्राशी संबंधित असून याबाबत वनविभागाचे म्हणणे मा. न्यायालयात सादर करणेकामी प्रारूप मसुदा तयार करून मजुरीकरीता सादर करणेकामी अहवाल सादर करणेबाबत कळविले आहे. तरी त्याअनुषंगाने दि. 03/05/2024 रोजी प्रत्यक्ष स्थळपाहणी करून सादर क्षेत्राबाबत खालीलप्रमाणे अहवाल सादर करीत आहे.

अ.क्र.	गावाचे नाव व सेक्टर व प्लॉट नं.	चतुःसिमा	शेरा
1	उलवे, सेक्टर-३ प्लॉट नं. २७७A	पुर्वेस : डांबरी पक्का रस्ता पश्चिमेस : 30.87 मी. अंतरावर कांदळवन असल्याचे निदर्शनास आले आहे. दक्षिणेस : रहदारीचा कच्चा रस्ता व रस्त्यापलिकडे खारे पाण्याचे क्षेत्र आहे. उत्तरेस : एल ॲण्ड टी कंपनी	सादरचे क्षेत्रात कुठल्याही प्रकारचे बांधकाम केलेले नसून बांधकाम करावयाचे असल्यास मा. उच्च न्यायालय यांचेकडील PUBLIC INTEREST LITIGATION NO. 87 OF 2006, दि. 17/09/2018 रोजी दिलेल्या निर्णयानुसार मा. उच्च न्यायालयाची परवानगी घेणे आवश्यक आहे.

ANKITA PC/1 FTTER 2024/IAMIN

439

2	उलवे, सेक्टर- २१ प्लॉट नं.८४	पुर्वेस : ईमारत बांधकाम. पश्चिमेस : डांबरी पक्का रस्ता दक्षिणेस : ईमारत बांधकाम. उत्तरेस : रस्ता.	सदरचे क्षेत्र सिडको यांच्या हद्दीतील आहे. तसेच वनविभागाचे क्षेत्रालगत नसून कांदळवनापासून 50 मीटर Buffer क्षेत्रापासून वाहेर आहे.
3	पुष्पकनगर, सेक्टर-८ प्लॉट नं.०१	पुर्वेस : डांबरी पक्का रस्ता पश्चिमेस : बांधकाम सुरु आहे. दक्षिणेस : मोकळा प्लॉट उत्तरेस : डांबरी पक्का रस्ता	सदरचे क्षेत्र सिडको यांच्या हद्दीतील आहे. तसेच वनविभागाचे क्षेत्रालगत नसून कांदळवनापासून 50 मीटर Buffer क्षेत्रापासून वाहेर आहे.

सोबत :- वरीलप्रमाणे.

Pudore.

(एन. जी. कोकरे)
परिक्षेत्र वन अधिकारी
उरण.

Exhibit -1

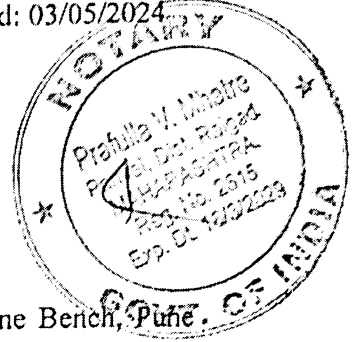
440

Government of Maharashtra
Office of the Range Forest Officer, Uran
At post : Jasul, Tal.Uran, Dist.Rajgad, 410206

No: Outword No.A/land/87/2024-25

Dated: 03/05/2024

To,
The Deputy Conservator of Forests,
Alibaug.
Through :- The Assistant Conservator of Forests, Panvel.



Subject :- Before the National Green tribunal Western Zone Bench, Pune.
Original application No.181 of 2023 wz

Hridayanath Yashwant Tawade : Petitioner

Versus

Union of India & others : Respondent

Reference :- 1. Outward No..B/11/Survey/Ny Pr./276/ Dt. 26.04.2024 of
Deputy Conservator of Forests Alibag

Respected Sir,

According to the above mentioned subject matter It has been conveyed that for the preparation of the draft by the Forest Department, in the petition filed at Hon. National Green tribunal west Pune., the said petition is related to the **exploitation of mangroves and intertidal area the fuel pumps being set up directly in the vicinity of school and adjoining the residential area in new Mumbai.** Report should be submitted. Accordingly following report is submitted regarding the said area after conducting physical visit dated on 03.05.2024.

..2/- cont....

441

Sr.No.	Village Name and Sector and Plot No.	Boudries	Remark
1	Ulve, Sector-3 Plot 277A	East -Tar Road West: mangrove has been pointed out at 30.87 meter distance South: A dirt road for traffic and sea water area across the road North - L & T Company	There is no construction in the said area and if construction is to be done Permission of High Court is required, As per decision given in the PUBLIC INTEREST LITIGATION NO. 87 OF 2006, dt on 17/09/2018.
2	Ulwe, Sector 21 Plot No.84	East - Building Construction West- Tar Road South-Building Construction North - Road	The said area is under the jurisdiction of CIDCO. And it is not adjacent to the area of the forest Department also outside 50 meters buffer zone from the mangrove.
3	Pushpaknagar, Sector-8, Plot No.01	East - Tarr Road West- Construction works South- Open plot North - Tar Road	The said area is under the jurisdiction of CIDCO. And it is not adjacent to the area of the Forest Department also outside 50 meters buffer zone from the mangrove

Enclose: As above.

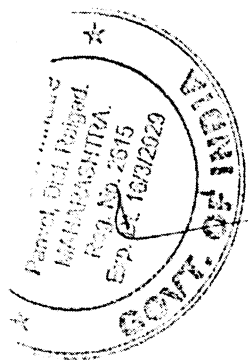
(N.G.Kokare)

Range Forrest Officer

Uran

सचक पदावधि अहवाल

गाज शेजी-दिनांक- 03/5/2024 शेजी
 मा वनक्षेत्रपाला शोरे, उरण, वनपाल दापोली, वनपाल धारापुरीभक्ति
 कार्यकार-कांदळवन, वनरक्षक कांदळवन उरण यांचे शहरात मीजे
 वघळ व पुण्याक नगर येथे जावुन गा. राष्ट्रीय हरीम लवार् पारिम
 पुणे यांचेकडे दाखल झाल्याने सदर याचीकैमिल exploit वीम
 of mangroves and intertidal area the fucipumps being
 set up directly in the vicinity of school and adjoining
 the residential area in new Mumbai या क्षेत्राची संबंधीत
 असून याबाबत वनविभागाचे म्हणणे गा. व्याखालगत सादर
 करणेकामी सचकपदावधि अहवाल सादर करित आहे. वरील विष-
 यान्वये मीजे 9 लगे शेक्टर- 03 प्लॉट नं- 206/A च्या पूर्वेस-डां-
 शी पक्का रस्ता, पारिमेश- 30.87. मी अंतरावर कांदळवन भरण्याचे
 निदर्शनास आले आहे. दक्षिणेस- रहदारीचा कच्चा रस्ता व रस्त्या
 पलिकडे खांबे पाव्याचे क्षेत्र आहे. व उत्तरेस- L & T कंपनी आहे
 त्यापुढे सदर क्षेत्रात कुठल्याही प्रकारचे बांधकाम केलेले नसुन
 बांधकाम नाही.

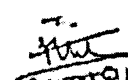


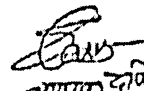
तसेच मीजे- 9 लगे शेक्टर- 21 प्लॉट नं- 84
 च्या पूर्वेस- हमारत बांधकाम, पारिमेश- डांबरी पक्का रस्ता,
 दक्षिणेस- अगत बांधकाम, उत्तरेस- डांबरी पक्का रस्ता आहे.
 वरीलपुढे सदरचे क्षेत्र मिडिको च्या हद्दीतील आहे. तसेच
 वनविभागाचे क्षेत्रालगत नसून कांदळवनापासून 50 मीटर
 BWP 000 क्षेत्रापासून वगैरे आहे.

तसेच- पुण्याक नगर शेक्टर- 6 प्लॉट नं- 909
 मीजे- दापोली च्या पूर्वेस- डांबरी पक्का रस्ता, पारिमेश- बांध-
 काम थुरु आहे. दक्षिणेस- मोफला प्लॉट व उत्तरेस- डांबरी पक्का
 रस्ता आहे. वरील पुढे सदरचे क्षेत्र मिडिको च्या हद्दीतील
 आहे. तसेच वनविभागाचे क्षेत्रालगत नसून कांदळवनापासून
 50 मीटर BWP 000 क्षेत्रापासून वगैरे आहे.

वरीलपुढे सचकपदावधि अहवाल तयार
 करण हुजुरांस भविष्य सादर.

दिनांक - 03/5/2024
 ठिकाण - उरण.

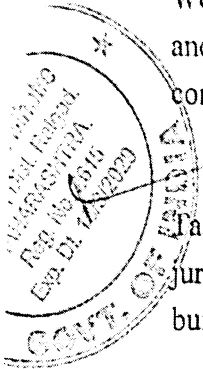

 वनपाल दापोली


 वनपाल दापोली

443

Site Inspection Report

Today Dated-03/5/2024 range forest officers Uran, Forester Dapoli, Forester Gharapuri, (additional charge) Mangroves, Forest Guard (mangroves) Uran went to At Post.Vahal and Pushpaknagar regarding submitting report. In respect to the Petition filed with the National Green Tribunal West Pune, the said petition is related to exploitation of mangroves and intertidal area, the fuel pumps being set up directly in the vicinity of school and adjoining the residential area in new Mumbai. In respect of the above-mentioned subject At- Ulve Sector- 03 Plot No-266/A to the East -Tar Road, West mangroves observed at 30.87-meter distance. to the south. The dirt traffic road and sea water across the road. And to the North L and T Company. Also, there is no construction in the concerned area.



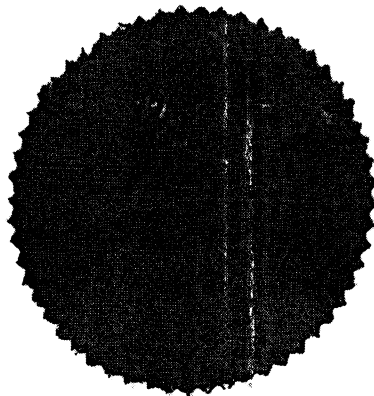
Also At-Ulwe Sector-21 Plot No-84 to the East - Building Construction, West - Tar Road, South- building construction, North-Tar Road. Above mentioned area is in jurisdiction of CIDCO. Also not adjacent to the forest area and outside of the 50 meter buffer Zone from mangroves.

Also -Pushpak Nagar Sector-8 Plot No.101 At - Dapoli to the East - Tar Road West- ongoing construction work South- Vacant Plot and to the North Tar Road. As above mentioned, area is within the jurisdiction of CIDCO. Also not adjacent to the forest area and outside of the 50 meter buffer Zone from mangroves.

As above site inspection report is prepared kindly for your submission.

Date: 03/05/2024

Place - Ulwe.

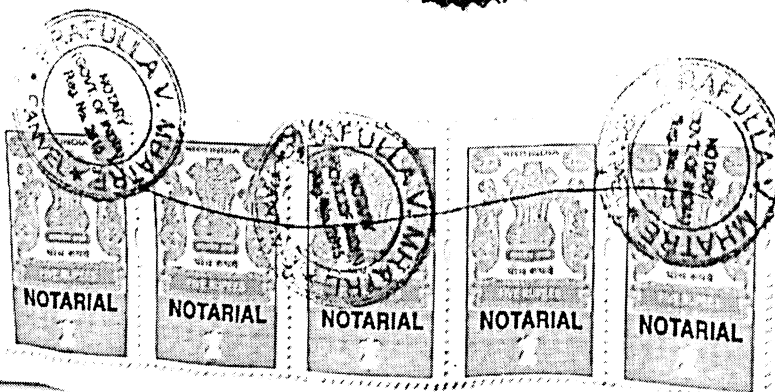


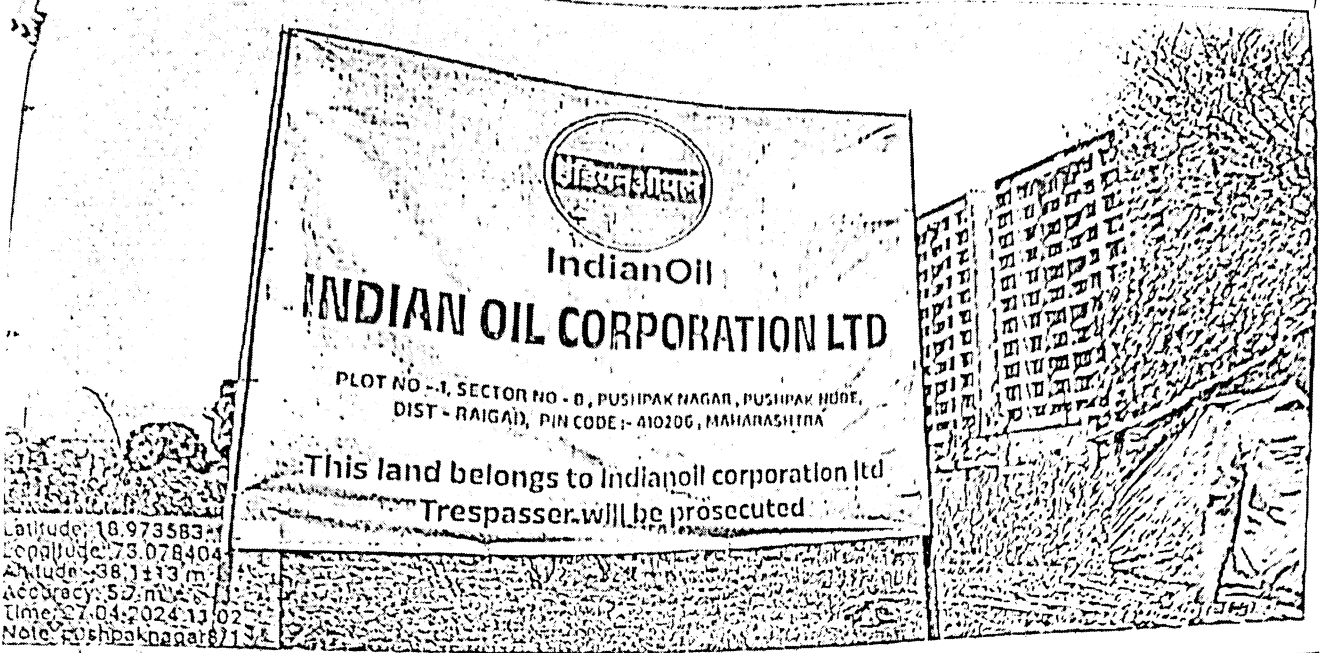
TRUE TRANSLATION

Prabhakar
21/2/2025

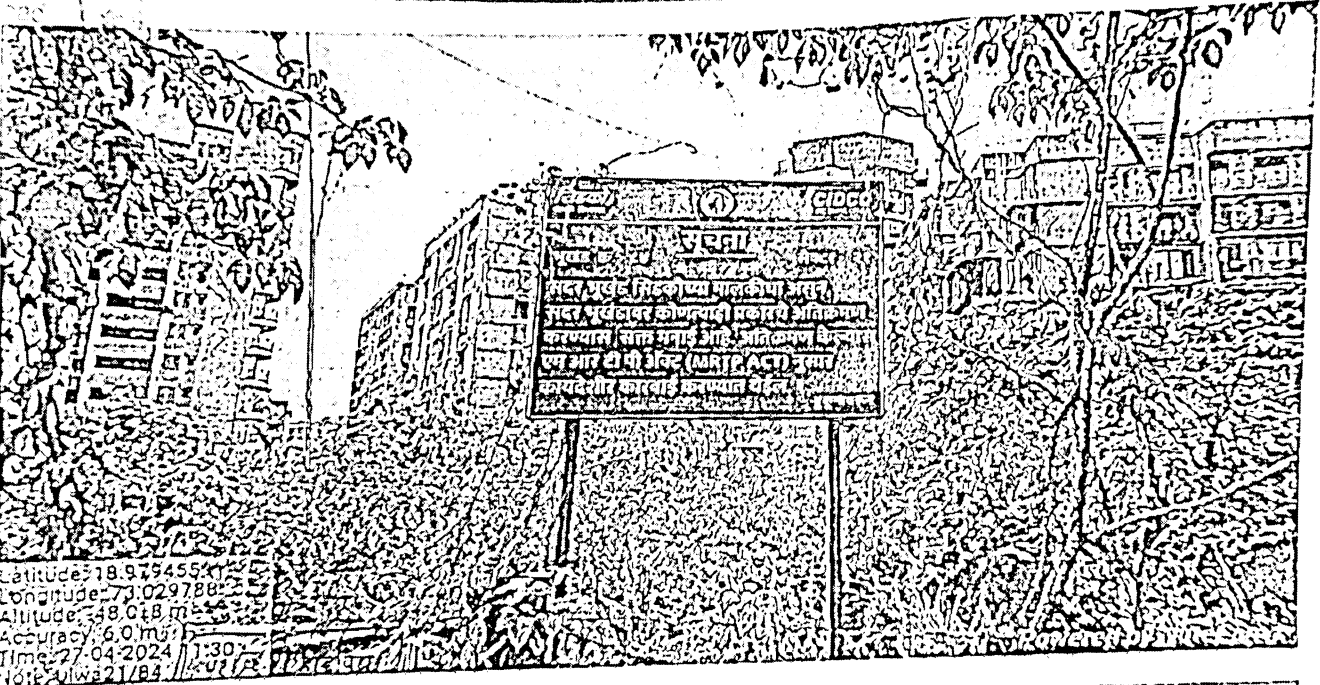
PRAFULLA V. MHATRE
M.Com,LL.B.,DTM
ADVOCATE & NOTARY
GOVT. OF INDIA
10, "Keshav - Vasant"
Opp. Old Tahsildar Office
Panvel, Dist Raigad
NOTED AND REGISTERED
At Sr No. 716/2025

21 FEB 2025

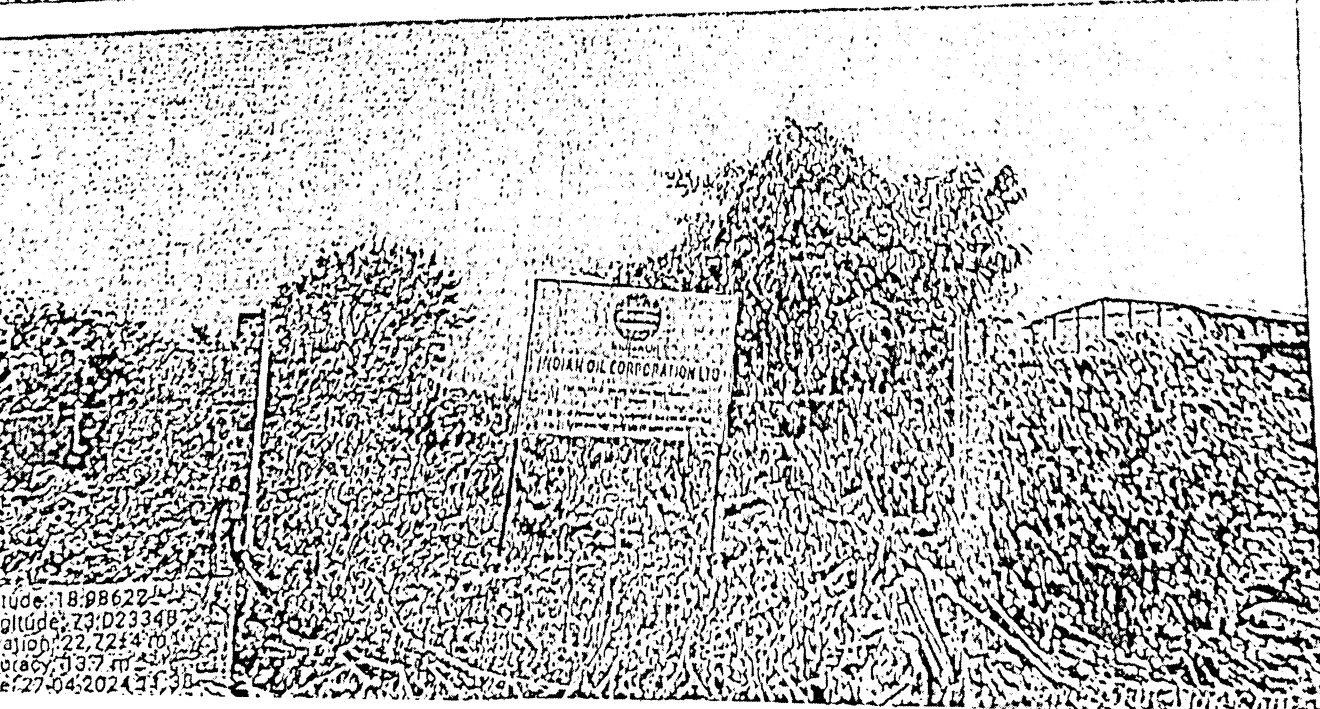




Latitude: 18.973583
 Longitude: 73.078404
 Altitude: 38.1113 m
 Accuracy: 5.0 m
 Time: 27-04-2024 11:02
 Note: PUSHPAK NAGAR 8/1



Latitude: 18.979459
 Longitude: 73.029788
 Altitude: 38.018 m
 Accuracy: 6.0 m
 Time: 27-04-2024 11:30
 Note: PUSHPAK NAGAR 8/1



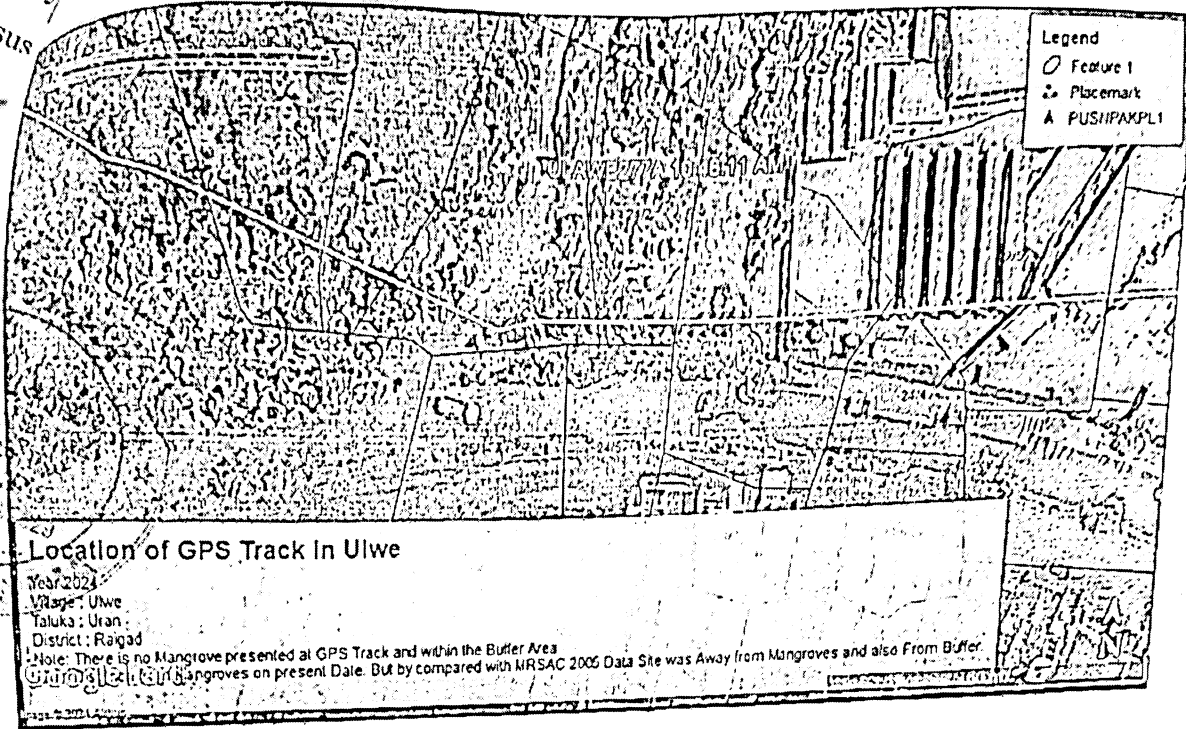
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 Longitude: 73.023348
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 Accuracy: 13.7 m
 Time: 27-04-2024 11:38
 Note: PUSHPAK NAGAR 8/1

445

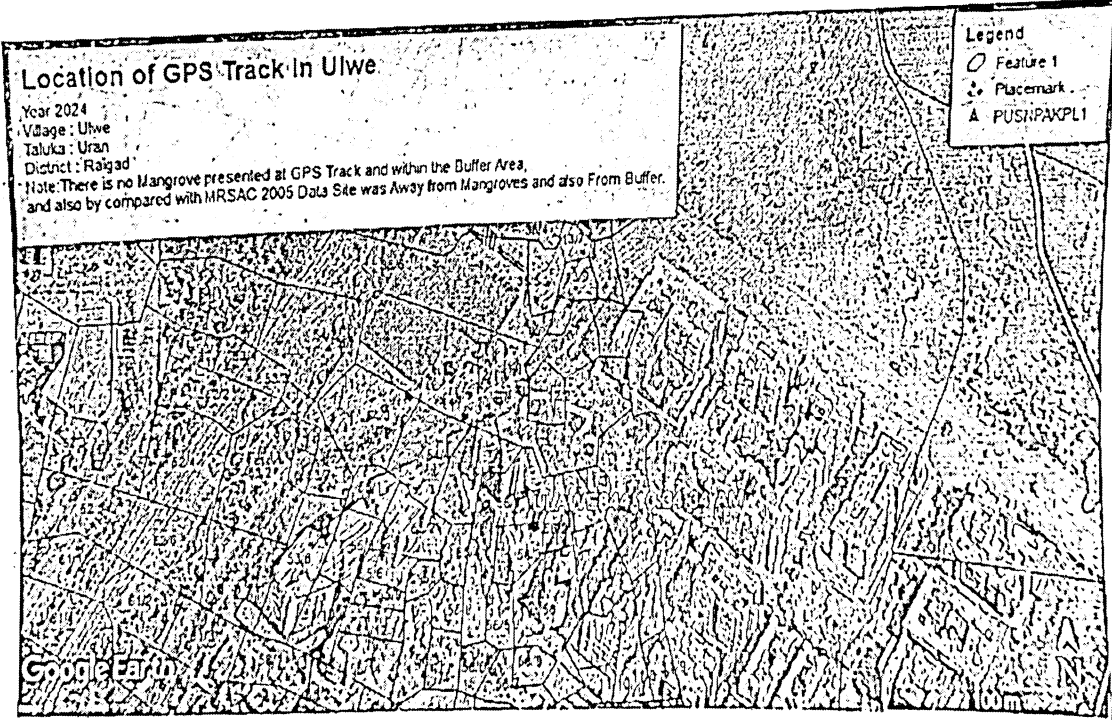
01/01/21
11 a
7c

Google Earth Images

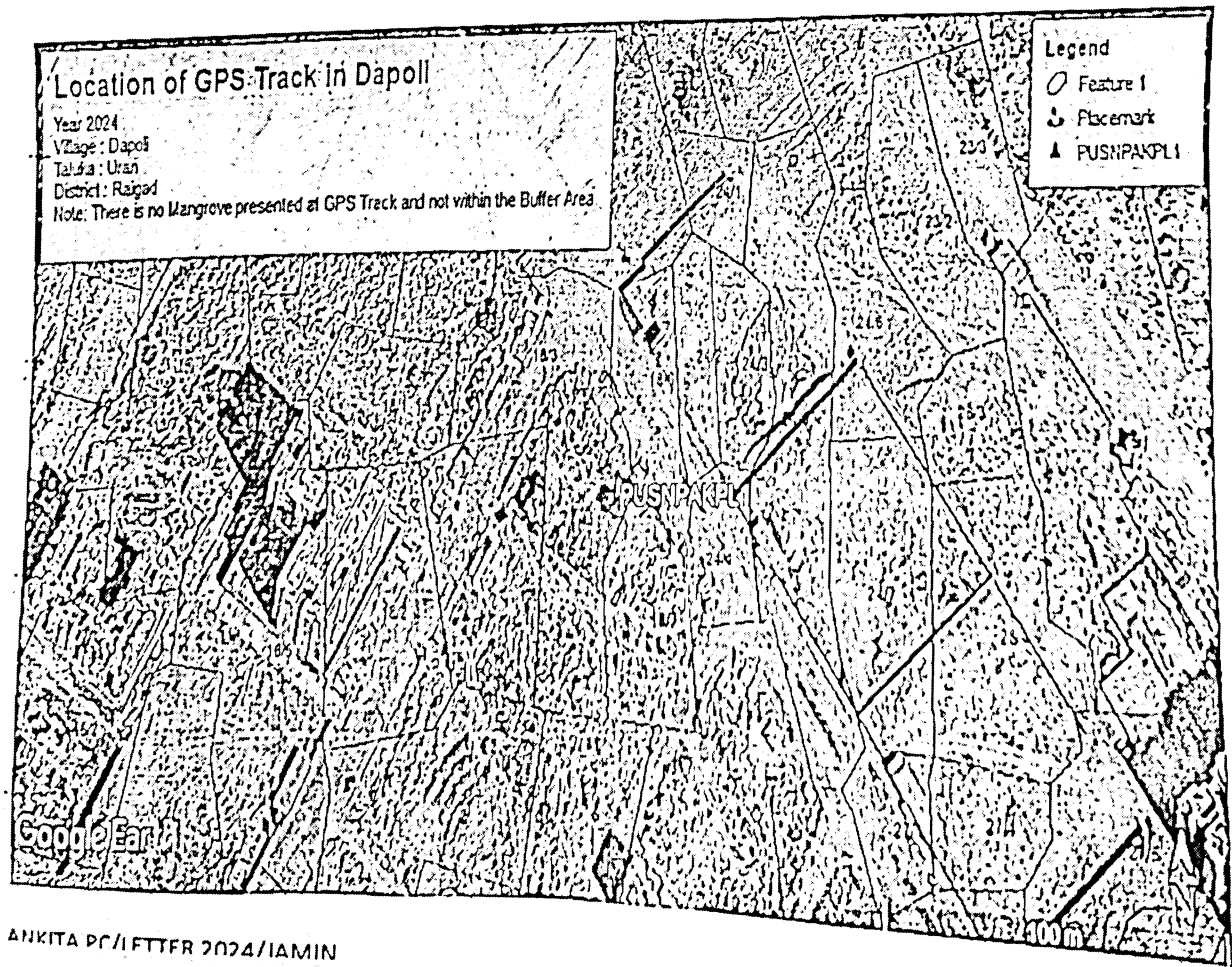
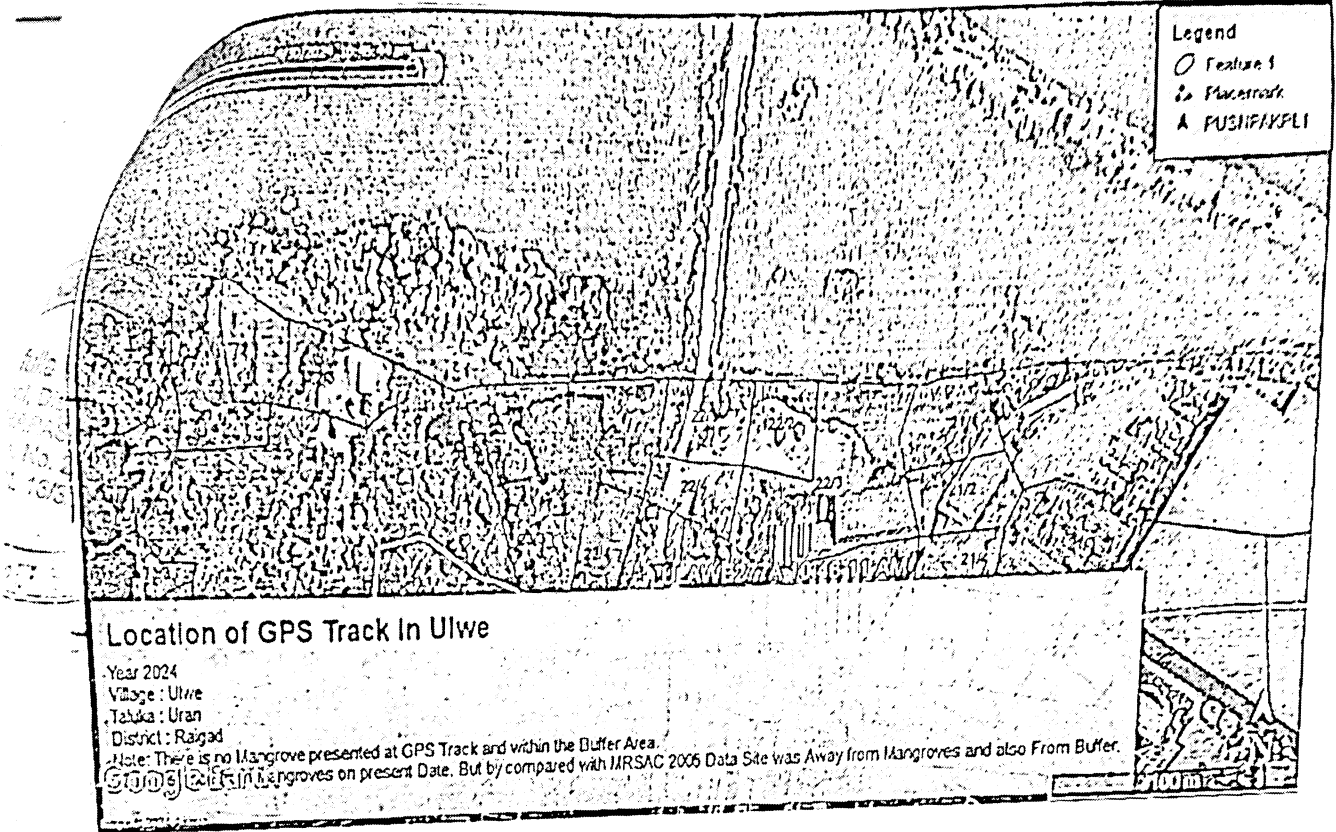
Hriday
versus



1. Prabhulla
Pawar, D.
MAHARASHTRA
Reg. No.
Exp. Dt. 13/06/2024



ANIKITA PG/IFTRR 2074/IAMIN



BEFORE THE NATIONAL GREEN
TRIBUNAL, WESTERN ZONE, PUNE

Original Application No.181 of 2023

In the matter of :

Hridayanath Yashwat Tawade.....

Applicant

Versus

Union Of India & others

Respondents

Reply Affidavit of Respondent No.5,6

DATED 21st February,2025

D.M.GUPTE

ADVOCATE FOR RESPONDENT
NO.5,6

3,LAXMAN APARTMENT

25/26, OLD TOPKHAHANA,

S'NAGAR, PUNE – 411 005

MOBILE : 9422317884

email: advgupte@gmail.com