

69: CF9 <CBCI F56@9 B5H=CB5@; F99B HF =6I B5@
K 9GH9FB NC B9 69B7 <Z'DI B9

5dd`]W[h]cb`Bc""%\$\$`#`&\$&\$`fK NŁ`

69HK 99B`

I XUmgUb_UfU`GUa i XfU`U`

.....

5dd`]W[bh

J 9F GI G`

I b]cb`cZ`=bX]U/`Cfg`

.....

F Ygdc bXYbhg

BYI h`XUHy. `\$, "%\$"&\$&%

5: : =85J =H`=B`F 9D@M6MF 9GDCB 8 9BH`BC""(`
İG\ fYY`>]j XUbj`8Yj]`A UbX]f`Hfi ghZ`J]fUfĐ`
(श्री जीवदानी देवी मंदिर ट्रस्ट, विरार)

INDEX ON NEXT PAGE

(The advance copy of the reply has been circulated by email to the Applicant and all other respondents. Then it is uploaded to website, which would be subject to scrutiny by the Registry and changes if any.)

Translation of Marathi letters is provided, wherever Respondent would be relying on it, for its contents. Respondent undertakes to provide the translation in case of any other remaining documents, if relied.

Mumbai, 04.10.2021

Filed by:



AoR

Advocate R. B. Mahabal रघुनाथ भालचंद्र महाबळ

BE(Mech), ME(Prod)VJTI, CE, FIE, LLM, IIE Arbitrator, [MAH/349/2012]

Home: A-202, Chandravijay Society, Opp. Bansuri Hotel,
Phule Road, Mulund East, Mumbai-400081, Maharashtra.

Email: adv.rbmahabal@gmail.com Cell: 7400116222 📞

INDEX OF ANNEXURES ENCLOSED

Sr.	Particulars	Ax.	Page
1.	Reply by Respondent No. 4	-	1089
2.	Clarification by PWD dated 30.11.2019 and permissions and NOC by all other departments (Collectively)	R1	1114
3.	Letter dated 02.06.2021 to MoEFCC and MPCB for clarification on non-requirement of 'Environmental Clearance' and 'Consent to Establish' ('Consent to Operate') for 'Funicular System'	R2	1141
4.	EIA Gazette Notification 14.09.2006 (Extract of Schedule, Project/Activity 7(g) 'aerial ropeway')	R3	1145
5.	NGT Judgement in OA 55/2020 dated 09.09.2020 Damodar Ropeways & Infra Ltd. (DRIL) v/s UoI	R4	1157
6.	List of litigation forced by Damodar Ropeways & Infra Ltd. themselves OR through proxy persons	R5	1160
7.	Site Photograph – Greenery aided by Trust as can be seen prominently all-around the Temple-Hill only.	R6	1162
8.	Letter to Forest department for change of project and initiation of work dated 15.11.2017	R7	1163
9.	Letter from chief Conservator and Director, Sanjay Gandhi National Park, Mumbai stating project is not in ecologically sensitive area dated 09.09.2019.	R8	1165
10.	Letter dated 04.10.2021 addressed to MoEFCC and MPCB submitting the clarifications	R9	1167 - 1177

POINTS COVERED IN REPLY

	Affidavit Page No.
Applicant is proxy of M/s DRIL.....	6
Earlier Application was dismissed by NGT.....	6
Past history of litigation by DRIL.....	7
Project details in brief	9
Requirement of EC	10
Preliminary objections on maintainability	11
Cause of action first arouse	12
Limitation and time barred	12
Substantial question related to environment.....	13
Plural causes of action	15
Non-consequential reliefs sought	16
Locus Standi of the Applicant	17
Jurisdiction of Hon'ble Tribunal.....	17
Response to allegations.....	18
EC has lapsed	19
Funicular System doesn't have EC.....	19
Current Application for EC.....	19
Consent to Establish from MPCB	21
Inspection by MoEFCC	21
Forest land	22
Amendment OR future decision by MoEFCC	22
Prima facie Case.....	23
Balance of convenience	23
Loss to Environment during operation.....	23

MOST RESPECTFULLY SUBMITTED:

1. I, Pradip Vishnu Tendolkar, aged about 63 years, am working as Chairman since 17th August, 2021 (Previously I was Secretary since 10/12/1995) of the answering Respondent No. 4, '**Shree Jivdani Devi Mandir Trust, Virar**' (श्री जीवदानी देवी मंदिर ट्रस्ट, विरार), have the required knowledge of all the relevant facts and authority to file this affidavit in reply, which I hereby do on Solemn affirmation and oath, as hereunder in detail.
2. Respondent No.4 denies all the allegations made by the applicant. Nothing shall be construed as accepted, simply because it was not denied or replied. Applicant shall be required to prove all the allegations and averments that he has made. Respondent craves leave to submit the additional affidavit if required subsequently or as may be directed by this Hon'ble Tribunal.
3. The Respondent No.4 states and submits that **all the allegations have been replied on merit in the later part**. However, the various other important issues have been brought out in detail at the outset only, so as to save the time of this Hon'ble Tribunal and also to bring out the real motive behind filing this application.
4. The earlier Daily Order was passed without hearing the Respondent No.4, as provided in NGT Act. As such Respondent could not submit its Affidavit in reply and make submissions before Hon'ble Tribunal. Even the formal copy of the application was not served upon the Respondent No.4 as per the order dated 24/12/2020. Neither the Affidavit of Service was filed before this Hon'ble Tribunal.

5. All the preliminary objections raised hereinbelow, are independent and without prejudice to each other. Respondent prays that these objections shall be considered and adjudicated before entertaining the application on merit, with regard to single specific cause of action and limitation. These preliminary objections go to the root of the jurisprudence and the rights and safeguards provided against harassment to the Respondent, by the Act.
6. Answering Respondent No.4 is a **registered Public Trust** managing the affairs of the Trust. It first thought of having a Funicular System in the year 2004 and invited tenders wherein Damodar Ropeway & Infra Ltd. (DRIL) was awarded the contract, but subsequently due to the insistence of DRIL, since they were unable to carry out the work of Funicular System, the project changed from Funicular System to an **Aerial Ropeway** in the year 2007. This facility erection was falling under project/activity 7(g) of the Schedule as per EIA Notification 14.09.2006. Therefore, an Environmental Clearance was obtained by DRIL for the 'aerial ropeway' project on 17.09.2009 by following the complete procedure.
7. That the contract for this was awarded to M/s **Damodar Ropeways & Infra Ltd. (DRIL)** in the year 2007 and after no progress for over 10 years, the contract awarded was cancelled in the year 2017. The DRIL went in to commercial arbitration on financial issues, claiming their loss of Rs. 17 Crore and the counter claim of Rs. 72 Crore was lodged by the Trust. After lodging of the counterclaim, the effective hearing of the case has not taken place.

APPLICANT IS PROXY OF M/S DRIL

8. That DRIL was commercially hurt as their tender was cancelled due to non-performance and inordinate delay of over 10 years, on their part. Be that so as it may be, DRIL decided to harass the Respondent No.4 in every possible manner. This litigation has nothing to do with the environment but is only to harass the Respondent No.4. DRIL is involved in forum shopping, which is evident from following paragraphs and the Applicant is thus a proxy of DRIL.

EARLIER APPLICATION WAS DISMISSED BY NGT

9. It is important to note that the **Hon'ble National Green Tribunal, Principal Bench, New Delhi has already dismissed Original Application No. 55/2020 (WZ)** along with I.A. Nos. 75/2020, 76/2020 and 77/2020 by common ORDER dated 09.09.2020. DRIL has not filed any appeal against it, as provided by law, to Hon'ble Supreme Court and hence that order has reached finality. **The list of commercial arbitrations and litigations initiated by or at behest of DRIL are enclosed.** [■ Ax.R5]
10. Applicant has not mentioned as to from where these documents have been obtained. These were with DRIL. There is no stamp of obtaining it under RTI. Applicant visited Trust after application of DRIL was dismissed and not before that.
11. The present Applicant has filed the application on 16.12.2020 but **applicant did not attend the Public Hearing on 30.12.2020. Applicant even did not oppose to the project OR raised all these contentions** during the public hearing. Applicant did not even made any submissions, objections by post to

Collector OR MPCB.

12. That the Public Hearing was conducted at site on Wednesday 30.12.2020. Total about 22 persons spoke and their say was recorded in the minutes. All were very supportive of the project. Even one Mr. Suneel Bajaj No.6, who is employee of DRIL said that this project is of benefit to all, but has objection that Public Hearing was called on background of Covid-19.

PAST HISTORY OF LITIGATION BY DRIL

13. DRIL has filed many litigations at various levels to harass and extort Rs.17 Crores in arbitration, for the contract he has lost. The long list and history are enclosed with this reply.
14. There are two basic different types of ropeway systems, 1) Aerial ropeway where cabins are suspended on aerial ropes, and 2) Funicular System where the carriages are carried over rails which are supported by the ground. The latter system was found to be more advantageous in the alignment of Jivdani, and hence was adopted by the Trust with the revival of the project. As the Funicular System project commenced in the year 2008 and started at Saptashrunji, Dist Nashik in year 2018, the Trust could study the system carefully and come to this conclusion.
15. After deciding on the change in system, the Trust immediately informed the Forest Dept of its intent. It is pertinent to note that the order for "Diversion of Forest Land" mentions just "Ropeway" and not "Aerial Ropeway". The forest Dept has not put any conditions on the type of Ropeway to be installed by the Trust. Hence the Trust was well within its rights to change the Ropeway system, and it informed the Forest Dept. as abundant caution only.

16. **“Ropeways” are a State Subject and listed in List-II of Article 246 of the Indian Constitution.** Hence, the legality of any ropeway in State of Maharashtra is decided by the Govt of Maharashtra.
17. Therefore, whether **‘Funicular System’** is an **‘Aerial Ropeway’** under the law in Maharashtra is decided by the appropriate authority for enacting the **Bombay Aerial Ropeway Act 1955** in Maharashtra which is the – **Ropeway Advisory Committee, of PWD, Maharashtra Government.**
18. That it was not clear to the Trust whether “Funicular Systems” were “Aerial Ropeways” covered by the **“Bombay Aerial Ropeway Act 1955”**; hence as abundant precaution and to avoid violation of any laws, the Trust, applied for permission under the **Bombay Aerial Ropeway Act 1955** to the appropriate authority – **“Ropeway Advisory Committee” of PWD Maharashtra State**, as prescribed in that Act; and simultaneously applied for an EC which is mandatory for “Aerial Ropeways” as per EIA notification dated 14.09.2006.
19. It is pertinent to note that the Funicular System at Saptashrungi is a project of PWD Maharashtra Government. They did not apply for any Ropeway permission under **Bombay Aerial Ropeway Act 1955**. They did not apply for any EC permission under EIA Notification. The project is commissioned by the Government before three years and is fully operative.
20. That the “Ropeway Advisory Committee” of PWD Maharashtra State vide their letter dated 30.11.2019, also formally replied to us that “Funicular System” is not considered by them as an “Aerial Ropeway” under the

governing ***Bombay Aerial Ropeway Act 1955*** for Aerial Ropeways in Maharashtra. This removed all doubts that in Maharashtra, at least, "Funicular System" is NOT and "Aerial Ropeway", and as a corollary law specifically relating to "Aerial Ropeways" do not apply to "Funicular Systems". Clarification from PWD and NOC by all other departments (Collectively) enclosed. [■ Ax.R1]

21. That the EC clearance at Sr.no. 7(g) is specific to "Aerial Ropeways" and not all types of Ropeways. Hence, it does not apply in State of Maharashtra to Funicular Systems. When the project was changed to ground route altogether which is called as Funicular System; which is like a trolley pulled on ground by rope, it was no more 'aerial ropeway'. The similar systems are already there in Maharashtra and India. One such YouTube video, for better visualization, is available on the link (**Funicular System by Govt. of Maharashtra at Saptashrungi Gadh, Nashik, India Year 2018**). Such projects are MOT covered in the EIA Notification and hence do not need any EC.

<https://youtu.be/ws0nEXzIwBo> ;

PROJECT DETAILS IN BRIEF

22. That the project is to connect the approach point to the Shree Jivdani Trust which is about 400m away and at elevation of 180m. If one has to walk through stairs, one would have to take existing alternative of about 1400 steps of 6 inches each. About 8,00,000 devotees visit each year to this Trust. In that, there are about 2,40,000 senior citizens, handicapped and ladies and kids below 5 years. They find it difficult to reach the Temple.
23. The Public Trust therefore spent about Rs.32 Crores, of its own money (part) and partly borrowed money from

Bank, with the due permission of charity commissioner. The project is for providing free facility to handicapped, and as assistance to senior citizens and kids below age 5.

REQUIREMENT OF EC

24. The initial project was of aerial ropeway which is squarely covered by ***EIA Notification 14.09.2006 project/activity*** falling under ***Sr.No.7 Physical Infrastructure including Environmental Services-"7(g) aerial ropeway"***. As such Trust asked the then contractor DRIL to obtain the 'Environmental Clearance'. As such the DRIL applied and obtained the EC, but never executed the project as per contract. In the meanwhile, the earlier EC obtained had lapsed in 2014.
25. However subsequently, instead of 'aerial ropeway', the proposed project/activity changed to '**Funicular System**'. ***It was not aerial ropeway anymore***. It was going to be a ground-based rail-track-based trolley system. Even after carefully going through the entire EIA Notification, this project or activity was not found to be covered by the Notification and hence the same was not regulated by Notification.
26. It is pertinent to point out that EIA Notification is covering only projects/activities mentioned in it. It is not mandatory for each and every project to obtain the EC. It is also not necessary for each project/activity to somehow accommodate OR fit in the nearest category, unless it is specifically covered. The EIA Notification is regulatory in nature only for the projects and activities covered; and not prohibitive in nature. ***[e.g. Automobile Industry with investment of over hundreds of Crores and requiring land over 100 Acres also is excluded from the EIA***

Notification. The Railway / Metro projects are also NOT included in the Notification.]

27. **That the total Forest land of 19,500m² (1.95 Ha) was already allotted and diverted by the Forest Department for the purpose of construction and allied activities including ropeway (aerial or funicular was not the matter in the approval).** The Trust in exchange of the present land has provided 1.95 hector of land at Wasale, Taluka Shahapur, District Thane. The compensation cost was paid and forestation was done. The change in the project and initiation of work was also informed to Forest Department on 15.11.2017. [■ Ax.R7]
28. It is pertinent to note that Trust has planted so far more than 2,00,000 trees in this area. It has already spent Rs.30 lakhs on planation and gives Rs.5 lakhs each year for planation in the area. This is without any directives of any Court or Tribunal. The Micro The land utilized by the Trust for this Funicular System was fallow land without much of vegetation. The forest Department gave the permission to divert and allot this land, against the compensatory forestation, which is already done.
29. That it can be seen from the photographs of the area around Trust/Temple from old Google Images that now it is fully green with ample plantation already done. Site Photograph attached. [■ Ax.R6]

PRELIMINARY OBJECTIONS ON MAINTAINABILITY

30. As stated by the applicant himself who is claiming to be Ld. Advocate practising in High Court of Bombay, the application has been filed under s.14 of the NGT Act 2010. **Respondent No.4 very strongly object the very**

maintainability of this application. This is repeat litigation by proxy names just to derail the project implementation. The issues as mentioned below will have to be deliberated, considered and decided below, which are preliminary issues of Limitation u/s.14(3), Singular Cause Rule 14, absence of any substantial issue related to environment as per definition 2(m).

CAUSE OF ACTION FIRST AROUSE

31. Applicant has not mentioned as to which is the '***substantial question related to environment***' which is the cause of action and as to when it first arose. **The present application has been lodged on 16.12.2020**, which is 1036 days after the work started at site on 12/02/2018 and the project has now become fully operational on 04.02.2021, after Occupancy Certificate by Vasai Virar City Municipal Corporation (VVCMC).
32. The date of visit to site on 18.11.2020 can't be the cause of action. If such an intimate devotee who visits often every 5 years would have visited after 10 years, then it doesn't shift the date of cause of action giving rise to 'substantial question related to environment' or any such dispute from that cause.

LIMITATION AND TIME BARRED

33. The application has clearly mentioned by the Applicant who himself is a Ld. Advocate that it is filed u/s.14 of the NGT Act 2010. The limitation for this is provided under s.14(3) as under.

14(3) No application for adjudication of dispute under this section shall be entertained by the Tribunal

unless it is made within a period of six months from the date on which the **cause of action for such dispute first arose**;

Provided that the Tribunal may, if it is satisfied that the applicant was prevented by sufficient cause from filing the application within the said period, allow it to be filed within a further period not exceeding sixty days.

34. Respondent states that issues raised in the application, first arose even prior to 2017. All issues at site, progress of work etc. were all known to the applicant, who is nothing but the proxy of the DRIL. Applicant ought to have filed the application within six months from the day such cause first arose. Applicant ought to have justified the delay if any, as to ***how the applicant was prevented from filing the application in time***. This is not proved by the applicant. Hon'ble Tribunal doesn't have power to condone the delay beyond sixty days. **As such the present application needs to be dismissed on this ground alone.**
35. Apart from this, since the same and similar issue has been already dealt with by the Hon'ble Tribunal and the final ORDER has been passed on 09.09.2020, repeated adjudication can't be done before the same forum on the same issue. [■ Ax.R4]

SUBSTANTIAL QUESTION RELATED TO ENVIRONMENT

36. There are many vague allegations and averments made, but there is no specific cause of action mentioned in the application and the date of such cause which gave rise to

this dispute and has triggered the limitation. Applicant has not given any data of his own, which *prima facie* at least, would show the violation vis-à-vis the condition of the 'Environmental Clearance' (***which is now anyways infructuous as not required for this project and void as lapsed***).

37. Applicant is duty bound to show the ***direct violation of specific statutory environmental obligation***, by which community at large is affected OR the gravity of damage to environment or property has to be substantial OR damage to public health is broadly measurable OR the alleged environmental consequences should relate to specific activity or a point source. **Applicant's vague allegations fall flat on all these counts above.**
38. Respondent states that none of the allegations made *ab-initio* raise the '***substantial question related to environment***' and as specifically defined in The National Green Tribunal Act 2010 u/s.2(m), as stated hereinabove.

2 (m) "substantial question relating to environment" shall include an instance where,—

(i) there is a **direct violation** of a specific statutory environment obligation by a person by which,-

the **community at large** other than an individual or group of individuals **is affected** or likely to be affected by the environmental consequences; or

the gravity of damage to the environment or property is substantial; or

the damage to public health is broadly measurable;

- (ii) the environmental consequences relate to a **specific activity** or a **point source** of pollution;

PLURAL CAUSES OF ACTION

39. Respondent states that applicant has stated many allegations as the causes of action in this one application. Each of such cause has to qualify as '***substantial question related to environment***', to be within the jurisdiction of this Hon'ble Tribunal. **All these plural causes are independent of each other, and hence can't be clubbed in one single application.** e.g., the allegations are:

- i. applicant is devotee of Jivdani Mandir and visits often. When he visited after five years on 18.11.2020, he was appalled to see an ugly construction of railway track, which was spoiling the greenery and serenity of the area.
- ii. Forest land was diverted
- iii. Environmental Clearance is not taken for the when the project was changed from aerial ropeway to Funicular System.
- iv. Work started before obtaining new EC

40. Further, raising of plural causes in one application, is specifically forbidden by ***The National Green Tribunal (Practices and Procedure) Rules 2011; Rule 14***. As such, applicant ought to have filed separate applications for each of such causes. As such apart from only one single cause of action, all other causes, in the form of allegations and averments, will have to be ruled out and

omitted from the jurisdiction of this Hon'ble Tribunal and ambit of this application.

14. Plural remedies:-

An application or appeal, as the case may be, shall be based upon a **single cause of action** and may seek one or more relief provided that they are **consequential** to one another.

NON-CONSEQUENTIAL RELIEFS SOUGHT

41. Respondent states that ***only one specific cause of action and reliefs consequential that one tenable cause***, if any, can be considered for grant of many reliefs. The reliefs sought in the present application are absolutely non-consequential and not related to that one single cause of action which can be adjudicated in the legal scope of the application and in the jurisdiction of this application.
42. **Respondent states that (consequential) reliefs sought should be such as to remediate the cause** that gave rise to the 'substantial question related to environment' which has been raised as the cause of action in the application. However, applicant has come to this Hon'ble Tribunal with the *malafide* intentions and with a view to harass and pressurise the Respondent as the contract was not given to DRIL to gain the upper hand in the financial arbitration.
43. The first and foremost curative relief such as to stop the work, demolish the structure for restitution of land, are in no way explaining as to what good are they going to do to environment OR going to remediate the wrong done to environment.

LOCUS STANDI OF THE APPLICANT

44. Respondent states that the applicant is not having any locus standi u/s.14 of the National Green Tribunal Act 2010, for seeking any kind of '**relief, compensation, restitution**'. Applicant is not the aggrieved party for this purpose and therefore is not entitled to file application u/s.15 read with s.18.
45. **As admitted by the applicant, he visits often and has visited the Trust after 5 years on 18.11.2020.** If this is his frequency of often visit to the Trust, even his *locus-standi* as devotee is under strong challenge, apart from as environmentalist.
46. That during the web-search not a single cause was found to be raised by the applicant as environmentalist.
47. Applicant is staying 100km away from the Trust. He is in no way eligible for any relief or compensation. It is also stated by applicant that he doesn't want anything for himself. Respondent No.4 states that applicant has given-up something which he was not anyway eligible for.
48. Applicant has not filled-up Form-II (under Rule 8(1) which is mandatory required to be submitted by giving particulars of relief and compensation claimed. Applicant also has to pay the % fees towards such application and has to categorically state the heads under which such claim is being made by Applicant.

JURISDICTION OF HON'BLE TRIBUNAL

49. Respondent No.4 most respectfully prays that issues of maintainability of application be first decided, before taking cognizance of the application OR passing any operative order in respect of the prayers OR giving any

directions to any authority. Because if the application itself is not maintainable, then all orders passed under it shall cause unnecessary hardship to the Respondent No.4.

50. Respondent No.4 states and submit that above provisions have been incorporated in the National Green Tribunal Act 2010 so as to give the sufficient protection to the industry and the Project Proponent from unnecessary harassment and endless pursuit chasing old issues prior to limitation period.
51. Respondent No.4 further prays that let the issue/s that can be entertained in the application be first decided by;
 - a. applying the statutory provision of s.14, limitation and the period of extension that can be granted for condoning delay;
 - b. determining the issue/s that fall under 'substantial question related to environment'
 - c. deciding which single cause can be raised and adjudicated in the single application
 - d. determining whether the applicant has come with the clean hand

RESPONSE TO ALLEGATIONS

52. There are no specific points which show the direct specific violation of any of the Acts in Schedule or the violation of provision in the EIA Notification 2006. It is vaguely referring Newspaper Articles published, one after other. Even then, a general reply is given on the main points raised for creating confusion and ambiguity.
53. **It is strongly urged and pressed to be taken-up,**

only after deciding the preliminary objections that challenge the maintainability of the application itself and hence therefore *inter-alia* the jurisdiction of this Hon'ble Tribunal to entertain, try and adjudicate on this application.

EC HAS LAPSED

54. Yes, the earlier EC obtained by DRIL in 2009 has lapsed in the year 2014. However, the said project, that was requiring EC, also did not come-up.

FUNICULAR SYSTEM DOESN'T HAVE EC

55. This category is NOT covered by the EIA Notification 2006. The project is not in ecologically sensitive area. A letter to that effect has been issued by the office of chief Conservator and Director, Sanjay Gandhi National Park, Mumbai on 09.09.2019. As such no permission was required under EIA Notification for starting, executing, doing and operating the project. [■ Ax.R8] This is also being clarified to MoEFCC & MPCB by letter dated 04.10.2021. [■ Ax.R9]

CURRENT APPLICATION FOR EC

56. When the nature of project substantially changed from aerial ropeway to track-based trolley type Funicular System, it was clear on the advice of brilliant minds and environmental consultant that this project/activity is NOT anymore covered by the EIA Notification 2006.
57. That it was also internally discussed and deliberated that the railway projects, metro projects are also are not covered by the EIA Notification 2006.
58. The use of words aerial ropeway in EIA Notification was

not leaving any confusion on that the now proposed project is no more an aerial ropeway project.

59. This is due to confusion, inappropriate criss-cross advice by people working in this field and to some extent being over cautious as Trust is dealing with public money.
60. **It was advised that Trust should apply and the respective Authority should be informed during the Screening & Scoping itself, to de-list this project from being the tenable project falling under jurisdiction of Appraisal Committee (SEAC or SEIAA).**
61. It was further told that SEAC / SEIAA won't have jurisdiction, to entertain the application and authority to grant the EC, unless the project is falling under EIA Notification 2006 as on date of application. Even if there is future amendment, even then it won't apply retrospectively. Even when project proponent is volunteering to seek and obtain EC, when it is NOT covered under the EIA Notification, such volunteering won't create the required jurisdiction for the SEAC/SEIAA.
62. That the authority, power, jurisdiction as to be created only by the enabling statute; which is the EIA Notification 2006 in this case. [The consultants also advised as to how the SEAC/SEIAA refuses to entertain the Construction Projects that are below 20000m² under 8(a) when they have no such power]. Mislead by these cross advices, Trust applied for the EC. Respondent No.4 now intend to withdraw it, by mentioning these peculiarities of the current project.
63. Trust was pretty sure and clear that EC would not be required as the project is no more **aerial** at all. It is simple

mechanical facility, moving on ground, on rail tracks, where funiculars are pulled by the counter-balancing the cubical by rope.

64. However, trust was not intending to shy away from the environmental or legal responsibilities if any.
65. That the Respondent No.4 has also simultaneously written to MoEFCC and MPCB explaining all above and consider to decide on these issues in light of the existing provisions of the Notifications. Any further amendments, clarifications, inclusions etc. making substantial change to the list of projects/activities, can't be applied to what has been done, undertaken or not done. Circular, OM, Guidelines, can't enlarge or reduce the earlier text and more so, retrospectively. This Notification is basically applicable to new projects to be undertaken. [■ Ax.R9]

CONSENT TO ESTABLISH FROM MPCB

66. The project has applied and granted the 'Consent to Establish' from Maharashtra Pollution Control Board (MPCB) for Funicular System project; and not the aerial ropeway project. It is also respectfully stated that at that time, the 'Consent to Establish' was applied ***merely as and by way of abundant precaution*** because EC was required for 'aerial ropeway'. There is no category whatsoever in the CPCB & MPCB's categorization of Industry. Further, ab-initio, the Temple is NOT an industry, operation or process. As such, neither 'Consent to Establish' nor 'Consent to Operate' would be required for the Temple.

INSPECTION BY MOEFCC

67. That after the complaint and the litigation, the Regional

Office of MoEFCC carried out the site inspection on 30.07.2021 and the visit report of the same is already uploaded to NGT website. [■ **MoEF Report Continuous Pagination No. 1007 to 1072**]

68. **Respondent No.4 submits that Original Application is not for conservation of environment. The application has been filed purely for commercial gain and vendetta, and for securing the commercial arbitration award of exorbitant amount.** The submissions made are false and from the half-information got from the papers during the commercial deal.
69. The application is hopelessly time barred, beyond the period of extension or grace period that can be granted by this Hon'ble Tribunal. The multiple causes raised in the application can't be entertained in the single application.

FOREST LAND

70. That the Forest Department has granted the permission for diversion of land for non-forest purposes by mentioning the changed land use as ropeway. Even then, Trust informed the Forest Dept. about the change of nature of the project to now Funicular System vide letter dated 15.11.20217. [■ Ax.R7]
71. That the work at site of construction, reception and commissioning is completed. The expenditure of Rs.32 Crore has been already done. MPCB and MoEFCC Officials have already visited the site. They have noted the facts.

AMENDMENT OR FUTURE DECISION BY MOEFCC

72. That as on date, there is no provision of Act, Rule or Gazette Notification which is violated by erection of 'Funicular System'. This project and activity is NOT there

in the EIA Notification. Even if by future amendment it is included, it would be always prospective in nature and can't be made applicable to the old projects that have been completed.

73. **The earlier Daily Orders were passed before hearing the Respondent No.4. The project is already complete and operational. The *status-quo* granted therefore should be vacated, so that all other devotees, handicapped, senior citizens, ladies and children below 5 years, can avail the benefit of this facility.**

PRIMA FACIE CASE

74. That as can be seen from the mere reading of the EIA Notification, 14.09.2006 'Funicular System' doesn't need any 'Environmental Clearance'. The project has all the NOC and permissions from local planning authorities. The construction/erection is already complete in all respect and there is no additional work pending on site. 'Aerial Ropeway Advisory Board' has already considered, deliberated and conveyed after recorded Minutes of Meetings that this project is beyond the jurisdiction of 'Aerial Ropeway Advisory Board'.

BALANCE OF CONVENIENCE

75. The project is operationally ready. It can serve total about 8,00,000 devotees and in particular those 2,40,000 persons who are handicapped, senior citizens, ladies and kids below 5 years.

LOSS TO ENVIRONMENT DURING OPERATION

76. There are no emissions from this as it operates on electricity. There is no noise or vibration. There is no

effluent generated from it. There is no generation of hazardous waste. The Forest Department has already given the permission. There is no tree cutting to be done. Compensatory forestation is already done. There is no flora, fauna to be disturbed. The 'Funicular System' has free underpass below of 4 to 8 feet to allow passing of minor fauna or wildlife.


77. **That the Trust urges to consider the points below and vacate the ex-party status-quo order given. It is per-se not affecting the operations and use as it is already operational. BUT to avoid any ambiguity and confusion, it should be clarified and withdrawn.**
- a. No equity shall be claimed by the Trust on this basis of operational relief. Respondent No.4 will be bound by the final outcome of the application.
 - b. The facility is for the devotees, senior citizens, handicapped and children below 5 years for FREE.
 - c. More than 8,00,000 devotees would suffer for no benefit to environment.
 - d. No damage is going to be caused to environment during the operational phase.
 - e. Amount collected from other devotees, shall be deposited in a separate fund, which would be used only after the final adjudication and directions of this Hon'ble Tribunal.
 - f. Our Funicular System was in trial and operation as per guideline issued by RITES (A Government approved Agency).
78. Respondent No.4 therefore prays that the application be dismissed with exemplary cost of Rs.10 lakhs for wasting



the time of the Hon'ble Tribunal and the same be deposited to the Environment Relief Fund.

Place: Mumbai
Date: 04.10.2021



 ×
श्री जीवदानी देवी संस्थान
Respondent No. 4

AFFIDAVIT & VERIFICATION

I, Pradeep Vishnu Tendolkar, hereby state that I have verified the submissions made and documents/annexures enclosed. I state that the contents of the above affidavit are true and correct and that I have not suppressed any material fact. I have submitted this affidavit on solemn affirmation and oath.

Place: Mumbai
Date: 04.10.2021



 ×
श्री जीवदानी देवी संस्थान
Respondent No. 4

Identified by & before me:



BEFORE ME

NAYAN B. JAIN
ADVOCATE & NOTARY
5, Vartak Hall, 1st-Floor, Agasbi Road,
(C. S. Road), Virar (W), Dist. Palghar,
Tel. (off) (0250) - 2502859



25

SERIAL NO: 4077
DATE: [] OCT 2021



महाराष्ट्र शासन

अधीक्षक अभियंता (विद्युत),
यांचे कार्यालय, पुणे प्रादेशिक विद्युत मंडळ
सा.बां.विभाग, दाते बंगला, शासकीय दुध योजना आवार
खडकी, पुणे ४११००३.

Web Site:-www.mahapwd.com

E-Mail :-elpune.se@mahapwd.com

दुरध्वनी क्रमांक ०२०-२५८१६०१०

जा.क्र.अअ(वि.)/पुप्राविमं/सअअ/३३७४ / २०१९

दिनांक. ३०.११.२०१९

प्रति,

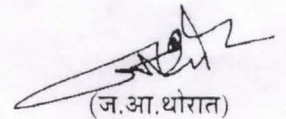
श्री.प्रदिप वि.तेंडोलकर,
कार्यवाह, श्री.जीवदानी देवी संस्थान, विरार,
पब्लीक ट्रस्ट रजि.नं.ए.३१७(ठाणे)
जीवदानी रोड, विरार(पूर्व),
जि.पालघर.४०१ ३०५.

विषय- श्री.जीवदानी देवी संस्थान विरार जि.पालघर येथे फनिक्युलर सिस्टमचे बांधकाम करणेस मंजूरी मिळणेबाबत.

संदर्भ - १) आपले पत्र क्र.जा.क्र.९२/२०१९-२० दि.२७.१०.२०१९.

२) कार्यासन अधिकारी, रस्ते-५ सा.बां.विभाग मुंबई यांचे पत्र क्र.रोपवे २०१३/प्र.क्र.५९/दि.२७.११.२०१९ अन्वये दि.१५.११.२०१९ रोजी झालेल्या हवाई रज्जुमार्ग सल्लागार मंडळाच्या बैठकीचे मंजूर इतिवृत्त.

उपरोक्त विषयास अनुसरून, संदर्भीय पत्र क्र.१ अन्वये श्री. जीवदानी देवी संस्थान, विरार जि.पालघर येथे फनिक्युलर सिस्टम उभारणी करणेकरिता मंजूरी मिळणेबाबतचा प्रस्ताव दि.१३.११.२०१९ रोजी या कार्यालयास प्राप्त झाला असून, सदर प्रस्तावाच्या अनुषंगाने, संदर्भ क्र.२ अन्वये हवाई रज्जुमार्ग सल्लागार मंडळ समिती यांचेशी चर्चा केली असता, फनिक्युलर सिस्टम उभारणी करणे ही बाब या समितीच्या कार्यक्षेत्र येत नाही असे निश्चित झाले आहे. सबब आपले माहितीस्तव.


(ज.आ.थोरात)

सदस्य सचिव

हवाई रज्जुमार्ग सल्लागार मंडळ.

तथा अधीक्षक अभियंता

पुणे प्रादेशिक विद्युत मंडळ.

सा.बां.विभाग,पुणे.

प्रत- मा.अध्यक्ष,हवाई रज्जुमार्ग सल्लागार मंडळ समिती तथा सहसचिव व मुख्य अभियंता,सा.बां.विभाग, मंत्रालय, मुंबई यांना माहितीस्तव सविनय सादर.



Translation Ax. R1 1115

Government of MAHARASHTRA
Office of Superintendent Engineer (Electric)
Pune Division Electric Board
P.W.D., Date Bungalow,
Government Milk Scheme Compound,
Khadaki, Pune – 411 003.

Web Site – www.mahapwd.com

E-mail – elpune.se@mahapwd.com

Telephone No. – 020 – 25816010

O.W. No. AA (Elect.)/P.W.E.B/SAA/3374/2019

Dated :- 30/11/2019

To,
Shri Pradeep Tendolkar,
Executor, Shri Jivdani Devi Mandir Trust,
Public Trust Register No. A – 317 (Thane),
Jivdani Road, Virar (East), Dist – Palghar. 401 305

Sub: - Regarding permission for Funicular, Trolley at Shri Jivdani Devi Mandir Trust, Virar, Dist. - Palghar.

Ref.:- 1) Your Letter No. O.W.No. 92/2019 dated 27/10/2019.
2) Extract of Minutes of Meeting of Ropeway Advisory Committee held on 15/11/2019, as per letter of Executive Officer, Road No.5 P.W.D., Mumbai bearing No. Ropeway 2013/M.No.59/dated 27/11/2019.

With reference to above noted subject, as per the letter referred sat sr.No.1 this office has received a proposal for building of funicular trolley at Shri Jivdani Devi Mandir Trust Virar, Dist – Palghar and pursuant to this proposal, under reference No.2 when it was discussed with Ropeway Advisory Committee, it was decided that the construction of the Funicular system would not come under the jurisdiction of this Committee. Hence this is for your information.

Sd /-
(J.A. Thorat)
Member Secretary,
Ropeway Advisory Committee,
And Superintendent Engineer,
Pune Division Electric Board,
P.W.D., PUNE.

Copy respectfully submitted for information to:
Chairman, Ropeway Advisory Committee and Secretary & Chief Engineer,
P.W.D., Mantralaya, Mumbai

शहर व औद्योगिक विकास महामंडळ (महाराष्ट्र) मर्यादित

(सीआयएन - यु ९९९९९ एमएच १९७० एसजीसी - ०१४५७४)

नोंदणीकृत कार्यालय :
'निर्मल' दुसरा मजला, नरीमन पॉईंट,
मुंबई - ४०० ०२९.
दूरध्वनी : ००-९१-२२-६६५० ०९००
फॅक्स : ००-९१-२२-२२०२ २५०९

मुख्य कार्यालय :
'सिडको' भवन, सी.बी.डी. बेलापूर,
नवी मुंबई ४०० ६९४.
दूरध्वनी : ००-९१-२२-६७९९ ८९००
फॅक्स : ००-९१-२२-६७९९ ८९६६

संदर्भ क्र. सिडको/नियोजन/व.नि.(वि.आ.)/२०१९/५८

दिनांक : १३.०५.२०१९

प्रति,

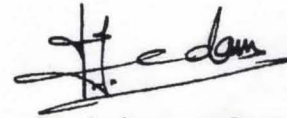
मा. अध्यक्ष, श्री जीवदानी देवी संस्थान, विरार
पब्लिक ट्रस्ट रजि नं. ए-३९७ (ठाणे)
विरार (पूर्व), जि. पालघर, पिन- ४०१ ३०५.

विषय: श्री जीवदानी देवी मंदीर विरार, जि. पालघर येथे फनिक्च्यूलर रोप बांधकाम करणे कामी ना
हरकत प्रमाणपत्र मिळणे बाबत.

संदर्भ: आपले दि. २९/०३/२०१९ रोजीचे, मा. उपाध्यक्ष तथा व्यवस्थापकीय संचालक, सिडको यांना
पाठविलेले पत्र.

महोदय,

आपले वरील संदर्भिय पत्र या विभागात दि. १३/०५/२०१९ रोजी प्राप्त झाले. आपल्या पत्राचे अवलोकन केले
असता असे आढळून आले की, सदर प्रकल्प वसई-विरार महानगरपालिका क्षेत्रात आहे. तरी आपल्या अर्जाविषयी
आपण वसई-विरार महानगरपालिका यांना अर्ज करावा, ही विनंती.



वरिष्ठ नियोजनकार (वि.आ./पालघर)

प्रत,

महानगरपालिका आयुक्त, वसई-विरार महानगरपालिका

CIDCO
Architect of City

City & Industrial Development Corporation (Maharashtra) Limited
(CIN-U 99999 MH 1970 HGC-014574)

Regd Office
Nirmal 2nd floor Nariman Point
Mumbai 400021
Telephone 0091 22 66500 900
Fax 0091 222202 2509

Head office
'CIDCO' Bhawan, C.B.D. Belapur
Navi Mumbai 400614
Telephone 00 912 2679 18100
Fax 0 0 91 12267 91 181 66

Ref. No.: CIDCO/Planning/व. नि. (वि.अ.)/2019/58

Dated 13.05.2019

To,
The President, Shree Jivdani Devi Sansthan, Virar
Public Trust Reg. No.A-397 (Thane)
Virar (East) Dist - Palghar PIN 401305

Subject:- Regarding obtaining No Objection Certificate for construction of
Funicular Rope way at Shree Jivdani Devi Mandir, Virar
Dist -Palghar.

Ref:- Your letter dated 29/03/2019, sent to Hon. Vice Chairman & Managing
Director of CIDCO.

Sir,

Your above reference letter received to this section on 13/05/2019. While
reviewing this letter, it was found that, the said project is within the area of Vasai-
Virar Municipal Corporation. Hence, you are requested to apply to Vasai-Virar
Municipal Corporation in this respect.

Sd/-

Sr. Planner (वि.अ./Palghar)

c.c. :
Municipal Commissioner
Vasai Virar Municipal Corporation.

वनक्षेत्रपाल मांडवी (संरक्षण) यांचे कार्यालय, मांडवी

पत्ता- मांडवी, ता.वसई, जिल्हा- पालघर ०२५०-२५७१९९९ E-mail ID -mandvirange@gmail.com

विषय:- मौजे विरार स.क्र. ३७२ ब, क्षेत्र ०.९२.१
क्षेत्राबाबत अभिप्राय कळविणेबाबत.जा.क्र.कक्ष-अ/जमीन/ ३४५/सन २०१७-१८
मांडवी. दि. २५/१०/२०१७

प्रति,
मा.उप वनसंरक्षक,
ठाणे वनविभाग,
ठाणे. (मा.उप विभागीय वन अधिकारी, मांडवी (स्थित-ठाणे) यांचेमार्फत)

संदर्भ :- १) आपलेकडील पत्र क्र कक्ष-१/२०/जमीन/प्र.क्र.२३५/४५७८ ठाणे दि. ०४/१०/२०१७

२) वनपाल विरार यांचेकडील पत्र क्र. जा.क्र. ७१/१७-१८ दि. ११/१०/२०१७.

महोदय,

उपरोक्त संदर्भान्वये मांडवी वनपरिक्षेत्राकडील मौजे विरार स.क्र. ३७२ ब, क्षेत्र ०.९२.१ हे.आर. चे क्षेत्राब वनपाल विरार यांनी स्थळावर जाऊन व परिक्षेत्र कार्यालयातील वनजमिनीशी संबंधित अभिलेखाची खात्री क खालील मुद्यांवर अहवाल सादर करित आहोत.

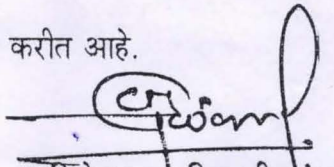
- १) सदर क्षेत्रास भारतीय वन अधिनियम, १९२७ मधील कलम ३५ च्या तरतुदी लागू नाहीत.
- २) कलम ३५ च्या तरतुदी लागू होत नाहीत त्यामुळे महसुल विभागाकडून चौकशीबाबत प्रश्न उद्भव नाही.
- ३) सदर क्षेत्र वनविभागाच्या फॉर्म नं.१ वरील संरक्षित/राखीव/अवर्गीकृत वन क्षेत्रात मोडत नाही.
- ४) सदर क्षेत्र एकसाली प्लॉट पैकी नाही.
- ५) सदर क्षेत्र हे हस्तांतरित झालेले तथापि निर्वणीकरण झालेल्या क्षेत्रापैकी नाही.
- ६) सदर क्षेत्र सर्वोच्च न्यायालयाच्या दि.१२/१२/१९९६ चे निर्णयानुसार 'वन' संज्ञेत आयडेंटिफाय केलेले क्षेत्रापैकी नाही.
- ७) सदर क्षेत्र घोषित केलेल्या कांदळवनांच्या क्षेत्रापैकी तसेच मा.उच्च न्यायालय यांनी दि.१७/२/२०११ रोजी दिलेल्या आदेशाप्रमाणे शासकीय किंवा खाजगी कांदळवनापैकी नाही.
- ८) सदरचे क्षेत्र इको-सेन्सिटीव्ह झोनमध्ये येत नाही.

मौजे विरार स.क्र. ३७२ ब, क्षेत्र ०.९२.१ हे.आर. क्षेत्रास वनविषयक तरतुदी लागू नाहीत. तसेच सदरचे क्षेत्राची वनविभागाचे नमुना नं. १ मध्ये नोंद नाही. तरी आपले कडील अभिलेख तपासून पुढील कार्यवाही होणेस विनंती आहे.

सोबत पंचनामा, जबाब, ७/१२ उतारा, गटबुक नकाशा जोडून सादर करित आहे.

करीता माहितीस्तव व पुढील कार्यवाहीसाठी सविनय सादर.

सहपत्र: पान नं.१ ते १६


परिक्षेत्र वनअधिकारी मांडवी
संरक्षण ता.वसई

Office of Range officer Mandavi (security)

Mandavi, Tal. Vasai, Dist Palghar Tel.0250-2571999 Email ID mandvirange@gmail.com

Sub: Opinion on village Virar SNo. 376 ?

Area 4.25.93 HR.

O. W. No. Div.A/Land/345/year 2017-18

Mandvi .

Date 25/10/2017

To,

Respected Dy. Ranger,

Thane forest Division,

Thane (through Res. Sub Divisional Forest Officer, Mandavi, [At-Thane])

Ref. : 1) Your letter No. Sec -1/20 / Land /प्र. फ. 235/4578

Thane. Dated:- 04/10/2017.

2) Letter from Forester, Virar vide O. W. No. 71 / 17-18 dated 11/10/2017.

Sir,

In the above context, Mandvi forest jurisdiction village Virar S.No. 372 B Area 4.25.93, submitting the report on the following points after the forester Virar by visiting the site and confirming the records related to the forest land in the range office.

1) The provisions of Section 35 of the Indian Forest Act, 1927 are not applicable to this area.

2) The provisions of Section 35 are not applicable to this area and as such inquiry from Revenue department does not arise.

(3) This area does not fall under protected / reserved / unclassified forest area on Form No. 1 of Forest Department.

4) This area is not a *Eksali* plot.

5) This area is not one of the transferred or de-demarcated areas.

6) This area is the date of the Supreme Court. As per the Supreme Court decision of 12/12/1996, this area doesn't fall under the term 'forest'.

7) The said area is not covered by the declared area of *Kandal Van* forest as well by the order of Hon'ble High Court dtd 17/2010, it is not public or private Kandalvans.

8) This area does not fall in Eco Sensitive Zone.

Forest provisions do not apply to the area situated at Virar S. No. 372 B, Area 0.92.1 H. R. As well as the Forest Department having no record of the said area in their form No.1. However, we request you to check your records and take further action.

Along with Panchnama, statement, 7/12 extract, group book map is being submitted.

This Submissions for information and further action.

Encl. Page 1 to 16

Sd/-

Area Forester, Mandavi
Preotection, Tal Vasai

उप वनसंरक्षक, ठाणे वन विभाग यांचे कार्यालय

तात्काळ

विषय : वनजमीन-ठाणे

श्री जिवदानी देवी मंदिर ट्रस्ट, विरार, ता. वसई
यांना १.९५ हेक्टर वनजमीन वनेतर वापरास
हस्तांतरीत करण्याबाबत ..

जा.क्र. कक्ष-१/२०/जमीन/ ६३५७

/२००४-२००५

ठाणे - ४०० ६०२

दिनांक : १ जानेवारी २००५

फेब्रुवारी

ज्ञापन :

- संदर्भ : १) केंद्र शासनाचे पत्र क्रमांक ८बी/३७/९७-एफसीडब्ल्यू/१५१३ दिनांक १५.७.१९९९
- २) केंद्र शासनाचे पत्र क्रमांक ८बी/३७/९७-एफसीडब्ल्यू/९८२ दिनांक २.५.२०००

उपरोक्त प्रकल्पांतर्गत विरार, ता. वसई, जि. ठाणे येथील स.नं. ३९८ मधील १.९५ हेक्टर वनजमीन वनेतर वापरास हस्तांतरीत करण्यास संदर्भीय पत्रान्वये दिलेल्या अटीस अधीन राहून अंतिमतः मंजूरी दिलेली आहे.

संस्थेने मागणी केलेल्या १.९५ हेक्टर क्षेत्राचा तपशील खालील प्रमाणे आहे.

अ.क्र.	कामाची बाब	क्षेत्र (चौ.मी.)
१.	श्री जिवदानी देवी मंदिर, सभामंडप व रोप-वे (वरील बाजू)	२५००.००
२.	रोप-वे रस्ता	३६००.००
३.	श्री जिवदानी मंदिराकडे जाणाऱ्या रस्त्याची दुरुस्ती	११००.००
४.	अस्तित्वात असलेल्या पार्कीक रोडची दुरुस्ती	९६२०.००
५.	रोप-वे बेस स्टेशन	६००.००
६.	श्री बारोंडा मंदिर	३००.००
७.	श्री महाकाली मंदिर	३००.००
८.	श्री दत्त मंदिर	३००.००
९.	श्री गणेश मंदिर, सभामंडप, कार्यालय व त्यासंबंधीची बांधकामे	५००.००
१०.	टॉयलेट्स	१८०.००
११.	भंडारा शेड	५००.००
एकूण		१९५००.००
		१.९५ हेक्टर

वनक्षेत्रपाल मांडवी यांना कळविण्यात येते की, वरील क्षेत्राचे प्रकल्प यंत्रणेच्या खर्चाने सिमांकन करून घ्यावे व कॉक्रीट बुरुज बसवावेत जेणेकरून प्रकल्प यंत्रणेस हस्तांतरीत केलेल्या मंजूर क्षेत्रा बाहेरील वनजमीनीवरील अतिक्रमण दूर करावे लागेल.

वरील प्रमाणे प्रकल्प यंत्रणेस हस्तांतरीत झालेल्या क्षेत्राचे वनसर्वेक्षक, ठाणे यांचेमार्फत सिमांकन करून घेऊन कॉक्रीट बुरुज बसविण्याचे काम प्राधान्याने पुर्ण करावे व नकाशासह अहवाल सादर करावा.

उप वनसंरक्षक,
ठाणे वन विभाग, ठाणे.

प्रति,


वनक्षेत्रपाल मांडवी

१०/१०/०५
७/१०/०५

०५/१०/०५

तात्काव

- प्रतिलिपी - सहाय्यक वनसंरक्षक मांडवी यांच्याकडे माहिती तथा आवश्यक कार्यवाहीसाठी अग्रेषित
- प्रतिलिपी - वनसर्वेक्षक, ठाणे यांच्याकडे आवश्यक कार्यवाही करुन पुर्तता अहवाल सादर करण्यासाठी रवाना.
- प्रतिलिपी - अध्यक्ष, श्री जिवदानी देवी मंदिर ट्रस्ट, विरार-४०१ ३०३ यांच्याकडे माहितीसाठी व आवश्यक कार्यवाहीसाठी सस्नेह अग्रेषित.
- २/- वनक्षेत्रपाल मांडवी व वनसर्वेक्षक, ठाणे यांचेशी संपर्क साधून जरुरी सिमांकनाचे काम करुन घेण्यास विनंती आहे.

उप वनसंरक्षक
द्वारे वन विभाग, ठाणे


Office of Deputy Conservator of Forests, Thane Forest Department

Subject: Transfer of 1.95 hectares of non-forest land to Shri Jivdani Devi Mandir Trust, Virar, Taluka Vasai.

O.W. No. Desk-1/20/Land/6357/2004-05

Thane – 400602. Dated:- 1 February, 2005.

Memo:

Ref.:- 1) Central Governments letter No. 8B/37/97-FCW/1513 dt. 15/7/1999.

2) Central Governments letter No. 8B/37/97-FCW/982 dt. 02/05/2000.

Under the above project, 1.95 hectare of forest land in Survey No. 398 at Virar Taluka, Vasai District, Thane has been finally approved subject to the conditions given in the reference letter.

The details of the 195 hectare area demanded by the organization are as follow.

Sr. No.	Nature of work	Area (Sq. Mts.)
1	Shri Jivdani Devi Mandir, Auditorium & Ropeway (Front side)	2500.00
2.	Rope way Marg	3600.00
3.	Repairing of Road towards Jivdani Mandir	1100.00
4.	Repairing of existing Parking Road	9620.00
5.	Rope way base station	600.00
6.	Shri Baronda Mandir	300.00
7.	Shri Mahakali Mandir	300.00
8.	Shri Datta Mandir	300.00
9.	Shri Ganesh Madir, Auditorium & allied constructions	500.00
10.	Toilets	180.00
11.	Bhandara Shet	500.00
Total		19500.00

Forester, Mandavi is hereby informed that, boundary work of this area should be done by project authority's expenses and Concrete Towers should be installed in order to remove encroachment on forest land outside the approved area transferred to the project system.

As per above, demarcation of the area transferred to the project system should be done through Forest Surveyor, Thane and installation of concrete towers should be completed with priority and report with map should be submitted.

Sd/-

Deputy Conservator of Forests
Thane Forest Department, Thane

To,
Forester, Mandavi.

S. No.	Nature of work	Area (Sq. Mtr.)
1	Shri Jyoti Devi Mandir, Auditorium & Ropeway (front side)	3500.00
2	Ropeway Mandir	3600.00
3	Repairing of Road towards Jyoti Mandir	1100.00
4	Repairing of existing Pathing Road	950.00
5	Ropeway base station	800.00
6	Shri Bhandari Mandir	300.00
7	Shri Mahadev Mandir	300.00
8	Shri Datta Mandir	400.00
9	Shri Ganesh Mandir, Auditorium & allied constructions	350.00
10	Total	180.00
11	Standard Sheet	50000
	Total	19500.00

क्र. प. व द/ फुनिक्वूलर रोप वे/२०२०/ 163

दिनांक:- २२/१०/२०२०

प्रति
 सचिव,
 श्री . जीवदानी देवी मंदिर संस्थान,
 पब्लिक ट्रस्ट रजि . नं . ए -३९७ (ठाणे),
 विरार (पूर्व), जि . पालघर (महाराष्ट्र), पिन - ४०१ ३०५

संदर्भ: दिनांक- २९/०३/२०१९ आणि ०८/१०/२०२० रोजीचे पत्र

विषय : श्री . जीवदानी देवी मंदिर , विरार , जि . पालघर येथे फुनिक्वूलर रोप वे बांधकाम करणे कमी ना
 हरकत प्रमाणपत्र मिळणे बाबत

उपरोक्त विषयानुसार, श्री . जीवदानी देवी मंदिर संस्थानतर्फे , संस्थानाच्या जागेवर फुनिक्वूलर रोप वे बांधकाम करणे कामी ना हरकत प्रमाणपत्र प्राधिकरणामार्फत मिळणे बाबत विनंती केली आहे .सदर पत्राच्या अनुषंगाने श्री . जीवदानी देवी मंदिर संस्थान यांना असे कळविण्यात येते की, सदर ठिकाणी प्राधिकरणामार्फत सद्यस्तिथीस कोणतेही प्रकल्प अंतिमरित्या प्रस्तावित नसून तसेच फुनिक्वूलर रोप वे च्या बांधकामामुळे प्राधिकरणामार्फत अस्तिस्त्वात असलेल्या प्रकल्पास कोणतीही बाधा नाही.

सदर ना हरकत प्रमाणपत्र आपल्या विनंतीनुसार देण्यात येत आहे.

(Handwritten Signature)

(एम. एस. देवरु)

अतिरिक्त प्रमुख ,

परिवहन व दळणवळण विभाग

Mumbai Metropolitan Region Development Authority

Bandra-Kurla Complex, Bandra East, Mumbai 400 051

T +91 22 2659 1234 EPABX +91 22 2659 0001 / 4000 F +91 22 2659 1112 / 1264

MMRDA

No. T & C /Funicular Rope way/2020/63

Date : 22/10/2020

To

The Secretary,
Shree Jeevdani Devi Mandir Sansthan,
Public Trust Registration No. A - 397,
Virar (East) Dist - Palghar (Maharashtra) pin - 401305

Reference: Letters dated 29/03/2019 and 08/10/2020.

Subject: Obtaining No Objection Certificate for Construction work of Funicular Rope Way at Shree Jeevdani Devi Mandir, Virar, Dist. at Palghar

As per the above subject, Shri. Jeevdani Devi Mandir Sansthan has requested to get the No Objection Certificate from the Authority for the construction of Funicular Rope Way on the Sansthan site. In connection with this letter, Shree Jeevdani Devi Mandir Sansthan is informed that no project has been finally proposed by the Authority at this place and there is no impediment to the existing project due to the construction of Funicular Ropeway.

This No Objection Certificate is being issued as per your request.

Sd
(M S Devaru)
Additional chief
Transport & communication
Department

Mumbai Metropolitan Region Development Authority
Bandra Kurla complex, Bandra East, Mumbai 400 051.
Tel.+91 22 2659 1234 EPABX +91 22 2659 0001/4000
F +91 22 2659 1112 / 1264



जा.क्र.पोअ/ना.सु.केंद्र/पडताळणी/२०२०/८५
 पोलीस अधीक्षक, कार्यालय, पालघर,
 मध्यवर्ती प्रशासकीय इमारत, विडकोरोड, पालघर,
 जिल्हा - पालघर.
 दुरध्वनी - ०२५२५- २५११०० (कार्यालय)
 E-mail : sp.palghar@mahapolice.gov.in
 दिनांक :-२५.१२.२०२०

प्रति,
 अध्यक्ष,
 श्री जिवदानी देवी संस्थान,
 विरार पुर्व, ता. वसई, जि. पालघर

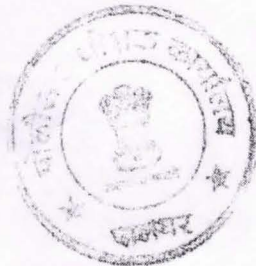
विषय :- श्री जिवदानी देवी मंदिर, विरार येथे फनीक्युलर रोप-वे बांधकाम ना हरकत
 प्रमाणपत्रा बाबत

संदर्भ :- आपले कडील दिनांक २९.३.२०२० रोजीचे पत्रान्वये.

उपरोक्त विषय व संदर्भान्वये, श्री जिवदानी देवी मंदिर संस्थान, विरार (पुर्व) ता. वसई जि. पालघर यांच्या मार्फत संस्थानांच्या जागेत फनीक्युलर रोप-वे चालु करण्यात येणार असल्याची वरील संदर्भान्वये आपण फनीक्युलर रोपवे बांधकाम ना हरकत प्रमाणपत्राची मागणी केली आहे.

आपणांस याद्वारे कळविण्यात येत की, श्री जिवदानी मंदिर देवीचे महाराष्ट्रातील प्रामुख्याने देवस्थान मंदिर असून ते समुद्र सपाटी पासुन २३४ मीटर उंचीवर आहे. सुमारे दररोज ८ ते १० हजार भाविक मंदिरात दर्शना करीता ये-जा करित असतात, करीता त्यांच्या सोयीसाठी आपण आपल्या संस्थानांच्या मार्फत भक्तगणांसाठी फनीक्युलर रोप-वे ची सुविधा सुरु करण्याचे नियोजन आहे.

करीता भाविकांची होणारी गर्दी लक्षात घेता त्यांच्या सुरक्षिततेच्या दृष्टीकोनातून, कायदा सृव्यवस्थेच्या अनुषंगाने तसेच गर्दीचे योग्य ते नियोजन करुन भाविकांची सुरक्षितता यापुढे सुध्दा राखली जाईल अशी उपाययोजना करण्यात यावी, फनीक्युलर रोप-वे बांधकामा करीता संबंधी विभागांची योग्य ती परवानगी घेऊनच आपण पुढील कार्यवाही करावी.



(Signature)

(सुधीर कटारे) २५

प्रभारी अधिकारी, नागरीक सुविधा केंद्र
 पोलीस अधीक्षक, पालघर करिता.

O. W. No PS/ NSC / verification/ 2020/85

Office of Police Superintendent, Palghar

Central administration Building, BIDCO Road, Palghar, Dist. Palghar.

Tel : 02525-251100 (Office).

E-mail sp.palghar@mahapolice.gov.in

Date :25-12-2020

To,

President,

Shri Jivdani Devi Sansthan,

Virar East, Tal Vasai, Dist Palghar

Subject: No Objection Certificate for Construction of Funicular Ropeway at Shri Jivdani Devi Mandir, Virar.

Reference: your letter dated 29.3.2020,

In the above subject and context, Shri Jivdani Devi Mandir Sansthan, Virar (East) Ta. Vasai. Dist. Palghar decided to install a Funicular Rope Way in the space of Sansthan and in the above context, have demanded an No Objection Certificate for construction of funicular ropeway.

We would like to inform you that Shri Jivdani Mandir is a famous temple of Goddess in Maharashtra which is at an altitude of 234 meters above sea level. About 8,000 to 10,000 devotees visit the temple every day, and for their convenience, you plan to start a funicular ropeway facility for these devotees through your Sansthan.

In view of the considering increasing number of devotees and their security, a proper planning should be done to ensure the safety of the devotees by way of maintaining law and order and control over the crowd as well.

Further action regarding construction of Funicular ropeway you should take the proper permission from the concerned department.

Sd/-

(Sudhir katare) PSI, 25/12/2020

Incharge Officer Public Facility Centre.

For Supdt. Of Police, Palghar.

जाक्र / पाजिप / बांध / वशी - 3 / 115

कार्यकारी अभियंता यांचे कार्यालय

दिनांक : 05-02-2020

प्रति,

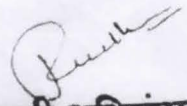
श्री जिवदानी देवी संस्थान,
विरार.

विषय : श्री जिवदानी देवी मंदिर विरार, जि. पालघर
येथे फनिक्च्यूलर रोप वे बांधकाम करणे कामी
ना-हरकत प्रमाणपत्रा बाबत...

संदर्भ : श्री जिवदानी देवी संस्थान, विरार
यांचे पत्र दिनांक : 21-01-2020

वरील संदर्भिय पत्र ह्या कार्यालयास प्राप्त झाले.
आपल्या पत्रानुसार - " सदरचे प्रस्तावित फनिक्च्यूलर रोपवे
बांधण्याचे ठिकाण वसई- विरार महानगर पालिका कार्यक्षेत्रात
येते," असे कळविले आहे. त्यानुसार ह्या विभागाचे कार्य
क्षेत्र नसल्यामुळे नाहरकत प्रमाणपत्र देता येणार नाही.

तरी सदरचे ठिकाण ज्या विभागाच्या कार्यक्षेत्रात
येते त्या विभागाकडून पुढील कार्यवाही प्रक्रिया करण्यात यावी.


कार्यकारी अभियंता
बांधकाम विभाग
जिल्हा परिषद, पालघर

प्रत : उपविभाग अभियंता, बांधकाम उपविभाग वसई, जि.प.
पालघर याना माहिती साठी ...

Outward/PZP / Works/VS-3/115
Office of Executive Engineer,
Date : 05/02/2020

To

Shri Jivdani Devi Sansthan,
Virar,

Subject: No Objection Certificate for Construction of Funicular Rope-way at
Shri Jivdani Devi Mandir, Virar, Dist. Palghar.

Reference: Letter from Shri Jivdani Devi Sansthan, Virar dated: 21.01.2020

The above reference letter was received by this office. According to your letter, It has been reported that the site for construction of the proposed funicular ropeway falls under the jurisdiction of Vasai Virar City Municipal Corporation." Accordingly, No Objection Certificate cannot be issued as this department has no jurisdiction to work.

However, further action should be taken by the department under whose jurisdiction this place falls.

...

Sd

Executive Engineer,
Works Department,
Zilha Parishad, Palghar

...

CC to:- Sub-division Engineer, Works Sub-division , Vasai, zilha Parishad,
Palghar for information...

महाराष्ट्र जीवन प्राधिकरण

कार्यकारी अभियंता
महाराष्ट्र जीवन प्राधिकरण
जलव्यवस्थापन विभाग, विरार
विष्णू प्रतिभा हॉल, २ रा माळा,
विरार (प), पिन कोड ४०१ ३०३.



फोन नं.: २५०५८५२/ २५०६४०८
फॅक्स नं.: २५०५८५२
ई-मेल: eewm.virar@mjp.gov.in

जा.क्र.मजीप्राजव्यवि/ विरार /तांशा/ २६८

दि. १७/०३/२०२०

प्रति,
जीवदानी देवी संस्थान,
विरार (पूर्व),
जि-पालघर (महाराष्ट्र),
पिन-४०१३०५.

विषय:- श्री.जीवदानी देवी मंदिर विरार, जि-पालघर येथे फनिक्वुलर रोपवे बांधकाम करणे कामी ना हरकत प्रमाणपत्र मिळणे बाबत.

संदर्भ:- आपले दि.०६/०३/२०२० चे पत्र.

संदर्भिय पत्राच्या अनुषंगाने आपणास कळविण्यात येते की, वरील नमुद फनिक्वुलर रोपवे बांधकामामुळे या विभागाच्या अखत्यारीतील अस्तित्वात असलेला कोणताही प्रकल्प बाधित होत नाही. तसेच या ठिकाणी कोणताही नविन प्रकल्प प्रस्तावित नाही.

करीता ना-हरकत प्रमाणपत्र देण्यात येत आहे.

(आर.डी.धादवड)

कार्यकारी अभियंता (प्रभारी),
म.जी.प्रा.ज.व्य.विभाग, विरार

MAHARASHTRA JEEVAN PRADHIKARAN

Executive Engineer,
Maharashtra Jeevan Pradhikaran
Water Management Division, Virar
Vishnu Pratibha Hall, 2nd floor,
Virar (West), PIN 401303.

Tel 2505852/2506408
Fax 2505852
Email eevm.virar@mjp.gov.in

O. W. No.. मजीप्राजव्यवि/ विरार/तांशा/268

Date. 17/03/2020

To,

Jeevdani Devi Sansthan
Virar East
Dist- Palghar Maharashtra
PIN 401305.

Subject: - Request for NOC regarding construction of funicular ropeway at
Jeevdani Devi Mandir Virar, Dist-Palghar.

Reference: - Your letter dated 06/03/2020.

In connection with the reference letter, you are informed that the
above mentioned funicular ropeway construction does not affect any of the
existing projects under the jurisdiction of this department. Also no new
projects are proposed in this place.

A No Objection Certificate is being issued for.

Sd/-

(R D Dhadvad)
IC Executive Engineer
म.जी.प्रा.ज.व्य.वि, विरार

महाराष्ट्र राज्य विद्युत वितरण कंपनी मर्यादित



अतिरिक्त कार्यकारी अभियंतायांचे कार्यालय
सं व सु विभाग, विरार (पु) उपविभाग
१/२, ओमसाई नगर, वरदविनायक
लेन, विरार पुर्व, ता. वसई, जि. पालघर.

अति. काअ/विरार(पु)/तांत्रिक/No 0 2 6 8

दिनांक :- 14 FEB 2020

प्रति,

मा. अध्यक्ष

श्री जीवदानी देवी संस्थान

विरार पुर्व.

विषय :- श्री जीवदानी मंदीर विरार, जि. पालघर येथे फनिक्युअर रोप वे बांधकाम करणे कामी
ना हरकत प्रमाणपत्र मिळणे बाबत.

संदर्भ :- आपले दि. २९.०३.२०१९ राजीचे पत्र.

उपरोक्त विषयांस अनुसरून, श्री जीवदानी देवी संस्थान, विरार येथे प्रस्तावित फनिक्युअर रोप वे
बांधकाम ज्या ठिकाणी करण्यात येत आहे त्या ठिकाणी या विभागाकडून कोणतेही LT HT प्रस्ताव
प्रस्तावित नाही. व आपण उभारत असलेल्या रोप वे च्या कामास अस्तित्वात असलेल्या विद्युत वाहिनीस
कोणतीही बाधा नाही.

वरील ना हरकत प्रमाणपत्र आपल्या मागणीनुसार देण्यात येत आहे.

अतिरिक्त कार्यकारी अभियंता
म. (रा.वि.) वि. क. मर्यादित,
विरार/पुर्व उपविभाग

Maharashtra State Electricity Distribution Company Limited

Office of Addl Executive Engineer SVS
zone, Virar East Sub Division
1/2 Om Sai nagar, Varadvinayak lane,
Virar East Tal Vasai Dist Palghar

AEE/Virar (E)/O&M/No0268

Date : 14 Feb 2020

To,

The Chairman,

Shri Jeevdani Devi Santhan,

Virar East.

Sub : NOC for construction of funicular ropeway at Shri
Jeevdani Devi Sansthan, Virar. Dist Palghar.



Ref : Your letter did 29.03.2019

Pursuant to the above topics, no LT HT proposal has been proposed by this department at the site where the proposed funicure ropeway construction is being carried out at Shri Jeevdani Devi Sansthan, Virar. And the work of the ropeway you are erecting is not hampered by the existing electrical wiring.

The above No Objection Certificate is being issued as per your request.

Sd/-

Addl. Executive Engineer
(O&M) MSEDCL
Sub Division, Virar (East)

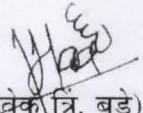
	कार्यकारी अभियंता यांचे कार्यालय सा. बां. विभाग, पालघर	 माहितीचा अधिकार
www.mahapwd.com	02525 254444	Email palghar ee@mahapwd.com
जा.क्र.सा.बां.वि/पालघर/रेशा/	६०८	दिनांक :- ११ / ०२ / २०२०

प्रति,
अध्यक्ष,
श्री. जीवदानी देवी संस्थान,
विरार ता.वसई जि.पालघर.

विषय :- श्री जीवदानी देवी मंदिर विरार, जि.पालघर येथे फनिक्यूलर रोप वे बांधकाम करणेकामी ना हरकत प्रमाणपत्र मिळणेबाबत...

संदर्भ :- उप विभागीय अभियंता, सा.बां.उपविभाग क्र.१ वसई यांचेकडील पत्र क्र.सा.बां./उवि/वसई/रेशा/१०० दि.१०/०२/२०२०.

उपरोक्त विषयास अनुसरून आपणास कळविण्यात येते की, या विभागाच्या अखत्यारिंत असलेल्या सा.बां.उपविभाग क्र.१ वसई या उपविभागाकडे एस.टी. डेपो पारनाका ते अर्नाळा विरार कणेर शिरसाड अंबाडी रस्ता रामा. ८१ हा रस्ता देखभाल दुरुस्ती करीता आहे. सदर रस्त्यापासून साखळी क्र.११/००० पासून सदर जीवदानी मंदिर साधारणतः ३ किलोमीटर अंतरावर आहे. जीवदानी मंदिराचे परिसर वसई विरार शहर महारनगरपालिकेच्या क्षेत्रात येत असून सद्यस्थितीत या विभागाकडून सदर परिसरात कुठलेही रस्ते, पुल, इमारतीचे प्रकल्प प्रस्तावित अथवा प्रगतीत नाही.


(विवेक त्रि. बडे)
कार्यकारी अभियंता
सा.बां.विभाग,पालघर

प्रत :- उपविभागीय अभियंता, सा.बां.उपविभाग क्र.१, वसई यांना माहितीसाठी रवाना.

Executive Engineer, Office of P. W. D. Palghar.

Rights of
Information

www.mahapwd.com Tel : 02520-254444 email: Palghar.ee@mahapwd.com.

जा. क्र. सा. बां. वि./पालघर/रेशा/678

Dated - 11/02/2020

To,

Chairman,
Shri Jeevdani Devi Santhan,
Virar, Tal – Vasai, Dist – Palghar.

Subject: Request for NOC regarding construction of funicular ropeway
at Shri Jeevdani Devi Mandir Virar, Dist-Palghar.

Ref: Letter No. Letter no. सा.बां./उवि/वसई/रेशा/१०० dt. 10/02/2020 from
Sub-Divisional Engineer, P.W.D. Sub-Division

Pursuant to the above subject, you are informed that the P.W.D. Sub-division no. 1 Vasai, with this sub-division, ST Depot Parnaka to Arnala Virar Kaner Shirsad Ambadi Road State Highway 81 is for road maintenance repairs. From this road, chain no. 11/000, this Jeevdani temple is at a distance of about 3 km. The campus of Jeevdani Mandir is coming under the jurisdiction of Vasai Virar City Municipal Corporation and at present no road, bridge, building project is proposed or in progress in this area by this department.

...

Sd/-

(Vivek T. Bade)
Executive Engineer
P.W.D., Palghar.

..

C.Copy:-

Sub divisional engineer PWD. Sub-Division no. 1, Vasai for information.



पर्यटन संचालनालय, महाराष्ट्र शासन

मुख्यालय : अपीजे हाऊस, ४ था मजला, ३, दिनशां वाच्छा रोड, चर्चगेट, मुंबई-४०० ०२०.
दूरध्वनी क्र.९१-२२-२२०४ ४०४०, फॅक्स क्र.९१-२२-२२८५२१८२, २२०२४५२१,

क्र.प.सं/जीवदानी रोपवे/२०२०
दि.०५.०३.२०२०

प्रती,
कार्यवाह,
श्री जीवदानी देवी संस्थान,
विरार (पुर्व) जिल्हा - पालघर,
पिन क्र.४०१ ३०५

विषय: स.नं.३९८, मौजे - विरार, ता.वसई, जि.- पालघर येथे पर्यटन प्रकल्प उभारणेबाबत.

संदर्भ: आपले पत्र दि.०३.०२.२०२०.

उपरोक्त विषयानुसार आपण स.नं.३९८, मौजे - विरार, ता.वसई, जि.- पालघर येथे भाविकांसाठी रोपवे प्रकल्प उभारणार आहेत, सदर ठिकाणी पर्यटन विभागाचे काही प्रकल्प प्रस्तावित आहेत किंवा नाहीत याबाबतची माहिती आपण मागविली आहे.

तरी आपणांस याद्वारे कळविण्यात येते की, विषयांकित जमीनीवर पर्यटन विभागामार्फत कोणतेही प्रकल्प प्रस्तावित नाहीत.



(Signature)
सहाय्यक संचालक
पर्यटन संचालनालय
महाराष्ट्र शासन
मुंबई.

Directorate of Tourism, Government of Maharashtra

Head office: Appije House, 4th floor, 3, Dinshaw Wachchha Road, Churchgate Mumbai 400 020

Tel. 91 22 2204 40 40 Fax. 91 22 2285 22182, 22024521

क्र.प.सं. /Jivdani Ropeway/2020

To

The Caretaker
Shri Jivadani Devi Sansthan,
Virar(East) Dist. Palghar,PIN 401 305

Subject: Regarding setting up tourism project at S.No. 398, at- Virar,
Tal. Vasai, Dist. Palghar

Ref: Your letter dated 03.02.2020.

According to the above subject, you are going to set up a Ropeway project at S.No. 398, at – Virar, Tal - Vasai, Dist - Palghar. You have requested information about whether some projects of the tourism department are proposed in this place or not.

However, you are hereby informed that no project has been proposed on this subject land by the Department of Tourism.

Sd/-

AssistantDirector
Tourism Department
MaharashtraGovernment
Mumbai

मुख्य कार्यालय, विरार
विरार (पूर्व),
ता. वसई, जि. पालघर, पिन ४०१ ३०५.



दूरध्वनी : ०२५०-२५२५१०५/०६/२५२९८८८/२५२९८९०

फॅक्स : ०२५०-२५२५१०७

ई-मेल : vasaivirarcorporation@yahoo.com

जावक क्र. : व.वि.श.म./का.अ./पा.पु/७०९

दिनांक : २०/११/२०१९.

प्रति,
अध्यक्ष,
श्री. जीवदानी देवी संस्थान,
विरार.

विषय :- पाणी पुरवठा नाहरकत दाखला मिळणे बाबत.

संदर्भ :- १) आपला दि. २०/११/२०१९ रोजीचा अर्ज.

वसई विरार शहर महानगरपालिका कार्यक्षेत्रातील गाव मौजे विरार सर्व्हे नं. ३९८/१, या जागेत बांधण्यात येणा-या नियोजित प्रकल्पास महानगरपालिकेमार्फत पाणी पुरवठा करण्यात येईल याबाबत पाणी पुरवठा नाहरकत दाखला आपण संदर्भ क्र. १ च्या पत्रान्वये मागणी केला आहे.

महापालिकेच्या सुर्या टप्पा - ३ किंवा प्रस्तावित सुर्या ४०३ द. ल. ली., सुसरी, देहरजी, खोलसापाडा -१ व २ या स्रोतातून/योजनेतून महापालिकेस पाणी उपलब्ध झाल्यानंतर आपल्या वरिल बांधण्यात येणा-या नियोजित प्रकल्पास प्रतिदिन १.७५ लक्षा लिटर पाणी पुरवठा करण्याबाबत योग्य ती कार्यवाही करण्यात येईल.

कार्यव्हरि अभियंता

वसई विरार शहर महानगरपालिका

VASAI VIRAR CITY MUNICIPAL CORPORATION

Head Office, VIRAR
Virar (East)

Tal – Vasai, Dist – Palghar, PIN 401305

Tel.: 0250-2525105/06/2529888/2529890

Fax: 0250-2525107

E-Mail vasaivirarcorporation@yahoo.com

O.W. No. VVMC/का. अ. / पा. पु /709

Dated :- 20/11/2019

To,
Chairman,
Shree Jivdani Devi Sansthan,
Virar.

Subject: - Regarding No Objection Certificate for water supply .

References: - 1) Your Application dated 20/11/2019

With reference to letter No. 1, you have requested for no objection certificate regarding water supply from Municipal Corporation to the proposed project to be constructed in the area of village Mauje Virar Survey No. 398/1.

Appropriate action will be taken to supply 1.75 lakh liters of water per day to the planned project to be constructed after the water becomes available to the Municipal Corporation from Surya Phase 3 or the proposed Surya 403 M. L., . Susari, Deharji, Kholsapada 1 and 2 sources / schemes.

Sd/-
Executive Engineer
Vasai Virar City Municipal Corporation



श्री जीवदानी देवी संस्थान, विरार

पब्लीक ट्रस्ट रजि. नं. ए-३९७ (ठाणे).

विरार (पूर्व), जि. पालघर (महाराष्ट्र), पिन - ४०९ ३०५.

दूरध्वनी - कार्यालय : (०२५०) २५२३३९८, २५२३६९८, २५२९७७७

Email : jivdanidtt@gmail.com, Website : www.jivdanidevi.com

जा. क्र. : 11/2021-22

दिनांक : 02/05/2021

श्री. रामचंद्र गावड
अध्यक्ष

श्री. पंकज भा. ठाकूर
उपाध्यक्ष

श्री. प्रदिप तेंडोलकर
कार्यवाह

श्री. परशुराम मो. पाटील
कोषाध्यक्ष

To,
The Member Secretary
Infrastructure & Miscellaneous Projects & CRZ Committee
Ministry of Environment, Forest and Climate Change
Govt. of India, Indira Paryavaran Bhavan,
Jor Bagh Road, New Delhi-110003

Subject: Reply of EDS sought on 4th April 2021 for the project "Jivdani Passenger Funicular System (Ropeway)" at Village-Virar, Tal- Vasai, District-Palghar, Maharashtra by Shree Jivdani Devi Sansthan Virar

Reference: **Proposal No.** IA/MH/MIS/119943/2019

ToR letter Number: F. No. 10-46/2019-IA-III dated 3.12.2019

Dear Sir,

This is in reference to our Environmental Clearance application submitted on the MoEF&CC portal dated 18.03.2021 and the Essential Details Sought by your good self dated 04.04.2021 for the project. We are hereby submitting the Query raised in the EDS sought for the acceptance of the project.

This is to bring to your kind notice that the above said project "Jivdani Passenger Funicular System (Ropeway)" located at Village – Virar, Tal- Vasai, Dist- Palghar. As per the EIA Notification 2006 and its subsequent Amendments, Aerial Ropeway requires Environmental Clearance for the project falling under Item 7(g) of the schedule of EIA Notification, 2006. However, the PWD vide its letter dated 30th November, 2019 has clarified that the Funicular system is not covered under Aerial Ropeway Act. Hence the Prior Environmental Clearance is not mandatory for the Funicular System developed by the Trust.

S.No.	Query Raised as per EDS	Reply of EDS
1	Please Specify status of the Stage I Forest Clearance	Total 19500 m2 of land was diverted by the Forest department and allotted to Shree Jivdani Devi Mandir Trust for the renovation and its allied construction, Out of which 4866.43 m2 of undeveloped land will be required for the development of the Funicular project. Forest Clearance Application was submitted offline at the DFO Office of The Forest Department with proposal No. 8B/37/97-FCW/982 and clearance has been obtained for area 1.95 ha





श्री जीवदानी देवी संस्थान, विरार

पब्लीक ट्रस्ट रजि. नं. ए-३९७ (ठाणे).

विरार (पूर्व), जि. पालघर (महाराष्ट्र), पिन - ४०१ ३०५.

दूरध्वनी - कार्यालय : (०२५०) २५२३३९८, २५२३६९८, २५२९७७७

Email : jivdanidtt@gmail.com, Website : www.jivdanidevi.com

जा. क्र. :

दिनांक :

श्री. रामचंद्र गावड
अध्यक्ष

श्री. पंकज भा. ठाकूर
उपाध्यक्ष

श्री. प्रदिप तेंडोलकर
कार्यवाह

श्री. परशुराम मो. पाटील
कोषाध्यक्ष

		vide letter no. 8B/37/97-FCW/1513 dated 15.07.1999 and subsequent letter vide letter no. 8B/37/97-FCW/982 dated 02.05.2000 by MoEFCC, Regional Office Bhopal. The copy of forest clearance is annexed as Annexure 1 .
2.	As per NGT Order, the construction of the facility amounts to violation. Please specify the status of the physical progress of the facility since 2009.	<p>One material ropeway was installed during 2002-2003 which was modified in 2004 to also carry passengers. It was used for ease of pilgrims who are either handicapped or unable to climb the stairs to reach the temple. As it was installed before EIA Notification 2006 therefore EC was not applicable on that project.</p> <p>After that the project was earlier granted an Environmental Clearance vide letter no. SEAC-2008/CR.26/TC2 dated 17.09.2009 by Maharashtra SEIAA for development of Ropeway based on Monocable pulsed fixed Grip Passenger Ropeway to M/s Damodar Ropeways and Construction Co. (P) Ltd on behalf of Jivdani Devi Sansthan. Based on the EC grant the construction work was started. However, due to some dispute with the M/s Damodar Ropeways and Construction Co. (P) in 2017, Trust terminated the said contract vide its letter dated 26/10/2017.</p> <p>Since the trust was concerned about the safety of the pilgrims therefore new technology "Funicular technology" was introduced in the project which is safer for the passengers as it will be a more convenient mode of transport for the old/weak, disabled person.</p> <p>i. Due to change in technology, the trust Shree Jivdani Devi Sansthan Virar applied the same project under modernization of ropeway technology to SEAC Maharashtra under item 7(g), category 'B' of EIA notification 2006 without engaging any Environment Consultant. The case was deferred due to few conditions; the Committee suggested permission for construction from the Department of Aerial Ropeway (PWD), Maharashtra. We immediately applied to the Ropeway Advisory Board of PWD Maharashtra for clarification about whether a Funicular System is an Aerial Ropeway or not in their jurisdiction. PWD vide Letter No. 3374/2019 Dated 30/11/2019 clarified that Funicular Ropeway does not fall</p>





श्री जीवदानी देवी संस्थान, विरार

पब्लीक ट्रस्ट रजि. नं. ए-३९७ (ठाणे).

विरार (पूर्व), जि. पालघर (महाराष्ट्र), पिन - ४०१ ३०५.

दूरध्वनी - कार्यालय : (०२५०) २५२३३९८, २५२३६९८, २५२९७७७

Email : jivdanidtt@gmail.com, Website : www.jivdanidevi.com

जा. क्र. :

दिनांक :

श्री. रामचंद्र गावड
अध्यक्ष

श्री. पंकज भा. ठाकूर
उपाध्यक्ष

श्री. प्रदिप तेंडोलकर
कार्यवाह

श्री. परशुराम मो. पाटील
कोषाध्यक्ष

	<p>under Ropeway Advisory Board of Public Works Department (PWD) Government of Maharashtra. Attached as Annexure 2.</p> <p>ii. Therefore, we decided to construct the Funicular system instead of the aerial ropeway for the safety of the people as it will be a more convenient mode of transport for the old/weak, disabled person.</p> <p>iii. As an abundant precaution, we applied for EC for the Funicular System Project on 25/02/2018. However, the cost of the present Funicular System Project is within Rs. 50 Crore and that the construction activity is also not beyond 20,000 sq. mtrs. With regards to the completed Construction work of Funicular System – MOEF Regional Officer Nagpur has visited the site on 25/11/2019 and already submitted compliance report letter No. EC-1087/RON/2019-NGP/5987 and construction status before committee and after that TOR was granted. Attached as Annexure 3</p> <p>iv. As per ToR letter granted vide F. No. 10-46/2019-IA-III dated 3.12.2019 EIA report was prepared under 7(g) Cat A due to applicability of general condition as the project (UTP) lies at 4.4 km East from Notified Tungreshwar Wildlife Sanctuary and 2.5 km from the Notified ESZ of Tungreshwar Wildlife Sanctuary as per Gazette notification dated 11th September 2019 vide S.O. 3250(E) under Wildlife Protection Act 1972 and submitted for Public hearing. ToR letter attached as Annexure 4.</p> <p>v. The Public hearing was conducted successfully on 30/12/2020 at Shree Jivdani Devi Sansthan, Jivdani Devi Mangal Karyalaya, 3rd floor, Jivdani Mandir Road, Virar (East), Virar, Taluka Vasai, Disc. Palghar-401305 via digital Platform and public participation. The Public Hearing Minutes are attached as Annexure 5.</p> <p>vi. EIA report along with the Public Hearing compliance was submitted to MoEFCC portal on 18/03/2021.</p> <p>vii. During the COVID19 situation the Funicular use was totally non commercial and only for Trial Purpose. Therefore we submitted the proposal for Public Hearing Consultation and it was conducted successfully on</p>
--	--





श्री जीवदानी देवी संस्थान, विरार

पब्लिक ट्रस्ट रजि. नं. ए-३९७ (ठाणे).

विरार (पूर्व), जि. पालघर (महाराष्ट्र), पिन - ४०१ ३०५.

दूरध्वनी - कार्यालय : (०२५०) २५२३३९८, २५२३६९८, २५२१७७७

Email : jivdanidtt@gmail.com, Website : www.jivdanidevi.com

जा. क्र. :

दिनांक :

श्री. रामचंद्र गावड
अध्यक्ष

श्री. पंकज भा. ठाकूर
उपाध्यक्ष

श्री. प्रदिप तेंडोलकर
कार्यवाह

श्री. परशुराम मो. पाटील
कोषाध्यक्ष

		30/12/2020. The Funicular system is operating during Trial, following all the COVID19 norms i.e. Social distancing, Passengers sit on alternate seats in the train or stand, maintaining a gap of one meter, thermal screening, sanitation etc.
--	--	---

In the view of the above explanation as set forth, we would like to say that we have not violated the EIA notification 2006 and its subsequent amendments and hence we would like your good self to accept the present proposal and grant us the Environmental Clearance.

Yours truly,



[Signature]

SECRETARY

THREE JIVDANI DEVI SANSTHAN

List of documents attached-

1. Forest Clearance.
2. PWD Letter
3. Compliance Report - Nagpur Regional Officer Site Visit Report.
4. TOR Letter.
5. Public Hearing Minutes.

Ax. R3

(Published in the Gazette of India, Extraordinary, Part-II, and Section 3, Sub-section (ii)
MINISTRY OF ENVIRONMENT AND FORESTS

New Delhi 14th September, 2006

Notification

S.O. 1533 Whereas, a draft notification **under sub-rule (3) of Rule 5 of the Environment (Protection) Rules, 1986 for imposing** certain restrictions and prohibitions on new projects or activities, or on the expansion or modernization of existing projects or activities based on their potential environmental impacts as indicated in the Schedule to the notification, being undertaken in any part of India¹, unless prior environmental clearance has been accorded in accordance with the objectives of National Environment Policy **as approved by the Union Cabinet on 18th May, 2006** and the procedure specified in the notification, by the Central Government or the State or Union territory Level Environment Impact Assessment Authority (SEIAA), to be constituted by the Central Government in consultation with the State Government or the Union territory Administration concerned under sub-section (3) of section 3 of the Environment (Protection) Act, 1986 for the purpose of this notification, was published in the Gazette of India ,Extraordinary, Part II, section 3, sub-section (ii) vide number S.O. 1324 (E) dated the 15th September ,2005 inviting objections and suggestions from all persons likely to be affected thereby within a period of sixty days from the date on which copies of Gazette containing the said notification were made available to the public;

And whereas, copies of the said notification were made available to the public on 15th September, 2005;

And whereas, all objections and suggestions received in response to the above mentioned draft notification have been duly considered by the Central Government;

Now, therefore, in exercise of the powers conferred by sub-section (1) and clause (v) of sub-section (2) of section 3 of the Environment (Protection) Act, 1986, read with clause (d) of sub-rule (3) of rule 5 of the Environment (Protection) Rules, 1986 and in supersession of the notification number S.O. 60 (E) dated the 27th January, 1994, except in respect of things done or omitted to be done before such supersession, the Central Government hereby directs that on and from the date of its publication the required construction of new projects or activities or the expansion or modernization of existing projects or activities listed in the Schedule to this notification entailing capacity addition with change in process and or technology shall be undertaken in any part of India only after the prior environmental clearance from the Central Government or as the case may be, by the State Level Environment Impact Assessment Authority, duly constituted by the Central Government under sub-section (3) of section 3 of the said Act, in accordance with the procedure specified hereinafter in this notification.

¹Includes the territorial waters

2. Requirements of prior Environmental Clearance (EC):- The following projects or activities shall require prior environmental clearance from the concerned regulatory authority, which shall hereinafter referred to be as the Central Government in the Ministry of Environment and Forests for matters falling under Category 'A' in the Schedule and at State level the State Environment Impact Assessment Authority (SEIAA) for matters falling under Category 'B' in the said Schedule, before any construction work, or preparation of land by the project management except for securing the land, is started on the project or activity:

- (i) All new projects or activities listed in the Schedule to this notification;
- (ii) Expansion and modernization of existing projects or activities listed in the Schedule to this notification with addition of capacity beyond the limits specified for the concerned sector, that is, projects or activities which cross the threshold limits given in the Schedule, after expansion or modernization;
- (iii) Any change in product - mix in an existing manufacturing unit included in Schedule beyond the specified range.

3. State Level Environment Impact Assessment Authority:- (1) A State Level Environment Impact Assessment Authority hereinafter referred to as the SEIAA shall be constituted by the Central Government under sub-section (3) of section 3 of the Environment (Protection) Act, 1986 comprising of three Members including a Chairman and a Member – Secretary to be nominated by the State Government or the Union territory Administration concerned.

- (2) The Member-Secretary shall be a serving officer of the concerned State Government or Union territory administration familiar with environmental laws.
- (3) The other two Members shall be either a professional or expert fulfilling the eligibility criteria given in Appendix VI to this notification.
- (4) One of the specified Members in sub-paragraph (3) above who is an expert in the Environmental Impact Assessment process shall be the Chairman of the SEIAA.
- (5) The State Government or Union territory Administration shall forward the names of the Members and the Chairman referred in sub- paragraph 3 to 4 above to the Central Government and the Central Government shall constitute the SEIAA as an authority for the purposes of this notification within thirty days of the date of receipt of the names.
- (6) The non-official Member and the Chairman shall have a fixed term of three years (from the date of the publication of the notification by the Central Government constituting the authority).
- (7) All decisions of the SEIAA shall be unanimous and taken in a meeting.

4. Categorization of projects and activities:-

- (i) All projects and activities are broadly categorized in to two categories - Category A and Category B, based on the spatial extent of potential impacts and potential impacts on human health and natural and man made resources.

(ii) All projects or activities included as Category 'A' in the Schedule, including expansion and modernization of existing projects or activities and change in product mix, shall require prior environmental clearance from the Central Government in the Ministry of Environment and Forests (MoEF) on the recommendations of an Expert Appraisal Committee (EAC) to be constituted by the Central Government for the purposes of this notification;

(iii) All projects or activities included as Category 'B' in the Schedule, including expansion and modernization of existing projects or activities as specified in sub paragraph (ii) of paragraph 2, or change in product mix as specified in sub paragraph (iii) of paragraph 2, but excluding those which fulfill the General Conditions (GC) stipulated in the Schedule, *will* require prior environmental clearance from the State/Union territory Environment Impact Assessment Authority (SEIAA). The SEIAA shall base its decision on the recommendations of a State or Union territory level Expert Appraisal Committee (SEAC) as to be constituted for in this notification. In the absence of a duly constituted SEIAA or SEAC, a Category 'B' project shall be treated as a Category 'A' project;

5. Screening, Scoping and Appraisal Committees:-

The same Expert Appraisal Committees (EACs) at the Central Government and SEACs (hereinafter referred to as the (EAC) and (SEAC) at the State or the Union territory level shall screen, scope and appraise projects or activities in Category 'A' and Category 'B' respectively. EAC and SEAC's shall meet at least once every month.

(a) The composition of the EAC shall be as given in Appendix VI. The SEAC at the State or the Union territory level shall be constituted by the Central Government in consultation with the concerned State Government or the Union territory Administration with identical composition;

(b) The Central Government may, with the prior concurrence of the concerned State Governments or the Union territory Administrations, constitute one SEAC for more than one State or Union territory for reasons of administrative convenience and cost;

(c) The EAC and SEAC shall be reconstituted after every three years;

(d) The authorised members of the EAC and SEAC, concerned, may inspect any site(s) connected with the project or activity in respect of which the prior environmental clearance is sought, for the purposes of screening or scoping or appraisal, with prior notice of at least seven days to the applicant, who shall provide necessary facilities for the inspection;

(e) The EAC and SEACs shall function on the principle of collective responsibility. The Chairperson shall endeavour to reach a consensus in each case, and if consensus cannot be reached, the view of the majority shall prevail.

6. Application for Prior Environmental Clearance (EC):-

An application seeking prior environmental clearance in all cases shall be made in the prescribed Form 1 annexed herewith and Supplementary Form 1A, if applicable, as given in Appendix II, after the identification of prospective site(s) for the project and/or activities to which the application relates, before commencing any construction activity, or preparation of land, at the site by the applicant. The applicant shall furnish, along with the application, a copy of the pre-feasibility project report except that, in case of construction projects or activities (item 8 of the Schedule) in addition to Form 1 and the Supplementary Form 1A, a copy of the conceptual plan shall be provided, instead of the pre-feasibility report.

7. Stages in the Prior Environmental Clearance (EC) Process for New Projects:-

7(i) The environmental clearance process for new projects will comprise of a maximum of four stages, all of which may not apply to particular cases as set forth below in this notification. These four stages in sequential order are:-

- Stage (1) Screening (Only for Category ‘B’ projects and activities)
- Stage (2) Scoping
- Stage (3) Public Consultation
- Stage (4) Appraisal

I. Stage (1) - Screening:

In case of Category ‘B’ projects or activities, this stage will entail the scrutiny of an application seeking prior environmental clearance made in Form 1 by the concerned State level Expert Appraisal Committee (SEAC) for determining whether or not the project or activity requires further environmental studies for preparation of an Environmental Impact Assessment (EIA) for its appraisal prior to the grant of environmental clearance depending up on the nature and location specificity of the project . The projects requiring an Environmental Impact Assessment report shall be termed Category ‘B1’ and remaining projects shall be termed Category ‘B2’ and will not require an Environment Impact Assessment report. For categorization of projects into B1 or B2 except item 8 (b), the Ministry of Environment and Forests shall issue appropriate guidelines from time to time.

II. Stage (2) - Scoping:

(i) “Scoping”: refers to the process by which the Expert Appraisal Committee in the case of Category ‘A’ projects or activities, and State level Expert Appraisal Committee in the case of Category ‘B1’ projects or activities, including applications for expansion and/or modernization and/or change in product mix of existing projects or activities, determine detailed and comprehensive Terms Of Reference (TOR) addressing all relevant environmental concerns for the preparation of an Environment Impact Assessment (EIA) Report in respect of the project or activity for which prior environmental clearance is sought. The Expert Appraisal Committee or State level Expert Appraisal Committee concerned shall determine the Terms of Reference on the basis of the information furnished in the prescribed application Form1/Form 1A including Terms of Reference proposed by the applicant, a site visit by a sub- group of Expert Appraisal Committee or State level Expert Appraisal Committee concerned only if considered necessary by the Expert Appraisal Committee or State Level Expert Appraisal Committee concerned, Terms of Reference suggested by the applicant if furnished and other information that may be available with the Expert Appraisal Committee or State Level Expert Appraisal Committee concerned. All projects and activities listed as Category ‘B’ in Item 8 of the Schedule (Construction/Township/Commercial Complexes /Housing) shall not require Scoping and will be appraised on the basis of Form 1/ Form 1A and the conceptual plan.

(ii) The Terms of Reference (TOR) shall be conveyed to the applicant by the Expert Appraisal Committee or State Level Expert Appraisal Committee as concerned within sixty days of the receipt of Form 1. In the case of Category A Hydroelectric projects Item 1(c) (i) of the Schedule the Terms of Reference shall be conveyed along with the clearance for pre-construction activities .If the Terms of Reference are not finalized and conveyed to the applicant within sixty days of the receipt of Form 1, the Terms of Reference suggested by the applicant shall be deemed as the final Terms of Reference approved for the EIA studies. The approved Terms of

Reference shall be displayed on the website of the Ministry of Environment and Forests and the concerned State Level Environment Impact Assessment Authority.

(iii) Applications for prior environmental clearance may be rejected by the regulatory authority concerned on the recommendation of the EAC or SEAC concerned at this stage itself. In case of such rejection, the decision together with reasons for the same shall be communicated to the applicant in writing within sixty days of the receipt of the application.

III. Stage (3) - Public Consultation:

(i) "Public Consultation" refers to the process by which the concerns of local affected persons and others who have plausible stake in the environmental impacts of the project or activity are ascertained with a view to taking into account all the material concerns in the project or activity design as appropriate. All Category 'A' and Category B1 projects or activities shall undertake Public Consultation, except the following:-

- (a) modernization of irrigation projects (item 1(c) (ii) of the Schedule).
- (b) all projects or activities located within industrial estates or parks (item 7(c) of the Schedule) approved by the concerned authorities, and which are not disallowed in such approvals.
- (c) expansion of Roads and Highways (item 7 (f) of the Schedule) which do not involve any further acquisition of land.
- (d) all Building /Construction projects/Area Development projects and Townships (item 8).
- (e) all Category 'B2' projects and activities.
- (f) all projects or activities concerning national defence and security or involving other strategic considerations as determined by the Central Government.

(ii) The Public Consultation shall ordinarily have two components comprising of:-

(a) a public hearing at the site or in its close proximity- district wise, to be carried out in the manner prescribed in Appendix IV, for ascertaining concerns of local affected persons;

(b) obtain responses in writing from other concerned persons having a plausible stake in the environmental aspects of the project or activity.

(iii) the public hearing at, or in close proximity to, the site(s) in all cases shall be conducted by the State Pollution Control Board (SPCB) or the Union territory Pollution Control Committee (UTPCC) concerned in the specified manner and forward the proceedings to the regulatory authority concerned within 45(forty five) of a request to the effect from the applicant.

(iv) in case the State Pollution Control Board or the Union territory Pollution Control Committee concerned does not undertake and complete the public hearing within the specified period, and/or does not convey the proceedings of the public hearing within the prescribed period

directly to the regulatory authority concerned as above, the regulatory authority shall engage another public agency or authority which is not subordinate to the regulatory authority, to complete the process within a further period of forty five days,.

(v) If the public agency or authority nominated under the sub paragraph (iii) above reports to the regulatory authority concerned that owing to the local situation, it is not possible to conduct the public hearing in a manner which will enable the views of the concerned local persons to be freely expressed, it shall report the facts in detail to the concerned regulatory authority, which may, after due consideration of the report and other reliable information that it may have, decide that the public consultation in the case need not include the public hearing.

(vi) For obtaining responses in writing from other concerned persons having a plausible stake in the environmental aspects of the project or activity, the concerned regulatory authority and the State Pollution Control Board (SPCB) or the Union territory Pollution Control Committee (UTPCC) shall invite responses from such concerned persons by placing on their website the Summary EIA report prepared in the format given in Appendix IIIA by the applicant along with a copy of the application in the prescribed form , within seven days of the receipt of a written request for arranging the public hearing . Confidential information including non-disclosable or legally privileged information involving Intellectual Property Right, source specified in the application shall not be placed on the web site. The regulatory authority concerned may also use other appropriate media for ensuring wide publicity about the project or activity. The regulatory authority shall, however, make available on a written request from any concerned person the Draft EIA report for inspection at a notified place during normal office hours till the date of the public hearing. All the responses received as part of this public consultation process shall be forwarded to the applicant through the quickest available means.

(vii) After completion of the public consultation, the applicant shall address all the material environmental concerns expressed during this process, and make appropriate changes in the draft EIA and EMP. The final EIA report, so prepared, shall be submitted by the applicant to the concerned regulatory authority for appraisal. The applicant may alternatively submit a supplementary report to draft EIA and EMP addressing all the concerns expressed during the public consultation.

IV. Stage (4) - Appraisal:

(i) Appraisal means the detailed scrutiny by the Expert Appraisal Committee or State Level Expert Appraisal Committee of the application and other documents like the Final EIA report, outcome of the public consultations including public hearing proceedings, submitted by the applicant to the regulatory authority concerned for grant of environmental clearance. This appraisal shall be made by Expert Appraisal Committee or State Level Expert Appraisal Committee concerned in a transparent manner in a proceeding to which the applicant shall be invited for furnishing necessary clarifications in person or through an authorized representative. On conclusion of this proceeding, the Expert Appraisal Committee or State Level Expert Appraisal Committee concerned shall make categorical recommendations to the regulatory authority concerned either for grant of prior environmental clearance on stipulated terms and conditions, or rejection of the application for prior environmental clearance, together with reasons for the same.

(ii) The appraisal of all projects or activities which are not required to undergo public consultation, or submit an Environment Impact Assessment report, shall be carried out on the basis of the prescribed application Form 1 and Form 1A as applicable, any other relevant

validated information available and the site visit wherever the same is considered as necessary by the Expert Appraisal Committee or State Level Expert Appraisal Committee concerned.

(iii) The appraisal of an application shall be completed by the Expert Appraisal Committee or State Level Expert Appraisal Committee concerned within sixty days of the receipt of the final Environment Impact Assessment report and other documents or the receipt of Form 1 and Form 1 A, where public consultation is not necessary and the recommendations of the Expert Appraisal Committee or State Level Expert Appraisal Committee shall be placed before the competent authority for a final decision within the next fifteen days. The prescribed procedure for appraisal is given in Appendix V ;

7(ii). Prior Environmental Clearance (EC) process for Expansion or Modernization or Change of product mix in existing projects:

All applications seeking prior environmental clearance for expansion with increase in the production capacity beyond the capacity for which prior environmental clearance has been granted under this notification or with increase in either lease area or production capacity in the case of mining projects or for the modernization of an existing unit with increase in the total production capacity beyond the threshold limit prescribed in the Schedule to this notification through change in process and or technology or involving a change in the product –mix shall be made in Form I and they shall be considered by the concerned Expert Appraisal Committee or State Level Expert Appraisal Committee within sixty days, who will decide on the due diligence necessary including preparation of EIA and public consultations and the application shall be appraised accordingly for grant of environmental clearance.

8. Grant or Rejection of Prior Environmental Clearance (EC):

(i) The regulatory authority shall consider the recommendations of the EAC or SEAC concerned and convey its decision to the applicant within forty five days of the receipt of the recommendations of the Expert Appraisal Committee or State Level Expert Appraisal Committee concerned or in other words within one hundred and five days of the receipt of the final Environment Impact Assessment Report, and where Environment Impact Assessment is not required, within one hundred and five days of the receipt of the complete application with requisite documents, except as provided below.

(ii) The regulatory authority shall normally accept the recommendations of the Expert Appraisal Committee or State Level Expert Appraisal Committee concerned. In cases where it disagrees with the recommendations of the Expert Appraisal Committee or State Level Expert Appraisal Committee concerned, the regulatory authority shall request reconsideration by the Expert Appraisal Committee or State Level Expert Appraisal Committee concerned within forty five days of the receipt of the recommendations of the Expert Appraisal Committee or State Level Expert Appraisal Committee concerned while stating the reasons for the disagreement. An intimation of this decision shall be simultaneously conveyed to the applicant. The Expert Appraisal Committee or State Level Expert Appraisal Committee concerned, in turn, shall consider the observations of the regulatory authority and furnish its views on the same within a further period of sixty days. The decision of the regulatory authority after considering the views of the Expert Appraisal Committee or State Level Expert Appraisal Committee concerned shall be final and conveyed to the applicant by the regulatory authority concerned within the next thirty days.

(iii) In the event that the decision of the regulatory authority is not communicated to the applicant within the period specified in sub-paragraphs (i) or (ii) above, as applicable, the

applicant may proceed as if the environment clearance sought for has been granted or denied by the regulatory authority in terms of the final recommendations of the Expert Appraisal Committee or State Level Expert Appraisal Committee concerned.

(iv) On expiry of the period specified for decision by the regulatory authority under paragraph (i) and (ii) above, as applicable, the decision of the regulatory authority, and the final recommendations of the Expert Appraisal Committee or State Level Expert Appraisal Committee concerned shall be public documents.

(v) Clearances from other regulatory bodies or authorities shall not be required prior to receipt of applications for prior environmental clearance of projects or activities, or screening, or scoping, or appraisal, or decision by the regulatory authority concerned, unless any of these is sequentially dependent on such clearance either due to a requirement of law, or for necessary technical reasons.

(vi) Deliberate concealment and/or submission of false or misleading information or data which is material to screening or scoping or appraisal or decision on the application shall make the application liable for rejection, and cancellation of prior environmental clearance granted on that basis. Rejection of an application or cancellation of a prior environmental clearance already granted, on such ground, shall be decided by the regulatory authority, after giving a personal hearing to the applicant, and following the principles of natural justice.

9. Validity of Environmental Clearance (EC):

The “Validity of Environmental Clearance” is meant the period from which a prior environmental clearance is granted by the regulatory authority, or may be presumed by the applicant to have been granted under sub paragraph (iv) of paragraph 7 above, to the start of production operations by the project or activity, or completion of all construction operations in case of construction projects (item 8 of the Schedule), to which the application for prior environmental clearance refers. The prior environmental clearance granted for a project or activity shall be valid for a period of ten years in the case of River Valley projects (item 1(c) of the Schedule), project life as estimated by Expert Appraisal Committee or State Level Expert Appraisal Committee subject to a maximum of thirty years for mining projects and five years in the case of all other projects and activities. However, in the case of Area Development projects and Townships [item 8(b)], the validity period shall be limited only to such activities as may be the responsibility of the applicant as a developer. This period of validity may be extended by the regulatory authority concerned by a maximum period of five years provided an application is made to the regulatory authority by the applicant within the validity period, together with an updated Form 1, and Supplementary Form 1A, for Construction projects or activities (item 8 of the Schedule). In this regard the regulatory authority may also consult the Expert Appraisal Committee or State Level Expert Appraisal Committee as the case may be.

10. Post Environmental Clearance Monitoring:

(i) It shall be mandatory for the project management to submit half-yearly compliance reports in respect of the stipulated prior environmental clearance terms and conditions in hard and soft copies to the regulatory authority concerned, on 1st June and 1st December of each calendar year.

(ii) All such compliance reports submitted by the project management shall be public documents. Copies of the same shall be given to any person on application to the concerned regulatory authority. The latest such compliance report shall also be displayed on the web site of the concerned regulatory authority.

11. Transferability of Environmental Clearance (EC):

A prior environmental clearance granted for a specific project or activity to an applicant may be transferred during its validity to another legal person entitled to undertake the project or activity on application by the transferor, or by the transferee with a written “no objection” by the transferor, to, and by the regulatory authority concerned, on the same terms and conditions under which the prior environmental clearance was initially granted, and for the same validity period. No reference to the Expert Appraisal Committee or State Level Expert Appraisal Committee concerned is necessary in such cases.

12. Operation of EIA Notification, 1994, till disposal of pending cases:

From the date of final publication of this notification the Environment Impact Assessment (EIA) notification number S.O.60 (E) dated 27th January, 1994 is hereby superseded, except in suppression of the things done or omitted to be done before such suppression to the extent that in case of all or some types of applications made for prior environmental clearance and pending on the date of final publication of this notification, the Central Government may relax any one or all provisions of this notification except the list of the projects or activities requiring prior environmental clearance in Schedule I , or continue operation of some or all provisions of the said notification, for a period not exceeding one year from the date of issue of this notification.

[No. J-11013/56/2004-IA-II (I)]

(R.CHANDRAMOHAN)
JOINT SECRETARY TO THE GOVERNMENT OF INDIA

SCHEDULE

(See paragraph 2 and 7)

LIST OF PROJECTS OR ACTIVITIES REQUIRING PRIOR ENVIRONMENTAL CLEARANCE

Project or Activity		Category with threshold limit		Conditions if any
		A	B	
1		Mining, extraction of natural resources and power generation (for a specified production capacity)		
(1)	(2)	(3)	(4)	(5)
1(a)	Mining of minerals	<p>≥ 50 ha. of mining lease area</p> <p>Asbestos mining irrespective of mining area</p>	<p><50 ha</p> <p>≥ 5 ha .of mining lease area.</p>	<p>General Condition shall apply</p> <p><u>Note</u> Mineral prospecting (not involving drilling) are exempted provided the concession areas have got previous clearance for physical survey</p>
1(b)	Offshore and onshore oil and gas exploration, development & production	All projects		<p><u>Note</u> Exploration Surveys (not involving drilling) are exempted provided the concession areas have got previous clearance for physical survey</p>
1(c)	River Valley projects	<p>(i) ≥ 50 MW hydroelectric power generation;</p> <p>(ii) ≥ 10,000 ha. of culturable command area</p>	<p>(i) < 50 MW ≥ 25 MW hydroelectric power generation;</p> <p>(ii) < 10,000 ha. of culturable command area</p>	General Condition shall apply
1(d)	Thermal Power Plants	<p>≥ 500 MW (coal/lignite/naphta & gas based);</p> <p>≥ 50 MW (Pet coke diesel and all other fuels -)</p>	<p>< 500 MW (coal/lignite/naphta & gas based);</p> <p><50 MW</p> <p>≥ 5MW (Pet coke ,diesel and all other fuels)</p>	General Condition shall apply

(1)	(2)	(3)	(4)	(5)
7(e)	Ports, Harbours	≥ 5 million TPA of cargo handling capacity (excluding fishing harbours)	< 5 million TPA of cargo handling capacity and/or ports/ harbours ≥10,000 TPA of fish handling capacity	General Condition shall apply
7(f)	Highways	i) New National High ways; and ii) Expansion of National High ways greater than 30 KM, involving additional right of way greater than 20m involving land acquisition and passing through more than one State.	i) New State High ways; and ii) Expansion of National / State Highways greater than 30 km involving additional right of way greater than 20m involving land acquisition.	General Condition shall apply
7(g)	Aerial ropeways		All projects	General Condition shall apply
7(h)	Common Effluent Treatment Plants (CETPs)		All projects	General Condition shall apply
7(i)	Common Municipal Solid Waste Management Facility (CMSWMF)		All projects	General Condition shall apply

(1)	(2)	(3)	(4)	(5)
8		Building /Construction projects/Area Development projects and Townships		
8(a)	Building and Construction projects		≥20000 sq.mtrs and <1,50,000 sq.mtrs. of built-up area#	#(built up area for covered construction; in the case of facilities open to the sky, it will be the activity area)
8(b)	Townships and Area Development projects.		Covering an area ≥ 50 ha and or built up area ≥1,50,000 sq .mtrs ++	++All projects under Item 8(b) shall be appraised as Category B1

Note:-

General Condition (GC):

Any project or activity specified in Category 'B' will be treated as Category A, if located in whole or in part within 10 km from the boundary of: (i) Protected Areas notified under the Wild Life (Protection) Act, 1972, (ii) Critically Polluted areas as notified by the Central Pollution Control Board from time to time, (iii) Notified Eco-sensitive areas, (iv) inter-State boundaries and international boundaries.

Specific Condition (SC):

If any Industrial Estate/Complex / Export processing Zones /Special Economic Zones/Biotech Parks / Leather Complex with homogeneous type of industries such as Items 4(d), 4(f), 5(e), 5(f), or those Industrial estates with pre –defined set of activities (not necessarily homogeneous, obtains prior environmental clearance, individual industries including proposed industrial housing within such estates /complexes will not be required to take prior environmental clearance, so long as the Terms and Conditions for the industrial estate/complex are complied with (Such estates/complexes must have a clearly identified management with the legal responsibility of ensuring adherence to the Terms and Conditions of prior environmental clearance, who may be held responsible for violation of the same throughout the life of the complex/estate).

Item No. 01 (Pune Bench)

**BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI**

(Through Video Conferencing)

Original Application No. 55/2020 (WZ)
I.A. No. 75/2020 (WZ), I.A. No. 76/2020 (WZ)
& I.A. No. 77/2020(WZ)

Damodar Ropeways & Infra Ltd.

Applicant(s)

Versus

Union of India & Ors.

Respondent(s)

Date of hearing: 09.09.2020

**CORAM: HON'BLE MR. JUSTICE SHEO KUMAR SINGH, JUDICIAL MEMBER
HON'BLE DR. SATYAWAN SINGH GARBYAL, EXPERT MEMBER**

For Applicant (s) : Mr. Kallol Basu and Mr. Rahul Krishna,
Advocates

For Respondent (s): Mr. Suman Pal, Advocate

ORDER

1. By filing the present application, it is alleged that Damodar Ropeways Infra Limited (DRIL) was formerly known as Damodar Ropeways & Construction Company Private Limited (DRCC). In January, 2004, the Jivdani Devi Temple Trust entered into an agreement with DRCC for construction of a Funicular ropeway project. A fresh bipartite agreement was signed between DRCC & respondent on 23.12.2007 for the installation of a passenger ropeway on BOOT basis on the same plot of forest land and on the same alignment proposed earlier for the Funicular System.
2. On behalf of the Jivdani Devi Temple Trust, DRCC obtained necessary clearances and permissions, being 20 in numbers, for the said proposed project. The applicant procured all of the said clearances. However, respondent also asked DRCC to get the NOC

and development permission from the then newly formed Civic Body i.e. Vasai - Virar City Municipal Corporation (VVCMC). Accordingly, DRCC submitted their NOC application to VVCMC and in due course made several correspondences with VVCMC regarding the status of the said application for NOC and development permission. However, in the month of January 2017, respondent no. 4 informed DRIL vide their letter No. 100/2016-17 dated 15.01.2017 that VVCMC have refused to give development permission vide VVCMC letter No. 7078/2016-17 dated 10.01.2017. Thereafter, respondent no. 4 unilaterally and illegally terminated the agreement with the applicant and presently, the dispute is before the Learned Single Arbitrator.

3. Later on, it was found that the respondent no. 4 informed the Arbitrator with regard to the completion of 60% to 90% of the development of the funicular system and applicant was aggrieved with the fact that the contract was not given to the applicant. Now aggrieved by the termination of the contract the applicant as alleged that the construction activities are in violation of environment. The perusal of facts reveals that this is a dispute between the parties with regard to the performance of contract and aggrieved by the termination of contract, this application has been filed. We make it clear that this Tribunal has no concern with the contractual matters or non-compliance of the termination of the agreement. Application seems to be motivated by the above facts and not to raise any issue with regard to the environment.
4. There is an application- I.A. No. 77/2020 for condonation of delay in filing the application.

5. In our view, the kind of explanation rendered in the case in hand does not satisfy the observations of Apex Court that if delay has occurred for reason which does not smack of *mala-fide*, the Court should be reluctant to refuse condonation. On the contrary, we find that here is a case which shows a complete careless and recklessness, long delay on the part of applicant which has remain virtually unexplained at all. Therefore, we do not find any reason to exercise our judicial discretion exercising judiciously so as to justify condonation of delay in the present case.
6. According to the provision contained in National Green Tribunal Act, 2010, this Tribunal can condone the delay only upto 60 days and the delay which is placed before us is beyond above time limit. Further, the applicant was within knowledge of the fact that this project is being continued from January 2004 as alleged in paragraph 1 of the application. We have considered the contention of the applicant and perused the records. This is pure contractual matter and termination agreement and thus, we don't find any substantial reason to interfere in this matter. The matter is further pending before the Arbitrator. Accordingly, no ground to entertain the application is made out.
7. Thus, no relief can be sought from this Tribunal and the application is dismissed.

Sheo Kumar Singh, JM

Dr. Satyawan Singh Garbyal, EM

September 09, 2020
Original Application No. 55/2020 (WZ)
R

Litigation of & By Damodar

1) Damodar Ropeway & Infra Ltd.

Vs

J & K State cable car

Civil suit 144/2020

Interlocutory Application No.GA. 1 of 2020

Culcutta High Court Decided on 08/12/2020.

2) Damodar Ropeway Construction Co. Pvt.Ltd.

Vs

M/s Krishna Engineering Work

- Addl. Dist session Judge Delhi

Suit No.3 of 1996

- Delhi High Court CR No.1198197

- Supreme Court

C.A.No.2115 of 2001 (arising out of Spl.Case NO.12063/2000)

Decided on 16.3.2001

3) Collector of Central Excise

Vs

Damodar Ropeways & constructions Pvt.ltd.

Civil Appeal No.2014- 2015 of 2000

Decided on 14.11.2002

Judge. M.B.Shah & Justice . Arjit Pasayat

4) Maraleecharan Parukuttamma

(Eighteen step Damodar Car P.Ltd)

Vs

R.O.C. Kerals

National Company Law Board

Company Appeal No.CA/14/KOB/2020

Decided on 19.03.2020 (Disqualified)

5) Damodar Ropeway

Vs

Christopher Martin Desgranges Martin

Supreme Court

Interlocutory Application No.1 of 1989

Decided on 06.10.1989.

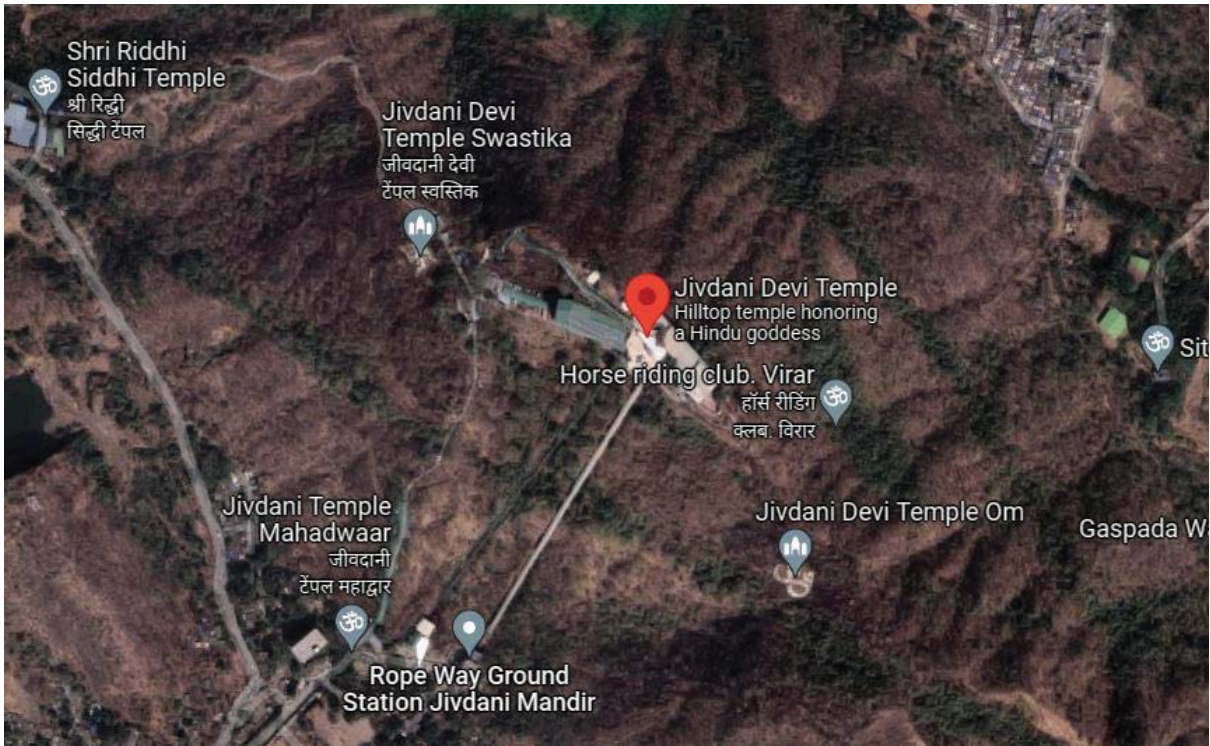
C:\Users\jivdani\Desktop\FUNICULAR\Litigation of damodar.docx

6) PWH Analgen & system ambh.
Vs
Damodar Ropeway & Const. Co.Pvt.LTd
Matter No 2781 of 1993
Calcutta High Court. Decided on 17.06.1996
(Application Allowed)

7) Central Coat Field Ltd.
Vs
Damodar Ropeways Infra Ltd.
High Court of Jharkhand
Commercial Appeal No. 1 of 2019
Disposed on 26.2.2020

8) Damodar Ropeways & Const.Co.Pvt.LTd
Vs
State of Rajasthan & Ors.
High Court of Rajasthan . Decided on 18.09.2007

(Writ Petition is Dismissed with cost of Rs.10000/- & stay order granted by court on 17.7.2007 is vacated)



Satellite Image from past on Google Map



Photograph taken during Joint Site Visit on **Sunday 27 September 2021 at 11 am** by Advocate Raghunath Mahabal, Adv. Dr. S.S.Valunkar, ex-Prof. of Civil Engineering at Govt. Engg. College M.E. Town Planning, PhD Hydraulics, and Adv. Jitendra Patil, MSc Environment

It shows FULL Greenery NOW surrounding Temple area, where it used to be barren land

Translation Ax. R7 1164

SHRI JIVDANI DEVI MANDIR, VIRAR

Public Trust Reg. No. A – 397 (Thane)

Virar (East), Dist- Palghar (Maharashtra), Pin 401305

Tel.- (0250) Temple 2523398 Office – 2523698/2521777

Email: jivdanidtt@gmail.com, Website: www.jivdanidevi.com

Mr Ramchandra Gawad	Mr Bhalchandra Kadam	Mr Pradeep Tendolkar	Mr Parshuram Patil
Chairman	Vice-Chairman	Caretaker	Treasurer

Out Ward No. : 80/2017-18

Dated:- 15.11.2017

To,
Respected Deputy Forest Conservator,
Thane, Forest Department.

Sub. : Regarding commencement of Funicular System Work.

Ref. : Your letter No. Desk.1/20/Land/6357/2004-2005.

Dated 01st February, 2005.

Respected Sir,

In the demarcated space provided by you in connection with the above subject, the Trust itself is initiating the work of such a funicular ropeway system with the latest technology for the devotees.

You are therefore requested to take note of it.

Yours faithfully,

Sd/-

(Ramchandra M. Gawad)

Chairman.

Sd/-

16/11/2017

Inward Clerk

Office of Deputy Forest Conservator

Forest Department, Thane.

T.C.



मुख्य वनसंरक्षक व संचालक, संजय गांधी राष्ट्रीय उद्यान, बोरीवली यांचे कार्यालय

☎ ०२२-२८८६०३६२, २८८६०३८९, Email : sgnpmumbai@gmail.com

पत्र

विषय : The funicular ropeway alignment between lower station at the base of hill to the Devi Mandir on the hill
Remarks regarding Eco Sensitive Zone.

जा.क्र. कक्ष-२/जमिन/ १८१५ /२०१९ २०

बोरीवली, मुंबई, दिनांक : ५ ऑगस्ट, २०१९

प्रति,

सचिव,

श्री जिवदानी देवी संस्थान विरार,
विरार (पूर्व), जि. पालघर, पिन - ४०१३०५

संदर्भ : आपल्याकडील दिनांक २६.०५.२०१९ रोजीचा अर्ज.

जिवदानी देवी मंदिराचे टेकडीचे खालील परिसर ते मंदिर यांमध्ये फुनिक्झूलर राहणे चा प्रकल्प प्रस्तावित असल्याचे आपण संदर्भीय पत्रान्वये कळविले असून, सतर प्रकल्पाचे क्षेत्र इको सेन्सीटीव्ह झोन मध्ये येते किंवा कसे याबाबत वन विभागाचे अभिप्राय मिळण्यास विनंती केली आहे. त्यास अनुसरून आपणास कळविण्यात येते की, उपरोक्त नमूद प्रस्तावित प्रकल्पाचे क्षेत्र संजय गांधी राष्ट्रीय उद्यानाच्या अधिसूचित इको सेन्सीटीव्ह झोन मधील नाही. सतर क्षेत्र तुंगारेश्वर वन्यजीव अभयारण्याच्या हद्दीपासून ४.४० कि.मी. अंतरावर असल्याने मानिव इको सेन्सीटीव्ह झोनमध्ये समाविष्ट आहे. तथापि दिनांक २४.१२.२०१८ रोजी राजपत्रात प्रसिध्द करण्यात आलेल्या तुंगारेश्वर वन्यजीव अभयारण्याभोवतीच्या प्रस्तावित इको सेन्सीटीव्ह झोनच्या प्रारूप अधिसूचनेमध्ये प्रस्तुत क्षेत्राचा समावेश नाही.

मुख्य वनसंरक्षक व संचालक,
संजय गांधी राष्ट्रीय उद्यान, बोरीवली



SECRETARY
SHREE JIVDANI DEVI SANSTHAN

Translation Ax. R8

1166

Office of Chief Conservator & Director, Sanjay Gandhi National Park
Tel. 022-28860362, 28860389 Email: sgnpsmumbai@gmail.com

Letter

Subject:- The Funicular Ropeway alignment
between lower station at the base of the
hill to the Devi Madir on the hill.

Remark:- regarding eco sensitive zone

O.W, No. Desk-2/Land/1815/2019-20
Borivali, Mumbai. Dated: 09 September 2019

To
The Secretary
Shri Jivdani Devi Sansthan Virar,
Virar (East), Dist. Palghar, PIN 401 305

Reference: Your application dated 26.05.2019

We have informed through reference letters that the project of Funicular Rope Way is proposed between the surrounding area below the hill of Jivdani Devi Mandir and temple and also requested to obtain opinion of Forest Department, whether this surrounding area of the project is fall within the Eco-Sensitive Zone or not. Accordingly, you are hereby informed that the above mentioned proposed area is not covered under Sanjay Gandhi National Park's notified eco-sensitive zone. This proposed area is 4.40 km from the boundary of Tungreshwar Wildlife Sanctuary, it included in the fictional eco-sensitive zone. However, as per the Gazette published on 24/12 2018, the said area is not included in the proposed Sensitive Zone of the Tungreshwar Wildlife Sanctuary.

Sd/-

Chief Conservator & Director, Sanjay
Gandhi National Park, Borivgli.

Sd/-
Secretary,
Shree Jivdani Devi Mandir Sansthan.

T.C.





Ax. R9 1167

श्री जीवदानी देवी संस्थान, विरार

पब्लीक ट्रस्ट रजि. नं. ए-३१७ (ठाणे).

विरार (पूर्व), जि. पालघर (महाराष्ट्र), पिन - ४०१ ३०५.

दूरध्वनी - कार्यालय : (०२५०) २५२३३९८, २५२३६९८, २५२९७७७

Email : jivdanidtt@gmail.com, Website : www.jivdanidevi.com

जा. क्र. : ५७/२०२१-२२.

दिनांक : ०५/१०/२०२१

श्री. रामचंद्र गावड
अध्यक्ष

श्री. पंकज भा. ठाकूर
उपाध्यक्ष

श्री. प्रदिप तेंडोलकर
कार्यवाह

श्री. परशुराम मो. पाटील
कोषाध्यक्ष

To

The Director IA (Infra-2)

The Ministry of Environment, Forest
and Climate Change, Government of
India, New Delhi
Paryavaran Bhavan, Jor Baug
New Delhi - 110003

Member secretary
Maharashtra Pollution control Board
Kalptaru Point, 3rd floor,
Sion East, Mumbai - 400022

Subject: 'Environmental Clearance' and therefore
'Consent to Operate' for 'funicular ropeway'

Reference: 1. Application to MoEFCC IA (Infra-2) No.
IA/MH/MIS/119943/2019 dated
12/08/2021.
2. Application to MPCB No.(UAN) MPCB
CONSENT-0000083713 dated 27/11/2019.

SIR

1. In the year 2003, we had thought of providing the service of aerial ropeway to the devotees of **the 'Shree Jivdani Devi Mandir Trust, Virar'** (श्री जीवदानी देवी मंदिर ट्रस्ट, विरार) (SJDM - hereafter referred as the **Temple**).

T.C.

Shriyee

2. After following all legal procedures in the year 2004, a turnkey contractor M/s Damodar Ropeway & Infra Ltd. (DRIL) was finalized for this, who would do everything on his own from getting all the permissions from all Government Authorities to fabrication, erecting, commissioning the aerial ropeway project. This project/activity type 'aerial ropeway' would have required 'Environmental Clearance' (EC) as per EIA Notification 14.09.2006, Schedule Sr.No. 7(g). Any other type of transit other than 'aerial ropeway' would have required EC.
3. Inter-alia this would have been also eligible for 'Consent to Establish' (C2E) and then 'Consent to Operate' (C2O) from MPCB under combined Consent is required from MPCB under Water (Prevention and Control of Pollution) Act 1984 u/s.25; Air (Prevention and Control of Pollution) Act 1981 u/s.21 and Authorization under 'Hazardous and Other Wastes (Management and Transboundary Movement) Rules 2016'.
4. DRIL obtained the EC in year 2009, which expired in 2014. Nothing was done on site till then. Thereafter as well, till 2017, nothing further was done by the DRIL. Eventually after terminating DRIL, the temple authorities appointed new contractor to provide 'funicular ropeway' system.
5. There is difference in 'aerial ropeway' and 'funicular

ropeway', as far as technology, concept, site implementation is concerned. These are two altogether different engineering projects. The 'funicular ropeway' is in no way an 'aerial' as it is erected on ground like a railway-track. As such this was NOT falling under the project/activity type 7(g) 'aerial ropeway' of the Notification. **The work at site was therefore started in 2018 and was complete in all respect on 04.02.2020.** Even the RITES gave us commissioning permission and Vasai Virar Municipal Corporation (VVMC) gave the Occupancy Certificate (OC) for the pre-sanctioned structures provided.

6. The DRIL lost the commercial contract due to his own lethargy, negligence, delay. His petty amounts probably spent on initial expenses were wasted due to his own fault. But therefore, DRIL made it a point to harass the Temple in all possible manner, by making false allegations, due proxy-front faces. He filed complaints to Chief Minister, Town Planning Authorities, MPCB, MoEFCC, Police, High Court, Commercial Arbitrator, Revenue Departments, Charity Commissioner and most of Government Offices.

7. Temple is not a commercial industry, operation or process. The '**Jivdani Devi**' is a place of worship and faith of Adivasi, Local and Native peoples in this area for over 100 years. Temple is not employing highly

trained technocrats and engineers and scientists. As such advice was sought from locally available environmentalist, scientists and engineers.

8. The elaborate internal deliberations took place. Temple is a trust and is spending public money. As such all **Trustees are answerable to public, Charity Commissioner and above all to their own conscious and Jivdani Devi.**
9. **ONE school of thought** and a line of thinking was that the 'funicular ropeway' is not covered 7(g) if the Notification is read, understood, plain and simple as it is. There was no confusion on that. The Notification project/activity was not illustrative but exclusive.
10. The railway and Metro railway projects of thousands of Crores pass through forest, rivers, creek areas but are not covered under Notification.
11. EIA Manual for 'aerial ropeway' which came much later in May 2010, also doesn't have any mention of 'funicular ropeway'. [In any case, Manual is meant for describing the procedure for doing the EIA studies. That by itself can't increase or decrease OR add/delete the nature of projects/activities that were in the Notification. Such substantial changes always have to come in the form of formal amendment to Gazette Notification by way of a Gazette. The EIA

Manual, though prepare by MoEFCC is akin to Office Memorandum / Circular / Notice trying to amend the Gazette. It is not permissible under law.]

12. It is not must that each project/activity must have to somehow fit in the available list in the Schedule. The Notification is not adversary nature but only of regulatory nature for the project/activity covered in it. [e.g. major giant automobile industry also is not covered under the list in the schedule].

13. The State Expert Appraisal Committee (SEAC) and State Environment Impact Assessment Authority (SEIAA) derive their authority for appraisal as per Clause 2 and 7, only when the project fall in the list in the schedule; and not otherwise.

14. Only in respect of such project/activity, SEAC/SEIAA can do the screening and scoping to decide whether further studies are required and Terms of Reference (ToR) for that.

15. Merely even if any proponent applies for EC for any project/activity that is not covered under the list in the schedule, then SEAC/SEIAA don't get the jurisdiction to entertain such voluntary applications. Because the jurisdiction, authority is to be understandably created by the Act, Rule, Notification OR some formal piece of legislature. It can't be created OR conferred voluntarily.

16. **OTHER school of thought** was to apply for EC and therefore Consent to MPCB, even if it is not applicable, just to put an end to harassment and facing an enquiry based on false complaints through every new authority. Temple at any point of time, never had any intention to shy away from any kind of statutory responsibility. If that would have been the case, temple would not have taken the EC at the first instance also, in remote Adivasi place INCLUDING permission/NOC from each and every probably concerned Government or planning authority.
17. Temple is already spending on so many charitable activities such as running a school, afforestation in the vicinity by spending over Rs.30 lakhs initially and then Rs.5 lakhs for maintenance of it each year. Conserving the nature is a form of prayer to GOD. So why not apply, even if this project/activity doesn't fall under EC/Consent regime, was also the other line.
18. It was also deliberated that let us apply and bring out all these points before the EAC so that they on their own would say that this project won't be appraised by them for want of jurisdiction.
19. The 'funicular ropeway' at few other places was not required to obtain the EC and Consent. On the other hand, at few places, depending on other technical and financial considerations, EC was applied and obtained. [e.g. Bank was not willing to finance the project, the

project itself was in Ec-Sensitive Zone].

20. If the Temple decides to apply by stretching of imagination, and by forcibly fitting this project which is not included in the Notification, then it could have been fitted only by OVERLOOKING categoric specific printed letter of law '**aerial**' describing the nature of '**ropeway**' which would qualify and require EC. But then General terms would have applied, as the project site is within 10km of the **Tungareshwar ESZ**. The final Notification has already come limiting the ESZ area to 4km from ESZ area. But even then EC could have been applied only as Category A project from MoEFCC New Delhi.

21. Temple finally felt that EC is not required by simple reading of Notification. There was no difficulty understanding that even by a layman. But to explain to every probing authority based on the false complaints by DRIL, was a big headache. The DRIL had lodged the financial claim of Rs.17 crores against the Temple for commercial business loss. It was countered by Temple by counter claim of Rs.72 Crore with all documentary evidence, after which DRIL is not pursuing the commercial claim, but is continuing the harassment by lodging false complaints.

22. The PIL filed by a Proxy of DRIL in High Court of Bombay, the Divisional Bench comprising of the then Chief Justice of Bombay has dismissed the same in

first hearing only. Original Application filed by DRIL to NGT WZ Pune OA 55/2020 also was dismissed as barred by limitation by the Bench of two Judges and an Expert Member.

23. However, the Temple finally broke to the harassment of the DRIL. Therefore, succumbing to pressure, harassment, followed by commercial loss on attending the Courts, Tribunal and various Authorities, temple decided to apply for EC and Consent both. This decision was against the wisdom, understanding and the letter of law.

24. Now our application is pending before MoEFCC EAC IA (Infra-2) for EC.

25. Now our application is pending before MPCB for 'Consent to Operate' as Temple with 'funicular ropeway'.

26. Even a same 'funicular ropeway' project at Saptashringi Devi Temple at Vani, they have not obtained any EC though the cost of said project is much more that our project cost. The said project is on BOT basis. The concern company has also applied to SEBI for Public Issue of their Equity shares. The list of their documents does not show any clearance from MoEFCC or SEIAA-Maharashtra. The said project was started in the year 2008 and completed and

commenced operating since year 2018, but no one has made any complaint/allegations against them.

27. We have applied with P.W.D. of Maharashtra Government for permission as we have no idea as the Funicular system is coming under Ropeway Act or not. But said department after consulting to Ropeway Advisory Committee, vide their letter O.W. No. AA/(Elect.)/P.W.E.B./SAA/3374/2019 dated 30/11/2019 stated that Funicular System is not covered under Bombay Aerial Ropeway Act.

28. We have approached to RITES, a Government authorized agency, for commencement certificate. RITES has made survey of our project and issued guidelines suggesting trial of 5000 trips at various speed and various load, i.e. dead load and live load, just to assure the track and whole system.

29. On the part of lack of knowledge and having no clarity, we have wrongly applied for EC. Hence, we wish to withdraw our application.

30. On the backdrop of all this factual information, **the Temple's earnest prayer to MoEFCC EAC IA (Infra-2)** is to declare that our pending application can't be further entertained and considered for want of jurisdiction arising out of the Notification as it stands today. Even if the Notification is amended in future, it would then only apply to future NEW

projects of later date.

31. **In light of above, the Temple also prays to MPCB** to declare and consider that application can't be considered as it is not ***an industry, operation or process*** which gives rise to any air or water pollution or hazardous waste. Hence MPCB ab-initio lacs the necessary jurisdiction to consider the 'funicular ropeway' as the activity that requires consent. The Environment (Protection) Act 1986 and Notifications under that are completely Governed by the provisions of that respective Act and the Notification issued under it. However, that *inter-alia* can't give the jurisdiction to MPCB for issuing 'Consent to Operate' under MPCB under Water (Prevention and Control of Pollution) Act 1984 u/s.25; Air (Prevention and Control of Pollution) Act 1981 u/s.21 and Authorization under 'Hazardous and Other Wastes (Management and Transboundary Movement) Rules 2016'.

32. **We have loan from bank to the tune of Rs. 17 crore after obtaining permission of Charity Commissioner. The temple has already spent Rs.32 Crores on the 'funicular ropeway' project. It would serve out of total 8,00,000 devotees each year, about 1,80,000 senior citizens, ladies and kids below 5 years (free) to climb-up 180m steep hill.**

33. The Temple runs school and other social activities in the vicinity. It maintains the greenery by spending each year Rs.5 lakhs. The entire hill and the **surrounding area, which was degraded forest is now lush green** due to initial plantation by spending Rs.30 lakhs. Trust on their own as well as with the help of Schools and some organizations has also planted nearly 2 lakhs trees and plants on this hill.
34. **The Temple is used to devotees coming to temple and praying. But as we are broken by the harassment and financial burden, we are now praying to MoEFCC and MPCB to put an end to this harassment by considering our submissions on merit.**

Pradeep Tendolkar
CHAIRMAN

