

IN THE NATIONAL GREEN TRIBUNAL

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WESTERN ZONE BENCH AT PUNE

ORIGINAL APPLICATION No. 68 OF 2021

Vanashakti and another. . . . .APPLICANTS

V

Municipal Corporation of  
Greater Mumbai and others. . . . .

.RESPONDENTS

AFFIDAVIT OF RESPONDENT Nos. 5 and 6

In Reply to this O.A.

I, Shri Sachin Repal IFS, Deputy Director (South) Borivali, Sanjay Gandhi National Park, Forest Department, Government of Maharashtra, do hereby solemnly affirm and state as follows:

1] At the outset I say that offices of Additional Principal Chief Conservator of Forests [APCCF' for brevity], Mangrove Cell and Additional Principal Chief Conservator of Forests (Wildlife), West are impleaded as Respondents nos. 5 and 6 to the O.A. and I am filing this composite affidavit for both offices, as I am duly authorized to file the affidavit.

2] I have read a copy of the present O.A. filed for conservation / restoration of the Powai Lake in Mumbai. At the outset, I say that there never have been in the past any mangroves in Powai Lake which is a fresh water lake; presently also there are no mangroves in that Lake. The Lake itself is not situated inside any forest (whether Reserved / Protected under the Indian Forest Act, 1927 or any Protected Area under the Wildlife (Protection) Act, 1972) but is located in the territorial limits of the Mumbai Municipal Corporation. However, the lake does contain a decent population of Mugger / Marsh Crocodiles (*Crocodilus palustris*, Schedule I species under the Wildlife Protection Act) which is a fresh water crocodile; this population has been resident in the lake since many decades. Therefore, in the context of this petition, the role of both the Offices of APCCF



Mangroves as well as APCCF (Wildlife) West and the Forest Department is extremely limited.

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3] I say that the scope of authority of both offices of the APCCF impleaded in this O.A. is circumscribed by the provisions of the Indian Forest Act, 1927 and the Wildlife (Protection) Act, 1972.

4] There are averments in the O.A. to the effect that Powai Lake has attributes of a wetland and should be considered / declared / treated as such under the extant Wetlands (Conservation and Management) Rules, 2017. In this context I say and submit that the concept of "wetlands" under the aforesaid Rules is governed by the provisions of the Environment (Protection) Act, 1986 ['EPA' for brevity] and the same is administered by the Environment Department of the State Government. Neither of the Offices of APCCF impleaded to this O.A. has any function under the EPA or the Wetland Rules in the process of determination of any area as being a "wetland" or otherwise. It is the exclusive function of the Maharashtra State Wetland Authority to recommend the notification of any area as a 'wetland'. Neither office of APCCF at Respondent nos. 6 and 7 have any substantive role in that exercise.



5] The O.A. also emphasizes the presence of the Marsh crocodile and the apprehends adverse impacts on the species due to pollution and construction of cycling and jogging track. As the Marsh crocodile has been accorded the highest level of statutory protection under the Wildlife (Protection) Act, it is the concern of the Office of APCCF (Wildlife) West to ensure that the species does not get adversely affected by any anthropogenic activity. To achieve this, I suggest as follows:

(a) A team of wildlife experts, preferably in crocodillians, be set up to study the Powai Lake habitat of the crocodiles with special emphasis on their basking and nesting sites. The report of this team should specify which sites should be left undisturbed and what measures could be taken by the project proponent to avoid damaging the basking and nesting sites.

(b) Historically, this lake was constructed for drinking water supply. Unfortunately, as in most urban water bodies, it fell into neglect and has become highly polluted because of industrial effluent and sewage discharged into it. The O.A. also mentions highly dangerous chemicals, viz. glycoposphates, being sprayed into the lake.

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(c) The cumulative effect of all this continuous pollution of the lake water from multiple sources render a high probability that the crocodiles could be affected in the long term in terms of reduction in numbers of fish (its primary food), chemically induced diseases or malfunctions in reproductive physiology. Having regard to the 'precautionary principle' as well as the more fundamental need to have large urban lakes free from pollution, it is imperative that effluent and sewage discharge and also use of toxic chemicals be halted.

(d) One or more Honorary Wildlife Wardens, carefully selected and specially trained for aquatic fauna conservation and detection of water pollutants, could be appointed to monitor the area of the Powai Lake. This would give the Forest Department eyes on the lake, which it presently lacks, without putting any stress on the Department's resources.

I say and submit that what I have suggested above is the best that the two Offices of APCCF can do without exceeding the limits of their authority.



AFFIDAVIT

I Shri Sachin Repal IFS, Deputy Director (South) Borivali, Sanjay Gandhi National Park, Borivali, do hereby solemnly affirm that the contents of the foregoing affidavit are true to my own knowledge.

Solemnly affirmed at Mumbai )  
On this 3<sup>rd</sup> day of December 2021 )

X

(Sachin Repal IFS)

Respondent no.5 and 6

Before me.

Witnesses

1) Nitin Ashok Kambe

Habib

BEFORE ME

03/12/2021

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NOTED & REGISTERED  
Sr. No. 1311/2021  
Date: 03/12/2021

