COMMITTEE REPORT

SUB: Original Application No. 81/2024 before Hon'ble National Green Tribunal, Pune (Gavan Koliwada Matsyavyavsay Sahkari Sanstha Maryadit Vs District Collector, Raigad & ors)

Ref: Hon'ble NGT order dated 26.4.2024 in the subject matter

INTRODUCTION:

Original Application No. 81/2024 has been filed before Hon'ble National Green Tribunal, Pune (Gavan Koliwada Matsyavyavsay Sahkari Sanstha Maryadit V/s District Collector, Raigad & ors). The matter pertains to restoration of tidal creek flow in the Nhava creek to protect the ecologically fragile mangroves, mudflats and salt pan areas within the intertidal zone.

Hon'ble National Green Tribunal, Pune passed an order dated 26.4.2024 in the matter, wherein the Hon'ble NGT sought a report from the Committee comprising MCZMA, JNPA and Forest Department. The para 21 and 25 of the order is reproduced as follows:

"21 During argument, the learned counsel for applicant has drawn out attention to page nos 280-281 of the paper book, wherein the Panvel creek and the Nhava Creek are shown along the mouth of the creek of Nhava creek, which are shown to have been reduced to approximately 160 meters from the earlier size of approximately 1582 meters because of construction made by the respondent No. 5 and by arrow at page no. 281 of the paper book, it is shown that a channel is to be created connected from Panvel creek to Nhava creek, which would enhance the ingress of the water into the Nhava creek which has got restricted because of the restricting of the mouth of the creek by the respondent No. 5 At page no. 280 is shown the road, which is called Nhava- Panvel Road, over which a bridge is proposed to be built on stilts so that the flow of the traffic remains uninterested and beneath that bridge, a channel is proposed to be created in order to enhance the flow of the water in the Nhava creek"

25. In order to scrutinize the feasibility of the suggestion made by the applicant, we deem it appropriate to constitute a committee comprising one member of

i. The Maharashtra Coastal Zone Management Authority (MCZMA)
ii. The JNPA (Jawaharlal Nehru Port Authority), Navi Mumbai and
iii. The Chief Conservator of Forest, Mumbai"

3. As per the Hon'ble NGT order, the MCZMA is a nodal agency for coordination and logistic support and the report in the matter be submitted by

SPCB through e-filling by using portal of NG Tin the form of searchable PDF/ OCR support PDF and not in the form of image of PDF.

(Copy of the above said Hon'ble NGT order is enclosed as **Annexure I)**

COMMITTEE CONSTITUTION:

Taking into consideration the Hon'ble NGT order, the MCZMA vide letter dated 27.5.2024 constituted the committee comprising members from MCZMA, JNPA and Forest Department.

(Copy of the said constitution order is enclosed as **Annexure II)**

SITE VISIT OF COMMITTEE:

The Committee carried out the site visit on 11th June, 2024 from 11 am onwards. Applicant Mr. Hitesh Koli, Chairman along with other representatives of Gavan Koliwada Matsyavyavsay Sahkari Sanstha Maryadit (**GKMSSM**) accompanied the committee to take the members at appropriate sites as cited in the matter.

(List of all committee members, officials and representatives present for the said site visit is enclosed as **Annexure III)**

Before the Site visit, applicants from GKMSSM discussed about their concerns, background and past events in this matter and referred to various maps (Toposheet, forest & revenue classifications, Google imageries etc.) before the Committee. GKMSSM representatives conveyed that tidal flow in the Nhava creek has significantly altered in last few decades due to the development of JNPA and it is drastically reduced due to 330 terminal jetty & bund constructed at the mouth of the creek. The said construction at the mouth of Nhava creek has emerged as a major obstruction to the tidal exchange in the Nhava creek, leading reduction in the reach of tidal water at the upstream. It has thereby enhanced siltation and results in to shallowing of the creek. In turn, it has affected the fragile mangroves ecosystem and the fish habitat and disturbed the navigation routes of fishing boats.

This region is a part of larger Panvel, Nhava & Karanja Creek complex. In the history, these creeks must had several intricate channel connects forming delta like habitat for mangrove vegetation. This creek complex and sea in front has been the traditional livelihood support for several fishing villages. These creeks have maintained the tidal prism in this area to sustain the ecological setup.

Gavan Koliwada is located at the upstream of Nhava creek. In order to ensure the free flow in the Nhava creek, GKMSSM members proactively proposed that channel can be made between Panvel and Nhava creek. GKMSSM feels that this

will enhance the tidal water flow and help the system to resume the tidal prism in the Nhava creek ensuring survival of mangrove ecosystem and fisheries.

From the said presentation and order passed by the Hon'ble NGT, it is noted that the scope of the Committee is limited to scrutinize the feasibility of the solution proposed by the Applicant pertaining to enhancement of tidal flow in the Nhava creek by way of connecting it to Panvel Creek through Channel.

OBSERVATIONS OF COMMITTEE:

The GKMSSM members insisted that the Committee members should visit the selected locations all along the Nhava creek, in order to understand its influence on the area and its spread around the JNPA and surrounding fishing villages. Based on this suggestion of GKMSSM, the Committee visited various locations along the stretch of the Nhava creek covering its mouth to upstream region from either side of the creek.

The committee members observed substantial growth of mangroves (*Avicennia* dominated vegetation with presence of *Aegiceras*, *Sonneratia*, *Excoecaria* and *Salvadora* as associate species) all along the creek area. Overall, a mix of tall trees along the channels and stunted growth otherwise is an indication of the adequate tidal flow in the mangroves area.

Further, committee noted that main contention in the application is reduction of the Nhava creek mouth due to 330-meter-long terminal and the guide bund constructed by the JNPA on the southern tip of the Nhava creek mouth. Due to said construction, width of the Nhava creek mouth is reduced substantially. It is understood that this guide bund has been constructed to align the tidal flow along the terminal. JNPA officials informed that at the relevant time appropriate studies have been carried out by the JNPA through CWPRS to understand the impact of reduction in the width on the tidal exchange in the Nhava creek area and no adverse impact was reported.

During the site visit, due to the high tide level conditions, the area was observed to be covered by water. Nevertheless, the low depth of creek was noticeable in most of the locations. As such, a coupled effect of altered tidal exchange and shallowing of creek was not very clear due to the tidal conditions. However, since, the flow velocities at the mouth of the creek have been increased, there appears to be difficulty for the entrance of the fisheries boats in Nhava creek informed by GKMSSM. In order to enhance this tidal exchange as well as to facilitate navigation of fisheries boat, GKMSSM representatives have suggested to open a channel at location (Tentative location around Lat- 18.961642 and Long 72.97256) connecting Panvel creek and Nhava creek. This channel will pass across the existing road (Nhava- Ulwe road) near ONGC pipeline. GKMSSM

representatives further suggested bridge over the proposed channel. Committee visited the said site and observed that the high waters from Panvel creek as well as Nhava creek are right up to the sides of the existing road. Mangrove vegetation is also seen all along the both the sides of the road.

(Google image showing location of proposed channel connecting Nhava and Panvel Creek is enclosed as **Annexure IV**)

Anticipating the fact that the tidal exchange is imperative for healthy growth of mangroves, sustenance of biologically mud flats, marine fauna so also the livelihood of local fishermen community through improvement of fish habitat.

Taking into account the alteration of water availability in the creek due to various reasons, it is essential to enhance the exchange of tidal water and ensure the tidal prism in the Nhava creek.

Presently, the area between the Panvel and Nhava creek is mainly covered with mangroves with swamp & natural streams. Considering the geo-morphology and overall flow conditions around Nhava and adjacent Panvel creek, the Committee prima facie feels that the suggestion made by the GKMSSM representatives for creation of channel connecting Panvel and Nhava creek is feasible. It shall contribute to maintain the tidal flow required sustaining the ecological setup of the area. Creation of a Panvel-Nhava creek connecting channel could channelize the Panvel creek water in the Nhava creek. The Committee is also of the opinion that channel with adequate width will likely improve the tidal inflow in the Nhava creek. Nevertheless, scientific studies for the hydro-dynamically and geo-morphologically sustainable options/ways for creation of channel with its impact on local ecology is necessary. Further, it was suggested that the JNPA, through competent agency, may carry out these studies to decide on technical feasibility of creation of channel connecting Panvel & Nhava creek.

The Committee observed that JNPA should not plan any further construction at the mouth of the Nhava creek. There should not be any further reduction in the mouth of the Nhava creek. This is essential for maintaining the tidal free flow in the Nhava creek and survival of marine biodiversity along the Nhava creek. (Site photographs are enclosed as **Annexure V**)

JNPA submitted that, instead of creation of Channel, it will be more appropriate to provide culvert / minor bridge by cutting road based result of on scientific study from CWPRS, providing culvert / minor bridge by cutting road which would facilitate water flow across Panvel & Nhava creek. It was further informed that area where studies are to be carried for cutting road does not belong to JNPA water limit. Also area of both side of proposed location of cutting road, does not belong to JNPA water limit. There are two nearby villages each on either

side of road for which consent from the concern Gram Panchayat to be obtained in case of studies report shows feasible results. The road approaches to Nhava village belongs to the State Government and NOC from State Government like PWD, CIDCO & other agencies to is required if option found feasible.

(Dr. Mahesh Shindikar)
Expert Member, MCZMA

(M. D. Kudale)
Expert Member, MCZMA

(V.G. Gharat)
DGM (PP&D), JNPA

Dr. G. Vaidyanathan
CGM (PP&D), JNPA

विश्वनाथ जी. घरत / Vishwanath G. Gharat
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डॉ. जी. वैदयनाथन / Dr. G. VAIDYANATHAN
मुख्य महा प्रबंधक (प.यो.वि.)
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J.N.P.A., Sheva, Navi Mumbai 400707.

(Dr. Shailendra Jadhav)
DCF, Mangrove Cell, Forest Dept.

Annexure I

Item No.2 (Pune Bench)

BEFORE THE NATIONAL GREEN TRIBUNAL
WESTERN ZONE BENCH, PUNE

THROUGH PHYSICAL HEARING (WITH HYBRID OPTION)

Original Application No.81/2024(WZ)

Gavhan Koliwada Matsyavyavasay Sahkari Santha Maryadit

.....Applicant

Versus

District Collector, Raigad & Ors.

....Respondent(s)

Date of hearing: 26.04.2024

CORAM: HON'BLE MR. JUSTICE DINESH KUMAR SINGH, JUDICIAL MEMBER
HON'BLE DR. VIJAY KULKARNI, EXPERT MEMBER

Applicant : Ms. Meenaz Kakalia, Advocate

ORDER

1. In compliance with our previous order dated 24.04.2024, the learned counsel for applicant has submitted a compilation of documents dated 24.04.2024, which are Exhibits A and B. Exhibit A contains a Satellite Image and Exhibit- B contains Illustrative Image.

2. The present Original Application has been filed with the prayers that a direction be issued to the respondent Nos.1 to 8, which are Government Authorities, to take appropriate steps to facilitate the free flow of tidal water into the Nhava Creek so as to protect the ecologically fragile mangrove, mudflat and saltpan areas within the inter-tidal zone; an Expert Committee be constituted to conduct a joint site inspection, along-with the representative of Applicant's Society, to visit the site and to identify the blockages hindering the free flow tidal water to the Nhava Creek; and a direction be issued to the Respondents to consider the recommendation made by the Applicants by their representation dated 17.10.2023, which is annexed at page nos.244 to 254 of the paper book

and the representation dated 01.03.2024 (reminder of the earlier representation), which is annexed at page nos.267 to 278 of the paper book.

3. It is further mentioned in this application that the land was acquired by the State Government in 1983 for gradual expansion of the JNPT port and the same was commenced for operation in the year 1989, as a result of which, filling of low lying areas and reclamation activities started, which blocked the free flow of tidal water to these intertidal areas in question.

4. It is further mentioned in this application that the Applicant is a society set up for the welfare of fisherfolk community and operating from Gavhan and Belpada Village in Panvel Taluka, District Raigad, which is a registered Society under the provisions of the Maharashtra Co-operative Societies Act, 1961 dated 28th July 2023, seeking appropriate action to be taken by the Respondent Authorities to protect an approximately 200 sq. kms. eco-sensitive area comprising of mangroves/mudflats by facilitating the free flow of tidal water to these areas having adverse impact on the livelihood of the traditional fishing community.

5. It is further mentioned in this application that Gavhan Koliwada and Belpada Koliwada are situated at the mouth of Gavhan and Belpada Creek. Gavhan Koliwada is located in Uran Taluka, while Belpada Koliwada is located in Panvel Taluka, District Raigad. The area was initially two islands of Sheva and Nhava, comprises of mainly mangroves, mudflats and estuaries, which are the fishing lands of the traditional fishing community. There is an intricate network of creeklets, which forms part of this region and also serves as a natural water flood management system. These creeklets lead to the mouth of the Nhava creek and are used as a navigation channel of the traditional fishing boats. Both small

and large fishing boats were able to navigate within these estuaries, which provided access to the creek for deep sea fishing. Their entry into the network of creeklets and estuaries was through the mouth of the Nhava Creek.

6. It is further mentioned in this application that during the high tide, the tidal water from the sea would enter through the mouth of the creek and feed the estuaries with tidal water. Beacons were placed at several locations to guide the navigation of fishing vessels. The Applicant has annexed a copy (Annexure A-2), which is a geo-digital map of the area prepared by the Government authorities, which shows a beacon at the mouth of the Nhava creek (between Sheva and Nhava islands) and a dotted line indicates the navigational route for fishing vessels to reach the fishing harbour of Gavhan and Belpada Koliwadas. Before the port construction activities began in this area, the mouth of the Nhava Creek was approximately 1500 meters wide and approximately 10 meters deep. The mouth of the Nhava Creek was, therefore, crucial not only for facilitating the entry and exist of fishing vessels but also for ensuring that tidal water entered into the estuary and creeklets. Without this, the intertidal zone, which sustained not only the mangrove ecosystem but also various types of marine flora and fauna, would be severely damaged. The geomorphological features of this area drastically changed since the acquisition of land in 1983 by the State Government for the Navi Mumbai Project and the gradual expansion of the JNPT port, which also commenced operations in the year 1989, as a result of which, the filling of low lying areas and reclamation activities, the free flow of tidal water to these intertidal areas began to be gradually blocked.

7. It is further mentioned in this application that in a period of the last 3 decades, large-scale reclamation, excavation and dredging of these

water bodies have taken place, which have resulted in the destruction of these areas. The Respondent No.5 expanded its port over a period of few years, which required large parts of the land to be reclaimed, which was earlier being used by a traditional community for fishing purposes. The details of the reclamation of land for this expansion is given in para no.17 of this application from sub-clause (i) to (vi) and it is mainly stated in para no.17 sub-clause (v) & (vi) that in the year 2014, approximately 27.5 ha. of land was reclaimed for the extension of the 330m Container Terminal, which affected the tidal movement of the estuaries and creeklets adversely within the Nhava Creek. A massive embankment was constructed at the mouth of the Nhava Sheva Creek for extension of the project of respondent No.5, which was 160 meters long and 60 meters wide. Presently, reclamation of 110 ha. of land is being carried out for the extension of 4th Container Terminal. Therefore, about 520 ha. of traditional fishing lands, which were earlier used for traditional fishing purposes, have been reclaimed in these areas.

8. It is further mentioned in this application that as a result of these reclamation activities, the width of the mouth of Nhava Creek has decreased by about 94%. Only about 6% remains on the northern side of Nhava Island, which has resulted in starving the inter-tidal and mangrove areas of the necessary sustenance.

9. It is further mentioned in this application that while the expansion EC was granted for the project of the respondent No.5, expert reports were submitted from time to time, which were prepared by the Central Water and Power Research Station (CWPRS)- Pune, claiming that they would have no impact on tidal activity by setting up of this project. This has, over the years, proved to be completely false and the same has been noted by Government Authorities.

10. It is further mentioned in this application that pursuant to the numerous complaints made by the fishing community, the District Collector, Raigad directed the Assistant Commissioner of Fisheries to prepare a detailed report on the issues raised. In compliance to the same, a report dated 17th December, 2007 was prepared, English translation of which is annexed at page nos.62 to 79 of the paper book. When we enquired from the learned counsel for applicant as to where is the relevant part, she has drawn our attention to page no.62 of the paper book, wherein, in para no.6, following is mentioned:-

> *"Due to land fillings done for the various projects set up by CIDCO, JNPT, ONGC, NMSEZ and other Agencies and disconnection of the process of entry of high tide water as a result of bog being affected by the high tide line and biological life cycle being affected the acquatic creatures, terrestrial creatures and birds thriving on it are destroyed. Earlier Flamingos used to migrate to this area during the period of December to February on a massive scale. This is what has been narrated by the senior fisher folks at the time of inspection. Presently Flamingos are not migrating to this area which is an indication of the cycle of biological creatures of this area being affected."*

11. It is further mentioned in this application that earlier Original Application No.19 of 2013 *(Ramdas Janardan Koli v. JNPT & Ors.)* was filed before this Tribunal pointing out the ecological destruction and the impact of development projects undertaken by the JNPA, ONGC and other companies on the surrounding tidal environment, which resultantly impacted the livelihood of traditional fisherfolk of Uran. This Tribunal had constituted a three-members committee to conduct a site-inspection of the areas in question, which also included the subject area, which is a subject matter of the present Original Application and following was observed in its report dated 31st October 2013:-

> *"It is seen that due to this project of JNPT the width of the creek has already been reduced, thereby changing the flow pattern of the creek water. This has impact on the mangroves vegetation of nereby villages namely Ghavan, Hanuman Koliwada, Belpada, Uran. Further, reduction of width of the creek between Nhava and Sheva islands due to proposed 330 m extension of jetty may result in*

flooding of surrounding villages and towns during heavy rains as there is insufficient space for the flood waters into the sea. It is apprehended that Panvel and Uran Talukas will have to bear the brunt of this. Further, this may affect fish catch and the boat movement in the creek area."

It is apprehended that due to this extension, mouth of the creek will reduce substantially leading to lesser ingression of tidal water into the creek area which will in tur seriously affect the extensive mangroves vegetation present around the Nhava and Sheva islands. ***Considering the fact that survival of mangroves from this entire area is totally dependent on the influx of the tidal water. Sincere efforts are expected from the agencies like JNPT, ONGC and CIDCO/NMMC to facilitate the tides to cater to all intertidal areas."***

12. On the basis of its observations made by the Committee, following recommendations were made:-

"a. The tidal flow into the Nhava creek has been affected and sufficient tidal influx is not there into the mudflats and extensive mangroves in the area resulting in the degradation of the mangroves and fisheries.

b. The proposed extension of the jetty (330m) at the inlet of the Nhava creek may be useful from the technical and operational angle to the JNPT. But it is afraid that this will further reduce the tidal influx into the Nhava creek and seriously impair the mangroves and the fisheries.

c. Bandharas constructed by the JNPT at different locations are not in use and are further reducing the influx of the tidal waters into the mangrove areas resulting in their systematic degradation. Changes made as temporary structures such as service roads, bunds, wall etc. are to be demolished to restore the natural set up and hassle free tidal inundation flow throughout the mangrove and intertidal areas. These bunds at Belpada villge and near proposed parking terminal which is also near to Belpada village and FundeDongri village, required to be dismantled by the JNPT and the original creek condition and tidal influx restored to ensure free flow of tidal water into mangroves vegetation."

13. It is further mentioned in this application that this Tribunal, after having gone through the report of the Joint Committee, passed an order dated 19th February, 2014 directing compensation to be paid to the fisherfolk for the loss caused to their livelihood. The respondent No.5-JNPA was directed to pay Rs.95 crores in the form of compensation to 1630 fisherfolk families, who were affected, of which JNPA was directed to

pay 70% of the total amount awarded. But the learned counsel for applicant has pointed out that no specific order/direction was given by the Tribunal with respect to restoring the natural tidal flow of water to the Nhava Creek in the said proceedings. It is for this reason, applicant has approached us by filing the present application.

14. It would be necessary for us to understand as to what prayers were made before this Tribunal in Original Application No.19/2013 because now the learned counsel for applicant submits that there was no relief granted with respect to restoring the natural tidal flow of water to the Nhava Creek in the order passed by this Tribunal in the said Original Application. But she pleaded ignorance as to whether relief regarding the same was sought or not. We are of the view that principle of *constructive res-judicata* may come into play, if the relief, which could have been sought in the earlier Original Application, was not sought by the applicant. Although the learned counsel for applicant submits to the effect that the said Original Application was filed by some other person.

15. It is further mentioned in this application that this Tribunal, in its Judgment passed in Original Application No.19/2013, had also directed the Respondents to pay Rs.50 lakhs for restoration of the environment. The District Collector, Raigad was directed to carry out the restoration work within 8 months, which was to include "ensuring free passage of tidal currents etc. in consultation of MCZMA". A copy of this order is annexed at Annexure A-13 at page nos.179 to 215 of the paper book.

16. At this stage, when we enquired from the learned counsel for applicant as to why an execution could not have been filed, when this Tribunal had already passed an Order/Judgment in Original Application No.19/2013, part of which is cited above, directing that the restoration of the environment be ensured within 8 months by ensuring free passage of

tidal currents etc. at the site in question, for which the applicant appears to be concerned about. To this, the learned counsel for applicant has responded by saying that a totally different suggestion has been given from the side of applicant to be considered by the authorities for ensuring tidal current to the creek in question, which has not been considered by the Tribunal in earlier Original Application No.19/2013.

17. It is further mentioned in this application that respondent No.5 had filed Civil Appeal No.4455-4456 of 2015 before the Hon'ble Supreme Court against the said order, which was later on withdrawn. On the directions of Supreme Court, the compensation amount, which was directed to be paid by this Tribunal, was directed to be disbursed to the affected fisherfolk.

18. It is further mentioned in this application that in a separate proceeding filed before this Tribunal, challenge was made that the environmental clearance granted to the Respondent No.5 for the extension of 4th Container Terminal, an Expert Committee was constituted to conduct a site inspection. Although the area in question, viz. the mouth of Nhava Creek, was not part of the scope of the Committee. The said Committee visited the site in question on the request of fisherfolk and submitted a report dated 13th September 2021, wherein the Expert Committee, after taking into the concern raised by the local fisherfolk, noted that the respondent No.5- JNPA should ensure the free flow of tidal water into the Nhava creek for safe navigation of fisherfolks boat in the creek and also ensure tidal water reaches mangrove vegetation and biodiversity in the creek, which will help in sustenance of fishing practices of the local fisherfolks in the area. A copy of the said report is annexed as Annexure- A-15.

19. It is further mentioned in this application that the Applicant, through several representations to the concerned authorities (at this stage, when we enquired from the learned counsel for applicant as to which authorities, the said representations were made, the learned counsel for applicant drew our attention to the representation, which is annexed at page nos.244 to 254 of the paper book, wherein representation dated 17.10.2023 addressed to the 1) Chief Conservator of Forests, Mangrove Division, Mumbai (not party); 2). Divisional Forest Officer, Office of Mangrove Forest Conservation Unit, Mumbai (not party); and 3).Office of the Range Forest Office, Mangrove Division Forest Cell, Alibaug -respondent No.7; 4). Office of the Range Forest Officer, Mumbai- respondent No.8) with the suggestion that the flow of tidal water could be restored by creating a channel through the mangroves next to Nhava Village. Presently, there is a road constructed on reclaimed land that blocks the entry of tidal water from Panvel Creek in the North. A small patch of this road would require to be constructed on stilts to allow the water to flow from below the road so as to reach the Nhava Creek. The Applicants requested for a site inspection to be conducted to determine the feasibility of this suggestion. A copy of the satellite map of the area is also annexed Annexure A-17 indicating therein the location where the road would need to be constructed on stilts to facilitate the tidal flow of water. It is also submitted that a map prepared by the Respondent No.5 itself, when the Port was conceived, indicates that a drainage channel was to be provided, which would have allowed water from the Panvel Creek to flow into the Nhava Creek, a copy of which is annexed as Annexure A-18 at page no.256 of the paper book.

20. It is further mentioned in this application that on the basis of representation of the Applicant, the Respondent No.7 (Forest Range

Officer, Alibaug) informed the Applicant that a joint hearing at the site with respect to the said representation would be conducted on 06th November 2023 along-with the Respondent No.8 (Forest Range Officer, Uran). In spite of this, strangely, no site inspection was conducted and instead on 23rd January 2024, the Respondent No.7 wrote a letter to the Respondent No.8 directing therein to take necessary action since the area fell within its jurisdiction. A copy of the said letter is annexed as Annexure A20. Thereafter, the Applicant addressed a letter dated 6th March 2024 to the MoEF&CC (not party), a copy of which was marked to the Respondent No. 7, 8 and other authorities as well. A copy of the said letter is annexed as Annexure A-21 at page no.263 of the paper book (which we find to be a reminder of the earlier letter dated 17.10.2023, which was addressed to the Chief Conservator of Forest along-with three other Forest Officers), in response to which no communication was received by the applicant. Hence the present application has been moved with the above-mentioned prayers.

21. During argument, the learned counsel for applicant has drawn our attention to page nos.280-281 of the paper book, wherein the Panvel Creek and the Nhava Creek are shown along the mouth of the creek of Nhava Creek, which are shown to have been reduced to approximately 160 mtrs. from the earlier size of approximately 1582 mtrs. because of the construction made by the respondent No.5 and by arrow at page no.281 of the paper book, it is shown that a channel is to be created connected from Panvel Creek to Nhava Creek, which would enhance the ingress of the water into the Nhava Creek, which has got restricted because of the restricting of the mouth of the creek by the respondent No.5. At page no.280 is shown the road, which is called Nhava- Panvel Road, over which a bridge is proposed to be built on stilts so that the flow

of the traffic remains uninterrupted and beneath that bridge, a channel is proposed to be created in order to enhance the flow of the water in the Nhava Creek.

22. This suggestion, according to the applicant, was given to the respondent Nos.7 & 8, upon which a site inspection was to be conducted as stated above. But the same has not been conducted till date.

23. From the total narration of facts, which are cited above, we are of the view that the matter appears to have been already considered by the Tribunal in earlier Original Application No.19/2013, wherein restoration of that area was ordered to be done and the District Collector, Raigad was given 8 months' time for the same. Therefore, an execution could have been filed by the person concerned to ensure that the water flow in Nhava Creek gets increased. But instead of resorting to that, the learned counsel for applicant has gone to provide an alternative suggestion, which we have cited above, for increasing the flow of water into the Nhava Creek.

24. We fail to understand as to why the representation was made by the applicant, for getting the suggestion, considered by the respondent Nos.7 & 8, which do not appear to be wholly relevant parties, rather MCZMA i.e. respondent No.4 appears to be the relevant authority, to whom the representation should have been made.

25. In order to scrutinize the feasibility of the suggestion made by the applicant, we deem it appropriate to constitute a Committee comprising one member each of:-

(i) The Maharashtra Coastal Zone Management Authority (MCZMA);

(ii) The JNPA (Jawaharlal Nehru Port Authority), Navi Mumbai; and

(iii) The Chief Conservator of Forest, Mumbai.

26. The Committee is directed to visit the site in question after informing the applicant/the learned counsel for applicant, scrutinize the suggestions given by the applicant and submit its report within a period of two months.

27. The Maharashtra Coastal Zone Management Authority (MCZMA) shall be the nodal agency for coordination and logistic support.

28. The report in the matter be submitted by SPCB through e-filing by using portal of NGT in the form of searchable PDF/OCR Support PDF and not in the form of Image PDF.

29. A copy of this order be communicated to the above-mentioned Committee forth-with for compliance.

Put up this matter for further consideration on 08.08.2024

Dinesh Kumar Singh, JM

Dr. Vijay Kulkarni, EM

April 26, 2024
Original Application No.81/2024(WZ)
P.Kr

Annexure II

MAHARASHTRA COASTAL ZONE MANAGEMENT AUTHORITY

Tel. No. : 22029388
E-mail : dir1.mev-mh@nic.in
Website: https://mczma.gov.in/

No. OA 2024 / CR 8 / TC - 4
Office of the -
Maharashtra Coastal Zone Management Authority,
Environment & Climate Change Department,
15th floor, New Administrative Building,
Mantralaya, Mumbai- 400 032.
Date: 27.5.2024

ORDER

SUB: Original Application No. 81/2024 before Hon'ble National Green Tribunal, (NGT) Pune (Gavan Koliwada Matsyavyavsay Sahkari Sanstha Maryadit V/s District Collector, Raigad & ors)

Ref: Hon'ble NGT order dated 26.4.2024 in the subject matter

The Original Application No. No. 81/2024 before Hon'ble National Green Tribunal (WZ), Pune has been filed by Gavan Koliwada Matsyavyavsay Sahkari Sanstha Maryadit Versus District Collector, Raigad & ors. The matter pertains to restoration of tidal creek flow in the Nhava creek to protect the ecologically fragile mangroves, mudflats and salt pan areas within the intertidal zone. The para 21 and 25 of the order is reproduced as follows:

"21 During argument, the learned counsel for applicant has drawn out attention to page nos 280-281 of the paper book, wherein the Panvel creek and the Nhava Creek are shown along the mouth of the creek of Nhava creek, which are shown to have been reduced to approximately 160 meters from the earlier size of approximately 1582 meters because of construction made by the respondent No. 5 and by arrow at page no. 281 of the paper book, it is shown that a channel is to be created connected from Panvel creek to Nhava creek, which would enhance the ingress of the water into the Nhava creek which has got restricted because of the restricting of the mouth of the creek by the respondent No. 5 At page no. 280 is shown the road, which is called Nhava- Panvel Road, over which a bridge is proposed to be built on stilts so that the flow of the traffic remains uninterested and beneath that bridge, a channel is proposed to be created in order to enhance the flow of the water in the Nhava creek"

25. In order to scrutinize the feasibility of the suggestion made by the applicant, we deem it appropriate to constitute a committee comprising one member of

i. The Maharashtra Coastal Zone Management Authority (MCZMA)
ii. The JNPA (Jawaharlal Nehru Port Authority), Navi Mumbai and
iii. The Chief Conservator of Forest, Mumbai"

2. As per the Hon'ble NGT order, the MCZMA is a nodal agency for coordination and logistic support and the report in the matter be submitted by SPCB through e-filling by using

portal of NG Tin the form of searchable PDF/ OCR support PDF and not in the form of image of PDF.

3. Accordingly, a Committee is hereby constituted as follows:

Sr No.	Member	Organization / Authority
i.	Dr. Mahesh Shindikar/ Mr. M.D. Kudale, Expert Member, Maharashtra Coastal Zone Management Authority (MCZMA)	Maharashtra Coastal Zone Management Authority
ii.	Concern responsible officer as representative from Jawaharlal Nehru Port Authority (JNPA)	JNPA
iii.	The Chief Conservator of Forest, Mumbai	Forest Department

4. The committee shall make the site visit and submit the report a report, in accordance with above said Hon'ble NGT order. The MCZMA will be nodal agency in the matter for coordination and logistic support.

5. Representative of MPCB, Raigad shall assist the committee for logistics during site visit. Copy of the above said order of the Hon'ble NGT along with copy of the Original Application are attached herewith.

Yours,

Director, Environment &CC and MS, MCZMA

To,

1) **All members of the Committee**
2) **Member Secretary,** Maharashtra Pollution Control Board, Sion, Mumbai: It is kindly requested to depute a responsible officer from MPCB for assisting the Committee for the site visit.

Copy for information to:

1. **Principal Secretary,** Environment & Chairman, MCZMA, Environment Dept, Room No. 217, Annexe Building, Mantralaya, Mumbai.
2. **Select File- TC 4**

Annexure III

SITE VISIT

Date: 11th June, 2024

SUB: Original Application No. 81/2024 before Hon'ble National Green Tribunal, (NGT) Pune (Gavan Koliwada Matsyavyavsay Sahkari Sanstha Maryadit V/s District Collector, Raigad & ors)

List of officials/ representatives present for the site visit

Sr. No.	Name of Official/ representative and Designation	Signature	Contact
1			
2	M. D. Kudale, MCZMA	M Kudale	9890989925
3	MAHESH SHINDIKAR		9422518291
4	Dr. Shailendra Kumar S Jadhav		9881413287
5	S. D. Shinde RFO		9421583107
6	Dr. Vikrant Shalesrao		8983320725
7	Dr. R. N. Jadhav JNPA		9403077951
8	Hitesh Koli		7820209411
9	Shri Ramesh B. Koli		9869486716
10)	Shree Nandakumar Pawar		9819831683
11	V. G. Gharat DGM (CPP&D) JNPA		9920941780
12	N. G. Kokare		9769001718

Annexure IV

Google image showing the present width of the Nhava creek and tentative location of proposed channel which will connect Nhava creek and Panvel Creek

Annexure V

Deliberations with Applicants at JNPT and during site visit

Nhava creek width at the mouth

Tentative location of proposed channel across the existing road near ONGC pipeline (Lat- 18.961642 and Long 72.97256)