

BEFORE HONOURABLE NATIONAL GREEN TRIBUNAL WZ, PUNE

AT-WESERN ZONE BENCH, PUNE.

IN THE ORIGINAL APPLICATION NO 33 OF 2018 WZ.

Sanjay Bhegade & Others

Applicant.

V/S

State of Maharashtra & Others

Respondents.

INDEX IN RESPECT TO THE COUNTER AFFIDAVIT ON BEHALF OF RESPONDENT NO.2

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FOR RESPONDENT NO.2

Authorized Signatory.

3769

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

Original Application No.33 of 2018 WZ

Sanjay Bhegade & Others.

}..... Applicants.

VERSUS

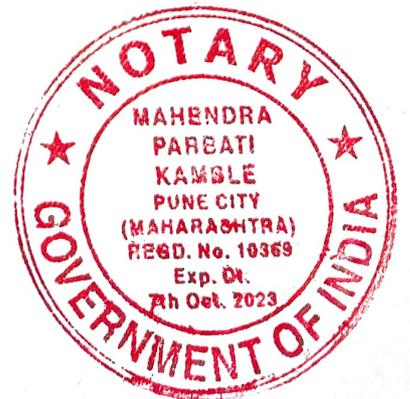
State of Maharashtra & Others.

} Respondents.

Affidavit in compliance of Order dated 16th January, 2023 & 28th March, 2023

1. I, Sunil Marale Metropolitan Planner, PMRDA, i.e., the Respondent No.2 hereby filing this Affidavit in compliance of the Orders passed by this Hon'ble Tribunal dated 16th January, 2023 and 28th March, 2023 bringing on record further steps taken by the Respondent No.2 regarding the compliance of the order dated 16th January, 2023 & 28th March, 2023. I hereby submit the information in respect of the steps taken by the Respondent No.2 to comply with the Orders passed by this Hon'ble Tribunal as under:
2. PMRDA's Report on the 64 constructions whom earlier notices have been issued in the area which is the subject matter of the present application.





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3. Hon'ble Tribunal directed the PMRDA to submit a comprehensive report as under:

- i) *Whether the constructions which are stated to be illegal, are lying in Eco-Sensitive zone? If yes, under which provision the permission for construction has been granted, if at all the same has been granted?*
- ii) *Whether such constructions which are found to be there, need to be demolished, if not found in accordance with law?*

4. PMRDA has taken decision to discuss and decide the issue in respect of the constructions lying in Eco-Sensitive Area, if any in the Newly Constituted Committee consisting of i) Member from Ministry of Environment, Forest & Climate Change, Government of India. ii) Principal Chief Conservator of Forest, Maharashtra State. iii) District Magistrate, Pune with respect to the Draft Notification Western Ghat Eco-Sensitive Zone dated 3rd October, 2018 published by the MoEFCC, GOI.

PMRDA has already issued an Office-Order dated 23rd February, 2023 for the formation of the above said committee as stated in its additional affidavit dated 27th March, 2023. (Pages 3649-3650)

5. Thereafter, the First Meeting of the Newly Re-constituted Committee was conducted on 26th April, 2023 under the Chairmanship of the Metropolitan Commissioner of

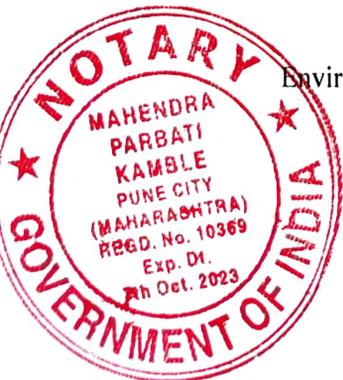


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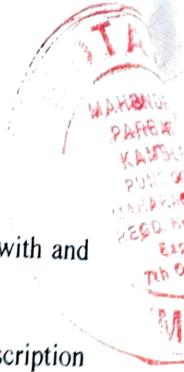
PMRDA. The Orders dated 16th January, 2023 & 28th March, 2023 were made available to all the Members of the Committee. The Video Conference Meeting of the Newly Constituted Committee was conducted between 1200 hours to 1300 hours. The representative of MoEF & CC, Government of India has requested to fix up short date of next meeting to peruse various documents including construction – sites and any other information if any required by him. WhatsApp Group of Committee-Members and Concerned – Officers was constituted to expedite Committee-Meeting/s and exchange of important information. A copy of the Minutes of First Meeting of the Committee is enclosed herewith and marked as an Annexure-1.

6. The Second Meeting was convened on Mr. Manish Chaturvedi, MoEF & CC, Government of India and he was requested to circulate latest Western Ghat Eco-Sensitive Zone Final Draft Notification to all the Committee-Members well in advance to understand its provisions for further implementation thereof in the Western Ghat notified areas and to initiate appropriate actions against the violators if any identified.
7. The Second Meeting was conducted on 15th May, 2023 through Video Conference. The Joint Committee taken on record the Latest Draft Notification issued by the Ministry of

Environment, Forest and Climate Change, Government of India placed on the



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WhatsApp by the Representative of the MoEF & CC, Govt is enclosed herewith and marked as an Annexure-2. The Committee has confirmed the Boundary and Description of Western Ghat Eco Sensitive area falling in the Mawal Taluka in Pune District of the State of Maharashtra at Pages-188-189 respectively of the Western Ghat Eco Sensitive Draft Notification issued vide S.O. 3072 (E) dated 06th July, 2022. The Committee noted that the following users are completely banned in the Eco-Sensitive Region:- a) Mining , b) Thermal Power Plants ,c) Industries:- All new Red Category Industries specified by the CPCB or SPCB, d) Building Construction with built up area of 20,000 square meters & above and also townships & an area development projects with area of 50 ha or above or with built up area of 150,000 square meters & above shall be prohibited and there shall be no restriction on repairs or extension or renovation of existing residential houses in the Eco Sensitive Area as per prevailing laws and regulations.

8. I State that no any Construction which have been granted permission, is falling within the banned uses as listed in the above para.

Out of 64 constructions listed in OA, total 27 permissions are granted. 12 of which are granted by then District Collector u/s 18 of The Maharashtra Regional Town Planning



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Act, 1966 (herein after referred as the said act) prior to the establishment of PMRDA & thereafter 15 permissions have been granted by PMRDA under section 44 of the said Act. The remaining 37 constructions are unauthorized as on today and needs legal action.

10. I state that while granting these permissions no construction was allowed on slopes steeper than 1.5, no permanent construction permission granted up to 100 meters from High Flood Line (HFL) of water body. It is also confirmed that no permission is granted in violation of prohibitions and restrictions imposed on the building construction, area development or township projects as per the Final Draft Western Ghats Notification, 2022.

11. The Metropolitan Commissioner has directed the Illegal Construction department in PMRDA to serve notice u/s 53(1) of the said act on the 37 unauthorised constructions. If the concerned person applies u/s 44 of the said act for regularization of the construction, the PMRDA, after due verification of all papers and provisions of law and regulations, shall take decision on merit u/s 45 of the said act. If the concerned owner does not apply u/s 44 inspite of receipt of notice u/s 53(1) or if PMRDA refuses his



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application for regularisation u/s 45, then further legal action as per law shall be taken against them by PMRDA, which may include demolition of construction.

12. A copy of the Minutes of Second Meeting of Newly Reconstituted Joint Committee held on 15th May, 2023 is enclosed herewith and marked as an Annexure-3.

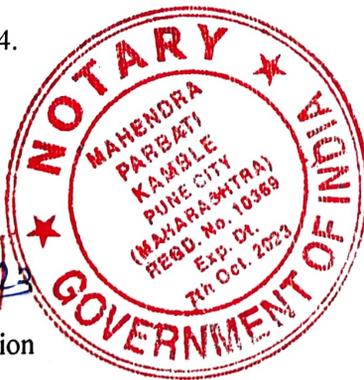
12. Fresh Report of Team constituted by the PMRDA to examine 64 constructions mentioned in the OA and submit status report in that behalf with action taken report-

PMRDA has constituted a separate team of concerned officers of it to examine all permissions granted by the then District Collector Office and PMRDA after its appointment as Special Planning Authority is enclosed herewith and marked as an

Annexure-4.

24 MAY 2023

NOTED & REGISTERED AT
SERIAL NUMBER 1037/2023



Verification

For & on behalf Respondent No.2.

Authorized Signatory.

The contents of this Affidavit in clause a) and b) are true & correct to the best of knowledge and belief as well as facts stated therein.

For Respondent No.2



(Sunil Marale)

BEFORE ME

Mahendra Parbati Kamble
NOTARY, GOVT. OF INDIA
PUNE CITY (MAHARASHTRA)
REGD. No.10369

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ANNEXURE - I

Minutes of Meeting

Date: 26th April 2023

Subject : NGT OA 33/2018 Western Zone Bench
Mr. Sanjay Bhegade
Vs.
State of Maharashtra and others.



Minutes of First Meeting held via Video Conference Dated 26th April 2023.

- Reference:** 1) Interim Order of the Hon. NGT Western Zone Bench dated 30/06/2020.
2) Interim Order of the Hon. NGT Western Zone Bench dated 16/01/2023.
3) Office Order of Metropolitan Commissioner and Chief Executive Officer PMRDA. no. 185 dated 23/02/2023.
4) Meeting Notice by Metropolitan Commissioner and Chief Executive Officer, PMRDA. no. 1242 dated 20/04/2023.

- PMRDA has conducted Video Conference Meeting of the Newly Constituted Joint Committee conducted on 26th April, 2023 between 1200 hours to 1300 hours. Following officers were present for the meeting via Video Conference.

1)	Mr. Manish Chaturvedi, Representative of, The Ministry of Environment, Forest and Climate Change (MoEF&CC).	Member
2)	i) Advocate Swati Pandit, Legal Officer, Representative of District Magistrate, Pune. ii) Vikram Deshmukh, Tahsildar Taluka Maval, Representative of District Magistrate, Pune.	Member
3)	Mr. Rahul Mahiwal, Metropolitan Commissioner, Pune Metropolitan Region Development Authority, Pune.	Member and Nodal Agency
4)	Mr. Dattatray Devale, Advocate for PMRDA	-

- No representative from Principal Chief Conservator of Forest was present.
- Mr. Rahul R. Mahiwal, Metropolitan Commissioner, PMRDA welcomed the Members of Joint Committee & Other Officials who have attended video conference meeting online. He informed the participants that the PMRDA has already issued Office Order dated 23rd February, 2023 in respect of Reconstitution of Joint Committee with the i) Ministry of Environment, Forest & Climate Change Representative, Government of India. ii) Principal Chief Conservator of Forest, Government of Maharashtra. iii) District Magistrate, Pune and iv) Metropolitan Commissioner Pune Metropolitan Regional Development Authority.
- Hon'ble Tribunal has directed the Newly constituted Joint Committee to submit a Comprehensive Report disclosing the area where constructions are done and whether these are in violation of Western Ghat Eco-Sensitive Notification? If yes what kind of action including demolition can be initiated? The Report has to be prepared and submitted within 4 weeks time as per Order passed

on 16th January, 2023. Unfortunately, PMRDA could not conduct above meeting within stipulated period, hence time was sought by filing preliminary affidavit dated 24th March, 2023. Hence, it is necessary to file a comprehensive report in compliance of the subsequent order dated 28th March, 2023 within 30 days time. PMRDA therefore decided to conduct Joint Committee's First Meeting by Video Conference after consultation with all the members of the Joint Committee on 26th April, 2023.



- Mr. Manish Chaturvedi, Representative of the MoI & CC, Government of India requested to fix up short date of next meeting, so as to peruse various documents including construction-sites and any other information if any required by him.
- PMRDA - Incharge of concerned area & subject informed the Committee that PMRDA Team has been appointed & they are examining the present status of 63 Constructions including 36 Constructions whom permissions are already granted. The team will submit its report by end of week.
- It was decided to expedite the compliance of directives issued in the order dated 16th January, 2023 and 28th March, 2023.
- The Panel Advocate of the PMRDA pointed out that the Team of the PMRDA should specifically refer the provisions under which actions are initiated against 63 Constructions by way issuance of notices and under which provisions 36 permissions are granted & on what basis? It was decided to finalise scrutiny of 63 Constructions immediately and to initiate further line of action if non-compliance continues as on date. The proposed actions should also be notified. It was decided to form new WhatsApp Group of Committee- Members and concerned officers. The meeting was terminated with a vote of thanks.


 (Rahul Mahiwal) IAS
 Metropolitan Commissioner,
 PMRDA, Pune





MINISTRY OF ENVIRONMENT, FOREST AND CLIMATE CHANGE

NOTIFICATION

New Delhi, the 6th. July, 2022

S.O. 3072(E).—The following draft of the notification, which the Central Government proposes to issue in exercise of the powers conferred by section 3 of the Environment (Protection) Act, 1986 (29 of 1986) is hereby published, in supersession of the notification of the Government of India, Ministry of Environment, Forest and Climate Change published in Gazette of India, Extraordinary, Part II, Section 3, Sub-Section (ii) vide notification number S.O. 5135(E), dated the 3rd October, 2018, as except as respects things done or omitted to be done before such supersession, as required by sub-rule (3) of rule 5 of the Environment (Protection) Rules, 1986, for the information of the public likely to be affected thereby; and notice is hereby given that the said draft notification shall be taken into consideration on or after the expiry of a period of sixty days from the date on which copies of the Gazette of India containing this notification are made available to the Public;

Any person interested in making any objections or suggestions on the proposals contained in the draft notification may forward the same in writing, for consideration of the Central Government within the period so specified to the Secretary, Ministry of Environment, Forests and Climate Change, Indira Paryavaran Bhawan, CGO Complex, Jor bagh Road, Ali Ganj, New Delhi-110003, or at e-mail address: esz-mef@nic.in.

Draft notification

WHEREAS, Western Ghats is an important geological landform on the fringe of the west coast of India and it is the origin of Godavari, Krishna, Cauvery and a number of other rivers and extends over a distance of approximately 1500 kilometre from Tapti river in the north to Kanyakumari in the south with an average elevation of more than 600 metre and traverses through six States namely, Gujarat, Maharashtra, Goa, Karnataka, Kerala and Tamil Nadu;

AND WHEREAS, Western Ghats is a global biodiversity hotspot and a treasure trove of biological diversity and it harbours many endemic species of flowering plants, endemic fishes, amphibians, reptiles, birds, mammals and invertebrates and is also an important center of evolution of economically important domesticated plant species such as pepper, cardamom, cinnamon, mango and jackfruit;

AND WHEREAS, Western Ghats has many unique habitats which are home to a variety of endemic species of flora and fauna such as Myristica swamps, the flat-topped lateritic plateaus, the Sholas and wetland and riverine ecosystems;

AND WHEREAS, UNESCO has included certain identified parts of Western Ghats in the UNESCO World Natural Heritage List because Western Ghats is a Centre of origin of many species as also home for rich endemic biodiversity and hence a cradle for biological evolution;

AND WHEREAS, the Western Ghats not only harbour rich biodiversity, but also support a population of approximately fifty million people and include areas of high human population density and therefore, there is a need to conserve and protect the unique biodiversity of Western Ghats while allowing for sustainable and inclusive development of the region;

AND WHEREAS, the Ministry constituted a High Level Working Group to study the ecology, environmental integrity and holistic development of the Western Ghats in view of their rich and unique biodiversity and it was also tasked with the mandate to take a holistic view of the issue and to bring synergy between protection of environment and biodiversity and needs and aspirations of the local and indigenous people, sustainable development and environmental integrity of the region and to suggest steps and way forward to prevent further degradation of the fragile ecology of the Western Ghats;

AND WHEREAS, the High Level Working Group had since submitted its report to the Ministry on the 15th April, 2013 which was kept in the public domain seeking comments/views of concerned stakeholders and was also sent to the concerned six State Governments of the Western Ghats region namely, Gujarat, Maharashtra, Goa, Karnataka, Kerala and Tamil Nadu for their considered comments/views on the report;

AND WHEREAS, the High Level Working Group has identified approximately thirty-seven percent the Western Ghats as ecologically sensitivewhich covers an area of 59,940 square kilometre. of a natural landscape of Western Ghats and represents a continuous band of natural vegetation extending over a horizontal distance of 1,500 kilometre and is spread across six states of Western Ghats region namely Gujarat, Maharashtra, Goa, Karnataka, Kerala and Tamil Nadu and includes Protected Areas and World Heritage Sites of Western Ghats and theHigh Level Working Group has recommended prohibition or regulation of identified projects and activities in the Ecologically Sensitive Area which have maximum interventionist and destructive impacts on ecosystems;

AND WHEREAS, the Ministry vide OM No. 1-4/2012 – RE (Pt.), dated the 20th December 2013, had *inter alias*sought suggestions from the State Governments on modifications in the boundary of the Ecologically Sensitive Area as identified by the High Level Working Group on the basis of physical verification;

AND WHEREAS, the State Government of Kerala had earlier accordinglyundertaken the exercise of demarcating Ecologically Sensitive Area in the State by physical verification the Ecologically Sensitive Area recommended by the Kerala State Government is spread over of an area of 9993.7 square kilometre, which includes 9107 square kilometre of forest area and 886.7 square kilometre of non-forest area and Ecologically Sensitive Area in that Stateworks out to 9,993.7 square kilometreas compared to 13,108 square kilometre recommended by High Level Working Group;

AND WHEREAS, earlier the Ministry issued a draft notification vide S. O. No. 733 (E), datedthe 10th March 2014, declaring Ecologically Sensitive Area in the Western Ghats taking into account the Ecologically Sensitive Area demarcated by Kerala Government for the State of Kerala instead of Ecologically Sensitive Area recommended by High Level Working Group for the State, while for other States of Western Ghats region the Ecologically sensitive Area recommended by the High Level Working Group was considered ;

AND WHEREAS, while responding to the said draft notification number S.O. 733 (E), dated the 10th March, 2014 some of the States of Western Ghats region had sought an opportunity to undertake demarcation of Ecologically Sensitive Area by physical verification and the same was accorded by the Central Government vide letter dated the 9th June, 2014 except for the State of Kerala;

AND WHEREAS, the Central Government had convened meetings of the State Environment and Forest Ministers of the Western Ghat region on the 7th July, 2015 and Members of Parliament of Western Ghats region on the 3rd August, 2015 to review the progress of demarcation of Ecologically Sensitive Area by physical verification and also to address the apprehensions /concerns expressed by the State Governments and the various stakeholders of Western Ghats from time to time;

AND WHEREAS, the representatives of the State Governments of Western Ghats region had informed during the meeting held on the 7th July, 2015 that demarcation of Ecologically Sensitive Area by physical verification is in advanced stages of completeness;

AND WHEREAS, it was resolved in both the meetings to clarify that there will be no displacement or dislocation of the local people living in habitations within the Ecologically Sensitive Areas demarcated in the Western Ghats and practicing of agriculture and plantation activity shall also not be affected due to the provisions contained in the draft notification;

AND WHEREAS, the Central Government convened a meeting with the Members of Parliament of the Western Ghats region on 11th August, 2016 and decided that the Draft Notification dated 4th September, 2015 would be the basis for further discussion to finalize it.

AND WHEREAS, the Central Government convened a meeting with concerned State Govt. representatives in the Ministry on 11th April, 2018 and decided that the Draft Notification dated 27th February, 2017 would be the basis for further discussion and accordingly the draft Notification No. S.O. 5135(E) dated 3rd October, 2018 was issued for stakeholder consultation;

AND WHEREAS, the Central Government convened meetingswith concerned State Govt. representatives to discuss the draft at various forum and at the highest level including on 15th February, 2019; 21st May, 2020; 23rd November, 2021; and 3rd-4th December, 2021; wherein various objections, comments and suggestionswere received from the State Government on the draft notification no. 5135 (E) dated 3rd October, 2018;

AND WHEREAS, in order to address the issues raised by the State Governments, the Ministry of Environment, Forest and Climate Change constituted a Committee to re-examine the suggestions of the six State Governments in a holistic manner, keeping in view the conservation aspects of the disaster prone pristine ecosystem, and the rights, privileges, needs and developmental aspirations of the region;

AND WHEREAS, the Committee observed that the time given for submission of the report of the Committee is inadequate in view of the complexity of the task and consequently the draft notification no. 5/35 (E) dated 3rd October, 2018 on 30th June, 2022 could not attain finality.

NOW, THEREFORE, in exercise of the powers conferred by section 3 of the Environment (Protection) Act, 1986 (29 of 1986) and sub-rule (3) of rule 5 of the Environment (Protection) Rules, 1986, the Central Government hereby notifies the identified area of 56,825 square kilometre which is spread across six States, namely, Gujarat, Maharashtra, Goa, Karnataka, Kerala and Tamil Nadu, as the Western Ghats Ecologically Sensitive Area.

2. Boundary and Description of Western Ghats Eco-sensitive Area.—(1) The boundary and description of Eco-Sensitive Area as recommended by High Level Working Group excluding the State of Kerala is as under:-

- (a) the extent of Eco-sensitive area falling in each state is as per Annexure A;
- (b) the State-wise map of the portion of the Eco-sensitive area in each State is as per Annexure –B1 to B5;
- (c) the State-wise list of villages falling within the Eco-sensitive Area along with respective Districts and Talukas is as per Annexure-C.

(2) The Eco-sensitive Area in the State of Kerala is spread over of an area of 9993.7 square kilometre which includes 9107 square kilometre of forest area and 886.7 square kilometre of non-forest area and the boundary and description of Eco-sensitive Area and the village-wise details of Eco-sensitive area proposed by the State Government are available on the website of the Kerala State Biodiversity Board.

3. Projects and activities to be prohibited or regulated in the Eco-sensitive area.—(1) The following categories of projects and activities shall be prohibited in Eco-sensitive Area except those proposals which have been received by Expert Appraisal Committees or the Ministry of Environment, Forest and Climate Change or State Level Expert Appraisal Committees or the State Level Environment Impact Assessment Authorities before the 17th April, 2013, the date on which the High Level Working Group report was uploaded on the website of the Ministry and are pending consideration and such proposals shall be dealt in accordance with the guidelines and rules in existence at that time.

(a) Mining.— There shall be a complete ban on mining, quarrying and sand mining in Ecologically Sensitive Area and all existing mines shall be phased out within five years from the date of issue of the final notification or on the expiry of the existing mining lease, whichever is earlier.

(b) Thermal power plants.— No new thermal power projects and expansion of existing plants shall be allowed in the Ecologically Sensitive Area.

(c) Industry.— All new 'Red' category of industries as specified by the Central Pollution Control Board or State Pollution Control Board and the expansion of such existing industries shall be banned and the list of 'Red' category of industries shall be as specified by the Central Pollution Control Board:

provided that all existing 'Red' category of industries including health care establishments shall continue in Eco-sensitive Area under the applicable rules and regulations.

(d) Building, construction, township and area development projects.— All new and expansion projects of building and construction with built up area of 20,000 square metres and above and all new and expansion townships and area development projects with an area of 50 hectares and above or with built up area of 1,50,000 square metres and above shall be prohibited and there shall be no restriction on repair or extension or renovation of existing residential houses in the Eco-sensitive Area as per prevailing laws and regulations.

Note: (1) All existing health care establishments can continue in Eco-Sensitive Area and proposed Primary Health Centres established as per laws and regulations. 2 No restriction in change in ownership of property.

(2) The following categories of projects and activities shall be regulated as given below:-

(a) Hydropower projects- New Hydropower projects shall be allowed as per the Environment Impact Assessment notification, published vide number S.O. 1533 (E), dated the 14th September, 2006, subject to the following conditions, namely:-

(i) uninterrupted ecological flow of atleast thirty percent of the rivers flow in lean season, till a comprehensive study establishes individual baselines for each project;

(ii) a cumulative study which assesses the impact of each project on the flow pattern of the rivers and forest and biodiversity loss;

(iii) the minimum distance between one project and the other is maintained at three kilometre and not more than fifty per cent. of the river basin is affected at any time,

(b) The "Orange/White" category of Industries as specified by the Central Pollution Control Board or State Pollution Control Board shall be allowed with strict compliance of environmental regulations but all efforts shall be made to promote industries with low environmental impacts.

(c) In the case of activities that are covered in the schedule to the Environment Impact Assessment notification number S.O. 1533 (E), dated 14th September, 2006, published by the Ministry of Environment and Forests and are falling in the Eco-sensitive Area, except the projects and activities which are specifically prohibited under sub-para (1) shall be scrutinised and assessed for cumulative impacts and development needs before considering for prior environmental clearance by the Ministry under the provisions of the said notification.

(d) In particular and without prejudice to the provisions of the relevant Acts, in cases of diversion of forest land for non-forestry purposes in the Eco-sensitive Area, all information of the project, from application stage to approval shall be placed in the public domain on the website of the Ministry of Environment, Forest and Climate Change and of the Forest Department of the respective States.

(e) The requirements of prior informed consent under the Scheduled Tribes and other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 (2 of 2007) shall be complied with and the consent of Gram Sabha for undertaking projects and activities shall be mandatory.

4. Implementation and Monitoring mechanism.—(1) The responsibility for monitoring and enforcement of provisions of this notification shall be with the concerned State Governments of Western Ghats region and the State Governments shall ensure placing of required mechanisms for effective monitoring and enforcement of restrictions in the Eco-sensitive Area and while placing such mechanisms, the State Governments shall inter-alia ensure strengthening of existing regulatory institutions and processes, and participation and involvement of local communities in decision making and the details of such mechanisms shall be shared by the concerned State Governments with the Ministry of Environment, Forest and Climate Change .

(2) A Decision Support and Monitoring Centre for Western Ghats shall be established by the Ministry of Environment, Forest and Climate Change in collaboration with the six State Governments of the Western Ghats region which shall assess and report on the status of ecology of Western Ghats on regular basis and provide decision support facility in the implementation of the provisions of this notification and shall also facilitate mechanisms for scientific decision making and strengthening enforcement.

(3) The post clearance monitoring of projects and activities allowed in the Eco-sensitive Area shall be carried out by the concerned State Government, State Pollution Control Board and the Regional Office of the Ministry and all projects in the Eco-sensitive Area which have been given Environmental Clearance or Forest Clearance shall be monitored at least once a year by the concerned Regional Office of the Ministry of Environment, Forest and Climate Change .

(4) All projects in the Eco-sensitive Area which have been given consent to establish or Consent to Operate under the Water (Prevention and Control of Pollution) Act, 1974 (6 of 1974) or the Air (Prevention and Control of Pollution) Act, 1981 (14 of 1981) shall be monitored at least once a year by the concerned State Pollution Control Board and the concerned State Governments shall prepare 'State of Health Report' in respect of Western Ghats region falling within their jurisdiction on an annual basis giving inter-alia the details of steps taken in monitoring and enforcement of provisions of this notification and make the same available in public domain.



5. Action for contravention.-In case of any contravention of the provisions of this notification, action under the provisions of the Environment (Protection) Act, 1986 (29 of 1986) and other relevant statutes shall be taken accordingly.
6. The provisions in this notification shall be subject to the final orders of the court in pending litigation.
7. The provisions of this notification shall not affect the ownership of the property in the Eco-sensitive Area.

[F. No. 1-4-2012-ESZ]

Dr. S. KERKETTA, Scientist "G"

Annexure A

Table: State-wise area of Western Ghats Eco-sensitive Area except for State of Kerala

Sl. No.	State	Western Ghats Ecologically sensitive area (in square kilometre)
1	Gujarat	449
2	Maharashtra	17340
3	Goa	1461
4	Karnataka	20668
5	Tamil Nadu	6914

Note: Actual area will be finalized based on the recommendation of the State, views of stakeholders and ESZ Expert Committee.

Minutes of 2nd Meeting

Date: 15th May 2023

Subject: NGT OA 33/2018 Western Zone Bench
Mr. Sanjay Bhegade
Vs.
State of Maharashtra and others.

Minutes of Second Meeting held via Video Conference Dated 15th May 2023.

- Reference:** 1) Interim Order of the Hon. NGT Western Zone Bench dated 30/06/2020.
2) Interim Order of the Hon. NGT Western Zone Bench dated 16/01/2023.
3) Office Order of Metropolitan Commissioner and Chief Executive Officer PMRDA. No. 185 dated 23/02/2023.
4) Meeting Notice by Metropolitan Commissioner and Chief Executive Officer, PMRDA. No. 1242 dated 20/04/2023.
5) Minutes of First meeting, CR. No. 1589/2023 dated 28/04/2023.
6) Meeting Notice by Metropolitan Commissioner and Chief Executive Officer, PMRDA. No. 1802 dated 12/05/2023.

- PMRDA has conducted Video Conference Meeting, of the Newly Constituted Joint Committee, on 15th May, 2023 between 1700 hours to 1800 hours. Following officers were present for the meeting via Video Conference.

1)	Mr. Rahul Mahiwal, Metropolitan Commissioner, Pune Metropolitan Region Development Authority, Pune.	Member and Nodal Agency.
2)	i) Advocate Swati Pandit, Legal Officer, Representative of District Magistrate, Pune. ii) Vikram Deshmukh, Tahsildar Taluka Maval, Representative of District Magistrate, Pune.	Member.
3)	i) Mr. Yogesh Khandale, Dy. Conservator of Forest, Pune. ii) Mr. Aushotosh Shendge Asst. Conservator of Forest, Pune.	Member.
4)	Mr. Dattatray Devale, Advocate for PMRDA	-

- No representative from The Ministry of Environment, Forest and Climate Change (MoEF&CC) was present.
- PMRDA has circulated the Minutes of First Meeting of the Joint Committee conducted on 26th April, 2023 vide reference no.5 dated 28th April, 2023. In compliance of the Minutes of the First Meeting, the WhatsApp Group has been immediately formed. The latest Draft Notification issued by the Ministry of Environment, Forest & Climate Change, Government of India, notifying the area of Western Ghats and eco sensitive area spread over of 6 States including Maharashtra State has been shared by the Representative of the MoEF & CC, Government of India and posted on the Whatsapp Group for the information of all the Committee Members & Other Officials in the Whatsapp Group. The Boundary & Description of Western Ghats Eco-Sensitive Area as recommended by High Level Working Group excluding State of Kerala with State-wise list of villages falling within the Eco- Sensitive Area along with respective Districts and Talukas with State-wise map of the portion of Eco-Sensitive Area given in the Annexure- A, B and C respectively.



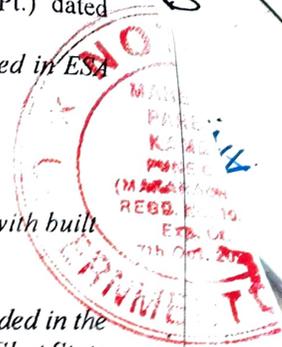
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- The committee has taken note that the following directives issued by the MoEF&CC, Government of India, for the Eco Sensitive Region vide notification no. F.no 1-4/2012-RE (Pt.) dated 13/11/2013.

"The Following category of new and/or expansion projects/activities shall be prohibited in ESA from date of issue of these direction.

- Mining, quarrying and sand mining
- Thermal power Plants
- Building and construction projects of 20000 sq.m area and above
- Township and area development projects with an area of 50 ha and above and/or with built up area of 150000 sq.m and above
- Red category of Industries

(The CPCB list of red category industries would be the minimum list. Industries not included in the CPCB list but mentioned in the Red Category list of the SPCB of the concerned Western Ghat State shall also be categorized as Red Category for that State.)"



- The same has been re-endorsed again by the MoEF&CC, GOI vide notification published in The Gazette of India Extraordinary Part II-Section 3-Sub-section (ii) dated 6th July, 2022 published in The Gazette of India.
- Metropolitan Planner, PMRDA informed the Committee that out of 64 constructions listed in OA, total 27 permissions are granted. 12 of which are granted by then District Collector u/s 18 of The Maharashtra Regional Town Planning Act, 1966 (herein after referred as the said act) prior to the establishment of PMRDA & thereafter 15 permissions have been granted by PMRDA under section 44 of the said Act. He further informed that remaining 37 constructions are unauthorized as on today and needs legal action.
- PMRDA has confirmed that while granting these permissions no construction is allowed on slope steeper than 1.5 Slope, no permanent construction permission granted up to 100 meters from High Flood Line (HFL) of water body and necessary conditions for tree plantation are also imposed as per the norms prescribed in the Development Control Rules. It is also confirmed that no permission is granted in violation of prohibitions and restrictions imposed on the building construction, area development or township projects as per the Final Draft Western Ghat Notification, 2022.
- It was decided that PMRDA shall serve notice u/s 53(1) of the said act on the 37 unauthorised constructions. If the concerned person applies u/s 44 of the said act for regularization of the construction, the PMRDA, after due verification of all papers and provisions of law and regulations, shall take decision on merit u/s 45 of the said act. If the concerned owner does not apply u/s 44 inspite of receipt of notice u/s 53(1) or if PMRDA refuses his application for regularisation u/s 45, then further legal action as per law shall be taken against them by PMRDA, which may include demolition of construction.
- The representatives of Forest Department informed that certain constructions have come under private Forest lands and their details including court cases will be submitted by them on WhatsApp Group of Joint Committee to incorporate it in the Status Report of Committee to be filed before Hon'ble National Green Tribunal to bring more clarity. Moreover, Forest department is also taking appropriate legal action against owners of these constructions.
- It was decided that PMRDA has to share the status of constructions on properties listed in the OA 33/2018 to the members of the joint Committee for further doing as per their regulations.
- It was decided that after receipt of comments if any from the Members of the Joint Committee, the Report of Committee will be submitted to Hon'ble National Green Tribunal. The meeting was terminated with a vote of thanks.

(Main Draft has been approved by,
Hon. Metropolitan Commissioner)



For Metropolitan Commissioner,
PMRDA, Pune.

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ANNEX

Status of Constructions on Properties listed in OA 33/2018 Sanjay Bhegade Vs. State of Maharashtra and others.

Sr. No.	Applicant Name	Village and Gu/Survey No.	Zoning	Plot Area (Sqm)	Built up Area (Sqm)	Ecological Sensitive Area (ESA)	PMRDA Sanctioned order Number and date	Previous Sanction Before PMRDA by Collector Pune.	Remark
1	Mrs. Vira Homi Jesia	Khadak Gevande, 58/23	Afforestation	7700	149	No	CR 1180/18-19, Dt. 14/05/2019		This permission was granted u/s 45 of Maharashtra Regional and Town Planning Act, 1966. Read with regulation No. 19.15 (a) of DCPR 2018.
2	Surendra Padurang Naravekar	Pale nama, 148/1 & 148/2	-	-	-	-	-	-	Not Regularised
3	Dinesh Dharmchand Patel	Shevati, 50+70+71	-	-	-	-	-	-	Not Regularised
4	Vijay Panjabi	Tikona, 439, 440/1	Afforestation	10760	520.4	Yes	1043/17-18, Dt. 24/04/2018		i) This permission was granted u/s 45 of MRTTP, 1966. Read with regulation no. 2.6.2, Table no. X-1, 2.6.3 of Regional Plan rules, 1997. ii) As the construction area is less than 20000.00 Sqm the construction is allowed as per ESA Directives dt. 13/11/2013. Para 9(c).

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5	Abhay S. Choksy	Tkona, 536	Afforestation	13960	450	Yes			PMA/NA/SR/113/09 Dt. 20/07/2009	The concerned permission granted by the then Collector u/s 18 of MRTP Act, 1966 by the then prevailing DCR Rules.
6	Dinesh Patel	Pale nama, 93	Afforestation	10100	330.1	Yes			PMA/NA/SR/114/02 Dt. 02/07/2004	The concerned permission granted by the then Collector u/s 18 of MRTP Act, 1966 by the then prevailing DCR Rules.
7	Desai	Mahagaon, 33/36								Not Regularised

8	Ravi Khemkar	Tikona, 539	Afforestation	8000	239.23	Yes	Revised Building permission no. 1. O/W No. 1161/18-19, Dt. 07/08/2019	PM/NA/SR/100/10/Dt 01/10/2020	<p>i) The concern permission granted by the then Collector u/s 18 of MRTP Act, 1966 by the then prevailing DCR Rules.</p> <p>ii) This permission was revised and granted permission u/s 45 of MRTP, 1966. Read with regulation No. 19.15 (k) of DCPR 2018.</p> <p>iv) Occupancy certificate has also been granted via CR. 1161/18-19 dt. 02/11/2019.</p> <p>iii) As the construction area is less than 20000.00 Sqm the construction is allowed as per ESA Directives dt. 13/11/2013. Para 9 (c)</p>
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9	Manoj Sainani and Sumit Chawla	i) Dhalewadi, Gut no. 80 and others ii) Prabhachiwadi , 70 and others iii) Mahagaon, 353 and other N) Kale, 155, 156	Afforestation	i) 159090 ii) 220200 iii) 122400 iv) 29100	i) 2706.62 ii) 4199.12 iii) - iv) 1368.75	No	1239/19-20 Dt. 25/11/2020	i) Village Dhalewadi, Mahagaon, Kale This permission was granted u/s 45 of MRTP, 1966. Read with regulation No. 38.8, Table no.27 of DCPR 2018. ii) Village Prabhachiwadi. This permission was granted u/s 45 of MRTP, 1966. Read with regulation No. 19.15 (a) of DCPR 2018.
10	Mehata	Mahagaon, plot no. 2/5/8						Not Regularised
11	Ashish Singh Chawla	Mahagaon-						Not Regularised
12	Yashwant Shelania (Chouraria)	Mahagaon						Not Regularised
13	Radhika Akash Shah	Tikona, 62/5,6,7						Not Regularised
14	Anant Mehata	Mahagaon						Not Regularised
15	D.B. Mowdawala	Thakursai, 6/2	Afforestation	16000	150	No	787/17-18, Dt. 31/03/2018	This permission was granted u/s 45 of Maharashtra Regional and Town Planning Act, 1966. Read with regulation no. 2.6.2 2.6.3 of Regional Plan rules, 1997.

16	Dr. Sonawala (As per OA -) (Previous Owners) Shri. Barjor Firoj Banajai	Tikona, 576/1, 576/2, 574, 575	Afforestation	42800	1090.18	Yes	1029/19-20 Dt. 10/07/2020	(i) This permission was granted u/s 45 of Maharashtra Regional and Town Planning Act, 1966. Read with regulation No. 38.8, Table no.27 of DCPR 2018.
17	Shivaji Shankar Kale	Brahmoli, House no. 23 or 21						(ii) As the construction area is less than 20000.00 Sqm the construction is allowed as per ESA Directives dt. 13/11/2013. Para 9(c)
18	Kalpraj Dhammsing (As per OA) Ravindra Dhamshi	Khadak Gevande, (34/02, 03 as per OA), 64/3 & 64/2	Afforestation	13520	809.12	No	804/16-17, Dt. 06/07/2018	This permission was granted u/s 45 of MRTP, 1966. Read with regulation no. 2.6.2, Table no. X-1, 2.6.3 of Regional Plan rules, 1997.
19	Rasik Hariya	Khadak Gevande, 64/14	Afforestation	1700	354.96	No	1561/18-19, Dt. 10/07/2020	This permission was granted u/s 45 of MRTP, 1966. Read with regulation No. 19.15 (F) of DCPR 2018.
20	Calimati D'silva	Thakursai, 39/1, 2 & 4	Afforestation	6000	530.81	No	-	Not Regularised

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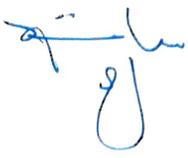
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21	Ardeshtir Shapur Nariyalwala	Tikona, 447 Shinggaon, 24/3	Afforestation	19200	1354.61	Yes			Not Regularised
22	Firoz Irani	S. 24/4	Afforestation	i) 4040 ii) 7500	i) 147.43 ii) 497.06	No			Not Regularised
23	Gopal Dinubhai Amin	Thakursai, (Gut no. SS/1 as per OA) i) Thakursai, Khadak gevande Gut no. 40/4 and Khadak gevande SS/1 ii) Thakursai, Gut no. 40/4,	Afforestation						Both the Cases were granted permission u/s 45 of MRTTP, 1966. Read with regulation No. 38.8, Table no. 27 of DCPR 2018.
24	Tinna Madam	Ambegaon							Not Regularised
25	Senepi Lobo	Tikona, 537, 538	Afforestation	8200	138.86			NA/SR/06/03 Dt. 23/06/2003	The concern permission granted by the then Collector u/s 18 of MRTTP Act, 1966 by the then prevailing DCR Rules.
26	Dnyaneshwar Kashiram Thakar	Yelse							Not Regularised
27	Insia Lamak Jijudin	Tikona, 568 & 569	Afforestation	12800	298.11	Yes			i) This permission was granted in accordance with regulation No. 19.15 (F) of DCPR 2018. ii) Approved subject to condition.
28	Punit Shetty	Mahagaon							Not Regularised
29	Katariya	Varu							Not Regularised

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30	Shreyas Sakhe	Gevande								Not Regularised
31	Kumanduru S. Chakravarti	Khadak, S/1/2 Gevande, 19/1/F	Afforestation	8190	149.58	No	1184/17-18, Dt. 15/02/2018			This permission was granted u/s 45 of MRTP, 1966. Read with regulation no. 2.6.3 of Regional Plan rules, 1997.
32	Jay Rajnikant Shroff	Pawanahagar, 50/A(as per OA) Shevati, 50/2	Agriculture and no development zone	38600	384.58	No	696/18-19, Dt. 18/09/2018			This permission was granted u/s 45 of MRTP, 1966. Read with regulation no. 22.5 (X)(d) of DCPR of RP area, 2013.
33	Pradip Tampi	Mahagaon								Not Regularised
34	Deep Trivedi	Pale nama, 147/4	Afforestation	11400	144.95	Yes				Not Regularised
35	Devdatta Gangawanwala	Dongargaon, 381	Part Residential part Afforestation	4700	974.24	No				Not Regularised
36	Kishor Chaudhari	Dudhivare								Not Regularised
37	Jitendra Sartandel	Dudhivare, 36/1								Not Regularised
38	Joseph D'souza	Thakursai								Not Regularised

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39	Sangita Mortal Bijlani	Tikona, 577	Afforestation	20000	618.56	Yes	950/18-19, Dt, 19/03/2020		i) This permission was granted u/s 45 of MRTTP, 1966. Read with regulation No. 38.8, Table no.27 of DCPR 2018. ii) As the construction area is less than 20000.00 Sqm the construction is allowed as per ESA Directives dt. 13/11/2013. para 9 (c)
40	Shekhar Dadarkar	Thakursai / Khadak Gevande							Not Regularised
41	N.L. Narula	Tikona, 604/1	Afforestation	4000	148.71	Yes		PMA/NA/SR/ 30/014 Dt. 11/06/2014	i) The concern permission granted by the then Collector u/s 18 of MRTTP Act, 1966 by the then prevailing DCR Rules. ii) Occupancy certificate has also been granted via CR. 694/18-19 dt. 21/08/2018. iii) As the construction area is less than 20000.00 Sqm the construction is allowed as per ESA Directives dt. 13/11/2013. ara 9(c)

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42	M.S. Gilotra	Tikona, 604/2	Afforestation	4100	148.87	Yes	LND/SR/39/1 4 Dt. 18/10/2014	i) As the construction area is less than 20000.00 Sqm the construction is allowed as per ESA Directives dt. 13/11/2013. ii) Occupancy certificate has also been granted via CR. 695/18-19 dt. 21/08/2018. iii) The concern permission granted by the then Hon. Collector he granted the permission u/s 18 of MRTP Act, 1966 by the then prevailing DCR Rules.
43	Vivek Manohar Lutharia	Shevati, 40/2						Not Regularised

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44	Sarith Sarhya	Tikona, 609/3	Afforestation	4272	1/4, 15/8	Yes	LND/NA/SR/1 4/14 Dt. 26/12/14	<p>i) The concern permission granted by the then Collector u/s 18 of MRTP Act, 1966 by the then prevailing DCR Rules.</p> <p>ii) Occupancy certificate has also been granted via CR. 693/18-19 dt. 21/08/2018.</p> <p>iii) As the construction area is less than 20000.00 Sqm the construction is allowed as per ESA Directives dt. 13/11/2013. Para 9(c)</p>
45	Atul Dayal	Pale, 93	Afforestation	6360	495.15	Yes	PMA/NA/SR/ 97/2002 Dt. 02/07/2004	<p>i) The concern permission granted by the then Collector u/s 18 of MRTP Act, 1966 by the then prevailing DCR Rules.</p> <p>ii) As the construction area is less than 20000.00 Sqm the construction is allowed as per ESA Directives dt. 13/11/2013. Para 9(c)</p>

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46	Amol Damodar Mahale	Shindgaon	Afforestation	8100	712.32	Yes	1688/15-16, Dt. 05/10/2015		Not Regularised
47	Nahid Nurul Hassan Shajji	Shindgaon, 27/6	Afforestation						<p>i) This permission was granted u/s 45 of MRTP, 1966 in accordance with Regional Plan Rules, 1997.</p> <p>ii) As the construction area is less than 20000.00 Sqm the construction is allowed as per ESA Directives dt. 13/11/2013. para 9(c)</p>
48	Sham Hemant Rasal	Shindgaon							Not Regularised
49	Chandrakant Sajjanlal Choksi	Ambegaon, 114/B		16100	219.77	No		PMA/NA/SR/9/99 Dt. 27/01/1999	The concern permission granted by the then Collector u/s 18 of MRTP Act, 1966 by the then prevailing DCR Rules.
50	Imran Attarwala Wela	Ambegaon, 112							Not Regularised
51	Sandhya Mohan Chandavarkar	Ambegaon, 113	Afforestation	12100	432.42	No			Not Regularised
52	Hareesh Balani	Ambegaon							Not Regularised

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Sl. No.	Name	Address	Area	Type	Year	Status	Date	Remarks
53	Vishal Dadlani	Tikona, S65 + S66/1	-	Afforestation	15800	1388.77	Yes	216/20-21, Dt. 12/05/2020
54	Anand Shewale	Mahagaon, Bunglow no. 12	-	-	-	-	-	Not Regularised
55	Sammy Lalla	Tikona, 452	-	Afforestation	11600	150	Yes	PRA/NA/SR/2 6/2001 Dt. 30/05/2001
56	Rahulbhai Dhokiya	Pale, 144/1	-	-	-	-	-	Not Regularised
57	Sunil Aditya Choksi	Tikona, 570/A & 570/B	-	-	10400	-	-	PMA/NA/SR/ 115/2004 Dt. 11/02/2005
								The concern permission granted by the then Hon. Collector he granted the permission u/s 18 of MRTP Act, 1966 by the then prevailing DCR Rules.

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i) This permission was granted u/s 45 of Maharashtra Regional and Town Planning Act, 1966. Read with regulation No. 38.8, Table no. 27 of DCPR 2018.
 ii) As the construction area is less than 20000.00 Sqm the construction is allowed as per ESA Directives dt. 13/11/2013. para 9(c)

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58	Lasith Sanghavi	Khadak gevande, 58/25							Not Regularised
59	Parthak Nandu Barndu	Bramhnoli							Not Regularised
60	Samir Shah	Ambegaon, 112	Afforestation	17800	361.04	No			Not Regularised
61	Rajesh Shendge	Khadak gevande, 4/20							Not Regularised
62	Sumit Sunil Chakrawarti	Shindgaon, 17/5							Not Regularised
63	Khurshid Daruwala	Tikona, 571	Afforestation	11300	277.77	Yes	674/18-19, Dt. 21/09/2018		i) This permission was granted u/s 45 of MRTTP, 1966. Read with regulation no. 2.6.3 of Regional Plan Rules, 1997. ii) As the construction area is less than 20000.00 Sqm the construction is allowed as per ESA Directives dt. 13/11/2013.

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64	Mrs. Nishreen Juzar Khorakiwala	Thakursai. 7/1/A, 7/1/B	Afforestation	(i) 14680 (ii) 10000	(i) 149.09 (ii) 149.23	No	957/18-19, Dt. 28/02/2019	(i) This permission was granted u/s 45 of MRTTP, 1966. Read with with regulation No. 19.15 (A) of DCPR 2018. (ii) As the construction area is less than 20000.00 Sqm the construction is allowed as per ESA Directives dt. 13/11/2013.
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1	Permission Granted by Collector Pune	12
2	Permission Granted by PMRDA, Pune	15
	Total	27
3	Unauthorised Construction	37
	Total Constructions	64

17 Out of total 27 legal constructions have been granted permission u/s 44 of MRTTP Act in Eco-sensitive Region.