

BEFORE THE NATIONAL GREEN TRIBUNAL  
WESTERN ZONE BENCH, PUNE  
Original Application No. 45 of 2021



IN THE MATTER OF:

Syamantak Trust & Ors.

Appellants

Versus

The State of Maharashtra & Others.

Respondents

**COMPLIANCE AFFIDAVIT OF THE ORDER DATED 29.03.2023  
PASSED BY THIS TRIBUNAL**

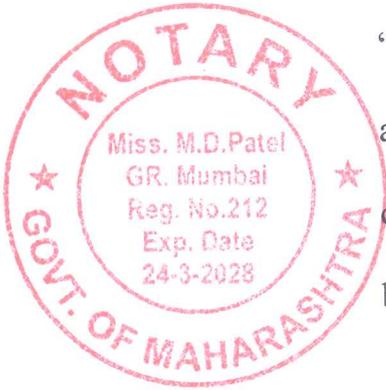
I, Abhay Madhukar Pimparkar, aged about 47 years, Occupation Service, Director, Environment and Climate Change Department and Member Secretary, State Wetland Authority, Government of Maharashtra of the respondent No.2 abovenamed having my office address at 15<sup>th</sup> Floor, New Administrative Building, Mantralaya, Mumbai 400 032, do hereby beg to state on solemnly affirm as under:

1. That I am in the above noted capacity and as per records available in the department, I am fully conversant with the facts and circumstances of the case, hence competent to swear this compliance affidavit on behalf of the answering Respondent.

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(M)

2. That I have gone through and understood the contents of the O.A. and order dated 29.03.2023 passed by this Hon'ble Tribunal, I deny each and every averment except those which are admitted herein expressly.
3. That on 01.02.2023 this Hon'ble Tribunal has directed as follows:



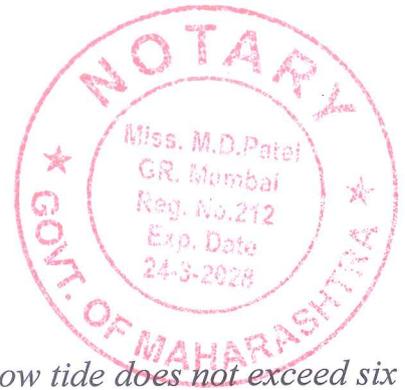
“We direct the Respondent No. 4/Wetland Authority to file an affidavit as to what action has been taken at their end in compliance with the above Rule. This affidavit shall be filed before us within a period of one month positively and no more.

Put up this matter for final hearing on 29.03.2023”

4. That in compliance of the order dated 29.03.2023 the respondent No.4 Wetland Authority submitted as follows:
- I. The Wetlands (Conservation and Management) Rules 2010 were published vide notification dated November, 2010, which defines 'wetland' as below:

*"wetland" means an area or of marsh, fen, peatland or water; natural or artificial, permanent or temporary, with water that is static or flowing, fresh, brackish or salt, including areas of*

*(Signature)*



*marine water, the depth of which at low tide does not exceed six meters and includes all inland waters such as lakes, reservoir, tanks, backwaters, lagoon, creeks, estuaries and manmade wetland and the zone of direct influence on wetlands that is to say the drainage area or catchment region of the wetlands as determined by the authority but does not include main river channels, paddy fields and the coastal wetland covered under the notification of the Government of India in the Ministry of Environment and Forest, S.O. number 114 (E) dated the 19th February, 1991 published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (ii) of dated the 20th February, 1991;*

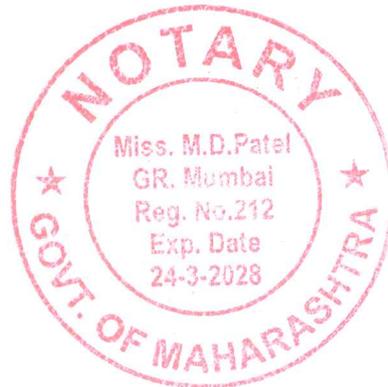
- II. That the Ministry of Environment, Forest and Climate Change, through Space Application Centre, Ahmedabad, has published Wetland Atlas for Maharashtra in January 2010 wherein 44714 number of sites were identified in the State of Maharashtra out of which 23046 number of sites are having area more than 2.25 ha.
- III. That the Wetlands (Conservation and Management) Rules 2010 were further superseded in 2017 and new The Wetlands (Conservation and

*h* A handwritten signature in blue ink, followed by a small circular stamp containing the number '17'.

Management) Rules were published vide notification number G.S.R. 1203(E) dated 26.09.2017, which defines 'wetland' as below:

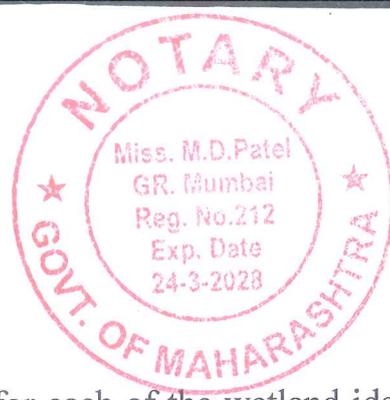
*"wetland" means an area of marsh, fen, peatland or water; whether natural or artificial, permanent or temporary, with water that is static or flowing, fresh, brackish or salt, including areas of marine water the depth of which at low tide does not exceed six meters, but does not include river channels, paddy fields, human-made water bodies/tanks specifically constructed for drinking water purposes and structures specifically constructed for aquaculture, salt production, recreation and irrigation purposes;"*

IV. I say that resultantly, approximate 23,055 number of sites out of 44,714 number of sites having area more than 2.5 ha are identified in National Wetland Atlas, are now indicated in the State of Maharashtra in the definition of The Wetlands (Conservation and Management) Rules 2017.



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V. That preparation of brief document for each of the wetland identified for notification following data collection is required as per para 7(1) of the Wetlands (Conservation and Management) Rules 2017:

- a) demarcation of wetland boundary supported by accurate digital maps with coordinates and validated by ground truthing;
- b) demarcation of its zone of influence and land use and land cover thereof indicated in a digital map;
- c) ecological character description;
- d) account of pre-existing rights and privileges;
- e) list of site-specific activities to be permitted within the wetland and its zone of influence;
- f) list of site specific activities to be regulated within the wetland and its zone of influence; and
- g) modalities for enforcement of regulation;

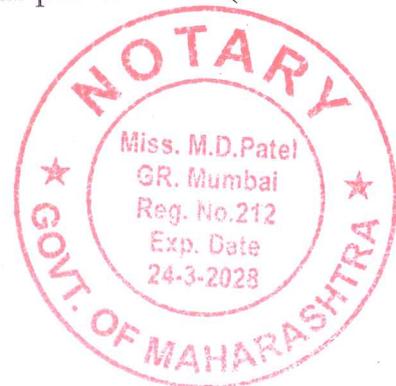
After compilation of above data, the brief document for each of the wetland can be prepared.

VI. The Hon'ble Supreme Court in Writ Petition No. 230 of 2001, M.K. Balakrishnan & Ors. Vs. Union of India & Ors., has been passing several orders from time to time and monitoring the said issue of

Wetlands. At the further outset the constitutional validity of the 2017 Wetlands Regulations are challenged in the very same Petition pending before the Hon'ble Supreme Court. The orders of Hon'ble Supreme Court is attached herewith is annexure "A".

- VII. Syamantak Trust had filed an Application bearing No.45/2021 (WZ) against State of Maharashtra & Ors. before the Hon'ble NGT, Principal Bench, New Delhi, against Violation of Wetlands (Conservation and Management) Rules, 2017 for protecting the Dhamapur lake, Sindhudurg District.
- VIII. As per Hon'ble NGT order dated 15/07/2021, the State Wetland Authority, Maharashtra as a Nodal Agency constituted a committee vide letter dated 12/10/2021 comprising of District Magistrate, Sindhudurg, Member of Central Pollution Control Board and Member of Maharashtra Pollution Control Board. The Committee visited site on 21/10/2021 and noted that, Shivkalin Dhamapur Lake was reportedly constructed for the purpose of drinking water and agricultural use. Hence, Committee was of the opinion that, the Dhamapur Lake is exempted from the definition of wetland as per Wetland (Conservation

AP 2



and Management) Rules, 2017. The copy of site visit report was mailed on judicialngt@gov.in on 27/10/2021.

- IX. The Hon'ble NGT vide order dated on 29/03/2023 directed to constitute a joint Committee comprising the Ministry of Environment, Forest & Climate Change (MOEF&CC), the Wetland Authority of the State of Maharashtra, the Secretary, Water Resource Department and the Principal Chief Conservator of Forest, Maharashtra. The State Wetland Authority will be the nodal agency for coordination and compliance.
- X. In consonance with the directions issued by Hon'ble NGT Joint Committee has been constituted. The copy of circular is attached herewith is annexure "B".

Place: Mumbai

Date: 03.05.2023

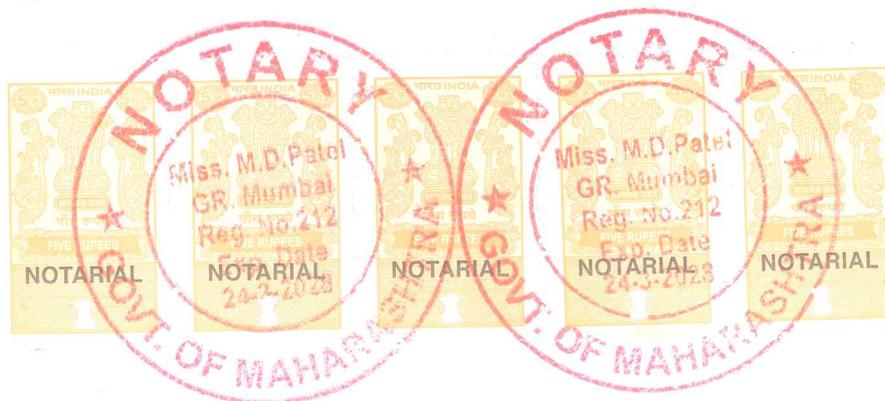
*2* 

*Abhay Madhukar Pimparkar*

[Abhay Madhukar Pimparkar]

Deponent

Director, Environment & CC and  
Member Secretary, State Wetland Authority



## VERIFICATION:

I, Abhay Madhukar Pimparkar, aged about 47 years, Occupation Service, Director, Environment and Climate Change Department and Member Secretary, State Wetland Authority, Government of Maharashtra of the respondent No.2 abovenamed having my office address at 15<sup>th</sup> Floor, New Administrative Building, Mantralaya, Mumbai 400 032 do hereby verify and say that the contents of my above affidavit are true and correct to my knowledge, no part of it is false and nothing material has been concealed there from. The legal submissions are further true as per legal advice received and believed to be true and correct.

Verified at Mumbai on this 3<sup>rd</sup> day of May, 2023

Place: Mumbai

Date: 03.05.2023

*Abhay Madhukar Pimparkar*

[Abhay Madhukar Pimparkar]

Deponent

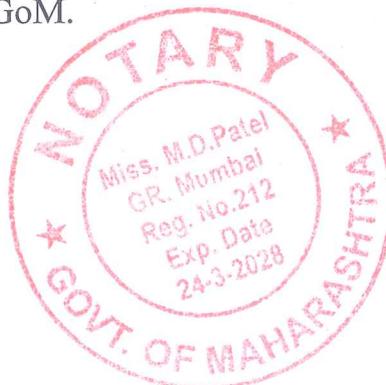
Director, Environment & CC and  
Member Secretary, State Wetland Authority

Identify by me

*Chandrakant Vibhute*  
(Chandrakant Vibhute)  
Scientist Grade – 1 & Deputy Secretary,  
Environment & CC GoM.

**BEFORE ME**

*M. D. Patel*  
3-5-2023  
Sr. No. 269  
Bk. No. 2



**MISS M. D. PATEL**  
**ADVOCATE & NOTARY**  
Kohiar House,  
4, Dhuswadi, Dhobitalao,  
MUMBAI - 400 002.

ITEM NO.4

COURT NO.3

SECTION PIL-W

S U P R E M E C O U R T O F I N D I A  
R E C O R D O F P R O C E E D I N G S

Writ Petition(s) (Civil) No(s). 230/2001

M.K. BALAKRISHNAN &amp; ORS.

Petitioner(s)

VERSUS

UNION OF INDIA &amp; ORS.

Respondent(s)

Date : 04-10-2017 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE MADAN B. LOKUR  
HON'BLE MR. JUSTICE S. ABDUL NAZEER  
HON'BLE MR. JUSTICE DEEPAK GUPTA

For Petitioner(s) Mr. Gopal Sankaranarayanan, Adv.  
Mr. Shrutanjaya Bhardwaj, Adv.  
Ms. Veera Mahuli, Adv.  
Mr. Naresh Kumar, AOR

For Respondent(s)/  
applicant(s)  
UOI/Delhi

Mr. A.N.S. Nadkarni, ASG  
Mr. A.K. Panda, Sr. Adv.  
Mr. Wasim A. Qadri, Adv.  
Mr. Ajay Kumar Singh, Adv.  
Ms. Binu Tamta, Adv.  
Mrs. Sunita Sharma, Adv.  
Mr. Sanjai Kumar Pathak, Adv.  
Mr. Shalinder Saini, Adv.  
Mr. G.S. Makker, Adv.  
Mr. B.V. Balram Das, Adv.  
Mr. S.A. Siddiqui, Adv.  
Mr. Satya Siddiqui, Adv.  
Mr. Zaki Kazmi, Adv.

Intervenor

Mr. Jayant Bhushan, Sr. Adv.  
Mr. Ketan Paul, Adv.  
Ms. Reeja Varghese, Adv.  
Mr. Chirayu Jain, Adv.

UPON hearing the counsel the Court made the following  
O R D E R

We have heard learned counsel for the petitioner and the learned Additional Solicitor General.

We have been informed that the Wetland Rules have since been notified and they are now called the Wetlands (Conservation and Management) Rules, 2017. These Rules have come into force on the date of publication in the official gazette, that is, 26<sup>th</sup> September, 2017.

Learned counsel for the parties say that they have very serious objections to some of these Rules. It is submitted that it appears that the Central Government has abdicated its responsibility under the Environment (Protection) Act, 1986 and instead of delegating its powers, it has abdicated its power in favour of the State Governments. We have also been informed that the Central Wetlands Regulatory Authority has since been disbanded and the State Wetlands Authority and the National Wetlands Committee have been constituted under Rules 5 and 6 of the new Rules.

With regard to the expenditure on Ramsar Convention sites, we have been informed by learned Additional Solicitor General that the audited accounts have so far been received from the States of West Bengal, Madhya Pradesh and Odisha. Audited accounts have not been received from any other State with regard to the Ramsar

Convention sites.

We have also been informed that apart from Ramsar Convention sites, further funds have been given to the States and the Union Territories for conservation of wetlands. No audited accounts have been received in regard to these funds disbursed as well as their expenditure by the State Governments and the Union Territories.

With regard to the brief documents required to be furnished under the old Rules, it appears that only ten States and one Union Territory have responded. It appears that there is now no necessity of brief documents under the new Rules. We make it clear that this does not mean that the earlier brief documents already submitted can be discarded completely. The contents of these brief documents will still be followed as far as the implementation of the Wetlands (Conservation and Management) Rules, 2017 is concerned.

Finally, with regard to the satellite images, we are told that the Space Application Centre would require between 12 to 18 months to make an inventory of 1,75,740 wetlands as they exist today. We make no comment on this but request learned Additional Solicitor General to re-check with the Space Application Centre since the wetlands are diminishing in our country at a very fast rate. It is very likely that many more will disappear by the time the task is completed by the Space Application

Centre.

We make it clear and reiterate that in terms of our order dated 8<sup>th</sup> February, 2017, 2,01,503 wetlands that have been mapped by the Union of India should continue to remain protected on the same principles as were formulated in Rule 4 of the Wetlands (Conservation and Management) Rules, 2010.

Learned counsel for the parties may file their objections to the new Rules within a period of two weeks. We direct that only one set of objections should be filed and both learned counsel should sit together and arrive at some consensus on the objections.

We further direct the State Governments that have not complied with earlier orders or directions given by the Central Government should do so within a period of four weeks from today failing which we will be constrained to require the presence of the Chief Secretaries of the State Governments in addition to imposition of heavy costs keeping in mind the necessity of conserving whatever water bodies are left in the country.

List the matter for further directions and for hearing on the objections to the new Rules on 9<sup>th</sup> November, 2017.

We would require the presence of a senior officer of the Ministry of Environment, Forests and Climate Change, Government of India to be present in Court on the next date of hearing so that any questions that may be raised

can be answered immediately. Needless to say, the senior officer who should be present in Court should be well-versed with the subject. The files on the basis of which the new Rules have been framed may also be kept ready for perusal when the matter is taken up.

(SANJAY KUMAR-I)  
AR-CUM-PS

(KAILASH CHANDER)  
COURT MASTER

Writ Petition(s) (Civil) No(s). 230/2001

M.K. BALAKRISHNAN & ORS.

Petitioner(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

(Application for intervention and application for direction)

Date : 09-11-2017 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE MADAN B. LOKUR  
HON'BLE MR. JUSTICE DEEPAK GUPTA

For Petitioner(s)

Mr. Gopal Sankaranarayanan, Adv.  
Mr. Shrutanjaya Bhardwaj, Adv.  
Ms. Veera Mahuli, Adv.  
Mr. Naresh Kumar, AOR

For Respondent(s) /  
applicant(s)

UOI

Mr. A.N.S. Nadkarni, ASG  
Mr. A.K. Panda, Sr. Adv.  
Mr. Wasim A. Qadri, Adv.  
Mr. Ajay Kumar Singh, Adv.  
Ms. Binu Tamta, Adv.  
Mrs. Sunita Sharma, Adv.  
Mr. Shalinder Saini, Adv.  
Mr. G.S. Makker, Adv.  
Mr. B.V. Balram Das, Adv.  
Mr. S.A. Siddiqui, Adv.  
Mr. Satya Siddiqui, Adv.  
Mr. Zaki Kazmi, Adv.  
Mr. Sarfraz Ahmed Siddiqui, Adv.

Intervenor

Mr. Jayant Bhushan, Sr. Adv.  
Mr. Ketan Paul, Adv.  
Ms. Reeja Varghese, Adv.

UPON hearing the counsel the Court made the following  
O R D E R

Learned counsel for the petitioners would like to amend the  
petition to challenge the constitutional validity of the Wetlands

(Conservation and Management) Rules, 2017.

Digitally signed by  
MEENAKSHI KOHLI  
Date: 2017.11.11  
10:52:17 IST  
Reason:

List the matter after amended petition is filed.

(MEENAKSHI KOHLI)  
COURT MASTER

(KAILASH CHANDER)  
COURT MASTER

ITEM NO.1

COURT NO.3

SECTION PIL-W

S U P R E M E C O U R T O F I N D I A  
R E C O R D O F P R O C E E D I N G S

Writ Petition(s)(Civil) No(s). 230/2001

M.K. BALAKRISHNAN &amp; ORS.

Petitioner(s)

VERSUS

UNION OF INDIA &amp; ORS.

Respondent(s)

(IA No.28355/2018-CLARIFICATION/DIRECTION)

Date : 18-07-2018 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE MADAN B. LOKUR  
HON'BLE MR. JUSTICE DEEPAK GUPTAFor Petitioner(s) Mr. Gopal Sankaranarayanan, Adv.  
Mr. Shrutanjaya Bhardwaj, Adv.  
Ms. Veera Mahuli, Adv.  
Mr. Naresh Kumar, AORFor Respondent(s)/  
applicant(s)  
UOI/DelhiMr. A.N.S. Nadkarni, ASG  
Mr. A.K. Panda, Sr. Adv.  
Mr. Wasim A. Qadri, Adv.  
Mr. Ajay Kumar Singh, Adv.  
Ms. Binu Tamta, Adv.  
Mrs. Sunita Sharma, Adv.  
Mr. Ajay Sharma, Adv.  
Mr. Shalinder Saini, Adv.  
Mr. G.S. Makker, Adv.  
Ms. Alka Agrawal, Adv.  
Mr. Raj Bahadur, Adv.  
Mr. B.V. Balram Das, Adv.  
Mr. S.A. Siddiqui, Adv.  
Mr. Satya Siddiqui, Adv.  
Mr. Zaki Kazmi, Adv.

Intervenor

Mr. Jayant Bhushan, Sr. Adv.  
Mr. Ketan Paul, Adv.  
Ms. Reeja Varghese, Adv.  
Mr. Chirayu Jain, Adv.

Signature Not Verified

Digitally signed by  
SANJAY KUMAR  
Date: 2018.07.20  
15:00:53 IST  
Reason:

UPON hearing the counsel the Court made the following  
O R D E R

The petitioners are allowed to amend the writ petition to challenge the Wetlands (Conservation and Preservation) Rules, 2017.

The amended petition be filed within four weeks.

Counter affidavit be filed within four weeks thereafter.

List thereafter.

(SANJAY KUMAR-I)  
AR-CUM-PS

(KAILASH CHANDER)  
COURT MASTER

S U P R E M E C O U R T O F I N D I A  
R E C O R D O F P R O C E E D I N G S

BEFORE THE REGISTRAR ANIL LAXMAN PANSARE

Writ Petition(s) (Civil) No(s). 230/2001

M.K. BALAKRISHNAN . &amp; ORS.

Petitioner(s)

VERSUS

UNION OF INDIA MINISTRY OF ENVIRONMENT, FOREST AND CLIMATE CHANGE &  
ORS. Respondent(s)

Date : 26-11-2018 This petition was called on for hearing today.

For Petitioner(s)

Mr. Naresh Kumar, AOR

For Respondent(s)

Mr. Mishra Saurabh, AOR  
Mr. V. N. Raghupathy, AOR  
Mr. Sanjay Kumar Visen, AOR  
Ms. Priyanka Prakash, Adv.  
Mr. Jishnu M.L., Adv.  
Ms. Beena Prakash, Adv.  
Mr. G. Prakash, AOR  
Ms. Vidyottma, Adv.  
Ms. Gitanjali N. Sharma, Adv.  
Mrs. D. Bharathi Reddy, AOR  
Ms. K. Enatoli Sema, AOR  
Mr. Abhishek Chaudhary, AOR  
Mr. A. Venayagam Balan, AOR  
Mr. Shuvodeep Roy, AOR  
Mr. K.V. Jagdishvaran, Adv.  
Ms. G. Indira, AOR  
Mr. Anuvrat Sharma, AOR  
Mr. Sibho Sankar Mishra, AOR  
Mr. P. V. Dinesh, AOR  
Mr. K.V. Khar Lyngdoh, Adv.  
Mr. Deniel Stone Lyngdoh, Adv.  
Mr. Ranjan Mukherjee, AOR  
Ms. Aruna Mathur, AOR  
Ms. Anuradha Arputham, Adv.  
M/S. Arputham Aruna And Co, AOR  
Mr. R. Nedumaran, AOR  
Mr. Anil Kumar Jha, AOR  
Mr. V. G. Pragasam, AOR  
Mr. R. Ayyam Perumal, AOR

Signature Not Verified

Digitally signed by  
VINOD KUMAR TIWARI  
Date: 2018.11.30  
10:54:29 IST  
Reason:

Ms. Parul Luthra, Adv.  
Ms. Hemantika Wahni, AOR  
Ms. Uttara Babbar, AOR  
Ms. Varsha Poddar, Adv.  
Mr. Jai Dehadraj, Adv.  
Mr. S.S. Rebello, Adv.  
Ms. Shivangini Gupta, Adv.  
Ms. Supriya Juneja, AOR  
Mr. Ujjwal Singh, Adv.  
Mr. Mojahid Karim Khan, Adv.  
Mr. M. Shoeb Alam, AOR  
Mr. Gopal Prasad, AOR  
Mr. B. V. Balaram Das, AOR  
Mr. Kunal Verma, AOR  
Mr. Ashok Kumar Singh, AOR  
Mr. Anil Shrivastav, AOR  
Mr. R. D. Upadhyay, AOR  
Mr. Milind Kumar, AOR  
Mr. B. Balaji, AOR  
Mr. Sunil Fernandes, AOR  
Mr. Gopal Singh, AOR  
Mr. Shiv Sagar Tiwari, AOR  
Ms. Sumita Hazarika, AOR  
Mr. Mudit Makhijani, Adv.  
Mr. Shikhar Garg, Adv.  
Mr. P. V. Yogeswaran, AOR  
Mr. Abhinav Mukerji, AOR  
Ms. Astha Sharma, Adv.  
Ms. Dimple Nagpal, Adv.  
M/S. Plr Chambers And Co., AOR  
Mr. Abhishek Raj, Adv.  
Mr. G.S. Makker, AOR  
Mr. Rituraj Biswas, Adv.  
Mr. Satyendra Kumar Srivastav, Adv.  
Mr. Anil Shrivastav, AOR  
Mr. Rituraj Biswas, Adv.  
Mr. Shuvodeep Roy, AOR  
Mrs. K. Enatoli Sema, Adv.  
Mr. Amit Kumar Singh, Adv.  
Mr. P. Venkat Reddy, Adv.  
Mr. Prashant Tyagi, Adv.  
M/s Venkat Palwai Law, AOR  
Mr. Rituraj Biswas, Adv.  
Mr. Somnath Banerjee, Adv.  
Mr. Shuvodeep Roy, AOR  
Mr. S. Partha Sarathi, Adv.  
Mr. M. Yogesh Kanna, AOR  
Mr. S.K. Singh, Adv.  
Mr. Gopal Prasad, AOR  
Dr. Monika Gusain, AOR

Ms. Maibam Babina, Adv.  
Ms. Anupama Ngangom, Adv.  
Mr. Leishangthem Roshmani Kh, AOR

UPON hearing the counsel the Court made the following  
O R D E R

Process as per order dated 18.7.2018.

ANIL LAXMAN PANSARE  
Registrar

ITEM NO.3

COURT NO.1

SECTION PIL-W

S U P R E M E C O U R T O F I N D I A  
R E C O R D O F P R O C E E D I N G S

Writ Petition(s)(Civil) No(s). 230/2001

M.K. BALAKRISHNAN . &amp; ORS.

Petitioner(s)

VERSUS

UNION OF INDIA MINISTRY OF ENVIRONMENT, FOREST  
AND CLIMATE CHANGE & ORS.

Respondent(s)

Date : 11-10-2022 This petition was called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE  
HON'BLE MR. JUSTICE S. RAVINDRA BHAT  
HON'BLE MS. JUSTICE BELA M. TRIVEDICounsel for the partiesMr. Gopal Sankaranarayanan, Sr. Adv.  
Mr. Naresh Kumar, AOR

Ms. Sumita Hazarika, AOR

Mr. Shiv Sagar Tiwari, AOR

Mr. Ashok Kumar Panda, Sr. Adv.  
Mr. G.S. Makker, AOR

Mr. Gopal Singh, AOR

Mr. K.M. Natraj, ASG  
Ms. Indira Bhakar, Adv.  
Mr. G.S. Makker, AOR  
Mr. Neeraj Kumar Sharma, Adv.Ms. Aishwarya Bhati, ASG  
Mr. Wasim A Qadri, Sr. Adv.  
Ms. Sunita Sharma, Adv.  
Ms. Ruchi Kohli, Adv.  
Ms. Swarupma Chaturvedi, Adv.  
Mr. G.S. Makker, AORMr. K.M. Nataraj, ASG  
Mr. Neeraj Kr. Sharma, Adv.  
Ms. Indira Bhakar, Adv.  
Mr. Harsh Singhal, Adv.  
Mr. Prahil Sharma, Adv.  
Ms. Priyanka Sharma, Adv.

Signature Not Verified

Digitally signed by  
BABITA PANDEY  
Date: 2022.10.12  
14:03:42IST  
Reason:

Mr. Prabhat Pachauri, Adv.  
Mr. Ambuj Saraswat, Adv.  
Mr. Harender Singh, Adv.  
Mr. Nakul Chengappa K.K., Adv.  
Mr. G.S. Makker, AOR

Mr. B. Balaji, AOR

Dr. Manish Singhvi, Sr. Adv.  
Mr. Arpit Parkash, Adv.  
Mr. Vikalp Sharma, Adv.  
Mr. Milind Kumar, AOR

Mr. Anil Shrivastav, AOR

Mr. Ashok Kumar Singh, AOR  
Mr. Shantwanu Singh, Adv.  
Ms. Pragya Singh, Adv.  
Mr. Akshay Singh, Adv.

Mr. Kunal Verma, AOR

Mr. Mahfooz A. Nazki, AOR  
Mr. Polanki Gowtham, Adv.  
Mr. Shaik Mohamad Haneef, Adv.  
Mr. T. Vijaya Bhaskar Reddy, Adv.  
Mr. K.V. Girish Chowdary, Adv.  
Ms. Rajeswari Mukherjee, Adv.  
Ms. Niti Richhariya, Adv.

Mr. P. V. Yogeswaran, AOR

Mr. G. N. Reddy, AOR

Mr. Vikas Bansal, Adv.  
Mr. Avijit Mani Tripathi, AOR

Mr. Shuvodeep Roy, AOR  
Mr. Arnav Singhdeo, Adv.

Ms. Hemantika Wahi, AOR

Ms. Supriya Juneja, AOR

Mr. Sanjay Kumar Visen, AOR

Mr. Abhinav Mukerji, AOR  
Mr. Akshay C. Shrivastava, Adv.  
Mrs. Bihu Sharma, Adv.  
Ms. Pratishtha Vij, Adv.

Mr. Prashant Bhagwati, Adv.  
Ms. Deepanwita Priyanka, AOR

Ms. Ruchi Kohli, Adv.  
Mr. G.S. Makker, Adv.

Mr. M. Shoeb Alam, AOR

Mr. V. N. Raghupathy, AOR  
Mr. Parikshit Angadi, Adv.  
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Mr. P.S. Negi, Adv.

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Mr. Akhileshwar Jha, Adv.  
Mr. Deepak Namdari, Adv.  
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Mr. Wasim Qadri, Sr. Adv.  
Mr. G.S. Makker, AOR  
Ms. Ruchi Kohli, Adv.  
Ms. Sunita Sharma, Adv.  
Ms. Swarupama Chaturvedi, Adv.

Mr. P. V. Dinesh, AOR

Dr. Monika Gusain, AOR  
Mr. Hari Om Yaduvanshi, Adv.  
Miss S. Harini, Adv.

Mr. VVM Pattabhiram, DAG  
Mr. Yashraj Singh Bundela, GA  
Mr. Sunny Choudhary, AOR  
Mr. Prakash Gautam, Adv.

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Mr. Amit Kumar Singh, Adv.  
Ms. Chubalemla Chang, Adv.  
Mr. Prang Newmai, Adv.

Mr. Sibho Sankar Mishra, AOR

Ms. Ranjeeta Rohatgi, AOR

Mr. Raghvendra Kumar, Adv.  
Mr. Anand Kumar Dubey, Adv.  
Mr. Simanta Kumar, Adv.  
Mr. Sunil Saraogi, Adv.  
Mr. Rajiv Kumar Sinha, Adv.  
Mr. Varun Singh, Adv.  
Mr. Ashish Kumar Sinha, Adv.  
Mr. Narendra Kumar, AOR

Mr. R. Ayyam Perumal, AOR

Mr. R. Nedumaran, AOR

Dr. Joseph Aristotle S., AOR  
Ms. Nupur Sharma, Adv.  
Mr. Shobhit Dwivedi, Adv.  
Mr. Sanjeev Kumar Mahara, Adv.  
Ms. Richa Vishwakarma, Adv.

Mr. Ravindra Raizada, AAG  
Mr. Rajeev Kumar Dubey, Adv.  
Mr. Ashiwan Mishra, Adv.  
Ms. Vaidruti Mishra, Adv.  
Mr. Kamlendra Mishra, AOR

Ms. Astha Sharma, AOR

Ms. G. Indira, AOR

Mr. Aravindh S., AOR  
Mr. Abbas B., Adv.

Mr. Ajay Pal, AOR  
Ms. Priyanka C., Adv.  
Mr. Mayank Dahiya, Adv.

Mrs. D. Bharathi Reddy, AOR

Mr. Gopal Prasad, AOR

UPON hearing the counsel the Court made the following  
O R D E R

This petition filed in the year 2001 has prayed inter alia for following reliefs :

- (i) Issue notice to the Union of India and the States of the Union and after hearing parties direct the respondents to refrain from converting wetlands and to take all necessary measures for protection and preservation of wetlands in India.
- (ii) Issue a writ, order or direction in the nature of writ of mandamus directing the respondents to refrain from converting wetlands and to take all necessary steps to protect and preserve wetlands in National interest under Section 5 of the Environment (Protection) Act, 1986.
- (iii) Issue directions to the respondents to constitute an authority under Section 3(3) of the Environment (Protection) Act, 1986 with all the powers necessary to deal with the situation created by conversion of wetlands in India and for protection and preservation of balance remaining wetlands and to pay compensation for such illegal conversion, as this Hon'ble Court feels fit and proper in the circumstances of the cases.
- (iv) Issue any other writ or order or directions which this Hon'ble Court deems fit and proper in the circumstances of the case.

This matter has been engaging attention of this Court on number of occasions and pleadings have been exchanged between the parties. Various orders and directions have been passed by this

Court from time to time and there have been amendments in the governing statutory provisions.

Mr. Gopal Sankaranarayanan, learned Senior Counsel appearing for the petitioners, submits that with the passage of time, certain issues which still survive and require attention of this Court shall be catalogued by the petitioners along with material in support of his submissions by way of fresh affidavit so that attention can be focused on those issues; which will in turn enable all the learned counsel for the appearing parties to address their submissions.

We accept the submissions made by Mr. Sankaranarayanan, learned Senior Counsel, and give time of three weeks to him to place the affidavit on record. Let the digitised version of the affidavit be shared with all the learned counsel for appearing parties who may file their responses within three weeks. No response shall thereafter be entertained by the Registry of this Court.

Learned Advocate instructing Mr. Sankaranarayanan, learned Senior Counsel, shall compile all those responses in a compilation along with basic affidavit and the matter shall be considered in light of these pleadings alone.

List the matter for further consideration on 29.11.2022.

(SANJAY KUMAR-II)  
ASTT. REGISTRAR-cum-PS

(VIRENDER SINGH)  
BRANCH OFFICER



Government of Maharashtra  
 Environment & Climate Change Department  
 Circular No. :- NGT 2021/C.R.10/T.C.3  
 New Administrative Building, Madam Cama Marg,  
 Hutatma Rajguru Chowk, Mantralaya, Mumbai – 400 032.  
 Date : - 28/04/2023.

**Subject :-** Hon'ble National Green Tribunal (Principal Bench) in O. A. 45/2021(WZ) (Syamantak Trust V/s State of Maharashtra & Ors.) regarding Violation of Wetlands (Conservation and Management) Rules, 2017 for protecting the Dhamapur lake, Sindhudurg District.

**Reference :-** The Hon'ble NGT order dated on 29/03/2023.

### Circular

Syamantak Trust had filed an Application bearing No.45/2021 (WZ) against State of Maharashtra & Ors. before the Hon'ble NGT, Principal Bench, New Delhi, against Violation of Wetlands (Conservation and Management) Rules, 2017 for protecting the Dhamapur lake, Sindhudurg District.

The Hon'ble NGT vide order dated on 29/03/2023 directed to constitute a joint Committee comprising the Ministry of Environment, Forest & Climate Change (MoEF&CC), the Wetland Authority of the State of Maharashtra, the Secretary, Water Resource Department and the Principal Chief Conservator of Forest, Maharashtra. The State Wetland Authority will be the nodal agency for coordination and compliance.

In consonance with the directions issued by Hon'ble NGT following Joint Committee will be constituted -

|    |  |   |
|----|--|---|
| 1. | Representative of Ministry of Environment, Forest & Climate Change (MoEF&CC) | Member  |
| 2. | The Secretary, Water Resource Department                                     | Member  |
| 3. | The Principal Chief Conservator of Forest, Maharashtra                       | Member  |
| 4. | Representative of Maharashtra State Wetland Authority                        | Coordinator & Representative of State Wetland Authority |

As per direction of the Hon'ble National Green Tribunal, the Committee is directed to visit the site after informing the Applicant and another stake holders and submit a report before it within a period of one month on the following points:-

- a) As to whether the water body in question meets the definition of wetland as per Wetlands (Conservation and Management) Rules, 2010 and also as per the Wetlands (Conservation and Management) Rules, 2017,
- b) The demarcation would be done of the boundary of the wetland body in question considering the High Flood Line (HFL) once in 10 years,
- c) The demarcation of zone of influence of water body and
- d) Ecological character of the water body and activities to be prohibited/regulated.

This issues with the approval of the competent authority.



(Chandrakant Vibhute)  
Deputy Secretary, Government of Maharashtra

Copy submitted to: -

- 1) Secretary to Ministry of Environment, Forest & Climate Change (MoEF&CC)
- 2) The Secretary, Water Resource Department, Mantralaya, Mumbai.
- 3) Member Secretary, Maharashtra Pollution Control Board.
- 4) The Principal Chief Conservator of Forest, Maharashtra.
- 5) Collector & District Magistrate, Sindhudurg.