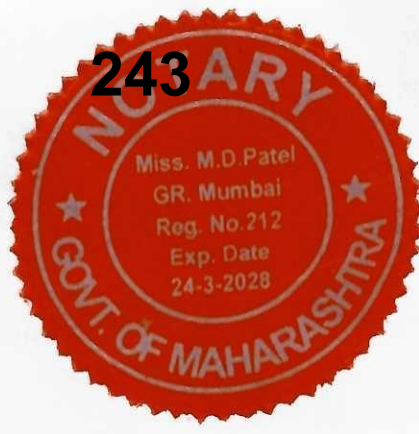


243



BEFORE THE NATIONAL GREEN TRIBUNAL

WESTERN ZONE BENCH, PUNE

Original Application No. 91 of 2019 (WZ)



IN THE MATTER OF:

PohraBachav Samiti

----- Appellant

Versus

Amravati Municipal Corporation through

The Commissioner & Anr.

----- Respondents

COMPLIANCE AFFIDAVIT OF THE ORDER DATED 22.05.2023

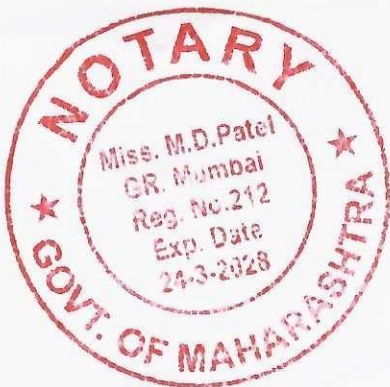
PASSED BY THIS HON'BLE TRIBUNAL

I, Abhay Madhukar Pimparkar, aged about 49 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 15th Floor, New

Abhay  

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.
2. That I have gone through and understood the contents of the O.A. and order dated 22.05.2023 passed by this Hon'ble Tribunal, I deny each and every averment except those which are admitted herein expressly.
3. That in compliance of the order dated 22.05.2023 the respondent No.2 Wetland Authority submitted as follows:
 - i) The Hon'ble National Green Tribunal, Pune Bench vide order dated 29/03/2023 directed to constitute a Committee in the matter comprising one member of each of below (a, b, c) to assess the impact on Ecology/Ecosystem by the construction

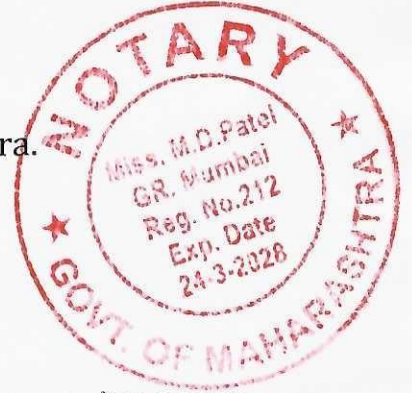


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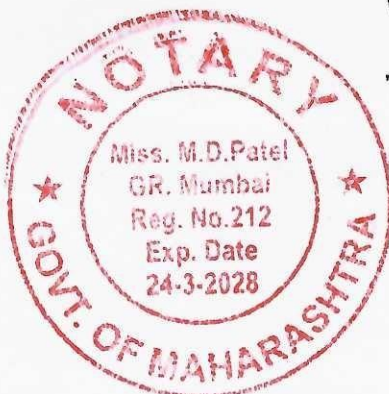
activity, which is being carried out on Chhatri Tank and suggest corrective/remediation measures.

- a. The Wetland authority of State of Maharashtra.
 - b. The Collector, Amravati and
 - c. The Deputy Conservator of Forest Amravati.
- ii) As per the directions of Hon'ble NGT, the committee was constituted vide circular dated 29/03/2023 and same is informed to the Hon'ble National Green Tribunal vide affidavit dated 03/05/2023. The Wetland authority of State of Maharashtra humbly submitted before this Hon'ble Tribunal that, the committee formed does not have technical expertise to assess the impact on Ecology/ Ecosystem by the construction activity which is being carried out on Chhatri Tank. Therefore, it is requested to appoint technical institutions like National Environmental Engineering Research institute (NEERI) / Indian Institute of Technology (IIT) for this.
- iii) As per request made by the Wetland Authority of the State of Maharashtra, Hon'ble National Green Tribunal allowed to



take assistance of the institute like NEERI or IIT. Accordingly, the Wet land Authority appointed NEERI, Nagpur to assess the impacts of construction activity on ecology/eco-system of Chhatri Tank, Amravati and to suggest corrective/remedial measure. The report of NEERI is received to wetland authority on 28/08/2023 & same is under process for submission along with the site visit report of the committee.

- iv) I say and submit that the State Wetland Authority is constituted vide Government Resolution dated 06/02/2018. The copy of said Government Resolution is annexed as **Annexure A**. I further say and submitted that as mentioned in said Government Resolution the tenure of expert members appointed vide said Government Resolution was not more than three (3) years from date of issuance of Government Resolution that is up to 05.02.2021. Therefore, the State Wetland Authority humbly requested to this Hon'ble Tribunal to appoint technical institutions like National Environmental Engineering Research Institute (NEERI) /

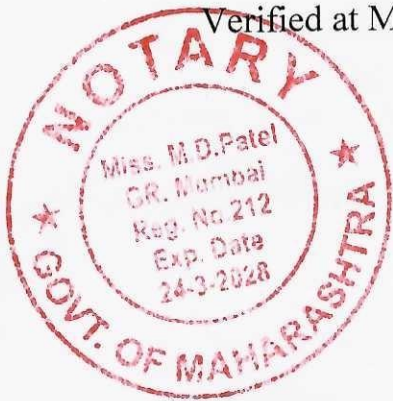


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VERIFICATION:

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 15th 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 ^{28th} day of August, 2023



Identify by me

(Chandrakant Vibhute)

Scientist Grade – 1 & Deputy Secretary,

Environment & CC GoM.

Abhay Madhukar Pimparkar
[Abhay Madhukar Pimparkar]

Deponent

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

BEFORE ME

M. D. Patel
28-8-2023
Sr. No. 571
Blk. No. 3

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

Constitution of Maharashtra State Wetland Authority

Government of Maharashtra
Environment Department

Government Resolution No.- Misc 2017 / C.R 46 / T.C. 3
15th Floor, New Administrative Building, Madam Cama Road
Mantralaya Mumbai 400 032
Dated 6th of February 2018

Read : 1. Wetland (Conservation and Management) Rules 2017 vide Union Ministry of Environment and Forests G S R – 1203 (E) dated 26th September 2017.

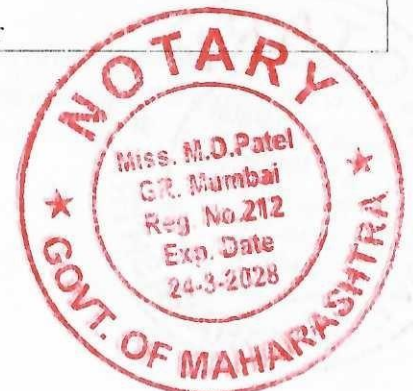
Introduction :

The Union Ministry of Environment and Forests has published Wetland (Conservation and Management) Rules 2017 vide notification no G S R – 1203 (E) dated 26th September 2017. The Government of Maharashtra is expected to constitute Maharashtra State Wetland Authority at the State Government level as per structure stipulated vide rule 5 for implementation of the provisions in the said notification. Similarly in terms of rule no 5 (6), technical committee and four member Grievances Redressal Committee is also required to be constituted to assist the Authority. Accordingly, the matter of constituting Maharashtra State Wetland Authority was under the consideration of the Government .

Government Resolution :

The constitution of the Maharashtra State Wetland Authority and various committees thereunder is proposed as follows :

1	Honorable Minister, Environment Department	President
2	Additional Chief Secretary, Environment Department	Vice President
3	The Secretary, Forest Department	Member
4	The Secretary, Urban Development Department	Member
5	The Secretary, Rural Development Department	Member
6	The Secretary, Water Resources Department	Member

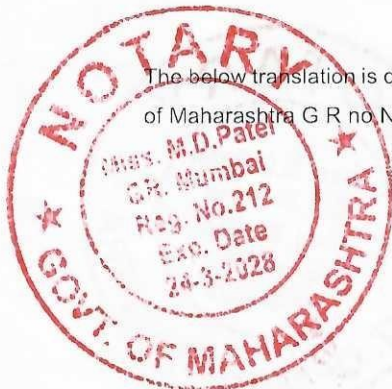


Government Resolution No.- Misc 2017 / C.R 46 / T.C. 3, Dated - 06/02/2018

7	The Secretary, Animal Husbandry, Dairy and Fisheries Development Department	Member
8	The Secretary, Assistance and Rehabilitation Department	Member
9	The Secretary, Tourism Department	Member
10	The Secretary, Revenue Department	Member
11	The Member Secretary, Maharashtra Pollution Control Board	Member
12	The Additional Principal Chief Conservator, Union Ministry of Environment and Forests, Zonal Office Nagpur	Member
13	The Chief Wild Life Warden	Member
14	The Member Secretary, Maharashtra State Bio Diversity Board	Member
15	The Director, Maharashtra Remote Sensing Centre	Member
16	Dr Himanshu Kulkarni, Scientist , Aqua Dam, Pune	Expert Member (Fisheries and Water Resources)
17	Dr. Bharat Bhushan, Head of the Department, Yeshwantrao Chavan Academy of Development Administration, Pune	Expert Member (Wetland Ecology / Landscape Planning)
18	Professor Dr Krishnan Narayanan, Head of the Department,, Humanities and Social Sciences, Indian Institute of Technology, Mumbai	Expert Member (Social and Economic)
19	The Director / Representative, Central Institute of Fisheries Education, Versova, Mumbai	Expert Member (Fisheries / Ecology)

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The below translation is done by Shri Sunil Bhagwat , Government Empanelled and Authorized Translator vide Government of Maharashtra G R no.Namika 2019 / case no 29 / Bhasha 2 dated 22.03.2021



Government Resolution No.- Misc 2017 / C.R 46 / T.C. 3, Dated – 06/02/2018

20	Dr Ritesh Kumar, Wetland International, South Asia	Expert Member (Wetlands)
21	The Director, Environment Department, Mantralaya, Mumbai	Member Secretary

2. The terms of reference of this committee shall be as stipulated vide rule no 5 (4) of the Wetland (Conservation and Management) Rules 2017. The said Authority shall meet minimum thrice a year. Similarly the tenure of the expert members shall not exceed three years.

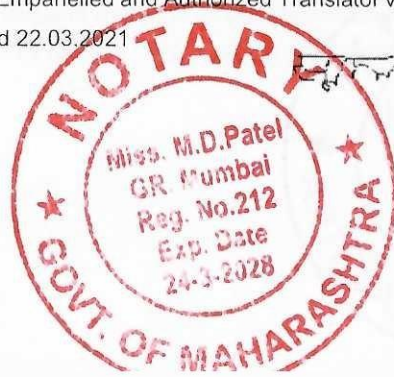
3. Following Technical Committee is constituted in terms of rule 5 (6) of the Wetland Notification for providing technical assistance to the authority , review the brief documents, prepare draft management plans and provide technical advice on matters recommended by the Authority.

1	Scientist Grade I , Environment Department , Mantralaya	Head of Committee
2	Joint Director, Water Pollution Eradication, Maharashtra Pollution Control Board	Member
3	Assistant System Officer (Information Technology), Maharashtra Pollution Control Board	Member
4	Smt Nilima Srivastav, Scientist , Maharashtra Remote Sensing Applications Centre, Nagpur	Member
5	Dr Himanshu Kulkarni, Scientist, Aqua Dam, Pune	Member
6	Shri D S Bhalerao, Scientist -2 , Environment Department, Mantralaya	Member – Secretary
7	The Regional Officer, Maharashtra Pollution Control Board	Coordinator

The Head of Committee can invite other expert members in the Authority for the meeting as required. This Committee shall assist the Authority in terms of rule 5 (6) of the Wetland Notification.

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Government Resolution No.- Misc 2017 / C.R 46 / T.C. 3, Dated – 06/02/2018

4. Following Grievances Redressal Committee is constituted in terms of rule 5 (6) (A) of the Wetland Notification.

1	Deputy Secretary (Establishment), Environment Department, Mantralaya	Head of Committee
2	The Regional Officer, Head Quarters Maharashtra Pollution Control Board	Member
3	Law Officer, Environment Department / Maharashtra Pollution Control Board	Member
4	Shri Joy Thakur Scientist – 2 Environment Department, Mantralaya	Member
5	The Regional Officer, Maharashtra Pollution Control Board	Coordinator

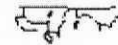
Both the aforesaid committees shall conduct their meeting at least once per quarter and submit a report of the same to the Authority.

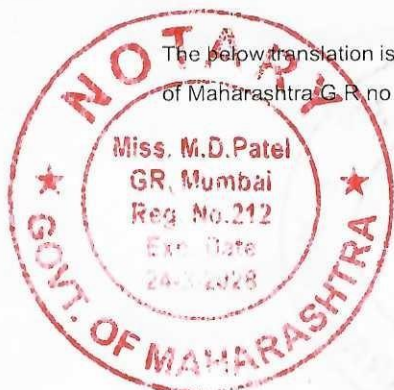
5. The Maharashtra Pollution Control Board shall function as Secretariat in reference to work for identification of wetlands and the day to day functioning of the Authority and the committees constituted thereunder. Similarly the expenses for the meetings of the Authority / Committees, office expenses, meeting expenses, Vehicle, vehicle driver, vehicle fuel and incidental expenses for expert members, members and member secretary and expenses incurred on account of spot visits of expert members, members and member secretary shall be met from the funds deposited in the savings account of the State Environmental Impact Authority.

6. Three Regional Officers or equivalent officers from the Maharashtra Pollution Control Board will be taken on credit for assistance in the regular working of the Authority and the committees constituted thereunder. Similarly data entry operators, 3 steno typists, 3 clerks and 2 project offices may also be made available on contract basis from the Maharashtra Pollution Control Board for the working of the Authority. It is proposed to meet the aforesaid expenses from the funds deposited in the savings account of the State Environmental Impact Authority, as stipulated in aforesaid para no 5.

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Government Resolution No.- Misc 2017 / C.R 46 / T.C. 3, Dated – 06/02/2018

7. Meeting Allowance / Honarorium @ Rs 3000 /- per day , air travel by economy class , second class railway fare, local conveyance expenses and actual lodging expenses shall be admissible to the expert members in the Committees and Authority, as per central Government rules. Similarly Honarorium @ Rs 3000 /- per day , air travel by economy class , second class railway fare, local conveyance expenses shall be admissible to the expert members in the Committees and Authority for conducting spot visits , as per central Government rules. Actual lodging expenses incurred during the location visits shall also be admissible.

8. The said Government Resolution is available on the official website of the Government of Maharashtra www.maharashtra.gov.in under code no 201802061633049904. This order is issued by attesting with digital signature.

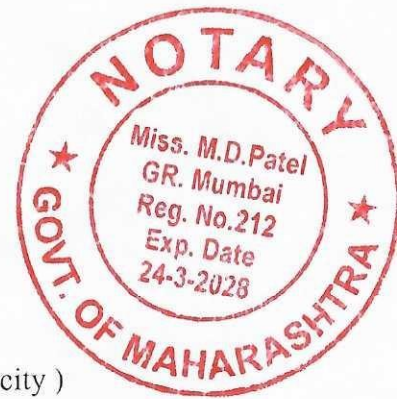
By the order and in the name of the Governor of Maharashtra

Signature

(Satish Gavai)
Additional Chief Secretary,
Environment Department

To ,

1. The Principal Secretary to the Honorable Chief Minister
2. The Personal Secretaries to the Honourable Minister and Minister of State, Environment Department
3. The Honorable Chief Secretary.
4. The Secretary, Urban Development Department
5. The Secretary, Rural Development Department
6. The Secretary, Water Resources Department
7. The Secretary, Tourism Department
8. The Secretary, Animal Husbandry, Dairy and Fisheries Development Department
9. The Secretary, Assistance and Rehabilitation Department
10. The Secretary, (Forest) , Revenue and Forest Department
11. All the Members of the Wetland Authority and the committees
12. The Member Secretary, Maharashtra Pollution Control Board
13. All the Divisional Commissioners
14. All the District Collectors
15. The Commissioners of all the Municipal Corporations
16. The Chief Executive Officers of all the Zilla Parishads
17. All the Departments at the Mantralaya
18. The Chief Officers of all the Municipalities
19. The Director General , Directorate of Information and Publicity (for publicity)
20. The Director, Mumbai Doordarshan (for publicity)



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