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

M.A. NO. 01 OF 2024 (WZ)
EARLIER M.A. NO. 03 OF 2024 (PB)

IN

ORIGINAL APPLICATION NO. 33 OF 2024 (WZ)
EARLIER ORIGINAL APPLICATION NO. 343 OF 2021 (PB) LP
(DISPOSED ON 15/03/2023)

IN THE MATTER OF: -

MADHURA RAJESH TAWADE

APPLICANT

VERSUS

STATE OF MAHARASHTRA & ORS.

RESPONDENT

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(Pratik D. Bharne)
Regional Director

Place: Pune

Date: 02/07/2024

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

M.A. NO. 01 OF 2024 (WZ)
EARLIER M.A. NO. 03 OF 2024 (PB)
IN

ORIGINAL APPLICATION NO. 33 OF 2024 (WZ)
EARLIER ORIGINAL APPLICATION NO. 343 OF 2021 (PB) LP
(DISPOSED ON 15/03/2023)

IN THE MATTER OF: -

MADHURA RAJESH TAWADE

APPLICANT

VERSUS

STATE OF MAHARASHTRA & ORS.

RESPONDENT

COMPLIANCE REPORT ON BEHALF OF RESPONDENT NO. 5 i.e. CENTRAL POLLUTION CONTROL BOARD IN COMPLIANCE TO HON'BLE NGT ORDER DATED 22.03.2024 IN THE MATTER OF M.A.NO. 01 OF 2024 (WZ) EARLIER M.A. NO. 03 OF 2024 (PB) IN O.A. NO. 33 OF 2024 (WZ) EARLIER O.A. NO. 343 OF 2021 (PB) (DISPOSED ON 15/03/2023)

1. That a Notice was served to this Answering Respondent by the Hon'ble NGT (WZ) vide email, dated 29/02/2024 in O.A. No. 33 of 2024 (WZ) (earlier O.A. No. 343/2021, PB, disposed on 15/03/2023), titled as Madhura Rajesh Tawade Vs State of Maharashtra & Ors., for appearing before Hon'ble Tribunal, on next date of hearing.
2. That the matter was heard before the Hon'ble NGT (WZ) on 22/03/2024 and the Hon'ble NGT (WZ) vide its order, dated 22/03/2024 and Para 9 directed CPCB to submit compliance report. Copy of the Hon'ble NGT order, dated 22/03/2024 is given at **Annexure-R5 I**. Relevant portion of the operative directions of the aforesaid Hon'ble NGT order is reproduced below:

"9...From the side of respondent No.5- CPCB, none has appeared despite sufficient service. Therefore, we direct the Registry to send a letter to the Member Secretary, Central Pollution Control Board

(CPCB) with a direction to depute someone to appear before us with compliance report, on the next date..."



3. That a matter in Original Application No. 343 of 2021 (PB), titled Madhura Rajesh Tawade Vs State of Maharashtra & Ors. earlier registered by the Hon'ble NGT (PB) based on a complaint received by the Applicant. Grievance in the said application is for remedial action against damage to the environment in Mumbai city near coastal road at Wadala to Mahul, close to Chembur to CST freeway by adding debris on the salt pan, making island out of it and encroaching the same, affecting the mangroves which are important for Mumbai city and unauthorized structures are against CRZ Regulations issued under Environment (Protection) Act, 1986.
4. The Hon'ble NGT (PB) vide its order dated 15/12/2021 in the aforesaid matter, constituted a six-member joint committee comprising of Maharashtra Coastal Zone Management Authority (MCZMA), CPCB, MPCB, SEIAA, Maharashtra, BMC & the concerned District Magistrate and directed the joint committee to hold its first sitting preferably within two weeks, undertake visit to the site, interact with the stakeholders and plan and execute remedial measures in accordance with law. The State PCB and CZMA is the nodal agency for coordination and compliance. Copy of the order of Hon'ble NGT, dated 15/12/2021 is given at **Annexure-R5 II**.
5. In compliance to the aforesaid Hon'ble NGT order, dated 15/12/2021 nomination of official from CPCB has been communicated to the nodal agency for compliance of the aforesaid Hon'ble NGT order. Thereafter, the nodal agency communicated vide email, dated 10/03/2022 regarding schedule of the site of the joint committee on 11/03/2022. Copy of email dated 10/03/2022 of the nodal agency is given at **Annexure-R5 III**.
6. The joint committee convened its first meeting on 11/03/2022 at M West Ward-MCGM, Chembur, Mumbai. Joint committee deliberated in detail about alleged dumping of debris on salt pan/mangrove areas as mentioned in the Hon'ble NGT order. Thereafter, the joint committee along with officials of MCGM carried-



out reconnaissance survey of the alleged areas near costal road at Wadala to Mahul, close to Chembur to CST freeway. Based on the decisions taken during the aforesaid meeting, the joint committee through the nodal agency requested the concerned agencies viz. MCGM (BMC), MCZMA and Salt Pan Department (Office of Deputy Salt Commissioner, GoI) for submission of relevant information for further deliberation and way forward for compliance of Hon'ble NGT order, dated 15/12/2021.

7. Further, due to delay in submission of relevant information by the said concerned agencies and also considering the quantum of works to be completed, the joint committee decided initially to submit a progress report before Hon'ble NGT (PB) through the nodal agency with a prayer to grant extension of time period of three months to the joint committee for submitting its report in compliance with aforesaid order, dated 15/12/2021. Copy of the progress report of the joint committee submitted to the Hon'ble NGT (PB) vide dated 19/04/2022 is given at **Annexure-R5 IV**.
8. Thereafter, the joint committee submitted its report to the Hon'ble NGT (PB) through the nodal agency vide dated 27/09/2022. Copy of the joint committee report, dated 26/09/2022 is given at **Annexure-R5 V**.
9. The matter was heard before the Hon'ble NGT (PB) on 28/09/2022. Based on the conclusions & recommendations of the joint committee, the Hon'ble NGT (PB) vide Para 5 of order dated 28/09/2022, issued relevant directions to the NCZMA and the Principal Secretary, Department of Environment & Climate Change, Govt of Maharashtra for compliance of the order, dated 28/09/2022. Copy of the Hon'ble NGT order, dated 28/09/2022 is given at **Annexure-R5 VI**. Relevant portion of the aforesaid Hon'ble NGT order is reproduced below:

“5...The NCZMA and Principal Secretary, Environment, Maharashtra may file action taken reports after coordinating with concerned authorities, particularly giving progress in encroachments removed, waste collected and sent to authorized processing plant, restoration of degraded/encroached area and

plan to set up C&D processing plants and other associated actions within two months..."

"6... Principal Secretary, Environment Department, Maharashtra may remain present in person for interaction with the Tribunal by video conference on the next date..."

It is humbly submitted that no directions were issued by the Hon'ble NGT (PB) to this Answering Respondent for compliance of the aforesaid order, dated 28/09/2022.

10. The matter was heard before the Hon'ble NGT (PB) on 15/03/2023. Based on the compliance report, dated 13/02/2023 submitted by the Department of Environment & Climate Change, Govt of Maharashtra; the Hon'ble NGT (PB) disposed the said matter vide order dated 15/03/2023 and issued directions to the Department of Environment & Climate Change, Govt of Maharashtra for compliance. Copy of the Hon'ble NGT order, dated 15/03/2023 is given at **Annexure-R5 VII**. Relevant portion of the aforesaid Hon'ble NGT order is reproduced below:

"7...The ACS, Environment present in person by video conferencing has now assured the Tribunal that within three months the remedial measures will be completed which will include removing all encroachments, lifting of C&D waste for its appropriate processing and revival of damaged mangrove plantation. Let the same be done and compliance report filed on or before June 30, 2023 with the Registrar General, NGT..."

It is humbly submitted that no specific directions were issued by the Hon'ble NGT (PB) to this Answering Respondent for compliance of the aforesaid order, dated 15/03/2023.

11. That this Answering Respondent has complied with the Hon'ble NGT (PB) order, dated 15/12/2021 by participating in the meetings, site visit and thereafter submitted joint committee report through the nodal agency. Further, no specific

directions issued to this Answering Respondent vide orders, dated 28/09/2022 and 15/03/2023.

12 That in light of the above submissions, it is respectfully prayed that this Answering Respondent No. 5 i.e. CPCB shall abide by any order/directions passed by the Hon'ble Tribunal.

Pratik Dinkarrao Bharne

(Scientist 'E' & Regional Director)



Noted & Registered
At.Sr.No. 037/2024

BEFORE ME

MANISHA SAMEER CHITNIS
NOTARY
GOVERNMENT OF INDIA

02 JUL 2024



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

**M.A. NO. 01 OF 2024 (WZ)
EARLIER M.A. NO. 03 OF 2024 (PB)**

IN

**ORIGINAL APPLICATION NO. 33 OF 2024 (WZ)
EARLIER ORIGINAL APPLICATION NO. 343 OF 2021 (PB) LP
(DISPOSED ON 15/03/2023)**

IN THE MATTER OF: -

MADHURA RAJESH TAWADE

APPLICANT

VERSUS

STATE OF MAHARASHTRA & ORS.

RESPONDENT

AFFIDAVIT

I, Pratik Dinkarrao Bharne, working as Scientist 'E' & Regional Director in Central Pollution Control Board, Regional Directorate, Survey No. 110, Hirabai Dhankude Multipurpose Hall, Baner Road, Pune – 411045, do hereby solemnly affirm and declare as under:

1. That I am fully conversant with the facts of the case and hence, competent and authorized to depose and swear the present affidavit in my official capacity.
2. That the contents of the reply have been drafted by me and the contents of the same are true and correct on the basis of the record of the case as maintained in the day-to-day affairs of the CPCB and the contents of the reply may kindly be treated part of this affidavit and the same are not repeated herein for the sake of brevity.


DEPONENT

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VERIFICATION

It is verified that the content of this Reply Affidavit which is based on official record and information available in the office are true and correct. Nothing has been concealed therein.

Signed and verified at Pune on this Day of July, 2024.

DEPONENT – Respondent No. 5

COUNSEL for Respondent No. 5



BEFORE ME

**MANISHA SAMEER CHITNIS
NOTARY
GOVERNMENT OF INDIA**

02 JUL 2024

Item No.7

(Pune Bench)

**BEFORE THE NATIONAL GREEN TRIBUNAL
WESTERN ZONE BENCH, PUNE**

THROUGH PHYSICAL HEARING (WITH HYBRID OPTION)

**M.A .No.01/2024(WZ)
Earlier MA.No.03/2024(PB)
IN
Original Application No.33/2024(WZ)
Earlier O.A.No.343/2021(PB)LP
(Disposed on 15/3/2023)
AND
M.A. No.02/2024(WZ)
Earlier M.A. No. 12/2024(PB)-
filed by Intervener for recall of order dt.15/03/2023**

Madhura Rajesh Tawde

.....Applicant

Versus

State of Maharashtra

....Respondent

Date of hearing: 22.03.2024

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

Applicant : None appeared
Respondent(s) : Mr. Mukesh Verma, Advocate for R-2/MCZMA
Mr. A.J. Pathak, Advocate for R-4
Ms. Manasi Joshi, Advocate for R-6/MPCB

ORDER

M.A .No.01/2024(WZ)

1. The Registry has sent information to the applicant through e-mail dated 21.03.2024 about the hearing fixed in the matter today. But despite repeated calls, none has appeared from the side of applicant.

2. It appears that M.A. No.03/2024(PB) has been received from the Principal Bench of this Tribunal and is being considered for the first time today, which has been re-numbered to this Bench as M.A. No.01/2024(WZ).

3. It also appears that this M.A. has been registered on the basis of compliance report dated 12.10.2023 submitted by the Deputy Salt Commissioner, Mumbai in compliance with the order dated 15.03.2023 passed by the Principal Bench of this Tribunal in Original Application No.343/2021, wherein directions, which were given in para nos.6 & 7, are reproduced in the order of Principal Bench dated 09.01.2024 in para no.2.

4. From the side of respondent No.4- Deputy Salt Commissioner, Mumbai, learned counsel Mr. A.J. Pathak has appeared, who submits that a copy of above-mentioned report dated 12.10.2023 may be directed to be supplied to him so that he may file reply affidavit/compliance report in the present matter.

5. We fail to understand as to why the respondent No.4 is asking for the same report to be served upon him, based on which the present M.A. has been registered. But even then, we direct the Registry to serve a copy of this report upon the learned counsel for respondent No.4 through e-mail, who may file a detailed reply/compliance report within a period of four weeks.

6. After having gone through the compliance report dated 12.10.2023 submitted by the respondent No.4, we find that several steps have been taken. But whatever directions were issued for compliance and what happened thereafter, have not been stated in this report. Therefore, we direct that the respondent No.4 shall place on record all the subsequent steps, which have been taken pursuant to the order issued to various authorities.

7. From the side of respondent No.2- MCZMA, learned counsel Mr. Mukesh Verma has appeared.

8. None has appeared from the side of respondent No.3-NCZMA despite sufficient service. Therefore, we direct the Registry to send a letter to the Member Secretary, National Coastal Zone Management Authority (NCZMA) with a direction to depute someone to appear before us with compliance report, on the next date.

9. From the side of respondent No.5- CPCB, none has appeared despite sufficient service. Therefore, we direct the Registry to send a letter to the Member Secretary, Central Pollution Control Board (CPCB) with a direction to depute someone to appear before us with compliance report, on the next date.

10. From the side of respondent No.6- MPCB, learned counsel Ms. Manasi Joshi has appeared, who seeks four weeks' time to file reply affidavit/compliance report. The said time is allowed.

11. We further direct the Registry to serve a copy of this M.A. No.01/2024(WZ) upon all other parties.

M.A. No.02/2024(WZ)

12. In this M.A., the applicant- Balgovind Rampratap Barai has prayed for recall of the order dated 15.03.2023 passed in Original Application No.343/2021.

13. Today, none has appeared from the side of applicant despite repeated calls. We do not find any report of the Registry indicating that the applicant has been informed that this matter has been transferred to this Bench. Therefore, we direct that an information be sent to the applicant informing him about the next date of hearing fixed in this matter.

14. It also appears that the applicant has not moved this M.A. in correct format because if the order dated 15.03.2023 passed in Original Application No.343/2021 is prayed to be recalled then all the parties, which were impleaded in the said O.A., were required to be impleaded in this M.A. also and thereafter only, we can issue notice to the said parties, in case they want to oppose this application.

Put up this matter for further consideration on 03.07.2024

Dinesh Kumar Singh, JM

Dr. Vijay Kulkarni, EM

March 22, 2024
M.A .No.01/2024(WZ)
Earlier MA.No.03/2024(PB) IN
Original Application No.33/2024(WZ)
Earlier O.A.No.343/2021(PB)LP
(Disposed on 15/3/2023)
M.A. No.02/2024(WZ)
Earlier M.A. No. 12/2024(PB)-
filed by intervener for recall of order
dt.15/03/23
P.Kr

Item No. 04

(Court No. 1)

**BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI**

(By Video Conferencing)

Original Application No. 343/2021

Madhura Rajesh Tawde

Applicant

Versus

State of Maharashtra

Respondent

Date of hearing: 15.12.2021

**CORAM: HON'BLE MR. JUSTICE ADARSH KUMAR GOEL, CHAIRPERSON
HON'BLE MR. JUSTICE SUDHIR AGARWAL, JUDICIAL MEMBER
HON'BLE DR. NAGIN NANDA, EXPERT MEMBER**

Application is registered based on a complaint received by e-mail

ORDER

1. Grievance in this application is for remedial action against damage to the environment in Mumbai city near coastal road at Wadala to Mahul, close to Chembur to CST freeway by adding debris on the salt pan, making island out of it and encroaching the same, affecting the mangroves which are important for Mumbai city. Unauthorized structures are against CRZ Regulations issued under Environment (Protection) Act, 1986.

2. In view of above, we find it necessary to require a factual and action taken report from a six-member joint Committee of Maharashtra Coastal Zone Management Authority (MCZMA), CPCB, State PCB, SEIAA, Maharashtra, BMC and the concerned District Magistrate. State PCB and CZMA will be the nodal agency for coordination and compliance. The joint

Committee may hold its first sitting preferably within two weeks, undertake visit to the site, interact with the stakeholders and plan and execute remedial measures in accordance with law. An action taken report may be furnished within two months by email at judicial-ngt@gov.in preferably in the form of searchable PDF/OCR Support PDF and not in the form of Image PDF.

List for further consideration on 07.03.2022.

A copy of this order be forwarded to the MCZMA, CPCB, State PCB, SEIAA, Maharashtra, BMC and concerned District Magistrate by e-mail for compliance.

Adarsh Kumar Goel, CP

Sudhir Agarwal, JM

Dr. Nagin Nanda, EM

December 15, 2021
Original Application No. 343/2021
AVT

Re: Office Order for constitution of a joint committee for compliance of the Order dated 15/12/2021 passed by Hon'ble NGT Principal Bench, New Delhi in Original Application No. 343/2021 filed by Madhura Rajesh Tawde v/s State of Maharashtra & Ors

From : romumbai@mpcb.gov.in

Thu, Mar 10, 2022 07:09 PM

Subject : Re: Office Order for constitution of a joint committee for compliance of the Order dated 15/12/2021 passed by Hon'ble NGT Principal Bench, New Delhi in Original Application No. 343/2021 filed by Madhura Rajesh Tawde v/s State of Maharashtra & Ors

To : collectormsd@gmail.com

Cc : Narendra D. Toke <dir1.mev-mh@nic.in>, NISHCHAL C <nischal.cpcb@nic.in>, ac mw <ac.mw@mcgm.gov.in>, ac fn <ac.fn@mcgm.gov.in>

Sir,

I would like to inform you that Venue & timing of 1st Meeting and Site Visit of joint committee for joint committee for compliance of the Order dated 15/12/2021 passed by Hon'ble NGT Principal Bench, New Delhi in Original Application No. 343/2021 filed by Madhura Rajesh Tawde v/s State of Maharashtra & Ors. as below

Date & Time: 11/03/2022 at 11.30 am.

Venue

**M/West Ward Municipal Office Building,
Sharadbhau Acharya Marg, Near Natraj Cinema,
Chembur(E) Mumbai- 400 071.**

You are requested to depute your representative for said meeting

Thanks & Regards,

(Sanjay R. Bhosale)

Regional Officer, Mumbai

Maharashtra Pollution Control Board

Mumbai.



"SAVE PAPER"-THINK BEFORE YOU PRINT!

POWER BEHIND ENVIRONMENT...M.P.C.B.

From: RO Mumbai <romumbai@mpcb.gov.in>

Sent: 10 March 2022 14:58

To: Collector mumbai suburban <collectormsd@gmail.com>

Subject: Fw: Office Order for constitution of a joint committee for compliance of the Order dated 15/12/2021 passed by Hon'ble NGT Principal Bench, New Delhi in Original Application No. 343/2021 filed by Madhura Rajesh Tawde v/s State of Maharashtra & Ors

Sir,

Please find attached herewith Office Order for constitution of a joint committee for compliance of the Order dated 15/12/2021 passed by Hon'ble NGT Principal Bench, New Delhi in Original Application No. 343/2021 filed by Madhura Rajesh Tawde v/s State of Maharashtra & Ors.

This is information and necessary action please

Thanks & Regards,

(Sanjay R. Bhosale)

Regional Officer, Mumbai
Maharashtra Pollution Control Board
Mumbai.



From: RO Mumbai <romumbai@mpcb.gov.in>

Sent: 24 February 2022 15:18

To: SRO Mumbai 1 <sromumbai1@mpcb.gov.in>; SRO Mumbai 3 <sromumbai3@mpcb.gov.in>

Subject: Fw: Office Order for constitution of a joint committee for compliance of the Order dated 15/12/2021 passed by Hon'ble NGT Principal Bench, New Delhi in Original Application No. 343/2021 filed by Madhura Rajesh Tawde v/s State of Maharashtra & Ors

Please find attached herewith Office Order for constitution of a joint committee for compliance of the Order dated 15/12/2021 passed by Hon'ble NGT Principal Bench, New Delhi in Original Application No. 343/2021 filed by Madhura Rajesh Tawde v/s State of Maharashtra & Ors.

This is information and necessary action please

Thanks & Regards,

(Jayavant S. Hajare)

I/c. Regional Officer, Mumbai
Maharashtra Pollution Control Board
Mumbai.



From: RO Mumbai

Sent: 24 February 2022 15:03

To: Narendra D. Toke <dir1.mev-mh@nic.in>; dattatray.bhalerao@nic.in <dattatray.bhalerao@nic.in>; mc@mcgm.gov.in <mc@mcgm.gov.in>; collector.mumbaisuburb@maharashtra.gov.in <collector.mumbaisuburb@maharashtra.gov.in>; BHARAT KUMAR SHARMA <bksharma.cpcb@nic.in>

Cc: psec.env@maharashtra.gov.in <psec.env@maharashtra.gov.in>; P.K. Mirashe <ast@mpcb.gov.in>

Subject: Office Order for constitution of a joint committee for compliance of the Order dated 15/12/2021 passed by Hon'ble NGT Principal Bench, New Delhi in Original Application No. 343/2021 filed by Madhura Rajesh Tawde v/s State of Maharashtra & Ors

NGT Matter

Sir,

Please find enclosed herewith the Office Order for constitution of a joint committee for compliance of the Order dated 15/12/2021 passed by Hon'ble NGT Principal Bench, New Delhi in Original Application No. 343/2021 filed by Madhura Rajesh Tawde v/s State of Maharashtra & Ors.

It is to be noted that 1st meeting of committee is to be scheduled within two week as per Hon'ble NGT order.

You are kindly requested to communicate the name and email ID/Contact details of your office representative as a committee member at the earliest.

Thanks & Regards,

(Jayavant S. Hajare)

I/c. Regional Officer, Mumbai
Maharashtra Pollution Control Board
Mumbai.



"SAVE PAPER"-THINK BEFORE YOU PRINT!

POWER BEHIND ENVIRONMENT...M.P.C.B.

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL,
Principal Bench, New Delhi
Original Application No. 343/2021

Madhura Rajesh Tawde

Applicant

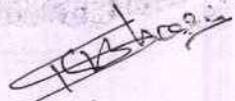
Versus

State of Maharashtra

Respondent(s)

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(Sanjay R. Bhosale)
Regional Officer, Mumbai

Place : Mumbai
Dated : 19/04/2022

PROGRESS REPORT OF THE JOINT COMMITTEE IN COMPLIANCE OF THE ORDER DATED 15/12/2021 PASSED BY THE HON'BLE NATIONAL GREEN TRIBUNAL, PRINCIPAL BENCH, NEW DELHI IN ORIGINAL APPLICATION NO. 343/2021, MADHURA RAJESH TAWADE V/S STATE OF MAHARASHTRA ORS.

Grievance in the application is about remedial action against the damage to the environment in Mumbai city near coastal road at Wadala to Mahul, close to Chembur to CST freeway by adding debris on the salt pan, making island out of it and encroaching the same, affecting the mangroves which are important for Mumbai city. Also, the applicant mentioned that unauthorized structures have been constructed which are against CRZ Regulations issued under Environment (Protection) Act, 1986. The Hon'ble NGT in the aforesaid matter vide order dated 15/12/2021 constituted a six-member joint committee of Maharashtra Coastal Zone Management Authority (MCZMA), CPCB, MPCB, SEIAA, Maharashtra, BMC and the concerned District Magistrate. The nodal agency for coordination and compliance will be the MPCB and the MCZMA. Directions of the Hon'ble NGT to the aforesaid joint committee in brief are as follows;

- i. To undertake site visit and interact with the stakeholders;
- ii. To plan and execute remedial measures in accordance with law;

In compliance with aforesaid order of the Hon'ble NGT, the six-member joint committee has been constituted by MPCB comprising of following officials.

Maharashtra Coastal Zone Management Authority	Member
Representative from CPCB, Regional Office, Pune	Member
Member of SEIAA, Maharashtra	Member
Municipal Commissioner, MCGM or his representative	Member
District Collector, Mumbai Suburban District or his representative	Member
Regional Officer, MPCB, Mumbai	Member Convener

First meeting of the joint committee was convened on 11/03/2022 at M West Ward-MCGM, Chembur, Mumbai. Joint committee deliberated about alleged dumping of debris on salt pan/mangrove areas as mentioned in the Hon'ble NGT order, status of C&D waste generation and its present management practice in Mumbai City and CRZ maps of the area under reference. Also, deliberated about to have an interaction with

the concerned stakeholder i.e. The Slat Pan Department, Mumbai to deliberate about status & issue of dumping of C&D waste near the mangrove areas and action taken therefor for the earlier noticed violations if any; Thereafter the joint committee carried-out reconnaissance survey of the alleged areas on 11/03/2022 to delineate and to gather the preliminary information about the issue of dumping of debris in salt pans and mangrove areas. Following are decisions in brief taken during the said joint committee meeting:

- i. MCGM to submit the status of C&D waste w.r.t. ward wise daily/monthly generation quantity, present scientific management practices including mechanism for collection, handling, transportation, processing and disposal/utilisation of processed C&D waste in Mumbai City.
- ii. MCZMA to provide CRZ maps of the alleged areas located at C.S. no. 144, 145 and 117.
- iii. MPCB to coordinate with MRSAC for getting the mangrove maps of the alleged areas.
- iv. MPCB to coordinate and request the stakeholder i.e. representative from Salt Pan Department, Mumbai.
- v. Joint committee to plan and execute remedial measures in accordance with Law by the way of formulating time bound action plans for restoration of the site/environment.

Details of the aforesaid decisions/activities/ are given in the minutes of meeting of the joint committee at **Annexure-A** for kind ready reference.

Accordingly, the concerned agencies as given above, were requested by the nodal agency i.e. MPCB during March & April, 2022 to submit desired information to the joint committee for further deliberation and way forward for compliance of Hon'ble NGT order.

After the detailed deliberation, joint committee along with officials of MCGM visited the alleged areas near costal road at Wadala to Mahul, close to Chembur to CST freeway. It is observed that near coastal road, adjacent to Chembur to CST freeway; wide area of salt pan exists and it is within the jurisdiction of F-North Ward of MCGM, Mumbai. The joint committee interacted with the personnel working at salt pan and gathered

that the said salt pan is a private land situated at C.S.no. 144 & 145, owned by Shri Garodia and it has been spread over about 100 to 110 acres. Also, the joint committee observed that at C.S.no. 144, majority of the area has been encroached by slum dwellers by constructing houses made of brick masonry and cement roofing sheets. Besides the aforesaid C. S.no. 144, majority of the area has also been encroached by slum dwellers at C. S. no. 117 (land belonging to Govt.).

The joint committee observed that along the periphery of slat pan at C. S. no. 145, dense mangroves have been spread but the owner of slat pan i.e. Shri Garodia has constructed a huge bandh (app. 5 feet height & 10 feet width, made of C&D waste) between the dense mangrove area and salt pans. He informed to the joint committee that C&D waste reportedly generated from South Mumbai is being dumped by the private parties upon obtaining his consent. He further informed to the joint committee that such bandh has been constructed to prevent intrusion of creek water into salt pan from adjacent creek, without construction of such bandh the intrusion of creek water causes flooding and also significantly affects the quality of salt in the salt pans.

As informed by the owner of slat pan, total seven bore-wells have been installed within the slat pan area for extraction of slat laden ground water and subsequent channelizing into salt pans for manufacturing of slat. Some of the photographs taken during reconnaissance survey of the joint committee is given at **Annexure-B** for kind ready reference.

It is humbly submitted that collection of desired information from the concerned agencies and engagement of stakeholder(s) for way forward and compliance of Hon'ble NGT order as per the decisions taken by the joint committee in its first meeting, are in progress. Further, considering the quantum of works to be completed, as above and given at **Annexure-A**, the Hon'ble NGT may kindly grant extension of time period of three months to the joint committee for submitting its report in compliance with aforesaid order dated 15/12/2021.

MINUTES OF THE FIRST MEETING OF JOINT COMMITTEE CONSTITUTED IN COMPLIANCE OF THE ORDER DATED 15/12/2021 PASSED BY THE HON'BLE NATIONAL GREEN TRIBUNAL, PRINCIPAL BENCH, NEW DELHI IN ORIGINAL APPLICATION NO. 343/2021, MADHURA RAJESH TAWADE V/S STATE OF MAHARASHTRA ORS.

The Hon'ble NGT in the aforesaid matter vide order dated 15/12/2021 constituted a six-member joint committee of Maharashtra Coastal Zone Management Authority (MCZMA), CPCB, MPCB, SEIAA, Maharashtra, BMC and the concerned District Magistrate. The nodal agency for coordination and compliance will be the MPCB and the MCZMA. Grievance in the application is about remedial action against the damage to the environment in Mumbai city near coastal road at Wadala to Mahul, close to Chembur to CST freeway by adding debris on the salt pan, making island out of it and encroaching the same, affecting the mangroves which are important for Mumbai city. Also, the applicant mentioned that unauthorized structures have been constructed which are against CRZ Regulations issued under Environment (Protection) Act, 1986. Copy of the said order dated 12/01/2022 of Hon'ble NGT is given at **Annexure-I**. The operative directions of the Hon'ble NGT to the aforesaid joint committee in brief are as follows;

- i. To undertake site visit and interact with the stakeholders;
- ii. To plan and execute remedial measures in accordance with law;

In compliance with aforesaid order of the Hon'ble NGT, the six-member joint committee has been constituted by MPCB comprising of following officials.

1. Maharashtra Coastal Zone Management Authority	Member
2. Representative from CPCB, Regional Office, Pune	Member
3. Member of SEIAA, Maharashtra	Member
4. Municipal Commissioner, MCGM or his representative	Member
5. District Collector, Mumbai Suburban District or his representative	Member
6. Regional Officer, MPCB, Mumbai	Member
Convener	

First meeting of the joint committee was convened on 11/03/2022 at M West Ward-MCGM, Chembur, Mumbai. List of participants present in the aforesaid joint committee meeting is given in at **Annexure – II**.

Representative from MPCB, Mumbai welcomed all the members of the joint committee and invitee participants. He briefed about the issue of unauthorised disposal of debris at near Costal road at Wadala to Mahul, closed to Chembur to CST freeway, regarding constitution of joint committee for compliance of the order dated 15/12/2021 passed by the Hon'ble National Green Tribunal, New Delhi in

Original Application No. 343/2021 (PB) and also about the operative directions of the Hon'ble NGT to the joint committee.

Representative from CPCB, Pune deliberated about identification of exact location of alleged dumping of debris on salt pan/mangrove areas as mentioned in the Hon'ble NGT order or tracking from the public grievance database of MCGM/MPCB/MCZMA about the aforesaid alleged issues or similar issues. He mentioned about the requirement of recent CRZ maps prepared by MCZMA and mapping of mangroves prepared by Maharashtra Remote Sensing Application Centre (MRSAC) for the aforesaid alleged areas. Further, he deliberated about the C&D waste generation and its present management practice in Mumbai City. He put forward before the joint committee to have an initial reconnaissance survey of the alleged areas to delineate and to gather the preliminary information about the issue of dumping of debris in salt pans and mangrove areas.

Representative from MCZMA mentioned about availability of latest CRZ maps of Mumbai City and Suburban, which are published recently in 2021. He mentioned about need to involve the stakeholders for deliberation of issues and also compliance of Hon'ble NGT order dated 15/12/2021.

Meeting concluded with vote of thanks to the dais.

After the detailed deliberation, joint committee along with officials of MCGM visited the alleged areas near coastal road at Wadala to Mahul, close to Chembur to CST freeway. It is observed that near coastal road, adjacent to Chembur to CST freeway; wide area of salt pan exists and it is within the jurisdiction of F-North Ward of MCGM, Mumbai. The joint committee interacted with the personnel working at salt pan and gathered that the said salt pan is a private land situated at C.S.no. 144 & 145, owned by Shri Garodia and it has been spread over about 100 to 110 acres. Also, the joint committee observed that at C.S.no. 144, majority of the area has been encroached by slum dwellers by constructing houses made of brick masonry and cement roofing sheets. Besides the aforesaid C. S.no. 144, majority of the area has also been encroached by slum dwellers at C. S. no. 117 (land belonging to Govt.). The joint committee observed that along the periphery of salt pan at C. S. no. 145, dense mangroves have been spread but the owner of salt pan i.e. Shri Garodia has constructed a huge bandh (app. 5 feet height & 10 feet width, made of C&D waste) between the dense mangrove area and salt pans. He informed to the joint committee that C&D waste reportedly generated from South Mumbai is being dumped by the private parties upon obtaining his consent. He further informed to the joint committee that such bandh has been constructed to prevent intrusion of creek water into salt pan from adjacent creek, without construction of such bandh the intrusion of creek water causes flooding and also significantly affects the quality of salt in the salt pans.

As informed by the owner of slat pan, total seven bore-wells have been installed within the slat pan area for extraction of slat laden ground water and subsequent channelizing into salt pans for manufacturing of slat.

The joint committee after reconnaissance survey, interaction with the owner of salt pan and detailed deliberation, it was felt to prudent to have interaction with the stakeholder i.e. The Slat Pan Department, Mumbai to deliberate about ownership status of salt pan, status & issue of dumping of C&D waste near the mangrove areas and action taken therefor for the earlier noticed violations if any.

Decisions:

After detailed discussions, following decisions were taken by the joint committee;

- i. MCGM to submit the status of C&D waste w.r.t. ward wise daily/monthly generation quantity, present scientific management practices including mechanism for collection, handling, transportation, processing and disposal/utilisation of processed C&D waste in Mumbai City.
- ii. MCZMA to provide CRZ maps of the alleged areas located at C.S. no. 144, 145 and 117.
- iii. MPCB to coordinate with MRSAC for getting the mangrove maps of the alleged areas located at C.S. no. 144, 145 and 117.
- iv. MPCB to coordinate and request the stakeholder i.e. representative from Salt Pan Department, Mumbai to make it convent to attend the second joint committee meeting followed by site inspection for deliberation of issues.
- v. Based on the reconnaissance survey and subsequent collection, compilation & vetting of information through the concerned agencies/stakeholders and as per the applicable Notifications /Rules /Bye-laws, the joint committee may plan and execute remedial measures in accordance with Law by the way of formulating time bound action plans for restoration of the site/environment.

Item No. 04

(Court No. 1)

**BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI**

(By Video Conferencing)

Original Application No. 343/2021

Madhura Rajesh Tawde

Applicant

Versus

State of Maharashtra

Respondent

Date of hearing: 15.12.2021

**CORAM: HON'BLE MR. JUSTICE ADARSH KUMAR GOEL, CHAIRPERSON
HON'BLE MR. JUSTICE SUDHIR AGARWAL, JUDICIAL MEMBER
HON'BLE DR. NAGIN NANDA, EXPERT MEMBER****Application is registered based on a complaint received by e-mail****ORDER**

1. Grievance in this application is for remedial action against damage to the environment in Mumbai city near coastal road at Wadala to Mahul, close to Chembur to CST freeway by adding debris on the salt pan, making island out of it and encroaching the same, affecting the mangroves which are important for Mumbai city. Unauthorized structures are against CRZ Regulations issued under Environment (Protection) Act, 1986.
2. In view of above, we find it necessary to require a factual and action taken report from a six-member joint Committee of Maharashtra Coastal Zone Management Authority (MCZMA), CPCB, State PCB, SEIAA, Maharashtra, BMC and the concerned District Magistrate. State PCB and CZMA will be the nodal agency for coordination and compliance. The joint

Committee may hold its first sitting preferably within two weeks, undertake visit to the site, interact with the stakeholders and plan and execute remedial measures in accordance with law. An action taken report may be furnished within two months by email at judicial-ngt@gov.in preferably in the form of searchable PDF/OCR Support PDF and not in the form of Image PDF.

List for further consideration on 07.03.2022.

A copy of this order be forwarded to the MCZMA, CPCB, State PCB, SEIAA, Maharashtra, BMC and concerned District Magistrate by e-mail for compliance.

Adarsh Kumar Goel, CP

Sudhir Agarwal, JM

Dr. Nagin Nanda, EM

December 15, 2021
Original Application No. 343/2021
AVT

नाव	विभाग	सही	मो. नं.
१) श्री. सुभाष श्री. श्री. श्री. श्री. श्री. श्री. सुभाष, पुणे			
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५) संजय भोसले प्रोफेसर अधिकारी, म.प्र.मि.सेक्टर पुणे		<i>Shaw</i> 11/3/22	9220926241
६) Nishchal C. Scientist - D CPCB, RD-Pune		<i>Nishchal</i> 11/03/22	9722017220
७) Rupesh Mahale, Project officer, M2M4		<i>Rupesh</i> 11/3/2022	8369231439

	नाव	विभाग	सही	फो. नं
८)	दिपक रामचंद्र मदन	इ.के.व्य (एन/प)		9920061453
९)	T. G. Yadav	उप्री अमु-१ म.प्र. नि.मं		9987528609
१०)	D. V. Mhatre	इ.के.व्य. उ.अ.व्य. म.प्र. नि. मं.सू. मुंबई-१		9423936267
११)	म. गो. इंगळे	इ.अ. उप्री अमु-३		9869803810
१२)	अशोक लु. पंडित	अ.अ. (अकव्य) एफ/ड	 11/3/22 AEGV 12/9/22	966705-194
१३)	जुझे व. खवार	कार्यकारी अधिकारी (अकव्य) एन/प.		9950260415
१४)	वैभव गोडसे	सहा. आदि (इवका) एन/प		8291206025
१५)	V. P. MATE	अ.क. M/w		9167445003
१६)	Aramti mayekar	Naib Tahasildar Tahasil Kurla (Collector office) Bandra		9702757626

Annexure-B



Photograph-1: Location of salt pan at C. S. no. 144 & 145 near Costal road at Wadala to Mahul, close to Chembur to CST freeway.



Photograph-3: A view of salt pan at C. S. no. 144 & 145 near Costal road at Wadala to Mahul, close to Chembur to CST freeway.

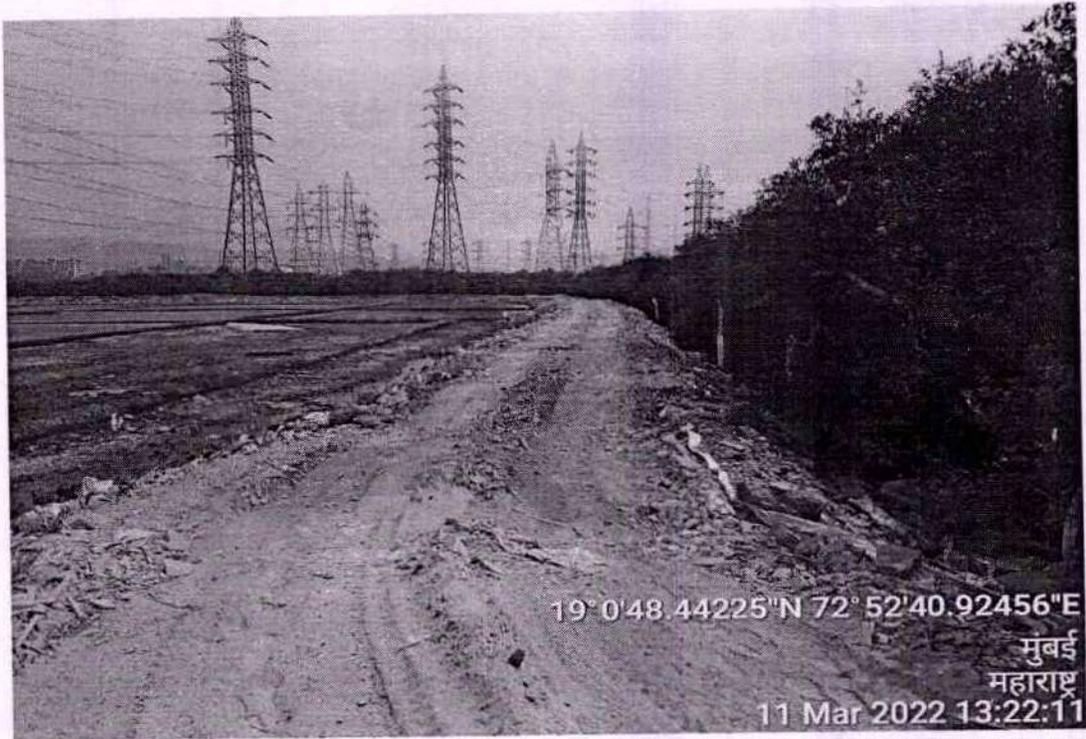


Photograph-3: Illegal encroachment of slum dwellers at C. S. no. 144 (Pvt. land) & C. S. no. 117 (Govt. land), originally a marshy land and also covered with mangroves.



Photograph-4: Unauthorized dumping of C&D waste adjacent to mangrove area along the entire periphery of the Pvt. land at C. S. no. 144 & 145, owned by Shri Garodia.

Contd./-



Photograph-5: Unauthorized dumping of C&D waste adjacent to mangrove area along the entire periphery of the Pvt. land at C. S. no. 144 & 145, owned by Shri Garodia.

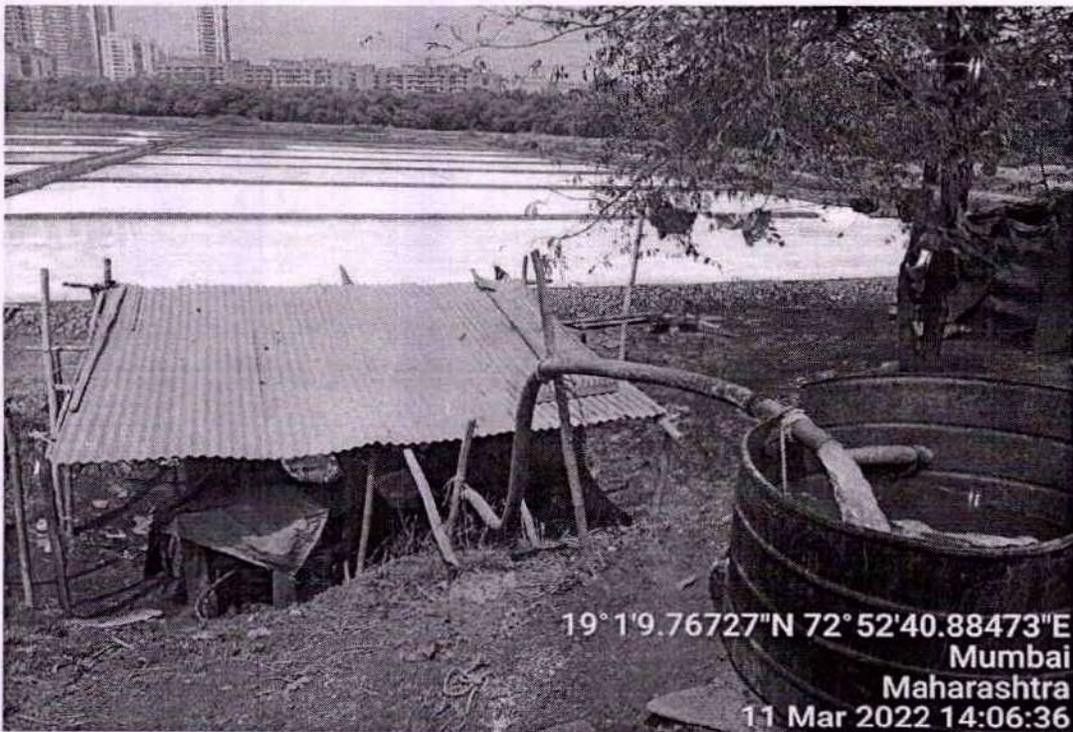


Photograph-6: A closer view of unauthorized dumping of C&D waste adjacent to mangrove area along the entire periphery of the Pvt. land at C. S. no. 144 & 145, owned by Shri Garodia.

Contd./-



Photograph-7: Conventional bandh created along the periphery of the Pvt. land at C. S. no. 144 & 145, owned by Shri Garodia, to prevent the ingress of creek water into salt pans.



Photograph-8: Bore-well(s) installed within the salt pan premises i.e. on Pvt. land at C. S. no. 144 & 145, owned by Shri Garodia to draw salt-laden ground water for harvesting the salt.

From: RO Mumbai <romumbai@mpcb.gov.in>

Sent: 27 September 2022 13:48

To: Consultant Judicial-NGT(P.B.) <judicial-ngt@gov.in>; Mukesh Verma <mvermadv@gmail.com>

Cc: Netra Chaphekar <lo@mpcb.gov.in>; Dr. V. M. Motghare <jdair@mpcb.gov.in>; AST <ast@mpcb.gov.in>; SRO Mumbai 1 <sromumbai1@mpcb.gov.in>

Subject: REPORT OF THE JOINT COMMITTEE IN COMPLIANCE OF THE ORDER DATED 15/12/2021 PASSED BY THE HON'BLE NATIONAL GREEN TRIBUNAL, PRINCIPAL BENCH, NEW DELHI IN ORIGINAL APPLICATION NO. 343/2021, MADHURA RAJESH TAWADE V/S STATE OF MAHARASHTRA ORS.

Respected Sir,

Maharashtra Pollution Control Board Office tried to E-filing REPORT OF THE JOINT COMMITTEE IN COMPLIANCE OF THE ORDER DATED 15/12/2021 PASSED BY THE HON'BLE NATIONAL GREEN TRIBUNAL, PRINCIPAL BENCH, NEW DELHI IN ORIGINAL APPLICATION NO. 343/2021, MADHURA RAJESH TAWADE V/S STATE OF MAHARASHTRA ORS. but site not working of NGT portal due to this MPCB is unable to file said Report.

Therefore submitting said Report by E-mail. Kindly accept it and take it on record.

Today we will try to e file the said Report ,if portal is working properly.

Please find attached herewith the final report of the joint committee in pdf file.

Thanks & Regards,

(Sanjay R. Bhosale)

Regional Officer, Mumbai

Maharashtra Pollution Control Board

Mumbai.



"SAVE PAPER"-THINK BEFORE YOU PRINT!

POWER BEHIND ENVIRONMENT...M.P.C.B.

REPORT OF THE JOINT COMMITTEE IN COMPLIANCE OF THE ORDER DATED 15/12/2021 PASSED BY THE HON'BLE NATIONAL GREEN TRIBUNAL, PRINCIPAL BENCH, NEW DELHI IN ORIGINAL APPLICATION NO. 343/2021, MADHURA RAJESH TAWADE V/S STATE OF MAHARASHTRA ORS.

1.0 Background

Grievance in the Original Application No. 343 of 2021 (PB), titled Madhura Rajesh Tawade v/s State of Maharashtra Ors., as per order dated 15/12/2021 of the Hon'ble NGT is about seeking remedial action against the damage to the environment in Mumbai city near coastal road at Wadala to Mahul, close to Chembur to CST freeway by adding debris on the salt pan, making island out of it and encroaching the same, affecting the mangroves which are important for Mumbai city. Also, the applicant mentioned that unauthorized structures have been constructed which are against CRZ Regulations issued under Environment (Protection) Act, 1986.

Hon'ble NGT directed vide order dated 15/12/2021 (copy of Hon'ble NGT order, dated 15/12/2021 is given at **Annexure-1**) and relevant order is reproduced as below:

"2 In view of above, we find it necessary to require a factual and action taken report from a six-member joint committee of Maharashtra Coastal Zone Management Authority (MCZMA), CPCB, MPCB, SEIAA, Maharashtra, BMC and the concerned District Magistrate. State PCB and CZMA will be the nodal agency for coordination and compliance. The joint Committee may hold its first sitting preferably within two weeks, undertake visit to the site, interact with the stakeholders and plan and execute remedial measures in accordance with law. An action taken report may be furnished within two months by email at judicialngt@gov.in preferably in the form of searchable PDF/OCR Support PDF and not in the form of Image PDF.

List for further consideration on 07.03.2022."

In compliance to the aforesaid order of the Hon'ble NGT, MPCB vide letter dated 24/02/2022 issued a committee constitution order comprising of following officials.

Maharashtra Coastal Zone Management Authority	Member
Representative from CPCB, Regional Office, Pune	Member
Member of SEIAA, Maharashtra	Member
Municipal Commissioner, MCGM or his representative	Member
District Collector, Mumbai Suburban District or his representative	Member
Regional Officer, MPCB-Mumbai	Member Convener

2.0 Approach

In order to comply with the aforesaid Hon'ble NGT Order, the Central Pollution Control Board (CPCB) vide email dated 12/01/2022 communicated the nominee details to the nodal agency i.e. MPCB and also requested to provide background information, copy of the Original Application, other relevant information for reference & deliberation in the aforesaid matter. Upon receipt of nominee details, first meeting of the joint committee was convened on 11/03/2022 at M West Ward-MCGM, Chembur, Mumbai. Copy of first minutes of the joint committee meeting dated 11/03/2022 is given at **Annexure-2**. The joint committee deliberated about alleged dumping of debris on salt pan/mangrove areas as mentioned in the Hon'ble NGT order, status of C&D waste generation and its present management practice in Mumbai City and CRZ maps of the area under reference. Also, deliberated to have an interaction with the concerned stakeholder i.e. The Slat Pan Department, Mumbai to deliberate about status & issue of dumping of C&D waste near the mangrove areas and action taken therefor for the earlier noticed violations if any; Thereafter the joint committee carried-out reconnaissance survey of the alleged areas on 11/03/2022 to delineate and to gather the preliminary information about the issue of dumping of debris in salt pans and mangrove areas. The following joint committee members were present during the inspection:

- i. Shri S. B. Sandanshiv, Under Secretary – Environment, Govt. of Maharashtra
- ii. Shri Nishchal C., Scientist 'D', CPCB, Regional Directorate, Pune
- iii. Shri Sanjay R. Bhosale, Regional Officer, MPCB-Mumbai
- iv. Shri Gajanan Bellale, Assistant Commissioner, F/N Ward, MCGM, Mumbai
- v. Shri Vishvas Mote, Assistant Commissioner, M/W Ward, MCGM, Mumbai
- vi. Ms. Avanti Mayekar, Naib Tehsildar, Thasildar Office Kurla (Mulund)
Representative of Collector Bandra, Mumbai

Shri Tanaji Yadav, Sub-Regional Officer-I, MPCB-Mumbai and Shri Rupesh Mahale, Project Officer, MCZMA accompanied the joint committee during the inspection. Also,

officials of Municipal Corporation Greater Mumbai (MCGM), were present and provided the visit coordination.

The concerned agencies viz. Office of the Dy. Salt Commissioner, MCGM & MCZMA were requested by the nodal agency i.e. MPCB during March & April, 2022 for submission of desired information for way forward & in compliance of Hon'ble NGT order dated 15/12/2021. Meanwhile, joint committee submitted the progress report to the Hon'ble NGT through the nodal agency (MPCB) on 06/05/2022, titled as "Progress report of the joint committee in compliance of the order dated 15/12/2021 passed by the Hon'ble NGT (PB), in OA. no. 343/2021, Madhura Rajesh Tawade vs State of Maharashtra Ors."

The joint committee convened its second meeting on 25/05/2022 F/N Ward Office, Matunga, Mumbai to discuss on the progress of decisions taken during previous meeting of the joint committee. Copy of second minutes of the joint committee meeting dated 25/05/2022 is given at **Annexure-3**. Thereafter, the concerned agency viz. Salt Pan Department, was requested by the nodal agency i.e. MPCB during June, July & August, 2022 for submission of desired information for way forward & in compliance of Hon'ble NGT order dated 15/12/2021. Accordingly, Office of the Dy. Salt Commissioner, Mumbai submitted the information to MPCB vide letter dated 25/08/2022 (Copy of letter of Office of the Dy. Salt Commissioner, Mumbai dated 25/08/2022 is given at **Annexure-4**).

3.0 Observations and findings

This report is outcome containing factual and action taken report of the said joint committee based on the meetings of the joint committee, information received from concerned agencies viz. Office of the Dy. Salt Commissioner and MCZMA through MPCB, followed by site inspection and subsequent discussions of the joint committee. The observations & findings of the joint committee are given as below.

- i. The alleged areas as per Hon'ble NGT order i.e. area near costal road at Wadala to Mahul, close to Chembur to CST freeway is a wide area of salt pan within the jurisdiction of F-North / M-West Ward of MCGM, Mumbai.

- ii. As per the preliminary information gathered during joint committee inspection dated 11/03/2022, prima-facie the said salt pan is a private land situated at C.S.no. 144 & 145, operated by Shri Garodia and it has spread over about 100 to 110 acres. Wherein, at C.S.no. 144, majority of the area has been encroached by slum dwellers by constructing houses made of brick masonry and cement roofing sheets. Besides the aforesaid C. S.no. 144, majority of the area has also been encroached by slum dwellers at C. S. no. 117 (reportedly land belonging to Govt. of Maharashtra).
- iii. As per the information provided by Dy. Salt Commissioner, Mumbai vide letter dated 25/08/2022, land bearing C.S. no. 144 & 145 under Hormoz Salt Works are owned by the Govt. of India. However, the aforesaid C.S. nos. are being operated by the salt manufacturers and as per the aforesaid letter dated 25/08/2022, an eviction proceeding against the salt manufacturers under provisions of Public Premises Act, 1971 is pending before the Estate Officer of Dy. Salt Commissioner's office since 2013.
- iv. It is observed that along the periphery of slat pan at C. S. no. 145, dense mangroves have been spread. However, the operator of slat pan/salt manufacturer i.e. Shri Garodia has constructed a huge bund (app. 5 feet height & 10 feet width, made of unprocessed C&D waste) between the dense mangrove area and salt pans. It was informed that C&D waste reportedly generated from South Mumbai is being dumped by the private parties upon obtaining consent of operator of salt pan. However, no documentary evidences for prior consent for dumping/utilization of C&D waste were produced to the joint committee. It was further informed to the joint committee that such bund has been constructed to prevent intrusion of creek water into salt pan from adjacent creek, without construction of such bund the intrusion of creek water may causes flooding and also significantly affects the quality of salt in the salt pans.
- v. As per the information provided by the Dy. Salt Commissioner, Mumbai vide letter dated 25/08/2022, the operator of slat pan/salt manufacturer has not obtained permission from the Dy. Salt Commissioner's Office to carry-out repair

or maintenance of the salt work outer bund. Further, it was also informed by the Dy. Salt Commissioner, Mumbai that no permission was granted to the operator of slat pan/salt manufacturer or also no such permission may not be required for regular repair or maintenance of the outer embankment of salt works.

- vi. Further, it is observed from the reply submitted by the Dy. Salt Commissioner, Mumbai vide letter dated 27/04/2022 to the Director, Vanashakti (w.r.t. the representation made by Vanashakti regarding massive dumping of debris on wetlands, mangroves and salt pans at Wadala, Mumbai) that bunds located in the alleged area of about 1 km long was damaged due to Taukte Cyclone in May, 2021. Accordingly, the operator of slat pan/salt manufacturer has carried-out repairing activities by dumping debris in order to prevent intrusion of sea into salt pans water during high tides.
- vii. Maharashtra Coastal Zone Management Authority, Department of Environment, Govt. of Maharashtra has uploaded the approved CZMP of Mumbai City and Mumbai Suburban, 2019 in their website, which is as per the Coastal Regulation Zone Notification, 2019. The approved CZMP of the area under reference is given at **Annexure-5** for kind reference and the copy of the same is available at <https://mczma.gov.in/sites/default/files/CZMP%20MH%2076.pdf>
- viii. The area under reference i.e. C.S. no. 145 was superimposed on the approved CZMP of Mumbai City and Mumbai Suburban, 2019 prepared by the MCZMA. Copy of superimposed CZMP of Mumbai City and Mumbai Suburban, 2019 is given at **Annexure-6** for kind reference. Based on the analysis and superimposition of CZMP, it is observed that the aforesaid C.S. no. 145, where salt harvesting is being done falls under CRZ-IB as per the CRZ Notification, 2019. Further, as per s. no. (xvii) of section 5.1.2: CRZ-I B - The inter tidal areas of the CRZ Notification, 2019; salt harvesting and associated facilities are being regulated or permissible in the CRZ-I B areas.
- Also, based on the analysis and superimposition of CZMP, it is observed that the existing bund (along the periphery of slat pan at C. S. no. 145) which is repaired & augmented by dumping C&D waste, falls within the 50 m mangrove

buffer zone i.e. CRZ-I A as per the CRZ Notification, 2019. Further, 5.1.1 of section 5.0 of the CRZ Notification, 2019 stipulates about regulation of permissible activities in CRZ-IA; wherein certain activities shall be permitted like laying of pipelines, transmission lines, conveyance systems or mechanisms and construction of road on stilts, etc. that are required for public utilities. However, the aforesaid section of CRZ Notification, 2019 doesn't specify about repair & augmentation of existing bunds. Whereas, only in CRZ-I B-The inter tidal areas, bunding activities are permitted. Nevertheless, carrying out repairing & augmentation works of existing bund (by dumping unprocessed C&D waste & debris), falling within 50 m mangrove buffer zone without prior permission is not justifiable and also not a permitted activity as per CRZ Notification, 2019.

- ix. As informed by the operator of slat pan/salt manufacturer, total seven bore-wells have been installed within the slat pan area for extraction of slat laden ground water and subsequent channelizing into salt pans for manufacturing/harvesting slat.
- x. Some of the photographs taken during the joint committee inspection is given at **Annexure-7** for kind ready reference.

4.0 Conclusions

The alleged area i.e. C.S. no. 144 & 145 is under M/s Hormoz Salt Works are owned by the Govt. of India. However, the aforesaid C.S. no. 145 is being operated by the salt manufacturer for harvesting of salt. Presently, an eviction proceeding against the salt manufacturers under provisions of Public Premises Act, 1971 is pending before the Estate Officer of Dy. Salt Commissioner's Office since 2013. Based on the analysis and superimposition of CZMP, it is observed that the aforesaid C.S. no. 145, where salt harvesting is being done falls under CRZ-IB as per the CRZ Notification, 2019. Further, as per s. no. (xvii) of section 5.1.2: CRZ-I B - The inter tidal areas of the CRZ Notification, 2019; salt harvesting and associated facilities are being regulated or permissible in the CRZ-I B areas.

Also, based on the analysis and superimposition of CZMP, it is observed that the existing bund (along the periphery of slat pan at C. S. no. 145) which is repaired & augmented by dumping C&D waste, falls within the 50 m mangrove buffer zone i.e. CRZ-I A as per the CRZ Notification, 2019. The activities regulated under CRZ-I A of the CRZ Notification, 2019 doesn't specify about repair & augmentation of existing bunds. Whereas, only in CRZ-I B-The inter tidal areas, bunding activities are permitted.

Damage of bunds reportedly due to Taukte Cyclone in May, 2021, the repairing activities is carried-out by the operator of slat pan/salt manufacturer by dumping C&D waste & debris in order to prevent intrusion of sea into salt pans water during high tides.

During site inspection no mangroves were observed towards landward side i.e. in salt pan area (CRZ-I B). However, dense mangroves are observed towards creek-ward side i.e. in close proximity to the existing outer bund of salt pan. Operator of slat pan/salt manufacturer has not obtained permission from the Dy. Salt Commissioner's Office to carry-out repair or maintenance of outer bund of the salt works. Nevertheless, carrying out repairing & augmentation works of existing bund (by dumping unprocessed C&D waste & debris), falling within 50 m mangrove buffer zone i.e. CRZ-I A, without prior permission is not justifiable and also not a permitted activity as per CRZ Notification, 2019.

As per the annual report on Construction and Demolition Waste Management Rules, 2016 for the state of Maharashtra (2020-2021) published by MPCB that MCGM, Mumbai generated 34,58,548 MT of C&D waste during calendar year January to December, 2020. Further, based on the aforesaid report it is observed that MCGM doesn't have designated C&D waste processing facility for handling & processing of C&D waste and the aforesaid quantity of 34,58,548 MT of C&D waste was disposed by landfilling without processing or filled in low lying area. In absence of such environmentally sound C&D waste processing facility, undue/unauthorized utilization/disposal of unprocessed C&D waste in low lying areas, CRZ areas or in any other areas cannot be ruled-out, as it is evident from the present matter; where the unprocessed C&D waste is being utilized for repairing & augmentation activities of

outer bunds of slat works/pan, which is falling within the 50 m mangrove buffer zone as per the superimposed map of the area under reference.

Whereas the C.S. no. 144 is being encroached by slum dwellers by reclaiming the land and constructing houses made of brick masonry & cement roofing sheets. Also, some temporary structures are raised in south-western side of C.S. no. 144 by the operator of slat pan/salt manufacturer by reclaiming the land with dumping C&D waste & debris. Similarly, the C.S. no. 117 belongs to Govt. of Maharashtra, is also being encroached by slum dwellers by reclaiming the land. Based on the analysis and superimposition of CZMP, it is observed that C.S. no. 144 and 117 falls under CRZ-II, where certain activities are permitted as per section 5.2 of 5.0 of the CRZ Notification, 2019, stipulates about regulation of permissible activities in CRZ. The construction of buildings for residential purposes, schools, hospitals, institutions, offices, public places, etc. shall be permitted only on the landward side of the existing road, or on the landward side of existing authorised fixed structures is permitted w.r.t. subject to the local town and country planning regulations as applicable from time to time, and the norms for the Floor Space Index (FSI) or Floor Area Ratio (FAR) prevailing as on the date of Notification.

5.0 Recommendations

(a) For violations of provisions of CRZ Notification, 2019

In view of the aforesaid violations of:

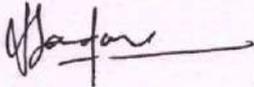
- i. Dumping C&D waste/debris for carrying out repairing & augmentation works of existing bund, falling within 50 m mangrove buffer zone i.e. CRZ-I A. The operator of salt pan/salt manufacturer under the supervision of Office of Dy. Salt Commissioner, Mumbai and F(N)/ M(W) Ward of MCGM may be directed to remove the unauthorized dumping of C&D waste and shall dispose the same in an environmentally sound manner in the nearby C&D waste processing facility at Navi Mumbai or other facility, as appropriate.

(b) Dy. Salt Commissioner, Hon'ble Collector Mumbai / Mumbai Suburban & F(N)/ M(W) Ward of MCGM may take appropriate action and also to remove illegal encroachments (construction of houses & other temporary structures) at C. S. no. 144 & C. S. no. 117, which is a CRZ-II area, so as to ensure the restoration of the aforesaid area to its original condition.

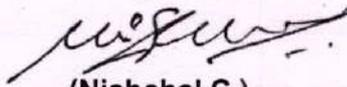
(c) MCGM may be directed to submit a time bound action plan along with budgetary estimate for selection of appropriate site as per Schedule-I of the Construction and Demolition Waste Management Rules, 2016 and also to establish adequate C&D waste processing facility for handling, processing & disposal of C&D waste as per Rule 6 of the Construction and Demolition Waste Management Rules, 2016.

Till such facility is established w.r.t. (c) as above, MCGM to issue detailed directions with regard to proper collection, management of C&D waste within its jurisdiction in accordance with the provisions of aforesaid Rules. Also, to ensure that such waste should be processed only at nearby processing facility. Further, MCGM should increase surveillance activities to abate undue/unauthorized disposal of C&D waste at sensitive areas viz. CRZ areas, river banks, etc. CSF
ward

(d) Office of the Dy. Salt Commissioner, Mumbai should ensure that no undue/unauthorized dumping of C&D wastes in the areas under their jurisdiction may not be permitted in near future, as in the present case the alleged area falls within 50 m mangrove buffer zone i.e. CRZ-I A, as per CRZ Notification, 2019. However, in case such undue/unauthorized dumping is observed/reported through public grievances etc., such instances may be immediately brought to the notice of MCGM for taking appropriate penal action against violators.



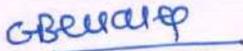
(S. B. Sandanshiv),
Under Secretary –
Environment, Govt. of
Maharashtra



(Nishchal C.),
Scientist 'D', CPCB,
Regional Directorate,
Pune



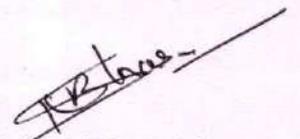
(Pankaj Joshi),
Member, SEIAA



(Gajanan Bellale),
Assistant Commissioner,
F/N Ward, MCGM, Mumbai



(Avanti Mayekar), Naib
Tehsildar, Representative
of Collector's Office –
Bandra, Mumbai



(Sanjay R. Bhosale),
Regional Officer, MPCB-
Mumbai

Item No. 04

(Court No. 1)

**BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI**

(By Video Conferencing)

Original Application No. 343/2021

Madhura Rajesh Tawde

Applicant

Versus

State of Maharashtra

Respondent

Date of hearing: 15.12.2021

**CORAM: HON'BLE MR. JUSTICE ADARSH KUMAR GOEL, CHAIRPERSON
HON'BLE MR. JUSTICE SUDHIR AGARWAL, JUDICIAL MEMBER
HON'BLE DR. NAGIN NANDA, EXPERT MEMBER**

Application is registered based on a complaint received by e-mail

ORDER

1. Grievance in this application is for remedial action against damage to the environment in Mumbai city near coastal road at Wadala to Mahul, close to Chembur to CST freeway by adding debris on the salt pan, making island out of it and encroaching the same, affecting the mangroves which are important for Mumbai city. Unauthorized structures are against CRZ Regulations issued under Environment (Protection) Act, 1986.

2. In view of above, we find it necessary to require a factual and action taken report from a six-member joint Committee of Maharashtra Coastal Zone Management Authority (MCZMA), CPCB, State PCB, SEIAA, Maharashtra, BMC and the concerned District Magistrate. State PCB and CZMA will be the nodal agency for coordination and compliance. The joint

Committee may hold its first sitting preferably within two weeks, undertake visit to the site, interact with the stakeholders and plan and execute remedial measures in accordance with law. An action taken report may be furnished within two months by email at judicial-ngt@gov.in preferably in the form of searchable PDF/OCR Support PDF and not in the form of Image PDF.

List for further consideration on 07.03.2022.

A copy of this order be forwarded to the MCZMA, CPCB, State PCB, SEIAA, Maharashtra, BMC and concerned District Magistrate by e-mail for compliance.

Adarsh Kumar Goel, CP

Sudhir Agarwal, JM

Dr. Nagin Nanda, EM

December 15, 2021
Original Application No. 343/2021
AVT

MINUTES OF THE FIRST MEETING OF JOINT COMMITTEE CONSTITUTED IN COMPLIANCE OF THE ORDER DATED 15/12/2021 PASSED BY THE HON'BLE NATIONAL GREEN TRIBUNAL, PRINCIPAL BENCH, NEW DELHI IN ORIGINAL APPLICATION NO. 343/2021, MADHURA RAJESH TAWADE V/S STATE OF MAHARASHTRA ORS.

The Hon'ble NGT in the aforesaid matter vide order dated 15/12/2021 constituted a six-member joint committee of Maharashtra Coastal Zone Management Authority (MCZMA), CPCB, MPCB, SEIAA, Maharashtra, BMC and the concerned District Magistrate. The nodal agency for coordination and compliance will be the MPCB and the MCZMA. Grievance in the application is about remedial action against the damage to the environment in Mumbai city near coastal road at Wadala to Mahul, close to Chembur to CST freeway by adding debris on the salt pan, making island out of it and encroaching the same, affecting the mangroves which are important for Mumbai city. Also, the applicant mentioned that unauthorized structures have been constructed which are against CRZ Regulations issued under Environment (Protection) Act, 1986. Copy of the said order dated 12/01/2022 of Hon'ble NGT is given at **Annexure-I**. The operative directions of the Hon'ble NGT to the aforesaid joint committee in brief are as follows;

- i. To undertake site visit and interact with the stakeholders;
- ii. To plan and execute remedial measures in accordance with law;

In compliance with aforesaid order of the Hon'ble NGT, the six-member joint committee has been constituted by MPCB comprising of following officials.

1. Maharashtra Coastal Zone Management Authority	Member
2. Representative from CPCB, Regional Office, Pune	Member
3. Member of SEIAA, Maharashtra	Member
4. Municipal Commissioner, MCGM or his representative	Member
5. District Collector, Mumbai Suburban District or his representative	Member
6. Regional Officer, MPCB, Mumbai	Member
Convener	

First meeting of the joint committee was convened on 11/03/2022 at M West Ward-MCGM, Chembur, Mumbai. List of participants present in the aforesaid joint committee meeting is given in at **Annexure – II**.

Representative from MPCB, Mumbai welcomed all the members of the joint committee and invitee participants. He briefed about the issue of unauthorised disposal of debris at near Coastal road at Wadala to Mahul, closed to Chembur to CST freeway, regarding constitution of joint committee for compliance of the order dated 15/12/2021 passed by the Hon'ble National Green Tribunal, New Delhi in

Original Application No. 343/2021 (PB) and also about the operative directions of the Hon'ble NGT to the joint committee.

Representative from CPCB, Pune deliberated about identification of exact location of alleged dumping of debris on salt pan/mangrove areas as mentioned in the Hon'ble NGT order or tracking from the public grievance database of MCGM/MPCB/MCZMA about the aforesaid alleged issues or similar issues. He mentioned about the requirement of recent CRZ maps prepared by MCZMA and mapping of mangroves prepared by Maharashtra Remote Sensing Application Centre (MRSAC) for the aforesaid alleged areas. Further, he deliberated about the C&D waste generation and its present management practice in Mumbai City. He put forward before the joint committee to have an initial reconnaissance survey of the alleged areas to delineate and to gather the preliminary information about the issue of dumping of debris in salt pans and mangrove areas.

Representative from MCZMA mentioned about availability of latest CRZ maps of Mumbai City and Suburban, which are published recently in 2021. He mentioned about need to involve the stakeholders for deliberation of issues and also compliance of Hon'ble NGT order dated 15/12/2021.

Meeting concluded with vote of thanks to the dais.

After the detailed deliberation, joint committee along with officials of MCGM visited the alleged areas near coastal road at Wadala to Mahul, close to Chembur to CST freeway. It is observed that near coastal road, adjacent to Chembur to CST freeway; wide area of salt pan exists and it is within the jurisdiction of F-North Ward of MCGM, Mumbai. The joint committee interacted with the personnel working at salt pan and gathered that the said salt pan is a private land situated at C.S.no. 144 & 145, owned by Shri Garodia and it has been spread over about 100 to 110 acres. Also, the joint committee observed that at C.S.no. 144, majority of the area has been encroached by slum dwellers by constructing houses made of brick masonry and cement roofing sheets. Besides the aforesaid C. S.no. 144, majority of the area has also been encroached by slum dwellers at C. S. no. 117 (land belonging to Govt.). The joint committee observed that along the periphery of salt pan at C. S. no. 145, dense mangroves have been spread but the owner of salt pan i.e. Shri Garodia has constructed a huge bandh (app. 5 feet height & 10 feet width, made of C&D waste) between the dense mangrove area and salt pans. He informed to the joint committee that C&D waste reportedly generated from South Mumbai is being dumped by the private parties upon obtaining his consent. He further informed to the joint committee that such bandh has been constructed to prevent intrusion of creek water into salt pan from adjacent creek, without construction of such bandh the intrusion of creek water causes flooding and also significantly affects the quality of salt in the salt pans.

As informed by the owner of slat pan, total seven bore-wells have been installed within the slat pan area for extraction of slat laden ground water and subsequent channelizing into salt pans for manufacturing of slat.

The joint committee after reconnaissance survey, interaction with the owner of salt pan and detailed deliberation, it was felt to prudent to have interaction with the stakeholder i.e. The Slat Pan Department, Mumbai to deliberate about ownership status of salt pan, status & issue of dumping of C&D waste near the mangrove areas and action taken therefor for the earlier noticed violations if any.

Decisions:

After detailed discussions, following decisions were taken by the joint committee;

- i. MCGM to submit the status of C&D waste w.r.t. ward wise daily/monthly generation quantity, present scientific management practices including mechanism for collection, handling, transportation, processing and disposal/utilisation of processed C&D waste in Mumbai City.
- ii. MCZMA to provide CRZ maps of the alleged areas located at C.S. no. 144, 145 and 117.
- iii. MPCB to coordinate with MRSAC for getting the mangrove maps of the alleged areas located at C.S. no. 144, 145 and 117.
- iv. MPCB to coordinate and request the stakeholder i.e. representative from Salt Pan Department, Mumbai to make it convent to attend the second joint committee meeting followed by site inspection for deliberation of issues.
- v. Based on the reconnaissance survey and subsequent collection, compilation & vetting of information through the concerned agencies/stakeholders and as per the applicable Notifications /Rules /Bye-laws, the joint committee may plan and execute remedial measures in accordance with Law by the way of formulating time bound action plans for restoration of the site/environment.

१) ~~श्री. सुधीर...~~
~~श्री. श्री...~~
~~श्री. श्री...~~
~~श्री. श्री...~~

२) भोजान वेल्फेयर
 सदस्यक कार्यालय
 F/W Ward

G Benaik
 11/3/2022

8424046715

३) संजय संदानशिव
 शास्त्रज्ञ-श्रेणी २ तथा
 अवर सचिव (तांत्रिक)
 पर्यावरण व वन्यपशु
 व्यवस्थापन विभाग,
 मंत्रालय

11/3/2022

9004653983

४) महेंद्र उवाडे
 स. आयुक्त
 एम पुर्व
 पुर्व ई महा-नगर (पार्ले)

4/3/2022

7506985715

५) संजय अशोक
 प्रादेशिक अधिकारी,
 म. प्र. मि. मंडळ ३९६

11/3/22

9220926241

6. Nishchal C.
 Scientist - D
 CPCB, Rd - Pune

11/03/22

9722017220

7) Rupesh Mahale,
 Project officer, M2M

11/3/2022

8369231439

	नाव	विभाग	सही	मो. नं
७)	दिपक रामचंद्र मदन	इ.के.व्य (एन/प)		9920061453
९)	T. G. Yadav	उप्रा. अ.मु. - १ म.प्र. नि. म.		998758609
१०)	D. V. Mhetre	इ.के. उ.प्र. व्य. म.प्र. नि. मं.स. पुणे-१		9423936267
११)	म. गो. इंगळे	अ.प्र. अ. मु.का. मु. - ३		9867803810
१२)	बाबिक लु. पंडित	अ.प्र. (अक.व्य) एफ.डि.		966705-194
१३)	जुखे व. सखार	कार्यालयी अधिकारी (इ.के.व्य) एन/प.		993026041
१४)	चैमव शास्त्री	म.प्र. अ.प्र. (इ.के.व्य) एन/प.		829120602
१५)	V. P. MATE	अ.प्र. म.प्र.		9167194003
१६)	Aranti mayekar	Naib Tahasildar Tahasil Kurta for (Collector office) Bandra		9202757626

MINUTES OF THE SECOND MEETING OF JOINT COMMITTEE CONSTITUTED IN COMPLIANCE OF THE ORDER DATED 15/12/2021 PASSED BY THE HON'BLE NATIONAL GREEN TRIBUNAL, PRINCIPAL BENCH, NEW DELHI IN ORIGINAL APPLICATION NO. 343/2021, MADHURA RAJESH TAWADE V/S STATE OF MAHARASHTRA ORS. Dated 25/5/2022

Second meeting of the joint committee was held on 25/05/2022 at F/N Ward Office, Matunga, Mumbai to discuss on the progress of decisions taken during previous meeting of the joint committee. List of participants present in the aforesaid joint committee meeting is given at **Annexure-I.**

Representative from MPCB, Mumbai welcomed all the members of the joint committee and invitee participants from Salt Pan Department, Mumbai. He briefed about the decisions taken during previous meeting of the joint committee.

The joint committee members deliberated about the issue of unauthorised disposal of debris at near Costal road at Wadala to Mahul, closed to Chembur to CST freeway. Also, about the status of ownership of alleged land at C. S. no. 117, 144 & 145, where unauthorized disposal of debris observed during the previous joint committee visit and unauthorised encroachment by slum dwellers. Subsequently, it was decided to collect various records/documents from Salt Pan Department about the status of ownership of alleged land at C.S. no. 117, 144 & 145 along with PR card.

Decisions:

After detailed discussions, following decisions were taken by the joint committee;

- i. MPCB to pursue with Slat Pan Department, Mumbai for submission of following:
 - a. chronology of events w.r.t. petition filed by the Slat Pan Department, Mumbai before the Hon'ble Court(s) against the occupier of salt pan and its present thereof; (including copies of orders, reply affidavits filed etc.);
 - b. copies of letter if any; addressed by the occupier of slat pan to the Salt Pan Department, Mumbai for seeking permission to dump C&D waste for the reported repair/maintenance of bandh along the periphery of slat pan;
 - c. copies of reply if any; by the Salt Pan Department, Mumbai addressed to the occupier of the salt pan for giving consent/permission to utilize/dump C&D waste at the alleged C.S. no(s).
 - d. copies of action taken if any; against the occupier of the salt pan, if no consent/permission has granted by the Salt Pan Department, Mumbai for utilization of C&D waste for augmenting the existing bandh;

- e. copies of various communication/correspondence letters from Dy. Superintendent of Salt, Wadala; Dy. Salt Commissioner, Mumbai; Superintendent of Salt addressed to various agencies for dumping of C&D waste in the aforesaid alleged areas.
 - f. copies of public grievance(s) received, and action taken report submitted in the aforesaid alleged issues of dumping of C&D waste.
 - g. copy of layout of the salt pan works at C.S. no. 117, 144 & 145;
- ii. It was requested that the Slat Pan Department, Mumbai may positively send the aforesaid compiled information to MPCB on or before 10/06/2022 for compilation of information, report preparation, deliberation of the joint committee and for compliance of the aforesaid Hon'ble NGT order. Further, it was decided that in view of non-submission of aforesaid documents by the Slat Pan Department, Mumbai, the joint committee may finalize the report and convey the status to Hon'ble NGT.

Meeting ended with vote of thanks.



भारत सरकार

GOVERNMENT OF INDIA

उपनमक आयुक्त कार्यालय

Office of the Deputy Salt Commissioner

एक्स्चेंज बिल्डींग, चौथी मंजील Exchange Building, 4th floor

सर शिवसागर रामगुलाम मार्ग Sir Shivsagar Ramgulam Marg

बेलाई ईस्टेट, मुंबई - 400001 Ballard Estate, MUMBAI - 400001

Email: dsaltcom.mum@nic.in

Phone: 022-20825206

022-20822192

BY EMAIL / SPEED POST

C. No. D-11030/1/Land/2008/II/ 4400

Date: 25/08/2022

To

✓ The Regional Officer,
Maharashtra Pollution Control Board,
Kalpataru Point, 1st Floor, Sion Crucial,
Opp. Cineplanet Cinema, Sion (East),
Mumbai - 400022.

Sub:- Damage to the environment due to destruction of mangroves by dumping debris on salt pan lands at Wadala - Hormoz salt works - Reg.

Sir,

Please refer to your letter No. MPCB/ROM/TB-1367 dated 03.06.2022 on the above subject.

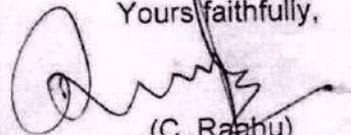
The information desired by your above referred letter is as below:-

- i) **Status of ownership of land bearing CS No. 117, 144 & 145 of Salt Pan Division, Wadala** : It is informed that lands bearing CS No. 144 & 145 under Hormoz salt works are owned by Government of India. Property cards of these CS Nos. are available online and the same can be downloaded.
- ii) **Status of Litigation or petition with regard to salt pan lands against occupier** : In case CS No. 144 & 145 of Salt Pan Division, Wadala, no litigation in any court is pending. But an eviction proceedings against the salt manufacturers under provisions of Public Premises Act 1971 is pending before the Estate Officer of this Department since year 2013.

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M putub
30/8/22

- iii) **Permission taken by salt manufacturer of Hormoz salt works for dumping of debris** : No permission has been taken by the salt manufacturer for repair or maintenance of the salt work outer bund. However, it is informed that permission is not required for regular repair or maintenance of the outer embankment of salt works.
- iv) **Copies of letters addressed to salt manufacturer by Salt Department regarding repair or maintenance of the outer embankment / bund** : No permission given and hence no letter is issued by this office in this regard.
- v) **Copies of letters addressed to salt manufacturer or other agencies by Deputy Superintendent of Salt, Wadala or Superintendent of Salt, Bhandup regarding repair or maintenance of the outer embankment / bund** : No communication or letter has been issued by Deputy Superintendent of Salt, Wadala or Superintendent of Salt, Bhandup in this regard.
- vi) **Copies of letters issued with regard to public grievances on this subject** : A complaint from shri Stalin D. was received on this subject and he was given reply vide this office letter dated 27.04.2022 (Annexure No. 1).
- vii) **A copy of layout plan of Hormoz salt works (CS No. 144 & 145)** : A copy of the layout plan is enclosed herewith at Annexure No. 2.

Yours faithfully,



(C. Raghunath)

Deputy Salt Commissioner
Mumbai

Copy for information to:-

- 1) The Superintendent of Salt, Bhandup.
- 2) The Deputy Superintendent of Salt, Wadala.



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GOVERNMENT OF INDIA
Office of the Deputy Salt Commissioner
Exchange Building, 4th floor, Sir Shivsagar Ramgulam Marg, Ballard Estate,
MUMBAI - 400 001
Phone: 22611527, 22695206, Fax: 022 22671192,
E-mail: dsaltcom.mum@nic.in

C. No. D-11030/13/Land/2008/I/

2141-43

Date: 27 / 04/2022

To
Shri Stalin D,
Director, Vanshakti,
Nandkumar Pawar House,
2nd Floor, Opp. Jagnath Darshan,
M.D. Keni Marg, Bhandup village East,
Mumbai - 400042.

Sir,

Sub: Massive dumping of debris on wetlands, mangroves and Salt Pans at Wadala regarding.

Please refer to your mail dated 03.03.2022 and 09.03.2022 on above subject.

In this connection it is to state that the outer bund of M/s Hurmoz Salt Works, Wadala is about 1 Km long which was badly damaged due to "Taukte" cyclone in May 2021 and reduced to 1-2 feet height. Since the area is tide prone, the sea water enters in the Salt Works during every high tide and manufacturing of Salt was affecting adversely which necessitated the repairing of the bund.

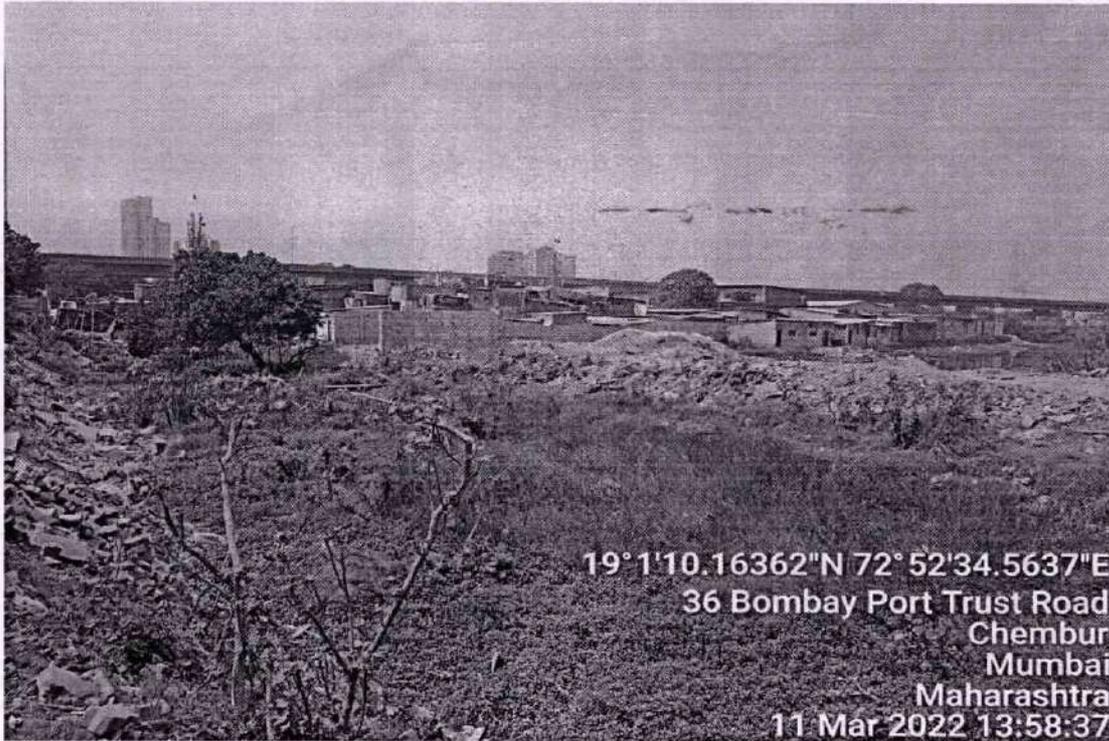
Further, the bund was repaired by the Salt Manufacturer by bringing the soil/debris from out side due to non availability of soil at the site as one side of the bund is dense mangrove and on other side the Salt Works is situated.

However at present there is no movement and dumping of debris at the site as the repairing work of outer bund of the above said Salt Works has almost completed.

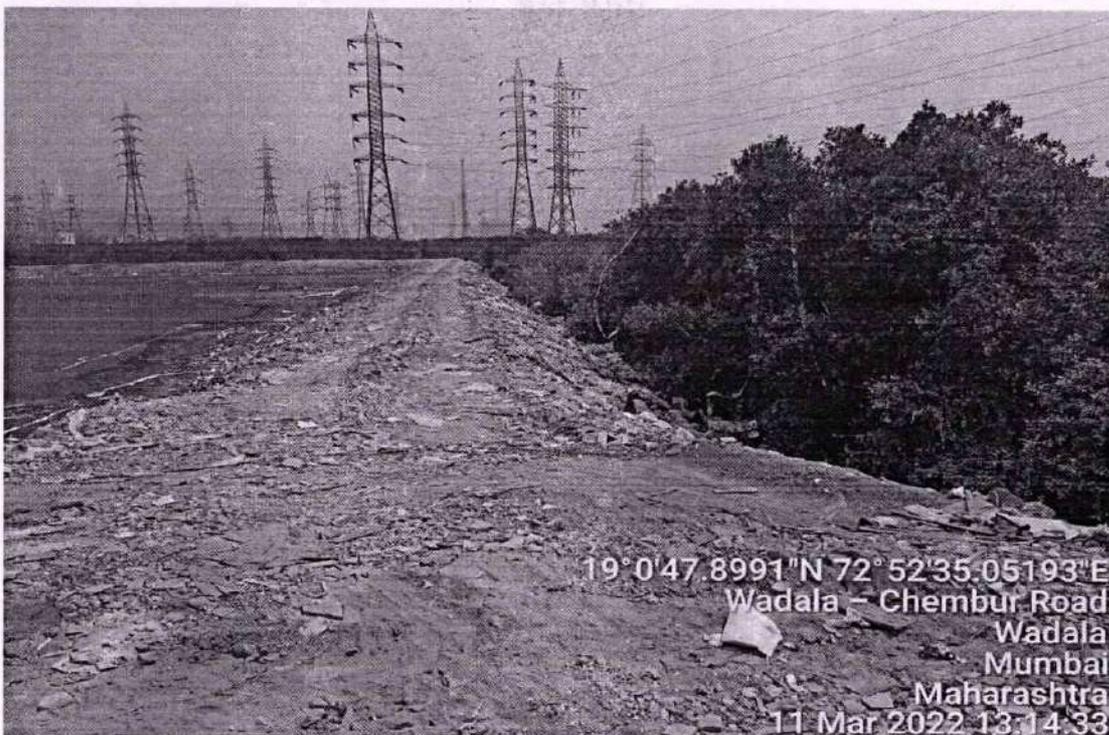
Yours faithfully

(C. Raghu)
Deputy Salt Commissioner
Mumbai

Copy to: The Superintendent of Salt, Bhandup.
The Deputy Superintendent of Salt, Wadala.



Photograph-3: Illegal encroachment of slum dwellers at C. S. no. 144 (Pvt. land) & C. S. no. 117 (Govt. land), originally a marshy land and also covered with mangroves.



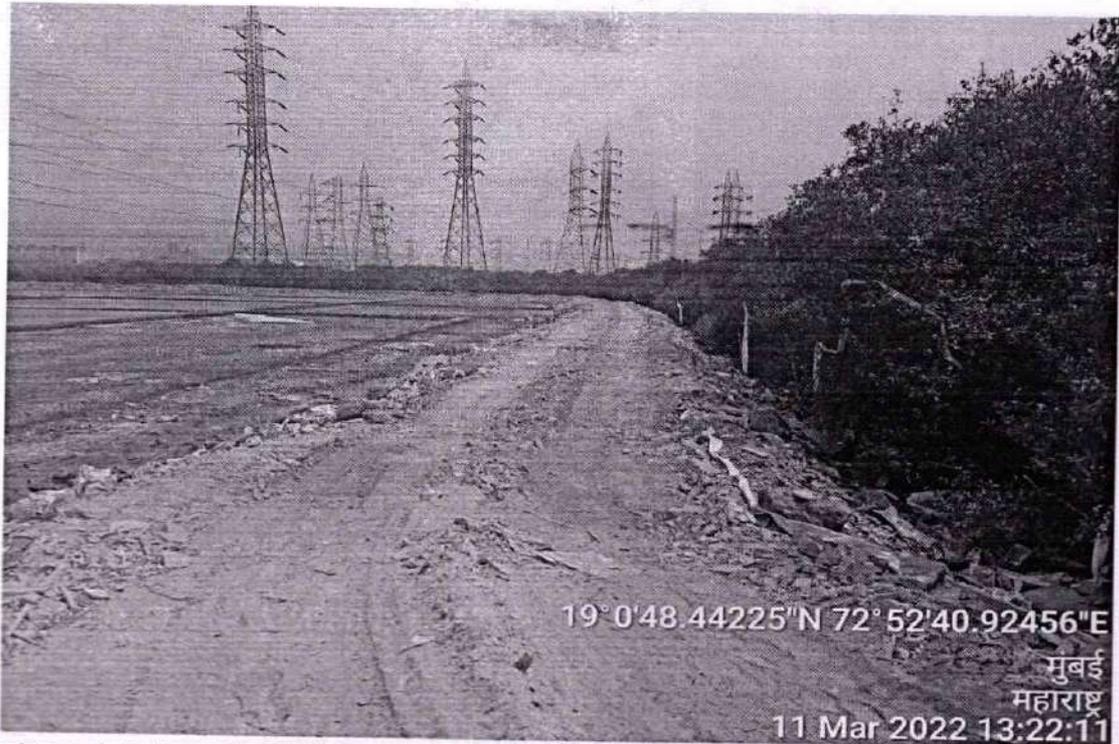
Photograph-4: Unauthorized dumping of C&D waste adjacent to mangrove area along the entire periphery of the reported Pvt. land at C. S. no. 144 & 145, operated by Shri Garodia.



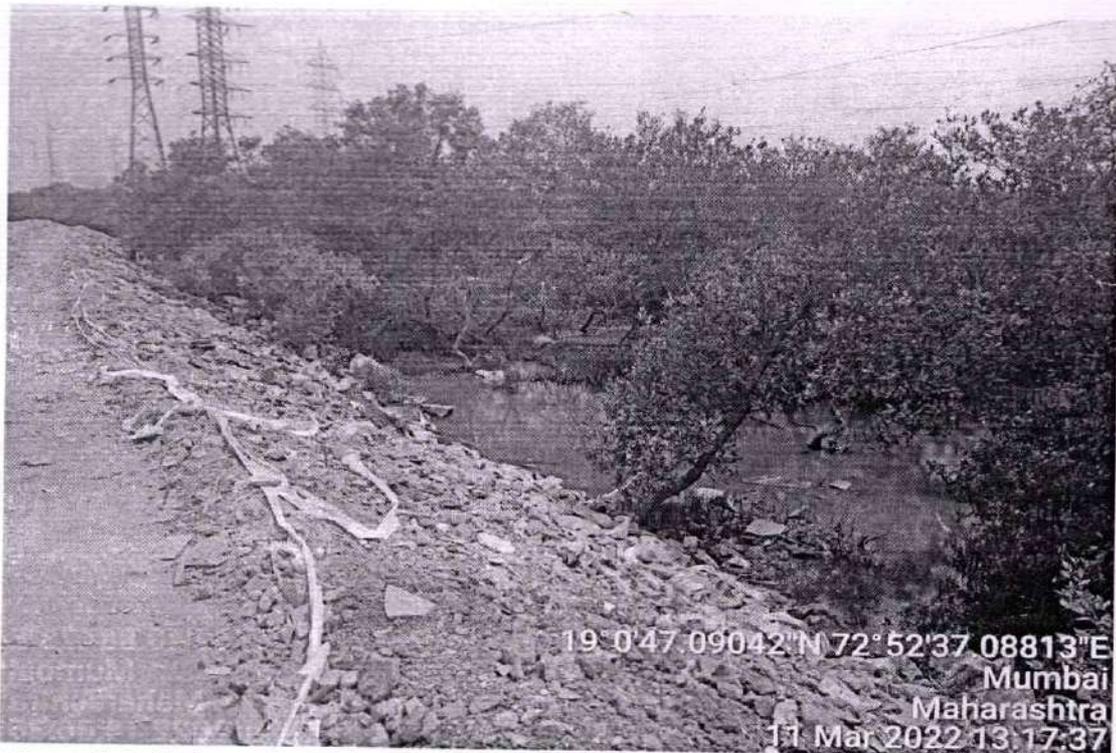
Photograph-1: Location of salt pan at C. S. no. 144 & 145 near Costal road at Wadala to Mahul, close to Chembur to CST freeway.



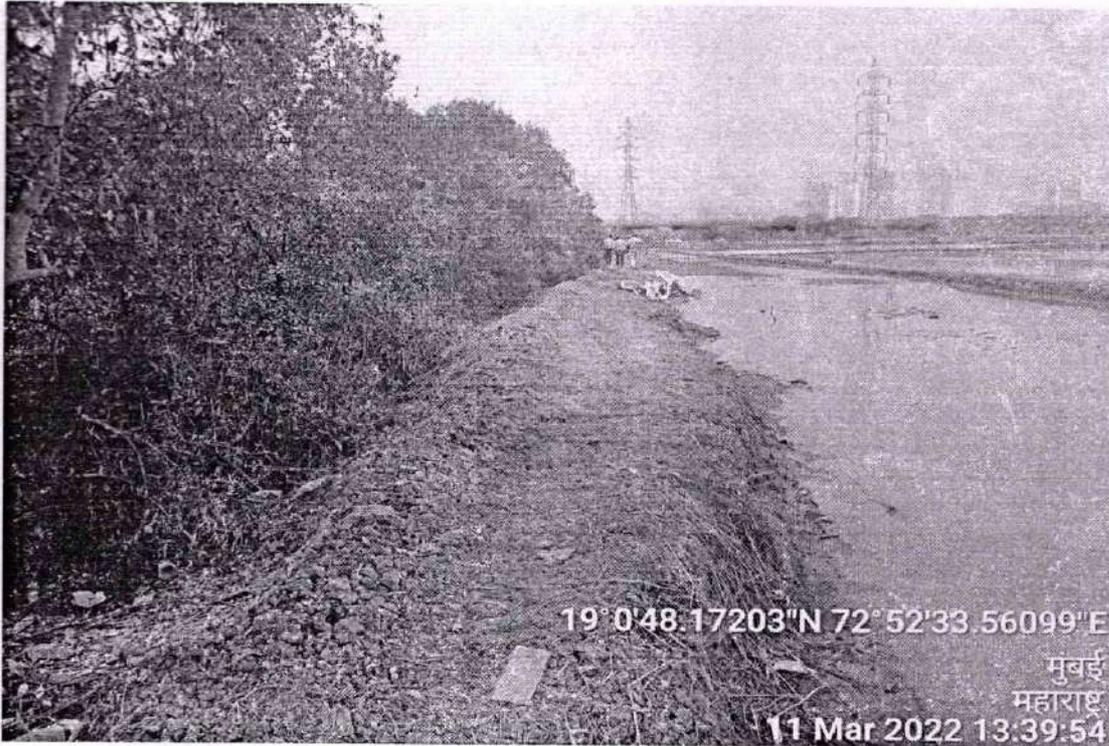
Photograph-3: A view of salt pan at C. S. no. 144 & 145 near Costal road at Wadala to Mahul, close to Chembur to CST freeway.



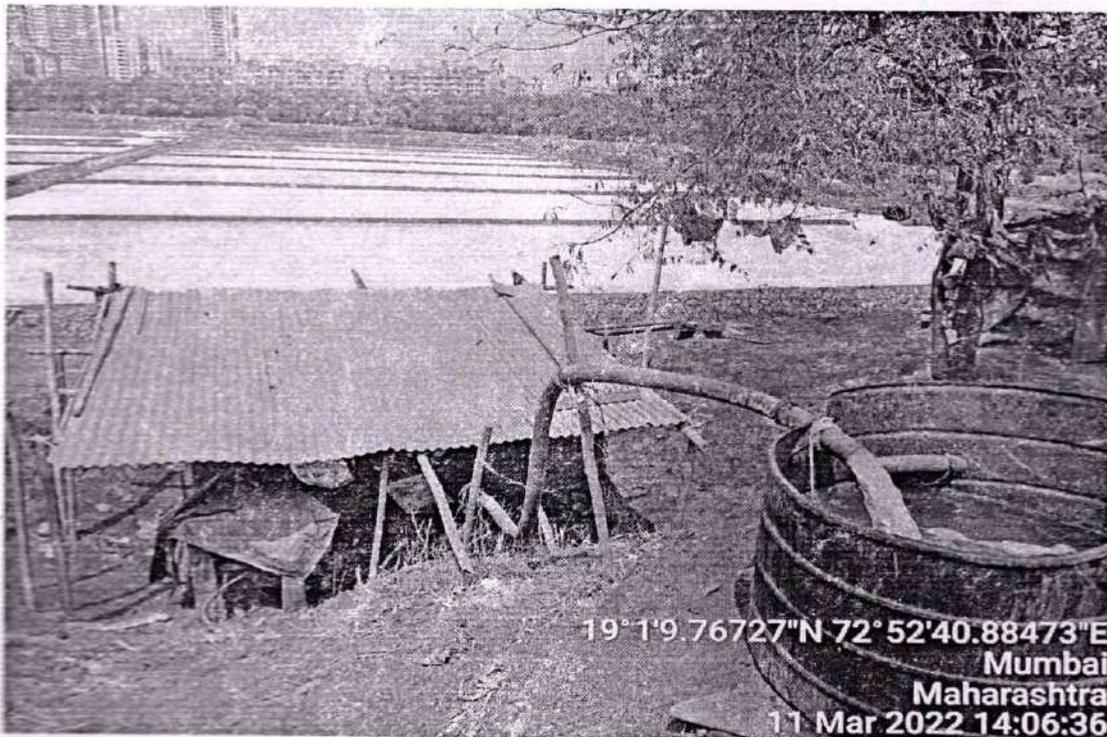
Photograph-5: Unauthorized dumping of C&D waste adjacent to mangrove area along the entire periphery of the reported Pvt. land at C. S. no. 144 & 145, operated by Shri Garodia.



Photograph-6: A closer view of unauthorized dumping of C&D waste adjacent to mangrove area along the entire periphery of the reported Pvt. land at C. S. no. 144 & 145, operated by Shri Garodia.



Photograph-7: Conventional bund created along the periphery of the reported Pvt. land at C. S. no. 144 & 145, operated by Shri Garodia, to prevent the ingress of creek water into salt pans.



Photograph-8: Bore-well(s) installed within the salt pan premises i.e. on reported Pvt. land at C. S. no. 144 & 145, operated by Shri Garodia to draw salt-laden ground water for harvesting the salt.

Item No. 07

Court No. 1

**BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI**

(By Video Conferencing)

Original Application No. 343/2021

Madhura Rajesh Tawde

Applicant

Versus

State of Maharashtra

Respondent

Date of hearing: 28.09.2022

**CORAM: HON'BLE MR. JUSTICE ADARSH KUMAR GOEL, CHAIRPERSON
HON'BLE MR. JUSTICE SUDHIR AGARWAL, JUDICIAL MEMBER
HON'BLE PROF. A. SENTHIL VEL, EXPERT MEMBER
HON'BLE DR. AFROZ AHMAD, EXPERT MEMBER**

Applicant: None

Respondent(s): Mr. Mukesh Verma, Advocate for MPCB & MCZMA

ORDER

1. Grievance in this application is for remedial action against damage to the environment in Mumbai city near coastal road at Wadala to Mahul, close to Chembur to CST freeway by adding debris on the salt pan, making island out of it and encroaching the same, affecting the mangroves which are important for Mumbai city. Unauthorized structures are against CRZ Regulations issued under Environment (Protection) Act, 1986.

2. Vide order dated 15.12.2021, the Tribunal sought a factual and action taken report from a six-member joint Committee of Maharashtra Coastal Zone Management Authority (MCZMA), CPCB, State PCB, SEIAA, Maharashtra, BMC and the concerned District Magistrate.

3. In pursuance of above, report of the joint Committee has been filed on 26.09.2022 by the State PCB with following observations, conclusion and recommendations:

“3.0 Observations and findings

This report is outcome containing factual and action taken report of the said joint committee based on the meetings of the joint committee, information received from concerned agencies viz. Office of the Dy. Salt Commissioner and MCZMA through MPCB, followed by site inspection and subsequent discussions of the joint committee. The observations & findings of the joint committee are given as below.

- i. The alleged areas as per Hon'ble NGT order i.e. area near costal road at Wadala to Mahul, close to Chembur to CST freeway is a wide area of salt pan within the jurisdiction of F-North / M-West Ward of MCGM, Mumbai.*
- ii. As per the preliminary information gathered during joint committee inspection dated 11/03/2022, prima-facie the said salt pan is a private land situated at C.S.no. 144 & 145, operated by Shri Garodia and it has spread over about 100 to 110 acres. Wherein, at C.S.no. 144, majority of the area has been encroached by slum dwellers by constructing houses made of brick masonry and cement roofing sheets. Besides the aforesaid C. S.no. 144, majority of the area has also been encroached by slum dwellers at C. S. no. 117 (reportedly land belonging to Govt. of Maharashtra).*
- iii. As per the information provided by Dy. Salt Commissioner, Mumbai vide letter dated 25/08/2022, land bearing C.S. no. 144 & 145 under Hormoz Salt Works are owned by the Govt. of India. However, the aforesaid C.S. nos. are being operated by the salt manufacturers and as per the aforesaid letter dated 25/08/2022, an eviction proceeding against the salt manufacturers under provisions of Public Premises Act, 1971 is pending before the Estate Officer of Dy. Salt Commissioner's office since 2013.*
- iv. It is observed that along the periphery of slat pan at C. S. no. 145, dense mangroves have been spread. However, the operator of slat pan/salt manufacturer i.e. Shri Garodia has constructed a huge bund (app. 5 feet height & 10 feet width, made of unprocessed C&D waste) between the dense mangrove area and salt pans. It was informed that C&D waste reportedly generated from South Mumbai is being dumped by the private parties upon obtaining consent of operator of salt pan. However, no documentary evidences for prior consent for dumping/utilization of C&D waste were*

produced to the joint committee. It was further informed to the joint committee that such bund has been constructed to prevent intrusion of creek water into salt pan from adjacent creek, without construction of such bund the intrusion of creek water may causes flooding and also significantly affects the quality of salt in the salt pans.

- v. As per the information provided by the Dy. Salt Commissioner, Mumbai vide letter dated 25/08/2022, the operator of slat pan/salt manufacturer has not obtained permission from the Dy. Salt Commissioner's Office to carry-out repair or maintenance of the salt work outer bund. Further, it was also informed by the Dy. Salt Commissioner, Mumbai that no permission was granted to the operator of slat pan/salt manufacturer or also no such permission may not be required for regular repair or maintenance of the outer embankment of salt works.*
- vi. Further, it is observed from the reply submitted by the Dy. Salt Commissioner, Mumbai vide letter dated 27/04/2022 to the Director, Vanashakti (w.r.t. the representation made by Vanashakti regarding massive dumping of debris on wetlands, mangroves and salt pans at Wadala, Mumbai) that bunds located in the alleged area of about 1 km long was damaged due to Taukte Cyclone in May, 2021. Accordingly, the operator of slat pan/salt manufacturer has carried-out repairing activities by dumping debris in order to prevent intrusion of sea into salt pans water during high tides.*
- vii. Maharashtra Coastal Zone Management Authority, Department of Environment, Govt. of Maharashtra has uploaded the approved CZMP of Mumbai City and Mumbai Suburban, 2019 in their website, which is as per the Coastal Regulation Zone Notification, 2019 The approved CZMP of the area under reference is given at **Annexure-5** for kind reference and the copy of the same is available at <https://mczma.ciov.in/sites/default/files/CZMP°/020MH%2076.01>*
- viii. The area under reference i.e. C.S. no. 145 was superimposed on the approved CZMP of Mumbai City and Mumbai Suburban, 2019 prepared by the MCZMA. Copy of superimposed CZMP of Mumbai City and Mumbai Suburban, 2019 is given at **Annexure-6** for kind reference. Based on the analysis and superimposition of CZMP, it is observed that the aforesaid C.S. no. 145, where salt harvesting is being done falls under CRZ-IB as per the CRZ Notification, 2019. Further, as per s. no. (xvii) of section 5.1.2: CRZ-I B - The inter tidal areas of the CRZ Notification, 2019; salt harvesting and associated facilities are being regulated or permissible in the CRZ-I B areas. Also, based on the analysis and superimposition of CZMP, it*

is observed that the existing bund (along the periphery of slat pan at C. S. no. 145) which is repaired & augmented by dumping C&D waste, falls within the 50 m mangrove buffer zone i.e. CRZ-I A as per the CRZ Notification, 2019. Further, 5.1.1 of section 5.0 of the CRZ Notification, 2019 stipulates about regulation of permissible activities in CRZ-IA; wherein certain activities shall be permitted like laying of pipelines, transmission lines, conveyance systems or mechanisms and construction of road on stilts, etc. that are required for public utilities. However, the aforesaid section of CRZ Notification, 2019 doesn't specify about repair & augmentation of existing bunds. Whereas, only in CRZ-I B-The inter tidal areas, bunding activities are permitted. Nevertheless, carrying out repairing & augmentation works of existing bund (by dumping unprocessed C&D waste & debris), falling within 50 m mangrove buffer zone without prior permission is not justifiable and also not a permitted activity as per CRZ Notification, 2019.

- ix. As informed by the operator of slat pan/salt manufacturer, total seven bore-wells have been installed within the slat pan area for extraction of slat laden ground water and subsequent channelizing into salt pans for manufacturing/harvesting slat.
- x. Some of the photographs taken during the joint committee inspection is given at **Annexure-7** for kind ready reference.

4.0 Conclusions

The alleged area i.e. C.S. no. 144 & 145 is under M/s Hormoz Salt Works are owned by the Govt. of India. However, the aforesaid C.S. no. 145 is being operated by the salt manufacturer for harvesting of salt. Presently, an eviction proceeding against the salt manufacturers under provisions of Public Premises Act, 1971 is pending before the Estate Officer of Dy. Salt Commissioner's Office since 2013. Based on the analysis and superimposition of CZMP, it is observed that the aforesaid C.S. no. 145, where salt harvesting is being done falls under CRZ-IB as per the CRZ Notification, 2019. Further, as per s. no. (xvii) of section 5.1.2: CRZ-I B - The inter tidal areas of the CRZ Notification, 2019; salt harvesting and associated facilities are being regulated or permissible in the CRZ-I B areas.

Also, based on the analysis and superimposition of CZMP, it is observed that the existing bund (along the periphery of slat pan at C. S. no. 145) which is repaired & augmented by dumping C&D waste, falls within the 50 m mangrove buffer zone i.e. CRZ-I A as per the CRZ Notification, 2019. The activities regulated under CRZ-I A of the CRZ Notification, 2019 doesn't specify about repair & augmentation of existing bunds. Whereas, only in CRZ-I B-The inter tidal areas, bunding activities are permitted.

Damage of bunds reportedly due to Taukte Cyclone in May, 2021, the repairing activities is carried-out by the operator of slat pan/salt manufacturer by dumping C&D waste & debris in order to prevent intrusion of sea into salt pans water during high tides.

During site inspection no mangroves were observed towards landward side i.e. in salt pan area (CRZ-I B). However, dense mangroves are observed towards creek-ward side i.e. in close proximity to the existing outer bund of salt pan. Operator of slat pan/salt manufacturer has not obtained permission from the Dy. Salt Commissioner's Office to carry-out repair or maintenance of outer bund of the salt works. Nevertheless, carrying out repairing & augmentation works of existing bund (by dumping unprocessed C&D waste & debris), falling within 50 m mangrove buffer zone i.e. CRZ-1 A, without prior permission is not justifiable and also not a permitted activity as per CRZ Notification, 2019.

As per the annual report on Construction and Demolition Waste Management Rules, 2016 for the state of Maharashtra (2020-2021) published by MPCB that MCGM, Mumbai generated 34,58,548 MT of C&D waste during calendar year January to December, 2020. Further, based on the aforesaid report it is observed that MCGM doesn't have designated C&D waste processing facility for handling & processing of C&D waste and the aforesaid quantity of 34,58,548 MT of C&D waste was disposed by landfilling without processing or filled in low lying area. In absence of such environmentally sound C&D waste processing facility, undue/unauthorized utilization/disposal of unprocessed C&D waste in low lying areas, CRZ areas or in any other areas cannot be ruled-out, as it is evident from the present matter; where the unprocessed C&D waste is being utilized for repairing & augmentation activities of outer bunds of slat works/pan, which is falling within the 50 m mangrove buffer zone as per the superimposed map of the area under reference.

Whereas the C.S. no. 144 is being encroached by slum dwellers by reclaiming the land and constructing houses made of brick masonry & cement roofing sheets. Also, some temporary structures are raised in south-western side of C.S. no. 144 by the operator of slat pan/salt manufacturer by reclaiming the land with dumping C&D waste & debris. Similarly, the C.S. no. 117 belongs to Govt. of Maharashtra, is also being encroached by slum dwellers by reclaiming the land. Based on the analysis and superimposition of CZMP, it is observed that C.S. no. 144 and 117 falls under CRZ-II, where certain activities are permitted as per section 5.2 of 5.0 of the CRZ Notification, 2019, stipulates about regulation of permissible activities in CRZ. The construction of buildings for residential purposes, schools, hospitals, institutions, offices, public places, etc. shall be permitted only on the landward side of the existing road, or on the landward side of existing authorised fixed structures is permitted w.r.t. subject to the

local town and country planning regulations as applicable from time to time, and the norms for the Floor Space Index (FSI) or Floor Area Ratio (FAR) prevailing as on the date of Notification.

5.0 Recommendations

- (a) For violations of provisions of CRZ Notification, 2019 In view of the aforesaid violations of:
- i. *Dumping C&D waste/debris for carrying out repairing & augmentation works of existing bund, falling within 50 m mangrove buffer zone i.e. CRZ-I A. The operator of salt pan/salt manufacturer under the supervision of Office of Dy. Salt Commissioner, Mumbai and F(N)/M(W) Ward of MCGM may be directed to remove the unauthorized dumping of C&D waste and shall dispose the same in an environmentally sound manner in the nearby C&D waste processing facility at Navi Mumbai or other facility, as appropriate.*
 - (b) *Dy. Salt Commissioner, Hon'ble Collector Mumbai / Mumbai Suburban & F(N)/ M(W) Ward of MCGM may take appropriate action and also to remove illegal encroachments (construction of houses & other temporary structures) at C. S. no. 144 & C. S. no. 117, which is a CRZ-II area, so as to ensure the restoration of the aforesaid area to its original condition.*
 - (c) *MCGM may be directed to submit a time bound action plan along with budgetary estimate for selection of appropriate site as per Schedule-I of the Construction and Demolition Waste Management Rules, 2016 and also to establish adequate C&D waste processing facility for handling, processing & disposal of C&D waste as per Rule 6 of the Construction and Demolition Waste Management Rules, 2016.*
 - (d) *Till such facility is established w.r.t. (c) as above, MCGM to issue detailed directions with regard to proper collection, management of C&D waste within its jurisdiction in accordance with the provisions of aforesaid Rules. Also, to ensure that such waste should be processed only at nearby processing facility. Further, MCGM should increase surveillance activities to abate undue/unauthorized disposal of C&D waste at sensitive areas viz. CRZ areas, river banks, etc. Office of the Dy. Salt Commissioner, Mumbai should ensure that no undue/unauthorized dumping of C&D wastes in the areas under their jurisdiction may not be permitted in near future, as in the present case the alleged area falls within 50 m mangrove buffer zone i.e. CRZ-I A, as per CRZ Notification, 2019. However, in case such undue/unauthorized dumping is observed/reported*

through public grievances etc., such instances may be immediately brought to the notice of MCGM for taking appropriate penal action against violators.”

4. We have heard learned Counsel for the State PCB. The report shows that there have been unchecked violations by way of encroachments, construction of bund, other illegal constructions and dumping of debris in violation of environmental norms and to the detriment of environment, particularly mangroves. However, the Committee has not indicated the violators of CRZ Notification and also not mentioned the action taken or proposed against such violators.

5. The recommendations in the report to remove unauthorized dumping of waste, removing illegal encroachments and restoration of the area have to be accepted. MCGMA has to prepare a time bound action plan with budgetary support in the matter and has to issue directions for scientific handling of waste. The Salt Commissioner, Mumbai has also to take necessary action in the matter. This needs to be overseen by the Principal Secretary, Environment, Maharashtra. NCZMA has also to oversee compliance in terms of Notification dated 11.05.2022 issued by the MoEF&CC. The NCZMA and Principal Secretary, Environment, Maharashtra may file action taken reports after coordinating with concerned authorities, particularly giving progress in encroachments removed, waste collected and sent to authorized processing plant, restoration of degraded/encroached area and plan to set up C&D processing plants and other associated actions within two months by email at judicial-ngt@gov.in preferably in the form of searchable PDF/OCR Support PDF and not in the form of Image PDF.

6. Principal Secretary, Environment Department, Maharashtra may remain present in person for interaction with the Tribunal by video conference on the next date.

List for further consideration on 02.01.2023.

A copy of this order be forwarded to CPCB, NCZMA, MPCB, Principal Secretary, Environment, Maharashtra, Commissioner, Municipal Corporation, Greater Mumbai and Collector, Bandra by e-mail for compliance.

Adarsh Kumar Goel, CP

Sudhir Agarwal, JM

Prof. A. Senthil Vel, EM

Dr. Afroz Ahmad, EM

September 28, 2022
Original Application No. 343/2021
DV

Item No. 04

Court No. 1

**BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI****(BY HYBRID MODE)**

Original Application No. 343/2021

Madhura Rajesh Tawde

Applicant

Versus

State of Maharashtra

Respondent(s)

Date of hearing: 15.03.2023

**CORAM: HON'BLE MR. JUSTICE ADARSH KUMAR GOEL, CHAIRPERSON
HON'BLE MR. JUSTICE SUDHIR AGARWAL, JUDICIAL MEMBER
HON'BLE DR. A. SENTHIL VEL, EXPERT MEMBER**

Applicant: Ms. Madhura Tawde, Applicant in Person

Respondent(s): Mr. Pravin Dasade, Principal Secretary, Environment & Climate Change & Mr. Abhey Pimpkar, Director, Environment & Climate Change with Mr. Mukesh Verma, Advocate MCZMA & MPCB

ORDER

1. Grievance in this application is for remedial action against damage to the environment in Mumbai city near coastal road at Wadala to Mahul, close to Chembur to CST freeway by adding debris on the salt pan, making island out of it and encroaching the same, affecting the mangroves which are important for Mumbai city. Unauthorized structures are against CRZ Regulations issued under Environment (Protection) Act, 1986.

2. Vide order dated 15.12.2021, the Tribunal sought a factual and action taken report from a six-member joint Committee of Maharashtra Coastal Zone Management Authority (MCZMA), CPCB, State PCB, SEIAA, Maharashtra, BMC and the concerned District Magistrate.

3. The matter was last considered on 28.09.2022 in the light of report of joint Committee dated 26.09.2022. Finding serious violations of CRZ Notification, 2019 by illegal encroachments, dumping of C&D waste and damage to the mangroves, the Tribunal directed the State Coastal Zone Management Authority to prepare a time bound action plan for remedial action to remove unauthorized dumping of waste, encroachments and restoration of mangroves. Action was also directed to be taken by Salt Commissioner, Mumbai to be overseen by Principal Secretary, Environment Department, Maharashtra and NCZMA.

4. Relevant extracts from order of the Tribunal are reproduced below:-

“

3. *In pursuance of above, report of the joint Committee has been filed on 26.09.2022 by the State PCB with following observations, conclusion and recommendations:*

“3.0 Observations and findings

This report is outcome containing factual and action taken report of the said joint committee based on the meetings of the joint committee, information received from concerned agencies viz. Office of the Dy. Salt Commissioner and MCZMA through MPCB, followed by site inspection and subsequent discussions of the joint committee. The observations & findings of the joint committee are given as below.

- i. *The alleged areas as per Hon'ble NGT order i.e. area near costal road at Wadala to Mahul, close to Chembur to CST freeway is a wide area of salt pan within the jurisdiction of F-North / M-West Ward of MCGM, Mumbai.*
- ii. *As per the preliminary information gathered during joint committee inspection dated 11/03/2022, prima-facie the said salt pan is a private land situated at C.S.no. 144 & 145, operated by Shri Garodia and it has spread over about 100 to 110 acres. Wherein, at C.S.no. 144, majority of the area has been encroached by slum dwellers by constructing houses made of brick masonry and cement roofing sheets. Besides the aforesaid C. S.no. 144, majority of the area has also been encroached by slum dwellers at C. S. no. 117 (reportedly land belonging to Govt. of Maharashtra).*
- iii. *As per the information provided by Dy. Salt Commissioner, Mumbai vide letter dated 25/08/2022, land bearing C.S. no. 144 & 145 under Hormoz Salt*

Works are owned by the Govt. of India. However, the aforesaid C.S. nos. are being operated by the salt manufacturers and as per the aforesaid letter dated 25/08/2022, an eviction proceeding against the salt manufacturers under provisions of Public Premises Act, 1971 is pending before the Estate Officer of Dy. Salt Commissioner's office since 2013.

- iv. It is observed that along the periphery of slat pan at C. S. no. 145, dense mangroves have been spread. However, the operator of slat pan/salt manufacturer i.e. Shri Garodia has constructed a huge bund (app. 5 feet height & 10 feet width, made of unprocessed C&D waste) between the dense mangrove area and salt pans. It was informed that C&D waste reportedly generated from South Mumbai is being dumped by the private parties upon obtaining consent of operator of salt pan. However, no documentary evidences for prior consent for dumping/utilization of C&D waste were produced to the joint committee. It was further informed to the joint committee that such bund has been constructed to prevent intrusion of creek water into salt pan from adjacent creek, without construction of such bund the intrusion of creek water may causes flooding and also significantly affects the quality of salt in the salt pans.*
- v. As per the information provided by the Dy. Salt Commissioner, Mumbai vide letter dated 25/08/2022, the operator of slat pan/salt manufacturer has not obtained permission from the Dy. Salt Commissioner's Office to carry-out repair or maintenance of the salt work outer bund. Further, it was also informed by the Dy. Salt Commissioner, Mumbai that no permission was granted to the operator of slat pan/salt manufacturer or also no such permission may not be required for regular repair or maintenance of the outer embankment of salt works.*
- vi. Further, it is observed from the reply submitted by the Dy. Salt Commissioner, Mumbai vide letter dated 27/04/2022 to the Director, Vanashakti (w.r.t. the representation made by Vanashakti regarding massive dumping of debris on wetlands, mangroves and salt pans at Wadala, Mumbai) that bunds located in the alleged area of about 1 km long was damaged due to Taukte Cyclone in May, 2021. Accordingly, the operator of slat pan/salt manufacturer has carried-out repairing activities by dumping debris in order to prevent intrusion of sea into salt pans water during high tides.*
- vii. Maharashtra Coastal Zone Management Authority, Department of Environment, Govt. of Maharashtra has uploaded the approved CZMP of Mumbai City and Mumbai Suburban, 2019 in their website, which is as per the Coastal Regulation Zone Notification, 2019 The*

approved CZMP of the area under reference is given at **Annexure-5** for kind reference and the copy of the same is available at <https://mczma.ciov.in/sites/default/files/CZMP%2076.01>

- viii. The area under reference i.e. C.S. no. 145 was superimposed on the approved CZMP of Mumbai City and Mumbai Suburban, 2019 prepared by the MCZMA. Copy of superimposed CZMP of Mumbai City and Mumbai Suburban, 2019 is given at **Annexure-6** for kind reference. Based on the analysis and superimposition of CZMP, it is observed that the aforesaid C.S. no. 145, where salt harvesting is being done falls under CRZ-IB as per the CRZ Notification, 2019. Further, as per s. no. (xvii) of section 5.1.2: CRZ-I B - The inter tidal areas of the CRZ Notification, 2019; salt harvesting and associated facilities are being regulated or permissible in the CRZ-I B areas. Also, based on the analysis and superimposition of CZMP, it is observed that the existing bund (along the periphery of slat pan at C. S. no. 145) which is repaired & augmented by dumping C&D waste, falls within the 50 m mangrove buffer zone i.e. CRZ-I A as per the CRZ Notification, 2019. Further, 5.1.1 of section 5.0 of the CRZ Notification, 2019 stipulates about regulation of permissible activities in CRZ-IA; wherein certain activities shall be permitted like laying of pipelines, transmission lines, conveyance systems or mechanisms and construction of road on stilts, etc. that are required for public utilities. However, the aforesaid section of CRZ Notification, 2019 doesn't specify about repair & augmentation of existing bunds. Whereas, only in CRZ-I B-The inter tidal areas, bunding activities are permitted. Nevertheless, carrying out repairing & augmentation works of existing bund (by dumping unprocessed C&D waste & debris), falling within 50 m mangrove buffer zone without prior permission is not justifiable and also not a permitted activity as per CRZ Notification, 2019.
- ix. As informed by the operator of slat pan/salt manufacturer, total seven bore-wells have been installed within the slat pan area for extraction of slat laden ground water and subsequent channelizing into salt pans for manufacturing/harvesting slat.
- x. Some of the photographs taken during the joint committee inspection is given at **Annexure-7** for kind ready reference.

4.0 Conclusions

The alleged area i.e. C.S. no. 144 & 145 is under M/s Hormoz Salt Works are owned by the Govt. of India. However, the aforesaid C.S. no. 145 is being operated by the salt

manufacturer for harvesting of salt. Presently, an eviction proceeding against the salt manufacturers under provisions of Public Premises Act, 1971 is pending before the Estate Officer of Dy. Salt Commissioner's Office since 2013. Based on the analysis and superimposition of CZMP, it is observed that the aforesaid C.S. no. 145, where salt harvesting is being done falls under CRZ-IB as per the CRZ Notification, 2019. Further, as per s. no. (xvii) of section 5.1.2: CRZ-I B - The inter tidal areas of the CRZ Notification, 2019; salt harvesting and associated facilities are being regulated or permissible in the CRZ-I B areas.

Also, based on the analysis and superimposition of CZMP, it is observed that the existing bund (along the periphery of slat pan at C. S. no. 145) which is repaired & augmented by dumping C&D waste, falls within the 50 m mangrove buffer zone i.e. CRZ-I A as per the CRZ Notification, 2019. The activities regulated under CRZ-I A of the CRZ Notification, 2019 doesn't specify about repair & augmentation of existing bunds. Whereas, only in CRZ-I B-The inter tidal areas, bunding activities are permitted.

Damage of bunds reportedly due to Taukte Cyclone in May, 2021, the repairing activities is carried-out by the operator of slat pan/salt manufacturer by dumping C&D waste & debris in order to prevent intrusion of sea into salt pans water during high tides.

During site inspection no mangroves were observed towards landward side i.e. in salt pan area (CRZ-I B). However, dense mangroves are observed towards creek-ward side i.e. in close proximity to the existing outer bund of salt pan. Operator of slat pan/salt manufacturer has not obtained permission from the Dy. Salt Commissioner's Office to carry-out repair or maintenance of outer bund of the salt works. Nevertheless, carrying out repairing & augmentation works of existing bund (by dumping unprocessed C&D waste & debris), falling within 50 m mangrove buffer zone i.e. CRZ-1 A, without prior permission is not justifiable and also not a permitted activity as per CRZ Notification, 2019.

As per the annual report on Construction and Demolition Waste Management Rules, 2016 for the state of Maharashtra (2020-2021) published by MPCB that MCGM, Mumbai generated 34,58,548 MT of C&D waste during calendar year January to December, 2020. Further, based on the aforesaid report it is observed that MCGM doesn't have designated C&D waste processing facility for handling & processing of C&D waste and the aforesaid quantity of 34,58,548 MT of C&D waste was disposed by landfilling without processing or filled in low lying area. In absence of such environmentally sound C&D waste processing facility, undue/unauthorized utilization/disposal of unprocessed C&D waste in low lying areas, CRZ areas or in any other areas cannot be ruled-out, as it is evident from the present matter; where the unprocessed C&D waste is being utilized for repairing & augmentation activities of outer bunds of slat works/pan, which is falling within the 50 m mangrove

buffer zone as per the superimposed map of the area under reference.

Whereas the C.S. no. 144 is being encroached by slum dwellers by reclaiming the land and constructing houses made of brick masonry & cement roofing sheets. Also, some temporary structures are raised in south-western side of C.S. no. 144 by the operator of slat pan/salt manufacturer by reclaiming the land with dumping C&D waste & debris. Similarly, the C.S. no. 117 belongs to Govt. of Maharashtra, is also being encroached by slum dwellers by reclaiming the land. Based on the analysis and superimposition of CZMP, it is observed that C.S. no. 144 and 117 falls under CRZ-II, where certain activities are permitted as per section 5.2 of 5.0 of the CRZ Notification, 2019, stipulates about regulation of permissible activities in CRZ. The construction of buildings for residential purposes, schools, hospitals, institutions, offices, public places, etc. shall be permitted only on the landward side of the existing road, or on the landward side of existing authorised fixed structures is permitted w.r.t. subject to the local town and country planning regulations as applicable from time to time, and the norms for the Floor Space Index (FSI) or Floor Area Ratio (FAR) prevailing as on the date of Notification.

5.0 Recommendations

- (a) *For violations of provisions of CRZ Notification, 2019 In view of the aforesaid violations of:*
- i. *Dumping C&D waste/debris for carrying out repairing & augmentation works of existing bund, falling within 50 m mangrove buffer zone i.e. CRZ-I A. The operator of salt pan/salt manufacturer under the supervision of Office of Dy. Salt Commissioner, Mumbai and F(N)/ M(W) Ward of MCGM may be directed to remove the unauthorized dumping of C&D waste and shall dispose the same in an environmentally sound manner in the nearby C&D waste processing facility at Navi Mumbai or other facility, as appropriate.*
 - (b) *Dy. Salt Commissioner, Hon'ble Collector Mumbai / Mumbai Suburban & F(N)/ M(W) Ward of MCGM may take appropriate action and also to remove illegal encroachments (construction of houses & other temporary structures) at C. S. no. 144 & C. S. no. 117, which is a CRZ-II area, so as to ensure the restoration of the aforesaid area to its original condition.*
 - (c) *MCGM may be directed to submit a time bound action plan along with budgetary estimate for selection of appropriate site as per Schedule-I of the Construction and Demolition Waste Management Rules, 2016 and also to establish adequate C&D waste processing facility for handling, processing & disposal of C&D waste as per Rule 6 of the Construction and Demolition Waste Management Rules, 2016.*

(d) *Till such facility is established w.r.t. (c) as above, MCGM to issue detailed directions with regard to proper collection, management of C&D waste within its jurisdiction in accordance with the provisions of aforesaid Rules. Also, to ensure that such waste should be processed only at nearby processing facility. Further, MCGM should increase surveillance activities to abate undue/unauthorized disposal of C&D waste at sensitive areas viz. CRZ areas, river banks, etc. Office of the Dy. Salt Commissioner, Mumbai should ensure that no undue/unauthorized dumping of C&D wastes in the areas under their jurisdiction may not be permitted in near future, as in the present case the alleged area falls within 50 m mangrove buffer zone i.e. CRZ-I A, as per CRZ Notification, 2019. However, in case such undue/unauthorized dumping is observed/reported through public grievances etc., such instances may be immediately brought to the notice of MCGM for taking appropriate penal action against violators.”*

4. *We have heard learned Counsel for the State PCB. The report shows that there have been unchecked violations by way of encroachments, construction of bund, other illegal constructions and dumping of debris in violation of environmental norms and to the detriment of environment, particularly mangroves. However, the Committee has not indicated the violators of CRZ Notification and also not mentioned the action taken or proposed against such violators.*

5. *The recommendations in the report to remove unauthorized dumping of waste, removing illegal encroachments and restoration of the area have to be accepted. MCGMA has to prepare a time bound action plan with budgetary support in the matter and has to issue directions for scientific handling of waste. The Salt Commissioner, Mumbai has also to take necessary action in the matter. This needs to be overseen by the Principal Secretary, Environment, Maharashtra. NCZMA has also to oversee compliance in terms of Notification dated 11.05.2022 issued by the MoEF&CC. The NCZMA and Principal Secretary, Environment, Maharashtra may file action taken reports after coordinating with concerned authorities, particularly giving progress in encroachments removed, waste collected and sent to authorized processing plant, restoration of degraded/encroached area and plan to set up C&D processing plants and other associated actions within two months by email at judicial-ngt@gov.in preferably in the form of searchable PDF/OCR Support PDF and not in the form of Image PDF.”*

5. In pursuance of above, status report has been filed by the joint Committee on 13.02.2023 giving status of action as follows:-

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Sr No	Organization	Directions issued	Status of Action
1	MCGM	a) MCGM to immediately take	The MCGM vide letter dated 29.12.2022 submitted its reply which states that:

		<p>necessary action of removal of encroachments/ illegal constructions on subject land, for which, ward offices of F/ N and M/ W should act in coordination along with office of Salt Commissioner.</p> <p>b) MCGM to formulate action plan along with budgetary allocation for immediate collection of C&D waste from the subject land. MCGM should sent C&D waste from the subject land to Navi Mumbai C&D waste processing facility or any other nearby facility, until the C&D waste processing facility is set up by the MCGM for Mumbai City and necessary charges for waste processing shall be borne by MCGM as per order of Hon'ble NGT. Action plan should also include the time line for setting up of C&D waste facility within MCGM area.</p> <p>c) Action taken report be submitted to the Department at the earliest.</p>	<p>t) The said plots ownership is with Salt Commissioner. The said plot given to M/s Harmor Salt Works on lease / rental basis. Hence the protection of land is the responsibility of owner/ occupier / tenant of the land, by deploying security guard or by constructing protection wall along the periphery of the land</p> <p>MCGM may help to remove or to process the C & D waste materials from the said location if the fund and land were made available by owner of the land</p> <p>y) Also as the ownership of land pertains to salt commissioner, MCGM is not authorized to remove the structure from the land of salt Commissioner. In view of above, MCGM may help to remove the authorized structure if salt commissioner takes leadership for removing the same.</p> <p>MCGM has submitted also an additional reply in the matter. Pertaining to removal / processing of C&D waste, the reply of MCGM states as follows:</p> <p>The recommendation of the Committee for the removal of unauthorized C& waste dumped at the Salt pan plot is as following.</p> <p>“Dumping C&D waste/debris for carrying out repairing & augmentation works of existing bund, falling within 50 m mangrove buffer zone i.e. CRZ – IA. The operator of salt pan / salt manufacturer under the supervision of officer of Dy. Salt Commissioner, Mumbai and F(N)/M(W) ward of BMC may be directed to remove the unauthorized dumping of C&D waste and shall dispose the same in an environmentally sound manner in the nearby C&D waste processing facility at Navi Mumbai or other facility, as appropriate”.</p> <p>However its seems that above mentioned recommendation may not have been considered, as intended by committee as, the C&D waste material dump at the salt pan plot is to be removed by operator of salt pan/ salt manufacturer under the supervision of office of Dy. Salt Commissioner, Mumbai and F(N)/M(W) ward of BMC. Therefore the necessary arrangement required for removal of C&D material has to be done by the operator of salt pan / salt manufacturer only. BMC is ready for any supervision / coordination required for the same as recommended by the committee.</p> <p>Furthermore it is to be informed that currently there are two nos of C&D waste processing Plants operational in and in the vicinity of Mumbai vis</p>
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2	District Collector, Mumbai City and Suburban	Office of District Collectors to hereby directed to take immediate action of removal of encroachments / authorized structures on Survey No. 117 which belongs to State of	<p>REPLY OF OFFICE OF DISTRICT COLLECTOR, CITY:</p> <p><i>The Office of Deputy Collector (Encroachment), old custom House, Fort, Mumbai vide letter dated 6.2.2023 submitted the status of action taken. The said report states as follows:</i></p>

		<p>Maharashtra on or before 10th November, 2022.</p> <p>Action taken report be submitted to the Department at the earliest.</p>	<ul style="list-style-type: none"> Plan for removal of encroachment on subject Govt land bearing CS No. 117 (pt) was staged on 10.1.2023 by the office of Deputy Collector (Encroachment). Accordingly, on 10.1.2023, 55 number of illegal constructions were removed by the office of Deputy Collector (Encroachment) with the joint help of F/ North ward of MCGM and local police station. Photographs of the said land are attached with the report. Display board is put on site warning for action against the illegal constructions on the land. Moreover, 3 pakka and 3 kaccha illegal constructions which could not be removed on 10.1.2023, were removed on 6.2.2023. Photographs of the same are attached with the report. On CS No. 117(pt), Annexure has been issued on 8.7.2010 pertaining to Slum Rehabilitation Scheme of Aman Sagar Sahakari Housing Society. On North side of CS No. 117(pt), at Shantinagar, there is construction of SamajMandir built using the fund from Local MLA shri Captain Tamil Selvan. Regarding confirmation about the said construction, office of Superintendent, Land Records and District Planning Officer, Mumbai has been asked. <p>Copy of reply of Salt Department is attached as Annexure IV</p> <p>DELIBERATIONS:</p> <p>Principal Secretary, Env&CC Department noted the action taken by the Office of District Collector, Mumbai city. He instructed that adequate measures need to be taken by the office of District Collector to protect the Govt land from encroachments in future.</p>
3	Office of Salt Commissioner	<p>a) Salt Commissioner should extend support and act in coordination with MCGM and District Collector, Mumbai City to immediately take necessary action of removal of encroachments/ illegal constructions on subject land</p> <p>b) Salt Commissioner should not allow the salt pan operators / salt manufactures to allow the collection / dumping of the C&D waste on salt pan land. Deputy Salt Commissioner should issue</p>	<p>REPLY OF OFFICE OF SALT DEPT:</p> <p>Office of Deputy Salt Commissioner submitted its reply on 23.12.2022 in the matter. The said reply states that:</p> <p>The office has issued letter No. S-11011(30) Salt/84/5430-36 dated 29.10.2022 (Annexure No.1) to the salt manufactures of Hormoz salt works under CS No., 144 & 145 of Salt Pan Division, Wadala. To the said letter, a reply dated 18.11.2022 (Annexure No.2) has been given by the salt manufacturers of the salt works. The salt manufacturers have visited this office on 21.12.2022 and have assured that no such further attempt of dumping in salt pan lands will be undertaken by them. They have further informed that the land mafias in the area are dumping C & D waste materials during night hours in salt pan lands with motive to grab / encroach upon land and it is becoming very difficult to prevent such isolated attempts by these land mafias. Despite shortage of manpower, the Salt Department is making all efforts to prevent encroachments in salt pan lands.</p>

		<p>notices to salt salt pan operators / salt manufactures for the same.</p> <p>c) Action taken report be submitted to the Department at the earliest.</p>	<p>It is further informed that the land under CS No. 117 of Wadala Salt Pan Division is owned by Government of Maharashtra and encroachments are mainly located on this lands. The encroachments are spilling over to Salt Department land under Hormoz salt works bearing CS No. 144 & 145 which is adjacent to land bearing CS No. 117. We are not aware of any initiative / action taken either by the Municipal Corporation of Greater Mumbai OR the District Collector Mumbai as per the order dated 28.09.2022 of the Hon'ble NGT.</p> <p>Copy of reply of office of Deputy Collector, Mumbai city t is attached as Annexure V</p> <p>DELIBERATIONS:</p> <p>Principal Secretary, Env&CC Department noted the reply and instructed Salt Department to provide all necessary assistant to MCGM and District Collector office in order to comply with directions of the Hon'ble NGT. He pointed out that as per Hon'ble NGT order, "The Salt Commissioner, Mumbai has also to take necessary action in the matter"</p> <p>Therefore, it is mandatory for the office of the Salt Commissioner Salt Commissioner should extend support and act in coordination with MCGM and District Collector, Mumbai City to comply with the order of Hon'ble NGT. Further, Salt Department need to come with practical measures to prevent encroachment and dumping on the land in future.</p>
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6. From the above, it is seen that even after expiry of more than five months, action taken is not adequate. C&D waste has not been removed and illegal encroachments still remain. There appears to be lack of inter-departmental coordination and failure at higher level to remedy the situation by adopting stringent approach. In this process, damage to the coast and environment continued. Such sorry state of affairs needs to be handled with iron hand and rigorously monitored on continuous basis at higher level, making the officers accountable for their inaction/negligence.

7. The ACS, Environment present in person by video conferencing has now assured the Tribunal that within three months the remedial measures will be completed which will include removing all encroachments, lifting of C&D waste for its appropriate processing and revival of damaged mangrove

plantation. Let the same be done and compliance report filed on or before June 30, 2023 with the Registrar General, NGT by e-mail at judicial-ngt@gov.in preferably in the form of searchable PDF/OCR Support PDF and not in the form of Image PDF. If any further direction is found necessary, he may place the matter before the Bench.

Subject to above, the Application is disposed of.

A copy of this order be forwarded to Chief Secretary, Maharashtra, Salt Commissioner, Mumbai, MCZMA and NCZMA by email for compliance.

Adarsh Kumar Goel, CP

Sudhir Agarwal, JM

Dr. A. Senthil Vel, EM

March 15, 2023
Original Application No. 343/2021
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