

REPORT OF JOINT COMMITTEE CONSTITUTED IN COMPLIANCE OF ORDER OF HON'BLE NATIONAL GREEN TRIBUNAL, PRINCIPAL BENCH, NEW DELHI DATED 5/7/2024.

(Hon'ble NGT order Principal bench New Delhi dated 05/07/2024 in OA No. 560/2024 filed by Sudhir Pawar before Hon'ble National Green Tribunal)

1.0 INTRODUCTION

Based on the complaint dated 6.10.2023 by Mr. Sudhir Pawar, the Hon'ble NGT has passed an order dated 5.7.2024, which pertains to alleged illegal construction of nalla in CRZ- II area in Sector 14, Airoli, Navi Mumbai, Dist. Thane by the Navi Mumbai Municipal Corporation. The Hon'ble NGT has passed an order which is as follows:

“In view of the above discussion, a substantial question relating to environment has arisen out of implementation of enactments under scheduled-I of NGT Act, 2010. In the circumstances we implead following as respondents:

- (1) *State of Maharashtra, through Secretary, Government of Maharashtra, CS Office Main Building, Mantralaya, 6th Floor, Madame Cama Road, Mumbai-400032*
- (2) *Principal Secretary Urban Development Department (1), Mantralaya, Fourth Floor, Mumbai-400021Ph:*
- (3) *Maharashtra State Pollution Control Board through Member Secretary, Kalpataru Point, 3rd and 4th floor, Opp. PVR Cinema, Sion Circle, Mumbai-400 022.*
- (4) *State Coastal Zone Management Authority through its Member Secretary Director, Environment Department, 15th Floor, New Administrative Building, Opp. Mantralaya, Mumbai 32. and*
- (5) *District Collector, First Floor, Collector Office, Court Nakan, Thane West 400601.*

Maharashtra State Pollution Control Board shall be the nodal agency for coordination and compliance.

The said committee shall visit site, collect relevant information after site visit and perusal of relevant record and submit a factual report within one month.

Since the matter relates to State of Maharashtra, it comes under the jurisdiction of Western Zone Bench, Pune of this Tribunal. The report by the joint committee shall be submitted to Registrar, Pune Bench and the Registry is also directed to transmit records of this original application to Western Zone Bench, Pune of this Tribunal.”

2.0 SITE VISIT

Following the above said Hon'ble NGT order, the Joint Committee comprising officials from Collector Office, Thane, representative of Regional Office, MoEF & CC, Nagpur, Expert Members of MCZMA, as representative of Environment & Climate Change Department/MCZMA, representative of MPCB and officials from Navi Mumbai Municipal Corporation (NMMC) visited the subject site of nalla at Sector- 14, Airoli, Navi Mumbai on 13th August, 2024 at around 11:00 am. List of officials present is enclosed herewith as **'Annexure- I'**.

After site visit and interactions with the officials from the Navi Mumbai Municipal Corporation (NMMC), Expert Members of MCZMA, and MoEF & CC officials, following are observed:

- 1) The Navi Mumbai Municipal Corporation is the planning Authority at the subject site Sector 14. Airoli, Dist. Thane.
- 2) The site of storm water drain is situated at Sector 14. Airoli, Dist. Thane which is located between 2 roads i.e. Ayappa Mandir Marg & Waterfront road, near Airoli Fire Station. (Latitude 19.151159 and Longitude 72.98881)

- 3) The area along the storm water drain is open land with terrestrial trees & grass. Length of the storm water drain is around 140 meter.
- 4) There are no mangroves at the site. Mangroves vegetation is seen beyond the 30 meter wide road. Hence, there is no question of harm to mangroves.
- 5) NMMC officials during the visit informed that earlier, the storm water drain was open with 'V' shaped stoned banks. With administrative approval, NMMC has covered the drain with slab and beautified it with paver blocks.
- 6) It was observed that, as per the approved Coastal Zone Management Plan under CRZ Notification, 2019, out of total length of around 140 meter, around 30 m storm water drain is situated in CRZ area. Rest of the stretch of drain is situated outside CRZ area. NMMC was required to obtain the CRZ approval for storm water drain works for the stretch in CRZ area. In response, NMMC officials submitted that the storm water drain is not newly laid/constructed. NMMC only covered the drain with slab and done beautification with paver blocks, without changing dimensions of the drain. NMMC officials further informed that footprint of the drain is kept as it is without disturbing the natural flow of the drain. During the visit, NMMC was requested to submit the earlier drawings/maps of the storm water drains. NMMC officials agreed to submit the same. **Site photographs enclosed herewith as 'Annexure- II'**

3.0 DISCUSSION AND CONCLUSION

During discussions with officials of Navi Mumbai Municipal Corporation present during the inspection, it is understood the same complainant/applicant Mr. Sudhir Pawar, vide his letter/complaint dated 06.10.2023 written to Hon'ble NGT about the same issue alleging that Navi Mumbai Municipal Corporation (NMMC) had permitted illegal construction activity in CRZ-II area in Sector 14, Airoli, District Thane, pursuant to which the contractor of NMMC had put a slab on open Nalla under the garb of beautification and the said activity is harmful to mangroves, fishes, frogs and other aquatic/marine life.

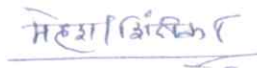
Based on the said complaint, a report was called for from Member Secretary, MCZMA, which has been submitted to Hon'ble NGT. Then same is enclosed herewith as 'Annexure- III'

Based on such a report submitted by MCZMA, the Hon'ble National Green Tribunal, Western Zone Bench, Pune has passed an order dated 25/04/2024 in Original Application No. 167 of 2023 (WZ) and disposed of the said O.A. The order of Hon'ble NGT is enclosed as 'Annexure- IV'.

Hon'ble NGT did not find any substance in that O.A. i.e. 167 of 2023 and while disposing this O.A. observed that whatever construction work has been done on the site was not a new construction and that for the purpose of beautification, slab was put on the drain and at the time of inspection, the complainant/applicant was present on the spot.



Surender Gugloth
Scientist 'E'
Regional Office
MoEFCC, Nagpur



Mahesh Shindikar
Expert Member
MCZMA



Maruti D. Kudale
Expert Member
MCZMA



Satish Padwal
Regional Officer
MPCB, Navi Mumbai



Urmila Patil
Sub- Divisional Officer
District Collector Office
Thane

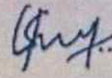
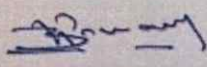
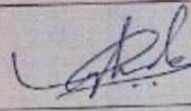
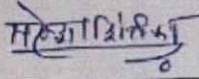
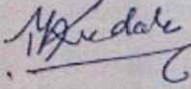
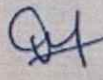
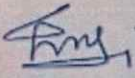


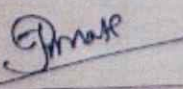
Annexure 19 I

Site Visit of Joint Committee Constituted in compliance of Order of Hon'ble National Green Tribunal, Principal Bench, New Delhi dated 5/7/2024.

(Hon'ble NGT order Principal bench New Delhi dated 5/7/2024 in OA No. 560/2024 filed by
Sudhir Pawar before Hon'ble National Green Tribunal)

Dated 13th August, 2024 @ 11:00 am
Place Sector-14, Airoli, Navi Mumbai

List of Officials present for site visit

Sr. No.	Name of Officials	Signature	Contact Details
1.	Susender Guglotk (R.O. MOEF&C), Nhypr		9010041117
2)	S.H.P. Jadhav		9422086243
3)	Madan G. Waghchaude (NMMC)		9819720303
4)	MAHESH SHINDIKAR (MCZMA)		9422518291
5)	Maruti D. Kudale (MCZMA)		9890989925
6)	Sachin Askar SRO, MPLB		9156674711
7)	Gajanan J. Phesi (D.E) NMMC.		9867726683
8)	Jayant G. Kamble (D.E) NMMC. Town Planning		9930444260.
9)	Santosh K. Shikode (D.E) NMMC		9323945521
10)	Jatdeep Mate J.E. NMMC		9892479992



GPS Map Camera



Google

Navi Mumbai, Maharashtra, India
G-7, Shri Ayappa Mandir Marg, Panchatara Co Housing Society, Sector 13, Airoli, Navi
Mumbai, Maharashtra 400708, India
Lat 19.151398°
Long 72.989538°
13/08/24 03:04 PM GMT +05:30



Shot on OnePlus
Powered by Quad Camera

8/13/24
11:56 AM



Shot on OnePlus
Powered by Quad Camera

8/13/24
11:58 AM



Shot on OnePlus
Powered by Quad Camera

8/13/24
11:58 AM

सदर ठीकाणी नाल्यावर संरक्षण राखणे प्रस्तावित आहे.

वृ४३

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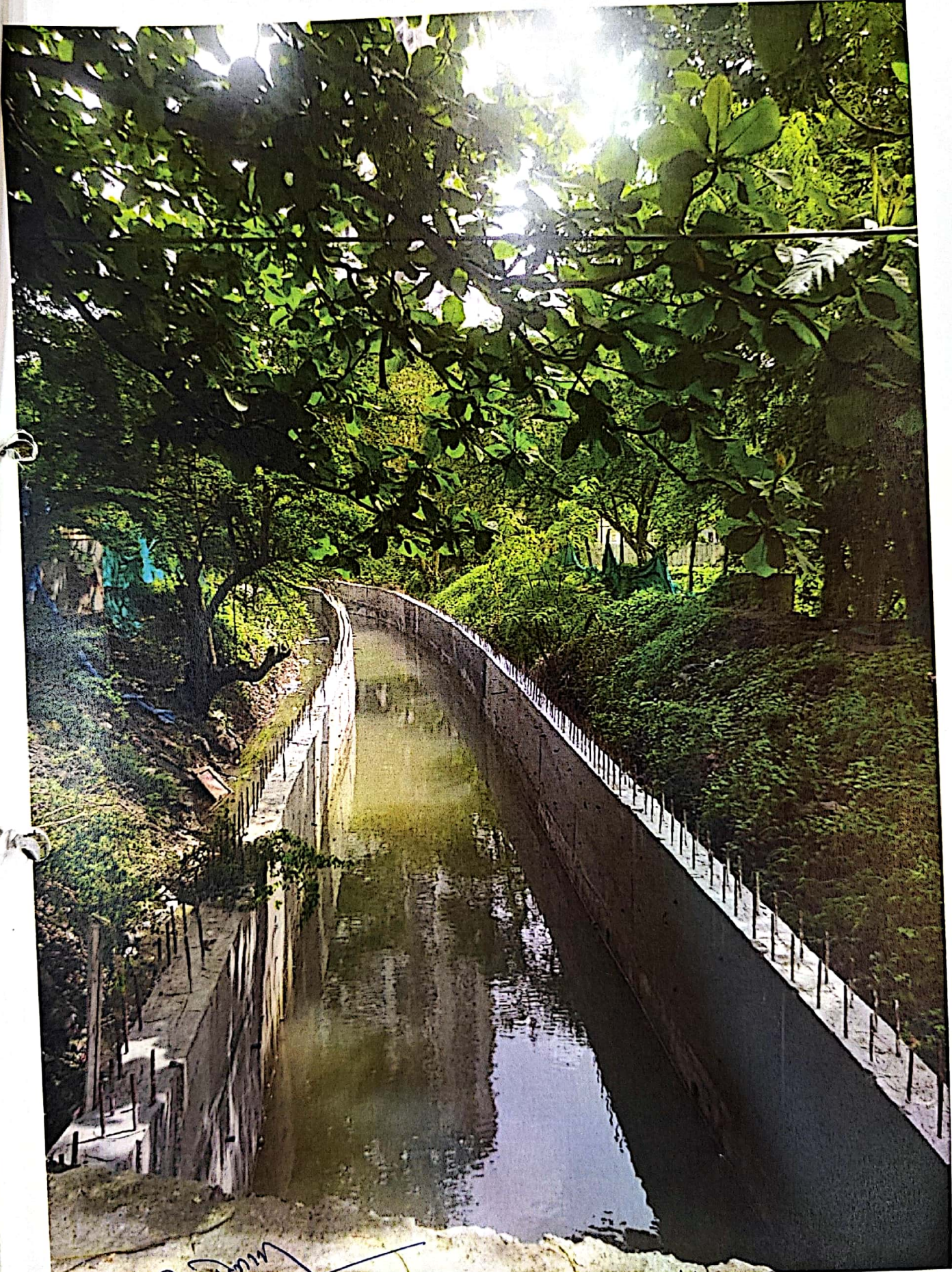
[Signature]
 Junior Engineer
 Navi Mumbai Municipal Corporation

[Signature]
 Deputy Engineer
 Navi Mumbai Municipal Corporation



(Signature)
Junior Engineer
Navi Mumbai Municipal Corporation

(Signature)
Deputy Engineer
Navi Mumbai Municipal Corporation



[Signature]
Junior Engineer
Navi Mumbai Municipal Corporation

[Signature]
Deputy Engineer
Navi Mumbai Municipal Corporation

9/49
c/23



(Signature)
Junior Engineer
Navi Mumbai Municipal Corporation

(Signature)
Deputy Engineer
Navi Mumbai Municipal Corporation



SECTOR 13
सेक्टर 13

Gurudwara, 5X2045FJ, Pooja Housing Society, Sector 13, Airoli, Navi Mumbai, Maharashtra 400708, India

Navi Mumbai
Maharashtra
India

28°C
82°F

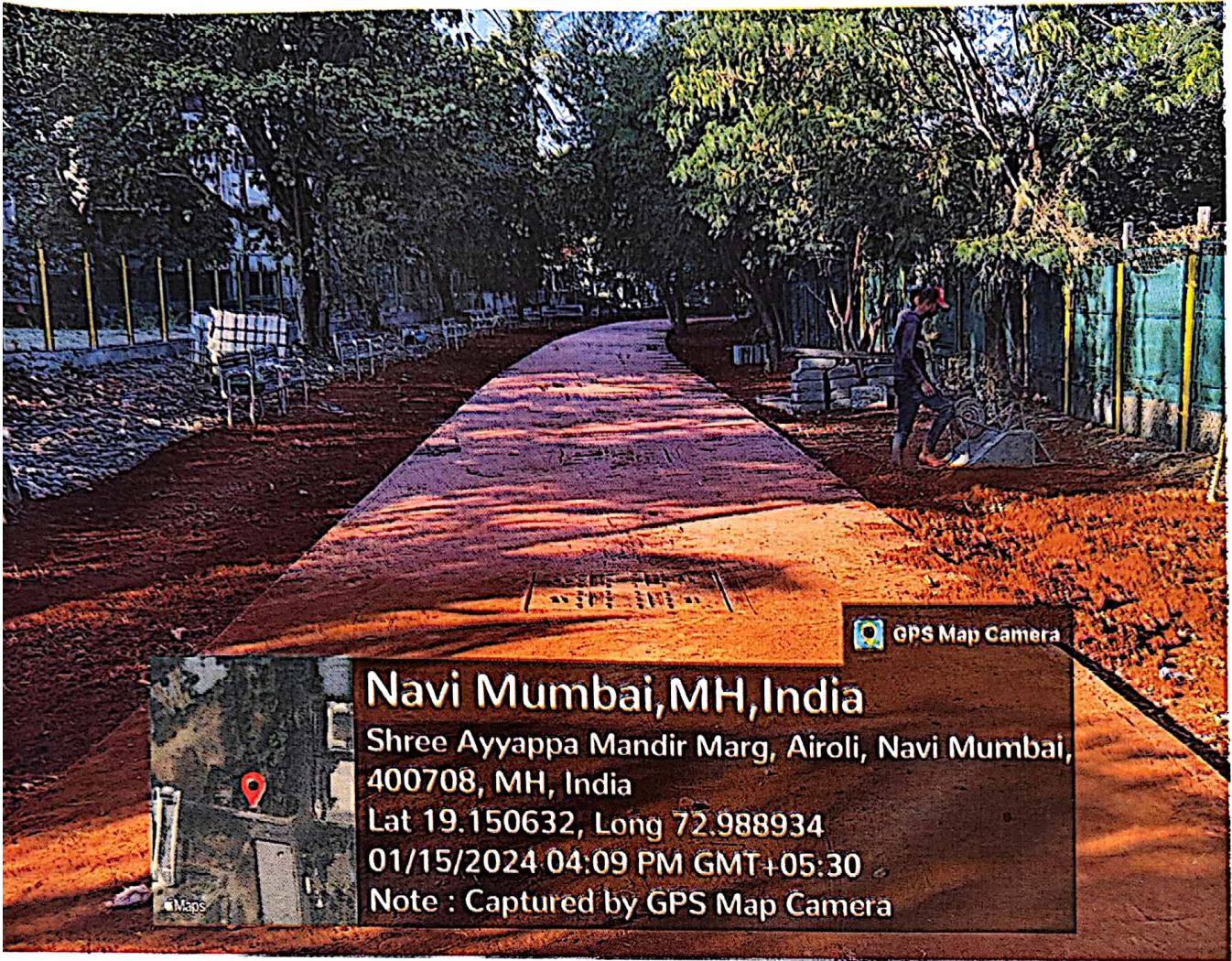
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GPS Map Camera

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400708, MH, India
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Note : Captured by GPS Map Camera

Signature
Junior Engineer
Navi Mumbai Municipal Corporation

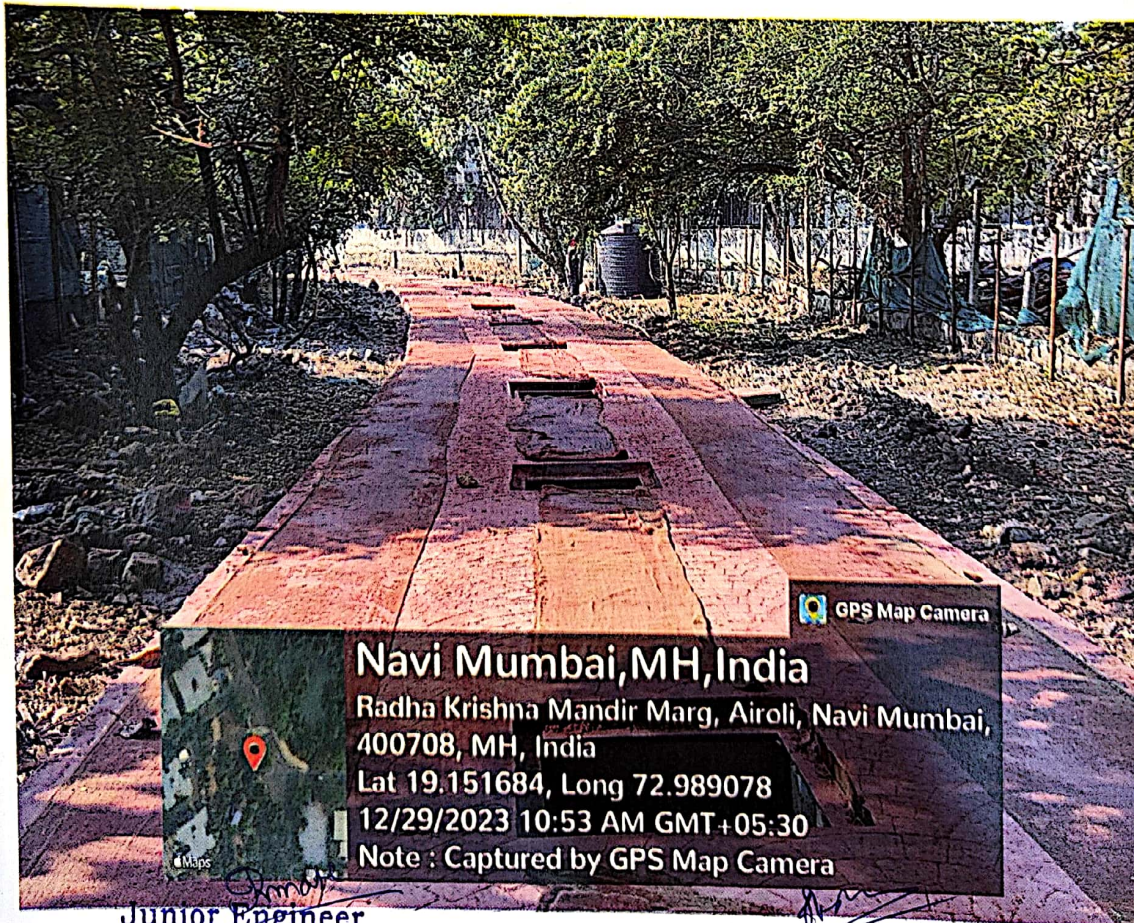
Signature
Deputy Engineer
Navi Mumbai Municipal Corporation



Imate
Junior Engineer
Navi Mumbai Municipal Corporation

Rishu
Deputy Engineer
Navi Mumbai Municipal Corporation

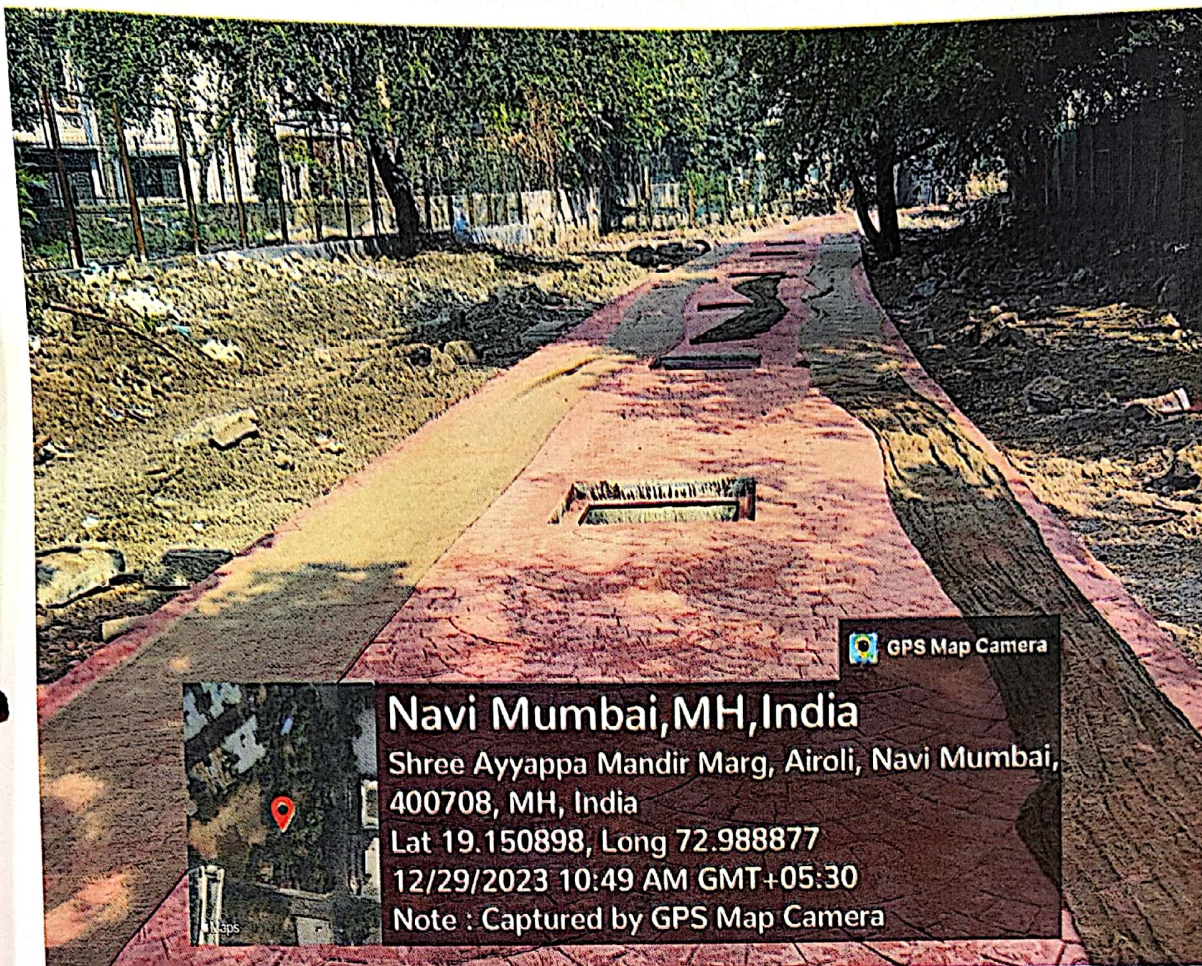
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 Junior Engineer
 Navi Mumbai Municipal Corporation

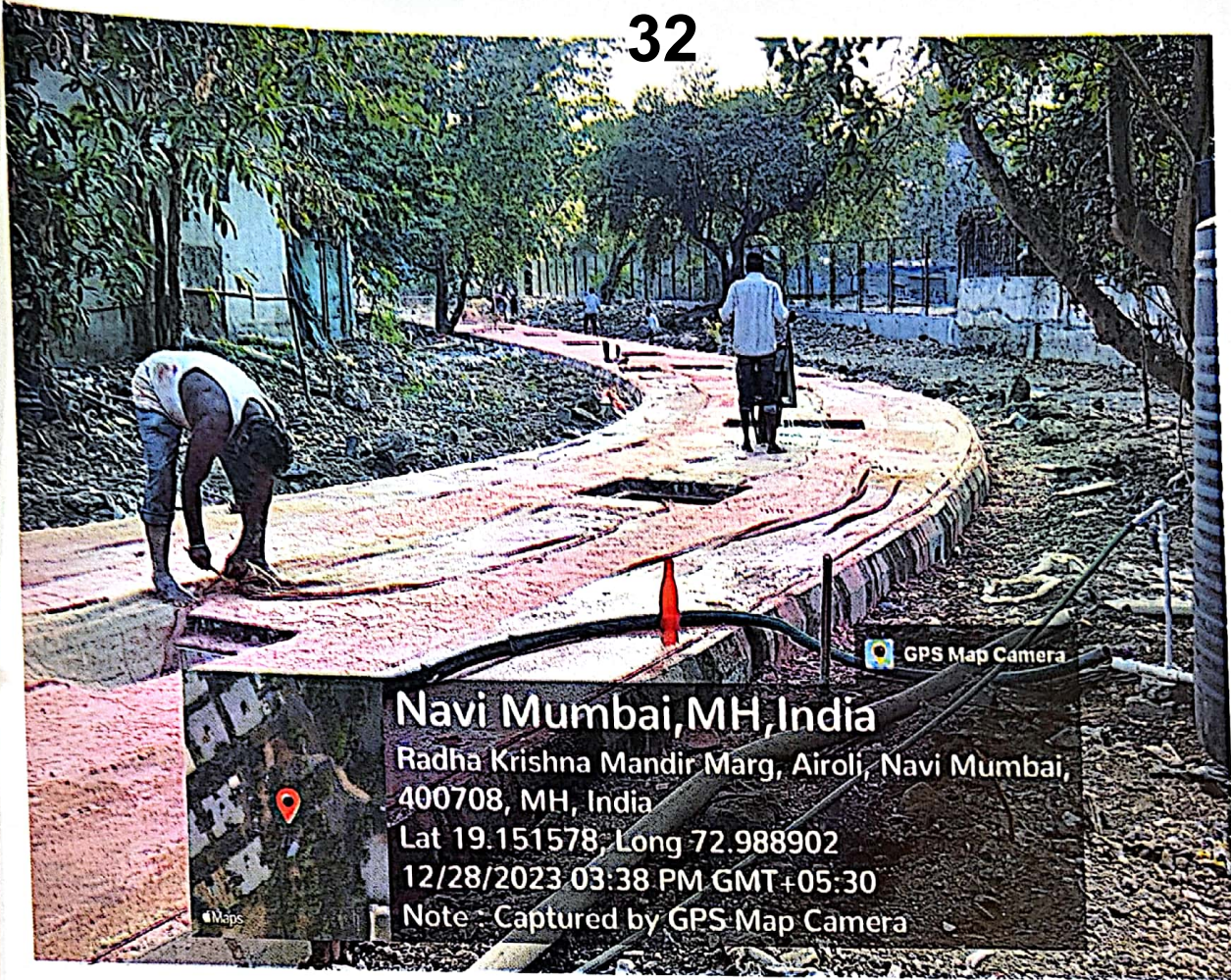
[Signature]
 Deputy Engineer
 Navi Mumbai Municipal Corporation

C/653



[Signature]
 Junior Engineer
 Navi Mumbai Municipal Corporation

[Signature]
 Deputy Engineer
 Navi Mumbai Municipal Corporation



Navi Mumbai, MH, India

Radha Krishna Mandir Marg, Airoli, Navi Mumbai,
400708, MH, India

Lat 19.151578, Long 72.988902

12/28/2023 03:38 PM GMT+05:30

Note : Captured by GPS Map Camera

GPS Map Camera



Navi Mumbai, MH, India

Radha Krishna Mandir Marg, Airoli, Navi Mumbai,
400708, MH, India

Lat 19.151638, Long 72.988987

12/29/2023 10:39 AM GMT+05:30

Note : Captured by GPS Map Camera

GPS Map Camera

[Signature]
Junior Engineer

Navi Mumbai Municipal Corporation

[Signature]
Deputy Engineer

Navi Mumbai Municipal Corporation

REPORT OF MCZMA

(Hon'ble NGT order in Letter Petition No. 44/2023 filed by Sudhir Pawar before
Hon'ble National Green Tribunal, Pune)

INTRODUCTION:

Based on the complaint dated 6.10.2023 by Mr. Suresh Pawar, the Hon'ble NGT has passed an order dated 11.10.2023, which pertains to alleged illegal construction of Nalla in CRZ II area in Sector 14, Airoli, Dist. Thane by the Navi Mumbai Municipal Corporation

2. The Hon'ble NGT has passed an order which is as follows:

"Perused the report of the learned Registrar dated 11.10.2023 with respect to a complaint / letter received from one Shri. Sudhir Pawar R/o: C-18, Sec 15, Airoli, Navi Mumbai against Navi Mumbai Municipal Corporation (NMMT) for permitting illegal construction activity in CRZ - II area in Sector 14, Airoli, Dist. Thane- Maharashtra, pursuant to which the contractor of NMMC is putting a slab on open Nalla in the garb of beautification of open space. This type of construction activity is harmful to mangroves, fishes, frogs and other aquatic / marine life"

Prima facie, we find substance in the complaint and allegations made therein. Therefore, we deem it appropriate to call for a report from the Member Secretary, Maharashtra Coastal Zone Management Authority (MCZMA) with respect to the truthfulness of this complaint made to us, which shall be verified after visiting the spot by the responsible Officers of the said authority.

This report shall be submitted by the above-mentioned authority by e-mail at ngt-pune@gov.in preferably in the form of searchable PDF/ OCR Support PDF and not in the form of Image PDF, within a period of four weeks"

SITE VISIT:

3. Following the above said Hon'ble NGT order, Officials from Environment & Climate Change Department/ MCZMA along with Officials from Navi Mumbai Municipal Corporation (NMMC) and Mangrove Cell visited the subject site of Nalla at Sector 14, Airoli, Navi Mumbai on 1st March, 2024 at around 11.45 pm. Complainant Mr. Sudhir Pawar was also present during the site visit. List of official present is enclosed herewith as **Annexure I**.

4. After site visit and interactions with the officials from the NMMC, Mangrove Cell and complainant, following was observed:

- 1) The Navi Mumbai Municipal Corporation is the planning Authority at the subject site Sector 14, Airoli, Dist. Thane.

- 2) The site of storm water drain is situated at Sector 14, Airoli, Dist. Thane which is located between 2 roads i.e. Ayappa Mandir Marg & Waterfront road, near Airoli Fire Station. (Latitude 19.151159 and Longitude 72.98881)
- 3) The area along the storm water drain is open land with terrestrial trees & grass. Length of the storm water drain is around 140 meter.
- 4) There are no mangroves at the site. Mangroves vegetation is seen beyond the 30 meter wide road. Hence, there is no question of harm to mangroves.
- 5) NMMC officials during the visit informed that earlier, the storm water drain was open with V shaped stoned banks. With administrative approval, NMMC has covered the drain with Slab and beautified with paver blocks.
- 6) It was observed that, as per the approved Coastal Zone Management Plan under CRZ Notification, 2019, out of total length of around 140 meter, around 30 m storm water drain is situated in CRZ area. Rest of the stretch of drain is situated outside CRZ area. NMMC was required to obtain the CRZ approval for storm water drain works for the stretch in CRZ area. In response, NMMC officials submitted that the storm water drain is not newly laid/constructed. NMMC only covered the drain with slab and done beautification with paver blocks, without changing dimensions of the drain. NMMC officials further informed that footprint of the drain is kept as it is without disturbing the natural flow of the drain. During the visit, NMMC was requested to submit the earlier drawings/maps of the storm water drains. NMMC officials agreed to submit the same.

Site photographs enclosed herewith

Item No.4

(Pune Bench)

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

[Through Physical Hearing (With Hybrid Option)]

ORIGINAL APPLICATION NO.167 OF 2023 (WZ)

Sudhir Pawar

.... Applicant

Versus

MCZMA & Ors.

....Respondents

Date of hearing : 25.04.2024

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

Applicant : ----

Respondent : Ms. Manasi Joshi, Advocate for R-1/MCZMA
Mr. Aniruddha Garge, Advocate for R-2/NMMC

ORDER

1. The Registry has informed the applicant through e-mail dated 24.04.2024 about today's date of hearing. Despite that, none has appeared from his side.
2. A letter/complaint dated 06.10.2023 was written to us by the complainant/applicant Mr. Sudhir Pawar, alleging that respondent No.2 - Navi Mumbai Municipal Corporation (NMMC) had permitted illegal construction activity in CRZ-II area in Sector 14, Airoli, District Thane, pursuant to which the contractor of NMMC had put a slab on open Nalla under the garb of beautification and the said activity is harmful to mangroves, fishes, frogs and other aquatic/marine life. Based on the said complaint, a report was called for from respondent No.2-Member Secretary, MCZMA, which has been submitted to us, annexed at pages 9 to 11 of the paper-book, relevant portion of which is as follows:

"3. Following the above said Hon'ble NGT order, officials from Environment & Climate Change Department/ MCZMA along with Officials from Navi Mumbai Municipal Corporation (NMMC) and

Mangrove Cell visited the subject site of Nalla at Sector 14, Airoli, Navi Mumbai on 1st March, 2024 at around 11.45 pm. Complainant Mr. Sudhir Pawar was also present during the site visit. List of official present is enclosed herewith as Annexure I.

4. After site visit and interactions with the officials from the NMMC, Mangrove Cell and complainant, following was observed:

- 1) The Navi Mumbai Municipal Corporation is the planning Authority at the subject site Sector 14, Airoli, Dist. Thane.
- 2) The site of storm water drain is situated at Sector 14, Airoli, Dist. Thane which is located between 2 roads i.e. Ayappa Mandir Marg & Waterfront road, near Airoli Fire station. (Latitude 19. 151159) and Longitude 72.98881)
- 3) The area along the storm water drain is open land with terrestrial trees & grass. Length of the storm water drain is around 140 meter.
- 4) There are no mangroves at the site. Mangroves vegetation is seen beyond the 30 meter wide road. Hence, there is no question of harm to mangroves.
- 5) NMMC officials during the visit informed that earlier, the storm water drain was open with V shaped stoned banks. With administrative approval, NMMC has covered the drain with Slab and beautified with paver blocks.
- 6) It was observed that, as per the approved Coastal Zone Management Plan under CRZ Notification, 2019, out of total length of around 140 meter, around 30 m storm water drain is situated in CRZ area. Rest of the stretch of drain is situated outside CRZ area. NMMC was required to obtain the CRZ approval for storm water drain works for the stretch in CRZ area. In response, NMMC officials submitted that the storm water drain is not newly laid/constructed. NMMC only covered the drain with slab and done beautification with paver blocks, without changing dimensions of the drain. NMMC officials further informed that footprint of the drain is kept as it is without disturbing the natural flow of the drain. During the visit, NMMC was requested to submit the earlier drawings/maps of the storm water drains. NMMC officials agreed to submit the same.

3. We find from the above report of respondent No.1-MCZMA that whatever construction work has been done on the site was not a new construction and that for the purpose of beautification, slab was put on the drain and at the time of inspection, the complainant/applicant was present on the spot as his signature appeared on the report at serial No.5.

4. We do not find any substance in this Original Application and accordingly, we dispose of the same.

5. From the side of respondent No.2 - Navi Mumbai Municipal Corporation, learned counsel Mr. Aniruddha Garg has appeared and states that he may be allowed to file his vakalatnama on behalf of respondent No.2. The learned counsel may file his vakalatnama only and the reply is not required to be filed from the side of respondent, in view of above order.

Dinesh Kumar Singh, JM

Dr. Vijay Kulkarni, EM

April 25, 2024
O.A. No.167/2023 (WZ)
npj

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

Letter Petition No.44/2023(WZ)
(Complaint dated 06.10.2023)

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

ORDER

1. Let this letter petition be registered as Original Application.
2. Perused the report of the learned Registrar dated 11.10.2023 with respect to a complaint/letter received from one Shri Sudhir Pawar R/o: C-18, Sec.-15, Airoli, Navi Mumbai against Navi Mumbai Municipal Corporation (NMMT) for permitting illegal construction activity in CRZ-II area in Sector-14, Airoli, District: Thane- Maharashtra, pursuant to which the contractor of NMMC is putting a slab on open Nalla in the garb of beautification of open space. This type of construction activity is harmful to mangroves, fishes, frogs and other aquatic/marine life.
3. *Prima facie*, we find substance in the complaint and allegations made therein. Therefore, we deem it appropriate to call for a report from the Member Secretary, Maharashtra Coastal Zone Management Authority (MCZMA) with respect to the truthfulness of this complaint made to us, which shall be verified after visiting the spot by the responsible Officers of the said authority.
4. This report shall be submitted by the above-mentioned authority by e-mail at ngt-pune@gov.in preferably in the form of searchable PDF/ OCR Support PDF and not in the form of Image PDF, within a period of four weeks.
5. A copy of this order along-with the copy of complaint be sent to the above-mentioned authority for compliance as above.