

BEFORE NATIONAL GREEN TRIBUNAL
WESTERN ZONE BENCH, PUNE

ORIGINAL APPLICATION NO. 23 OF 2024 (WZ)

MR. NARESH CHHETIJA AND OTHERS ...APPLICANTS

VS

MAHARASHTRA STATE BIODIVERSITY BOARD AND

OTHERS ... RESPONDENTS

Objections of the Applicantsto MPCB Report dated 20th March,2024

The Applicants have received the copy of report from Maharashtra Pollution Control Board in compliance of the order of the Hon'ble NGT (WZ) Pune through mail dated 20th March,2024 at 19:20 pm along with Annexures-1(Field Visit Report) Applicants have gone through the contents thereof and understood the same. In response thereto Applicants are filing these objections in reply to bring correct facts before this Hon'ble Tribunal.

- 1) The Contents in para-No.1and2 it is part and parcel of the case and hence no objection is needed to be raised.
- 2) In respect of para no. 3(i),it was expected from the MPCB to bring correct information in respect of the total admeasuring of forest land along with the survey number when the Applicants have been raising issue of ambiguity of the reserve forest land. Applicants further put on record about the Development work which are being carried out in the name Regional Tourist Scheme of Government of Maharashtra, it was mandatory on the MPCB board to survey, analyze and draft a wider report in respect of the cutting of trees in Reserve Forest Land and which should have included various legislations involving the environment factors.But the said report has been carried out on the basis of telephonic discussion with Range Forest Officer.
- 3) In respect of para no. 3(ii), the objections of the Applicants are that the only road between the reserve forest land and Naren Hills society is 15-20m road wide which is already narrow and a two-way road. This already contributes to heavy traffic congestion which eventually cause air pollution and noise pollution. The MPCB also failed to bring on record about the acute and prevailing problem of the hawkers in the vicinity of the reserve forest land which leads to noise and soil

pollution. The Applicants are also annexing certain photographs to show the existing traffic congestion issues and illegal Hawker issues.

Hereto annexed and marked exhibit – J. Collectively coloured Pictures of existing Traffic Congestion on the 15-20 ft narrow road outside Proposed Park Site on Forest Land and Opposite Naren Hills Society and illegal hawkers.

- 4) In respect of para no. 3(iii), the Applicants would like to bring on record the objection about the observation of MPCB on tree plantation but failed to bring on record about actual cutting off fully grown trees and the types of trees. Even MPCB ought to bring on record about the level of poisonous gases which are now in the air like the amount of carbon dioxide and other gases which the trees were absorbing. MPCB has failed to put on record the importance of trees which were cut down and there is also a defect in the report regarding oxygen and ozone layer which were impacted by the disgrace acts of cutting of trees. Already because of the Global warming and severe ultra violet rays there is a hole to ozone layer (O3) which is harmful to the human beings. The overall report of MPCB have several lacunas from the Environmental perspective. The MPCB has conducted the superficial report based on telephonic information obtained from the Range Forest Officer. The MPCB also failed to bring on record the consequences of the concretization on the said forest land which will reduce the fertility of soil and it will impact further plantation and reforestation. The pictures of concrete structures already annexed in Amended OA e-filed on 14th march 2024.
- 5) In respect of para no. 3(iv), the Applicants further bring the objections on record about the observation of MPCB regarding **no tree cutting was observed at site** is completely false and Applicants denied it wholly. The Applicants further bring on record that the Applicants have already stated in their complaint that the trees were cut down during the period of 28th December- 10th January, 2024 and the site inspection on 4th March, 2024 so it is obvious that cutting off trees was done 2.5 months prior to visit of MPCB. **Images of massive tree felling / deforestation followed by concrete/stone structures on the said forest land already annexed in Amended OA from pages 22 to 33.** The Applicant further bring on record about the lax attitude of the MPCB to inspect the site when there was first order of this Tribunal dated 29th January, 2024. The Applicants further bring on record the objections of MPCB that the MPCB failed to give comprehensive report at the primitive stage, even the MPCB failed to collect the information related to pollution and prevention control. On the contrary the MPCB directly supported the disgraceful acts of cutting of trees without realizing and mentioning adverse consequences on the environment in the present report.
- 6) In respect of para no. 3(v), the report stated the boundaries of the forest land which was absolutely unimportant and needed to incorporate in the said report. The MPCB overlooked the act of cutting off trees when it is crystal clear that the

deforestation has been occurred by the RFO and MPCB failed to take detailed information and also failed to prevent, control and take precautionary measures to stop the trees. ***It is irrational to cut fully grown trees and plant new saplings for a public park project.***

- 7) In respect of para no. 3(vi), of the report the MPCB has not observed garbage heap on the site is absolutely incorrect and Applicants are denying the said averments. The Applicants are bringing certain photographs which clearly show the garbage heap on this road. The MPCB failed to observe the total vicinity which surrounds the forest land on which the park is proposed. It was mandatory on the MPCB to give detailed report about the site and the impacted surrounding areas for better understanding of the pros and cons of the park projects.

Hereto annexed and marked exhibit -K. Coloured Pictures of Garbage Heaps in the close vicinity of Proposed Park Site on Forest Land and Naren Hills Society

In view of above report and the objections raised by the Applicants, the Applicants most respectfully pray that thorough inquiry is needed on the MPCB report as the said report is not in accordance with the fact.

This Objection is filed on dated 25th March, 2024

Applicant 1

N. Phulega

Adv. for the Applicants.

Adv. Kshitija Moreshwar.

J. Moreshwar

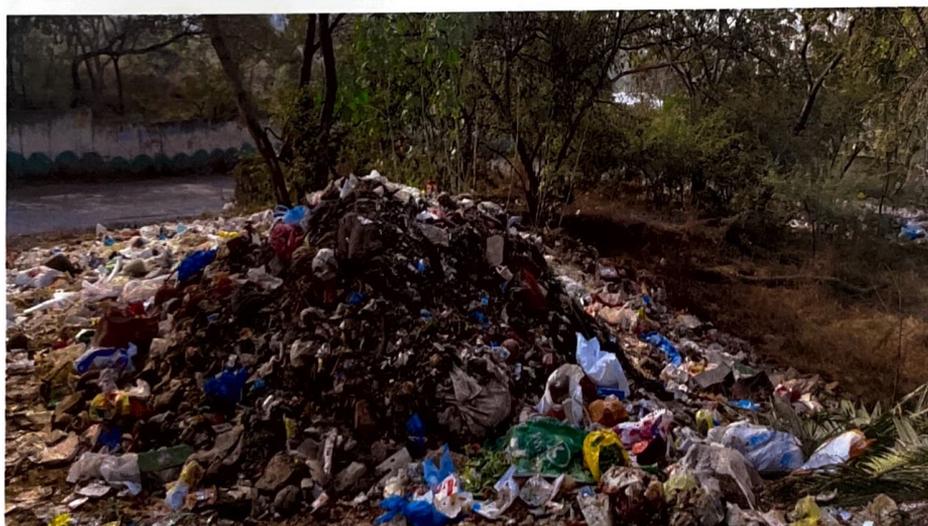
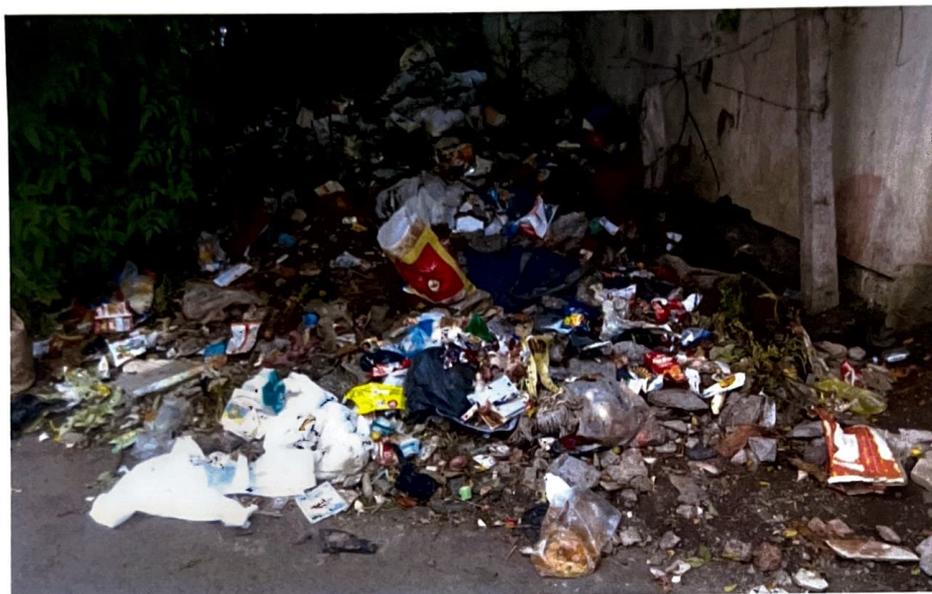
Applicant 2

Prati

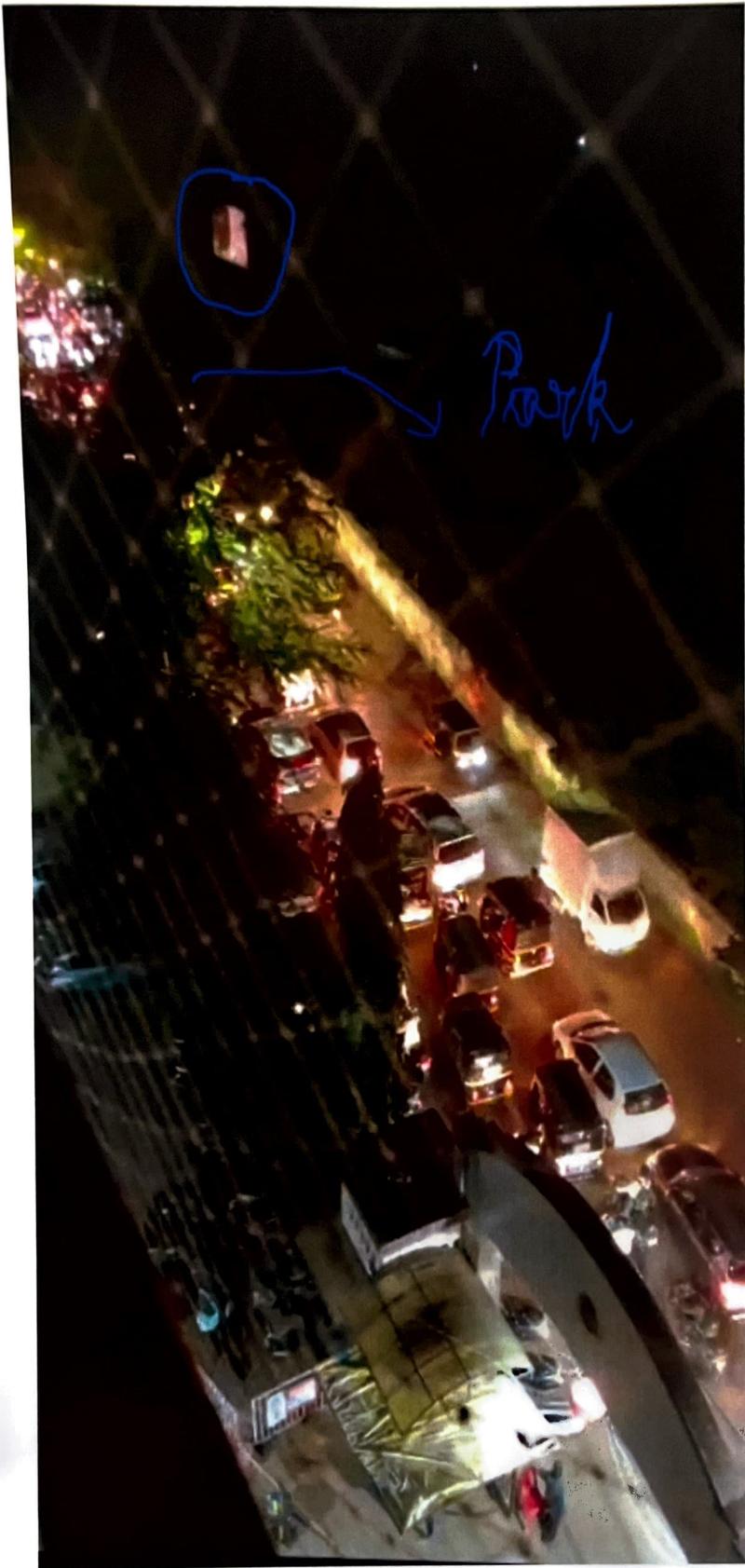
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Images of Garbage heap in very close vicinity of the said Reserve Forest Land (on which the park is being developed)

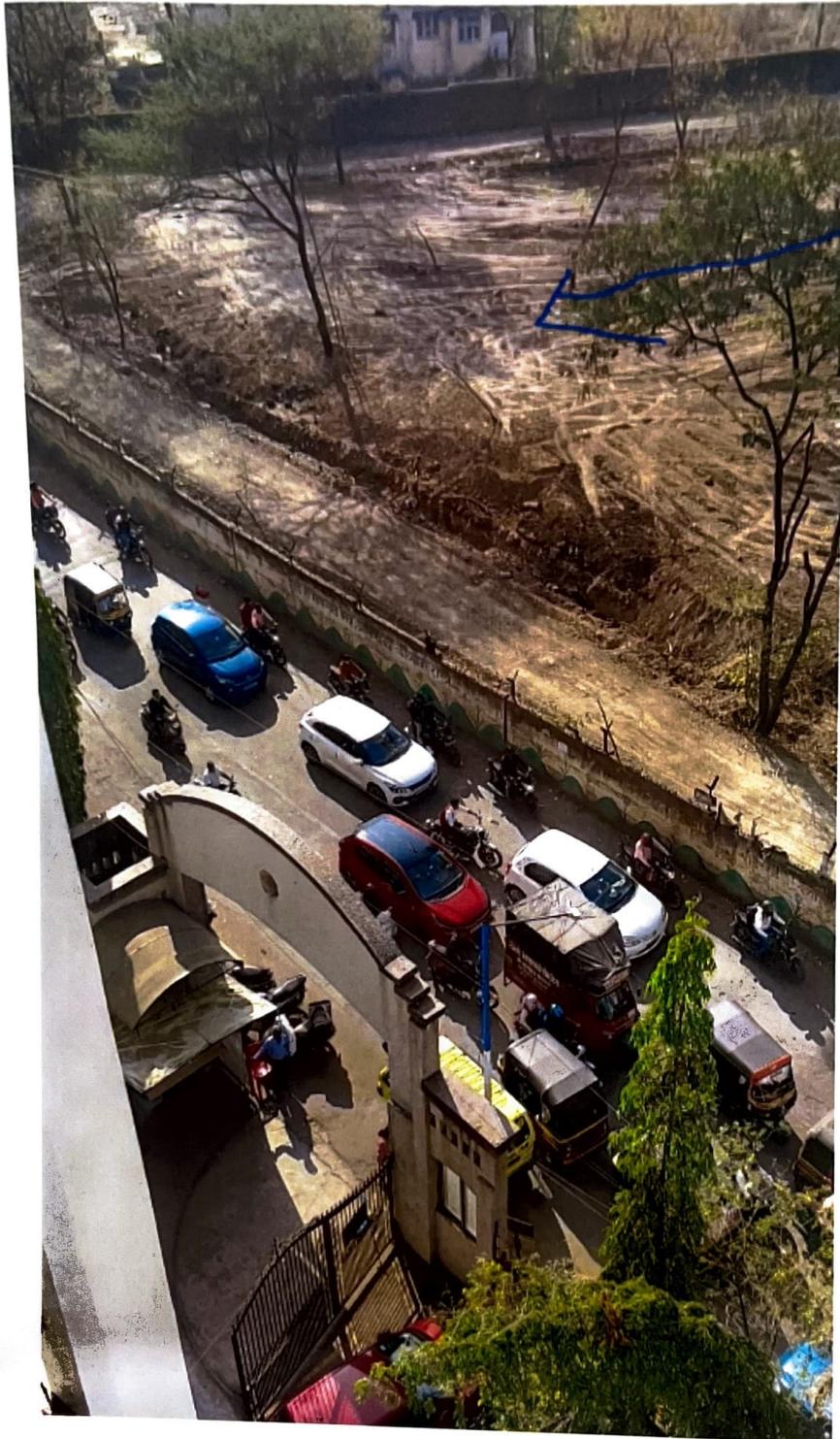




EXISTING HEAVY TRAFFIC RIGHT OUTSIDE THE PROPOSED PARK SITE. PICTURE TAKEN ON OF 17TH JAN 2024 EVENING



MORNING TRAFFIC SNARLS RIGHT OUTSIDE THE PROPOSED PARK SITE. PICTURE TAKEN ON 2ND FEB 2024



Park
Site

Microsheen 70

ANOTHER EXAMPLE OF MORNING TRAFFIC SNARLS RIGHT OUTSIDE THE PROPOSED PARK SITE. PICTURES TAKEN ON 4th MAR 2024 MORNING

Park

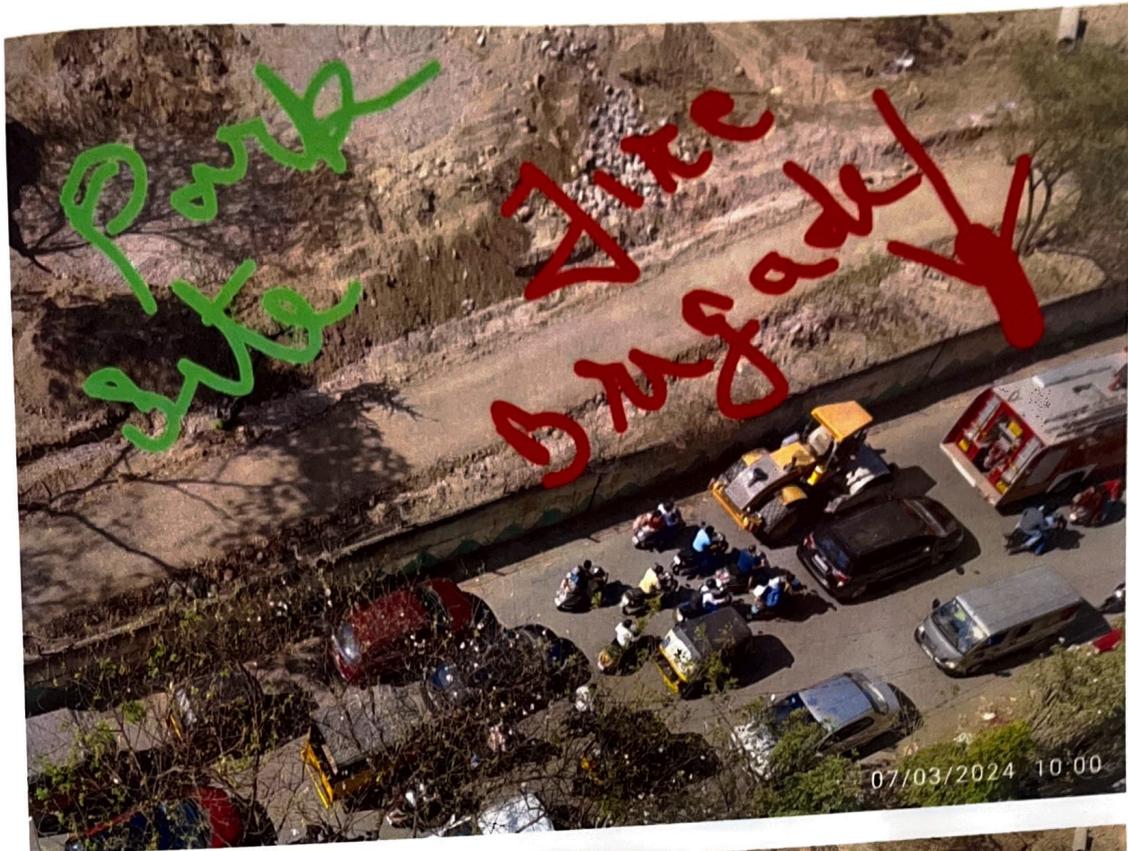
Park



Park Site



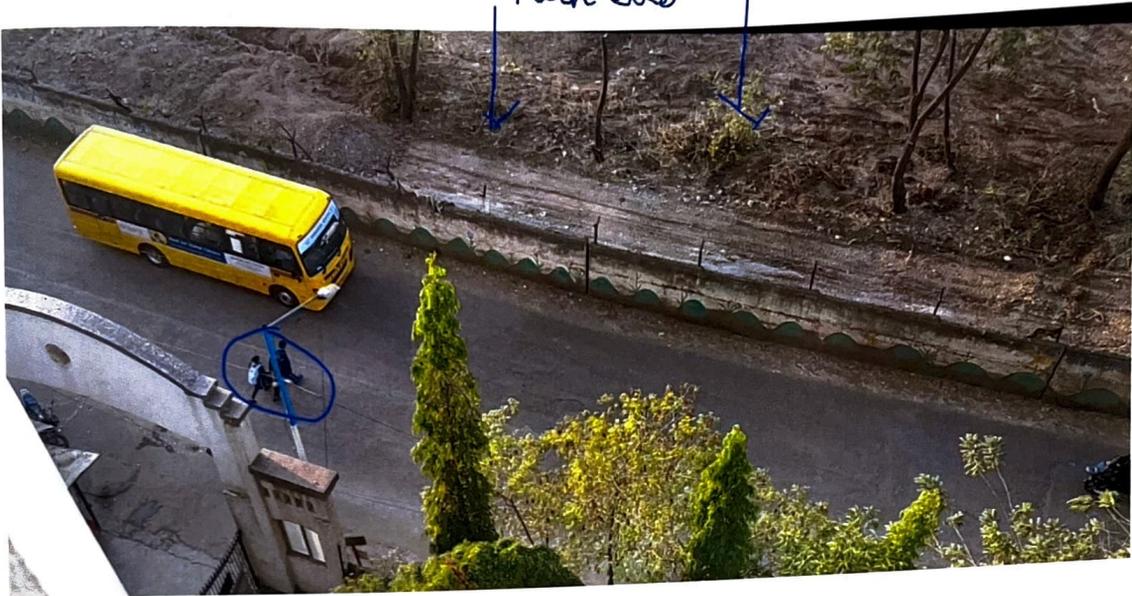
FIRE BRIGADE STUCK FOR MORE THAN 45 MINUTES IN TRAFFIC RIGHT OUTSIDE THE PROPOSED PARK SITE. PICTURE TAKEN ON 7th MARCH 2024



ON THIS ALREADY NARROW ROAD JUST OUTSIDE THE PROPOSED PARK SITE, RISK FOR SCHOOL GOING CHILDREN RESIDING NEARBY WILL ALSO INCREASE AS BUS TIMINGS 06-30 AM TO 8 AM CONCINCIDE WITH THE PROPOSED PARK TIMINGS OF THE MORNING SLOT

VISITORS AT THE PARK WILL COME ON THEIR FOUR OR TWO WHEELERS. PICTURE TAKEN BELOW IS OF 2ND FEB 2024 MORNING

Park Site



EXISTING HAWKER ISSUES ON THE 15-20 FEET NARROW ROAD OUTSIDE THE PROPOSED PARK ON THE RESERVE FOREST LAND

