

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

Madhura Rajesh Tawde

Applicant

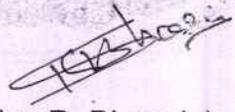
Versus

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 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 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 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.

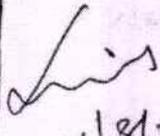
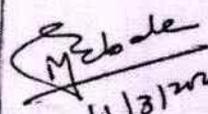
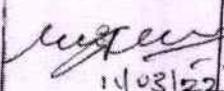
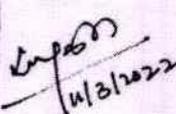
A copy of this order be forwarded to the MCZMA, CPCB, State PCB, SEIAA, Maharashtra, BMC and concerned District Magistrate by e-mail for compliance.

Adarsh Kumar Goel, CP

Sudhir Agarwal, JM

Dr. Nagin Nanda, EM

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

नाम	विभाग	सही	मो. नं.
1) श्री. सुधीर श्री. श्री. श्री. श्री. श्री. श्री. सुधीर, पुणे			
2) भोजान वेल्फेयर सहायक काउन्सिलर FIN ward		G. B. Desai & 11/3/2022	8424046715
3) संजय संदीपशिव शास्त्रज्येष्ठी 2 तथा शिवरत्नशिव (तांत्रिक) पर्यावरण व वातावरण व्यवस्थापन विभाग, मंत्रालय		 11/8/2022	9004653983
4) महेंद्र उवाडे स. आयुक्त एम पुन पुणेई म. ए. न. ग. ला. के.		 4/3/2022	7506985715
5) संजय अशोक प्रादेशिक अधिकारी, म. प्र. नि. मंडळ, पुणे		 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	शही	मो. नं
८)	दिपक रामचंद्र मदन	इ.के.व्य (एच/प)		9920061453
९)	T. G. Yadav	उप. अ. मं - १ म. प्र. नि. मं		9987528609
१०)	D. V. Mhatre	इ. अ. उ. प्र. व्य. म. प्र. नि. मं, मुंबई-१		9423936267
११)	मं. गो. इगळे	अ. अ. उ. प्र. व्य. मं - ३		9969803810
१२)	अनिल ल. पंडित	अ. अ. (एक व्य) एच/ड.		966705-199
१३)	जुरेडा व. खवार	कार्यकारी अधिकारी (इक व्य) एच/ड.		9930260415
१४)	कैमव गोडसे	सहा. अ. प्र. (इक व्य) एच/ड.		8291206024
१५)	V. P. MATE	अ. अ. म. प्र.		9167194003
१६)	Aravanti mayekar	Naib Tahasildar Tahasil Kurla (Collector office) Bandra		9202757626

Annexure-B

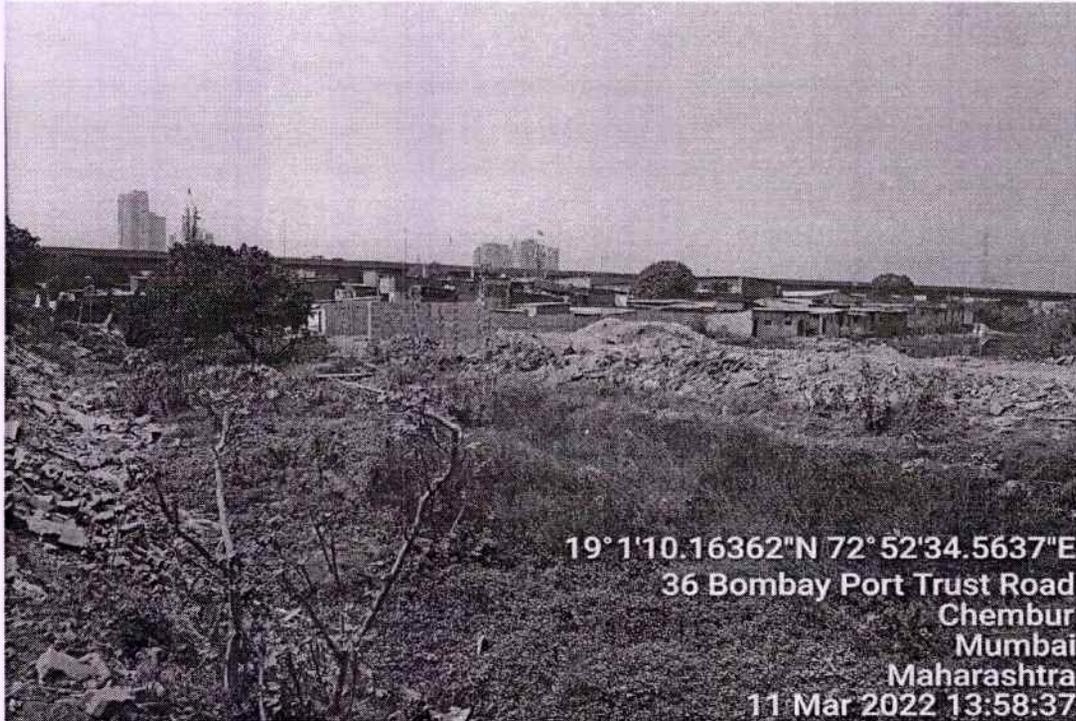


Photograph-1: Location of salt pan at C. S. no. 144 & 145 near Costal road at Wadala to Mahul, close to Chembur to CST freeway.

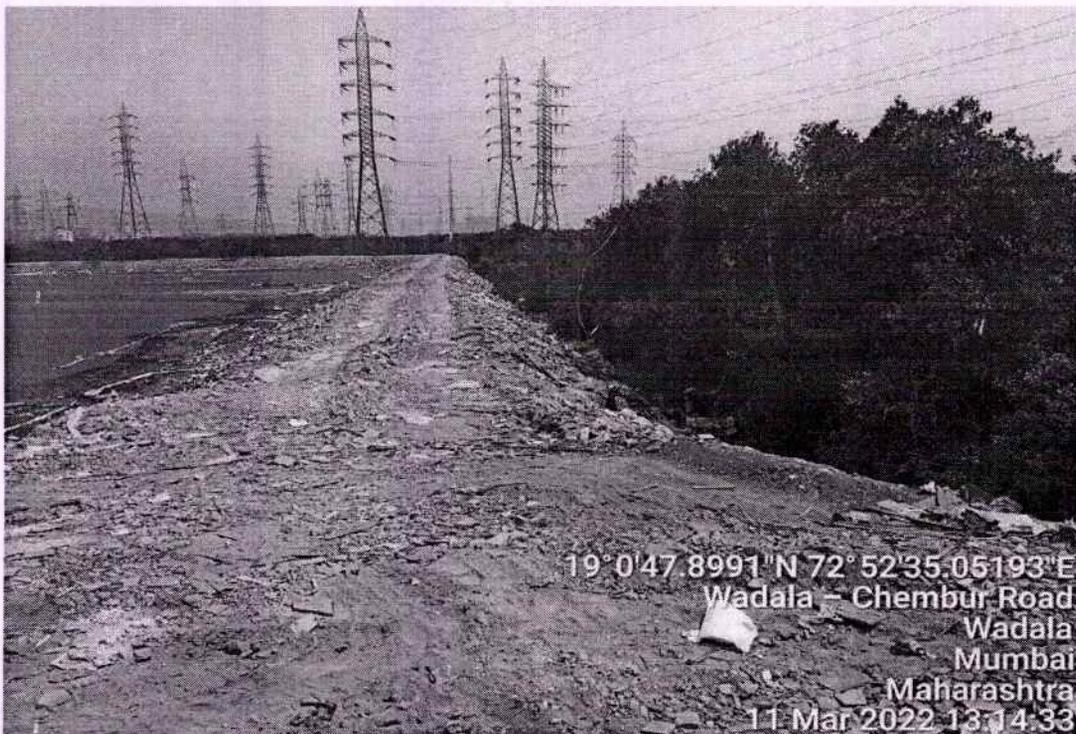


Photograph-3: A view of salt pan at C. S. no. 144 & 145 near Costal road at Wadala to Mahul, close to Chembur to CST freeway.

Contd./-

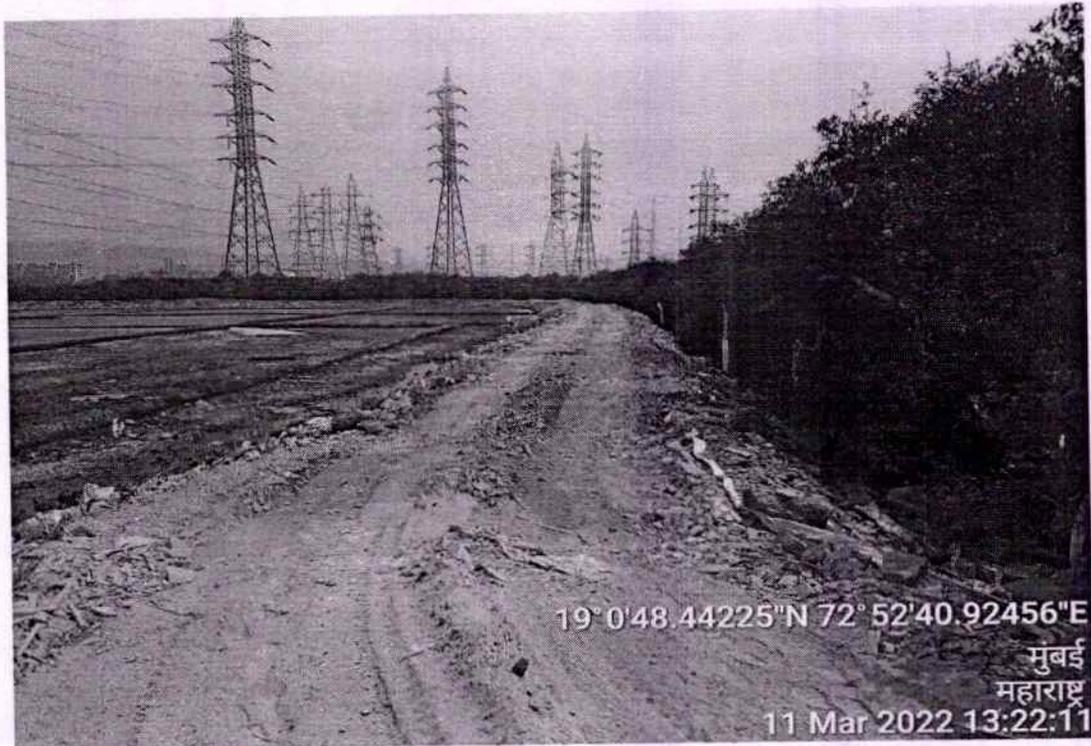


Photograph-3: Illegal encroachment of slum dwellers at C. S. no. 144 (Pvt. land) & C. S. no. 117 (Govt. land), originally a marshy land and also covered with mangroves.

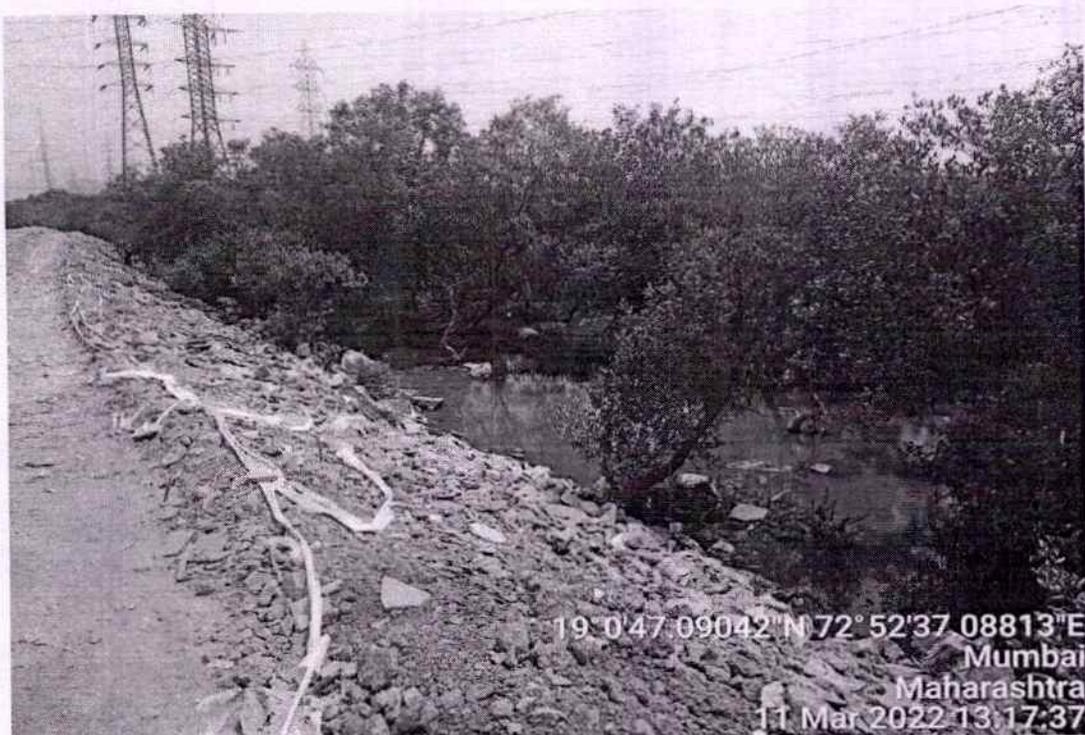


Photograph-4: Unauthorized dumping of C&D waste adjacent to mangrove area along the entire periphery of the Pvt. land at C. S. no. 144 & 145, owned by Shri Garodia.

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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.

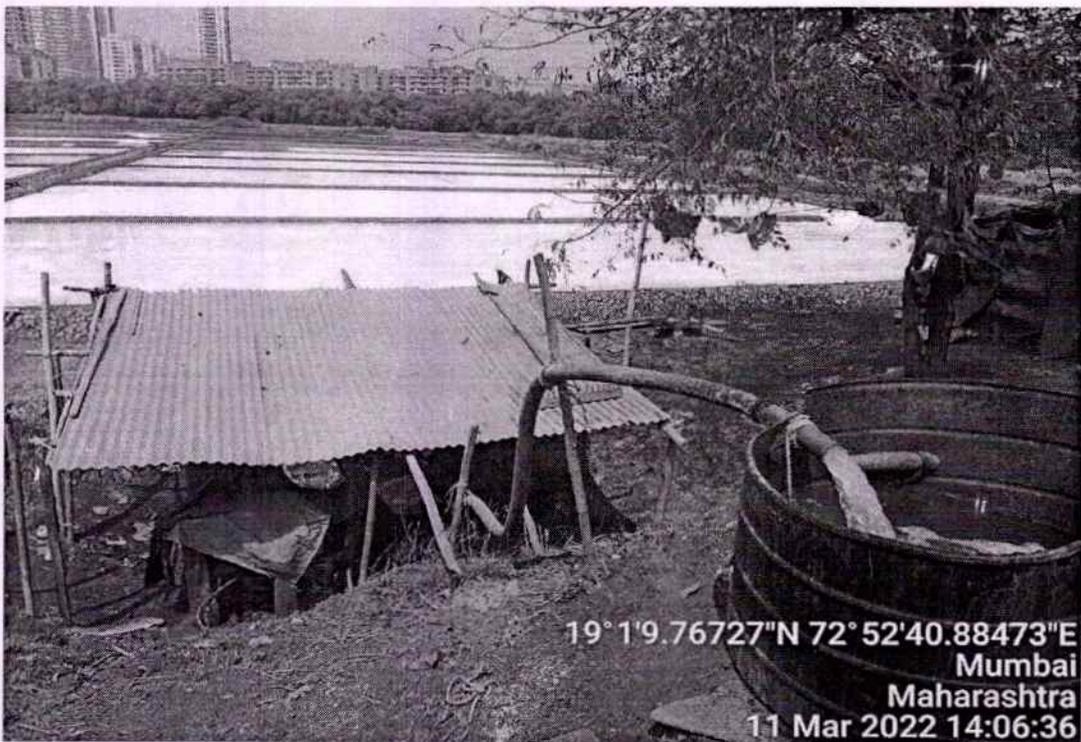


Photograph-6: A closer view of unauthorized dumping of C&D waste adjacent to mangrove area along the entire periphery of the Pvt. land at C. S. no. 144 & 145, owned by Shri Garodia.

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.