

STATUS REPORT**Compliance of Order dated 28.9.2022 passed by Hon'ble National Green Tribunal
Original Application No. 343/2021 (Madhura Rajesh Tawade V/s State of Maharashtra)**

An original Application No. 343/2021 is filed by Madhura Rajesh Tawade versus State of Maharashtra before the Hon'ble National Green Tribunal, Principal Bench, New Delhi. The matter pertains to unauthorized structures, dumping of debris in violation of CRZ norms issued under Environment (Protection) Act, 1986 near coastal road at Wadala to Mahul, close to Chembur to CST freeway.

2. The Hon'ble NGT has passed an order dated 28.9.2022 in Original Application No. 343/2021 (Madhura Rajesh Tawade V/s State of Maharashtra). Extract of the order is as follows:

“The recommendations in the report to remove unauthorized dumping of waste, removing illegal encroachments and restoration of the area have to be accepted. MCGM 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 11.5.2022 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 in in the form of image PDF.”

3. Taking into consideration the above said order of the Hon'ble NGT, first (1st) review meeting was held on 18th October, 2022 in the chamber of Secretary, Environment & Climate Change Department, GoM, Mantralaya, Mumbai, wherein officials from the MCGM, Salt Commissioner, District Collector, Mumbai City and MPCB were present for deliberations. Necessary Directions were issued for submitting the action taken report on 1.11.2022 to MCGM, Salt Commissioner, District Collector, Mumbai City & Mumbai Suburban (Copies attached). Thereafter, Reminder letters dated 26.12.2022 to said Govt Offices. Copy of the minutes along with directions to concern offices are attached herewith as **Annexure I**

5. The 2nd review meeting was held on 16th January, 2023 in the chamber of Principal Secretary, Environment & Climate Change Department, GoM, Dalamal House, Mumbai, the officials from the MCGM, Salt Department, District Collector, Mumbai City and MPCB were present. Copy of the minutes of 2nd review of meeting is attached herewith as **Annexure II.**

Status of Action taken / Deliberations in the matter is tabulated as below:

Sr No.	Organization	Directions issued	Status of Action
1	MCGM	<p>a) MCGM to immediately take 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>The MCGM vide letter dated 29.12.2022 submitted its reply which states that:</p> <p>a) 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>b) 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>c) Action taken report be submitted to the Department at the earliest.</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><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 – 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”.</i></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> <p>1. M/s Godrej Construction ltd at Vikhroli (E), Mumbai Capacity-300mt/day</p>
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			<p>2. M/s Metro waste Handling pvt. Ltd. at Shilphata, TMC Capacity 300mt/day.</p> <p>BMC has also proposed to set up 02 Nos of C&D waste processing plants with capacity of 600 mt/day (total capacity 1200 mt/day). Estimated completion period for these is 2 years. The rendering for the same is under progress.</p> <p>In addition to this BMC has approved designated unloading sites for disposal of C&D waste material generated out of construction and other activities in BMC limits as per directives of Hon'ble Supreme Court in SLP No. 23708 dt. 15.03.2018. The details of these designated unloading sites are available in Public Domain on BMC Portal. Any generator can dispose of their C&D waste by following due procedure and by obtaining consent of the respective land owner / authorized representative of these designated unloading sites.</p> <p>Copies of MCGM replies are attached as <u>Annexure III</u></p> <p><u>DELIBERATIONS:</u></p> <p>After taking note of abovementioned reply of MCGM, Principal Secretary, Env&CC Department during the meeting pointed out that the specific directions has been issued by the Hon'ble NGT. The said directions of Hon'ble NGT are as follows:</p> <p><i>“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”</i></p>
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			<p>The Principal Secretary, Env&CC Department during the meeting instructed MCGM officials to comply with Hon'ble NGT order since the directions of Hon'ble NGT are specific and clear to MCGM.</p> <p>MCGM officials during the meeting stated that the matter would be deliberated with Senior Officials of MCGM and accordingly, further line of action would be taken in the matter.</p> <p>Principal Secretary, Env&CC Department once again directed that it is mandatory for the MCGM to comply with the above stated order of the Hon'ble NGT.</p>
2	District Collector, Mumbai City and Suburban	<p>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 Maharashtra on or before 10th November, 2022.</p> <p>Action taken report be submitted to the Department at the earliest.</p>	<p><u>REPLY OF OFFICE OF DISTRICT COLLECTOR, CITY:</u></p> <p>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:</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.

			<ul style="list-style-type: none"> • 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 <u>Annexure IV</u></p> <p><u>DELIBERATIONS:</u></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</p>	<p><u>REPLY OF OFFICE OF SALT DEPT:</u></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</p>

		<p>C&D waste on salt pan land. Deputy Salt Commissioner should issue 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>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>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 <u>Annexure V</u></p> <p><u>DELIBERATIONS:</u></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, "<i>The Salt Commissioner, Mumbai has also to take necessary action in the matter</i>"</p>
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			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.
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Date: 10th February, 2023

ENCLOSURES:

- 1) Minutes of 1st Review Meeting dated 18th October, 2022 along with directions dated 1.11.2022 issued to MCGM, Salt Department and District Collector office and Reminder letters dated 26.12.2022 to MCGM, Salt Department and District Collector office – **Annexure I**
- 2) Minutes of 2nd review meeting dated 16th January, 2023 – **Annexure II**
- 3) Replies of Municipal Corporation of Greater Mumbai – **Annexure III**
- 4) Reply of District Collector, Mumbai City – **Annexure IV**
- 5) Reply of Salt Department – **Annexure V**

**MINUTES OF
JOINT MEETING HELD ON 18th OCTOBER, 2022
UNDER THE CHAIRMANSHIP OF
SECRETARY, ENVIRONMENT & CLIMATE CHANGE, GOM**

SUB: Compliance of Order dated 28.9.2022 passed by Hon'ble National Green Tribunal, Principal Bench, New Delhi in Original Application No. 343/2021 (Madhura Rajesh Tawade V/s State of Maharashtra)

An Original Application No. 343/2021 was filed by Madhura Rajesh Tawade versus State of Maharashtra. Grievance in this application was 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 addicting debris on the salt pan, making island out of it and encroaching the same, affecting the mangroves. Unauthorized structures are against CRZ regulations issued under Environment (Protection) Act, 1986.

2. The Hon'ble NGT has passed an order dated 28.9.2022 in Original Application No. 343/2021 (Madhura Rajesh Tawade V/s State of Maharashtra).

*“The recommendations in the report **to remove unauthorized dumping of waste, removing illegal encroachments and restoration of the area** have to be accepted. MCGM 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 11.5.2022 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 in in the form of image PDF.”*

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 2.1.2023”

3. A first (1st) review meeting was held on 18th October, 2022 in the chamber of Secretary, Environment & Climate Change Department, GoM, Mantralaya, Mumbai. List of the officer present for the said meeting is attached as **Annexure I**.

4. Director, Environment & Climate Change appraised the officials about the order dated 28.9.2022 passed by Hon'ble NGT in the subject matter. Vide order dated 15.12.2021, the Hon'ble NGT sought a factual and action taken report from a six member joint committee

comprising of MCZMA, CPCB, MPCB, SEIAA, BMC and concerned District Magistrate. In pursuance of the said order, a joint committee submitted its report on 26.9.2022. The Recommendations of the Joint Committee are as follows:

- (a) 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 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 near C&D waste processing facility at Navi Mumbai or other facility, as appropriate.
- (b) Dr. 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 and other temporary structures) at CS NO. 144 and CS 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 and 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 such waste should be processed only at nearby processing facility. Further, MCGM should increase surveillance activities to abate / unauthorized disposal of C&D waste at sensitive areas viz CRZ areas, river banks etc.
- (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 IA, 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 actions against violators.

5. Taking into account the order of the Hon'ble NGT, the Secretary, Environment discussed that there are three (3) aspects in the order of the Hon'ble NGT wherein action needs to be taken by MCGM, Salt Commissioner office and District Collector, Mumbai City.

- 1) Removal of the encroachments / unauthorized structures from the subject land.
- 2) Collection of debris (C&D) waste from the subject site and
- 3) Scientific processing of the C &D waste

Regarding Removal of Encroachments:

During the meeting, officials from the Salt Commissioner informed that there are 3 survey Nos. involved in the subject land i.e. Survey No. 144, 145 and 117. The Survey No. 144 and 145 is a salt pan land owned by Government of India. Currently salt pan on Survey No.

145 is operated by Shri Garodia. Survey No. 117 belong to State Government (without any valid lease from Asst. Commissioner Salt Pan). There are encroachments by Slum dwellers in Survey no. 144 and salt pan department has started action against the said encroachments. He further informed that office of the Salt Commissioner has inadequate manpower to carry out the removal of the unauthorized constructions. Support of the District Collector and MCGM is necessary in the matter. Secretary, Environment directed that concern ward offices F/ N and M/ W of MCGM should act in coordination to take action of removal of encroachments on the subject land immediately.

Tehsildar Mumbai city during the meeting informed that survey no. 117 belongs to State of Maharashtra. The necessary action will be initiated soon for removal of encroachments on the subject land. The necessary notices for removal of encroachments have been issued and process of removal of encroachments will be completed by 10th November, 2022.

Regarding of C&D waste on subject land

MCGM officials informed that the subject land falls within the jurisdiction of F/ N and M/W west ward. Presently, there is no C&D processing facility for MCGM area. Work is underway to set up the C&D waste processing facility for MCGM area. The Regional Officer, MPCB, Mumbai informed that nearby C&D waste processing facility is in Navi Mumbai Area. Secretary, Environment & Climate Change directed MCGM that till the facility for the C&D waste processing is ready for the MCGM area, the debris and C&D waste should be collected immediately by the MCGM in coordination with the Salt Commissioner Office and scientifically processed at Navi Mumbai site, as per order of Hon'ble NGT. MCGM should submit the time bound action plan with budgetary allocation for the same. Further, It was directed to Salt Commissioner Office to take necessary measures to safeguard the salt pan land from the encroachments and dumping of debris, C&D waste. It was brought to the notice that lessee of Salt pan is allowing the temporary storage of C &D waste and further it is distributed as per requirement of the purchaser for land levelling in and around Mumbai region. The Secretary, Env&CC took a serious note of the same and directed Salt Commissioner office to issue necessary directions to the lessee / power of attorney holders of the salt pans (without any valid lease from Asst. Commissioner Salt Pan) to immediately stop the practice of allowing temporary storage of C&D waste. He further directed that if such practice is noticed in future, necessary FIR shall be launched against the lessee or POA holder (without any valid lease from Asst. Commissioner Salt Pan)

6. After detailed discussion and deliberation, following directions to be issued to MCGM, Salt Commissioner and Mumbai City Collector:

- a) Hon'ble NGT order need to be brought to the notice of Municipal Commissioner, Municipal Corporation of Greater Mumbai (MCGM) for necessary action in the matter. Ward offices of F/ N and M/ W to act in coordination along with office of Salt Commissioner to remove the encroachments on the subject land.
- b) Office of the District Collector, Mumbai City & Mumbai Suburban should immediately take action to remove the authorized structures on Survey No. 117 which belongs to State of Maharashtra on or before 10th November, 2022.

- c) MCGM need 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.
- d) Deputy 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 Commissioners should issue notices to salt salt pan operators / salt manufactures for the same.

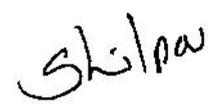
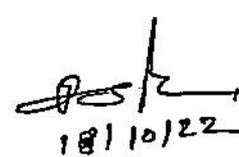
-----*Meeting ended with vote of thanks to Chair*-----

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MEETING

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AT office of secretary, Environment Dept Date: 18th Oct, 2022

SUB: Review of Compliance of order dated 28/9/2022
in O.A. NO. 343/2021 (Madhura Tawde v/s state)

<u>Sr. NO.</u>	<u>Official Name & Designation</u>	<u>organization</u>	<u>signature</u>
1.	Ranadip Goswami Superintendent of Salt, Mumbai.	Salt Commissioner's organisation dsaltcom.mumbai nic.in	
2.	S. H. Pansy Dy. Superintendent of Salt Bhandup/Wadala	Salt Commission organisation	
3.	Shilpa Kamthe Tahsildar (SGV) for Collector Mumbai City.		
4)	S.K. Gaikwad, Executive Engineer (Building & Factory) FIN ward, Matunga, BMC.		
5)	D. J. Rane S.E (SWM) FIN (BMC)		 18/10/22
6)	R.R. One SE (SW) FIN (BMC)		 18/10/22
7)	B. K. Sutar AEE (SW) FIN (BMC)		
8)	S.K. Gaikwad (AEE SWM & (norm)) BMC		

⑧ P. R. Bhasule
R O MPCB Mumbai

R O MPCB Shah

⑨ Mrs. Mohita

Deputy Salt Commissioner,
(In charge, Mumbai) (online attended meeting)

MAHARASHTRA COASTAL ZONE MANAGEMENT AUTHORITY

Tel. No. : 22029388
E-mail : dir1.mev-mh@nic.in
Website: <https://mczma.gov.in/>

No. OA 2022 / CR 3 / TC - 4
Office of the -
Maharashtra Coastal Zone Management Authority,
Environment & Climate Change Department,
15th floor, New Administrative Building,
Mantralaya, Mumbai- 400 032.
Date: 1.11.2022

To,
Municipal Commissioner,
Municipal Corporation of Greater Mumbai,
Mahapalika Marg, Fort, Mumbai

SUB: Regarding compliance of Order dated 28.9.2022 passed by Hon'ble National Green Tribunal, Principal Bench, New Delhi in Original Application No. 343/2021 (Madhura Rajesh Tawade V/s State of Maharashtra)

Dear Sir,

Your kind attention is requested in the matter of Original Application No. 343/2021 filed by Madhura Rajesh Tawade versus State of Maharashtra before the Hon'ble National Green Tribunal, Principal Bench, New Delhi. Grievance in this application was 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 addicting debris on the salt pan, making island out of it and encroaching the same, affecting the mangroves. Unauthorized structures are against CRZ regulations issued under Environment (Protection) Act, 1986.

2. It is to inform that vide order dated 15.12.2021, the Hon'ble NGT had earlier sought a factual and action taken report from a six member joint committee comprising of MCZMA, CPCB, MPCB, SEIAA, BMC and concerned District Magistrate. In pursuance of the said order, a joint committee had submitted its report on 26.9.2022 before Hon'ble NGT. Copy of the said joint committee report is attached herewith.

3. Presently, the Hon'ble NGT has passed an order dated 28.9.2022 in Original Application No. 343/2021 (Madhura Rajesh Tawade V/s State of Maharashtra), which is as follows:

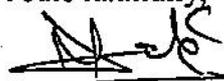
"The recommendations in the report to remove unauthorized dumping of waste, removing illegal encroachments and restoration of the area have to be accepted. MCGM has to prepare a time bound action plan with budgetary support in the matter and has to issue directions for scientific handling of waste. The 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 11.5.2022 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 in in the form of image PDF."

A copy of the above said order of the Hon'ble NGT is attached herewith.

4. In the matter, first (1st) review meeting was held on 18th October, 2022 in the chamber of Secretary, Environment & Climate Change Department, GoM, Mantralaya, Mumbai, wherein officials from the MCGM, Salt Commissioner, District Collector, Mumbai City and MPCB were present for deliberations. A copy of the minutes of the said meeting is attached herewith.
5. In the light of above, in order to comply with above stated order dated 28.9.2022 of the Hon'ble NGT in time bound manner, following directions are issued to MCGM:
 - a) MCGM to immediately take 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.
 - 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.
 - c) Action taken report be submitted to the Department at the earliest.

Yours faithfully,


(Narendra D. Toke) 11/11/22

Director, Environment and Climate Change Dept
and MS, MCZMA

Copy for information to:

1. Secretary, Environment & Climate Change Department, 2nd Floor, Room No. 217, Annexe Building, Mantralaya, Mumbai.
2. Select File - TC 4

O/C 2

आज दि. 2/11/2022
राज्जी निर्मात केले
लिपिक/कार्यासन
पर्यावरण व वातावरणीय बदल विभाग
मंत्रालय, मुंबई ४०० ०३२

MAHARASHTRA COASTAL ZONE MANAGEMENT AUTHORITY

Tel. No. : 22029388
 E-mail : dir1.mev-mh@nic.in
 Website: <https://mczma.gov.in/>

No. OA 2022 / CR 3 / TC - 4
 Office of the -
 Maharashtra Coastal Zone Management Authority,
 Environment & Climate Change Department,
 15th floor, New Administrative Building,
 Mantralaya, Mumbai- 400 032.
 Date: 1.11.2022

To,
 District Collector, Mumbai City
 Old Custom House,
 Mumbai City

To,
 District Collector, Mumbai Suburban
 Govt Colony, Bandra (E),
 Mumbai Suburban- 400051

SUB: Regarding compliance of Order dated 28.9.2022 passed by Hon'ble National Green Tribunal, Principal Bench, New Delhi in Original Application No. 343/2021 (Madhura Rajesh Tawade V/s State of Maharashtra)

Dear Sir,

Your kind attention is requested in the matter of Original Application No. 343/2021 filed by Madhura Rajesh Tawade versus State of Maharashtra before the Hon'ble National Green Tribunal, Principal Bench, New Delhi. Grievance in this application was 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 addicting debris on the salt pan, making island out of it and encroaching the same, affecting the mangroves. Unauthorized structures are against CRZ regulations issued under Environment (Protection) Act, 1986.

2. It is to inform that vide order dated 15.12.2021, the Hon'ble NGT had earlier sought a factual and action taken report from a six member joint committee comprising of MCZMA, CPCB, MPCB, SEIAA, BMC and concerned District Magistrate. In pursuance of the said order, a joint committee had submitted its report on 26.9.2022 before Hon'ble NGT. Copy of the said joint committee report is attached herewith.

3. Presently, the Hon'ble NGT has passed an order dated 28.9.2022 in Original Application No. 343/2021 (Madhura Rajesh Tawade V/s State of Maharashtra), which is as follows:

"The recommendations in the report to remove unauthorized dumping of waste, removing illegal encroachments and restoration of the area have to be accepted. MCGM

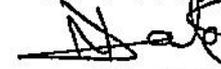
has to prepare a time bound action plan with budgetary support in the matter and has to issue directions for scientific handling of waste. The salt commissioner Mumbai has also to take necessary action in the matter. This needs to be overseen by the Principal Secretary, Environment, Maharashtra. NCZMA has also to oversee compliance in terms of Notification dated 11.5.2022 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 in in the form of image PDF."

A copy of the above said order of the Hon'ble NGT is attached herewith.

4. In the matter, first (1st) review meeting was held on 18th October, 2022 in the chamber of Secretary, Environment & Climate Change Department, GoM, Mantralaya, Mumbai, wherein officials from the MCGM, Salt Commissioner, District Collector, Mumbai City and MPCB were present for deliberations. A copy of the minutes of the said meeting is attached herewith.

5. In the light of above, in order to comply with above stated order dated 28.9.2022 of the Hon'ble NGT in time bound manner, you are hereby directed to take immediate action of removal of encroachments / authorized structures on Survey No. 117 which belongs to State of Maharashtra on or before 10th November, 2022. Action taken report be submitted to the Department at the earliest.

Yours faithfully,



(Narendra D. Toke) 11/11/22

Director, Environment and Climate Change Dept
and MS. MCZMA

Copy for information to:

1. Secretary, Environment & Climate Change Department, 2nd Floor, Room No. 217, Annexe Building, Mantralaya, Mumbai.
2. Select File - TC 4

O/C

आज दि. 2/11/2022
रोजी निर्माण
लिपिक/कायासन
पर्यावरण व वातावरणीय बदल विभाग
मंत्रालय, मुंबई ४०० ०३२

MAHARASHTRA COASTAL ZONE MANAGEMENT AUTHORITY

Tel. No. : 22029388
 E-mail : dir1.mev-mh@nic.in
 Website: <https://mczma.gov.in/>

No. OA 2022 / CR 3 / TC - 4
 Office of the -
 Maharashtra Coastal Zone Management Authority,
 Environment & Climate Change Department,
 15th floor, New Administrative Building,
 Mantralaya, Mumbai- 400 032.
 Date: 1.11.2022

To,
 Prerna Joshi,
 Salt Commissioner, Government of India,
 New Delhi

SUB: Regarding compliance of Order dated 28.9.2022 passed by Hon'ble National Green Tribunal, Principal Bench, New Delhi in Original Application No. 343/2021 (Madhura Rajesh Tawade V/s State of Maharashtra)

Your kind attention is requested in the matter of Original Application No. 343/2021 filed by Madhura Rajesh Tawade versus State of Maharashtra before the Hon'ble National Green Tribunal, Principal Bench, New Delhi. Grievance in this application was 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. Unauthorized structures are against CRZ regulations issued under Environment (Protection) Act, 1986.

2. It is to inform that vide order dated 15.12.2021, the Hon'ble NGT had earlier sought a factual and action taken report from a six member joint committee comprising of MCZMA, CPCB, MPCB, SEIAA, BMC and concerned District Magistrate. In pursuance of the said order, a joint committee had submitted its report on 26.9.2022 before Hon'ble NGT. Copy of the said joint committee report is attached herewith.

3. Presently, the Hon'ble NGT has passed an order dated 28.9.2022 in Original Application No. 343/2021 (Madhura Rajesh Tawade V/s State of Maharashtra), which is as follows:

"The recommendations in the report to remove unauthorized dumping of waste, removing illegal encroachments and restoration of the area have to be accepted. MCGM 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 11.5.2022 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 in in the form of image PDF."

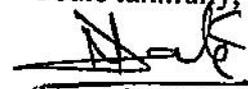
A copy of the above said order of the Hon'ble NGT is attached herewith.

4. In the matter, first (1st) review meeting was held on 18th October, 2022 in the chamber of Secretary, Environment & Climate Change Department, GoM, Mantralaya, Mumbai, wherein officials from the MCGM, Salt Commissioner, District Collector, Mumbai City and MPCB were present for deliberations. A copy of the minutes of the said meeting is attached herewith.

5. In the light of above, in order to comply with above stated order dated 28.9.2022 of the Hon'ble NGT in time bound manner, following directions are issued to MCGM:

- 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
- 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 notices to salt salt pan operators / salt manufactures for the same.
- Action taken report be submitted to the Department at the earliest.

Yours faithfully,


(Narendra D. Toke) | 11/22

Director, Environment and Climate Change Dept
and MS, MCZMA

Copy for information to:

- Secretary, Environment & Climate Change Department. 2nd Floor, Room No. 217, Annexe Building, Mantralaya, Mumbai.
- Select File - TC 4

o/c

आज दि. 2/11/2022
रोजी निर्गमित केले
लिपिक/कार्यासन 
पर्यावरण व वातावरणीय बदल विभाग
मंत्रालय, मुंबई ४०० ०३२

MAHARASHTRA COASTAL ZONE MANAGEMENT AUTHORITY

Tel. No. : 22029388
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No. OA 2022 / CR 3 / TC - 4
Office of the -
Maharashtra Coastal Zone Management Authority,
Environment & Climate Change Department,
15th floor, New Administrative Building,
Mantralaya, Mumbai- 400 032.
Date: 26 | 12 | 2022

URGENT NGT MATTER**REMINDER LETTER**

To,
Municipal Commissioner,
Municipal Corporation of Greater Mumbai,
Mahapalika Marg, Fort, Mumbai

SUB: Regarding compliance of Order dated 28.9.2022 passed by Hon'ble National Green Tribunal, Principal Bench, New Delhi in Original Application No. 343/2021 (Madhura Rajesh Tawade V/s State of Maharashtra)

Ref: 1) Order dated 28.9.2022 passed by the Hon'ble NGT in Original Application No. 343/2021 (Madhura Rajesh Tawade V/s State of Maharashtra)

2) First (1st) review meeting held on 18th October, 2022 in the chamber of Secretary, Environment & Climate Change Department, GoM, Mantralaya

3) This office letter no OA 2022 / CR 3 / TC - 4 dated 1.11.2022

Dear Sir,

Reference kindly invited to this office letter no OA 2022 / CR 3 / TC - 4 dated 1.11.2022 sent to you for compliance of order 28.9.2022 passed by Hon'ble NGT, New Delhi in Original Application No. 343/2021 filed by Madhura Rajesh Tawade versus State of Maharashtra. Copy of the said letter is attached herewith for a ready reference.

2. It is to remind you that, in order to comply with the order 28.9.2022 passed by Hon'ble NGT, New Delhi, first (1st) review meeting was held on 18th October, 2022 in the chamber of Secretary, Environment & Climate Change Department, GoM, Mantralaya, Mumbai, wherein officials from the MCGM, Salt Commissioner, District Collector, Mumbai City and MPCB were present for deliberations. A copy of the order dated 28.9.2022 of Hon'ble NGT along with minutes of the 1st review meeting is sent to you once again for ready reference.

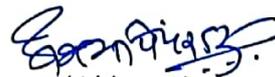
3. In the light of above, in order to comply with above stated order dated 28.9.2022 of the Hon'ble NGT in time bound manner, following directions were issued to MCGM:

- a) MCGM to immediately take 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.
- 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.
- c) Action taken report be submitted to the Department at the earliest.

4. As per the above said Hon'ble NGT order, *Principal Secretary, Environment Department, Maharashtra may remain present in person for interaction with the Tribunal by vide conference on the next date*" The next date in the matter is 2/1/2023.

5. Kindly, action taken report be submitted to the Department immediately, so that Hon'ble NGT could be appraised about the action on **next date of hearing i.e. listed on .2nd January, 2023. Pease treat this as MOST URGENT**

Yours faithfully,



(Abhay Pimparkar)

Director, Environment and Climate Change Dept
and MS, MCZMA

Copy for information to:

1. **Secretary, Environment & Climate Change Department, 2nd Floor, Room No. 217, Annexed Building, Mantralaya, Mumbai.**
2. **Select File - TC 4**

MAHARASHTRA COASTAL ZONE MANAGEMENT AUTHORITY

Tel. No. : 22029388
E-mail : dir1.mev-mh@nic.in
Website: <https://mczma.gov.in/>

No. OA 2022 / CR 3 / TC - 4
Office of the -
Maharashtra Coastal Zone Management Authority,
Environment & Climate Change Department,
15th floor, New Administrative Building,
Mantralaya, Mumbai- 400 032.
Date: 26/12/2022

URGENT NGT MATTER**REMINDER LETTER**

To,
Salt Commissioner, Government of India,
New Delhi
(dsaltcom.mum@nic.in)

SUB: Regarding compliance of Order dated 28.9.2022 passed by Hon'ble National Green Tribunal, Principal Bench, New Delhi in Original Application No. 343/2021 (Madhura Rajesh Tawade V/s State of Maharashtra)

Ref: 1) Order dated 28.9.2022 passed by the Hon'ble NGT in Original Application No. 343/2021 (Madhura Rajesh Tawade V/s State of Maharashtra)

2) First (1st) review meeting held on 18th October, 2022 in the chamber of Secretary, Environment & Climate Change Department, GoM, Mantralaya.

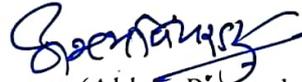
3) This office letter no OA 2022 / CR 3 / TC - 4 dated 1.11.2022

Reference kindly invited to this office letter no OA 2022 / CR 3 / TC - 4 dated 1.11.2022 sent to you for compliance of order 28.9.2022 passed by Hon'ble NGT, New Delhi in Original Application No. 343/2021 filed by Madhura Rajesh Tawade versus State of Maharashtra. Copy of the said letter is attached herewith for a ready reference.

2. It is to remind you that, in order to comply with the order 28.9.2022 passed by Hon'ble NGT, New Delhi, first (1st) review meeting was held on 18th October, 2022 in the chamber of Secretary, Environment & Climate Change Department, GoM, Mantralaya, Mumbai, wherein officials from the MCGM, Salt Commissioner, District Collector, Mumbai City and MPCB were present for deliberations. A copy of the order dated 28.9.2022 of Hon'ble NGT along with minutes of the 1st review meeting is sent to you once again for ready reference.

3. In the light of above, in order to comply with above stated order dated 28.9.2022 of the Hon'ble NGT in time bound manner, following directions are issued to MCGM:
- 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
 - 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 notices to salt salt pan operators / salt manufactures for the same.
 - Action taken report be submitted to the Department at the earliest.
4. As per the above said Hon'ble NGT order, *Principal Secretary, Environment Department, Maharashtra may remain present in person for interaction with the Tribunal by vide conference on the next date*" The next date in the matter is 2/1/2023.
5. You are once again directed to submit the action taken report to the Department immediately, so that Hon'ble NGT could be appraised about the action on **next date of hearing i.e. listed on .2nd January, 2023. Pease treat this as MOST URGENT**

Yours faithfully,



(Abhay Pimparkar)

Director, Environment and Climate Change Dept
and MS, MCZMA

Copy for information to:

- Secretary, Environment & Climate Change Department, 2nd Floor, Room No. 217, Annexed Building, Mantralaya, Mumbai.**
- Select File - TC 4**

MAHARASHTRA COASTAL ZONE MANAGEMENT AUTHORITY

Tel. No. : 22029388
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Website: <https://mczma.gov.in/>

No. OA 2022 / CR 3 / TC - 4
Office of the -
Maharashtra Coastal Zone Management Authority,
Environment & Climate Change Department,
15th floor, New Administrative Building,
Mantralaya, Mumbai- 400 032.
Date: 26th December, 2022

URGENT NGT MATTER**REMINDER LETTER**

To,
District Collector, Mumbai City
Old Custom House,
Mumbai City

To,
District Collector, Mumbai Suburban
Govt Colony, Bandra (E),
Mumbai Suburban- 400051

SUB: Regarding compliance of Order dated 28.9.2022 passed by Hon'ble National Green Tribunal, Principal Bench, New Delhi in Original Application No. 343/2021 (Madhura Rajesh Tawade V/s State of Maharashtra)

Ref: 1) Order dated 28.9.2022 passed by the Hon'ble NGT in Original Application No. 343/2021 (Madhura Rajesh Tawade V/s State of Maharashtra)

2) First (1st) review meeting held on 18th October, 2022 in the chamber of Secretary, Environment & Climate Change Department, GoM, Mantralaya.

3) This office letter no OA 2022 / CR 3 / TC - 4 dated 1.11.2022

Dear Sir,

Reference kindly invited to this office letter no OA 2022 / CR 3 / TC - 4 dated 1.11.2022 sent to you for compliance of order 28.9.2022 passed by Hon'ble NGT, New Delhi in Original Application No. 343/2021 filed by Madhura Rajesh Tawade versus State of Maharashtra. Copy of the said letter is attached herewith for a ready reference.

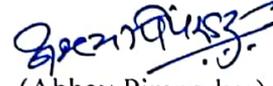
2. It is to remind you that, in order to comply with the order 28.9.2022 passed by Hon'ble NGT, New Delhi, first (1st) review meeting was held on 18th October, 2022 in the chamber of

Secretary, Environment & Climate Change Department, GoM, Mantralaya, Mumbai, wherein officials from the MCGM, Salt Commissioner, District Collector, Mumbai City and MPCB were present for deliberations. A copy of the order dated 28.9.2022 of Hon'ble NGT along with minutes of the 1st review meeting is sent to you once again for ready reference.

3. As per the above said Hon'ble NGT order, *Principal Secretary, Environment Department, Maharashtra may remain present in person for interaction with the Tribunal by vide conference on the next date*” The next date in the matter is 2/1/2023.

4. In the light of above, you are once again directed to take immediate action of removal of encroachments / authorized structures on Survey No. 117 which belongs to State of Maharashtra on or before 10th November, 2022. Action taken report be submitted to the Department immediately, so that Hon'ble NGT could be apprised about the action on **next date of hearing i.e. listed on .2nd January, 2023. Pease treat this as MOST URGENT**

Yours faithfully,



(Abhay Pimparkar)

Director, Environment and Climate Change Dept
and MS, MCZMA

Copy for information to:

1. **Secretary, Environment & Climate Change Department, 2nd Floor, Room No. 217, Annexe Building, Mantralaya, Mumbai.**
2. **Select File - TC 4**

MINUTES OF SECOND (2ND) REVIEW MEETING

Compliance of Order dated 28.9.2022 passed by Hon'ble National Green Tribunal Original Application No. 343/2021 (Madhura Rajesh Tawade V/s State of Maharashtra)

Date: 16th January, 2023

Original Application No. 343/2021 is filed by Madhura Rajesh Tawade versus State of Maharashtra before the Hon'ble National Green Tribunal, Principal Bench, New Delhi. The Hon'ble NGT has passed an order dated 28.9.2022 in Original Application No. 343/2021 (Madhura Rajesh Tawade V/s State of Maharashtra), which is as follows:

“The recommendations in the report to remove unauthorized dumping of waste, removing illegal encroachments and restoration of the area have to be accepted. MCGM 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 11.5.2022 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 in the form of image PDF.”

2. In order to comply with the order 28.9.2022 passed by Hon'ble NGT, New Delhi, first (1st) review meeting was held on 18th October, 2022 in the chamber of Secretary, Environment & Climate Change Department, GoM, Mantralaya, Mumbai, wherein officials from the MCGM, Salt Commissioner, District Collector, Mumbai City and MPCB were present for deliberations. Necessary Directions were issued for submitting the action taken report on 1.11.2022 to MCGM, Salt Commissioner, District Collector, Mumbai City & Mumbai Suburban (Copies attached). Thereafter, Reminder letters dated 26.12.2022 to said Govt Offices.
3. The 2nd review meeting was held on 16th January, 2023 in the chamber of Principal Secretary, Environment & Climate Change Department, GoM, Dalamal House, Mumbai, the officials from the MCGM, Salt Department, District Collector, Mumbai City and MPCB were present. List of officers present is attached as Annexure I.

4. As per the deliberations in the 2nd review meeting, Status of Action taken / Deliberations in the matter is tabulated as below:

Sr No.	Organization	Directions issued	Deliberations / Status of Action
1	MCGM	<p>a) MCGM to immediately take 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>The MCGM officers present during the meeting informed that MCGM vide letter dated 29.12.2022 has submitted its say in the matter.</p> <p><u>REPLIES OF MCGM:</u></p> <p>The MCGM vide letter dated 29.12.2022 submitted its reply which states that:</p> <p>a) 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>b) 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>

The recommendation of the Committee for the removal of unauthorized C&D waste dumped at the Salt pan plot is as following.

“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”.

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.

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.

1. M/s Godrej Construction Ltd at Vikhroli (E), Mumbai Capacity- 300mt/day

2. M/s Metro waste Handling pvt. Ltd. at Shilphata, TMC Capacity 300mt/day.

BMC has also proposed to set up 02 Nos of C&D waste processing plants with capacity of 600 mt/day (total capacity 1200 mt/day). Estimated completion period for these is 2 years. The rendering for the same is under progress.

In addition to this BMC has approved designated unloading sites for disposal of C&D waste material generated out of construction and other activities in BMC limits as per directives of Hon'ble Supreme Court in SLP No. 23708 dt. 15.03.2018. The details of these designated unloading sites are available in Public Domain on BMC Portal. Any generator can dispose of their C&D waste by following due procedure and by obtaining consent of the respective land owner / authorized representative of these designated unloading sites.

DELIBERATIONS:

After taking note of abovementioned reply of MCGM, Principal Secretary, Env&CC Department during the meeting pointed out that the specific directions has been issued by the Hon'ble NGT. The said directions of Hon'ble NGT are as follows:

"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 Principal Secretary, Env&CC Department during the meeting instructed MCGM officials to comply with Hon'ble NGT order since the directions of Hon'ble NGT are specific and clear to MCGM.

			<p>MCGM officials during the meeting stated that the matter would be deliberated with Senior Officials of MCGM and accordingly, further line of action would be taken in the matter.</p> <p>At the end, Principal Secretary, Env&CC Department once again directed that it is mandatory for the MCGM to comply with the above stated order of the Hon'ble NGT. Next Date of hearing in the matter before Hon'ble NGT is 14th February, 2023, wherein compliance of the above stated order is required to be appraised to Hon'ble NGT.</p>
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 Maharashtra on or before 10 th November, 2022. Action taken report be submitted to the Department at the earliest.	<p>Deputy Collector, Mumbai City attended the said meeting and informed about the action taken about the removal of encroachments/ illegal construction on the Govt Land bearing CS No. 117(pt). He informed that 55 numbers of illegal constructions has been removed. He further informed that on certain part of the land, there is SRA scheme proposed. He assured that detailed report about the action taken would be submitted soon.</p> <p><u>REPLY OF OFFICE OF DISTRICT COLLECTOR, CITY:</u></p> <p>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:</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

<p>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.</p> <ul style="list-style-type: none"> • 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><u>DELIBERATIONS:</u></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> <p>Officials from the Salt Department were present for the meeting and stated that Office of Deputy Salt Commissioner has submitted its reply on 23.12.2022 in the matter.</p> <p><u>REPLY OF OFFICE OF SALT DEPT:</u></p> <p>Office of Deputy Salt Commissioner submitted its reply on 23.12.2022 in the matter. The said reply states that:</p>
	<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</p>	
3	Office of Salt Commissioner	

<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 manufactures of the salt works. The salt manufactures 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>allow the collection / dumping of the C&D waste on salt pan land. Deputy Salt Commissioner should issue notices to 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><u>DELIBERATIONS:</u></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, "<i>The Salt Commissioner, Mumbai has also to take necessary action in the matter</i>"</p>
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		<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 their land in future.</p>
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At concluding note, Principal Secretary, Env&CC Department once again directed MCGM, Salt Department and District Collector office to ensure that order dated 28.9.2022 passed by Hon'ble NGT is complied with. On Next Date of hearing i.e. on 14th February, 2023, the Hon'ble NGT need to be appraised about the action taken in the matter.



(Abhay Pimparkar)

Director, Environment & Climate Change Dept, GoM

Second (2nd) Review meeting in the matter of compliance of
Order dated 28.9.2022 passed by Hon'ble NGT in Original Application No.
343/2021 (Madhura Rajesh Tawade V/s State of Maharashtra)

Date: 16th Jun, 2023

Sr. No.	Name of officials and Designation	Contact Details
1	A. P. Mohanby, Suplt of Salt	9022955888
2	S. N. Pandey, Dy. Suplt. of Salt	94269673221
3	S. K. Gaikwad, EE (B&P) / DO FIN MCGM.	9004649964.
4	S. K. Gaikwad, AE (SWM) FN	9819028256
5	D. J. Rane; Sub Engineer (swm) FN	7506366636
6	T. G. Yadav - SRO MPCB	9987528609
7	K. R. Ore, SEC(S) FN	9892588285
8	B. G. Gavande Dy coll. ENC.	8691956111
9	Dharam	
10		
11		
12		

BRIHANMUMBAI MUNICIPAL CORPORATION

No. AE/SWM/ 364011
Date. 29/12/2022

Sub: - Compliance of order dated 28.09.2022 passed by Hon'ble National Green Tribunal Principal Bench, New Delhi

Ref:- Original Application No. 343/2021
(Madhura Rajesh Tawde V/s State of Maharashtra)

This is with subject & reference to the above, the said site is inspected by this office & the point wise observation are as under for the land adjoining costal Road as Wadala to Mahul, close to Chembur to C.S.T. freeway.

Point no. 5.0 (a)

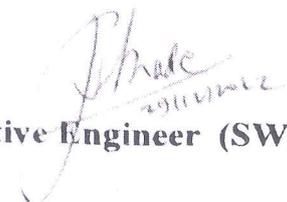
The said plots owner ship is with salt Commissioner. The said plot given to M/s. Hormor Salt Works on lease / rental basis. Hence the protection of land is the responsibility of owner / occupier / tenant of the land, by deploying Security guard or by constructing protection wall along the periphery of the land.

Brihanmumbai Municipal Corporation 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.

Point No. 5.0 (b)

Also as the owner ship of land pertains to salt commissioner, Brihanmumbai Municipal Corporation is not authorized to remove the structure from the land of salt commissioner. In view of the above Brihanmumbai Municipal Corporation may help to remove the unauthorized structure if salt commissioner takes leadership for removing the same.

Submitted please.


Executive Engineer (SWM) Z-II

BRIHANMUMBAI MAHANAGARPALIKA

No. A.E./S.W.M./14649 /F/N Dt. 14.01.2023

241

SUB: Compliance of Order dated 28.09.2022 passed by Hon'ble National Green Tribunal, Principal Bench, New Delhi in Original Application No. 343/2021 (Madhura Rajesh Tawade V/s State of Maharashtra)

An Original Application No. 343/2021 was filed by Madhura Rajesh Tawade versus State of Maharashtra. Grievance in this application was 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. Unauthorized structures are against CRZ regulations issued under Environment (Protection) Act, 1986.

The Hon'ble NGT has passed an order dated 28.09.2022 in Original Application No. 343/2021 (Madhura Rajesh Tawade V/s State of Maharashtra)

*"The recommendations in the report **to remove unauthorized dumping of waste, removing illegal encroachments and restoration of the area have to be accepted.** MCGM 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 in the form of image PDF."*

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"

After detailed discussion and deliberation in the meeting held on 18.10.2022 in the chamber of secretary, Environment & Climate Change Department, GoM, Mantralaya, Mumbai following directions issued to MCGM, Salt Commissioner and Mumbai City Collector and accordingly reply of MCGM given as below:

Point No. 1:- Hon'ble NGT order need to be brought to the notice of Municipal Commissioner Municipal Corporation of Greater Mumbai (MCGM) for necessary action in the matter. Ward offices of F/N and M/W to act in coordination along with office of Salt Commissioner to remove the encroachments on the subject land.

BMC Reply:- As per prevailing policy of **MCGM (BRIHANMUMBAI MUNICIPAL CORPORATION) BMC**, the action on unauthorized work on land belonging to special planning authority such as SRA, MHADA, MMRDA, Collector, Salt Commissioner etc. shall be taken by concerned authority and logistic support required for such action (i.e. man and machinery as per availability) shall be provided to concern authority on prior intimation.

In this case, Hon'ble NGT has directed BMC (ward offices of F/N & M/W) and Salt Commissioner to act in co-ordination to remove the encroachment on the said land. As such, a demolition action schedule shall be arranged by Salt Commissioner department and necessary correspondence be made with Police department for protection during demolition action and intimate a copy to this office so that necessary arrangements of man and machinery etc. will be made available.

Point No. 2:- Office of the District Collector, Mumbai City & Mumbai Suburban should immediately take action to remove the authorized structures on Survey No. 117 which belongs to State of Maharashtra on or before 10th November, 2022.

BMC Reply:- Does not pertain to BMC.

Point No. 3:- BMC need to formulate action plan along with budgetary allocation for immediate collection of C&D waste from the subject land. BMC should sent C&D waste form 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 BMC for Mumbai City and necessary charges for waste processing shall be borne by BMC as per order of Hon'ble NGT. Action plan should also include the time line for setting up of C&D waste facility within BMC area.

BMC Reply:-

NGT in its order dated 28.09.2022 has explicitly mentioned that the recommendation of the committee appointed as per its order dated 15.12.²⁰²¹~~2022~~ have to be accepted. 243

The recommendation of the committee for the removal of unauthorized C&D waste dumped at the Salt pan plot is as following.

"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 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."

However its seems that ^{above mentioned} of this 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.

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 viz.

1. M/s Godrej Construction Ltd at Vikhroli (E), Mumbai Capacity- 300mt/day
2. M/s Metro waste Handling pvt. Ltd. at shilphata, TMC Capacity-300mt/day.

BMC has also proposed to set up 02 Nos of C&D waste processing plants with capacity of 600 mt/day (total capacity 1200 mt/day). Estimated completion period for these is 2 years. The tendering for the same is under progress.

In addition to this BMC has approved designated unloading sites for disposal of C&D waste material generated out of construction and other activities in BMC limits as per directives of Hon'ble Supreme Court in SLP No. 23708 dt. 15.03.2018. The details of these designated unloading sites are available in Public Domain on BMC Portal. Any generator can dispose of their C&D waste by following due procedure and by obtaining consent of the respective land owner / authorized representative of these designated unloading sites.

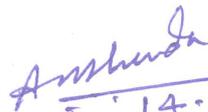
Point No. 4:- Deputy Salt Commissioner should not allow the salt pan operators / salt manufactures to allow the collection / dumping of the C&D waste on salt pan land. Deputy Salt Commissioners should issue notices to salt pan operators / salt manufactures for the same.

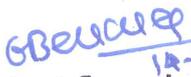
BMC Reply :- Does not pertain to BMC.

Submitted Please,


14/1/23
Executive Engineer
(B&F) F/North


14/1/2023
Executive Engineer
(S.W.M) Z-II

ward 
14.01.2023
Executive Engineer
Ward F/North


14-1-2023
Assistant Commissioner
Ward F/North

उपजिल्हाधिकारी (अतिक्रमण/निष्कासन) धारावी विभाग यांचे कार्यालय
जुने जकात घर, तळमजला, शहीद भगतसिंग रोड, फोर्ट, मुंबई-४०० ००१

(दूरध्वनी क्र.०२२-२२६२४७४० Email- dyencdharavi01@gmail.com)

क्र.कार्या-१/अति./शांतीनगर/२०२३

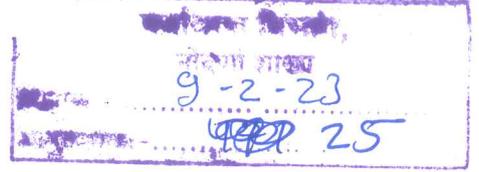
दि. ०६/०२/२०२३ जा.क्र. ७२

✓ प्रति,

मा.संचालक,
महाराष्ट्र कोस्टल झोन मॅनेजमेंट अथोरिटी,
पर्यावरण व वातावरणीय बदल विभाग,
१५ वा माळा, नवीन प्रशासकीय ईमारत,
मंत्रालय, मुंबई-४०००३२

~~७२~~

MCCMA



विषय :- मा.राष्ट्रीय हरीत न्यायाधिकरण, नवी दिल्ली यांचेकडे दाखल अर्ज क्र.३४३/२०२१

श्रीम.मधुरा राजेश तावडे

विरुद्ध

महाराष्ट्र शासन व इतर

संदर्भ:- १) आपलेकडील पत्र दि.२६/१२/२०२२

विषयांकित प्रकरणी आपलेकडील संदर्भिय प्राप्त पत्रासोबत मा.राष्ट्रीय हरीत न्यायाधिकरण, नवी दिल्ली यांचेकडील दि.२८/०९/२०२२ रोजीचे आदेशाची प्रत जोडली आहे. मा.राष्ट्रीय हरीत न्यायाधिकरण, न्यु दिल्ली यांचेकडील दि.२८/०९/२०२२ रोजीचे आदेशान्वये सी.एस.क्र.११७(पै) सॉल्ट पॅन विभाग या सी.एस. क्रमांकावरील अतिक्रमण काढण्याचे निर्देश दिले आहेत. याबाबत केलेल्या कार्यवाहीचा अनुपालन अहवाल आपले कार्यालयास सादर करणेस मा.जिल्हाधिकारी, मुंबई शहर यांना निर्देश दिलेले आहेत.

सॉल्ट पॅन विभाग सी.एस.क्र.१४४ चे लागत शासन मालकीचे सीएसक्र.११७(पै) येथील शांतीनगर, इस्टर्न एक्सप्रेस हायवे नजीक, मदीना मस्जिदचे जवळ, वडाळा (पुर्व) मुंबई-३७ येथे काही असामाजिक घटकांनी बेकायदेशिरपणे मोकळ्या जागेवर नव्याने अतिक्रमण करुन अनिवासी वापराचे बांधकामे/ झोपड्या बांधलेल्या होत्या. यापुर्वीदेखील सदरचे जागेवर अशाच प्रकारचे अतिक्रमणे झालेली होती. या कार्यालयाकडून वेळोवेळी निष्कासनाची कार्यवाही करणेत आलेली आहे. प्रश्नांकित शांतीनगर, मदिना मस्जिदचे बाजूला मोकळ्या जागेवरील एकूण-२३ (कच्ची व पक्के) अनधिकृत बांधकामे या कार्यालयाकडून पुर्वी दि.०७/०४/२०२१ रोजी निष्कासित केलेली आहेत. उक्त टिकाणी नव्याने झालेली अनधिकृत बांधकामे निष्कासनाचा कार्यक्रम दि.०७/०७/२०२१, दि.१४/०७/२०२१ व दि.०२/०९/२०२१ मध्ये आयोजित केलेला होता. परंतु मा.उच्च न्यायालय यांचे सुमोटो पीआयएल क्र.१/२१ मधील वेळोवेळी स्थगिती आदेश असल्याने निष्कासन कार्यवाही करता आली नाही. तसेच या कार्यालयाकडून नव्याने निष्कासन कार्यक्रम दि.११/०१/२०२२ रोजी नियोजित करणेत आलेला होता. परंतु शासनाचे कोविड-१९ चा वाढता प्रादुर्भाव लक्षात घेता दि.०८/०१/२०२२ चे आदेशानुसार नविन शासन नियमावली/निर्बंध जाहीर केलेले होती, त्यामुळे उक्त अतिक्रमण निष्कासन कार्यक्रम तूर्तास स्थगित ठेवण्यात आला होता. तसेच जमिनीच्या मालकीबाबत अभिलेख स्पष्ट नसल्यामुळे दरम्यानचा काळात निष्कासन कार्यक्रम आयोजित करता आला नाही.

WS(744)
2
10/1/23

या कार्यालयाचे जाहीर नोटीस दि.२३/०५/२०२२ अन्वये उक्त प्रश्नांकित जागेवरील अतिक्रमण काढण्याबाबत नोटीसीद्वारे प्रसिध्द करणेत येवून निष्कासन कार्यक्रम दि.२६/०५/२०२२ रोजी आयोजित करणेत आलेला होता. त्याविरुध्द प्रश्नांकित जागेवरील अतिक्रमणधारक यांनी मा.उच्च न्यायालय मुंबई येथे याचिका क्रमांक १६४६९/२०२२ दाखल केलेली होती. त्याप्रमाणे मा.उच्च न्यायालय मुंबई यांचे दि.२५/०५/२०२२ रोजीचे आदेशान्वये निष्कासन कार्यक्रमास ०३ आठवड्याची स्थगिती देवून महाराष्ट्र जमिन महसूल अधिनियम १९६६ चे कलम ५०(५) अन्वये अपिल प्राधिकरणाकडे अपिल दाखल करण्याचे निर्देश दिलेले होते. याचिकाकर्ते यांनी मा.अपर आयुक्त, कोकण विभाग यांचेकडे दाखल केलेल्या अपिल क्र.एलएनडी/२९१/२०२२ मध्ये दि.२१/११/२०२२ रोजी निर्णय होवून याचिकाकर्ते यांचे अपिल अमान्य केले आहे. त्यानुसार या कार्यालयाचे दि.२५/११/२०२२ रोजीचे पत्रानुसार दि.०८/१२/२०२२ रोजी निष्कासन कार्यक्रम आयोजित करण्यात आलेला होता. परंतु मा.अपर आयुक्त, कोकण विभाग यांचेकडील दि.२१/११/२०२२ रोजीचे आदेशाविरुध्द अतिक्रमणधारक यांनी पुन्हा मा.उच्च न्यायालय, मुंबई येथे Civil Writ Petition (St) No.३०३२७ of २०२२ दाखल केले. दाखल याचिकेच्या अनुषंगाने मा.उच्च न्यायालय मुंबई येथे दि.०७/१२/२०२२ रोजी सुनावणी होवून याचिकाकर्ते यांना सक्षम प्राधिकरणाकडे अपिल दाखल करण्यासाठी मुदत देवून ०४ आठवडे निष्कासन कार्यवाही करण्यात येवू नये असे निर्देश दिलेले होते. दि.०६/०१/२०२३ रोजी ०४ आठवड्याची मूदत संपली असल्याने तसेच शासनाकडून अतिक्रमण केलेल्या बांधकामाबाबत कोणतेही लेखी स्वरुपाचे स्थगिती आदेश या कार्यालयास प्राप्त नसल्याने या कार्यालयाकडून दि.१०/०१/२०२३ रोजी अतिक्रमण निष्कासनाचा कार्यक्रम आयोजित करणेत आला होता. दि.१०/०१/२०२३ रोजी प्रश्नांकित जागेवरील ५५ बेकायदेशिर अनधिकृत बांधकामे बृ.म.न.पा एफ/नॉर्थ विभाग यांचे कार्यालयाकडील निष्कासन पथक तसेच स्थानिक पोलीस स्टेशनकडील पोलीस बंदोबस्तांमध्ये या कार्यालयाकडून निष्कासीत करण्यात आलेली आहेत. निष्कासीत केलेल्या जागेच्या संदर्भातील छायाचित्रे सोबत जोडली आहेत. शासकीय जागेवर अतिक्रमण केल्यास कार्यवाही करण्यात येईल असे फलक लावण्यात आले आहेत. (छायाचित्र संलग्न) तसेच सदर ठिकाणी दि.१०/०१/२०२३ रोजीचे उशिर झाल्याने निष्कासन करण्याचे राहून गेलेले ३ कच्चे व ३ पक्के बांधकामे दि.०६/०२/२०२३ रोजी निष्कासित करण्यात आलेले आहेत. (छायाचित्र संलग्न)

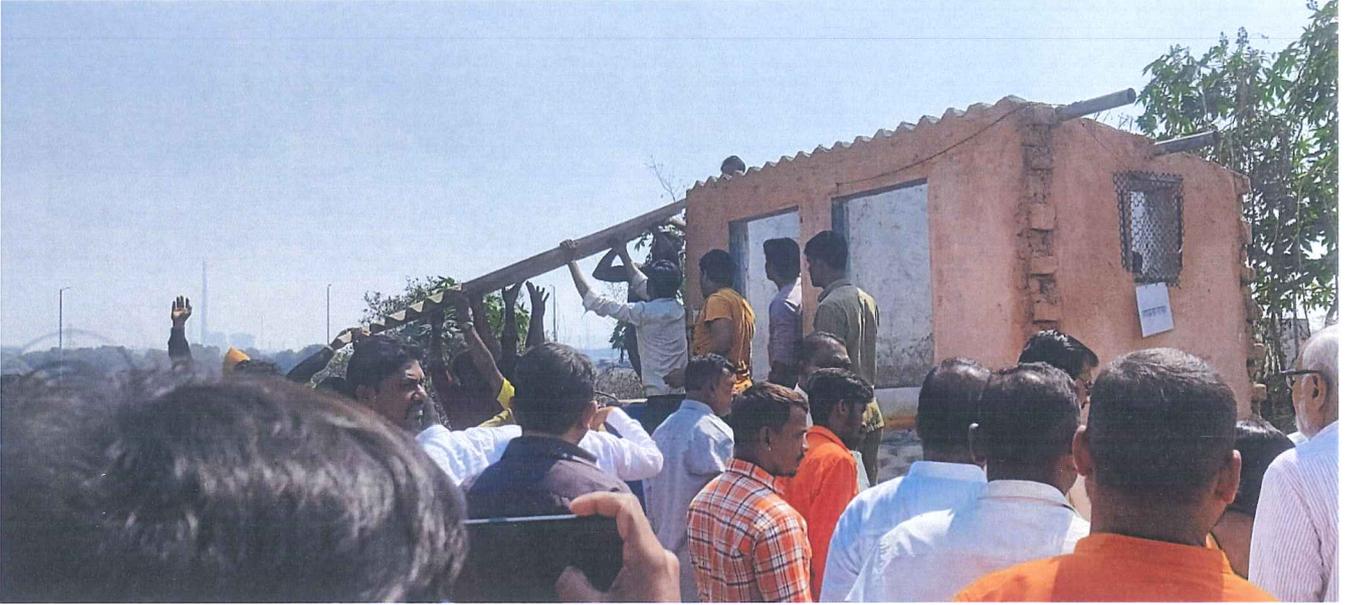
सी.एस.नं.११७ (पै) च्या क्षेत्रावर वसलेल्या झोपड्यांसाठी अमन सागर सहकारी गृहनिर्माण संस्थेचे नावे झोपडपट्टी पुनर्वसन योजनेअंतर्गत एकूण-२५६ झोपड्यांचे परिशिष्ट-२ दि.०८/०७/२०१० रोजी निर्गमित करण्यात आलेले आहे. तसेच न.भू.क्र.११७(पै), शांतीनगर, येथे लागून उत्तर दिशेला स्थानिक मा.आमदार श्री.कॅप्टन तामिल सेल्वन यांचे आमदार निधीमधून समाजमंदिर यां नावे असलेले लांबी-५१ रुंदी-५१ फुट असलेले बांधकाम आहे. सदरचे बांधकामाबाबत खात्री करणेस अधिक्षक, नगर भूमापन व भूमि अभिलेख कार्यालय व जिल्हा नियोजन अधिकारी कार्यालय, मुंबई शहर या कार्यालयास विचारणा करणेत आलेली आहे.


उपजिल्हाधिकारी (अति/निष्का)
धारावी विभाग, मुंबई शहर

प्रत:- १)मा. जिल्हाधिकारी मुंबई शहर यांना माहितीस्तव सविनय सादर.

२)मा.अपर जिल्हाधिकारी, मुंबई शहर यांना माहितीस्तव सविनय सादर.

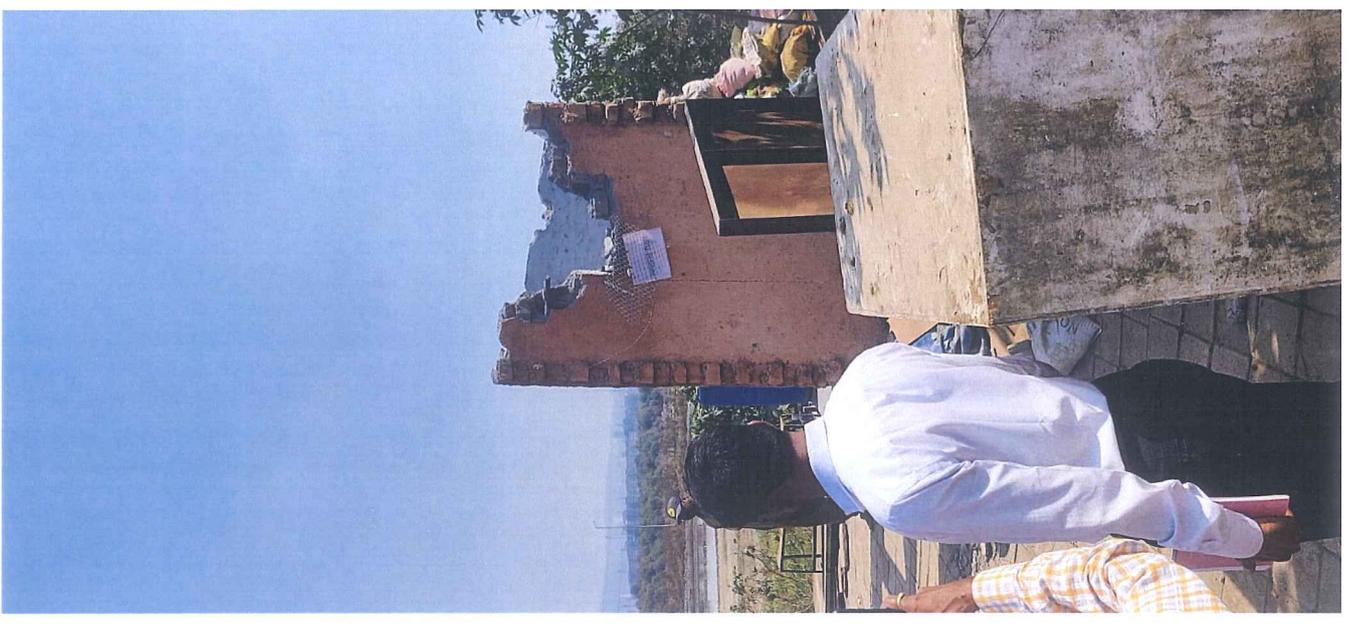
दि. ०६/०२/२०२३ रोजी येथील निसर्काने कार्यवाही करायो.
शांतीनगर वडाळा.



दि. 06/02/2023 रोजी कायबंदी फोटो. शांतीनगर नावा



दि. 03/02/2023 कोशी सिमराज परिवार कोश, सिमराज, दस्ता,

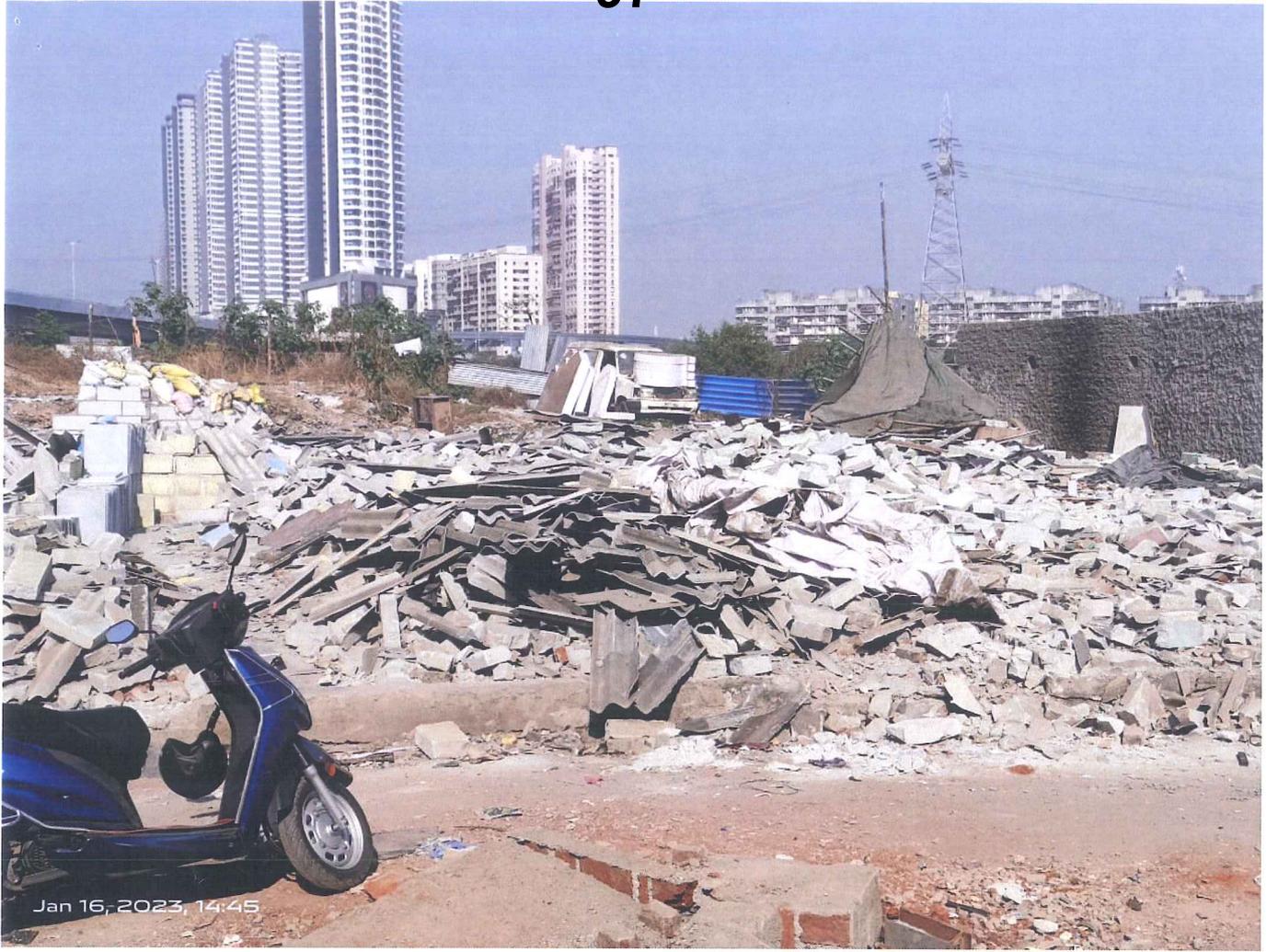




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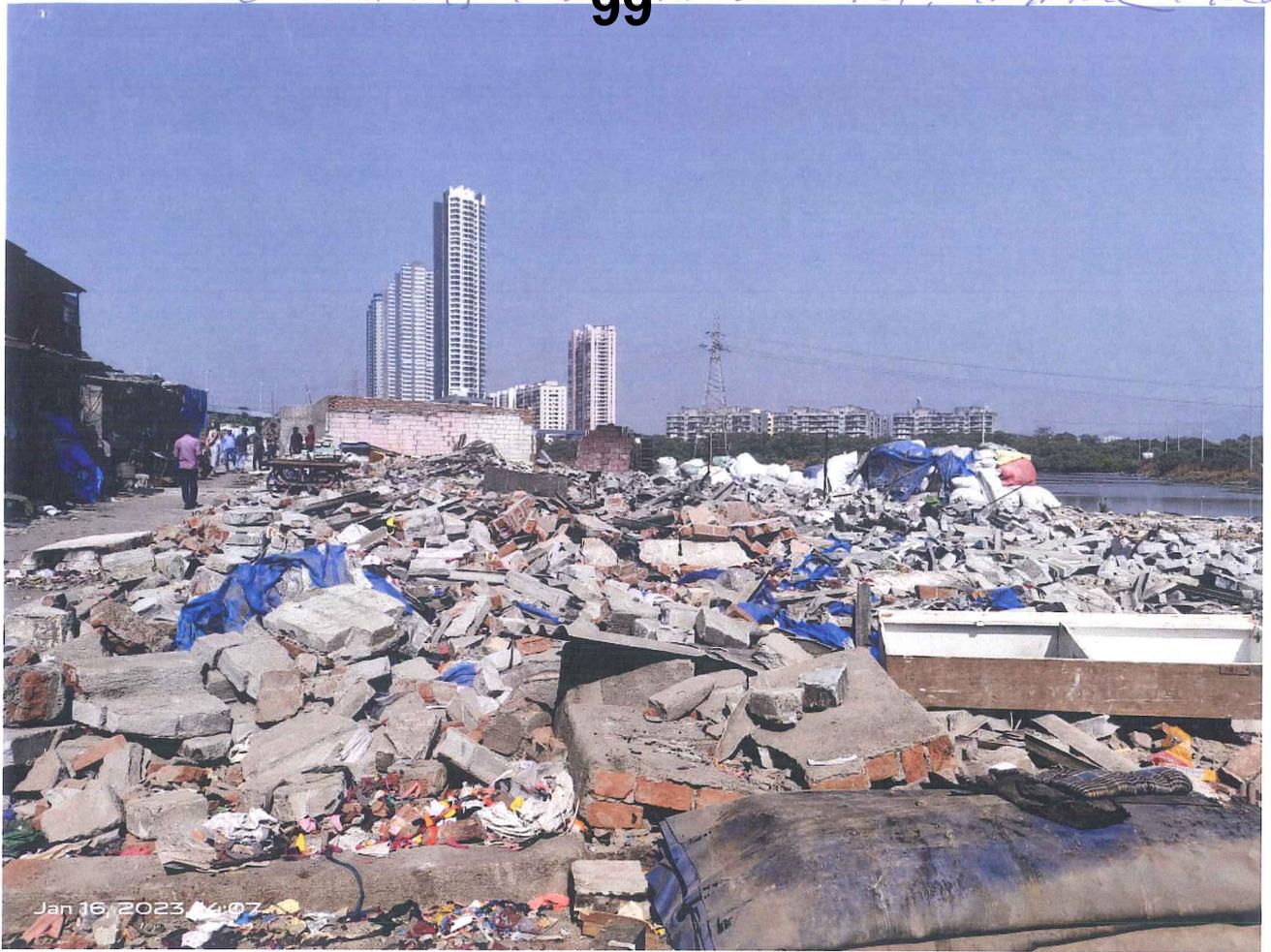


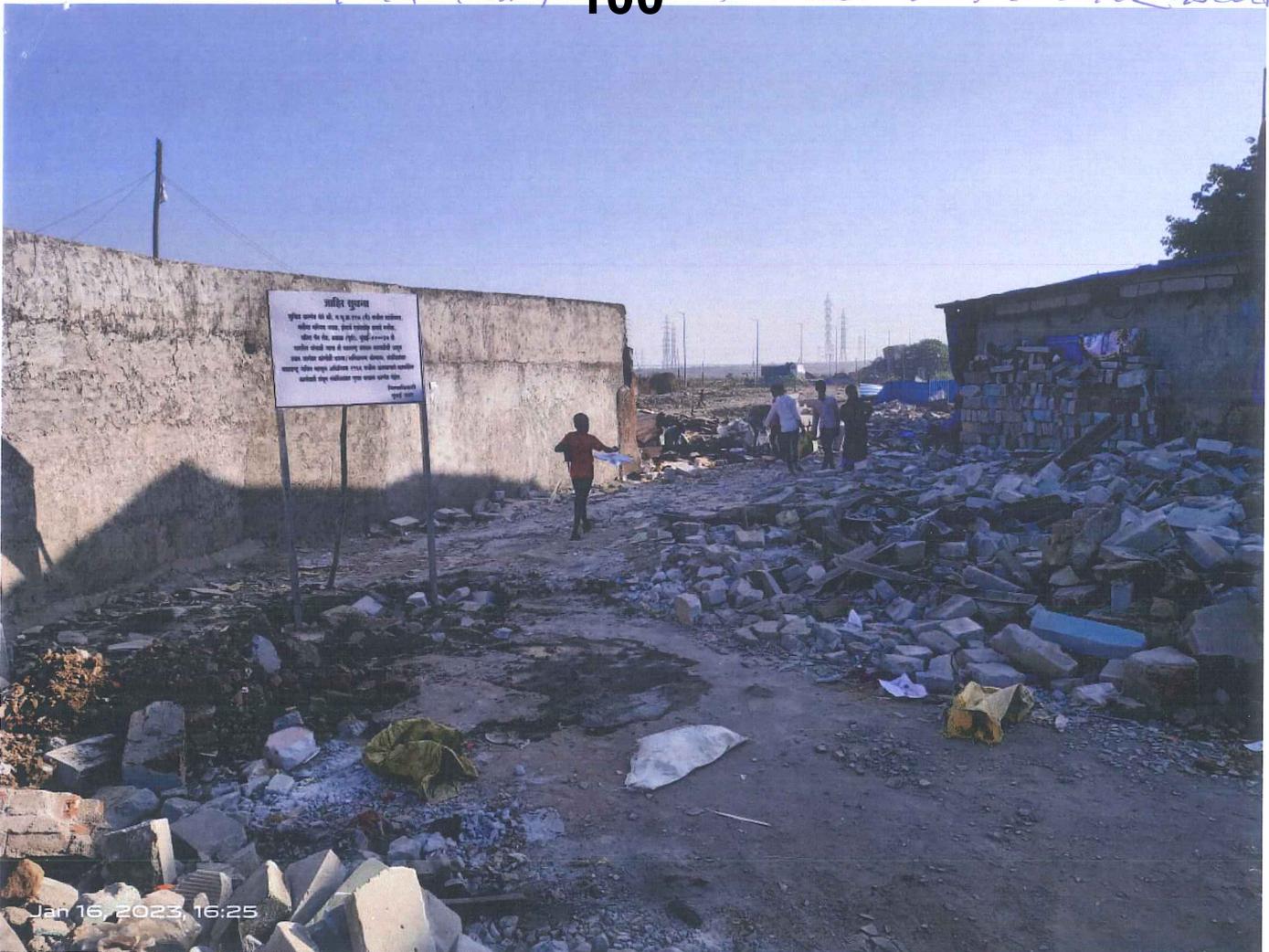
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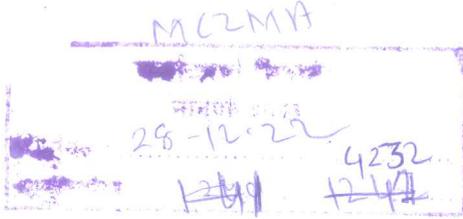


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Jan 16, 2023, 16:49





भारत सरकार

GOVERNMENT OF INDIA

उपनमक आयुक्त कार्यालय

Office of the Deputy Salt Commissioner

एक्स्चेंज बिल्डींग, चौथी मंजील, सर शिवसागर रामगुलाम मार्ग, बेलाई ईस्टेट, मुंबई - 400001.

Exchange Building, 4th floor, Sir Shivsagar Ramgulam Marg.

Ballard Estate, MUMBAI - 400001

Email: dsaltcom.mum@nic.in
Phone: 022-20825206, 20822192C. No. D-11030(13)Land/2008/II/ 6386 Date: 23/12/2022

To,

✓ The Director,
Environment & Climate Change Department,
and MS, Maharashtra Coastal Zone Management Authority,
15th Floor, New Administrative Building,
Mantralaya, MUMBAI - 400032.

Sir,

Sub : Regarding compliance of Order dated 28.09.2022 passed by Hon'ble National Green Tribunal, Principal Bench, New Delhi in Original Application NO. 343/2021 (Madhura Rejesh Tawade V/s State of Maharashtra) - Reg.

Please refer to your letter No. OA 2022/ CR 3/TC-4 dated 01.11.2022 addressed to the Salt Commissioner, Jaipur and copy sent to this office by email on the above subject.

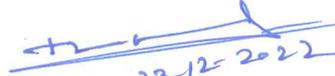
In this regard it is informed that in view of Hon'ble NGT order dated 28.09.2022 in OA No. 343/2021 and also in view of instructions given in the meeting dated 18.10.2022, this office has issued letter No. S-11011(30)Salt/84/5430-36 dated 29.10.2022 (**Annexure No. 1**) to the salt manufacturers of Hormoz 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.

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.

Encl.: As above.

Yours faithfully,


23-12-2022

(A.P. Mohanty)

Superintendent of Salt
Regional Office, Mumbai

Copy submitted to the Salt Commissioner Jaipur for information.

Copy for information to :-

- 1) The Municipal Commissioner, Municipal Corporation of Greater Mumbai, Municipal Headquarters, Mumbai.
- 2) The District Collector, Mumbai.
- 3) The Range Forest Officer, Mangrove Cell, Salt Pan CS No. 83, Chembur Shivadi Road, Bhakti Park Monorail Station, Near Casting Yard, Wadala (East), Mumbai.
- 4) The Regional Officer, Maharashtra Pollution Control Board, Kalpataru Point, 1st Floor, Opp. Cineplanet Cinema, Sion (East), Mumbai – 400022.

Copy for information and necessary action to:-

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

Copy to Hormoz salt works file.

Copy of Land Cell (Mangrove Writ Petition file).



भारत सरकार

GOVERNMENT OF INDIA

उपनमक आयुक्त कार्यालय

Office of the Deputy Salt Commissioner

एक्स्चेंज बिल्डींग, चौथी मंजील, सर शिवसागर रामगुलाम मार्ग, बेलाई ईस्टेट, मुंबई - 400001.

Exchange Building, 4th floor, Sir Shivsagar Ramgulam Marg,

Ballard Estate, MUMBAI - 400001

C. No. S-11011(30)Salt/84/

5430-5436

Date: 29 /10/2022

To,

- 1) Shri Muralilal N. Garodia,
Sheela Apartment, 4th Floor,
Off Bhulabhai Desai Road,
MUMBAI - 400026.
- 2) Shri Byram Rohinton Dhalla,
Putla Mansion, Darabsha Road,
Off Napeansea Road,
MUMBAI - 400026.

Sir,

Sub : Unauthorised activities in Hormoz salt works at Wadala Salt Factory - Dumping of debris and construction of compound wall - Reg.

It is informed that various complaints regarding dumping of debris and construction of compound wall in Hormoz salt works at Wadala Salt Factory has been received in this office. Further it is informed by the Forest Range Officer, Mangrove Cell, Central Mumbai vide letter dated 31.05.2022 (Annexure No. A) that criminal offence No. E-10/2022-23 dated 21.04.2022 has been registered against you. It is further informed that the National Green Tribunal vide order dated 28.09.2022 (Annexure No. B) in OA No. 343/2021 (Madhura Rajesh Tawade Vs State of Maharashtra) has ordered to reomove unauthorised dumping of waste, illegal encroachments and to restore the area.

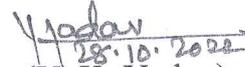
In view of above you are hereby directed to immediate necessary action as below:-

- a) Immediately stop / take action on unauthorised dumping of waste, illegal encroachments / constructions in land bearing CS No. 144 & 145 under Hormoz salt works.
- b) Immediately remove the C&D waste and debris dumped in the land bearing CS No. 144 & 145 under Hormoz salt works.
- c) Immediately remove unauthorised structures, if any in the land bearing CS No. 144 & 145 under Hormoz salt works.

An immediate action on the above is requested. You are requested to be vigilant and to use the land for the purpose of salt manufacture only and to avoid any illegal activities in the land bearing CS No. 144 & 145 under Hormoz salt works. If you fail to do so, suitable legal action will be taken against you.

Encl.: As above.

Yours faithfully,


28.10.2022
(Y. K. Yadav)

for Deputy Salt Commissioner
MUMBAI



Copy submitted to the Salt Commissioner Jaipur for information.

Copy for information to

- (i) The Director (Environment), Environment Department, 15th Floor, New Administrative Building, Mantralaya, MUMBAI – 400032.
- (ii) The Range Forest Officer, Mangrove Cell, Salt Pan CS No. 83, Chembur Shivadi Road, Bhakti Park Monorail Station, Near Casting Yard, Wadala (East), MUMBAI.

Copy for information and necessary action to:-

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



महाराष्ट्र शासन
वनविभाग

वनपरिक्षेत्र अधिकारी, कांदळवन कक्ष मध्य मुंबई
यांचे कार्यालय

सॉल्ट पॅन, न.भू.क्र.८३, चेंबूर-शिवडी रस्ता, भक्तीपार्क मोनोरेल स्टेशन
जवळ कास्टींग यार्ड शेजारी, वडाळा (पूर्व), मुंबई

194

Office Of the Deputy Commissioner
दूरध्वनी क्र.
EmailId: fofmcm@gmail.com
सं. No.

जा.क्र./व.क्र./म.मुं./गुन्हे/160/2022-23,

मध्य मुंबई, वडाळा, दि. 31/05/2022

प्रति,

मा.डेप्युटी सॉल्ट कमिशनर,
४ मजला एक्सचेंज बिल्डींग,
बेलाई ईस्टेट मुंबई-४००००१

विषय:- रौं.गु.क्र.ई१०/२०२२, दि. २१/०४/२०२२ बाबत.

उपरोक्त विषयान्वये, आपणास कळविणेत येते की मौजे सॉल्टपॅन अधिसूचित कांदळवन न.भू.क्र.२५५ चे लगत सॉल्ट विभागाचे जुन्या बांधावर नविन भरावा केल्याचे दिसून आले आहे. त्यापैकी अधिसूचित कांदळवन क्षेत्रावर बांधाचे समांतर हद्दीलगत सुमारे ०.०३ हे. क्षेत्रावर अंदाजे १० ते १२ ट्रक माती व डेब्रीजचा भरावा केला असल्याचे आढळून आले आहे. त्याबाबत इकडील कार्यालयामार्फत रौं.गु.क्र.ई-१०/२०२२-२३ दि.२१/०४/२०२२ अन्वये गुन्हा नोंद केला आहे.

अधिसूचित कांदळवन न.भू.क्र.२५५ लगत असलेल्या क्षेत्राचे सॉल्ट लिज होल्डर श्री.मुरारीलाल गरोडीया हे असून सदरचा भरावा त्यांच्यामार्फत केले असल्याचे समजून येत आहे. सदर भरावा करणेकरीता संबंधीताने आपले विभागाचे परवानगी घेतली आहे किंवा कसे ? याबाबत इकडील कार्यालयास अवगत करणेकरीता आपले कार्यालयाकडील प्रतिनिधीस आवश्यक त्या दस्तावेज सह या कार्यालयात दि.०८/०६/२०२२ रोजी उपस्थित राहणेबाबत कळवावे.

(सुरेश चरक)

वनपरिक्षेत्र अधिकारी,
कांदळवन संधारण घटक,
मध्य मुंबई

प्रत :- १) श्री.मुरारीलाल गरोडीया, पत्ता :- सॉल्ट पॅन रोड, शांतीनगर वडाळा (पु) मुंबई-४०००३७.

२/- आपणास वरील नमुद दिनांकास आपले म्हणणे मांडण्यासाठी आवश्यक त्या दस्तऐवजांसह या कार्यालयात उपस्थित रहावे.

२) वनपाल दादर/कुलाबा,

२/- सदरचे पत्र संबंधीत कार्यालयास पोहोच करून दिनांकीत पोहोच या कार्यालयास सादर करावी.

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 salt 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 salt 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 salt 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%20MH%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

From:

Murarilal N. Garodia
Sheela Apartments, 4th floor,
Mahalaxmi Mandir Road,
Off Bhulabhai Desai Road,
Mumbai - 400026.

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18.11.2022

To,
The Deputy Salt Commissioner
Exchange Building, 4th floor,
Sir Shivsagar Ramgulam Marg,
Ballard Estate, Mumbai - 400001.

Subject - Hormuz Salt Works at Wadala Salt Factory

Sir,

I refer to your letter No. S-11011(30)Salt/84/5436 dated 29.10.2022 and in reply thereto I have to state as follows:

1. At the outset I have to state that the land on which the Hormuz Salt Works is constructed and also the Hormuz Salt Works itself does not belong to the Union of India and it is not under the management or control of the Union of India or the Salt Department of the Ministry of Industries. As such, the Office of the Salt Commissioner or the Office of the Deputy Salt Commissioner, Mumbai has no authority or control or say over the user of the said land or the activities thereon. Without prejudice to the above contention, I shall now deal with your letter under reply.
2. Before I deal with the contents of your letter under reply, it is necessary to narrate a few facts which have happened in the recent past.
 - a) By the letter dated 23/07/2020, the office of the ACP, Matunga Division, Mumbai informed the office of the Deputy Superintendent of Salt, Wadala that the Sangam Nagar Beat No. 1, which comes under the Wadala T.T. Police Station, had initiated proceedings under Section 68 and 69 against some persons in respect of unauthorised construction work that was going on in the salt pan area behind Madina Masjid. By the said letter information was sought whether the said work was authorised and it was further stated that if the work was unauthorised then a complaint should be made to the concerned Police Station against the persons carrying out the unauthorised construction.

- b) Further to the said letter dated 23/07/2020, an inquiry was initiated by the D.S.S., Wadala with us and independently and it was found that some persons belonging to the land mafia in that area were illegally constructing tenements and selling the same to the public for their illicit gains.
- c) Subsequently, pursuant to the concerted efforts made by us and the D.S.S., Wadala and also your office, the proceeding for demolition of the illegal structures was started. However, the local police administration was not co-operating for obvious reasons and hence the matter had to be taken up with the higher Police authority and through the intervention of the Commissioner of Police, police protection was provided and the structures were ultimately demolished in or about June 2022. For the purpose of facilitating the demolition by your department, some debris and earth had to be dumped to enable the JCB to approach the site and carry out the demolition.
- d) Even after the demolition, efforts were being regularly made to reconstruct the tenements and hence I had to put up tin sheets on the boundary of C.S. No. 117 and 144 to prevent the encroachment. The tin sheets were got removed and stolen by the land mafia and the attempts to encroach were renewed. There was therefore no option but to put up a wall to protect the property from encroachment. Thus a 140 feet long wall was erected along the boundary of the C.S. No. 117 and 144. The land mafia thereafter resorted to every tactic to get the wall removed including making complaints to the Wadala T.T. Police, Forest Office, Municipal Corporation, Office of Salt Commissioner, Jaipur and your office and also the Union Government Ministry and NGT. Their single aim was to have the said wall removed so that they could proceed with their illegal construction activities.
- e) The land mafia is so desperate that they are threatening our workers and even me on a daily basis. On 15.11.2022 an empty dumper which was not bearing any registration number banged into the compound wall and managed to demolish a portion of the compound wall. FIR No. 717/2022 under Sections 447, 427 and 34 of the IPC has been lodged with the local Police Station after great difficulty as the local police is turning a blind eye to the illegal activities of the land mafia. However there is no serious attempt being made by the Police to even carry out a proper investigation.
- f) It may be pointed out that till 1961, there were about 21 salt works manufacturing salt in the near vicinity of the Hormuz Salt Works. Pursuant to the Notification of the Salt Department in 1962 or thereabouts, the manufacturing activity in 18 of the salt works was stopped and the lands were lying vacant. Gradually, those lands were encroached

upon and illegal hutments were put up and in the course of time it became the biggest slum (Sangam Nagar) in Mumbai. Only the three salt works, including Hormuz Salt Works, which challenged the Notification and continued manufacture of salt were left unscathed. Now, Hormuz Salt Works is the sole surviving salt works manufacturing salt on its lands in Wadala and in fact the only salt work in Mumbai City and probably in Mumbai Suburban also.

- g) As owners of the lands and the salt works, we are making all efforts to save the land from encroachment by the land mafia. It is well known that in the last about five years or more, the surrounding area is being developed by private developers and also by MMRDA and hence the land mafia is very active in the area as even the encroached land can get it super profits.

3. I shall now deal with the contents of your letter dated 29.10.2022.
4. As stated above, the complaints to your office and various other authorities have been made by the persons acting on behalf of the land mafia. Their motive is not for public good but for illegal private gains for themselves and those helping them. The authorities should pierce the veil and see the actual facts and circumstances of the matter and not concentrate on the lop-sided complaints made for selfish reasons. The land mafia should not be allowed to make use of the offices of the legal authorities to act in a manner which will benefit the anti-social elements and act against the interest of the law-abiding citizens. Please be informed that there is no any compound wall constructed in Hormuz Salt Works. Only a protective wall of around 140 feet is constructed at the edge of demarcation line of C.S. No. 117 & 144 to prevent encroachment by the encroachers in the area. It is also to inform you that the wall is constructed under exceptional situation. Moreover, it may be noted that removal of the wall will give a free hand to the land mafia which would then easily encroach upon the land and illegally erect structures thereon and sell the same overnight. This has happened in the distant past and also in the recent past in this same spot. and it would be harmful to dismantle the wall. Here it is also worth to mention that dismantling of the constructed protective wall would be a moral boost for the complainants and encroachers besides substantial economic loss to us.

Letter dated 31.05.2022 of the Forest Range Officer, Mangrove Cell, Central Mumbai (Annexure - I of your letter) shows that 0.03 Hectare i.e. around 300 Square Meter land is filled by 10-12 trucks of earth & debris and a criminal offence No. E - 10/ 2022-23 dated 21.04.2022 is registered by him. Kindly note that the demolition in the area was done by the department on 02.06.2022 and this dumping of earth and debris was done

to facilitate movement of JCB from back side for successful execution of demolition drive taken by the department.

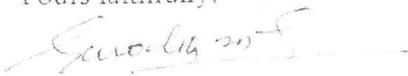
Here it is worth mention that criminal offence registered by the Range Forest Officer is ultra vires ab initio because the land is only notified as protected forest but not handed over to the forest department. It is also learnt that the notification of the state government is challenged by the Salt Department in WP no. 1513/2012.

Annexure - II of your letter is NGT order in case of Madhura Rajesh Tawade versus State of Maharashtra. Since NGT conclusion to remove the C & D waste from the outer bund of Messrs. Hormoz Salt Works, Wadala in its order dated 28.09.2022 is based on the misguided facts to create island and destruction of mangroves, it would be better if Salt Department becomes a party in NGT matter to defend construction & repair of outer bund in the salt works which is an essential part of salt manufacturing business as there is no creation of island and destruction of mangroves in our salt works. A vegetation of dense mangrove can easily be located in the vicinity of outer bund of our salt works.

Here it is to refer that any disturbance on outer bund of our salt works will ruin the salt works and business of M/s Hormoz Salt Works, the only working salt works in Mumbai City and will only further the interest of the land mafia.

In light of the above submission, it is requested to kindly review your decision conveyed wide above referred letter dated 29.10.2022 and withdraw the issued notice in the interest of the salt works, & the salt industry of Mumbai City.

Yours faithfully,



(Murarilal N. Garodia)

Copy submitted to:-

- 1) The Salt Commissioner, Jaipur with request to intervene in the matter.
- 2) The Superintendent of Salt, Bhandup.
- 3) The Deputy Superintendent of Salt, Wadala.