

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

ORIGINAL APPLICATION NO. 135 / 2024 (WZ)
[EARLIER ORIGINAL APPLICATION NO. 637 / 2024(PB)] (LP)

IN THE MATTER OF

News item Titled "7 Flamingos spotted near
DPS Lake Wetland Killed activist blame
CIDCO's development plan" appearing in
The Indian Express dated 28.04.2024

..... APPLICANT



VERSUS

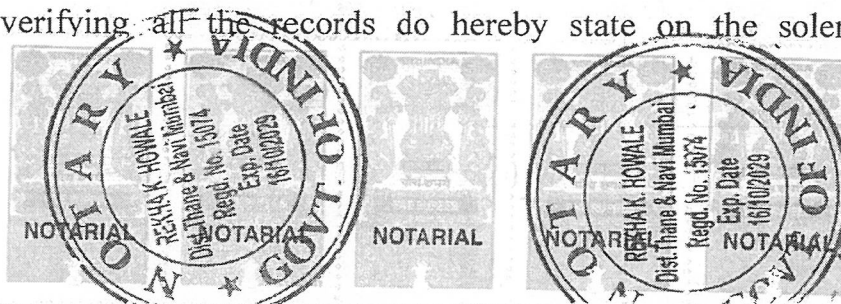
Principal Chief Conservator of
Forests and Head of Forest Force,
Maharashtra and Ors.

..... RESPONDENTS

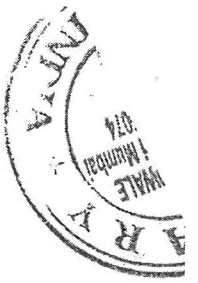


REPLY/OBJECTIONS ON BEHALF OF THE RESPONDENT NO. 3 -
CITY AND INDUSTRIAL DEVELOPMENT CORPORATION OF
MAHARASHTRA LIMITED (CIDCO) TO THE JOINT COMMITTEE
REPORT DATED 12/12/2025.

I, Gokul Madan Rathod, the authorized representative of Respondent No. 3,
Age - 50 Years, Occupation- Service, In-Charge Executive Engineer (Vashi)
Office At – CIDCO Ltd. Old Administrative Building. Sector – 1 Vashi Navi
Mumbai, after verifying all the records do hereby state on the solemn
affirmation that



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1. At the outset, the issue of determination of the land referred to as DPS Lake in the present case has been subjudiced in the Hon'ble Supreme Court in SLP (C) no 16313-14 of 2019 and therefore no issues related thereto can be entertained by this Hon'ble Court. It is further submitted that identification and determination of the said land for observation of birds under the Wildlife Protection Act is also beyond the purview of this Hon'ble Court.
2. The Respondent reiterates that the land parcel adjacent to DPS School (referred to as 'DPS lake') is part of S. No. 266 of Karave village, Thane & there is no lake mentioned in the Revenue Record. The said land bearing the Survey Number was used for salt production as recorded in the Revenue records and the said land is vested to CIDCO by the State Government for development purpose.
3. This land parcel near DPS School is in the proximity of Navi Mumbai International Airport (NMIA). The NMIA is one of the largest Greenfield international airports in the country, is planned to handle overall 90 million passengers and 3.2 million tonnes of cargo annually and the operation of the said airport has commenced from 25th December, 2025 for Domestic flight/ Cargo flights from Navi Mumbai. The Project has been accorded all statutory clearances, including Environment & CRZ clearance, Forest/Wildlife Clearances from MoEF & CC and other Clearances etc.
4. The airport operator of Navi Mumbai International Airport (NMIA) vide their various letters have conveyed to CIDCO about the necessity of not developing areas in the vicinity of NMIA such as Non — Residential Indian (NRI) complex, Delhi Public School (DPS) and Training Ship

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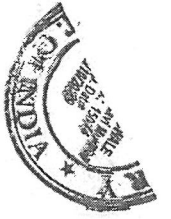


Chanakya (TSC), as bird sanctuaries, since these locations are close to western approach path of NMIA runways and they come within Inner Horizontal Surfaces (IHS) of NMIA. The above three locations are in close proximity of NMIA and should be made unattractive for birds and wild life as the concentration of birds in these locations shall pose threat to aircraft operations, and the bird strike/threat issue needs to be mitigated and resolved much before the airport operation commences at NMIA, as part of DGCA and ICAO guideline for wildlife Hazard Reduction Management at airport. **Annexed hereto and marked Annexure - 1 is the true copies of the letters of the air operator of the Navi Mumbai International Airport written to CIDCO.**

5. In persuasion to NMIA operator objections in the past, CIDCO vide letter no. CIDCO/MD/250 dated 25th Jan 2016 have brought to the notice of Revenue and Forest Department, Govt. of Maharashtra that opposing the Bird sanctuary would create a bird hazard to the airport as these locations are very near to the takeoff funnel of NMIA. It is pertinent to note that that National Board of Wild life, in its 34th meeting held on 2nd June 2015 considered CIDCO's request to waive the condition for development of bird sanctuary in the mangrove park near NMIA as per the wild life clearance and waived this condition in view of human safety.
6. CIDCO has also appointed M/s GRUS Consultant to carry out review of reports done by BNHS on the said matter. M/ s GRUS have submitted a report to the CIDCO with their recommendation regarding the bird study and its effect on the proposed Navi Mumbai International Airport. They have pointed out regarding Bird Aircraft Strike Hazard which is mentioned in International Civil Aviation Organization (ICAO) Annex 14 and Airport Services Manual Part-3, Bird Control and Reduction (Doc

Red





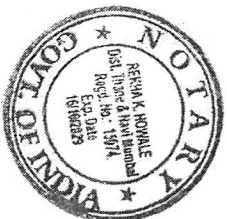
9 137), “all airports that are signatories to ICAO shall conduct studies and risk assessments for wildlife in a 13 km radius of Aerodrome Reference Point or ARP”. **Annexed here is marked Annexure - 2 are the extracts from the report of M/s GRUS.**

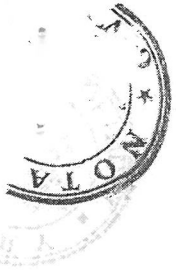
7. The Bharatiya Vayuyan Adhiniyam 2024 (formerly The Aircraft Act 1934) strictly stipulates the establishment of a “no attraction” for birds within 10 km of the ARP of an aerodrome. The piece of land which is the subject matter of the current Application galls within 10 kilometres of the ARP of the NMIA airport. Bird Sanctuaries are one of the areas which attract the birds, and in the current case, for CSMIA and NMIA airports in Mumbai and Navi Mumbai, many of the sites proposed by BNHS for declaration of a Sanctuary pose high risks for safe operations of the aircraft. Hence considering the future safety of aviation, prevention of death of birds, damage to the properties, endangering the lives of the passengers and crew, it is very important to follow ICAO guidelines and prevent bird concentration/attraction areas near the airports. **The relevant extract of the Bharatiya Vayuyan Adhiniyam 2024 is marked Annexure - 3.**

8. The said issue was appraised to the CIDCO Board in the BM No. 658th meeting (Item No. 09) dated 30/04/2025. CIDCO Board has discussed the said matter in detail and resolved to communicate to the Government the facts of the land parcel. Accordingly, the detailed facts related to the land parcel are as under:-

- i) As per the Approved CZMP of 2019, the majority of the land parcel falls outside CRZ.
- ii) The water accumulation on the subject land parcel is due to damage of bunds and the pumping of water from the channel.

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- iii) Navi Mumbai International Airport is now executed as per the policy of the Government and it will generate employment and is one of the important projects of the Nation.
- iv) The location being in close proximity to NMIA, the presence of birds at this location shall always pose a threat of bird strike to the aircraft operations and endanger human lives.
- v) It is well established from correspondence of Forest Department that the site of NRI - TSC wetland off Palm Beach Road, Nerul being in close proximity to the NMIA is not advisable to be considered as Bird Sanctuary as the same also poses risk from the aviation safety point of view.
- vi) National Board of wild life have considered CIDCO's request to waive the condition for development of Bird Sanctuary in the mangrove park near NMIA as per the wild life clearance and waived this condition in view of human safety (meeting held on 2nd June 2015). They have taken cognizance of the study done by BNHS that development of Mangrove Park near the Airport would attract Birds.
- vii) Grus Consultant appointed by CIDCO has also recommended that for future safety of aviation, prevention of death of Birds, damage to the properties, endangering the lives of the passengers and crew, it is important to prevent bird concentration/attraction areas within 13 Km from Aerodrome Reference Point (ARP) of NMIA as mentioned in ICAO manual. Copy of CIDCO Board Meeting Minutes dated 30/04/25 is filed as annexure with joint committee Report dated 12.12.2025.

The vacant subject plot near DPS School is situated within 5 km of radius of ARP of an aerodrome (2km from Airport Site) and hence, poses great threat to the life and safety of passengers. **Annexed hereto and marked**







Annexure - 4 and 5 are a google image showing the distance from Navi Mumbai International Airport and land parcel near DPS School. Conservation and protection of flamingos shall be detrimental to public interest and safety and therefore, movement of flamingoes in the said area is required to be prevented and not encouraged.

10. As to location 3 mentioned in the report, the Respondent reiterates that the Ministry of Environment, Forest and Climate Change, Government of India, has granted Forest clearance approval for the Nerul Jetty project on 13/02/2018. It is pertinent to mention here that the construction of the jetty was completed following all the terms and conditions of the Government's approved proposal dated 13/02/2018. According to the approval received, the entire structure of the jetty is built on a bridge (stilt), as such, the construction of Nerul Jetty has not obstructed the flow of water. The Respondent No. 3 also states and it is also pertinent to note that, on inspection of Google images and actual site inspection, it is indicated that there was no pipe connection connecting the above land parcel from location 3 surrounding area and creek on the south side, nor was any pipe laid on the main road in the past before the construction of Nerul Jetty. Therefore, it cannot be said that the free flow of the creek water was obstructed by the construction of the Jetty, which in turn caused harm or death of Flamingos. Any allegation of such a nature is purely baseless and unfounded. The Respondent submits that it has developed the area as per law and permissions required from time to time.
11. CIDCO has informed the Local Police Station vide letter dated 05/06/2024 regarding the breach of the Hon. High Court order and the illegal work done without informing CIDCO. CIDCO has also informed the Commissioner, Navi Mumbai Municipal Corporation (NMMC) vide

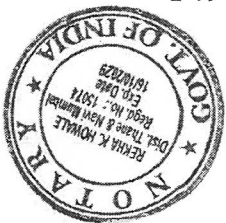
Ravi





letter dated 29/07/2024 regarding illegally breaking 300 mm dia pipe outlet on the bund/existing road near DPS School. **Annexed hereto and marked Annexure- 6 and 7 respectively are the true copies of the letter dated 05/06/2024 & 29/07/2024 written by CIDCO to the Police Department, NMMC, Mangrove Cell & MCZMA.** The said fact is also placed on record in the Hon'ble Supreme Court in the aforesaid pending SLP (C) no 16313-14 of 2019.

12. It is emphasised that the said pocket of land is on the landward side of HTL and not a part of any creek, wetland, or backwater. The said land parcel is not a natural lake/revenue lake and also not a part of Storm Water Drainage System. The said land is neither declared as a wetland nor declared as protected area under the Wild Life Protection Act, 1972 and therefore, recommendation at serial no 3, 4 & 5 regarding conservation plan for flamingos need reconsideration. In view of the above, the question of accepting the recommendation at Sr. No. 6 of the Joint Committee Report needs reconsideration.
13. Bird strike pose significant threat to aviation safety and have led to catastrophic events and substantial loss of life. As the Navi Mumbai International Airport is functional, to mitigate bird strikes, it is necessary the said land parcel be made unattractive and less appealing for food & water, for the birds. Hence water pooling/logging and creation of habitat for the birds in the said land parcel has to avoided for smooth functioning of the airport.
14. The respondent state that in another WP/106/2021 filed for declaration of lands in village Panje as protected sanctuary due to alleged visiting of birds, the Hon'ble High Court has passed an order dated 25.01.2024



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wherein it has clearly observed that the said issue is within the scope of the Executive to decide the same under the WLP Act and accordingly, instead of deciding the said issue, the same is referred to the State Government of Maharashtra for appropriate decision. In the present case it is submitted that the committee is not an expert body as required for the determination of the said issue. The National Board of Wildlife has already considered the said issue and waived the said condition as mentioned in para above. The said decision has attained finality and is not challenged till date.

whatever is stated hereinabove is true and correct to the best of my knowledge and information. Affirmed and signed on this 02nd Day of January, 2026.



02 JAN 2026

BEFORE ME

Howale
2/1/2026
REKHA KISHOR HOWALE
Advocate & Notary Public
Shop No.13, Sec-1A, Prabhat
Center CBD-Belapur
Navi Mumbai - 400 614
9819630632

[Signature]
Gokul Madan Rathod
Service In-Charge Executive Engineer
For, Respondent No. 3
CIDCO
Executive Engineer (vashi)
Cidco Of Maharashtra Ltd
1st Floor, Old Administrative Bldg.,
Sector 1, Vashi, Navi Mumbai-400703
Ph: 022-69931300

Serial No.....16...../26
Page No.....07.....

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ANNEXURE - 1



No.MIAL/DIR.(U.P.)/200/2015/265

8th December,2015

To,
Managing Director
City & Industrial Development Corporation of Maharashtra Ltd (CIDCO)
CIDCO Bhavan, 2nd Floor,
Belapur (CBD)
Navi Mumbai - 400 814.

Sub : Newspaper Articles on "3 Bird Sanctuaries to come up around city".

Sir,

This is to invite your immediate attention to a recent news item published in the newspapers between 5th to 7th Dec' 2015 on the above cited subject.

As per the newspaper reports, State Wild Life Board has cleared creation of three bird sanctuaries including one at TSC-NRI Wetlands off Palm Beach Road and other at Panje-Funde near Uran in Navi Mumbai area.

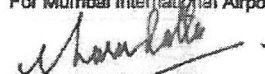
While we appreciate that this is a positive step for conservation of ecology & wildlife, we are concerned as the proposed bird sanctuary at Palm Beach Road is in close proximity to the Navi Mumbai Airport Project site and may lead to environment related issues in future. The proposed bird sanctuary at Palm Beach Road shall be in the flight path of Navi Mumbai Airport, and is of major concern and may impact the development of the Navi Mumbai Airport.

We sincerely request CIDCO to take up the matter on priority with concerned authorities, and initiate steps to resolve the matter of proposed bird sanctuary at Palm Beach Road.

Thanking you,

Yours faithfully

For Mumbai International Airport Pvt. Ltd

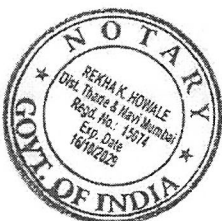

(Charudatta Deshmukh)
Director - Urban Planning

CIDCO LTD.
MIL - 200/2015/265
CIDCO
Date: 09/12/15
Sign: [Signature]



Mumbai International Airport Pvt Ltd
Chhatrapati Shivaji International Airport
1st Floor, Terminal 1B, Santacruz (E), Mumbai 400 099, India
T+91 22 6685 2200 F+91 22 6685 2059
www.csla.in

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LIFE SCIENCES



555

12/05/2015

The Times of India
Title : Wildlife board approval for MTHL project
Author :
Location :
Mumbai:
Article Date : 12/05/2015

Wildlife board approval for MTHL project

Mumbai: The Mumbai Trans-Harbour Link (MTHL) project has finally got approval from the state wildlife board. The development came after chief minister Devendra Fadnis approved the creation of a flamingo sanctuary at Mahul-Sewri on 1,000 hectares. This is in addition to the Thane creek sanctuary that was notified in August.

The Bombay Natural History Society (BNHS) had wanted a long-term conservation and mitigation plan for flamingoes and other water birds if the MTHL was to come up.

The Mahul-Sewri sanctuary will have three parts: the Mahul-Sewri Zone, the TSC-NRI wetlands of Palm Beach Road in Navi Mumbai, and the Panje-Funde Zone, also in Navi Mumbai. [www](#)



12/05/2015

Maharashtra Times

Title :

Author :

Location :

Article Date : 12/05/2015

फ्लेमिंगोंसाठी तीन अभयारण्ये

म. टा. प्रतिनिधी, मुंबई

हिवाळ्यात मुंबईच्या समुद्र समरकिनारी वास्तव्यास येणारे फ्लेमिंगो पक्षी सुप्रसिद्ध उहावेस यासाठी मुंबई महानगर प्रदेश क्षेत्रातील तीन नवीन पक्षी अभयारण्यांना राज्य सरकारने मंजूरी दिली आहे. त्यात माहुल शिवडी क्षेत्र, नवी मुंबईतील घाम घोषनजीकची 'टी.एस. चाकण' ही नैर्ऋती ट्रेनिंग अँड डेव्हलपमेंट एनआरआय भागातील पाणथळ जमीन तसेच, ठरण तालुक्यातील नवाहरलाल नेहरू पोर्ट ट्रस्ट बंदराजवळील पाणजे व फुडे व गावांतील क्षेत्रांचा समावेश आहे.

मुख्यमंत्री देवेंद्र फडणवीस यांच्या अध्यक्षतेखाली झालेल्या राज्य वन्यजीव मंडळाच्या बैठकीत हा निर्णय झाला. माळोजीक पक्षी अभयारण्याच्या पुनर्गठनामुळे कमी क्षेत्राच्या बदल्यात इतरत्र संरक्षित क्षेत्रात वाढ करण्याच्या अनुषंगाने कर्नाळमाय अभयारण्य निर्मितसंदर्भात अभ्यास करण्यासाठी एक समिती स्थापन्याचे ही ठरले.

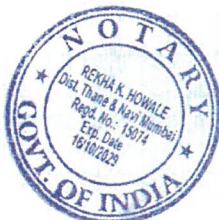


■ 'ट्रान्स हार्वर' वायवही निर्णय

राज्य वन्यजीव मुंबई ट्रान्स हार्वर प्रकल्पासही मान्यता देण्यात आली. यॉन्गे नॅचरल हिस्ट्री सोसायटीने उपस्थित केलेल्या मुद्यांवर तज्ज्ञांच्या मदतीने अभ्यास करून उपयुक्त योजना (मॅनेजमेंट प्लॅन) मूल्यांकनाने, असे निश्चित करण्यात आले होते. त्याप्रमाणे सीव्हायटीने आपल्या योजनांचा अहवाल सुक्रवारी सादर केला. त्यावर चर्चा होऊन ट्रान्स हार्वर प्रकल्पास मान्यता देण्यात आली.

■ रामदुकर वर्षभरासाठी 'उपद्रवी'

मानवी जीवितास व संपत्तीस धोकादायक वन्यप्राण्यांना उपद्रवी घोषित करण्याबाबतचा प्रस्ताव सादर करण्याच्या सूचना केंद्राने राज्यास दिल्या होत्या. त्यानुसार बीड, सातूर, ठस्मानवाड आणि जळगाव जिल्हांतील काही निवडक गावांमध्ये एक वर्षासाठी रोही आणि रामदुकर या प्राण्यांना उपद्रवी म्हणून घोषित करण्याचा प्रस्ताव केंद्रास सादर केला जाणार आहे.





Published Date: 07 Dec 2015

3 bird sanctuaries to come up around city

[dna correspondent @dna](#)

Home to flamingos

During the migratory season, thousands of bird enthusiasts visit to get a glimpse of the pink feathers. Lesser and Greater flamingos migrate from Serbia, entering India at Rann of Kutch in Gujarat and later landing at the mudflats in Mumbai. They forage for food during this period and the mucky location is conducive to them, thanks to the surrounding mangroves.

There's hope for the next generation to continue spotting migratory birds, especially flamingos, as the State Wildlife Board has approved creation of three bird sanctuaries around Mumbai. The sanctuaries will be at Mahul-Sewri, TSC-NRI wetlands off Palm Beach Road in Navi Mumbai and Panje-Funde near Uran.

[Enlarge Image](#)

The chief minister-headed wildlife board gave clearance for these three sanctuaries on Friday. "This is an important decision for the long-term conservation of migratory birds, such as flamingos," read a post-meeting statement.

Every year between October and March, flamingos arrive at the Sewri-Mahul mudflats on Mumbai. This may, however, get affected in the coming years during the course of construction of the Mumbai Trans Harbour Link between Sewri-Chirle village (Nhava). This 22-km link will be made on the Sewri-Mahul mudflats, and concerns have been raised that vibrations and noise coming from the activity will discourage birds from coming.

The demand for a flamingo sanctuary at Sewri-Mahul mudflats has been making rounds for years now. The Bombay Natural History Society (BNHS), too, has been demanding to declare the area as a sanctuary for conservation measures.

Annually around 40,000 lesser and greater flamingos, apart from half a million waders, arrive to the city. Already, the mudflats have been identified as an Important Bird Area by BirdLife International and BNHS. It has also been proposed to declare it as Ramsar Site, but a decision on the same is yet to be taken.

During the migratory season, thousands of bird enthusiasts visit to get a glimpse of the pink feathers. Lesser and Greater flamingos migrate from Serbia, entering India at Rann of Kutch in Gujarat and later landing at the mudflats in Mumbai. They forage for food during this period and the mucky location is conducive to them, thanks to the surrounding mangroves.

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Three bird sanctuaries to come up in MMR



• **FPJ POLITICAL BUREAU**
Mumbai

The wildlife board of the state has approved three new bird sanctuaries in the Mumbai Metropolitan Region (MMR) to protect migratory flamingos. The sanctuaries are expected to come up at Mahul-Shivdi on the east coast of Mumbai, at TSC-NRI marshland along Palm Beach Road in Navi Mumbai and at Panje-Punde near JNPT.

The decision was made at a meeting chaired by Chief Minister Devendra Fadnis on Friday. The proposal now will now be sent to the national wildlife board, a senior official present at the meeting told FPJ.

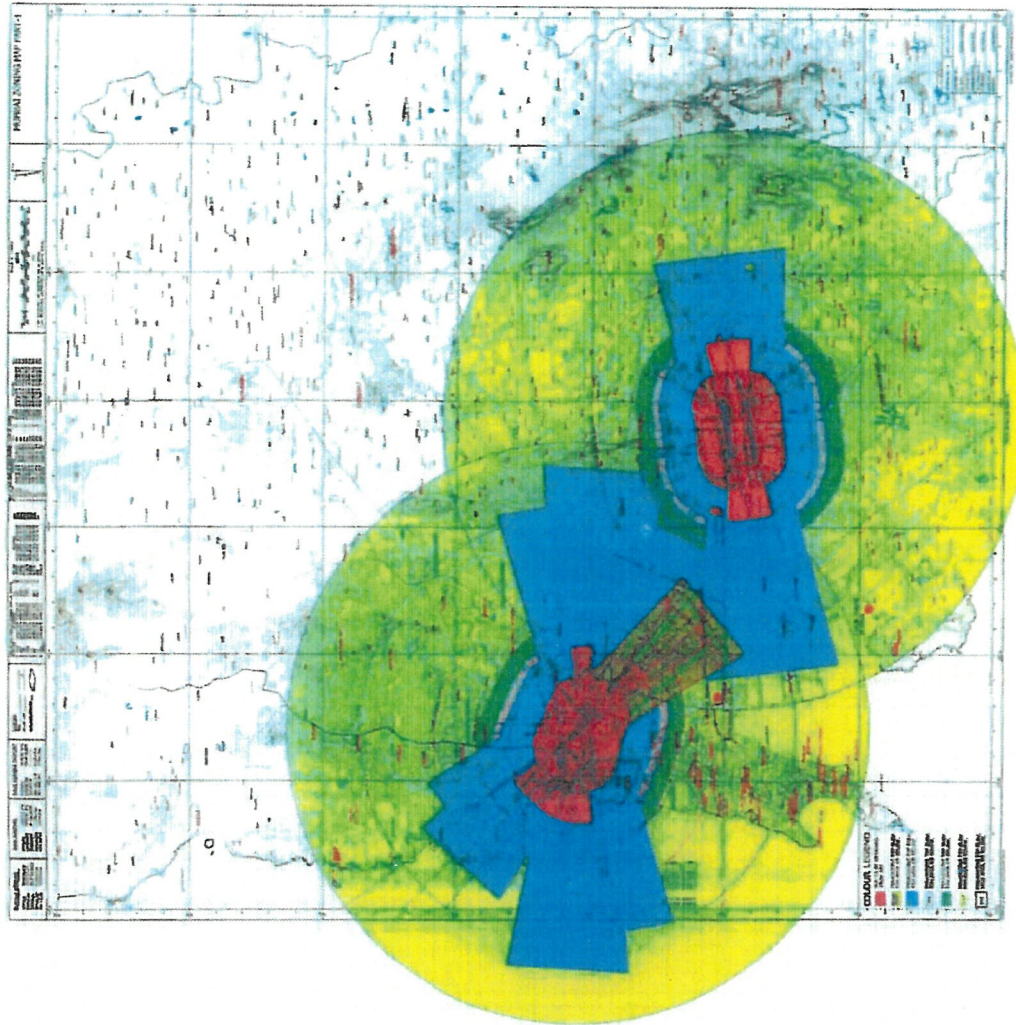
Minister for Forests Sudhir Mungantiwar, Principal secretary from the CMO Praveen Pardeshi, Forest

Secretary Vikas Kharge along with members of the wildlife board and other senior officials were present at the meeting held at Sahyadri guest house.

Bombay Natural History Society (BNHS) had suggested several mitigation measures at the previous meeting of the board, when the Mumbai Trans Harbour Link project was being discussed. The board appointed an experts' panel to study the measures. The panel's report was presented at the board meeting on Friday and was accepted after a detailed discussion, the official said.

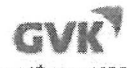
The issue of wild boars too was discussed at the meeting and it was decided that the proposal to declare them as "crop-raiding animal" in parts of Beed, Latur and Osmanabad districts, too, shall be sent to the national authority.





NOTARY
REKHA K. HOWALE
Dist. Thane & Navi Mumbai
Regd. No.: 15674
Exp. Date
18/11/2022
GOVT. OF INDIA

560



Ref: NMIAL/CIDCO/GEN/03

Date: 16th May 2020

Shri. Lokesh Chandra, I.A.S.
Vice Chairman and Managing Director
City & Industrial Development Corporation of Maharashtra Ltd. (CIDCO)
2nd Floor, CIDCO Bhavan, CBD-Belapur,
Navi Mumbai – 400 614.

Subject: Bird Threat to Navi Mumbai International Airport (NMIA) & Recommendations of Bombay Natural History Society in its 2019 Report submitted to CIDCO

Ref: Report of Bombay Natural History Society submitted to CIDCO on 'Baseline Documentation of Flora and Fauna of Karnala Bird Sanctuary (KBS) and Navi Mumbai International Airport (NMIA) Project Area for Preparation of Conservation and Preservation Plan, 2019'.

Sir,

In view of expected threat of bird strikes to operation of Navi Mumbai International Airport, the adjoining areas of NMIA need to be made unattractive for the birds & wildlife. Therefore, bird sanctuaries on the Arabian coast and in the mangroves need to be planned away from approach path and airspace of NMIA. Bombay Natural History Society (BNHS) in its referenced report of 2019 on the subject submitted to CIDCO has suggested sites located near Panje-Funde villages of Uran Taluka near JNPT, more than 10 km south of NMIA to be reserved as Bird Sanctuaries, as shown in enclosed Annexure-1. Apart from this site near Panje- Funde villages, BNHS has suggested the two existing sites near TS Chanakya and NRI Lake to be protected and improved. The key recommendations of BNHS in its report, reproduced below, need to be implemented by CIDCO (except those related to *NRI complex, Delhi Public School Training Ship Chanakya*), to ensure safe aircraft operations at NMIA.

"We strictly suggest that CIDCO should protect and conserve following biologically important habitats,

- A. *Wetland - NRI (Non-resident Indian) complex, Delhi Public School (DPS), Training Ship Chanakya (TSC), Panje, NSPS (Nava Sheva Police Station) and Jasai where large aggregations of birds are observed.*
- B. *Key links and corridors in the landscape identified in this study.*
- C. *Karnala Bird Sanctuary and notified Ecological Sensitive Zones.*

Maintaining the current state of this landscape especially wetlands and Protected Areas is absolutely essential for the air safety of upcoming Navi Mumbai International Airport (NMIA). Any changes in the current state of these areas will result into more erratic movement of the birds in the landscape between feeding and roosting sites and will jeopardise the air safety of NMIA."

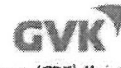
In related development, in January 2020 Maharashtra Coastal Zone Management Authority (MCZMA) published Draft Coastal Zone Management Plan (CZMP) of Mumbai City & Mumbai Suburban District for inviting suggestions/objections from public. Critical issues for NMIA in Draft CZMP are as under:

Navi Mumbai International Airport Pvt Ltd
Page 1 of 3
Address for Correspondence:
11th Floor, V Times Square, Plot no 3 Sector 15, EBD Belapur, Navi Mumbai - 400614 India
T +91 22 68514500
Regional Office
Chhatrapati Shivaji Maharaj International Airport, 1st Floor, Terminal 1B, Santacruz (E), Mumbai 400 099, India
T +91 22 6885 0900 - 8885 0901
CM - U45200MH2007PTC169174

ENERGY
AIRPORTS
TRANSPORTATION
INFRASTRUCTURE
LIFE SCIENCES
REALTY



561



- 1) The coastline in Uran including Panje is indicated as Coastal Regulation Zone (CRZ) II, i.e. developable land areas up to or close to the shoreline, within the existing municipal limits. This shall impact development of bird sanctuary in this location which is necessary for NMIA.
- 2) Although Draft CZMP indicates the areas north and north east of Panje as CRZ-I Mangroves & some as CRZ-I Mud Flats, these very areas are shown as part of Navi Mumbai Special Economic Zone (NMSEZ) for industrial development in CIDCO Plan for Dronagiri Node. CIDCO's landuse for this land as SEZ / Integrated industrial township needs to be de-notified in Development Plan of Navi Mumbai by CIDCO and Govt of Maharashtra to retain the CRZ-I status of these lands to ensure development of bird sanctuary in this location which is necessary for NMIA.
- 3) The large area north and north east of Panje indicated as CRZ-I Mangroves needs to be retained along with the adjacent mud flat as feeding and roosting area for avifauna of Thane Creek, so that these birds do not fly across towards north into the flight path and airspace of NMIA.

The above issues are critical for development and safe operations of NMIA and need to be addressed urgently by CIDCO and Govt of Maharashtra.

Navi Mumbai International Airport Pvt Ltd (NMIAL) is in complete agreement with recommendation of BNHS on conservation of Wetlands near Panje and Funde villages in Dronagiri Node of CIDCO as bird sanctuaries, and request CIDCO and Govt of Maharashtra to implement this recommendation by effecting required modifications to Development Plan of Navi Mumbai. However, NMIAL is not in favour of development of Wetlands at NRI (Non-resident Indian) complex, Delhi Public School (DPS) and Training Ship Chanakya (TSC) as bird sanctuaries because these locations are close to western approach path of NMIA runways and also come within Inner Horizontal Surfaces (IHS) of NMIA, as shown in enclosed Annexure-1. Concentration of birds in these locations shall pose threat to aircraft operations therefore these sites needs to be avoided. As part of DGCA and ICAO guidelines for Wildlife Hazard Reduction Management at airports, the bird threat issue needs to be mitigated and resolved long before the airport operations commence at NMIA. DGCA licence for operation of airport is dependent on this.

NMIAL therefore requests CIDCO to kindly initiate steps for conservation of Wetlands near Panje and Funde villages in Dronagiri Node of CIDCO as bird sanctuaries for safety of aircraft operations at NMIA.

Yours Sincerely,

Charudatta Deshmukh
 Director-Urban Planning
 Navi Mumbai International Airport Pvt Ltd (NMIAL)

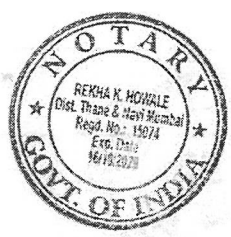
Enclosed: Annexure-1 (Map) Location of Bird Sanctuaries (Existing & Proposed) near NMIA

Navi Mumbai International Airport Pvt Ltd
 Address for Correspondence
 11th Floor V Towers Smart, Plot no 3 Sector 15 CBD Belapur, Navi Mumbai - 400614 India
 T +91 22 2851 9100

Registered Office
 Chhatrapati Shivaji Maharaj International Airport, 1st Floor Terminal V.B. Sarabhai Bldg, Mumbai - 400 099 India
 T +91 22 2605 9900 / 2605 0901

CIN: URS2000R02007PTC369114

FORMER
 ADDRESS
 TRANSFER TAXES
 H. S. P. 12, 13
 LIFE SCHEDULES
 24/11/17



6. Recommendations

6.1. The six sites of CIDCO do not qualify to be declared as a 'Wetland' and conserved for birds. This is elaborated on in chapter 4. Considering the sizes of the sites, Belpada (2.71ha), Bhendkhal (7.36ha), Panje/Funde (134.11ha), TS Chanakya (10.71ha), DPS (10.35ha), and NRI Complex (20.32ha), they are relatively small areas with a certain habitat resulting from the operation/non-operation of checkdam gates (anthropogenic activities) for fishing. The Panje site, for example, has faulty checkdam gates, which have allowed the inundation of water in the site and will be drained once the gates are repaired.

6.2. CIDCO was formed on 17 Mar 1970 and appointed as the New Town Development Authority (NTDA), has acquired all the above six sites and obtained all permissions for development in the exercise of the powers under Sub-Section 3A of Section 113 of the Maharashtra Regional & Town Planning Act, 1966. CIDCO also acquired all privately held lands within the notified area of Navi Mumbai and vested it to the Corporation, along with the Government lands for planned development and disposal. Hence, the area is under the responsibility and jurisdiction of CIDCO.

6.3. **Bird Aircraft Strike Hazard** - As per ICAO Annex 14 and Airport Services Manual Part-3, Bird Control and Reduction (Doc 9137), all airports that are signatories to ICAO shall conduct studies and risk assessments for wildlife in a 13 km radius of Aerodrome Reference Point or ARP. Navi Mumbai International Airport follows the rules and regulations of ICAO standards. The ICAO documents stipulate to keep bird activity low in the said area by monitoring and actively managing. The circle of 13 km has four parts. The first is a primary hazard zone (PHZ), which is an airside area within the NMIA. A secondary hazard zone (SHZ) is an area within the airport that is not an airside area. Third, the tertiary hazard zone (THZ) is perceived on the approach funnel extending to 10 km, and fourth, a low hazard zone comprising all the area within a 13 km radius. The Aircraft Act 1934, which was replaced by Bharatiya Vayuyan Adhiniyam 2024, strictly stipulates the establishment of a 'no attraction zone' for birds within 10 km of the ARP of an aerodrome. Bird Sanctuaries are one of the areas which attract the birds, and in the current case, for CSMIA and NMIA airports in Mumbai and Navi Mumbai, many of the sites proposed by BNHS for declaration of a Sanctuary pose high risks for safe operations of the aircraft.

6.4. The presence of Thane Creek Flamingo Sanctuary close to the airports has resulted in at least 20-30 confirmed bird strikes at CSMIA every month. Strike by 39 Lesser Flamingos and records of the CSMIA revealing several strikes by Lesser Flamingos in the past substantiate the severity of the issue. There are innumerable



strikes recorded with flocking Waders at CSMIA. Most of the strikes happen on the approach path of Runway 27 of CSMIA, where Thane Creek Flamingo Sanctuary is close by. Thus, a problem is already present for the airports in the region and establishing the sanctuaries in the proposed six sites would naturally aggravate the risks for flying aircraft, safety of passengers/pilot/crew, and safety of the civilian properties. The birds that strike the aircraft also die.

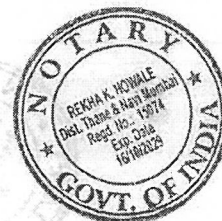
6.5. CSMIA was studied by Grus Ecosciences Pvt Ltd for one year (2024), covering all seasons. A wildlife hazard assessment and management plan has been submitted to CSMIA.

6.6. As enumerated in the Analysis Chapter, the proposed sites for the creation of a bird sanctuary have the least conservation value but a lot of operational risk values. Not only this but the concept of a sink area, holding the birds away from the airport (Panje/Funde/Uran, Belpada and Bhendkhal) and close to the airport (TS Chanakya, DPS and NRI Complex) may not work as envisaged. The reasons why they will not work have been explained in the Analysis Chapter.

6.7. The flying routes of migratory and residential birds need further investigation as birds may have several flight roots and may not represent the only routes in the region. Since the report is silent on many missing points (as asked in 94 questions), the study conducted by BNHS may be inadequate to declare the six areas of CIDCO/NMIA as sanctuaries. However, if they are established as sanctuaries, not only CSMIA but also NMIA would witness many strikes from the aquatic birds.

6.8. Of late, there have been many statements in the news and media saying the presence of 'wetlands' near the airport is not an issue. The statements like 'The destruction of the wetlands, on the contrary, could pose threats to the aircraft and the birds could land on the high grounds at the airport if they miss the natural habitats that they are used to, as stated by the 141-year-old nature research body, BNHS', are unscientific and not founded by any practical experience (CSMIA and Hambantota Airport of Sri Lanka) and scientific knowledge. The various agencies and NGOs are quoting each other in an ecosystem for support of declaring the sites as wetlands without subscribing to established scientific principles of proximity of waterbodies, irregularity index, emergent vegetation, apparent slope to the water's edge, and size. The counterstatements lack scientific support, validity, and practical experience, and are heavily biased towards conservation while ignoring the conservation with development.

6.9. Hence considering the future safety of aviation, prevention of death of birds, damage to the properties, endangering the lives of the passengers and crew, it is very



GRUS

important to follow ICAO guidelines and prevent bird concentration zones near the airports. The standing example of CSMIA and increase in bird strikes there need to be considered before concluding to establish sanctuaries. In our opinion, sanctuaries and commercial operations of the airport are mutually exclusive works one affecting the other completely.



7. Summary

7.1. The review of the BNHS reports is summarised below. **BASIC FINDINGS:** The BNHS report highlights Navi Mumbai's coastal wetlands as critical habitats for a variety of resident and migratory waterbirds, emphasizing their ecological significance in maintaining biodiversity. It identifies iconic species like flamingos as indicators of the ecosystem's health, underlining the wetlands' role as feeding and breeding grounds. However, the findings rely heavily on a preservationist approach, emphasizing ecological threats from development without adequately exploring the feasibility of sustainable development. This approach, while valid, overlooks the possibility of balancing ecological integrity with urbanization. The focus is more descriptive than analytical, lacking nuanced assessments of ecological resilience or thresholds for habitat alteration. Furthermore, it doesn't adequately contextualize these findings within broader urban planning frameworks, which could support more integrative solutions. By leaning towards preservation, the report may inadvertently limit its utility in development-focused dialogues such as those required by CIDCO. Expanding the analysis to include potential adaptive management practices or offset strategies could have bolstered its relevance.

7.2. **DOUBTS ABOUT METHODOLOGY FOLLOWED:** The methodology presented in the report employs standard ornithological techniques, including field-based surveys for monitoring bird populations. However, significant methodological doubts arise from the lack of detailed descriptions regarding the frequency and timing of surveys, which are critical in capturing temporal variations in avian populations. For instance, migratory bird patterns can vary seasonally, and without year-round monitoring, the findings risk being skewed. Moreover, the absence of inter-observer calibration to standardise observations undermines the data's reliability. The lack of a multi-factorial analysis- considering elements like water quality, prey availability, and human activity- limits the understanding of causal factors affecting bird populations. Lastly, there is minimal integration of predictive modelling to assess potential impacts under various development scenarios. Such limitations suggest that while the methodology establishes a foundational understanding of the ecosystem, it falls short of providing a comprehensive, actionable framework for decision-making.

7.3. **QUESTIONS ON DATA GENERATED:** The data generated in the report is primarily focused on species diversity, richness, and abundance but does not delve into the critical factors influencing these parameters. For example, while the report identifies species presence and migratory behaviours, it does not correlate these findings with ecological variables like habitat quality, prey density, or hydrological conditions. This



creates gaps in understanding the drivers behind observed patterns, limiting the ability to predict how changes, such as habitat modification or reclamation, might affect bird populations. Additionally, the data lacks a socio-economic dimension, which is critical for assessing the value of biodiversity in the context of development. Furthermore, the data presentation does not include advanced visualisation techniques like GIS-based habitat maps, which could make the findings more accessible and compelling to policymakers. By failing to address these aspects, the report misses opportunities to present a multi-dimensional perspective on the ecosystem, reducing its effectiveness as a tool for negotiating sustainable development practices.

7.4. GAPS IN DATA COLLECTION: The report reveals several gaps in its data collection approach that could have significantly enhanced its impact. Firstly, it lacks longitudinal studies that would allow for the tracking of changes in bird populations and habitat conditions over time. Such studies are crucial for understanding trends and attributing changes to specific factors. Secondly, the report does not employ remote sensing or GIS technology to map and analyse habitat dynamics, which could provide a broader spatial understanding of wetland changes. There is also insufficient exploration of mangrove ecosystem services, such as their role in storm protection, sediment stabilisation, and carbon sequestration. These metrics are increasingly used globally to argue for conservation in the context of development. Moreover, the report does not adequately address alternative habitats or compensatory strategies, such as creating artificial wetlands or restoring degraded mangroves elsewhere. The omission of these aspects weakens its argument against development. By integrating these missing elements, the report could offer a more balanced and forward-looking perspective that aligns with international best practices and provides actionable recommendations for balancing conservation with urbanisation.

7.5. KEY SUGGESTIONS TO CIDCO: At least a year-long study needs to be done at all six sites of CIDCO, encompassing all the gaps, doubts and questions raised in the table of questions to assess the situation. Only after that, a decision on the fate of the sites may be finalised. The report should propose mitigation strategies and the socio-economic benefits of development while ensuring that ecological trade-offs are minimised through innovative planning.



ANNEXURE-3

4

(3) The administration of the Aircraft Accidents Investigation Bureau shall vest in the Director General of Aircraft Accidents Investigation Bureau.

(4) The Central Government may, by an order published in the Official Gazette, direct that any power exercisable by the Director General of Aircraft Accidents Investigation Bureau may also be exercisable by any other officer or authority specially empowered in this behalf by the Central Government.

CHAPTER V

POWERS OF CENTRAL GOVERNMENT

Superintendence
of Central
Government.

8. The superintendence of the Directorate General of Civil Aviation, the Bureau of Civil Aviation Security and the Aircraft Accidents Investigation Bureau shall vest in the Central Government, which shall have the power to issue directions to each of these organisations, on any matters falling under sub-section (2) of sections 3, 5 and 7, respectively, if it considers necessary or expedient so to do in the public interest.

Power of
Central
Government to
review orders
passed under
section 4 or
section 6.

9. (1) Where the Central Government considers it necessary or expedient so to do in the public interest, it may, on receipt of a representation from any person or otherwise, review any order passed by the Director General of Civil Aviation under section 4 or by the Director General of Bureau of Civil Aviation Security under section 6 and issue such directions, as it deems fit, to the concerned Director General to rescind or modify the order so passed.

(2) The Director General of Civil Aviation or the Director General of Bureau of Civil Aviation Security, as the case may be, shall comply with every direction issued under sub-section (1) and either rescind or modify the order so passed by him under section 4 or section 6, as the case may be.

Power of
Central
Government
to make rules.

10. (1) Subject to the provisions of section 34, the Central Government may, by notification in the Official Gazette, make rules regulating the design, manufacture, maintenance, possession, use, operation, sale, import or export of any aircraft or class of aircraft and for securing the safety of aircraft operations.

(2) Without prejudice to the generality of the foregoing power, such rules may provide for—

(a) the authorities by which any of the powers conferred by or under this Act are to be exercised;

(b) the regulation of air transport services, and the prohibition of the use of aircraft in such services except under the authority of and in accordance with a licence authorising the establishment of the service;

(c) the economic regulation of civil aviation and air transport services, including the approval, disapproval or revision on tariff of operators of air transport services, other than the tariff referred to in clause (a) of sub-section (1) of section 13 of the Airports Economic Regulatory Authority of India Act, 2008; the officers or authorities who may exercise powers in this behalf; the procedure to be followed and the factors to be taken into account by such officers or authorities; appeals to the Central Government against orders of such officers or authorities and all other matters connected with such tariff.

Explanation.— For the purposes of this clause, “tariff” includes fares, rates, valuation charges and other charges for air transport of passengers or goods, the rules, regulations, practices or services affecting such fares, rates, valuation charges and other charges and the rates, terms and conditions of commission payable to passenger or cargo sales agents;



(d) the information to be furnished by an applicant for, or the holder of, a licence authorising the establishment of an air transport service to such authorities as may be specified in the rules;

5 (e) the licensing, inspection and regulation of aerodromes, the conditions under which aerodromes may be maintained and the prohibition or regulation of the use of unlicensed aerodromes;

55 of 1994,
27 of 2008.

(f) the fees which may be charged at those aerodromes to which the Airports Authority of India Act, 1994 or the Airports Economic Regulatory Authority of India Act, 2008 does not apply or are not made applicable;

10 (g) the inspection and control of the design, manufacture, repair and maintenance of aircraft and of places where aircraft are being designed, manufactured, repaired or kept;

(h) the registration and marking of aircraft;

15 (i) the conditions under which aircraft may be flown, or may carry passengers, mails or goods, or may be used for industrial purposes and the certificates, licences or documents to be carried by aircraft;

(j) the inspection of aircraft or any facility for the design, manufacture, maintenance, or operation of aircraft for the purpose of enforcing the provisions of this Act and the rules thereunder;

20 (k) the licensing of persons employed in the operation, manufacture, repair or maintenance of aircraft;

(l) the licensing of persons engaged in air traffic control;

25 (m) the certification and licensing of personnel engaged in the operation of radio telephone or telegraph for the conduct of operation and maintenance of aircraft and associated equipment;

(n) the certification, inspection and regulation of communication, navigation and surveillance and air traffic management facilities;

(o) the measures to safeguard civil aviation against acts of unlawful interference;

30 (p) the regulation of air navigation services, that is, aeronautical information services, aeronautical charting and cartography services, aeronautical meteorological services, search and rescue services, procedure for air navigation services and aircraft operations other than those referred to in clause (n) and any other matter relating to air navigation services;

35 (q) the air-routes by which, and the conditions under which, aircraft may enter or leave India, or may fly within or over India, and the places at which aircraft shall land or take-off;

40 (r) the prohibition of flight by aircraft over any specified area, either absolutely or at specified times, or subject to specified conditions and exceptions;

(s) the supply, supervision and control of air-route beacons, aerodrome lights, and lights at or in the neighbourhood of aerodromes or on or in the neighbourhood of air-routes;

45 (t) the installation and maintenance of lights on private property in the neighbourhood of aerodromes or on or in the neighbourhood of air-routes, by the owners or occupiers of such property, the payment by the Central Government for such installation and maintenance, and the supervision and control of such installation and maintenance, including the right of access to the property for such purposes;



(u) the signals to be used for purposes of communication by or to aircraft and the apparatus to be employed in signaling;

(v) the prohibition and regulation of the carriage in aircraft of any specified article, dangerous goods or substance;

(w) the measures to be taken and the equipment to be carried for the purpose of ensuring the safety of life;

(x) the issue and maintenance of log-books;

(y) the manner and conditions of the issue or renewal of any licence, certificate or approval under this Act or the rules made thereunder, the examinations and tests to be undergone in connection therewith, the form, custody, production, endorsement, cancellation, suspension or surrender of such licence, certificate or approval, or of any log-book;

(z) the fees to be charged in connection with any inspection, examination, test, certificate, licence or approval, made, issued or renewed under this Act;

(za) the recognition for the purposes of this Act of licences and certificates issued elsewhere than in India relating to aircraft or to the qualifications of persons employed in the operation, manufacture, repair or maintenance of aircraft;

(zb) the prohibition of slaughtering and flaying of animals and of depositing rubbish, filth and other polluted and obnoxious matter within a radius of ten kilometres from the aerodrome reference point;

(zc) regulation for control of obstruction limiting surfaces around an aerodrome or communication and navigation services facility;

(zd) safety oversight and regulatory functions;

(ze) security oversight and its regulatory functions;

(zf) the areas and manner in which the Director General of Civil Aviation may issue directions for carrying out safety oversight and regulatory functions and grant exemption from compliance with such directions;

(zg) the areas and manner in which the Director General of Bureau of Civil Aviation Security may issue directions for carrying out security oversight functions and grant exemption from compliance with such directions;

(zh) to determine the amount of monetary penalty;

(zi) any matter subsidiary or incidental to the matters referred to in this sub-section.

Power of Central Government to make rules to implement Convention.

11. (1) Subject to the provisions of section 34, the Central Government may, by notification in the Official Gazette, make such rules as appear to it to be necessary for carrying out the Convention relating to International Civil Aviation signed at Chicago on the 7th day of December, 1944 (including any Annex thereto relating to international standards and recommended practices) as amended from time to time.

(2) Notwithstanding anything contained in the Telecommunications Act, 2023, but subject to the provisions of section 34, the Central Government may, by notification in the Official Gazette, make such rules as may appear to it to be necessary or expedient for the issuance of Radio Telephone Operator (Restricted) Certificate and Licence to persons engaged in the operation and maintenance of aircraft, in accordance with the applicable provisions of the International Telecommunication Convention as amended from time to time.



ANNEXURE-4



APPENDIX-5



ANNEXURE-6



शहर व औद्योगिक विकास महामंडळ (महाराष्ट्र) मर्यादित

(सीआयएन - यु ९९९९९ एमएच १९७० एसबीसी - ०१४५७४)

नोंदणीकृत कार्यालय :
'निर्मल' दुसरा मजला, नशेमान पॉईंट,
मुंबई - ४०० ०२९.
दूरध्वनी : ००-९१-२२-६६५० ०९००
फॅक्स : ००-९१-२२-२२०२ २५०९

मुख्य कार्यालय :
'सिडको' भवन, सी.बी.डी. बेलापूर,
नवी मुंबई ४०० ६९४.
दूरध्वनी : ००-९१-२२-६७९९ ८९००
फॅक्स : ००-९१-२२-६७९९ ८९६६

संदर्भ क्र. सिडको/कार्य.अभि.(वाशी)/२०२४/568/७-312489

दिनांक : ०५/०६/२०२४

प्रति,
वरिष्ठ पोलीस निरीक्षक
सागरी पोलीस ठाणे,
सेक्टर - १५ए,
सी.बी.डी. बेलापूर, नवी मुंबई - ४१० ६१४

विषय - एन. आर. आय. नेरूळ (डीपीएस शाळेच्या पुर्वेकडील बाजूस) असलेल्या १० मी. रूंदीच्या व ६०० मी. लांबीच्या कच्च्या रस्त्यावर (Bund Road) ३०० मी.मी. व्यासाच्या पाईपआऊटलेट तोडून ६०० मी.मी. व्यासाचे पाईपआऊटलेटची कामे अनधिकृतपणे केल्याबाबत.

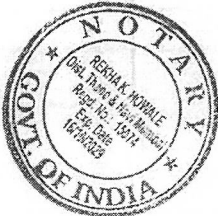
संदर्भ - १) मा. आमदार श्री. गणेशजी नाईक, यांचा दि. २३/०५/२०२४ रोजीचा संयुक्त स्थळपाहणी दौरा.

२) दि. २५/०५/२०२४, दि. २७/०५/२०२४ रोजीच्या का.अ.(वाशी) यांचा स्थळ पाहणी.

महोदय,

उपरोक्त विषयाच्या अनुषंगाने दि. २३/०५/२०२४ रोजी ११:०० वाजता मा. आमदार श्री. गणेशजी नाईक, मा.नगरसेविका नेत्रा शिर्के, मा. श्री. गणेश म्हात्रे, मा. श्री. विशाल डोळस, समाजसेवक श्री. जयंत हुदार, पर्यावरण प्रेमी बी. एन. कुमार, प्रमोद जोशी, विरेन गांधी, रेखा संखला, संदीप सरिन, सिडकोचे मुख्य अभियंता (नवी मुंबई), अति. मुख्य अभियंता (१), अधीक्षक अभियंता (वाशी व खारघर), कार्यकारी अभियंता (वाशी), वरिष्ठ नियोजनकार (वने व पर्यावरण) महानगरपालिकेचे अतिरिक्त शहर अभियंता, वन विभाग अधिकारी आणि पोलीस खात्याचे वरिष्ठ अधिकारी यांच्या उपस्थितीत संयुक्त स्थळ पाहणी करण्यात आली होती. यावेळी मा. आमदार, स्थानिक नगरसेवक, निसर्गप्रेमी व स्थानिक रहिवासी यांनी या पाण्याचा मार्ग मोकळा करा, अन्यथा आम्ही पाण्याच्या मार्गात येणारे अडथळे नष्ट करू. आम्ही स्वतः जेसीबी चालवून पाण्याचा रस्ता मोकळा करू असा प्रशासनाला इशारा देण्यात आले होते. तसेच मा. आमदार श्री. गणेशजी नाईक, सिडको व महानगरपालिका या यंत्रणेमार्फत कामे करून द्यावे अशा तोंडी सुचना दिल्या होत्या. तथापी वन विभाग व पोलीस विभाग यांना २४/७ येथे गस्त घालण्याचे निर्देशित केले होते. नवी मुंबई महानगरपालिकेने काम चालू करण्यापूर्वी सिडकोची परवानगी घेण्यात आली नाही.

अष्टाचारासंबंधी कुठल्याही तक्रारीसाठी कृपया या संकेतस्थळाला भेट द्यावी.
www.cidco.maharashtra.gov.in दक्षता या लिंकवर क्लिक करावे.



तसेच उपरोक्त संदर्भिय विषयांन्वये आपणास कळविण्यात येते की, कार्यकारी अभियंता (वाशी) यांनी प्रत्यक्ष स्थळ पाहणी केली असता तेथे नवी मुंबई महानगरपालिका यांच्या वार्षिक देखभाल व दुरूस्ती अंतर्गत मेसर्स. भारत उद्योग या कंत्राटदारामार्फत पूर्वीचे अस्तित्वात असलेले ३०० मी.मी. व्यासाचे पाईप आऊटलेट तोडून नवीन ६०० मी.मी. व्यासाचे पाईप इनलेट / आऊटलेटचे कामे करण्यात आले आहे. तसेच नवी मुंबई महानगरपालिका मार्फत दि. २८/०५/२०२४ पासून १० हॉर्स पॉवरचे दोन पंप संच वापरून खाडीचे पाणी सिडको क्षेत्रात घेत आहेत. खाडीचे पाणी प्रस्तावित क्षेत्रात वळविल्यामुळे या परिसरात कांदळवनाचे वाढ होऊन सदर क्षेत्राचा विकास भविष्यात करणे शक्य होणार नाही व सिडकोचे मोठे आर्थिक नुकसान होणार आहे. या संबंधीची छायाचित्रे माहीतीस्तव सोबत जोडली आहेत. सदर भुखंड हा सर्वे नंबर २६१ हा सिडकोच्या अधिनस्त असून भविष्यातील प्रकल्पाकरीता नियोजित केले आहे. सद्यस्थितीत डी. पी. एस. लेक प्रकरण मा. सर्वोच्च न्यायालयामध्ये न्यायप्रविष्ट आहे.

तरी कृपया आपणास विनंती करण्यात येते की, वरील सर्व बाबींचा सारासार विचार करून याबाबत मा. सर्वोच्च न्यायालय यांचे अवमान होणार नाही ह्याची नोंद घ्यावी व तसेच सिडकोच्या प्रस्तावित विकासकामा अनुसरून कार्यवाही होणेबाबत आपल्यास्तरावरून योग्य ती कार्यवाही करून या कार्यालयात अवगत करावे,

ही विनंती.

कार्यकारी अभियंता (वाशी)

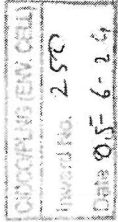
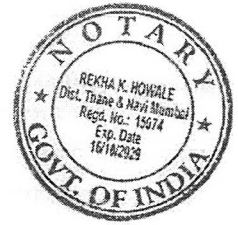
१ला मजला, जुनी प्रशासकीय इमारत, सिडको
सेक्टर - १ वाशी, नवी मुंबई - ४०० ७०३

स्वतंत्र प्रत : माहीतीसाठी सविनय सादर...

महाराष्ट्र कोस्टल झोन मॅनेजमेंट अथॉरिटी / उप वन संरक्षक (कांदळवन कक्ष)
विभागीय वन अधिकारी / वन परिक्षेत्र अधिकारी

प्रत : माहीतीसाठी सविनय सादर...

मा. सहव्यवस्थापकीय संचालक - ३ यांचे स्विय सचिव
मा. उपाध्यक्ष व व्यवस्थापकीय संचालक यांचे स्विय सहाय्यक
मा. मुख्य दक्षता अधिकारी यांचे स्विय सचिव / मुख्य नियोजनकार (नवी मुंबई)
मुख्य अभियंता (नवी मुंबई) / अतिरिक्त मुख्य अभियंता (१)
अधिक्षक अभियंता (वाशी आणि खारघर) / वरिष्ठ नियोजनकार (वने व पर्यावरण)



KEE Put up
for me
DATE
2024

(Translate in English)

CIDCO

City and Industrial Development Corporation of Maharashtra Limited
(CIN - U99999 MH 1970 SGC - 014574)

Registered Office:

'Nirmal', 2nd Floor, Nariman Point,
Mumbai - 400 021.

Tel: 00-91-22-6650 0900

Fax: 00-91-22-2202 2509

Head Office:

'CIDCO' Bhavan, C.B.D. Belapur,
Navi Mumbai - 400 614.

Tel: 00-91-22-6791 8100

Fax: 00-91-22-6791 8166

Ref. No.: CIDCO/EE (Vashi)/2024/568/6-312489 **Date:** 05/06/2024

To,**The Senior Police Inspector,**

Sagari Police Station,

Sector - 15A,

C.B.D. Belapur, Navi Mumbai - 410 614.

Subject: Regarding unauthorized work of breaking 300 mm diameter pipe outlets and installing 600 mm diameter pipe outlets on the 10m wide and 600m long Kaccha Road (Bund Road) located at N.R.I. Nerul (east side of DPS School).

Reference: 1. Joint site inspection visit by Hon. MLA Shri. Ganeshji Naik dated 23/05/2024.
2. Site inspection by Executive Engineer (Vashi) dated 25/05/2024 and 27/05/2024.

**Sir,**

In connection with the above subject, a joint site inspection was conducted on 23/05/2024 at 11:00 AM. The inspection was attended by Hon. MLA Shri. Ganeshji Naik, Hon. Corporator Netra Shirke, various social workers, environmentalists (including B.N. Kumar and others), CIDCO's Chief Engineer (Navi Mumbai), Additional Chief Engineer, Superintendent Engineer (Vashi & Kharghar), Executive Engineer (Vashi), Senior Planner (Forest & Environment), NMMC's Additional City Engineer, Forest Department officers, and senior Police officials.

During this visit, the Hon. MLA, local corporators, and residents warned the administration to clear the water path, stating they would otherwise remove the obstructions themselves using a JCB. Hon. MLA Shri. Ganeshji Naik gave oral instructions to carry out the works through CIDCO and the Municipal Corporation.

Meanwhile, the Forest and Police departments were directed to patrol the area. It is noted that the Navi Mumbai Municipal Corporation (NMMC) did not obtain CIDCO's permission before commencing work.

Furthermore, the Executive Engineer (Vashi) conducted a physical inspection and found that under NMMC's annual maintenance and repair contract, M/s Bharat Udyog has broken the existing 300 mm diameter pipe outlets and replaced them with new 600 mm diameter pipe inlets/outlets. Since 28/05/2024, NMMC has been using two 10 HP pump sets to divert creek water into CIDCO territory.

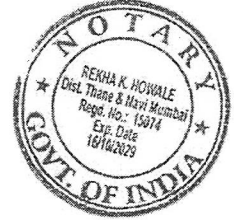
The diversion of creek water into this area will lead to the growth of mangroves, making future development of the site impossible and causing significant financial loss to CIDCO. Photographs of the site are attached for information. The land in question, Survey No. 261, is under CIDCO's jurisdiction and is planned for future projects. Currently, the D.P.S. Lake matter is sub-judice before the Hon. Supreme Court.

You are therefore requested to take all the above facts into consideration to ensure no contempt of the Hon. Supreme Court occurs. Please take appropriate action at your level in line with CIDCO's proposed development works and keep this office informed.

Yours faithfully,

(SD/-)

Executive Engineer (Vashi)
1st Floor, Old Administrative Building,
CIDCO, Sector - 1, Vashi,
Navi Mumbai - 400 703.



Copy Separately to:-

Maharashtra Coastal Zone Management Authority / Deputy Conservator of Forests
(Mangrove Cell).

Divisional Forest Officer/Range Forest Officer

Copy submitted for information to:

1. Personal Secretary to Hon. Joint Managing Director-III.
2. Personal Assistant to Hon. Vice Chairman & Managing Director.
3. Personal Secretary to Hon. Chief Vigilance Officer / Chief Planner (Navi Mumbai).
4. Chief Engineer (Navi Mumbai) / Additional Chief Engineer (1).
5. Superintendent Engineer (Vashi & Kharghar) / Senior Planner (Forest & Environment).

मा. आ. श्री. गणेशजी नाईक यांचा दि. २४.०५.२०२४ संयुक्त पाहणी दौरा छायाचित्रे



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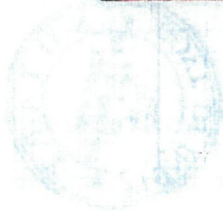
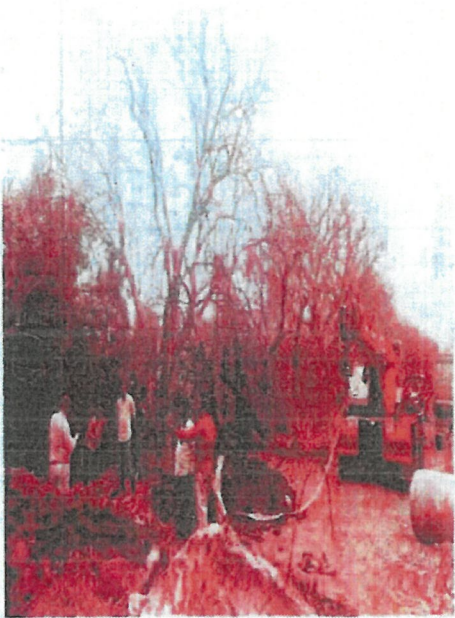




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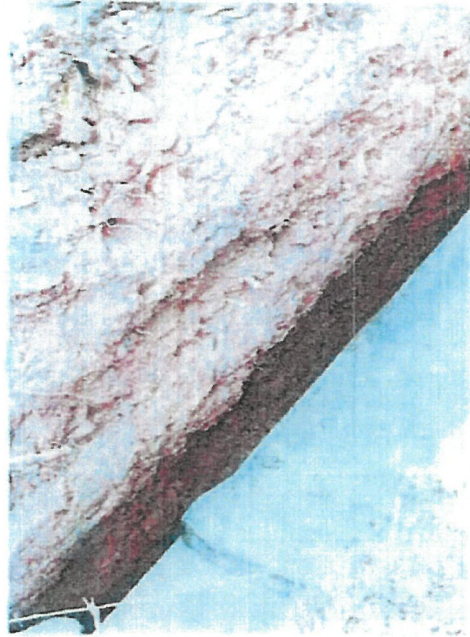


खोदकाम छायाचित्रे



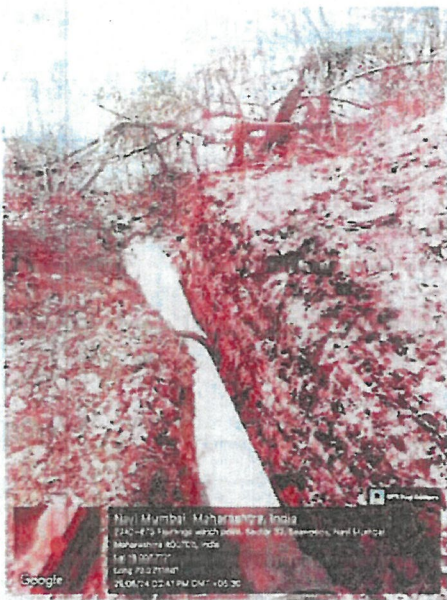
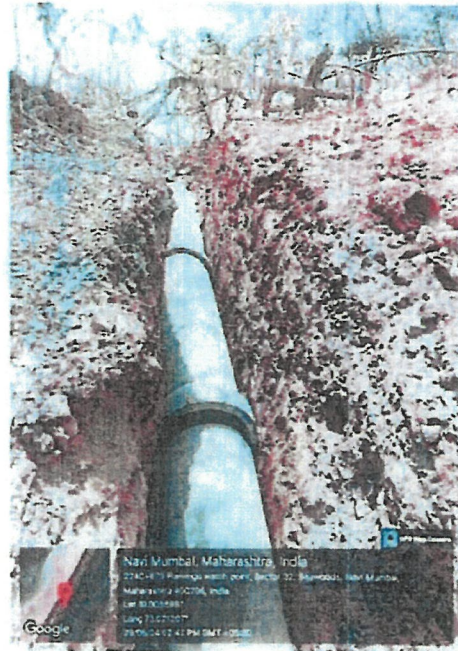
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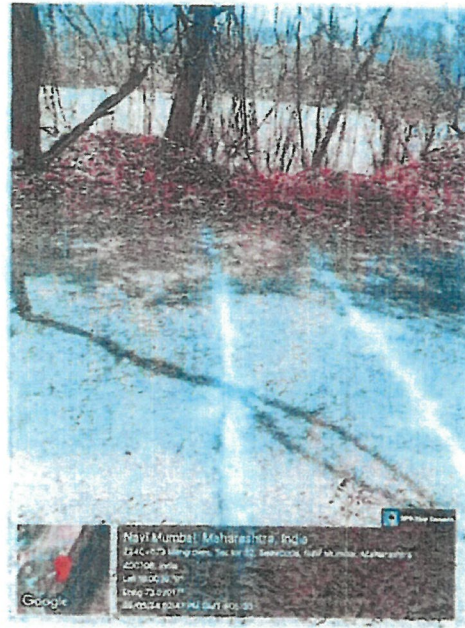
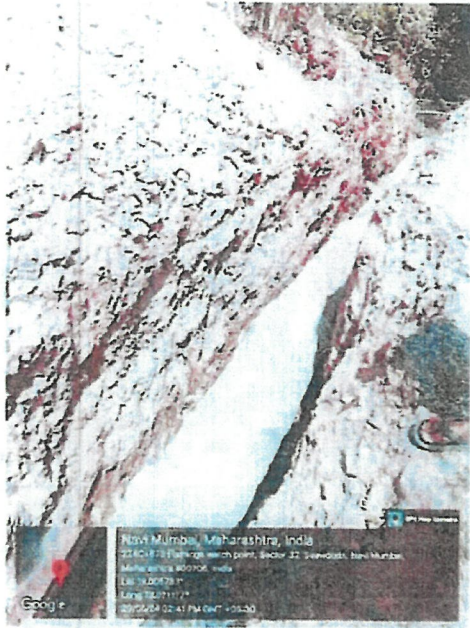
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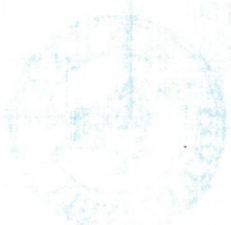


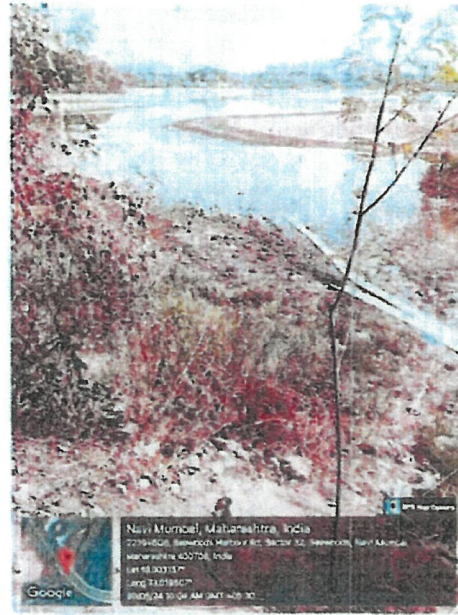
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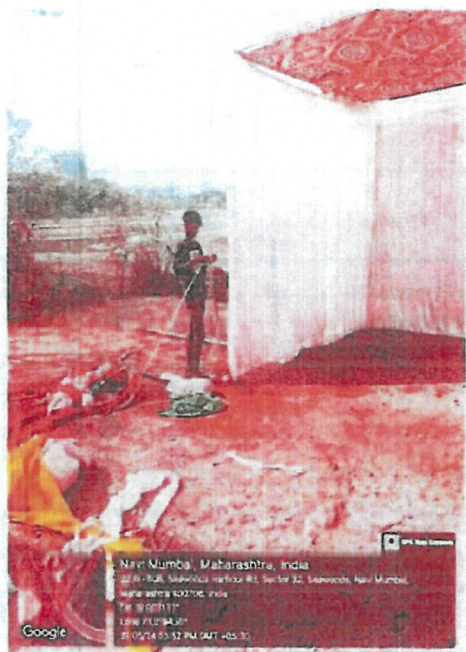
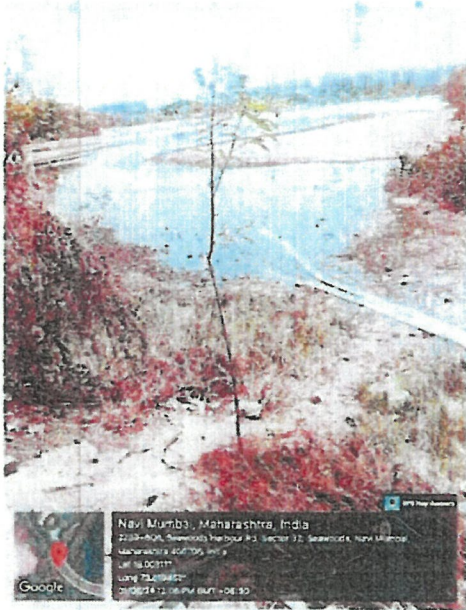
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Not Ee (Vooty)



APPENDIX 7**CITY AND INDUSTRIAL DEVELOPMENT CORPORATION OF MAHARASHTRA LIMITED**

(CIN - U99999 MH 1970 SGC - 014574)

REGD. OFFICE.

"NIRMAL", 2nd Floor, Nariman Point,
Mumbai - 400 021.
PHONE : 00-91-22-6650 0900
FAX : 00-91-22-2202 2509

HEAD OFFICE.

CIDCO Bhavan, CBD Belapur,
Navi Mumbai - 400 614,
PHONE: 00-91-22-6791 8100
FAX : 00-91-22-6791 8166

Ref. No.

CIDCO/PLNG/SP(E&F)/JMD-II/2024/0056

Date :

29/07/2024

✓ To,

The Commissioner,
Navi Mumbai Municipal Corporation (NMMC).
CBD Belapur, Navi Mumbai - 400614

Sub. :- Illegally breaking 300mm dia pipe outlet on the 10.00 mt wide bund road and lying 600 mm dia pipe outlet near N.R.I. complex, Nerul (on east side of DPS school) by NMMC.

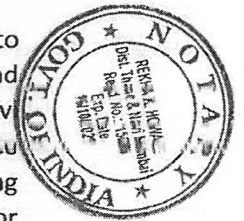
Ref. :- Letter No. सिडको/कार्य.अभि.(वारी)/२०२४/५६८/६-३१२४८९ dtd. 05/06/24

Dear

The City and Industrial Development Corporation (CIDCO) has developed a significant and very ambitious Nerul node under its Development Plan of Navi Mumbai. The land parcel under consideration is located in sector 52 of Nerul node which is earmarked as Future Development of CIDCO and the said land parcel falls in Residential zone as per sanctioned Development Plan of CIDCO.

The Hon'ble High Court of Bombay in its final order dated 01/11/2018 with regards to PIL 218 of 2013 with PIL 58 of 2018 has held that it is the obligation of CIDCO and other local authorities as well as the state to protect and preserve the two subject lakes and to ensure that the same are not destructed. Thereafter, CIDCO has challenged the said order in Hon. Supreme Court in 2019. CIDCO's contention presented before the Hon. Supreme Court in its affidavit dtd. 19/01/2019 about the said land parcel is as follows:-

- While preparing the draft development plan CIDCO had taken into consideration the topography, natural flora and fauna and accordingly had earmarked various land use zones. The average ground level of Navi Mumbai is lower than the creek water level at the High Tide and hence CIDCO has adopted the Dutch method of reclamation to prevent flooding or water logging in the area. However, in some areas such water logging or

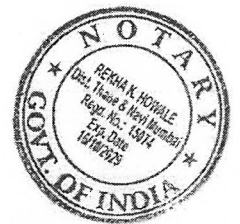


In case of any corruption related complaints, please visit :
www.cidco.maharashtra.gov.in Click on Dakshata link

flooding is inevitable because of its geographical location. The said land parcel in sector 52, Nerul is adjoining and near to the creek, which is separated by delineation of bund/High Tide line (HTL). The HTL was delineated by the Chief Hydrographer of India and based on this HTL, CIDCO has prepared the Coastal Zone Management Plan (CZMP) for the said land parcel, which is approved by the Ministry of Environment and Forest in 1996, according to which this land parcel falls partly in CRZ-II. There is a landmark housing complex (NRI) adjacent to the land parcel. Thus taking into consideration the present status of the adjoining lands, the balance area remaining to be developed in Sector 52 cannot be construed to be natural lake or water body.

- b) The area in and around Palm Beach road is firm developable land under sanctioned development plan of Navi Mumbai. The said land parcel is not part of any creek, wetland, backwater or designated as Environmentally/ecologically sensitive area under any prevailing Rules, Acts or orders. The said land parcel is on landward side of HTL and hence not a part of creek.
- c) Therefore, the allegations that the lakes in the area particularly DPS lake is a natural wetland of approximately 30 acres, behind Delhi Public School (DPS), in Sector 52 of Nerul, Navi Mumbai is incorrect. However it is true that part of the said area is categorized as Coastal Regulation Zone – II (CRZ-II), but development is permissible on the same as per the notification of Ministry of Environment & Forest, GOI. S.O. no. 114 E dated 19th February 1991 and its various amendments. Therefore it is wrong to suggest that the said land parcel (alleged water body) is being smeared by construction debris and other garbage being dumped directly over it and on the adjoining mangrove, which is in effect inhibiting the mangrove growth, polluting the water and preventing Water inflow into the said land parcel.
- d) The area of sector 52, 56/58 are classified as development zones after much deliberations and in accordance with the CRZ notifications issued by the MoEF. Moreover, the said area is already approved by the State Government in the development plan and also by the Ministry of Environment of Forest, MoEF & CC, GOI as per CRZ notification.

On the contrary, as mentioned in the above reference letter and in persuasion to representation received from NGO's about inadequate water in land parcel near DPS School, this is to inform you that a joint site inspection was carried out on 23/05/2024 in the presence of Hon. MLA Shri. Ganesh Naik along with representatives of Forest Dept., Navi Mumbai Municipal Corporation, CIDCO, Police Dept. and NGO's for the area/plot in survey no. 261



adjacent to East side of DPS school (near NRI complex) Nerul, Navi Mumbai under CIDCO's jurisdiction, to inspect the blockage to the flow of water into the area.

In the context of the above letter and site visit report from Engineering Department, CIDCO, the agency/contractor under their yearly maintenance contract of NMMC have excavated the bund road with JCB and removed the existing 300 mm dia. pipe outlet and laid 600 mm dia. RCC pipes to allow creek water to enter into the said area. Further additional 600 mm dia. pipe row was laid adjoining to replace pipes resulting in two rows of 600 mm dia. pipes for intake of creek water into the above mentioned area. A copy of letter alongwith photographs are enclosed herewith. It is requested to provide any information with respect to the name of the agency who executed this work, so that further explanation can be called for from that agency.

The said excavated area falls in CRZ-1A (50 m mangrove buffer zone) as per approved CZMP of 2019. The development of any work in CRZ area requires prior permission from the competent authority. However, it is observed that, agency/contractor has not taken any prior permission for excavating the bund road which affects CIDCO owned plot. Furthermore, the agency/contractor have also deployed 02 no. of 10 HP pumps for pumping creek water into the area.

It is to mention here that ingress of creek water into the area will lead to growth of mangroves in the area and making the area non-viable for development in future thus causing loss of revenue to CIDCO and ultimately to state's exchequer.

It is however pertinent to mention here that the matter related to the said area is subjudice in the Hon. Supreme Court vide case no. SLP (C) 16313 - 16314 of 2019 as well as case no. SLP (C) 16310 - 16311 of 2019. The said cases are pending in Hon. Supreme Court. CIDCO is the petitioner in the case, whereas, the Commissioner - NMMC, Ministry of Environment, GoM, MCZMA, CCF (Mangroves Cell), Forest Dept. & others are respondents.

In view of the above facts, NMMC is requested to clarify their position and submit a suitable response with respect to the subject land parcel which falls under the CRZ-1A as the work executed by the agency/contractor affects the plots owned by CIDCO adversely.

With regards,

Yours,


(Shanatanu Goel, IAS)
Joint Managing Director- II

