

**BEFORE THE NATIONAL GREEN TRIBUNAL  
WESTERN ZONAL BENCH AT PUNE  
ORIGINAL APPLICATION NO. 91 OF 2019**

**IN THE MATTER OF:-**

Pohra Bachav Samiti

...Applicant

Versus

Amravati Municipal Corporation and Ors.

...Respondents

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**Through**

**RITWICK DUTTA**

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Place:- Delhi/Pune

Dated:- 12.02.2024

**BEFORE THE NATIONAL GREEN TRIBUNAL  
WESTERN ZONAL BENCH AT PUNE  
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**REPLY TO COMPLIANCE AFFIDAVIT FILED BY STATE WETLAND  
AUTHORITY DATED 20.11.2023**

1. That the above-titled Application has been filed under Section 14 and Section 15 of the National Green Tribunal Act, 2010 raising substantial question relating to the environment arising out of massive reclamation and concretization of construction of Chattri Talab, wetland situated in Amravati District, Maharashtra in violation of Wetland Rules, 2017 and order of the Hon'ble Supreme Court in M. K. Balakrishnan v. Union of India (Writ Petition (Civil) No. 230 of 2001).
2. That the State Wetland Authority has filed a Compliance Affidavit dated 20.11.2023 in compliance with the directions of the Hon'ble Tribunal. Vide this Compliance Affidavit, the State Wetland Authority has stated the following:
  - i. That the State Wetland Authority had taken technical assistance from NEERI to assess the impacts of construction activity on ecology of Chatri Talao, Amravati and NEERI has submitted the Report, annexed as Annexure II with the Compliance Affidavit;
  - ii. That the State Wetland Authority has appointed National Centre for Sustainable Coastal Management, Chennai for

preparation of wetland maps and brief documents for wetlands in Maharashtra and measures are being taken to prepare the same for Chattri Talao, on priority.

**Response of the Applicant**

- A. NEERI has stated in its Report that Chattri Talao is a notified wetland and construction activities in the area should not be allowed
3. That the Compliance Affidavit of State Wetland Authority states that they have taken technical assistance from NEERI in order to assess the impacts of construction activity on ecology of Chatri Talao, Amravati. Accordingly, NEERI has submitted the proposal to the State Wetland Authority, which has been annexed as Annexure II (Page 262) of the Compliance Affidavit.
4. That a perusal of the Report will show that NEERi has emphasized on the rich biodiversity and wildlife in and around Chattri Talao and has recommended that no further constructions should be allowed in the area. NEERI Report also mentions that Chattri Talao is a notified wetland in the Wetland Atlas of Maharashtra (Wetland Code 16959) as per Wetland (Conservation and Management) Rules, 2010. Relevant excerpt is reproduced below for reference (Page 288):

***“Chatri Talao is included Chatri Talao was marked as wetland in the Wetland Atlas for Maharashtra (Wetland Code number 16959) as per Wetland Rules, 2010. Hence, considering the relevant national regulatory guidelines like Wetland Conservation and Management Guidelines 2010 & 2017; Wildlife Protection Act, 2972 and international convention on transboundary movement of animals (in this case migratory birds) (Bonn Convention, 1979), construction of pavement may affect and disturb the existing movement of large mammals (as well as other animals) using the habitat during the lean summer period (March-June) for water and roosting, feeding and breeding of birds (especially migratory)***

*during winters (November-March). Hence, **further construction of pavement is not advisable and should not be permitted. Any other concretization or construction activity that may lead to change of the original ecological character of the Talao and further crowding for recreational activities will also lead to enhanced human-wildlife conflicts in and around the Talao area and should not be allowed.***

(Emphasis supplied)

5. That NEERI is a specialized body which is functioning in the field of environmental research. This Hon'ble Tribunal had allowed the State Wetland Authority to take the assistance of NEERI in determining the impact of construction activities on Chattri Talao wetland.
6. That NEERI has clearly stated that any further construction in and around Chattri Talao should not be allowed.
  - B. That State Wetland Authority is in the process of preparing Brief Document for Chattri Talao, which is only prepared for notified wetlands
7. That the Compliance Affidavit of State Wetland Authority states that National Centre for Sustainable Coastal Management, Chennai has been appointed for preparation of wetland maps and brief documents for wetlands in Maharashtra and appropriate measures are also being taken to prepare the same for Chattri Talao, on priority.
8. That it is the submission of the Applicant that Brief Documents are only prepared for wetlands that have been identified for notification. Since, Brief Document is being prepared for Chattri Talao, it can be said that Chattri Talao has been identified for notification, and deserves protection as per the Wetland Rules and the directions of the Hon'ble Supreme Court in M. K. Balakrishnan v. Union of India.

9. That the Guidelines for implementing Wetlands (Conservation and Management) Rules, 2017 issued by Ministry Of Environment, Forest And Climate Change states that Brief Documents have to be prepared for wetlands that have been identified for notification:

*"XIII. Notifying wetlands*

***58. For each wetland proposed to be notified, a 'Brief Document' containing the following information needs to be prepared:***

- a) Demarcation of wetland boundary, supported by accurate digital maps with coordinates and validated by ground truthing;*
- b) Demarcation of its zone of influence alongwith land use and land cover thereof indicated in a digital map;*
- c) Ecological character description;*
- d) Account of pre-existing rights and privileges;*
- e) List of site-specific activities, to be permitted within the wetland and its zone of influence;*
- f) List of site-specific activities, to be regulated within the wetland and its zone of influence; and,*
- g) Modalities for enforcement of regulation."*

(Emphasis supplied)

Copy of relevant pages of Guidelines for implementing Wetlands (Conservation and Management) Rules, 2017 issued by Ministry Of Environment, Forest and Climate Change is annexed herewith as **ANNEXURE A-1.**

10. That therefore, since the State Wetland Authority is in the process of preparation of Brief Document for Chattri Talao, the same can be classified as a wetland identified for notification.
11. In light of the above, the Applicant prays that the entire area of Chattri Talao, as per the National Wetland Atlas is declared as a wetland and protection under Wetland Rules and the directions of the Hon'ble Supreme Court in M. K. Balakrishnan v. Union of India ought to be granted to Chattri Talao. The Applicant also prays that the construction activities going on in the buffer zone of Chattri Talao are ordered to be demolished, as they stand in violation of Wetland Rules.

12) Pass any other order as this Hon'ble Tribunal may deem fit in the facts and circumstances of the present case.

**APPLICANT**

**THROUGH**

**RITWICK DUTTA**

**RAHUL CHOUDHARY  
ADVOCATES**

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**VERIFICATION**

Verified by Sagar Ashokrao Maidankar, S/O Ashokrao Gulabrao Maidankar, R/O 40/1 Vijay Colony, Tower Line, VMV Road, Amravati- 444604, do hereby verify that the contents of Paragraphs 1 to 12 are true to my personal knowledge and nothing material has been concealed therefrom.

ATTESTED THE SIGNATURE OF THE EXECUTANT AND NOT RESPONSIBLE FOR THE CONTENTS OF THIS DOCUMENT  
N.R.S. NO. 1/2076/2024 DATE 12/02/2024



I do swear in the name of God **APPLICANT** solemnly affirm That This is my name and signature or mark and that the Contents of this my affidavit are true and correct

  
Sign. of deponent  
Sign. of Notary  
12/02/2024

9/2076/2024  
N.R.S. No.....  
332



**NOTARY**

**BEFORE THE NATIONAL GREEN TRIBUNAL  
WESTERN ZONAL BENCH AT PUNE  
ORIGINAL APPLICATION NO. 91 OF 2019/WZ**

**IN THE MATTER OF:-**

**Pohra Bachav Samiti**

**...Applicant**

**Versus**

**Amravati Municipal Corporation and Ors.**

**...Respondents**

**AFFIDAVIT**

I, Sagar Ashokrao Maidankar, S/O Ashokrao Gulabrao Maidankar, R/O 40/1 Vijay Colony, Tower Line, VMV Road, Amravati- 444604 do hereby solemnly affirm and declare as under:

1. That I am authorized representative of Applicant in the above titled Application, and hence well conversant with the facts and circumstances described in the present case and as such competent to swear this Affidavit.
2. That the contents of the accompanying Reply are true and correct and nothing material has been concealed therefrom.

*Anup V. Patil*  
**ANUP V. PATIL**  
Advocate & Notary  
Reg. No. 15877  
12/02/2024

  
**DEPONENT**

**VERIFICATION**

Verified on this 12 day of Feb 2024 that the contents of the present Affidavit are true and correct to my knowledge and belief and nothing material is concealed therefrom.

# Guidelines for implementing Wetlands (Conservation and Management) Rules, 2017

MINISTRY OF ENVIRONMENT, FOREST AND CLIMATE CHANGE  
GOVERNMENT OF INDIA

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57. For assessing the consequence of a pre-existing right or privilege on a wetland, it may be important to consider their implication on wetland ecological character. The privilege of fishing granted along a migratory route can lead to an adverse change in fish stocks. Similarly, the disposal of untreated sewage by houseboat in a wetland can lead to pollution. Thus, such privileges are not aligned with 'wise use'. On the other hand, in many cases, the subsistence level harvest of macrophytes may help in keeping species invasion in check and therefore aligned with ecosystem health. Such considerations may need to be made while deciding whether a wetland use is to be regulated or permitted.

### XIII. Notifying wetlands

58. For each wetland proposed to be notified, a 'Brief Document' containing the following information needs to be prepared:

- a) Demarcation of wetland boundary, supported by accurate digital maps with coordinates and validated by ground truthing;
- b) Demarcation of its zone of influence alongwith land use and land cover thereof indicated in a digital map;
- c) Ecological character description;
- d) Account of pre-existing rights and privileges;
- e) List of site-specific activities, to be permitted within the wetland and its zone of influence;
- f) List of site-specific activities, to be regulated within the wetland and its zone of influence; and,
- g) Modalities for enforcement of regulation.

A format for preparing the Brief Document is at **Annex 2**.

59. The nodal department, designated by the State Government/UT Administration for wetlands, shall be responsible for preparing the Brief Documents.

60. In the case of transboundary wetlands, the respective State Governments/UT Administration may initiate the process of preparation of a common Brief Document and submit the same to MoEF&CC. If required, MoEF&CC shall coordinate with the concerned State Governments/UT Administrations for preparation of the Brief Document and addressing relevant issues. The Ministry will further process Brief Document as per process laid under Rule 7(4) of Wetlands Rules, 2017.

61. All Brief Documents shall be placed for approval of the Wetlands Authority. The Authority may endorse the Brief Document for notification to the concerned State Government / UT Administration.

62. The State Government / UT Administration shall issue a draft notification indicating the wetland (wetlands complex) to be covered under the Wetlands Rules. The notification should contain:

- a) Description of the wetland (wetlands complex) boundary along with its map
- b) Description of the zone of influence along with a map
- c) List of activities prohibited within the wetland (wetlands complex) and its zone of influence
- d) List of activities regulated within the wetland (wetlands complex) and its zone of influence
- e) List of activities permitted within the wetland (wetlands complex) and its zone of influence
- f) Name and contact details of the nodal person, who is to be contacted for seeking permission to undertake regulated activities.