BEFORE THE NATIONAL GREEN TRIBUNAL
WESTERN ZONE BENCH, PUNE.

ORIGINAL APPLICATION No. 47 of 2024 (WZ)

Nandkumar Pawar	.....	**Applicant**
	V	
MCGM and Ors.	.....	**Respondents.**

REPORT OF THE JOINT COMMITTEE
OF
Municipal Corporation of Greater Mumbai (R-1)
Maharashtra Coastal Zone Management Authority (R-7)
And
Mangrove Cell, Maharashtra Forest Department (R-8)

This Hon'ble Tribunal by its order dated 20th February 2024 had constituted a Joint Committee vide para (4) of the order and had directed that the Committee should visit the site subject of this Original Application after informing the Applicant, and recommend a plan of action within a period of one month.

Accordingly, the Joint Committee duly representing the Respondents mentioned in para (4) of the aforesaid Order, along with the Applicant of this O.A., visited the site in question on 26th March 2024. During the site visit, the Additional Principal Chief Conservator of Forests Mangrove Cell and the Range Forest Officer, Thane Creek Flamingo Sanctuary along with

Field Staff and the Representatives of Respondents nos. 1 and 7 were present.

The observations of the Joint Committee made during the site visit are as follows:

[A] The site visit was conducted along the North-South Axis of the Eastern Express Highway (i.e. the direction moving from Thane towards Mumbai). The six points which the Applicant has made a grievance of in the O.A. were pointed out by the Applicant.

A dense vegetation dominated by *Avicennia marina* with the presence of *Sonneratia apetala* and *Acanthus ilicifiolius* was observed almost all along the eastern part of the highway and some locations at the western side.

The situation at each of the points was noted. The observations and recommendations, where possible, are presented below.

[B] **POINT No.1** This is the 'Bombay Oxygen Nallah'. It was observed that on the Left Side (eastern side of the highway) (i) excessive silting has caused this nallah to shrink in size (ii) sewage and other floating material was flowing into the Thane Creek.

SOLUTION SUGGESTED: *Firstly*, the nallah requires to be desilted; this would result in deepening the nallah. Widening the nallah, to the extent possible, would also mitigate the issue considerably. *Secondly*, the floating material needs to be removed by mechanical means. *Thirdly*, the sewage ought to be

treated before it enters into the nallah. It needs to be mentioned that the Municipal Corporation (Respdt. 1) has appointed consultant to finalise the system for diversion/ treatment of dry weather flow (sewage). Work on this issue is in progress by BMC.

On the Right Side (western side of the highway), the vents have got blocked and this impedes / obstructs the free flow of tidal water.

SOLUTION SUGGESTED: The Vents need to be cleaned by physical removal of material that is blocking them.

[C] POINT No.2: **Minor nallah near Bhandupeshwar Kund.** (i) On the Left Side, the Nallah has shrunk due to silting. (ii) There is sludge accumulation in the "box culvert" under the highway and the floor of the same appears higher.

On the Right Side the nallah has shrunk in width and depth due to silting. SOLUTION SUGGESTED: (a) the nallah should be cleaned and widened using manual labour (b) the sludge in the Box Culvert needs to be cleared so as to complement the flow of the nallah.

[D] POINT No.3: Ushanagar Nallah:

On the Left Side

(i) untreated sewage was seen flowing into the creek (ii) Much floating material was seen in the nallah (iii) Silt deposit is heavy.

On the Right Side

(i) the same situation as above was observed:

(ii) The Nallah has supporting retaining walls on both sides. There are several vents which were made for sea water to go into the nearby mangroves. These vents are also choked by various materials thereby obstructing sufficient flow of sea water.

SOLUTION SUGGESTED: The sewage has to be treated before release. The floating material and silt deposits have to be physically removed. The Vents have to be cleaned of material blocking them.

It needs to be mentioned that the Municipal Corporation (Respdt. 1) has appointed consultant to finalize the system for diversion/ treatment of dry weather flow (sewage). Work on this issue is in progress by BMC.

[E] POINT No.4 – Kanjur Village (19 07 52.32 N- 072 56 33.93 E)

On the Left Side, sewage from a small nallah has been diverted for grass cultivation which is seen partly on privately owned land abutting the Highway and partly on Salt Pan land; this is till the 'bund' separating the mangroves area from the salt pan lands.

On the right side, the situation is the same but there are no mangroves.

SOLUTION SUGGESTED: Treatment of sewage and redirecting the same to a nearby nallah. The privately owned land where grass is being cultivated does not come under the purview of the Mangrove Cell.

[F] POINT No.5 Crompton Nallah:

On both sides (Left and Right) there is (i) excess floating material and (ii) untreated sewage is seen flowing into the Thane Creek.

SOLUTION SUGGESTED: (A) The excess floating material has to be removed (B) The sewage has to be treated before release.

It needs to be mentioned that the Municipal Corporation (Respdt. 1) has appointed consultant to finalize the system for diversion/ treatment of dry weather flow (sewage). Work on this issue is in progress by BMC.

[G] POINT No.6 – Nanepada Nallah: On the Left Side, silting and excess floating material is seen due to which the nallah is completely choked. There is silting in the nallah bed, and untreated sewage water is finding its way into the Thane Creek. All of this reduces the free flow of water.

SOLUTION SUGGESTED: (A) The excess floating material has to be removed (B) The sewage has to be treated before release. (C) Desilting exercise has to be done periodically.

It needs to be mentioned that the Municipal Corporation (Respdt. 1) has appointed consultant to finalize the system for diversion/ treatment of dry weather flow (sewage). Work on this issue is in progress by BMC.

[H] BETWEEN POINTS (1) AND (2) – There is intermittent accumulation and stagnation of water caused by interrupted free flow of tidal water. This is due the construction of a temporary access road

made for lining and coating work of the existing sewer line. The said temporary road blocks the free flow of tidal water. Similar bund-type structures also in the nearby area seen and these are blocking the free flow of tidal sea water.

SOLUTION SUGGESTED: There has to be a thorough cleaning and opening of all the trenches and other necessary measures need to be put in place to ensure that the tidal water flow ingress and egress is unaffected.

It is respectfully submitted that the above observations and suggestions would mitigate the grievances made in the present O.A and hence the same may be favorably considered.

Dated 06th May 2024.

(Shri. S.V. Ramarao
Additional Principal Chief Conservator of Forest-
Mangrove Cell)
Respondent no.8

(Shri Bhaskar V. Kasgikar
Assistant Commissioner S Ward
Municipal Corporation of Greater Mumbai)
Respondent no.1

(Dr. Mahesh Shindikar
Expert Member MCZMA)
Respondent no.7