

**BEFORE THE NATIONAL GREEN TRIBUNAL
WESTERN ZONE BENCH, PUNE**

**ORIGINAL APPLICATION NO.06/2024 (WZ)
(LETTER PETITION NO.76/2023)**

(Complaint dated 16/12/2023)

**STATUS REPORT OF MAHARASHTRA POLLUTION
CONTROL BOARD IN COMPLIANCE OF THE ORDER
DATED 2/1/2024 PASSED BY THIS HON'BLE TRIBUNAL**

- 1) The Complaint dated 16/12/2023 made by Parmendra Ambraskar, Dhokali, Kolshet Road, Thane (W) was registered by this Hon'ble Tribunal as an Original Application bearing No.6/2024. The Complainant alleged that the licenses having been granted by the authorities in eco-sensitive area around Tansa Wildlife Sanctuary, despite there being stay order dated 27/2/2019 passed by the Hon'ble NGT, Principal Bench, New Delhi, located at Shahapur and Bhiwandi Talukas of Thane District and Wada Taluka of Palghar District etc.
- 2) The Hon'ble NGT, WZ, Pune vide Order dated 2/1/2024 directed MPCB to file a Report as to the truthfulness of the contents of the aforesaid complaint and the action taken at their end if any.

- 3) In compliance of the Order dated 2/1/2024, the report of the Maharashtra Pollution Control Board is as under :

(I) Status of the Court Cases:

- (a) Indian Council for Enviro-Legal Action had filed an Original Application bearing No.105/2018 against Ministry of Environment, Forest and Climate Change & Ors before the Hon'ble National Green Tribunal, Principal Bench, New Delhi regarding large number of Brick kilns and other polluting industries operating in Tansa Valley in Thane and Palghar District without Environmental Clearance.
- (b) While disposing the matter, the Hon'ble NGT, Principal Bench, New Delhi vide order dated 27/2/2019 directed all the concerned authorities to immediately take action to completely stop operation of all the brick kilns and polluting industries in Tansa Valley falling within 10 km distance from the boundary of the Tansa Wildlife Sanctuary forthwith. A copy of the order dated 27/2/2019 passed by the Hon'ble NGT, Principal Bench, New Delhi is enclosed herewith and marked as an **Annexure-I**.

- (c) Being aggrieved by the order dated 27/2/2019 passed by the Hon'ble NGT, Principal Bench, New Delhi, one M/s.Aarav Fragrances & Flavours Pvt. Ltd. had filed Writ Petition bearing No.7636/2019 against the Union of India & Ors before the Hon'ble High Court of Judicature at Bombay. The Hon'ble High Court, Bombay vide order dated 22/7/2019 issued directions, which is reproduced as under :-
- “Till further orders operation of the impugned order dated 27/2/2019 in Original Application No.105 of 2018 passed by the National Green Tribunal, Principal Bench, New Delhi is suspended qua the existing industrial units operating within a distance of 10 kms from the eco-sensitive zone of Tansa Wildlife Sanctuary provided the units have necessary permissions from the Maharashtra Pollution Control Board and comply with the conditions of sanction.”* A copy of the order dated 22/7/2019 passed by the Hon'ble High Court of Judicature at Mumbai is enclosed herewith and marked as an **Annexure-II**.
- (d) In the meantime, being aggrieved by the order passed by the Hon'ble NGT dated 27/2/2019, M/s. Saint Gobain India Pvt. Ltd. has filed Civil Appeal bearing No.7007/2019 against Indian Council For

Enviro Legal Action & Ors before the Hon'ble Supreme Court of India, wherein, the Hon'ble Supreme Court, while disposing the aforesaid matter vide order dated 10/8/2022 directed as under :

“The order passed by the NGT dated 27/2/2019 is set aside. The appeal is allowed. However, this order will not affect the rights of the Central Government to issue a Notification prescribing such limits as it may consider appropriate to prohibit activities outside Tansa Wildlife Sanctuary. As and when such Notification is issued, the parties will be at liberty to take recourse to seek their remedies in accordance with law.” A copy of the order dated 10/8/2022 passed by the Hon'ble Supreme Court of India is enclosed herewith and marked as an **Annexure-III**.

- (e) The Hon'ble High Court of Judicature at Bombay vide order dated 28/6/2023 disposed off the Writ Petition No.7636/2019 filed by Aarav Fragrances & Flavors Pvt. Ltd. Vs Union of India & Ors. in view of the order dated 10/8/2022 passed by the Hon'ble Apex Court. A copy of the order dated 28/6/2023 passed by the High Court, Bombay is enclosed herewith and marked as an **Annexure-IV**.

(II) Irrespective of the category of the industries, Maharashtra Pollution Control Board is issuing consent in view of the vacation of Stay Order dated 10/8/2022 passed by the Hon'ble Supreme Court of India and in absence of final Notification of Tansa Wildlife Sanctuary by the Central Government.

For & on behalf of Maharashtra
Pollution Control Board



Place : Kalyan

Date : 13/03/2024

(Seema Uday Dalavi)

Sub-Regional Officer -Kalyan-III

Sub Regional Officer
M.P.C. Board,
Kalyan-3

Item No.50

Court No. 2

**BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI**

Original Application No.105/2018

Indian Council for Enviro-Legal Action Applicant(s)

Versus

Ministry of Environment, Forest and
Climate Change & Ors. Respondent(s)

Date of hearing: 27.02.2019

CORAM:
HON'BLE MR. JUSTICE RAGHUVENDRA S. RATHORE, JUDICIAL MEMBER
HON'BLE DR. SATYAWAN SINGH GARBYAL, EXPERT MEMBER

For Applicant(s) None present

For Respondent(s) Mr. Ardhendumauli Kr. Prasad,
Advocate for R-3, CGWA
Mr. Mukesh Verma, Advocate for
R-4
Ms. Sharmila Upadhyay and Mr.
Sarvjit Pratap Singh, Advocates
for CPCB
Mr. Rajesh K. Singh and Mr.
Rovins Verma, Advocates for
MoEF & CC
Mr. Ranjesh K. Sinha, Advocate

ORDER

None for the Applicant.

1. In this Application the Applicant has contended that a large number of Brick kilns are operating in Tansa Valley in Thane and Palgarh, District of Maharashtra without any Environmental Clearance. He has, therefore, prayed for prohibiting the operation of Brick kilns and other polluting industries in eco-sensitive Tansa Valley and also prayed to pass order to prohibit earth mining in the forest area,

Fertile Agriculture Land and ecologically fertile Tansa Valley.

2. In the reply affidavit filed on 04.04.2018 on behalf of the Respondent No. 1 it was submitted that Ministry of Environment & Forest had published draft Notification on Tansa Wildlife Sanctuary under Environment (Protection) Act, 1986 on 10th August, 2017. It has now been submitted today that the said notification has lapsed because of want of comments from the State Government of Maharashtra. It is noteworthy to mention that in the draft notification the eco-sensitive zone extends from 600 mt. to 9.5 km. from the boundary of Tansa Wildlife Sanctuary. Besides, in the list of activities which are prohibited in the eco-sensitive zone, following activities have been included:-

Sr. No.	Activities	Remarks
1.	Commercial Mining, Stone Quarrying and Crushing units	(a) All new and existing (minor and major minerals), stone quarrying and crushing units are prohibited with immediate effect except for meeting the domestic needs of bona fide local residents including digging of earth for construction or repair of houses and for manufacture of country tiles and bricks for housing and for other activities. (b) The mining operations shall be carried out in

		accordance with the order of the Hon'ble Supreme Court dated 4 th August, 2006 in the matter of T.N. GodavaranThirumulpad Vs. UOI in W.P.(C) No. 202 of 1995 and dated 21st April, 2014 in the matter of Goa Foundation Vs. UOI in W.P.(C) No. 435 of 2012.
2.	Setting of industries causing pollution (water, Air, Soil, Noise etc.)	No new industries and expansion of existing polluting industries in the Eco-sensitive zone shall be permitted. Only non-polluting industries shall be allowed within ESZ as per classification of Industries in the Guidelines issued by Central Pollution Control Board in February, 2016, unless so specified in this notification. In addition, non-polluting cottage industries shall be promoted.
	Use or production or processing of any hazardous substances.	Prohibited (except as otherwise provided) as per applicable laws.
4.	Discharge of untreated effluents in natural water bodies or land area.	Prohibited (except as otherwise provided) as per applicable laws.
5.	Establishment of Solid Waste disposal site and common incineration facility for solid and bio medical waste	No new solid waste disposal site and waste treatment/processing facility of solid waste is permitted within Eco-sensitive zone. Further installation of common or individual incineration facility for treatment of any form of solid waste generated from industrial process and health establishment/hospitals etc. is

		prohibited.
6.	Establishment of large-scale commercial livestock and poultry farms by firms, corporate, companies.	Prohibited (except as otherwise provided) as per applicable laws except for meeting local needs.
7.	Setting up of brick kilns.	Prohibited (except as otherwise provided) as per applicable laws.
8.	Use of polythene bags.	Prohibited under applicable laws.

3. We are of the considered opinion that since the final notification for Eco-sensitive zone of Tansa Wildlife Sanctuary has not been notified till date, the Eco-sensitive zone will, therefore, extend to 10 km. distance from the boundary of Tansa Wildlife Sanctuary and therefore operation of all the brick kilns, Commercial Mining, Stone quarrying and Crushing units, setting of industries causing pollution, use of production or processing of any hazardous substances will be prohibited within 10 km Eco-sensitive zone of Tansa Wildlife Sanctuary. We, therefore, direct all the concerned Authorities to immediately take action to completely stop operation of all the brick kilns and polluting industries in Tansa Valley falling within 10 km distance from the boundary of the Tansa Wildlife Sanctuary forthwith. A compliance of these directions will be filed in the Tribunal within two weeks from today.

With these directions, this O.A. No. 105 of 2018 stand
disposed of, with no order as to cost.

Raghuvendra S. Rathore, JM

Dr.Satyawan Singh Garbyal, EM

February 27, 2019
JK





IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 7636 OF 2019

Aarav Fragrances & Flavors Pvt. Ltd. .. Petitioner
Vs.
Union of India & Ors. .. Respondents

Mr. Saket Mone a/w. Mr. Vishesh Kalra, Mr. Abhishek Salian i/b Vidhi
Partners for the Petitioner.

Mr. M. M. Pabale, AGP for the Respondent No.2.

Mr. Sharmila Deshmukh for Respondent No.3.

**CORAM : PRADEEP NANDRAJOG, C.J. &
N. M. JAMDAR, J.**

DATE : 22nd JULY, 2019.

P. C. :

1. On an oral application moved, the Indian Council for Enviro-Legal Action, the Applicant before the National Green Tribunal, Principal Bench, New Delhi be impleaded as Respondent No.4.
2. Amendment be carried out in the Petition within a week from today.
3. Issue notice to the Respondents.
4. Learned Counsel as above accept notice on behalf of Respondent Nos.2 and 3.
5. Respondent No.4 be served with the notice returnable on 14.10.2019.
6. Till further orders operation of the impugned order dated



(14) WP 7636-19

27.02.2019 in Original Application No. 105 of 2018 passed by the National Green Tribunal, Principal Bench, New Delhi is suspended qua the existing industrial units operating within a distance of 10 kms from the eco-sensitive zone of Tansa Wildlife Sanctuary provided the units have necessary permissions from the Maharashtra Pollution Control Board and comply with the conditions of sanction.

[N. M. JAMDAR, J.]

[CHIEF JUSTICE]

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 7007 OF 2019

SAINT GOBAIN INDIA PRIVATE LIMITED

Appellant(s)

VERSUS

INDIAN COUNCIL FOR ENVIRO LEGAL ACTION & ORS. Respondent(s)

O R D E R

The challenge in the present appeal is to an order passed by the National Green Tribunal [in short, "NGT"] on 27.02.2019 whereby all activities within a distance of 10 kms from the boundary of Tansa Wildlife Sanctuary were prohibited.

The learned counsel appearing for the Maharashtra Pollution Control Board relies upon an order passed by the High Court of Judicature at Bombay on 22.07.2019 in Writ Petition No. 7636 of 2019, whereby the impugned order passed by the NGT was stayed.

We have heard learned counsel for the parties and find that in the absence of any prohibition under a Statute, the NGT was not justified to prohibit any activity within a distance of 10 kms from the boundary of Tansa Wildlife Sanctuary.

It is conceded that the matter is still pending with the Central Government for issuance of notification in respect of Tansa Wildlife Sanctuary

Signature Not Verified

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Indu Manoj
Date: 2022.08.13
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Reason: -

as eco-sensitive zone.

In view of the said fact, the order passed by the NGT dated 27.02.2019 is set aside. The appeal is allowed. However, this order will not affect the rights of the Central Government to issue a Notification prescribing such limits as it may consider appropriate to prohibit activities outside Tansa Wildlife Sanctuary. As and when such Notification is issued, the parties will be at liberty to take recourse to seek their remedies in accordance with law.

Pending interlocutory application(s), if any, is/are disposed of.

.....J.
[HEMANT GUPTA]

.....J.
[VIKRAM NATH]

New Delhi;
AUGUST 10, 2022

ITEM NO.11

COURT NO.8

SECTION XVII

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Civil Appeal No(s). 7007/2019

SAINT GOBAIN INDIA PRIVATE LIMITED

Appellant(s)

VERSUS

INDIAN COUNCIL FOR ENVIRO LEGAL ACTION & ORS.

Respondent(s)

(IA No. 28719/2022 - APPROPRIATE ORDERS/DIRECTIONS)

Date : 10-08-2022 This matter was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE HEMANT GUPTA
HON'BLE MR. JUSTICE VIKRAM NATH

For Appellant(s) Mr. Dhruv Mehta, Sr. Adv.
Mr. Samir Malik, Adv.
Mr. Keith Varghese, Adv.
Mr. Mahip Singh, Adv.
Mr. Lakshya Sachdeva, Adv.
Ms. Farha Malik, Adv.
for M/s. D.S.k. Legal, AOR

For Respondent(s) Mr. Rajesh Kumar Singh, Adv.
Mr. Nachiketa Joshi, Adv.
Mr. P. V. Yogeswaran, Adv.
Mr. Saransh Kumar, Adv.
Mr. Nring Chamwibo Zeliang, Adv.
Mr. Raman Yadav, Adv.
Mr. Prashant Rawat, Adv.
Mr. Arvind Kumar Sharma, AOR

Mr. Mukesh Verma, Adv.
Mr. Pawan Kumar Shukla, Adv.
Mr. Kamal Kumar Pandey, Adv.
Mrs. Gargi Khanna, AOR

Mr. Avijit Roy, AOR

Mr. Sachin Patil, AOR

**UPON hearing the counsel the Court made the following
O R D E R**

The Civil Appeal is allowed in terms of the signed order.

**Pending interlocutory application(s), if any, is/are disposed
of.**

**(JAYANT KUMAR ARORA)
ASST. REGISTRAR-CUM-PS**

**(RENU BALA GAMBHIR)
COURT MASTER**

(Signed order is placed on the file)



Ammeuse-IV



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.7636 OF 2019

Aarav Fragrances & Flavors Pvt. Ltd., Palghar

.. Petitioner

Vs.

Union of India,

Through the Ministry of Environment & Forest,

Mumbai and Ors.

.. Respondents

Mr. Saket Mone, with Mr. Subit Chakrabarti and Mr. Devansh Shah, i/by Vidhii Partners, for the Petitioner.

Mr. Y.D. Patil, AGP for Respondent No.2-State.

Ms. Sarika Shetye, i/by Mr. S.B. Shetye, for Respondent No.3.

CORAM : SUNIL B. SHUKRE & RAJESH S. PATIL, JJ

DATE : 28TH JUNE, 2023.

P.C. .

1. Learned counsel for the petitioner states that since the order impugned in this petition has been set aside by the Apex Court in Civil Appeal No.7007 of 2019 (taken on record and marked as "Document-A" for identification), this petition has worked itself out and, therefore, be disposed of accordingly.

2. In view of the order of the Apex Court (Document-A), we find that this petition has worked itself out and is disposed of accordingly.

[RAJESH S. PATIL, J.]

[SUNIL B. SHUKRE, J.]

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