

BEFORE THE NATIONAL GREEN TRIBUNAL
WESTERN ZONE BENCH AT PUNE
ORIGINAL APPLICATION NO. 92 OF 2019

IN THE MATTER OF:

DETHADIYA RAJENDRA KHODABHAI

... APPLICANT

VERSUS

UNION OF INDIA AND & ORS.

...RESPONDENTS

INDEX

S.No.	PARTICULARS	Page No.
1.	WRITTEN RESPONSE TO THE REPORT FILED BY THE PCCF, WILDLIFE AND GUJARAT POLLUTION CONTROL BOARD ON BEHALF OF THE APPLICANT	89-92

THROUGH

RITWICK DUTTA

RAHUL CHOUDHARY

KANIKA SOOD

ADVOCATES

COUNSELS FOR THE APPLICANT

N-71, Lower Ground Floor, Greater Kailash-I

New Delhi- 110048

Mobile: 9312407881

Email: litigation.life@gmail.com

Place: New Delhi

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Most respectfully showeth:

1. That the Applicant is filing the present written response to the Report filed by the PCCF, Wildlife and the Gujarat Pollution Control Board in the present matter.
2. That at the outset it is submitted that the present Original Application was regarding the preservation and protection of the dwindling numbers of vultures. The Application was filed regarding the violation of conditions of the Environment clearance granted for the 'Udankhatola' Ropeway within the Girnar Wildlife Sanctuary which is cutting across the only Vulture breeding colony in Kathiyawad, Saurashtra and is one of the last colonies present in India. One of the conditions was "*(ii) a cafeteria for vultures will be constructed at an appropriate location, to be decided in consultation with the experts, to provide for supplemental food to the vultures from attempting to divert the movement of vultures from the ropeway.*"
3. The Original Application stated that even as per the MoEFCC National Action Plan (2016) for the conservation of vultures in India, there was a requirement to ensure that a "*self-sustaining populations are established and systematic evaluation of the populations is carried out*".
4. That this Hon'ble Tribunal by order dated 19.12.2019 had sought a report from the State Pollution Control Board and the PCCF Wildlife to verify the factual aspects and submit a report.

5. Thereafter the Report states that all the conditions of the Environment Clearance are being complied and monitored i.e. the height of the towers of the Ropeway were increased and the vulture cafeteria was set up at Barbara Vidi. Further the report also states that the *"facility may be modified, if needed, in the future for any facilitation to the vultures that may utilise the cafeteria"*.
6. The Applicant humbly submits that the cafeteria in question has been built 40 kilometres away from the Ropeway site, and by a visual estimation, the vulture nests have reduced dramatically since the construction of the ropeway by almost 60%.
7. That the Report does not give any scientific reason for the selection of the site, merely that the Monitoring Committee found the same as *"satisfactory"*.
8. It is submitted that the purpose of the mitigation measure i.e. the creation of the vulture canteen is not being served as the population of vultures within the area has been reducing dramatically due to the construction of the ropeway.
9. It is submitted that this Hon'ble Tribunal in News item published in *"The Times of India"* Authored by Vijay Pinjarkar Titled *"String of new road projects in Maharashtra to cut off tiger corridors"* Original Application No. 1030 of 2019, decided on 6 January, 2020 has directed for mandatory mitigation measures on roads where they were cutting across tiger habitats and corridors and stated that *"under Section 20 of the National Green Tribunal Act, 2010, whether or not the project proponent is agreeable, safety precautions for protection of the wildlife cannot be ignored."*
10. The Applicant thus submits that in light of the negative impact of the project on the population of vultures, further mitigation measures may be proposed so as to ensure that the surviving population of vultures is not impacted, which will also be as per the National Action Plan, 2016 (**Annexure A-3 of the Original Application**) prepared by the MoEFCC.

**THROUGH****RITWICK DUTTA****RAHUL CHOUDHARY****KANIKA SOOD****ADVOCATES**

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