

Vanashakti vs Thane Municipal Corporation on 16 February, 2024

Item No.9

(Pune Bench)

BEFORE THE NATIONAL GREEN TRIBUNAL
WESTERN ZONE BENCH, PUNE
THROUGH PHYSICAL HEARING (WITH HYBRID OPTION)

Original Application No.26/2023(WZ)

Vanashakti & Anr.

.....Applicant(s)

Versus

Thane Municipal Corporation & Ors.

....Respondent(s)

Date of hearing: 16.02.2024

CORAM: HON'BLE MR. JUSTICE DINESH KUMAR SINGH, JUDICIAL MEMBER
HON'BLE DR. VIJAY KULKARNI, EXPERT MEMBER

Applicant : Mr. Zaman Ali, Advocate
Respondent(s) : Mr. N. R. Babna, Advocate for R-1/TMC
Mr. Aniruddha S. Kulkarni, Advocate for R-4/MCZMA
Ms. Manasi Joshi, Advocate along-with Ms. Pooja Natu,
Advocate R-5/MPCB
Mr. Rahul Garg, Advocate for R-6/CPCB
Mr. Saurabh Kulkarni, Advocate for R-7/UDD

ORDER

1. From the side of applicants, learned counsel Mr. Zaman Ali has appeared, who submits that from the reply affidavit dated 04.08.2023 of respondent No.1-TMC, it is apparent that for restoration of the area in question through bio-remediation and bio-mining activity for Diva dumping ground, which has now been closed, M/s. MaRs Planning and Engineering Services Pvt. Ltd. has been appointed as Project Management Consultant and that tender process will soon be completed and work will be started within 4 months.

2. It is urged by the learned counsel for applicants that an action plan should be asked to be submitted by the respondent No.1 for restoration of the said area, to which the learned counsel Mr. N. R. Babna representing respondent No.1- TMC agreed and submits that he would be filing the same within a week. The same is allowed.

3. It is further argued by the learned counsel for applicants that the respondent No.2- Office of the

Chief Conservator of Forests (Mangrove Cell) Forest Department, State of Maharashtra is a necessary party in this application, which has not appeared before us nor has any reply affidavit been filed from their side. For the restoration of mangroves, the action at their end would be necessary. Therefore, their presence may be secured by issuing a notice to them.

4. After considering the same, we direct the Registry to issue Notice to the respondent No.2 again, though earlier service affidavit shows that the service of notice has been effected upon the respondent No.2, but none has appeared from their side.

5. Applicants are directed to take necessary steps for service to the respondents by both ways (Dasti as well as by Registered Post) and also on available e-mail/WhatsApp and submit service affidavit within one week.

6. The learned counsel for applicants has also pointed out before us that though the respondent No.5- MPCB has filed reply affidavit dated 04.05.2023 but it has calculated therein the environmental compensation only up to the period of 31.01.2023 and therefore, the period of violations beyond that also needs to be considered for environmental compensation. Therefore, we direct the respondent No.2- MPCB to submit a calculation of environmental compensation of the additional period of the same and file an affidavit in that regard by the next date.

7. From the side of respondent No.4-Maharashtra Coastal Zone Management Authority (MCZMA), learned counsel Mr. Aniruddha S. Kulkarni has appeared, who submits that he does not want to file reply affidavit as no relief is prayed against it.

8. From the side of respondent No.6-CPCB, learned counsel Mr. Rahul Garg has appeared, who submits that reply affidavit has already been filed.

9. From the side of respondent No.7-Urban Development Department, learned counsel Mr. Saurabh Kulkarni has appeared, who submits that he does not want to file reply affidavit as no relief is prayed against it.

10. Subject to receiving of all the reply affidavits, which we have directed today, this matter would be ripe for final hearing. Therefore, we direct the Registry to place this matter for final hearing on 10.05.2024.

11. Dinesh Kumar Singh, JM Dr. Vijay Kulkarni, EM February 16, 2024 Original Application No.26/2023(WZ) P.Kr