

MUNICIPAL CORPORATION OF GREATER MUMBAI

ISSUED

18 DEC 2015

Dy.Ch.E. (D.P.) 8281 W.S./P&R

Sub: Regarding finality of distance from the boundary of S.G.N.P. (Sanjay Gandhi National Park) vis-à-vis implementation of boundaries and extent of Eco Sensitive Zone (ESZ) around S.G.N.P.

Ref: Report submitted by Dy.Ch.E. B.P. (E.S.)
u/no. Dy.Ch.E/BP/14423/ES dt. 09.12.2015 (Pg. N 1 to N 3)
&
endorsement of Ch.E.(D.P.) thereon under No.
Ch.E./D.P/039405/W.S dated 10.12.2015 (Page N3).

Kind attention is requested to above referred report submitted by DyChE(BP)ES to Ch.E. (D.P) / Hon. M.C. for seeking directions to process the proposals around the boundary of S.G.N.P. falling in ESZ, especially to the categorization of the cases in two categories cited in concluding Para of the report at Pg. N 3.

2. At the outset, it is to be submitted here that there is no any noting in the file records of instant file submitted by DyChE(BP) ES, mentioning that order in respect of M.A No. 125 / 2014 (WZ) in Appeal No. 14/2014 (WZ) filed by Appellant Shri Santosh Daundkar Vs Secretary, MoEF and M/s. Omkar Realtors & Developers Pvt. Ltd. is received by the office of DyChE(BP) ES as contended in submission in Para 3 at Page N-3.

To ascertain the true facts about orders passed on by Hon. N.G.T., WZ, Pune, in above cited case prior to 03.12.2015, all the orders passed by Hon'ble NGT, WZ, Pune, till 03.12.2015 were obtained from the website of Hon'ble NGT, WZ, Pune i.e. orders dt. 07.05.2015 (Pg C79), orders dt. 13.07.2015 (Pg. C81), orders dt. 03.09.2015 (Pg. C83), orders dt. 09.10.2015 (Pg. C85), orders dt. 28.10.2015 (Pg.C87), were obtained from the Website of Hon'ble NGT, WZ, Pune.

Upon keen perusal of the orders dt. 13.07.2015 (Pg. C81), appearance was seen made by Advocate Shri. Sameer Khale on behalf of Respondent No. 7. Advocate Shri. Sameer Khale represents MCGM before Hon'ble NGT, WZ, Pune.

An e-mail was therefore sent to Adv. Shri Sameer Khale on 16.12.2015 seeking information regarding whether MCGM is Party Respondent in the above referred Court Case or otherwise (Page C89).

3) The response received from Adv. Shri. Sameer Khale may please be seen at Pg. C89 to C91. The contents of said email are reproduced as below:

"With reference to the trailing mail, I would like to confirm that MCGM is not party to Appeal No. 14/2014- Santosh Daundkar Vs MOEF.

The order dated 13.7.2015 bearing my name for Respondent No.7 has been erroneously recorded by the Registry of NGT. In fact, at the time of hearing, the

GIA
A
2015

NLB 9

" Under the peculiar circumstances, we direct that status-quo shall be maintained and no construction / development activity or any kind of change in the buffer zone within 100 M from the boundary of Sanjay Gandhi National Park, Borivall, shall be allowed without approval of this Tribunal. The State of Maharashtra (through the Chief Secretary) shall, accordingly inform the concerned authorities, including the Principal Secretary of the Forest Dept. in particular. The BMC and Borivall Municipal authorities also shall be informed to ensure due compliance and shall reject proposal for construction activities / development activities within the area , as prescribed above."

In further order dt. 19.08.2015 in said case, Hon'ble NGT has passed on following orders :-

" We further direct that BMC shall not issue any further NOC for construction within the entire area of ESA in Aarey Colony and if any such illegal going on activities noticed, immediate action shall be taken including demolition thereof without any delay."

Admittedly, in the said orders dt. 19.08.2015, Hon'ble NGT, WZ, Pune has taken on record that proposal forwarded by Chief Conservator of Forest, SGNP on 14.02.2013 to MoEF indicating areas between 0.1 to 4 km from S.G.N.P. location-wise to be declared as E.S.A.

It is further mentioned therein that it appears that subsequently in May 2015, another proposal was forwarded by Chief Conservator of Forest to increase the area to 0 to 4 k.m. from SGNP as ESA location wise and to cover 4961 Hectors including Aarey Colony.

As apparent from submission from Joint Secretary, Forest, Govt. of Maharashtra, submitted to MoEF for declaration of ESZ around SGNP dt. 13.02.2013 and further submission thereto dt. 04.11.2015 at Pg. C93 to C95.

The proposal is submitted by State Govt. to MoEF along with necessary notification for final approval of MoEF, after considering views of local elected MLAs / MLCs / MPs. The submission made by Joint Secretary, MoEF, has mentioned the figures of 4785.66 Hectares and 1924.969 Hectares for areas under 'private land' and areas under 'Forest area', totally adm 6710.629 Hectares under 'ESZ' which is most specifically mentioned in the report dt. 04.11.2015 at Pg. C123 to C139 by giving mention of Survey number & Revenue Village.

Onward submission of Joint. Secretary, Forests, GoM dt. 04.11.2015 can also be taken on record by Hon'ble NGT, WZ, Pune in the said case.

Obviously, from the above that the case filed by Vanshakti v/s Union of India & others in Application 34 of 2015 relates to finality of declaration of area as ESZ around SGNP wherein precise stand is taken by Hon'ble NGT, WZ, Pune, to

would get the matter placed before the Standing Committee of NBWL for obtaining their recommendations on the proposal. In the meetings of the Standing Committee of NBWL wherein such proposals will be considered, the Standing Committee may invite the Chief Wildlife Warden of the concerned State to express his views on the proposal in the meeting."

It is obvious from the above that MoEF has casted the responsibility of obtaining clearance from Standing Committee of NBWL on E.A.C. (Environment Impact Assessment Committee).

However, there are diverse mentions in various different communications brought out in point at Sr. No. above as mentioned below :-

The types of mention in various correspondence are as under:

- The NOC from SC of NBWL should be obtained.
- The prior NOC from SC of NBWL should be obtained.
- This EC is subject to obtaining NOC from SC of NBWL.
- This EC is subject to obtaining prior NOC from SC of NBWL.
- This EC is issued subject to obtaining NOC from SC of NBWL as if applicable.

It is obvious from above, understanding of the various authorities, especially SGNT authorities, on the subject of applicability of NOC from SC of NBWL is obscure.

Nevertheless, in view of orders of Hon'ble Supreme Court of India in WP (C) No. 435 of 2012 dt. 21.04.2014, Para 43, it will be up to EAC to incorporate condition of obtaining prior clearance from Standing Committee of NBWL in the ECs to be issued to respective PPs. In furtherance to this order dated 21.4.2014, the proceedings in Hon'ble Supreme Court of India in WP No. 460 of 2004 took place till 14.9.2014, copies of datewise orders of Hon'ble Supreme Court of India in said Court Case are at page C409 to C555. It may please be seen from the said orders that no further orders took place in the case in Hon'ble Supreme Court of India.

More specifically, O.M. dt. 20.08.2014 applies to ECs obtained thereafter and subject to making recommendations by EAC to SC of NBWL for insisting prior clearance from them. And the said orders are ought to be applicable to such ECs after 20.08.2015. And further subject to making recommendations by EAC to SC of NBWL and no other authority is expected to insist on prior clearance from SC of NBWL other than EAC of MoEF.

The specific O.M. dt. 04.09.2014 is therefore drawn by Scientist (F) of MoEF addressed to I.G. of Forest (WL).

viii) Furthermore, OM dt. 26.09.2014 was drawn by Dy.I.G. of Forests, MoEF on 26.09.2014 (Pg. C367) addressed to Principle Secretaries, All States / Union Territories



		149 & 156 of village Nahur as at Pg C75.
2	03.12.2015	Hon'ble NGT, Western Zone, Pune passed Orders in M.A. No. 125 of 2014 – Santosh Daundkar Vs Secretary, MOEF & others as at Pg C71 to C73.

ii) Apparently from the above, the issue is initiated with passing the orders by Hon'ble Supreme Court of India in W.P. (C) No. 460 of 2004 dt. 04.12.2006 (Page C141 to C143), more particularly, the letter dt. 27.05.2005 issued by MoEF to the Chief, Wild Life Wardens of all States / Union Territories (U.T.) and further more particularly, the decision taken on 21.01.2002 to notify the area within 10 Kms boundaries of National Park and Sanctuaries of Eco Sensitive Zone areas. Please refer to the highlighted portion of order of Hon'ble Supreme Court of India dt. 04.12.2006 (Pg C 141) in the said Court Case.

iii) The said order of Hon'ble Supreme Court of India dt. 04.12.2006 in W.P. (C) No. 460 of 2004 is relied in almost every correspondence, however, the communication is diverse in correspondence to correspondence, the detailed submission regarding the same is detailed in one of the below mentioned points.

iv) Office Memorandum (OM) dt. 02.12.2009 as at Pg. C1 issued by MoEF mentioned as below -

"However, while granting environmental clearance to projects involving forest land, wildlife habitat (core zone of elephant / tiger reserve etc.) and or located within 10 kms of National Parks / Wildlife Sanctuaries (at present distance of 10 kms. has been taken in conformity with the order dt. 04.12.2006 in Writ Petition No. 460 of 2004 in the matter of Goa Foundation v/s. Union of India) a specific condition shall be stipulated that the environmental clearance is subject to their obtaining prior clearance from forestry and wildlife angle including clearance from the Standing Committee of the National Board for Wildlife as applicable".

Attention is kindly invited to the letter issued by Additional Director General of Forests (WL) of MoEF addressed to all the Chief Secretaries, all the Chief Wildlife Wardens, all State /Union Territories, wherein it is mentioned that MoEF had given time till 15.07.2013 to all the States for submission of the Proposals / draft Notification for Eco Sensitive Areas around the National Parks and Wildlife Sanctuaries. The said letter dt. 31.07.2013 may please be seen at Pg. C 3.

v) Owing to said directions of MoEF, Jt. Secretary, Forests, GoM. had already submitted report to MoEF on 13.02.2013 under No. WLP-2013/C.R. 10/F-1 (Pg. C93) for declaration of Eco Sensitive Zone around S.G.N.P.

Advocate of the applicant had himself mentioned that MCGM is not a Party Respondent in appeal."

It is obvious from the above that MCGM is not a Party Respondent in appeal based on which the report at Pg. N1 to N3 is submitted by DyChE(BP) ES for the directions of Ch.E. (D.P.) / Hon. M.C. to deal with the cases categorized in the above categories as stated in the concluding Para of the report at Pg. N3.

4) Nevertheless, the true submission in respect of the issue mentioned in the subject cited above, is as under :-

(i) The chronology of key / governing events driving the subject mentioned issue is as mentioned below :-

S.N.	Date	Description
a	14.09.2006	Office Memorandum of MoEF as at Pg C109.
b	04.12.2006	Orders of Hon'ble Supreme Court of India in W.P.(C) 460 of 2004 as at page C141 to C143.
c	02.12.2009	Office Memorandum of MoEF as at Pg C1.
d	02.12.2012 19	Office Memorandum, Guidance documents for taking up Non-Forestry Activities in Wild Life Habitat as at Pg C103, 25 to 355
e	13.02.2013	Joint Secretary (Forests), GOM submitted report to MoEF for declaration of Eco-Sensitive Zone around SGNP as at Pg C93.
f	31.07.2013	Letter from Additional Director General for Forest (W.L.) addressed to all the Chief Secretary and all the Chief Wild Life Wardens of all States/ Union Territory as at Pg C3 to C7.
g	30.01.2014	Notification issued by Govt. Of India for constitution of SEAC & SEIAA as at Pg C147.
h	30.01.2014	Orders in SLP (C) No. 10677 of 2008 (tagged with other 16 similar SLPs. in Hon'ble Supreme Court of India, for deleting entry of 'Private Forest' in Property Register Card (PRC) as at Pg C151 to C214.
i	21.04.2014	Order passed by Hon'ble Supreme Court of India in W.P.(C) No. 435 of 2012 regarding giving direction to Govt to frame Policy Guidelines by the States / Union Territory for regulating the development around Protected Forest in 10Km distance around Protected Area (PA) as at Pg C215 to C323.
j	20.08.2014	Office Memorandum of MoEF for consideration of development projects located within 10Km of National Park and sanctuary seeking Environment Clearance under EIA Notification- 2006 as at Pg C9 to C15.
k	04.09.2014	Office Memorandum issued by Scientist F for consideration of development projects located within 10Km of National Park and sanctuary seeking Environment Clearance under EIA Notification- 2006 as at Pg C365.

	28.08.2014	Office Memorandum issued by Deputy Inspector General of Forest for consideration of development projects located within 10Km of National Park and sanctuary seeking Environment Clearance under EIA Notification- 2006 as at Pg C367.
	03.12.2014	Chief Conservator of Forest written letter E.E.(B.P.) R Ward for insisting Clearance from NBWL for the Projects exceeding 20,000 Sqmt. construction area as at Pg C17.
	16.01.2015	Hon'ble M.C. wrote letter to Chief Secretary, GoM and Principal Secretary, Industries in response to letter dated 03.12.2014 from Chief Conservator of Forest as at Pg C18 to C23.
	21.04.2015	Principal Secretary, Environment Deptt. GoM issued Circular as at Pg C77.
	20.07.2015	Orders passed by Hon'ble NGT, Western Zone, Pune in Application No. 34 of 2015(WZ)- Vanshakti Vs Union of India, for deciding Buffer Zone of 100mt. around SGNP as well as to maintain the status quo as at Pg C371 to C377.
	01.08.2015	Chief Conservator of Forest and Director, SGNP communicated order of Hon'ble NGT, Western Zone, Pune to EE(BP) R-Wards as at Pg C369 to C377.
	19.08.2015	Further orders passed by Hon'ble NGT, Western Zone, Pune in Application No. 34 of 2015(WZ)- Vanshakti Vs Union of India as at Pg C379 to C383.
	10.09.2015	Further orders passed by Hon'ble NGT, Western Zone, Pune in Application No. 34 of 2015(WZ)- Vanshakti Vs Union of India as at Pg C385.
	24.09.2015	Chief Conservator of Forest & Director SGNP wrote letter to Dy.Ch.Eng (Environment) for revoking permissions to the projects creating pollutions falling in 0.1Km to 4Km ESZ as at Pg C35.
	16.10.2015	Further orders passed by Hon'ble NGT, Western Zone, Pune in Application No. 34 of 2015(WZ)- Vanshakti Vs Union of India as at Pg C387.
	04.11.2015	Joint Secretary, Forest, GoM submitted its report to the Secretary MoEF for declaration of ESZ around SGNP along with draft Notification for final approval as at Pg C93 to C139.
	23.11.2015	Further orders passed by Hon'ble NGT, Western Zone, Pune in Application No. 34 of 2015(WZ)- Vanshakti Vs Union of India as at Pg C389.
	01.12.2015	Further orders passed by Hon'ble NGT, Western Zone, Pune in Application No. 175 of 2015 (WZ) - Vanshakti Vs Union of India as at Pg C391.
	03.12.2015	Assistant Conservator of Forest SGNP wrote letter to Dy.Ch.Eng(B.P.)Eastern Sub. In respect of development on land bearing Survey No.227 to 229 of village Mulund, Survey No. 91.

maintain status quo in such areas as proposed to be declared as under 'buffer zone' and under 'ESZ'.

It is to be submitted here that this office is duly observing the compliance of orders of Hon'ble NGT, WZ, Pune, as mentioned above, however, demolition of illegal structures, if any, in Aarey Colony falls in the jurisdiction of respective Assistant Commissioners of Wards, who shall observe the orders of Hon'ble NGT, WZ, Pune, as above.

The submission regarding case in MA No. 125 / 2014 in Application No. 14/2014 filed by Shri Santosh Daundkar v/s Secretary, MoEF is as detailed below :-

As mentioned above and as evident from response received from Adv. Sameer Khale, MCGM is not a Party, however, in orders dt. 03.12.2015 at Pg C 73, Hon. NGT, WZ, Pune, has passed on orders mentioned below :-

By way of abundant precaution as an ad-interim relief, we direct that no further construction permission shall be granted to any new project in area until the proposal forwarded by State of Maharashtra is duly notified by MoEF/NBWL with respect to the distance from the protected area / National Park, at least to keep the status quo."

As put up above, no cause of action has arisen now for MCGM to look into the above orders of Hon'ble NGT, WZ, Pune as in the case of Application No. 14/2014 filed by Shri Santosh Daundkar v/s Secretary, MoEF.

5. In light of above exhaustive submission, the following conclusion is drawn :-

- 1) The orders of Hon'ble NGT, WZ, Pune, Dt. 03.12.2015, passed in MA NO. 125 of 2014 (WZ) in Appeal No. 14/2014 (WZ) are to be observed by respective parties (leaving MCGM as MCGM is not a party to the case).
- 2) Hon'ble NGT, WZ, Pune, has passed two different orders in two different cases for almost similar issue of which MCGM is Party to the case filed by Vanshakti v/s Union of India, the same orders are being observed, the orders in another case where MCGM is not Party, are not relevant to MCGM.
- 3) The category of cases drawn in the report of Dy.Ch.E. (B.P.) E.S viz. Case 1 & Case 2, are not relevant i.e. more particularly.
 - a) The Clearance from SC of NBWL is required to be insisted by EAC at the time of grant of EC to PPs who applied for EC after issuance of OM dt. 20.08.2014. The same cannot be applied to all the cases of new projects and ongoing projects irrespective of construction area. A specific circular is already drawn by Principal Secretary, Environment Dept. on 21.04.2015 at Pg. C-77 and the same is also in line of orders of Hon'ble Supreme Court of India dt. 04.12.2006 in WP (C) 460 of 2004, as drawn in OM dt. 20.08.2014 at Pg. C 9 to C 11.
 - b) Likewise, IOD condition cannot be put in every new project as the area under buffer zone and area under ESZ is duly mentioned with mention of specific survey No. and Revenue Village, in the report of Joint Secretary (Forest), GOM, submitted to MoEF on 04.11.2015 (Pg. C 93 to C 139).

v) The orders passed by Hon'ble Supreme Court of India in SLP(C) 10677 of 2008 dt. 30.01.2014, may please be seen, especially, the highlighted portion therein at Pg. C-211 may please be perused. The said judgment is relevant to the said aside orders of Hon. High Court of Bombay for declaration of certain lands as a private forest around SGNP. It is pertinent to mention here that SLP (C) No. 10677 of 2008 was also tagged with other Special Leave Petition (Civil) bearing No. 10760, 11055, 11057, 11393, 11398, 11401, 11509, 11622, 11634, 11640, 12408, 21389, 15791, 16470, 24149, 10730 – all filed in the year 2008 and SLP (C) No. 25747 and 25748 – both filed in the year 2010 and SLP (C) No.34691 of 2011.

Owing to the said orders of Hon'ble Supreme Court of India dt. 30.01.2014, the entry of private forests in PRC came to be deleted by Revenue Dept.

Specific attention is requested to the orders of Hon. Supreme Court of India in W.P. (C) No. 435 of 2012 dt. 21.04.2014 as at Pg. C272, especially Para 43 there under reproduced as below :-

" It will be clear from the order dt. 04.12.2006 of this Court that this Court has not passed any orders for implementation of the decision taken on 21st January 2002 to notify areas within 10 kms. of the boundaries of National Parks or Wildlife Sanctuaries as Eco Sensitive areas with a view to conserve the forest, wildlife and environment "

It is obvious from the above that on 21.04.2014, Hon'ble Supreme Court of India has relied on it's own orders dt.04.12.2006 in WP (C) No. 460 of 2004, by clarifying that Hon'ble Supreme Court of India has not passed any orders for implementation of decision of ESZ in furtherance to order dt. 04.12.2006 in W.P. (C) No. 460 of 2004. This fact must have bearing on the orders being passed on by Hon'ble NGT.

vii) The office Memorandum issued by MoEF dt. 20th August 2014 as at Pg. C9, may please be seen, especially Para at Sr. No.2 reproduced as below, may please be seen

" Over a period of time, this Ministry has notified a number of Eco Sensitive Zones (ESZs) around PAs. Many of development activities are prohibited / regulated in these ESZs as per the notifications issued for their constitution. It may be noted that, for regulated activities requiring prior ECs within such ESZs prior clearance of the Standing Committee of NBWL will be required in view of aforesaid Supreme Court Order dated 04.12.2006, the only difference being that the distance of 10 km gets substituted by the boundary limits of such ESZs".

Attention is now requested to Para at Sr. No 3 (iii) in the said notification dt. 20.08.2014 reproduced as below :-

" After examining a proposal for EC, the concerned EAC would make appropriate recommendations and in case, it recommends the proposal for EC, it would forward the case along with detailed information obtained from the Project Proponent on issues as brought out in the Annexure, to the Wildlife Division who

xi) A letter was written by Chief Conservator of Forest on 03.12.2014 as at Pg. C-17 wherein reliance is again placed on orders of Hon. Supreme Court of India in W.P. (C) 460 of 2004 and directions are issued to insist the upcoming projects falling into category of exceeding 20,000 sq.m. built up area to submit their relevant documents for getting NBWL permission.

xii) As admitted in the O.M. dt. 26.09.2014 from MoEF itself that clearance of SC, NBWL is to be insisted by EAC at the time of grant of EC wherever applicable.

xiii) Owing to the said letter dt.03.12.2014 at Pg. C-17, a letter was written to Hon'ble Chief Secretary, GOM and Principle Secretary, Industries, G.O.M. under Hon'ble M.C.'s signature u/No. MGR/2598 dt. 16.01.2015 at page C19 to C23.

Attention is specifically invited to Para 6 & 7 of the said letter dt. 16.01.2015 at Pg. C21 wherein it is mentioned that clearance from S.C. of NBWL be insisted from PPs concerned at the time of grant of EC itself rather than directing MCGM to insist on the papers for submission of documents to NBWL.

It is obvious from above, that reply given by Hon'ble M.C. vide letter dt. 16.01.2015 at page C19 to 23 is in line with O.M. dt. 20.08.2014, 04.09.2014, 26.09.2014 issued by MoEF itself which is in further line with the directions given by Hon'ble Supreme Court of India dt. 04.12.2006 in W.P. (C) 460 of 2004.

It is therefore respectfully submitted here that there is no cause of action arisen to review the stand taken by Hon'ble M.C. vide letter dt. 16.01.2015 at page C19 to C23.

xiv) Admittedly, there are two different cases before Hon'ble NGT, WZ, Pune, for the similar issue viz.

(a) Application No. 34 / 2015 (WZ) filed by Vanshakti & Another v/s. Union of India and others.

(b) M.A. 125/2014 (WZ) in Appeal No. 14/2014 (WZ) filed by Shri Santosh Daundkar v/s Secretary, MoEF.

The submission regarding the case between Vanshakti v/s. Union of India in Application No. 34/2015 (WZ) is as under :-

After hearing on 20.07.2015, further hearings took place on 19.08.2015 (Pg. C379 to C383), 10.09.2015 (Pg. C385), 16.10.2015 (Pg. C387), 23.11.2015 (Pg. C389), 01.12.2015 (Pg. C391). MCGM is a Party Respondent in this case being Respondent No. 4. The only order passed by Hon'ble NGT, WZ, Pune, giving directions to MCGM is in its order dt. 20.07.2015 and 19.08.2015. In order dt. 20.07.2015, Hon'ble NGT, WZ, Pune, has directed as below :-

and Principle Chief Conservator of Forest and Chief (WL) Wardens of All Union Territories of Forest Dept.
 Attention is requested to Para 2 of the said O.M. dt. 26.09.2014 at Pg. reproduced as below :-

As apparent from the Office Memorandum enclosed, the requirement of clearance for such projects from the Standing Committee of NBWL is part of Environment Clearance (EC) process pursuant to the Supreme Court order dt. 04.12.2006 in WP (C) 460 of 2004. The process for referring the cases to Standing Committee of NBWL in Ministry of EF&CC has accordingly been elaborated in O.M. dated 20th August 2014 (enclosed).

It is requested that the Office Memorandum enclosed with this clarification may be made available in all the subordinate offices and public so that any proposals of clearance of NBWL for Environment Clearance (EC) cases located in the areas outside National Parks and Sanctuaries are not taken up for processing at the State level."

In further Para 2 of said O.M. dt. 26.09.2014 Pg. C367, reliance is again placed on orders of Hon'ble Supreme Court of India dt. 04.12.2006 in WP (C) 460 of 2004. In the said Para, it is mentioned that requirement of clearance for projects from SC of NBWL is part of EC process pursuant to orders of Hon. Supreme Court of India dt. 04.12.2006 in W.P. (C) 460 of 2004.

ix) Absolutely, vital point to mention here that Para 4 of O.M. dt. 26.09.2014 (Pg C367) mentioned that the clearance from S.C. of NBWL will be applicable to the particular cases. The relevant portion is reproduced as below :-

" Wherever applicable, the proposals will be referred to Standing Committee of NBWL within the Ministry itself as detailed in Para II to IV of the Office Memorandum. Project Proponents approaching the Forest Departments in this respect may be advised accordingly. "

x) Attention is now requested to orders of Hon'ble NGT, WZ, Pune wherein, Hon'ble NGT, WZ, Pune in M.A. No. 125 / 2014 (WZ) in Appeal No. 14/2014 (WZ) dt. 03.12.2015 as at Pg. C71 to C73. As stated in the said orders of Hon'ble NGT, WZ, Pune dt. 03.12.2015, that affidavit of the official from NBWL is placed before Hon'ble NGT, WZ, Pune, which is seen in line with O.M. dt. 20.08.2014 (page C9 to C11), 04.09.2014 (page C365) and 26.09.2014 (page C367) – all issued by MoEF in reliance of orders of Hon'ble Supreme Court of India dt. 04.12.2006 in ^{SLP} WP (C) 460 / 2004.

However, owing to the objection raised Advocate of the Appellant in M.A. No. 125 / 2014 (WZ) in Appeal No. 14/2014 (WZ), Hon. NGT (WZ) Pune has passed on the orders as an abundant precaution.

c) Even in the cases falling in the proposed buffer / ESZ around SGNP, as per report of Joint Secretary (Forest), GOM, dt. 04.11.2015, status- quo is required to be maintained as per orders of Hon'ble NGT, WZ, Pune, in application No: 34 /2015 (WZ) as at Pg. C 375, and MCGM has no liberty even to issue IOD in such restricted area without approval of Hon'ble NGT, WZ, Pune as Hon'ble NGT, WZ, Pune has passed on orders initially on 20-7-2015 mentioning that no new construction in buffer zone should be approved without prior approval of Hon'ble NGT, WZ, Pune.

In view of above, relevant file papers are submitted herewith for Ch.E. (D.P.) / Hon'ble M.C.'s perusal & further appropriate orders.

Submitted please.

Ch.E. (D.P.)

Hon. M.C.
Sir,

9/10/2015
EE(BPR)/c

Dy. Ch.E. (B.P.) W.S.-II

