

BEFORE THE NATIONAL GREEN TRIBUNAL, WESTERN ZONE
BENCH, PUNE

APPEAL NO. 14/2014 (WZ)
(M.A.NO.125/2014)

Santosh Daundkar Vs Secretary, MoEF, New Delhi & Ors

CORAM: HON'BLE MR JUSTICE V.R. KINGAONKAR, JUDICIAL MEMBER
HON'BLE DR. AJAY A. DESHPANDE, EXPERT MEMBER

Present: Applicant/ Appellant : Mr. Aditya Pratap Singh Adv
Respondent No.6 : Supriya Dangare Adv
Respondent No.10 : Mr. Sham Mehta a/w Mr. CHerag
Balsara, Mr. Aftab Diamondwala,
and Sheetal Anjre i/b Diamondwala
& Co.

Date and Remarks	Orders of the Tribunal
Item No. 6 January 5, 2016 Order No. 15	<p>We have heard Applicant Mr. Aditya Pratap Singh for the Applicant, Dileep Nevatia and learned Advocate for Respondent No.10- Project Proponent.</p> <p>Issue related to legality of construction activity boiled down mainly to the prohibitory zone either being Eco-Sensitive Zone (ESZ), or being within prohibited zone, in view of the Notification of National Board for Wildlife Limited (NBWL)/Ministry for Environment and Forests (MoEF), distance-wise, inasmuch as it is in the proximity of Sanjay Gandhi National Park (SGNP). The State Govt. has already referred proposal to the MoEF, which ultimately is referred to NBWL, or will have to go before NBWL Committee for decision as to whether distance as proposed by the State Govt. separate area-wise, shall be directed to be maintained by virtue of any Notification that may be issued, so as to curtail sprouting of unbridled and uncontrolled construction activities, which may impair movements of the wildlife within SGNP, inasmuch as human movements or excessive vehicle movements in the proximity of the National Park may tamper with regular life of wildlife animals and their life-cycle maybe disturbed. There are instances in Yeur area, and in particular, where some big cats have been spotted outside the SGNP. Endangered wildlife has to be protected and the issue now is to be decided by NWBL in view of proposal submitted by the State Govt. which is pending since 2013.</p> <p>Considering long pendency of the proposal, which either protracts activities around the National Park, which could have been legally permitted or arrest wildlife activities with apprehension that</p>

Item No. 6
January 5, 2016
Order No. 15

developers may be put to loss due to eventually stamping of illegality of such structures or that illegality of construction activity is forcefully proceed with by unscrupulous developers and ultimate loss is caused to gullible buyers, who are unaware of illegal construction of developed buildings. It is expected that the NBWL would take final decision in the matter within four (4) weeks, so as to set out the issue and the MoEF/NBWL, may issue appropriate Notification accordingly.

Ad interim relief to continue.

S.O. to 18th February, 2016.

....., JM
(Justice V. R. Kingaonkar)

....., E
(Dr. Ajay A. Deshpande)

HKK

