

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

Application No. 66/2016 (WZ)

In the matter of :-

**Bombay Environment Action Group Vrs. Union of India through Secretary  
MoEFCC & Ors.**

**CORAM: HON'BLE DR. JUSTICE JAWAD RAHIM, JUDICIAL MEMBER  
HON'BLE DR. AJAY A. DESHPANDE, EXPERT MEMBER**

**Present:**      **Applicant/Appellant**      : Hema Ramani, Adv.  
   : Mr. Aniruddha Tapkire, Adv. Holding for  
   : Mr. Amit Karkhanis, Adv.  
   : Mr. A.L. Joshi, Adv.  
   : Mr. Pushkar Sapre, A.P.P.

<b>Date and Remarks</b>	<b>Orders of the Tribunal</b>
<b>Item No.9, 8<sup>th</sup>, September, 2016 Order No.5</b>	<p>Service of notice in this Application is complete. We have granted sufficient opportunities to the Respondents to file their counters. The Applicant appears in person, seeks hearing on the point to grant interim relief which is sought in the Application.</p> <p>Learned counsel appearing on behalf of Respondent Nos.6 and 7 submits that, Respondent No.7 has not received forest maps and hence opposes to grant interim relief. Learned counsel for Respondent No.7 made it clear that Mahabaleshwar-Panchgani area comes under the eco sensitive zone. He submits that they asked for map from Town Planning Authorities for ascertaining which area comes under "Forest alike area".</p> <p>As far as other Respondents are concerned, they do not seem to have serious objection to grant interim relief, except Respondent No.1-MoEFCC on whose behalf learned counsel submits that they need some more time to file reply because they have sought "some important documents" from the State Government Departments.</p>

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The submissions made on behalf of MoEF, under instruction from Dy. Director, Dr. Ashish Kumar, on the face of it does not convey meaning for the simple reason the copy of this letter addressed to learned counsel of MoEF only speaks of getting “some important documents” , without disclosing which document they are seeking. If there is any request made by them to State Government Department, the same is also not produced. We are, therefore, pained at the conduct of MoEF in not participating in the proceeding to assist the Tribunal.

Taking into consideration of all aspects, we are satisfied grant of interim relief will not adversary effect Respondent but it will be in furtherance to what statutory functions Respondents have to perform. Hence, the order.

Order

1. We restrain all non-forest activity in the “Forest Alike” areas or ‘Vansadrushya’ in Mahabaleshwar-Panchgani Eco-sensitive zone areas, carried out in violation of Forest (Conservation) Act, 1980.
2. We further direct that there shall be no tree felling in violation of the ESZ Notification dated 17<sup>th</sup> January 2001.
3. We restrain new development/construction activity in the ‘Forest Alike’ areas or ‘Vansadrushya’.
4. This order is subject to further order depending upon the stand taken that Respondents would take
5. This order shall enforced by Respondent Nos.3 to 7.

We permit, Respondents to file their counters and statements. We also direct Respondent No.6 and 7 to furnish details of permissions for construction activities given by them on Forest Alike

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or Vanasdrushya area which comes under their jurisdiction to this Tribunal before next date.

We further direct the Secretary of Urban Development Department to give details of Survey Numbers and map identified as "Forest Alike areas" as per the letter of Town Planning authorities submitted by Applicant at page 63 of the Application

**List the case on 7<sup>th</sup> October, 2016.**

....., JM

**(Dr. Justice Jawad Rahim)**

....., EM

**(Dr. Ajay A. Deshpande)**

ajp

