

**BEFORE THE NATIONAL GREEN TRIBUNAL,  
PRINCIPAL BENCH, NEW DELHI**

**Original Application No. 110 of 2018  
(M.A. No. 353 of 2018, 354 of 2018 and 712 of 2018)  
(Earlier O.A. No. 45 of 2016 (WZ))**

**Bombay Environment Action Group Vs. UOI & Ors.**

**CORAM : HON'BLE MR. JUSTICE RAGHUVENDRA S. RATHORE, JUDICIAL MEMBER  
HON'BLE DR. SATYAWAN SINGH GARBYAL, EXPERT MEMBER**

**Present:**

<b>Applicant/Appellant(s) :</b>	<b>Mr. Sanjay Upadhyay, Ms. Saumya Chaudhari and Ms. Eisha Krishn, Advs.</b>
<b>Respondent No. 1</b>	<b>Mr. Dhruv Pal, Adv.</b>
<b>Respondent No. 2 &amp; 6</b>	<b>Mr. Balendu Shekhar and Mr. Sriansh Prakash, Advs.</b>
<b>Respondent No. 3</b>	<b>Mr. Subit Chakrabarti, Adv.</b>
<b>Respondent No. 7</b>	<b>Mr. Ajay Gadegaonkar and Mr. Vilas Mahajan, Advs.</b>
<b>Respondent No. 8</b>	<b>Ms. Vaishali Pardeshi-Thakur, Sub Divisional Officer</b>
<b>SHO, Mahabaleshwar</b>	<b>Mr. Shubham Bhalla and Ms. Roopam Rai, Advs.</b>
<b>Noticee No. 20</b>	<b>Mr. Gurudatta Ankolekar, Adv. for Mr. Sandip N. Salvi</b>

<b>Date and Remarks</b>	<b>Orders of the Tribunal</b>
<b>Through Video Conferencing Item No. 01 August 23, 2018</b>	<p>The primary issue raised in this application is with regard to finalization and issuance of Zonal Master Plan for Eco Sensitive Zone of Matheran Hill Station in the State of Maharashtra. A Notification in this regard was issued by MoEF on 04-02-2003. Since then respondent no.1 is awaiting further information from the State which has to take steps with regard to preparation of Zonal Master Plan for Eco Sensitive Zone. The State of Maharashtra has all throughout seems to be processing the matter. Today we have been informed that a draft has been sent to MoEF in the month of June, 2018.</p> <p>Learned Counsel for MoEF submits that his instructions are that the said draft plan is incomplete.</p> <p>It is noteworthy that as per law, after issuance of notification, as in the instant case on 04-02-2003, the final Zonal Master Plan is to be finalized within two years.</p> <p>Neither the Ministry nor the State Government</p>

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appears to be much concern about the relevant law. Even, today same position exists as State Government has hushed up to file a draft plan which is said to be incomplete.

It a classic case, relating to an area namely Matheran Hill Station, where initiation with regard to Zonal Master Plan for the Eco Sensitive Zone was undertaken prior to 2003. Despite of limitation prescribed under law, Zonal Master Plan of the said area, which was to come within two years, have not been completed, despite of passage of more than 15 years. The non-seriousness about the issue by the Ministry as well as the State Government clearly reflects with no iota of doubt. In the meanwhile the area has been exploited by the private parties by raising constructions and using it for their vested interest and running business.

In view of the aforesaid circumstances and keeping in view the necessity and urgency of the matter, we direct the MoEF to finalize Zonal Master Plan for Eco Sensitive Zone of Matheran Hill Station within a period of two months. It shall be responsibility of the Ministry to call for information, if required from State of Maharashtra. However, on account of the delay caused by the State, we deem it proper to impose a cost of Rs. 1 lakh on it, to be deposited with CPCB, within a period of two weeks from today.

In case, Zonal Master Plan is not finalized within two months by the authority concerned, by 23-10-2018 then a cost of Rs. 10,000/- per day shall be liable to be paid by the officers concerned of MoEF or the State

	<p><b>Through Video Conferencing Item No. 01</b></p> <p><b>August 23, 2018</b></p>	<p>Government, whosoever is responsible for it.</p> <p>On finalization of the Zonal Master Plan, a report be sent to the Tribunal which shall be listed before the Tribunal by the Registry after registering it separately.</p> <p>Accordingly, the Original Application No. 110 of 2018 stands disposed of, with no order as to cost.</p> <p>However, Liberty is granted to the applicant that in case he has any grievance left thereafter he may approach the Tribunal.</p> <p>A copy of this order be sent to the Secretary of MoEF and Chief Secretary, Government of Maharashtra.</p> <p><b><u>M. A. No. 353 of 2018 , M. A. No. 354 of 2018 &amp; M. A. NO. 712 of 2018</u></b></p> <p>These misc. applications do not survive for consideration, as the main application itself stand disposed of.</p> <p>Accordingly, M. A. No. 353 of 2018, M. A. No. 354 of 2018 &amp; M. A. NO. 712 of 2018 are dismissed with no order as to cost.</p> <p>.....,JM (Raghuvendra S. Rathore)</p> <p>.....,EM ( Dr. Satyawan Singh Garbyal)</p>
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