

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

**M.A.NO.125/2014 (WZ)  
M/s. Omkar Realtors & Developers Pvt Ltd. (R-10)  
IN  
APPEAL NO.14/2014 (WZ)  
Santosh Daundar Vs. Secretary, MoEF**

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

**Present: Applicant/ Appellant : Aditya Pratap Adv  
Respondent No.1 : Krishna D. Ratnaparkhi Adv  
Respondent Nos 2 to 4: R.B.Mahabal Adv  
Respondent No.10 : Shyam Mehta Sr.Adv a/w  
Cherag Balsare, Mr.Diamandwala,  
Sheefal i/b Diamnondwala & Co.**

| <b>Date and Remarks</b>                              | <b>Orders of the Tribunal</b>  |
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| <b>Item No.4<br/>August 20 , 2014<br/>Order No.4</b> | <p>Heard learned Counsel for the parties.</p> <p>Today, an additional affidavit is filed by Mr. Kiran Dabholkar, Assistant Conservator of Forest, Sanjay Gandhi National Park, Boriwali.</p> <p>It appears that earlier affidavit was filed by him on behalf of the Respondent No.7.</p> <p>Core issue involved in the present Appeal is in the context of distance between the proposed construction project and Sanjay Gandhi National Park, Boriwali. The affidavit filed today reveals as below:</p> <p>“In relation to the proposed project for which EIAC was granted to this project, which is in Malad (east), the ESZ strip as proposed is <u>100 mtrs wide</u> as the locality is already developed. However, this proposed ESZ of Thane Forest Division, has not yet been delineated and approved. Until such approval and delineation of the ESZ of 100 mtrs from Sanjay Gandhi National Park for Malad (East) locations, it is the <u>MoEF guidelines/ Notifications</u> which would prevail. “</p> <p>Mr. Kiran Dabholkar, Assistant Conservator of Forest, is present in person. We inquired with him as to whether any particular guidelines/ Notifications are available with him. He states that he will get the same from the office record and will support his affidavit by filing the same. So also, the affidavit only shows that area of the proposed project for which EIAC was granted is in developed ESZ strip of 100 mtrs. But it is not delineated and approved. We direct ACF Mr. Kiran Dabholkar, to prepare a sketch of the location of proposed project vis-a-vis the boundary of Sanjay Gandhi National Park at the relevant locations and measure the distances at all such locations with</p> |

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the help of measurers and indicate the same in the sketch map proposed, along with the ESZ boundaries at such locations. We further direct him to place on record a sketch map along with relevant documents, including MoEF guidelines and Notifications, which are referred in his affidavit dated 19<sup>th</sup> August, 2014, in order to buttress the statement made on oath.

We further direct ACF, Mr. Kiran Dabholkar, that if he so requires, he may take help of cadastral measurer or measurer of the department of Forest, to execute the work in question. He states that the work can be executed within a week or so. However, we deem it proper to give grace period of one more week. He shall place on record such documents along with the Inspection Report, sketch map, Panchnama of the work done, the record pertaining to MoEF guidelines, Notification, if any, etc. within period of two (2) weeks. The copies of such documents be furnished to the Applicant and contesting Respondent Nos.2 to 4 and Respondent No.10.

**Stand over to 11<sup>th</sup> September, 2014.**

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

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

