

Corrected on 27.08.2020

Item No. 03 (Pune Bench)

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

(Through Video Conferencing)

Original Application No. 40/2020 (WZ)

Ganesh Suresh Borhade

Applicant(s)

Versus

Union of India & Ors.

Respondent(s)

Date of hearing: 26.08.2020

**CORAM: HON'BLE MR. JUSTICE SHEO KUMAR SINGH, JUDICIAL MEMBER
HON'BLE DR. SATYAWAN SINGH GARBYAL, EXPERT MEMBER**

For Applicant(s) : Mr. Ritwick Dutta, Mr. Rahul Choudhary and Mr. Maitreya
Ghorpade, Advocates

ORDER

1. The present application has been filed under Section 14 read with Section 15(3) and Section 20 of the National Green Tribunal Act, 2010 raising issues of serious concern regarding blatant violation of the conditions of Environmental Clearance (EC) issued under the provisions of the EIA Notification, 2006, by respondents no. 4- National Highway Authority of India (NHAI).
2. Respondent no. 4 has been granted EC by the Respondent No. 1- MoEF&CC vide F.No. 10-58/2011-IA-III dated 21.03.2013 for up-gradation of 2 lane carriageway to 4 lane of Khed-Sinnar Section of NH-50 from km 42.000 to km 177.000 in the state of Maharashtra. The respondent no. 4 has violated the specific conditions related to limit of forest land allowed to be diverted for construction of impugned highway, avenue plantation of trees and rain water harvesting along the impugned highway. The clearance letter imposed Specific conditions (i) (iii), (vi), (viii), (xviii) related to limit of forest land allowed to be diverted, avenue plantation and rain

water harvesting system. That Specific Conditions specifying the permissible amount of forest land diversions (specific condition (i)), construction of rainwater harvesting infrastructure (specific condition (vi)), following of IRC guidelines for upgradation of road (specific condition (viii)) and amount of trees to be planted as compensatory afforestation (specific conditions (i) and (xviii)) have not been complied with.

3. Issue notice to the respondents. Returnable within four weeks.
4. Applicant is directed to take required step for service to the respondents by both ways, *Dasti* as well as by Registered Post and also send the required documents by available e-mail.
5. The respondents are directed to file their reply within six weeks by e-mail at judicial-ngt@gov.in preferably in the form of searchable PDF/ OCR Support PDF and not in the form of Image PDF.
6. In the meantime, we deem it just and proper to constitute a Committee consisting (i) Principal Chief Conservator of Forest, Maharashtra (ii) A representative of NHAI and (iii) Additional Principal Chief Conservator of Forests (APCCF), MoEF&CC, Regional Office, Pune and to direct them to submit a factual and action taken report with regard to allegations made in the present application. Report be submitted within six weeks. APCCF, MoEF&CC, Regional Office, Pune will be the nodal agency.
7. Let a joint report in the matter be filed by Maharashtra PCB by e-mail at judicial-ngt@gov.in preferably in the form of searchable PDF/ OCR Support PDF and not in the form of Image PDF.

8. The applicant is directed to provide copy of the application and all relevant papers to the Committee within a week by post and also by available e-mail.
9. List it on 11.12.2020.

Sheo Kumar Singh, JM

Dr. Satyawan Singh Garbyal, EM

August 26, 2020
Original Application No. 40/2020 (WZ)
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