

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

**Original Application No. 424 of 2016  
(Earlier O.A. No. 169 of 2015)**

**And**

**Original Application No. 11 of 2014**

**In the matter of :**

**M/s. Mehdad & Anr.**

**Vs.**

**Ministry of Environment, Forests & Climate Change & Ors.**

**And**

**Shamsunder Shridhar Dalvi & Ors. Vs. Govt. Of India & Ors.**

**CORAM : HON'BLE MR. JUSTICE SWATANTER KUMAR, CHAIRPERSON  
HON'BLE DR. JUSTICE JAWAD RAHIM, JUDICIAL MEMBER  
HON'BLE MR. BIKRAM SINGH SAJWAN, EXPERT MEMBER**

**Original Application No. 11 of 2014:**

**Present: Applicant:  
Respondent**

**Mr. Pradeep Mishra and Daleep Kr. Dhayani, Adv.  
Mr. Rahul Pratap, Adv. for Ministry of  
Environment, Forest and Climate Change  
Mr. Dilip Poolakat, Adv. for State of Goa  
Ms. Hemantika Wahi and Puja Singh, Adv. for State  
of Gujarat and GSPCB**

**Original Application No. 424 of 2016**

**Present: Applicant:**

**Mr. Raj Panjwani, Sr. Adv. with Mr. Aagnay Sail, Adv.  
Mr. Rajesh K. Singh and Mr. Rovins Verma, Adv. for  
Ministry of Environment, Forest and Climate Change  
Mr. R. Rakesh Sharma, Adv. Mr. V. Mowli, Adv. and  
Mr. Naveen Raj, Adv. for State of Tamil Naidu, TNPCB  
Mr. Guntur Prabhakar, Mr. Guntur Pramod Kumar  
and Mr. Prashant and Mr. Gautam Prabhakar, Adv.  
for State of Andhra Pradesh  
Mr. Rajesh Kumar Das, Adv. for UT Lakshadweep  
Administration  
Ms. G. Indira and Mr. Bhupesh Narula, Adv. for  
Andaman and Nicobar Administration  
Mr. Shashank Bajpai, Adv. and Mr. Shakun Sudha  
Shukla, advs. for State of Odisha  
Mr. Prashant Kenjale, Adv. and Mr. Nishant, Adv. for  
State of Maharashtra  
Mr. Defvraj Ashok, adv.  
Mr. Nishe Rajen, adv.  
Mr. Raja Chatterjee, Mr. Piyush Sachdev and Ms.  
Abhinandini Yadav, Adv. for State of West Bengal  
Ganguli and Mr. Piyush Sachdev, Adv. for the State  
of West Bengal  
Mr. Mukesh Verma, Adv.  
Mr. Prashant S. Kenjale and Mr. Nishant, Adv. for  
State of Maharashtra  
Mr. Nishe Rajen Shonker and Ms. Anu K. Joy, Adv.  
for State of Kerala  
Ms. Hemantika Wahi and Puja Singh, Adv. for State  
of Gujarat and GSPCB  
Inspector Rajesh Kumar, Chanakyapuri  
Mr. Abhimanyu Garg Adv. for Govt. of Puducherry  
Mr. SS Rebello, Mr. Sidarth Arora and Ms. Shivangini  
Gupta, Adv. for State of Goa  
Mr. Raj Kumar, Adv. and Mr. Bhupender KUMAR, LA  
for Central Pollution Control Board  
Ms. Nishe Rajen Shonker, Adv., Ms. Anu K. Jy, Adv.  
for State of Kerala  
Mr. Naginder Benipal, Adv.  
Mr. Devraj Ashok, Adv.  
Mr. Jai A. Dehadrai, Adv. Mr. S.S. Rebello, Adv., Ms.  
Shivangini Gupta Adv. for State of Goa**

|  | Date and Remarks   | Orders of the Tribunal  |
|--|--|---|
|  | <p><b>Item No. 07 &amp; 08</b></p> <p><b>November 22, 2017</b></p> | <p><b><u>Original Application Nos. 11/2014 and 424 of 2016</u></b></p> <p>Learned counsel appearing for the Ministry of Environment, Forest &amp; Climate Change from instructions from the Officer who is present before the Tribunal submits that the Secretary, Ministry of Environment, Forest &amp; Climate Change had called for the meeting of all the concerned States in relation to the coastal areas on 01<sup>st</sup> November, 2017. Upon due deliberations the Secretary had directed that all the States must file their draft of CZMPs by 31<sup>st</sup> March, 2018, however the State Kerala and State of Gujarat had asked for more time before the Secretary for submission of the CZMP by the month of May and June, 2018 respectively.</p> <p>Since the matter was not attaining proper progress and the matter was lingering on one pretext or the other and non – cooperation by the State Governments, the Tribunal had directed all the States that States of Andhra Pradesh, Karnataka, Tamil Nadu, Kerala, Gujarat, Goa, West Bengal, Maharashtra, Pondecherry and Andman and Nicobar all counsel are present. They have also filed their Affidavit – cum- undertaking before the Tribunal where these very States have asked for time to file the CZMP of the respective States and UTs even extending the time upto June, 2018. Learned counsel appearing for the Ministry of Environment, Forest &amp; Climate Change submits that they would be able to approve the draft CZMP and the hazard line within three months from the date of receiving the CZMPs drafts from the respective States. In light of the above and while ensuring that no</p> |

|  |  |   |
|--|--|---|
|  |  | <p>further undue delay should be caused in determination of the hazard line and finalization of the CZMPs for the respective States. As the entire development activity out of prohibited area, regulated area and area permitted to development in accordance with the CZMP would be dependent upon finalization of the above. It is suggested by Ministry of Environment, Forest &amp; Climate Change that the States should not grant Environmental Clearance for development activity which falls within the permissible area/ regulated area as that may result in defeating the entire exercise. As per the statement of Ministry of Environment, Forest &amp; Climate Change we direct accordingly. It is necessary that strict timeline for adherence should be fixed by the Tribunal. We shall issue the following directions:-</p> <ol style="list-style-type: none"> <li>1. All the State Governments without default and delay will submit CZMP to Ministry of Environment, Forest &amp; Climate Change by 30<sup>th</sup> April, 2018. In the event any State Government and UT do not submit the said plan, they shall be liable for exemplary costs of Rs. 5 Lacs which should be recovered from the salary of the defaulting Officer. The non-compliance would invite action for violating the orders of the Tribunal.</li> <li>2. Within three months thereafter that is by 31<sup>st</sup> July, 2018 the Ministry of Environment, Forest &amp; Climate Change shall issue approval in regard to the fixation of hazard line and CZMP for the respective State covering the entire coastal area. Now if the Officers and Ministry of Environment, Forest &amp; Climate</li> </ol> |
|--|--|---|



|  |  |   |
|--|--|---|
|  |  | <p>Change commit default they shall also be liable to be proceeded against in accordance with law.</p> <p>3. We also grant liberty to Ministry of Environment, Forest &amp; Climate Change to move the Tribunal well in time if there is default on the part of any of the States. But Ministry of Environment, Forest &amp; Climate Change would not be permitted to contend non-cooperation from States as the reason for delay, if any, in compliance of this deadline in this order. We are putting Ministry of Environment, Forest &amp; Climate Change at Notice.</p> <p>The Applicant would also at liberty to approach the Tribunal if so advised.</p> <p>The interim order dated 05<sup>th</sup> February, 2018 shall continue till July, 2018.</p> <p>With above directions, Original Application Nos. 11/2014 and 424 of 2016 stand disposed of without any order as to costs.</p> <p>.....,CP<br/>(Swatanter Kumar)</p> <p>.....,JM<br/>(Dr. Jawad Rahim)</p> <p>.....,EM<br/>(Bikram Singh Sajwan)</p> |
|--|--|---|