

Mumbai is a congested city, Metro important: SC judges

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Mumbai: The NGO Vanashakti had told the SC in its appeal in the Aarey case that allowing construction inside an Ecologically Sensitive Zone would cause "irreparable harm to the highly sensitive ecology of the region which harbours 1,300 species of flowering plants, 45 species of mammals, 43 species of reptiles, 300 species of birds and 150 species of butterflies" and "thereby impact the entire biodiversity of the park."

The SC bench of Justices Arun Mishra and Abdul Nazeer on Tuesday, however, observed that Mumbai was "a congested city" and Metro was important, and dismissed the NGO's appeal.

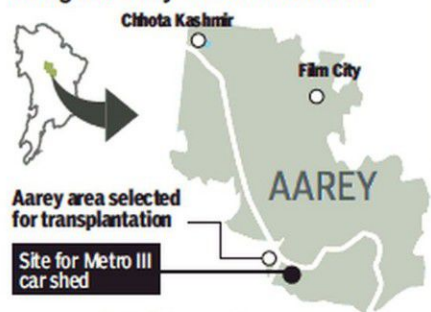
The NGO said while its challenge was before the NGT, western zone, in Pune, the case was however transferred to the NGT, principal bench, at New Delhi. On January 24, the tribunal passed an ex-parte order without hearing it "wrongly" and "without any application of mind." It "summarily disposed" the case by accepting the ministry's affidavit justifying the ESZ reduction.

Vanashakti alleged procedural lapses in transfer of the case from its "territorial jurisdiction." It said NGT "acted in complete violation of rules of natural justice in deciding the case without hearing any party." In the SC, the NGO's counsel also mentioned the environmental damage that reduction of ESZ could cause.

The NGT bench of chairperson Justice AK Goel and judicial member Justice S P Wadgi with two expert members Nagin Nanda and Sidd-

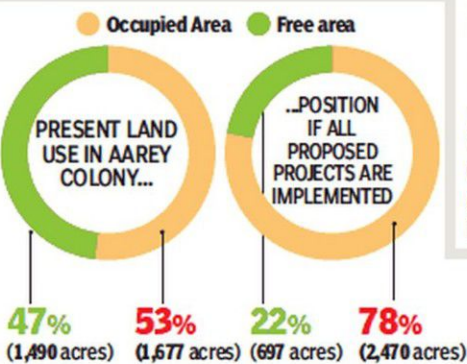
53% OF AAREY ALREADY LOST TO DEVT

Aarey Colony, near Goregaon railway station, was once on the fringes of the city, but is now prime territory along the busy western suburbs



Total Aarey Area

3,167 acres when colony was commissioned in 1949



THE ESZ MATTER

15,000 acres notified as **Ecologically Sensitive Zone (ESZ)** around SGNP

407 acres of this, in Aarey Colony, can now be used for specific infra and construction projects

86 species of trees have been counted at Aarey by activists. Some are found only in forests, proving that the proposed Metro car shed is coming up at the expense of what should be a protected area, they say. In all, Aarey has 4.83 lakh trees

Several organisations and institutions have come up on Aarey in the last 70 years, including Film City, a veterinary college, a fisheries institute and security installations. Several more structures are proposed

hanta Das, after citing two paras from an MoEF affidavit, had in its order said "no further order is necessary." The ministry had said "ESZ size was reduced after following due procedure of law and any new construction is allowed as per zonal master plan."

The ministry had said that during a July 2016 meeting, the Maharashtra government representative informed that "various stakeholder and the public requesting for the ESZ

reduction and to keep it to bare minimum."

The NGO's appeal said the new notification however negated objections submitted by a large number of citizens and altering the draft notification has restricted the scope of declaring an area as ESZ. "It allows for setting up of all kinds of infrastructure projects (such as the Metro rail projects), commercial establishments, residential buildings, IT Parks including red category

industries, in an ESZ area," the appeal stated.

By the reduction, the NGO said, the government "in a blatantly illegal manner allowed unregulated construction activities and infrastructure works of a hazardous nature to commence inside the ESZ and on the border of the SGNP. This is completely against the spirit and purpose of National Wildlife Action Plan, 2002-2016 and the subsequent ESZ Guidelines of 2011."