

SC dismisses plea against exclusion of Aarey Colony from ESZ of SGNP, clears way for infra projects

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THE SUPREME Court has dismissed a plea filed by NGO Vanashakti challenging a National Green Tribunal (NGT) order upholding exclusion of Aarey Colony in suburban Mumbai from the eco-sensitive zone (ESZ) of the Sanjay Gandhi National Park.

A bench of Justices Arun Mishra and Abdul Nazeer Tuesday passed the order, thus removing the last hurdle for various infrastructure projects in

A 25-hectare Metro-3 car shed project, a zoo spread over 190 acres, and a Metro Bhavan is set to come up in the Aarey Colony

the over 400-acre area. Other than the 25-hectare Metro-3 car shed project, the state government has earmarked 90 acres of land in Aarey Colony to rehabilitate slum-dwellers and tribals from the hamlets of Sanjay

Gandhi National Park (SGNP), a zoo spread over 190 acres, and a Metro Bhavan.

NGO Vanashakti had challenged in the NGT a December 5, 2016 notification of the Ministry of Environment and Forests (MoEF) that declared a minimum of up to 100 m and a maximum of up to 4 km area from the boundary of the SGNP as ESZ, while excluding 165 hectares (around 407 acres) of Aarey Milk Colony, which is located on the SGNP border. On January 24, the principal bench of the tribunal disposed of the application, stating the law had been followed

while demarcating the ESZ. The NGO had then challenged the order in the SC, which was heard on June 16.

An ESZ serves as a “shock absorber” for protected areas and seeks to regulate certain activities around national parks and wildlife sanctuaries to minimise the negative impact on the fragile ecosystem around. Declaring an area ESZ puts restrictions on mining, quarrying, setting up industries, and construction.

Vanashakti through Senior Advocate Anitha Shenoy and advocates Srishti Agnihotri and Zaman Ali stated before the top

court that NGT had “failed to consider that the excluded area was heavily forested and includes trees belonging to indigenous forest species having varied flora and fauna”, and therefore allowing construction inside such an area would cause irreparable harm to the sensitive ecology.

Disposing of the appeal, the Supreme Court bench said, “We found no ground to interfere with the January 24 order of the NGT. The appeal is accordingly dismissed.”

Vanashakti said they will file a review petition in the top court.