

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

[THROUGH PHYSICAL HEARING (WITH HYBRID OPTION)]

ORIGINAL APPLICATION NO.135 OF 2024 (WZ)
[EARLIER ORIGINAL APPLICATION NO.637 OF 2024(PB)](LP)

**IN RE: NEWS ITEM IN THE INDIAN EXPRESS DATED 28.04.2024
TITLED '7 FLAMINGOS SPOTTED NEAR DPS LAKE WETLAND
KILLED, ACTIVISTS BLAME CIDCO'S DEVELOPMENT PLAN'**

Date of hearing: 28.04.2026

**CORAM: HON'BLE MR. JUSTICE DINESH KUMAR SINGH, JUDICIAL MEMBER
HON'BLE DR. SUJIT KUMAR BAJPAYEE, EXPERT MEMBER**

Respondents : Mr. D.M. Gupte, Advocate for R-1/PCCF
Mr. Aniruddha S. Kulkarni, Advocate for R-2
Mr. Manoj Wad, Advocate representing J.S. Wad & Co,
for R-3/CIDCO

ORDER

1. Learned counsel Mr. Manoj Wad, appearing for Respondent No.3-CIDCO, has filed reply affidavit dated 22.04.2026, stating therein with respect to the observations pertaining to pipe at location no.3 that the said pipe outlet has neither been installed nor constructed, nor has it ever been operated, maintained or controlled by the Answering Respondent at any point of time. The said pipe is in existence at the subject location for approximately 20-25 years, i.e. much prior to the present developments and therefore, no liability can be attributed to the Answering Respondent in respect thereof.

2. It is further submitted in this affidavit by Respondent No.3 that the Joint Committee has clearly recorded in its report that water flow is observed to be free-flowing at the other two identified locations and that it cannot be alleged that the Answering Respondent has caused any obstruction to the natural water flow in the area.

3. It is further submitted in this affidavit by Respondent No.3 with respect to the observations pertaining to the Nerul Jetty Project that the said project has been executed strictly in accordance with statutory approvals granted by the competent authorities. The entire structure of the Nerul Jetty is constructed on stilts (Bridge structure), thereby ensuring that the natural flow of water remains completely unobstructed. Therefore, allegation of the applicant in this regard is incorrect.

4. We have gone through the Joint Committee Report, which was filed before this Tribunal on 13.12.2025, wherein following recommendations are made:-

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- 1) *The CIDCO has to conserve and maintained proper free flowing in and out water movements in the lake and creek for natural conservation of ecosystem and habitat.*
 - 2) *Impact of the streetlights on habitat of flamingo's needs further study along with life cycle pattern of global movement to ascertain impact of light on migratory birds viz. a viz. development in the area.*
 - 3) *The CIDCO is looking into development plan of Nerul node, the habitat of flamingos needs appropriate conservation plan reserved for flamingos in the area of DPS lake site.*
 - 4) *The ecosystem & development plan shall be in line with DPS lake (Satellite Wetland) of Thane Creek Flamingo Sanctuary, Navi Mumbai.*
 - 5) *The Nevi Murnbai Municipal Corporation & CIDCO shall take corrective action for the conservation of Thane Creek Flamingos.*
 - 6) *The above said development plan shall be periodically monitored by expert committee or dedicated agency.”*

5. In view of above, we are of the opinion that the Joint Committee has recommended that impact of the streetlights on habitat of flamingos needs further study along-with life cycle pattern of global movement to ascertain

impact of light on migratory birds viz-a-viz development in the area. Therefore, we deem it appropriate to direct that the study in this regard be got conducted by Respondent No.3- CIDCO through an expert agency, such as SACON (Salim Ali Centre for Ornithology and Natural History) and accordingly, direct Respondent No.3 to approach the said institute with a proposal to get the study conducted on the above recommendations from serial nos.2 to 6 of the Joint Committee, within two months.

6. Learned counsel for Respondent No.3-CIDCO has prayed that there is an airport in the vicinity, therefore, possible impact of the flamingos on the said airport may also be included in the said study to be conducted by the said institute. We allow his prayer and direct accordingly to Respondent No.3 to get the said study also included in the study to be conducted by the SACON.

7. Put up this matter for further consideration on 14.08.2026.

Dinesh Kumar Singh, JM

Dr. Sujit Kumar Bajpayee, EM

April 28, 2026

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P.Kr.