

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION**

WRIT PETITION NO. 4429 OF 2025

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| 1. The Tata Power Company Limited, Mumbai |] | |
| 2. Vispi Sarosh Patel, |] | |
| Shareholder of Tata Power Co. Ltd. |] | Petitioners |

Versus

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| 1. Union of India, |] | |
| Through the Ministry of Environment, |] | |
| Forest & Climate Change, New Delhi |] | |
| 2. Maharashtra Coastal Zone Management |] | |
| Authority, Mumbai |] | |
| 3. State of Maharashtra, |] | |
| Through Forest Department |] | |
| 4. Additional Principal Chief Conservator of |] | |
| Forest (Mangrove Cell), Mumbai |] | |
| 5. Principal Chief Conservator of Forest, |] | |
| (Head of Forest Force), Nagpur |] | |
| 6. Maharashtra State Electricity Transmission |] | |
| Company Ltd., Mumbai |] | Respondents |

Mr. C.S. Balsara with Mr. H.N. Vakil, Mr. Samkit Shah and Mr. Farhad Vakil, i/b Mulla and Mulla & CBC, Advocates for the Petitioners.

Mr. Gaurav Shrivastav with Mr. Adarsh Vyas, Advocates for Respondent No.1-UOI.

Ms. Jaya Bagve, Advocate for Respondent No.2-MCZMA.

Mr. Mohit P. Jadhav, Additional Government Pleader for Respondent Nos.3, 4 and 5.

**CORAM : RAVINDRA V. GHUGE, ACJ. &
GAUTAM A. ANKHAD, J.**

DATE : 21st August, 2026.

JUDGMENT : (Per Gautam A. Ankhad, J.)

1. Rule. Rule is made returnable forthwith. With the consent of the parties, the Petition is heard finally.

2. Petitioner No.1 is required to upgrade its existing 110 KV Kalwa-Kalyan Transmission Line to 220 KV in view of the substantial increase in the annual power load. The transmission line, which is more than 75 years old, passes through various villages and forest land in Thane District, as well as certain areas falling within the Coastal Regulation Zone (CRZ). The proposed upgradation involves substitution of the current 110 KV double circuit line with a multi-circuit 220 KV line and replacement of 87 existing transmission towers. Two of these towers are situated within 50 metres of the mangrove buffer zone and, therefore, require the permission in terms of paragraph 83(viii) of the judgment and order dated 17th September 2018 passed by this Court in PIL No.87 of 2006.

3. Mr. Balsara, learned counsel appearing for the Petitioners, submits that the proposed project will not involve any cutting or

destruction of mangroves. The proposed work, however, involves diversion of 4.5773 hectares of forest land, for which the requisite statutory permissions have been obtained. The replacement towers will be erected within the area occupied by the existing towers. The project is of public importance and will augment the power supply to the Thane region. The estimated cost of the project is Rs.488 crores. The Petitioners undertake to execute the project strictly in accordance with all applicable statutory permissions and the conditions attached thereto.

4. Mr. Balsara further submits that the following permissions have been granted for the proposed project:

- i) Stage-I clearance (in principal approval) dated 1st October 2024 issued by Respondent No.1 under Section 2 of Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 for diversion of 4.5773 hectare forest land.
- ii) In-principle approval granted by the Maharashtra Electricity Regulatory Commission (MERC) on 20th June 2025 together with approval of the scheme for upgradation of the transmission line towers in the Kalwa-Kalyan area, permitting Petitioner No.1 to augment and replace the transmission lines to meet the increased demand in and

around Thane District. The approval was granted upon consideration of the Detailed Project Report and the compliances submitted by the Petitioners;

- iii) Recommendation of Respondent No.2 dated 21st August 2025, pursuant to its meetings held on 5th August 2024 and 18th July 2025;
- iv) CRZ clearance dated 10th September 2025 issued by Respondent No.1. Condition No.4 thereof requires Petitioner No.1 to obtain permission of this Court for any activity in the mangrove area; and
- v) Stage-II forest clearance (final approval) dated 24th September 2025 issued by Respondent No.1, subject to the conditions stipulated therein.

5. Mr. Balsara submits that all the Respondents have been served. None of the Respondents has filed an affidavit opposing the Petition. Hence the permission sought for in the petition ought to be granted by this Court.

6. We have considered the submissions of Mr. Balsara and the

material placed before us. The learned counsel appearing for the Respondents submit that since statutory permissions and clearances have been granted by the competent authorities, they do not have any objections to the proposed project.

7. The permissions granted to the Petitioners record the importance of this project. The proposed upgradation is necessitated by the increased demand for electricity in the City of Greater Mumbai and Thane District. The replacement of the existing transmission infrastructure is an integral and necessary component of upgrading the transmission line from 110 KV to 220 KV. The proposed project does not involve cutting or destruction of mangroves.

8. The Petitioners have filed a compliance Affidavit dated 5th December 2025 showing the compliances made by the Petitioners with all the statutory requirements as well as payment of Rs.2,04,02,991/- to the Forest Department towards various clearances for net present value (NPV) and to carry out compensatory afforestation. In respect of the diversion of 4.5773 hectares of forest land, 82 trees are proposed to be felled in the Thane Forest Division, covering an area of 3.8503 hectares. No mangrove trees are proposed to be felled in the Mumbai Mangrove Conservation Unit, covering an area of 0.7270 hectares.

9. The Petitioners have paid Rs.82,70,336/- towards compensatory afforestation over 9.20 hectares of degraded forest land at Village Kishor, Reserved Forest Survey No.96, Compt. No.786 (part), and Village Bhramhangaon, Reserved Forest Survey No.65, Compt. No.786 (part), Taluka Murbad, District Thane. Under the approved compensatory afforestation scheme, 10,221 tree saplings are to be planted over the said 9.20 hectares.

10. In view of the nature of the project, the statutory permissions obtained, the compliances undertaken by the Petitioners and the absence of objection from the concerned authorities, we are satisfied that the Petitioners have made out a case for grant of permission contemplated under paragraph 83(viii) of the judgment and order dated 17th September 2018 in PIL No.87 of 2006.

11. To ensure that the plantation, maintenance, protection and afforestation of trees is effectively implemented, the Petitioner shall file an Interim Application on a bi-annually basis, with comprehensive status/audit reports supported by affidavits signed by the Petitioner (through its Managing Director) and by Respondent No.5. Such Interim Application shall be filed twice every year on or before 12th January and

12th July for the next ten years and shall be automatically listed on the third Friday of January and third Friday of July respectively, for the purposes of compliance and review. Failure to file such reports or Interim Application shall be treated as contempt of this Court. Subject to the outcome of the Applications, this Court may issue such further directions as required.

12. For the aforesaid reasons, the Writ Petition is allowed in terms of prayer clause (a) which reads as under:-

“(a) This Hon’ble Court be pleased to issue a Writ of Mandamus or any other appropriate writ or order or direction in the nature of mandamus under Article 226 of the Constitution of India, thereby directing the Respondent Authorities to permit the Petitioner to execute and replace transmission towers of 110 kV with 220 kV of Kalwa Kalyan Transmission Line in mangrove buffer zone in view of the public importance of the project, by granting leave as contemplated in paragraph 83(viii) of the Judgment and Order dated 17th September 2018 in PIL No.87 of 2006 in terms of various permissions granted to the Petitioners by the Respondents.”

13. Rule is made absolute in the above terms. Liberty to apply.

[GAUTAM A. ANKHAD, J.]

[ACTING CHIEF JUSTICE]