

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

WRIT PETITION (L) NO.144 OF 2015

HBS View Private Limited and others	Petitioners
versus	
Maharashtra Coastal Zone Management Authority and others	Respondents

Dr.Milind Sathe, Sr.Advocate with Mr.Parimal K. Shroff,
D.V.Deokar, Mr.Subodh Joshi, Mr.Jaylaxmi Gaud, Mr.Jehaan
Mehta i/by M/s.Parimal K. Shroff & Co. for Petitioners.
Mr.Milind More, Additional G.P for Respondents 1, 2 & 6 State.
Ms.T.H.Puranik for Municipal Corporation of Greater Mumbai.
Ms.Sharmila Deshmukh for Respondent CRZMA.

CORAM : MOHIT S. SHAH, C.J. AND
B.P.COLABAWALLA, J.

DATE : 2 February 2015

PC :

In this petition under Article 226 of the Constitution of India, the petitioners have challenged the decisions of Maharashtra Coastal Zone Management Authority ('MCZMA') insofar as MCZMA has decided to make a reference to the Government of India in the Ministry of Environment and Forests in respect of the Petitioners' project for redevelopment under Regulations 33(6), 33(7) and 33(24) of the Development Control Regulations for Greater Mumbai, 1991. The Petitioners

have also prayed for directions to the Municipal Corporation of Greater Mumbai to process the Petitioners' proposal for redevelopment on the Petitioners' lands.

2. At the 93rd meeting of MCZMA held on 25 August 2014 (the Minutes of meeting are at Exhibit-C to the petition), MCZMA deliberated the matter at length and felt that applicability of DCR 33(24) will have wider ramifications on coastal environment and objects of CRZ Notification, 2011. The MCZMA felt that the matter needed to be referred to Ministry of Environment, Forests and Climate Change ('MoEF') for further examination and appropriate decision in the matter, in the light of representation made by Urban Development Department, Government of Maharashtra and the opinion of Advocate General, Maharashtra in the matter.

3. Learned counsel for MCZMA states that in view of the above deliberations held on 25 August 2014, MCZMA has already made a reference to MoEF, Government of India in September 2014 and the matter is still pending before MoEF.

4. In view of the decision taken in the 93rd meeting of MCZMA dated 25 August 2014 referring to wider ramifications on the coastal environment and objectives of CRZ Notification, 2011, we are of the view that interests of justice would be served if this writ petition is disposed of with a direction to the

Government of India in Ministry of Environment, Forests and Climate Change (Respondent nos.3 and 4) to consider and decide the reference made by MCZMA in September 2014 on the basis of the decision on item no.19 at the 93rd meeting of MCZMA, as expeditiously as possible and within two months from the date of receipt of this order. The writ petition stands disposed of.

5. It is clarified that we have not expressed any opinion on the controversy which is subject matter of this petition and all contentions are kept open.

(CHIEF JUSTICE)

(B.P.COLABAWALLA, J.)