

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
NOTICE OF MOTION NO.31 OF 2018
IN
PUBLIC INTEREST LITIGATION NO.87 OF 2006**

The Maharashtra Maritime Board ..Applicant.

IN THE MATTER BETWEEN :

The Bombay Environmental Action Group & Anr. ..Petitioners.

v.

The State of Maharashtra & Ors. ..Respondents.

Ms.Gulnar Mistry i/by M/s. Jayakark & Co. for the Petitioners.
Mr.Ishwar Nankani alonwith M/s.Nankani & Associates for the Applicant.
Mr.Rui Rodrigues and Mr.N.R. Prajapati for respondent-UOI.
Ms.Gita Shastri, Addl. GP for respondent/State.
Ms.Sharmila Deshmukh for respondent SRA.
Ms.K.H. Mastakar for respondent/MMC.

**CORAM : A.S. OKA &
RIYAZ I. CHAGLA, JJ.**

DATE : 25th APRIL, 2018

P.C.

1 Heard the learned counsel appearing for the applicant, the learned counsel appearing for PIL petitioners, the learned counsel appearing for the 3rd respondent in the PIL petition and learned AGP for the State.

2 Perused the CRZ clearance granted by the State Level

Environment Impact Assessment Authority on 2nd August 2017. There is a statement on oath made in the Affidavit in support that the work will be carried out on the site on which there are no mangroves and that the mangroves would not be affected by project activities.

3. The applicant is a statutory body established under the Maharashtra Maritime Board Act, 1996. The learned counsel appearing for the applicant states that the applicant is confining the prayer made in this Petition to grant of permission for construction of approach jetty and sloping berth jetty. We accept the said statement. Accordingly, we pass the following order :

ORDER

1 In view of the clearance granted on 2nd August 2017 by the State Level Environment Impact Assessment Authority, we permit the applicant to carry out work of construction of approach jetty and sloping berth jetty at Vasai and construction of jetty at Bhayander, subject to condition of strictly complying with condition Nos.1 and 2 imposed by Maharashtra Coastal Zone Management Authority in the decision taken in the meeting held on 17th January 2017 and 18th January 2017 (Exhibit G to the Affidavit in support).

2 Notice of Motion is disposed of on above terms.

(RIYAZ .I.CHAGLA, J)

(A.S. OKA, J)