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IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
ORDINARY ORIGINAL CIVIL JURISDICTION  
NOTICE OF MOTION (L)NO.171 OF 2018 IN  
PUBLIC INTEREST LITIGATION NO.87 OF 2006

City & Industrial Corporation  
of Maharashtra Limited ...Applicant

In the matter between

Bombay Environment Action  
Group and another ...Petitioners  
vs.

The State of Maharashtra & Ors. ...Respondents

Mr. G.S.Hegde a/w Mr.C.M.Lokesh for the applicant  
Ms Gulner Mistry i/b M/s.M.V.Jayakar and Partners  
for the petitioners  
Ms Sharmila Deshmukh for the respondent-MCZM  
Ms Geeta Shastri, Addl.G.P for State  
Ms K.H.Mastakar and Ms Pallavi Thakar for MMC  
Mr.Rui Rodrigues and Mr.Upendra Lokegaonkar i/b  
N.R.Prajapati for Union of India.

CORAM : A.S.OKA, &  
RIYAZ.I.CHAGLA,JJ.  
DATE : MARCH 23, 2018

P.C.:

1 Heard the learned counsel appearing for the applicant, the learned counsel for the Public Interest Litigation petitioners and the learned counsel for the third respondent-the Maharashtra Coastal Zone Management Authority. We have also heard the learned counsel for various Authorities. The prayer in this Notice of Motion is for grant of permission to construct elevated approach road for development of water transport terminal project at

Nerul, Navi Mumbai.

2 The applicant is relying upon the letter issued by the Government of India, Ministry of Environment and Forests, by which environment and CRZ clearance was granted to the proposal of the applicant subject to specific conditions and general conditions incorporated in the said letter. On 25<sup>th</sup> September 2017, the Government of India, Ministry of Environment, Forests and Climate Change granted the said clearance. The same Ministry by a letter dated 13<sup>th</sup> February 2018 has granted stage II clearance subject to terms and conditions incorporated in the said letter.

3 Therefore, the prayer made in the Notice of Motion deserves to be accepted. Accordingly, we pass the following order:

. Notwithstanding interim relief granted in the PIL, it will be open to the applicant to carry out the work permitted under the aforesaid letters dated 7<sup>th</sup> May 2013 and 18<sup>th</sup> February 2018 subject to compliance with the terms and conditions incorporated therein. Notice of Motion is disposed of accordingly.

(RIYAZ.I.CHAGLA,J.)

(A.S.OKA,J.)