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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
NOTICE OF MOTION NO.153 OF 2018 IN
PUBLIC INTEREST LITIGATION NO.87 OF 2006

Mahanagar Gas Limited ...Applicant

In the matter between

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

The State of Maharashtra & Ors. ...Respondents

M.Saket Mone a/w Mr.Subit Chakraborty i/b Vidhi
Partners for the applicant

Ms Gulner Mistry i/b M/s.M.V.Jayakar and Partners
for the petitioners

Ms Sharmila Deshmukh for the respondent No.3

Ms Geeta Shastri, Addl.G.P for respondent Nos.1,5
and 6.

Ms K.H.Mastakar and Ms Pallavi Thakar for respondent
No.4

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 other
Authorities. Perused the prayer made in the Notice

of Motion and the affidavit in support and in particular statement made in paragraph 23 thereof.

2 Our attention is invited to the letter dated 7th September 2017 issued by the Government of India, Ministry of Environment, Forest and Climate Change by which CRZ clearance has been granted to the proposed work of the applicant. The proposed work of the applicant as stated in the prayer clause (a) of the Notice of Motion is of laying of natural gas transmission steel pipeline having width 35 meters and having overall length of 180 meters through Mahul creek for supply of natural gas to households. By the letter dated 7th September 2017, CRZ clearance has been granted subject to terms and conditions incorporated in the said letter. Reliance is also placed on a letter dated 17th March 2017 by which the Maharashtra Coastal Zone Management Authority forwarded the proposal of the applicant to the Ministry of Environment, Forest and Climate Change of the Union of India recommending the proposal of the applicant subject to specific and general conditions incorporated in the said communication.

3 The learned counsel for the applicant invited our attention to the material averments in the affidavit-in-support and documents on record which show that the activity will not require digging. His submission is that under the CRZ Regulation of 2011, the activity is permissible which fact is borne out from the CRZ clearance granted on 7th September 2017.

4 Considering the aforesaid aspects, prayer made
in this Notice of Motion deserves to be granted.

5 Accordingly, Notice of Motion is made absolute
in terms of prayer clause (a).

(RIYAZ.I.CHAGLA,J.)

(A.S.OKA,J.)