

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.8450 OF 2021

Mukund ARRS Developers
V/S

....Petitioner

City and Industrial Development Corporation
of Maharashtra Limited & Ors.

....Respondents

Mr. Rajesh Singh i/b. Rajesh Singh & Associates for the Petitioner.
Mr. B. B. Sharma for Respondent No.1-CIDCO.
Ms. Sharmila Deshmukh for Respondent No.2-MCZMA.
Mr. A. A. Alaspurkar, AGP for the Respondent-State.
Mr. A. S. Khandeparkar a/w Mr. Niranjana Shimpi for Respondent
No.3-UOI.

**CORAM : A. A. SAYED &
 ABHAY AHUJA, JJ**

DATED : 27th APRIL, 2022

P.C.:

Learned Counsel for the Petitioner has placed on record a copy of the communication dated 14th March, 2022 of the Ministry of Environment, Forest and Climate Change, Government of India, addressed to the Member Secretary, Maharashtra Coastal Zone Management Authority, Mantralaya. He has invited our attention to the Clause 4 thereof, which reads as follows:

“4. It is to further clarify that for the projects not falling in the CRZ area as per the CZMPs approved under the CRZ Notification, 1991 but covered under CZMP prepared under the CRZ Notification, 2011, following procedure may be adopted:

- i. The MCZMA shall certify that the proposals for which Commencement Certificate (CC) were issued before the cut-off date of validity of CZMPs approved under the CRZ Notification, 1991 is as per the CZMPs approved under the said notification and shall forward its recommendation to the concerned authority for Occupation Certificate (OC), as applicable.
- ii. The CIDCO/concerned regulatory authority shall certify that the proposals for which Commencement Certificate were issued before the cut-off date of validity of CZMPs approved under the CRZ Notification, 1991, as mentioned in Para 3 above, was as per extant building development norms in place, at that time for sanction of such projects.
- iii. For all other projects, CZMPs approved in accordance with the CRZ Notification 2011 or CRZ Notification 2019, as the case may be, shall be applicable.
- iv. All the infrastructure projects shall be considered by the MCZMA as per the extant norms.”

2. It is not disputed that the case of the Petitioner would be covered by the said communication.

3. We record the statement of learned Counsel for the Respondent-MCZMA that the Respondent-MCZMA would certify the proposal of the Petitioner in accordance with Clause 4(i) above, and shall forward its recommendation within four weeks to the Respondent-CIDCO for issuance of Occupation Certificate (OC). The Respondent-CIDCO shall therefore consider the proposal of

the Petitioner and issue Occupation Certificate to the Petitioner within eight weeks in accordance with law, subject to the Petitioner making necessary formal compliances, if any.

4. The Petition to stand disposed of in aforesaid terms.

ANANT
KRISHNA
NAIK

Digitally signed
by ANANT
KRISHNA NAIK
Date: 2022.05.07
15:29:03 +0530

(ABHAY AHUJA, J.)

(A. A. SAYED, J.)