

rrpillai

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 3281 OF 2023**

M/s. Patel and Associates ... Petitioner
vs.
Union of India through the Ministry of ... Respondents
Environment Forest and Climate Change and
Others

Mr. Saket Mone a/w. Mr. Abhishek Salian i/b. Vidhi Partners for the
Petitioner.

Mr. Parag A Vyas a/w. Ms. Karuna Yadav for Respondent No. 1-
Union of India.

Ms. S. S. Bhende – AGP for Respondent Nos. 2 and 3.

Mr. Tejas Dande for Respondent No. 4 – NMMC.

**CORAM : R. D. DHANUKA &
GAURI GODSE, JJ.**

DATED : 25 APRIL, 2023

P.C. :-

1. Learned counsel for the Petitioner seeks leave to amend the
Writ Petition for deleting the name of Respondent No. 5. Leave to
amend is granted. Amendment to be carried out forthwith.

2. Rule. Learned counsel appearing for the respective parties
waive service. Rule is made returnable forthwith.

Digitally signed
by
RAJESHWARI
RAMESH
PILLAI
Date:
2023.05.04
09:39:09 +0530

RAJESHWARI
RAMESH
PILLAI

3. This Petition is filed seeking direction against Respondent No. 2 to process the application filed by the Petitioner for grant of post facto CRZ clearance. Learned counsel for the Petitioner states that on 5th June 2018 the application was submitted before Respondent No. 2 for grant of post facto CRZ clearance for the proposal of Petitioner's project. He further submitted that on 13th January 2023 reminder application was also submitted by the Petitioner for grant of post facto CRZ clearances for the Petitioner's project as per submission made on 5th June 2018 by Respondent No. 4. Learned counsel for the Petitioner relied upon the notification dated 6th March 2018 thereby permitting grant of post facto CRZ clearance.

4. Learned counsel appearing for the Petitioner states that the proposal for grant of post facto CRZ clearance is still not decided and is pending. Statement is accepted.

5. Learned counsel appearing for Respondent Nos. 2 and 3 is not in a position to dispute the statement made by the learned counsel for the Petitioner that the application for necessary clearance is still pending. The Writ Petition can be disposed of by issuing necessary directions for processing the application made on behalf of the Petitioners. Hence, Writ Petition is disposed of by

passing the following order :

- (i) Respondent No. 2 shall decide the application made by Respondent No. 4 on 5th June 2018 with respect to the Petitioners project along with the application made by the Petitioner on 13th January 2023 after giving an opportunity of hearing to the Petitioner and Respondent No.4. Respondent No. 2 shall decide the application expeditiously and maximum within a period of eight weeks from today.
- (ii) The Authorised Representative of the Petitioner as well as Respondent No. 4 shall appear before the Additional Chief Secretary of Respondent No. 2 on 8th May 2023 at 11.30 am.
- (iii) Additional Chief Secretary of Respondent No. 2 shall accordingly decide the schedule of hearing of the necessary parties.
- (iv) The decision that will be taken by Respondent No. 2 shall be communicated to the Petitioner as well as Respondent No. 4 within one week from date of decision.
- (v) If the decision is adverse to any of the parties, in that event, the concerned party will be at liberty to take out appropriate proceedings as permissible in law.

(vi) It is made clear that we have not expressed any view on the merits of the application and the application shall be decided on its own merits.

(vii) All contentions of the parties are kept open.

(viii) Writ Petition is made absolute in the above terms.

(ix) All parties to act on an authenticated copy of this order.

(GAURI GODSE, J.)

(R. D. DHANUKA, J.)