

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION No. 7292 OF 2023**

Ekta Parksville Homes Pvt. Ltd. and Anr. ...Petitioners

Vs.

The State of Maharashtra and Ors. ...Respondents

Dr. Milind Sathe a/w. Mr. Chirag Kamdar a/w. Mrs. Jasmine Kachalia
a/w. Mr. Viren Mandhle a/w. Mr. Sahil Singh i/b. Wadia Ghandy &
Co. for Petitioners

Mr. R.M. Shinde, AGP for Respondent No.1-State

Ms. Swati Sagvekar for Respondent No.2 and 3-Corporation.

**CORAM : SUNIL B. SHUKRE &
RAJESH S. PATIL, JJ.**

DATED : 28th JUNE, 2023

P.C.:

1. Not on board. Upon producing the preacipe, matter is taken on
Production Board.

2. The order dated 22nd June, 2023, in paragraph 2, mentions
something about “revalidate the occupancy certificate” in 3rd and 4th
lines. However, instead of the words ‘occupancy certificate’, it should
be the words ‘environmental clearance’.

3. Accordingly we direct that the words ‘**occupancy certificate**’
appearing in 3rd and 4th lines of paragraph 2 be substituted by the
words ‘**environmental clearance**’. The order stands corrected
accordingly.

4. Heard.

5. There is no dispute about the fact that a view has been taken by Coordinate Bench of this Court in **Velsons Developers & Ors Vs. Vasai Virar City Municipal Corporation through Commissioner & Ors.** in its Judgment dated 24th March, 2023 that once consent to establish and consent to operate is granted during the validity of environmental clearance, the environmental clearance granted earlier is not required to be extended. The issue involved in this petition is now covered by the said judgment delivered by the Coordinate Bench of this Court.

6. In view of the above, the petition is disposed of as covered by the view taken by Coordinate Bench of this Court in the case of **Velsons Developers & Ors Vs. Vasai Virar City Municipal Corporation through Commissioner & Ors.** in Writ Petition No. 2825 of 2022 decided on 24th March, 2023. However, we make it clear that the Petitioners would have to satisfy the Corporation that they had commenced the construction activity during the validity period of the environmental clearance. The issue raised vide prayer clause (c), however, is kept open.

7. We direct the Corporation to decide the application dated 26th December, 2022 of the Petitioners in accordance with law, as early as possible, preferably within a period of four weeks from the date of receipt of writ of the Court, for which purpose all cooperation shall be

rendered by the Petitioners.

(RAJESH S. PATIL, J.)

(SUNIL B. SHUKRE, J.)