



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.2943 OF 2024

M/s. Gujarat Gas Limited,
Gujarat Gas CNG Station
Sector– 5/C, Gandhinagar,
Gujarat – 382 006, India.

..Petitioner

Versus

1. **State of Maharashtra & Ors.**
Through its Principal Secretary,
Mantralaya, Mumbai – 400 012.
2. **Union of India**
Through its Principal Secretary,
Ministry of Environment, Forests and
Climate Change, Indira Paryavaran
Bhavan, Jorbagh, New Delhi – 110 003.
3. **Maharashtra Coastal Zone**
Management Authority,
Environment Department, 15th Floor,
New Administrative Building,
Mantralaya, Mumbai – 400 032.
4. **Additional Principal Chief**
Conservator of Forest, Mangrove Cell,
302, Wake Field House, 3rd Floor,
Near Britania Restaurant, Ballard Estate,
Fort Mumbai – 400 001.
5. **Bombay Environmental Action Group & Anr.**
80 Empire Building, 2nd Floor,
134/136 D. N. Road, Fort,
Mumbai – 400 001.

..Respondents

Mr. Karl Shroff a/w. Ms. Sheetal Prakash & Ms. Prajakta Gaonkar i/by.
M/s. R.V. J. Associates for the Petitioner.

Mr. N. C. Walimbe, Addl. G. P. a/w. Ms. Priyanka B. Chavan for Respondent Nos.1 & 4 (State).

Mr. Abhishek Bhadang a/w. Ms. Gargi Warunjikar for Respondent No.2 (UOI).

Ms. Jaya Bagwe for Respondent No.3 (MCZMA).

Ms. Violma Shah a/w. Mr. Ativ Patel i/by. M/s. AVP Partners for Respondent No.5.

CORAM : A. S. CHANDURKAR &
JITENDRA JAIN, JJ.

DATE : 7th MARCH 2024.

Judgment (Per Jitendra Jain, J.) :-

1. **Rule.** The learned counsel for the Respondents waive service.

By consent of the parties, the Petition is heard finally.

2. By this Petition under Article 226 of the Constitution of India, the Petitioner has prayed for following relief :-

“(a) This Hon’ble Court may be pleased to grant the permission for laying of the natural gas pipeline in the district of Thane and Palghar in public interest after examining the legality and propriety of the CRZ Clearance dated 17.6.2019;”

Brief facts are as under :

3. The Petitioner is a Government Company incorporated under the Companies Act, 1956 engaged in the business of distribution, sale and supply of Piped Natural Gas for domestic, commercial, industrial and vehicular use.

4. The Petitioner proposes to set-up distribution network in Palghar and Thane Region to provide natural gas and user for domestic,

commercial and industrial use. The Petitioner also planned to set-up compressed natural gas station alongside roads at various location to reduce the pollution. The cost of the project is estimated at Rs.21.37 crores.

5. The Petitioner in the petition has averred the importance of the aforesaid project by stating that it is one of the public utility for supply of clean and natural gas which is environmentally friendly. The transportation of natural gas through pipeline would reduce the leakage and have environmental and safety benefits. The detriment of gas will replace fuels like coal, furnace oil, petrol and diesel which are detrimental to the environment. The Petitioner, therefore, has approached this Court for the necessary permission as mandated by the judgment and order dated 17th September 2018 passed in PIL No.87 of 2006.

6. The Petitioner would execute the project of laying of the natural gas pipeline without destroying any mangrove by using Horizontal Direction Drilling (HDD) Technology, whereby the pipeline will be installed 10 meters below mangrove. The Petitioner in the Writ Petition has averred that there will be no falling of trees and destruction of the mangroves.

7. The Petitioner has obtained following necessary permissions :-

- (i) On 17th June 2019, the Respondent No.3-MCZMA recommended the project to the Respondent No.2- MOEF & CC subject to the specific and general conditions specified therein.
- (ii) On 14th December 2023, in a letter mangrove cell of Respondent No.4 has stated that the Petitioner has submitted bond that no trees will be cut as the natural gas pipeline is being laid through the ground using HDD technology without cutting down any trees. Therefore, the said project was recommended subject to the compliance of conditions given under the Forest (Conservation) Act, 1980 and CRZ clearance.
- (iii) On 26th October 2021 in export appraisal committee related to CRZ held a meeting and recommended the proposal for CRZ clearance subject to the conditions specific in the minutes of the meeting.
- (iv) On 22nd November 2021, the Respondent No.2-MOEF & CC granted final clearance of the aforesaid project on terms and conditions specified in the said letter.

8. The Petitioner has paid a sum of Rs.10,77,614/- as directed by the Deputy Forest Conservator, Dahanu towards compensatory afforestation etc.

9. On 2nd January 2019, Revenue and Forest Department principal approval to the said project of the Petitioner subject to the

conditions specified in the said Government order.

10. There is not objection to the aforesaid permission or aforesaid project by any of the Respondents, the benefits of the project as stated in the petition are in larger public interest and the Petitioner having obtained all the permission required for the project, in our view, the prayers sought for by the Petitioner is required to allowed. This Court, in a very similar facts situation has granted permission in Writ Petition (L) No.33627 of 2023 in the case of ***Bharat Petroleum Corporation Ltd. Vs. State of Maharashtra and Anr.*** We therefore propose to pass the following order:-

ORDER

- (i) The Petition is made absolute in terms of prayers A which reads as under :-

“(a) This Hon’ble Court may be pleased to grant the permission for laying of the natural gas pipeline in the district of Thane and Palghar in public interest after examining the legality and propriety of the CRZ Clearance dated 17.6.2019;”

- (ii) The Petitioner is directed to file affidavit by one of its responsible officer stating that the condition required to be complied by various authorities in the permission letter referred to above in paragraph No.7 would be complied with.

(iii) This order to take effect into only upon filing of the affidavits/undertakings mentioned in clause (ii) above.

(iv) Rule is made absolute in aforesaid terms with no order as to costs.

(JITENDRA JAIN, J.)

(A. S. CHANDURKAR, J.)