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IN THE HIGH COURT OF BOMBAY AT GOA
PUBLIC INTEREST LITIGATION WP NO.19 OF 2021
WITH
PUBLIC INTEREST LITIGATION WP NO.5 OF 2021

PUBLIC INTEREST LITIGATION WP NO.19 OF 2021

FEDERATION OF RAINBOW WARRIORS,
THR. ITS GENERAL SECRETARY,
ABHIJIT PRABHUDESAI AND 3 ORS

... PETITIONERS

Versus

MINISTRY OF ENVIRONMENT, FOREST
AND CLIMATE CHANGE, GOVT. OF INDIA
AND 6 ORS

... RESPONDENTS

WITH
PUBLIC INTEREST LITIGATION WP NO.5 OF 2021

FEDERATION OF RAINBOW WARRIORS,
THR. ITS MEMBER, DEEPIKA ALOYSIUS
DSOUZA AND 6 ORS

... PETITIONERS

Versus

MINISTRY OF ENVIRONMENT, FOREST
AND CLIMATE CHANGE, THR. THE DEP.
INSP. GEN. OF FOREST AND 5 ORS

... RESPONDENTS

Ms Caroline Collasso, Advocate for the Petitioners in PILWP No. 19
of 2021 and PILWP No. 5 of 2021.

Mr R. Chodankar, Central Government Standing Counsel for
Respondent Nos.1 and 5.

Mr Deep Shirodkar, Additional Government Advocate for
Respondent-State in PILWP No. 19 of 2021.

Ms. Maria Correia, Additional Government Advocate for
Respondent-State in PILWP No. 5 of 2021.

Mr. Shivan Desai, Advocate with Ms. Riya Amonkar, Advocate for
Respondent No. 6.

**CORAM:- BHARATI DANGRE &
NIVEDITA P. MEHTA, JJ.**

DATED :- 23rd July, 2025

ORAL ORDER : (Per Bharati Dangre, J.)

Mr Abhijit Prabhudesai, the General Secretary of Federation of Rainbow Warriors, which has instituted the PIL petition, is before us as, according to him, the counsel representing him is not available today.

2. In continuation of the order dated 25.06.2025, we have recorded statement made by Mr Desai representing the Project Proponent, i.e. respondent no.6, having filed affidavits stating that pursuant to the permissions being granted in stage one and stage two, the Project has been commissioned in the year 2024 and the transmission lines are charged and operative. He categorically made a statement that nothing survives in the PIL for adjudication, as no point in time stay was granted for implementation of the project.

3. Since we had clearly recorded statement of Mr Shivan Desai in our order dated 25.06.2025 and noted that a challenge was raised to the prior stage one approval and stage two approval granted for construction of a transmission line in two stretches; in Xeldem - Mapusa under the North Goa Forest Division and second being Xeldem - Xeldem transmission line, both being implemented by the Project Proponent, the respondent no.6, what Mr Prabhudesai has canvassed before us today is that his reliefs in the PIL petition, which

raised a challenge to the prior approval for the transmission lines project being additional 400 kV feed to Goa and additional system for Power Evacuation from Generation Pools pooled at Rajgarh (Tamnar) is unconstitutional, bad in law and issued without application of mind and so also the challenge being raised to the stage I approval granted by respondent no.1, the Deputy Inspector General of Forest (Central), Ministry of Environment, Forest and Climate Change for construction of 220kV HTLS D/C Xeldem - Xeldem Transmission Line in favour of respondent no.6 and also construction of 220 KV HTLS D/C Xeldem - Xeldem Transmission Line in Goa in favour of respondent no.6 and also construction up to 20kv HT.. Xeldem and also stage 2 approval for the very same lines, is a challenge which is wider and that should be permitted to be agitated in appropriate proceedings.

4. Similarly, according to Mr Prabhudesai, the prayer clause (d) to issue a writ of certiorari or a writ in the nature of the certiorari or any other appropriate writ, order or direction under Article 226 of the Constitution of India, quashing and setting aside of the letter of respondent no.1 i.e. MoEF & CC letter dated 31.07.2017 and MoEF letter dated 05.02.2013, should be kept open.

5. At this stage, the said prayer is strongly objected to by Mr Desai as he would submit that as far as the respondent no.6 being the Project Proponent for construction of transmission lines in two stages, i.e. 400 kV D/C Xeldem - Mapusa Transmission Line in Goa and Xeldem -

Xeldem (existing) 220 kV HTLS D/C Transmission Line, the petition had become infructuous in the wake of the said lines being commissioned in the year 2024 and made operational after they are being charged.

6. On perusal of the pleadings and reliefs sought in the petition, though evidently it appears that the PIL raised a challenge on a larger plank but it definitely involved two transmission lines, which are commissioned by respondent no.6, being the Xeldem - Xeldem transmission lines and Xeldem - Mapusa transmission lines, we declare that the proceedings stand closed in regard to these transmission lines. Anything beyond this which remains in the petition is permitted to be agitated by filing appropriate proceedings. But the cause as regards laying down of the construction of Xeldem - Xeldem 220 kV HTLS D/C Transmission Line and 400 kV D/C Xeldem - Mapusa Transmission Line is not open to challenge in any of the proceedings.

7. By keeping the liberty open only for the aforesaid stated purpose, the PIL Writ Petition stands disposed of.

NIVEDITA P. MEHTA, J.

BHARATI DANGRE, J.